

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
December 8, 2014-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

Mayor LaCicero asked Council for a Motion to excuse Councilman Borowski.

A Motion was made by Councilman Stogdill to excuse Councilman Borowski. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

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 stated that on December 7, 1941 twenty four hundred servicemen were killed at Pearl Harbor. He asked for a moment of silence for them and also for two long time residents, June Cameron and June Niemic who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to the meeting. He stated that things have been very busy with the road construction. He stated that the Borough received a notice today stating that on December 15th there will only be one lane of traffic opened on Rt. 35 North with no parking available at all on the highway. He stated that he spoke with the DOT this morning and was told that the proposed closing of the lanes is not in conjunction with what the contract states. We were supposed to have a meeting on December 16th with the new Commissioner for an update but requested a meeting as soon as possible with him due to this new information. He stated that the Borough can and has been a flexible with this road work but these new conditions are just not acceptable to us as well as threatening to the businesses and the residents. Once we hear something we will update the website and at the next meeting.

Council President Zalom stated that she got a lug in her tire and called the State to put in a complaint. They sent her a claim form to fill out. She stated that she made copies of the form and it is available in the Borough Trailer.

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.

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 comment.

APPROVAL OF MINUTES:

Caucus/Regular Meeting of November 17, 2014

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

REPORTS:

- a) Construction Report for November 2014-Councilwoman Filippone-read report
- b) Zoning Report for November 2014-Councilwoman Filippone-read report
- c) Municipal Court Report for November 2014-Councilwoman Filippone-read report
- d) Public Affairs Report-Council President Zalom- We had a wonderful tree lighting on Friday. A big thanks goes out to the PTO, the school and the LBA for all their help. The Christmas decorations are up and the globe lights are on Bay Boulevard. Friends of Lavallette Beautification purchased the tree for us and it is going to be planted by the north side of the tennis courts. We need to find out about the wreaths to go around the lamp posts in the business district and the banners of garland. The Library will be holding a trip to Downton Abbey on December 17th. The Ski Trip will be on January 31st and we will be having a Healthy Aging movie and lunch on a Wednesday in January so keep an eye on the website. There is a meeting for the Cultural Grant that we received on December 15th and she will be attending for the points. We received \$2,500 again this year so thank you Mr. Parlow. The Wreaths from the Ladies Auxiliary were delayed in shipping. They will be here on Wednesday the 10th.
- e) Revenue Transaction Report for September & October-Chief Financial Officer
- f) Tax Account Report for November 2014-Tax Collector
- g) Report of Tax Sale of November 19, 2014-Tax Collector
- h) Certificate of Determination and Award for Bond Anticipation Notes-Chief Financial Officer-Mr. Parlow stated that we sold two notes within the past 30 days. One was a rollover of seven point four million dollars and the other was a new note in the amount of two million fifty thousand dollars. The rates we received were .38% on the rollover and .87% on the new one so virtually it was free money. Our Bond Counsel stated that the rates we received were the lowest she has seen all year throughout the entire state.

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2014-299 authorizing the Mayor and Municipal Clerk to execute the grant agreement with the Ocean County Cultural & Heritage Commission
- 2014-300 approving a raffle license to the Lavallette Heritage Committee to hold a 50/50 on premise raffle at the Lavallette Christmas Party to be held on December 21, 2014 at the Lavallette First Aid Building
- 2014-301 authorizing the electric collector and the Treasurer to refund an electric credit balance in the amount of \$1,584.92 to Donna Strazza at 124 Virginia Avenue
- 2014-302 recognizing the month of December 2014 as “National Drunk and Drugged Prevention Month” in the Borough of Lavallette
- 2014-303 authorizing transfers between budget appropriations-Mr. Parlow stated that there were three transfers, one was for \$100 and the other two were under \$2,000.

A Motion was made by Councilman Finter to approve the consent agenda. The Motion was seconded by Councilman Stogdill.

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.

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

RESOLUTION - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

- 2014-304 Bills List in the amount of \$1,658,099.03

A Motion was made by Councilman Lamb to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Stogdill, Finter and Lamb voted Yes. Councilwoman Filippone abstained on PO#14-01357 and yes to all others. Council President Zalom abstained to PO#14-01347 and yes to all others. The Motion Passed.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE NO. 2014-11 (1136) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO MAKE THE FEE FOR THE USE OF MUNICIPAL PAVILIONS AND GAZEBOS NON-REFUNDABLE

A Motion was made by Councilman Stogdill to introduce Ordinance No. 2014-11 (1136). The Motion was seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be held on December 22, 2014.

