

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE ELEMENTARY SCHOOL – COUNCIL CHAMBERS
Tuesday, January 22, 2013-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, 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 Asbury Park Press on December 28, 2012. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all the troops overseas.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. He stated that the Borough received notification from Senator Lautenberg's office that we received a partial funding from FEMA. The Mayor stated that he started to receive phone calls from all the major news channels for interviews on receiving the money but could not understand why. He stated that he finally figured out that the reason why was because Lavallette was the first to receive their money. Thanks to Mr. Parlow and his staff for getting the work done in a timely manner and just doing a great job. He stated that if anyone wished to comment on any item that was not on the agenda or if they could not stay for the whole meeting they could do so now.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)

No one wished to comment at this time.

The Mayor closed the flood to public comment.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting of December 17, 2012
Special Meeting of December 20, 2012
Reorganization Meeting of January 2, 2013
Caucus/Regular Meeting of January 7, 2013

A Motion was made by Councilman Horan to approve the minutes. The Motion was seconded by Councilman Filippone. Vote: Council Members Borowski, Filippone, Zalom and Horan voted Yes. Councilman Stogdill abstained on the December 20, 2012 minutes and yes to all others. Councilman Lamb abstained on the January 7, 2013 minutes and yes to all others. The Motion passed.

RESOLUTIONS-ON CONSENT:

- 2013-62 authorizing the acceptance of a donated 1980 Oren Duplex Fire Pumper from the Three Springs Volunteer Fire Department at no cost to the Borough of Lavallette for the Lavallette Volunteer Fire Department
- 2013-63 authorizing the electric collector to correct an electric bill in the amount of \$34.59 due to an over read meter
- 2013-64 awarding a contract for the purpose of purchasing five law enforcement vehicles for the Police Department to Beyer Ford/Warnock Fleet through the Cranford Police Cooperative Pricing System in the amount of \$135,735.00 due to damages sustained from super storm sandy-Mayor LaCicero stated that we usually lease our police vehicles but these vehicles were purchased. Mr. Parlow stated that our insurance needs to total the old police vehicles that were damaged and send us settlement checks. Mayor LaCicero stated that with no lease contracts to pay for it should help our operating budget.
- 2013-65 awarding a contract for the purpose of mounting five new police vehicles with the proper police emergency lighting package to Blue Line Emergency Lighting, LLC under state contract A81334 in the amount of \$30,781.91
- 2013-66 awarding a contract to Allcomm Technologies under state contract A53804 for the purchase of five new Astro XTL2500 Digital Mobile Radios for our five new police vehicles
- 2013-67 awarding a contract to Carl's Fencing for the new fencing around Chandler Field due to damages sustained from super storm sandy in the amount of \$9,050.00- Councilman Stogdill questioned if the fence is 10 feet around the perimeter. Mayor LaCicero stated that he believed it was. Councilman Borowski stated that it does not show that on the sketch. It does not look like it is 10 feet all around. It needs to be 10 feet all around except by the playground which should be 4 ft. Mr. Parlow stated that keep in mind we have a quote for what was already there which FEMA will reimburse 75% any differences we will be responsible for. Mayor LaCicero stated that we will approve what we have now and discuss it further.
- 2013-68 awarding a contract to Manhattan Maintenance Company under GSA Contract #GS06F0039S for water damage repairs and remediation of the lifeguard headquarters due to damages caused by super storm sandy in the amount of \$9,145.00

2013-69 authorizing Mayor Walter G. LaCicero to sign and execute an interlocal service agreement between the Borough of Lavallette and the Ocean County Prosecutor's Office to participate in the Ocean County Prosecutor's Program and the Driving While Intoxicated Program for the year 2013

2013-70 authorizing the execution of a contract to Vital Communications, Inc., for the emergency reassessment inspections of storm-damaged properties located in the Borough of Lavallette-Mr. Parlow stated that the Tax Assessor received over a thousand material damage forms. The Assessor will need to perform inspections on these properties within 45 days so he will need assistance. We need to hire inspectors to help him out and it is reimbursable through FEMA. Monmouth County has an interlocal agreement with their municipalities for this service and he has reached out to the Monmouth County Tax Administrator to see if an Ocean County Municipality can be part of their interlocal agreement. He stated that they have not gotten back to him as of yet. If Monmouth County agrees to allow the Borough to join their interlocal then we will not need to contract with Vital but if they do not agree we will need Vital. He request that the governing body approve this resolution tonight and then if Monmouth County agrees we will go with them.

