

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
October 3, 2011-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone

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 7, 2011. Notice was also posted on our Municipal Website and the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all our troops overseas. He also asked for a moment of silence for resident Charles DeLayo from Jersey City Avenue, who recently passed away.

PLEDGE OF ALLEGIANCE: Councilman Borowski led the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming to tonight’s meeting.

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

Mayor LaCicero asked if anyone wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

Pat Marrone, Beautification Committee stated that the project was completed on the Jersey City triangle. She stated that the Beautification Committee wanted to thank Mayor and Council, Freeholder Bartlett, Council President Zalom, the residents of Jersey City Avenue and especially Mike Visco for his beautiful job on the landscaping. She then read aloud a letter from the Beautification Committee to Mike Visco and asked that it be given to him.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK’S MINUTES:

Regular Meeting of September 19, 2011

Executive Session Meeting of September 19, 2011

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.

REPORTS:

- a) Police Report of September-Councilwoman Filippone-read report
- b) Municipal Court Report of September –Councilwoman Filippone-read report
- c) Zoning Report of September-Councilwoman Filippone-read report
- d) Construction Report of September-Councilwoman Filippone-read report
- e) Animal Control Report for September-Councilwoman Filippone-read report
- g) Public Affairs Report of September-Council President Zalom-Thanked Mr. Parlow for completing the grant application for the Ocean County Heritage and Arts Commission in such a timely manner. She stated that they attended a meeting with the Cultural Commission and went over everything and she dropped the application off today. She stated that Mr. Parlow worked very diligently to make sure that it was done by the deadline, which was today. There is a men’s baseball league held every Sunday for the next 9 weeks. The Beautification Luncheon is Friday at Megs Grill. She asked all not to forget about the rummage sale next week and not to forget to get your activity calendar for October downstairs because we have many fall activities. There is a beach sweeps on October 22nd and our Halloween Harvest Hoedown is October 28th. The New York City bus trips are on December 7th and December 10th. She also stated that she was approached by Joyce Deutsch was asked if she could become a member of the Recreation/Municipal Alliance so could we put her on for the next meeting.
- h) Report of Sale of Bond Anticipation Notes-Chief Financial Officer
- i) Revenue Transaction Report for August-Chief Financial Officer
- j) Tax Account Status Report of September-Tax Collector

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

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

RESOLUTIONS – ON CONSENT:

- 2011-224 authorizing a raffle license to the Rosary Altar Society of St. Pio of Pietrelcina to hold a 50/50 raffle on October 27, 2011 at their Parish Center on Grand Central Avenue
- 2011-225 authorizing the Treasurer to refund an overpayment of taxes for the 1st and 2nd quarters of 2012 for Block 50.01 Lot 2 Qual C01 in the amount of \$1,043.08

- 2011-226 authorizing approval to the Lavallette Recreation Department to hold a bonfire on the Washington Avenue beach in conjunction with the Halloween Harvest Hoedown to begin at 6pm
- 2011-227 authorizing the 2011 Halloween curfew commencing on October 28, 2011 through October 31, 2011 from 9:00 pm to 6:00 am-Mayor LaCicero stated that this might be a problem with the Bonfire and the late in the evening activities. Mr. Parlow stated that they could either make the October 28th curfew until 11pm or take that day off of the curfew. Council agrees that October 28th should be removed from the curfew.
- 2011-228 approving an application for a residential parking permit decal to Deborah Gilhooley of 114A President Avenue-Council President Zalom stated that this is wonderful for people on my street where there is never any parking.
- 2011-229 appointing Sandra Brodbeck to the dual position of Deputy Court Administrator and Municipal Court Recorder effective September 1, 2011
- 2011-230 proclaiming October 19, 2011 as “Pretty In Pink Day” in the Borough of Lavallette to promote breast cancer awareness
- 2011-231 authorizing the removal of three electric accounts for three different property locations due to the two family dwellings becoming one family dwellings
- 2011-231A authorizing the Borough Administrator to prepare and submit application for funding through the Ocean County Cultural & Heritage Commission’s 2012 Local Arts Program Grant to provide funding for the summer concert series program

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

RESOLUTIONS OFF-CONSENT

There were no resolutions off consent

APPROVAL OF VOUCHERS:

2011-232 Bills List in the amount of \$1,142,459.74

A Motion was made by Councilman Stogdill to approve the bills list. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. Council President Zalom Abstained on PO #11-00700 and PO #11-00769 and voted Yes to all others. The Motion Passed.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Philip G. George, Esq/Toms River and Lavallette Borough Shared Services Agreement/Spillman Public Safety System/Received September 6, 2011
- b) Eric M. Bernstein & Associates/Eric M. Bernstein Esq/Gustafson v. Borough of Lavallette/Received September 6, 2011
- c) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 6, 2011
- d) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 9, 2011
- e) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received September 9, 2011
- f) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 12, 2011
- g) Eric M. Bernstein & Associates/Philip G. George, Esq/In the Matter of Agnes Anderson/Received September 12, 2011
- h) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 12, 2011
- i) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 19, 2011
- j) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 19, 2011
- k) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received September 21, 2011
- l) Eric M. Bernstein & Associates/Philip G. George, Esq/IMO Borough of Lavallette Shared Services/Spillman Contract Toms River and Lavallette CAD Assisted Dispatch System/Received September 26, 2011
- m) Eric M. Bernstein & Associates/Philip G. George, Esq/Thomas Loreda v. Borough of Lavallette/Received September 28, 2011

Engineering:

- a) O, Donnell, Stanton & Associates/Michael O'Donnell/2012 NJDOT Municipal Aid Program/Westmont Avenue Road Improvements/Received September 30, 2011
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/2012 NJDOT Municipal Aid Program/Virginia Avenue Road Improvements/Received September 30, 2011

New Jersey League of Municipalities:

- a) League of Municipalities President Issues Statement on Hurricane Irene Cleanup/Received September 2, 2011
- b) State Health Department Opens Call Center for Public Health Concerns in Aftermath of Hurricane Irene, Flooding and Power Outages/Received September 2, 2011

- c) Lessons Learned from Hurricane Irene/Next Steps Moving Forward/Received September 2, 2011
- d) Governor Christie Announces Available Funding to Help Local Governments Repair Storm Damaged Roads and Bridges/Received September 8, 2011
- e) Governor Christie Orders Flags Lowered to Half-Staff September 9, 2011 through September 11, 2011
- f) Mayors Needed! Please Join Our Legislative Committee/Received September 13, 2011
- g) 2011 Conference Resolutions/Received September 13, 2011
- h) Hurricane Irene Public Assistance Website/Received September 13, 2011
- i) Budget Issues Relating to Hurricane Irene/Received September 13, 2011
- j) Federal Transportation/FAA Funding Developments/Received September 13, 2011
- k) S-2887, Exempts Certain Wind Turbines from Local Review/Received September 14, 2011
- l) Rutgers Seminar on Pension and Health Benefits/Received September 14, 2011
- m) Hurricane Irene FEMA Recovery News/Received September 14, 2011
- n) BPU Public Hearings on Electric Utilities/Received September 14, 2011
- o) Grants-NJDEP/Received September 15, 2011
- p) Federal Disaster Aid Has Been Approved for Cumberland, Gloucester and Salem Severe Storms and Flooding of August 13-15, 2011
- q) Reorganization Plan No. 001-2011, Abolishes COAH, Transfers Responsibilities to DCA/Received September 16, 2011
- r) Call for Nominations Tenth Annual Innovation in Governance Awards/Received September 16, 2011
- s) Verizon Business Personal Property Tax Developments/Received September 19, 2011- Councilman Borowski stated that this is affecting a lot of other municipalities. If Verizon has less than 50% of land line service in a municipality they no longer have to pay some type of business franchise tax to that municipality. Mr. Parlow stated that there is always that possibility now that there are other providers.
- t) Energy Tax White Paper Released/Received September 20, 2011
- u) S-2887, Wind Turbines on Preserved Farmland, HELD/Received September 20, 2011
- v) Federal Budget and Disaster Aid Debates Continue/Received September 21, 2011
- w) NLC Governance and Civic Engagement Resources/Received September 22, 2011
- x) Public Hearing on NJ Water Infrastructure-Wednesday, November 30, 2011/Received September 23, 2011
- y) Temporary Bid Threshold Increase for Municipalities without a Qualified Purchasing Agent/Received September 23, 2011
- z) FEMA Funding/Stop Gap Spending Bill Fails in Senate/FEMA Grants Might Cover Gaps in Private Insurance Policies/Received September 23, 2011
- aa) Time in Running Out to Preregister for the 2011 League Conference/Received September 26, 2011
- bb) Lt. Governor Signs Law that Moves the Presidential Primary Back to June/Received September 26, 2011
- cc) New Jersey After COAH/Received September 2, 2011
- dd) Upcoming Sustainable Jersey Workshops/Received September 27, 2011
- ee) Clothing Donation Bins/Received September 27, 2011

