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

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

Also present:

Christopher F. Parlow, Borough Administrator/Municipal Clerk

Christine Faustini, 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 a long time resident, George TerraNova who passed away recently. He also asked for moment of silence for all the California victims in the terrorist shooting and for all the victims in Pearl Harbor Day.

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

PRESENTATION: Stephen J. Brennan, Ocean County EMS Coordinator, Presenting on behalf of the NJ Office of Emergency Medical Services, to the Lavallette Volunteer First Aid Squad, the award for Outstanding Volunteer EMS Agency for 2015

Mayor LaCicero stated that at the last meeting we recognized that our Lavallette First Aid Squad was chosen to receive the Outstanding Volunteer EMS Award for 2015. Well tonight Steven Brennan from the Ocean County EMS is here to present that award.

Stephen Brennan stated that there were 12 nominees for this award and there was a certain criteria based on patient care, public access and disaster preparedness. We are proud to announce that the Lavallette First Aid Squad has been chosen for this award.

The award was presented to the entire Lavallette First Aid Squad who was present.

Councilman Borowski who is also the Director of the Lavallette First Aid Squad thanked all of his volunteers for a job well done and stated that this Squad is a family.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. The weather has been outstanding for December and the fish are still biting. The Lavallette businesses have a lot planned for this holiday season. The stripping of the parking spaces on the highway will be done soon. If you see any drainage problems in any areas contact the Borough Hall and let them know so we can put it on our punch list. He stated that if any one 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.

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

Denise Wirth, 1606 Grand Central Avenue, Chairwoman of the Lavallette Heritage Committee, congratulated the Lavallette First Aid Squad for their award and commended the LBA for their Christmas Walk over the weekend with the horse and buggy and the directions. It was very beautiful. The Lavallette 128th Birthday Party will take place on December 21st in the First Aid Building. Thank you to Mayor and Council for changing their meeting date for this party to happen. On December 16th at the Upper Shores Library she will be hosting the History of Lavallette. Also, the Lavallette Heritage Committee along with the LBA and the Ocean County Historical Society would like to do a baby parade up on the boardwalk on Thursday, July 28th 2016 after the beach closes to coincide with the Sand Castles that night.

Mayor LaCicero stated that she needs to put that request in writing for approval.

BOROUGH APPOINTMENTS BY THE MAYOR: (not requiring Council approval)

Planning Board / Board of Adjustment

The Mayor's Appointment to fill the unexpired term of Roseangela Zaccaria

John (Jack) Sauer 4 Yr. Term Class IV Member Unexpired Term-3 Years (Term Expires 12/31/2018)

Mayor LaCicero stated that unfortunately we need to fill Roseangela unexpired term. He stated that he is appointing Jack Sauer to this unexpired seat. Mr. Sauer is sitting on the Planning Board right now as the Mayor's Designee. Congratulations Mr. Sauer!

APPROVAL OF MINUTES:

Minutes of Caucus/Regular Meeting of November 16, 2015 Bid Opening Minutes of November 20, 2015

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

REPORTS:

a) Construction Report for November-Councilwoman Filippone-read report-Councilwoman Filippone stated that she was advised that certificate of approval's are not being done and yet people are in their homes. We need to advise that this is illegal and you will be fined. These certificates are the only way the Tax Assessor knows when a new house or renovation was complete so he can reassess. Mayor LaCicero stated that it is looking like we will need to do a reassessment very soon.

- b) Zoning Report for November-Councilwoman Filippone-read report
- c) Municipal Court Report for November-Councilwoman Filippone-read report
- d) Police Overtime Report for November-Councilwoman Filippone-read report
- e) Public Works Report for November-Councilman Lamb-read report
- f) Public Affairs Report for November-Council President Zalom-A big thanks to Public Works for all their help with our tree lighting. We had over 100 people. It was a beautiful night. We had Santa Claus on the fire truck and then the next day the LBA held their Christmas Walk and had a horse and buggy. It was a great weekend for all. The Lavallette Birthday Party is December 21st. Our NYC bus trips are December 9th and 12th and are both filled. Our Senior Lunch and Movie is starting again and the first one will be January 20th at the firehouse.
- g) Tax Sale Report of November 18, 2015-Tax Collector
- h) Dilworth & Paxson Special Emergency Notes Sale Report-Chief Financial Officer-Mayor LaCicero questioned what our rates were for these Notes? Mr. Parlow stated they were .79%.
- i) Tax Account Report for November-Tax Collector
- j) Revenue Transaction Report for October-Chief Financial Officer

