

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, March 23, 2015-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Finter and Stogdill
Councilwoman Filippone was not present.

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 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 long time resident Tom DeSantis, former owner of Martin's Drugs, who passed away recently and for all the troops overseas.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated there has been lots of activity at the Borough Hall. The roof is on and the heating and plumbing is done on the first floor. Mr. Wallace is saying that the building should be completed by August 27, 2015. We are just glad that things are progressing.

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 CLERK'S MINUTES:

Caucus/Regular Meeting of March 9, 2015

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

RESOLUTIONS-ON CONSENT:

- 2015-107 reappointing Frank Salzer as the Lavallette Municipal Court Judge for another three year term commencing April 1, 2015 and ending March 31, 2018-Mayor LaCicero stated that Judge Salzer has been employed here for about 25 years.
- 2015-108 appointing Sandra Brodbeck to the position of part-time Municipal Court Recorder at \$104.00 per court session for the year 2015
- 2015-109 appointing Peter Seggel as a part-time telecommunicator for the Lavallette Police Department at an hourly rate of \$10.00 commencing March 11, 2015
- 2015-110 approving 12 applicants to attend the Ocean County Police Academy's Class I Training Course at an hourly rate of \$7.25
- 2015-111 proclaiming the month of April 2015 as "Alcohol Awareness" Month in the Borough of Lavallette-Council President Zalom stated that it is also Women's Month in March.
- 2015-112 proclaiming the month of April 2015 as "National Youth Sports Safety" Month in the Borough of Lavallette
- 2015-113 authorizing the interlocal service agreement between the Borough of Lavallette and the Toms River Board of Fire Commissioners District for the use of the Borough's fuel for their fire vehicles
- 2015-114 approving two raffle licenses to the Lavallette School PTO to hold a 50/50 on premise raffle and a gift raffle on April 24, 2015 from 5pm to 9pm at the St. Pio Parish Center
- 2015-115 authorizing the refund of a water disconnect fee in the amount of \$250 that was paid in error to Geraldine Dolinski, 104 New Brunswick Avenue
- 2015-116 amending the 2015 temporary budget
- 2015-117 authorizing the Borough Administrator to sign and execute the grant application for the essential services grant with the State of New Jersey - Mayor LaCicero stated that we have applied for this grant in the amount of \$856,000 so we hope we hear good news this time.
- 2015-118 awarding a contract to Eric G. Larson, Jr. Electrical Contracting, Inc. for the installation of new electrical wiring and conduits at the Lavallette Firehouse in the amount of \$10,350.00-Councilman Lamb stated that stated that all the electric will be in the ceiling to keep it free of floods

2015-118A authorizing the execution of a change order #3 to the contract with Wallace Brothers, Inc. increasing the adjusted contract price by \$105,587.10

Mayor LaCicero stated that this is another change order for the municipal building. This is mainly for electrical items such as some needed conduits, extra fire alarms, some emergency lighting and a change in the elevator ceiling. Councilman Borowski questioned why the architect would not have put all of this in the bid specs to prevent these change orders. Mayor LaCicero stated that he agrees with Councilman Borowski. He stated that he and Mr. Parlow had a meeting with the architect to let him know we are not very happy with all of this. We made him aware that from now on before any changes are needed they will need the approval by Mayor and Council and we also need an explanation of why it needs to be done and why it was not part of the bid specs. We have never been involved with the construction of a building like this and we put all our faith in him to guide us and he is not doing a really good job.

A Motion was made by Councilman Lamb 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 at this time.

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

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

RESOLUTIONS-OFF CONSENT:

2015-119 approving a facilities use application to Sam Hammer Surf Camp to hold surf lessons on the Brown Avenue beach from June 22, 2015 through September 5, 2015, Monday through Saturday 3 hours a day

The Mayor stated that he has already spoken to Mr. Hammer and he is going to remove this resolution until the next meeting. He received some phone calls about the camp not following their agreement but Mr. Hammer states otherwise. He stated he will be doing some more research on this.

