

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, August 25, 2014-7:00 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
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 long time resident Joseph Kelly who passed away recently and for Brian Brice a young man who passed away last week at a very young age.

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 the weather has been beautiful. We have had some additional activity on our highways that including patching of holes and repaving on the side streets.

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

Mayor LaCicero stated that anyone who 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.

Tom Castronovo, 2A Guyer Avenue questioned the future of the beach access.

Mayor LaCicero stated that once the Army Corps Project is complete all the beach access ways will be open again. We have a meeting with the Army Corps about the project on August 28th so we should know more after that. Every street will have walkovers and we were also supposed to get some benches on the walkovers for a viewing area but we did not see them on the latest plans. We will need to discuss that further with them.

Mr. Castronovo questioned if the project will be completed before the 2015 beach season.

Mayor LaCicero stated that he could not give him an answer on that as of yet because he did not know either.

Mr. Castronovo questioned what the height of the dune will be.

Mayor LaCicero stated that it will be 8 feet above the boardwalk with a total of 22 feet elevation.

Mr. Castronovo questioned if the dune will stay pushed back.

Mayor LaCicero stated that the dune will be back 20 feet from boardwalk.

Mr. Castronovo questioned if the gazebo/pavilions will remain the same.

Mayor LaCicero stated that the pavilions are remaining and the access will be next to them not through them.

Mr. Castronovo thanked the Mayor for answering all his questions.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of August 11, 2014-Councilman Borowski stated that under letter (f) with action he would like it corrected to say that the resolution stipulated that the plans for the repairs be first reviewed and approved by the Department of Public Works. Council agreed with the amendment.

Road Improvements-Phase II Bid Opening of August 22, 2014

Road Improvements to Virginia Avenue Bid Opening of August 22, 2014

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

RESOLUTIONS-ON CONSENT:

- 2014-223 approving a fixed cost agreement between the Borough of Lavallette and Jersey Central Power & Light for the relocation of an electric pole for the Municipal Building-Mayor stated that the architect took a closer look at the parking lot for the new municipal building and decided that we could get 5 more parking spaces in that lot if we moved a pole out of the way of a proposed driveway.
- 2014-224 appointing three lifeguards for the remainder of the 2014 summer season
- 2014-225 awarding a contract to Earle Asphalt Company for the repairs to damaged roads-phase II in the amount of \$54,013.13
- 2014-226 authorizing the electric collector to remove one electric account at 127 Trenton Avenue due to the two family being demolished and a one family dwelling being constructed

- 2014-227 authorizing a refund to Hendricks Builders, LLC for unused off duty escrow in the amount of \$400.00

- 2014-228 authorizing the electric collector to remove one electric account at 101 Kerr Avenue due to the two family being demolished and a one family dwelling being constructed

- 2014-229 authorizing the execution of a final quantities change order to the contract with Eagle Paving Company for the repair and reconstruction of damaged roadways decreasing the contract by \$6,930.20

- 2014-230 accepting a donation of a Van Duyne boat for use of the Lavallette lifeguards by the Lavallette Lifeguards Booster Association

- 2014-231 approving 4 applicants to attend the Ocean County Police Academy Class II Officer Training commencing September 2, 2014 through May 31, 2015

- 2014-232 appointing Diana Lahullier as the Borough of Lavallette's Right to Know Coordinator for the year 2014-Mr. Parlow stated that these are new state requirements to appoint a Right to Know Coordinator for electronic filing

- 2014-233 approving a facilities use application to Pt. Pleasant Travel Baseball Club to hold their baseball games on Saturdays starting September 6, 2014 through November 15, 2014 from 11am to 1:30 pm

- 2014-234 awarding a contract to Johnson Baran Corporation for the improvements to Virginia Avenue in the amount of \$152,642.87-Council President Zalom stated that this is the first time we have had Johnson Baran do one of our projects. Mr. Parlow stated that they have bid our jobs before but they were never the low bid until now.

A Motion was made by Councilman Horan 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. The Mayor closed the floor 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:

- 2014-235 Bills List in the amount of \$732,386.45

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

UNFINISHED BUSINESS:

Mr. Parlow stated that there are repairs needed to a storm sewer line that runs between two properties on the lagoon side of Westmont Avenue. The ground above the line appears to be caving in and it needs to be repaired. He stated that the engineer received a price from Albert Marine who was performing repairs to the Magee Avenue T-dock. The estimate exceeds the twenty percent change order threshold so the Borough is required to go out to bid for the repairs. Mr. Parlow asked for authorization to have the engineer prepare the bid specifications.

