

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
January 26, 2015-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

Mayor stated that Mr. Bernstein will not be present due to the Governor's State of Emergency ban on traveling.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 9, 2015. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: Mayor asked for a moment of silence for anyone that has passed away recently and their families.

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

PRESENTATION: Gina Cavallo from Pay It Forward with a Donation of \$5,000 to the Firehouse

Council President Zalom stated that Ms. Cavallo could not make tonight's meeting due to the weather but she had the check for \$5,000 and also Kenny Mecca, a summer homeowner who donated \$2,000 towards the renovations for the Fire house. The checks were presented to member of the Fire Department.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed all the devoted residents who attended tonight's meeting.

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

The Mayor 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.

No one wished to comment at this time.

The Mayor closed the floor to public comment.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of December 22, 2014
Minutes of Reorganizational Meeting of January 5, 2015
Minutes of RFP for Professional Licensed Planner of January 6, 2015

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

REPORTS:

- a) Construction Report for December 2014-Councilwoman Filippone-read report
- b) Zoning Report for December 2014-Councilwoman Filippone-read report
- c) Municipal Court Report for December 2014-Councilwoman Filippone-read report
- d) Public Affairs Report-Council President Zalom- Thanked the LBA for trying to stop the construction during the summer. They had a grand opening of the Lava Java and it's another great business. The ski trip turned out great. Friends of Beautification will hold a breakfast at Serenity Café on February 15th. The town wide garage sale will be back next year but not this year. The Library is celebrating 90 years, the Lavallette School and Lavallette Firehouse will be celebrating 100 years.
- e) Revenue Transaction Report for November & December-Chief Financial Officer
- f) Tax Account Report for December 2014-Tax Collector

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2015-62 appointing Justin Ottmer to the position of part time telecommunicator for the Lavallette Police Department effective January 1, 2015
- 2015-63 appointing Council President Anita Zalom as the CDBG Representative commencing January 1, 2015 and ending December 31, 2015
- 2015-64 approving a residential parking permit to Pam Maguire at 18 Kerr Avenue
- 2015-65 authorizing submission of the application of the Lavallette Municipal Alliance Grant for the year 2015-2016 in the amount of \$21,461
- 2015-66 authorizing the deletion of removed items from the 2015 fixed asset inventory-Mr. Parlow stated that these were items that were traded in by the Fire Department for new and needed to be removed from the asset list.

- 2015-67 authorizing the Treasurer apply 2014 tax overpayments in the amount of \$13,021.68 to 2015 taxes receivable

- 2015-68 amending the 2015 temporary budget in the amount of \$55,000

- 2015-69 authorizing the refund of planning board escrows in the amount of \$1,098.00 to Maureen and Robert Mills of 501 Bay Blvd.

- 2015-70 accepting the retirement of Kenneth Andreski and authorizing payment of unused sick and vacation time-Council President Zalom stated that she is sorry to see Mr. Andreski retire. He has been here a very long time. She congratulated him and wished him good luck on his retirement.

- 2015-71 approving a raffle license to the Rosary Altar Society of St. Pio to hold a 50/50 on premise raffle at their Parish Hall on April 24, 2015

- 2015-72 authorizing the purchase of a Beach Tech 2000 for the Department of Public Works in the amount of \$13,000-Councilman Lamb stated that this is the beach rake that cleans the beach in the mornings in the summer. The old one is 10 years old and will cost about \$35,000 to repair. The one we have been using we were renting and the company has agreed to a trade in of our old one which is why the cost is so low

- 2015-73 strongly encouraging the Governor to impose a moratorium on all construction work associated with the reconstruction of Route 35 during the 2015 summer beach season-Mayor stated that we will circulate this to other communities.

- 2015-74 authorizing the refund of planning board escrows in the amount of \$670.00 to Emilio Gallo of 103 Magee Avenue

A Motion was made by Councilwoman Filippone 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.