Motion: Second: Vote:

2015-120 approving a special event/facilities use application to the Lavallette School PTO to hold a 5K Run/Walk on June 13, 2015 starting at the Tennis Court Parking Lot from 8am to 11:30 pm

Council President Zalom stated that the plant swap is that day at the tennis courts but she thinks it is in the afternoon.

A Motion was made by Councilman Lamb to approve Resolution 2015-120. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Mary Logios, 4 Sterling Avenue questioned if there was already a triathlon on that day.

Council President Zalom stated that the Triathlon is the weekend before on June 7th.

The Mayor closed the floor to the public and asked Council for a vote on the Resolution 2015-120.

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

APPROVAL OF VOUCHERS:

2015-121 Bills List in the amount of \$962,012.99

A Motion was made by Council President Zalom to approve the bills list. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained on PO #15-00269 and yes to all others.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE NO. 2015-04 (1140) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mayor LaCicero stated that this is the ordinance we do every year along with our budget but we never use the bank.

Mr. Parlow stated that we have \$1,273,000 in the cap bank that has never been utilized. He stated that it is not technically a real bank and would allow the town to appropriate additional spending above the cap.

A Motion was made by Councilman Lamb to introduce Ordinance 2015-04 (1140). The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be held on April 6, 2015

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

ORDINANCE NO. 2015-03 (1139) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE, ENTITLED "LAND USE PROCEDURES," TO ADOPT THE PLANNING BOARD APPLICATION CHECKLIST

Mayor LaCicero stated that this was approved last year by Resolution but needs to be followed up by an Ordinance approving it.

A Motion was made by Council President Zalom to adopt Ordinance 2015-03 (1139). 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 on this Ordinance.

The Mayor closed the public hearing and asked Council for a vote on Ordinance 2015-03 (1139).

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

INTRODUCTION OF THE 2015 BUDGET (Clerk to read Budget Resolution 2015-122)

Mr. Parlow read Budget Resolution aloud.

Mayor LaCicero stated that it is not going to be a pretty picture. The DCA has informed us that we will start paying back our 10% share of our emergency bonds from the storm in order to pay them off within three years.

Mr. Parlow stated that we did everything right as far as our emergency notes and offsetting on appropriations with revenues from FEMA. The Department of Community Affairs believes that municipalities should start paying the 10% unfunded share of the emergency notes that were issue as part of the storm and incorporating that 10% share into the budget and raising taxes. Mr. Parlow stated that he does not totally disagree with that directive. The record speaks for itself as far as knowing how much we have spent on sandy damage. The raising of taxes was inevitable.

Mayor LaCicero stated that our expenditures are well under control as our revenues are still down some. We were deciding whether or not to introduce the budget right now just in case the DCA had a change of heart but in order for us to apply for the essential services grant of \$856,000 we need to introduce the budget before April 1st.

Mr. Parlow stated that the budget is scheduled for public hearing and final adoption on May 4th but because of the essential services grant we will probably only be able to have the public hearing on May 4th because we will need to know whether or not we were approved for the grant.

Mayor LaCicero stated that if the DCA decides to change their minds about paying down the 10% share right now we can amend the budget before adoption.

Mr. Parlow stated that we have not made any changes to our debt service. The Borough has always had a strong commitment to pay down our debt service well over the minimum payment amount. The minimum required payment in 2015 is \$96,000 and we have appropriated \$330,000 in this years budget.

Councilman Borowski questioned the flood insurance aspect and if that is included in this budget.

Mr. Parlow stated that yes and we will be discussing that in new business about our flood insurance.

Mayor LaCicero stated that our beach line has gone up because of an 11 week season this year instead of a 10 week season and the flood insurance that we will need for our buildings.

Mr. Parlow stated that the premium costs for the flood insurance will also be absorbed by utilities. Also, there will be no utility increases for this year.

Mayor LaCicero stated that the public hearing will be set for May 4, 2015 but probably no adoption at that time.

