

BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE MAYOR AND COUNCIL (minutes)
LAVALLETTE FIRST AID BUILDING
Monday, July 28, 2014-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

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 complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on January 10, 2014. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all that has left us.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the salute to the flag.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming to tonight's meeting. He stated that the Borough received a letter from FEMA recognizing the recommendation we requested for the four properties on Coleman Lane. He was happy to report that those properties that were previously changed to a V-Zone designation are now in the A-Zone.

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 speak now.

John Scarcella, 106 Coleman Lane thanked Mayor and Council and Mr. Parlow for everything they did to help with the maps and getting them out of the V zone.

Alice Comer, 13 Vance Avenue stated that she has been trying to get something done regarding the property next door to her located at 15 Vance Avenue. She stated that they are running a recycling center in their back yard. All hours of the day and night they are using very loud power tools and cutting up metal. They cannot even sit in their back yard. They also have two dogs that are not registered and probably do not have any rabies shots. She has contacted the Code Enforcement and the Animal Control Officer and they have both told her the same thing. They send certified mails that they do not sign for and they do not answer the door. Something has to be done. There has to be some type of solution here.

Mayor LaCicero stated that he is aware of the property with other issues but was not aware of the dog situation or the recycling center.

John Comer, 13 Vance Avenue stated that the homeowners at that residence go out first thing in the morning with their pickup truck and pick up all kinds of aluminum from all different towns and brings it back to their house and starts to strip and cut it. After they do that, they put all the leftover scraps in black garbage bags and put it out to the garbage. He stated that, in retrospect, the Borough of Lavallette picks up all the other towns scraps from that house.

Mayor LaCicero stated that he will make sure that something gets done about this and it is rectified.

Bill Kinney, 23 Philadelphia Avenue questioned if there were any updates on the Army Corps Beach Fill Project.

Mayor LaCicero stated that we have not received any updated information recently. The last update we receive projected that start date as September.

Mr. Kinney questioned whether they were starting in Lavallette in September.

Mayor stated that he thinks they are starting further south in Barnegat in September and working their way down but again he doesn't have a definite on that.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of July 7, 2014

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

RESOLUTIONS-ON CONSENT:

2014-198 awarding a contract to Garden State Fireworks to hold a fireworks display on September 6, 2014 in conjunction with Lavallette Founder's Day in the amount of \$7,000-Council President Zalom stated that Garden State has agreed to holding over the fireworks until next year for Founder's Day without any cost to the Borough. The Founder's Day Committee has provided the funds of \$7,000 for these fireworks as well.

2014-201 authorizing the execution of a final quantities change order to the contract with Earle Asphalt Company for the repair of southern ocean block streets increasing the contract price by \$981.24

- 2014-202 approving a facilities use application submitted by Jersey Shore Running Club Relay to run through Lavallette on our boardwalk and have a water stop with a table and cups on April 18, 2015
- 2014-203 approving a facilities use application submitted by Brick Vipers Travel Baseball Team to hold their baseball practices Mondays, Wednesdays and Fridays from 6:30 pm to 8:30 pm and Saturdays for games at 2pm from August 23, 2014 through November 30, 2014
- 2014-204 refunding Planning Board escrows fees to William & Elizabeth Davis in the amount of \$381.00
- 2014-205 appointing Christie Clarke as a lifeguard for the remainder of the 2014 summer season
- 2014-206 approving a social affairs permit to Waves of Impact for the sale of alcoholic beverages at their fundraising event to raise money for free surf camps for children with special challenges on August 15, 2014 at the Lavallette First Aid Building
- 2014-207 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette First Aid Squad, Inc.-Councilman Horan asked that this Resolution be put off consent
- 2014-208 authorizing the Treasurer issue a check in the amount of \$9515.53 to Tower Cust Ebery Fund for the redemption of a tax sale certificate
- 2014-209 authorizing the CFO to refund planning board escrow funds in the amount of \$1205.50 to Denise Apsey of 116 Vance Avenue
- 2014-210 authorizing the CFO to refund planning board escrow funds in the amount of \$856.00 to Edward Hoagland of 107 Elizabeth Avenue

A Motion was made by Councilwoman Filippone to approve the consent agenda with the exception of Resolution 2014-207. 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.

Joseph Palinsky, 122 Washington Avenue stated that he thought that Council only approved facility use applications for the current calendar year.

Councilwoman Filippone stated that we were not going to approve any events west of the highway during the summer months due to the affecting crowds.

Councilman Lamb stated that with these running clubs they need to schedule their events way in advance.

Mr. Palinsky questioned if not approving any events west of the highway is still in effect.

Mayor LaCicero stated that as far as he knows it still is.

