

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
March 7, 2016-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
Councilwoman Filippone was absent.

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 was published in the Ocean Star on January 8, 2016. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: Mayor LaCicero stated that there have been no residents who have passed recently and no troops who have been killed in the line of duty. He did ask for a moment of silence in memory of Nancy Reagan.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He apologized for not attending the last meeting but he was not feeling well.

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

The Mayor stated that 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.

Frank DeRosa, 13 Elizabeth Avenue stated that Elizabeth Avenue seems to have taken another hit with the blizzard in January. He asked what is going to happen with the beach openings this year. He asked if there is going to be an opening through the Elizabeth Avenue pavilion this year?

Mayor LaCicero stated that they leave it up to the Beach Captain to pick the openings each year. He bases it on sand bars and swimming beaches. With all the issues concerning Elizabeth Avenue he would be leery to make that an opening.

Mr. DeRosa stated that he thinks if they feed through the middle and go out it would make more sense. The South End of town seems to always get hit the worst.

Councilman Lamb stated that he agrees that opening that dune is definitely not a good idea. It's just not strong enough. He stated that putting an opening there is just affecting the integrity of the dune.

Mr. DeRosa stated that there was never any strength in that dune to begin with.

Mr. Parlow stated that he hopes that Mr. DeRosa is not asking the borough to open the dune and make it worse which will sacrifice the homes on Elizabeth Avenue.

Mayor LaCicero stated that Councilman Lamb has a maintenance plan from the Superintendent of Public Works that he will be explaining in a couple minutes if he wants to wait and listen.

Mr. DeRosa questioned when the Army Corps project would be starting.

Mayor LaCicero stated that there are still lawsuits regarding the easements. He has been told that the Judge is suppose to render a decision on those easements this week.

Mr. DeRosa stated that last he heard they were talking about starting with the towns that already have the easements approved and starting south to north.

Mayor LaCicero stated that is what they were talking about doing and then unfortunately that changed also.

Councilman Lamb stated that the Superintendent of Public Works in his maintenance plan does emphasize the three streets being Newark, Elizabeth and Princeton as needing most of the work. We will be taking the sand off the boardwalk and putting it back on the east side of the dune.

Mayor LaCicero stated that Ortley Beach never plants dune grass and their dunes never hold. Yet they get all this grant money for millions to keep putting sand piles up on their beach without planting the grass.

Council President Zalom questioned how Toms River keeps getting all this grant money to keep fixing their problem instead of fixing it once and yet we fix our problems right away but still cannot get any money from the government.

Councilman Borowski questioned with our maintenance permit can we move sand east to west.

Mr. Parlow stated that with the permit we can only move it north to south in 1 foot increments. When you have an area that does not have a lot of beach left it does not make sense to remove the berm.

Councilman Borowski questioned when we rebuilt the dunes after Sandy where we got the sand from.

Mr. Parlow stated that we took it from the streets, boardwalk and the dredged sand from the County.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of February 22, 2016

Bid Opening Minutes of February 26, 2016

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

REPORTS:

- a) Construction Report for February 2016
- b) Zoning Report for February 2016
- c) Municipal Court Report for February 2016
- d) Police Overtime Report for February 2016
- e) Public Works Report for February 2016-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-the ski trip was wonderful. Everyone enjoyed themselves. The Fire Department is hosting the Taste of the Barrier Island on April 9th from 6 to 9 pm. Clean Ocean Action will be on April 30th. The Lavallette PTO will be hosting a 5K Run on May 14th. The NYC bus trip will be on April 16th and the two NYC bus trips in December will be on December 7th and December 10th. Thanks to the LBA for hosting this year's Easter Egg Hunt on March 18th.
- g) Tax Account Report for February 2016-Tax Collector
- h) Revenue Transaction Report for January 2016-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2016-96 establishing the beach badge preseason beach badge office hours for the 2016 summer season and establishing the official summer beach opening day-Councilman Stogdill stated that the badge office will be open for preseason starting May 6th and once the season opens it will be open 9am to 3pm every day except for Saturdays will be 9am to 4pm.
- 2016-97 approving a special event/facilities use application for Lavallette School PTO to hold a 5K Run/Walk on the bay front and the Washington Avenue parking lot for registration on May 14, 2016 from 9am to 11:30 am
- 2016-98 appointing Donnelly Amico as Acting Municipal Clerk effective as of April 1, 2016-Mayor LaCicero stated that this resolution is going to be pulled and discussion of the position is going to be discussed not the employee.
- 2016-99 approving two raffles for the Lavallette School PTO on April 8, 2016 and April 15, 2016

