

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
March 8, 2010-7:05 pm

CALL TO ORDER: Council President Anita F. Zalom, presiding

ROLL CALL: Council Members Borowski, Lamb, Stogdill, Horan and Filippone
Mayor LaCicero and Councilwoman Filippone were absent.

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 Ocean County Gazette and was published in the Ocean Star on January 8, 2010. Notice was also posted on our Municipal Website and the Municipal bulletin board.

MOMENT OF SILENCE: Council President Zalom asked for a moment of silence for the all the service men and women overseas.

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

MAYOR’S WELCOMING STATEMENT: At this time, Council President Zalom thanked everyone for attending tonight’s meeting. She stated that the Mayor and Councilwoman Filippone can not attend the meeting tonight and they asked that the discussions on Lavallette Avenue be held off until their return.

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

Council President Zalom opened the floor to anyone in the audience who wished to speak on any issues that were not listed on the agenda or could not stay for the remainder of the meeting.

Council President Zalom closed the floor to public comment.

Nancy Dews, 214 Newark Avenue stated that she is in favor of the Lavallette Avenue project. She stated that she lives on West Point Island and always has to walk or ride a bike across that bridge with her grandson and it is a very dangerous area. Some of the area does not even have a sidewalk. Aesthetically, the plan looks beautiful. She also has never seen anyone use that street as a throughway.

Councilman Lamb stated that if the sale of the street does not go through the owners are still going to extend the sidewalk around in front of the existing houses. We have also put a request in to get prices on the paving of that street.

There was no additional public comment.

Council President Zalom closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES

Regular Meeting of February 22, 2010
Budget Meeting of February 17, 2010
Budget Meeting of February 18, 2010

A Motion was made by Councilman Stogdill to adopt the Minutes. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

REPORTS:

Councilwoman Filippone was absent so her reports were accepted but not read.

- a) Police Report for February
- b) Public Affairs Report for February-Council President Zalom-Don't forget to fill out your Census card when you receive it in the mail. The deadline to get events on the calendar is Wednesday, March 10, 2010. She asked everyone not to forget to get your girl scout cookies. The St. Patrick's Day Parade in Seaside Heights is this Saturday. The Borough had their first polar plunge on Saturday and it was in honor of Sergeant Schierer. There was also one in Seaside Heights on Saturday and they raised a million dollars for the Special Need children. This month is Women's History Month. The Beach Sweeps is April 24th. Clean Ocean Action has asked me to speak at their Symposium because our town runs such a successful beach sweeps. Council President Zalom stated that she received news that we are going to be receiving the monies for the concerts after all. I guess the squeaky wheel gets heard.
- c) Environmental Committee - Councilman Horan stated that the Environmental Committee held a workshop at the library on Wednesday, March 3rd and NJNG and BPU were on hand to answer any questions about their programs.
- d) Municipal Court Report for February
- e) Zoning Report for February
- f) Construction Report for February
- g) Animal Control Report for February
- h) Tax Account Status Report for February-Tax Collector
- i) Revenue Transaction Report for January-Chief Financial Officer

A Motion was made by Councilman Lamb to Approve Reports. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

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

RESOLUTIONS – ON CONSENT:

- 2010-89 authorizing the Treasurer to refund an overpayment on 4th quarter taxes in the amount of \$1403.47 to Diane Zaentz, Block 50.01 Lot 2
- 2010-90 authorizing a Bingo License to St. Pio of Pietrelcina for their Summer Bingo games
- 2010-91 appointing Dave Finter as a member of the Utility Advisory Committee-Councilman Stogdill stated that Dave will be an asset to this committee
- 2010-92 authorizing the removal of a second unit at 116 New Brunswick Avenue due to a demolition
- 2010-93 authorizing the approval of the Memorandum of Agreement with Teamsters Local 97 for a contract period from January 1, 2010 thru December 31, 2010
- 2010-94 establishing annual salaries for non-contractual employees-Council President Zalom stated that there is no raise for Mayor and Council this year. Councilman Borowski stated that these were substantial increases this year. Now that all of the unions and non contractual are all up next year together we will need to further review for next year.

Council President Zalom opened the floor for public comment and asked if anyone in the audience wished to comment on the consent agenda and the bills list.

There were no public comments.

Council President Zalom closed the floor to public comment and asked for a vote on the consent agenda.

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

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

- 2010-95 Bills List in the amount of \$324,220.09

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

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING:

ORDINANCE NO. 2010-03 (1075) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AN SUPPLEMENTING CHAPTER 63 OF THE BOROUGH CODE ENTITLED "WATER" SO AS TO REVISE SECTION 63-3 ENTITLED "ANNUAL RATES"

A Motion was made by Councilman Stogdill to adopt Ordinance No. 2010-03 (1075). The Motion was seconded by Councilman Horan.