No one else wished to comment.

The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda minus Resolution 2014-207.

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

RESOLUTIONS-OFF CONSENT:

2014-207 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette First Aid Squad, Inc.

Council President Zalom questioned if the contribution to the First Aid in the amount of \$28,000 was enough for the First Aid.

Councilman Borowski stated that it has always been this amount and they have been fine with it.

A Motion was made by Councilman Lamb to approve Resolution 2014-207. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Horan Abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2014-211 Bills List in the amount of \$955,976.58

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

UNFINISHED BUSINESS:

Neighborhood & Community Revitalization Program-Municipal Complex Project \$4,693,775-
Appeal Process

Mr. Parlow stated that the Borough submitted an application for this grant and we received notification that the Borough was denied. The notice stated that EDA received requests totaling \$68,000,000. The notice provided that the Borough's application was denied for two reasons. The first was that there was not environmental review performed by the Department of

Environmental Protection and that the Borough would have to stop the project until that was completed. That is just an impossible task for work to stop on our Municipal Building considering all the deadlines we have. The second reason was that based upon CDGB criteria the project location is not in an approved LMI (Low/Moderate Income) census tract. Mr. Parlow stated that he spoke with Tony Agliata from the Ocean County Planning Board that deals with the CDBG funding. Mr. Agliata has reviewed the Borough's application and he would like to file an appeal on the Borough's behalf. The appeal will be on County letterhead because he feels it will have more stature coming from them. Mr. Parlow stated that he would like a motion to approve the submission of the appeal.

A Motion was made by Councilman Borowski to allow the County to file an appeal letter regarding the Neighborhood Revitalization Grant Program Application on their letterhead on our behalf. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated that this is just one avenue that we have been pursuing for funds to help with the building of our municipal building.

Councilman Borowski stated that there were a couple of meetings this week regarding the new municipal building. He asked Mr. Parlow for an update.

Mr. Parlow stated that there were some issues regarding the ordering of the steel frame and the connection points that was holding up the project. The structural engineer and contractor met to discuss that. We also met with all of technology vendors providing and installing equipment in the new building. The purpose of the meeting was to organize the install and go over their proposals for each department. The dispatching room at the police department has a variety of technical aspects that need to be coordinated properly. We will be finalizing the proposals over the next two weeks and will be presenting approving resolutions at the next meeting.

Council President Zalom stated that someone in town brought her a letter from the State that they will pay for our dune grass and volunteers to plant it. She stated that she will be sending a letter stating that the Borough is interested in this but could she get a motion of approval from Council.

A Motion was made by Councilwoman Filippone to provide authorization to Council President Zalom to send the letter of interest. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The motion passed.

Mayor LaCicero stated that the Committee for Founder's Day is going to be selling the posters again this year and would like permission to sell them at various dates and times on the boardwalk at Philadelphia Avenue beginning now until September 1, 2014.

A Motion was made by Councilwoman Filippone to allow Lavallette Founder's Day Committee to sell posters on the boardwalk at Philadelphia Avenue on various dates and times from now until September 1, 2014. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that Mr. Parlow has ordered the plaque for the gazebo to dedicate to the Grosko's and we should be able to do that dedication at Founder's Day around 12 noon.

Councilman Lamb stated that he received a complaint from a homeowner on Elizabeth Avenue that his son is in a motorized wheelchair and has a hard time with his wheelchair due to the mobi mat so he would like it removed.

Councilman Borowski stated that he heard about that. For some reason, at the end of the mobi mat there is some kind of drop off and it is on the Trenton Avenue opening that he uses.

Mr. Parlow stated that he would like to take a look at it and try and find another solution besides removing it.

Councilwoman Filippone stated that she agrees with Mr. Parlow, there has to be another way to accommodate him without removing it. Those mats help a lot of people out.

Councilman Borowski questioned what is causing the drop off.

Councilman Lamb stated it must be erosion but this is a handicapped man in a wheelchair that is having difficulty so I think we need to meet his needs.

Mr. Parlow stated that he would like to go down and evaluate the situation and if there is a way to accommodate him without removing he would like to do that.

A Motion was made by Councilman Lamb to allow Mr. Parlow to evaluate the situation but if we cannot accommodate him than the mobi-mat will need to be removed. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill 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 if they are going to remove that mobi mat they would like it on Bryn Mawr Avenue. She also stated that a couple of the kids went to go surfing last week and they were told to go home and get their badges.

Mayor LaCicero stated anyone over the age of 12 cannot enter the beach without a badge no matter what.

Gary Hunsinger, 108 Philadelphia Avenue stated that in some magazine they had that the Jersey Shore Beaches were the best.

