

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTTE FIRST AID BUILDING
June 3, 2013-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, 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 May 31, 2013. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Michael Franzoso and Carolyn Stone, two longtime residents who passed away and for all the troops overseas.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

INTRODUCTION: West Point Island resident Tim Beaver who was the photographer of the pictures that were displayed in our calendar

The Mayor introduced Tim Beaver as being the photographer of the pictures in our Calendar and thanked him for sharing them with us.

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight's meeting.

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

Mayor LaCicero stated that anyone in the audience who was here to speak about anything that was not on the agenda or not storm related or if they could not stay for the remainder of the meeting could do so now.

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

Barbara Peraino, 12 Reese Avenue questioned how long will the minimal openings to the beach remain.

Mayor LaCicero stated that the decrease in beach openings is only a temporary situation for this year. The Army Corps of Engineers will be doing their beach replenishment project very soon and we should hopefully have the 26 openings again next year.

Jeanette Marchiafava, 3 Reese Avenue questioned why we just can not have a path on every street end going to the beach without opening it too wide.

Mayor LaCicero stated that we are trying to maintain control with just opening a minimal amount of openings this year. It is a temporary situation until we have our dune system complete.

Mrs. Marchiafava questioned why we can not just cut a walkway through and wrap fence around it.

Mayor LaCicero stated that is what we had before and the storm destroyed our dunes.

Council President Zalom stated that once the Army Corps Project is completed we will have walkovers on every street and there will also be handicap accessible walkovers on some of those streets also.

Lucille Jarosinski, 1305 Bay Boulevard stated that they should change the access from Magee Avenue to Brown Avenue because Magee Avenue opening is so narrow and there is so much more construction that is was so chaotic up there.

Mayor LaCicero stated that he has had some discussions with the Lifeguard Captain and he chose the best streets to have the openings. He will reach out to him again and see what he thinks about changing the streets.

Council President Zalom questioned if signs will be going up telling the people what streets are accessible for beach access.

Mr. Parlow stated that the signs have been ordered for each street and will be going up before the season opens.

Councilman Lamb stated that Public Works also ordered signs stating to Keep off the Dunes.

Councilwoman Filippone stated that the fine \$1,000 if you walk on the dunes and we will be enforcing it this year and every other year so if anyone sees anyone walking on the dunes call the police immediately.

Matt Bilak, Verizon Wireless stated that they have a satellite location in the A & P parking lot and just wanted to give the town and the residents some information about their services. Verizon Wireless has home and internet service now that is all wireless and you could take the home phone from state to state and house to house.

Mayor LaCicero stated that he read an article about this being used in Mantoloking. Is this the future doing without the copper wiring.

Mr. Bilak stated that they have land lines over there the services we are offering today is all wireless. Please stop by our satellite location and we can answer any questions you have as well as troubleshooting any problems.

Mayor LaCicero questioned if the system would hold up during the storm.

Mr. Bilak stated that 3% of their network kept everyone going with their phone systems during the storm.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting of May 20, 2013
Executive Session of May 20, 2013
Bid Opening of May 30, 2013

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

REPORTS:

- a) Construction Report for May 2013-Councilwoman Filippone-read report
- b) Zoning Report for May 2013-Councilwoman Filippone-read report
- c) Public Affairs Report-Council President Zalom-the "Buy a Board" program is going fantastic. There are so many people who are interested in this program. A number of towns are beginning to copy the Borough. This program is a great way to raise needed funds. Mayor LaCicero stated that to date the organization has raised \$295,000 and they are installing about 100 boards a day and still have about 1,000 to do. Council President Zalom stated that the Ocean County Tourism has listed all of our events with their County Information such as our concerts and movies on the bay. Our Memorial Day Services went beautifully. We had so many people we ran out of programs and flags. The Chief and the Administrator put the signs entering town stating when the services were so we had a lot of people attend. The 911 plaques that were on a bench up on the boardwalk were washed away but Public Works for some reason kept the old plaques so we are going to order new plaques with the names and sayings and they should be up there shortly.
- d) Municipal Court Report for January through April 2013-Councilwoman Filippone-read report
- e) Beach Badge Report for May 2013-Councilman Stogdill-read report
- f) Revenue Transaction Report for April 2013-Chief Financial Officer
- g) Tax Account Report for May 2013-Tax Collector

