

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE ELEMENTARY SCHOOL – COUNCIL CHAMBERS**  
**Tuesday, February 19, 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 Ocean Star on February 1, 2013. Notice was also posted on our municipal website.

**MOMENT OF SILENCE:** The Mayor stated that he has not been notified of any from Lavallette passing away. If anyone hears of a resident passing and you want it to be known call Borough Hall and we will have a moment of silence for them.

**PLEDGE OF ALLEGIANCE:** Councilwoman Filippone led us in the Salute to the Flag

**MAYOR’S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight’s meeting.

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

Mayor LaCicero stated that anyone in the audience who was here to speak about anything that was not on the agenda or not storm related or if they could not stay for the remainder of the meeting could do so now.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

**APPROVAL OF CLERK’S MINUTES:**

Caucus/Regular Meeting of February 4, 2013

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

**RESOLUTIONS-ON CONSENT:**

- 2013-86 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP Program for 2011-Councilman Lamb requested that this resolution be put off consent
- 2013-87 supporting NJ State Legislature Bills A-2753/S-1923 requiring direct payment of energy taxes to municipal governments-Mayor LaCicero stated that he really liked this resolution.
- 2013-88 authorizing the dates and times upon which Big Ed's Produce may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette-Councilman Borowski requested that this be put off consent for discussion
- 2013-89 authorizing the dates and times upon which the Lavallette Hardware may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette-Councilman Borowski requested that this be put off consent for discussion
- 2013-90 authorizing the dates and times upon which B & B Department Stores may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette-Councilman Borowski requested that this resolution be put off consent for discussion
- 2013-91 authorizing Mayor Walter LaCicero to sign the joint services agreement for assistance for the Lavallette Police Department in the form of law enforcement personnel, services, facilities and equipment due to damages sustained from super storm sandy between the Borough of Lavallette and the Township of Lyndhurst-Mayor LaCicero stated that the Township of Lyndhurst helped out our Police Department right after the storm by allowing us to use their mobile command center for awhile. Mr. Parlow will make sure that they get a letter of thanks also.
- 2013-92 authorizing the filing of an application with the Ocean County Development Block Grant Program Committee for handicap accessible dune walkover structures at the ocean side streets on Newark and President Avenues
- 2013-93 authorizing the Municipal Clerk and the Borough Engineer to advertise and receive bids for road improvements to various streets
- 2013-94 authorizing Mayor Walter LaCicero to sign and execute an amended shared services agreement for debris removal, debris monitoring and other related services between the Borough of Lavallette and the County of Ocean to include a "Schedule A" checklist attachment

A Motion to approve the consent agenda with the exception of Resolutions 2013-86, 2013-88, 2013-89 and 2013-90 was made by Councilman Horan. 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 on the consent agenda. The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted yes. The Motion passed.

**RESOLUTIONS-OFF CONSENT:**

2013-86 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP Program for 2011

A Motion was made by Councilwoman Filippone to approve Resolution 2013-86. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Stogdill and Horan voted Yes. Council Members Borowski and Lamb Abstained. The Motion Passed.

2013-88 authorizing the dates and times upon which Big Ed's Produce may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette

2013-89 authorizing the dates and times upon which the Lavallette Hardware may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette

2013-90 authorizing the dates and times upon which B & B Department Stores may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette

Councilman Borowski stated that we already approved the sidewalk sales. He understands that there is a mechanism in the ordinance for vendors as well as the sidewalk sales but it just seems that there is going to be a lot of sidewalk sales and in between there will be a lot of display of merchandise on the streets.

Mayor LaCicero stated that there are specific guidelines as to where and how much merchandise can be displaced in the ordinance and it is much different than sidewalk sales.

Councilwoman Filippone stated that they are not sales just displays of merchandise.

A Motion was made by Councilman Horan to approve Resolution 2013-88. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

A Motion was made by Councilman Horan to approve Resolution 2013-89. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

A Motion was made by Councilwoman Filippone to approve Resolution 2013-90. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2013-95 Bills List in the amount of \$1,020,485.67

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

**ORDINANCES ON FOR ADOPTION:**

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.

