

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**February 10, 2014-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

**ROLL CALL:** Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone  
Council President Zalom was absent.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk  
Eric Bernstein, 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 January 24, 2014. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Daniel Rizzuto, a resident on New Brunswick Avenue that passed away and for all our troops overseas.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting. He stated that the coming summer season our highways will not be obstructed. He and Mr. Parlow attended a meeting with the NJ DOT and were assured that from Memorial Day to Labor Day the highways travel lanes will not be obstructed and that no work will be performed on any portion of the roadway from Brown to Bond Avenue, which is the B2 district. He asked if anyone wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

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

Mayor LaCicero asked if anyone in the audience wished to comment on any items that were not on the agenda and 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 MINUTES:**

Caucus/Regular Meeting of January 27, 2014

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

## **REPORTS:**

- a) Construction Report for January 2014-Councilwoman Filippone-read report
- b) Zoning Report for January 2014-Councilwoman Filippone-read the code enforcement portion of the report. The zoning portion will be provided at the February 24<sup>th</sup> meeting.
- c) Municipal Court Report for Year End 2013-Councilwoman Filippone-read report
- d) Revenue Transaction Report for December-Chief Financial Officer
- e) Tax Account Report for January 2014-Tax Collector

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

## **ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:**

### **RESOLUTIONS – ON CONSENT:**

2014-67        authorizing a second special emergency appropriation in the amount of \$700,000 as an amendment to the original special emergency appropriation adopted November 20, 2012 to provide funds for response to the extraordinary expenses resulting from damage caused by super storm sandy and further authorizing the issuance of special emergency notes to fund such special emergency appropriation-Mr. Parlow stated that right after the storm the Council adopted a special emergency appropriation in the amount of \$4,000,000. The funds were needed to pay for the emergency costs associated with Sandy. The governing body also entered into an interlocal service agreement with the County of Ocean for debris removal. The County would act as a financial broker and pay the invoices associated with the debris removal. The total of those costs were in excess of nine point two million dollars. Lavallette is responsible for the ten percent share of those costs, which amount to nine hundred and twenty one thousand dollars. Up until this point the Borough has already spent over three point five million of the four million dollars appropriated, leaving a balance of under five hundred thousand. In order to pay the balance owned to the County we need to modify the emergency appropriation; adding an addition seven hundred thousand dollars. This will allow us the pay the County and continue to pay other non-capital Sandy expenses; such as the monthly temporary trailer expenses. The County invoice is due in June of 2014. The State has provided pre-approval of this modification and has also discussed the possibility of paying the municipalities ten percent share. Mayor LaCicero stated that most of the money that was spent has already been reimbursed by FEMA but we can not reimburse the appropriation line item. The funds that we received from FEMA must be deposited in a reserve to pay the emergency notes. Councilman Borowski questioned if the \$3.4 million that was received from FEMA will be used to pay off the special emergency. Mr. Parlow

stated that it will be used to pay off the special emergency as well as the emergency bonds.

2014-68 establishing the beach badge preseason Beach Badge Office hours for the 2014 summer season and establishing the official summer beach opening day-Mr. Parlow stated that 2014 will be a ten week summer with Labor Day being September 1<sup>st</sup> and opening day is June 21<sup>st</sup> this year.

2014-69 authorizing a budget transfer within the current fund in the amount of \$6,500.00-Mr. Parlow stated that the Beach Captain wanted to get a head start with his expenses and the Fire Dept. needed a correction on one of their line items from the storm.

2014-70 authorizing a budget amendment in the amount of \$30,000 for the Strategic Recovery Planning Grant-Mr. Parlow stated that this is a grant we received for going through our ordinances and we had the kickoff meeting already.

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 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, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

#### **RESOLUTION - OFF CONSENT:**

#### **APPROVAL OF VOUCHERS:**

2014-71 Bills List in the amount of \$3,069,262.17

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

#### **INTRODUCTION OF ORDINANCES:**

**ORDINANCE NO. 2014-04 (1129) AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF LAVALLETTE, NEW JERSEY TO CABLEVISION OF MONMOUTH, LLC**

Mayor LaCicero stated that this is a ten year franchise agreement and we are already into three years of this agreement but we have been very busy.

