

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
October 5, 2015-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
A Motion was made by Councilman Finter to excuse Councilman Stogdill. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

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 9, 2015. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Bob Heitman and Ray Minneci, two long time residents who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that he sees some unusual faces in the audience tonight. There must be a hot topic he is unaware of. He stated that we had a close call with the hurricane. We were very ready for that hurricane, as well as, the nor'easter we did get. Our dunes held very well. Ortley Beach and the surrounding towns did not get so lucky.

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.

David Caruso, 29 Bullard Drive thanked Mayor and Council for a job well done for the last couple of years after the storm. He stated that he was a little upset that the reverse 911 did not go out for this nor'easter reminding people to pack away any items on their property that would blow around or to remove the cars off the street.

Mayor LaCicero stated that he and Mr. Parlow did talk about sending a message out.

Mr. Parlow stated that we did talk about it and then the hurricane path shifted out to sea and we didn't feel it was necessary anymore.

Mr. Caruso stated that he lives next to the house at 31 Bullard Drive that the State will be demolishing. This house has become a health hazard to the homeowners around it. There is a mold issue that he is concerned with when they do finally demolish it, as well as, asbestos. He stated that he would hope that the town is going to find out how the State is going to take care of those issues before they demolish.

Mayor LaCicero stated that it is a Federal program not a State program and he will reach out and research how they are going to handle these issues.

Mr. Caruso stated that there is a house behind him that is being elevated and the door was completely open during the wind storm and there was debris blowing around. He contacted the police to let them know so there was no damage inside the house from the wind. It would be a great thing if the police had a list of contractors and homeowners and their phone numbers when there is construction work being done so they can contact them when things like this happen.

Mayor LaCicero stated that we are in the process of contemplating some changes in our codes and property maintenance codes.

Mr. Kinal, 32 Bullard Drive stated that he is in the same situation with this house. The smell is so horrific he can't even sit on his deck. The town should have this house tested for mold before any demolitions. How about fining the homeowner, also. He stated that the owner should not be let him off the hook for allowing this house to get this bad.

Mayor LaCicero stated that the State established this program and we thought it was a great idea for the town. We went around and made a list of the houses that were never touched which was about 20 to 25 of them.

Mr. Kinal stated that he really is concerned about them testing for mold before hand.

Mayor LaCicero stated that he is going to check into that for him.

Council President Zalom stated that she is going to give the State a call and see what the process is.

Regina Birchler, 33 Bullard Drive stated that this house has been sitting there untouched way before Sandy. This has contains serious health issues for everyone around it.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of September 21, 2015

Minutes of Executive Session of September 21, 2015

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

REPORTS:

- a) Construction Report for September-Councilwoman Filippone-read report
- b) Zoning Report for September-Councilwoman Filippone-read report
- c) Municipal Court Report for September-Councilwoman Filippone-read report
- d) Police Overtime Report for September-Councilwoman Filippone-read report
- e) Public Works Report for September-Councilman Lamb-read report
- f) Public Affairs Report for September-Council President Zalom-Thanks to the NJ Devils for donating all those plants and helping to plant it. Mr. Parlow sent them an email thanking them because it definitely helped us out with this storm. Everyone was questioning why we were planting all this dune grass and what a waste it was since the replenishment project is coming. Well it's a good thing we didn't listen to them. The Soups of the Shore event was a big hit with 275 spectators. The Ladies Auxiliary had their mum sale last week. This week it was National Newspaper Week and we have our reported Kim Barnett here. Clean Ocean Action will be on the 24th of October and the Harvest Hoedown is on the 30th. The NYC bus trip on December 12th is booked and there are only 4 tickets left on the 9th. The Karate at the school for the kids will be starting soon.
- g) Tax Account Report for September-Tax Collector
- h) Revenue Transaction Report for August-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2015-271 authorizing the Treasurer to issue a check in the amount of \$572.67 to Tower Cust Ebury Fund for the redemption of a tax sale certificate
- 2015-272 approving a bonfire on October 30, 2015 at 6pm on the bay front beach in conjunction with the Halloween Harvest Hoedown sponsored by the Lavallette Recreation Department
- 2015-273 authorizing the Halloween curfew on October 29, 30 & 31st 2015 between 9pm to 6am for minors under the age of 18 years old
- 2015-274 appointing two temporary seasonal laborers at an hourly rate of \$10.00 until December 31, 2015
- 2015-275 consenting to the Ocean County Wastewater Management Plan
- 2015-276 authorizing the Mayor to sign and execute policy endorsements for the Horizon Employee insurance plans for 2016-Mr. Parlow stated that there were no premium increases for these insurance plans.

