

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

CALL TO ORDER: Councilman Robert P. Lamb, presiding

ROLL CALL: Council Members Borowski, Zalom, Stogdill, Finter and Lamb were present. Mr. Parlow requested that a motion be made to excuse Mayor LaCicero and Councilwoman Filippone from the meeting.

A Motion was made by Councilman Borowski to excuse Mayor LaCicero and Councilwoman Filippone. The Motion was seconded by Councilman Finter. 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: Councilman Lamb asked for a moment of silence for all the troops overseas.

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

MAYOR'S WELCOMING STATEMENT:

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

APPROVAL OF MINUTES:

Revised Minutes of Caucus/Regular Meeting of February 9, 2015
Minutes of Regular Meeting of February 23, 2015

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

REPORTS:

- a) Public Affairs Report for February 2015-Council President Zalom
- b) Tax Account Report for February 2015-Tax Collector

c) Revenue Transaction Report for January 2015-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2015-98 appointing three part-time dispatchers for the Lavallette Police Department
- 2015-99 approving a facilities use application to Brick Vipers Travel Baseball Team to hold their practices on Mondays, Wednesdays and Fridays from 6pm to 8pm and their games on Sundays at 2pm starting in March and ending in early to mid June
- 2015-100 in opposition of the liquefied natural gas facilities in the NY/NJ Bight
- 2015-101 authorizing the extension of the trailer lease with ModSpace in the amount of \$1,158.00 per month-Mr. Parlow stated that the lease for the trailer rentals is expiring and we need to extend the lease on a month to month basis until the Municipal Building is complete.
- 2015-102 determining the form and other details of general obligation refunding bonds and providing for the sale and the delivery of such general obligation refunding bonds to Roosevelt & Cross, Incorporated-Mr. Parlow stated that this is a by product of the refunding bond. This will be a negotiated sale so we can time the market to secure the best interest rate.
- 2015-103 amending the 2015 temporary budget-Mr. Parlow stated that we have to do amend the temporary budget until the municipal budget is adopted.
- 2014-104 appointing Capehart & Scatchard, PA as Special Legal Counsel for the Borough of Lavallette

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

Councilman Lamb opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Clem Boyers, 20 Kerr Avenue questioned Resolution 2015-104 and what the special counsel was for.

Mr. Bernstein stated that there have been some discussions of some extra counsel for some Washington, D.C. related matters.

There was no additional comment.

Councilman Lamb closed the floor to the public and asked Council for a vote on the consent agenda.

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

RESOLUTION - OFF CONSENT

2015-105 awarding the contract for the installation of a standby generator at the Department of Public Works to Ranco Construction, Inc. in the amount of \$242,000

Mr. Parlow stated that this was a rebid of the generator project. The first only produced two bids with the lowest bid being just under \$400,000. This time we received six bids and as you can see they were definitely lower in price. He stated that they had a meeting with the contractor and he is eager to get moving on the project.

A Motion was made by Councilman Stogdill to approve Resolution 2015-105. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2015-106 Bills List in the amount of \$467,020.80

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

Mr. Bernstein wish to have the record reflect that Council President Zalom arrived at the meeting a 7:10 pm.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE NO. 2015-03 (1139) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE, ENTITLED "LAND USE PROCEDURES," TO ADOPT THE PLANNING BOARD APPLICATION CHECKLIST

Mr. Parlow stated that the Planning Board updated their checklist and when that is done it needs to be readopted by ordinance.

A Motion was made by Councilman Stogdill to introduce Ordinance 2015-03 (1139). The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb. The Motion Passed.

