

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**November 17, 2014-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, Lamb, Zalom, Stogdill, Finter 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:** The Mayor asked for a moment of silence for Rose Marie Bontempo a long time resident who passed away recently.

**PLEDGE OF ALLEGIANCE:** Council President Zalom 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)**

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 comments.

**APPROVAL OF MINUTES:**

Regular Meeting of October 20, 2014

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

**REPORTS:**

- a) Construction Report for October 2014-Councilwoman Filippone-read report

- b) Zoning Report for October 2014-Councilwoman Filippone-read report
- c) Municipal Court Report from October-Councilwoman Filippone-read report
- d) Public Affairs Report-Council President Zalom-The New Jersey Devils came on November 5<sup>th</sup> and planted the dune grass and then on November 8<sup>th</sup> we had approximately eighty seven people that came to our annual dune grass planting. The Devils will also be providing 200 tickets for one of their hockey games for the school kids. The School will be renting two buses to take the kids and their parents to the game. The game is on January 31<sup>st</sup>. Our annual ski trip to Wyndham will be on January 17<sup>th</sup>. Both our bus trips to NYC are sold out. We had a great turnout for the Clean Ocean Action on October 25<sup>th</sup> also. The plaque will be going on the President Avenue pavilion for Brendan Tevlin, who was tragically killed. There are order forms on the table for the Ladies Auxiliary of Firehouse for their wreaths and Poinsettias again this year. Council President Zalom also contacted the County to make sure we will be getting plantings and trees on the median on Bay Boulevard just like they did in Ortley Beach. They advised me that Lavallette will be done also. The Pay It Forward Foundation is donating an additional \$5,000 towards the Firehouse for their renovations.
- e) Revenue Transaction Report for August-Chief Financial Officer
- f) Tax Account Report for October 2014-Tax Collector

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

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

**RESOLUTIONS – ON CONSENT:**

- 2014-271 authorizing the Municipal Clerk to advertise and receive bids for the positions of Borough Attorney, Borough Auditor and Municipal Prosecutor for the Borough of Lavallette
- 2014-272 authorizing the CFO to refund \$73.42 to About Us Productions of the unused balance in their off duty police officer trust account
- 2014-273 authorizing the Treasurer to transfer an electric credit balance in the amount of \$124.62 to the water/sewer utility to satisfy the 2013 tax sale amount of \$109.62 and the tax sale cost of \$15.00
- 2014-274 expressing the importance to recognize the strength of local pension funding in regards to recommendations from Governor Christie’s pension and health benefit study commission
- 2014-275 recognizing the month of November 2014 as National Family Caregivers Month in the Borough of Lavallette
- 2014-276 authorizing the CFO to refund planning board escrows in the amount of \$586.00 to James and Frances Craig

- 2014-277 authorizing the CFO to refund planning board escrows in the amount of \$1,147.00 to Patricia Fox and Paul Tizik
- 2014-278 authorizing the CFO to refund planning board escrows in the amount of \$598.50 to Anthony & Phyllis Lanza
- 2014-279 authorizing the Treasurer to refund a tax credit balance in the amount of \$339.15 to Michael Schneck, Trustee for Giant Realty, Inc
- 2014-280 amending the 2014 capital budget for the road improvements to Vance Avenue
- 2014-281 approving a raffle license to St. Pio of Pietrelcina to hold a 50/50 of premise raffle on September 13, 2015 at their Parish Center
- 2014-282 authorizing the cancellation of various accounts payable in the current fund in the amount of \$2,400
- 2014-283 authorizing the cancellation of various accounts payable in the electric fund in the amount \$5,000
- 2014-284 authorizing the cancellation of an accounts payable in the water fund in the amount of \$180.00
- 2014-285 appointing Justin Ottmer as a part time telecommunicator at an hourly rate of \$9.18
- 2014-286 authorizing the Municipal Clerk to sign an application for social affairs permit to Donations of Love, Inc. for the sale of alcoholic beverages at their wine tasting event at the Ohana Grill located at 65 Grand Central Avenue on December 10, 2014 from 4pm to 11 pm with a rain date of December 17, 2014
- 2014-287 authorizing the Mayor and Borough Clerk to execute a donation letter and waiver of appraisal to the State of New Jersey with regards to the Shore Protection Easements
- 2014-288 authorizing the CFO to make transfers between budget appropriations in the amount of \$3,500.00
- 2014-289 authorizing the transfer of 2011, 2012 and 2013 state tax appeal credits to 2014 taxes receivable in the amount of \$5,390.91
- 2014-290 authorizing the Treasurer to issue a check in the amount of \$5,081.21 payable to US Bank Cust for the redemption of a tax sale certificate
- 2014-291 authorizing the Treasurer to apply the 2013 tax overpayments in the amount of \$250.00 to the 2014 taxes receivable