A Motion was made by Councilman Horan to approve the reports. The Motion was seconded by Councilman Stogdill. 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:

- 2013-194 authorizing the CFO to refund an electric credit balance in the amount of \$29.50 on Block 24, Lot 18
- 2013-195 authorizing Mayor LaCicero to sign and execute the NJDOT Agreement Modification regarding the Grand Central Avenue Beautification project to insure that the Borough of Lavallette gets fully reimbursed
- 2013-196 appointing temporary laborers for the Department of Public Works for the 2013 summer season
- 2013-197 supporting and urging Senate to approve A-3764 to use snow removal reserve funds for clearance of debris following declaration of emergency by President or Governor-Council President Zalom questioned if this was for the future or right now. Mayor LaCicero stated that it was for the future emergencies.
- 2013-198 authorizing the electric collector to adjust an electric bill from \$1230.39 to \$55.87 for Block 2, Lot 32, Qual C02
- 2013-199 authorizing Mayor LaCicero to sign and execute the NJDOT Utility Design Authorization (Checklist) for the in kind replacement of existing facilities for electric, water and sewer in the Borough of Lavallette in regards to the NJDOT Route 35 Restoration Project-Mayor LaCicero stated that this is to move water/sewer and electric lines from the shoulder into the sidewalk areas along Route 35 North.
- 2013-200 appointing two Class II Officers for the 2013 summer season effective May 22, 2013
- 2013-201 authorizing Mayor LaCicero to sign and execute the NJDOT Discretionary Aid Grant application for Virginia Avenue Road Improvements-Mayor LaCicero stated that the State rejected us for the Virginia Avenue Road Improvements grant this year due to their error on some paperwork so they have recommended that the Engineer apply for this grant instead. Newark Avenue is the next scheduled street for repair.
- 2013-202 appointing Nicholas Ferraro as a Class I Officer at an hourly rate of \$9.18 for the 2013 summer season
- 2013-203 approving a raffle application for St. Pio of Pietrelcina to hold their summer bingo games in July, August and September 2013 which will be held at the Parish Hall

- 2013-204 approving a raffle application for St. Pio of Pietrelcina to hold their regular Tuesday and Wednesday bingo games for the remainder of the 2013 year which will be held in the Parish Hall
- 2013-205 appointing lifeguards for the 2013 summer season
- 2013-206 appointing Class I Officers at an hourly rate of \$9.00 for the 2013 summer season effective June 3, 2013
- 2013-207 appointing Laura Giovene as the Chief Financial Officer and Tax Collector at an annual salary of \$90,000 effective July 1, 2013-Mayor LaCicero stated he, Councilman Borowski, and the Administrator interviewed two candidates for the position of Chief Financial Officer and Tax Collector and chose this individual who we think is a good fit for the position, as well as, the office. Our CFO is retiring as of July 1st but has agreed to stay for another month to help with the training. Mr. Parlow stated that he was surprised that we only received two applications for this position. We advertised for a while and in good places. We did have someone that was trained for the position and did receive the licenses for it but unfortunately she left the Borough for another position. This applicant has all the required licenses and will do a good job. Councilman Borowski stated that it is a very sad situation with the CFO leaving. He remembers years ago sitting at her kitchen table and her giving him a course on municipal budgets. He has a tremendous amount of respect for her and she will be sadly missed. This applicant will be a fine fit and is well qualified.
- 2013-208 appointing badge checkers for the 2013 summer season
- 2013-208A appointing seasonal laborers for the Department of Public Works for the 2013 summer season

A Motion was made by Councilman Horan to approve the consent agenda. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment 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.

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

RESOLUTION OFF CONSENT:

- 2013-209 authorizing an extension and amendment to the contract with American Power Net to provide manage contract services for the procurement of energy, in addition to, load forecasting services

Councilman Horan stated that the past year or so American Power Net has saved us a lot of money by telling us when to buy power and by also monitoring the grid and telling us when the highest peaks were.

