

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
April 6, 2015-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
Councilman Lamb made a motion to excuse Councilman Borowski. The Motion was seconded by Councilman Stogdill. 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 long time residents Paul DeMassi and Wayne Singer and for Garry Pierson a long time employee who passed away.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He commented that the weather is starting to turn around. The highway contractor is starting to mill the black top on the north bound highway. It was not in the plans but we are going to let them do as much as they can before Memorial Day. He spoke with one of the employee from Harms and he stated that they brought in some more workers to concentrate fully on getting as much done in Lavallette before the summer months. He is more optimistic now then he was before that the summer will not be quite as bad as he thought it would be.

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:

Minutes of Regular Meeting of March 23, 2015

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

REPORTS:

- a) Construction Report for March-Councilwoman Filippone-read report
- b) Zoning Report for March-Councilwoman Filippone-read report
- c) Municipal Court Report for January-Councilwoman Filippone-read report
- d) Police Overtime Report for February-Councilwoman Filippone-read report
- e) Public Affairs Report for March-Council President Zalom-She thanked the Mayor and Council for their donations to the Pt. Pleasant Education Foundation. Councilman Finter was able to attend the OC Cultural & Heritage Banquet last week so we could get more points. She also thanked the exercise instructors for all they do. The money they bring in covers all the expenses and more. The NY City bus trip is April 18th but it is sold out. The Lavallette School Spaghetti Dinner is April 24th at the Parish Center and the fundraiser at the firehouse is also April 24th. The Beach Sweeps is scheduled for April 25th. There are still some seedlings left at Public Works for anyone who is interested.
- f) Tax Account Report for March-Tax Collector
- g) Revenue Transaction Report for February-Chief Financial Officer

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:

- 2015-123 proclaiming the week of April 12th through April 18th as “National Library Week” in the Borough of Lavallette-June Schneider, Director of the Upper Shores Library thanked Anita for all she does to help with the Library. She stated that the library is very big on education and technology for everyone. It is a very important place for people to go. There will be a Sinatra Tribute on April 8, 2015. The AARP has assistants to help with tax preparation. They have storytellers for adults and children. They will be having a four part Opra series. Every day there is some type of event for everyone. If you are not interested in events you could just sit in a relaxing quiet atmosphere and just read a book.
- 2015-124 recognizing the week of April 18th through April 25th 2015 as National Immunization Week” in the Borough of Lavallette
- 2015-125 appointing Pam Caucino as the beach badge checker supervisor for the 2015 summer season

- 2015-126 recognizing the month of April 2015 as “Child Abuse Prevention Month” in the Borough of Lavallette
- 2015-127 supporting Assembly Bill A-2704-Mr. Parlow stated that this is about impersonating military personnel.
- 2015-128 awarding a contract for cellular telephone facilities lease consultancy to FSD Enterprises, LLC-Mayor LaCicero stated that this is our consultant who negotiates for our cell towers.
- 2015-129 appointing the beach badge office staff for the 2015 summer season
- 2015-130 approving a facilities use application to Sam Hammer Surf Camp to hold surfing lessons on the Brown Avenue Beach from June 22nd through September 5th 2015, Monday through Saturday three hours a day-Mayor LaCicero stated that Sam Hammer is an international surfer and was born and raised in Lavallette. Mayor LaCicero stated that he pulled his application off at the last meeting because he received some phone calls about the surf camp holding multiple sessions and not following his application. Mr. Hammer is here to discuss what his camp is all about. Sam Hammer thanked Mayor and Council for having him here tonight. He stated that his camp runs from Monday to Saturday for three hours a day. There was one year that he ran multiple sessions with the YMCA but that was only one year. This year it will only be three hours a day for the six days and we are limiting it to only 30 students.
- 2015-131 approving a facilities use application to Sherri Paris to hold her Marine Science Camp on various days in July and August 2015-Mayor LaCicero stated that this is an annual event.
- 2015-132 approving a facilities use application to Point Pleasant Thunder Baseball Club to hold their baseball games from April to June on Saturdays from 6pm to 8pm and Sundays from 4pm to 8pm-Mayor LaCicero stated that this is an annual request.
- 2015-133 authorizing the appointment of a professional services contract to Torcon, Inc. to provide construction management services in regards to the construction of the new municipal complex-Mayor LaCicero stated that this is a renewal of this contract. We exceeded the first of the funds. He questioned whether we still needed the company but was told that if we did not have them the work could drastically slow down so it is imperative that we reappoint the firm to continue to review the building progress. Councilwoman Filippone questioned how much the contract was for. Mr. Parlow stated that it was not to exceed \$17,500

