

BOROUGH OF LAVALLETE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, April 21, 2014-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, and Stogdill were present.
Councilman Lamb and Councilman Horan were absent.

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: Mayor LaCicero stated that there were no deaths in town or any deaths of soldiers overseas since the last meeting so he asked for a moment of silence for everyone's own thoughts and prayers.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that the sun is shining, that we had a fairly good weekend and the roads are clearing up nicely and at a good pace. We will have the public hearing on the Budget tonight but since the Department of Community Affairs is still reviewing our Essential Services Grant application in the amount of \$42,000 we will not be able to adopt the Budget tonight.

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.

Ernie Stefanelli, 122 Camden Avenue stated that about three weeks ago he sent a letter about sand being blown onto his property from the bay front. He stated that he believes it should be the town's responsibility to remove the sand from his property.

Mayor LaCicero stated that his letter was on last meeting's agenda and it was discussed. He stated that the Borough can not set a precedent here where we go onto private property to remove sand that is blowing off the beaches. We can forward his letter to the contractor and see what they can do for you. He stated that he did drive by his house and did see the problem.

Mr. Stefanelli stated that even the medians on the bay front are full of the sand, also.

Councilwoman Filippone stated that she has spoken with Britta Wenzel, the Director of Save Barnegat Bay and she has stated to her that the Borough should piggy back with Ortley Beach on a Beautification Project throughout the two towns. Maybe we should consider this option for the town.

Mr. Stefanelli questioned why the Borough can not put up some type of fencing along the Bay front to prevent the sand from blowing on properties. This sand is on Borough property so the Borough should be handling the situation.

Mayor LaCicero stated that this sand that is blowing is due to the contractor putting the sand on the bay front not just sand from the bay front. The Contractor and the State have stated on numerous occasions that everything will be put back the way it was before they came and we are waiting to see if that happens. He stated that he will speak to the State about this situation and see what they can do for him.

Herb Hascher, 1301 Bay Blvd. stated that the Contractor is using a front loader and putting top soil along the medians which will help out a lot with the sand issues.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of April 7, 2014
Bid Opening Minutes of April 17, 2014

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

RESOLUTIONS-ON CONSENT:

- 2014-120 refunding planning board escrow in the amount of \$1,408.00 to Suzanne DiGiovanni at 101A Vance Avenue

- 2014-121 approving a facilities use application to the Lavallette Board of Education for the use of our tennis courts twice a week from July 7, 2014 through August 15, 2014 from 1:00 pm to 3:00 pm-Councilwoman Filippone questioned if these tennis lessons were for the public or just students. The Mayor recognized Dave Finter from the Lavallette Board of Education. Mr. Finter stated that they were just for the students.

- 2014-122 authorizing the Treasurer to issue a check in the amount of \$40,728.36 to Once Alpha LLC for the redemption of a tax sale certificate

- 2014-123 authorizing the Treasurer to refund a tax overpayment in the amount of \$10,667.49 for Block 66 Lot 23, 22 Lavallette Avenue
- 2014-124 proclaiming the week of April 13th through April 19th 2014 as National Library Week-Mayor LaCicero read aloud the proclamation.
- 2014-125 recognizing the month of April 2014 as Child Abuse Prevention Month in the Borough
- 2014-126 urging the New Jersey Assembly to approve the Governor's Conditional Veto of S-1869/A-3067
- 2014-127 allowing the budget to be read by title only
- 2014-128 modifying the "General Personnel Policy" section of the Lavallette "Personnel Policies and Procedures Manual"
- 2014-129 certifying the submission of expenditure for taxes paid in 2013 for the recycling tonnage grant in the amount of \$7,639.80
- 2014-130 proclaiming the week of April 26th through May 3rd 2014 as National Immunization Week in the Borough of Lavallette
- 2014-131 amending the temporary budget
- 2014-132 authorizing Michele Burk and Christine Sierfeld as the new Custodians of the Lavallette Borough Petty Cash Fund for the Administration Department
- 2014-133 authorizing an application for a special permit of social affairs to Hometown Heroes to hold a wine tasting event at Ohana Grill located at 65 Grand Central Avenue on May 4, 2014 from 5pm to 10pm

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.

Clem Boyers, 20 Kerr Avenue questioned Resolution 2014-122. He asked what was a tax redemption.

Mayor LaCicero stated that if you do not pay your taxes we put a lien on and it will be sold at tax sale for the previous year and the buyer of the lien collects interest at eighteen percent. The homeowner or bank will redeem the lien and that is what this resolution is for.

Council President Zalom stated that tomorrow is Earth Day and she brought some projects from the school for people to see.

Mayor LaCicero recognized June Schneider, Branch Manager from the Upper Shores Library. Ms. Schneider thanked the Mayor and Council for the Proclamation. She stated that it has been a long, cold and wet winter and fewer customers. Even though they have had some trying times, the Upper Shores Library is here for all the residents and homeowners in town. Some groups are utilizing our meeting room because the Borough is not available so we are thankful for that. AARP volunteers are helping people with tax preparation. We offer so many programs going on as well as events so please check our website or stop in and check out what we offer.

