

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE ELEMENTARY SCHOOL – COUNCIL CHAMBERS
Monday, May 20, 2013-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on March 1, 2013. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Josephine Turkowsky, a long time resident of Lavallette who passed away and for all our troops overseas.

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

MAYOR’S WELCOMING STATEMENT: The Mayor thanked everyone for coming to tonight’s meeting.

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.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

PRESENTATION: United States Postal Service New Space Project-Richard Hancock, Real Estate Specialist, USPS Facilities

The Mayor stated that Mr. Hancock was here to discuss the procedure of finding a suitable permanent location for the post office in Lavallette.

Mr. Hancock stated that he is the Real Estate Specialist assigned to finding a suitable permanent space for the Lavallette Post Office. He stated that as far as the temporary location that is in Ocean Beach that is a done deal already. We can not go back on that we need to move forward and find a permanent location in Lavallette. Once we find that permanent location there is a

mandatory waiting period of 15 days. The appeal process and a 30 day public comment period comes next so the total days of wait are 45 days. If anyone knows of a suitable location in town that would be viable for the post office with 1,000 square feet of space they can call me with an offer and we can start the process if the offer is approved by the Postal Service.

Council President Zalom questioned if the old post office building in town was too big for what they needed.

Mr. Hancock stated that he could not answer that because he was not part of that lease agreement.

Councilman Borowski questioned if he had an actual date of when this is going to happen.

Mr. Hancock stated that it had to go through the process first. The process is at least four months and then at least six months of leasing process.

Councilwoman Filippone questioned if a new permanent facility is not offered or found will the temporary facility in Ocean Beach become permanent.

Mr. Hancock stated that the facility in Ocean Beach is only and will remain temporary it will not become permanent regardless.

Councilwoman Filippone questioned if they could remain in the temporary facility until the Borough builds their complex and then sign a permanent lease for that location.

Mr. Hancock stated that was not a possibility.

Councilman Stogdill questioned if the officials with him tonight were from the Postal Service and if they wanted to speak at all.

Mr. Hancock stated that he was the only one that would be addressing the audience tonight.

Councilman Lamb questioned if the old location was too big and why they can not go back to that location; it was cheaper than the temporary location they are in now.

Mr. Hancock stated that he has no answers about the old building but any owner of any building regardless if it was the old building can give us a proposal and we will look at it.

Councilwoman Filippone stated that it is imperative that he understands that as a community we were not consulted at all about the temporary location especially when it is not in the Borough of Lavallette. She stated that it was not very business-like.

Mr. Hancock stated that the Postal Service makes the decisions; nobody else.

The Mayor opened the floor to public comment and asked if anyone wished to comment.

Clem Boyers, 20 Kerr Avenue stated that there is no parking at all for the amount of traffic that will be there. Even though this facility is a six month temporary situation will they go temporary for another six months if no other facility is available yet.

Mr. Hancock stated that the six month temporary is all they are doing right now.

Eleanor Scarcella, 106 Coleman Lane questioned if the public is going to be looking for sites what criteria should they be looking for.

Mr. Hancock stated that they need a store front with no more than 1,000 square feet that could accommodate some postal trucks and post office boxes. There will be no distribution at this site.

Mary Logios, 4 Sterling Avenue questioned if Council issued a proposal for their facility even though it would not be ready yet would it be considered.

Mr. Hancock stated that it would not be considered because they want a permanent facility sooner than that.

Mrs. Logios stated that what specifically weights and identifies the procedure for determining the permanent facility because the Ocean Beach facility non habitable and has no parking and is a very dangerous location.

Mr. Hancock stated that he did not have any thing to do with choosing that temporary facility but it was an emergency situation that needed to be dealt with immediately.

Denise Wirth, 1606 Grand Central Avenue stated that Lavallette is a small community and that Post Office was part of our little community past and present. She stated that yellow building in Ocean Beach is unsafe and an accident waiting to happen. She wants to know who is going to accept the responsibility when someone gets hurt or killed. Congressman Runyan, Mayor LaCicero and the Chief of Toms River Township have made it known that the facility is unacceptable and dangerous to the people.

Mr. Hancock thanked her for her opinions.

Joe Palinsky, 122 Washington Avenue questioned how long would the lease be for and what type of percentage rate.

Mr. Hancock stated that it would be a five year lease with a fixed rate.

