

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**Monday, October 19, 2015-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

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

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 9, 2015. Notice was also posted on our municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Tom Burrell, a long time resident as well as the former President of the Board of Education who passed away recently.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting. He stated he and Mr. Parlow met with the DOT last week and they will be doing their final strip of paving on Route 35 North. They were once again trying to convince the Borough to go with the angle parking where the cars back into the spaces but we again told them that the Borough is not interested. We recommended they talk to the LBA and if they wanted to do a few test spaces then we would see how it went.

Council President Zalom stated that in the summer we have roughly 30,000 people in and out of Lavallette. That kind of parking is just not going to work here.

**COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)**

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

No one wished to comment at this time.

The Mayor closed the floor to public comment.

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of October 5, 2015  
Executive Session Meeting of October 5, 2015

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

**RESOLUTIONS-ON CONSENT:**

- 2015-290 authorizing the refund of a plumbing Subcode permit in the amount of \$300.00 to Flow Tech Utilities, Inc. due to the sewer replacement not taking place
- 2015-291 approving the submission of a grant application and execution of a grant agreement with the NJ Department of Transportation for the President Avenue Road Improvement Project-Mr. Parlow stated that this street will be for next year's project.
- 2015-292 authorizing the state contract purchase for additional communications needed for the Borough of Lavallette's new phone system from TDS Communication Technology Solutions, Inc. in the amount of \$2,735.00
- 2015-293 authorizing the execution of a change order to the contract with Ranco Construction, Inc. for the installation of a standby generator for some additional electrical upgrades increasing the contract by \$9,399.59-Mr. Parlow stated that this change order is for changing out some old circuit panels and single phase kits.
- 2015-294 authorizing the refund of planning board escrow funds for 301 Bay Blvd. in the amount of \$193.00
- 2015-295 authorizing the refund of planning board escrow funds for 1501 Grand Central Avenue, Unit #1 in the amount of \$724.00
- 2015-296 authorizing the electric collector to remove excess electric accounts needed for the generator installation at the Department of Public Works
- 2015-297 authorizing the electric collector to remove one electric account at 100 Reese Avenue due to the three-family being converted to a two-family
- 2015-298 authorizing the Mayor to sign and execute a Memorandum of Agreement between The Borough of Lavallette and the Dispatchers & Records Clerk Union
- 2015-299 authorizing the refund of planning board escrows for 102 President Avenue in the amount of \$896.00

2015-299A approving a 50/50 off premise raffle to the Lavallette School PTO at the Lavallette School Christmas Show on December 11, 2015 at 7pm

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

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

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

#### **RESOLUTIONS OFF CONSENT:**

There were no resolutions off consent.

#### **APPROVAL OF VOUCHERS:**

2015-300 Bills List in the amount of \$3,063,651.61

A Motion was made by Councilman Lamb to approve the bills list. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the bills list.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

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

#### **UNFINISHED BUSINESS:**

Discussion of Relocation of Transformer at 1104-1106 Ocean Front

Mr. Bernstein stated that this item will be discussed in Executive Session due to Attorney-Client Privilege.

Mr. Parlow stated that he spoke to the DEP regarding the demolition program that roughly involves about 25 homes in Lavallette. They are going to put bid specification out to award a

contract for the demolitions. They will be taking care of the asbestos abatement before they demolish the homes and then they do what is called wet debris demolishing where they water everything down to make it environmentally safe for the surrounding neighbors. Once they send out the specs we will be sent a copy and we will make it available for public inspection

Mayor LaCicero stated that you would hope that the DEP would know what they are doing when handling a demolition with mold and asbestos.

Council President Zalom stated that Chris and her verified with the State that they will definitely be taking safety precautions with these demolitions.

Councilman Borowski stated that he also reached out to Freeholder Gerry Little who is the liaison to the Board of Health and he said the State plan for these demolitions is very regulated and they will make sure that safety is first. He also mentioned that if the Borough would like the Board of Health to come in and sit with us and go over their current policies and offer some recommendations on demolitions locally they can do that for us.

Councilman Lamb questioned how many demolitions the state has done so far.

Mayor LaCicero stated that they haven't taken any down as of yet but they have taken ownership of some of the properties.

#### **NEW BUSINESS:**

Council President Zalom stated that she thinks we need to change the December 21<sup>st</sup> Council Meeting because the Town Birthday Party is also on that day and it is in this building. She suggested that it be move to Tuesday, December 22, 2015.

A Motion was made by Council President Zalom to change the December 21<sup>st</sup> 2015 meeting to Tuesday, December 22<sup>nd</sup> at the same time. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Councilman Borowski stated that it has been three years since Sandy and the town has come back and is looking great. For these past three years, the town has given a lot of leniency regarding construction. His concern is with all the new in-ground pools and the dewatering that takes place during the installation. This water is staining our curbs and it omits a strong odor. He would like to have the Attorney draft up an ordinance stating that the pool contractors will have to provide flex hose and make sure the water falls into a catch basin.

