

**BOROUGH OF LAVALLETE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**Monday, March 24, 2014-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill  
The Mayor stated that Councilwoman Filippone was not here for the last meeting or this meeting and Council needs to excuse her absences.

A Motion was made by Councilman Horan to approve Councilwoman Filippone's absence. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion passed.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk  
Dominic Diyanni, 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 all our troops overseas and for the families of the Malaysian Flight that is still missing.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting. He stated that it is supposed to be Spring but we are still not feeling the warm weather. The hearing for Lenny's Place to Place Transfer is scheduled for our next meeting on April 7, 2014. He spoke to the DOT again and they have assured him that going South from Strickland Avenue in Ocean Beach down through Seaside will be two lanes and flowing by Memorial Day and through the summer. However, north of Strickland will only have one lane and the contractor will still be working. His suggestion is that as many people as possible utilize the Toms River access rather than the north. We have another DOT meeting scheduled for April 1<sup>st</sup>. He stated that he heard there was a petition going around to have a moratorium on the road work during the summer months and he will be happy to bring that petition to the DOT on that day.

Council President Zalom stated that she was told that all construction will halt from Thursday before Memorial Day Weekend until Tuesday for the entire weekend. She was also told they we got the most cooperative contractor.

**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 March 10, 2014  
Executive Session Minutes of March 10, 2014  
Bid Opening Minutes of March 20, 2014

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

**RESOLUTIONS-ON CONSENT:**

- 2014-90        authorizing the electric collector to correct an electric billing at 504 Grand Central Avenue to reflect the correct amount of \$337.34 due to an incorrect reading
  
- 2014-91        authorizing the Mayor and Municipal Clerk to sign and execute the grant application for the Essential Services Grant with the State of New Jersey-Mr. Parlow stated that this grant application is for \$42,000 and the Neighborhood Revitalization Grant that we applied for to help us with the Municipal Complex was for \$4 million.
  
- 2014-92        affirm the Borough of Lavallette’s civil rights policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with the municipal employees, officials and volunteers
  
- 2014-93        appointing Christopher Parlow as Representative #1 and Michael Stogdill as Representative #2 as part of the Ocean County Joint Insurance Public Officials and Employment Practices Liability Claim Reporting Procedures Insurance Process for the Year 2014
  
- 2014-94        proclaiming April as “Alcohol Awareness Month 2014” in the Borough of Lavallette
  
- 2014-95        proclaiming April as “National Youth Sports Safety Month 2014” in the Borough of Lavallette

- 2014-96      authorizing the electric collector to remove an electric account at 104 Bond Avenue due to a two family being demolished and a one family dwelling being built
  
- 2014-97      authorizing the interlocal service agreement between the Borough of Lavallette and the Toms River Board of Fire Commissioners District for the use of the Borough's fuel permitted for their fire vehicles
  
- 2014-98      amending the 2014 temporary budget-Mr. Parlow stated that before the budget is adopted we are required to amend the temporary budget to allocate monies to different appropriations.
  
- 2014-99      approving the facilities use application for Brick Vipers Travel Baseball Team to use the field on various dates in April through June from 6pm to 8pm for their practices and on various dates from April through June from 1pm to 4pm for their games-Councilman Stogdill requested that this resolution be put off consent.
  
- 2014-100     authorizing the Municipal Clerk to sign to sign the Uniform Technical and Procedural Interconnection Agreement for Self Generation for 112 Virginia Avenue-Mayor LaCicero stated that this has to do with the installation of solar panels at 112 Virginia Avenue
  
- 2014-101     adopting and establishing a "Personnel Policies and Procedures Manual" for the Borough of Lavallette
  
- 2014-101A    approving a raffle license to the Lavallette School PTO to hold a 50/50 on premise raffle on April 25, 2014 from 5pm to 9pm at the Union Church
  
- 2014-101B    appointing Class I Officers and authorizing their attendance of the Ocean County Police Academy Satellite Training Course in Seaside Heights
  
- 2014-101C    authorizing the Tax Collector to waive interest on taxes for the year 2013 on Block 65 Lot 12 due to a subdivision of two lots

A Motion was made by Councilman Lamb to approve the consent agenda minus Resolution 2014-99. The Motion was seconded by Councilman Horan. 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 minus Resolution 2014-99.

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

**RESOLUTIONS-OFF CONSENT:**

2014-99 approving the facilities use application for Brick Vipers Travel Baseball Team to use the field on various dates in April through June from 6pm to 8pm for their practices and on various dates from April through June from 1pm to 4pm for their games

Councilman Stogdill stated that he is concerned with the dates and times for this baseball league because it might coincide with the Lavallette School's schedule. We do not have their schedule as of yet but they have preference and he is afraid that we might approve this and then there will be a problem.

