

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
November 16, 2015-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
A Motion was made by Councilman Stogdill to excuse Councilman Lamb. The Motion was seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

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 was published in the Ocean Star on January 9, 2015. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for the victims of the Paris terrorists attack and for Roseangela Zaccaria who passed away recently, who was a member of the Planning Board and for Peter Weeks, who was a long-time resident of the Borough who also recently passed away.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that we have been having an Indian summer and the whales have been seen breaching from the beach. He stated he had a lot of reports that there was water pooling around all the new handicap ramps the state put in so that will also be on our punch list. He stated that anyone who 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 stated that anyone who 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:

Minutes of Regular Meeting of October 19, 2015

Minutes of Executive Session of October 19, 2015

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

REPORTS:

- a) Construction Report for October-Councilwoman Filippone-read report
- b) Zoning Report for October-Councilwoman Filippone-read report
- c) Municipal Court Report for October-Councilwoman Filippone-read report
- d) Police Overtime Report for October-Councilwoman Filippone-read report
- e) Public Works Report for October-Councilman Lamb-Mayor read some items on report
- f) Public Affairs Report for October-Council President Zalom-the editor from the Ocean Star Kimberly Molla is moving on to New York City. We enjoyed our time with her. We celebrated 10 years with the Friends of Beatification at their luncheon. The County Engineer has informed the Borough that they will be cleaning the medians along Bay Boulevard with top soil and plantings so if you see a lot of red flags along the roadway that is where all the plantings will be. Our tree lighting is scheduled for December 4th and is now going to be at the new Municipal Building. There is a free rabies clinic tomorrow from 6pm to 7pm in the First Aid. Both New York City bus trips are filled but we still have seats for the ski trip on January 23rd. We had a great dune grass planting. As cold as it was we still had 70 people show up to plant. We even had more people ask to plant more so anyone who would like to can go down to Public Works and pick some up.
Right now we still have 20 bundles available.
- g) Tax Account Report for October-Tax Collector
- h) Revenue Transaction Report for September-Chief Financial Officer

Councilwoman Filippone stated that the Municipal Building is coming together and it is absolutely stunning and taking on its character. Proposing all goes well the estimated date she is looking at is December 21st for the dedication. During that time we will schedule several hours for people to have walk thru tours in the afternoon. There will be no employees working yet. Then we all have the Birthday/Christmas Party at 6pm that night. The last week or two we have had a numerous amounts of contractors in there and we also had the elevator inspector who commented that he was very impressed with our building. The builder has also stated that our building is definitely a fortress. She stated that Public Works found the bows that went on the wreath decorations for the lamp posts in the business district.

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2015-301 authorizing the refund of planning board escrows to NVR Holdings, LLC in the amount of \$561.00
- 2015-302 authorizing the refund of planning board escrows to Kim & Lars Wegner in the amount of \$1,191.00
- 2015-303 permanently appointing Gary Royer as a part-time Zoning/Code Enforcement Officer for the Borough of Lavallette
- 2015-304 authorizing the Municipal Clerk to advertise and receive bids for the positions of Borough Attorney, Borough Auditor, Municipal Prosecutor and Municipal Engineer for the year 2016
- 2015-305 authorizing the execution of a Change Order No. 8 with Wallace Brothers, Inc. increasing the adjusted contract price by \$15,793.42-Mr. Parlow stated this change order is for brick piers to hold the outside bell, some more electrical changes and trim work, extension to the Builder's Risk Policy and some tile by the elevator. Councilman Borowski questioned why we would have to be charged for the policy. Mr. Parlow stated that the contractor stated it was due to the number of change orders but if you want to dispute it you have the right to. Councilwoman Filippone stated that the front steps of the building were initially rejected and they needed to be adjusted. They will cost a little more money to get them corrected. They will be using limestone treads to widen and the railings will be added.
- 2015-306 authorizing the Municipal Clerk to sign an application for special permit for social affairs to Donations of Love Inc. for the sale of alcoholic beverages at their wine tasting event at Ohana Grill on December 4, 2015
- 2015-307 granting a license to the Lavallette Heritage Committee to hold a 50/50 on premise raffle on December 21, 2015 from 6pm to 10pm at their Lavallette Birthday Party at the Lavallette First Aid Building
- 2015-308 authorizing a Shared Service Agreement with the Borough of Island Heights for the use of the Island Heights Municipal Court-Mayor LaCicero stated that after the storm they were gracious enough to allow us to use their chambers for our Council Meetings and are still allowing us to use for our court sessions so this monthly fee is definitely warranted.

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 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 and Finter voted Yes. The Motion Passed.

