

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, June 17, 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 May 31, 2013. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident Miriam Anteau, who passed away recently. She was the sister of Warren Tilton and mother to Sheila Sharkey who are both residents here also.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight's meeting. He stated that the working flood maps have been released. Most of Lavallette has been taken out of the V zone. There is a V zone that consists primarily of ocean front lots. There is even a new area that is not in a flood zone at all. These maps are not carved in stone as of yet either.

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.

Al Einsiedler, 107 Reese Avenue stated that he lives behind Dunkin Donuts and they are constantly parking cars across the sidewalk so women with children and baby carriages have to go into the street to get around their cars. He stated that he has contacted the police and they state that there is nothing they can do because it is a loading and unloading zone. The problem is they are not loading or unloading anything they are just parking their vehicle there.

Mr. George stated that a loading and unloading zone cannot be used as parking.

Mr. Einsiedler stated that they also bring in their own garbage and use the dumpster that the Borough picks up. He stated he has lived here for many years but this has to stop.

Kathy Mullan, 6 Brown Avenue stated that she is here tonight representing her neighbors on her street. They have some handicap residents on Brown Avenue who need the access to the beach from Brown Avenue. It has always been a surfing beach and the surf camp was always on that street and they enjoyed it. Opening up the access to Brown Avenue would alleviate the congestion on Magee Avenue.

John Vergari, 16 Brown Avenue stated that his wife is handicap now and they use to always go up and sit on the observation deck and it was always a pleasure. Now it just is not the same and this has become a very bad setback for them. He asked for access to Brown Avenue.

Council President Zalom stated that we did receive a grant to do the walkover again but we do not receive the money until July so therefore, it can not be done for this year but will however be done for next year. Hopefully, with the Army Corps Project of continuous dunes we will also have walkovers and two of them will be handicap accessible. Everyone just needs to be patient.

Nancy Laskowski, 101 Reese Avenue stated that she lives right behind Dunkin Donuts and when they originally applied for this space they were only to have a 4 foot curb cut just enough for the dumpster to be able to fit. The deliveries for both Dunkin Donuts and Rite-Aid start at 4:30 am and the noise is just so loud. They have contacted the police department also and they have been told that they did not know what the enforcement was for deliveries.

John Scarcella, 106 Coleman Lane stated that he went on line and put his address in and it said he was in flood zone A8, which is great, but then when he looks at the map it looks like part of his property is in the V Zone.

Mayor LaCicero stated that he should go with the A8 Zone if that is what came up when he put his address in.

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 June 3, 2013

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

RESOLUTIONS-ON CONSENT:

2013-211 appointing two lifeguards for the 2013 summer season

- 2013-212 appointing Anthony Amalfa as a Class II Police Officer at an hourly rate of \$16.50-Councilwoman Filippone stated that Mr. Amalfa is already employed by the Borough but missed the percentage increase during the time we had put a hold on any increases so this is just giving him his increase.
- 2013-213 appointing three summer seasonal beach crew for the Department of Public Works at an hourly rate of \$7.50
- 2013-214 approving the renewal of Club Liquor License No. 1515-31-006-001 for license year 2013-2014 held by Lavallette Yacht Club, Inc.
- 2013-215 approving the renewal of Plenary Liquor License No. 1515-44-005-008 for license year 2013-2014 held by White Whale, LLC doing business as Lavallette Liquors-Councilman Borowski stated that the advertising they do on the southbound highway is just not appropriate. He thinks they position themselves with the signs on purpose to our adjacent community. He questioned if we could hold back on the license until they stop advertising on the highway. Mr. George stated that we could have stipulations but only in our Borough not outside the town. Councilman Borowski questioned if we talked to Toms River Township would that help. Mayor LaCicero stated that he believes that has already been done.
- 2013-216 consenting to the renewal of Plenary Liquor License No. 1515-33-004-013 for license year 2013-2014 held by Sherman Hospitality, LLC doing business as Gabriella's Italian Restaurant and Pete's Poolside Bar
- 2013-217 approving the renewal of Plenary Liquor License No. 1515-44-001-005 for license year 2013-2014 held by J. Ralph, Inc., doing business as Cornerstone Wines and Liquors
- 2013-218 approving the renewal of Plenary Liquor License No. 1515-33-003-005 for license year 2013-2014 held by Saulwil, Inc., doing business as Crab's Claw Inn
- 2013-219 supporting the proposed Hurricane Sandy Tax Relief Act of 2013
- 2013-220 supporting a roll-back of the Garden State Parkway 50% toll increase of January 1, 2012, for the residents of Ocean County
- 2013-221 renewal of membership in the Ocean County Municipal Joint Insurance Fund for the year 2014
- 2013-222 amending the 2013 temporary budget-Mr. Parlow stated that this amendment allows us to continue temporarily until the final budget is adopted.

