

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**August 3, 2015-7:00 pm**

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

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

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 Margaret Fuller a resident of Lavallette, Julia Kronicz, an employee's mom, Brian Bea, a former dispatcher, Lauren Bogdan, an employee's wife and Maria Schmidt a resident of West Point Island. They have all passed away recently.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting. He stated that the weather has been beautiful and the road construction has not been that bad. They will be starting again heavy with the road work after Labor Day but they are saying they should be done completely in Lavallette by November. We shall see how that goes.

**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.

Jack Sauer, 405 Bay Boulevard stated that he just wanted some clarification regarding the goose patrol and where the dogs are allowed to be on the beach. He walks his dog on the beach where the boat moorings are and he has a goose patrol tag and yet he gets some derogatory looks from people as if he is not allowed to be there.

Mayor LaCicero stated that the dogs are allowed to go on places of resort and that is a place of resort. There have been some issues with it and we are trying to rectify it.

Councilwoman Filippone questioned if the proper signage is there. She stated that she will look into it.

Mr. Hascher stated that he sees the dogs on the swimming beaches on the bay, also. Is that allowed.

Mayor LaCicero stated that the dogs are not allowed on any of the bathing beaches. If he sees them on the swimming beaches he should contact the police.

### **APPROVAL OF MINUTES:**

Minutes of Regular Meeting of July 20, 2015

Minutes of Executive Session of July 20, 2015

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

### **REPORTS:**

- a) Construction Report for July-Councilwoman Filippone-read report
- b) Zoning Report for July-Councilwoman Filippone-read report
- c) Municipal Court Report for July-Councilwoman Filippone-read report
- d) Police Overtime Report for July-Councilwoman Filippone-no report
- e) Public Works Report for July-Councilman Lamb-Public Works took care of the replacing the sign that had the graffiti on it. The basketball courts are in bad shape but we are not going to start repairing them until the fall. Council President Zalom stated that the artist that did the sign that had the graffiti damage has picked up the sign and will repaint it for us.
- f) Beach Badge Report for July-Councilman Stogdill-read report
- g) Public Affairs Report for July-Council President Zalom-Shuffleboard is happening on Tuesdays at 8am. Pickleball is still a big hit. The Ocean Ride bus has been told to stay off of Bay Blvd. She received a complaint about the lots in front of WPI being a mess and full of weeds. The lots are owned by the County so she called them up and they will take care of cleaning them up. The ROTC is interested in helping with our dune grass plantings and Clean Ocean Action. The cancer walk was yesterday and we had roughly 1,000 people participate. That was our biggest yet. The LBA Christmas in July was fantastic and let's not forget to attend their Clambake on August 15<sup>th</sup>. Also, Joanne, Dave and she will be having coffee with Congressman MacArthur in Lacey Township
- h) Bond Anticipation Note Sale Report-Chief Financial Officer-Mr. Parlow stated that the rate we received on this bond sale was .45% which is an outstanding rate. PNC Bank is very provided the note.
- i) Tax Account Report for June-Tax Collector
- j) Revenue Transaction Report for June-Chief Financial Officer

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

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

## RESOLUTIONS – ON CONSENT

- 2015-219 authorizing the state contract purchase through Contract No. A-81713 for the purchase and installation of furniture for the new municipal building from Global Industries, c/o Feigus Office Furniture in the amount of \$113,788.65
- 2015-220 authorizing the state contract purchase through Contract No. A-79829 for the purchase and installation of a space saver high density storage system for the construction code office in the new municipal building from Diversified Storage Solutions, Inc. in the amount of \$14,300.75
- 2015-221 authorizing the state contract purchase through Contract No. A-79829 for the purchase and installation of various lockers for the Lavallette Police Department in the new municipal building from Diversified Storage Solutions, Inc. in the amount of \$46,731.50
- 2015-222 appointing three lifeguards for the end of the 2015 summer season at an hourly rate of \$9.00
- 2015-223 approving a facilities use application to the Brick Vipers Travel Baseball Team to hold their practices from July through October from 6pm to 8pm and their games in September and October at 1pm
- 2015-224 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette First Aid Squad-Councilman Finter requested that this be put off consent.
- 2015-225 authorizing the removal of one electric account at 121 Guyer Avenue due to the two family becoming a one family dwelling
- 2015-226 authorizing the removal of one electric account at 109 New Brunswick Avenue due to the three family becoming a two family dwelling
- 2015-227 authorizing the Mayor to sign an application for special permit for social affairs to Lavallette Business Association for the sale of alcoholic beverages at their Clambake at Chandler Field on August 15, 2015 from 6pm to 10pm
- 2015-228 consenting to the renewal of Plenary Liquor License No. 1515-33-004-013 for license year 2015-2016 held by Sherman Hospitality, LLC-Councilwoman Filippone questioned why it was still operating as Gabriella's Restaurant and Pete's Poolside Bar. It is now some other name and she does not think Kim Pascarella is even involved. Mr. Bernstein stated that this resolution should be pulled until he can look into this issue.
- 2015-229 authorizing the refund of planning board escrows to Brooklyn Avenue, LLC in the amount of \$799.00

