CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Councilman Stogdill was not present.

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 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 Lois Gross a long time resident who retired to Florida who passed away recently and for all the troops overseas.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight’s meeting. He apologized for the sudden end to the fireworks display; due to high winds that started. We are going to figure something out about another fireworks display very soon. He stated that Joe and Mary Ann Baginski could not attend tonight’s meeting for their proclamation so we are going to deliver it to them. The Mayor then read aloud the two proclamations for their 50th wedding anniversary and Mr. Baginski’s seventeen years of service with the Planning Board.

The Mayor reported that this morning approximately 450 volunteers cleaned the bay front and also did some plantings. They were band members, their friends and family from the WarpTour that played at the PNC Bank Arts Center the night before. He also thanked all the businesses that participated.

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.

John Cassese, 13 New Jersey City Avenue thanked everyone for a wonderful job with getting the town back in shape. He questioned if anything was done with Salty’s regarding cleaning up their establishment.
Mayor LaCicero stated that summonses have been issued to the owners and it is now going through the court system.

There were no additional comments.

The Mayor closed the floor to public comment.

**2013 BOROUGH APPOINTMENTS BY THE MAYOR:** (not requiring Council approval)

Mayor LaCicero made the following appointments to the Planning Board

Planning Board / Board of Adjustment

<table>
<thead>
<tr>
<th>Term Type</th>
<th>Term</th>
<th>Name</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unexpired</td>
<td>Class IV Member</td>
<td>Joseph Palinsky</td>
<td>January 1, 2012</td>
<td>December 31, 2015</td>
</tr>
<tr>
<td>Unexpired</td>
<td>Alternate #1</td>
<td>Barbara Brown</td>
<td>January 1, 2012</td>
<td>December 31, 2013</td>
</tr>
</tbody>
</table>

**APPROVAL OF CLERK’S MINUTES:**

Regular Meeting of June 17, 2013

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

**REPORTS:**

a) Construction Report for June 2013-Councilwoman Filippone-read report
b) Zoning Report for June 2013-Councilwoman Filippone-read report
c) Public Affairs Report-Council President Zalom-the Flagpole is up on Philadelphia Avenue and it looks absolutely beautiful. Mark Speaker has now become a member of the Ocean County Tourism Board which is great for Lavallette. The patriotic bike parade on Saturday was a huge hit and the kites and sandcastle event after that was even bigger. Matt Long was the professional sand castle builder and he built a fantastic sand sculpture. It was all sponsored by the LBA so kudos to them. She stated that she went to the event that Great Adventure was having last week and the Borough will be receiving a check for $1200. Our Superintendent of the Lavallette School, Dr. Peter Morris won the award of Ocean County Superintendent of the Year.
d) Beach Badge Report for June 2013-Councilman Lamb-read report
f) Revenue Transaction Report for May 2013-Chief Financial Officer
g) Tax Account Report for June 2013-Tax Collector

A Motion was made by Councilman Horan to approve the reports. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.
ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

2013-229  authorizing the refund of an Officiant fee due to the person no longer requiring our services

2013-230  authorizing Laura Giovene our Chief Financial Officer to sign all checks and drafts for the Borough of Lavallette

2013-231  authorizing Laura Giovene as Chief Financial Officer to be the Custodian of the Lavallette Administration Petty Cash Fund for the Borough of Lavallette

2013-232  appointing three lifeguards at an hourly rate of $9.00 for the 2013 summer season

2013-233  appointing three badge checkers for the 2013 summer season

2013-234  authorizing the execution of an addendum to the contract with Earle Asphalt Company for additional concrete and road reconstruction as required and adding 24 bollards to be installed throughout the remaining ocean block street ends in the amount of $50,373.37

2013-235  authorizing Mayor LaCicero to sign and execute a right of entry agreement with the New Jersey Department of Transportation to allow the State’s Contractor to access Borough property to reconstruct and replace the respective drainage outfalls to the Barnegat Bay-Mr. Parlow stated that he spoke to the Borough Engineer this morning and there seems to be some miscommunication about the relocation of the utilities. We were under the impression that the State would include the relocation of the utilities in their contract. The Borough Engineer received a letter from the contractor for the project requesting the time schedule for the relocation of the utilities. We have contacted the project manager, Drew Markowitz from RBA Associates, to clarify this matter. Mr. Parlow stated he would like Council to approve this resolution contingent upon clarifying that the utility relocation work will be included in the State’s contract. Mayor LaCicero stated that this resolution should be put off consent.

