

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, August 17, 2015-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

A Motion was made by Councilwoman Filippone 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 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.

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

MOMENT OF SILENCE: The Mayor asked for a moment of silence for two long time residents Arthur McConville from Virginia Avenue and Ed Jarvis from Bryn Mawr Avenue. Mrs. Jarvis was on our Planning Board for awhile.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. Labor Day is approaching within the next couple weeks. We are meeting with the DOT tomorrow to discuss the fall schedule for the project. They are saying they will be completed with this by Thanksgiving so we shall see. The only thing we will have to worry about after that is the Route 37 bridge project to start.

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.

The Mayor closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of August 3, 2015

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

RESOLUTIONS-ON CONSENT:

- 2015-232 authorizing the refund of planning board escrow in the amount of \$1,163.00 to Peter Frampton of 103 Camden Avenue
- 2015-233 approving a facilities use application to Pt. Pleasant Thunder Baseball Team to hold their games on Saturday and Sundays, from 2pm to 6pm starting September 12, 2015 through November 15, 2015
- 2015-234 appointing Jeff Foca as a lifeguard for the end of the 2015 summer season at an hourly rate of \$9.00
- 2015-235 amending the municipal prosecutor award of contract to Kim A. Pascarella, Esq. to include his associate Joseph D. Coronato, Jr.-Councilwoman Filippone requested this resolution be put off consent
- 2015-236 authorizing the Mayor, the Chief Financial Officer, and the Borough Administrator to execute the subrecipient agreement between the State of New Jersey, Department of Community Affairs and the Borough of Lavallette for the participation in the essential services grant program (third round) in the amount of \$608,473.50.
- 2015-237 authorizing the Mayor to execute the subrecipient agreement between the State of New Jersey and the Borough of Lavallette for the participation in the Zoning Code Enforcement Grant Program in the amount of \$50,806.37
- 2015-238 authorizing the Mayor to sign and execute the 2015 Community Development Block Grant Subrecipient Agreement with the Ocean County Planning Board for Handicap Accessible Ramp to Ocean Beach on Trenton Avenue in the amount of \$33,000
- 2015-239 approving a raffle license to the Lavallette Heritage Committee to hold a 50/50 on premise raffle at the Lavallette Founder's Day on September 12, 2015 from 10am to 5pm
- 2015-240 accepting the retirement of Robert Van Dorpe and authorizing payment of unused sick and vacation time
- 2015-241 authorizing the execution of change order #6 to the contract with Wallace Brothers, Inc. increasing the adjusted contract price by \$92,397.92-Mayor

LaCicero stated that we decided to allow Wallace to construct the dais for us instead of outsourcing this. Mr. Parlow stated that we needed a Sallie Port for the Police Department and countertops for the administration offices, beach badge and construction offices. They were not part of the original specs due to the designs not being finalized. Councilwoman Filippone stated that we are saving \$20,000 having Wallace construct the dais instead of outsourcing it.

- 2015-242 authorizing the refund of planning board escrow to 1601 Route 35 Associates, Inc. in the amount of \$1,037.00
- 2015-243 requesting approval of items of revenue and appropriation for the insertion of \$37,000 for the 2013 CDBG for the ocean side street sidewalks
- 2015-244 requesting approval of items of revenue and appropriation for the insertion of \$33,000 for the 2015 CDBG for the handicap accessible ramp on Trenton Avenue ocean beach-Council President Zalom stated that the County has approved the Borough to use some of the 2015 CDBG funds along with the 2013 to construct all the streets that need the sidewalks up to the beach constructed
- 2015-245 authorizing the Mayor to sign and application for special permit for social affairs to the Lavallette Founder's Day Committee for the sale of wine beverages at Lavallette Founder's Day on the firehouse grounds located at Washington and Philadelphia Avenues at Bay Boulevard on September 12, 2015-Council President Zalom questioned where the alcohol tent was going to be. Will the trailers have to be moved. Councilwoman Filippone stated that there is no way we are going to be able to empty and move those trailers before Founder's Day.
- 2015-246 authorizing the state contract purchase through contracts T-83909 and T-83902 for the purchase and installation of radios for the Lavallette Police Department, Fire Department and First Aid Squad from Allcomm Technologies/Motorola Solutions, Inc. in the amount of \$91,032.60-Mayor LaCicero stated that the Police Department had to get a whole new radio system which requires all new portable radios for the Fire Department, First Aid and Lavallette Police Department.
- 2015-247 consenting to the renewal of Plenary Liquor License No. 1515-33-004-013 for license year 2015-2016 held by Sherman Hospitality, LLC, doing business as Pete's Poolside Bar-Mr. Bernstein asked for this resolution to be pulled from the consent agenda and placed into unfinished business.