2015-230 awarding a contract for base bid for the project known as "Concrete Sidewalk Construction-Ocean Side Streets to MNC General Contracting, Inc., in the amount of \$25,094.36-Council President Zalom stated that she would like this pulled because she needs to have some more discussion on it with Council and the County

A Motion was made by Councilwoman Filippone to approve the consent agenda minus Resolutions 2015-224, 2015-228 and 2015-230. The Motion was seconded by Councilman Borowski.

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, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS - OFF CONSENT:**

2015-224 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette First Aid Squad

A Motion was made by Councilman Lamb to approve Resolution 2015-224. The Motion was seconded by Councilwoman Filippone.

The Mayor opened the floor to the public 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, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Finter abstained. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2015-231 Bills List in the amount of \$18,012,942.07

A Motion was made by Councilman Borowski to approve the bills list. The Motion was seconded by Councilman Lamb.

The Mayor opened the floor to the public and asked if anyone wished to comment on the bills list.

No one wished to comment.

The Mayor closed the floor and asked Council for a vote on the bills list.

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

**ORDINANCES ON FOR ADOPTION:**

ORDINANCE NO. 2015-05 (1141) ORDINANCE OF THE BOROUGH OF LAVALLETTE, AMENDING CHAPTER 89 OF THE GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED "VEHICLES AND TRAFFIC"

The Mayor stated that this ordinance is regarding the two hour parking in front of the Bay View Café on Bay Boulevard.

A Motion was made by Council President Zalom to adopt Ordinance 2015-05 (1141). The Motion was seconded by Councilman Stogdill.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this Ordinance.

No one wished to comment.

The Mayor closed the Public Hearing and asked Council for a vote on this Ordinance.

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/PBA Local 372 & Borough of Lavallette/Received July 8, 2015
- b) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Teamsters Local 97 and Borough of Lavallette/Received July 15, 2015
- c) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria Restaurant, Inc. v. Borough of Lavallette/Received July 16, 2015
- d) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Borough of Lavallette v. Andrews/Received July 28, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 14/Received July 14, 2015

- b) O'Donnell, Stanton & Associates/John Berens, Engineer/Water Meter Replacement/Rio Supply, Inc. Pay Estimate No. 4/Received July 14, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Concrete Sidewalk Construction/Ocean Side Streets/Bid Review and Recommendation/Received July 20, 2015
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Installation of New Standby Generator/Pay Estimate No. 1/Received July 23, 2015

New Jersey League of Municipalities:

- a) Innovation in Governance Awards/2015 Invitation/Received July 10, 2015
- b) Recent Supreme Court Decision/Keyport v. Local 68/Received July 15, 2015
- c) Mayor's Committee on Life Sciences/Received July 15, 2015

General With No Action:

- a) State of New Jersey/Office of the Comptroller/J. Adam Hughes, Asst. Director/Report on the Emergency Services Volunteer Length of Service Awards Program/Received (LOSAP)/Received July 7, 2015
- b) Ocean County Utilities Authority/Joanne Kazanowsky, Exec. Assistant/Bulk Rate Charges starting January 1, 2016/Received July 7, 2015
- c) Congress of the United States/Tom MacArthur, Congressman/letter to FEMA in support of the Borough's appeal of the FEMA denial for public assistance funding for the Municipal Building/Received July 8, 2015-Mayor LaCicero stated that this letter is in support of us getting funding for our new municipal building.
- d) New Jersey Natural Gas/Andrew Dembia, Esq/Petition for Approval and Authorization to Construct and Operate the Southern Liability Link/Received July 15, 2015
- e) State of New Jersey/Department of Transportation/Dominick Critelli, Manager/Guyer Avenue Road Improvements/FY 2015 Municipal Aid Program/Received July 22, 2015-Mr. Parlow stated that we will have a resolution on for Guyer Avenue Road Improvements for the next meeting.
- f) Jersey Central Power & Light/Sally Cheong, Manager/Annual Universal Service Fund Compliance Filing/Received July 22, 2015
- g) State of New Jersey/Department of Community Affairs/Timothy Cunningham, Director/Appeal of Round 3 Essential Service Grant Determination/Received July 23, 2015
- h) Ocean County Planning Board/David McKeon, Planning Director/Long Term Community Recovery Plan/Received July 23, 2015
- i) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/list of properties determined to be eligible for demolition/Received July 28, 2015
- j) New Jersey Department of Environmental Protection/Office of the Communications/Governor's Environmental Excellence Awards/Received July 30, 2015
- k) Township of Woodbridge/Mayor John McCormac/2015 New Jersey Senior Olympic Games/Received July 31, 2015