Mr. Parlow stated that American Power Net has provided the Borough with load forecasting services measuring the peak demand. The Borough's demand charges are based upon the five highest peaks. Last year we sent out a message through our emergency notification system advising our residents to conserve power on these peak days. We could do that again this year he just needs Council approval.

Mayor LaCicero stated that fortunately our peaks will not be as high as last year but it will not hurt to send out the messages again this year.

Mr. Parlow stated that last year we sent out ten messages for those five highest peaks but it is difficult determine whether it worked at those times. Last year we had only 2,000 residents signed up for the notification system but this year we have 6,000 signed up. He was not sure if Council wanted to send a message to all the residents because some may not be back full time as of yet. Mayor LaCicero stated that this too will get us back to normal so he thinks we should do it.

Councilwoman Filippone questioned if we knew how many homes were still uninhabitable.

Mr. Parlow stated that we have had 150 demolition permits issued.

Councilwoman Filippone stated that we should go for it because regardless energy is expensive no matter what.

A Motion was made by Councilwoman Filippone to approve Resolution 2013-209. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on this resolution. No one wished to comment at this time. The Mayor closed the floor to public comment and asked Council for a vote on Resolution 2013-209.

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

APPROVAL OF VOUCHERS:

2013-210 Bills List in the amount of \$521,576.68

A Motion to approve the bills list was made by Councilman Horan. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. Council President Zalom abstained on PO # 13-00550 and 13-00549 and yes to all others.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE 2013-07 (1122) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "FENCES"

Mr. Parlow stated that this ordinance is not very complicated. We have established an area of 2 feet between the ocean front lots and the eastern property line of the boardwalk where fencing will not be permitted. In the past, the butting of homeowner's fences on the ocean front to our boardwalk has caused us problems with the boardwalk cleaning machine and keeping the sand off the boardwalk.

Councilman Borowski questioned if there were any fences against the boardwalk now.

Mr. Parlow stated that there were and the zoning officer is going to deal with those issues.

A Motion was made by Councilman Horan to introduce Ordinance 2013-07 (1122). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be held on June 17, 2013

ORDINANCES ON FOR ADOPTION:

ORDINANCE 2013-06 (1121) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mayor LaCicero stated that this ordinance coincides with the budget every year. This allows us to bank our 2% so we can use it in later years if we choose to.

A Motion was made by Councilman Horan to adopt Ordinance No. 2013-06 (1121). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on Ordinance 2013-06 (1121). No one wished to comment on this Ordinance. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2013-06 (1121).

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Jeffrey Ziegelheim, Esq./James & Diana Amato v. Borough of Lavallette/Block, 15 Lot 4/Received May 24, 2013
- b) Eric M. Bernstein & Associates/Philip George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received May 16, 2013

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell/Repair and Reconstruction of Damaged Roadways/Pay Estimate No. 2/Received May 9, 2013
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/Boardwalk Reconstruction/Borough of Lavallette/Pay Estimate No. 3/Received May 9, 2013

- c) O'Donnell, Stanton & Associates/Michael O'Donnell/RFP Municipal Public Access Planning Grant/Received May 15, 2013
- d) O'Donnell, Stanton & Associates/Michael O'Donnell/Repair of Southern Ocean Block Streets/Punch List/Received May 30, 2013
- e) O'Donnell, Stanton & Associates/Michael O'Donnell/Toms River Municipal Utilities Authority/Sanitary Sewer Damage 29 Dover Avenue/Received June 3, 2013-Mayor LaCicero stated that we had Mr. O'Donnell, our Engineer research this and he has determined that it was a New Jersey Natural Gas that caused the water main break not the Borough of Lavallette and he will be sending the TRMUA a letter stating this.

