

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
October 6, 2014-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

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 10, 2014. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for long time resident Warren Law who passed away recently. He lived on West Point Island and was a Past Commodore at the Lavallette Yacht Club.

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 stated that the Municipal Building is proceeding nicely. Mr. Parlow has a meeting with them again this week because they have fallen thirty days behind and that is just not acceptable to us.

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

The Mayor asked if anyone wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

No one wished to comment at this time.

The Mayor closed the floor to public comments.

APPROVAL OF MINUTES:

Regular Meeting of September 22, 2014

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

REPORTS:

- a) Construction Report for September 2014-Councilwoman Filippone-read report
- b) Zoning Report for September 2014-Councilwoman Filippone-read report
- c) Municipal Court Report from September-Councilwoman Filippone-read report
- d) Public Affairs for September-Council President Zalom- Reported that Councilman Borowski wrote a beautiful article about Lavallette recovering from Super Storm Sandy and it was published in the NJ League Magazine. There are copies of the article on the table if anyone wants to read it. They used the title Pardon Our Dust which was appropriate. The NJ Devils are going to be bringing volunteers down on November 5th to assist with dune grass planting. The town-wide dune grass planting will remain on November 8th. The gazebo looks beautiful for fall. Pt. Pleasant Beach High School Band is selling coupon books for their fundraiser so make sure you pick some up. The fall and winter schedules are on the website and flyers are available also. The Halloween Harvest Hoedown is October 24th, Beach Sweeps is October 25th, and Columbus Day Parade is October 12th.
- f) Revenue Transaction Report for July-Chief Financial Officer
- g) Tax Account Report for September 2014-Tax Collector

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2014-252 authorizing the electric collector to remove one electric account at 13 Trenton Avenue due to the two family being demolished and a one family dwelling being constructed
- 2014-253 authorizing the electric collector to remove one electric account at 108 Princeton Avenue due to the two family being demolished and a one family dwelling being constructed
- 2014-254 approving a bonfire on the bay beach in conjunction with the Halloween Harvest Hoedown on October 24th at 6pm-Councilwoman Filippone stated that this bonfire will be held on the bay beach
- 2014-255 authorizing the Halloween Curfew from October 30th through November 1st 2014 from 9pm to 6am for minors under the age of 18 years old except when accompanied by an adult over 25 years old
- 2014-256 proclaiming October 15th 2014 as “Pretty in Pink Day” and the month of October as Breast Cancer Awareness Month in the Borough of Lavallette
- 2014-257 proclaiming the month of October 2014 as Domestic Violence Awareness Month in

the Borough of Lavallette

- 2014-258 proclaiming the week of October 13th through October 17th 2014 as National Health Education Week in the Borough of Lavallette
- 2014-259 proclaiming the week of October 23rd through October 31st 2014 as Red Ribbon Week to encourage children of the importance to be drug free
- 2014-260 strongly opposing S648 requiring shore towns that accept government assistance for beach replenishment to have free beaches-Council President Zalom stated that she is very upset over this bill and very strongly opposed to it. It is absolutely ridiculous that this is even thought of. Councilman Borowski stated that it does not surprise him that it is from a Senator from Hunterdon County that has no beaches at all. Mayor LaCicero stated that maybe they should do the experimenting first with their own beach like Island Beach State Park and then we will see how far it goes.
- 2014-261 authorizing Mayor LaCicero to sign and execute the agreement with the Ocean County Solid Waste Management for the recycling center use and revenue sharing program from January 1, 2015 through December 31, 2019
- 2014-262 authorizing Mayor Walter LaCicero to sign and execute an interlocal service agreement between the Borough of Lavallette and the Ocean County Prosecutor's Office to participate in the Ocean County Prosecutors Program for the year 2014-2015
- 2014-263 supporting Senate Bill 2096 and Assembly Bill 3253 to unite support behind New Jersey's military facilities
- 2014-264 authorizing the disposal of surplus property through GovDeals
- 2014-265 authorizing the state contract purchase through Contract No. T-1343 for the purchase and installation of overhead garage doors at the Lavallette Firehouse to Jammer Doors, Inc. in the amount of \$21,415.00

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

RESOLUTION - OFF CONSENT:

APPROVAL OF VOUCHERS:

- 2014- 266 Bills List in the amount of \$904,224.62

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. B & B Department Store/Received September 8, 2014
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria and Restaurant, Inc. v. Borough of Lavallette/Received September 15, 2014
- c) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Borough of Lavallette and PBA Local 372/Received September 15, 2014
- d) Eric M. Bernstein & Associates/Anne Marie Rizzuto, Esq/Giant Realty, LLC v. Borough of Lavallette/Received September 19, 2014
- e) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/State of New Jersey v. Great Swan Bay Corporation/Received September 24, 2014
- f) Eric M. Bernstein & Associates/Mollie Hartman, Esq/Valerie Coniglio v. Borough of Lavallette/Received September 26, 2014
- g) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria & Borough of Lavallette/Received September 29, 2014-Councilman Borowski questioned what a consent to intervene was. Mayor LaCicero stated that the LOLA residents have hired an attorney also and they want to be kept in the loop on this court case.

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/NJDOT Permit Application/State Highway Route 35/Received September 9, 2014
- b) O'Donnell, Stanton & Associates/John Berens, Engineer/Borough of Lavallette/Route 35 Restoration/Inspection Services Sewer Payment Voucher #3/Received September 15, 2014
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/ Virginia Avenue Road Improvements/NJDOT Local Aid Infrastructure Fund 2013/Received September 15, 2014
- d) O'Donnell, Stanton & Associates/Matthew Smith/Municipal Building Site Plan/Received September 25, 2014
- e) O'Donnell, Stanton & Associates/Michael O'Donnell/Construction of New Municipal Building/Pay Estimate No. 5/Received October 1, 2014

New Jersey League of Municipalities:

- a) Red Tape Review Commission Public Hearing Tuesday, September 30, 2014/Received September 8, 2014
- b) League Provides a Library of Sample Ordinances and Shared Service Agreements/Received September 9, 2014

- c) Please Ask you Legislators to Support A-366/S-1713 (Verizon vs. Hopewell-Status Update)/Received September 10, 2014
- d) Weekly Policy Update/Received September 11, 2014
- e) COAH Update/Received September 12, 2014
- f) 2014 Conference Resolutions/Received September 12, 2014
- g) Best Practices Checklist Issued/Received September 12, 2014
- h) New Content on DLGS Website/Received September 15, 2014
- i) Updated Listing of NJDEP Grant and Loan Programs/Received September 16, 2014
- j) Transportation Trust Fund/Received September 16, 2014
- k) PlanSmart NJ to Honor DCA Deputy Commissioner Charles A. Richman/Received September 17, 2014
- l) Grant Seminar Series Helps Municipal Officials Find Funding to Meet Their Needs/Received September 17, 2014
- m) Sustainable Jersey Announces Availability of \$150,000 in Grants for Municipal Sustainable Energy Projects/Received September 22, 2014
- n) All the Answers You Need For Most of the Questions You Have at the Conference Consulting Session/Received/Received September 22, 2014
- o) Local Leaders Urge Transportation Trust Fund Action/Received September 24, 2014
- p) Potential Loss of Property Tax Relief Revenues/Received September 26, 2014
- q) Joining Forces/Municipal Strategies for Supporting Military Installations/Received September 29, 2014
- r) League Leadership Urges Pension Study Group to Recognize Strength of Local Pension Funding/Received September 29, 2014
- s) 17th Annual Elected Officials Hall of Fame/Received September 30, 2014
- t) The 2014 Police and Fire Books are Now Available/Received September 30, 2014
- u) Important Notice Regarding Home Elevation Contractors Registration/Received October 2, 2014
- v) League Presents Red Tape Review Group with Request List/Received October 2, 2014

General With No Action:

- a) Ocean County Health Department/Daniel Regenye, Coordinator/Hepatitis B Inoculations/Received September 8, 2014
- b) Community Services, Inc. of Ocean County/James Sigurdson, Executive Director/thanking Mayor and Council for allowing them to be part of Founder's Day 2014/Received September 9, 2014-Council President Zalom stated that this is a very nice letter and the Founder's Day Committee should get a copy of it.
- c) Frank Quattrone/145 Jersey City Avenue/letter to the State about his property regarding the Road Construction/Received September 9, 2014-Mayor LaCicero stated that he has spoke with Mr. Quattrone and advised him that when we do our punch list for the State his property will be included to make sure that his repairs are done.
- d) State of New Jersey/Department of Environmental Protection/Water Source Management/informational sessions regarding Storm water Management/Received September 10, 2014
- e) Borough of Seaside Heights/Mayor William Akers/Dedication Ceremony for new entrance into town/Received September 12, 2014

