

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
January 25, 2016-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

The Mayor stated that Councilman Lamb is on vacation so we will need a motion to excuse him.

A Motion was made by Councilman Stogdill to excuse Councilman Lamb. 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
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 8, 2016. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor stated that there has not been anyone who has passed away in town so that is a good thing. We will do a moment of silence for anyone who is in need.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to our 2nd meeting in the new building. He stated that the Borough certainly dodged a bullet with this storm. The only big issue we had was the south end of town beaches are much eroded and the dune on Elizabeth Avenue took a beaten. We lost some sand and snow fence along the way here and there but our dune roots held strong. The Department of Public Works was here all weekend and there were some issues with their generator.

Mr. Parlow stated that there were some technical issues regarding some wiring but has since been corrected. The police department was still in the trailer and some issues with their generator so they moved up to this building during the storm. Overall, the Borough did not do too bad.

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

The Mayor stated that anyone who wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting could do so now.

No one wished to comment at this time.

The Mayor closed the floor to public comment.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of December 22, 2015
Minutes of Reorganizational Meeting of January 4, 2016

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

REPORTS:

- a) Construction Report for December 2015-Councilwoman Filippone-read report
- b) Zoning Report for December 2015-Councilwoman Filippone-read report
- c) Municipal Court Report for December 2015-Councilwoman Filippone-read report
- d) Police Overtime Report for December 2015-Councilwoman Filippone-read report
- e) Public Affairs Report-Council President Zalom-The ski trip had to be cancelled due to the weather, but has been rescheduled for March 5th. We had a senior lunch & movie last Wednesday at the firehouse and there were not many in attendance. We are having another one on April 20th so she hopes to get a better turnout. The NYC bus trip is on April 16th and it is already filling up. The LBA has planned wonderful summer events this year and she has been told that the rentals are up and sales are strong in town. Hopefully, we will be looking into purchasing a new bus for town trips this year.
- f) Public Works Report for December-Councilman Lamb
- g) Tax Account Report for December 2015-Tax Collector
- h) Revenue Transaction Report for November & December 2015-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2016-61 authorizing the Treasurer issue a check in the amount of \$7,328.81 for the redemption of a tax lien

- 2016-62 authorizing the Treasurer issue a check in the amount of \$2,327.16 for the redemption of a tax lien

- 2016-63 authorizing the refund of a tax overpayment in the amount of \$1,557.47 to Gerard & Stacy Donegan

- 2016-64 authorizing the refund of planning board escrow in the amount of \$1,028.00 to Lisa & Anthony Carbone
- 2016-65 authorizing the refund of planning board escrow in the amount of \$879.13 to Riccardo Botti
- 2016-66 authorizing the refund of planning board escrow in the amount of \$925.00 to Kevin Realty Management
- 2016-67 authorizing the refund of planning board escrow in the amount of \$423.00 to William & Veronica Matthaei
- 2016-68 approving the annual certifications submitted to the Borough of by Emergency Service Organizations of all volunteer members who have qualified for credit under the LOSAP Program for the year 2013
- 2016-69 authorizing the change order #2 from Dynamic Security for additions to the sally port man gate in/out reader in the amount of \$4,678.95-Mayor stated that this is for repairs to the sally port. Mr. Parlow stated that the sally port has an automatic door and the lock mechanism was never incorporated into our system.
- 2016-70 authorizing the dates and times that Big Ed's Produce may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2016-71 authorizing the execution of a change order to the contract with Ranco Construction, Inc. for additional electric upgrades for the new standby generator increasing the original contract price by \$2,789.92-Mayor LaCicero stated that this change order was originally for \$17,002, but we were able to negotiate the price down.
- 2016-72 approving the use of the facilities on the bay front and gazebo area and the date of September 10, 2016 for Founder's Day 2016 and appointing the Founder's Day Committee for 2016
- 2016-73 authorizing the appointment of Phoenix Advisors for continuing disclosure agent services and independent registered municipal advisor for the year 2016-Mayor stated that this is for our bonding service.
- 2016-74 authorizing the Treasurer to refund two checks totaling \$210.00 for the ski trip on January 23, 2016
- 2016-75 approving a special event/facilities use application to DQ Events to hold a triathlon on June 4, 2016 from 7am to 10 am with a set up on June 3, 2016 from 3pm to 6pm-Council President Zalom stated that this was a wonderful event last year and she is looking forward to it again.

- 2016-76 establishing non-contractual annual salaries for Mayor and Council of the Borough of Lavallette-Councilman Stogdill requested that this resolution be pulled and put off consent.

