

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**Monday, December 22, 2014-7:00 pm**

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

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk  
Eric Bernstein, 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 January 10, 2014. Notice was also posted on our municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for the families of the slain Brooklyn Police Officers and also for Joan Speaker, a member of the Ladies Auxiliary Fire Department and Mark Speaker and Mike Stogdill's Aunt.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to the last meeting of 2014. It has been very busy with a lot of news footage about the highway project. We have not been successful in trying to hold Harms to his contract as far as not closing the entire highway down even if they are not working there but we were successful in keeping them working at a three block minimum by putting a garbage truck out there. He reported that he had a meeting with the Assistant Commissioner on Thursday and he still could not give him a definite answer about them not working during the summer months. We have agreed to allow them to do as much work as possible during the winter and spring so that we can have our summer without them around. His advice to all residents is to contact our higher elected officials and put in complaints. We will have their names and phone numbers on our website for you. The LBA had a great protest on Saturday which we hope is going to open their eyes about people's livelihoods out here.

Council President Zalom stated that the protest was great and she had pictures of it on the table.

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

The Mayor asked 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.

No one wished to comment at this time.

The Mayor closed the floor to public comment.

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of December 8, 2014

Executive Session Minutes of December 8, 2014

Bid Opening Minutes for Installation of Generator of December 17, 2014

RFP Minutes for Borough Attorney of December 18, 2014

RFP Minutes for Borough Auditor of December 18, 2014

RFP Minutes for Municipal Prosecutor of December 18, 2014

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

**RESOLUTIONS-ON CONSENT:**

2014-308 authorizing the electric collector and the Treasurer to refund an electric credit balance in the amount of \$516.26 to Alfonso & Mary Iervolino

2014-309 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 the year 2012-Councilman Lamb requested this resolution be put off consent

2014-310 authorizing the transfer of a 2012 tax appeal credit to 2014 taxes receivable

2014-311 establishing the annual salary for part-time non-contractual employee for year 2014-Mr. Parlow stated that we had left an employee off of the first resolution.

2014-312 authorizing Mayor Walter LaCicero to sign and execute an interlocal service agreement between the Borough of Lavallette and the Ocean County Prosecutor's Office to participate in the Ocean County Prosecutor's Program also known as the Fatal Accident Support Team

2014-313 authorizing the Chief Financial Officer to transfer \$375,186.67 from the Uniform Construction Trust Fund to the General Capital-Reserve for payment of bonds account to pay the fair-share costs of the New Municipal Building-Mr. Parlow stated that the fees have increased in this account over the last two years and we have determined that a large percentage of those fees can be dedicated to the Municipal Building. The construction department should pay their fair share of the building. Council President Zalom stated that we have also decided to use the 2013 CDBG funds of \$37,000 towards the Municipal Building.

2014-314 budget transfers between appropriation accounts in the amount of \$74,000.00-Mr. Parlow that we needed to make some transfers before the end of the year. The

legal line is increase to provide funding for potential payment of the old DEP violation penalty from 2011. Council President Zalom stated that she spoke to Cindy Randazzo from the DEP and she is trying to get this to go away also.

- 2014-315 authorizing the cancellation of unexpended balances in the current fund so they may be credited to surplus
- 2014-316 authorizing the cancellation of unexpended balances in the electric fund so they may be credited to surplus-Mr. Parlow stated chief financial officer has reviewed the budget line items and determined that certain appropriation can be cancelled to surplus. If we do not do cancel these funds prior to year end they are required to sit in reserve for a year.
- 2014-317 authorizing the cancellation of unexpended balances in the water fund so they may be credited to surplus
- 2014-318 authorizing the cancellation of unexpended balances in the sewer fund so they may be credited to surplus
- 2014-319 authorizing the electric refund for a solar credit in the amount of \$399.46 to Robert Bovasso
- 2014-320 authorizing the Municipal Clerk to sign an application for social affairs permit to Donations of Love, Inc. for the sale of alcoholic beverages at their wine tasting event at the Ohana Grill located at 65 Grand Central Avenue on January 3, 2015 from 6pm to 12pm with a rain date of January 4, 2015
- 2014-320A authorizing the Treasurer to issue a check in the amount of \$8,290.23 payable to Tower Cust Ebury Fund I NJ LLC for the redemption of a tax sale certificate

