

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**February 9, 2015-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, Filippone, Stogdill, Finter and Lamb were present. Council President Zalom was absent. Mayor LaCicero asked Council for a vote excusing Council President Zalom for this meeting and the next meeting as she is on vacation.

A Motion was made by Councilman Finter to excuse Council President Zalom. 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  
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 9, 2015. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for residents Gloria Simonelli, Mark Williams and Donny Bean who passed away recently.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out tonight. He stated that Mark Speaker had some contact with the State DOT and it looks like the plan now is that the B-2 District will be fully paved but not permanently and there will be two lanes of travel with shoulder for parking. It seems clear to me now that they will be here through the summer months but will try to accommodate.

**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 MINUTES:**

Minutes of Caucus/Regular Meeting of January 26, 2015

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

**REPORTS:**

- a) Construction Report for January 2015-Councilwoman Filippone-read report
- b) Zoning Report for January 2015-Councilwoman Filippone-read report
- c) Tax Account Report for January 2015-Tax Collector

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

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

**RESOLUTIONS – ON CONSENT:**

- 2015-76        authorizing the Treasurer to refund construction permit fee in the amount of \$75.00 to Frank Mazzo General Contracting due to a duplicate payment
  
- 2015-77        approving a facilities use application to National MS Society to ride through our town and use the Gazebo Parking Lot as a rest stop for their bikers on May 16, 2015 from 8am to 3pm
  
- 2015-78        approving a facilities use application to Michael Sheptock to hold a movie shoot on March 4, 2015 on our bay front from 1pm to 6pm, March 5, 2015 on our boardwalk from 5pm to 12 am and March 9, 2015 on our beach from 6am to 11am
  
- 2015-79        certifying the submission of expenditures for recycling taxes paid in 2014 in the amount of \$5,908.38
  
- 2015-80        supporting NJ State Legislature Bills A-1491 and S-1924 requiring direct payment of energy taxes to municipal governments
  
- 2015-81        recognizing and honoring the service of law enforcement officers
  
- 2015-82        authorizing the CFO to refund a solar interconnect escrow fee in the amount of \$1,100 to Robert Bovasso-Councilman Lamb questioned what this escrow was for. Mr. Parlow stated that the Borough collects an escrow amount of \$1,500.00 for any resident who request to install solar panels. The escrow is for engineering review. This is the balance of the escrow left after the engineer completed their review. In the future we may be able to lower the original escrow deposit.

- 2015-83 authorizing the dates and times upon which businesses located along Grand Central Avenue may exhibit or display for sale merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2015-84 authorizing execution of master power purchase and sale agreements and confirmation transactions thereunder between the Borough and various suppliers- Councilman Borowski requested this resolution be put off consent
- 2015-85 authorizing the Treasurer to refund a 2015 1<sup>st</sup> quarter tax payment in the amount of \$1,412.10 due to the sale of the home in October 2014
- 2015-86 authorizing the Engineer to prepare the site plan and architectural services for the reconstruction of the Borough's lifeguard headquarters
- 2015-87 authorizing the dates and times upon which Big Ed's Produce may exhibit merchandise in accordance with Chapter 50 of the code of the Borough of Lavallette
- 2015-88 approving a raffle license to Donations of Love, Inc. for a 50/50 off premise raffle on May 22, 2015 at 12 noon at 1606 Grand Central Avenue
- 2015-89 authorizing the Mayor and Borough Clerk to execute an easement to facilitate Sterling Avenue drainage project-Mayor LaCicero stated that this easement is for a property on Sterling Avenue where we need access to for the drainage project.Mr. Parlow stated that the State is going to pay for the repair and the contractor, Harms, is going to do the work. We need the homeowner to sign the easement so we can have access to the property to do the work. The homeowner has agreed to the execute the easement and has already signed off on the right of entry.
- 2015-89A amending the 2015 Temporary Capital Budget
- 2015-89B authorizing the Mayor to execute a sub-recipient agreement between the State of New Jersey, Department of Community Affairs and the Borough of Lavallette for the participation in the Post-sandy Planning Assistance Grant Program-amendments to the existing master plan use element-phase II
- 2015-89C authorizing the filing of an application with the Ocean County CDBG Committee for the construction of a dune walkover on the ocean side Trenton Avenue Beach

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Finter.

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.

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

**RESOLUTION - OFF CONSENT:**

2015-84 authorizing execution of master power purchase and sale agreements and confirmation transactions thereunder between the Borough and various suppliers

Mr. Parlow stated that this is an EEI agreement to purchase power. There are currently six vendors authorized and BP Energy has expressed an interest to participate in the bid process; so they will be a seventh vendor.