A Motion to approve the reports was made by Councilwoman Filippone. 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

2015-310	authorizing the Treasurer to issue a check in the amount of \$8,547.00 for the redemption of a lien sold at tax sale
2015-311	authorizing the Mayor and Municipal Clerk to execute the grant agreement with the Ocean County Cultural & Heritage Commission for 2016 summer concert series
2015-312	authorizing a second amendment to the Verizon Wireless contract and authorizing Mayor Walter LaCicero to sign and execute the amendment-Mr. Parlow stated that the first part of this amendment is agreeing to their one time fair share of \$25,000 for the generator and the second part is the extension of their contract and agreeing to their annual payments increasing.
2015-313	recognizing the month of December 2015 as "National Drunk and Drugged Driving Prevention Month" in the Borough of Lavallette, County of Ocean
2015-314	concurring with the NJDOT's recommendation to establish bicycle lanes along Route 35
2015-315	urging the Department of Community Affairs to rescind recently adopted

"Coastal A Zones" requirement-Mayor LaCicero stated that the State is trying to make what applies to v zone standards also apply to A zones. Mr. Parlow stated that there are roughly 100 properties that are affected by this in Lavallette. The State has adopted regulations that requires properties in the A zone that are also located in the Coastal A zone build to the V zone standards. It is scheduled to go in effect March of 2016. He suggested that anyone in those zones who do not want to build to the V zone standard should file for permits before that deadline. Mayor LaCicero stated that the properties in question are mainly on WPI and Bay Boulevard.
authorizing the refund of planning board escrows to Edward & Catherine Stark in

	Bay Boulevard.
2015-316	authorizing the refund of planning board escrows to Edward & Catherine Stark in the amount of \$572.00
2015-317	approving the annual certifications submitted to the Borough by Emergency Service Organizations of all volunteer members who have qualified for credit under LOSAP program for the previous year-Councilman Borowski requested this resolution be put off consent.
2015-318	authorizing the state contract purchase through Contract Nos. A-81381 for additions to the detainee center in the new Lavallette Police Department in the amount of \$14,795.00 to Dynamic Security, Inc.
2015-319	authorizing the Treasurer to refund an electric credit in the amount of \$114.40 to Karen Sanderson due to the house being sold
2015-320	authorizing the Treasurer to refund an overpayment of tax liens in the amount of \$70.00 to Tower Cust For Ebury Fund
2015-321	authorizing an execution of a Change Order No. 9 to the contract with Wallace Brothers, Inc. increasing the adjusted contract price by \$26,582.13-Mayor LaCicero stated that there were some more changes that needed to be done. He stated that he has been told that a total of 10.4% of change orders is not unreasonable.
2015-322	authorizing three applicants to attend the Ocean County Police Academy for Class II Police Training at a minimum wage rate commencing December 15, 2015 and ending May 26, 2016-Councilwoman Filippone stated that the Police Department has lost some of their Class II Officers so these will replace the others.
2015-323	appointing two temporary laborers for the Department of Public Works at an hourly rate of \$10.61 commencing December 14, 2015 and ending January 15, 2016-Mr. Parlow stated that we are employing two college kids over the break while we are shorthanded in public works.
2015-324	awarding contract for construction of the lifeguard headquarters to Wallace Brothers Contracting in the amount of \$386,960.00-Councilman Borowski

requested that this resolution be pulled and discussed in Executive Session before a vote.

A Motion was made by Councilman Stogdill to approve the consent agenda with the exception of 2015-317 and 2015-324. 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, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

RESOLUTIONS - OFF CONSENT:

2015-317

approving the annual certifications submitted to the Borough by Emergency Service Organizations of all volunteer members who have qualified for credit under LOSAP program for the previous year

Mayor LaCicero stated that this is a great program for our volunteers and it encourages people to become members.