A Motion was made by Councilman Stogdill to approve the consent agenda. The Motion was seconded by Councilman Lamb. The Mayor opened the floor to public comment 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.

RESOLUTIONS - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2015-134 Bills List in the amount of \$786,609.34

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

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

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)

Mr. Parlow stated the appropriation cap limits budget increases to 1.5% over the previous year, but with the adoption of this ordinance we can raise the appropriation to 3.5% if necessary. The ordinance also permits the Borough to bank the difference between the 3.5% and whatever is actually used. We have a bank right now from subsequent years that we have fortunately not had to use so far.

A Motion was made by Councilman Lamb to adopt Ordinance 2015-04 (1140). The Motion was seconded by Councilman Stogdill.

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 Ordinance 2015-04 (1140).

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Anne Marie Rizzuto, Esq/Easement/David and Carmella Frusco to Borough of Lavallette/Received March 10, 2015-Mayor LaCicero stated that this was for the drainage project on Sterling Avenue. The storm drain at the end of Sterling Avenue crosses a property in Ocean Beach and therefore an easement was needed to fix the damaged pipe.
- b) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. Borough of Lavallette/Received March 16, 2015
- c) Eric M. Bernstein & Associates/Philip George, Esq/Valerie Coniglio v. Borough of Lavallette/Received March 17, 2015
- d) Kevin B. Riordan, Esq., LLC/Kevin B. Riordan, Esq/Lenny's Pizzeria Restaurant, Inc. v. Borough of Lavallette/Received March 30, 2015
- e) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria Restaurant v. Borough of Lavallette/Received March 30, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 10/Received March 23, 2015
- b) O'Donnell, Stanton & Associates/Chuck Applegate/Tidelands License Renewal Application/Received March 25, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Repair of Damaged Roadways Phase II/Received March 27, 2015
- d) O'Donnell, Stanton & Associates/Charles Applegate/Installation of New Standby Generator/Received April 2, 2015

New Jersey League of Municipalities:

- a) Offshore Drilling Proposal Public Hearing Scheduled/Received March 6, 2015
- b) Weekly Policy Update/Received March 6, 2015
- c) Open Space, Farmland and Historic Preservation Funding/Received March 10, 2015
- d) Trouble Ahead for Road Repair Funding/Received March 10, 2015
- e) NJ Supreme Court Council on Affordable Housing (COAH) Ruling/Received March 10, 2015
- f) Weekly Policy Update/Received March 13, 2015
- g) Pension and Health Benefits Reform/Received March 13, 2015
- h) Pet Shop Disclosure Act/Received March 17, 2015
- i) New Jersey GMIS Annual Technology Education Conference/Received March 18, 2015
- j) National Flood Insurance Reforms/Received March 23, 2015
- k) League President, Mayor Wahler, Discusses Municipal Issues with Assembly Budget Committee
- l) New Jersey Supreme Court Decision Issued Yesterday Clarifying Municipal Redevelopment Powers/Received March 24, 2015
- m) March 23 DLGS-News/Received March 25, 2015
- n) Police Camera Mandate Reminder/Received March 26, 2015
- o) Weekly Policy Update/Received March 27, 2015
- p) State Budget Developments/Received April 1, 2015

General With No Action:

- a) Township of Toms River/James Sigurdson, Chairman/2015 Toms River ADA Summit Invitation/Received March 9, 2015
- b) Susan and George Carlin/118 Vance Avenue/thanking Mayor and Council for their quick response with the fencing on the bay beach to keep the sand from blowing/Received March 9, 2015-Mayor LaCicero stated that this is a letter thanking Councilman Lamb for his help in putting the fence on Bay Blvd. to help stop the sand blowing. Councilman Lamb stated that the Superintendent is going to purchase 1,000 dune grass plants and we are going to plant it along the fence also to help with the sand problem.
- c) State of New Jersey/Office of Attorney General/David Kahler, Deputy Attorney General/State of New Jersey Department of Transportation v. Great Swan Bay Corp./Received March 16, 2015
- d) McCarthy & Kelly, LLP/Gerald McCarthy/Recent Findings of Fraud by FEMA Flood Claim Insurance Carriers/Received March 16, 2015
- e) Verizon/Christopher Zoiz, Vice President/Personal Property Tax Responsibility in Lavallette/Received March 17, 2015-Mayor LaCicero stated that we sent a letter to Verizon requesting some data about how they figure their information of the percentage of residents in our town not having Verizon. They are in the process of a lawsuit for this same reason so once it is settled they will send us information. Council President Zalom questioned if they included Ocean Beach too with their calculations. Mr. Parlow stated that we do not know yet but that could be a possibility. Once they send us the information they based this on we will then be able to determine that.
- f) Ocean County Mosquito Extermination Commission/Michael Romanowski, Supt./NJDEP Approved Fact Sheets/Received March 18, 2015
- g) State of New Jersey/Department of Environmental Protection/Terry Beym, Supervisor/FY 2015 Annual Fee Report and Assessment of Fees for the NJ Pollutant Discharge Elimination System/Received March 18, 2015
- h) Jon Corney/1 Newark Avenue/thanking Councilman Lamb for the quick response of replacing the damaged snow fence/Received March 18, 2015-Mayor LaCicero stated that this is a letter thanking Councilman Lamb for getting the dune fencing up.
- i) Ocean County Health Department/Mary Gibson, Coordinator/Upcoming Deadlines with the Current Municipal Alliance Grant Cycle/Received March 18, 2015-Council President Zalom stated that the Municipal Alliance is doing very well. We have four meetings a year and all our paperwork is in order.
- j) Wells Fargo/Mike Hughes, Government Relations/Bank Event in Your Area/Received March 19, 2015
- k) Municipal Excess Liability Joint Insurance Fund/Fred Samrau, Esq/Super Storm Sandy Flood Claims/Received March 23, 2015
- l) Federal Emergency Management Agency/Luis Rodriguez, Chief/Preliminary Flood Maps Appeal Period/Received March 23, 2015-Mr. Parlow stated that the 90 day comment period started April 2, 2015 so that anyone who wants to comment officially on the map has 90 days to do so. The Borough has requested some changes to the maps

FEMA has accepted those changes. One had to do with the area on Coleman Lane, the other was a boundary change relating to Bay beach Way.

- m) Ronald & Elaine Deramo/206 Haddonfield Avenue/Email sent to the NJDOT about an Unsafe condition along Route 35 South between Bryn Mawr, Haddonfield and Westmont Avenue/Received March 23, 2015
- n) Standard & Poor's Ratings Services/Financial Rating of AA for the Borough of Lavallette/Received March 23, 2015-Mayor LaCicero stated that this is very good for Lavallette. Mr. Parlow stated that we received "AA" which is fantastic. The highest is "AAA". It is a very good report and all is positive. The only negative comments were based upon the impacts on Sandy. Other than that the report was glowing.
- o) Ocean County Health Department/Daniel Regenye/Coordinator/Governor's Council on Alcoholism and Drug Abuse Guidelines for 2015/Received March 25, 2015
- p) Martin Morales/103 Grand Central Avenue/letter to NJDOT Requesting a Schedule of Anticipated Work for the Summer Season/Received March 26, 2015-Mayor LaCicero stated that this is a letter from Marty Morales to the State DOT to get some type of schedule for summer months. Mayor stated that he has had a few meetings with Marty also. The problem he has has to do with trucks that deliver produce during the summer and they will have no place to park if there is only one lane of traffic available. Hopefully, we can figure out how to accommodate him.
- q) Ocean County Department of Solid Waste Management/James Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program-Council President Zalom stated that we have received roughly \$5,000 for the year 2014 for our recycling benefits which is fantastic.