A Motion was made by Councilwoman Filippone to approve the consent agenda with the exception of 2015-235 and 2015-247. 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.

Clem Boyers, 20 Kerr Avenue stated that the Post Office is supposed to be leaving where they are now by September 1st. He asked when will they be moving into the new building.

Mayor LaCicero stated that he has not heard that they are leaving where they are now but they are not finished with their area as of yet and he does not think they will be ready by September 1st.

There were no additional comments.

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:

2015-235 amending the municipal prosecutor award of contract to Kim A. Pascarella, Esq. to include his associate Joseph D. Coronato, Jr.

Councilwoman Filippone stated that she would just like some clarification on this. In the beginning of the year, we hired a prosecutor and an alternate prosecutor which is Bonnie Peterson. She asked if this was to add this new associate to the regular prosecutor or the alternate? Maybe we need to discuss further and hire at the appropriate time which is during the reorganization meeting.

The Mayor recognized Kim Pascarella who was in attendance. Kim Pascarella stated that adding his associate is only in case that there is a time when he and Bonnie Peterson are not available. This way we have coverage for court.

Councilwoman Filippone stated that she must have misinterpreted the letter that was sent.

A Motion was made by Councilman Stogdill to approve Resolution No. 2015-235. The Motion was seconded by Councilman Lamb. The Mayor opened the floor 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, Finter and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2015-248 Bills list in the amount of \$1,081,100.90

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

ORDINANCES ON FOR INTRODUCTION:

2015-06 (1142) AN 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"

Mr. Parlow stated that the last Ordinance was incorrect. The ordinance should have stated that the parking space is located north of Reese Avenue and not south of Reese Avenue. He apologized for the error. We will have to introduce this Ordinance and adopt it at the next meeting and then it will take effect.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2015-06 (1142). The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The mayor stated that the public hearing and final adoption will be held on September 8, 2015

UNFINISHED BUSINESS:

Resolution 2015-247

Mr. Bernstein stated that there were some issues at the last Council Meeting regarding the liquor license for Sherman Hospitality as to the designation of entity and the filing of the application. He stated that the process of renewing license is now done electronically at the State so all applications and information is transmitted electronically. He stated that the owner, Mr. Pascarella, is here tonight to answer any questions regarding the name on the license.

The Mayor recognized Kim Pascarella. Mr. Pascarella stated that the trade name use to be Pete's Poolside Bar but it is now Capriccio's by the Sea. He stated that Gabriella's Restaurant is gone and he is still the owner of the license but the owner of Capriccio's holds a small percentage of that license.

Councilwoman Filippone stated that her only concern was it still saying Gabriella's Restaurant since she knew it was closed.

Mr. Bernstein stated that the resolution will be amended to remove Gabriella's Restaurant and just have the entity listed as Pete's Poolside Bar.

A Motion was made by Councilman Lamb to approve the amendment to Resolution 2015-247. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

NEW BUSINESS:

Council President Zalom stated that Ralph Gorga did a lot for this town many years ago. He was very big into the environment and Lavallette. An organization gave him a plaque up at the pavilion on New Brunswick Avenue that was not quite strong enough to hold up there so we replaced it with a metal plaque. When the storm hit unfortunately it was destroyed. His wife Ann sent a note to Mayor and Council requesting that we replace the plaque. It should not cost more than \$200 and for all he did for Lavallette and his dedication she thinks that is not a lot of money.

Councilman Lamb stated that Mr. Gorga also was a badge checker for many seasons on New Brunswick Avenue; he did it for free and sold the most badges.

A Motion was made by Council President Zalom to approve the replacement and purchase of the plaque. The Motion was seconded by Councilman Lamb. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that she would like to collect \$30 from each Councilperson for a donation to the Point Pleasant Education Foundation and to the Lavallette PTO for fundraisers they will be having. She also stated that the clambake was such a big hit they were sold out and had to send some families away. Councilman Finter, Councilwoman Filippone and herself went to see Congressman MacCarthur and he is helping us in getting FEMA monies for our Municipal Building.

COMMENTS FROM THE PUBLIC:

The Mayor opened the floor to public comment.

Michael Jordan, 217 Westmont Avenue stated that he received a letter from Statewide Modular Homes as did 30 or so other residents on his block saying they were going to be installing a modular home on September 11th and the electrical power would be out for about five hours for all these homes. That is a long time for everyone's power to be out for a modular home drop. He was told that they would not have had to go this route if they were allowed to use Swan Point Road access but they were told that they could not because it was a private road.