2013-236  authorizing the electric collector to remove one electric account from 1302 Ocean Front due to a change from a two family to a one family dwelling

2013-237  authorizing the electric collector to remove one electric account from 601 Bay Blvd. due to a change from a two family to a one family dwelling

2013-238  approving a raffle license to St. Pio of Pietrelcina to hold a 50/50 off premise raffle on October 13, 2013 to be held at the Parish Hall at 1pm.
2013-239 authorizing payment of unused sick and vacation time for Kate Graham

2013-240 authorizing the increase in the Team Electric contract by $100,000 due to continuous work that is needed due to super storm sandy

2013-241 authorizing the execution of a state contract (A83036) with Hertrich Fleet Services, Inc. for the purchase of two 2014 Chevy Impala LS mid size sedans in the amount of $34,832.00 for the Construction Office-Mayor LaCicero stated that these are to replace vehicles that were damaged due to Sandy. We chose economic cars instead of trucks.

A Motion was made by Councilman Horan to approve the consent agenda less 2013-235. 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.

Joseph Palinsky, 122 Washington Avenue questioned if the parking lot was going to be paved before they start the drainage outfall project.

Mr. Parlow stated that the paving on that parking lot will start tomorrow.

There were no additional comments from the public.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

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

RESOLUTION OFF CONSENT:

2013-242 authorizing the Mayor to sign and execute an annual agreement between the Borough of Lavallette and the Lavallette First Aid Squad, Inc. in the amount of $28,000

A Motion to approve Resolution 2013-242 was made by Councilwoman Filippone. The Motion was seconded by Councilman Lamb. Vote: Council Members Filippone, Zalom and Lamb voted Yes. Council Members Borowski and Horan Abstained. The Motion Passed.

2013-235 authorizing Mayor LaCicero to sign and execute a right of entry agreement with the New Jersey Department of Transportation to allow the State’s Contractor to access Borough property to reconstruct and replace the respective drainage outfalls to the Barnegat Bay

A Motion to approve Resolution 2013-235 contingent upon the NJDOT being responsible for the relocation of the Borough’s utilities at no cost to the Borough of Lavallette was made by Councilwoman Filippone. The Motion was seconded by Councilman Horan. Vote: Council
Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2013-243  Bills List in the amount of $1,266,386.94

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

**PUBLIC HEARING ON BUDGET AMENDMENT / FINAL ADOPTION OF THE 2013 BUDGET**

Public Hearing on Budget Amendment

The Mayor opened the public hearing on the Budget Amendment and asked if anyone wished to comment on the Budget Amendment. No one wished to comment at this time. The Mayor closed the Public Hearing.

Vote on the Adoption of the 2013 Budget – Resolution 2013-244

Mr. Parlow read aloud Resolution 2013-244

A Motion was made by Councilman Horan to adopt the 2013 Budget. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

**ORDINANCES ON FOR INTRODUCTION:**

2013-08 (1123) 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 this ordinance allows us to adopt the most recent flood maps that were updated by the state.

A Motion was made by Councilman Horan to introduce Ordinance 2013-08(1123). The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

The Mayor reported that the Public Hearing and Final Adoption will be on July 22, 2013

**COMMUNICATIONS:**

Legal:
a) Eric M. Bernstein & Associates/Philip George, Esq/Morgan Rose Montano v. Borough of Lavallette/Notice of Tort Claim for Property Damage/Received June 3, 2013
b) Eric M. Bernstein & Associates/Philip George, Esq/Loredo v. Borough of Lavallette/Received June 3, 2013
c) Eric M. Bernstein & Associates/Philip George, Esq/Reconstruction of Non-Conforming Use Residences following Hurricane Sandy/Received June 17, 2013
d) Eric M. Bernstein & Associates/Philip George, Esq/FEMA Preliminary Work Map Impact on Chapter 31 Flood Hazard Management/Received June 19, 2013
e) Eric M. Bernstein & Associates/Philip George, Esq>Loading Zone Parking/Received June 25, 2013
f) Eric M. Bernstein & Associates/Philip George, Esq/Craft Distillery Licenses Proposed by New Jersey Legislature/Received June 26, 2013