- 2016-77 approving a facilities use application to the Lavallette Business Association to hold flea markets on July 16, 2016 and August 6, 2016 from 8am to 4pm

- 2016-78 approving a facilities use application to the MS Society to ride through our town and use our Centennial Gazebo Parking Lot as a rest stop for their bikers on May 21, 2016 between 8am to 3pm

- 2016-79 supporting and participating in the volunteer tuition credit program-Mayor LaCicero stated that he was told that we might already have this program on our books. This is another incentive for our volunteers to keep volunteering.

- 2016-80 amending and supplementing the contract with Witt/O'Brien's Associates for emergency response and disaster recovery consulting services (State Contract)- Mayor stated that this company has been helping us with our FEMA issues and the Sandy Audit. This service is 90% refundable through FEMA.

- 2016-81 approving the revised Administrative Order and Penalty Assessment from the Department of Environmental Protection in the amount of \$33,750 –Mayor LaCicero stated that this penalty has been floating around since 2007 and it started at \$67,500. Council President Zalom stated that Mr. Parlow had several meetings with them and managed to get it down to \$33,750. Councilman Borowski stated that it boggles his mind that we should have to pay anything at all since after Sandy we were left with no dunes, no boardwalk and barely any beach.

- 2016-82 authorizing the Treasurer to refund an overpayment in the amount of \$14,497.75 that was erroneously sent to the Borough of Lavallette from the State of New Jersey

- 2016-83 authorizing the Treasurer to issue a check in the amount of \$1,599.23 for the redemption of a tax lien certificate

- 2016-83A approving the amendment to the subrecipient agreement implementing grants under the Community Development Block Grant Disaster Recovery Program through the post sandy planning assistance grant program requesting a time extension-Mr. Parlow stated that this grant is to help with updating our Master Plan and the Planning Board is still doing extensive review on it so we have asked for an extension and they have agreed to extend to June.

A Motion was made by Councilwoman Filippone to approve the consent agenda with the exception of Resolution 2016-76. 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.

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 and Finter voted Yes. The Motion Passed.

RESOLUTION - OFF CONSENT:

2016-76 establishing non-contractual annual salaries for Mayor and Council of the Borough of Lavallette

Councilman Stogdill stated that there has not been any discussion on this issue and Councilman Lamb is not present and he thinks he should have some input.

Council President Zalom stated that there have been some talks on this issue. She stated that Mayor and Council do far more work than any other Council Members in other towns. Most other towns the Mayor and Council salaries are much higher than Lavallette's and we have not received an increase in over twenty years. In her opinion, she believes that all of the governing body members deserve it.

Councilwoman Filippone stated that they put in a lot of time and thinks they deserve some kind of compensation for that would be helpful. Council President Zalom did a lot of research with other towns and they are getting as much as \$10,000 for Council and \$15,000 for Mayor and in her opinion, Lavallette Mayor and Council are more hands on than any other town. She thinks it is definitely time for an increase.

A Motion was made by Council President Zalom to approve Resolution 2016-76. 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.

Marlene Chamberlain, 904 Grand Central Avenue stated that became permanent resident just before super storm sandy and she has seen them up there all doing the best for the town and the residents without fail. She thinks that Mayor and Council definitely deserve this increase without a doubt.

There were no additional comments. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Borowski, Filippone, Zalom, and Finter voted Yes. Councilman Stogdill voted no. The Motion Passed.

APPROVAL OF VOUCHERS:

2016-84 Bills List in the amount of \$2,887,163.89

A Motion was made by Councilman Borowski to approve the bills list. The Motion was seconded by Councilwoman Filippone.

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

No one wished to comment at this time.

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

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Rita Poole v. B & B Department Store/Received December 18, 2015
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Lenny's Pizzeria and Restaurant, Inc. v. Borough of Lavallette/Received January 12, 2016

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Lifeguard Building/Received December 10, 2015-Mayor LaCicero stated that we are hoping that this project is completed before the summer but we aren't hopeful it will be. We might have to put a trailer up there again for this season. Councilman Borowski stated that he would like our Engineer to ensure that everything is what it should be and that there will be no change orders. Councilwoman Filippone stated that sometimes a change order results in a decrease so we have to be careful with that. Council President Zalom stated that it is not unheard of with a big project like the Municipal Building to have some change orders and 10% is actually not bad for how big the job was. Councilwoman Filippone stated that the lifeguard headquarters building itself should be no problem because it is going to be a modular, it's the pilings that concern me and might have issues.
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Lifeguard Building/Preconstruction Conference/Received December 15, 2015
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Lifeguard Building/Preconstruction Conference Minutes/January 4, 2016
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Concrete Sidewalk Construction-Ocean Side Streets/Pay Estimate No. 20/Received January 12, 2016
- e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New

- f) Municipal Building/Pay Estimate No. 20/Received January 13, 2016
O'Donnell, Stanton & Associates/Guyer Avenue Road Improvements/NJDOT Local Aid Infrastructure Fund 2015/Received January 15, 2016
- g) O'Donnell, Stanton & Associates//Chuck Applegate/Concrete Sidewalk Construction/Ocean Side Streets/Received January 19, 2016

