

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, August 30, 2010-7:03 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan 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 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 the troops overseas.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero welcomed everyone to the meeting.

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

Mayor LaCicero opened the floor to anyone who wished to comment on any items that were not on the agenda and did not wish to stay for the remainder of the meeting.

There were no comments from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of August 16, 2010
Executive Session Minutes of August 16, 2010
Bid Opening Minutes of August 27, 2010

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

RESOLUTIONS – ON CONSENT:

- 2010-218 appointing four badge checkers at an hourly rate of \$8.00 for the end of the 2010 summer season-Councilman Lamb thanked all the people who helped out with checking badges and the lifeguards for the end of our season. With everyone starting school we are limited with help. Mr. Parlow has informed me that this week we are still short some guards so some of our beaches will have to be closed.
- 2010-219 authorizing the approval of two raffles to the Lavallette Voters & Taxpayers Association to be held on October 2, 2010 from 6pm to 10pm at St. Pio of Pietrelcina Parish Hall
- 2010-220 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc. for services rendered in 2010 in the amount of \$28,000-Councilman Horan asked that resolution be removed from the consent agenda and placed off consent. Council agreed.
- 2010-221 authorizing Tai Chi, Zumba, Aerobics and Yoga classes through the Recreation Department to be held during the fall and winter months-Council President Zalom thanked the First Aid for allowing Recreation to hold their exercise classes there.
- 2010-222 declaring September 2010 as National Preparedness Month
- 2010-223 amending the 2010 Salary for the Lifeguard Captain-Mr. Parlow stated that the Beach Captain is retired and has a cap on how much he can make so at his request we needed to decrease his salary.
- 2010-224 authorizing the disposal of surplus property-Mr. Parlow stated that that there were some additional items that needed to be added to the auction list. We are part of GovDeals.com which is like a government EBay. We have a link on our website to review what is on our auction list. Mr. Borowski stated that the auction closes tomorrow.
- 2010-225 appointing two lifeguards for the end of the 2010 summer season
- 2010-226 authorizing the approval of a raffle license to the Union Church of Lavallette to hold a 50/50 On Premise Raffle to be held on September 24, 2010 from 12 noon to 6 pm.
- 2010-227 authorizing an amendment to the Capital Budget for 2010 - Project Improvements to New Brunswick Avenue

A Motion was made by Councilwoman Filippone to approve the Consent Agenda with the exception of Resolution 2010-220. The Motion was seconded by Council President Zalom. Mayor LaCicero opened the floor to public comment and asked if anyone wished to comment on

the consent agenda. No one wished to comment at this time. The Mayor closed the floor to the public and asked for a vote on the consent agenda with the exception of Resolution 2010-220. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

2010-220 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc. for services rendered in 2010 in the amount of \$28,000

Councilman Horan stated that he is a member of the First Aid Squad so he needs to abstain from this resolution.

Councilman Borowski stated that he will need to abstain as well. He stated that as we can see the First Aid Building will be used everyday for exercise classes which means the building will have to be cleaned on a daily basis. He stated that he just wants the public to be aware that this is what we use the monies that are donated for the upkeep and maintenance of the building.

Councilwoman Filippone stated that the Borough contribution is also used to purchase first aid ambulances.

Councilman Borowski stated that he was asked at the last meeting how many calls the squad receives on a monthly basis. The report he received shows the month of May the First Aid Squad received 32 calls, the month of June we received 41 calls, and the month of July was 64 calls so you can see we are always busy.

Mayor LaCicero questioned what the contribution was for the previous year.

Mr. Parlow stated that the contribution was the same as last year.

A Motion was made to Approve Resolution 2010-220 by Councilwoman Filippone. The Motion was seconded by Council President Zalom. The Mayor opened the floor to public comment and asked if anyone wished to comment on Resolution 2010-220. No one wished to comment at this time. The Mayor closed the floor to public comment and asked for a vote on Resolution 2010-220. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Horan Abstained. The Motion Passed.