- f) State of New Jersey/Office of the Attorney General/Lt. Patrick Gorman, Public Assistance Unit Head/1st Time Extension Request/Police Department and Municipal Building/Received September 12, 2014-Mr. Parlow stated that the FEMA has extended our stay in the trailers and they will continue to reimburse the Borough for our time in them until March 15, 2015 in which we will have to apply for another extension if we are not in our building yet.
- g) "A Road from Ignorance"/David Eames Hall/Book about more successful education programs/Received September 15, 2014
- h) Verizon/Christopher Zorzi, Vice President/Not Required to Pay Property Taxes for 2015/Received September 15, 2014
- i) Marine Science Camp/Sherri Paris, Owner/check in the amount of \$675.00 for 10% profits of Science Camp/Received September 25, 2014-Council President Zalom stated that this camp is wonderful and we receive some of the profits from the camp.
- j) Jersey Central Power & Light Company/Ron Marano/JCP & L Completes Upgrades to Enhance Reliability on Major Circuits in Nine New Jersey Counties/Received September 26, 2014
- k) New Jersey Economic Development Authority/Michele Brown, Chief Executive Officer/list of Lavallette Businesses that received NJ Stronger Grants so far/Received September 29, 2014-Council President Zalom congratulated all the businesses that received these grants.
- l) Lawrence Bathgate, Esq/FEMA/Article in APP about his firm representing Atlantic Highlands pursuing FEMA claims/Received September 29, 2014-Mayor LaCicero stated that this Attorney is still trying to win us over but we made the right decision having Mr. Parlow take care of all our grant and FEMA paperwork. Mr. Parlow stated that he recently had a meeting with the JIF and they went over the spreadsheet of losses line by line. He is very confident that we will get a fair and equitable settlement with them. He believes we made the right decision not hiring a third party to take care of all this.
- m) FEMA/Calling All Mayors/Reduce Your Town's Flood Risk, Insurance Costs through FEMA's Community Rating System/Received October 1, 2014
- n) New Jersey Department of Environmental Protection/Christie Administration Announces \$2.1 Million Grant Program to Assist Small Fishing Businesses with Sandy-Related Costs and Damages/Received October 1, 2014
- o) Summit Risk Services/Public Officials and Employment Practices Liability/Wendy Kaliner/Denial of Coverage/State of New Jersey v. Borough of Lavallette and Great Swan Point Corporation/Received October 1, 2014
- p) New Jersey Department of Environmental Protection/DEP Celebrates 20th Annual Fall Forestry Festival This Saturday/Received October 1, 2014
- q) Summit Risk Services/Christopher Woodward/Reservation of Rights/Indian Harbor Insurance Company/Lenny's Pizzeria and Restaurant, Inc./Received October 2, 2014
- r) New Jersey Economic Development Authority/Tim Lizura, President/letter to Anthony Agliata, County Assistant Planning Director advising him of the denial of the Borough of Lavallette's Appeal filed/Received October 3, 2014

General With Action:

- a) NJBIA/Melanie Willoughby, Acting President/inviting Mayor LaCicero to their 2014

Awards for Excellence Dinner on October 15, 2014/Received September 26, 2014- Mayor LaCicero stated that he would check his schedule.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion of the Best Practices Worksheet CY 2014

Mr. Parlow stated that we are required under State guidelines to, at a minimum, list the Best Practices Worksheet on our agenda. This is the 3rd or 4th year of the Best Practices Checklist. Based upon our responses we will be able to receive 100 % of our State Aid. We should receive about \$156,000 and we also get grants from State such as the Highway funding.

Mr. Parlow stated that the Transportation fund grant needs to be submitted this month and the next street on the agenda is Guyer Avenue. Mr. Parlow stated that he reviewed the condition of the roads and recommends that Elizabeth Avenue from Route 35 South to the Ocean would be the next street on the list.

Councilwoman Filippone questioned when that portion of Lavallette Avenue would be done.

Mr. Parlow stated that that portion is scheduled to be completed with the Virginia Avenue Project which will be completed this fall. Mr. Parlow asked for a motion to approve the submission of these applications.