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

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

RESOLUTION - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2015- 75 Bills List in the amount of \$3,380,300.87

A Motion was made by Council President Zalom to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb abstained on PO#15-00028 and voted yes to all others. The Motion Passed.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

BOND ORDINANCE NO. 2015-01 (1137) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2014-06 (1131) ADOPTED ON APRIL 21, 2014, PROVIDING FOR THE PURCHASE AND INSTALLATION OF A PUBLIC WORKS GENERATOR AND REPLACEMENT OF A PUBLIC WORKS FUELING STATION, IN ORDER TO INCREASE THE APPROPRIATION OF \$600,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$237,500, FOR A TOTAL DEBT AUTHORIZATION OF \$570,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2020, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that this is a project where we are taking the old generator from Public Works Department and moving it to the new Municipal Complex and the new generator will be going to the Public Works Department where it will be able to power up all of public works buildings, the cellular antenna providers, the utilities, the well pumps and the maintenance garage in case of emergencies. There is a lot more involved than just purchasing a new generator.

Councilman Lamb stated that the older generator needs some maintenance work on it and there will be some additional costs to perform maintenance on it.

Mr. Parlow stated that Mr. Schlosser was going to contact the maintenance provider and see what the costs will be

Mayor LaCicero stated that we will be going out to bid again for this generator project.

Mr. Parlow stated that the final specifications are being prepared and the bids will be coming in at the end of February. We have to wait the 20 days for this Ordinance to take effect so we can expend the funds.

A Motion was made by Councilman Stogdill to adopt Bond Ordinance 2015-01(1137). The Motion was seconded by Councilman Finter.

The Mayor opened the public hearing and asked if anyone wished to comment on this Bond Ordinance.

No one wished to comment on this Bond Ordinance.

The Mayor closed the public hearing and asked Council for a vote on the Bond Ordinance.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Rita Poole v. B & B Department Store/Received December 12, 2014
- b) Eric M. Bernstein & Associates/Ann Marie Rizzutto, Esq/Shoemaker/Lavallette Hardware/1601 Route 35 Associates, LLC/Received January 12, 2015-Mayor LaCicero stated that Lavallette Hardware got a variance to do an expansion but unfortunately is not going thru with the renovations. While going through the variance process it was discovered that the existing structure is about 6 inches over on the Virginia Avenue side. Mr. Parlow stated that it is over the Borough Right of Way. Mayor LaCicero stated that because of that they are requesting an easement from us to allow them to keep it there. He questioned if we need to take any action tonight. Mr. Parlow stated that it will most likely require a resolution but this is the first letter of request and the attorney is dealing with it first.
- c) Eric M. Bernstein & Associates/Mollie Hartman, Esq/Valerie Coniglio v. Borough of Lavallette/Received January 20, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 7/Received December 22, 2014
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Virginia Avenue Road Improvements/Pay Estimate No. 1/Received January 2, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Repair of Damaged Roadways/Phase II/Pay Estimate No. 1/Received January 2, 2015
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 8/Received January 23, 2015

New Jersey League of Municipalities:

- a) Weekly Policy Update/December 5, 2014
- b) Senate Transportation Committee Takes Testimony from League Leaders on Trust Fund Renewal/Received December 8, 2014
- c) 99th Conference Follow Up 20 Resolutions Approved/Received December 10, 2014

