

BOROUGH OF LAVALLETTE (Minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE ELEMENTARY SCHOOL – COUNCIL CHAMBERS
Monday, March 25, 2013-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Horan and Stogdill were present. Councilwoman Filippone was on an excused absence.

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 March 1, 2013. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor stated that he has not been notified of any residents from Lavallette passing away. He asked for a moment of silence for our troops that continue to serve overseas.

PLEDGE OF ALLEGIANCE: Councilman Lamb led the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight’s meeting. He stated that the season is rapidly approaching; the boardwalk reconstruction project continues to progress; they are installing pilings up to New York Avenue and the project is on schedule. He stated that the Heritage Gazebo grounds have been refurbished. He stated that he received a call from a local realtor that has concerns about the beach and boardwalk being open this summer. He stated that Lavallette will be open for business this summer. He reported that the buy a board program has sold over 782 boards and a number of them have already been installed along the boardwalk.

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.

Abigail Louis; New Jersey Hope and Healing. She stated that her organization is funded by the Federal and State government to perform outreach assistance to the public. They help affected residents deal with stress related issues. She made brochures available and people can call the helpline and receive phone counseling.

Denise Wirth - 1606 Grand Central Avenue. Thanked the Mayor and Council for all of the work to get the town back together. She was here during the storm and she watched how all of the work was performed. She read a letter to the editor she wrote in May of 2007 regarding the 2007 mayoral election. She thanked Mayor LaCicero for his guidance and all of the citizens for their support. She asked Mayor and Council for status, information and process for the rebuilding of Borough Hall. She would like to be part of the process of redesigning the building.

Mayor LaCicero stated that we will seek input from the residents. He stated that the governing body did approve the demolishing of the police department. He stated that the structural engineer estimated that the repairs to the municipal building are over five hundred thousand dollars and the repairs to the police department are also over five hundred thousand dollars. He stated that we are looking into something else other than spending over a million dollars to repair those buildings. He will be setting up some meetings. He has had some local architects that have expressed an interest in volunteering their time. We are still trying to access the needs of the departments, storage and looking into commercial space. He estimated that the building may be around twelve thousand square feet.

Denise Wirth asked if there was any FEMA funding available.

Mayor LaCicero stated that we may receive an estimated three hundred thousand dollars from FEMA for the damage to the existing building; which would leave the Borough to pay nearly seven hundred thousand dollars to repair the old buildings. The funds would have to be paid off in ten years for the repairs, where a new building could be funded over a forty year period.

Denise Wirth stated that she would like to see the historical aspect of the building preserved in the new design. She would like to see the facade preserved similar to what was done at the Hankins building.

Mayor LaCicero stated that the building will reflect the area and the history.

Bart Coleman - 9 Bullard Drive. He was speaking to an aid in Senator Lautenberg's office about FEMA rules and was told to contact the town about protesting the new regulations. He asked if the town has taking any position on this.

Mayor LaCicero stated that the Borough is opposed to the new maps and the way they are configured and have expressed that in a form of a resolution.

Kathy Serra - 117 Pershing Boulevard. She questioned what happened to the grant list from Sandy. Homeowners were giving the opportunity to have the values of their homes reduced if they were damaged. She was concerned about the total tax requirement and the impact on the tax rate and that taxes could go up ten or fifteen percent.

Mr. Parlow stated that that is the reason the Borough secured the Community Disaster Loan from the federal government. The loan proceeds will be used to bridge the gap in the tax rate due to the loss of assessed values.

Ms. Serra asked if this amount would cover the ten to fifteen percent?

Mr. Parlow stated that it depends on the amount of the adjustment to the assessed values. The total amount of the loan was two point seven million dollars.

Mayor LaCicero commented that the reduction in the assessed values is only temporary and as the properties are restored the improvement values will be increased.

Ms. Serra asked if the Borough has the easements for the beach.

Mayor LaCicero commented that the approval of the easement is on tonight's consent agenda.