Council President Zalom thanked June Schneider for all that she does and offer.

No one else 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 and Stogdill voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

2014-134 awarding a contract to Rocon Construction Group, Inc. in the amount of \$139,440.00 for the reconstruction of the boardwalk pavilions

A Motion to approve Resolution 2014-134 was made by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill.

Mayor LaCicero stated with our project worksheet for this FEMA will be paying 90% and the State will be paying 10% so we should be good with this.

Councilman Borowski stated that he fully understands the layout but there is no overview of the beach and it is just for people to sit out of the sun and congregate but he has received some feedback on this and people want to be able to see the ocean while they are sitting there. He asked if there is any way the Borough can elevated platforms for them so people can enjoy the ocean view as well.

Mayor LaCicero stated that we agreed that everything was going to be replaced that was there and that is what we are doing. We cannot change the footprint of the pavilions with an elevated platform because we would be subject to changing our individual Cafra permit.

Councilman Borowski questioned why it has to be done now and why we can not wait to see what the Army Corps does.

Mayor LaCicero stated that we still don not know what is going to transpire with the dune project and if we do not do this now we might not be able to at all.

Councilman Borowski stated that the dynamics of the ocean front is going to change drastically so we should try and accommodate our residents the best we can.

Councilwoman Filippone stated that she remembers that we questioned whether we could build a structure on top of the dune and we were told no.

Councilman Borowski stated that he does not want it on top of the dune he just wants it in the same space as pavilion but just elevated to see over the dunes.

Mayor LaCicero stated that we have already signed our easements over to the Army Corps so we can not change any dynamics we can only put back what we had.

Councilman Borowski questioned what that had to do with it because the pavilion is not in the easement anyway.

Mayor LaCicero stated that if it put in a different location we would need a new permit.

Councilman Borowski questioned what it would take to change the permit.

Mayor LaCicero stated that we should schedule a meeting and all of us sit down to discuss this before we do anything.

Mr. Parlow stated that the width of the walkovers is going to be 10 feet. They are not going to let you put pilings or enclosures on the dune except maybe some benches. We might be able to get some CDBG monies to rebuild the Jersey City and Brown walkovers with viewing and ramps but they would have to be modified.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Jon Corney, 1 Newark Avenue questioned when the pavilion construction would be complete and are they starting with the south end of town first.

Mayor LaCicero stated that they are going to try and get them completed by June but there might be some work through the summer and sure we can start at the south end first.

Clem Boyers, 20 Kerr Avenue questioned if entrances would be through the pavilion on some of them.

Mayor LaCicero stated that none the pavilions will be closed off and the walkovers will be on the side of the dune.

No one else wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on Resolution 2014-134.

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

APPROVAL OF VOUCHERS:

2014-135 Bills list in the amount of \$341,037.56

A Motion to approve the bills list was made by Council President Zalom. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the bill list.

There were no comments from the public.

The Motion Passed.

ORDINANCES ON FOR ADOPTION:

BOND ORDINANCE 2014-06 (1131) BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF PUBLIC WORKS GENERATOR AND REPLACEMENT OF PUBLIC WORKS FUELING STATION, AND APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 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 during and after the storm the Public Works generator sustained the Borough. Recently, the cell providers that are renting space on our water tower have put in requests to install generators onsite to sustain cell services during power outages. Mr. Parlow recommended that the Borough purchase a larger generator for the public works yard that could also service the cell provider. Each provider will pay the Borough a fixed amount towards the purchase. AT&T has agreed to pay a fixed amount of \$25,000 for the generator. The current generator that will be relocated to the new municipal complex and the police generator will be relocated to the fire house. Also, the gas boy and pumps at the Borough Yard need to be upgraded.

A Motion was made by Councilwoman Filippone to adopt Bond Ordinance 2014-06 (1131). The Motion was seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone wished to comment on this Bond Ordinance.

No one wished to comment.

The Mayor closed the public hearing and asked Council for a vote on Bond Ordinance 2014-06 (1131)

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

ADOPTION OF THE 2014 BUDGET (Clerk to read Budget Resolution 2014-136)

Mr. Parlow read aloud the budget resolution.

Mr. Oliwa, Borough Auditor, stated that the budget was introduced on March 10, 2014, but due to the submission of the Essential Services Grant that the Borough applied for in the amount of \$42,025.00 the DLGS still needs to review so we can not adopt the budget tonight. The local tax rate is 27.2 cents and the amount to be raised by taxation is \$5,013,800. A home assessed at 679,000 will have a \$33.95 increase in taxes which is a 1.87% increase. There are still more assessments to bill, also. The balance on the note from the storm is \$2,851,000 and will be paid off in 2017 and was funded in full by FEMA.

The Mayor opened the public hearing and asked if anyone wished to comment on the budget.

Jon Corney, 1 Newark Avenue questioned the uncollected taxes being up half a million.

Mr. Oliwa stated that there was not the same amount of surplus regenerator and they were a little higher in prior years to hold off tax increase.