Engineering:

a) O’Donnell, Stanton & Associates/Michael O’Donnell/Repair of Westmont Avenue Road Improvement Punch List/Received June 3, 2013
b) O’Donnell, Stanton & Associates/Michael O’Donnell/Grand Central Avenue Sidewalk Beautification Project/Received June 6, 2013
c) O’Donnell, Stanton & Associates/Michael O’Donnell/Borough of Lavallette/Virginia Avenue Road Improvements Project/NJDOT Discretionary Aid Application/Received June 7, 2013
e) O’Donnell, Stanton & Associates/Michael O’Donnell/Westmont Avenue Road Improvement/Pay Estimate No. 1/Received June 19, 2013
f) O’Donnell, Stanton & Associates/Michael O’Donnell/Repair of Southern Ocean Block Streets/Pay Estimate No. 1/Received June 21, 2013

New Jersey League of Municipalities:

a) US Department of Labor Hurricane Sandy Prevailing Wage Conference/Received May 10, 2013
b) Urge your Congressman to Support Effort to Protect Tax Exempt Municipal Bonds/Received May 31, 2013
c) Affordable Housing, COAH, Municipal Affordable Housing Trust Funds/Received June 3, 2013
d) Property Tax Conference Reminder All Are Invited/Received June 5, 2013
e) Affordable Care Act Update/Received June 6, 2013
f) Sustainable Jersey: Announcement Today of $380,000 for Municipal Sustainability Projects/Received June 6, 2013
g) Sub-Tropical Storm Andrea Update/Received June 7, 2013
h) Implementation of Sandy Integrity Oversight and Required Filing/Received June 11, 2013
i) S-2114/A-3317, Prohibits Municipal Registration of Multi-Family Dwellings/Received June 11, 2013

j) Appellate Division Order, Municipal Affordable Housing Trust Funds/Received June 11, 2013

k) Division of Local Government Services Issues Guidance on the Use of Procurement Cards/Received June 14, 2013

l) A-2586 & S-1534, Exempts Private Institutions of Higher Education from MLUL Requirements/Received June 14, 2013

m) Unauthorized Hotel Reservation Services/98th Annual League Conference/November 19-21, 2013/Received June 17, 2013

n) Ethics Resources from the League/Received June 17, 2013

o) Urge Your Legislators to Support A-2753, Energy Receipts Property Tax Relief Initiative/Received June 18, 2013

p) New Jersey Hall of Fame Mobile Museum Launch Invitation/Received June 18, 2013

q) Legislation Regarding Defeated School Budget Deadline Before School Assembly on Thursday/Received June 18, 2013

r) Super Community Blood Drive Announcement/Received June 19, 2013

s) Post Sandy Planning Assistance Grants Available/Pre-Application Information Session on June 26 with Registration Deadline of June 24/Received June 19, 2013

t) Senate and Assembly Voting Session for Monday, June 24, 2013/Received June 21, 2013

u) Regulatory Signs for Electric Vehicle Parking and Charging Facilities/Received June 21, 2013

v) Private Collection of Municipal Court Debt AOC Guidelines/Received June 25, 2013

w) Special Election Costs/Received June 25, 2013

x) Legislative Alert/State Comptroller Report on Local Government Legal Fees/S-2114/A-3317, Prohibits Municipal Registration of Multi-Family Dwellings/Received June 25, 2013

y) 16th Annual Elected Officials Hall of Fame/Received June 28, 2013

z) Legislative Recap for Week of June 24th/Received June 28, 2013

aa) Federal Relations Resource News: The Making of Nation’s Laws”/Federal Relations Webpage Updated/Received July 1, 2013

bb) Continuing the State’s Superstorm Sandy Enhanced Incentives/Received July 1, 2013

cc) Legislative Update: Suspension of Commercial Development Fee Expires/Amendments to the Common Sense Shared Service Act/Received July 1, 2013

dd) 90 Percent Federal Cost-Share for FEMA Public Assistance Authorized/Received July 1, 2013

ee) Jersey Access Group/New League Affiliated Association/Received July 2, 2013

ff) League Foundation Releases Latest White Paper/Received July 3, 2013

gg) Corrected Letter/Affordable Housing, Municipal Housing Trust Funds/Received July 3, 2013

hh) Affordable Care Act Employer Responsibility Payment and Reporting Provisions Delayed Until 2015/Received July 3, 2013