A Motion was made by Councilman Horan to introduce Ordinance 2014-04 (1129). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for February 24, 2014

**ADOPTION OF ORDINANCES:**

ORDINANCE NO. 2014-01 (1126) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING SECTIONS 44-1B., 44-1C. AND 44-1D. OF THE BOROUGH CODE ENTITLED "OCEANFRONT CONSTRUCTION-GENERAL CONSTRUCTION REQUIREMENTS".

Mayor LaCicero stated that this is an older ordinance that is outdated and recent FEMA regulations supercede it now.

A Motion was made by Councilwoman Filippone to adopt Ordinance 2014-01(1126). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone in the audience wished to comment on this Ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

ORDINANCE NO. 2014-02 (1127) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 45 OF THE BOROUGH CODE, ENTITLED "OFFICERS AND EMPLOYEES" SO AS TO AMEND AND SUPPLEMENT SECTION 45-15 SO AS TO ADD THE POSITIONS OF "ASSISTANT ANIMAL CONTROL OFFICER," ASSISTANT CODE ENFORCEMENT OFFICER," AND "ASSISTANT ZONING OFFICER".

Mayor LaCicero stated that we have someone who is licensed as an Animal Control Officer and has offered to donate their time to help. In order for that to happen we had to create the position of Assistant Animal Control Officer and also with this new zoning grant they will pay for any assistants that we will need in the Zoning/Code Enforcement Department.

Councilman Borowski questioned if those positions are covered by Civil Service.

Mr. Parlow stated that they are.

A Motion was made by Councilwoman Filippone to adopt Ordinance 2014-02 (1127). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

ORDINANCE NO. 2014-03 (1128) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE ESTABLISHING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

Councilwoman Filippone questioned Mr. Bernstein on the legality of putting an amount of zero for a minimum salary.

Mr. Bernstein stated that it is allowed.

Mayor LaCicero stated that this ordinance is updated every three years.

A Motion was made by Councilman Horan to adopt Ordinance 2014-03 (1128). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on this ordinance.

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

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Andrews & Borough of Lavallette/Received January 21, 2014
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Valerie Coniglio v. Borough of Lavallette/Received January 30, 2014

Engineering:

- a) O'Donnell, Stanton & Associates/John Berens/Route 35 Restoration/Inspection Service Payment Voucher/Received February 5, 2014
- b) O'Donnell, Stanton & Associates/John Berens, Route 35 Construction/NJDOT Payment Vouchers for Engineering Services Prior to Start of Construction/Received February 7, 2014-Mr. Parlow stated that the State DOT will be reimbursing us for our Engineer Costs as well as Public Works costs for the Route 35 Reconstruction Project which should be over \$100,000.
- c) PS&S/Don Sharp/Meeting Report #4 of Lavallette Municipal Complex Construction/Received January 27, 2014

New Jersey League of Municipalities:

- a) Save the Date-22<sup>nd</sup> Annual Mayor's Legislative Day-February 5, 2014/Received January 21, 2014
- b) Hold the Date for "Prisoner Re-entry: Breaking the Cycle" Conference/Received January 21, 2014

- c) School-Municipal Cooperation Improves Services, Benefits Taxpayers/Received January 24, 2014
- d) Declaration of State of Emergency Executive Order 147/Received January 29, 2014
- e) NJ Resiliency Network and Municipal Resources/Received January 29, 2014
- f) Menendez Flood Insurance Premium Relief Bill Passed By Senate/Received January 31, 2014
- g) Jersey Access Group (JAG) Conference May 7-9/Received January 31, 2014
- h) Public Employment Conference/Received February 4, 2014
- i) 22<sup>nd</sup> Annual Mayor's Legislative Day Has Been Rescheduled for March 12, 2014/Received February 4, 2014
- j) DCA Issues Spending Plan Proposal for Sandy Recovery Funding/Received February 4, 2014
- k) Updates to the Bureau of Information Website/OPRA/OPMA/Ethics Pages/Received February 6, 2014
- l) Urgent Legislative Action Needed on Arbitration Cap/Received February 7, 2014

General With No Action:

- a) New Jersey Economic Development Authority/Michele Brown, Executive Director/Yakkity Yaks Rentals/business in Lavallette that received a Stronger NJ Business Grant/Received January 17, 2014
- b) New Jersey Economic Development Authority/Michele Brown, Executive Director/Martin's Casuals/business in Lavallette that received a Stronger NJ Business Grant/Received January 17, 2014
- c) New Jersey Economic Development Authority/Michele Brown, Executive Director/Enright Chiropractic, LLC/business in Lavallette that received a Stronger NJ Business Grant/Received January 17, 2014-Mayor LaCicero stated that it is nice to see that our local businesses are receiving grants to help them out after the storm.
- d) Raymond R. Bober/1600 Grand Central Avenue/complaining about damage that was done to his property due to the replacement of the water meters/Received January 21, 2014-Mayor LaCicero stated that Mr. Parlow has taken care of this.
- e) New Jersey American Water/Frank Simpson/IMO Petition to change the levels of its purchased wastewater treatment adjustment clause/Received January 24, 2014
- f) Cablevision/Layth Taki, Senior VP/Franchise Agreement payment in the amount of \$15,900 for the year 2013-Mayor LaCicero stated that this was our payment for the year.
- g) Ocean County Utilities Authority/Richard Warren, Exec. Director/Certificate of 2014 Annual Charge/Received January 27, 2014-Councilman Horan stated that there will be no increase for 2014 and we have a credit of \$85,792.20 that will be credited to our 1<sup>st</sup> quarter payment. Councilman Borowski questioned if our sewer revenues were on par with our projections. Mr. Parlow stated that, surprisingly, we met all of our projected revenues.
- h) State of New Jersey/Department of Environmental Protection/Linda Fisher, Supervisor/Conditional Waiver of Permitting Requirements for the Reconstruction of Public Infrastructure in Response to Administrative Order No. 2012-13/Received January 27, 2014

- i) New Jersey American Water/Kevin Watsey, Manager/Operation Changes at New Jersey American Water/Received January 30, 2014
- j) State of New Jersey/Department of Health/Radon Testing/Received January 30, 2014
- k) State of New Jersey/Department of Environmental Protection/Becky Mazzei, Sr. Env. Specialist/Cafra Individual Permit Application/Route 35 Reconstruction/Received January 30, 2014
- l) Office of the Ocean County Administrator/Carl Block, Administrator/Volunteer Fire Instructors covered by Ocean County JIF/Received January 31, 2014
- m) US Department of Homeland Security/Daniel O'Berry, Accounting and Analysis Section/Community Disaster Loan Quarterly Statement/Received January 31, 2014
- n) Delaware Valley Regional Planning Commission/Amy Miller, Environmental Planner/Environmental Planning Services for Municipalities/Received January 31, 2014
- o) NJ Transit/Steven Fittante, Director/Funding Available for Section 5310 Program/Received February 3, 2014
- p) Ocean County Utilities Authority/Richard Warren, Exec. Director/Deficiency Notification for 2013 Calendar Year/Received February 3, 2014

**General With Action:**

- a) Manal A. Sous, MD/Wyckoff, New Jersey/requesting assistance for the passage of bill A4464/Received January 17, 2014-Mayor stated that he will have to check out the bill. Councilman Borowski stated that the bill requires everyone that is involved with a motor vehicle fatality should be blood tested for alcohol or drugs and also if they are inattentive. Mr. Bernstein stated that the bill he is referring to in his letter, which was sent out to a number of towns are expired and were part of the last legislative session.
- b) Timothy E. Furey, Jr./10 Princeton Avenue/requesting relief with water, sewer, electric and taxes on his property due to super storm sandy/Received January 22, 2014-Mayor LaCicero stated that he has been looking into this problem. Apparently, there is still a boot on the electric meter, the sewer and water is still in tact. He should have requested a disconnect right after the storm so he would not get any bills. As far as the taxes we did lower his dwelling assessment but we are not lowering any land assessments right now.
- c) Clean Ocean Action/Cindy Zipf, Executive Director/requesting April 26, 2014 and October 25, 2014 for the 2014 Annual Beach Sweeps/Received January 24, 2014-Mayor LaCicero stated that this is an annual request and is okay.
- d) Board of Chosen Freeholders/James Lacey, Liaison/2014 County Road Improvement Program/requesting annual meeting with Mayors/Received January 30, 2014-Mayor LaCicero stated that he and Mr. Parlow have a meeting scheduled on February 25<sup>th</sup> at 10:30 am.
- e) Dori Borrelli/104 Reese Avenue/requesting to hold her marriage ceremony on the beach on September 13, 2014 from 4 to 6:30 pm/Received January 31, 2014-Mayor LaCicero stated that this is during our off season so it is not a problem.