- 2016-100 authorizing the execution of change order #10 to the contract with Wallace Brothers, Inc. increasing the adjusted contract price by \$2,967.80-Mayor LaCicero stated that this is for some curbing and railings that are needed.
- 2016-101 approving the Lavallette Business Association's sidewalk sales and display dates for the 2016 summer season
- 2016-102 authorizing the approval of Chap Construction to perform work at the Lavallette Fire house associated with the disconnect and installation of their commercial kitchen equipment at no cost to the Borough of Lavallette-Councilman Borowski thanked Chap Construction and stated that they did an awesome job of helping us out. Councilman Lamb requested a thank you letter be sent to them.
- 2016-103 approving a special event/facilities use application to Danielle Maoli for Beach Yoga to be held on the Ortley Avenue ocean beach on Tuesdays, Saturdays and Sundays at 8am on various dates-Mayor LaCicero stated that this has been an annual request.
- 2016-104 awarding a contract to Johnson Baran Corp. for road improvements to Vance Avenue in the amount of \$111,004.72-Mayor LaCicero stated that this is for the paving of Vance Avenue.
- 2016-105 amending the temporary budget-Mr. Parlow stated that until the budget is adopted there is a need to continue to adjust the temporary budget.
- 2016-106 approving a facilities use application to Breath Life Yoga to hold yoga classes on the Reese Avenue bay beach and the ocean beach between Newark & Trenton Avenues starting June 1, 2016 through September 2, 2016 Wednesday & Friday evenings and Sunday mornings-Mayor LaCicero stated that this is a new request but does not coincide with the other dates requested so this is fine.
- 2016-107 approving a facilities use application to Brick Vipers Travel Baseball Team to hold their practices March through June, Mondays through Fridays and their games on Sundays-Mayor LaCicero stated that this is an annual request.
- 2016-108 endorsing the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection
- 2016-109 certifying the submission of expenditures for the Recycling Enhancement Act taxes paid in the amount of \$5,830.39 for the year 2015

A Motion was made by Council President Zalom 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. The Mayor closed the floor to the public and asked Council for a vote on the consent agenda with the exception of 2016-98.

Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.: Second: Discussion: Public Comment: Vote:

RESOLUTION - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2016-110 Bills List in the amount of \$1,098,995.15

A Motion was made by Council President Zalom to approve the bills list. The Motion was seconded by Councilman Stogdill.

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 to the public and asked Council for a vote on the bills list.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Borough of Lavallette & Teamsters Local 97/Received February 9, 2016
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria and Restaurant v. Borough of Lavallette/Received March 1, 2016
- c) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Richard & Mary Pat Molke v. Borough of Lavallette/Received February 16, 2016
- d) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Borough of Lavallette v. Andrews/Received February 24, 2016
- e) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Teamsters Local 469 and Borough of Lavallette/Received February 25, 2016

Engineering:

- a) O'Donnell, Stanton & Associates/John Berens, Engineer/Route 35 Restoration/Punch List/Received February 22, 2016
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Guyer Avenue Road

Improvements/Received February 26, 2016

New Jersey League of Municipalities:

