

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, March 3, 2008 – 7:03 pm

CALL TO ORDER: Council President Zalom, presiding.

ROLL CALL: Council Members Ardito, Lamb, Wenzel, Filippone and Stogdill

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the Ocean County Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 11, 2008. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: For the Mayor who we hope is feeling better and for our troops overseas. Also, for Andrew Doles a resident of Bryn Mawr Avenue who passed away at a very young age from a brain tumor.

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

MAYOR’S WELCOMING STATEMENT: Council President wished Mayor LaCicero well and hoped to see him at the next meeting which is scheduled for St. Patrick’s Day.

PRESENTATION: Council President Zalom presented the plaques and awards received from the Ocean County Joint Insurance Fund to Ted Golubowski. Pictures were taken with him, Council President Zalom and Councilwoman Wenzel. Council President Zalom reported that the Borough has received \$800.00 worth of vouchers towards the Borough’s insurance premiums for these awards.

Councilwoman Wenzel stated that Mr. Golubowski was also recently received his certification as Public Works Supervisor and is the first to hold that position. He went through all the schooling he needed and was at the top of his class.

Council President Zalom read the awards.

Certification of Achievement – Presented by Ocean County Municipal Joint Insurance Fund (For reducing the number of accidents in 2007 by 15% or more over the average for fund years 2004, 2005, 2006)

Recognition of Outstanding Performance By the Employees of the Borough of Lavallette – Presented by the Ocean County Municipal Joint Insurance Fund – Best Overall Performance – Third Place – 2007

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

Council President Zalom opened the public comment portion of the meeting.

There was no public comment.

Council President Zalom closed the public comment portion of the meeting.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting Minutes of February 19, 2008

Executive Session Minutes of February 19, 2008

Administration Budget Meeting of February 20, 2008

Bid Opening Minutes (Tennis Court Project) of February 27, 2008

A Motion was made by Councilman Lamb to approve all of the Minutes. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Stogdill, Filippone and Lamb voted Yes. Councilwoman Wenzel Abstained. The Motion passed.

REPORTS:

- a) Police Overtime Report for February-Councilwoman Filippone explained she did not have the Police Report to read for tonight. Council President Zalom will be reading the report at the March 17th meeting because she will be on vacation.
- b) Public Works Report for February-Councilwoman Wenzel-read from report
- c) Public Affairs Report-Council President Zalom stated they had a wonderful ski trip on March 1, 2008. There were 44 people in attendance including entire families. Don't forget to pick up the activity schedules at Borough Hall, they are good until June 21st. The pork dinner is April 5th at the Firehouse. The Walking Group that Pat Gilman started, has taken off and they even had there picture in the Ocean Star.
- d) Municipal Court Report for February-Councilwoman Filippone-read from report
- e) Animal Control Report for February-Councilwoman Filippone-read from report
- f) Planning Board Report for February-Councilwoman Filippone stated that there were three cases on the agenda for the meeting of February 27. Two of cases she could not sit on since there were D variances. Two cases were carried over until next meeting. There was a court case in reference to a planning board case in which the Superior Court overturned the decision of the Planning Board. This was the movie theater application on Route 35 North. The Planning Board is also going to have Gordon Gemma, who is a Professional Planner, speak at the next Planning Board workshop meeting, which will be held on April 23rd. The Planning Board is looking for guidance as to how to address certain changes in the Code. One being the Ordinance with the 1500 feet between

liquor establishments and the other being the two commercial uses on one 50 x 100 lot. Hopefully, he can give us some good advice and information.

g) Zoning Report for February-Councilwoman Filippone-read from report. Also, starting March 4th, property owners will be issued advisory notices for leaving signs on their property.

h) Water/Sewer Infiltration 4TH Quarter Report-Councilman Ardito stated that this report is officially an unofficial report. It is done by Roger Martin, who is a resident of West Point Island every quarter. He stated that the sewerage is the lowest it's been since 1996. He stated that wind turbines are being done by large manufacturers such as John Deere. There is a new solar panel called concave. It reflects solar light by 150%. Good things are coming sooner than later. He also stated that he and Roger Martin had a meeting with Schultes. They were told that the cost of a new well could exceed \$1, 000,000 and could take about a year to complete. He also attended a hearing regarding the re-licensing of the Oyster Creek Nuclear Plant. The protestors are against renewing the license because the Plant is prone to terrorists, there are inadequate safe routes, the age and design is antiquated and there is no place to store the radioactive materials. He also toured the Ocean County Recycling Center. He reported that the facility is really state-of-the-art. Councilman Ardito also questioned the tennis court lights and why they are not turned off when not in use. He stated he has received a lot of phone calls on this. Mr. Parlow stated that he has spoke to the Mayor about this and we are going to see if Public Works can install a use switch so you can only turn them on when they are needed. Councilman Lamb stated he believed they went off around 8:50 pm. every night. Councilwoman Wenzel congratulated our master composters Councilman Ardito, James McDivitt, Mary Franzoso, Mike Visco and Gary Schlosser.