- d) Municipal Leaders Thank Senate President Sweeney for Leadership on Local Transportation Aid/Received December 11, 2014
- e) Weekly Policy Update/Received December 12, 2014
- f) NJLM's 2015 State Legislative Priorities/Received December 17, 2015
- g) Legislative Alert/December 17, 2014
- h) State Unveils Spending Plan for Third-Round of Federal Sandy Recovery Funding/Received December 18, 2014
- i) Weekly Policy Update Bills on the Governor's Desk/Received December 19, 2014
- j) League's Educational Foundation Has Published Its 24th Issue Paper in the "Friends of Local Government" Series/Received December 29, 2014
- k) Governor Signs Permit Extension Act/Received December 29, 2014
- l) Online Resources for Social Security Applicants/Received January 6, 2015
- m) COAH Update-Recap of Today's Supreme Court Oral Argument/Received January 6, 2015
- n) Recruitment of Executive Director/Received January 6, 2015
- o) Meeting Tonight on Off Shore Liquefied Natural Gas Facility and Pipeline Proposal/Received January 8, 2015
- p) Martin Luther King, Jr. Commemoration and National Day of Service Opportunities/Received January 8, 2015
- q) Celebrating the History of the League/Received January 14, 2015
- r) Annual Campaign Contribution Notice/Received January 16, 2015
- s) Weekly Policy Update/Received January 16, 2015
- t) New Content on DLGS Web Site/Received January 20, 2015
- u) Interstate Natural Gas Pipeline Projects in New Jersey/Received January 20, 2015
Contact Legislators Now to Protect Relief for Our Property Taxpayers/Received January 20, 2015- Council President Zalom stated that she would like to again do the resolution from last year on the Energy Gross Receipts Tax and put it on for the next meeting. We are still trying to work on getting this monies back for the Borough.
- v) Please Support All Efforts to Increase Local Transportation Aid/Received January 20, 2015
- w) Washington Watch/An Update on Activity in Our Nation's Capital/Received January 21, 2015
- x) Transportation Trust Fund/Received January 21, 2015
- y) Property Tax in New Jersey/Received January 22, 2015

General With No Action:

- a) Ocean County Municipal Joint Insurance Fund/Perma Risk Services/2015 Budgets/Received December 8, 2014
- b) Ocean County Health Department/Daniel Regenye, Coordinator/Lavallette Funding for Municipal Alliance Grant/Received December 8, 2014
- c) Colonial Bakery/Marie O'Neill/Lavallette, NJ/2015 Barrier Island Construction/Received December 16, 2014
- d) Kenneth Andreski/letter of resignation/Received December 17, 2014

- e) Municipal Excess Liability Joint Insurance Fund/David Grubb, Exec. Director/Super Storm Sandy Status Report/Received December 18, 2014-Mayor LaCicero stated that he was always a good worker and we will miss him.
- f) Kenneth Meka/North American Eagle Construction, LLC/Donation of \$2,000 to the Fire Department for their building repairs/Received December 21, 2014-Mayor LaCicero stated that this is the \$2,000 check from another resident towards the firehouse renovations.
- g) Ocean County Health Department/Mary Gibson, Municipal Alliance Coordinator/Status on Quarterly Reports/Received December 22, 2014-Council President Zalom stated that she will make sure Kathy Mango is on top of this. The Healthy Aging is coming back for this year.
- h) National Center for State Courts/Timothy Faustko, Project Director/Lessons Learned/Received December 22, 2014
- i) New Jersey State Legislature/10th District Legislative Office/James Holzapfel, Senator/letter to Commissioner Fox to keep them updated on the Route 35 Construction/Received December 23, 2014-Mayor LaCicero stated that this language needs to be stronger and he will reach out to them.
- j) Lavallette Yacht Club/Ruth Oliver, Secretary/closure of Swan Point Road on Saturday, January 31, 2015 to February 1, 2015/Received January 6, 2015
- k) Raymond Bober/1600 Grand Central Avenue/encouraging the Borough to reinstate the townwide garage sale and cleanup program/Received January 7, 2015
- l) New Jersey American Water/Press Release/New Jersey American Water Rate Filing Seeks Recovery for \$775 Million in System Upgrades/Received January 16, 2015
- m) Municipal Excess Liability Joint Insurance Fund/David Grubb, Exec. Director/Super Storm Sandy Scheduling Order/Received January 16, 2015
- n) State of New Jersey/Department of Environmental Protection/Request for Proposals/Sustainable and Resilient Coastal Communities Grant Program/Received January 20, 2015
- o) State of New Jersey/Department of Community Affairs/Jason Martucci/2015 Community Development Block Grant Round Three Essential Services Grant/Received January 23, 2015-Mayor LaCicero stated that the same grant we already applied for we will apply for again. Mr. Parlow stated that there is a deadlines that he needs to meet and will have to submit the budget for 2015 so they will be seeing our budget before even Mayor and Council does due to their deadlines. Mr. Parlow stated that we were denied the grant last year because of the formulas they go by and also because we bounced back too quickly.
- p) Cablevision/Layth Taki, Senior VP/Franchise Fee Payment in the amount of \$24,700.00/Received January 23, 2015-Mr. Parlow stated that this is another sign that things are coming back. We collected this amount this year and last year was only \$15,000. Councilman Finter questioned if we lost Verizon fees. Mr. Parlow stated that we lost the taxes on their building.