Mr. Parlow stated that we can approve it contingent upon the Lavallette School's schedule and the Island Junior Baseball League schedule will take precedent.

A Motion was made by Councilman Lamb to approve Resolution 2014-99, with the contingency that the schedules of the Lavallette's School and the Island Junior Baseball League will take precedent. The Motion was seconded by Councilman Stogdill. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes.

2014-102 authorizing the award of contract for the Reconstruction of the New Municipal Complex

Mayor LaCicero stated that before we vote on this resolution there is some discussion that needs to be done in Executive Session. He stated that the audience can stay where they are and the council will be out of the executive shortly.

Borough Attorney Dominic Diyanni stated that there is a need for an executive session to discuss some attorney-client privilege.

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

A Motion was made by Councilman Horan to come out of executive session and 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 7:20 pm.

Borough Attorney Dominic Diyanni stated that there was a need to discuss some matters that were attorney client privileged.

Mayor LaCicero stated that the bids were a little higher than expected. The reasoning is because the Police Department required some special construction techniques due to safety reasons so that brought the price up a bit. He stated he is still not worried about the price. We had 200 demo permits so far this year and the Construction Department estimates that there will be at least 200 more so that is a total of 400 homes that will be demolish and reconstructed. So their

homes that were assessed for an average of \$80,000 for the dwelling will be assessed at an average of \$240,000 upon completion. We have grant money coming in and the Post Office Lease will also offset the costs. So he is anticipating little impact on the taxpayers. We had no choice with having to construct a new building due to Sandy but this new building will be elevated two feet above the flood requirements so it will last another 100 years.

Council President Zalom stated that she had a conversation with Congressman Jon Runyan and She told him that we need to pay for our municipal building. This is an essential building and we need some funding for it.

A Motion was made by Councilman Horan to approve Resolution 2014-102. 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.

Herb Hascher, 1302 Bay Blvd questioned when the construction was going to begin.

Mr. Parlow stated that he is hopeful that work will begin prior to May 1<sup>st</sup>.

Clem Boyers, 20 Kerr Avenue questioned if Wallace Brothers has done any other work in town.

Mayor LaCicero stated that they did some renovations on the old municipal building about 15 years ago but other than that he does not know of any other work done in town that they did.

The Mayor closed the floor to the public and asked Council for a vote on Resolution 2014-102.

Vote: Council Members Zalom, Stogdill, Horan and Lamb. The Motion Passed.

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

2014-103 Bills list in the amount of \$1,532,738.35

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

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

ORDINANCE NO. 2014-05 (1130) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mr. Parlow stated that this is an annual ordinance which allows budget appropriations to exceed the 2 ½ % Cap. The ordinance permits increase to 3 ½ % if needed. The Borough is able to bank the unused difference.

A Motion was made by Councilman Stogdill to adopt Ordinance 2014-05 (1130). 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. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2014-05 (1130).

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

**UNFINISHED BUSINESS:**

Mayor LaCicero stated that there will be no rain date for Founder's Day this year.

**NEW BUSINESS:**

Lavallette Business Association-Approval and Acknowledgment of Calendar of Events for 2014

Robert Agliata from the Music Man stated that the LBA has done many programs every year in town that were free to the public. This year we are initiating the "SHINE" Campaign to show people how well Lavallette has shined after the storm. We have a list of events that you have that we would like to do this year to bring more people into town and show them how far we have come since the storm.

Mayor LaCicero stated that the LBA has approached him on supplying four banners to the Borough to hang across the highways.

Mr. Agliata stated that they want to leave it up to Council on what is best as far as the banners are concerned and where they should go.

Councilman Lamb stated that both lanes on the highway are scheduled to be open for the summer but do we know for a fact that there will be no road construction going on that might interfere with the banners.

Mayor LaCicero stated that we will still have the gas company working and connections going on as well as other things going on and it will be a little unsightly but we can work around those issues.

Council President Zalom stated that she thinks it all sounds like a wonderful idea. The Borough will work with the LBA in any way they can because they do an outstanding job.

Mr. Parlow stated that he will check with the electric utility department to see if the poles can support the banners and how high they should go and where they should go.

Mayor LaCicero stated that we will check into all that and put it on for the next meeting.

Councilman Stogdill questioned the July 25<sup>th</sup> date of one of their events and stated that there is baseball there all weekend.

Beth Daloisio, LBA stated that all these dates and times are flexible, we just wanted to get the list out there now but we can work with the dates.

A Motion was made by Councilman Horan to approve the LBA's schedule of summer events. The Motion was seconded by Councilman Lamb. Vote: Council Members Zalom, Stoddill, Horan and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated that he has received numerous emails from citizens wanted all of the street-ends open during this summer season. We did save some money with the limited openings last year and we do have the beach replenishment starting in the fall.

Councilman Lamb stated that we already have a lot of vegetation growing.

