

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

**CALL TO ORDER:** Council President Anita Zalom, presiding. Mayor LaCicero was absent.

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

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 10, 2014. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** Council President Zalom asked for a moment of silence for all the troops overseas

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

**MAYOR'S WELCOMING STATEMENT:** Council President Zalom thanked everyone for coming to tonight's meeting. She stated that the weather was beautiful today and we are supposed to have a great weekend so things are looking up.

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

Council President Zalom stated that 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.

No one wished to comment at this time.

Council President Zalom closed the floor to public comment.

**APPROVAL OF MINUTES:**

Regular Meeting of February 24, 2014

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

**REPORTS:**

- a) Public Affairs Report for February 2014-Council President Zalom - the Lavallette School is having Adult Night School again this year. There are a number of different classes available. There are flyers in the office and on our website. She reminder all that March is Women’s History Month. The Upper Shores Library is having some great programs regarding Women’s History Month. She stated not to forget about our NYC bus trip on April 12<sup>th</sup> and our Beach Sweeps on April 26<sup>th</sup>. She stated that she helped the County give out monies to a lot of non profit organizations so they can help people and on the table there is a list of these organizations for your information. She is glad we adopted the Cable Franchise Agreement while she was away. We are introducing the budget tonight so we can meet the requirements of the Essential Services Grant which requires we introduce the budget before March 14, 2014. The Calendar has gone to print so we are looking forward to seeing it.
- b) Revenue Transaction Report for January-Chief Financial Officer
- c) Tax Account Report for February 2014-Tax Collector

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

Council President Zalom stated that Barbara Florimont from the Women’s Commission of Ocean County was here to say a few words regarding Women’s History Month.

Barbara Florimont stated that she is a member of the Women’s Commission of Ocean County and they report to the Freeholders. The members are all women and they collaborate on women’s health issues, historical issues, and many other issues. We brought in the schools with the Women’s History Month and behind the dais you can see some drawings they did. This year the drawings were based on Courage, Character and Commitment and as you can see they really did a great job. This year we honored Susan Quinn who is the Director of the Ocean County Library for all the work she does. She stated she has some pamphlets that she will leave on the table for anyone that wishes to take them. She thanked Council for having her.

Council President Zalom stated that Lavallette’s history there have been 135 citizens elected to serve as mayor or council and only 8 were women.

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

**RESOLUTIONS – ON CONSENT:**

- 2014-80 supporting Assembly Bill 3497 which revises the New Jersey Foreclosure Act
- 2014-81 supporting the Homeowner Flood Insurance Affordability Act
- 2014-82 calling on the Legislature to make permanent the 2% cap on interest arbitration awards

- 2014-83       proclaiming the month of March 2014 as “Women’s History Month” in the Borough of Lavallette
- 2014-84       welcoming the 2014 Special Olympics USA Games and all Special Olympic athletes and volunteers to New Jersey
- 2014-85       authorizing the removal of an electric account at 125 Elizabeth Avenue due to a two family being demolished and one family dwelling being built
- 2014-86       appointing Michele Burk as a temporary part time Treasurer
- 2014-87       approving a special event/facilities use application to Sam Hammer Surf School to be held from April 25<sup>th</sup> through September 5<sup>th</sup> 2014

A Motion was made by Councilman Horan to approve the consent agenda. The Motion was seconded by Councilman Stogdill. Council President opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Herb Hascher, 1301 Bay Blvd. questioned where the Special Olympics was going to be in New Jersey.

Deputy Clerk Donnelly Amico stated that it is going to be either in Newark or East Rutherford, most likely be at the Meadowlands.

There were no additional comments from the public.

Council President Zalom closed the floor to the public and asked Council for a vote on the consent agenda.

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

**RESOLUTION - OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2014-89       Bills List in the amount of \$682,414.17

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

## **INTRODUCTION OF ORDINANCES:**

ORDINANCE NO. 2014-05 (1130) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mr. Parlow stated that this is an annual ordinance which allows budget appropriations to exceed the 2 ½ % cap. The ordinance permits increase to 3 ½ % if needed. The Borough is able to bank the unneeded difference.