Councilman Lamb stated that the Public Hearing and Final Adoption is scheduled for March 23, 2015

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria v. Borough of Lavallette/Received February 17, 2015
- b) Eric M. Bernstein & Associates/Philip George, Esq/Valerie Coniglio v. Borough of Lavallette/Received March 4, 2015
- c) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria Restaurant v. Borough of Lavallette/Received March 4, 2015
- d) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria Restaurant v. Borough Of Lavallette/Received March 5, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 9/Received February 19, 2015
- b) O'Donnell, Stanton & Associates/John Berens, Project Manager/Water Meter Replacement/Rio Supply, Inc./Pay Estimate No. 3/Received March 4, 2015

New Jersey League of Municipalities:

- a) Urgent Legislative Alert, Your Action Needed on Transportation Trust Fund/Received February 10, 2015
- b) Complimentary Visit by New Jersey Hall of Fame/Received February 11, 2015
- c) Weekly Police Update/Received February 13, 2015
- d) Police Car Camera Mandate Effective March 1/Received February 19, 2015-Councilman Borowski stated that this has finally been mandated. The League was always against it because they didn't feel that it should be budgeted for. They have figured out a way to handle the monies by increasing the DWI from \$100 to \$125 so that helped out. Councilman Lamb questioned what the cost per vehicle is going to be? Mr. Parlow stated that he did not have that information but we buy police vehicles on State Contract and I'm sure that these cameras will soon be part of the packages.
- e) Read Across America NJ/Received February 19, 2015-Council President Zalom stated that she believes that the Mayor will be reading to the students again this year.
- f) Weekly Policy Update/Received February 20, 2015
- g) Governor Presents Budget Proposal and Promotes Pension and Benefit Reforms/Received February 24, 2015
- h) New Jersey Statewide Mayoral Summit on Afterschool/Received February 25, 2015
- i) Weekly Policy Update/Received February 27, 2015
- j) Federal Transportation Funding Update/Received February 27, 2015

General With No Action:

- a) Kelly Staffieri, NJDEP/Bureau of Coastal Engineering/Federal Beachfill/Manasquan Inlet to Barnegat Inlet/Project Update/Received February 17, 2015-Mr. Parlow stated that the advertisement of the bid for the beach replenishment project has been postponed indefinitely due to issues relating to the securing of requirement easements.
- b) Zurich American Insurance Co./Peter Hanrahan, General Adjuster/Undisputed Hurricane Sandy Wind Claim Payment in the amount of \$200.00/Received February 17, 2015
- c) Zurich American Insurance Co./Peter Hanrahan, General Adjuster/Beach Revenue Loss Not Covered/Received February 17, 2015-Mr. Parlow stated that one of the many claims we submitted to our insurance company was our loss of beach badge revenue and court revenue due to the police officers not being able to write summonses. We have been notified that beach tag claims are not covered under the policy.
- d) Ocean County Board of Chosen Freeholders/John C. Bartlett, Jr./His Letter to John Ducey, Mayor of Brick regarding Homeless Trust Fund/Received February 18, 2015
- e) MetroPCS/Jill Jones, Site Specialist/Termination of Occupancy for Cell Antennae on Lavallette Water Tower/Received February 23, 2015-Councilman Finter stated that MetroPCS will no longer be using our water tower after August. Mr. Parlow stated that MetroPCS has provided notice that they are vacating the water tower. Councilman Lamb questioned if we should start looking now for others. Mr. Parlow stated that we have already started those discussions. Councilman Borowski questioned if we owed them any deposits back and if they will have to remove all their equipment. Mr. Parlow stated that we would not owe them any monies and they will have to remove all their equipment. Contract states that they are required to restore to pre-lease condition.
- f) Media Alert/Chris Vaz, Administrator/Borough of Seaside Heights to Announce Major Outdoor Music Festival Coming to the Area This June/Received February 23, 2015-Councilman Finter stated that this is a two day weekend concert event happening in Seaside Heights and there is also camping on the beaches there. We are a little concerned about this concert affecting our town with their overflow of traffic, parking and flooding our beaches.
A motion was made by Councilman Finter to authorized Mr. Parlow to contact the Seaside Heights Administrator and set up a meeting with their officials and our officials to discuss this issue. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.
- g) State of New Jersey/Department of Environmental Protection/John Moyle, Manager/1002 Ocean Front is located in an Unmarked Zone X/Received February 25, 2015
- h) Connor, Strong & Buckelew/Amy Ann Powers/Comments on NJ Special Commission Report of Benefits and Pensions/Received February 26, 2015
- i) Clean Ocean Action/Catie Tobin/Beach Captains for the year 2015/Anita Zalom, Dave Finter and Clem Boyers/Received February 28, 2015
- j) Ocean County/Department of Solid Waste Management/James Lacey, Freeholder Liaison/Ocean County Recycling Revenue Sharing Program Check in the Amount of \$2,289.50/Received March 4, 2015