General With No Action:
a) UCEDC/Maureen Tinen, President/Working Capital Storm Recovery Loan Program/Received May 31, 2013
b) Code Green Solar/Al Seibert, Director of Sales/LED Lighting/Received June 3, 2013
c) New Jersey/Department of Environmental Protection/Christie Administration Encourages Public to Enjoy Outdoors in Celebration of Great Outdoors Month and National Trails Day/Received June 3, 2013
d) State of New Jersey/Department of Environmental Protection/Cindy Randazzo/2013 Beach Season Roles and Responsibilities/Received June 4, 2013
e) State of New Jersey/Department of Environmental Protection/Commissioner Martin Letter to Residents Regarding Easements/Received June 6, 2013
f) State of New Jersey/Department of Transportation/Michael Russo, Director/Transportation Enhancement Program/Denied Funds for the Grand Central Beautification Project/Phase 2/Received June 6, 2013
g) State of New Jersey/Department of Community Affairs/CDBG Essential Services Grant Application Award of $63,000/Received June 28, 2013-Mr. Parlow stated that this was an award of $63,000 to the school. He stated that he received a communication from the Board of Education stating that they were not going to accept this grant. This grant would serve as a bridge to bring the school tax down from a 2.7% increase to a 2% increase. Councilman Lamb stated that there is no downside to accepting this grant so what is the problem. Mr. Parlow stated that he was not quite sure why they would not accept it either. It could be used for tax reduction to offset the increase.
h) Christie Administration Announces Island Beach State Park is Now Fully Operational Following Super Storm Sandy/Received July 3, 2013
i) Barnegat Bay Update/Christie Administration Announces More Than $51 Million in FEMA Grants for Waterway Debris Removal Throughout New Jersey/Received July 3, 2013
j) Best Practices for Engaging and Managing Legal Counsel/Received July 3, 2013
k) Barnegat Bay Action Update/Christie Administration Restores Summer Nature Programs at Island Beach State Park Continues Post-Sandy Recovery/Received July 3, 2013
l) Barnegat Bay Update Update/Christie Administration Launches New Online Tool To Help Boaters Protect Ecologically Sensitive Barnegat Bay/Received July 3, 2013
m) State of New Jersey/Department of Transportation/Snehal Patal, Regional Construction Engineer/Route 35 Restoration Project/letter to Contractor/George Harms Construction/Received July 5, 2013

General With Action:

a) Herb & Cathe Hascher/1301 Bay Blvd/requesting the Borough’s assistance with keeping the sand from the bay front encroaching on their property/Received May 31, 2013-Mayor LaCicero stated that this was already rectified. The sand was removed and we are repaving the parking lot to bring the grade a bit higher.
b) State of New Jersey/Department of Environmental Protection/Cindy Randazzo/2013 Governor’s Environmental Excellence Awards/Received June 5, 2013-Mayor LaCicero stated he would look into this.
c) Ocean County Health Department/ Mary Gibson, Alliance Coordinator/Special Project Application for Unallocated Funds in the Municipal Alliance Program for 2013/Received June 6, 2013-Mr. Parlow stated that he would make sure Kathy Mango received this information to apply for these funds.

d) Stronger than the Storm Tourism Campaign/Stephen Altobelli, Senior Vice President/requesting to hold a sand castle building/kite flying event on our beach as part of the campaign to accordance with the Bicycle Parade on July 6th/Received June 6, 2013-Mayor LaCicero stated that this event has already taken place and was a big hit.

e) New Jersey Department of Labor and Workforce Development/John Patterson, Chief/Notice of Order to Comply/Lavallette Police Department/Received June 6, 2013

f) Hometown Heroes and Sandy Castle/Wardcomm Public Relations, LLC/Sandy Exhibit/requesting a banner from Lavallette/Received July 3, 2013-Mr. Parlow stated that the Chief has already handled this. There was an issue with the manuals not being readily available at the time of the inspection.

UNFINISHED BUSINESS:

Mayor LaCicero stated that the Founder’s Day Committee had their first meeting with Councilman Stogdill as the liaison. They are proposing to have music at the gazebo, blocking off Philadelphia Avenue to Route 35 South and a portion of Bay Boulevard. The plan calls for having all the food vendors on Bay Boulevard and Philadelphia Avenue, the parking lot by Gazebo for the beer tent and games for the kids on the area in front of gazebo. There is a schematic of it that will be available at Trailer #1 if anyone is interested in looking at it. They would like it to be on September 7th with a rain date of September 8th from 11am to 6pm.