A Motion was made by Councilman Stogdill to introduce Ordinance 2014-05 (1130). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption to be held on March 24, 2014

## **INTRODUCTION OF THE 2014 BUDGET**

Budget Resolution 2014-88 – Introduction of the 2014 Municipal Budget

Mr. Parlow read out loud the budget resolution. He stated that the 2014 budget is \$8,929,000 and last year it was \$9,168,000. The taxes raised will be 5,013,800, which is up 98,000 from last year. The tax rate for 2014 will be 27.2. On an average property worth 679,000 the taxes will go up roughly \$33.95 over last year. Our state aid received this year will be \$168,000. So there is a slight tax increase but the utilities rates will remain the same for 2014.

Councilman Lamb questioned the surplus.

Mr. Parlow stated that the remaining balance in the surplus account after what is utilized in 2014 will be approximately after is year our surplus is \$236,000.

A Motion was made by Councilman Horan to introduce the 2014 Budget. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption to be held on April 21, 2014

Council President Zalom questioned the Energy Tax and how there are legislative bills coming through soon.

Mr. Parlow stated that the municipalities use to receive these taxes directly from the franchise companies, but the State took it over from the municipalities. There is legislation out there to change it back to the municipalities receiving the energy tax directly. The legislation as proposed would phase in the process over a five year period.

## **COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/NTP Construction Claim/Lavallette Lifeguard Building/Received February 13, 2014

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell/Borough of Lavallette/Route 35 Restoration Inspection Service-Sewer/Received February 28, 2014
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/Borough of Lavallette/Route 35 Restoration Inspection Service-Water/Received February 28, 2014
- c) O'Donnell, Stanton & Associates/John Berens, PE/Borough of Lavallette/Route 35 Restoration Project/Water Inspection Service Payment Voucher #1/Received March 4, 2014
- d) O'Donnell, Stanton & Associates/John Berens, PE/Borough of Lavallette/Route 35 Restoration Project/Sewer Inspection Service Payment Voucher #1/Received March 4, 2014

Mr. Parlow stated that we have an agreement with the State that they will reimburse us all of our Engineering Costs as well as our utility employees, who have been providing oversight on the Route 35 Reconstruction Project.

Councilman Lamb stated that after the traffic mishap with the Polar Plunge in Seaside Heights the Mayor made a number of phone calls and came up with some ideas for fixing the traffic problem before the St. Patrick's Day parade and he did a good job. The traffic went smoothly for that.

New Jersey League of Municipalities:

- a) BPU Order on Opportunity NJ Broadband/Received February 11, 2014
- b) Zero Percent (0%) Levy Cap/Received February 12, 2014
- c) 2014 Municipal Legislative Priorities/Received February 14, 2014
- d) Affordable Care Act Update/Treasury "Employer Mandate" Rules Issued/Received February 14, 2014
- e) Difference between Social Security disability and SSI disability/Received February 19, 2014
- f) 22<sup>nd</sup> Annual Mayor's Legislative Day Has Been Rescheduled for March 12, 2014/Received February 19, 2014
- g) Request for FEMA Snow Assistance Declaration/Received February 20, 2014
- h) Seeking Comments on Important BPU Broadband Order/Received February 20, 2014
- i) SFY 2015 Budget Proposal Presented to the Legislature/Received February 25, 2014
- j) Deadline for Comments on FCC Cell Tower Rule Threatening Local Land Use and Construction Controls/Received February 26, 2014
- k) Flood Insurance Affordability Bill Readied for House Action/Received February 26, 2014
- l) Direct Deposit Legislation/Received February 26, 2014
- m) COAH Files for Extension of Time Frame/Received February 27, 2014

- n) Levy Cap Exemption for Snow Emergencies/Received February 27, 2014
- o) League Comments on FCC Cell Tower Rule Proposal Posted On-Line/Received February 28, 2014
- p) Sample Resolution to Welcome Special Olympians and their Families and Supporters to New Jersey/Received February 28, 2014
- q) State Aid Certifications for CY 2014/SFY 2015 and April 2014 Pension Bills/Received February 28, 2014
- r) Flood Insurance Affordability Advances/Received March 5, 2014
- s) Invitation to Attend Homeland Security Active Shooter Workshop/Received March 5, 2014-Councilman Horan stated that he will be attending this workshop.
- t) Opportunity to Help Ewing Residents Recover/Received March 6, 2014

