

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, May 24, 2010-7:02 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk
Michele Burk, Chief Financial Officer
Robert Oliwa, Municipal Auditor

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 the municipal bulletin board and the municipal website.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for all our troops lost in Afghanistan and Iraq these past months.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming to tonight's meeting. He stated that many people ask him if he enjoys his job and it is an agenda like this that makes him enjoy it every day. He stated he is very proud to be the Mayor of this town. We are adopting a great budget tonight and are taking care of the two biggest parking problems in town tonight. We are up here on Council work wonderfully together.

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

Mayor LaCicero asked if anyone would like to speak on any item that was not on the agenda or could not stay for the remainder of the meeting could do so now.

Mary Logios, 4 Sterling Avenue stated that on their street they have a lot of parking problems with people who live in Ocean Beach Unit #1 because they are private streets and no one can park there. She thought some of it would be alleviated with the Borough taking on Bay Beach Way but people still can not park on that street. They have signs on their street stating there is no parking. She asked why do they still have the privilege of having no parking when none of the other streets in Lavallette do. She commented that the Borough even has parking permits for other streets so why can't we take advantage of that.

Mayor LaCicero stated that even though they are part of Lavallette, they are still part of the Ocean Beach Unit #1 Association and they still own the street.

Mrs. Logios questioned if there is a solution to the parking problem on her street because it has been going on for years.

Mayor LaCicero stated that this is the first time this has come up but he will make sure the Chief is aware of it and maybe he can find some solution to your problem.

Councilwoman Filippone stated that those parking permits are only for undersized lots without driveways and she believes that there are only 13 total lots in Lavallette that would qualify.

Mrs. Logios stated that another item she would like to bring up is the dogs on the beach. She questioned if the Borough does not allow animals on the beach how come the newspaper has pictures of residents on the beach with their dogs. She thinks we need to enforce this a lot more than it is.

Mayor LaCicero stated that there are no animals allowed on the beach and if you see any animals up there you should call the police immediately. They do not patrol the beaches that much during the winter months but they will patrol more now with the season approaching.

Councilwoman Filippone stated that she thinks the signs about no animals on beach and keep away from dunes are too high for people to notice. They should be at the entrances and walkways so people can see them.

Mayor LaCicero asked to have the adoption of the Budget moved up in the agenda. Council agreed.

ADOPTION OF 2010 MUNICIPAL BUDGET:

Mr. Parlow read aloud Resolution 2010-151 to read the budget by title only.

A Motion to approve Resolution 2010-151 was made by Councilman Horan. The Motion was Seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

Mr. Oliwa read aloud the Resolution to Adopt the Budget.

A Motion was made by Councilwoman Filippone to adopt the Budget. The Motion was seconded by Councilman Horan. The Mayor opened the public hearing and asked if anyone wished to comment on the 2010 Budget. No one wished to comment on the 2010 Budget. The Mayor closed the Public Hearing and asked for a vote on the Adoption of the 2010 Budget. Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

PRESENTATION: Tozour Energy Services – Energy Savings Improvement Programs (P.L. 2009, c.4)

Bob Ventriglia and Rich Cooper gave a presentation on Energy Programs that the Borough of Lavallette qualify for.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of May 10, 2010

A Motion was made by Council President Zalom to approve the Minutes. The Motion was seconded by Councilman Horan. Vote: Council Members: Second: Vote:

RESOLUTIONS – ON CONSENT:

- 2010-137A authorizing participation in the New Jersey State Health Benefits Program Act for Local Prescription Drug Coverage
- 2010-139 authorizing the Tax Collector to cancel property taxes in the amount of \$1,555.88 for the tax year 2010 due to 100% totally disabled veteran status
- 2010-140 appointing Ian Inverno and Andrew Baldino as Class II Officers for the Lavallette Police Dept. commencing May 15, 2010 and ending August 29, 2010
- 2010-141 authorizing the Mayor to sign an application for a social affairs permit to the Lavallette First Aid Squad for the sale of alcoholic beverages at the Lavallette Heritage Day Festival
- 2010-142 supporting Governor Christie’s “Tool Kit” of Reforms and Proposition 2.5- Council President Zalom requested that this resolution be put off consent-
- 2010-143 appointing Kate Graham as a permanent Supervising Public Safety Telecommunicator
- 2010-144 requesting that the Department of Transportation adopt the required regulation establishing two-hour parking spaces on Route NJ 35 Northbound(Grand Central Avenue)
- 2010-145 authorizing the Treasurer to refund a credit balance in the amount of \$2,502.55 to Investors Savings Bank on Block 62 Lot 16, 133 Newark Avenue
- 2010-146 authorizing a contract with Garden State Fireworks to hold our fireworks display on July 4, 2010 in the amount of \$7,000
- 2010-147 appointing John Humprey as a seasonal laborer for the Department of Public Works at an hourly rate of \$10.00