A Motion was made by Councilman Horan to approve the consent agenda. The Motion was seconded by Councilwoman Filippone. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment on the consent agenda. The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2013-71 Bills List in the amount of \$675,011.14

A Motion was made by Councilman Horan to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Horan voted Yes. Councilman Lamb abstained on PO #12-01075 and yes to all others. The Motion Passed.

ORDINANCES ON FOR ADOPTION:

Bond Ordinance No. 2013-01 (1116) Bond Ordinance Providing For Various Capital Improvements and Capital Acquisitions, and Appropriating \$10,000,000 Therefor and Authorizing The Issuance Of \$10,000,000 Bonds and Notes To Finance A Portion Of The Costs Thereof, Authorized In And By The Borough of Lavallette, In the County of Ocean, New Jersey

Mr. Parlow stated that most of the items provided for in this bond ordinance will be eligible for the 75% reimbursement through FEMA. The Police Department will need mitigation funds because it is substantially damaged and the building definitely needs to be raised. We cannot commingle the funds so we need to go ahead with fixing the police building and that is why we need to bond for it now and we will get reimbursed later.

A Motion was made by Councilman Horan to adopt Bond Ordinance 2013-01 (1116). The Motion was seconded by Councilwoman Filippone. The Mayor opened the public hearing on Bond Ordinance 2013-01 (1116) and asked if anyone wished to comment on this ordinance.

William DeBree, 138 Princeton Avenue stated that basically it is a bridge loan to pay for immediate expenses and will be paid back in time.

Mayor LaCicero stated that 75% will be reimbursed by FEMA with Lavallette being responsible for 25% of the debt.

No one else wished to comment on this ordinance. The Mayor closed the public hearing and asked Council for a vote on Bond Ordinance 2013-01 (1116).

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

Ordinance No. 2013-02 (1117) – Ordinance Of The Borough Of Lavallette, County Of Ocean, State Of New Jersey, Amending And Supplementing Chapter 31, Entitled “FLOOD HAZARD AREAS”, Of The Revised General Ordinances Of The Borough Of Lavallette.

A Motion was made by Councilman Horan to Adopt Ordinance No. 2013-02 (1117). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing on Ordinance 2013-02 (1117) and asked if anyone wished to comment on this ordinance.

Mayor LaCicero stated that this ordinance became problematic two days after it was introduced.

Mr. Parlow stated that when these maps were released in December there was also a model ordinance that you could use to adopt these maps. Unfortunately, the State pulled the ordinance on January 7th the same day Lavallette introduced it. We already introduced and paid for the advertising and we were not even notified of it being pulled. As of now we have not been notified as to what changes will be made. He recommended that the governing body hold the public hearing, close the public hearing and hold off on the vote until next meeting to see what is going to happen.

Mayor LaCicero stated that the zoning ordinance that was introduced was given to the Planning Board for review and they have some changes. That ordinance is scheduled for adoption on February 19th.

Councilwoman Filippone stated that the zoning ordinance is written in terms of the maps but not specifically so regardless of any changes in the flood maps our zoning ordinance will still be usable.

Mayor LaCicero stated that the delay will prevent everyone's plans but our hands are tied right now.

Ryan Grant, Princeton Avenue questioned whether the model ordinance was pulled or were the maps also pulled.

Mayor LaCicero stated that both were pulled.

Mr. Grant questioned if you adopted tonight couldn't you just modify it again later.

Mayor LaCicero stated that they could but it would not be beneficial to the town.

Mr. Parlow stated that if we do not adopt these state maps there will be issues getting permits that you will need from the State.

Mr. Grant questioned will they make changes as far as making some of the A zone a V Zone.

Mayor LaCicero stated that he does not believe so but he has heard that they are going to scale back the V Zone.

Terri Gerrish, 227 Haddonfield Avenue questioned if the State comes up with something different what happens to this ordinance.

Mayor LaCicero stated that we would have to start all over again.

Mrs. Gerrish questioned if the Borough could do something about getting the V zone changed.

Mayor LaCicero stated that only FEMA can change the zones not the Borough.

Mrs. Gerrish questioned why in the ordinance it says to use pilings in the V Zone. She questioned why we can not we use something else.

Mayor LaCicero stated that in order to get the required funds this is what needs to be done.

Mr. Parlow stated that for most people in order to receive the ICC funds we will need to adopt the advisory maps. If you do not have flood insurance and have no plans to get flood insurance and have not had substantial damage you do not need to do anything.

Mayor LaCicero stated that we hope that the State is going to agree with us and scrap the maps.