i) Tax Account Status Report for February-Tax Collector

A Motion was made by Councilman Ardito to receive the Tax Account Status Report. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

PUBLIC COMMENT ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

Council President Zalom opened the public comment portion of the meeting for consent agenda / off consent agenda and vouchers.

There was no public comment.

Council President Zalom closed the public comment portion of the meeting.

RESOLUTIONS – ON CONSENT:

2008-86 approving the annual certifications submitted to the borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP program for the previous year-Council President Zalom announced how proud she was that we are part of this program. These volunteers deserve something for their support.

- 2008-87 authorizing the treasurer to refund the credit balance in the amount of \$2,882.16 to Frank D'Amelio, Block 6 Lot 4 due to a duplicate tax payment
- 2008-88 opposing Governor Corzine's current plan to significantly increase tolls on the Garden State Parkway, New Jersey Turnpike and the Atlantic City Expressway- Council President Zalom stated that she spoke to Governor Corzine at a breakfast he had back in January and advised him of how unhappy we all are. I will be seeing him again at the Conference of Women and will advise him again of this being a disaster.
- 2008-89 approving the application to hold a 50/50 On Premise Raffle on May 18, 2008 to the Rotary Club of Seaside to be held at 1404 Grand Central Avenue, Lavallette, NJ 08735 and a 50/50 On Premise Raffle on September 6, 2008 to be held at the Heritage Festival.
- 2008-90 approving the application to hold a 50/50 Off Premise Raffle to the Church of St. Bonaventure to be held on August 31, 2008 at 1100 Grand Central Avenue and to hold their summer season of bingo June, July and August at the Parish Center on Grand Central Avenue.
- 2008-91 authorizing the adjustment of an electric account from \$2,152.81 to \$572.81 on Block 33.02, Lot 28, Acct. 2 due to an incorrect reading-Councilman Ardito questioned if this was the one the Mayor was involved in? Donnelly Amico stated that it was not.
- 2008-92 authorizing the provisions for temporary emergency appropriations between budget items.
- 2008-93 authorizing the cancellation of unexpended and dedicated balances of General Capital Appropriations-Mr. Parlow stated that these are bond ordinances where projects have been completed. If funded these excess monies will go to surplus, if not funded it will go to reducing the debt. The CFO reviews this every year and cancels what needs to be cancelled.
- 2008-94 authorizing the payment of attorney fees in the matter of *Nicolas Fernandez, as lead Plaintiff, v. Township of Willingboro, et al.*, in the Superior Court of New Jersey, Burlington County, Docket No. BUR-L-3362-03
- 2008-95 authorizing the award of a non-fair and open contract for Special Borough Engineer in reference to the removal of underground storage tanks project-Mr. Parlow stated that we are still dealing with this problem of the underground storage tanks. Last year we hired them for the Biennial Certification and now we are hiring them again to complete the project.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Stogdill, Filippone and Lamb voted Yes. Councilwoman Wenzel Abstained on Resolution No. 2008-88 but voted Yes to the rest of the Consent Agenda. The Motion passed.

RESOLUTIONS-OFF CONSENT: There were no resolutions off consent

APPROVAL OF VOUCHERS:

2008-96 Bills List in the amount of \$951,581.49

A Motion was made by Councilwoman Wenzel to approve the bills list. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Ardito, Stogdill, Filippone and Lamb voted Yes. The Motion Passed.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Fernandez v. Willingboro Township/Opra Discovery Violations/Received February 5, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Fernandez V. Willingboro Township/letter to Hon. Marc Baldwin/Superior Court of NJ/advising of representation and asking for a new motion date of February 29, 2008/Received February 19, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Fernandez v. Willingboro Twp./letter to Sander Friedman, Esq/Friedman Doherty/letter advising the attorney's office of the new Ordinance we have passed reconstructing our fees/Received February 25, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received February 28, 2008

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Sanitary Sewer Rehabilitation Program USDA Phase III/Pay Estimate #26/Misc. Service Lateral Repair Project/Received February 10, 2008
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane and Ortley Avenue Road Improvements/Preconstruction Conference set for March 7th at 10:00 am/Received February 29, 2008- Mr. Parlow stated that they are hoping to start the project middle to end of April.