- 2010-148 appointing tennis court attendants for the 2010 summer season commencing June 19, 2010-Council President Zalom stated that Bill Bogdan has done a wonderful job with the schedules of the tennis attendants and I just wanted to say thank you to him for an outstanding job.
- 2010-149 appointing Class I Officers for the 2010 summer season commencing May 27, 2010-Councilman Lamb questioned how the hiring of seasonals is working with the unemployment. Mr. Parlow stated that we are using 15 weeks maximum for right now. Councilman Lamb stated that maybe the Department Heads should sit down with Council and decide what to do about this whole unemployment issue in order for us not to have to pay so much. Maybe we should start hiring in groups with one group working for a certain amount of weeks and the next group the rest of the weeks. Councilwoman Filippone stated that we need to find out what the interim period in between is. Mr. Parlow stated that the main portion of the unemployment is the boardwalk workers and with that we had no choice but to hire workers to get the job done but we will not hire those workers back.
- 2010-150 appointing Class II Officers for the 2010 summer season commencing May 27, 2010
- 2010-151 providing for the budget to be read by title only at the time of the public hearing-Mayor LaCicero stated that this resolution was to be put off consent for the budget adoption
- 2010-152 appointing seasonal laborers for the 2010 summer season commencing June 21, 2010-Councilman Lamb requested that this be put off consent
- 2010-152A authorizing the lease purchase of a 2010 Chevy Tahoe in the amount of \$38,586.70 with three year lease payments of \$13,753.88 to be used by the Lavallette Police Department
- 2010-152B authorizing Class I Training for Ryan Bowers from May 24, 2010 through June 16, 2010 at an hourly rate of \$7.25

Council President Zalom asked to have Resolution 2010-142 moved to Off-Consent.

Council agreed.

Councilman Lamb asked to have Resolution 2010-153 moved to Off-Consent.

Council agreed.

A Motion was made by Councilman Lamb to approve the Consent Agenda with the exception of Resolutions 2010-142 and 2010-153, Resolution 2010-151 was approved as part of the Budget..

The Motion was seconded by Councilman Horan. The Mayor opened the floor for public comment and asked if anyone wished to comment on the consent agenda.

Joe Palinsky, 122 Washington Avenue questioned how much we charged for the rental of the tennis courts.

Mayor LaCicero stated that there were four courts and we charge \$5.00 per hour.

Council President Zalom stated that we also extended the hours of the shed to 8pm so that will also increase our revenues.

Clem Boyers, 20 Kerr Avenue questioned the price of the fireworks last year.

Mr. Parlow stated it was \$6,500.

Mr. Boyers questioned if this was the same company as last year.

Mr. Parlow stated that it was. He stated that the proposals are analyzed to see which company gives the most bang for the buck, so to speak. Last year we had five companies send in proposals but this year because of it being actually on the 4th we only had two proposals and Garden State was the better of those two.

There was no additional public comment on the Consent Agenda with the exception of Resolutions 2010-142 and 2010-153. The Mayor closed the public comment and asked for a vote on the Consent Agenda. Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

2010-142 supporting Governor Christie's "Tool Kit" of Reforms and Proposition 2.5

Mr. Parlow requested that this resolution be modified to include a sentence referencing a 2.5% cap on health benefit costs.

A Motion was made by Councilman Lamb to Modify Resolution 2010-142 to include the sentence. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Filippone, Horan and Lamb voted Yes. Council President Zalom voted No. The Motion Passed.

2010-153 appointing seasonal laborers for the 2010 summer season in the Dept. of Public Works commencing June 21, 2010

A Motion was made by Councilwoman Filippone to approve Resolution 2010-152. The Motion was Seconded by Councilman Horan. Vote: Council Members Filippone, Zalom and Horan voted Yes. Councilman Lamb Abstained. The Motion Passed.

APPROVAL OF VOUCHERS

2010-153 Bills List in the amount of \$476,408.59

A Motion was made by Council President Zalom to approve the Bills List. The Motion was seconded by Councilman Horan. Vote: Council Members Zalom and Horan voted Yes. Councilwoman Filippone Abstained on #10-00405 and yes to all other. Councilman Lamb Abstained on #10-414 and yes to all others. The Motion Passed.

INTRODUCTION/FIRST READING OF ORDINANCES:

ORDINANCE NO. 2010-12 (1084) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED “VEHICLES AND TRAFFIC” SO AS TO ESTABLISH “NO PARKING” AREAS AT VARIOUS INTERSECTIONS

Mayor LaCicero stated that this is the Ordinance that reduces the required distances from stop signs and intersections. The Chief managed to get the work done so this could get done before the summer season started.

Councilman Lamb stated he thinks the Chief did a great job in getting this done in a timely manner.

Councilwoman Filippone stated that the Chief should be commended for his time and quality.

Mr. Parlow questioned if the Council would agreed with the Chief’s recommendation to start the painting of the curbs prior to the adoption of the ordinance.