Council President Zalom stated that two of the volunteers, James Borowski and Bob Bradley have been a member for 18 years and the Zylinski's have been members for 14 years so definitely some long timers here. Thank you all for your service to the Borough.

A Motion was made by Council President Zalom to approve Resolution 2015-317. 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.

Clem Boyers, 20 Kerr Avenue stated that he actually has a question about a previous situation and asked if he could still speak.

Mayor LaCicero allowed him to speak.

Mr. Boyers questioned if he knew someone who maybe did not get permits for his new house and/or renovations as far back as pre-sandy can he still advise the Borough of that person.

Councilwoman Filipppone stated that if you see it, you should report it no matter what.

There were no additional comments from the public.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

APPROVAL OF VOUCHERS:

2015-325 Bills List in the amount of \$1,872,755.08

A Motion was made by Councilwoman Filippone 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.

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

Vote: Council Members Borowski, Stogdill and Finter voted Yes. Councilwoman Filippone abstained on PO #15-01147 and yes to all others. Council President Zalom abstained on PO #15-01148 and yes to all others. Councilman Lamb abstained on PO #001136 and yes to all others. The Motion Passed.

COMMUNICATIONS:

Legal:

a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Gary & Gail Ost/1104 Ocean Front/Mary Chyb/1106 Ocean Front/Received November 20, 2015

Engineering:

- a) O'Donnell, Stanton & Associates/Charles Applegate, Project Manager/Westmont Avenue Stormwater Pipe Repair/Pay Estimate/Received November 30, 2015-Mayor LaCicero stated that this was the collapsed pipe that was the Boroughs which created a sink hole on a homeowner's property. We hired Albert Marine to take care of the situation and that is now completed.
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Municipal Building/Pay Estimate No. 19/Received December 3, 2015

New Jersey League of Municipalities:

- a) Weekly Policy Update/Received November 6, 2015
- b) Governor Christie Takes Action on Various Bills of Interest/Received November 10, 2015
- c) Gateway Project Progress Noted/Received November 12, 2015

d) Weekly Policy Update/Received November 20, 2015

General With No Action:

- a) FEMA/Fact Sheet/NFIP Transformation Task Force Update/Received November 19, 2015
- b) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/Addresses for State Demolition Program/Received November 17, 2015
- c) Ocean County Utilities Authority/Richard Warren, Executive Director/Preliminary Estimate of 2016 Annual Discharge/Received November 18, 2015
- d) Schenck, Price, Smith & King/Sidney Sayovitz, Esq/Cablevision Systems Corporation/Petition/Received November 19, 2015
- e) ISO Community Hazard Mitigation/Garret Byma, Specialist/2015 CRS Recertification Approved and in Good Standing/Received November 19, 2015-Council President Zalom thanked Mr. Parlow for all his work with this program. She received her 20% discount on her flood insurance as did many others in town.
- f) DEP News Release/Comprehensive Black Bear Management Policy Adopted/Received November 20, 2015
- g) Barnegat Bay Action Update/Clean Water Council Hosts December 11th Hearing on Partnerships to Improve Water Quality/Received November 20, 2015
- h) Barnegat Bay Action Update/Christie Administration Awards \$1.75 Million in Grants For Five Water Quality Improvement Projects/Received November 20, 2015-Mayor LaCicero stated that the Governor gave a grant to Jackson Township for their storm water project.
- i) New Jersey Department of Environmental Protection/Cindy Randazzo, Director/Grant Funds Programs/Received November 20, 2015
- j) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/Returning Jurisdiction to Borough of Lavallette/Opted Out of Program/Received November 23, 2015-Councilman Borowski questioned the Bullard Drive property that was discussed at a previous meeting and since this property is opting out it will revert back to the owner. What will happen now regarding the safety precautions for the surrounding neighbors? Mayor LaCicero stated that we will have to send the Code Enforcement over there to check it out.
- k) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/Returning Jurisdiction to Borough of Lavallette/Opted Out of Program/Received November 24, 2015
- 1) FEMA/Fact Sheet/NFIP Transformation Task Force Update/Received November 30, 2015
- m) FEMA/Franklin Matranga, Deputy Director/Project Worksheet 440/First Appeal Final Request for Information/Appeal Denial/Received November 30, 2015-Mayor LaCicero stated that we received a denial on our appeal for FEMA funds towards our Municipal Building. We have been told by our experts that this was not unexpected. This will have to go to the Federal Courts now.
- n) State of New Jersey/Department of Environmental Protection/Patricia Shapella/Grant Funding for Mitigating Infestation of Pine Trees with Southern Pine Beetle/Received December 3, 2015