Mayor LaCicero stated that since the last meeting the State has released the model ordinance with some changes so we have amended the ordinance.

Mr. Parlow stated that there was an original model ordinance provided from the State that was pulled a few days after the Council introduced this ordinance. Once the model ordinance was released last week there have been some modifications. Mr. Parlow stated that the definition of Coastal A Zone has been deleted; the requirement that pilings are required in the A zone was deleted; the definition of Limit of modified wave action was deleted; the map name, which is Seaside Park NW, has been incorporated into the ordinance; one foot of freeboard was added to the A zone; the AO Zone, which is the ocean block, was change from 1 foot above the highest adjacent grade to 2 feet above the highest adjacent grade; the elevation requirement for V zone was amended to read at base flood, advisory base flood or the requirements contained in the Uniform Construction Code, whichever is more restrictive; which depends on the direction of the wave action whether perpendicular or parallel for the 1 foot of freeboard.

Mr. Parlow stated that the only changes that were made were to the model ordinance, the advisory base flood maps have not change.

The Mayor asked for a motion to accept the amendments to the ordinance.

A Motion was made by Councilwoman Filippone to approve the amendments to Ordinance 2013-02 (1117) to reflect the revised model ordinance. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted yes. The Motion Passed.

The Mayor asked for a motion to adopt Ordinance No. 2013-02 (1117) as amended.

A Motion was made by Councilman Stogdill to Adopt Ordinance No. 2013-02 (1117) as amended. The Motion was seconded by Councilwoman Filippone. The Mayor opened the floor to public comment on Ordinance 2013-02 (1117) as amended.

Mike Melillo, Melillo Architecture stated that regarding the freeboard the A zone will be two feet higher than the V zone and technically the V zone will be two foot shorter. Also, the living space above the garage what is going to happen with that.

Mayor LaCicero stated that he believes that both zones will be able to build to the same height. As far as the garage space that will be for the next ordinance after this to discuss.

Mr. Parlow stated that the height is based upon the highest point of the lowest structural member and not the lowest point as is with the flood purposes. The height for both zones would end up being very close to each other.

Clem Boyers, 20 Kerr Avenue stated that on the Borough website we use to be able to put our address in and get our flood zone. He does not see that capability anymore.

Mayor LaCicero stated that it is still on there probably just in a different spot.

Chris Chamberlain, 401 Grand Central Avenue stated that to continue to build to minimum standards is not really a safe way to go. Coastal flooding in town is always going to be a problem and with only a 1% level we could sustain the same damage again. We should be building at a 2% level for our citizens.

Mayor LaCicero stated that with the zoning ordinance it allows more freeboard the flood ordinance is the minimum standards.

Mr. Chamberlain questioned why we can not change the minimum standards to the maximum standards for our residents.

Mayor LaCicero stated that the one foot of freeboard is already built in and is required. With the zoning ordinance you have the option of adding the two feet of freeboard if you choose. We need something to start with for today. There will always be changes until we get it right but we need to get going with this. We are giving the aesthetics to the homeowners to do as they wish. We will go forward with adopting the minimum right now. The state recommended one foot higher.

Mr. Chamberlain stated that we should be building to federal standards not the state.

Mayor LaCicero stated that if you want to build higher you can still do that.

Councilwoman Filippone stated that the zoning ordinance controls the height not the flood ordinance. She asked Mr. Chamberlain what zone was he in.

Mr. Chamberlain stated that he is in the V zone.

Mayor LaCicero stated that he is not in the V zone, he is in the A zone.

Michael Jordan, 217 Westmont Avenue questioned the one foot of for V zone.

Mr. Parlow stated that the ordinance requires properties in the V zone to be built at the advisory base flood elevation, base flood or the Uniform Construction Code requirement, whichever is more restrictive, that was one of the modifications made to the model.