A Motion was made by Councilwoman Filippone to approve the Guyer Avenue and Elizabeth Avenue from Rt. 35 South to the Ocean for the next road improvement applications. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Councilman Lamb stated that he has heard that Seaside Park is looking to have Lavallette School be their sending district for their elementary school kids.

Mayor LaCicero stated that he thinks that is a great idea. The school board is hiring a consultant to determine if that is a good idea for them. He thinks it would be a great benefit to our taxpayers. We should definitely encourage the idea.

Councilman Lamb questioned if maybe we should send a letter to the Lavallette School to keep us abreast of the situation.

Mr. Parlow stated that he would send a letter of such.

Councilman Finter stated that half of the Lavallette School population are tuition students. They have also applied to become a choice school district which means they will accept any students from any district.

Councilwoman Filippone questioned who will pay for the out of district special education costs for any of the additional out of district students, the sending district or Lavallette.

Mr. Parlow stated that in his letter he will state that Mayor and Council support the research and question who would be responsible for the special education fees. He will state that Mayor and Council would like to be brought up to date in the future.

COMMENTS FROM THE PUBLIC:

Mark Speaker, LBA President questioned what the new contractor's license was under the league correspondence.

Mayor LaCicero stated that as of October 1st contractors who are elevating homes will need a separate elevation license to do this.

Mr. Speaker questioned whether or not the Borough was going to join in the sponsorship for the new County Tourism Guide to include the Borough.

Mayor LaCicero questioned how much a half page would cost them.

Mr. Speaker stated that a half page was \$1,790.00. He thinks it is well worth it because it is great advertising for the town.

Mayor LaCicero questioned when we would need to make payment.

Mr. Speaker stated that the payments have to be in by middle of October and the art work needs to be in by the end of October.

Mr. Parlow questioned if securing a one page ad will enable a section for Lavallette. If you say that 14 business owners from Lavallette are going to put an ad in the magazine, what if only 13 put an ad in does that mean that we will not get an article.

Councilman Borowski stated that it is taxpayer's money and he is concerned. If the members of the LBA are going to put ads in why does the Borough of Lavallette need to pay for an ad.

Councilman Lamb stated that if we get forty additional season badge sales from the article it will practically pay for itself.

Mr. Speaker also stated that this is also going to be sent out to the Joint Military Base as well. Right now they go to Monmouth County beaches but with this maybe it will encourage them to come here as well.

Councilwoman Filippone questioned how many businesses was a part of the LBA.

Mr. Speaker stated that there are 85 businesses.

Councilwoman Filippone questioned why only 14 are willing to advertise.

Mr. Speaker stated that some are still skeptical like you are.

Councilman Stogdill questioned how much a full page was. If the Borough takes a half page and the LBA takes a half page if a full page is less than two half pages why can't we just get a full page?

Mr. Speaker stated that a full page is \$3,000.

Councilman Lamb stated that Mr. Speaker always does a great job and a lot for the town. He doesn't ask for much so I will make the motion that we make payment for the ad.

A Motion was made by Councilman Lamb to approve the purchase of the ad for \$1,790.00 contingent upon participation from the LBA and guaranteeing an article on the Borough of Lavallette. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mary Logios, 4 Sterling Avenue questioned if they were able to locate the welcome signs that went missing?

Mayor LaCicero stated that they were located and are at the Newark Avenue Treatment Plant until the road work is completed.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she would like Mark Speaker to have a copy of the NJ League Magazine for the article.

Councilman Borowski stated that it was a privilege to write this article for the town and it truly came from the heart.

Council President Zalom stated that Winter Garbage Schedule starts on October 20th.

Mayor LaCicero stated that they will be holding seminars for the RREM grants for one on one consultations. In Toms River they will be from 4pm to 7pm and in Pt. Pleasant they will be 4pm to 7pm.

Council President Zalom stated that she went to one and she put flyers on the table with the times and dates and locations if anyone is interested. It is also in the Asbury Park Press.

Councilman Finter stated that since we lined our sewers we have saved approximately \$300,000 in our OCUA costs and tax dollars.

Mayor LaCicero stated that once the State is finished with our sanitary sewer lines he will be interested to see the impact it has on our infiltration.

Councilman Finter stated that once we receive our third quarter bill for this year it should give us some idea of what's ahead.

Mr. Parlow stated that the added/omitted tax bills went out this week and there were several hundred that were mailed.

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 Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:10 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 **6th** day of **October 2014**



Christopher F. Parlow
Municipal Clerk