General With Action:

a) FEMA/Andrew Martin, Mitigation Liaison/FEMA Region Webinar Schedule/requesting attendance at one of their webinars/Received December 3, 2015-Mr. Parlow stated that he will be attending on of these webinars.

UNFINISHED BUSINESS:

Council President Zalom stated that at the last meeting there was discussion about putting a Big Brothers, Big Sisters bin down at Public Works. We had our attorney look into the legalities and unfortunately, it can not be done.

Christine Faustini, Borough Attorney stated that because we are a municipal entity we cannot just support one charity and turn others away. It creates some legal issues.

Councilwoman Filippone stated that she did not get a report on the walk thru on the building as of yet today for the Certificate of Occupancy. The building is somewhat completed inside with a few minor details to complete. Outside looks great. They are finishing the pavers, the landscaping is done and the parking is almost complete with the stripping of the spaces. There is some caulking that needs to be done but that does not affect the issuance of the CO. We are hoping the December 21st walk thru for the public will hold but still unsure. Also, there is a flyer going around stating that the Lavallette Post Office will open in the building as of December 28th. Just to advise the public, if we do not have a certificate of occupancy for this building the post office will not be in there on that date.

Councilman Lamb questioned if a temporary CO could be given to us for now.

Councilwoman Filippone stated that they could issue us one for about thirty days and that would be perfect but the issue that is the problem is the railings outside not being installed as of yet.

Mayor LaCicero questioned if the light fixture in the foyer was fixed.

Councilwoman Filippone stated that it will be done before we are in there.

Councilman Borowski stated that a couple of meeting ago, he had asked the Borough Attorney to draft an ordinance prohibiting the discharge of water in the storm drains from pools. The attorney presented him with a draft ordinance that is so comprehensive and has so much more in it than expected. He suggested that Mayor and Council review it and make some decisions.

Councilwoman Filippone questioned since it is so voluminous that maybe it should be reviewed by the Ordinance Committee.

Mrs. Faustini stated that it is not so much as comprehensive but you needed something more that what was being asked. There was much more entailed because of the fact that it has to do with private contractors and homeowners and who technically should be held accountable.

Councilwoman Filippone stated that she believes we would need input from zoning and construction officials also.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Jack Sauer, 405 Bay Blvd. thanked the Mayor for his full member position on the Planning Board. He stated that in front of the Lavallette Hardware Store and Meg's Grill they have both lost two spaces in front of there establishment. It looks like we are losing more spaces then we are gaining as of right now. Also, there is puddling on the corner of President Avenue and Grand Central Avenue that should be addressed. He stated that he is a board member for Big Brothers, Big Sisters of Ocean County and they really are so different than the other charities. There are bins from READ already down at the Recycling Center that have been there for a while.

Councilman Borowski stated that according to the Superintendent of Public Works they have been there since pre-sandy.

Councilwoman Filippone stated that the Union Church also has a READ bin on their property.

Mayor LaCicero questioned if we received checks from this READ Foundation at all.

Council President Zalom stated that she checked with the CFO and she stated that we do receive checks for these bins.

Mayor LaCicero stated that it just is not a good idea for this Borough to take a stand for just one charity. We need to have those READ bins picked up.

A Motion was made by Councilman Borowski to have the READ bins at the Recycling Center removed. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mr. Sauer stated that this is the best program for underprivileged children hands down. This program is strictly for Ocean County residents. Three hundred kids in this program graduated high school. There are sixty kids to one social worker and that is why they use the bins to help pay for the social workers. He stated that he is going to try and do a fundraiser for them with Sam Hammer Surf Camp to help out with all their costs.

Joe Palinsky, 122 Washington Avenue thanked Mayor and Council for allowing the award to be given at the meeting. He questioned if there were any plans to appoint Wallace Brothers to do the lifeguard building.