A Motion was made by Council President Zalom to authorize the Borough Engineer to prepare the bid specification and go out to bid for the Westmont Avenue storm sewer line repair. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that at the last meeting there was a gentleman here asking to be able to put a plaque somewhere in town for Brendan Tevlin, the grandson of the Tevlins who live here year round on President Avenue. She spoke to the grandfather and they are willing to cover all expenses and would like to put a small plaque in the Reese Avenue pavilion because he liked to surf on that beach. They would just like to sit there and see his name and be able to think about all the good about him.

Councilwoman Filippone stated that the Council has a policy that plaques of this sort would not be permitted. She stated that numerous citizens in town have requested to have these types of memorials. We have already turned others away for asking the same thing.

Councilman Lamb questioned if we should maybe get a committee together to put some type of criteria together for these issues. Maybe only certain situations could warrant.

Councilman Borowski stated that we have a memorial up on the boardwalk for the 911 terrorist attacks. This tragic killing was an act of terrorism as well we have come to find out so this plaque, in my opinion, is justified.

Mayor LaCicero stated that every person has a tragic story and he is not comfortable either with denying some and approving others.

Councilman Lamb stated that this is why we should have a committee to set the criteria. If we want to allow the ones due to terroristic acts then we could do that but we need some type of criteria.

Councilwoman Filippone stated that before a committee we would have to make a motion to get rid of the policy. She stated that we are opening up "Pandora's box".

Councilman Borowski stated that the Borough also has a Memorial Park for veterans.

Councilman Lamb stated that park has criteria behind it. You could only be memorialized there if you lived here at the time of your death in the war.

A motion was made by Council President Zalom to authorize the placement of a plaque on the Reese Avenue pavilion in memory of Brendan Tevlin at no cost to the Borough. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Zalom, and Horan voted Yes. Council Members Filippone, Stogdill and Lamb voted No. Mayor LaCicero voted Yes to break the tie. The Motion Passed.

NEW BUSINESS:

Approval of Updated Planning Board Check Lists

Councilwoman Filippone stated that the Planning Board approved the checklists that were provided in the Council packets to go along with the provisions of the land use and development ordinances. We have a lot of issues concerning the condoizing of the two houses on one lot that creates a lot of confusion as to who owns what on the property. They do not understand that it is all common land.

Councilman Lamb questioned if the checklists will streamline the process for the applicant or make it more difficult.

Councilwoman Filippone stated that the checklist is there to guide them in the process of what to do and what is needed.

Councilman Lamb stated that he thought it was rather extensive for applicants.

Mr. Parlow stated that the most extensive checklist was for major subdivisions, which we really never really see in Lavallette.

Councilman Borowski questioned if this was just a revision of the current one in place.

Councilwoman Filippone stated that was correct. She also state that the next meeting of the Planning Board was cancelled due to the lack of cases. She thinks that is a good thing because it means that the land use ordinances are acceptable to the homeowners and the changes since sandy are now working and in compliance.

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

COMMENTS FROM THE PUBLIC:

Bob Astorino, 2 Elizabeth Avenue stated that in Long Beach Island the ice cream vendors walk up to the beach and ring a bell. Maybe they should consider doing it that way instead.

Mayor LaCicero stated that he will have the attorney take a look into this one more time.

Mr. Astorino questioned why the board program stopped. It was a good program and we still have so many more boards.

Mayor LaCicero stated that it was a lot of work for the people who were in charge of it, who were volunteering their time. They are still cleaning up a number of issues from the program. Maybe he can find some other volunteers that might be interested in starting it again.

Mr. Astorino stated that he will look into that.

Joe Palinsky, 122 Washington Avenue questioned when they were going to cancel the fast track variance application program. It's been two years already so maybe we need to give an expiration or date of when they will expire.

Mayor LaCicero state that he will talk to the members and make a decision on that.

