

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, May 18, 2009– 7:04 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone
Council Members Lamb and Filippone were not present.

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 STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 9, 2009. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Olga Petitti, a long time resident and mother of Councilwoman Filippone and Kathleen Harrington who was also a long time resident.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

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

The Mayor opened the floor to comments from the public.

There was no public comment.

NEW BUSINESS:

Mayor LaCicero stated that he was going to change the agenda and move the item listed on New Business to this portion of the meeting.

Application from Steve's Personal Transportation Service, LLC for an Auto Cab License in the Borough of Lavallette

Michele Donato, Esq. was representing the applicant, Mr. Debree. Mr. Debree was also present. Ms. Donato stated that Mr. Debree resides at 138 Princeton with his grandmother as a full time resident. He is requesting permission to run a transportation service in Lavallette. Ms. Donato stated that the service would primarily provide transportation to the elderly to make doctor appointments. She checked the code and the first step is to get approval from Mayor and Council and that Mr. Debree must provide the Borough with his insurance documentation. She

thinks this is a very good thing for the Borough of Lavallette especially since we do not provide any of those services in this town.

Mayor LaCicero questioned how many vehicles will he be using and how many vehicles will he be stored at his residence.

Mr. Debree stated that this service will consist of only one vehicle which is his only vehicle. He also stated that he understands that he cannot conduct business in a residential zone.

Councilwoman Wenzel questioned the type of vehicle he plans to use and does he have off street parking.

Mr. Debree stated that his vehicle is a 2008 Toyota Rav 4 with four doors and his property does have off street parking.

Councilwoman also questioned if the vehicle was marked.

Mr. Debree stated that it is marked on the license plate stating "OmniBus".

All of Council agreed that a resolution should be put on for approval at the next meeting of June 1, 2009.

Mr. George stated that he has reviewed the application and it is in order. A formal resolution should be on the next meeting for approval.

Mrs. Donato thanked Mayor and Council for moving on this.

INTRODUCTION OF THE 2009 MUNICIPAL BUDGET:

Resolution Number 2009-152

Mr. Parlow read Resolution Number 2009-152 in full.

Mr. Parlow stated that an additional \$10,000 has been added to the budget to fund the settlement of the beach advertising contract and the LVTA lawsuit. Therefore, the tax rate will be 25.8, which is increase by .1 cent. He reported that a property assessed at \$650,000 will have a \$6.50 increase in property taxes.

A Motion was made by Council President Zalom to introduce the 2009 Budget. The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The motion Passed.

Mr. Parlow stated that this budget will be published in the Ocean Star on June 5, 2009 and the Public Hearing and Final Adoption of the 2009 Municipal Budget is scheduled for June 15, 2009

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of May 4, 2009
Executive Session Meeting of May 4, 2009

A Motion to approve the Minutes was made by Councilwoman Wenzel. The Motion was seconded by Councilman Stoddill. Vote: Council Members Wenzel, Zalom, Stoddill and Horan voted Yes. The Motion passed.

RESOLUTIONS – ON CONSENT:

- 2009-140 authorizing the appointments of seasonal laborers for the Lavallette Public Works Department for the period commencing May 19, 2009 through October 31, 2009
- 2009-141 authorizing the acceptance of two 2009 Hyundai Sante Fe's free of charge from Lester Glenn Hyundai to be used by the Lavallette Police Department for a period commencing May 1, 2009 through September 8, 2009
- 2009-142 authorizing the seasonal appointments of the tennis court attendants for the 2009 summer season
- 2009-143 authorizing the submission of a grant application under the New Jersey Department of Transportation – Transportation Enhancement Program entitled Grand Central Avenue Sidewalk Beautification Program-Councilwoman Wenzel questioned whether the Belgium block was removed from this program. Mr. Parlow stated that it was removed.
- 2009-144 committing the Borough of Lavallette to maintain the improvements for the Grand Central Avenue Sidewalk Beautification Program
- 2009-145 authorizing the approval to submit a grant application and to execute a grant agreement with the NJ Department of Transportation for the 2010 Bikeway Grant-Mr. Parlow stated that this grant will help pay for some of the bike safety cards, the bicycle signs around town and the painted bicycles on the shoulder of the roads.
- 2009-146 authorizing the CFO to refund an overpayment on taxes in the amount of \$1,157.65 to Edward and Frances Bakker who resides at 130 Newark Avenue
- 2009-147 authorizing the seasonal appointments of the beach badge checkers for the 2009 summer season
- 2009-148 continued support for the passage of S-1082 and A-2775 which would permit a municipality the ability to determine permissible parking distances from intersections, crosswalks and "stop signs"-Council President Zalom stated that she was going to draft a letter together for our residents to send to our legislators to

support this bill. Mayor LaCicero asked Mr. Parlow to get a list of Transportation Committee members so we can email them directly.