2010-228 ratifying contracts awarded at an emergency meeting pursuant to N.J.S.A. 10:4-9(b) with regard to emergency conditions resulting from pole transformer bursting

Mr. Parlow stated that this portion of the contract pertains to the actual disposal of hazardous materials which had additional costs. The contractor also reconstructed a 36 x 20 asphalt patch and approximately sixty feet of curbing and that cost was \$32,609.40

A Motion to approve Resolution 2010-228 was made by Councilman Horan. The Motion was seconded by Councilman Borowski. The Mayor opened the floor to the public and asked if anyone wished to comment on Resolution 2010-228. No one wished to comment at this time. The Mayor closed the floor to public comment and asked for a vote on Resolution 2010-228. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2010-229 awarding of a contract for the Grand Central Avenue Beautification Project to JOGI Construction, Inc. in the amount of \$434,480.43

Mr. Parlow stated that bids for this project were received on Friday. Three bids were received. The lowest bidder was JOGI and the Borough Engineer has recommended that the Borough approve a contract with the lowest bidder. The Project consists of three blocks in the B2 District and we are replacing the curbs, sidewalks and putting in some decorative lighting and pavers. We have received a Federal Grant for this project in the amount of \$488,000, so the contract amount is under the grant.. We were hoping to start the project by Labor Day but that isn't going to happen. The Engineer is looking to get it started by middle to end of September.

Councilman Borowski questioned if the Engineer had any familiarity with this particular contractor.

Mr. Parlow stated that this contractor is not from Ocean County and the Engineer has never worked with him before.

Councilwoman Filippone questioned if he knew of any other towns that have used him before.

Mr. Parlow stated that he did have to provide references in his bid specs but the Engineer was still in possession of the specs. He stated that he would speak to the Engineer and get back to her.

A Motion was made Councilman Horan to approve Resolution 2010-229. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on Resolution 2010-229. No one wished to comment at this time. The Mayor closed the floor to public comment and asked for a vote. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2010-230 Bills List in the amount of \$819,447.79

A Motion was made by Councilman Stogdill to approve the Bills List. The Motion was seconded by Council President Zalom. The Mayor opened the floor to public comment and asked if anyone wished to comment on the Bills List. No one wished to comment. The Mayor closed the floor and asked Council for a vote on the Bills List. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Horan Abstained on Purchase Order #10-490 and 10-669 and Yes to all others. The Motion Passed.

INTRODUCTION/FIRST READING OF ORDINANCES:

BOND ORDINANCE NO. 2010-02 (1074) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO NEW BRUNSWICK AVENUE, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Parlow stated that Bond Counsel discovered an error in the Supplemental Debt Statement from the Auditor that was filed and approved by the State. The Supplemental Debt Statement was missing the \$50,000 debt for the New Brunswick Avenue Road Improvements. It is now required that the ordinance is re-introduce and re-adopt and a new Supplemental Debt Statement must be filed and approved by the State.

Mayor LaCicero stated that we also received a grant from the State for \$150,000 for these road improvements.

A Motion was made by Councilwoman Filippone to introduce Ordinance No. 2010-02 (1074). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for the Meeting of September 13, 2010.

ORDINANCE NO. 2010-16 (1088) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 22, ENTITLED "DEFENSE AND INDEMNIFICATION" SO AS TO CREATE § 22-2(B) ADOPTING THE USE OF A NOTICE OF TORT CLAIMS FORM PURSUANT TO N.J.S.A. 59:8-4 AND N.J.S.A.. 59:8-6

Mr. George stated that Mr. Parlow had some requests for a Notice of Tort Claim for certain types of alleged wrongdoings. The Form requires that you file a claim within ninety days. If the form is being used it should be adopted by Ordinance by the town. Mr. George stated that the forms have been used for about a month.

Councilman Borowski questioned if someone failed to submit the claim on this certain form after adoption would that claim still be legal.