- 2013-223 providing that the budget be read by title only at the time of the public hearing
- 2013-224 rejecting all bids submitted for reconstruction of the Lavallette Lifeguard Headquarters
- 2013-225 accepting the resignation of KathyAnne Graham from the position of Senior Telecommunicator for the Lavallette Police Department
- 2013-225A appointing Thomas Randall, Esquire, as Hearing Officer for a disciplinary matter
- 2013-225B authorizing the execution of an addendum to the contract with Albert Marine Construction for the pavement repair at the Newark Avenue West Terminus, Washington Avenue Bay Front Parking Lot and two fire hydrant locations as a result of damage caused by super storm sandy in the amount of \$78,595.06
- 2013-225C appointing two badge checkers for the 2013 summer season
- 2013-225D authorizing Mayor LaCicero to sign and execute the Memorandum of Understanding between the Borough of Lavallette and the State of New Jersey

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 the public and asked if anyone wished to comment on the consent agenda. No one wished to comment at this time. The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

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

RESOLUTIONS-OFF CONSENT:

- 2013-226 appointing Zachary Lamb to the position of full time telecommunicator/dispatcher for the Police Department at an annual salary of \$28,264.00 effective June 17, 2013-Mayor LaCicero stated that the Chief has recommended this individual for this position and stated that he was very helpful and efficient during the storm

A Motion was made by Councilman Borowski to approve Resolution 2013-226. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution. No one wished to comment at this time. The Mayor closed the floor and asked Council for a vote on this resolution.

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

APPROVAL OF VOUCHERS:

2013-227 Bills list in the amount of \$438,873.90

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

ORDINANCES ON FOR ADOPTION

ORDINANCE 2013-07 (1122) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "FENCES"

Mr. Parlow stated that this ordinance prohibits the installation of fences closer than 2 feet from the boardwalk. This will make it easier for our Borough workers to clear sand and clean the boardwalk.

Councilman Lamb questioned the fences that were already erected up against our boardwalk and if there was any thing we could do about them.

Mr. George stated that if these fences were already erected correctly to the previous code there is nothing that can be done about this.

Mr. Parlow stated that the Superintendent drove down the entire length of the boardwalk after this ordinance was introduced and made a note of the houses that already had the fences up against the boardwalk.

Councilwoman Filippone stated that the shrubbery that people are using as a fence up there should also be prohibited.

Mr. Parlow stated that in this ordinance it includes hedging.

Councilman Stogdill questioned steps or walkways coming from the home to the boardwalk and if they were prohibited also?

Mr. Parlow stated that the steps and walkways are not part of this ordinance.

A Motion was made by Councilman Horan to adopt Ordinance 2013-07 (1122). The Motion was seconded by Councilwoman Filippone. The Mayor opened the public hearing and asked if any one wished to comment on this Ordinance.

Al Stonehouse, 1500 Ocean Front stated that his neighbor put up his fence already butted up against the boardwalk prior to this ordinance. If we have to put our fences 2 feet away from the boardwalk it is going to look like garbage. It is going to become a safety issue because there is going to be that area between the boardwalk and the properties that is going to become full of dog waste and mess and children could possibly fall in between. This is going to create a lot of lawsuits.

Mayor LaCicero stated that the fences butted up against the boardwalk has made it difficult for us to keep the boardwalk clean and free of sand.