- 2014-292      authorizing the Mayor to sign and execute Policy Endorsements for the Horizon Prescription Plan, Dearborn National Life Insurance, Sun Life Financial Short Term Disability Plan and the Horizon Dental Plan for the year 2015-Mr. Parlow stated that the Borough has changed their prescription plan provider from Bollinger to Horizon Prescription which will be saving the town \$6,000.
  
- 2014-293      authorizing four applicants to attend the Ocean County Police Academy Class II Officer Training beginning December 9, 2014 through May 21, 2015
  
- 2014-294      appointing three temporary laborers for the Department of Public Works at an hourly rate of \$10.40 commencing December 12, 2014 through January 31, 2015
  
- 2014-295      authorizing the execution of a proof of loss statement associated with damage incurred by super storm sandy in the amount of \$797,470.00
  
- 2014-296      authorizing the execution of a Change Order to the contract with Johnson Baran Corporation for the repaving of a portion of Lavallette Avenue increasing the contract price from \$152,642.87 to \$175,892.87-Mr. Parlow stated that this change order is to add the portion of paving on Lavallette Avenue.
  
- 2014-297      consent to allow T-Mobile to maintain and replace cellular antennas on the Lavallette Water Tower and authorize the Borough Engineer to perform the required inspections-Mr. Parlow stated that this is to for the upgrades that T-Mobile will be doing to their cell antennas on the water tower.

A Motion was made by Councilman Lamb to approve the consent agenda. The Motion was seconded by Councilwoman Filippone.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda. 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, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTION - OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2014- 298      Bills List in the amount of \$1,004,899.55

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

### **ORDINANCES ON FOR INTRODUCTION/FIRST READING**

**BOND ORDINANCE NO. 2014-07 (1132) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO VANCE AVENUE, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$29,110 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY**

Mayor LaCicero stated that this is the next road for improvements and should be done in the Spring. We received a grant in the amount of \$160,890.00 for this project.

A Motion was made by Councilwoman Filippone to introduce Bond Ordinance 2014-07 (1132). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Public Hearing and Final Adoption will take place on December 8, 2014.

**ORDINANCE NO. 2014-08 (1133) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF LAVALLETTE TO ADJUST THE FEES CHARGED FOR USE OF BEACHES AND FACILITIES**

Councilman Stogdill stated that the Borough is charged a percentage fee from our bank for every credit card purchase for badges. This ordinance will allow the Borough to charge a fee also when you use a credit card to purchase badges. Also, our daily badges will go from \$7.00 to \$8.00.

A Motion was made by Council President Zalom to introduce Ordinance No. 2014-08 (1133). The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will take place on December 8, 2014.

**ORDINANCE NO. 2014-09 (1134) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 89 OF THE GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED "VEHICLES AND TRAFFIC" TO MODIFY THE TIME PERIOD THAT PARKING STICKERS ARE REQUIRED IN THE MUNICIPAL PARKING LOTS.**

Councilwoman Filippone stated that the time period for the parking stickers has never been uniform with the beach season. Now with this ordinance the parking stickers will be needed at the same time that badges are needed during our bathing season.

Councilman Lamb questioned if the Ordinance Committee reviewed the picnicking ordinance at all.

Councilwoman Filippone stated that they did briefly but that ordinance is going to take a lot of work and thought. The abusive eating should be frowned upon. This year the badge checkers did a great job of taking care of it. It is definitely going to take more discussions so we are open to suggestions from anyone.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2014-09 (1134). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will take place on December 8, 2014.