New Jersey League of Municipalities:

- a) Federal Budget Proposal/Received February 8, 2008
- b) CY 2008 Municipal and County Budget Guidance/Received February 12, 2008

- c) New Jersey Digital Government Summit/Received February 12, 2008-Council President Zalom questioned whether we should send our website person to this? Mr. Parlow stated he will look into it.
- d) A-1880 Mandates Referendum on all Local Bonds/Received February 14, 2008
- e) Federal Update for Period Ending February 15, 2008/Received February 21, 2008
- f) Important New Information from the Division of Local Government Services/Received February 26, 2008
- g) State Budget Proposal/Received February 26, 2008
- h) New Jersey Clean Air Council Public Hearing, April 9, 2008/Received February 20, 2008
- i) Mayors Healthy Cook-Off, May 7th/Received February 28, 2008
- j) More State Budget Cut Details/Received February 28, 2008
- k) CMPTRA Funding Committee/Received February 28, 2008-Mr. Parlow stated that he will be attending a meeting on Thursday in Trenton in reference to the cutting of our state aid.

General With No Action:

- a) Casino Reinvestment Development Authority/Thomas D. Carver, Esq./Exec. Director/Atlantic City Regional Transportation Plan & Implementation Strategy/Received February 4, 2008
- b) North Jersey Transportation Planning Authority, Inc./Kevin Twine, Principal Transportation Planner/Route 35 Restoration(DB#9147C)/Received February 7, 2008-Councilwoman Filippone stated that we should find another route to take with fixing this problem. It can not wait until 2016
- c) US Dept. of Homeland Security/United States Coast Guard/Waverly W. Gregory, Jr./Chief Bridge Administration Branch/Modifications to the Regulations Governing the Operation of Four Cape May County Bridge Commission Bridges, In New Jersey/Received February 11, 2008
- d) Ocean County Department of Solid Waste Management/Ernest J. Kuhlwein, Jr., Director/Ocean County Use and Revenue Share Program/Received February 15, 2008
- e) Building Officials Association of New Jersey/James Cannon, Construction Official/Received February 19, 2008
- f) The Whitman Companies, Inc./Michael Sylvester, Director of Business Operations/Brownfield Redevelopments/Received February 19, 2008
- g) County of Ocean/Arthur Burns, Supt. of Recycling/January 2008 Recycling and Compost Reports/Received February 19, 2008
- h) Cablevision/Adam E. Falk, Vice Pres./Launch of Leased Access Programming Channel/Received February 21, 2008
- i) Ocean County Administrator/Alan Avery, Jr., County Administrator/informing us that as of July 1, 2008 the County will be discontinuing their construction inspection department and terminating All Code Agreements/Received February 25, 2008-Mr. Parlow stated that this is the letter we were waiting for giving us a definite on the disbanding of the County Construction Dept. as of July 1, 2008. I put a blurb and a help wanted in the Asbury Park Press and hope to put a proposal together for you within a month or two.
- j) Office of the Ocean County Engineer/Frank Scarantino/Ocean County Engineer/Bay Blvd and Brooklyn Avenue Outfall/Received February 26, 2008
- k) Ocean County Engineer/Marla Kriney/Real Estate Officer/Ocean County Drainage

Outfall/Block 961, Lot 29/21 Pershing Blvd./letter explaining they need to conduct maintenance extending through her bulkhead/Received February 27, 2008-Councilman Ardito stated that we should find out from the County when this is going to take place and how long will it take. Councilwoman Filippone stated that the Mayor and Chris had a meeting with the County and they had pictures of all the pipes that need repair. They said it can all be done under Schedule C.