Mayor LaCicero stated that we will be discussing this matter in Executive Session so if he wishes to stay to find out the outcome he can do so.

Mr. Palinsky questioned if the Reorganization Meeting will be in the First Aid or the new building.

Mayor LaCicero stated that we are unsure of that as of yet but when we do we will let everyone know via website and Borough Hall.

Jon Corney, 1 Newark Avenue stated that he is trying to compare the budget account status report to the bills list and it is not proving.

Mr. Parlow stated that some of the items on the bills list are not budgetary expenses so they will not be on the budget report.

Mr. Corney questioned if there are going to be any transfers on for the next meeting.

Mr. Parlow stated that as of right now there are no transfers.

Mr. Corney questioned if there are going to be any cancellation of appropriations at the next meeting.

Mr. Parlow stated that we always have a cancellation resolution on the last meeting of the year.

Mr. Corney questioned if all the purchases for next year are encumbered already.

Mr. Parlow stated that they were.

Mr. Corney stated that going over this report you are definitely going to need transfers. This needs to be cleaned up.

Joan Brackman, 10 Pennsylvania Avenue stated that there is a space lost in front of Little Mia's due to a curb cut that was not there before. Also, regarding the dewatering ordinance could they also consider putting in there the decibels of noise that can be allowed. She had an issue across the street from her when a pump was going for days all night for an in-ground pool.

Bob Astorino, 2 Elizabeth Avenue questioned if there was any updates regarding the beach replenishment.

Mr. Parlow stated that he has no updates and has heard nothing as of yet.

Mayor LaCicero stated that the Jenkinson's lawsuit was postponed again for another 60 days so it's still up in the air.

Herb Hascher, 1307 Bay Blvd. stated that back when he was fourteen years old the state took his families property in order to build the Garden State Parkway. There was no debating it or appealing it. It was a done deal, they just took it. How come there are so many issues regarding this. Why can't the Federal Government just take the property and move on.

Mr. Parlow stated that the homeowners fighting this and appealing this have so much money they can make it last forever.

Jack Sauer, 405 Bay Blvd. stated that the municipal building looks awesome. Why can't we just have our Public Works guys build a wooden railing temporarily.

Councilwoman Filippone stated that holes need to be put into the limestone. Only the Building Inspector can approve the temporary railing and certificate of occupancy anyway.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter stated that the OCUA rate for this year will remain the same as last year. Also, the NJNG Company will be holding a lighting fair on December 11th from 10am to 3pm at their office in Wall Township.

Councilwoman Filippone stated that if the December 21st building tour is a reality she will put it on our website and on facebook.

Council President Zalom stated that the Ocean County Cultural & Heritage Committee gave the Lavallette School 50 free tickets for the Planetarium. Some of the kids at the School also attended a Rutgers Football Game because of their good grades. The Lavallette PTO has raffle tickets available.

Mayor LaCicero stated that MacArthur's Office contacted her and advised her that there is a new grant available for Fire & EMS Services.

Councilman Finter stated that he is taking care of the Lavallette First Aid application for that.

Councilman Borowski stated that he informed the Fire Chief of the program.

EXECUTIVE SESSION:

Litigation – FEMA Appeal Determination

Mrs. Faustini stated that there is a need to go into executive session to discuss some litigation as well as a contractual matter. There may be action taken.

A Motion was made by Councilman Finter to adjourn the Caucus/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 Caucus/Regular Meeting was adjourned to go into executive session at 8:45 pm.

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

Mrs. Faustini stated that while in executive session there were two items discussed. The first was a FEMA appeal issue where Council directed the Administrator to submit a letter and the other was the lifeguard building contract. There was action taken.

A Motion was made by Councilwoman Filippone authorizing the Administrator to submit letter to FEMA advising them that we will be supplying any additional documentation and requesting them to conclude the case and render a decision as soon as possible. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2015-324 awarding a contract for construction of the lifeguard headquarters to Wallace Contracting in the amount of \$386,960.00

A Motion was made by Councilman Finter to approve Resolution 2015-324. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 9:08 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 7th day of **December 2015**

Christopher F. Parlow Municipal Clerk