A Motion was made by Councilwoman Filippone to approve the consent agenda. 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 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, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS-OFF CONSENT:**

- 2014-309 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 the year 2012

A Motion was made by Councilman Stogdill to approve Resolution 2014-309. 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 on this resolution. 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.

Mr. Parlow stated that we had a bid opening on December 17, 2014 for the installation of the public works generator. We received two bids which were both higher than the engineers estimate. We have discussed some options when we re-bid. We only appropriated \$250,000 for the project and we purchased the generator for \$79,000. He asked council for a motion to reject the two bids for that project. This resolution will be 2014-320B.

A Motion was made by Councilman Finter to approve Resolution 2014-320B for the rejection of the two bids for the installation of the generator at the Department of Public Works. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **APPROVAL OF VOUCHERS:**

2014-321 Bills List in the amount of \$580,631.84

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

#### **ORDINANCES ON FOR FINAL ADOPTION:**

ORDINANCE NO. 2014-10 (1135) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "ZONING," TO MODIFY SETBACK REQUIREMENTS FOR UNDERSIZED LOTS BORDERING ON STATE HIGHWAY ROUTE 35 SOUTHBOUND

The Mayor stated that this is the zoning ordinance for the railroad lots that align Route 35 South on the corners. We increased the side setbacks to make it easier for them to not have to always apply for a variance.

Ordinance was reviewed and approved by Lavallette Planning Board –Notice included

A Motion was made by Councilman Lamb to adopt Ordinance 2014-10 (1135). The Motion was seconded by Councilwoman Filippone.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this Ordinance.

Mark Speaker, 111 Brown Avenue stated that he is one of those railroad properties and he thought the setbacks were fine but he thanks Council for always thinking about keeping the residents happy and making it easier for them. Also, will there still be parking for two cars per property.

Mayor LaCicero stated that the parking will remain the same.

No one else wished to comment on this Ordinance.

The Mayor asked for a motion to close the public hearing.

A Motion was made by Council President Zalom to close the public hearing. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Mayor asked Council for a vote on Ordinance 2014-10 (1135).

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

**ORDINANCE NO. 2014-11 (1136) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO MAKE THE FEE FOR THE USE OF MUNICIPAL PAVILIONS AND GAZEBOS NON-REFUNDABLE**

A Motion was made by Councilwoman Filippone to adopt Ordinance 2014-11 (1136). 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 on this Ordinance.

The Mayor asked Council for a motion to close the public hearing.

A Motion was made by Councilman Stogdill to close the public hearing. The Motion was seconded by Councilman Finter. Vote: All of Council was in favor.

The Mayor asked Council for a vote on Ordinance 2014-11 (1136).

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

**UNFINISHED BUSINESS:**

Council President Zalom stated that the Tevlin plaque for the boy who was killed is ready and they will be having a dedication at the pavilion soon. They purchased two plaques in case the first gets weathered.

Mayor LaCicero stated that things with the Municipal Building seem to be progressing much better since we hired Torcon, Inc. Mr. Parlow has meetings every week with Wallace, Torcon, Robert D'Anton and the Architect to keep things running smoothly and see what there weekly schedules are. The bricks are being put up on the outside also so it is looking like we will be ready for the post office to start getting there area ready by the deadline.

#### **NEW BUSINESS:**

There was no new business.

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

Clem Boyers, 20 Kerr Avenue stated that he is glad the deadline will be met for them to start their work but when will we be able to mail a letter there.

Mayor LaCicero stated that he did not know about that because that would be on their side. The deadline that we had to meet to get them in to do their set up is May 15<sup>th</sup>.