- 2015-277 amending the employment agreement with Chief Colin Grant to provide for a 2% pay increase for calendar year 2014
- 2015-278 authoring a refund to Lou Castellano of USABL in the amount of \$25.00 for a facilities use application due to not being able to accommodate his schedule
- 2015-279 authorizing the state contract purchase for additional 8 expansion recording licenses for the police department for the new municipal building from Allcomm Technologies/Motorola Solutions, Inc. in the amount of \$2,995.20
- 2015-280 authorizing the Treasurer to issue a check in the amount of \$110,609.84 payable to Once Alpha, LLC for the redemption of the tax sale certificate
- 2015-281 authorizing the refund of planning board escrows to Antonietta Boeckel of 110 Vance Avenue in the amount of \$1,158.00
- 2015-282 proclaiming October 21st 2015 as “Pretty In Pink Day” and October 2015 as National Breast Cancer Awareness Month in the Borough of Lavallette
- 2015-283 proclaiming the month of October 2015 as National Domestic Violence Month in the Borough of Lavallette-Council President Zalom stated that there have been 65,000 cases of domestic violence against women and children in New Jersey
- 2015-284 declaring the week of October 12th through October 16th 2015 as National Health Education Week in the Borough of Lavallette
- 2015-285 declaring the week of October 23rd through October 31st 2015 as Red Ribbon Week in the Borough of Lavallette
- 2015-286 authorizing the execution of the agreement with the Ocean County Board of Health for the Lavallette Municipal Alliance Grant for the year 2015-2016 in the amount of \$21,461.00
- 2015-287 approving a submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for the Elizabeth Avenue road improvement project-Mr. Parlow stated that we still need a suggestion for the next road. Council President Zalom suggested President Avenue between the highway to Bay Boulevard. Councilman Finter suggested Dover Avenue.
- 2015-288 authorizing the execution of a Change Order No. 7 with Wallace Brothers, Inc. increasing the adjusted contract price by \$35,890.57-Mayor LaCicero stated that this change order has to do with sally port.

A Motion was made by Councilman Finter to approve the consent agenda. The Motion was seconded by Council President Zalom.

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 to the public and asked Council for a vote on the consent agenda.

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

RESOLUTIONS - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2015-289 Bills List in the amount of \$683,178.89

A Motion was made by Council President Zalom to approve the bills list. The Motion was seconded by Councilman Finter.

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

No one wished to comment on the bills list.

The Mayor closed the floor to the public and asked Council for a vote on the bills list.

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

ORDINANCES ON FOR FINAL ADOPTION/PUBLIC HEARING:

BOND ORDINANCE NO. 2015-08 (1144) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2013-01 (1116) ADOPTED ON JANUARY 22, 2013, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND CAPITAL ACQUISITIONS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$500,000 FOR A TOTAL APPROPRIATION OF \$10,500,00, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$475,000 FOR A TOTAL DEBT AUTHORIZATION OF \$10,475,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that at the last meeting we discussed the need for this half million dollar bond for more projects that are still unfinished associated with Hurricane Sandy. This money will

be reimbursed by FEMA. In the end we will be about two million dollars in debt and are still deciding whether to go long term or short term depending on the rates.

Mr. Parlow stated that they will have nine months to make that decision.

A Motion was made by Councilman Lamb to adopt Bond Ordinance 2015-08(1144). The Motion was seconded by Councilman Finter.

The Mayor opened the public hearing on Bond Ordinance 2015-08(1144) and asked if anyone wished to comment on this ordinance.

No one wished to comment on this Bond Ordinance.