- l) Jersey Central Power & Light/Robin Alston-Santiago/Distribution Specialist/Posting Signs and Banners on Utility Poles/Received February 27, 2008
- m) Exelon Power/A.Karen Hill, Esq/William S. Scherman, Esq./Noel Trask, Esq./Informational Filing Related to Market Power Analysis/Received February 25, 2008
- n) Friends of Lavallette Beautification/Arleen Maglionico, Tour Chairperson/2008 Garden Tour/Received February 29, 2008
- o) Cablevision/Adam E. Falk/Advance Pay Policy for New Customers/Received February 29, 2008
- p) Ocean County Engineer/Frank Scarantino/Ocean County Engineer/Outfall at 21 Pershing Blvd./Block 961/Lot 29/Received February 28, 2008

General With Action:

- a) Ocean County Saint Patrick's Day Parade Committee, Inc./John J. Sweeney, Parade Coordinator/requesting Mayor and Council to join in the line of march on March 15th and then watch from the reviewing stage/Received February 25, 2008-Councilman Ardito and Council President Zalom both stated that they will be attending this parade.
- b) Ocean County Shade Tree Commission/Craig Theibault, Chairman/requesting a proposal from the Mayor on planting of trees/Received February 26, 2008-Councilwoman Wenzel stated that Public Works takes care of these trees.
- c) Ocean County Department of Solid Waste Management/Ernest Kuhlwein, Director/Ocean County Municipal Mini Grant Assistance Program 2008/requesting applications by March 7th at 5:00 pm/Received February 6, 2008 –Councilwoman Wenzel stated that she thinks we should apply for this mini grant. She can take care of it but would like approval from Council. Councilwoman Wenzel made a Motion to apply for the mini recycling grant and the Motion was Seconded by Councilman Stogdill. Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion was Passed.
- d) Bernie Borrelli, Scout Assistant/Boy Scout Troop #22/requesting permission to have their 2008 Sprint Triathlon on September 14, 2008-Mr. Parlow stated that the calendar was checked and there is nothing else scheduled for that day. Councilwoman Wenzel made a Motion to approve the Triathlon for September 14, 2008 and the Motion was Seconded by Councilman Stogdill. Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion was Passed.
- e) Lavallette Elementary School/Dr. Peter Morris/Supt./requesting permission to use Chandler Field from 3:30 pm until 5:30 pm, March 25 through May 30/Received February 15, 2008-Mr. Parlow stated that there is no conflict with these dates for the field. Councilwoman Filippone made a Motion to approve the Lavallette Elementary School for the use of Chandler Field on the above dates and the Motion was Seconded by Councilman Lamb. Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion was Passed.

UNFINISHED BUSINESS:

Councilwoman Filippone stated that she will be on vacation when the budget is introduced. She stated that she and Mr. Parlow reviewed the Police Budget and she has made recommendations to reducing the Police Other Expense budget by \$7,500. Some line items to cut are medical supplies, tuition reimbursements and vehicles. There will be only one leased vehicle. The other vehicle will be bonded. I think there will be a significant savings.

Councilwoman Wenzel stated that when we hired seasonal laborers or temporary laborers for the Public Works Dept., the Chief of Police use to run background checks for us to make sure that they weren't murderers or thieves. Unfortunately, this cannot be done anymore due to privacy issues. I brought the issue to our attorney and he stated that there are actual companies that take care of this. The cost usually runs about \$30.00 a person. We need to institute some type of policy on this subject. For the betterment of the town, we can not have indecent people working our beaches and boardwalks.

Mr. George stated that the police cannot just do background checks on employees if they do not work in the police dept. There are companies that do just background checks on non police employees. Mr. George stated that he be propose a policy.

Councilman Ardito stated that this policy does not to be implemented.

Mr. Parlow stated that the policy is not the issue it is the funding that is the problem. We would need to put it in a department's budget.

Councilman Lamb stated that we wouldn't need to do checks on badge checkers or lifeguards.

Councilwoman Wenzel stated that we cannot select just one group of seasonal employees it would have to be all or nothing.

Council President Zalom questioned if we adopted a resolution already on doing background checks on volunteers.

Councilwoman Wenzel stated that she believed we did adopt a resolution.

Councilman Ardito stated that maybe the personnel committee should be in charge of looking into this.

Councilman Lamb questioned background checks on juveniles?

Mr. George stated that comes under strict privacy laws.

Council President Zalom spoke about the recreation bus that needs some repairs. Gary Schlosser and the mechanic down at Public Works were kind enough to go over the bus and make a list of what needs to be repaired. I am going to fax the list to Coast Cities who already repaired it for \$4,000 and see how much it is going to be with this list of repairs.

