

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE FIRST AID BUILDING
Monday, June 22, 2015-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

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 complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on January 9, 2015. Notice was also posted on our municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for anyone who has passed away recently.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that he had another meeting with the NJDOT and they have promised that by July 4th we will have two full lanes of travel on both highways through the island.

Council President Zalom stated that the temporary orange signs they put up showing where the businesses are located is a wonderful idea but they left out Dunkin Donuts. Once they noticed that they fixed it right away. She was told that Harms is the best contractor down the island doing the work.

Mayor LaCicero stated that the LBA convinced the State to expand the business signs on 35 South also.

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.

Maritza Scilla, Bay View Café stated that she spoke at the last meeting requesting some two hour parking spaces on Bay Boulevard and Reese Avenue in front of her establishment. She stated that at the last meeting she was told to speak to some of her neighbors. She did reach out to some of her neighbors and all they asked is that the two hour parking be from 7am to 7pm and just seasonal. She would like one space on Bay Boulevard and two spaces on Reese Avenue.

Council President Zalom stated that we did do the two hour parking signs for all the businesses that requested them on the highway. This is also a business in town and she thinks its deserving. She reached out to the County Engineer and he advised that if the Borough wants to put a parking space on Bay Boulevard in front of the restaurant to just send them a resolution saying that the Borough is fine with it and they will take care of it.

Mayor LaCicero stated that he feels that if we put two hour parking signs down there it will just push people further away. This is a non conforming use and the only business on the bay front and he is just not that comfortable with the idea. The Mayor asked which neighbors did she actually speak with because he was told that some are not in favor of it.

Mrs. Scilla stated that she spoke to the one next door on Bay Boulevard and the two full time residents across the street on the side street who just asked for the restrictions.

Mayor LaCicero questioned whether or not she applied for the curb cut.

Mrs. Scilla stated that she did and she received approval.

Mayor stated that is also another space for you.

Mrs. Scilla stated that she mostly uses that for deliveries and for elderly people who are handicapped so they do not have to walk too far.

Mayor LaCicero stated that with that curb cut it really takes away two spaces also on the street.

Mrs. Scilla stated that she believes it only took away one space.

Councilwoman Filippone stated that this establishment has always been a restaurant and we never did any kind of parking spaces or signs ever before. Even if we did do some spaces on Reese Avenue for her there is a process and it would never be done before the summer. She is not in favor of putting two hour parking spaces on Reese Avenue anyway.

Councilman Finter asked if Mrs. Scilla could provide them with a schematic of where she wants the parking spaces on both streets.

Council President Zalom made a motion to support Bay View Café's request and send a resolution to the County recommending that they create one two hour parking space with a sign in front of the Bay View Café. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

This resolution Number will be 2015-198.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of June 8, 2015

Executive Session Minutes of June 8, 2015

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

RESOLUTIONS-ON CONSENT:

- 2015-189 approving a social affairs permit to the Lavallette Volunteer Fire Co. #1 for the sale of alcoholic beverages in conjunction with Lavallette Founder's Day on September 12, 2015-Mayor LaCicero stated that this resolution is tabled until the next meeting.
- 2015-190 directing the undertaking of a continuing disclosure review and authorizing participation in the municipalities continuing disclosure cooperation initiative of the Division of Enforcement of the US Securities and Exchange Commission-Mr. Parlow stated that this is an annual disclosure that needs to be done for our bonds.
- 2015-191 authorizing the Borough Administrator to execute a contract extension with ModSpace for the month to month rental of trailers in the amount of \$284.00 per month until the new municipal building is complete
- 2015-192 appointing new lifeguards and making position changes for the 2015 summer season
- 2015-193 approving the refund of unused planning board escrow funds to Christopher & Janet Malzone at 103 Trenton Avenue in the amount of \$1,186.00
- 2015-194 appointing a tennis court attendant for the 2015 summer season
- 2015-195 approving two raffle licenses to Lavallette Heritage Committee to hold a 50/50 off premise and a gift raffle on July 25, 2015 at "Christmas in July" at Chandler Field

A Motion was made by Council President Zalom 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.

Mark Speaker, 111 Brown Avenue stated that the Christmas In July at Chandler Field is an LBA event and Lavallette Heritage is helping us out with the raffles because we have had some problems obtaining our id from the State.