General With Action:

- a) Friends of Lavallette Beautification/Arleen Maglionico, Chairperson/requesting to hold a plant swap on June 6th or June 13th at the Tennis Courts/Received February 18, 2015- Councilman Lamb stated that this was done last year also. There were members of the Beautification in the audience and they requested the date of June 13th instead of June 6th due to the big music festival in Seaside Heights.
A motion to approve the plant swap on June 13th was made by Council President Zalom. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.
- b) Congressman Tom MacArthur's Office/Mariella Kuchenbrod, Representative/Congressman MacArthur will display a historical item from Lavallette in his office if we are interested/Received February 18, 2015-Council President Zalom stated that she has been in touch with Tom MacArthur and will take care of this.
- c) Susan and George Carlin/118 Vance Avenue/requesting some help from the town with the sand problem on her property/Received February 19, 2015-Councilman Lamb stated that this has already been looked at and will be taken care of. Mr. Parlow stated that additional boards will be put in the fence that is there.
- d) Regular Republican Club of Lavallette/Mike Vastola, President/requesting to hold their meetings at the new Municipal Building when available on Thursdays from June to November/Received February 23, 2015-Mr. Parlow stated that as soon as our building is ready they will be put on the calendar.
- e) Clean Ocean Action/Catie Tobin, Coordinator//requesting to hold their Beach Sweeps on our beaches on April 25, 2015 and October 24, 2015/Received March 2, 2015- Councilman Lamb stated that this is an annual cleanup of our beach.
A Motion was made by Councilman Stogdill to approve the Beach Sweeps on the dates requested. The Motion was seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.
- f) New Jersey Soil Conservation/New Jersey Tree Recovery Campaign 2015/Free Tree Seedlings for your Community/Received March 4, 2015-Councilman Lamb stated that there are a variety of seedling being offered including beach plum trees. He suggested that we may be able to plant some in front of the fence down at the bay. Mr. Parlow stated that this program is for the Borough to pick up the seedlings from the County and set up a location in town for our residents to pick up the seedlings if they want them. It is to bring back vegetation to the Borough that was damaged in the storm.
A motion was made by Council President Zalom authorize the Administrator to submit an application for the tree seedling program. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.
- g) Kathy Caruso/29 Bullard Drive/requesting that the lifeguard stands be aligned closer to the closed beach access to help eliminate the cluster of people at the beach entrance/ Received March 6, 2015-Councilman Lamb stated that he does notice that the beachgoers do congregate around the beach entrance. The Beach Captain annually determines where the stand goes by where the sand bars are located and what is the safest for the swimmers. Councilman Stogdill stated that the safest spot is more prevalent towards the southeast than the northeast even if we move it ten feet either way. He stated he will talk to the Captain and see what can be done.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Council President Zalom stated that she was late coming to the meeting because she had to attend the CDBG meeting to see how much funding the Borough will receive. Unfortunately, the bigger towns with the bigger populations get the bigger amounts. We asked for \$60,000 and we only received \$33,000, which is the same as they gave us in 2013. The engineer's office did a fantastic job on the application.