Mr. George stated that it technically it would still be legal but this form helps with filing the claims in a proper way.

A Motion was made by Councilman Lamb to introduce Ordinance 2010-16 (1088). The Motion was seconded by Councilman Stogdill. Vote Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for the Meeting of September 13, 2010.

UNFINISHED BUSINESS:

Councilman Lamb stated that he has received a lot of calls about the issue with the decorations on Route 35 North that were recently purchased. The concern is the term “Winterfest” being used as the name of our decorations. People are offended by that term and want to know why the usually term of Christmas is being dismissed. His feeling is to leave it the way it is and keep using Christmas.

A Motion was made by Councilman Lamb to change the wording of our decorations from “Winterfest” back to calling them Christmas decorations. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Councilman Borowski stated that on the dais is a report from the landfill on our recycling and landfill fees and tonnage for 2008-2009-2010. As you can see the tonnage and recycling fees have gone done quite a bit.

Mayor LaCicero stated that he is very pleased by this report.

Councilwoman Filippone stated that at the last meeting we discussed permits to park in front of your driveways. Before we open up the Ordinance she would like to also discuss the changing of the Ordinance that concerns the backing into a space being illegal. Last year people were ticketed and those tickets were thrown out because there was no signage. We now have a sign but it faces Route 35 North and people have been ticketed. The sign is very small and difficult to see and it faces the highway. She thinks that since our spaces are now perpendicular we should consider rescinding the ordinance. We are a tourist community and people like to back into spots to unload their vehicles.

Mayor LaCicero questioned Mr. George if there is a provision in Title 39 that allows us to enforce the backing in to parking spaces on the highway. He also asked if anyone had any objections to rescinding the Ordinance.

Mr. George stated that he believes the State statute does not govern the side streets just the Ordinance does.

Councilman Lamb stated that he believes that when he was an officer they ticketed the cars that backed in the spaces on the side streets and used the state law statute.

Mayor LaCicero stated that we could eliminate the ordinance if everyone is in agreement.

Councilwoman Filippone stated that if a sign faces “X” it is enforceable on “X” only.

Mr. George stated that as long as it states it somewhere that can be seen it is legal.

Mayor stated that he has no objection allowing them to back in. The question is can we repeal the ordinance when we open it up for the permit parking for the driveways?

Mr. Parlow stated that yes we can rescind when we open for the permits.

Councilman Borowski questioned if the driveway parking is going to be limited to only the wide streets?

Mayor stated not necessarily it might be a case by case basis. We will have more discussions on it when we get the draft.

Councilwoman Filippone stated that she thinks it is going to cause a problem with the two houses on one lot with one big driveway. She questioned who would get the permit. She thinks the Borough may be opening Pandora’s Box.

Mayor LaCicero stated that maybe we should have more discussions on the driveway permits and repeal the head on parking at the next meeting.

Mr. Parlow stated that the ordinance will need to be modified, not repealed. In the meantime, he will speak to the Chief about the enforcement of this ordinance.

Council President Zalom stated that Heritage Day falls on September 11th this year. She thinks we should do something for 9/11 at Heritage Day. She will set something up for the Mayor to say a few words and bring down the Charcoal Drawing and the Never Forget sign and have the podium for the Mayor.

NEW BUSINESS:

Councilman Stogdill stated that we have changed our phone carrier from Verizon to Cablevision Triple Play and will save an estimated \$15,000 a year.

Mr. Parlow stated that the phone service maintained by the Police Department will also be reviewed with the possibility of making the switch to cable. There are still some issues with all their phone equipment so we hope to have that taken care within the next six months or so.

Councilman Stogdill thanked Michele and Matt Burk and Chris Parlow for all their work with the change in the phone system.

Councilman Borowski stated that the pedestrian crossing signs and barrels is definitely working to slow the traffic down but he thinks the barrels are a little to close to the lanes and should be moved a little bit towards the shoulder.