Mayor LaCicero stated that it all depends on the wave action, if the wave is perpendicular there is one foot, if the wave is parallel there is not one foot requirement.

Mr. Parlow read the Uniform Construction Code requirement out loud.

Mr. Jordan questioned who determines the direction of the wave.

Mr. Parlow stated that he was not sure. If it is on the ocean front it would be easy to determine.

Mayor LaCicero stated it would be the direction of the maximum fetch.

Mr. Parlow stated that if you want to build higher you can do that; you would have to just take from the top.

Robert McNally, 116 Ortlely Avenue stated that with the new flood maps there is a small bump where he lives on the map and that puts him in the V zone. He asked if the town will be contesting any portion of these maps so maybe they could be changed.

Mayor LaCicero stated that we are objecting to the maps and he spoke to Governor Christie's office about them.

There were no additional comments from the public.

Mayor LaCicero closed the public hearing and asked for a vote.

Vote: Council Members Filippone, Stogdill, Horan and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

Ordinance No. 2013-03 (1118) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 90 of the Borough Code, Entitled "Zoning," Regarding Certain Provisions for Bulk Requirements for Height and Lot Coverage in Flood Hazard Zones

Mayor LaCicero stated that with regards to the amendments to this ordinance they were not significant enough to require the entire ordinance to be reintroduced. We are going to adopt this

ordinance tonight and see how it works. Eventually, we will need more changes as time goes on but we just want to make it easier for the residents to start moving on.

Mr. Parlow stated that there were some changes made to the height requirements based on the new flood elevations. The changes include the word inhabitable has been changed to habitable; the word sill has been added to the plat in the A zone so you can start at the top of sill plate; the term Coastal A, AO and AE has been removed due to the new flood ordinance and now just reads A zone within the four residential and two business zones; the definition of freeboard was modified; language was included allow two additional feet of freeboard in the A and V zones but the additional elevation would have to be taking from the height.

Mr. Parlow stated that the insurance premium benefit is capped at four feet above the required base flood elevation in either zone. If anyone wishes to increase the elevation above what is permitted you will need to take it off the top or apply for a variance.

Mr. Parlow also stated that there are no V zones in the B-1 District so a section was deleted; in the West Point Island section there are no ocean front properties so their was also a section deleted.

Mr. Parlow stated that those were all of the changes that we made to Ordinance 2013-03 (1118)

Mayor LaCicero stated that we stayed at the 28 feet; it will provide two floors with nine foot ceilings if you need to take off the top it will leave you with eight foot ceilings.

The Mayor asked for a motion to accept the amendments to the ordinance.

A Motion was made by Councilwoman Filippone to adopt the Amendments to Ordinance 2013-03 (1118). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor asked for a motion to adopt Ordinance No. 2013-03 (1118) as amended.

A Motion was made by Councilwoman Filippone to Adopt Ordinance 2013-03 (1118) as amended. The Motion was seconded by Councilman Borowski.

The Mayor opened the public hearing and asked if anyone wished to comment on Ordinance 2013-03 (1118).

Mike Melillo, Melillo Architecture questioned what was going to happen with the one story over garages that some people have. You will have ten to thirteen feet of air space over the garage and if you build a twenty three foot house with a garage will you need a variance.

Mayor LaCicero stated that you can keep the second story living space.

Mr. Melillo stated not according to the code. What about the parking if you need pilings.

Mayor LaCicero stated that air space is uninhabitable space not a garage. If you eliminate the garage it is not considered a garage anymore.

Arlene Maglionico, 119 Camden Avenue questioned if she is thirty-feet high now, how much further she could go up.

Mayor LaCicero stated that from the top of the sill plate another 3 feet and she should be good.

Michael Jordan, 217 Westmont Avenue stated that in Mantoloking Borough their elevation for the V zone is 13 feet. The insurance rates she has looked into have stated that if you go two feet below the V zone you could be paying \$15,000 in insurance a year. We need to consider going higher.

Councilwoman Filippone stated that in Lavallette we are not going to have forty five foot high houses. For the discount you can go four foot above the base flood elevation.