Laurie – Martin Casuals. She is having some confusion regarding construction. She had some questions regarding the bathrooms and whether they need to be handicap accessible and sprinkler systems

Mr. Parlow stated that she needs to speak with Ken Kiseli the construction code official.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of March 11, 2013
Bid Opening of March 20, 2013

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

RESOLUTIONS-ON CONSENT:

- 2013-112 authorizing the execution of an addendum to the contract with Diamond M. Lumber Co. for the purchase of various boardwalk lumber, material and supplies in the amount of \$10,443.00. Mr. Parlow stated that this change order was for the purchase of sand fence and fence posts for the dunes.

- 2013-113 authorizing the electric collector to remove one electric account at 119 Magee Avenue due to the two family home being demolished and a one family home is being built.

- 2013-114 refunding the unused balance of planning board escrow funds to various homeowners.

- 2013-115 authorizing an interlocal agreement with Toms River Township Fire District #1 to provide fuel to five vehicles for Ocean Beach Fire Company, No. 3 for a term commencing March 25, 2013 through March 31, 2013 for a monthly fee and bill on a monthly basis at prevailing rates.
- 2013-116 proclaiming the month of April as “Alcohol Awareness” month.
- 2013-117 proclaiming the month of April as “Autism Awareness” month.
- 2013-118 authorizing the Borough of Lavallette to execute an easement to the State of New Jersey and the Borough of Lavallette for storm damage reduction construction and maintenance along the Lavallette ocean front beach in accordance with Army Corps Of Engineer plans. The Mayor stated that we are signing off on the easement this evening.
- 2013-119 supporting the efforts of the 9th Legislative Delegation in identifying greater means of providing assistance to those impacted by the new FEMA regulations.
- 2013-120 proclaiming the month of March 2013 as “Women’s History” month. Council President Zalom commented that there is so many women in government and she is proud of all the women who have shaped the course of history.
- 2013-121 requesting the federal government reimburse residents of the Borough of Lavallette for the entire cost of raising homes to comply with the Advisory Base Flood Elevations.
- 2013-122 authorizing the electric collector to remove an electric account from 104 New Jersey Avenue due to a two family dwelling becoming a one family dwelling.
- 2013-123 authorizing the purchase of two John Deere Gators for the Lavallette Beach Patrol in the amount of \$16,898.00 from Central Jersey Equipment.
- 2013-124 authorizing the purchase of a 2013 Kawasaki Prairie 4 x 4 in the amount of \$5,800.00 and the purchase of a 2013 Kawasaki 610 4 x 4 in the amount of \$7,200 from Toms River Kawasaki.
- 2013-125 authorizing the acceptance of a 1982 Sutphen Fire Pumper from the Lavallette Fire Company that was purchased from Pt. Pleasant Borough Fire Department in the amount of \$6,001.00 in order to add to our insurance fleet.
- 2013-126 awarding a contract to Airpower International, Inc. for the repair of a high pressure breathing air system due to damages sustained by super storm sandy in the amount of \$17,450.00. Mr. Parlow commented that this unit was damaged in the storm and is used to fill the air packs used by the fire department.

- 2013-127 awarding a contract to Earle Asphalt Company for repairs to various road ways in the Borough of Lavallette in the amount of \$331,013.13. Mr. Parlow stated that bids for the project were received on March 20th and eight bids were received. The contractor will start as soon as the notice to proceed is issued.
- 2013-128 authorizing the execution of a state contract with General Recreation, Inc. to provide bicycle racks in the amount of \$14,145.00. Mr. Parlow stated that this is for the purchase of replacement bicycle racks.
- 2013-129 authorizing the Mayor and Municipal Clerk to execute the grant agreement with the Ocean County Cultural & Heritage Commission. Council President Zalom stated that the Borough received a two thousand five hundred dollar grant for the Summer Concert Series and also the County Park Department will sponsor one of the concerts.

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

Denise Wirth - 1606 Grand Central Avenue. She was hoping that the term closed beaches could be change to state that there is currently no access to the beaches. It gives the wrong impression that there is something wrong with the beaches.

Kathy Serra - 117 Pershing Boulevard. She had some concerns about the storm water outlet at the dead end of Dickman Avenue. She stated that the flapper valve at the end of the inlet was not closing and was allowing water to flood back into the pipe.

Council President Zalom stated that she would contact the County.