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

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Gary and Gail Ost/Mary Chyb/1104/1106 Ocean Front/Received September 28, 2015-Mayor LaCicero stated that this is the issue regarding the transformer.

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Vance Avenue Road Improvements/Received September 4, 2015
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Virginia Avenue Road Improvements/Pay Estimate No. 2/Received September 10, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 16/Received September 17, 2015
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Installation of New Standby Generator/Pay Estimate No. 3/Received September 17, 2015

New Jersey League of Municipalities:

- a) Weekly Policy Update/Received September 4, 2015
- b) Sustainable Jersey Education/Received September 9, 2015
- c) Funding Announced-Diabetes Prevention and Control/Received September 10, 2015
- d) Important Conference Sessions-Ethics/Received September 10, 2015
- e) 2015 Conference Resolutions/Received September 10, 2015
- f) Weekly Policy Update/Received September 11, 2015
- g) Important Conference Sessions-Budget and Finance/Received September 17, 2015

- h) Weekly Policy Update/Received September 18, 2015
- i) Important Conference Sessions-Sustainability/Received September 24, 2015
- j) Weekly Policy Update/Received September 25, 2015

General With No Action:

- a) NJDOT/Division of Traffic Operations/Paving and Drainage and Curb Installation on Route NB and SB to Begin on September 14, 2015/Received September 8, 2015-Mayor stated this is regarding the road work that started on September 14th
- b) Marine Science Camp/Sherri Paris, Owner/Check in the amount of \$935.00 for 10% proceeds from camp/Received September 14, 2015-Mayor stated that this is the proceeds for using our facilities.
- c) Ocean County Health Department/Mary Gibson, Alliance Coordinator/Upcoming Deadlines Regarding Municipal Alliance/Received September 18, 2015-Council President Zalom stated that she is always happy about our Municipal Alliance Grant.
- d) Barnabas Health/Barry Ostrowsky, President/Community and Economic Benefit Report/Received September 17, 2015
- e) ISO/Cynthia Maas Knobbs, Mitigation Analyst/letter stating Mr. Parlow's letter of concern was received/Received September 18, 2015
- f) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/Assuming Jurisdiction over Some Properties in Lavallette for Demolition/Received September 23, 2015
- g) New Jersey Clean Communities/Sandra Huber, Executive Director/2011 Reports Still Open/Received September 23, 2015
- h) Lavallette Hardware/Shoemaker Family/Donation of Check in the Amount of \$2,000 towards a new flag pole for the new Municipal Building/Received September 23, 2015-Mayor stated that this was a donation to the borough and we thank the Shoemaker family.
- i) NJDEP/News Release/Water Supply Drought Watch Issued for Three New Jersey Regions/Received September 24, 2015
- j) Spark/Patti Baxter, Executive/Providing a Complimentary Half Page Ad for both the Borough of Lavallette and the Lavallette Business Association due to the Gross Misspelling in Lavallette Ad last year/Received September 25, 2015-Council President Zalom stated that they will be giving us a half page ad this year due to the fact that they misspelled our town name last year. Mayor LaCicero stated that it is a nice publication so that is great.
- k) Jersey Central Power & Light/Mark Mader, Director/In the Matter of the Proposed Transfer of Transmission Assets and Lease of Real Property Assets to Mid-Atlantic Interstate Transmission/Received September 28, 2015
- l) Vericclaim/Michael Trump, Executive General Adjuster/Advising the Borough of Lavallette will be receiving a check in the amount of \$394,584.22 for all outstanding flood claims still outstanding/Received September 29, 2015-Mr. Parlow stated that the JIF has finally resolved all the sandy claims and will be issuing us a final check in the amount of \$394,584. Mr. Parlow stated that the business interruption claim was calculated in our favor and that is part of this check. Mayor LaCicero stated that he has to congratulate Mr. Parlow. There were a dozen firms who wanted to be hired to do

what Mr. Parlow has done for us and he has saved us thousands of dollars. Councilman Borowski stated that if you look at the backup documentation from Vericclaim Lavallette has the highest percentage claim which speaks volumes to the management we have in this town.