New Jersey League of Municipalities:

- a) Affordable Housing, COAH, Trust Fund Dollars/Received May 6, 2013
- b) Marketplace Fairness Act Passes Senate: Thanks to Mayors Who Voiced Support for Main Street Retailers/Received May 7, 2013
- c) Pending Court Case Impact on Dune Construction/Received May 8, 2013
- d) Affordable Housing, COAH, Municipal Affordable Housing Trust Funds/Received May 9, 2013
- e) S-1778, Public Safety Workers' Compensation/Received May 9, 2013
- f) Governor Veto Early Voting Bill/Received May 9, 2013
- g) Unconventional Disaster Loan Program for Small Businesses Can Speed Recovery/Received May 10, 2013
- h) 5th Annual Sustainable Raritan River Regional Conference/Received May 13, 2013
- i) Free Sustainability Leadership Training/Received May 13, 2013
- j) Eastern Region Community Media Conference Provides Critical Update on FirstNet/Received May 13, 2013
- k) FEMA COMMUNITY DISASTER LOANS AWARDS ANNOUNCED/Loans Will Help Sandy-Devastated Local Governments Application Deadline is May 15/Received May 13, 2013
- l) Governor Christie Takes Action on Several Bills/S-195 Cancellation of Charges and Fees Signed into Law/S-1358 Dissolution of Free Public Libraries Signed into Law/S-1536 Appointment of Municipal Emergency Managers Signed into Law/S-1650 Revisions to EMS Requirements Vetoed/Received May 14, 2013
- m) Appellate Court Issues Injunction Staying Seizure of Affordable Housing Trusts/Received May 14, 2013
- n) CDC Releases Final West Nile Virus National Surveillance Data for 2012/Received May 15, 2013
- o) Upcoming Sustainable Jersey Events-June 2013/Received May 21, 2013
- p) COAH, Affordable Housing Trusts Appellate Division Injunction in Place/Received May 21, 2013
- q) Property Tax in New Jersey: A Short and Simple Glimpse Updated/Received May 22, 2013/Received May 22, 2013
- r) Change in Workers' Compensation "Burden of Proof" Would Add Local Costs S-1778 Awaits Governor's Action/Received May 22, 2013
- s) Receive the Recognition Your Town Deserves/Received May 23, 2013

- t) Technical Training for Water Infrastructure Resiliency Announced/Received May 23, 2013
- u) 2013 National Hurricane Preparedness Week: Pledge to Prepare/Received May 23, 2013
- v) Governor Announces Launch of “ReNew Jersey Stronger” Housing Assistance Program \$780 million Available for Homeowners affected by Super storm Sandy/Received May 24, 2013
- w) Choose New Jersey Provides New Marketing Tool/Received May 24, 2013
- x) Deadline for 2012 Senior Freeze Program Extended/Received May 29, 2013
- y) Affordable Housing Trust Funds NJ Supreme Court Keeps Stay in Place for Collection of Funds but Lifts Stay for Administrative Purpose of Collecting Information/Received May 29, 2013
- z) New Content on DLGS Website/Received May 30, 2013

General With No Action:

- a) Black & Veatch/John Zablocki/AT & T Cell Tower/Received May 6, 2013
- b) NJ Bankers/Michael Affuso, Senior Vice President/Assistance on Property Maintenance Issues/Received May 9, 2013
- c) Ocean County Health Department/John Protonentis, Environmental Health Coordinator/Joint Letter from NJ Department of Health and NJ Department of Environmental Protection regarding Bathing Beach Pre-Operational Inspections and Assessments/Received May 9, 2013-Mr. Parlow stated that he has been speaking with the Lifeguard Captain in regards to this and that most of these regulations pertaining to municipal pools. The Board of Health will be doing inspections on his equipment and have also stipulated that they have done water quality tests on the water and have deemed it swim safe.
- d) New Jersey Department of Environmental Protection/Christie Administration Launches New Online Services to Expedite Permit Applications and Public Notifications/Received May 9, 2013
- e) 4th Annual Barnegat Bay Blitz Held Today May 10, 2013/Barnegat Bay Action Update/Watershed Cleanup/Received May 10, 2013
- f) Cablevision/R. Thurman Barnes, Area Director/Elimination of Legacy Video Packages/Received May 13, 2013
- g) Lavallette Board of Education/Peter Morris, Superintendent/Schedule for Graduation/Received May 13, 2013-Council President Zalom stated that the 8th grade kids will be graduating on June 14th
- h) Borough of Seaside Park/Robert Matthies, Mayor/Memorial Day Services/Received May 15, 2013
- i) Ocean County Utilities Authority/Manolito Santos, Assistant Treasurer/Received May 15, 2013
- j) New Jersey Department of Environmental Protection/Cindy Randazzo/Waterway Debris Removal Update/Received May 15, 2013
- k) Ocean County Department of Transportation Services/Kathleen Edmond, Director/Received May 16, 2013