COMMENTS FROM THE PUBLIC:

Pat Marrone, Friends of Beautification stated that they will be providing seven more planters on the boardwalk this year. Also, we had put knockout roses down at Hankins Park many years ago and after the storm they were gone. We would like to purchase them again for the park but only if the sprinkler system was replaced.

Councilman Lamb stated that he would check into that and let her know.

Mrs. Marrone also mentioned that they will be having another fundraiser on April 27th and any monies they receive will be going towards the landscaping in front of the new Borough Hall.

Virginia Corney, 1 Newark Avenue stated that on the west side of the dune the snow fence is down. Also, the letter under with action from Kathy Caruso about the lifeguard stand and congestion, she is absolutely right. There is so much congestion and traffic at the Trenton Avenue entrance because of the lack of openings. She asked for the council to please consider opening up Newark Avenue this year as well.

Jon Corney, 1 Newark Avenue questioned what the letters were about under legal about Lenny's Pizza.

Mr. Bernstein stated that the letters were updating Council about the case regarding the liquor license in Superior Court.

Mr. Corney questioned how many times a year we get a reimbursement check for our recycling.

Mr. Parlow stated that he believes it is every six months.

Mr. Corney stated that he thought we use to get a lot more money back years ago.

Councilman Lamb stated that we have a lot less people in town full time now. Not everyone is completely back as of yet.

Mr. Corney stated that something needs to be done about the dunes. We need to get bigger signs up telling people to stay off the dunes and we need to put fencing on both sides of the dunes. There are so many people and kids that walk over and all on those dunes.

Councilman Lamb stated that the signs are there the people just do not seem to acknowledge them.

Mr. Corney stated that they would respond to barriers up on both sides. We need barriers to control the problem as well as signs.

Joseph Palinsky, 122 Washington Avenue stated that there is a triathlon sometime in June that was approved.

Councilman Lamb stated that he is not sure but will check on it.

Mr. Palinsky stated that body cameras on the police officers are much more efficient than in the cars.

Mark Speaker, 111 Brown Avenue stated that the Tourism Guides have come in. Unfortunately, they spelled Lavallette wrong in some areas. He is trying to get some kind of monies back for that. Regarding the Seaside Heights music festival, the bands will be here from June 4th through June 7th. He stated that he will update them as he gets information on it.

Maryann Baginski, 3 Trenton Avenue stated that it is in the best interest for the Police Officers to have those cameras. Also, we need another entrance in the south end of the beach. It is very congested on those beaches. She also asked if there was going to be a town-wide cleanup this year.

Councilman Lamb stated that there will not be and that people are still putting out storm debris and it becomes a problem.

Mrs. Baginski stated that this beach replenishment project is looking like it is going to take another three years before these easements get settled. We need to start thinking about what we are going to do. Also, a big thank you to Public Works for all their snow shoveling. They did a great job!

Patricia Marrone, 11 Elizabeth Avenue stated that people walking on the dunes is a big problem. What they seem to be doing is walking thru the pavilions, stepping on the railings and climbing over the dunes. Also, the south end of the beach is very clustered and it does become a problem.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the donation letters went out for the firehouse so let's get them in. She also reported that Ryker Toscano is now a State Trooper so let's congratulate him. The New York City Bus Trip time frame has been changed to 8am to 7pm instead of 6pm. Richard Fowler has created a book honoring Mrs. Grosko. It will be at the library for anyone who would like to see it.

Councilman Finter thanked Chris Parlow and Mike O'Donnell for getting the Flood Maps changed to reflect that Bay Beach Way is part of Lavallette.

EXECUTIVE SESSION:

There was no executive session.

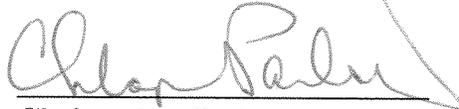
ADJOURNMENT:

A Motion was made by Councilman Finter to adjourn the Caucus/Regular 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 8:00 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 9th day of **March 2015**



Christopher F. Parlow
Municipal Clerk