- m) Municipal Excess Liability Joint Insurance Fund/David Grubb, Executive Director/Super Storm Sandy-Flood Claims/Received October 1, 2015
- n) NJDEP/Cindy Randazzo/NJDEP Hurricane Joaquin Preparation/Received October 2, 2015

General With Action:

- a) Jason Kyle/requesting to hold his marriage ceremony on the Washington Avenue Bay Beach on May 22, 2016 from 4pm to 5pm/Received September 8, 2015-Mayor stated that this is not during the season so it is fine.
- b) The Committee for the Advancement of Arboriculture/requesting attendance at their meeting October 23rd and October 24th 2015 in Atlantic City/Received September 24, 2015-Mayor stated that we do not participate in this program.
- c) Regular Republican Club of Lavallette/Mike Vastola, President/requesting the use of Council Chambers in the new Municipal Building on November 19, 2015 for their monthly meeting/Received September 24, 2015-Mayor stated that if we are in at that time we will accommodate.
- d) R. W. Kohnken/101 Brown Avenue/requesting some help with the ongoing flooding issue on Brown Avenue/Received September 25, 2015-Mayor stated that we will have a punch list for the State when the job is completed.
- e) Borough of Island Heights/Jeffrey Silver, Mayor/requesting an interlocal agreement with the Borough of Lavallette for their municipal court use for our court sessions and a fee of \$250 per month retroactively to January of this year/Received September 25, 2015-Mayor LaCicero stated that we will be discussing this in executive session.
- f) Rhys and Lynn Ord/1505 Baltimore Avenue/requesting the drainage issue in front of their home be evaluated and remediation be taken/Received September 28, 2015-Mr. Parlow stated that there has been some additional flooding in this area. He has reached out to Drew Markowitz from the RBA Group and advised him that there has been more flooding there than in the past.

UNFINISHED BUSINESS:

Council President Zalom stated that Karate will be taught at the Lavallette School on Wednesday nights. The kids in K through 4th will be taught from 6pm to 7pm and the kids in 5th through 8th will be taught at 7pm to 8pm. The instructor will be paid through Lavallette Recreation.

Councilman Borowski questioned if the Army Corps had in fact went out to bid in September for the beach replenishment project?

Mr. Parlow stated that they postponed again due to the easement problems. We will be doing another dune grass planting this year the first weekend in November on the 7th. He stated that he

sent an email to the Attorney General's office requesting that they move quicker with pushing these easements for everyone's sake.

Councilman Borowski stated that in his opinion, if these people do not want to give up their easements then they should not be allowed to get flood insurance either.

Councilman Borowski also questioned if the State with this road work has provided a schedule for the cleaning of the debris chambers.

Mayor LaCicero stated that after the project is done we will have a long punch list for them.

Councilman Borowski questioned how many chambers there were.

Mayor LaCicero stated that he believed there were four or five chambers.

Councilman Borowski stated that they will have to vacuum clean them out for us.

NEW BUSINESS:

Councilman Borowski stated that this month is Fire Prevention Month and we are getting a smoke trailer for the Lavallette School for the kids to check out. Also, change the batteries in your smoke detectors.

Discussion of Best Practices Worksheet for 2015/2016

Mr. Parlow stated that the Best Practices Worksheet has been required for the last number of years and it has to do with the State Aid we receive. In order to receive state aid now we have to fill out this questionnaire and have a certain percentage of yes answers. Fortunately, we have enough yes answers to receive our state aid which is under \$200,000. It is also a requirement to list it on the agenda.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue, questioned if the big check from the insurance company we will be getting was already factored in to our finances.

Mr. Parlow stated that FEMA reduce the amount of public assistance based upon the amount of insurance proceeds received and will be adjusted during the closeout process. The business interruption claim is the bulk of this \$394,000 and that money is ours.

Mr. Boyers questioned when the lifeguard headquarters will be started.

Mr. Parlow stated that we will be going out to bid for that on November 5th. We are cutting it close to have it completed by next summer.