Barbara Susinno, 1 Pennsylvania Avenue stated that her mother lives in Palisades Park and they closed her post office facility because there were too many accidents. This temporary facility has a serious parking problem and accidents are bound to happen. She asked if anyone physically inspected this facility at all.

Mr. Hancock stated that it was physically inspected.

Judy Farfalla, 15 Bond Avenue questioned if he, as a real estate specialist, makes recommendations on which facilities are viable.

Mr. Hancock stated that he does not and they will only rely on the proposals.

Bruno Hornung, 301 Grand Central Avenue questioned if the residents decide not to use the temporary facility will the postal service consider changing the temporary facility earlier than the six months.

Mr. Hancock stated that the temporary facility in Ocean Beach is already a done deal and the paperwork is already signed and processed. He stated that he wanted to be clear that the Borough of Lavallette will have a post office.

Susan Kotch, 119 Camden Avenue questioned what will be done at the new post office and if the same employees will be there.

Mr. Hancock stated that it will have post office boxes, sell retail and have the same employees but no distribution.

Al Jones, 113 Reese Avenue questioned if the decision was already made on the temporary trailer and if jobs will be eliminated.

Mr. Hancock stated that was a postal office decision and he did not know that answer.

Councilman Stogdill questioned if the post office is going to be in Lavallette Borough not according to the zip code.

Mr. Hancock stated it would be in the Borough of Lavallette. He will be the point of contact from this day on for any questions or proposals.

There were no additional comments.

Mayor LaCicero closed to floor and thanked Mr. Hancock for his presentation.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of May 6, 2013

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

RESOLUTIONS-ON CONSENT:

2013-180 authorizing the acceptance of a donated 1969 US Army Truck from the Borough of Mantoloking for the Lavallette Police Department at no cost to the Borough of

Lavallette-Councilman Horan questioned who inspected this vehicle with knowledge of a military vehicle. Mayor LaCicero stated that he believes the Chief looked at it but the Borough did not purchase the vehicle so he is not sure there was any inspection done at all. Councilman Horan stated that he would check with the Chief.

- 2013-181 authorizing Mayor LaCicero to sign and execute the NJDEP water main construction permit application for the replacement of water mains along Route 35 in the Borough of Lavallette-Council President Zalom stated that there was a briefing on this project last week and they talked about the drainage project and starting that first in June. She stated that she spoke with them about doing some kind of bicycle trail to help our residents with safety. There is some type of public hearing about this project that residents will be able to attend and make comments. We will let you know when we get a date.
- 2013-182 authorizing the execution of an addendum to the contract with Albert Marine Construction to widen the bench area on the boardwalk at Philadelphia Avenue in the amount of \$10,145.25
- 2013-183 authorizing the execution of an addendum to the contract with Eagle Paving Corporation for the replacement of inlet on Newark Avenue at Baltimore Avenue and the placement of a 6 inch thick stone bedding under concrete apron on Bay Boulevard in the amount of \$5,100.00-Mayor LaCicero questioned if all of these change orders and work was going to be covered by FEMA. Mr. Parlow stated that change order will be included in the Borough's project worksheet.
- 2013-184 authorizing the electric collector to correct an electric bill from \$309.39 to \$14.75 at 903 Grand Central Avenue, Unit 9
- 2013-185 appointing Jennifer Schlosser as a summer seasonal for the Department of Public Works at an hourly rate of \$10.00
- 2013-186 authorizing the award of a contract to Garden State Fireworks for our fireworks display to be held on July 7, 2013 with a rain date of July 14, 2013 at dusk for a price of \$7,000-Mr. Parlow stated that when we request proposals for the fireworks we set the cost limit and they provide us with a proposal within those limits. He stated that the proposals are analyzed on a spreadsheet.
- 2013-187 appointing Corless Royer as a temporary clerk typist for the construction department at an hourly rate of \$12.00 effective May 16, 2013
- 2013-188 appointing three seasonal laborers at an hourly rate of \$10.20 for the Department of Public Works effective May 9, 2013

- 2013-189 authorizing the Lavallette First Aid Squad to trade in the 2005 Ford Ambulance for a newer Ambulance-Councilman Borowski stated that he would like this to be put off consent.
- 2013-190 recognizing the month of May 2013 as “Older Americans Month” in the Borough of Lavallette
- 2013-190A authorizing the execution of an addendum to the contract with Albert Marine Construction to remove and replace 80 linear feet of Magee Avenue Pier and the attached 14’ wide x 25’ long gazebo and associated boardwalk damage by super storm sandy in the amount of \$105,590.00

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 public comment and asked if anyone wished to comment on the consent agenda.