RESOLUTIONS - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2015-309 Bills List in the amount of \$1,373,498.39

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

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 bills list.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Lenny's Pizzeria and Restaurant, Inc. v. Borough of Lavallette/Received October 13, 2015-Mr. Bernstein stated that the one issue won't be resolved for awhile but the OAL issue was dismissed without prejudice.
- b) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. Borough of Lavallette/Received October 16, 2015
- c) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. Borough of Lavallette/Received October 26, 2015
- d) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Lenny's Pizzeria v. Borough of Lavallette/Received October 27, 2015
- e) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/7 Brooklyn Avenue, LLC v. Borough of Lavallette/Tax Appeal/Received November 4, 2015
- f) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. B & B Department Store/Received November 4, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Installation of New Standby Generator/Pay Estimate No. 4/Received October 8, 2015

- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2016 NJDOT Municipal Aid Program/Elizabeth Avenue Road Improvements/Received October 20, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 17/Received October 23, 2015
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2016 NJDOT Municipal Aid Program/President Avenue Road Improvements/Received October 27, 2015
- e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Vance Avenue Road Improvements/NJDOT Application/Received November 2, 2015
- f) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/New Municipal Building/Cast Stone Joints/Received November 4, 2015
- g) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Installation of New Standby Generator/Pay Estimate No. 5/Received November 9, 2015

New Jersey League of Municipalities:

- a) Reminder-18th Annual Elected Officials Hall of Fame/Received October 1, 2015
- b) Nor'Easter and Hurricane Joaquin Update/Received October 2, 2015
- c) Weekly Policy Update/Received October 2, 2015
- d) Weekly Policy Update/Received October 9, 2015
- e) Weekly Policy Update/Received October 16, 2015
- f) Weekly Policy Update/Received October 23, 2015
- g) Urgent Action Needed Now/Received October 27, 2015
- h) Federal Advocacy Update/Received October 27, 2015
- i) Survey on High School Youth Civic Engagement/Received October 28, 2015
- j) Weekly Policy Update/Received October 30, 2015
- k) Important Conference Opportunity/Experts Available At Your Convenience/Received November 5, 2015
- l) Weekly Policy Update/Received November 6, 2015

General With No Action:

- a) Regina Birchler/33 Bullard Drive/Demolition Program/Received October 6, 2015-Mayor LaCicero stated that this property she is talking about is already on the demolition list. The State is moving forward with this program and we have revised our disconnect program for them so they do not have to pay any fees up front to make it an easier and quicker process.
- b) Ocean County Municipal Joint Insurance/Loss Control Report/Received October 6, 2015
- c) State of New Jersey/Department of Environmental Protection/Michele Kropilak, Region Supervisor/Notice of Violation/75 Pershing Boulevard/Received October 7, 2015
- d) Ocean Monmouth Health Alliance/Debra Levinson, Regional Director/Breast Cancer Awareness/Received October 8, 2015
- e) Badge Revenue Update as of September 7, 2015/Seaside Park/Seaside Heights/Ortley Beach and Lavallette/Received October 8, 2015- Councilman Stogdill stated this report shows that Lavallette was the only town that had increases in sales.

- f) State of New Jersey/Department of Environmental Protection/Eric Virostek, Environmental Specialist/Correction for Coastal General Permit/80 Ocean Front/Received October 9, 2015
- g) Zurich American Insurance/Peter Hanrahan/Hurricane Sandy Flood Claim/Final Payment of \$394,584.22/Received October 15, 2015
- h) Antonia Rulli/8 Vance Avenue/thanking Gary Royer for all his help/Received October 16, 2015
- i) FEMA/NFIP Transformation Task Force Update/Received October 19, 2015
- j) DEP News Release/Christie Administration Proposes Common Sense Overhaul to Water Quality Management Planning Rule/Received October 19, 2015
- k) New Jersey Department of Environmental Protection/Cindy Randazzo/Second Round of Grant Funding/Flood Hazard Risk Reduction & Resiliency Grant Program/Received October 20, 2015
- l) Ocean County Department of Solid Waste Management/James Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program/Check in the Amount of \$1,341.13/Received October 21, 2015
- m) ISO/Virginia Fields/Building Code Effectiveness Grading Schedule/Received October 22, 2015
- n) State of New Jersey/Board of Public Utilities/Veronica Beke, Deputy Attorney General/Cablevision Renewal Certificate of Approval/Received October 23, 2015
- o) Ocean County Municipal Joint Insurance Fund/2015 Dividend/Received October 23, 2015
- p) Route 37 East Mathis Bridge Construction Notice/Received October 23, 2015
- q) United States Environmental Protection Agency/Dore LaPosta, Director/In the Matter of Lavallette Water Department/Received October 26, 2015-Mayor LaCicero stated that it seems we never received the first notice in 2012 but we have straightened it out and will be taking care of the having the tests done twice a year from now on.
- r) Ocean County Planning Board/David McKeon, Planning Director/2015 Beach Grass Distribution/Received October 27, 2015
- s) Ocean County Municipal Joint Insurance Fund/Public Hearing-2016 Proposed Budgets/Received October 27, 2015
- t) NJ Bankers/Michael Affuso, Exec. VP/Foreclosures/Received October 29, 2015
- u) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/Third Quarter-2015 Metered Flow Data/Received October 29, 2015
- v) Office of the County Engineer/John Ernst, Director/Pipe Cleaning/President and Bay Blvd./Received October 29, 2015-Council President Zalom stated that there is always a lot of flooding at the intersection of President and Bay Boulevard and it gets really gross with the stagnate water. She called the County and they came out and looked at it and found that the whole outfall pipe needs to be replaced. So they will be taking care of that right away.
- w) NJDOT/Traffic Advisory/Mathis Bridge/Route 37 Eastbound to Close October 31st/Traffic Shifts to the Tunney Bridge until Spring/Received October 30, 2015
- x) Ocean Monmouth Health Alliance/Debra Levinson, Regional Director/Great American Smokeout/Children's Education Books/Received November 5, 2015
- y) DEP News Release/Results of Barnegat Bay Science Studies to be presented to public on November 17/ Received November 12, 2015