A Motion was made by Councilman Lamb to introduce the 2015 budget. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be held on May 4, 2015

UNFINISHED BUSINESS:

Route 35 Reconstruction Project-Line Stripping Pattern Route 35

Mr. Parlow stated that the RBA Group that handles the Route 35 Recon Project provided a parking plan for Route 35 North. The plan included the stripping of spaces, intersections and bike lane. Currently we have a total of 456 parking spaces with 447 being standard parking space and 9 are ADA accessible. The new plan provides a total of 470 parking spaces with 441 being standard and 29 being ADA compliant. The ADA compliant spaces will be located at the southwest corner of every intersection. They are looking for consent from Mayor and Council for this plan.

A Motion was made by Councilman Borowski to consent to the Route 35N North Striping Plan. The Motion was seconded by Council President Zalom.

The Mayor opened the floor to the public and asked if anyone wished to comment on this plan.

Mark Speaker, 111 Brown Avenue questioned if the ADA spaces were 24 hour spaces.

Mayor LaCicero stated that there were no time restrictions on the ADA spaces. They have placed those spaces as the last space which saves you a ½ spot on each of them.

Mr. Speaker stated that handicap placards can be abused and someone can park there for days at a time if there is no restriction.

Councilman Borowski stated that even with this plan they were still pushing us to have the angle spaces where the cars back up into them.

No one else wished to comment on this plan.

The Mayor closed the floor to the public and asked Council for a vote on this plan.

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

NEW BUSINESS:

Proposed Flood Insurance Rate Premiums

Mr. Parlow stated that based on the acceptance of FEMA public assistance we are required to get flood insurance for each of our Borough buildings. He recommends that for the first year we go with the highest deductible allowed by law and we can always monitor and change the deductible amounts later. There are some contents that need to be lowered so there will be some changes before hand. With the higher deductibles you get the lower premiums.

Councilman Borowski questioned if vehicles are covered under this and also pumps and motors.

Mr. Parlow stated that anything fixed to a building is not contents. Vehicles are not covered under this; they are covered under our auto policy.

A Motion was made by Councilman Lamb to approve the flood premiums with the highest deductibles. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that ratables are down by 25%. He questioned when the Borough gets the cash when a certificate of occupancy is given.

Mayor LaCicero stated that we get the money the following year.

Mr. Parlow stated that the tax rolls are set in October of the previous year for the next year so if someone gets a CO in January 2015 we cannot put the improvement on for the 2015 tax bill. The

tax assessor will send the property owner an added assessment bill in October to cover the taxes on the improvement values.

Mr. Boyers questioned why we cannot get the cash ahead of time for 2015.

Mayor LaCicero stated that we can not by law anticipate.

Mr. Boyers questioned why we cannot cut the surplus.

Mr. Parlow stated that we have already used what we are allowed in surplus.

Mr. Boyers stated that the ratables will be raised soon.

Mayor LaCicero stated that there will be better days ahead as far as assessed values. All in all, the long term picture for Lavallette is looking very healthy.

Joseph Palinsky, 122 Washington Avenue questioned if the town was going to request more crosswalks on Route 35 North. He stated that nine streets do not have the painted crosswalks.

Mayor LaCicero stated that too many crosswalks create too much back up of traffic and that also becomes a very dangerous situation. We will monitor the situation and see what it looks like.

Mr. Palinsky stated that regarding the change orders with Wallace it was a failure on the Architect for not putting air conditioning in the dispatcher's room from the beginning. All the rooms should have air. Also, why was an IT room added after the fact.

Mr. Parlow stated that the original plan called for a mechanical room for the elevator, which is now not needed and the room is being converted into an IT Room.

Mary Logios, 4 Sterling Avenue stated that on the side street Bryn Mawr Avenue George Harms has big pieces of equipment just stored there. She asked if they going to remove those soon.

Mayor LaCicero stated that we will have a big punch list for Harms and that will be included.

Mrs. Logios thanked Mayor and Council for the drainage project that was completed on Sterling Avenue. She stated that the road is in desperate need of paving.

Mayor LaCicero stated that they will look into the paving.

Mrs. Logios questioned if the trees were going to be replaced on Route 35 South where the State is working.

Mr. Parlow stated that there are plantings within the highway project.