General With Action:

- a) Ras Baraka/Mayor/Inviting the Mayor to attend the Inaugural NJ Statewide Mayoral Summit on April 15th 2015/Received March 16, 2015-Mayor LaCicero stated that he will not be able to attend this event.
- b) Patricia DeCarlo/16 Pershing Blvd./requesting her taxes be credited back to her since 2011 due to an uninhabitable home/Received March 25, 2015/Tax Assessor Will Be Filing An Assessor's Appeal For This Property in 2015-Mayor LaCicero stated that the Tax Assessor has taken care of this already.
- c) Donna Cobianchi/2307 Grand Central Avenue, Unit 9/requesting a handicap space in front of her building/Received March 30, 2015-Mr. Parlow stated that these condos face Trenton Avenue so the request is for the space to be on Trenton Avenue. Mayor LaCicero questioned if there was any off street parking. Mr. Parlow stated that there is no off street parking at all. Mayor LaCicero suggested that we hold off on this request until the next meeting so we can drive by and see what the situation is.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned how tall the seedlings were going to get.

Mr. Parlow stated that they are about two feet tall.

Mr. Boyers stated that the Ocean Star did a great article on the budget. Will there be any changes to the budget.

Mayor LaCicero stated that right now there are no changes.

Mr. Boyers questioned why we cannot use the money in our bank towards our appropriations.

Mr. Parlow stated that it is not a cash bank. The cap bank just allows us to increase the budgetary spending but does not provide the real money. If we did not do this ordinance and there was a need to increase we would have to go to the State and get permission.

Mr. Boyers questioned when the budget will be adopted.

Mr. Parlow stated that we will have the Public Hearing on the budget on May 4, 2015. We can not adopt it until we here about our essential services grant and that will not happen until sometime in June.

Jack Sauer, 405 Bay Blvd. stated that he takes advantage of our library a lot. He stated that the only issue he thinks needs to be adjusted is the hours that it is open. The hours seem very limited for our residents who are here all year round. Especially on the weekends the hours should be longer.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Lamb stated that the summer garbage schedule starts May 18th. We are purchasing a dewatering machine for \$16,700 that we are in need of.

Mr. Parlow stated that the calendars are going to be mailed this week.

EXECUTIVE SESSION:

Litigation -

NJDEP Prescribed Enforcement Action Regarding Fine of \$67,500
Lenny's Pizzeria vs. The Borough of Lavallette

Contract Negotiation –

Dispatchers and Record's Clerks

Mr. Bernstein stated that there is a need to go into executive session to discuss some Litigation updates and some Contract Negotiation. There may or may not be any action taken.

A Motion was made by Councilwoman Filippone to adjourn the meeting to 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 7:48pm.

A Motion was made by Councilman Finter to reconvene the Caucus/Regular Meeting. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was reconvened at 8:25 pm.

Mr. Bernstein stated that while in Executive Session there were three issues discussed. An update was provided and discussions took place regarding the NJDEP fine and some options. There was no formal action taken. There was a discussion relating to the Lenny's Pizza litigation and the conversation with our insurance carrier. There was no formal action taken. We also discussed updates on contract negotiations with Dispatchers' and Records Clerk with no formal action being taken. Councilman Lamb was present for the litigation discussions but excused himself before the contract negotiations discussion.

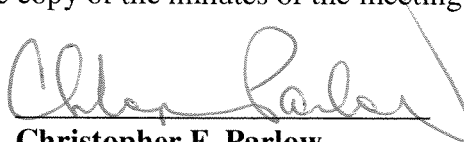
ADJOURNMENT:

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

The Caucus/Regular Meeting was Adjourned at 8:27 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 6th day of **April 2015**



Christopher F. Parlow
Municipal Clerk