

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
September 8, 2014-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

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 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 all the loved ones lost.

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

Council President Zalom stated that after the 911 attacks we had some residents who lost loved ones during that attack. We had plaques made up with the special sayings that the families requested on them and had a memorial the second year. When Sandy hit we lost all of the plaques so we had one large plaque that has all of the messages. There were a total of 11 families with loved ones lost in town.

Councilwoman Filippone read the names aloud and sayings on the plaques and Councilman Borowski rang the bell.

MAYOR'S WELCOMING STATEMENT:

PROCLAMATION: SIXTY-SEVENTH WEDDING ANNIVERSARY-JUNE AND LACHLAN CAMERON

Mr. & Mrs. Cameron were present and The Mayor read the proclamation and presented it to Mr. & Mrs. Cameron were in attendance.

COUNCIL VACANCY - APPOINTMENT OF SUCCESSOR TO FILL VACANCY OF COUNCILMAN HORAN

Mr. Bernstein requested that the three names be read aloud.

Mayor LaCicero stated that the three names that were presented to the Council by the Republican Committee to fill Councilman Horan vacant seat were Barbara Florimont, David Finter and Clem Boyers.

A Motion was made by Councilman Lamb to appoint David Finter to fill Councilman Horan's unexpired term. The Motion was seconded by Councilman Stogdill.

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

David Finter was sworn in and took the Oath of Office by Mayor LaCicero. His wife and children were holding the bible.

Council President Zalom stated that the Committee put up three wonderful people that all would have done a wonderful job and she wanted to thank them for that.

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.

Council President Zalom stated that Kathy Mango our Municipal Alliance Coordinator was here tonight to give present certificates of appreciation to the young men who have helped her for many years organizing the skimboarding contest.

Kathy Mango stated that seven years ago three young boys approached her about doing a skimboarding competition. She had no idea what skimboarding was but she was willing to sit down and listen to what they wanted. Since then they have facilitated this competition every year. The three boys; Connor, Matthew and Paul Kelly, have been a great help to the Alliance, as well as, just a great family. The Kelly family has been so gracious to us. We would like to present these certificates of appreciation to these young men for all their help for all these years.

No one wished to comment at this time.

The Mayor closed the floor to public comment.

APPROVAL OF MINUTES:

Regular Meeting of August 25, 2014

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

REPORTS:

- a) Construction Report for August 2014-Councilwoman Filippone-read report
- b) Zoning Report for August 2014-Councilwoman Filippone-read report

- c) Beach Badge Report for August and September 2014-Councilman Stogdill-read report- Councilman Lamb thanked Councilman Stogdill for all his work with the beach. He also stated that we will need to think about the ordinance that allows food to be taken on the beaches and maybe increasing the daily badge fee. There are some ordinances that we need to look into this year.
- d) Municipal Court Report from August-Councilwoman Filippone-read report
- e) Public Affairs for August-Council President Zalom-We had a great Founder's Day. Thanks to all the committees who helped make it so wonderful. The school is having a Nine and Dine on September 26th and the Halloween Harvest Hoedown on October 24th. The LBA is having a Halloween event on October 25th and the Beach Sweeps is October 25th. The NY bus trips are December 10th and December 13th and the Ski trip is January 17th.
- f) Revenue Transaction Report for June-Chief Financial Officer
- g) Tax Account Report for August 2014-Tax Collector

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2014-236 recognizing the month of September as “National Preparedness Month” in the Borough of Lavallette
- 2014-237 proclaiming the month of September as “Fruits and Veggies Month” in the Borough of Lavallette
- 2014-238 proclaiming the month of September 2014 as “National Childhood Obesity Month” in the Borough of Lavallette
- 2014-239 authorizing the Chief Financial Officer to refund planning board escrow in the amount of \$743.00 to George Reinhardt of 101 New Brunswick Avenue
- 2014-240 consenting to Verizon Wireless for the maintenance and replacement of antennas and equipment necessary for their upgrade at their site located on Borough property and to authorize the Borough Engineer to perform the review and inspection of related work-Councilman Borowski stated that he was happy to see that they are paying the Engineer to review the documentation and inspect the equipment.
- 2014-241 rescinding change funds for 2014 for the Administration Office and establishing a change fund for Tax Collector for 2014
- 2014-242 authorizing the Treasurer to apply 2013 overpayments in the amount of \$13,508.25 to 2014 taxes receivable