**ORDINANCE NO. 2014-10 (1135) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "ZONING," TO MODIFY SETBACK REQUIREMENTS FOR UNDERSIZED LOTS BORDERING ON STATE HIGHWAY ROUTE 35 SOUTHBOUND**

Councilwoman Filippone stated that this ordinance is to remove the step of having to come to the Planning Board for a variance on these undersized lots lining the east side of Route 35 South looking for relief on that side setback. With this ordinance we changed the side setbacks to five and five feet for those lots in Residential Zone A and four and four feet for the lots in Westmont Shores. We also removed a portion of wording that stated you cannot build at all with these lots.

A Motion was made by Councilman Lamb to introduce Ordinance 2014-10 (1135). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will take place on December 22, 2014.

#### **COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Dominic DiYanni, Esq/Rita Poole v. B & B Department Store/Received October 16, 2014
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria & Borough of Lavallette/Received October 20, 2014
- c) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Michele R. Donato v. Borough of Lavallette/Received October 28, 2014
- d) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Richard and Mary Pat Molke v. Borough of Lavallette/Received October 28, 2014
- e) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Lavallette Borough and PBA Local 372/Received November 12, 2014

- f) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Joseph & Jennifer Lauritano v. Borough of Lavallette/Received November 12, 2014

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Preconstruction Conference Minutes/Virginia Avenue Road Improvements/Received October 7, 2014
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Flood Certificates/Borough Buildings/Received October 15, 2014
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2015 NJDOT Municipal Aid Program/Guyer Avenue Road Improvements/Received October 15, 2014
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2015 NJDOT Municipal Aid Program/Elizabeth Avenue Road Improvements/Received October 15, 2014
- e) O'Donnell, Stanton & Associates/Michael O'Donnell/Magee Avenue Pier Tee Head Reconstruction/Received October 1, 2014
- f) O'Donnell, Stanton & Associates/Michael O'Donnell/Repair of Damaged Roadways/Phase II/Received November 6, 2014
- g) O'Donnell, Stanton & Associates/Michael O'Donnell/Virginia Avenue Road Improvements/Received November 14, 2014

New Jersey League of Municipalities:

- a) Public Health Information: Flu Season has Begun and Enterovirus Hits New Jersey/Received October 3, 2014
- b) Weekly Policy Update/Bill Requiring 911 PSAP Capability Upgrades for Text Message Processing Advances/In Rem Tax Foreclosure Against Abandoned Properties/Scrap Metal Bill Advances/Received October 3, 2014
- c) October is Cyber Security Month/Received October 7, 2014
- d) Grant Seminar Series Helps Municipal Officials Find Funding to Meet Their Needs/Received October 8, 2014
- e) Concerns with Potential Recommendations of Pension and Benefit Study Commission/Received October 9, 2014
- f) Mayors' Summit on Resilient Design/Received October 10, 2014
- g) Draft Resolution on Transportation Infrastructure Funding Available/Received October 10, 2014
- h) Weekly Policy Update/Received October 10, 2014
- i) Recommended Fire Station Precautions During Election/Received October 14, 2014
- j) Calling On All Mayors! Calling on All Employers! Organize a "Jeans for Troops" Drive at Work and Honor Veteran's Day by Supporting our Veterans/Received October 14, 2014
- k) Reminder the Best Practices Worksheet is due October 17<sup>th</sup>/Received October 15, 2014
- l) Weekly Policy Update/Received October 17, 2014
- m) S-264, Public Safety Workers' Compensation/Received October 21, 2014
- n) COAH deadlocks and Does Not Advance Proposed Regulations/Received October 21, 2014

- o) Constitutional Issues Involving Holiday Displays/Received October 24, 2014
- p) Weekly Policy Update/Received October 24, 2014
- q) Your Voice Must Be Heard on Transportation Funding/Received October 28, 2014
- r) Weekly Policy Update/Received October 31, 2014
- s) User Friendly Budget Proposal/Received November 3, 2014
- t) COAH Update/Received November 3, 2014
- u) FCC Rule Enables Wireless Industry to Short Circuit Local Land Use Review/Received November 3, 2014
- v) Member Benefit-Resource for Seeking Grants/Received November 5, 2014
- w) Weekly Policy Update/Received November 7, 2014
- x) New Jersey Clean Water Council Public Hearing Announcement/Received November 10, 2014