General With Action:

- a) Karen Perrucci/100 Magee Avenue/ requesting the Mayor and Council vote to ban smoking on our beaches/Received July 9, 2015-Mayor LaCicero stated that no one has been in favor of this in the past.
- b) Ocean County Columbus Day Parade Committee/Isa Appignani, Co-Chair/inviting Mayor and Council to participate in the Columbus Day Parade on October 11, 2015/Received July 15, 2015-Council President Zalom stated that she and Councilwoman Filippone always attend and Councilman Finter will be also.
- c) Eileen Martin/24 Princeton Avenue/requesting some help with contacting their neighbor at 22 Princeton Avenue and having him cleanup the garbage on his property/Received July 28, 2015-Mr. Parlow stated that this is one of the houses that the State has taking over and will be demolishing. Also, the Code Enforcement Officer has issued a notice of violation to the property owner to clean up the property. Mayor LaCicero stated that we had a dozen or so houses that we put on a list for demolition and they chose a number of properties and took possession of them. He stated that he is not quite sure what rights the homeowners have now and when they will be allowed on their properties.

#### **UNFINISHED BUSINESS:**

Council President Zalom stated that we were awarded \$37,000 for the CDBG funds in 2013 and were going to use those funds for the ocean side street sidewalks . There was a total of eight streets included in the bid specifications. It turned out that we do not have enough money to do all eight streets so they only were going to do five streets. This was not acceptable to her because everyone loved the idea and the eight streets need to be done. She stated that she called the County and asked them if we could use some additional money from the 2015 funds and they said that would be no problem as long as we sent a letter to them requesting this.

Mr. Parlow stated that we have not officially received an award letter from the County granting us the 2015 funds as of yet. Also, we should also get an authorization letter from the County stating that we are allowed to use the 2015 funds along with the 2013 funds.

Mr. Parlow stated that we went out to bid for this project and the Engineer bid it out with a base bid, as well as, an Alternate #1 just to see what we would get. The low base bid was too low and the lowest alternate bid was to high with the funds that we were given so it did not help us either way.

A Motion was made by Councilman Borowski to authorize a letter to be sent to the County requesting that a portion of the 2015 CDBG funds be used along with the 2013 CDBG funds in order to be able to do the eight streets of ocean side sidewalks. The Motion was seconded by Councilman Finter. 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:**

Mary Logios, 4 Sterling Avenue stated that the goose patrol with the dogs and where they can be has become very confusing. They really need to be told ahead of time where they can go.

Mayor LaCicero stated that they can only be on places of resort fields such as the gazebo area and the ball field. They can not be on the bathing beaches at anytime.

Mrs. Logios complained about the employees of the Ohana Grill and Lavallette Liquors taking up all the street parking on Sterling Avenue. It is such a narrow street to begin with and with all these cars parked on it we are very cramped. They also park right up to the stop sign and she thought there was a law that you had to park so many feet away from a stop sign.

Councilwoman Filippone stated that they could not limit parking on a public street. The streets are free for parking.

Mrs. Logios stated that she is not asking for that she just wants a sign saying no parking however many feet from the stop sign so we do not have a problem pulling out of our street. She also questioned Councilman Lamb on if he heard anything about the garbage receptacles on Bryn Mawr Avenue.

Councilman Lamb stated that he believed they were already put back there but he will check with Public Works.

Mrs. Logios also stated that she would like to know if 106 Bryn Mawr was part of the demolition program with the State and if they will be taking care of that mess.

Mr. Parlow stated that after the meeting she can come and talk to him about it.

Bob Astorino, 2 Elizabeth Avenue questioned if the Army Corps will be responsible for paying for the entire beach replenishment project or is the Borough going to be responsible for some costs.

Mayor LaCicero stated that the Army Corps and the State will be funding the entire amount of the project.