Margaret Astorino, 2 Elizabeth Avenue stated that she heard the street cleaner the other morning going down the boardwalk at 5:30 am. She has been here since 1977 and has never heard the street cleaner go down the boardwalk.

Mr. Parlow stated that it might have been the beach rake because there are section of the beach that are not passable.

There were no additional comments from the public.

The Mayor closed the public hearing and asked Council for a vote on Ordinance 2013-07 (1122).

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

ADOPTION OF THE 2013 BUDGET: (Clerk to read Budget Resolution 2013-193)

A Motion was made by Councilman Horan to open the Public Hearing on the 2013 Budget. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing on the budget and asked if anyone wished to comment on the budget.

Mr. Parlow stated that we still managed to have a flat tax rate and utility rates.

Bob Oliwa, Municipal Auditor stated that we did a special emergency appropriation for \$4 million to provide for the cleanup. Incorporated in our budget amendment is some FEMA revenues we received to pay off the special emergency quicker and we have a low interest rate of 1.5% which helps us out. We also had some help with the CDL loan which quite possibly could be forgiven at which time we will not have to pay it back. We have incorporated 2.7 million into our budget which leaves us 1.3 million left for future years. The Budget Amendment was approved by the Division of Local Govt Services so we are all good to go with that as well.

No one wished to comment on the budget.

The Mayor closed the public hearing and Mr. Parlow read the Budget Amendment in full aloud.

A Motion was made by Councilman Horan to approve the Budget Amendment Resolution 2013-228. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing on the Amendment and Final Adoption of the Budget Scheduled for July 8, 2013.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Union Church requesting to hold a family fun day and entertainment on June 22nd and August 3rd 2013 at the gazebo from 10 am to 9 pm.

Mr. Parlow stated that the date of August 3rd is already a conflict because there is a wedding there from 2 to 4pm so that date is out.

Mayor LaCicero stated that Mrs. Grosko is in the audience and maybe she would like to speak on this event also.

Joy Grosko, 13 Camden Avenue questioned who would be cleaning up after the event and if we have requested a deposit from them.

Mayor LaCicero stated that they would have to pay the \$200.00 for the rental of the gazebo just like anyone else and that would be for any additional cleanup.

Councilwoman Filippone stated that we already voted on not having any events west of Route 35 south so that would be going against that.

Council President Zalom stated that she does not think that it is a big deal. The Union Church had a lot of volunteers helping us with cleaning up the town.

Councilwoman Filippone stated that we do not even know what this event actually entails and who is going to clean up after the event.

Mayor LaCicero stated that unfortunately the date is this Saturday so we do not even have time to discuss it further and get more information.

A Motion was made by Council President Zalom to approve the special event for the Union Church on June 22, 2013. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Zalom, and Lamb voted Yes. Council Members Filippone and Stogdill voted No. Councilman Horan Abstained. The Motion was defeated and did not pass.

Waves for Water/Vans Volunteer Initiative-Bay front Park Lavallette

Council President Zalom stated that on July 8th we will have 300 volunteers coming to clean up the ball field and bay front and also do some plantings.

Mayor LaCicero stated that they want to do some plantings on the bay front where the down slope is suffering from erosion.

Councilman Borowski questioned if the town gardener has approved these plantings.

Mayor LaCicero stated that the town gardener has reviewed and approved them.

A Motion was made by Councilwoman Filippone to approve this volunteer initiative. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. Councilman Borowski Abstained. The Motion Passed.

Joanne LaCicero-requesting permission to form a committee to organize a Founder's Day on the same day that Heritage Day was scheduled for which is September 7, 2013 to be held on the bay front adjacent to the Gazebo

Mayor LaCicero stated that there has been a lot of discussion since Heritage Day was cancelled to have some kind of celebration due to what the town has gone through.

Mrs. Grosko, 13 Camden Avenue stated that she thought it was a wonderful idea and was glad that it was being done coordinating the date of Heritage Day.

Susan Kotch, 119 Camden Avenue stated that people just want to do something to celebrate how far we have come since the storm and how we are back in action.

A Motion was made by Councilman Horan to authorize the forming of a committee to put together a Founder's Day. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Councilman Stogdill stated that he would like to be on the committee as a Councilman liaison.