General With No Action:

- a) Ocean County Planning Board/2014 Beach Grass Distribution/David J. McKeon, Planning Director/Received October 14, 2014
- b) Mr. & Mrs. John Braycewski/3 Sterling Court, Red Bank, NJ/thanking Chief Colin Grant for saving the life of her husband from choking/Received October 15, 2014- Councilwoman Filippone stated that the Chief of Police was at a personal dinner at a friend's house and the husband started choking. Chief Grant after a couple minutes was able to stop him from choking.
- c) New Jersey Economic Development Authority/Michele Brown, Chief Exec. Officer/NJ Stronger Grant to Meg's Grill/Received October 16, 2014-Mayor LaCicero congratulated Meg's Grill for their grant.
- d) Robert Marmo/9 Dover Avenue/Curbing Damaged from plow after the Storm/Address is on for Phase II Road Project/Received October 16, 2014-Mayor LaCicero stated that this address is on for the Phase II Road Project.
- e) New Jersey Economic Development Authority/Michele Brown, CEO/NJ Stronger Grant to Timothy Ryan Home for Funerals/Received October 16, 2014-Mayor LaCicero congratulated Ryan's for their grant.
- f) NJDEP Office of Flood Hazard Risk Reduction Flood Hazard Risk Reduction and Resiliency Grant Program/Information Session/November 14, 2014/Received October 20, 2014
- g) NJDEP/State Obtains Bulk of Easements Needed for Shoreline Projects; Efforts to Acquire Remaining Easements Continuing/Received October 20, 2014
- h) Kate Semmens/Sea Grant Public Focus Groups/Received October 21, 2014
- i) Ocean County Health Department/Leslie Terjesen, Public Information Officer/Ocean County Health Department Meets with Several Other State and County Agencies to Discuss Ebola Preparedness Measures/Received October 21, 2014
- j) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/Public Hearing-2015 Proposed Budgets/Received October 22, 2014
- k) Badge Revenue Update as of September 1, 2014 and September 3, 2012 for Lavallette, Seaside Heights, Seaside Park and Ortley Beach/Ken Langdon, Ortley Beach Liaison Committee/Received October 24, 2014-Councilman Stogdill stated that this comparison of badge revenue for the four shore towns shows how well the Borough of Lavallette is



doing. All the hard work all of the employees in this town has down, this shows the results. He thanked all involved for their hard work and determination.

- l) Zurich American Insurance Company/Undisputed Hurricane Sandy Flood Claim Payment in the amount of \$797,270.00/Received October 27, 2014-Mayor LaCicero stated this is another insurance payment for the storm damage. By using Mr. Parlow for all our FEMA paperwork and not using an outside third party it saved the Borough a numerous amount of savings that was way over eighty thousand dollars. Mr. Parlow stated that there is still one part of the insurance that we have not submitted claim, which Zurich calls the Business Interruption component. Witt Associates has been proving assistance for the Borough's public assistance claims with FEMA. He would also like for Witt to lend assistance with the filing of the Borough business interruption insurance claim. Mayor LaCicero stated that Witt Associates has been an asset to the Borough as well. Councilman Borowski stated that these claims are outside the flood portion. Mr. Parlow stated that was correct.

A Motion was made by Councilman Borowski to authorize Mr. Parlow to utilize Witt Associates to help file claims regarding the Business Interruption portion of insurance. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