No one else 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:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2015-196 Bills List in the amount of \$394,879.36

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

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

Jon Corney, 1 Newark Avenue questioned what the budget held was versus budget received on the bills list.

Donnelly Amico stated that the held items are the bills that are paid on a monthly basis such as our payroll, insurance, pension, etc. and they are paid electronically. The budget received are the physical purchase orders and invoices that are paid by check.

No one else 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, Filippone, Stogdill, Finter and Lamb voted Yes. Council President Zalom abstained on PO #15-00616 and yes to all others. The Motion Passed.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

George Harms Construction, Co., Inc.
Application for Temporary Discharge into the Sanitary Sewer System

Steve Olakia from Harms Construction Company was present to discuss this issue.

Mayor LaCicero stated that the heavy equipment on the shoulder in front of the Sunoco is upsetting a lot of the neighbors. He asked if the proposed work is being done under a separate contract from the highway project.

Mr. Olakia stated that it is a combination of both actually.

Mayor LaCicero questioned who is paying for this project.

Mr. Olakia stated that he believes both sides are paying.

Mayor LaCicero questioned once they get our approval it will be only three to four days and then the equipment will be removed. He questioned where is the problem occurring.

Mr. Olakia stated that the problem area is the area along the curblin along the Sunoco driveway. We will be dealing with the pipes only within the roadway and putting in the curbs and sidewalks.

Councilwoman Filippone questioned if we had any other options.

Mr. Olakia stated that if this project is delayed for any reason it will also delay the rest of the work on both sides.

Mr. Parlow questioned who will be ultimately responsible for this payment. In order to apply for the OCUA permit, you need approval from the Borough and we will do up an agreement for this whoever will be responsible to pay for the immediate discharge into our sanitary sewer. He asked if Harms or Sunoco be responsible for payment to the Borough.

Mayor LaCicero stated that he thinks Harms would be responsible.

Mr. Parlow stated that he would prefer that Sunoco be responsible because if it is not paid we can put a lien on the property.

Councilwoman Filippone questioned if this discharge will be metered.

Mr. Olakia stated that it will be an OCUA certified meter.

Councilwoman Filippone stated that she agrees with Mr. Parlow that it should be the business owner's responsibility.

Mayor LaCicero questioned when this is going to happen.

Mr. Olakia stated that right now we are just waiting on Borough approval so we can move on with the permit with OCUA.

Mr. Parlow stated that he has the resolution which will be 2015-197 and he read it aloud.

A Motion was made by Councilwoman Filippone to approve Resolution 2015-197. The Motion was seconded by Councilman Finter.

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 to the public and asked Council for a vote on this resolution.

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

Council President Zalom stated that she would like to discuss Bill Bogdan the head of the tennis courts and with all the years he has been doing the job and how he handles everything she would like to give him a \$1.00 raise from \$10.82 to \$11.82.

Mrs. Faustini, Borough Attorney stated that we have not “Rice” noticed this individual employee so we can not use his name but you can discuss the position just be very careful with your words.

Councilwoman Filippone questioned if all the seasonal employees received their 2% increases for this year.

Mr. Parlow stated that they did.

Council President Zalom stated that he is performing as a supervisor.

Councilman Borowski questioned if this employee received a 2% increase as well.

Mr. Parlow stated that he did.

Councilwoman Filippone stated that this position is not supervisory and if she wants it to be we would have to discuss it further maybe in executive session.

Mrs. Faustini, Borough Attorney stated that they were now getting into personnel issues and they need to be discussed in closed session and we could not do that tonight because we would need to “Rice” notice this individual.

Councilwoman Filippone stated that some residents have approached her regarding having a reduction of privacy in their back yards because of the raising of homes and fences only being allowed six feet. We are considering raising the height of a fence to eight feet in the back but it will require an ordinance so it does take some time.

Mayor LaCicero stated that he has to agree that there is a lack of privacy. He was in his pool over the weekend and did notice the difference. If a fence was allowed two feet higher it would definitely make a difference.

Councilwoman Filippone stated that it will need to be discussed and thought about as far as how high, if just the back of house or on all sides.

Councilman Finter questioned why we cannot just allow decks to be below base flood elevation. That would solve the problem.

Councilwoman Filippone stated that she understands his logic but still does not think that will work.

Mayor LaCicero stated that lowering the decks might help that but doing just that will not resolve the issue.