Mr. Astorino stated that his neighbor was wondering if we should put some dead end signs on all the ocean side streets to warn people that the ocean street as dead ends.

Mayor LaCicero stated that we have never had to do that so it is probably not going to be an option.

Mr. Astorino also questioned if we had any code laws prohibiting fire pits or if we had any restrictions regarding them.

Mayor LaCicero stated that there were no restrictions and they were not prohibited in Lavallette. If he is having an issue with one he can take a video or pictures of where it is and bring it to the Code Officer and maybe he can see what can be done.

Clem Boyers, 20 Kerr Avenue stated that people know our ocean side streets lead right to the ocean. There is no need for dead end signs. They are speeding up the street looking for parking spaces so they do not have to walk far.

Chris Chamberlain, 401B Grand Central Avenue stated that he talks walks on the boardwalk at night and he sees the bicycle police up there and they don't seem to be equipped with the proper lighting on their bikes for safety purposes. He also thinks they are in need of some repair and the police should have gloves for a better grip. He also thinks that the boats the lifeguards pull in and out of the water are very heavy and could cause some injury so maybe we should try and put some wheels on them to make it easier for them to guide.

Mayor LaCicero stated that Councilman Stogdill and Councilwoman Filippone will look into those issues.

Jon Corney, 1 Newark Avenue stated that maybe you guys need to invest in some pin on microphones. He stated that he was glad to see that that the oldest bonds were cleaned out and paid off. How about all these projects listed on this report what are we going to do about these.

Mayor LaCicero stated that those projects have already been done and we are taking care of getting those paid off.

Mr. Corney questioned what was going to happen in July 2016 with the notes. We need to pay down these appropriations. He also recommended that the Borough place additional money in the capital improvement fund going forward. He also stated that we really need to make sure everything is encumbered.

Mayor LaCicero stated that since the storm we have no requests for capital improvements. We had to buy new trucks for Public Works, new police vehicles for the police department, a new municipal building, new lifeguard station. He stated there is nothing left to purchase.

Mr. Corney stated that this is his year for finances and he is going to make sure he reviews everything so we can get a reduction in our 2016 taxes.

Frank DeRosa, 13 Elizabeth Avenue questioned when the beach replenishment was going to start.

Mayor LaCicero stated that the Army Corps split the project in two phases. They are going out to bid in September as far as we know. There are two lawsuits regarding the easements but that does not include Lavallette. We are hopeful that the anticipated start date will be some time in the winter for us. Our phase is from Seaside Park to Lavallette.

Mr. Parlow stated that they will be doing everything in sections. There will be 1,000 feet in a section and in order for the contractor to receive payment the entire section must be completed.

Mr. DeRosa questioned when his portion of Elizabeth Avenue will be repaved.

Mr. Parlow stated that his section of Elizabeth Avenue is the next street for road improvements.

Joe Palinsky, 122 Washington Avenue questioned how much Dilworth Paxson charged for this bond sale.

Mr. Parlow stated that he did not have the exact figures but we still saved \$250,000 even after attorney fees were paid out. The note interest rate was only .45%.

Mark Speaker, 111 Brown Avenue thanked Mayor and Council for always supporting the LBA and all their events. Founder's Day is soon approaching and we have a lot of new ideas that we think everyone is going to love.

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

Councilman Borowski stated that the Waves of Impact will be holding their surf camps on Tuesday and Wednesday August 11<sup>th</sup> and 12<sup>th</sup> for the disabled kids and veterans. Come take a look it is very inspirational.

Council President Zalom stated that we have a new reporter for the Ocean Star and her name is Kim and she is in the audience. The planters on the boardwalk donated by the Beautification Committee are absolutely gorgeous. She stated to not forget the movies on the bay on Tuesday nights at 8pm. Also, thanks to Councilman Stogdill for the high tide, water temp and low tide times on the back of the lifeguard stands.

Mr. Parlow stated that we will not be sending the tax bills yet for another couple of weeks. He also stated that he works closely with the finance officer getting the best rate on these bond sales and making sure we pay them off as we go. We do not defer our bond payments for any period of time. All the projects that were in that bond sale report will be paid off within the ten years and this process has worked well for us all these years. Unfortunately, we gained 16 million dollars worth of debt because of Sandy and we are still doing pretty well even with that.

Mayor LaCicero stated that he believes in Mr. Parlow's philosophy and thinks we are in a good place because of that.

Council President Zalom stated that the Upper Shores Library celebrated its 20 years.

### **EXECUTIVE SESSION:**

There was no executive session.

### **ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 8:25 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 3<sup>rd</sup> day of **August 2015**

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

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