Councilman Borowski stated that one of the suppliers is the Hess Corporation and he worked for them so he would rather abstain from this resolution.

A Motion was made by Councilman Stogdill to approve Resolution 2015-84. The Motion was seconded by Councilman Finter.

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

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

**APPROVAL OF VOUCHERS:**

2015-90 Bills List in the amount of \$451,229.01

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

**ORDINANCES ON FOR INTRODUCTION:**

BOND ORDINANCE 2015-02(1138) REFUNDING BOND ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2005, DATED OCTOBER 12, 2005, APPROPRIATING AN AMOUNT NOT EXCEEDING \$2,850.000 THEREFOR AND AUTHORIZING THE ISSUANCE

OF NOT TO EXCEED \$2,850,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF LAVALLETTE FOR FINANCING THE COST THEREOF

Mr. Parlow stated that this ordinance will permit the refinancing of some of the Borough’s municipal debt. Right now we have three bonds currently outstanding. Bond Counsel has reviewed the bonds and recommended this refunding. The term will remain the same, from 2015 to 2025, with no extension of payments and it is going to lower our interest rate. With the lowering of the interest rate it will save interest payments which will be spread within the current fund and the water and sewer operating funds. The total savings should be \$225,000 over the life of the bonds.

Councilman Borowski questioned if the closing costs and issuance costs are rolled in.

Mr. Parlow stated that the total savings includes the issuance costs.

A Motion was made by Councilman Borowski to introduce Bond Ordinance 2015-02 (1138). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for February 23, 2015.

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny’s Pizzeria v. Borough of Lavallette/Received February 5, 2015

Engineering:

- a) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Virginia Avenue Road Improvements/Punch List/Received January 27, 2015

New Jersey League of Municipalities:

- a) Disaster Strikes in the Borough of Edgewater/How Can You Help/Received January 23, 2015
- b) Weekly Policy Update/Received January 23, 2015
- c) New Jersey Supreme Court Decides on Spill Act Case/Received January 28, 2015
- d) Weekly Policy Update/Received January 30, 2015

General With No Action:

- a) US Department of Homeland Security/FEMA/Marcus Robinson, Accounting/Community Disaster Loan Quarterly Statement through September 30, 2014/Received January 19, 2015

- b) New Jersey American Water/Frank Simpson/Petition of NJAWC to Change the Levels of Purchased Water Adjustment Clause/Received January 22, 2015
- c) Ocean County Utilities Authority/Richard Warren, Exec. Director/Certificate of 2015 Annual Charge/Received January 26, 2015
- d) US Department of Homeland Security/FEMA/Marcus Robinson, Accounting/Community Disaster Loan Quarterly Statement through December 31, 2014/Received January 28, 2015
- e) US Department of Homeland Security/FEMA/Paul Weberg, Senior Engineer/Preliminary Flood Insurance Study and Flood Insurance Rate Map/124 Swan Point Road/Received January 29, 2015-Mayor LaCicero stated that it looks like all the properties in the V zone in that area were removed except for this one property.
- f) New Jersey Department of Environmental Protection/Immediate Press Release/Restoration of Fisherman's Walkway at Island Beach State Park Completed/Received February 3, 2015
- g) Ocean County Utilities Authority/Richard Warren, Exec. Director/Deficiency Notification for 2014 Calendar Year/Received February 4, 2015-Councilman Borowski stated that our discharge of 155 million gallons appears low. He asked if we know what last year was. Mr. Parlow stated that last year the discharge was 160 million gallons so it is decreasing. Mayor LaCicero stated that it could be from the lack of people here year round or the reconstruction project with the DOT, either way it is in our favor. Mr. Parlow stated that we will be including this into our budget process as well as the CDL loan. We will not know whether or not we will be required to pay back the CDL loan until the 3<sup>rd</sup> year.
- h) Township of Brick/John Ducey, Mayor/copy of letter he sent to Freeholder Bartlett to pursue the creation of a homeless trust fund/Received February 4, 2015
- i) Municipal Excess Liability Joint Insurance Fund/David Grubb, Exec. Director/Super Storm Sandy Scheduling Order/Received February 4, 2015
- j) US Department of Homeland Security/FEMA/Michael Moriarty, Director/Revised Preliminary Flood Rate Map/Received February 3, 2015-Mayor LaCicero stated that these are the revised maps and it looks like even some ocean front properties are not in flood zones. Mr. Parlow stated that these are the new preliminary maps, but are not the adopted maps. For insurance purposes you are still rated against the 2006 maps, but for construction purposes you will be required to build to these maps. Councilwoman Filippone stated that in the future we should discuss an ordinance dictating how high a structure can be despite the maps. Mr. Parlow stated that FEMA requirements allow municipalities to adopt a higher standard so we have the right to do so.
- k) New Jersey Department of Environmental Protection/Enforcement-Cafra/Second Notice/Fine \$67,500/Received February 5, 2015-Councilman Finter stated that he spoke with Council President Zalom on this and Denise Peck of the DEP is going to be setting up a meeting with us soon about this.