Clem Boyers, 20 Kerr Avenue questioned how much the ratables were.

Mr. Oliwa stated that the ratables were one billion eight hundred and 44 thousand dollars. He stated that the ratables were off by 33 million dollars.

Mayor LaCicero stated that our reserves are improving and we would not have been able to start the cleanup the day after Sandy if we did not have that surplus.

Mayor stated that we can not adopt tonight so we need to table until we get approval from the State to adopt.

A Motion was made by Council President Zalom to table the adoption of the budget. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom and Stogdill voted Yes. The Motion Passed.

The Adoption of the Budget was tabled.

UNFINISHED BUSINESS:

Mayor LaCicero stated that he has received letters and petitions to open up all beach access openings for this year. He stated that he was in favor of limited openings last year but would be in support of opening all of them this year.

Council President Zalom stated that Brown Avenue is where the surf camp is going to be and for safety purposes she thinks that this street should have an opening.

Councilman Stogdill stated that he is not in favor of opening all street ends this year. For safety concerns, he believes that leaving them limited for this year would be essential. He stated that the condition of the dune is just not safe as of yet.

Councilwoman Filippone stated that no matter what our beach will never be the same. We have an Army Corps project coming in and there are going to be a lot of changes and we just do not have the luxuries any more. We will be in hurricane season again starting in June and we just should not take that risk and we can sacrifice one more year.

Council President Zalom stated that she has a petition to open Brown Avenue and they want it open for emergencies.

A Motion was made by Council President Zalom to keep the same amount of openings as last year and to add an opening at Brown Avenue. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski and Zalom voted Yes. Council Members Filippone and Stogdill voted No. There was a tie vote. Mayor LaCicero voted Yes to break the tie. The Motion Passed.

Mr. Parlow stated that he just wanted to be clear in saying that these openings are for pedestrian walkways and not for vehicle access.

Mayor LaCicero stated that was correct.

Council President Zalom stated that she was interviewed by WOBN Radio about Lavallette and all that is going on in town. She told them about the LBA Plan of Events, the Buy a Board Program that we had and our new municipal building. SHE stated that the Beach Sweeps is scheduled for this Saturday and Pay it Forward is bringing 70 volunteers to help and then treating everyone to lunch afterward. The Spaghetti Eighth Grade Dinner is Friday Night and proceeds go to the 8th grade class trip. She thanked Mr. Parlow for her flood insurance discount which was a 20% discount. She reported that Gina Cavallo has found her two wonderful speakers for the Memorial Day Services.

Mr. Parlow stated that the DCA is working with the Governor's Office to help towns demolish buildings that are in unsafe condition. Mr. Royer, the Code Enforcement Officer has put together a listing of properties. The list has been provided to the DCA. The Magee Avenue T Dock has sustained significant damage from the ice that formed on the bay this winter and the front part of the dock needs to be replaced. The Engineer estimates the replacement to run about \$85,000. He would like authorization to prepare specs and go out to bid.

A Motion was made by Council President Zalom to authorize the Engineer and Municipal Clerk to prepare specs and go out to bid for the replacement of our Magee Avenue T Dock. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom and Stogdill voted Yes. The Motion Passed.

Mr. Parlow stated that he has heard back from the Electric Supervisor on where the LBA banners can be placed along the highway. There are six suitable locations; so when they are ready they can let him know and we will file the permit with the State.

NEW BUSINESS:

Councilwoman Filippone stated that the Planning Board has adopted a resolution to petition legislation to ban subdivisions of undersize lots via the process of forming condominiums. These properties are causing quite a problem with the Planning Board when there are two houses on one lot and the structures are owned by two different people but they share common ownership of the property. She would like Council to support this resolution and put it on for the next meeting.

Mayor LaCicero stated that the Engineer will have the Fire house renovation options for the next meeting.

COMMENTS FROM THE PUBLIC:

Susan Koch, 119 Camden Avenue provided an update on Founder's Day. She stated that the Committee has a lot of donations coming in. On the website they have donation books and vendor books if you want to participate.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the Borough has received \$1.5 million from FEMA which is a 70 % share of the total 90% of the reimbursement. We will be receiving the remaining 30% soon. He thanked everyone who worked hard in the rebuilding and the paperwork. He also stated the Lavallette Calendars are in the mail.

Mayor LaCicero stated that he has received some calls from residents about damage to their curbs and landscaping due to this Route 35 Project. He stated that if anyone has damage they can provide him with the information and he will make sure that the State receives all information on damage.

EXECUTIVE SESSION:

There was no executive session.

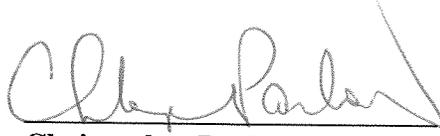
ADJOURNMENT:

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.

The Regular Meeting was adjourned at 8:30pm.

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 21st day of April 2014

A handwritten signature in black ink, appearing to read "Chris Parlow", written over a horizontal line.

Christopher Parlow
Municipal Clerk