- a) NJLM 24th Annual Mayors' Legislative Day Recap/Received February 4, 2016
- b) Weekly Policy Update/Received February 5, 2016
- c) Governor Seeks Major Disaster Declaration for 17 Counties for Jonas/Received February 11, 2016
- d) A-302, Revenue Restoration Bill Needs Amendment/Received February 12, 2016
- e) Weekly Policy Update/Received February 12, 2016
- f) Updated Vegetative Management Regulations/Received February 18, 2016
- g) Governor Presents State Budget Proposal for Next Fiscal Year/Received February 17, 2016
- h) Weekly Policy Update/Received February 19, 2016
- i) April 12 Hearing-Municipal Storm Water NJPDES Permit Program/Received February 23, 2016
- j) Recent Unreported Appellate Division Decision Regarding Municipal Inspection of Residential Rental Units/Received February 24, 2016
- k) 22nd Annual Mayor's Hall of Fame/Received February 25, 2016-Mayor LaCicero stated that he qualifies for this Hall of Fame this year because he has been the Mayor for 10 years.
- l) Weekly Policy Update/Received February 26, 2016

General With No Action:

- a) Verisk Insurance Solutions/Dale Thomure, Manager/New ISO Report/Community Resilience Scoring and Disaster Impacts/Received February 9, 2016
- b) SBA/Disaster News/SBA to Close Some Recovery Centers in NJ/Last Chance to Get One-On-One Assistance/Received February 16, 2016
- c) State of New Jersey/Department of Environmental Protection/Bureau of Mobile Sources/Tony Iavarone, Chief/Reducing Diesel Particulate Emissions from Municipal Equipment/Received February 16, 2016
- d) New Jersey State Legislature/10th Legislative District/letter stating they are opposed of Assemblyman Gusciora's Bill, A-2589/Received February 22, 2016-Mayor LaCicero stated that he appreciates our legislative district speaking up for all of their towns.
- e) FEMA Fact Sheet/NJIP Transformation Task Force Update/Received February 22, 2016
- f) FEMA/Jerome Hatfield, Regional Administrator/Project Worksheet 440/First Appeal Response/Received February 29, 2016 – Mr. Parlow stated that the Borough anticipated the receipt of the rejected of the Borough's appeal, we are preparing the second appeal.
- g) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor /property at 121 New Jersey Avenue is being removed from the Demolition Program due to homeowners request to opt out of program/Received March 3, 2016
- h) State of New Jersey/Department of Community Affairs/Edward Smith, Director/Close Out of Code Enforcement Assistance Program/Received March 4, 2016-Mr. Parlow stated that we might have to hire an additional part/time building inspector.

General With Action:

- a) Clean Ocean Action/Catie Tobin, Program Manager/requesting to hold their annual beach sweeps on the Lavallette Beach on April 30, 2016 and October 22, 2016 from 9am to 12:30 pm/Received February 16, 2016-Mayor LaCicero stated that this is a yearly request.
- b) Shaded Vision/Tyler Mesanko, Owner/requesting assistance from the Mayor and Council with the flooding issue in front of his store/Received February 23, 2016-Mayor LaCicero stated that this puddling is from a sump pump issue. We will get Public Works to video the area and see what can be done.
- c) Donald & Janice Fix/223 Westmont Avenue/requesting assistance from the town about the pooling of stagnate water in front of our home/Received March 2, 2016-Mayor LaCicero stated that this is going to be fixed along with the contractor who will be doing the Vance Avenue road improvements.
- d) Board of Chosen Freeholders/Freeholders Kelly & Little/2016 County Road Improvement Program/requesting an itemized list of projects, improvements and local concerns for consideration regarding the County roads in Lavallette/Received March 2, 2016-Mayor LaCicero stated that we use to have an annual meeting to discuss the projects needed to be done. One issue that has been brought to his attention that might go on the list is some curbing in front of a property on Bay Blvd. that has been damaged since the storm. Mr. Parlow stated that the County's policy has always been no fixing of curbs. Council President Zalom stated that she needs to get on them about the plantings along the median on Bay Blvd. Councilman Finter stated that they still have not taken care of that drainage pipe on President and Bay Blvd. Council President Zalom stated that they did start to fix that pipe and then realized it was a bigger job than they previously anticipated and had to go out to bid for it.
- e) Chap Construction/Barbara Farley, Manager/requesting to have a Open House/Grand Opening on June 4th with a rain date of June 11th from 9am to 5pm/Received March 3, 2016- A Motion was made by Councilman Borowski to approve the request. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Councilman Borowski stated that he has been approached about having beach badges for Christmas gifts. Is there anyway we can maybe do this.