Blue Water Properties, 1501 Bay Blvd stated that everything hinges on the substantial damage which is 50% or greater. He asked who determines the 50% or greater for substantial damage.

Mayor LaCicero stated that the Building Department determines that and they use market value.

Steven Sweeney, 93 Pershing Blvd stated that he is building a house already and the pilings are in already. He has followed the codes with the Building Department, but is concerned about this State CO.

Mr. Parlow stated that it is his understanding that everyone will need a certificate from the DCA signing off on all new construction. You need to talk to Ken Kiseli, the Construction Official. If you already were issued your permits you will not be denied at all but if you based your elevation on the old maps your flood insurance will increase because you will not be in compliance.

Mr. & Mrs. Glowatz, 905 Bay Blvd had a question regarding Section C in the ordinance about the utilities. It does not say new construction so that must mean everyone. They want to put in an a/c unit but are unsure about putting it above base flood elevation.

Mr. Parlow stated that if you want to put an a/c unit in but require above the base flood elevation it would not trigger new construction or substantial damage.

Chris Chamberlain, 401D Grand Central Avenue stated that he does not believe that moving forward without the full Sandy data is very efficient.

Mr. Parlow stated that the public will be allowed to be heard and appeal any decisions on these new maps before they are adopted by the State.

Clem Boyers, 20 Kerr Avenue questioned if the 10% flood discount still applies for Lavallette.

Mr. Parlow stated that is still in effect we just need to continue our community rating system.

Mrs. Gerrish, 227 Haddonfield questioned if anyone knew what the new flood rates were going to be.

Mayor LaCicero stated that he thinks it is too early yet.

Steven Sweeney, 93 Pershing Blvd stated he was told that the new rates will probably take about two years to go into effect.

Mayor LaCicero stated that was probably correct.

Sharon Rossi, Trenton Avenue questioned if she would have to wait on doing any repairs on her home if she wanted to raise her home until the maps are finalized.

Mayor LaCicero questioned if she is a nonconforming use.

Mrs. Rossi said that she has two houses on one lot.

Mayor LaCicero stated that she is non conforming and they are working on a streamline process to get it done quicker.

Mr. Parlow stated that the Planning Board Secretary will speak to the Planning Board tomorrow but right now we do not have an answer.

Chris Chamberlain, 401 D Grand Central Avenue stated that with regards to the flood ordinance, more freeboard should be encouraged.

Mayor LaCicero stated that with the V Zone you are already two foot above and with the A Zone there would be a four foot difference. The V Zone already has 1 foot of freeboard built in.

Al DeBenedictis, 70 Pershing Blvd questioned how many homes applied for the ICC Program.

Mayor LaCicero stated that they do not have to apply for it, when you pay for flood insurance you are already entitled to the \$30,000 grant that is given.

Mr. Parlow stated that there are roughly 60 property owner have requested substantial damage determinations.

Mr. De Benedictis questioned what about the homeowners without flood insurance, what do they do.

Mayor LaCicero stated that those homeowners should apply for the hazard mitigation grants that we have on our website.

Mr. Parlow stated that if there is anyone in that situation they should go on to the Borough website and fill out the form for the mitigation grants.

Mayor LaCicero stated that with that grant, the Borough will need to do the work so you will have to wait a while.

James Barrett, 133 Elizabeth Avenue questioned if we fill out the application for the mitigation grant does that mean we will have to live in a hotel for two years until you get to us.

Mayor LaCicero stated that the mitigation grant is strictly for the elevating of your home not for repairs, you can do that right away.

Sharon Rossi, Trenton Avenue questioned if she could apply for the hazard mitigation grant even though she is non-conforming use.

Mayor LaCicero stated that with the non-conforming the Planning Board will do the streamlining process for them.

Fran D'Aquila, Brooklyn Avenue questioned if they wanted to raise their home, how do we find out what we can do.

Mayor LaCicero stated that we hope to hear something by the end of the week.

There were no additional comments from the public.

The Mayor closed the floor to public comments.

Mayor LaCicero stated that the vote on Ordinance 2013-02 (1117) will be held off until the next meeting of February 4, 2013.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Scheduling of Special Meeting-January 28, 2013 at 6pm to award boardwalk reconstruction project and purchase of lumber, materials and supplies

Mr. Parlow stated that this Special Meeting is to award the two boardwalk projects that will take place on January 24, 2013. It is imperative that we get those projects awarded right away in order to get the projects moving.

A Motion was made by Councilwoman Filippone to have the special meeting on January 28th at the First Aid Building at 5pm. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted yes. The Motion passed.