- l) State of New Jersey/Department of Transportation/Michael Russo, Director/Denial of Funds for NJ Department of Transportation's Fiscal Year 2013 Municipal Aid Program/Received May 16, 2013
- m) Congress of the United States/House of Representatives/Jon Runyan, Congressman/expressing disappointment with the US Postal Service's location of the Borough's temporary postal office/Received May 17, 2013-Mayor LaCicero stated that Congressman Runyan agrees with us in regards to the Post Office location being unacceptable.
- n) State of New Jersey/Department of Transportation/Adam Iervolino, Supervising Engineer/Grand Central Avenue Sidewalk Beautification/Received May 17, 2013
- o) Bruno Associates, Inc./Gary Rice, Account Executive/Green Acres Funding/Received May 20, 2013
- p) Cablevision/R. Thurman Barnes, Area Director/Launch of NTD New York Channel, Phoenix North American Chinese Channel and Phoenix Info News Channel a la carte/Received May 22, 2013
- q) Ocean County Planning Board/David McKeon, Planning Director/2013 Dune Fencing Program/Received May 23, 2013
- r) New Jersey Department of Environmental Protection/Commissioner Martin to Provide Super Storm Sandy Recovery Progress Report during State of the Shore/Received May 24, 2013
- s) State of New Jersey/Department of Transportation/Douglas Dillon, Principal Engineer/Speed Limit, No Passing Zone, Temporary Traffic Pattern/Traffic Regulation Order 2013-11/Route 35 NJ/Received May 24, 2013
- t) Ocean County Utilities Authority/Richard Warren, Executive Director/Notice of Public Hearing on Proposed 2014 Rates/Received May 28, 2013-Councilman Borowski stated that there will be no increase for 2014 which is a great thing.
- u) John Patrick/13 Newark Avenue/thank you letter for all that has been done on behalf of the residents of Lavallette/Received May 28, 2013-Council President Zalom read this letter aloud.
- v) Ansell, Grimm & Aaron/Lawrence Shapiro, Esq./Dune and Beach Easements/Received May 29, 2013
- w) Rutgers University/Lisa Auermuller/Post Sandy Workshops in New Jersey: Non-Structural Floodproofing/Received May 29, 2013

General With Action:

- a) William & Shirley Stabile/5 Reese Avenue/requesting reimbursement of costs incurred due to one of our contractors damaging pavers and underground electric service/Received May 6, 2013-Mr. Parlow stated that this claim was submitted to our insurance company and they have started an investigation. They have already interviewed our electricians. Our Engineer has also investigated and has determined that our contractor did not damage the electric conduit or the pavers. Our insurance company will be sending a letter to the Stabile's as well as the Borough as to their findings. Unfortunately, we do not know the identity of whom or what damaged this property.
- b) Rite-Aid/Patrick Boyle, Store Manager/requesting to hold their fifth annual "Welcome Summer Event" on June 15th from 10am to 4pm/Received May 6, 2013-