Councilman Borowski stated that a resident approached him about a wristlet that has a fastener attached for a beach badge and suggested we use those instead of our pin beach badge.

Mr. Parlow stated that the Ordinance requires that the badge be attached to your bathing suit.

Councilwoman Zalom stated that she advised Bobby Steele from the OC Tourism about our badge sales being up \$18,000 from last year so they know for their guide book.

Councilman Horan stated that the NJ Clean Energy Program has approved the Borough to upgrade the lighting in all our Borough buildings at no cost to us and with a savings of \$13,000.

Mr. Parlow stated that we need to submit a direct install application and with this program the Contractor gets paid directly so we also will not incur any out of pocket expenses.

Councilman Horan stated that the Public Power has locked in our energy cost until 2014 so we will have some savings there, also.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that he always backs into his driveway to make it easier for him to pull out and make sure he does not hit anyone that is crossing the street. He asked why he is not allowed to back in his driveway.

Mayor LaCicero stated that it is only not allowed in the parking spaces your driveway is your own private property.

Mr. Boyers stated that he also has the triple play from Cablevision and he also purchased a backup battery so my phone does not go out with the power. He also stated that he has heard wonderful things about our lifeguards and the wonderful job they do.

Councilman Lamb stated that Ortley Beach lifeguards go off duty at 5:00 pm and with the way the ocean has been with these hurricanes the current had pulled a lot of Ortley Beach people into Lavallette and there were some rescues. The Lavallette lifeguards had to go over to Ortley and get everyone out of the water because in Lavallette we are here until 6pm but we had flags up so no one was allowed in our waters.

Councilman Borowski stated that residents always ask why we need all of these vehicles for the beach, well now they know why. Those vehicles were definitely needed this weekend.

Bob Storch, 1502 Baltimore Avenue stated that in front of the library on Baltimore Avenue the lined spaces are perpendicular but no where else on the street are there spaces lined and people still park their cars perpendicular. He questioned if there are no lined spaces are not people supposed to park parallel.

Mayor LaCicero stated that he does believe if there are no lined spaces you must park parallel but he will speak to the Chief about why Baltimore is not marked.

Mr. George stated even if parking is designated without markings it is hard to tell.

Mr. Parlow stated that in the code book it reads Baltimore Avenue between Jersey City and Elizabeth spaces should be 45 degree angle on ballfield side but is silent anywhere else. It also states 90 degree angle for the four wide streets.

Herb Hascher, 1301 Bay Blvd. stated that he would like to commend Joanne LaCicero on the wonderful job with the Geese on the Ballfield but if she could help with clearing them by the Gazebo that would be great too. The kids with the movie night and weddings have to deal with all those geese droppings and it does not make us look to good.

Mayor LaCicero stated that he discussed this issue with her and she is going to try and get some of her people over there also. The problem is with that area you cannot run your dogs without a leash and people in that area do not like the dogs over there.

Mr. Hascher stated that our Bay beach is pristine. The Public Works Department does a fantastic job of keeping our beaches looking great but the kids can not go in the water because of all the sea nettles. The Borough of Seaside Park has netting in their Bay beach and it seems to be working. Maybe we could send someone over there to check it out and next year maybe we could use it with our Bay beach.

Mayor LaCicero stated that there was some discussion at the last meeting about this and we did agree to send someone to check it out. Seaside Park is closer to the salt water and I don't think they have as big of a problem with the bay as we do.

Mr. Hascher went on to say that he hopes the driveway permit parking goes through because he always has problems with people parking in front of his driveway and we have that yellow line in front the whole front of our home.

Mayor LaCicero stated that the Chief is still in the process of shortening those yellow lines for more parking spaces so your yellow curb should be shortened.

Mr. Hascher stated that he sees so many people eating on the beach and so many empty pizza boxes but his daughter-in-law could not bring 4 little sandwiches that she made on the beach for my grandchildren. If you are going to enforce no food than enforce it and do not pick and choose whenever you feel like it.