A Motion was made by Councilwoman Filippone to approve the September 7th Founders Day with a rain date of September 8th. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that she thinks that there needs to be more bike racks at the street end access openings.

Councilwoman Filippone stated that maybe we need to take the bike racks from the non accessible openings and put them by the access points as well as more garbage receptacles.

Mayor LaCicero questioned how many.

Councilwoman Filippone stated that we should start with just one more and see how that works.

Councilman Lamb stated that we have already ordered more lids for the wire basket garbage receptacles.

Councilwoman Filippone stated that the garbage cans on the boardwalk entrances are not being used as much as the ones that are directly on the beach this year.

Council President Zalom stated that these new wire baskets are much better than the old ones.
NEW BUSINESS:

Mr. Parlow stated that today and the next three days he, Ken Kiseli and Gary Royer are required to attend classes on the CRS Flood Insurance Program in order for us to qualify for discounts on flood insurance for our homeowners. Now more than before, there is a need for this program to exist for the Borough. FEMA has revised all the requirements for the CRS Projects. The discounts are going to be a lot harder to receive the discounts and a lot more paperwork to submit. The manuals are being updated. We will do whatever we need to do to get the discounts for the town.

COMMENTS OF THE PUBLIC:

Catherine Hascher, 1301 Bay Boulevard questioned when we are going to start planting more dune grass.

Mayor LaCicero stated that until we know what is going to happen with this dune project it would be a waste of time and money to plant any dune grass right now.

Mrs. Hascher questioned if we had any type of program to control the mosquitos.

Mayor LaCicero stated that he would check with the Health Department to see if they are planning anything to control them.

Mrs. Hascher questioned if the globe lights on Bay Boulevard are going to be replaced.

Councilman Horan stated that the globe lights are not working and they are looking to replace them with something similar.

Clem Boyers, 20 Kerr Avenue questioned if the metal cans at the end of streets going to have lids or not.

Mr. Parlow stated that the lids to those receptacles were on back order and will be installed as soon as we receive them.

Jack Sauer, 405 Bay Boulevard stated that the town is going to need to address the grandfather rule regarding the Flood Insurance. He suggests that a strongly worded resolution sent to our Senators and Legislative Districts to let them know what is going on and they need to get on board with this. With this grandfather clause we will have no stable values in town.

Mayor LaCicero directed Mr. George draft a resolution for Council.

Susan Koch, 119 Camden Avenue stated that to date we have sold 1,600 boards which is a total of $320,000. She stated that on the northeast boardwalk there are some boards popping up that create a trip hazard.
Mark Speaker, LBA President thanked Mayor and Council for approving Founder’s Day. The bike parade was fabulous as well as the sand castle and kite flying. He thanked everyone that helped with the event. He stated that there is a new business in town called NJ Surf Show and they are looking to hold a bonfire on the beach and do a surf show and give lessons if requested. They are going to be filling out all of the proper paperwork and will have it ready for the next meeting for discussion.

Al Jones, 113 Reese Avenue stated that some information is going to have to be put out there to pedestrians who take it upon themselves to cross at crosswalks without waiting for the cars to stop. He stated that he believes someone is going to get killed.

Mayor LaCicero stated that the Borough did try to reach out to the State to see what could be done but received no support from them. Maybe the schools can start educating the children.

Mr. Jones also stated that the bikers also do not obey the rules. The police need to start issuing summonses or some type of warning.

Mayor LaCicero stated that summonses can be issued as well as confiscation of bicycles but the problem is we can not issue a summons to a minor.

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

Councilman Borowski stated that the flag pole on Philadelphia Avenue looks fantastic. He was given two 5 x 8 flags donated by the DeLayo family that are still in boxes that he will have put on that flag pole also.

Council President Zalom stated that the schedule of events is available in Borough Hall. The NJDOT is having the public hearing on the Route 35 Restoration Project at the school from 4 to 7 pm. We had a wonderful concert on Sunday night. Mrs. Grosko has resigned from Heritage Committee and she will be moving out of state. She will greatly missed.

Councilman Horan stated that all the dune fencing is up. He asked the residents to keep in mind if you cut any of that fencing to enter the beach you will be prosecuted. Only access the beach through the open access points. All of the new playground equipment will be completely up within two weeks.

**EXECUTIVE SESSION:**

There was no executive session

**ADJOURNMENT:**

A motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting. The Motion was seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:25pm.
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 8th day of July 2013

_______________________________
Christopher F. Parlow
Municipal Clerk