General With Action:

- a) Board of Chosen Freeholders/John Kelly, Freeholder/2015 County Road Improvement Program/requesting the annual meeting with Lavallette/Received January 29, 2015-Mayor LaCicero stated that this is our annual meeting with the County that Mr. Parlow

- and I attend.
- b) Claudio Spadacenta/113 Vance Avenue/disputing their water/sewer bill cost/Received January 30, 2015-Mr. Parlow stated that he has already sent this homeowner a response letter that is also in the packet. We will have to test the meter to be sure. If it comes back okay then the usage is correct.
  - c) United States Department of Commerce/US Census Bureau/William Bostic, Jr., Associate Director/requesting the submittal of the 2014 Annual Survey of Local Government Finances/Received February 2, 2015-Mr. Parlow stated that he would take care of this.

### **UNFINISHED BUSINESS:**

Councilman Lamb stated that AT & T will be installing the new antennas on the water tower within the next few weeks and we will be doing the inspections and review with their project as well as getting the Engineer to review and inspect the condition of the water tower painting.

### **NEW BUSINESS:**

Lavallette Business Association-Requesting Approval for their Annual Calendar of Events for 2015

Rebecca Malloy, LBA President stated that with two of our events we will be in need of the use of the ballfield and we know that they are in need of a water heater which we will be happy to donate some monies towards that. Also, we hope those events will not interfere with the baseball league.

Councilman Stogdill stated that he checked the dates and they do not conflict with those dates so they are fine. Also, if they need access to the snack stand they should let him know.

Mayor LaCicero stated that they will still need to fill out a facilities use application for the ballfield closed to the event.

A Motion was made by Councilwoman Filippone to approve the LBA Events for 2015. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

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

Clem Boyers, 20 Kerr Avenue questioned the ratables being down. What date was the twenty million dollars that was discussed.

Mayor LaCicero stated that all renovations and new constructions done after October 1<sup>st</sup> will get an added assessment for the additional taxes.

Mr. Boyers questioned what happens if we do not get those renovations or new construction by the 1<sup>st</sup> of October.

Mayor LaCicero stated that everything gets picked up by October 1<sup>st</sup>. If not October 1<sup>st</sup> of this year we will get them for the next year.

Susan Kotch, 119 Camden Avenue questioned if there was an update on the beach replenishment project?

Mayor LaCicero stated that the bid specs were scheduled to be sent out in January. We did here they were having some difficulties with getting all the easements that they needed. It is probably going to be a long process but that is all we know right now.

Christopher Angulo, 17 Trenton Avenue complained about the Police Department and felt he was being harassed by them.

Mayor LaCicero stated that if he had complaints about the Lavallette Police Officers regarding harassment he should go to the Ocean County Prosecutor's Office.

Mark Speaker, 111 Brown Avenue stated that he did have a meeting with the DOT and he felt very good about it after leaving. It was a much better meeting than the other meetings we have had with them.

Joseph Palinsky, 122 Washington Avenue questioned if we could pinpoint what the reason for the credit of wastewater was from.

Mayor LaCicero stated that he was not sure he could accurately pinpoint the reason but the sewer drains were completed on Jersey City and Brown Avenues and have been completed on Route 35 South and they are doing Route 35 North now.

Mr. Palinsky questioned if any of the infiltration with the pump station on Bay Boulevard is our responsibility.

Mayor LaCicero stated it is not.

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

Councilman Finter stated that Council President Zalom asked him to let everyone know that there is a NYC bus trip on April 18, 2015 and the bus leaves Lavallette at 8am and leaves NYC at 7pm. Also, the Lavallette School and the Lavallette Firehouse are 100 years old this month.

Councilman Stogdill stated that there is an ordinance in town that states you can not put your garbage out to the curb until 7pm the night before.

Mr. Parlow stated that the revised FEMA maps are available in our office. His recommendation though is to go to our website and follow the link to find your BFE because the maps are horrible and very difficult to read. There are lines that look like boundary lines but then they aren't so to get more clear information you should use the computer. Again, these maps will not go into effect until 2017.

**EXECUTIVE SESSION:**

There was no executive session.

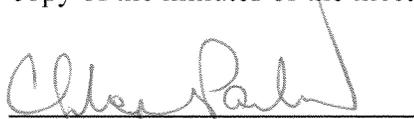
**ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 7:50pm.

**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 9<sup>th</sup> day of **February 2015**



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