Councilman Borowski stated that he would not be able to attend.

PUBLIC HEARING: Community Development Block Grant Program-2nd hearing

Council President Zalom stated that the Borough Engineer is completing the application for the CDBG program which is due on February 15, 2013. We are going to apply for the CDBG grant for handicap ramps. We are only allowed to apply for this grant every two years. The ramps are roughly \$100,000 a piece but we will try to get as much money from CDBG as we can.

Janice Barrett, 133 Elizabeth stated that we should stay as far away from the jetties as possible when installing the ramps.

Clem Boyers, 20 Kerr Avenue questioned whether we are going to keep the continuous dune with the ramps up and over.

Mayor LaCicero stated that we are still discussing all of that and whether we are going to rebuild the pavilions.

COMMENTS FROM THE PUBLIC:

Al De Benedictis, 70 Pershing Blvd questioned if there was any news about the post office.

Council President Zalom stated that the building that houses the post office was very expensive to fix. There was no time frame as of yet but they are delivering mail in town. We also heard that the Federal Government is saying they are not going to have any post offices on the barrier island anymore so we shall see.

Mr. De Benedictis questioned if the street sweepers have been on West Point Island yet.

Councilman Lamb stated that the sweepers are running regular but the West Point Island streets are County streets.

Council President Zalom stated that she will make a call to the County Administrator's Office and let them know.

Gary Lucciola, Newark Avenue questioned if the concrete debris is still being picked up. His concrete has been sitting there for a while now.

Mayor LaCicero stated that is a different truck but it will all get picked up.

Mark Speaker, LBA, 111 Brown Avenue stated that Mayor, Council, and Mr. Parlow and all the staff is still doing a fantastic job. He questioned what the town is going to do about all the sink holes still in town.

Mayor LaCicero stated that we are not aware of all the problems regarding the streets in town. Some debris as well as sand is still masking the shape of the streets.

Mr. Parlow stated that anyone who finds that a street is in need of repair or if they see a sink hole they need to give us a call right away so we can put it on a list.

Mr. Speaker also questioned how many families are back in town as of now.

Mayor LaCicero stated that he believed approximately 400 families have returned.

Mr. Speaker stated that one of the businesses in town is having a hard time getting reimbursement from FEMA regarding the electricity. Could he maybe get an official document on when the power shut down from the substation.

Mr. Parlow stated that JCP&L shut power to our substation during the storm. He will see what he can do for them.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Mayor LaCicero stated that he has been getting numerous requests to extend the debris removal date from January 31st.

Councilman Lamb questioned if AshBritt will still be available?

Mr. Parlow stated that we can extend the debris removal date until February 28th.

A Motion was made by Councilman Horan to extend the debris removal date to February 28th. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Council President Zalom read a loud a letter about needing beach access for the town.

Mayor LaCicero stated that he thinks it is important to everyone to have access to the beach. Maybe we can talk to the Chief about pedestrian only access.

Councilwoman Filippone stated that Chief Grant has made a commitment to the Chiefs of Mantoloking and Toms River to no beach access. There are numerous homes that are unsecured and it is still not safe to allow access. The Chief is in support of the no access policy that we have right now. He will self evaluate and consider pedestrian traffic to some areas but there should be no walking on the burms which will eventually become our dunes again. The Superintendent of Public Works is also not in favor of access.

Councilman Lamb stated that he is all for our residents taking a walk on our beach but the problem is parking cars up there and walking in between our equipment which becomes a very dangerous situation for everyone.

Councilman Lamb stated that our water meters were submerged and some of the meters are not functioning properly.

Mayor LaCicero stated that the electronic reader on the meter was submerged and some of the meter readings are not correct. We also heard that maybe the electric meters are not functioning properly but we will look into and let everyone know.

Mr. Glowatz, 905 Bay Blvd questioned if the town will be planting dune grass again.

Mayor LaCicero stated that they will be planting again.

Mr. Parlow stated that as of today, we have removed 15,000 tons of debris.

Mr. Parlow stated that there are 45 PAD mounted damaged transformers. New underground wiring will need to be done and that cost will need to be incurred by someone. My assumption is the property owners will have to replace their underground services.

Mayor LaCicero stated how much damage to these pad transformers is unknown right now to even begin to evaluate the costs.

Mr. Parlow stated that there is a list and letters will be going out this week to the homeowners that are affected.

ADJOURNMENT:

A Motion was made by Councilman Horan 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 9:20 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 regular meeting held on the **22nd** day of **January 2013**

Christopher F. Parlow
Municipal Clerk