Joe Palinsky, 122 Washington Avenue questioned if the State is going to replace any sidewalks and curbing in kind when they do the storm drains.

Mr. Parlow stated that they will replace any pavers that are disturbed but they will only be replacing curbs and sidewalks.

The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

- 2013-189 authorizing the Lavallette First Aid Squad to trade in the 2005 Ford Ambulance for a newer Ambulance

Councilman Borowski stated that there is a need to upgrade the old model ambulance for a newer one and because the Borough registers and insures it we need the Borough’s permission.

A Motion was made by Councilwoman Filippone to approve Resolution 2013-189. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution. No one wished to comment. The Mayor closed the floor and asked Council for a vote on Resolution 2013-189. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Horan Abstained. The Motion Passed.

- 2013-191 authorizing the approval of special event/facilities use application for Waves of Impact to hold a two day free surf camp for kids with special challenges and wounded veterans on August 15th & August 16th, 2013 from 9:30 am to 4pm

Councilwoman Filippone stated that she has no problem with the event itself but on the application it implies that they will be giving the kids' lunch on the beach. There is no food allowed on the boardwalk. Also, every person over the age of 12 years old will need a beach badge. Also, Trenton Avenue is not a surfing beach but it is okay they just need to keep them separate from the beach goers who are not surfing.

Mayor questioned whether we needed to do something on the books to change the surfing beach.

Mr. Parlow stated that he will have the lifeguard captain pick out the most suitable beach for this event.

Councilman Borowski stated that he has seen this video on this event and it is truly inspirational how it impacts these children. He thinks that this event is very low key and maybe south of Trenton Avenue not where active surfers are.

Mayor LaCicero stated that it could be voted on and Mr. Parlow will advise him of the restrictions.

A Motion was made by Councilman Borowski to approve Resolution 2013-191. The Motion was seconded by Councilwoman Filippone. The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution. No one wished to comment. The Mayor closed the floor and asked Council for a vote on Resolution 2013-191. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2013-192 Bills list in the amount of \$888,242.10

A Motion was made by Councilman Horan to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Horan voted yes. Councilman Lamb abstained on PO #13-00507 and yes to all others. The Motion Passed.

INTRODUCTION OF ORDINANCES:

ORDINANCE NO. 2013-06 (1121) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mayor LaCicero stated that this ordinance coincides with the budget every year. This allows us to bank our 2% so we can use it in later years if we choose to.

A Motion was made by Councilman Horan to introduce Ordinance 2013-06(1121). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption to be held on June 3, 2013

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

Resolution 2013-193 – Introducing the 2013 Municipal Budget - Mr. Parlow read a loud the Budget Resolution.

Mr. Parlow stated that this was the most difficult and challenging budgets he had to do in 30 years. We do not have as much revenue as we did last year and we had to increase our reserves for tax appeals, legal, gas, landfill, and engineering expenses relating to Sandy. We received \$2.7 million from the Community Disaster Loan which can be inserted into the budget to balance the budget. Mr. Parlow stated that we are introducing a budget with no tax, water, sewer or electric increases.

Mayor LaCicero questioned how much of that \$2.7 million from the loan did we have to use right away.

Mr. Parlow stated that we had to use \$1.6 million in the 2013 budget.

Mayor LaCicero questioned what the interest rate was on that loan and will it be forgiven.

Mr. Parlow stated that it is less than \$1% and all of the loans from Katrina were forgiven so he feels I think ours will be also.

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

Public Hearing and Final Adoption to be held on June 17, 2013

UNFINISHED BUSINESS:

Mayor LaCicero stated that he attended the NJDOT briefing regarding the drainage plan and it seems that this is a whole new plan then from years ago. There will be four new catch basins on each corner. All the flooding problems should be alleviated with these catch basins.

NEW BUSINESS:

Councilman Horan stated that he would like to make a motion to start casual attire starting in June. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Councilman Borowski stated that the First Aid Building is available now to convert the Council Meetings to our building starting in June.