Mrs. Faustini stated that maybe you can deal with it on a case by case basis and that properties that have adjacent houses that have raised to the ABFE can be permitted to have eight foot fences. This way just those property lines will be able to raise the fences to eight feet. You really have a lot of options to choose from you just need to think about it.

Councilwoman Filippone stated that we definitely need to sit down and think about more clearly.

Council President Zalom questioned the ordinance changing the setbacks on corner lots on Route 35 South and if anyone was told about it.

Councilwoman Filippone stated that we had two meetings introducing and adopting the ordinance and our agendas are on our website as well as our ordinances. It is not our obligation to inform anyone.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue thanked Councilman Lamb for getting the lids for the garbage receptacles up at the beach. He stated that he did notice that there are no lids yet for the ones on Bay Boulevard.

Councilman Lamb stated that they are on order and will take six to eight weeks.

Mr. Boyers stated that some of the boards that were not replaced after the storm are starting to look like they are curling up at the ends and may need to be replaced.

Councilman Lamb stated that he would let Public Works know.

Mary Logios, 4 Sterling Avenue questioned if the two street signs were located for her street and Bryn Mawr Avenue.

Councilman Lamb stated that they did look for them and could not find them so we are going to have to get new ones for those streets.

Mrs. Logios questioned if they were able to locate the trash receptacles that were on Bryn Mawr Avenue yet.

Councilman Lamb stated that Public Works thinks they were moved because of the construction and will look into where they were relocated to.

Mrs. Logios questioned if anyone knew how many fire hydrants there needed to be on each street?

Councilman Finter stated that area is New Jersey American Water.

Mayor LaCicero stated that when there is a fire the fire hose can travel very far so there will be no issues.

Herb Hascher, 1301 Bay Boulevard thanked Mr. Parlow and Council for helping him with his storm drain issue with the County. Thanks to Mr. Parlow's letter and my follow up it has finally been taken care of.

Jon Corney, 1 Newark Avenue thanked Councilman Lamb for the boat ramp clean out. He questioned if a stop sign faded would it be replaced.

Mayor LaCicero stated that it would depend on certain factors.

Mr. Corney questioned when the new dune signs were going to be put up.

Councilman Lamb stated that they just came in and will be put in as quickly as possible.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the official beach season opened this weekend. We are up in badge sales for all badges except daily and weekly but we did not have a great first weekend either with the weather.

Councilman Borowski stated that the season opened this weekend and we had some minor car accidents as well as a bicycle accident. He just wants everyone to try and be extra cautious this summer with their cars, bicycles and watch out for pedestrian crosswalks. He personally believes that the orange business signs are very distracting for drivers.

Councilman Stogdill stated that Faith Lutheran Church will be celebrating their 60th Anniversary on Sunday, June 28th and they will be having a barbeque in their parking lot starting at 11am. All are welcome!

Council President Zalom stated that the County will be putting some plantings and trees along the median on Bay Boulevard. We had a great dog walk last weekend. We received our 10% profits from the triathlon a couple weekends ago. They also gave a \$300 donation to the Lavallette Municipal Alliance. We will have our first Healthy Aging at the firehouse on July 22,

2015 at 11am. Check our website for further information. The LBA will have their bicycle parade on July 4th and our fireworks on July 5th. There is a shuffleboard tournament every Tuesday morning at 8am.

Mr. Parlow stated that we are being audited by the Department of Homeland Security regarding our Sandy claims. It is a six month process and they will be reviewing all Sandy related files.

Mayor LaCicero stated that he is 100% confident that we will be fine. It's just very time consuming for the office.

Mayor LaCicero stated that it's nice to see no change orders for this meeting. Mantoloking's Municipal Building is going to be 10,000 square feet and they are spending five million dollars so looks like we are doing well. Looking forward to starting the lifeguard headquarters in the fall. All and all, we are doing well and looking forward to the future.

Councilwoman Filippone stated that the Mantoloking Building is not going to be brick either.

EXECUTIVE SESSION:

There was no executive session.

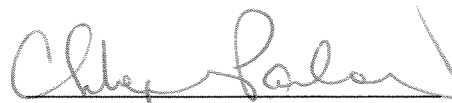
ADJOURNMENT:

A Motion was made by Councilman Finter 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 8:20pm.

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 **June, 2015**



Christopher F. Parlow
Municipal Clerk