- Mayor LaCicero stated that this has been an annual request for some time now. Mayor LaCicero asked if all of Council was in favor of this. All of Council was in favor.
- c) Melillo Architecture/Michael Melillo/requesting clarity of the most recent zoning ordinance with regards to raising of homes/Received May 13, 2013-Mayor LaCicero stated that he has extensive conversations with Mr. Melillo regarding this issue and he does have a point. The problem is do we modify the ordinance or can we leave it as is. FEMA's rules are measured bottom floor 11 feet anything above that additional height off of roof with 1 foot give. What Mr. Melillo is saying is if the lowest point is 20 degree perpendicular to the wave action they need an additional foot but how does anyone determine that. FEMA states if you were impacted you need to go up. He is saying it is 28 feet from top which is 1 foot higher than our Ordinance. Councilwoman Filippone questioned if he is talking about just West Point Island. Mayor LaCicero stated he thinks it has to do with the entire town. Councilwoman Filippone stated that it is either a matter of choice or necessity. Mayor LaCicero stated that yes by choice but impact is a matter of fact. Councilwoman Filippone stated that the curbs on West Point Island lots run in different directions only on West Point Island that is why she was questioning if he meant just West Point Island. If they are deliberately putting beam in one direction in order to make it higher that is not what the Planning Board wanted. Councilman Lamb stated that no one can stipulate which way the waves are going to come from. Mayor LaCicero stated that if FEMA requires minimum elevation then why can't the 28 feet height be measured from that point. Mr. Parlow stated that we amended this ordinance for all residential zones to meet the standard minimum FEMA requirements so it should be ok. Councilwoman Filippone stated that if we allow this then the A zone homes will be lower than the V zone homes and that is not what Planning Board wanted. Mayor LaCicero stated that there is a 10 foot baseline with pilings it will be 2 feet lower than the floor and with concrete it is two feet from the finished floor. Mr. Parlow stated that no one is going to be able to make that determination. The ordinance reads the top of the lowest if you want to add extra freeboard we will have to open the ordinance. Mayor LaCicero stated that the way he determines it to be is the lowest structural board that was impacted it should be raised a foot. Mr. Parlow stated that if that is the flood requirement than we can go back to Mr. George's determination. Councilwoman Filippone stated that the Planning Board wanted it to be all equal. Councilman Lamb stated that FEMA is not treating us equal so how can we treat any of this equally. Mayor LaCicero questioned if we should just wait until the new maps come out officially. Councilman Borowski stated that he understands Councilwoman Filippone's point about all being equal but he does not know how we can do that. Maybe what we should do is send it over to the Planning Board for another determination while we wait for the maps to come out. Mr. Parlow stated that if we do it that way it will not delay any V zone construction the way we have it now because the zoning officer approves it to FEMA standards. We would only have to open the ordinance for the A zone in the mean time they can go for a variance if need be. Mr. George stated that he will review the ordinance for interpretation.
- d) William & Denise Apsey/116 Vance Avenue/requesting some changes to the expedited variance applications with regards to the ground coverage and lot coverage/Received May 16, 2013-Mayor LaCicero stated that he read this letter and decks built below 18 inches are not considered lot coverage but anything over 18 inches

regardless are part of the lot coverage. She is asking for us to move the deck section to 20% hardscape for the expedited variance. Unfortunately, we can not do that because we would have to change the ordinance and we are not going to do that just for the expedited variance. Mr. Parlow stated that would have to go through Planning Board for review and not only that it would go beyond the deck and the non conforming if we started opening up the ordinance.

- e) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/Police Accreditation Grant Program/requesting a resolution if Lavallette wishes to participate in this program/Received May 16, 2013-Mr. Parlow stated that this could not be done this year anyway because we did not plan for it in our budget. It would also cost us a lot more than \$20,000 because it hits the smaller municipalities budgets a lot harder.
- f) Ocean County/Board of Chosen Freeholders/two grant programs through the County to help with cleanup/Received May 20, 2013-Mr. Parlow stated that he will talk to Public Works about it but he does not think it pertains to the Borough.
- g) Barnabas Health/Community Medical Center/Stephanie Bloom, President/requesting that they be able to put their name on our lifeguard chairs and boats for a donation to the Borough's beach and lifeguard fund/Received May 24, 2013-Mayor LaCicero stated that we have been down this road before and it was not a good turnout.
- h) New Jersey Business & Industry Association/Phillip Kirschner, President President/requesting the Mayor's attendance at the Employer Legislative Committees of New Jersey Dinner/guest speakers will be Governor Christie and Senator Barbara Buono/Received May 24, 2013-Mayor LaCicero stated that he is not giving up \$160 for this.
- i) Barbara Susinno/1 Pennsylvania Avenue/requesting that the street light that was disengaged would not be engaged again until she returns home from vacation and would like it to be blackened out/Received May 29, 2013-Mayor LaCicero stated that he thinks we can accommodate her request to wait until she gets back from vacation.

UNFINISHED BUSINESS:

Councilman Lamb stated that the Department of Public Works summer collection started on May 28th. The recycling center is overly busy so we had to have some additional personnel to assist. The beaches from New York Avenue to New Jersey Avenue is not passable for our beach rake. We have ordered 120 Keep of the Dunes signs and our sand fences are in place. We have actually had people cutting the sand fences in order to get on the beach.