Councilman Lamb stated that it is a problem with the eating on the beach and we are looking into revising our picnicking ordinance.

Clem Boyers, 20 Kerr Avenue stated that he believed the Parking Committee suggested that Baltimore Avenue have perpendicular parking in the middle of the street because it was so wide.

Council President Zalom stated that they decided against because that it where all the vendors park during the events at the Fire/First Aid.

Mayor LaCicero stated that we are always looking of ways to give us more parking and we have created more already.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that there is a Coastal Evacuation Route on our website just in case Hurricane Earl or any other hurricane comes our way and we will need to evacuate. We are going to have a trip to the PNC Arts Center to see Patti Austin. There is going to be a Bocce Memorial Tournament on September 18, 2010. The Halloween Hoedown is scheduled for October 29th. There will be two NYC bus trips on December 8th and December 12th. There were lots of businesses that participated in paying for the bike tickets for the kids who followed the rules so let's thank Lavallette Printing, Municipal Alliance, First Aid and the Police Department.

Councilman Horan stated that there will be an Environmental Committee Meeting on September 7th at 7pm and an LBA meeting on September 8, 2010

Council President Zalom thanked Councilman Horan for all his work in trying to get us grants for environmental issues.

Councilman Lamb stated that with all the events down at the Firehouse, Public Works has been helping with the cleanup afterwards and does a fantastic job but maybe what we should be doing is putting it in writing with every vendor that they must cleanup after the event is over. It just does not seem fair that Public Works gets the brunt of the cleanup when the vendors should be doing it themselves.

Mayor LaCicero stated that maybe an escrow needs to be held for each event.

Councilman Horan stated that he will mention it at the next LBA meeting for their flea market.

Mr. Parlow stated that there is a possibility of the Borough getting hit by Hurricane Earl or at least the effects of it. He reported that the hurricane is still a Category 4 storm and there is an uncertainty of its path at this point. The residents might want to make sure that everything on their properties is secured and we have all information about hurricane preparedness on our website.

Mayor LaCicero stated that there is going to be an emergency management meeting tomorrow for us to discuss the possibility.

Councilman Borowski stated that there is a bill in the Senate S-131 to require two EMT along with a driver to be present on the ambulance calls. With 99% of our calls we have two EMT's on board but there is that 1% when that is not a possibility with volunteers. He is going to draft a letter for a resolution in support of this.

Mayor LaCicero stated that this is will be our last casual meeting do we want to go one more.

Council Agreed to one more casual meeting which will be the meeting of September 13, 2010.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to enter into Executive Session concerning some DEP violations and potential litigation regarding our IP and also there is a potential lawsuit in regards to a zoning matter that needs to be discussed.

A Motion was made by Councilman Horan to adjourn the Regular Meeting to go into Executive Session. The Motion was seconded by Council President Zalom. All of Council was in Favor. The Motion Passed.

The Regular Meeting was adjourned to go into Executive Session at 8:39 pm.

A Motion was made by Council President Zalom to Reconvene the Regular Meeting. The Motion was seconded by Councilman Horan. All of Council was in Favor. The Motion Passed.

The Regular Meeting reconvened at 8:55 pm.

Mr. George stated that during Executive Session there several issues discussed. One was a potential lawsuit pertaining to setbacks on a Bullard Avenue home that was denied zoning due to a pergola and there was discussion on our current status pertaining the DEP litigation and hearing on our beach openings and IP. We discussed the new violation with no fines and setting up a new meeting/hearing date. There was no action taken on any of these issues.

ADJOURNMENT:

A Motion to Adjourn the Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Horan. All of Council was in Favor. The Motion was Passed.

The Regular Meeting was adjourned at 8:56 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey does attest these to be a true copy of the Minutes of the Regular Meeting of Mayor and Council held on the **30th** day of **August 2010**

Christopher F. Parlow
Municipal Clerk