Councilwoman Filippone stated that we are going over the Master Plan with Planning Board and she believes that there is an ordinance that they are looking over that deals with a section about draining in the street. Maybe we should wait and see what happens with this ordinance and we may be able to work it in to this as well.

Mayor LaCicero questioned where these owners are going to discharge their sump pumps.

Councilwoman Filippone stated that she did not know.

Councilman Lamb stated that he thinks the Attorney should move on drafting the dewatering ordinance because the Master Plan is still under review and we don't know how long it is going to take.

Mr. Bernstein stated that he will draft something up for Council review.

Councilwoman Filippone stated that the town has been very liberal as far as not enforcing the summonses for signs on properties for too long or dumpsters in streets and trailers or pods; all the aesthetic items. She thinks as of January 1, 2016 we should now start to enforce all of these things because it has been three years like Councilman Borowski mentioned and we have been lenient long enough. She would like a little blurb in the newspaper stating that as of January 1, 2016 we will be starting to give summonses for these things.

Councilman Borowski questioned how long the orange signs on Route 35 South will be there.

Mayor LaCicero stated that as far as he knows once the project is completed the signs will be removed.

A Motion was made by Councilwoman Filippone to authorize the advertisement in the newspaper advising residents and contractors that as of January 1, 2016 all codes will begin to be enforced. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that Mayor LaCicero and her attended the Summit at Toms River Township Town Hall where Congressman MacArthur was and our Mayor spoke very proudly of our town and the residents we have. He spoke about our dunes and how they saved us again during this nor'easter. The Beach Sweeps will be this Saturday from 9am to 12 noon. Also, our Dune Grass Planting will be on November 14<sup>th</sup> not November 7<sup>th</sup> because that is the earliest the County can get us our dune grass. The Halloween Hoedown is on the 30<sup>th</sup> and both NYC bus trips are filled. The LBA Trick or Treat will be on October 31<sup>st</sup>. There is a lot of flooding on President Avenue and Bay Blvd. that is really greenish so she put a call in to the County and they will be taking care of that right away

Mayor LaCicero stated that he invited all of them at this Summit meeting to come to Lavallette and take a look at our dunes. After that meeting he stated that he received a call from Toms River Township for help with their dune maintenance.

Council President Zalom stated that the ski trip is January 23<sup>rd</sup>.

#### **COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue stated that he thought already took care of the sump pump issue.

Mayor LaCicero stated that sump pumps are not permitted to drain into the sanitary sewer.

Councilman Borowski stated that with each road improvement we do in town it takes care of the sump pumps on those streets.

Councilman Lamb stated that the number of sump pump problems has drastically reduced.

Mayor LaCicero stated that years ago we had a lot of problems with them but not so much anymore.

Joe Palinsky, 122 Washington Avenue stated that he believes that years ago the State addressed sump pumps with a state law saying that we as a town could not tell anyone that they cannot discharge in the street. You should check on this before you tell them that.

Mark Speaker, 111 Brown Avenue stated that the orange signs on 35 South are a temporary situation. He agrees with Councilwoman Filippone as to charging a fee for dumpsters and pods and also agrees that it is time to stop the leniency. He also stated that it is a very good idea to address the discharge with the pools. The LBA Trick or Treat will be October 31<sup>st</sup>.

Jon Corney, 1 Newark Avenue questioned why we would have to warn people that as of January 1<sup>st</sup> of 2016 that they the town will be enforcing all these things again when we already have these ordinances against them and always have. Nobody is going to read the paper and see this. Why don't you think about putting it on all the electric bills to let people know. Also, please issue an administrative directive and tell the police to patrol all the streets in Lavallette not just the highways.

Mayor LaCicero stated that the Chief is trying to collect some revenues but he will talk to him about it and also talk to Matt about the blurb on the electric bills.

#### **COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Councilman Finter stated that flu shots will be given at the First Aid from 10am to 12 noon on Tuesday, October 20<sup>th</sup>.

#### **EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need to go into executive session to discuss an item of attorney-client privilege. There may be some action taken.

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

The regular meeting was adjourned to go into executive session at 7:50 pm.

A Motion was made by Councilman Borowski to reconvene the regular meeting. The Motion was seconded by Councilman Finter. Vote: All of Council was in favor.

Mr. Bernstein stated that while in executive session there was discussion of an attorney-client privilege matter regarding a utility easement. He stated that he has received direction from the Council to draft an agreement for their review for this matter.


**ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:06 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 19<sup>th</sup> day of **October 2015**



**Christopher F. Parlow**  
**Municipal Clerk**