Councilman Stoddill stated that due to safety concerns he does not recommend opening up all the street ends again just yet. It should definitely be given some more thought before we make a decision.

Councilman Horan stated that the Beach Captain makes the decision on where the openings will be so we should also discuss this with him.

Council President Zalom stated that she has received a lot of feedback on allowing the bicycles back on the boardwalk until all this highway road construction is completed. They say that it is becoming a real safety issue.

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

Clem Boyers, 20 Kerr Avenue questioned if the street end openings are going to be the same as last year.

Mayor LaCicero stated that it will be the same number of openings but could quite possibly be different streets. The Beach Captain will determine that.

Bob Marra, 102 President Avenue questioned if any one knew if they were going to extend the FEMA maps another 18 months. He stated that it is scheduled to be release in April.

Mayor LaCicero stated that he has not heard anything on that as of yet but as soon as we know we will announce it at a meeting and it will be on our website.

Mr. Marra stated that he was wondering if the Borough was going to extend the Construction hours like Point Pleasant is doing.

Mayor LaCicero asked Mr. Parlow to review the code book to determine what the current hours of construction are within the Borough.

Herb Hascher, 1302 Bay Boulevard stated that he is having some issues with Harms Construction regarding the road work in front of his home. He says it is a mess over by him. He

stated that there are piles of sand in the parking lot across the street. The contractor does not follow through or clean up anything. He stated that the sand is blowing all over his stones in the front and he already had to clean his stones up last year from the storm and it was expensive. He needs some help in getting them to clean up the sand and the mess. He stated that they do not even notify anyone when the water is going to shut off or what they will be doing. The Borough and Kiely always informs us the day before but not them. They dig up the street and put dust down and they just finally shut off the water pump that has been running for months. He stated that he would just like some help with them.

Mayor LaCicero told Mr. Hascher to get a list together of all the issues and he will sit down with him and go over the problems.

Mark Speaker, 111 Brown Avenue, President, LBA thanked Mayor and Council for approving the calendar of events for the LBA. He stated that these have been trying times for the town and the citizens and business owners but Lavallette is and always will be open for business.

Mary Logios, 4 Sterling Avenue said she spoke to Harms about the holes in the street and told them someone is going to get hurt. They said they would check it out. The whole town is a mess with all their equipment all over the place and pipes sticking out everywhere. They never let you know when they are going to turn off the water.

Mayor LaCicero stated that he has put pressure on them to clean up their work sites and the town and consolidate their equipment. We have another meeting with them on April 1<sup>st</sup> and he will make sure that he stipulates that we need this town cleaned up.

Mrs. Logios stated that on the boardwalk there are sand drops on each side of the boardwalk and someone is going to get hurt. Also, there are properties along the boardwalk that have not been touched. When is something going to be done about it.

Mayor LaCicero stated that these houses are few and far between and most of them are going to be demolished or are already in the process. It has been a very stressful ordeal for everyone and we haven't heard any complaints so far.

Council President Zalom stated that she had a few phone calls on a house that has not been touched on the north end of town and she looked into and that house is also scheduled for demolition. People are trying to wait and see about the monies and then they are making their decisions. Unfortunately, some times it takes longer than other times.

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

Council President Zalom stated that she sent off a letter to the Lakehurst Naval Base to have their colorguard for Memorial Day. All the concerts are set for the summer season and will be in the calendar.

Mr. Parlow stated that he should be getting a draft of the calendar on Wednesday and it should be out before the end of April.

Council President Zalom stated that the Easter Egg Hunt is scheduled for April 4, 2014. The New York City bus trip on April 12<sup>th</sup> still has some seats left. The Beach Sweeps is April 26<sup>th</sup>. The Governor will be in Belmar if any one wants to see him and she received a letter in her mailbox that FEMA has approved our municipal building project.

Mr. Parlow stated that we have received the approval letter and are still in negotiations with dollar amounts.

Mayor LaCicero stated that the town of Moonachie had their municipal building destroyed in the storm also and they received money from FEMA to rebuild. We resubmitted our project worksheet for them to help with our municipal building again. Also, we had a request from an attorney to help with filing our insurance claims to FEMA. They proposed an up front charge of \$250,000 and we would also pay 10% if the payments received. Fortunately, Mr. Parlow was able to handle all of our claims and we did not have to pay out any extra monies for that.

Council President Zalom stated that Gina Cavallo from Project Connect went to Washington to talk about super storm sandy recovery and rebuilding and she told them if every town could follow in Lavallette's foot steps they would be just fine.

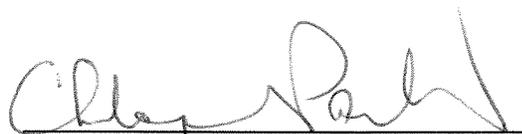
#### **ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:11pm.

#### **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 24<sup>th</sup> day of **March 2014**

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