Mr. Serra commented that she was part of the Stop FEMA Now that is against the new flood maps, the Biggerts Waters Act.

Dave Brown – 119 Pershing Boulevard. He questioned the four by fours that are being purchased and whether they are new purchases and was one used by the police department

The Mayor commented that the vehicles are shared, but these are replacing the ones that were damaged.

There were no additional comments from the public.

The Mayor called for a vote.

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

APPROVAL OF VOUCHERS:

2013-130 Bills List in the amount of \$1,324,711.55

A Motion was made by Councilman Borowski to approve the bills lists. The Motion was seconded by Councilman Horan. The Mayor opened the floor to public comment:

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There were no additional comments from the public.

The Mayor called for a vote.

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

UNFINISHED BUSINESS:

Councilman Borowski stated that he has been in contact with Dr. Stuart Farrell from the Ocean Research Institute at Stockton College. He has been very active in evaluating the flood maps. Some of his opinions are contrary to some of the results provided in the newest maps. Councilman Borowski reported that Dr. Farrell has offered to come to the next council meeting to put on a small presentation regarding the maps.

Mayor LaCicero stated that Dr. Farrell is welcomed to come to the next meeting.

Councilman Borowski also stated that we are very actively rebuilding the sand dunes in a way that is identical in the past. He asked if we would want to consider the placement of geo-textile tubes similar to what is being placed in Mantoloking as a base for the dune. Bay Head has a seawall. It would be used as the last line of defense and not wash the sand away.

Mayor LaCicero stated with the new piece of equipment we are using up at the beach the dune is being rebuilt; not just the berm. With the permit that we currently have we would be limited on where to place whatever we would put. With the Army Corp project scheduled for the fall, whatever we would place may have to be moved. He would not like to see us spend millions of dollars now for something that is not going to be necessary once the beach replenishment project is initiated.

Mr. Borowski stated that he would like the Borough to have a fall back position in the event that the project does not go through.

Mayor LaCicero stated that he is confident that the Army Corp project will go through; but if not we can also restructure the dune in the fall.

Council President Zalom stated she attended a meeting with the Governor last week and she wanted to ask a question about the Route 35 Project. She stated that she spoke with one of the governor's aides and was informed that there will be a regional meeting regarding the project.

She also mentioned that Clean Ocean Action will be scheduling the Beach Sweep. A New York City bus trip has also been scheduled; basketball and Zumba are back.

NEW BUSINESS:

Residential parking permit applications at 2307 Grand Central Avenue Condominium Complex (Units 1, 5, 6, 9, 10) – Five spaces requested.

Mayor LaCicero stated that this is not an undersized lot and should not be approved. Mr. Parlow stated that a resolution of denial will be placed on the next agenda.

Receipt of Place to Place Transfer of Lenny's Pizzeria Pocket ABC/Liquor License

Mayor LaCicero stated that we are in receipt of the place to place transfer application. The applicant needs to provide the proper notice in the newspaper, twice, and then the Council can make a decision on the application.

Beach Access – 2013 Summer Season

Mayor LaCicero commented that we are working on a plan for this summer to provide access to the beach access for summer. We have nine beaches that we have to provide access to; the thought was to install a continuous fence eight feet from the boardwalk which is consistent with our current permit and provide opening just in front of where the lifeguard stands will be. This is a temporary solution just for this year. The beach replenishment plan calls for a continuous dune with walkovers.

Councilman Stogdill commented that Westmont Shores will continue to have all three of their access paths open.

The Mayor stated that this is correct, for the beaches along the boardwalk there will be one opening per beach.

Councilman Lamb stated that this is just what is being proposed, he is willing and wants to here from the public and changes could be made.

Councilman Stogdill stated that this plan will provide the access to North Lavallette which does not have a boardwalk and would only require people along the boardwalk to walk no more than two or three blocks to the opening.

Councilman Lamb asked if the plan could be posted to the website.

The Mayor agreed and stated that it will be placed on the agenda again at the next meeting so that we can receive comment.

Elevation of existing structures – permits, standards, and policies

Mayor LaCicero stated that we have an application from an ocean front homeowner located at 1406 Ocean Front that is asking for his house to be temporarily put in our right of way while his pilings are put in. He does not know how that is going to happen but they will have to discuss this further. He does not know how he is going to do it with only a 25 foot setback.