Council President Zalom questioned what streets are open.

Mayor LaCicero stated that most of the wide streets from New York to Philadelphia. There is a list on our website.

Councilman Horan stated that more poles were set and feeders were moved for the Police trailers. Our transformer change outs are 35% to 40% complete. The sewer at Newark Avenue was cleaned out 6 feet.

Councilman Lamb stated that our boat ramp is in bad shape. There are breaches on both sides and Public Works has already done the best they can to repair it.

Mayor LaCicero questioned if maybe that ramp was damaged by the storm.

Mr. Parlow stated that he will have the Engineer go out and take a look at.

Councilman Lamb stated Mr. Hascher sent a letter in about the sand on his stones in front of his house. Public Works has put a 2 x 6 on the bottom of the fence to try to stop the sand from breacing unto his property.

Council President Zalom stated that the County has also swept the sand around his curbing.

NEW BUSINESS:

Local Finance Notice 2013-15 – Community Development Block Grant – Essential Services Grant Program – School District Applicability – Authorization to submit Notice of Intent to Apply

Mr. Parlow stated that part of the CDBG Program is an Essential Services Loan that has two primary conditions. One of them we do not qualify for because we would have had to use the entire amount of the CDL loan funds in our 2013 budget. The second one concerns the school. They applied for the CDL loan but were deemed ineligible so now the Borough can apply for this Essential Service grant on their behalf. There are some HUD requirements and conditions that will need to be done by the Board of Education and they would have to agree to the conditions. He stated that he will need authorization from Council to proceed.

A Motion was made by Councilman Horan to authorize the Administrator to apply for the Essential Service grant on the Lavallette's School behalf. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

COMMENTS OF THE PUBLIC:

William Stabile, 5 Reese Avenue stated that someone has to be held responsible for the damage to his electric conduit and his pavers. He had to pay for that work twice not just once. He had double electric inspections so it was damaged sometime after the first time he had the work done from the storm.

Mr. Parlow stated that unfortunately we do not know who damaged it. We had a number of contractors during that time and it is impossible to figure out who did it.

Mayor LaCicero stated that it has been submitted to our insurance company and they will be doing an investigation and you will get the determination as soon as we do.

Herb Hascher, 1301 Bay Boulevard. He thanked Councilman Lamb for helping him with his problem. He has been dealing with this problem for three months with this sand coming onto his

property from the bay. It took the County two truck loads to get rid of that sand. When the fence was up on the bay before the storm he never in 14 years had any sand on his property. He stated that he needs this fencing put up on the bay front as soon as possible.

Mayor LaCicero stated that the Borough has had their hands full and thinks they have done a pretty good job of taking care of this town.

Councilman Lamb stated that we can not put any fencing up until the parking lot is repaired. That parking lot is missing half of the asphalt. Until we have the parking lot repaved and know the height we can't put any fencing there.

Joe Palinsky, 122 Washington Avenue questioned the fine of \$1,000 for the dunes and if the state gets any of that money.

Mayor LaCicero stated that we get it all.

Mr. Palinsky questioned what the fine was for dogs on the beach.

Councilwoman Filippone stated that she did not know the fine but on the signs it states the statute.

Mr. George stated that the dunes and the dog fines and statutes are different.

Gary Lucciola, 140 Newark Avenue stated that there are three slats missing from the fence along side of his property and the Newark Avenue Treatment Plant. Also, he also questioned when the boat slips will be ready.

Mr. Parlow stated that we are just waiting on the contractor who just finished the boardwalk to start the work on the T dock and the boat slips.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that Island Beach State Park will be holding their Ocean Fun Day this weekend.

Mr. Parlow stated that the Primary Election is tomorrow. Polls will be open from 6am to 8pm at the First Aid and Firehouse.

Mayor LaCicero stated that he will be meeting with New Jersey Natural Gas to discuss the work being done on Bay Boulevard. We also will be meeting with the State Tourism about a Tourism grant to enhance our tourism. Maybe we can be in a commercial like Seaside Heights.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:50 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 **3rd** day of **June 2013**

Christopher F. Parlow
Municipal Clerk