ORDINANCES ON FOR ADOPTION:

BOND ORDINANCE NO. 2014-07 (1132) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO VANCE AVENUE, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$29,110 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that this is our annual road improvement project. Virginia Avenue has started already. This one is for Vance Avenue and the next will be Guyer Avenue.

A Motion was made by Councilman Stogdill to adopt Bond Ordinance 2014-07 (1132). The Motion was seconded by Councilman Finter.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this Bond Ordinance. No one wished to comment. The Mayor closed the Public Hearing and asked Council for a vote on this Bond Ordinance.

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

ORDINANCE NO. 2014-08 (1133) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF LAVALLETTE TO ADJUST THE FEES CHARGED FOR USE OF BEACHES AND FACILITIES

Councilwoman Filippone stated that we will be charging a 2% fee for all credit card purchases for beach badges and the daily badges went from \$7.00 to \$8.00.

A Motion was made by Councilman Lamb to adopt Ordinance 2014-08 (1133). The Motion was seconded by Councilwoman Filippone.

The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment. The Mayor closed the public hearing and asked for a vote on this ordinance.

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

ORDINANCE NO. 2014-09 (1134) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 89 OF THE GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED "VEHICLES AND TRAFFIC" TO MODIFY THE TIME PERIOD THAT PARKING STICKERS ARE REQUIRED IN THE MUNICIPAL PARKING LOTS

Councilwoman Filippone stated that to make everything uniform during the summer season we have changed the time frame for when parking stickers are needed. They will now be needed only during the beach season which starts when the beach opens through Labor Day. So they will no longer be needed as of Memorial Day Weekend.

A Motion was made by Councilman Lamb to adopt Ordinance 2014-09 (1134). The Motion was seconded by Councilman Finter.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this Ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on this ordinance.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq./MELJIF CAT 90-Lavallette-Property Flood and Wind Measurement/Received November 17, 2014
- b) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. Borough of Lavallette, B & B Department Store/Received November 21, 2014
- c) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. B & B Department Store/Received December 4, 2014

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 6/Received November 18, 2014

New Jersey League of Municipalities:

- a) 2015 Pension Cost/CY 2015 Municipal Budget Cap Information/Received November 14, 2014
- b) Weekly Policy Update/Received November 14, 2014
- c) Your Legislators Must Hear From You On Transportation Funding/Received November 25, 2014
- d) Urgent Reminder-Please Join The Effort To Save Our Bases/Received November 25, 2014
- e) Transition/Bill Dressel's Retirement/Received December 3, 2014

General With No Action:

- a) Marlisa Vinciguerra/251 Westmont Avenue/Construction at 247 Westmont Avenue/Received November 17, 2014-The Mayor stated that there is an appeal process regarding this issue. The Borough Council does not make this determination. Mayor stated that Mrs. Vinciguerra is in the audience and she wishes to comment on this. The Council agreed to provide the floor to Mrs. Vinciguerra. Mrs. Vinciguerra stated that she resides at 247 Westmont Avenue and that her neighbor at 251 Westmont Avenue is constructing a 2nd garage which is obstructing their view of the bay. With her first letter she was told that a stop work order was being issued and the homeowner would have to go to the Planning Board for a variance. On November 28th, she was awakened by construction at that property. When she questioned Mr. Cinelli, the homeowner, he stated that no variance was needed and he could proceed with the work. She stated that she was giving conflicting information and would like to know how someone can have a garage in the front yard. Mayor LaCicero stated that there is an appeal process that needs to be done and also that area Westmont Shores has deed restrictions on their properties and you will have to deal with that issue also. The deed restriction would be a civil issue. Councilwoman Filippone questioned if a CAFRA permit was required as well. Mayor LaCicero stated that he was not sure about that but Gary Royer can give you any information on dates and CAFRA and the appeal process.
- b) AT & T/Contracts Management/Commencement of Site W-623 at Lavallette Water Tank/Received November 17, 2014
- c) Ocean County Utilities Authority/Richard Warren, Executive Director/Preliminary Estimate of 2015 Annual Charge/Received November 17, 2014
- d) Jersey Central Power & Light/Sally Cheong, Manager/Notice of Proposed Increase in Non-Utility Generation Charge and Notice of Public Hearings/Received November 19, 2014
- e) Office of the Sheriff/County of Ocean/Operations Division of Office of Emergency Management/John Kirwin, Deputy Coordinator/Emergency Operations Plan/Received November 20, 2014
- f) New Jersey Clean Communities/Sandra Huber, Executive Director/Statistical Report for 2012 not received/Received November 21, 2014
- g) New Jersey Clean Communities/Sandra Huber, Executive Director/Statistical Report for 2013 Not Received/Received November 21, 2014
- h) State of New Jersey/Department of Transportation/Update on Planned Route 37 Mathis Bridge Project/Received December 1, 2014-Mayor LaCicero stated that we had a meeting with the DOT about this project. There will be no work being done from May