2014-243 authorizing the Treasurer to refund a water bill credit balance in the amount of \$2,018.16 to 2014 Property Taxes Receivable for Block 973 Lot 12.02

2014-244 awarding a state contract #85477 to Generator Joe for the purchase of a generator for the Department of Public Works in the amount of \$79,758.00-Councilman Borowski questioned who was Keystone Engineering. Mr. Parlow stated that they were a sub group of O'Donnell, Stanton. There were two other quotes provided but with the state contract you do not require specs. Mayor LaCicero stated that this generator is for the Department of Public Works and also to will be sufficient to provide power to the four cell antenna providers. The current DPW generator will be relocated to the new municipal building. Mr. Parlow stated that one cell provider has already agreed to pay us \$25,000 for the generator and we are looking to collect that from the other three as well. Mr. Parlow also stated that this resolution is just for the purpose of purchasing the generator. We will still have to go out to bid for the installation.

A Motion was made by Council President Zalom 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 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.

RESOLUTION - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2014- 245 Bills List in the amount of \$1,186,766.96

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Rita Poole v. B & B Department Store/Received August 11, 2014
- b) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. Borough of Lavallette/Received September 2, 2014

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Municipal Building Sidewalk Improvement/NJDOT Permit Application/State Highway 35/Received August 1, 2014
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Repair and Reconstruction of Damaged Roadways/Pay Estimate No. 3/Received August 21, 2014
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Reconstruction of Boardwalk Pavilions/Received August 26, 2014
- d) O'Donnell, Stanton & Associates/Charles B. Applegate/Magee Avenue Pier Tee Reconstruction/Received September 2, 2014
- e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 4/Received September 4, 2014
- f) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Magee Avenue Pier Tee Dock Head Reconstruction/Received September 4, 2014

New Jersey League of Municipalities:

- a) Mortgage Foreclosure Statute/Sample Ordinance Request/Received August 12, 2014
- b) Weekly Summer Update/Received August 12, 2014
- c) League Posts Resources to Empower Local Impact/Received August 13, 2014
- d) Hotel Update for Annual League Conference/Received August 13, 2014
- e) New Jersey Division of Fire Safety Issues Safety Warning on Current Social Media Stunt/Received August 13, 2014
- f) Grant Seminar Series Helps Municipal Officials Find Funding to Meet Their Needs/Received August 13, 2014
- g) Restoration of Energy Tax Receipts Legislation/Received August 13, 2014
- h) Mayors Challenge to End Vets Homelessness/Received August 14, 2014
- i) Upcoming WIMG Events/Received August 14, 2014
- j) 2014 League Conference Resolution/Received August 21, 2014
- k) 9,600 NJ Residents Need to Take Action to Retain Health Insurance/Received August 15, 2014
- l) Assembly Speaker Opens Dialogue on Transportation Trust Fund Renewal League Offers Assistance/Received August 15, 2014
- m) Weekly Summer Update/Received August 19, 2014
- n) Weekly Summer Update/Received August 26, 2014
- o) Post Retirement Restrictions for PERS and PFRS Employees/Received August 27, 2014
- p) HEP B Inoculation Reimbursement Program Set to Launch/Received August 27, 2014
- q) Red Cross Resources on New School Mandates/Received August 28, 2014
- r) National Preparedness Month Reminder/Received September 2, 2014
- s) Grant Seminar Series Helps Municipal Officials Find Funding to Meet Their Needs/Received September 3, 2014
- t) "A Decade of Progress" the 10th Annual NJAFM Conference/New Jersey League of Municipalities session on the FEMA Community Rating System/Received September 3, 2014

Council President Zalom stated that Lavallette will be in the September or October League Magazine for the Municipal Building so keep your eyes out for it.