Bill Murray, 1 Elizabeth Avenue stated that rules regarding the placement of plaques should apply to everyone in town and he agrees with Councilwoman Filippone on the placement of these memorials. He stated that what is fair is fair and we should stand by the policy. He stated that there seems to be a very lax attitude with open fires in town. There are embers flying all over town with these fire pits everywhere. He has also seen these paper lanterns with oil that are supposed to go out to sea but not all of them do that. He asked if there are any ordinances set in town on regulating these.

Mayor LaCicero stated that there are not but he will talk to the Fire Marshals and discuss it further.

Mark Speaker, 111 Brown and President of LBA stated that with the record rain last week Brown Avenue and a number of streets received tremendous flooding that they never had before. Route 35 South was raised 6 to 8 inches so the water ponds and there is now five streets to a storm sewer. A lot of cars were flooded and they are saying that this project is 85% complete and yet we are still flooding worse than before.

Mayor LaCicero stated that when he was a police officer he knew exactly where the flooding was in town but not so much anymore. He did see how bad the flooding was last week and noticed how it definitely was worse than ever before. He will make sure that he screams loudly at the next meeting.

Councilman Stogdill stated that the homeowners on Brown Avenue and Route 35 had a lot of water in their vehicles.

Council President Zalom stated that during the cancer walk a couple of weeks ago Trenton Avenue had a lake on it and that street never flooded so she called the DOT and complained.

Herb Hascher, 1301 Bay Blvd. stated that he had the worst flooding by his house on Bay Boulevard from Brooklyn to Philadelphia Avenues. He stated that there is a lot of debris in the sewers and the water cannot recede.

Mayor LaCicero stated that the project is starting again next week he hopes that they get it all cleaned up and taken care of.

Susan Kotch, 119 Camden Avenue stated that for Founder's Day we will be having Bay Boulevard closed from Magee Avenue to Brooklyn Avenue, Philadelphia Ave from Bay Blvd to Route 35 South and Baltimore Avenue for center isle parking. She also stated that last week's flooding was very bad.

Phoebe Maggeo, 116 Brown Avenue stated that she is a badge checker in town and has been for the last three years. She stated that she has never been verbally abused so badly this year. People are violating the ordinances and yet the police do not want to give them tickets.

Councilwoman Filippone stated that we do have ordinances preventing the picnicking.

Ms. Maggeo stated that it is all so confusing regarding what you can and cannot do.

Councilwoman Filippone stated that she will talk to the Chief about the Special Police and why they are not ticketing.

Councilman Lamb stated it is also the regular police not ticketing.

Councilwoman Filippone stated that she will take a look at the picnicking ordinance and see if what we can do.

Councilman Lamb stated that they are just complaining about every thing this year and they are all so nasty.

Councilman Stogdill stated that regardless of the abuse that the checkers and guards are taking they are still doing a fantastic job.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that Gabriella's is having another big fundraiser this year on Thursday at 4 p.m. to raise money for defibrillators on the beach. There is a pancake breakfast at the Union Church Saturday, August 30th from 8 to 11 a.m. The surf camp for the challenged kids and veterans was absolutely wonderful. The Columbus Day Parade is in October and her and Councilwoman Filippone will be riding in her car. The Beach Sweeps is October 25th and the New York City Bus Trips are December 10th and December 13th.

Councilman Borowski thanked the businesses that participated in donating the food for the Waves of Impact surf camp last week; Jersey Mike's, the Crab's Claw and Jersey Fresh Seafood. He also thanked Mr. Parlow, the Beach Captain and all of the beach staff for being so helpful and gratuitous.

Councilman Horan stated that some lifeguards even hung out with the kids during their lunch breaks.

Councilman Stogdill stated that our badge sales are still going strong. We are only fifty three thousand dollars behind our 2012 summer, which was our best summer by far. It has been a great summer and the beach and the Public Works staff have all been wonderful. We are ninety five thousand dollars above last year at this time in sales.

Councilman Horan thanked the newspaper for the nice article on him. He stated that he is moving to South Carolina. He has been on Council for a total of 2,070 days. It has been a pleasure serving the residents of the Borough of Lavallette. He stated that unfortunately, you have some obstacles and just need to move on. He thanked all and stated that he will miss working with the Mayor and Council and for the Borough.

Mayor LaCicero thanked Councilman Horan for all his years of service. He stated that we appreciated the time that you spent with us. You will be missed.

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 8:15 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 25th day of August 2014



Christopher F. Parlow
Municipal Clerk