Councilman Horan wants to make a motion to have the attorney look at the Borough's policies and draft an ordinance.

Mr. George stated that there is a difference between the right of way and the actual street. The right of way is the section of the Borough's roadway.

Councilman Borowski stated that there is a very small portion of the house that goes past the curb.

Mayor LaCicero stated that is correct but they still need permission to go into our right of way.

Councilman Borowski questioned the wiring and who would have to pay for that.

Mayor LaCicero stated that the homeowner would be responsible for that also.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that they have done a very nice job of picking the rubbish out of the bay. What about utilizing the dredged sand from the bay to put back on our beaches.

Mayor LaCicero stated that it is being worked on.

Susan Kotch, Camden Avenue stated that as the people are walking to the beach accesses to check out the boards and enjoy the view. Secondly, what is the status on Chandler Field cleanup.

Mayor LaCicero stated that the he has had talks with the Baltimore Orioles in taking care of cleaning up our ball field and is waiting on a answer. He stated that we should definitely have a back up plan in case that fails.

Councilman Stogdill stated that the New York Mets have also pitched to help out with our field. He will reach out to them and see what they can do.

Corey Wingerter - Bond Avenue. He questioned if the place to place transfer for Lenny's states the location.

Mayor LaCicero stated that it is the existing restaurant Lenny's Pizza not across the street.

Jack Sauer - 405 Bay Blvd. He questioned when the speed limit on the highway was going to change back to the normal speed.

Mayor LaCicero stated that has been on his mind and he is going to find out.

Mr. Sauer questioned if maybe when they are doing the Rt. 35 Restoration we should think about putting the electric underground on Route 35.

Councilman Horan stated that it would be very expensive.

Denise Wirth - 1606 Grand Central Avenue. She questioned the status of the pavilions.

Mayor LaCicero stated that we have not discussed the pavilions and whether we are going to reconstruct them again. Right now with the Army Corps Project we are not sure where they would fit in within the scope of that project.

Ms. Wirth stated that it would be nice to go back to the old pavilion architecture from many years ago.

Gary Lucciola - 140 Newark Avenue. He questioned if anything was going to be done to the houses that have removed some of their insulation.

Mr. Parlow stated that the Code Enforcement Officer is in the process of sending out those letters to houses that have not been touched yet.

Mr. Lucciola questioned the boat slips and whether they were going to be available this year.

Mayor LaCicero stated that they will be available but we do not have an exact date as of yet. There is some work that needs to be done over there.

COMMENTS OF THE MAYOR AND COUNCIL:

Mr. Parlow stated that with the CDBG State Funding, which is a large amount of money, will be allocated to a number of assistance programs and in order to access this money residents will have to have set up a request for FEMA individual assistance. You have to be a primary resident and it will be on a first come first serve basis. The grant proceeds can be used elevate properties, pay for unreimbursed expenses and a number of other areas. He stated that resident need to keep looking on our website because as soon as we find out how to apply for these funds we will put it immediately on our website.

Mr. Parlow stated that construction debris will not be picked up from Public Works. You can not have your contractors putting that debris to the curb.

Councilman Borowski stated that he spoke to the web master today and there seems to be a little confusion as far as utilities for reconnection and disconnection for demolition. He will put the correct information on the website with the exact details and steps as to what you have to do.

Kathy Serra, 117 Pershing Boulevard questioned why we are pushing for the raising of everybody's home.

Mayor LaCicero stated that we are not forcing anyone to raise their homes, the insurance companies are.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss a certain ongoing personnel matter. There is no action to be taken.

A Motion was made by Councilman Stogdill to adjourn the regular meeting to go into executive session. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 8:38 to go into executive session.

A Motion was made by Councilman Horan to Reconvene the Regular Meeting. The Motion was seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 8:56 pm.

Mr. George stated that during the executive session there was only one matter discussed regarding a personnel litigation matter. There was no action taken at this time.

ADJOURNMENT:

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

The Regular Meeting was Adjourned at 8:54pm.

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 25th day of **March 2013**

Christopher F. Parlow
Municipal Clerk