

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTTE FIRST AID BUILDING
Monday, July 22, 2013-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice 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 Joseph Baginski, Joseph Mazarrella and Kathleen Gardinier all long time residents who passed away recently. He stated that he was happy that Council President Zalom and Councilman Borowski were able to personally deliver the proclamation to Mr. Baginski before he passed.

PLEDGE OF ALLEGIANCE: Council President Zalom 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 State of Jersey release a new grant today giving residents \$30,000 to raise their homes under the Hazard Mitigation Program. We do have a call out to find out whether this is in addition to the Mitigation Grants that were applied for through the Borough back in March but we have not received an answer back as of yet. As soon as we know you will know. Mr. Parlow stated that he did hear back from them a late this afternoon and he reported that this is the same Hazard Mitigation Program that our residents applied for at the beginning of the year. Mr. Parlow stated that the information is on the website and that we will notify all of our residents through the notification system and by email. The grant is for an amount up to \$30,000 to raise your home and it will start with those properties that need to be raised the greatest distance. It also must be your. Mayor LaCicero stated that the Borough is in the Community Rating System through the Flood Insurance Program and we have always received the 10% discount for the Borough since Mr. Parlow started the Program. The Federal Government has since updated their design of the program as well as the manual since the new flood maps came out and Mr. Parlow had to go to four long days of classes to get updated. Since he took the time to do that the Borough will now receive a 20% discount on flood insurance which will become effective October 1, 2013. Once again we thank you Mr. Parlow.

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.

Carol Guarino, 120 Virginia Avenue thanked the Mayor and Council for everything that was done to get the residents back in their homes so promptly. She stated that the beach she accesses is about 1 ½ blocks to the right or left from where she lives, which is not a problem with getting on to the beach. However, getting off of the beach takes forever because people have their chairs right up against the access ways. She was wondering if anything could be done to make exiting the beach a lot less difficult for the beach goers.

Mayor LaCicero stated that the Borough was going to have to come up with a solution. He suggested that we might be able to rope off part of the beach closest to the dune.

Councilwoman Filippone stated that the access has a very narrow opening which is difficult also when beach goers have their chairs right up against the opening.

Councilman Lamb stated that it seems like everyone congregates around the opening. Maybe we can rope off an area just for exiting the beach.

Mayor LaCicero stated that we will try and figure something out.

There were not additional comments for the public.

Mayor LaCicero closed the floor to public comment

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of July 8, 2013

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

RESOLUTIONS-ON CONSENT:

2013-245 authorizing the execution of an addendum to the contract with Albert Marine Construction to replace three timber finger docks at the west terminus of Jersey City Avenue including new piles, stringers and decking as a result of damage caused by super storm sandy in the amount of \$21,189.00-Councilman Lamb questioned if these docks are costing more than what they are worth? Mayor LaCicero stated that the work being done is going to be covered by FEMA so we are only paying for 10% of the costs.

2013-246 authorizing the removal of one electric account for Block 28.02 Lot 21 due to a two family becoming a one family dwelling

- 2013-247 authorizing the removal of one electric account for Block 6 Lot 22 due to a two family becoming a one family dwelling
- 2013-248 appointing Tyler Kurywczak as a badge checker for the 2013 summer season
- 2013-249 authorizing Mayor Walter LaCicero to sign and execute an amendatory agreement with our Schedule "C" Agreement with the County of Ocean regarding the road department line item to increase the amount to \$4,000
- 2013-250 authorizing Mayor Walter LaCicero to sign and execute the 2013 CDBG Sub-recipient Agreements with the Ocean County Planning Board for Handicap Accessible Ramps to the beach areas in the amount of \$37,000-Council President Zalom stated that she attended this meeting and she left thinking that the Borough was getting \$80,000. Later she told that the amount was adjusted and of course complained about it to them. She stated that they told her initially that the Borough was only getting \$32,000 but we got \$37,000 so she is guessing that they did not want to hear from her again.
- 2013-251 authorizing the execution of an amended shared services agreement with the Township of Brick to provide Building Sub Code Official services
- 2013-252 authorizing the Mayor and Municipal Clerk to submit Post-Sandy Planning Assistance Grants from the New Jersey Department of Community Affairs-Mayor LaCicero stated that these are state grants for the Borough to review our ordinances that were done for the storm. We will be getting someone in to help us review all ordinances due to the storm. Mr. Parlow stated that one of the requirements is to prepare a strategic recovery report and they are going to send us some planners in to review all of our documents regarding the storm. They will be reviewing our master plan, capital improvements and our codes and ordinances and will be giving us recommendations and updates.
- 2013-253 authorizing the payment of overtime to the Municipal Clerk or Deputy Municipal Clerk for additional hours worked during the Special Primary Election to be held on August 13, 2013 and the Special General Election to be held on October 16, 2013-Mayor LaCicero stated that the special additional costs will be compensated by the State so any additional costs to the Borough will be reimbursed.
- 2013-254 authorizing the electric collector to adjust an electric billing amount from \$704.02 to \$61.06 on Block 28.01 Lot 4
- 2013-255 appointing Eric Urie as a Class I Police Officer for the Police Department at an hourly rate of \$9.00 effective July 23, 2013
- 2013-256 appointing James Shrewsberry as a part time telecommunicator for the Police Department at an hourly rate of \$9.00 effective July 23, 2013