General With Action:

- a) Kevin Dey/requesting that Al DeBenedictis take over the position of Cert Coordinator for the Emergency Management Team/Received January 20, 2015-Mayor LaCicero

questioned if this was a resignation from Kevin Dey or no. Mr. Parlow stated that he is not quite sure either. Mayor LaCicero stated that he will speak to the Chief as well as Kevin Dey before making any appointments just yet.

UNFINISHED BUSINESS:

Council President Zalom stated that she received a letter from Tom MacArthur thanking her for attending his swearing in in Washington D.C.

Councilman Borowski questioned if we heard anything from the Contractor about the painting of the water tower as of yet.

Councilman Lamb stated that he has not heard anything yet but will follow up with Gary Schlosser and let him know.

Mr. Parlow stated that two of the carriers are doing the modifications to their antennas and we were going to have our Engineer's office inspect those modifications and while they were out there they were going to check out the rest of the tank while he is out there.

NEW BUSINESS:

Michael Sheptock requesting to shoot a movie in various areas on the beach and bay front on March 4th, March 5th and March 9th

Mr. Parlow stated that the reason why we put it under new business was because of one of the locations they have requesting using is the beach and until 3 am. The Code calls for the beach to be closed at midnight until 5 a.m. unless you are fishing. We will do a resolution for next meeting but stipulate the restriction of having to finish by midnight and cannot start again until after 5am.

2ND PUBLIC HEARING - CDBG FUNDING 2015

Council President Zalom stated that she went to a County meeting already and the meeting to fight for our monies is March 9th and she will be asking for \$60,000. The application is due February 13th. The old grant was supposed to be used for the municipal building but we were told we could not so we will be using the money for the repair the ocean blocks sidewalks closest to the beach so there is no barrier there and the sidewalks go all the way to the boardwalk.

Mr. Parlow stated that since the last meeting you had contacted Ocean County to see if the old grant funds could be used for our Municipal Building or lifeguard headquarters and was told no. We are now trying to figure a way to use that \$30,000.

Mayor LaCicero questioned how long we have to spend the new 2015 monies.

Council President Zalom stated that we will not get the new grant until July.

Mr. Parlow stated that we will not even get a letter of approval until July and then we have a year to spend.

Council President Zalom stated that the plan for the old grant money of \$30,000 is to repair all the ocean block sidewalks closest to the boardwalk to get rid of the barrier. The new grant monies will be for another handicap walkover on Trenton Avenue.

Councilwoman Filippone stated that on the new grant we have to use it by July of 2016 but if the dune project is not done yet can we use it for one of our buildings at that time.

Council President Zalom stated in order to do that the entire buildings need to be handicap accessible.

Mayor LaCicero stated that they would have to be in compliance with handicap accessible.

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

Brick Wenzel, 1903 Grand Central Avenue questioned if they were planning to put a sidewalk in on Route 35 North and South on Jersey City Avenue.

Mayor LaCicero stated that the Borough was not planning on doing that as of right now.

Mr. Wenzel stated that is what this funding should be going towards. People need to be able to get to the library safely and it is something he has been advocating for decades. As many of you know, we have had three deaths at that corner.