Council President Zalom stated that the two busiest Jersey Mike's stores have always been in California but not anymore. The Jersey Mike's in Lavallette is now the busiest store in the summer months.

Jack Sauer, 405 Bay Boulevard stated that on the bay beach between the water and the moorings there is a tremendous amount of erosion. There is only ten feet from the edge of the water to the moorings. Something definitely needs to be done as far as sand replenishment.

Mark Speaker, LBA President stated that the Barbecue on Saturday was a great success with 220 attendees. The Heritage Committee did a 50/50 and the winner got \$1,000. We just wanted to thank Public Works, Police, First Aid, Administration and everyone else that helped out to make this such a great success.

Mayor LaCicero questioned if they were looking to have this event annually.

Mr. Speaker stated that it was definitely looking that way. Also, the banner that was on the highway that read Pardon Our Dust, we were wondering if we could put it on the fence in front of the municipal building that is being built.

Mr. Parlow told Mr. Speaker to bring him the banner and he would take care of it.

Joe Palinsky, 122 Washington Avenue questioned if our beach rake is still not functioning and if we are going to be purchasing the one we are using now.

Councilman Lamb stated that we are borrowing one for the summer until ours is repaired. We do have the option to purchase it if we decide we like it. Unfortunately, our old one is still waiting for certain parts.

Mr. Palinsky questioned if it was American made.

Councilman Lamb stated that he was not sure.

Mr. Palinsky stated that when it comes time for planting the dune grass again we should consider other vegetation like bayberry bushes to put up there.

Mayor LaCicero stated that we cannot do any of that until the Army Corps completes their project but we can certainly look at other vegetation up there besides dune grass.

Mr. Palinsky stated that the barbecue on Saturday is great for an annual event and Founder's Day but we should never have the flea markets anymore.

Jon Corney, 1 Newark Avenue questioned whether Public Works can anchor down the yellow stanshions at the top of his street on the ocean. People actually try and walk away with them.

Councilman Lamb stated that he will talk to Gary about it.

Mr. Corney also stated that the statute for applying and receiving a gun permit is thirty days unless there is a problem. He stated that he waited nine months for his and it was just an address change. He also has spoken to a lot of people who complained about the same thing. The Lavallette Police Department is not abiding by the statute.

Councilwoman Filippone stated that she will look into it.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the badge sales remain constant and are still strong.

Council President Zalom stated that the Barbecue was fantastic. We have lots of events for the children every night so check the website. We had our skimboarding contest on July 25th and it was a big hit once again. Also, there was a woman on 35 South driving through town that pulled over and was overdosing and one of our police officers that was on his way to work stopped and used the narcan to revive her.

Mayor LaCicero stated that this woman was driving through our town and was not a resident of Lavallette.

Councilman Lamb stated that the hypodermic needles washing ashore in our town and different garbage was not from our town it was from garbage from Staten Island.

Councilwoman Filippone stated that we have a great town and all our employees and volunteers are great.

Council President Zalom stated that she spoke to the DOT about the crosswalks on Route 35 South and North and we will have four additional crosswalks in town. They also said that the contractors will be resume work on the highway on September 3rd. She told them that we would like them not to come back until the middle of September or end.

Council President Zalom stated that there is a sand museum in Seaside Park with sand castles that you can pay \$1.00 and check them out. They will be there until October. October will be another beach sweeps and we are looking into having pickle ball at the tennis courts. There is a breast cancer walk on August 3rd.

Councilman Borowski stated that Waves of Impact is having their free surf camps on August 14th and 15th. The one on August 14th is supposed to be for the disabled veterans but they have not received a big response for that day but the 15th is for the special challenged children which will be a big event.

Mr. Parlow stated that the tax bills went out in the mail today and the due date will be August 22nd.

Councilman Borowski stated that we have the Lavallette Flags on sale at Trailer #1 for \$25.00.

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need for an executive session to discuss police personnel issues and collective bargaining issues in regards to a grievance. There may be action taken afterwards.

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

The Regular Meeting was adjourned to go into Executive Session at 8:20 pm.

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

Council President Zalom presided.

Mr. Bernstein stated that while in executive session there was discussion about a current grievance. Mayor LaCicero and Councilman Lamb were excused for this.

There was also discussion about the rehiring of a former Class II Officer.

A Motion was made by Councilwoman Filippone to approve Resolution 2014-212 to reappoint Anthony Amalfa to the position of Class II Special Police Officer with unlimited hours and with the seniority status retained effective immediately. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom and Horan voted Yes. Councilman Stogdill voted no. The Motion Passed.


ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:45pm.

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 28th day of July 2014


Christopher F. Parlow
Municipal Clerk