Mayor LaCicero stated that if we bought the badges early for the next year that would impact the current budget. We did do this once before with some type of gift certificates but it did not seem to be a big hit.

Mr. Parlow stated that we did do it one year and there was not a big response at all.

Council President Zalom stated that she has a lot of people approaching her about a town wide garage sale for this year. We have not had one since Sandy but everything has seem to quieted down so maybe we need to think about it for this year.

Mayor LaCicero stated that we use to have the garage sale along with the bulk pickup but we are not having bulk pickup this year.

Mr. Parlow stated that we bulk waste is more expensive then the household waste at the landfill so it does cost us more money with bulk pickup.

Council President Zalom stated that we just will not have the bulk pickup and just have the sales.

Mayor LaCicero stated that we can do it that way but then the homeowners will be responsible for paying for each item at the curb for pickup and he is not sure they will be willing to deal with that issue.

Council President Zalom stated that she has been getting a lot of complaints about the parking in front of our new building for the post office. Before the storm we had two 15 minute parking spaces in front of the municipal building and we really need to get them back.

Mayor LaCicero stated that he is still in the middle of negotiations with the DOT regarding the parking on the highway. Once that is resolved they will be putting back the parking signs the way they were before the storm.

Councilman Borowski stated that it will become more of an issue when the Beach Badge Office opens up there.

NEW BUSINESS:

Mayor LaCicero stated that he did a drive by on all these properties and this 18A Kerr Avenue has a driveway. Apparently, his neighbor did get a permit last year and the driveway seems to be shared by both properties. We were not informed of the driveway with his neighbor. The driveway is being used so he does not think he should get a parking permit. It can go one of two ways, Mr. Rabke can keep the driveway for his personal use only and his neighbor can continue the use of her parking permit or if Mr. Rabke wants a parking permit then they can close up the driveway and he can get a parking decal as well. If it becomes too much of an issue then we will have to discuss the neighbor's permit and her use of the driveway if she does still use it. He will be reaching out to Mr. Rabke to discuss the matter.

Residential Parking Permit Application-Richard & Barbara Rabke of 18 ½ Kerr Avenue

Mayor LaCicero stated that he drove by this house and there is a driveway at 3A New Brunswick but not 3 New Brunswick. This property is in compliance

Residential Parking Permit Application-Paul Genovese, Jr. of 3 New Brunswick Avenue

Resolution 2016-109A

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

Mayor LaCicero stated that he drove by this property and it does not have a driveway and the neighbor at 15 Kerr Avenue already has a parking permit. This property is also in compliance.

Residential Parking Permit Application-George & Janet Smith, 15A Kerr Avenue

Resolution 2016-109B

A Motion was made by Councilman Finter to approve a Residential Parking Permit Application. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

COMMENTS FROM THE PUBLIC:

Mary Logios, 4 Sterling Avenue stated that in the area in front of 100 Bryn Mawr the black top is very damaged and is posing a dangerous situation.

Mayor LaCicero stated that he will have Public Works take a look at it and see if it is our issue or the State.

Mrs. Logios stated that awhile back Councilman Lamb was going to look into getting the receptacles back on Bryn Mawr and the highway. She ask if it can be looked at.

Mayor LaCicero stated that Councilman Lamb will take care of that.

Mrs. Logios stated that there is a parking issue on Sterling and Bryn Mawr by the stop sign. The cars are parking too close to the stop sign and it is posing a hazard for people trying to get onto Bryn Mawr from Sterling because they can not see at all what is coming each way.

Mayor LaCicero stated that there is no parking at least 25 feet from a stop sign. He will have the Chief go down and take a look and see what can be done. Maybe there needs to be some yellow lines painted if necessary.