**UNFINISHED BUSINESS:**

Councilman Borowski apologized for his absence at the last Council Meeting. He stated that he read in the minutes that some members of the Fire Company attended and were looking for an update on the fire house renovations. He asked if Mayor LaCicero could give him another update.

Mayor LaCicero stated that Waves for Water were looking into trying to fund the whole project for them but they were having issues with the amount of money it would cost to move the kitchen where the Firehouse wants it to go. He stated that he spoke to the President of the Fire house again and he said that if that is all that is holding it up maybe the kitchen can stay where it is.

Councilman Lamb stated that Waves for Water was looking to give ten or twenty thousand which is still not going to be enough for the repairs it needs. He stated that he still thinks we need to go out to bid or at least get some type of estimates to see where we are at with prices.

### **NEW BUSINESS:**

Councilman Borowski stated that in the minutes he also saw a request for a refund on a gazebo rental. He suggests that maybe in the future we look into amending the ordinance and not give refunds anymore with all the administrative work that is associated with a refund and the cleaning of the grounds. He recommended that the fee should be non refundable.

Mayor LaCicero stated that maybe we can do that during our budget process.

### **COMMENTS FROM THE PUBLIC:**

Mayor LaCicero opened the floor to public comment.

Clem Boyers, 20 Kerr Avenue stated that he received his flood insurance bill and he received a twenty percent discount. He thanked the Borough for their participation in the CRS program.

Mr. Parlow stated that last year the discount was ten percent, but this year it was raised to twenty percent.

Mayor LaCicero stated that he believes we get one of the highest discounts in the state.

Councilman Borowski questioned what that saves us as a whole town?

Mr. Parlow stated that he believes the savings are nearly six hundred thousand per year.

Mr. Boyers stated that he appreciates all the work that everyone one does for the residents.

Joan Brackman, 10 Pennsylvania Avenue questioned if there was any decision on how many walkovers that were handicap accessible were going to be put on the beach.

Mayor LaCicero stated that we asked for two walkovers that were handicap accessible and we also sent all the requests that the residents did through the website over to them.



Ms. Brackman questioned if there was going to be a garage sale and cleanup this year.

Mr. Parlow stated that there will be no garage sale as per Municipal Alliance and there has been no decision on the cleanup days yet.

Joseph Palinsky, 122 Washington Avenue stated that people should be monitoring the dewatering associated with the highway project and should pay extra attention to their evergreens. He commented that the plants look like they are dying.

Councilwoman Filippone stated that she thinks that the plants are dying this year because of the storm last year. She commented that all of her evergreens that survived the storm are dying this year. All that shrubbery took a lot of abuse and she thinks it just caught up now.

Al Jones, 113 Reese Avenue questioned if the Borough could let the residents know on the website what streets are closed each day. It is becoming a hassle to try and get where you need to go anymore.

Mayor LaCicero stated that unfortunately the Borough does not receive notification of when each street will be closed.

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

Mayor LaCicero stated that he met with the contractor, Harms, and the NJ DOT about the spring season and about consolidating their construction equipment and trucks so that some properties and streets do not look like a construction yard since more homeowners will be coming down to get their houses ready for the summer.

#### **EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need for an executive session regarding a PBA grievance. There may be action taken at this time.

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting to go into Executive Session. The Motion was seconded by Councilman Stogdill. Vote: All Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 7:47 pm.

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

The Caucus/Regular Meeting was reconvened at 8:18pm.

Mr. Bernstein stated that Mayor LaCicero and Councilman Lamb recused themselves from the Executive Session due to a conflict and Council President Zalom is on vacation so Councilwoman

Filippone presides. Christian LaCicero, President of the PBA presented the case regarding a Step 4 grievance because of a step increase withheld.

Mr. Bernstein stated that his recommendation is to deny the grievance.


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

**ADJOURNMENT:**

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

**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 **10<sup>th</sup>** day of **February 2014**



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