General With No Action:

- a) Clean Ocean Action/Catie Tobin, Coordinator/thanking the Borough for it's support and participation every year/Received August 11, 2014-Council President Zalom stated that our dune grass planting will be on November 8th but on November 5th volunteers will be coming from the New Jersey Devils to plant dune grass that they will be donating also.
- b) Monmouth County Board of Health/Kate Andrews, Grant Coordinator/Coordinating training Opportunities/Received August 12, 2014
- c) New Jersey Economic Development Authority/Michele Brown, CEO/NJ Stronger Grant received by JD's Hair and Nail Salon/Received August 21, 2014-Mayor congratulated this business.
- d) Congress of the United States/House of Representatives/Jon Runyan, Member of Congress/Office Closing Procedures for Congressman Jon Runyan/Received August 21, 2014-Council President Zalom stated that Bob and Maria Bartnichak's son Robert worked as an intern for Congressman Runyan and then he kept him on as one of his staff members so he will be with him until December 31st.
- e) Cablevision/Adam Falk, Vice President/acceptance of all terms for the cable franchise agreement/Received August 21, 2014
- f) Ocean County Columbus Day Parade Committee/Michael Blandina, Chairman/Joining our Parade/Received August 22, 2014
- g) Pt. Pleasant Beach High School Project Graduation/thank you for your donation/Received August 26, 2014
- h) Jersey Central Power & Light/Mark Mader, Director/In the Matter of Basic Generation Service for the period beginning June 1, 2015/Received August 27, 2014
- i) Michael Robertson, Career Lieutenant, Evesham, NJ Fire Rescue/registering complaint about receiving a ticket for not having a sticker for parking lot/Received September 2, 2014
- j) Verizon Communications/Christopher Zorzi, Vice President/no longer required to file a Return of Tangible Personal Property used in business/Received September 2, 2014
- k) The Latini Family/Collingswood, NJ/thanking Mayor and Council for allowing Waves of Impact to hold their surf camp in Lavallette/Received September 3, 2014-Councilman Borowski stated that this was one of many thank you letters that was received. It was a very touching day. A picture is worth a thousand words.
- l) New Jersey Economic Development Authority/Dina Khmelnsky, Hearing Officer/Stronger NJ Neighborhood and Community Revitalization/Round One Appeal for the Borough of Lavallette/Denial of Appeal/Received September 5, 2014-Mayor LaCicero stated that this is our second denial from the State for this grant. Council President Zalom stated that she spoke to this person and this is all we were not able to stop the work to have the environmental study performed. The County was not happy about this either. We would have had to stop the project for however long in order for this environmental study and we have time constraints with this building so there was no way that was going to happen. Councilman Borowski stated that he is floored that it was

denied again. The letter from the County was exceptional he just does not understand. He thinks maybe we need to reach out to the Governor next.

- m) State of New Jersey/Department of Transportation/John Hoffman, Acting Attorney General/Civil Suit/State DOT vs. Great Swan Bay Corp. and Borough of Lavallette/Received September 5, 2014

General With Action:

- a) State of New Jersey/Department of Transportation/Chris Christie, Governor/applications are now being accepted for the 2015 State Aid Programs/Received August 13, 2014-Mr. Parlow stated that we will review which streets are next for paving.
- b) American Public Works Association/ New Jersey Chapter/Janet Leli, Chapter Administrator/requesting a nomination of one Public Works employee who deserves recognition/Received August 22, 2014-Mayor stated that Councilman Lamb will look into this.
- c) Borough of Fanwood/Colleen Mahr/requesting to donate a memorial bench in the name of their cousin who was tragically killed in a motorcycle accident/Received August 27, 2014-Mayor LaCicero stated that he would like to hold off on this until he names a Memorials Committee in unfinished business and then they will take a look at this.
- d) State of New Jersey/Department of Environmental Protection/Scott Brubaker, Program Manager/invitation to the new phase of the Hazard Mitigation Grant Program Kick Off Meeting on September 4th and September 11th from 6pm to 8pm/Received September 2, 2014-Mayor LaCicero stated that he would see if he can be available for this meeting.
- e) The Committee for the Advancement of Arboriculture/requesting the Mayor attend this year's New Jersey Shade Tree Federation on October 24th and 26th/Received September 3, 2014-Council President Zalom stated that we did receive trees at one time.

UNFINISHED BUSINESS:

Mayor LaCicero stated that he would like to create a Memorials Committee which will include Councilwoman Filippone, Council President Zalom and Councilman Lamb to create some type of criteria for memorials.

Councilwoman Filippone stated that our first job is to create the criteria and set the standards before we start looking at the letters.

Mayor LaCicero stated that Mr. Bernstein will review all standards and criteria before anything is official.