Mr. Boyers questioned the lease they have now in Ocean Beach and when they leave there.

Mayor LaCicero stated he was not sure about that but they would have to figure that out not the Borough. They would have to continue service for everyone until they get in our building no matter what.

Councilwoman Filippone questioned if the Post Office could function in a partially completed building.

Mayor LaCicero stated that we would have to cross that bridge when we get to it.

Susan Kotch, 119 Camden Avenue requested an update on the beach replenishment.

Mayor LaCicero stated that the Federal Government was supposed to go out to bid in January but we have not settled on the latest request of easements yet so he is not sure when the bids will go out.

Mr. Parlow stated that he received an email from the DEP stating that bid was being released the third week of January.

Gail Stefanelli, 122 Camden Avenue stated that she sees snow fencing from the Gazebo to Hankins Park and questioned why they could not add additional fencing all the way down on the other side.

Councilman Lamb stated that he does not know why they did not but he will make sure it gets done.

Mark Speaker, LBA President stated that he will be the Vice President now for the LBA and is sort of stepping down a bit from the LBA because of other commitments. He thanked Mayor and Council for always helping out the LBA with all their requests. He also thanked them for showing their support at the rally on Saturday. He also thanked them for remembering his Aunt, Joan Speaker.

Mayor LaCicero thanked Mark Speaker for all his hard work and effort for the town and said the town and the businesses were in a lot better position with him involved.

Joseph Palinsky stated that the historical accuracy regarding the storm. Our Borough Officials had our electricity on within seven days of the storm.

Al Jones, 113 Reese Avenue stated that there is a safety issue regarding the highway project with the lane with the barrels saying park behind barrels. That is a safety hazard because cars also drive in that lane because it is so unclear where to go. There should be a barricade to block off that lane.

Mayor LaCicero stated that that lane was done to help with the parking for the businesses on that side. For now, we are going to leave it that way and reassess it the first of the year.

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

Council President Zalom congratulated the Firehouse and the School for celebrating their 100 anniversary. We received some donations to the firehouse from Kenny Meca a homeowner in town and also from Pay It Forward. The tree lighting ceremony was great. Thanks to Chris Parlow, we received our \$2,500 grant for our concerts and she went to a workshop and received points for us for next year. The school received free tickets to a NJ Devils hockey game and they will be going on January 31<sup>st</sup>. We also had a wonderful Birthday Party last night. Happy Holidays to all!

Councilman Borowski stated that he attended the Birthday Party as well and had a great time. We received a donation from the Heritage Committee for the First Aid so thank you to them. Also, thank you to all who have donated to us.

Councilwoman Filippone wished everyone a Merry Christmas!

Councilman Finter wished everyone a Merry Christmas!

Councilman Stogdill wished everyone a Merry Christmas!

#### **EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need to go into Executive Session to discuss litigation on a NJDEP Penalty. There will be no formal action taken.

A Motion was made by Councilman Stogdill to adjourn the Regular Meeting to go into Executive Session. The Motion was seconded by Councilman Finter. Vote: All of Council was in favor.

The Regular Meeting was adjourned to go into Executive Session at 7:45 pm.

Litigation – NJ Department of Environmental Protection – Administrative Order and Notice of Civil Administrative Penalty – October 26, 2011

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 was reconvened at 7:54 pm.

Mr. Bernstein stated that while in Executive Session there was discussion about ongoing litigation with the NJDEP fine from 2011. Mr. Parlow will be giving us updates. There was no formal action taken.

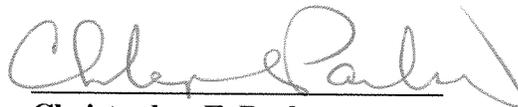
A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

**ADJOURNMENT:**

The Regular Meeting was adjourned at 7:55 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 22<sup>nd</sup> day of **December 2014**



**Christopher F. Parlow**  
**Municipal Clerk**