Bill Murray, 1 Elizabeth Avenue stated that Mayor and Council and the staff are doing a great job. He stated that he thinks we got lucky with not getting the hurricane. He stated that he sees so many people walking on those dunes and feels that more should be done as far as keeping them off of them. They should be getting fined for what they are doing. It is detrimental to this town that those dunes hold up and if people keep walking on them it creates a problem. The signs apparently are not working.

Mayor LaCicero stated that there were summonses written this past summer. We are now writing the summonses.

Mr. Murray stated that his beach on Elizabeth Avenue came pretty closed to being wiped out with this nor'easter.

Councilman Lamb stated that Elizabeth Avenue has always taken a hit more than the other streets with any storm because of the jettys and the groin areas. We will make sure it all gets filled back in.

Mayor LaCicero stated that if Mr. Murray sees anyone on the dunes he should contact the police department immediately and they will send someone up.

Councilwoman Filippone stated that she has seen even some of our locals walking on the dunes. What more can we do. We will issue summonses all the time now.

Mr. Murray stated that he thinks that Council should look into banning the open flame fire pits. The way the wind is up at the ocean sometimes if one of those embers gets loose and lands on a roof the house is going up in flames. They are a recipe for disaster. Something needs to be done about them. He is proud to live here and call Lavallette his home.

Gary Hunsinger, 8 Philadelphia Avenue stated that he too has a problem with the fire pits. They are just not safe for everyone around them.

Joe Palinsky, 122 Washington Avenue stated that not only should you check your batteries in the smoke detectors but you should also check them in the carbon monoxide detectors as well.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she and Councilman Borowski and his daughter Kayleigh went to see the Pope in Washington, D.C. last week. After seeing the Pope they went to Congressman MacArthur's Office for lunch. He requested something to put in his office from each town in his district so we gave him a Lavallette Flag, a Trivet and some stickers.

Councilman Finter thanked the DPW for a great job during the nor'easter.

Mayor LaCicero stated that the Superintendent of the Lavallette School offered us the School for shelter during any storms that we have.

Councilman Borowski stated that the Lavallette Fire Department has their monthly meeting tomorrow and he is going to discuss the fire pit and open flame issues. He is also going to reach out to Freeholder Little with regard to the demolition issue and how can we prepare for the safety. He stated he had a meeting with Mrs. Sierfeld the Chief Financial Officer regarding the Best Practices and she has our finances running smoothly.

Mayor LaCicero stated that he is confident with our finances. We are back to where we were prior to the storm already.

Councilman Finter stated that flu shots will be given at the First Aid Building on October 20th.

Councilwoman Filippone stated that the assessor sends out the added assessment bills by October 1st. She is also confident that we will be fine.

EXECUTIVE SESSION:

Contractual Matter-Dispatcher's & Records Clerk Contract

Borough of Island Heights –Interlocal Service Agreement

Mr. Bernstein stated that there is a need for an executive session to discuss a contractual matter concerning negotiations with the Dispatchers & Records Clerk Union and to discuss a potential interlocal service agreement with the Borough of Islands regarding our court sessions. There may be some action taken.

A Motion was made by Councilman Lamb to adjourn the Caucus/Regular Meeting to go into executive session. The Motion was seconded by Councilman Finter. Vote: All of Council were in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned to go into executive session at 8:25 pm.

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

The Caucus/Regular Meeting was reconvened at 8:48pm.

Mr. Bernstein stated that while in executive session there were two discussions regarding contractual matters. One was negotiations with the Dispatchers & Records Clerk Union and Council gave Mr. Parlow direction of same and there was no action taken at this time and the second discussion was regarding an interlocal service agreement with the Borough of Island Heights and the use of their facilities and Council gave Mr. Parlow directive on what to do.

A Motion was made by Councilman Borowski to authorize Mr. Parlow to advise the Borough of Island Heights to draw up an interlocal agreement with the Borough of Lavallette for the use of their

facilities and Council will review. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

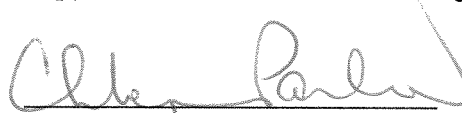
ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:49pm.

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 5th day of **October 2015**



Christopher F. Parlow
Municipal Clerk