Eleanor Scarcella, 106 Coleman Lane questioned the lot coverage with regards to the stairs being in front or on the side.

Mayor LaCicero stated that we gave an additional one percent for account for additional stairs so you should be okay with the front. If the stairs go into the side there is no decrease for setbacks but the front and back are increase one percent.

Robert McNally, 116 Ortlely Avenue stated that the A zone is safer than the V zone and yet you are giving more freeboard in the A zone than the V zone.

Mayor LaCicero stated that the additional elevation is already built into the v zone because the measurements are taking from different locations within the structure.

There were no additional comments from the public.

The Mayor closed the public hearing and asked Council for a vote on Ordinance 2013-03 (1118).

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

#### UNFINISHED BUSINESS:

Discussion about the “Buy a Board” donation program that will be handled through Donations of Love, Inc.

Mayor LaCicero stated that Donations of Love, Inc., a non profit organization will be handling the “Buy a Board” Program. The Borough will supply the lumber and the vendor will do the carving. The price is \$250 a board and the Borough should net \$200 a board. There will be nine zones to choose from which are where the lifeguard stands will be and if the board has damage it will not be replaced until the boardwalk is completely reconstructed.

## **NEW BUSINESS:**

There was no new business.

## **COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue stated that at the press conference with the Governor he mentioned another program that will help you raise your house without having fifty percent damage.

Councilwoman Filippone stated that is the hazard mitigation grants but it could take up to 18 months for us to get the money.

Mayor LaCicero stated that the Governor did mention the Community Development Block Grant Program but we have not received any information on that program just yet. As soon as we get the information we will put it on the website right away.

Diane Molnar, 204 Westmont Avenue questioned if we were going to extend the debris removal until the end of March.

Councilwoman Filippone stated that we can extend it up to six months according to FEMA.

Mr. Parlow stated that the Borough will only be reimbursed for materials that were damaged in the storm and will not reimburse for construction materials associated with repairs or new construction. The Borough will not pick up the contractor debris just storm damage debris.

Mayor LaCicero stated that none of the Council members appear willing to extend the date.

Daisy Colon, 99 Bond Avenue questioned if homeowners who have not touched their properties or not cleaned them up would be penalized in any way.

Mayor LaCicero stated that we are just waiting on the debris removal to be over and then we are going to assess those situations.

Marlene Chamberlain, 401 Grand Central Avenue questioned if there has been any news about the Post Office yet.

Mayor LaCicero stated that he has information that he will be giving under Council Comments.

Tom Shoebridge, 304 Gr. Central Avenue stated that he lives in a condo with three other units on a concrete slab. He asked what his flood zone is and can a four unit condo complex be raised.

Mayor LaCicero stated that his property is in the A Zone, which requires an elevation of 8 foot plus one above sea level.

James Barrett, 133 Elizabeth Avenue questioned if the inspectors have started to inspect the houses that have applied for the ICC program.

Mr. Parlow stated that they did start last week and that he should go to the construction department and ask for the results. He stated that he was in receipt of a letter from Allstate Insurance to a resident of Brick Township who submitted a claim through the ICC program. The resident was denied because according to the insurance company they were not out of compliance with the existing flood maps. Brick Township had yet to adopt the new ABFE Maps and therefore the house was still in compliance with the 2006 maps. It is better that everyone waited until the new ABFE's were adopted.

Michael Jordan, 217 Westmont Avenue questioned if they ordinances were going to be on the website.

Mr. Parlow stated that they most certainly would be on our website.

Fred Boos, 131 Newark Avenue stated that the Lavallette website is wonderful and supportive. They were in Florida when the storm hit and it helped them out a great deal. Thank you very much.

There were no additional comments from the public.

The Mayor closed the floor to public comment.