Clem Boyers, 20 Kerr Avenue stated that if they decide to have garage sales without the bulk pickup it is going to create a very messy situation for the entire town. Everyone will be putting it all to the curb and just leaving it for the junk collectors. There are going to be a lot of red stickers everywhere.

Mark Speaker, 111 Brown Avenue thanked Mayor and Council for approving the sidewalk sales. He stated that one issue they can bring up with the County is the deplorable is the gutter line on Bay Boulevard and Vance and Brown Avenues. Also, Magee Avenue and Bay Boulevard sidewalks are in deplorable condition.

Mayor LaCicero stated that he will have to take a look at Magee Avenue because that might be our problem.

Mr. Parlow stated that the paving of the bike lane on Bay Boulevard in that area of Vance and Brown is already on the County's list.

Mr. Speaker stated that if they are considering doing Christmas presents of the beach badges can they look into doing the boat moorings, also.

Mr. Parlow stated that the only way we could do the badges for the holiday is to buy the physical badges for 2017 in November of 2016. We will have to look more into it.

Mr. Speaker stated that we all are looking forward to our parking signs coming back. Also, the State has advised me that all the orange signs on the southbound highway will be coming down. The Founder's Day Committee has the vendor applications ready on the municipal website.

Jon Corney, 1 Newark Avenue questioned if there was or was not going to be a bulk pickup this year.

Mayor LaCicero stated that they were not quite sure as of yet.

Mr. Corney stated that one way to allow the access on Elizabeth Avenue is to connect a walkover at the end of the pavilion.

Mayor LaCicero stated that is what we did last time and we received the \$67,000 fine from the DEP.

Mr. Corney stated that as far as bringing the sand up try a conveyor belt.

Councilman Lamb stated that we have talked about doing that.

Mr. Corney stated that the steel concrete posts at the end of the streets by ocean have yellow cones over them. They are constantly being taken off by kids. We need to do something about bolting them down somehow.

COMMENTS FROM THE MAYOR AND COUNCIL:

Councilman Borowski thanked Council President Zalom for all the work she does with the ski trip. The kids, teens and adults really have a great time. The Fire Department is sponsoring the Taste of the Barrier Island at the Firehouse on April 9th from 6 to 9 pm. It was a great event last year and will be again this year. Hopefully, we can have our Oyster Dinner this year also. The First Aid was able to purchase a new ambulance and now have twin rigs. We want to thank all the residents who gave donations because we were able to purchase the rig with their donations.

Council President Zalom stated that she is very glad to be home.

Everyone wished Anita Happy Birthday.

Councilman Stogdill stated that just to reiterate what was discussed before. The beach badge office will be open every day once the season starts from 9am to 3pm except on Saturdays it will be open from 9am to 4pm.

Mayor LaCicero stated that the search for a new Administrator is still pending. We did get a lot of applications and have weaned them down a lot. There are definitely a least a dozen that are viable. Mr. Parlow has agreed to stay until April 30th which does help us out. We will be starting interviews shortly.

Council President Zalom stated that everyone that she sees compliments our beautiful new Municipal Building.

Mayor LaCicero stated that he will be hosting a Mayors Meeting with the barrier island Mayors in our new Municipal Building. They have been asking for a tour of our new building and also to discuss some barrier island issues that affect our towns so this is taking care of both issues.

EXECUTIVE SESSION:

Dominic DiYanni stated that there is a need to go into executive session to discuss the position of Acting Municipal Clerk. There may be action taken.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 8:15 pm.

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

Dominic DiYanni stated that while in executive session there was discussion about a personnel matter regarding the Acting Municipal Clerk position. There is action that needs to be taken.

Resolution 2016-98

Appointing Donnelly Amico as the Acting Municipal Clerk effective April 1, 2016.

A Motion was made by Councilman Borowski to approve Resolution 2016-98. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

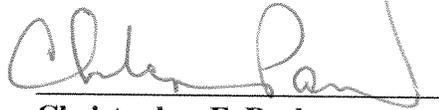
ADJOURNMENT:

A Motion was made by Council President Zalom to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:34 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 7th day of **March 2016**

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

**Christopher F. Parlow
Municipal Clerk**