Council President Zalom stated that we have talked about this a lot of times.

No one else wished to comment.

The Mayor closed the Public Hearing.

COMMENTS FROM THE PUBLIC:

The Mayor opened the floor to public comments.

Clem Boyers, 20 Kerr Avenue stated that we have three dozen or so structures in town that have had nothing done to them. What is the story on these.

Mayor LaCicero stated that we have compiled a list of houses that the State is going to take care of demolitions for us. If you would like to give us those addresses we will check them out but they are probably already on the list.

Mr. Parlow stated that the NJ Department of Community Affairs has a list from the Borough of houses that they will be demolishing for us in the near future. We have already given them the

necessary paperwork that they have asked for. The Zoning Officer updates the list periodically for them.

Mr. Boyers questioned once they are demolished what happens then.

Mr. Parlow stated that the homeowner will still own the property and have paid their property taxes.

Mayor LaCicero stated that they are just waiting for someone else to demolish it for them.

Mr. Parlow stated that was true but they some are also second houses for some and also have been rejected for grants.

Mr. Boyers stated that he heard that there is going to be another round of grants, will one of them be that RREM grant.

Mayor LaCicero stated that he believes that was a one time grant.

Mark Speaker, 111 Brown Avenue thanked Councilman Borowski for his letter and the Council on their action with the resolution pertaining to the road construction. If the construction continues during the summer there will be no parking for anyone.

Brick Wenzel, 1903 Grand Central Avenue thanked Anita for contacting the DOT about paving the highway. Also, stated that because the lane was moved close to the curb he noticed that people come up to the side street and look to see if there are cars. He suggested to a Sergeant in Lavallette that the speed limit be lowered. The Sergeant stated that there is no opportunity for them to suggest a slower speed limit in the construction zone.

Mayor LaCicero stated that he thought there was a state law in a construction zone but he will check on that.

Mr. Wenzel stated that there is a bill that has passed the Senate allowing hunting on Sundays. That means duck hunting can be done on Sundays on the bay front so he would like Council take a position against it.

Mayor LaCicero stated that he will look into that.

Mr. Wenzel questioned if Lavallette Hardware is demolished the easement that they are requesting would the easement be null and void?

Mayor LaCicero stated that was correct, the easement goes along with the building not the property.

Mr. Wenzel stated that he owns the property the post office is currently at right now and they have not shown any interest in renewing the temporary location which expires the end of March. It is his understanding, that people have been sending letters to them stating that they would rather not have a post office at all than have it be in that building and he believes that is why they are not renewing.

Mayor LaCicero stated that was news to him.

Mr. Wenzel stated that he was told that we were going to end up with a post office trailer again until the Municipal Building is ready.

Mayor LaCicero stated that we had a discussion last week with them and we are prepared to provide them with the space within the term of the contract that we have. What they are going to do between that time we have not heard.

Mr. Wenzel stated that there is a time for politics and a time for what is best for the community.

Councilman Borowski questioned if they would allow them to rent on a month to month basis.

Mr. Wenzel stated that we have tried to contact them but they are not responding at all except only with we are leaving.

Mr. Wenzel also stated that Fox Business has done an expose on Salty's on Labor Day Weekend and in October. He is now permitted to release the date and time which will be Monday, February 23rd at 9pm.

Mr. Wenzel stated that the Construction Office including the State inspectors as well as all of our guys have been doing a fantastic job.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the fine from the DEP is being discussed by them and hopefully it will go away. She will also be taking a look at the area on Jersey City Avenue.

Mayor LaCicero stated that his discussions with the DOT and the crews are saying they will be working during the summer. They will be working on the right side of highway and the drainage in very large segments through the business district. We still need to get the word out still and keep squeaking.

EXECUTIVE SESSION:

There was no executive session

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:15 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 26th day of **January 2015**

A handwritten signature in cursive script, appearing to read "Christopher Parlow", written over a horizontal line.

Christopher F. Parlow
Municipal Clerk