

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**April 7, 2014-7:00 pm**

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

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

A Motion was made by Councilman Horan to excuse Council President Zalom for this meeting. The Motion was seconded by Councilwoman Filippone. 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 was published in the Ocean Star on January 10, 2014. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for a number of long-time residents who have passed away over the last two weeks; Fritz Rolle, John Dolinaj, Mary Helmstetter, Edward MacMaster, Mike Skinner and David Boyd, Jr. and for all the troops overseas.

Councilman Horan stated that there were no United States soldiers killed overseas in the month of March.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that there has been a lot of progress with getting the side streets and highway cleaned up and ready. He is very confident that the summer will be looking good. He stated that various officials attended the press conference with the NJ DOT about the project last week but there really was not any additional news to report. He 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.

**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.

Kathy Serra, 117 Pershing Boulevard – She stated that she has been looking at the new preliminary flood maps and they have the bay listed as a VE-10 zone. She stated that her property has a black line through it.

Mr. Parlow stated that the black line delineates from where the wave action is for 3 feet and higher and less than 3 feet.

Mayor LaCicero stated that we received a letter from Dr. Stewart Farrell from Richard Stockton College and he states that there is no impact on a property owner in a AE-8 zone who borders on the bay so he does not see there to be any issues. So appealing that bay zone would serve little purpose.

Mrs. Serra stated that she disagrees considering they have her property with this black line through which to her means that this could potentially make some of her property a V zone.

Mayor LaCicero stated that her property is clearly in an A zone and she will have no problems showing that.

Mrs. Serra stated that she believes that we should do this engineering study on this bay to prevent any problems in the future.

Mayor LaCicero stated that Council is not in favor of spending that kind of money on an engineering study that really does not provide any benefit.

Mrs. Serra stated that it could not possibly cost that much. How much are we talking about?

Mayor LaCicero stated that other towns have hired outside engineers and have paid thousands of dollars.

Mrs. Serra stated that last year she suggested that we, the Borough, get together with other communities that were affected by the storm and that we share the expenses with other towns.

Mr. Parlow stated that in Dr. Farrell's letter it states that properties in the A zone will have no impact from the bay.

Mayor LaCicero stated that if she would like the letter from Dr. Farrell he will be happy to give her a copy so she can get in touch with him herself.

Mrs. Serra stated that she would appreciate that. She also would like to know who she could talk to about cleaning up WPI from stones and sand on all the sidewalks and overgrown bushes and shrubs and so on.

Mayor LaCicero stated that the code enforcement officer is responsible for addressing property maintenance issues. He has been especially busy with bigger projects going on since the storm.

Mrs. Serra stated that she has already spoken with that department and there suggestion was that she go street to street and make a list and he will send them violation notices. She ask if that was his job.

Mayor LaCicero stated that he will speak to the code enforcement officer however she needs to understand that since the storm that department has taken on a lot more responsibility and is very busy.

### **APPROVAL OF MINUTES:**

Regular Meeting of March 24, 2014  
Executive Session of March 24, 2014

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

### **REPORTS:**

- a) Construction Report for March 2014-Councilwoman Filippone-read report
- b) Zoning Report for March 2014-Councilwoman Filippone-read report
- c) Revenue Transaction Report for February-Chief Financial Officer
- d) Tax Account Report for March 2014-Tax Collector

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

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

#### **RESOLUTIONS – ON CONSENT:**

- 2014-104      appointing the beach badge office staff for the summer season 2014
- 2014-105      authorizing the electric collector to correct a billing adjustment in the amount of \$294.96 due to a misread meter reading at 504 Grand Central Avenue
- 2014-106      approving a facilities use application to Island Junior Baseball to hold their practices and games from June through August on various dates and times-Councilman Stogdill requested that this resolution be put off-consent
- 2014-107      authorizing Mayor LaCicero to sign an execute the Proof of Loss Statement for flood and wind damage from the storm from the MEL/JIF-Mr. Parlow stated that this is not the final just a portion. Subsequent monies will be arriving at different times.