Mayor LaCicero stated that he, Mr. Parlow and Council President Zalom attended a meeting with the Army Corp and the NJ DEP regarding the beach replenishment. They reported that the bids and proposals are going out in October and they are looking to award a contract in January of next year. They estimated that the project will take six hundred working days to complete and it will be up to the contractor how rapidly he wants to progress and where he wants to start. The material will be comparable to what we have already. They will be closing a thousand feet of work space at a time and will be completing one hundred to three hundred feet per day. They have included a provision

that the contractor will not get paid until all of the work in a section is complete, which includes the dune, walkovers and dune grass planting. We did not receive answers on when they were starting and where they would be working during the summer, but were told that they would be working through the summer no matter where they were and the work is weather dependent. There will be two methods they will use, one is pump from pipe three miles off shore and the other is to use a hopper barge where they will drag and dump. We were told that there would not be much order with use of either method. It is going to be a two year project and the color and texture of the sand should match what we have.

Council President Zalom stated that we were very effective in getting the handicap ramps for the four wide streets. The other streets will have walkovers with a seating platform and benches. All the ramps will have railings.

Mayor LaCicero stated that even if they decide not to give us those handicap ramps there is nothing preventing the Borough from doing them in the future.

Councilman Lamb questioned if we were going to have the mobi mats.

Mayor LaCicero stated that they were going to be from the ramp all the way to the water.

Councilman Stogdill questioned if they were going to have some type of security to prevent people from entering the work areas.

Mayor LaCicero stated that the heavy equipment will stay and they will have thirty days of work in Lavallette but not sure about any type of security.

Council President Zalom stated that there will be two vehicle access points on Philadelphia and Ortley Avenues.

Mr. Parlow stated that the walkovers are not made of wood that they are made of a crushed stone material.

Mayor LaCicero stated that the railings will be either vinyl or aluminum.

Councilman Lamb stated that the firehouse took a big hit with Sandy and still needs repairs. We did get some quotes and some different options on what to do with the inside but there is still a debate within the fire company on how to move forward. Until that gets resolved, we would like to get new garage doors on the outside of the building. There are seven garage doors but only 6 need to be replaced.

A Motion was made by Councilman Lamb to allow the Administrator and the Engineer to go out to bid for six new garage bay doors. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that there will be two vehicle access points to the beach. How is the Army Corps contractor going to get his equipment on our beach?

Mayor LaCicero stated that if they damage our boardwalk they will take care of fortifying it.

Mr. Boyers questioned if the contractor is taking care of moving our dunes and putting them back?

Mayor LaCicero stated that was correct. They will also be doing dune grass plantings.

Mr. Boyers stated that the officials need to stick by the no food or snacking on our beaches.

Joe Palinsky, 122 Washington Avenue questioned how high the steps would be to access the beach?

Mayor LaCicero stated that it will be an 8 inch legal step.

Mr. Palinsky questioned the cable agreement and if it was finalized?

Mr. Parlow stated that we already did the ordinance and the agreement is finalized.

Mr. Palinsky questioned how many years the agreement is?

Mr. Parlow stated that it was 10 years.

Mayor LaCicero stated that we also received some extras from them that were not visible in the contract.

Mark Speaker, LBA President stated that Founder's Day was a great day just maybe a little too warm. Thank you to all the DPW workers, the Administration and the Police Department, we couldn't have done it without all of you. Thank you to Mayor and Council for always being so open minded and to all the committee members and volunteers. The Committee Chair person Joanne LaCicero is always a pleasure to work with.

Mayor LaCicero stated that he too thought it was a great day and there were a lot of people here. The Fire Dept. stated that they were down 50% of the food and beer sales from last year so maybe it was just too hot for many to come out.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter thanked Mayor and Council for the opportunity to serve the residents of Lavallette and thanks to Lee Horan for all the years of service he put in.

Councilman Borowski stated congratulated Councilman Finter. He stated that the School Board's loss is our gain. Councilman Finter was instrumental in bringing Bay Beach Way into Lavallette. He quickly joined the First Aid and became an EMT and his grandchildren go to the Lavallette School.

Council President Zalom stated that she received the magnets for her car when she is in the Columbus Day Parade so everyone knows she is from Lavallette. She stated that we dedicated the gazebo to Tom and Joy Grosko with the plaque at Founder's Day. Once the roof is done next week the plaque will be put up.

Mayor LaCicero welcomed Councilman Finter and stated that it will be a pleasure to work with him.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:17 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 8th day of **September 2014**



Christopher F. Parlow
Municipal Clerk