New Jersey League of Municipalities:

- a) Assembly Housing Committee to Hear Bill on Reinstating Municipal Authority to Annually Inspect Residential Rental Properties/Received December 9, 2015
- b) Weekly Policy Update/Received December 11, 2015
- c) Legislative Alert-Bill to Reinstate Authority to License and Regulate Residential Rental Properties/Received December 15, 2015
- d) Weekly Policy Update/Received December 18, 2015
- e) Weekly Policy Update/Received December 23, 2015
- f) Free South Jersey Complete Streets Workshop/Received December 28, 2015
- g) Weekly Policy Update/Received January 8, 2016

General With No Action:

- a) P.M. Consultants, LLC/John E. Barrett/Financial Consultant/Fee Accountant and Staffing Proposal/Received December 7, 2015-Mayor stated that this is just a solicitation.
- b) Lavallette Board of Education/Patricia Christopher, School Business Administrator/Tuition for Lavallette School/Received December 10, 2015-Mayor LaCicero stated that there is no free tuition. The town that you live in pays for it and you pay for it in your tax dollars.
- c) FEMA/NFIP Transformation Task Force Update/Received December 10, 2015
- d) FEMA/Michael Moriarity, Director/Flood Zone Appeal/Lavallette Yacht Club/Received December 10, 2015-Mayor LaCicero stated that this is approving the flood zone change for the Lavallette Yacht Club from a V zone down to an AE9 Zone
- e) Robert Romoser/15 Elizabeth Avenue/thanking Patrolman Art Reece for all his help and his professionalism with a matter/Received December 14, 2015
- f) Alexander Jones/113 Reese Avenue/Issues Regarding the Route 35 Reconstruction Project/Received December 14, 2015-Mayor LaCicero stated that we will forward this on to the DOT but we have no say or authority over the way the crosswalks were done and where they put them. We will be having a meeting with the DOT on Wednesday to discuss the parking situation but we were already advised we have no authority on where they were located and how they were done. Councilwoman Filippone requested that at this meeting could they find out where our Welcome signs are.
- g) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/2016 Budgets/Received December 17, 2015
- h) Ocean County Health Department/Mary Gibson, Coordinator/Upcoming Deadlines/Municipal Alliance Grant Cycle/Received December 29, 2015
- i) DEP News Release/Christie Administration Awards \$14.3 Million in Grants to Support Local Recycling Efforts/Received January 4, 2016

- j) Sam Hammer Surf Camp, LLC/Check in the Amount of \$2,900 for 10% of proceeds from Surf Camp/Received January 7, 2016-Mayor LaCicero said always nice to see this.
- k) Bonnie Peterson/expressing her gratitude for Mayor and Council's confidence/Received January 13, 2016
- l) SBA/Disaster News/Still Recovered from Hurricane Sandy/Received January 13, 2016
- m) State of New Jersey/Edward Smith, Director/Close Out of Code Enforcement Assistance Program/Received January 14, 2016-Mayor LaCicero stated that this ended in 2015.
- n) SBA Disaster News/SBA to Close Recovery Centers January 18th in Observance of MLK Day/Received January 14, 2016
- o) Ocean County Health Department/Daniel Regenye, Coordinator/Municipal Alliance Grant for Year 2017/Received January 15, 2016
- p) Christopher Parlow, Administrator/Municipal Clerk/retirement letter as of April 1, 2016/Received January 19, 2016-Mayor LaCicero stated that this is not something we are happy about. Council President Zalom stated that we are not allowing this. Councilwoman Filippone stated that we vote no. Mayor LaCicero stated that they are big shoes to replace and we are never going to get what we have now. We decided to create a committee to go forward with the hiring process of the position. The committee will consist of myself, Councilwoman Filippone, Councilman Borowski and Mr. Parlow. We have two months to get someone as close to him as possible.

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

- q) Cablevision/Layth Taki., Senior Vice President/check in the amount of \$27,018.00 for the Cablevision Franchise payment/Received January 22, 2016

General With Action:

- a) SueEllen Crowley Weaver/2206 Baltimore Avenue/Family of Joseph Poerio/18 Newark Avenue/requesting to install a planter at the bench at the top of Newark Avenue on boardwalk that would be maintained by the family/Received December 4, 2015-Councilwoman Filippone stated that she should speak with Pat Marrone from Friends of Beautification because their planters on the boardwalk are maintained by them and they should get something similar to match.
- b) Regular Republican Club of Lavallette/Michael Vastola, President/requesting to the use Council Chambers on a monthly basis for their Republican Club Meetings held on Thursday 7pm/Received December 9, 2015-Councilwoman Filippone stated that there may be a possibility of other organizations that want to hold meetings in Council Chambers also. We really need to think about some type of schedule. Mr. Parlow stated that there should be a line drawn on what groups get to use the room. Attorney Christine Faustini stated that she has seen other towns that have created a meeting room policy where you fill out an application and it either gets approved or denied. The Mayor stated that maybe we need some type of committee to figure out a policy. Mrs. Faustini stated that she can offer a sample policy as well for review. Councilwoman Filippone stated that we should not approve any other groups until we decide on the policy. Mrs.