Council President Zalom opened the Public Hearing on Ordinance 2010-03 (1075) and asked if anyone wished to comment on Ordinance 2010-03 (1075).

There were no public comments.

Council President Zalom closed the Public Hearing and asked for a vote.

Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

ORDINANCE NO. 2010-04 (1076) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE BOROUGH CODE ENTITLED "SEWER USE" SO AS TO REVISE SECTIONS 52-23 ENTITLED "SEWER USE CHARGE" AND 52-24 "CAPITAL INFILTRATION/CHARGE

A Motion was made by Councilman Stogdill to adopt Ordinance No. 2010-04 (1076). The Motion was seconded by Councilman Horan.

Council President Zalom opened the public hearing on Ordinance 2010-04 (1076) and asked if anyone wished to speak on this Ordinance.

There were no public comments.

Council President Zalom closed the Public Hearing and asked for a vote.

Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

Councilman Borowski stated that he understands this increase is needed to balance the sewer utility but he thinks the utility could have been helped in other ways to prevent this increase. Obviously, the sump pumps are a substantial problem to our sanitary sewer and we should be doing as much as we can to stop those sump pumps from entering our sewer system.

Mr. Parlow stated that the Code Enforcement Officer has issued six violations that are scheduled to go to court because of this issue.

Councilman Lamb stated that he believes that significant steps have been taken in the last couple years alone to try and correct this problem. Mr. Parlow has taken lots of time to locate and identify the culprits and we have issued the proper violations. He thinks that it has become a little better than it was.

Council President Zalom stated that we fixed the sump pump problem on the two streets we recently repaved last year. We are trying little by little to alleviate the problem and she thinks it has gotten better.

Mr. Parlow stated that Public Works are in the process of video taping the laterals and the Code Enforcement Officer has issued violations to those who are illegally hooked into the sewer. The Borough is paying a lot for treatment of water that does not need to be treated.

Mr. Borowski stated that we seemed to have a handle on it and now it seems to be escaping us again.

ORDINANCE NO. 2010-05 (1077) 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" SO AS TO REVISE SECTIONS 24-10 ENTITLED "RATES"

Mr. Parlow stated that fortunately with the Borough being involved with the Public Power and the fact that we went with the managed contract we have seen a significant reduction in our energy purchases. At least there is good news in our electric utility despite the bad news with the water and sewer utility.

Councilman Lamb questioned what the strategy is when purchasing the energy?

Mr. Parlow stated that with the managed contract there are a number of factors and analysis they use in purchasing the electric. The consultant and the participating members check the timing of the market and we have been making purchases every six months.

A Motion was made by Councilman Borowski to adopt Ordinance No. 2010-05 (1077). The Motion was seconded by Councilman Stogdill.

Council President Zalom opened the Public Hearing on Ordinance 2010-05 (1077) and asked if anyone wished to comment on this Ordinance.

There were no public comments.

Council President Zalom closed the Public Hearing and asked for a vote.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./DJ Complaint/Mrozek v. Borough of Lavallette/Received February 17, 2010

Engineering:

- a) O'Donnell, Stanton & Assoc/Michael O'Donnell/Sanitary Sewer Main Replacement/Route 35 Northbound/Bond Avenue to Guyer Avenue/NJDOT Permit Application-Mr. Parlow stated that the bid opening is set for March 18th and we should be able to award at the March 22nd Council Meeting and hopefully be finished with the project before the summer season starts. Council President Zalom stated that she noticed that on the west side of the water tower the lights are out. Mr. Parlow stated that he would speak with the Superintendent.

New Jersey League of Municipalities:

- a) Important League On-line Survey/Received February 5, 2010
- b) S-458(Collection, Assessment, Health & Animal Control Bill)/Received February 5, 2010-Mr. Parlow stated that we have already passed a resolution opposing this bill.
- c) EECBG Program Information/Received February 5, 2010
- d) Snow Emergency Response Update/Received February 8, 2010
- e) Changes to the DLG Website/Received February 9, 2010
- f) Interest Arbitration Reform/Received February 9, 2010-Councilman Borowski stated that this is a sample resolution and in light of what is going to happen next year with the unions we should pass this resolution. Mr. Parlow stated that he would have it on for the next meeting.
- g) League Applauds Governor's Executive Order/February 9, 2010
- h) Governor Christie Signs Executive Order on COAH/Received February 9, 2010
- i) Governor Declares Fiscal Emergency/Received February 11, 2010
- j) Governor's Intergovernmental Affairs Team/Received February 12, 2010
- k) Important Opra Fees/Received February 15, 2010
- l) Affordable Housing/COAH/Executive Order/February 16, 2010
- m) League Staff Membership in Public Employees' Retirement System (PERS)/Received February 16, 2010
- n) Review of New Local Financial and General Government Laws/Received February 18, 2010
- o) S-2/S-3/S-4 and SCR-1 on Pension Reform/Received February 18, 2010
- p) Continuing Health Insurance for Dependents/Received February 19, 2010
- q) Courts Stays Governor's Stay on COAH/Time of Decision/Received February 22, 2010
- r) S-1352/New OPRA Mandates Would Increase Local Costs and Decrease Local Revenues/Received February 22, 2010-Mr. Parlow stated that he is going to have to discuss with the attorney. It looks like they are trying to make some changes with the time frames and certain records and fees. Mr. George stated that they think the pricing is ambiguous and as of July 1st the state law will change.
- s) Support the Troops-March 25, Lawrenceville Armory/Received February 22, 2010
- t) S-2, S-3 and S4 Pension Reform Unanimously Passes Senate/Received February 22, 2010
- u) Interest Arbitration Reform Sample Resolution/Received February 22, 2010