Mrs. Logios also questioned if there were going to be any parking spaces lined on Bryn Mawr Avenue.

Mayor LaCicero stated that he did not think the State was going to do that but he will see if it's on our list to do.

Mark Speaker, 111 Brown Avenue commended Public Works and the town for doing a great job with this brutal winter.

John DeGrande, 5 Jersey City Avenue questioned how long they think this replenishment is on hold for.

Mayor LaCicero stated that there are 125 easements that they are holding out on and the biggest problem is Jenkinsons. The federal government has to deal with eminent domain which is going to be very time consuming. He stated that he estimates that it will probably take a good year.

Mr. De Grande stated that Council should maybe look into putting back the two ramps on Jersey City and Brown Avenues because it took years for this project to start and we really need some handicap entrances.

Mayor LaCicero stated it would be pretty expensive to erect them only to have them torn down once the project starts. We have a meeting with the DEP on Thursday and we are going to question them about this project.

Councilman Borowski stated that he too thinks that maybe we should discuss putting them back for the time being. FEMA did say they would reimburse all that has been replaced in kind. Maybe we should look into it. Our Public Works guys are very talented and crafty maybe they can actual build them for us. If we build them maybe we can somehow not have them included in the Army Corps Project.

Mr. Parlow stated that he sees no reason why we cannot go out to bid and put them back just as they were and get 90% reimbursed by FEMA.

Mayor LaCicero stated that we will have a discussion about them and also talk to the DEP at our meeting on Thursday.

Councilman Borowski stated that as soon as we build them is when the project will begin.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Lamb stated that the summer garbage schedule begins on May 18, 2015. Public Works has completed putting the dune fencing around the dunes. Any sand on the maintenance path has been removed. People were complaining that kids were stealing the plastic yellow bollards at the street ends so Public Works put foam inside them and glued them down so they can not be removed. Also, there is a sprinkler system down at the Memorial Park on Bay Boulevard so the knock-out rose bushes will be replaced there.

Councilman Borowski stated that we have applied and been accepted for the free tree seedlings thanks to Mr. Parlow.

Mr. Parlow stated that he is going to post the information on the website.

Councilman Borowski stated that he too thinks its time for the taxes to be increased some. We had to get 4 million dollar in bonds to start the process after Sandy. We had a 10 million dollar cleanup all the while the taxes have been stable. To not expect an increase is just not realistic. Also, the Board of Education has said that there school tax will be decreasing this year so that helps out also.

Councilman Borowski stated that he will not be at the next meeting so he will need to be excused.

Council President Zalom stated that the Seaside Park Board of Education has a meeting with their residents to talk about leaving the Toms River School District and coming over to Lavallette. That will also help out with the taxes. The PTO is having the 8th grade spaghetti dinner on April 24th at St. Pio Parish Center and also on April 24th the Seaside Heights Rotary is having a fundraiser at the Lavallette Firehouse. National Library Week is in April.

Mr. Parlow stated that he was informed by the Seaside Heights Administrator that they will be having meetings this Saturday with surrounding towns to discuss the music festival scheduled for June. They are asking for support from our emergency services. The borough calendar is at the printer so it should be out to the residents very soon.

Council President Zalom stated that she and Councilman Finter attended the Grand Opening of Congressman Tom MacArthur's Office in the Toms River Municipal Building.

Mr. Parlow stated that he received notice that FEMA will be reimbursing the town 90% of costs for the lifeguard headquarters.

Mayor LaCicero stated that unfortunately FEMA has denied our application for reimbursement of our Municipal Building fees determining that the buildings were not substantially damaged.

Mr. Parlow stated that FEMA is saying that the total damages to those buildings were only \$115,000.

Mayor LaCicero stated that of course the appeal process is already underway. We are also trying to get as many politicians in our area involved as possible to try and squeak some wheels. Other municipalities have received millions from FEMA for their Municipal Buildings.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:35 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 23rd day of **March 2015**

A handwritten signature in black ink, appearing to read "Christopher Parlow", written over a horizontal line.

Christopher F. Parlow
Municipal Clerk