2013-256A authorizing the execution of an addendum to the contract with Albert Marine Construction to add one 30 foot butt pile and extend middle catwalk full length at the west terminus of Jersey City Avenue finger docks in the amount of \$1,800.00

2013-256B appointing Anna Flynn as a badge checker at an hourly rate of \$8.00 effective July 23, 2013 for the 2013 summer season

Mayor LaCicero stated that the Borough received a \$225,000 grant for Road Improvements to Virginia Avenue. He stated that it should be started in the spring of 2014.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Borowski. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment at this time. 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.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2013-257 Bills list in the amount of \$649,451.33

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

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION

ORDINANCE 2013-08 (1123) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 31, ENTITLED "FLOOD HAZARD AREAS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE

Mayor LaCicero stated that this ordinance allows us to adopt the most recent flood maps that were updated by the state. There is also language in this ordinance so we do not have to do another ordinance if these are updated again.

A Motion was made by Councilwoman Filippone to adopt Ordinance 2013-08 (1123). 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 at this time. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2013-08 (1123).

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

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Special Event/Facilities Use Application-American Detours requesting permission to use our public roads to film Season 2 of their road trip web series. Vehicles will be driving with cameras mounted to the vehicles from 9am to 1pm on August 15, 2013.

Councilwoman Filippone questioned if its just the roads why do they need permission from us.

Mr. George stated that the State and Motor Vehicle require permits for filming on state roads so maybe they just assumed that they needed permission from the town also.

A Motion made by Council President Zalom to approve the request to use our roads for filming was. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Special Event/Facilities Use Application-NJ Surf Show requesting to hold a bonfire on the ocean beach at Reese Avenue either July 26th or First Week of August between 7pm and 10pm

Council President Zalom stated that we do have a bonfire for the Halloween Hoedown and she does not think it is a bad idea. It has never been done on the ocean before.

Councilman Horan stated that he thinks the Fire Chief would need to be involved.

Councilman Lamb stated that he thinks they would also have to get the State Fire Official involved and our Fire Chief. He does not really think it should be done on the ocean and is very concerned about the safety issues.

Mr. George stated that unfortunately the Borough has an ordinance prohibiting any fires on the ocean but it can be done on the bay front.

Councilman Borowski questioned if another proposal could be done requesting it on the bay front.

The business owner was in the audience and he stated that it is all about the surfing aspect so they would have to be on the ocean.

James Peeney, 235 Westmont Avenue-requesting to hold a block party at their dead end street from noon to 6pm on August 24, 2013

Mayor LaCicero stated that he spoke to one of the residents about this and they would like to have on the cul de sac section of the street.

Councilwoman Filippone stated that she would like to see some type of paperwork with permission from all these residents on the cul de sac.

Councilman Lamb stated that he was concerned about the safety issues regarding the fire department and the First Aid not being able to get through if there was a fire or need of assistance with the First Aid. They have to make sure that the fire hydrants will be accessible.

Councilwoman Filippone stated that maybe we need to see a schematic first along with paperwork showing the permission from the residents along the cul de sac before we approve this.

COMMENTS FROM THE PUBLIC:

Joan Brackman, 10 Pennsylvania Avenue questioned why the Planning Board minutes were not current on the website.

Mr. Parlow stated that they should be but he would check with the proper persons and make sure they are updated.

Ms. Brackman questioned if we are going to replace the water fountains on the ocean front soon.

Mayor LaCicero stated that they were going to be replaced at all locations eventually.

Ken Lowe, 2202 Grand Central Avenue stated that the empty lot at 2200 Grand Central is filled with construction equipment and cars and trucks for sale and they start at 6:30 in the morning with starting up their construction vehicles and it's just such an eye sore. There's no sidewalk the curbs are all torn up. He asked if anything that can be done.