- 2014-108 appointing Christine Sierfeld to the position of Chief Financial Officer/Tax Collector effective May 5, 2014-Mayor LaCicero stated that our new CFO was only here for a short period of time. We have now hired a former employee who has only left us for about two years and went to Seaside Heights. She will now be our new CFO/Tax Collector and we are happy to have her back.
- 2014-109 strongly objecting to the most recent plans and specifications for the Manasquan Inlet to Barnegat Inlet Beachfill, Initial Construction Project-Mayor LaCicero stated that we received another set of plans from the Army Corps of Engineers and apparently they did not look at the requests the residents, as well as, other officials made the first time. They have only provided one handicap accessible ramp on Philadelphia Avenue and one vehicle entrance on Ortley Avenue. This is not an acceptable plan for the Borough. Mr. Parlow stated that we will be sending, along with this resolution, our revisions to this plan once again and see if we get a positive response this time.
- 2014-110 authorizing the Council President and Borough Clerk to execute a settlement agreement and general release
- 2014-111 recognizing the week of April 6, 2014 through April 12, 2014 as National Volunteer Week in the Borough of Lavallette
- 2014-112 proclaiming the month of April as “Autism Awareness Month” in the Borough of Lavallette
- 2014-113 authorizing the Treasurer to refund a duplicate construction permit payment to BC Express in the amount of \$714.00
- 2014-114 refunding the unused balance of planning board escrow funds in the amount of \$2,155.50 to Rolando Cibischino of 113B New Jersey Avenue
- 2014-115 authorizing the Municipal Clerk and the Engineer to advertise and accept bids for the construction of new pavilions on the boardwalk-Mayor LaCicero stated that we are going to be putting our pavilions back up on the boardwalk in the same places and same look as they were before. Councilman Borowski stated that he brought some old pictures of the pavilions and how they looked many years ago. Councilman Lamb questioned if they were going to have the same rooftops as before. Mayor LaCicero stated that they will be constructed to match what they looked like before just brand new. Councilwoman Filippone stated that they should still have the benching along the edges for people to sit and enjoy
- 2014-116 authorizing the Treasurer be authorized to issue a check in the amount of \$1,976.48 to US Bank Pro Cap III, LLC for the redemption of a Tax Sale Certificate
- 2014-117 authorizing the CFO to refund solar escrow fees for various properties totaling \$3,080.00

2014-118 authorizing the settlement of the reconstruction of the Lavallette Lifeguard Headquarters Project with N T & P Construction, Inc.

A Motion was made by Councilwoman Filippone to approve the consent agenda minus Resolution 2014-106. 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 stated that the pavilion on top of his street on Kerr Avenue you were able to walk right through it to get to the beach. He asked if that going to be the same.

Mayor LaCicero stated that you can not walk thru them anymore because with the project they will need that extra 20 feet.

Mr. Boyers questioned if they are going back in the same place on the same streets.

Mayor LaCicero stated that they are not opening all the street ends again this year.

Mr. Parlow stated that access will be through the beach not through the pavilions on all access ways to the beach. When the Army Corps starts there project in September they will need every bit of that of that distance.

Mayor LaCicero stated that you will have the same access just not through the pavilion; it will be right next to the pavilion.

Al Jones, 113 Reese Avenue questioned Resolution 2014-110 and what block and lot it was for.

Mayor LaCicero stated that it was not for a property but was regarding a settlement of an employee disciplinary matter.

No one else 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 minus Resolution 2014-106.

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

#### **RESOLUTION - OFF CONSENT:**

2014-106 approving a facilities use application to Island Junior Baseball to hold their practices and games from June through August on various dates and times

Councilman Stogdill stated that they are all set with baseball and the season starts in June so come on out and watch some games.

A Motion was made by Councilman Borowski to approve Resolution 2014-106. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2014-119 Bills List in the amount of \$843,494.29

A Motion was made by Councilman Borowski to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members: Second: Vote:

**INTRODUCTION OF ORDINANCES:**

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

Public Hearing and Final Adoption will be held on April 21, 2014

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.

A Motion was made by Councilman Horan to introduce Bond Ordinance 2014-06 (1131). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion was Passed.