Faustini stated that you should have a priority list such as all the Lavallette Committees get first priority and so on. Mayor LaCicero stated that we will approve the Republican Club's request today stipulating that it's subject to change with higher priorities.

- c) SueEllen Crowley Weaver/2206 Baltimore Avenue/requesting to use any space in the new Municipal Building for weekly AA Meetings that are held on Thursdays 7 to 8 pm/Received December 10, 2015-Councilman Borowski stated that he has already taken care of this request. They will be having their meetings at the Firehouse.
- d) Paul Pavone/701 Lori Drive/Palm Beach, FL/requesting the revocation of his dog's goose patrol membership be rescinded/Received January 11, 2016-Mayor LaCicero stated that we will forward this to our Attorney but we are in our right to deny him.
- e) Theodora Esposito/110 New Jersey Avenue/requesting that Mayor and Council assist her in getting approval for a handicapped accessible vertical lift for her home due to a denial from zoning ordinance/Received January 15, 2016-Council President Zalom stated that Mrs. Esposito was approved for the grant for the handicap lift but unfortunately was denied by zoning because of the setbacks. She is going to need a variance. Mayor LaCicero stated that unfortunately Mayor and Council can not vote on this or approve or deny this. We could discuss the drafting of a new ordinance but that takes more time and that would open up a lot of issues also. He stated that he would find someone to help her with how to go about applying for a variance. Mr. Parlow stated that an ordinance could be drafted specifically for her issue only but that is really opening pandora's box. Mrs. Faustini stated that by the time you draft it and then introduce and adopt it, it takes at least two months. Councilwoman Filippone stated that it could take that long also for approval of her variance and the fees are somewhat expensive.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that before Sandy we used the council chambers and we went and got the key from the Police Department and then returned it when we were done. We do not need to be babysat. We are capable of closing everything done and being responsible.

Mark Speaker, LBA thanked Council for the approval of the flea markets. This is just one more thing that gets us back to normal. As for Mr. Parlow retiring, the LBA is very grateful for all your help through the years and you definitely will be missed.

Marlene Chamberlain, 904 Grand Central Avenue stated that she has great respect for Mr. Parlow and applaud him for all his work during the storm and getting Lavallette back to where it was pre sandy so quickly.

Jean Verrier, 14 Virginia Avenue thanked Council for approving the triathlon. We have a lot of ideas and hope it's a great event for all.

Jon Corney, 1 Newark Avenue stated that Mr. Parlow did a hell of a job on the appropriations report and even better on the revenue report.

Mr. Parlow thanked him.

Mr. Corney questioned if we were going to have any public budget hearings at all this year.

Mayor LaCicero stated that there will only be one hearing as always and it will not be public.

Mr. Corney questioned when the budget was going to be ready to go.

Mr. Parlow stated that he is hopeful to have the budget introduced at the second meeting in February.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she was very excited about Founder's Day and the flea markets coming back. We still have \$20,800 left in our CDBG Funds and we were looking into putting a handicap accessible ramp on Trenton Avenue but it's not enough funds. We do know that FEMA will reimburse us 90% of the costs if we put the handicap ramps we had before back on Jersey City Avenue and Brown Avenue. We will have to discuss this further and figure out what we want to do.

Councilwoman Filippone questioned how long we had to spend the money.

Council President Zalom stated that we had one year.

Councilwoman Filippone stated that in the meantime we can look at mobi-mats that are different then the ones we have with a different company. That might be a better alternative for right now.

Councilman Finter stated that there was some information from NJNG that he left on the back table for anyone who was interested.

Councilman Borowski stated that our Public Works Department did a phenomenal job with clearing the streets of snow and still had time to pick up all the garbage on Monday.

Mayor LaCicero stated that the south end of town had a loss of power around 3:30 am on Saturday morning and even in that constant downfall of snow our guys were up on that pole fixing the electric. Soon after that the whole town went out due to JCP & L.

EXECUTIVE SESSION:

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

Contractual Matters – Teamster Local 469

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 8:20 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 was discussion about a contractual matter regarding Teamsters Local 469 and the Administrator was given direction. There was no action taken.


ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:33 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 25th day of **January 2016**



Christopher F. Parlow
Municipal Clerk