General With No Action:

- a) State of New Jersey/Department of Environmental Protection/Guidance Document for Solid Waste and Recycling Bid Specifications/Received February 10, 2014
- b) NJ Bankers/Maintenance on Vacant and Abandoned Properties/Michael Affuso, Exec. Vice President/Received February 10, 2014
- c) Sherri Paris/thanking the employees of the Construction Department for their kindness and compassion during the storm and educating the residents on what they need to do after the storm/Received February 10, 2014
- d) Ocean County Municipal Joint Insurance Fund/Police Accreditation Services/Check in the amount of \$2,497.50/Received February 13, 2014
- e) Ocean County Planning Board/David McKeon, Planning Director/Multi-Jurisdictional Hazard Mitigation Plan/Received February 20, 2014
- f) New Jersey Economic Development Authority/Michele Brown, Chief Executive Officer/The Beach Home, Owner Chris Marion/NJ Stronger Grant/Received February 20, 2014
- g) State of New Jersey/Department of Transportation/Tina Shutz, Supervising Environmental Specialist/Pavement Restoration and Drainage Improvements/Route 35 Restoration Project/Received February 20, 2014
- h) New Jersey Clean Energy Program/Ashley Miller, Program Coordinator/Second Incentive Has Expired/Received February 20, 2014
- i) New Jersey Courts/Glenn Grant, Acting Administrative Director/Municipal Court Information Technology Improvements/Received February 21, 2014
- j) Board of Chosen Freeholders/letter to Commissioner James Simpson regarding Route 35 Project/Received February 21, 2014
- k) Oceana/Claire Douglass, Campaign Director/Seismic Airgun Testing in our Region /Received February 27, 2014
- l) Ocean County Health Department/John Protonentis, Environmental Health Coordinator /Fiscal Year 2015 Solid Waste Control Program/Received February 27, 2014
- m) Sam Hammer Surf Camp/Samuel Hammer, Owner/Check in the Amount of \$1,800.00/10% Proceeds from 2013 Surf Camp/Received March 5, 2014

General With Action:

- a) Ocean County Health Department/Leslie Terjesen, Public Information Officer/requesting the Borough's participation in a superstorm sandy focus group/Received February 14, 2014-Mr. Parlow stated that he or the Mayor will look into this.
- b) County of Ocean/Cultural & Heritage Commission/Timothy Hart, Ocean County Historian/requesting information as to whether the Borough of Lavallette has appointed a volunteer town historian/Received February 19, 2014-Mr. Parlow stated that we do not have this position in our Ordinance so we would need to create this position. Councilman Borowski questioned if we could just do an AD-HOC Committee without the appointment? Mr. Parlow stated that we always do appointments to make them all official so we should do that for all positions.
- c) Ocean County/Department of Parks and Recreation/Linda DePonte, Recreation Aide/requesting to use our tennis courts and ballfield from July 28<sup>th</sup> through July 31<sup>st</sup> 2014 for Kids Travelin Tennis and T-Ball Basics County Summer Programs/Received February 27, 2014

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

- d) Mayors Against Illegal Guns/Mayor Jamel Holley and Mayor Sophie Heyman/inviting the Mayor to join the New Jersey Coalition of Mayors Against Illegal Guns (MAIG)/Received March 3, 2014- Mr. Parlow stated that he will speak to the Mayor about this. Councilman Horan stated that he will also speak to the Mayor about this because he has a problem with it.
- e) Lavallette Business Association/requesting to hold their 2<sup>nd</sup> Annual Lavallette Patriotic Bicycle Parade on the boardwalk on July 5, 2014 from 9:00 am to 11:00 pm/Received March 7, 2014

A Motion was made by Councilman Borowski to approve the bicycle parade on July 5<sup>th</sup>. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

#### **UNFINISHED BUSINESS:**

Councilman Borowski questioned when the bid opening was for the Reconstruction of the Municipal Building.

Mr. Parlow stated that the bid opening is March 20<sup>th</sup> at 10am. He reported over twenty contractors have picked up bid packages to date.

Council President Zalom questioned if anything was decided about the Firehouse.