**COMMUNICATIONS:**

Engineering:

- a) O'Donnell, Stanton & Associates/John Berens, Project Manager/Water Meter Replacement/Rio Supply, Inc./Pay Estimate No. 1/Received March 17, 2014
- b) O'Donnell, Stanton & Associates/Matthew Smith/Handicapped Parking/Route 35 Northbound/Borough of Lavallette/Received March 18, 2014
- c) O'Donnell, Stanton & Associates/Michael O'Donnell/Repair of Damaged Roads-Phase II/Received March 24, 2014
- d) O'Donnell, Stanton & Associates/Michael O'Donnell/Construction of New Municipal

- Complex/Received March 26, 2014
- e) O'Donnell, Stanton & Associates/Michael O'Donnell/5KV Metering Cubicle Replacement/Received April 3, 2014
- f) O'Donnell, Stanton & Associates/Michael O'Donnell/Preconstruction Conference Agenda/Construction of New Municipal Complex/Received April 3, 2014-Mr. Parlow stated that the pre-construction meeting for the Municipal Complex was held with the contractor. They are looking to start breaking ground the first week of May. There are concerns about making the site safe so they are going to put a fence around the outside of the property and the fence will go to the curb line on Brooklyn Avenue and to the property line on Washington Avenue so parents can still walk their kids to school on that street. They will also be placing plastic fencing on the existing fence that separates the school property from the jobsite in the back of the property. During the construction phase the contractor wishes to establish a no parking zones on Grand Central Avenue between Washington and Brooklyn Avenues. We will have to check with the State to make sure that we can do the no parking on those two streets.

Councilman Borowski stated that he is concerned about the fence to the curblines on Brooklyn Avenue.

Mayor LaCicero stated that because the construction is closer to that street it is for the safety of the children.

Councilwoman Filippone stated that maybe for May and June while the kids are still in school we should make those two streets one way.

Mayor LaCicero questioned when the Virginia Avenue project was going to start.

Mr. Parlow stated that it should be starting in the fall.

#### New Jersey League of Municipalities:

- a) Urge Your Legislators to Support A-1021/S-268, Energy Receipts Property Tax Relief Initiative/Received March 10, 2014
- b) US Senator Booker Provides Useful Income Tax Information for New Jersey Mayors/Received March 11, 2014
- c) Sustainable Jersey Announced the 34 Towns Selected to Receive Grants for Community-Based Sustainability Projects/Received March 12, 2014
- d) NJ Supreme Court Stays Appellate Order on COAH/Commercial Development Fee/Received March 13, 2014
- e) NJ Supreme Court Vacates Appellate Order on COAH/Received March 14, 2014
- f) Flood Insurance Affordability Bill Readied for President's Signature/Received March 14, 2014-Mayor LaCicero stated that this bill is getting ready so watch for information on it. They are going to have a lot of options available.
- g) Urgent Legislative Alert!/Extension of 2% Cap on Interest Arbitration Awards/Only Two Voting Sessions Left/Received March 17, 2014
- h) National Agriculture Day Just One Week Away/Received March 18, 2014

- i) Police and Fire Interest Arbitration Task Force Report Issued/Received March 19, 2014
- j) Reduced Public Employee Pension Bills Posted Online/Received March 20, 2014
- k) Press Conference on Deadline on the 2% Cap on Interest Arbitration Awards/Received March 20, 2014
- l) Upcoming Sustainable Jersey Workshops and Webinars Which May Be of Interest to Your Municipality/Received March 20, 2014
- m) President Walters Delivers League Outlook on Governor's Budget Proposal/Received March 21, 2014
- n) Technology Education Conference/Received March 21, 2014
- o) March National Ethics Awareness Month/Received March 21, 2014
- p) President Signs Flood Insurance Rate Relief Bill/Received March 24, 2014
- q) Urgent Legislative Alert/Interest Arbitration 2% CAP/Received March 25, 2014
- r) New Jersey Digital Government Summit/Received March 28, 2014
- s) Urgent Legislative Alert/Need Action on Interest Arbitration Cap/Received March 28, 2014
- t) Don't Stop Now!/Insist on Action to Reinstate the Arbitration Cap/Received March 31, 2014
- u) Office of Legislative Budget and Finance Officer Rosen and State Treasurer Eristoff Testify on Governor's Budget Proposal/Received April 4, 2014

General With No Action:

- a) State of New Jersey/Department of Environmental Protection/George King, Chief/Underground Storage Tank/101A Reese Avenue/Unrestricted Use-No Further Action Letter and Covenant Not to Sue/Received March 6, 2014-Mayor LaCicero stated that there are not more underground storage tank issues on this site.
- b) New Jersey/Department of Environmental Protection/Bob Martin, Commissioner/First Demolition of DEP's Superstorm Sandy Buyout Program to Take Place in Sayreville/Received March 12, 2014
- c) County of Ocean/Road Department/Sweep of County Roads/Received March 17, 2014
- d) State of New Jersey/Department of Environmental Protection/Division of Water Quality/Terry Beym, Acting Section Chief/Public Hearing FY 2014 Annual Fee Report/Received March 19, 2014
- e) State of New Jersey/Department of Transportation/Christie Administration Announces Summer Construction Schedule for Route 35/Received March 21, 2014
- f) Borough of Bay Head/William Curtis, Mayor/letter to Verizon In the Matter of Verizon New Jersey Inc.'s Alleged Failure to Comply with Opportunity New Jersey Commitments/Received March 21, 2014
- g) File Bank/Greg Copeland, President/Archival of Records/Received March 24, 2014
- h) State of New Jersey/Office of the Attorney General/SFC Patrick Gorman, Unit Head/FEMA Eligibility Determination Letter/Received March 24, 2014
- i) EXCEL Environmental Resources, Inc./Michael Meriney, Vice President/NJDEP Brownfield Funding Program is Back/Received March 24, 2014
- j) Ocean County/Department of Solid Waste Management/James Lacey, Freeholder Liaison/Ocean County Recycling Revenue Sharing Program/Received March 26, 2014-Councilman Horan stated that we received monies for this program again.

- k) Ocean County Mosquito Extermination Commission/Michael Romanowski, Supt./Approved Fact Sheets/Received March 31, 2014
- l) FEMA/US Department of Homeland Security/Timothy Crowley, Director/Preliminary Flood Insurance Rate Maps/Received March 31, 2014
- m) New Jersey Department of Environmental Protection/Bob Martin, Commissioner/Christie Administration Launches New “Don’t Waste Our Open Space” Initiative to Combat Illegal Dumping in State Parks and Natural Lands
- n) State of New Jersey/Department of Environmental Protection/Christie Administration Announces Approval of First Sandy Elevation Grants from Department of Environmental Protection’s HMGP Elevation Program/Received April 4, 2014

General With Action:

- a) Seaside Park Volunteer Fire Co., No. 1/Paul Barna, Sr., 100<sup>th</sup> Anniversary Committee/requesting the attendance of the Mayor at their 100<sup>th</sup> Anniversary Celebration to be held on June 7, 2014/Received March 12, 2014-Mayor LaCicero stated that he will check his schedule. Councilman Lamb stated that it’s the Lavallette Fire Department’s 100<sup>th</sup> Anniversary this year also. They are looking to possibly do something with the Founder’s Day. He will have more information closer to the date.
- b) State of New Jersey/Department of Transportation/James S. Simpson, Commissioner/Requesting Applications for Safe Routes to School/Received March 12, 2014-Mayor LaCicero stated that Council President Zalom will look into.
- c) State of New Jersey/Department of Transportation/requesting applications for Transportation Alternatives Program/Received March 12, 2014-Mayor LaCicero stated that he would recommend that Council President Zalom look into this. The number one item on the list is bicycles and sidewalks so she will enjoy this one.
- d) Bonnie Brady/requesting a refund for her \$200 gazebo rental fee/Received March 18, 2014-Mayor LaCicero stated that she will receive \$175.00 back per the ordinance.
- e) New Jersey Association of County and City Health Officials/Stephanie Carey, President/requesting the Mayor’s attendance on Thursday, April 17, 2014 at Mercer County College to discuss County health rankings and health issues/Received March 24, 2014-Mayor LaCicero stated that he will check his schedule
- f) NJBIA/Melanie Willoughby, Acting President/inviting the Mayor to nominate a company for the 2014 Awards for Excellence/Received March 31, 2014-Mayor LaCicero stated that he will have Mark Speaker, President of the LBA look into this for him.
- g) Boy Scouts of America/Bray Barnes, Executive Chairman/requesting the Mayor’s presence at the State Police/National Guard Camporee Event from May 16 through 18<sup>th</sup> 2014/Received April 2, 2014-Mayor LaCicero stated that he will check his schedule.
- h) Ernest Stefanelli/122 Camden Avenue/requesting the town to remove the sand that blew on his property from Bay Blvd/Received April 2, 2014-Mayor LaCicero stated that he drove by this property and there is a lot of sand. We can not do anything with it but he can file a claim with the State and have the contractor Harms be held accountable.
- i) Ocean County LTCR Plan Meetings/Shelly Hull/requesting presence at this meeting on April 29, 2014/Received April 2, 2014-Mr. Parlow stated that he will be attending this meeting.