to October but for the next three years there will be work being done on this bridge from November to April and there will only be one lane in and two lanes out during this time.

- i) New Jersey Department of Environmental Protection/Department of Environmental Protection Urges Safe and Less Polluting Burning of Wood in Cold Weather Months/Received December 4, 2014
- j) New Jersey Economic Development Authority/Michele Brown, CEO/Lenny's Pizza & Italian Grill/Received December 4, 2014

General With Action:

- a) Ocean County Planning Board/Michael Georgalas, Program Monitor/2015 CDBG Funding Application/Deadline February 13, 2015/Received December 4, 2014-Council President Zalom stated that the Borough can ask for CDBG funds for the year 2015 and she will be getting right on this. We were hoping to get some funds to help repair the firehouse but she was told that the firehouse was not in the DTN area of Lavallette. We have some time to figure out what we will be asking for.

UNFINISHED BUSINESS:

Councilman Lamb stated that the Firehouse repairs are moving along nicely. We are waiting on some proposals for some electric work. The Public Works Department have done a great job putting up new sheetrock and painting.

Council President Zalom stated that Pay It Forward will be donating another \$5,000 towards the firehouse renovations. She will be at the next meeting to present it.

NEW BUSINESS:

Strategic Recovery Planning Report – Post Sandy Planning Assistance Grant Program

Mr. Parlow stated that the Strategic Recovery Planning Report is complete and Council needs to make a motion receiving the report.

Motion to receive the report was made by Council President Zalom. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

RFP for the Amendments to Existing Master Plan Land Use Element – Phase II

Mr. Parlow stated that he needed Council to make a motion to allow him to advertise for proposals for a Planner to review our existing Master Plan and make amendments. The cost to hire a planner is being funded through the Post Sandy Planning Assistance Program.

A Motion was made by Councilman Stogdill to advertise for proposals. The Motion was seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Permit Application Package to NJDEP From Princeton Hydro, LLC For a Residential Dock Replacement for 22 Lavallette Avenue

Councilman Finter stated that he requested this issue be put on the agenda because of the letter from the Chairman of the Planning Board asking us to address it.

Mayor LaCicero stated that this is a dock that might be hazardous to navigation. There is a process for this where they have a hearing and they do accept comments but technically this is a State issue.

Mr. Parlow stated that this board is not an approving or denying board for this issue but anyone can voice their comments on the permit.

Mayor LaCicero stated that we can either write a letter in opposition or remain silent. That is something that Council will have to decide.

Councilwoman Filippone stated that we had a similar case years ago on West Point Island and a lot of those residents objected to it because it put the navigation of other boats in jeopardy. Looking at these plans it looks like this dock might also affect navigation.

Michael Fasano, Esq was in the audience and requested to be heard.

The Council agreed to have Mr. Fasano address the governing body.

Mr. Fasano stated that he was the Attorney for the applicant, Chris Marino, regarding this issue. He stated that this application is strictly a NJDEP issue and they have specific regulations. Of course, the governing body can voice their opinions and object to the application, but this is not a Borough decision.

Councilman Lamb stated that he thought that area was dredged recently so it should be okay for navigation.

Councilwoman Filippone stated that with the dock being that far out it will force the kayakers and boaters out into the channel.

Mayor LaCicero stated that maybe there should be a site visit to determine if we will send a letter of objection or not.

Mayor thanked Mr. Fasano for attending.