Mr. Parlow stated that Council directed the architect to provide two estimates; one to restore the fire department to its pre-sandy condition; the other to reconfigure the fire department kitchen. We have not received the estimates at this time.

## **NEW BUSINESS:**

There is no new business.

## **COMMENTS FROM THE PUBLIC:**

Council President Zalom opened the floor to public comments.

Clem Boyers, 20 Kerr Avenue stated that with the CRS we get a 30% discount on our flood insurance this year and we got a 20% last year so the discount has gone up 10%.

Mr. Parlow stated that the discount was 10% last year and now it is 20% this year.

Mr. Boyers questioned if any of the salaries were increased for Mayor and Council or the staff in this new budget.

Mr. Parlow stated that there were no salary increases in this budget for the governing body. He also reported that all four labor contracts have expired and we are currently in contract negotiations. All increase for non-contractual employees are historically established after the contracts are finalized with the unions.

Bill Kinney, 23 Philadelphia Avenue ask if there is an update on the beach replenishment project and if more sand is going up there for the spring.

Mr. Parlow stated that we have not received any recent updates, but the last report indicated that the Army Corps Project is going to start in September 2014.

Mr. Kinney questioned how long it was going to take to complete.

Mr. Parlow stated that he that we have not been provided with a construction schedule or locations as to where the project will begin.

Mr. Kinney asked a question regarding the Route 35 Reconstruction Project. He asked why it appears that they are replacing the sewer pipes on every other street.

Mr. Parlow stated that they are replacing the sanitary sewer pipe on the streets where the new storm sewer line are being installed.

Mr. Kinney questioned the magnitude of the flood insurance and the discounts?

Mr. Parlow stated that it was reported at one point that flood insurance premiums under the new flood legislation could be in excess of \$30,000 per year dependent upon flood zone and finished floor elevation. The Council recently approved a resolution requesting that the federal governing rescind portion of the Biggert Waters Act that created the flood insurance premium increases.



Councilman Lamb stated that he had an elevation survey done after the storm showing where all his vents were under his house and it saved him a lot on his insurance so it is worth the money to have the elevation certificate done.

Andrea Brozinski, 236 Bryn Mawr Avenue thanked Council and the town for such a quick and easy transition after the storm. It was a pleasure dealing with everyone. She questioned what the protocol is when there is a house being demolished during gale force winds. She asked if it is allowed. We just want to know who we need to call next time it happens.

Mr. Parlow stated that the Construction Code Official is the one to call.

Councilman Lamb stated that she could call the police also because that is a safety issue.

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

Councilman Horan stated that there was an article in the NJ Municipalities Magazine authored by Jim Jablonski from Public Power Association regarding two bills A2385 and S944 in regarding Municipally Shared Services.

Council President Zalom stated that Councilman Horan should do a form letter in support of these bills and we can put it on our website for residents to download and send to the League.

Councilman Horan stated that he would take care of it.

Council President Zalom stated that there were some volunteers that were looking to purchase and plant more dune grass. She told them that it is not a good time because we really do not know what is happening with the Army Corps Project. Also, the Senior Lunch and Movie program is starting again. It will be the first Sunday of every month at the Union Church starting in May.

Councilman Borowski requested that he be excused for the next Council meeting.

A Motion was made by Councilman Stogdill to excuse Councilman Borowski at the next Council Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

### **EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need to go into executive session to discuss a contractual matter. There is no anticipated action to be taken.

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

The Caucus/Regular Meeting was adjourned to go into Executive Session at 7:58 pm.

A Motion was made by Councilman Stogdill to come out of executive session and reconvene the Caucus/Regular Meeting. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mr. Bernstein stated that while in Executive Session the discussion was entirely about the contract negotiations and possible litigation matter regarding the lifeguard headquarters and a resolution to the problem was decided. No other items were discussed.

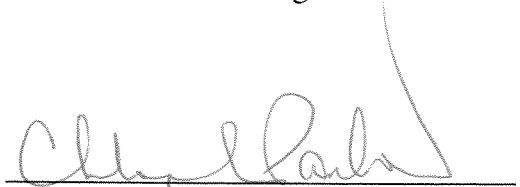
**ADJOURNMENT:**

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.

The Caucus/Regular Meeting was adjourned at 8:26 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 **10<sup>th</sup>** day of **March 2014**



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