- j) Upper Shores Branch Library/June Schneider, Branch Manager/requesting to be added to the April 21<sup>st</sup> agenda to speak briefly about ongoing services and requesting that the Library Week Proclamation is put on that meeting agenda also/Received April 3, 2014-Mayor LaCicero stated that this will be on for the next meeting.
- k) Department of Environmental Protection/Bob Martin, Commissioner/invitation to the Update on Governor Christie's Comprehensive Action Plan to Address the Ecological Decline of Barnegat Bay/Received April 3, 2014-Mr. Parlow stated that he will attend this meeting as well.

## **UNFINISHED BUSINESS:**

### Army Corps of Engineers Beach Replenishment Project

Mayor LaCicero stated that we basically covered this earlier. If we do not get any cooperation this time, we will look into pulling our easement.

We have over on the table and dais preliminary plans and drawings of the modular that will be our new lifeguard headquarters. It is not a finalized plan or drawing as of yet but it gives us some idea of what it will look like. The colors can change, also. It will be one solid unit which keeps the cost down substantially. We will need a handicap ramp so the elevation will need to be lower.

Councilman Lamb questioned if it would accommodate the storage of some ATV vehicles.

Mayor LaCicero stated that it would. The builder who demolished the old building for free has also offered to put pilings in for us for free, also.

Mr. Parlow stated that we will still need to go out to bid for the modular. He also stated that he would like Council to make a motion allowing the engineer to put together a piling plan for the structure.

A Motion was made by Councilman Lamb to authorize the Engineer to submit a piling plan for the structure. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated he forgot to mention the FEMA Improved Project approval we received for payment towards our Municipal Project. We are not sure how much but at least it is an approved project through FEMA.

## **NEW BUSINESS:**

Mayor LaCicero stated that someone approached him on putting a miniature golf on the vacant land next to Schlosser Real Estate.

Mr. Parlow stated that the project would need a variance but he will check the code book.

Councilman Lamb stated he should have asked this under unfinished business but do we have any updates on our fire house.

Mr. Parlow stated that he spoke with the engineer and he should have something to us by the next meeting. He is doing so many other projects for us also so it is taking some time.

**COMMENTS FROM THE PUBLIC:**

Mayor LaCicero opened the floor to public comment.

Herb Hascher, 1300 Bay Boulevard stated that the curbs across Bay Boulevard will be completed after the black topping.

Mayor LaCicero thanked him for his information.

Mark Speaker, LBA President stated that he would like to be kept in the loop regarding the no parking on the streets during the municipal building construction so he can inform his business owners in that area.

Mayor LaCicero stated that would not be a problem.

There were no additional comments from the public.

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

Councilman Horan stated that he would like to be excused for the next meeting on April 21, 2014.

All of Council was in favor.

Mr. Parlow stated that he would like to change the July meetings from the 14<sup>th</sup> and the 28<sup>th</sup> to the 7<sup>th</sup> and 21<sup>st</sup>. He asked if everyone would check the calendars.

**EXECUTIVE SESSION:**

There was no executive session.

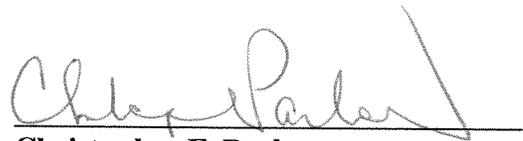
**ADJOURNMENT:**

A Motion was made by Councilman Horan to adjourn the 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 8:01 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 7<sup>th</sup> day of April 2014

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

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