Additional Easements Required for Beach Fill Project – Street ends

Mr. Parlow stated that the DEP is has requested another access easement from the Borough and this one is requiring an easement access at the end of every street end. He has questioned them on why they would need this and has yet to receive an answer. Also, they are also requesting that the Borough incur the cost to prepare the easement and legal description.

Councilwoman Filippone questioned how we would do a legal description.

Mayor LaCicero stated that he is not sure why they would need an easement to the street ends but we will have to make some more phone calls on this issue before we do anything.

COMMENTS FROM THE PUBLIC:

Mary Logios, 4 Sterling Avenue stated that there is a pump and hosing on our street because of the flooding issue that needs to be rectified by the State and the pump runs constantly. She asked if the DOT is going to fix this issue sooner than later.

Mayor LaCicero stated that they have taken responsibility for it and are drawing up plans to correct the problem is what they are telling me.

Mrs. Logios stated that she understands it will take time, but the hose seems to be a hazard. She is worried about the snow plows having a problem coming down the street.

Mayor LaCicero stated that he will discuss it with them at the next meeting we have.

Joe Palinsky, 122 Washington Avenue questioned if the town was going to use the CDBG funds to put another handicap ramp at the north end of the boardwalk.

Mayor LaCicero stated that they did not know yet what they were going to do with the 2015 funds.

Council President Zalom stated that we still have funds from 2013 that they gave us lee way on the time frame to spend due to the storm but we need to start thinking about those funds, too.

Mark Speaker, LBA President stated that the tree lighting was wonderful and the Ugly Sweater Run was a big success. He thanked the Mayor and Council for their support and to all Borough services in town, the employees and all the committees for always supporting and helping us with whatever we need. Regarding the Route 35 Project's recent updates, the LBA and the residents will not agree to those severe restrictions and we will let them know. Mr. Case is less than truthful because he promised us this was not going to happen.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that Lenny's Pizza received a business grant which brings our businesses up to 2 million in grants that were received. The New York City bus trips are both filled.

Mr. Parlow stated that the architect is moving on the plans for lifeguard headquarters. There was an issue of an electric service that needed to be moved for the 1st property on the street before anything else could take place.

Council President Zalom questioned if that building will have to be on pilings.

Mr. Parlow stated that there would be pilings and the construction will not begin until after the summer. Trailer will be used once again for the 2015 summer season.

EXECUTIVE SESSION: Contract Negotiations-Teamsters 97
Non-Contractual Employees
Municipal Building Contract

Mayor LaCicero stated that he and Mr. Parlow had a meeting with Mr. Robert D'anton, who is a local architect in town, about the progress of the municipal building. Mr. D'anton is volunteering his services as a consultant to help with the progress of the municipal building. The contract time period and change orders need to be reviewed and all agree that a 3rd party consultant team needs to be hired to help with mediation between the builder, the architect and the Borough.

Mayor LaCicero stated that we need to go into executive session on this issue, as well as, a few others items.

Mr. DiYanni stated that there is a need to go into executive session to discuss certain issues regarding contract negotiations, non-contractual salaries and the municipal building. There may be formal action taken when we return to the Caucus/Regular Meeting.

A Motion was made by Councilman Stogdill to enter into Executive Session. The Motion was seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Caucus/Regular Meeting was adjourned to go into executive session at 8:12 pm.

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

Mr. DiYanni stated that while in executive session there was a discussion on a Memorandum of Agreement with Teamsters 97, salaries for non-contractual employees, and a Professional Service Contract regarding the Municipal Building. Action will be taken.

RESOLUTIONS OFF CONSENT:

2014-305 Approval of Memorandum of Understanding and execution of agreement with Teamsters Local 97 – White Collar Union

A Motion was made by Councilman Lamb to approve Resolution 2014-305. The Motion was seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2014-306 Establishing annual salaries for non-contractual employees for 2014.

A Motion was made by Councilman Lamb to approve Resolution 2014-306. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2014-307 authorizing the appointment of a Professional Service Contract to Torcon, Inc. to provide construction management services in regards to the construction of the new municipal building

A Motion was made by Councilman Stogdill to approve Resolution 2014-307. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

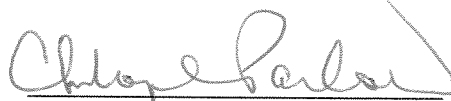
ADJOURNMENT:

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 8:34pm.

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 8th day of **December 2014**



Christopher F. Parlow
Municipal Clerk