- 2009-149 authorizing the placement of a Planet Aid collection box at the Lavallette Recycling Center
- 2009-150 authorizing the Chief Financial Officer to deposit funds in the amount of \$1,988.17 from the Electric Operating Fund into the PJM Black Rock Account- Mr. Parlow stated that this is strictly to open an account with the PJM not a payment of any kind.
- 2009-151 authorizing the appointments of Class I Officers for the 2009 Summer Season
- 2009-152A authorizing the application for a social affairs permit to the Lavallette PTA for their Gift Auction to be held on May 30, 2009 at St. Pio of Pietrelcina Parish Hall.

The Mayor opened the floor to the public for any comments on the consent agenda and the bills list.

Clem Boyers, 20 Kerr Avenue questioned Resolution No. 2009-150. He asked if this is just to open an account in order to participate. There is no payment or fees required to participate just an opening of an account.

Mr. Parlow stated that was correct. This money is just to open an account for us to participate.

There was no other public comment.

The Mayor closed the floor to the public for any comments and asked for a vote.

A Motion was made by Councilman Stogdill to approve the Consent Agenda. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2009-153 Bills List in the amount of \$433,794.89

A Motion was made by Councilwoman Wenzel to approve the Bills List. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

ORDINANCE NO. 2009-09 (1062) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE BOROUGH CODE, ENTITLED "ELECTRICAL STANDARDS" TO AMEND SECTION § 24-16B. ENTITLED "GENERAL REQUIREMENTS" SO AS TO REDUCE THE APPLICATION FEE.

Councilman Horan stated that the application fee for installing self-generation is being modified from \$4,500 to \$1,500.

A Motion was made by Councilman Horan to Introduce Ordinance No. 2009-09 (1062). The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

Public Hearing and Final Adoption of Ordinance No. 2009-09 (1062) is scheduled for June 1, 2009

UNFINISHED BUSINESS:

Personalized Marriage Certificate

Councilwoman Britta Wenzel stated that when the Borough put a fee on the gazebo of \$200 the Council discussed the possibility of coming up with some type of personalized marriage certificate for the couple in addition to their legal license. She had an artist that she knows make a rendering of a certificate. She stated that the artist is requesting a \$200 fee for his artwork.

Mayor and Council were in agreement to have a resolution on for approval at the next meeting.

NEW BUSINESS:

COMMENTS FROM THE PUBLIC:

The Mayor opened public comment.

Clem Boyers, 20 Kerr Avenue questioned why Council could not keep the budget flat. He asked if it was because of the LVT lawsuit and having to pay Kerwin Communications \$10,000 because of the contract being cancelled.

Mayor LaCicero stated that that was the reason why the budget was increased. He stated that he could not comment on the pending lawsuit but stated that when the lawsuit is settled he will let the residents know the whole story.

Mr. Boyers stated that he thought it was a shame that LVT had to screw around with our tax money.

There was no other public comment.

The Mayor closed the public comment portion of the meeting.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Wenzel stated that Friday was the final day of reconstructing the boardwalk. We are going to have a commemorative photo op on Wednesday, May 20th at 1:00 pm up on the boardwalk where we will hammer the last golden nail.

She stated that the Borough has received their giant clam and the deadline for the artwork is June 5th. She also stated that she would like the Administrator to send two thank you letters to the Lavallette Hardware for the donation of the flags lining the highways and the Lavallette Heritage Committee for the repairs of the flagpole and stonework down at the park.