Mr. George stated that they could paint over the yellow but must hold off on ticketing anyone until after the final adoption takes place.

Mr. Parlow stated that the Chief’s memo states that we have received 134 extra spaces. Ninety-nine spaces would be added to the side streets intersecting Route 35 North, twenty-seven spaces on the side streets intersecting Route 35 South and eight spaces on side streets intersecting Bay Boulevard.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2012-12 (1084). The Motion was seconded by Councilman Horan. Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for the Meeting of June 7, 2010.

FINAL ADOPTION/SECOND READING OF ORDINANCES:

ORDINANCE NO. 2010-07 (1079) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED “ZONING” SO AS TO ESTABLISH RESIDENCE DISTRICT D FOR THE AREA KNOWN AS “BAY BEACH WAY”

Mr. Parlow stated that this ordinance creates Residential District “D” to the Zoning Chapter in order to add a separate section for Bay Beach Way. The set back requirements are slightly different than Residential Zone “C”, which is Westmont Shire.

A Motion to Adopt Ordinance 2010-07 (1079) was made by Councilwoman Filippone. The Motion was Seconded by Councilman Horan. The Mayor opened the Public Hearing and asked if there were any comments on Ordinance 2010-07 (1079). No one wished to comment on this Ordinance. The Mayor closed the Public Hearing and asked for a vote on Ordinance 2010-07 (1079). Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

ORDINANCE NO. 2010-08 (1080) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AN SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE ENTITLED “LAND USE PROCEDURES” SO AS TO ADOPT A REVISED APPLICATION COMPLETENESS CHECKLIST PURSUANT TO SECTION 37-9 OF THE BOROUGH CODE ENTITLED “PROCEDURES FOR FILING APPLICATIONS BUILDING REQUIREMENTS”

Mr. Parlow stated that this ordinance needed to be modified due to a section of the checklist being omitted by the Engineer. The Engineer has corrected it and it is now complete.

A Motion to Adopt Ordinance 2010-08 (1080) was made by Councilwoman Filippone. The Motion was Seconded by Councilman Horan. The Mayor opened the Public Hearing and asked if anyone wished to comment on Ordinance 2010-08 (1080). No one wished to comment on this Ordinance. The Mayor closed the Public Hearing and asked for a vote on Ordinance 2010-08 (1080). Vote: Council Members Filippone, Zalom, Horan and Lamb voted Yes. The Motion passed.

ORDINANCE NO. 2010-11 (1083) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 45, ENTITLED “OFFICERS AND EMPLOYEES” SO AS TO CREATE 45-39, ET SEQ., ENTITLED “IRS SECTION 125 CAFETERIA PLAN FOR BOROUGH EMPLOYEES”

Mr. Parlow stated that we just needed to notice the public that this Final Adoption has been rescheduled for the June 7th meeting.

Public Hearing and Final Adoption has been rescheduled for the Meeting of June 7, 2010.

UNFINISHED BUSINESS:

Councilwoman Filippone stated that the Chief has decided that he will have his officers participate in giving the kids the incentive tickets for participating in proper bicycle safety. He will decide on a day to day basis whether to do it for that day and time.

NEW BUSINESS:

There was no new business

COMMENTS FROM THE PUBLIC:

There were no comments from the Public.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the Welcome Center looks absolutely beautiful thanks to our master gardener Mike Visco. The fundraiser for the Beautification Committee was wonderful. The food was so good she already made some of it at home. The Bay Cleanup was Saturday and everyone did such a wonderful job with helping out. She attended the Dedication at the Library for their 15th anniversary. The Father Alfonse concerts were cancelled for this season so the Municipal Alliance has decided to use the bus for the Blue Claws games and the Strand Theatre. The Battle of the Bands is on June 12th and 8th grade Graduation is June 21st. She asked all not to forget about Memorial Day Services on May 31st

Mayor LaCicero stated that he is very glad that the Ordinance for the Cafeteria Plan is going to happen. He has always been a proponent for savings on our health benefits. We hope to have five or six family plans given back to us with a savings of hopefully \$50,000 which will hopefully bring our medical insurance costs down \$100,000.

EXECUTIVE SESSION:

Interlocal Service Agreement with the Borough of Seaside Heights

Mr. George stated that there is a need for an Executive Session for discussion of a possible interlocal service agreement with the Borough of Seaside Heights. There is no anticipated action to be taken.

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting to go into Executive Session. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed. The Regular Meeting was adjourned for Executive Session at 8:35 pm.

A Motion made by Councilwoman Filippone to reconvene the Regular Meeting was. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed. The Regular Meeting reconvened at 9:04 pm.

Mr. George stated that in Executive Session there was discussion about a possible interlocal service agreement with Seaside Heights for a supervisory position for a certain department. There was no discussion on a certain individual just the position with no action being taken at this time.

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Regular Meeting was adjourned at 9:05 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 Mayor and Council held on the **24th** day of **May 2010**.

Christopher F. Parlow
Municipal Clerk