- z) DEP News Release/New Interactive Website offers practical advice on designing of Jersey-Friendly yards/ Received November 12, 2015
- aa) FEMA/Kendall Murphy/Updated NFIP Reform Fact Sheet/Received November 12, 2015

General With Action:

- a) Annette Esposito/214 Westmont Avenue/requesting assistance with the condition of 216 Westmont Avenue/Received October 5, 2015-Mayor LaCicero stated that this property is also on our demolition list.
- b) Stephanie Hrvatin/114 Reese Avenue-Front House/requesting she not be charged for the water bill due to a broken water meter/Received October 8, 2015-Councilman Finter stated that this issue has been resolved.
- c) Edwina Cioffi/306 Ocean Front/requesting credit towards 2016 beach badges and parking sticker since the 2015 badges were paid for but never picked up/Received October 14, 2015-Mayor stated that we are sorry but we do not issue credits for refunds.
- d) Pam Caucino/Beach Badge Supervisor/requesting to have the badge office stay open until 4 or 4:30 pm on Saturdays for the 2016 summer season/Received October 16, 2015-Councilman Stogdill stated that this has become a problem with the change overs of the rentals on Saturdays after 3pm. We will consider this for next year.
- e) Cynthia Pratt/Peter Riess/requesting to hold their wedding ceremony on the beach at Philadelphia Avenue on June 11, 2016 at 3:30 pm-Mayor LaCicero stated that this is before the season starts so this is fine.
- f) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/requesting assistance regarding the unsafe structure demolition program and the Borough of Lavallette utility disconnects/Received October 24, 2015-Mayor LaCicero stated that this has all been resolved. Councilwoman Filippone questioned if there was a charge for disconnects for everyone in town. Mayor LaCicero stated that there is a disconnect charge for water and sewer and it is usually paid ahead of time. What the State was asking for is to be able to have Public Works go ahead with the disconnects without the fee and they will take care of all their fees at the end to speed up the process.
- g) Borough of Wanaque/Daniel Mahler, Mayor/requesting the Borough join him and Council in petitioning for a Commission to explore the elimination or reduction of County Government in the State of New Jersey/Received October 29, 2015-Mayor LaCicero stated that we are not interested in this.
- h) Institute on Science for Global Policy/George H. Atkinson, Founder/requesting the Mayor's Attendance at a two-day conference on The Shore's Future: Living with Storms and Sea Level Rise/Received November 4, 2015-Mayor LaCicero stated that he would check his schedule.
- i) Eric Balmer & David Hubert/408 Coolidge Avenue/Ortley beach/requesting the same school plan that was offered to Seaside Park for free tuition for the Lavallette School for Ortley Beach/Received November 5, 2015-Mayor LaCicero stated that they first need to speak with Toms River Township and it is not free tuition either the person pays or the town agrees to pay Lavallette.

- j) Community Associations Institute/Christine Li, Chair/requesting an ordinance be adopted in Lavallette to require the upkeep of vacant homes under foreclosure/Received November 9, 2015-Mayor LaCicero stated that we do not have vacant foreclosed homes here.
- k) Spark Market Solutions/Patti Baxter/Explore Ocean County special rates for Lavallette/Received November 12, 2015-Council President Zalom stated that we are already getting a free ad from the County because they spelled Lavallette wrong last year.

UNFINISHED BUSINESS:

Councilman Borowski questioned if the ordinance draft was being done regarding the ground water discharge.

Mr. Bernstein stated that it is being worked on and it will be done soon.

Council President Zalom stated that it is Fire Prevention Month and our Fire Department did a great job at the Lavallette School with the Fire Truck and goodies.