- m) Ocean County Utilities Authority/Michael L. Willis, Planning Engineering/3<sup>rd</sup> Quarter 2014 Metered Flow Data/Received October 28, 2014
- n) Lavallette Board of Education/Patricia Christopher, Business Administrator/Possible Send/Receive Relationship/Received October 29, 2014
- o) FEMA/Intergovernmental Affairs Advisory/National Flood Insurance Program and Implementation of the Homeowner Flood Insurance Affordability Act and the Biggert-Waters Flood Insurance Reform Act/Received October 30, 2014
- p) NJ Bankers/Michael Affuso, Executive Vice President/Property Maintenance Issues/Received November 6, 2014
- q) Summit Risk Services/Wendy Kaliner/Denial of Coverage/State of New Jersey v. Great Swan Bay Corp/Received November 7, 2014-Mr. Parlow stated that this is a letter of denial of coverage regarding a right of way claim regarding the highway project. Mayor LaCicero stated that this lawsuit has nothing to do with the Borough. The State needs to put a drainage pipe on property that is owned by Great Sway Bay Corp. in Westmont Shores.
- r) Summit Risk Services/Christopher Woodward/Denial of Coverage/Vallata Gardens v. Borough of Lavallette/Received November 10, 2014- Mr. Parlow stated that this a denial of claim associated with a Planning Board case.
- s) Marlene M. Brown/Attorney At Law/Stated Intentions to Change the Liquor License Ordinance/Received November 12, 2014
- t) Linda and Jim Pells/401 Grand Central, Unit D/not in favor of Lenny's liquor license/Received November 12, 2014
- u) Linda Lido/Evangelism Team/Faith Lutheran Church/thanking the Borough for allowing them to participate in the dune grass planting on November 8, 2014/Received November 13, 2014-Councilman Stogdill stated that he was a part of this team and it was a pleasure to help restore the town.

- v) Phoenix Advisors, LLC/Anthony Inverso, Senior Managing Director/Municipality Continuing Disclosure Cooperation Initiative Final Report/Received November 13, 2014-Mr. Parlow stated that this report has to do with some minor deficiencies that were identified regarding our annual bond filing requirements. We were sending our annual audit report, but not an annual report. Phoenix Advisors has already started to bring us compliant and we should be fine by December 1<sup>st</sup>.

General With Action:

- a) Mary Powderly/103 Bay Blvd/requesting a storm drain grate in front of her home/Received October 23, 2014-Councilman Finter stated that he spoke to Mrs. Powderly and advised her that Bay Boulevard is a county road and it did look like there was some debris clogging up the storm drain. She stated that she is going to move her curb cut to see if that will help.

**UNFINISHED BUSINESS:**

Councilman Lamb stated that we had our engineering firm take a look at the firehouse and they gave us a couple of different options on prices to repair the inside. Roughly, it was going to cost us between \$300,000 to \$400,000 for repairs. In the meantime, we had the Superintendent of Public Works take a look at the repairs needed to see what could be done in house with our own employees. So far our public works employees have put up new sheetrock and painted. Our new garage doors have been installed already also. Some of our electrical work will be repaired this weekend. On the agenda tonight we are bringing back several of our temporary laborers for a little over a month to free up some of our regular guys to continue repairs at the firehouse. In using our employees for some of the repairs we are hoping to keep the costs under \$200,000.

Councilman Lamb stated that with regards to the water tower and Councilman Borowski's concerns we had the Engineer take a look at the peeling and coating and within the next couple weeks there will be a company coming to inspect it to give us some type of estimate on the costs.

**NEW BUSINESS:**

Special Event/Facilities Use Application from DQ Events to hold a Triathlon on June 7, 2015 from 5am to 11am with June 6, 2015 being the set up day from 3pm to 6pm at the north end of Jacobsen Park by Tennis Courts and surrounding streets

Councilwoman Filippone stated that they are requesting a lot of streets be closed from Magee all the way up Bay Boulevard.

Mayor LaCicero stated that he believes there is someone in the audience that would like to speak on behalf of this company.

Jean Verrier stated that he is an officer of the company, with him was a man name Chuck (no last name provided) who is the race director. He asked to keep in mind that this is a new director and this is a new course.

Chuck stated that the set up will begin at 5am and the race will start at 8am. They will be very quiet until 8am. There will be no speakers or noise until the race begins. We are doing the race as a fundraiser to the Borough.

Councilman Borowski questioned how does this event affect the Borough as far as a fundraiser. The Borough requires 10% of the profits anyway if you are not a non profit organization.

Chuck stated that the 10% profits would not be a problem.

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

Joe Palinsky, 122 Washington Avenue stated that according to the map they provided they will be closing Baltimore and some streets on Bay Boulevard. He asked if they will be using barricades to close the streets. Also, who will the beneficiaries be regarding the fundraiser. Also, they are asking about using the First Aid for emergencies, have they been notified.

Mr. Verrier stated that he has reached out to Chief Grant about this event.