Mayor LaCicero stated that we have an ordinance regarding modular homes and Lavallette Electric but Westmont Avenue is JCP&L.

Councilman Finter stated that the contractor tried to drop the modular using the private road owned by the Yacht Club without requesting permission and took down their fence. The contractor put a crane and blocked the road during the Yacht Club's busiest season for boating

and yachting and that road is the only way in to the Yacht Club. The Yacht Club told them there was no way they were going to be able to do this until after the season was over but to send the Yacht Club a letter requesting it for after the season and the Club never heard from them again.

Councilman Finter stated that if Mr. Jordan had a copy of the letter with him tonight he would call the Modular Company and see what could be done to avoid the inconveniences.

Betty Bashing, a summer visitor stated that she just wanted to bring to the attention of Mayor and Council the curbing and sidewalk issue on Route 35 South. She stated that she does like the new design at the intersection and that they are a potential lawsuit for the town. She stated that you can not even see where they drop down and someone is definitely going to fall on their face and break something.

Mayor LaCicero stated that people have already fallen and we are keeping a list.

Councilwoman Filippone stated that you would not even believe these are ADA compliant.

Matthew Tizik, lifeguard for Lavallette, stated that the town has an ordinance against ringing bells and crying out for ice cream and yet all the ice cream trucks do it constantly. This definitely should fall under disturbing the peace.

Mayor LaCicero stated that this has been a hot topic this season and you are not the first person to complain.

Mr. Bernstein stated that if they are seeing the violation and hearing it call the police department right away when it is happening.

Council President Zalom stated that there was a time that the bell ringing was limited to when they could do it and for how long and she thinks it is still in effect they just do not follow the rules.

Mayor LaCicero stated that we are going to be looking at this ordinance again after this summer season and revamping it.

Mark Speaker, 111 Brown Avenue stated that the businesses have really done great this season by far. They want to thank Mayor and Council for all their help and always helping out when they need it. All your help is greatly appreciated.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated the pumping stations that the State has constructed are beautiful looking. She thought they were some kind of gazebos. She spoke to Jeff Lanigan and he advised her that the silt is being pumped from the bottom of the bay. Also, Jim Borowski will have more to say about this at the next meeting but the disabled children surf camp had such a beautiful day. It is always a joy to see these kids having the time of their life.

Councilwoman Filippone stated that she has to commend the badge checkers this year. Beach goers have been losing things on the beach and advising the badge checkers. Some badge checkers have gone as far as locating the lost items for them and posting them on facebook to let them know they have found it. The one checker on the weekends that is posted at New York Avenue does this and she is great. Also, the Mayor spoke a while back about having a perspective donor wanting to donate a flagpole for the front of the Municipal Building. The cost of that will be roughly \$2,000 if that person is still willing to donate the monies.

Mayor LaCicero stated that he will have no problem with that donation. He will advise him of the cost.

Mr. Parlow stated that the town is still being audited by Homeland Security for another five months or so. They are definitely occupying a large portion of his time. They ask for things every day and some that he has already sent. He stated that it is just very time consuming and they will be here all next week again.

Councilman Stogdill stated that our beach badge sales are still doing fantastic. We were a little under 68,000 this month alone.

Mayor LaCicero questioned if we have surpassed pre-Sandy season as of yet.

Mr. Parlow stated that we are at a total of \$863,000 right now and pre-Sandy was a total of \$841,000 so we are already up \$22,000 and the season is not over yet.

Mayor LaCicero stated that he took a ride on his boat last night to see the sunset and he was so happy to see all the people on the dock and the beach doing the same thing with their phones and cameras enjoying themselves.

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need for an executive session to discuss some contractual matters regarding the Lavallette Board of Education and some land issues. There may or may not be action taken.

Contractual Matters: Lavallette Board of Education

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

The Regular Meeting was adjourned to enter into executive session at 8:10 pm.

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

The Regular Meeting was reconvened at 8:31 pm.

Mr. Bernstein stated that while in executive session there was discussion on negotiating a contract between the Borough of Lavallette and the Board of Education regarding some property bordering the Municipal Building and the Lavallette School. There was no action taken.

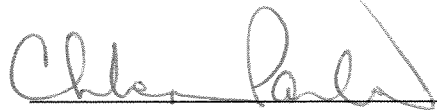
ADJOURNMENT:

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

The regular meeting was adjourned at 8:33 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 17th day of **August 2015**



Christopher F. Parlow
Municipal Clerk