

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, July 20, 2015-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Finter and Stogdill

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 the five service men that lost their lives in Chattanooga, Tennessee.

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

MAYOR'S WELCOMING STATEMENT: Mayor welcomed everyone to tonight's meeting. He stated that the State filed two lawsuits in Ocean and Atlantic Counties regarding the beach replenishment project. They will now split the projects down the shoreline. Ours will be from Seaside Park to Lavallette. They are already in the process sending the specs out for bid. Hopefully, next year something will be complete or almost. They will be working through the summer and doing the beaches in sections so we will still have beaches open.

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.

Lou Formisano, 23 Dover Avenue questioned if there will be any walkovers to the beach with this project?

Mayor LaCicero stated that there will be walkovers on every street opening and also some handicap walkovers, he believes three or four. We are hopeful that they will be almost completed before our next beach season opens but if they have to work through the summer they will do that.

There were no additional comments from the public.

The Mayor closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of July 6, 2015
Executive Session Minutes of July 6, 2015

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

RESOLUTIONS-ON CONSENT:

- 2015-212 authorizing an application to obtain a zoning / code enforcement grant from the NJ Department of Community Affairs-Mr. Parlow stated that he applied for this grant for \$90,000 but we have no approval as of yet.
- 2015-213 authorizing the execution of a final quantities change order to the contract with Rio Supply Company decreasing the adjusted contract price by \$1,700.00-Mayor LaCicero stated that this was for our new water meter installation.
- 2015-214 approving the corrective action plan regarding the 2014 audit report-Mr. Parlow stated that we omitted our water utility temporary note in our last note sale.
- 2015-215 approving the renewal of club liquor license No. 1515-31-006-001 for license year 2015-2016 held by the Lavallette Yacht Club, Inc.-Councilman Finter requested this be put off consent.
- 2015-216 appointing David Rodriguez as a seasonal worker for the Department of Public Works at an hourly rate of \$10.00-Council President Zalom stated that Public Works always does such a good job and they always need more seasonal workers for that.
- 2015-217 amending the 2015 temporary budget-Mr. Parlow stated that this resolution can be pulled off because we received approval this morning that we can adopt our budget tonight.

A Motion was made by Council to approve the consent agenda minus Resolutions 2015-215 and 2015-217. 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:

2015-215 approving the renewal of club liquor license No. 1515-31-006-001 for license year 2015-2016 held by the Lavallette Yacht Club, Inc.

A Motion was made by Councilman Lamb to approve Resolution 2015-216. 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.

No one wished to comment.

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

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

APPROVAL OF VOUCHERS:

2015-218 Bills list in the amount of \$788,690.85

A Motion was made by Councilman Lamb 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, Finter and Lamb voted Yes.

The Motion Passed.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE NO. 2015-05 (1141) 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"

Mayor LaCicero stated that this is for the two hour parking space on Bay Boulevard in front of Bayview Café.

Mr. Bernstein stated that the County agreed to approve the space but stipulated it cannot be a reserved space for the establishment.

A Motion was made by Councilman Lamb to introduce Ordinance 2015-05 (1141). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for August 3, 2015.

PUBLIC HEARING AND FINAL ADOPTION OF THE 2015 MUNICIPAL BUDGET AND AMENDMENT

Mayor LaCicero stated that we did not receive the total amount we requested for the Essential Services Grant and we did appeal it. We heard back from them as of today and unfortunately they denied our appeal.

A Motion was made by Councilman Lamb to open the public hearing on the budget amendment. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Mayor asked if anyone wished to comment on the budget amendment.

No one wished to comment.

A Motion was made by Councilman Stogdill to close the Public Hearing. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Mayor closed the public hearing on the Budget Amendment.

Mr. Parlow read aloud the budget resolution in full.

Mr. Parlow stated that the tax rate for 2015 is 28.6 and the 2014 tax rate was 27.2. The increase is 1.4 cents. The average assessment in Lavallette is 679,000 which will be an increase of \$95.06 in your taxes.

Mayor LaCicero stated that we also have draw down our special emergency funding by 10% over the next three years.

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

UNFINISHED BUSINESS:

Councilman Lamb stated that there were various concerns raised at the last council meeting that were addressed by Public Works. The street signs on Sterling Avenue were replaced. Also, the parking sticker signs on the north side of Reese Avenue parking lot have been put up as well.

Council President Zalom stated that our speaker from Memorial Day sent her a letter saying that he will not be able to attend next year's event. He is now a Brigadier General and is being stationed in Pakistan for a year. We wish him a safe trip and hope to see him in 2017. Our Memorabilia Committee is very busy with our meetings and touring the building. The skimboarding contest was cancelled for this season. Pickleball is a very big sport in Bay Head. They have Olympic champions coming to show their talents. We will be having our Health Aging/Senior Lunch & Movie on Wednesday, July 22, 2015 at 11am at the Firehouse.

NEW BUSINESS:

Council President Zalom stated that she received some complaints about their not being any benches for the parents to sit on while they play on the playground.

Councilman Lamb stated that he would pass it on to Public Works.

Council President Zalom stated that years ago we use to have special signs by the crabbing dock giving the rules and regulations on how big the crabs can be and what type of bait you can use. Those signs are not posted anymore and people are using chicken as bait which is not good for the Barnegat Bay. She contacted the County and they are going to check into for her. Also, we are in need of more bike racks in town because we have a lot of bicylists. She met a family on the boardwalk over the weekend that just got down on Saturday for their week and around 3:30 they wanted to go on the beach. They were told that they could only buy a daily badge that day because the badge office closed at 3pm. She thinks that maybe we need to look into keeping the badge office open until 4pm on Saturdays for the weekly turnovers.