She would like to also report that the Public Works has purchased a rolling magnet to pick up the nails surrounding the boardwalk; therefore, we should not have anymore problems with nails on the beach. She would like to set up a meeting with the Firehouse and the Public Works Department. in reference to the cleaning of their bathrooms. We are going to need to set up some type of schedule because our janitor is only part time and we do not want to pay him overtime.

Councilman Horan stated that there was a meeting with Public Power on Thursday, May 14th. We received RFP prices for the years 2011 and 2012. Those prices were significantly higher than the price we received for 2010, so those prices were rejected. We did lock in our 2010 price at \$72.42 per megawatt and it was approximately 12% lower than the current rate we are currently paying. The annual savings since we went to the managed contract is approximately \$294,000 annually. The towns that chose to use the traditional all inclusive price have seen a 10 to 12% increase.

Council President Zalom stated that the plantings down at the tennis courts look absolutely beautiful. It was nice to see a lot of our children in Lavallette helping out. We are going to bring back our horseshoe pits so if you want to play you can get the shoes at the hut. She reminded everyone about the Memorial Day Services on the 25th at 11:00 am. We are going to have a wonderful speaker, Mr. Joseph Monti. The First Aid is providing the refreshments once again. The annual dog walk is scheduled for May 30th and our Townwide Garage Sale is going to be on June 6th & 7th with cleanup on June 8th. Nick Zegar our Eagle Scout will be placing at least seven dog waste receptacles around town.

She also discussed the Tourism Guide. She reported that the guide was supposed to be updated for this year has not been done due to some family issues with the person who sets it up. We could just print the guides "as is" without the upgrades. She asked Council for advice.

Councilwoman Wenzel stated that there have been a lot of changes in the last couple of years with our business district and she would like to see it distributed with the updates. She would like to see how many were ordered last year and how much it cost and then discuss it.

Councilman Stogdill stated that there is a baseball camp that is going to be in town this year. They have provided the Borough a baseball glove, as well as, some gift certificates. He recommended that they be giving to the Lavallette PTA for use at their Gift Auction.

Mr. George stated that it is not a legal issue because the donations were provided after permission was granted to use the fields.

Mayor LaCicero stated that there was a lot going on here over the weekend. The Catholic Church was ordaining ministers, there was a wedding at the gazebo and there was a bike tour. There was also some type of triathlon practicing going on in the water. He commented that this is when you know that the nice weather is here and summer is coming.

Mr. Parlow stated that there is a substantial amount of delinquents in electric, water and sewer. We have a shut off policy in our code book that says to discontinue services after thirty days of non payment. Some of these accounts have not paid since 2008. He just wanted to let Council know that we are going to be shutting off some services very soon.

Councilwoman Wenzel stated that she is concerned with shutting people off with the way things are right now. Some of these houses have tenants in them that have their utilities included in their rent.

Mr. George stated that in general the terms of the lease is the tenant / landlord problem and has nothing to do with the Borough. The Borough of Lavallette provides them a service that has to be paid for. If those services are not paid for in a substantial amount of time we have the right to discontinue those services. We actually have a situation right now that needs to be discussed in Executive Session where we received an order to show cause on a property that has not paid their utilities.

Mayor LaCicero stated that we should review the time frames in the ordinance and any hardship provisions before we do anything else.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to go into Executive Session. There will be two areas of discussion. One being the order to show cause in relation to a landlord/tenant issue and the other being the ongoing litigation with the LVT. There will be no action taken.

A Motion was made by Council President Zalom to go into Executive Session. The Motion was seconded by Councilwoman Wenzel. All were in favor of. The Motion passed. The meeting was adjourned to Executive Session at 7:55 pm.

A Motion was made by Councilwoman Wenzel to resume the meeting. The Motion was seconded by Councilman Stogdill. All were in favor of. The Motion passed. The Meeting resumed at 8:09 pm.

Mr. George stated that two issues were discussed in Executive Session. The first was the ongoing litigation with the LVT with a possible settlement and a counter claim and the matter of a landlord/tenant filing against the landlord with regard to maintaining power at a particular residence. There was no action taken on either issue.

ADJOURNMENT:

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilman Stogdill. All were in favor of. The Motion passed. The meeting was adjourned at 8:09 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 Caucus/Regular Meeting of the Mayor and Council held on the **18th** day of **May 2009**

Christopher F. Parlow
Municipal Clerk