- v) NJRA Redevelopment Training Institute/NJRA RTI/Received February 23, 2010
- w) Affordable Housing Update/Governor Christie's Mayors Legislative Day Speech Broadcast/NJ Future Redevelopment Forum Postponed/Received February 25, 2010
- x) A-437, Time of Decision Bill Posted for Assembly Hearing/Received March 1, 2010
- y) Changes to the DLG Website/Received March 2, 2010
- z) Change Clocks, Check and Update Plans/Received March 2, 2010
- aa) 2010 Census Website Logo/Received March 3, 2010
- bb) Federal Action on Transportation Funding and Unemployment Benefits

General With No Action:

- a) Ocean County Planning Board/mark A.C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report-January 2010/Received February 5, 2010
- b) County of Ocean/Board of Chosen Freeholders/Betty Vasil, Clerk of the Board/Paris Grant Funding for 2010/11/Received February 8, 2010
- c) County of Ocean/Board of Chosen Freeholders/Brenda Albertson, Records Management Analyst/Paris Grant Coordinator/Contracted Smart Consulting along with Paris Grant/Received February 8, 2010
- d) Borough of Seaside Park/Karen Barna, Borough Clerk/advising the Borough of Lavallette that they are renewing interlocal agreement with Berkeley Township for construction services/Received February 10, 2010-Mr. Parlow stated that Seaside Park rejected our proposal for UCC Services. They decided to stay with Berkeley for another year.
- e) Clean Ocean Action/Tavia Danch, Pollution Prevention Coordinator/Call for Captains for Beach Sweeps 25/Received February 12, 2010-Council President Zalom stated that the Beach Sweeps is on April 24th.
- f) Mary Ann Popper/1600 Bay Blvd./opposing the sale of portion of Lavallette Avenue/Received February 16, 2010
- g) Board of Chosen Freeholders/James F. Lacey, Freeholder Director/Disaster Area Declaration/Received February 16, 2010
- h) Mumford-Bjorkman Associates, Inc./Michael F. Catts, Jr./Post Antenna Installation Inspection on fluted Column Tank/Received February 17, 2010
- i) Cablevision/Adam E. Falk, Vice President/Deletion of WPIX Multicast LATV/Received February 19, 2010
- j) New Jersey American Water/News Drop/Announcing New Jersey American Water's 2010 Environmental Grant Program/Received February 19, 2010
- k) Insurance Services Office, Inc./Wayne Press, Field Representative/Public Fire Protection/Received February 19, 2010
- l) County of Ocean/Board of Chosen Freeholders/Betty Vasil, Clerk of the Board/suspension of Paris Grant by order of Governor Christie/Received February 25, 2010-Councilman Stogdill stated that we are not going to receive our Paris Grant for this year unfortunately.
- m) Maribeth & Edgar Hess/5 Morton Drive/in favor of the sale of portion of Lavallette Avenue/Received March 1, 2010
- n) State of New Jersey/Department of Environmental Protection/Clean Water Financing Program State Revolving Fund/Received March 1, 2010
- o) Charlotte Ross/1900 Bay Blvd/commending the Borough workers for a tremendous job with the snow storms/Received March 2, 2010-Councilman Horan stated that this letter is from

Charlotte Ross commending the workers for the wonderful job of removing the snow. Councilman Lamb stated that he has to agree with the commendation. He stated he was on the boardwalk and couldn't believe how much snow removal they accomplished and so quickly. Council President Zalom stated that Public Works does a fantastic job with everything in town.