Councilman Finter stated that he is looking into getting a couple of statues like the ones that are downtown in Toms River for our Municipal Building grand opening.

Councilwoman Filippone stated that she was not in favor of those statues being put in the building. She stated that they would detract from the dedication and opening ceremonies. She stated that she is strongly opposed.

Councilman Lamb stated that he also is not fond of those statues.

COMMENTS FROM THE PUBLIC:

Marlene Chamberlain, 401 Grand Central Avenue stated that she and her husband took a walk on the boardwalk over the weekend and the street sign for New York Avenue that is on the boardwalk has been vandalized with graffiti.

Councilman Lamb stated that he will inform Public Works.

Susan Kotch, 119 Camden Avenue stated that the banners are all up telling people about our Founder's Day. We will be having a lot of rides for the kids and a video game bus for the tweens. We have a lot of vendors this year and also fireworks. Founder's Day will start at 11am till and run until 5pm for the vendors and rides and the music will go until 8pm just before the fireworks.

Herb Hascher, 1301 Bay Boulevard stated that there is a bus that drops off on Bay Boulevard. He stated that this is a commercial bus and they are not allowed to be on Bay Boulevard. Council President Zalom stated that she will call the County and advise them.

Mr. Hascher stated that there was a beautiful wedding over the weekend at the gazebo and just as the procession and music started an ice cream truck parked right in front of the gazebo and started playing his music and ringing his bell. This is terrible that they are allowed to do this especially during a wedding. Also, the bulleting board on Bay Blvd. is in need of cleaning up.

Councilman Lamb stated that he would inform Public Works.

Bob Astorino, 2 Elizabeth Avenue stated that he went before Planning Board years ago and in order to get his variance for his front house he had to not have heat in his back house. He asked if there was any way that he could regain heat in that back house now.

Mr. Bernstein stated that Mayor and Council can not get involved with Planning Board issues. He will have to go back to the Planning Board.

Councilwoman Filippone stated that the only way to do that is to reapply to the Planning Board and go through the variance process.

Jon Corney, 1 Newark Avenue questioned the 1,421 days listed on the analysis of compensated absence liability form in the budget analysis.

Mr. Parlow stated that was the combined number of all the accrued absences for unused sick / vacation and personal time.

Mr. Corney questioned that the Borough only raised \$20,000 of the total liability.

Mr. Parlow stated monies are appropriated each year for anticipated retirements.

Mr. Corney stated that 28 cents is worth a penny and every penny counts in a budget and the town should put all the extra pennies towards lowering the taxes.

Mayor LaCicero stated that there is a bigger picture here than just a penny. We are the envy of most towns because we manage to keep our taxes down. Our philosophy has worked for us so far so we are not looking to make any changes right now.

Mayor LaCicero stated that we have built in \$200,000 to make this budget work and keep the taxes as low as we could.

Mr. Corney questioned the appropriation reserve of \$399,647 and questioned if all of that was encumbered with purchase orders.

Mayor LaCicero stated that there is some play there but our taxes have remained flat several years in a row. It has only been the last few years after the storm we have had to adjust. We had a \$750,000 surplus prior to the storm.

Mr. Parlow stated that our appropriations can not be lapsed until the next meeting. We keep that \$399,000 in reserve for one year and at the end of that one year we cancel those appropriations and the amount is transferred to surplus.

Clem Boyers, 20 Kerr Avenue stated that this town is doing very well and most people come here and buy here because we are economically sound as well as having a great Council. We still have low taxes and great schools.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that even with some rain we still are 7% up in sales for this year. This summer season is very busy.

Councilman Finter stated that he left some organ donor flyers on the table for people who were interested. There is also a blood drive at Dover/Brick First Aid from 2 to 7 tomorrow if interested.

Council President Zalom reminded everyone about our Tuesday movies and Sunday concerts.

Mr. Parlow stated that Maria Sessa from Jersey Central Power & Light is in the audience. He asked the Mayor if she could be recognized.

Maria Sessa, JCP & L thanked Mayor and Council for letting her speak. She stated that right now is hurricane season and she just wants everyone to have a plan. The JCP & L website has a lot of information for setting up a plan and information about elevating their homes. Also, have a reasonable plan when building your home and elevating your homes.

Mr. Parlow stated that homeowners should beware when building their homes as far as thinking about where the meters and services are located by your house. We have to be aware of the readers that have to come and read your meter.

EXECUTIVE SESSION:

Mr. Bernstein stated that we need to go into executive session to discuss some personnel issues regarding the Police Department and Chief Grant and also some litigation regarding insurance claim appeals. There may some action taken.

Personnel – Lavallette Police Department
Superstorm Sandy – Insurance Claim Appeal

A Motion was made by Councilwoman Filippone to adjourn the regular 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 8:05 pm.

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

The Regular Meeting reconvened at 8:40pm.

Mr. Bernstein stated that Chief Grant was present for this executive session and he was “Rice” noticed. There was discussion on Chief Grant’s employment contract and the Borough Administrator gave some updates on the insurance appeals. Also, there was some discussion about possibly hiring a police officer due to the vacated Sergeant Andrews position which Councilman Lamb was excused because of conflict. There was no formal action at this time.

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 8:41pm.

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 20th day of **July, 2015**



Christopher F. Parlow
Municipal Clerk