#### **COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Mayor LaCicero stated that the Governor had a press conference in Lavallette to discuss the Route 35 Highway Restoration Project that should be completed in 2015. It is a two hundred million dollar project that will run from Point Pleasant to Seaside Park and will have a new drainage system. The Department of Transportation has stated that there will be at least one lane of traffic opened at all times during the project and will be starting in Seaside Park. He stated that the Governor did mention something about having a town hall meeting somewhere in the area so hopefully we can get him to have one here or at least very close.

Mayor LaCicero stated that he received a call from the US Postal Service about the post office and will be having a meeting with a man named Tom on Thursday at 1pm. He stated that the call was about trying to find a proper place in town to be able to find a suitable place to move the post office. He also stated that there will be a public hearing on this issue so the public will be able to voice their concerns.

Mayor LaCicero stated that there is a meeting with the Department of Environmental Protection on Thursday at twelve noon regarding beach replenishment and dune reconstruction project. There are some easements agreements that need to be finalized in other towns and the boardwalk repair will continue. Mantoloking and Ortley Beach received the most damage and it is because there were no dunes at all to help them.

Councilman Lamb asked for an update on the Borough buildings.

Mr. Parlow stated that the Municipal Building's entire first floor needs to be gutted and there was substantial mold. We will have to go out to bid for renovations to the municipal building as well as lifeguard headquarters. The Police Department building suffered substantial damage so it will probably need a lot more of work. He suggested that a motion be made to demolish the police department building now.

A Motion was made by Councilman Lamb to demolish the police department building. The motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Stogdill, Horan and Lamb voted Yes. Councilman Borowski voted no. The Motion Passed. Councilman Borowski stated that in regards to lifeguard headquarters bid what is going to be done.

Mr. Parlow stated that the Beach Captain has requested that the building be an open floor plan which would be better for them. He stated that he has been pushing every day to get these buildings going.

Councilman Lamb stated that he would like to get lifeguard headquarters up and running before Memorial Day.

Councilwoman Filippone stated that the Chief is looking into a temporary facility for the Police Department but no decisions have been made yet. Whatever we decide to do, FEMA should pay for some of it. There is a one time upfront set up fee and a monthly rental fee.

Councilman Borowski stated that Blue Wave Printing in Toms River has volunteered to sponsor a fundraiser for the Lavallette First Aid and the Bucket Brigade in Ortley Beach on Friday at the Crab's Claw.

Councilman Horan stated that the last of the electric utility poles have been set from Jersey City Avenue to Magee and Route 35 and more homes and businesses have been reenergized. The next step is to start working on all the pad mount transformers and well #3 rewiring.

Councilman Borowski just wanted to explain his no vote on the demolition of the Police building. We have already bonded a lot of money and he is just concerned on where this money is going to come from.

Mayor LaCicero stated that he agrees with Councilman Borowski; however, the structure is just not worth fixing as is.

Mr. Parlow stated regarding the Route 35 Project; he attended another meeting today on that. The streetscape plan will be incorporated into the improvement. The curbs and sidewalks will be replaced which is definitely a benefit.

Mr. Parlow also stated that the Borough will be selling beach badges starting the same time as last year in one of our trailers in the fire house parking lot.

Mayor LaCicero stated that the Baltimore Orioles have expressed an interest in donating their time and money into fixing our ball field. The storm destroyed pretty much all of our ball field and we had a lot of the flooded cars on the lot for a while. He is hoping to hear back from them very soon.

Mayor LaCicero stated that the boards for the “Buy a Board” program will have seagulls on them and the seagulls will line up on the outside of the north side of the boardwalk.

**EXECUTIVE SESSION:**

Mr. George stated that there exists a need to have an executive session to discuss a shared services agreement with Brick Township. There may or may not be action taken.

A Motion was made by Councilman Horan 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 8:40 pm.

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

The Regular Meeting reconvened at 9:01 pm.

Mr. George stated that during executive session there was only one topic discussed which was to discuss a shared services agreement with Brick Township regarding supplementing additional employees in certain departments. No action was taken at this time.

**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 9:02 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 19<sup>th</sup> day of February 2013

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**Christopher F. Parlow**  
**Municipal Clerk**