Councilman Borowski stated that he has been approached on several occasions questioning why we have parking stickers for our bay front lots effective Memorial Day when our official beach season doesn't open until June 22nd with lifeguards.

Mayor LaCicero stated that the only reason he could see was to bring in revenue quicker. He stated he does not have an official reason but that seems to be a good reason.

Councilwoman Filippone stated that the boating season starts earlier so maybe that is why also.

Councilman Borowski stated that it is too late to do anything about it for this year but maybe we could look into for changes next year.

Mayor LaCicero stated that we received the plans for the new municipal complex and we received two different designs which we brought here tonight. Both designs are 13,000 square feet, one is just a straight version of the building and the other has some curvature. We are going to hold them up and you guys can let us know which one you like better.

Council President Zalom held up both designs and the audience clapped the most for the more curved building design.

Mayor LaCicero stated that is what everyone chose up here too.

Councilwoman Filippone stated that they tried to keep the architecture the same from the old building to keep it in the historic nature and yet still give it some contemporary look.

Mayor LaCicero stated that we also had the intentions of putting a bank and a post office in the building also. The bank is out now because we could not accommodate the two drive up windows at all and we still do not know about the post office.

Al Einsiedler, 107 Reese Avenue questioned how high the building was going to be.

Mayor LaCicero stated that it will be two stories.

Mr. Einsiedler stated that it will be as high as the drug store.

Councilman Borowski stated questioned if there is a difference in the construction cost with both designs.

Mayor LaCicero stated that there is no difference.

Clem Boyers, 20 Kerr Avenue questioned with regards to the bent building design will it affect the school at all.

Mayor LaCicero stated that it will not affect the school at all.

Joe Palinsky, 122 Washington Avenue questioned where the Christmas tree will be located.

Councilwoman Filippone stated that the tree will be located on the left side of the new building in the front side.

COMMENTS FROM THE PUBLIC:

Mary Logios, 4 Sterling Avenue stated that they have never had their street cleaned. The storm drains that she spoke about at the last meeting have not been addressed as of yet. Also, there is a hole in the street on Bryn Mawr Avenue near the crosswalk and someone is going to get hurt. Regarding the revenue, the animals running on the boardwalk and the beach every day should be enough for the police to give tickets to collect revenue. Finally, the signs on the boardwalk are

very confusing concerning the dogs on the beach and boardwalk. One sign says during the bathing season and the other signs say not allowed ever.

Councilman Lamb stated that the signs do seem to be a little confusing. The dogs are not allowed on the boardwalk during bathing season and are not allowed on the beach ever.

Clem Boyers, 20 Kerr Avenue questioned how far we are with the boards.

Mayor LaCicero stated that there are 1,030 boards down already. There are still over 500 that need to be nailed yet.

Bill Kinney, 23 Philadelphia Avenue stated that in some southern New Jersey states have positioned columns all around town with data from the worst storms that have occurred with height and measurements and base elevations. This is just something to think about.

Mr. Kinney also questioned if elevating a home do you measure from the 1st floor level.

Mayor LaCicero stated that in the A Zone, which is where he is located, you measure from the 1st finished floor.

Susan Kotch, 119 Camden Avenue questioned when the dumpsters are not going to be allowed again on the streets. Some of these dumpsters are taking up parking spaces. Also, if we need revenue we need to work on the area where the boat slips are so we can all pay you for those slips.

Tom Black, 12 Sterling Avenue questioned the hazard mitigation grants and when the monies were going to be distributed.

Mr. Parlow stated that the State has already called for an up to date list of names and addresses for these grants.

Mr. Black stated that he never received a confirmation that we received his online application. How does he find out if he applied.

Mr. Parlow stated that he needs to go to trailer # 1 and ask them to check the list for him.

Mark Speaker, LBA President stated that all the businesses in Lavallette try to be business friendly. First thing tomorrow he will be sending an email out to the businesses advising them of the rules about not parking on sidewalks and keep the deliveries at a decent hour. Also, the LBA has purchased the flag pole and flag for the Philadelphia Avenue area as a donation to the town and Rite Aid and Home Depot has given gift cards to the Island Junior Baseball League.