- p) Cablevision/Adam E. Falk, Vice President/Launch of ART iO International a la carte channel/Received March 2, 2010
- q) Cablevision/Adam E. Falk, Vice President/Notice of Potential Programming Change: WABC-TV and WPVI-TV
- r) Joseph Conroy/1403 Bay Blvd/in favor of the sale of a portion of Lavallette Avenue/Received March 4, 2010
- s) Kenneth Bernhard/28 Pershing Blvd/in favor of the sale of a portion of Lavallette Avenue

General With Action:

- a) Boy Scouts of America/Boy Scout Troop 22/Valentino Borrelli, Assistant Scout Master/requesting to hold their annual Jesse Anderson Triathlon on September 26, 2010-starting at 7am/Received March 1, 2010-Mr. Parlow stated that this is an annual request and the date is available.
- b) Peter M. Frampton/103 Camden Avenue/requesting permission to hold a sunrise service for their church on Easter Sunday at 6:15 am at the gazebo and is requesting the rental fee of \$200.00 be waived/Received March 4, 2010-Councilman Lamb stated that if we waive the fee that would be setting a precedence. Council President Zalom stated that he can have the service on the ocean or bay beach but cannot use the pavilion or gazebo.
- c) Island Junior Baseball League/Colin M. Grant/requesting use of the Lavallette ballfield from March 1, 2010 to June 15, 2010, Monday thru Friday, 4-8 pm and June 16, 2010 to August 15, 2010, Monday thru Sunday 6-10 pm/Received March 4, 2010-Council President Zalom stated that this was an annual request and they get first pick of the dates for the field.

UNFINISHED BUSINESS:

Mr. Parlow stated that on the dais is the draft of the calendar and information sheet. He stated he would like to get it to the publisher by Wednesday, March 10th so if you have any additions get them to me by Wednesday. Mary Jo Austin was gracious enough to let us use some of her artwork for the calendar.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Peter Sturm, 1600 Ocean Front stated that on January 16th he called 911 because he was having trouble breathing. The police were there in seconds and it seemed like fifteen seconds later the rig

was there. They were quick with responding and they were very efficient. He thanked all that made him feel very safe that night.

Clem Boyers, 20 Kerr Avenue stated that on a website called US Speed Traps he happened to pull up Lavallette and the website is saying that there is a speed trap by the Lavallette School on Rt. 35 South. Supposedly, there is a pair of 45 mile per hour speed signs right in the middle of the school zone that is somewhat confusing.

Mr. Parlow stated that he will have the Chief take a look at it.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowksi stated that on the Lavallette website under the First Aid Squad there is a form that you can download to help our first responders. The form asked for a variety of information such as what type of medications you are on and what you are allergic to. It is really useful for our first responders. He also reported that next week we change the clocks ahead. In 2009, the Lavallette First Aid Squad had a total of 400 first aid calls with 10% of them assisting adjoining towns. We are available 24 hours a day and seven days a week. We are in need of volunteers so please, if you can, be a Lavallette First Aid volunteer. Also, the Ocean County Federation of Republican Women is honoring Council President Anita Zalom as Women of the Year on April 29th at Hemingway's.

Councilman Horan stated that we give discounted badges to active military and senior citizens but not retired military. He commented that he thought we were a military friendly town.

Councilman Lamb stated that if we give it to retired military then all volunteers will be looking for free badges too. How are we going to keep up with the revenues if we keep giving free or reduced for anyone that can ask. Unfortunately, we can not just offer to Lavallette residents; which is the problem.

Councilman Stogdill stated that the eighth grade is holding a Spaghetti Dinner at the Union Church on April 16th from 5-8 pm to help pay for their eighth grade trip to Gettysburg.

Mr. Parlow stated that the Annexation Committee held their first meeting last week. Toms River Township supplied us with copies of their finances and we are taking a look at them. The Borough will have to pay Toms River Township for a share of their municipal debt.

Council President Zalom stated that there is a New York City bus trip in April and a Beautification Dinner in May. The flyers are downstairs in Borough Hall. Also, she asked that we not forget to honor all women this month.

Mr. Parlow stated that at the last meeting he was asked to research any history on the issue with the Lavallette Avenue property. He reported that he and the Deputy Clerk reviewed the minute books within the years we were told to look at and we have given you copies of those minutes on the dais. He reported that the only issue that was reported in the minutes talked about the amount of boats stored on the property and nothing about the sale of Lavallette Avenue. He also reported that he

went through the tax books dated back to the 1940's. He reported that the property, Block 68, Lot 1 was always privately and paid taxes and was never owned by the Borough.

ADJOURNMENT:

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Borowski. Vote: All of Council was in Favor. The Motion passed.

The Caucus/Regular Meeting was adjourned at 8:26 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 and correct copy of the Minutes of the Caucus/Regular Meeting held on the **8th** day of **March 2010**

Christopher F. Parlow
Municipal Clerk