Mayor LaCicero stated that the Code Enforcement Officer has been over there and there is nothing on our books preventing a homeowner from storing vehicles on their lots as long as they are registered. It is in a commercial zone which would allow the construction part of it. We could stop them from making the noise at 6:30 in the morning but that is about it. He does not believe that it will be a permanent situation there.

Mark Speaker, 111 Brown Avenue stated that he was told that the mobi mats at the beach openings are very treacherous to walk on because they are filled with sand. The beach crew up there use to clear them every day of the sand but that hasn't been done this year.

Councilman Lamb stated that he has been approached by some residents that the mats are very painful when you walk on them with bare feet. He will talk to the Lifeguard Captain about getting them to clear the sand off of them.

Clem Boyers, 20 Kerr Avenue questioned if the lids have come in yet for the garbage cans.

Mr. Parlow stated that some were delivered and put on but some are still on back order.

Mary Logios, 4 Sterling Avenue questioned if any one looked at the storm drains in front of 15 Sterling Avenue because it was a lake there last week.

Mr. Parlow stated that he thought that it was already cleaned out but he will check with Public Works again.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that Joe Baginski was going to be sadly missed. He was very involved with the Island Junior Baseball League for a very long time and we are going to miss him tremendously.

Councilman Borowski thanked the Deputy Clerk for putting together the two proclamations for Mr. Baginski at the last meeting. Thankfully, he and Council President Zalom were able to present them to Mr. Baginski at his home before he passed and he was very touched.

Council President Zalom stated that she too is going to miss Mr. Baginski. He was always very involved and helpful with anything you asked of him. He was involved in Planning Board, the baseball league and also the streetscape plan with the Beautification when they were doing that.

Councilman Horan stated that the Electric Department has completed their last six pad transformers and installed a water heater in the lifeguard trailer. The lighting was completed at the basketball and tennis courts.

Council President Zalom stated that the State had their Route 35 Restoration public hearing at the Lavallette School last week and many resident of the barrier island attended. Councilwoman Filippone and her spoke to them about putting some type of safe bicycle path on the highways for the Lavallette. There were also some issues brought up about some shrubbery that was encroaching on the highway by Bryn Mawr Avenue where people could not see the road. The State has already looked at it and will be cutting back the shrubbery for a better view. The movies on the bay are going great and their will be a skimboarding contest on July 26th.

Mayor LaCicero stated that this will be Phil George's last meeting with us. He will be leaving the firm. We want to thank Mr. George for all his years of service to the Borough of Lavallette. He will be missed.

Mr. George thanked everyone for their wishes and stated that the Lavallette has always been so far ahead of the game it has always been a pleasure to serve. He has never worked with such a hard working and caring Mayor and Council and an Administrator that went above and beyond his job to keep the town what it is. He will miss all.

Mayor LaCicero stated that the Borough has been proactive in adopting maps and ordinances for the residents to get a head start on their rebuilding phases. We do have some issues that were not

anticipated. Our ordinance prohibits 1 ½ stories above a garage and if residents build with pilings and build over their garages they will be over the 1 ½ stories. We will have to figure it out and it will get done we just need some time.

Mr. Parlow stated that he was contacted by NJNG with regards to replacing their gas lines. They are finished with the gas lines but they need to do some patch work on the asphalt where they dug. He stated that he requested that the patch work be started after Labor Day. The Special Election will be on August 13th for the US Senator seat and the tax bills will be going out by weeks end.

EXECUTIVE SESSION:

Contract Negotiations-Non-Binding Letter of Intent to Lease Municipal Space to USPS

Mr. George stated that there is a need for an executive session to discuss one matter with regards to contract negotiations with possible submission of a proposal regarding the USPS location. There possibly might be action taken.

A Motion was made by Councilman Horan to adjourn the regular meeting to go into executive session. The Motion was seconded by Councilman Borowski. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 8pm.

A Motion was made by Councilwoman Filippone to reconvene the regular meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting reconvened at 8:16 pm.

Mr. George stated that in executive session there was discussion regarding possible negotiations with the USPS regarding the location of the post office in the foregoing municipal complex. The municipality will be sending a letter of intent to the Post Office. The USPS will need to hold two public hearings regarding the location once it is chosen.

ADJOURNMENT:

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

The Regular meeting was adjourned at 8:18 pm.

CERTIFICATION

I, Christopher F. Parlow, 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 **22nd** day of **July 2013**

Christopher F. Parlow
Municipal Clerk