Councilman Borowski stated that they give out goody bags with a small fire hat and some stuff in there.

NEW BUSINESS:

Approval of Lavallette Business Association 2016 Events

A Motion was made by Council President Zalom to approve the LBA events for 2016. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. The Motion Passed.

Council President Zalom stated that Big Brothers & Big Sisters would like to put a bin at the Recycling Center and any items that get put in it will only be distributed to Ocean County residents.

Councilman Borowski stated that he is not comfortable with that. Nobody ever knows where that money generated goes to.

Mr. Bernstein stated that to keep in mind if you allow one you open yourself up to all of them.

Mr. Parlow stated that it will open Pandora's Box.

COMMENTS FROM THE PUBLIC:

Gail Stefanelli, 122 Camden Avenue stated that they should think about putting a satellite Beach Badge Office up at the lifeguard headquarters just for the weekends.

Mr. Parlow stated that it was discussed once before and decided that it would cause too much additional vehicle traffic on the top of Philadelphia Avenue.

Mrs. Stefanelli questioned if the street sweeper will be out again cleaning all the streets once the road work is completed.

Mayor LaCicero stated that it has been keeping up with the ocean blocks but yes they will start again once the road work is complete.

Jon Corney, 1 Newark Avenue stated that the revenue report is strong and we should be able to reduce taxes in 2016. He stated that it is time to cancel the expenditures and move to surplus. Let's clean up the appropriations and encumber everything. Also, there are too many feral cats in town. There needs to be a plan to get rid of them.

Council President Zalom stated that if you call the Animal Control Officer he will come and set traps but you need to call him.

Mr. Parlow stated that the Borough has allocate very few funds to the Animal Control Office so if there is an issue and you want it to be taken care of on a full time basis then we will need to relook at the allocation and move some monies around.

Mayor LaCicero stated that the problem is they come from all the other towns also. He stated he realizes that the cat problem exists but Mr. Corney is the only one who has complained publicly.

Councilwoman Filippone stated that the Animal Control Officer is also a full time Public Works employee and he only does the animal control on a part time when needed basis.

Mr. Corney questioned when the contractor sign issue was going to be resolved.

Councilwoman Filippone stated that we gave them until January 1st to clean up their signs.

Pat Marrone, 11 Elizabeth Avenue stated that the feral cat problem is a very big problem on the south end of town. Everyone should be calling and complaining to get the problem rectified.

Herb Hascher, 1301 Bay Boulevard stated that he was very happy to hear about the median on Bay Boulevard and the outfall pipe getting taking care of. He hopes they remove some more sand from the median before they put topsoil because there is way too much sand on there.

Vicki Guy, 16 Sterling Avenue stated that she is in charge of the Lavallette Birthday Party on December 21st this year. There will be caroling at 6pm and dinner at 7pm. The dinner will be family style and BYOB and a DJ. If you want a ticket you can contact her. There will be no tickets at the door.

Joe Palinsky, 122 Washington Avenue stated that now that the road construction is wrapping up maybe we should consider videotaping the sewer laterals like we did many years ago to look for any damage that might have occurred with the construction work.

Mayor LaCicero stated that economically it is not feasible to do so. We have not increased our infiltration in some years.

Mayor LaCicero stated that we are hoping that the road work has reduced the pumping of ground water.

Councilman Borowski stated that with the meter flow the water comes in and comes out. How questioned how actively does that get compared? There is probably unaccounted usage and all the meters are digital.

Councilwoman Filippone stated that it is possible to get it done once we eliminate WPI and Westmont Shores and then we would get an accurate usage in a whole.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone stated that Pat Marrone and her took a ride to Cranbury, NJ and picked out the new Christmas Tree for the new Municipal Building. It is a Blue Spruce and is nice and full.

Councilman Borowski stated that this year the Lavallette First Aid won the NJ Medical Service Award.

Councilman Stogdill wished everyone a Happy Thanksgiving.

Councilwoman Filippone wished everyone a Happy Thanksgiving.

Council President Zalom wished everyone a Happy Thanksgiving and said she would see everyone at the Christmas Tree Lighting.

Mr. Parlow stated that every year we go through the appropriations and at the last meeting in December we cancel any appropriations not needed and put it in surplus.

Mayor LaCicero stated that he has always supported Mr. Parlow's budget philosophy and it has always worked for us. This town is very envied and we never hide anything. Our government has always remained open and will continue to do so.

Councilman Borowski stated that it was an honor being reelected and is honored to be a part of this small wonderful community. There are so many horrible things going on in this large world and we should all go home and kiss our loved ones and just be thankful for what we have.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:30 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 **16th** day of **November 2015**

A handwritten signature in cursive script, reading "Christopher Parlow", written over a horizontal line.

Christopher F. Parlow
Municipal Clerk