Councilwoman Filippone stated that if we are going to approve this event it should be contingent on giving the details to all our services that will be involved and have them review. If any of our services require anything additional they will have to provide them.

A Motion was made by Council President Zalom to approve the Triathlon on June 7, 2015 contingent upon securing the approval of all borough departments. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Councilwoman Filippone stated that there was some discussion about fees for the gazebo use. Right now there is a \$200 fee that we charge for the use of the gazebo and if they cancel we keep \$25.00. There was a request to up the gazebo fee to \$250. She asked for a motion on increasing the fee to \$250.

Councilman Lamb questioned why we just don't change the ordinance and keep the entire \$200.

A Motion was made by Councilman Lamb to change the ordinance to allow the Borough to keep the entire \$200 fee with no cancellation fee. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

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

Clem Boyers, 20 Kerr Avenue stated that regarding letter S. with no action is the Borough going to comment on the other suit regarding LOLA.

Mayor LaCicero stated that these are pending lawsuits so therefore, there can be no discussion.

Mark Speaker, LBA President stated that on December 5<sup>th</sup> will be the Christmas Tree Lighting and the LBA Walk and that will start at 7pm.

Council President Zalom stated that we cannot forget about the Ugly Sweater Run on the Boardwalk on December 6<sup>th</sup>.

Jon Corney, 1 Newark Avenue questioned letter S with no action and questioned who this Marlene Brown was.

Mayor LaCicero stated that she is a resident who happens to be an attorney and she is part of the LOLA lawsuit regarding Lenny's.

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

Council President Zalom stated that Public Works is doing a fantastic job. They will be putting up the Christmas Banners and snowflakes up the best they can this year considering all the work on the highway. Matt Burk in our office put together our ad for the Tourism Guide and it looks great.

Councilman Borowski questioned if the Mayor could discuss some issues that he discussed at his meeting with Senator Holzapfel regarding the Route 35 Project.

Mayor LaCicero stated that the discussion was the road work on the highways possibly going longer through the summer. We are still not quite there yet but with the new Commissioner feels that to get it done and complete we need to work through the summer to get it done.

Councilman Borowski stated that he cannot be Santa this year for the town and he will not be at the December 8<sup>th</sup> meeting as he will be out of town. He also thanked Councilman Lamb for handling the water tower issue so promptly. He thanked Councilwoman Filippone for the 2% credit card with beach badges fee ordinance. As far as our Ordinance regarding our 10% profits he feels they did the right thing by creating it. We have reaped over \$10,000 in profits for the Borough so far.

Councilwoman Filippone thanked the Ordinance Committee for their input and help regarding all the changes in the new Ordinances.

Councilman Finter stated that last week there were power outages in Toms River and Ortley Beach and for a couple minutes in Lavallette. He spoke to JCP & L and was told that it was due to two substations that went down in Island Heights and Ortley Beach.

Mr. Parlow stated that he received a call from Steve Rypka from New Jersey Natural Gas. Mr. Rypka has requested a meeting with the town officials to discuss the possibility of installing an additional natural gas transmission line to the Barrier Island. One of the possible locations being in Lavallette. That meeting will take place on December 5<sup>th</sup>.

Mayor LaCicero stated that they will listen to what they want to do and bring it back at the next meeting. Regarding the Sterling Avenue flooding problem we have spoke to the DOT and it will be rectified.

He stated that the meeting he had with the new DOT Commissioner Jamie Fox also entailed the repairing of the Mathis Bridge which will begin in 2015 but the bulk of the meeting was the Route 35 Project. This new Commissioner definitely has a different attitude about stopping work during the summer. His feeling is if this job takes longer than this Spring that they must work through the summer. He is asking the towns that are affected to have some leniency in order to get the job done. He advised the Commissioner that the Borough was not in favor of the new curbs they put in Lavallette and hopes they do not put any more of those in.

He stated that he will keep everyone updated as he is updated.

Council President Zalom stated that she asked for more sidewalks, again.

**EXECUTIVE SESSION:**

There was no executive session.

**ADJOURNMENT:**

A Motion was made by Councilwoman Filippone 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 8:30 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 17<sup>th</sup> day of **November 2014**



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