Council President Zalom stated that she is the liaison for the LBA and they work so hard for the town. They will be having a bike parade for the children on July 6th with some kite flying and sand castle building. The Engineer will be in contact with Tom Curcio from the County about repairing the boat ramp to get some ideas on what it will cost.

Mike Aiello, 232 Bryn Mawr Avenue questioned if Council was going to do any more ordinances regarding the elevation of homes,

Mayor LaCicero stated that he does not believe so except for the adoption of the newest flood maps.

Mr. Parlow stated that there is a shaded area on the newest maps called the Shaded X Zone which is up on the ocean front. Council does have the ability to adopt more restrictive maps for the Shaded Area X Zone.

Councilman Lamb stated that the X Zone only seems to pertain to some lots on the ocean front.

Mr. Parlow stated that it is very bizarre how the X Zone is. The DEP is also working on a new model ordinance for the municipalities to follow. The new model will be done with the best available data but he does not believe that the maps will become any stricter than what we see right now.

Council President Zalom stated that by removing the V Zone makes it much easier for the residents who did not want to put up pilings. Pilings were mandatory with the V Zone so now you have a choice and the new model ordinance will allow more flexibility to grow.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she received a thank letter from Colonel Fahey for allowing him to participate in our Memorial Day Services. He stated that it was an honor.

Councilman Stogdill stated that the beaches officially open this Saturday. Our preseason badge price ended today so they are now \$45.00. He stated that he will be on vacation for the next meeting so he would like Council to excuse him. The Island Junior Baseball League thanks everyone for their generous donations. We also received a donation of \$730 from the Baltimore Orioles.

Council President Zalom stated that she wanted everyone to know that the flag and flag pole that the LBA was donating cost \$2,500, which is a big deal. She will be going to Great Adventure on Friday to receive \$1,000 for Lavallette.

Councilman Borowski stated that he attended a renewing of vows ceremony for the Baginski's and they have been married for 50 years. Mr. Baginski has been on the Planning Board for many years and has just submitted his letter of resignation due to some health problems.

Councilman Horan stated that the electric crew changed out switch outlets at the shark tower and 45% of the pad transformers have been replaced. We have also updated new underground feeders.

Councilwoman Filippone stated that the signs that are confusing about the dogs and the bathing season should be removed. Dogs on beach are never allowed.

Councilman Lamb stated that the sand fences are in place on the west side of the dunes and the signs are in place to stay off the dunes. The badge and trailer sales are down but should go up closer to 4th of July.

Councilwoman Filippone questioned where the mobi mats are going.

Council President Zalom stated that they will be putting them down this week.

Mr. Parlow stated that he has been inundated with FEMA paperwork and it does not stop. Now he has the State Comptroller requesting all paperwork on AshBritt including contracts, emails resolutions, ordinances and invoices.

Councilwoman Filippone stated that there are boxes of paperwork that AshBritt has sent over. She stated that if those boxes need to be copied we need to send it out instead of bothering the office to copy. It is just too much work to deal with.

A Motion was made by Councilman Lamb to send out the boxed paperwork for copying if necessary. The Motion was seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

Mayor LaCicero stated that he and Chris attended the Mayors Meeting and members from the Barnegat Bay Partnership were in attendance. They were discussing the bay and why it has been so high lately. They seem to think that it has nothing to do with the amount of sand and debris in the bay but due to the oscillations in the bay and it should not be permanent. He stated that he has been out boating and he has not run across any debris issues or any sea nettles so start enjoying the bay. He also stated that he and Chris had a meeting with NJNG about the Bay Boulevard project they are doing right now and how long will it last. They need to get it done and they will maintain access to all the streets including Bay Boulevard but they do need to get it done before the State comes in with the restoration project. It is not going to be a typical summer in town but we just need to get through this year. We have had so far 150 demo permits and we need to keep a stable tax rate for the future. Hopefully, our ratables will be up.

EXECUTIVE SESSION: There was no executive session.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 9:05 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 **June 2013**

Christopher F. Parlow
Municipal Clerk