Councilman Lamb questioned whether it is even worth being fixed, looking at the list.

Mr. Parlow spoke about the Tennis Court Bid prices. The prices received were much better than what was received in September. He stated he will meet with the Mayor and Councilman Lamb to discuss the Borough's options.

Mr. Parlow stated that he is waiting for two pictures to complete the 2008 Lavallette Calendar. The cost for printing the calendar will be funded mostly through the use of mini grants.

NEW BUSINESS:

White Whale, LLC-Place to Place Transfer Application -Schedule a Hearing Date-Mr. Parlow stated that the application for Place to Place transfer is complete. He suggested that the public hearing on the application be scheduled for March 17, 2008.

Mr. Parlow stated that he would like to have a budget meeting for recreation, beach and utilities on Monday, March 10th at 5pm.

Councilman Stogdill and Council President Zalom could not attend.

Council all agreed to have the hearing on the Place to Place transfer on March 17th and the budget hearing on March 11th at 4pm.

Council President Zalom spoke about the Parking Committee meeting on February 28. It went well and is progressing. We are working very hard on this problem. The next meeting will be on March 13th so I will keep you updated.

COMMENTS FROM THE PUBLIC:

Bill Kinney, 23 Philadelphia Avenue questioned the boardwalk project. He doesn't think it is progressing the way it was supposed to. There are only three blocks complete. We were told last summer it would be completed by the end of the year.

Councilwoman Wenzel stated that they have completed up to New York Avenue which would make it six blocks and she thinks that is not bad at all. The projected thoughts were to be finished by the end of the year; however, the undercarriage of this side of the boardwalk is in a lot worse shape than the north side. We have had to do a complete rebuild of the undercarriage. We hope to keep progressing as best and as fast as the weather and the undercarriage allow us.

Mr. Kinney stated that he is disappointed but does understand. He then asked for an update on the NJDEP court case on the walkways on the beach.

Mr. George stated that we had a meeting with the DEP and the Attorney General on February 19 to see how this can be remedied. Unfortunately, it is not going to be quick and easy. Our biggest concern is what is allowed under our permit, which doesn't seem like much. Our IP is in final

preparation and will be sent to the judge shortly. The problem is the review period which they say takes 8 to 9 months to review. We have sent a letter to the court stating that this cannot take that long because we are a resort town and need to open for the beach season. The judge put a hold on the fines until after the season ends.

Councilman Lamb stated that he thought getting to New York Avenue at this point is wonderful. He knew that the South End was in worse shape than the North End so this is wonderful progress.

Councilwoman Wenzel thanked him for his positive comments and also thought it was pretty good so far.

Councilwoman Filippone stated that there are more property problems on the south end such as fences encroaching, dunes and vegetation.

Kim Samarelli, Seashore Delights, Lavallette Business Association is in desperate need of a Council Liason to attend their monthly meetings held on Wednesdays at 12:30 pm. Councilman Lamb was our first liason but it interfered with his work and then Councilman Stogdill tried to attend but it also interfered with his job. It's only for an hour a month. We just need someone from Council there, anyone of you is fine.

Councilman Ardito stated that he would be able to attend those meetings if he needed to.

A Motion was made by Councilwoman Filippone to appoint Councilman Ardito to be the liason to the Lavallette Business Association and to attend their monthly meetings. The Motion was seconded by Councilman Lamb. Vote: Council Members Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion was passed.

The Public Portion of the meeting was adjourned at 9:23 pm

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she was asked to attend a function by Clean Ocean Action on March 27th but will be in Florida. She asked if maybe Clem Boyers would like to attend or any of Council. If so the paperwork will be in the office downstairs. The Beach Sweeps will be on April 26, 2008.

She stated that we did receive the nice rink from Manchester Township for a dollar. The weather has not been cold enough so we can not use it until next year.

EXECUTIVE SESSION:

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the meeting. The Motion was Seconded by Councilman Stogdill. Vote: All voted Yes. The Motion passed.

The meeting was adjourned at 9:28 pm.

CERTIFICATION

I, **CHRISTOPHER F. PARLOW**, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby attest these to be a true copy of the minutes of the regular meeting of the Borough Council held on the 3rd day of March, 2008.

CHRISTOPHER F. PARLOW
Municipal Clerk