A Motion was made by Councilman Borowski to change our Council Meeting location to the First Aid Building starting in June. The Motion was seconded by Councilman Horan. Vote:

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

Mr. Parlow stated that now that the boardwalk is completed we need to think about a buffer between the ocean front properties and the boardwalk. When the homeowners on the ocean put up their fences they can butt them up right against the boardwalk and Public Works has had problems keeping the boardwalk free of sand because of the fences installed on the east west side against the boardwalk. He suggested that we modify the ordinance to establish a 2 foot setback between the boardwalk and where the homeowners end their fencing. We have an ordinance that deals with fencing so we can put together an amendment.

Councilwoman Filippone stated that she thinks it is a good idea.

Mayor LaCicero stated that we should put it on for the next meeting and see where it goes.

Council President Zalom stated that some of the drops from the boardwalk with some ocean front properties are very bad. She asked who is responsible for filling in the drops.

Mr. Parlow stated that the homeowners are responsible for filling in their properties where sand was lost.

COMMENTS FROM THE PUBLIC:

Mark Speaker, 111 Brown Avenue thanked Mayor and Council for a great day today with the celebration of the boardwalk. It was a great day and the vendors were pleased. He stated that the LBA was donating \$200 for the plantings at the memorial gardens.

John Scarcella, 106 Coleman Lane thanked Mayor and Council for all they have with the storm. He questioned what the law was regarding the procedure with crossing at street lights. He wanted to know if the pedestrians had the right of way or the cars.

Chief Grant stated that the state law is at the street light you can only walk when it turns red not at the green light.

Gary Lucciola, 140 Newark Avenue questioned when the boat slips would be ready.

Mr. Parlow stated that Albert Marine just completed the boardwalk and should be working on that area very soon.

Mary Logios, 4 Sterling Avenue questioned if we are still not having a bulk pickup in June and if not it should be advertised because there is so much junk outside on the streets people need to know it is not being picked up.

Mayor LaCicero stated that it is on our website but the Code Enforcement Officer will be sending out warnings very soon.

Joan Brackman, 10 Pennsylvania Avenue questioned if the water fountains are going to be put back up on the boardwalk before the summer season and if we are still going to have the beach surf chairs.

Mayor LaCicero stated that he believes that we will have the water fountains where they were before up on the boardwalk and yes we still will have the surf chairs.

Mrs. Brackman questioned if all the signage will be up there, also.

Mayor LaCicero stated that all the usual signage will be up there before the season starts.

Denise Wirth, 1606 Grand Central Avenue stated that she wanted to thank Mayor LaCicero for being such a wonderful advocate for Lavallette and even the Jersey Shore. This town has done an amazing job and she is so very proud to live in the Borough of Lavallette.

Kathleen Lucciola, 140 Newark Avenue questioned if the new flood maps have come in yet.

Mayor LaCicero stated that we have not received anything as of yet.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that we will be having our Memorial Day Services on Monday, May 27th at 11am. We are having a wonderful speaker and we ordered new chairs for the occasion. The children from the school were fabulous today with their singing at the celebration of the boardwalk completion. They even gave the Governor a Lavallette shirt. She will be contacting the County in regards to the Vance Avenue and Bay Boulevard issue and ask them to clean it up. Our gardener put planters in our trailer park to make it look beautiful.

Mr. Parlow stated that the CDBG programs will be out on this Friday. The State has not provided any paperwork on the programs. Homeowners will have to file applications with the State of New Jersey. Our Borough website will have a link to that website so it makes it easier for residents to download the information. The calendars have been mailed out and he is sure many of you have already received them. He stated that he believes this is one of the nicest calendars so far. Our primary election will be on June 4th and we will be having them at the First Aid and Firehouse as usual.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to have an executive session to discuss possible litigation matters and there will be no action taken.

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

The regular meeting was adjourned to go into executive session at 8:50 pm.

A Motion to reconvene the regular meeting was made by Councilman Horan. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The regular meeting was reconvened at 9:29 pm.

Eric Bernstein stated that Mr. George had left at the conclusion of the regular meeting and Mr. George was not present for the executive session. Mr. Bernstein reported that during the Executive Session there was discussion of the status of litigation regarding Sergeant Andrews and there was no action taken.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 9:30pm.

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 **22nd day of May 2013**

Christopher F. Parlow
Municipal Clerk