- ff) Important Conference Sessions for the First Time Conference Attendees/Received September 27, 2011
- gg) Three Issues/Recap of JCP & Emergency Response Summit/BPU Announces Additional Public Hearing on Electric Companies Response to Hurricane Irene/FEMA Funding/Stop Gap Spending Compromise Likely/Received September 27, 2011
- hh) Final Reminder/2011 Conference Resolutions Deadline is October 7, 2011/Received September 27, 2011
- ii) CORRECTION-Charitable Donation Bins/Received September 28, 2011
- jj) Citizens Campaign & Sustainable Jersey Workshop/Received September 28, 2011
- kk) EPA Opportunities for Petroleum Brownfields Report/Received September 28, 2011
- ll) Media Advisory/Community Leaders Review Lessons at "Emergency Management: Utilities & Weather Emergencies"/Received September 29, 2011
- mm) New Jersey Municipalities Magazine/Received September 29, 2011
- nn) Board of Public Utilities Additional Hearing Dates Announced PSE & G, Rockland Electric, Atlantic City Electric and JCP & L Territories/Received September 29, 2011
- oo) FEMA/Stop Gap Funding Compromise Approved by House/Received September 29, 2011

General With No Action:

- a) Michele Donato, Esq/Edwin & Donna Gustafson v. Borough of Lavallette Planning Board/Received September 2, 2011
- b) State of New Jersey/Department of Environmental Protection/Division of Parks and Forestry/Michael D'Errico, Supervisor/New Jersey Shade Tree Federation Annual Meeting of October 21 & 22/Received September 6, 2011
- c) New Jersey Department of Environmental Protection/Bob Martin, Commissioner/DEP Offers Tips on Disposing Trash in Aftermath of Irene/Received September 6, 2011
- d) Ocean County Columbus Day Parade Committee/Michael Blandina, Parade Chairman/Ocean County Columbus Day Parade/Received September 9, 2011
- e) Joanne LaCicero/Goose Patrol/Submitting Check in the amount of \$560.00 Representing the Profits Realized from the Continued T-shirt Fundraiser/Received September 13, 2011-Mayor LaCicero stated that this is from their t-shirt fundraiser. He stated that he has not seen any geese in a very long time. Council President Zalom thanked Joanne and the Goose Patrol for a job well done and stated that most towns spend thousands to try and get rid of them and we collect revenue and still get rid of them.
- f) Jersey Shore MultiSport/Christopher Wilcox, Managing Member/Swimapooloza/Swim Clinics/check in the amount of \$625.50 for the 10% of profits that was required/Received September 13, 2011-Mayor LaCicero stated this is great revenue for the Borough
- g) John Peal/106 Ortle Avenue/overgrown property on Bay Blvd. & Ortle Avenue is a dangerous situation/Received September 13, 2011-Council President Zalom stated that Richard Remy has already taken care of this.
- h) Clean Ocean Action/Tavia Danch, Education Coordinator/Annual Beach Sweeps to be held on October 22, 2011/Received September 14, 2011

- i) Ocean County Health Department/Daniel Regenye, Coordinator/Funds Available for the Reimbursement Costs of Hepatitis B Inoculations for Certain Emergency Medical Technicians, Firefighters and Police Officers/Received September 19, 2011
- j) State of New Jersey/Department of Environmental Protection/CAFRA Individual Permit/Bay Boulevard Outfalls/Received September 19, 2011
- k) Jeneen Norman/800 Grand Central Avenue/letter of thanks sent to the Ocean Star expressing her sincere thanks to those who helped her following her accident on the beach at Vance Avenue/Received September 20, 2011-Mayor stated that this is a thank you to our beach employees and our first aid.
- l) Board of Chosen Freeholders/Gerry Little, Deputy Director/Dune Grass Plantings for Lavallette Borough is 13,930 plants/Received September 21, 2011-Councilman Horan stated that we are received less this year. Council President Zalom stated that our dune planting is on November 5th this year.
- m) State of New Jersey/Department of Environmental Protection/Division of Parks and Forestry/Michael D'Errico, Supervising Forester/2012 Green Communities Grant Available/Received September 29, 2011
- n) Board of Chosen Freeholders/Joseph Vicari, Freeholder Director/Medicare Open Enrollment Period is October 15 through December 7, 2011/Received September 30, 2011

General With Action:

- a) Jersey Shore MultiSport/Christopher Wilcox, Managing Member/requesting permission to hold a Lava Swim and a LavaSwimRun on June 3, 2012/Received September 21, 2011-Mayor LaCicero stated that letters a through c will have to be put on hold until after the events committee and ordinance committee revamp our ordinances and revamp our event system.
- b) Jersey Shore MultiSport/Christopher Wilcox, Managing Member/requesting permission to hold their Lava Love Triathlon on June 9, 2012/Received September 21, 2012
- c) Jersey Shore MultiSport/Christopher Wilcox, Managing Member/requesting permission to have their Swim Clinics on May 5th, 19th & 26th 2012/Received September 21, 2012
- d) Regular Republican Club of Lavallette/Harry Dews, President/requesting the use of Council Chambers for their meetings in 2012 held once a month on Thursday at 7pm/Received September 26, 2011-Mayor stated that these dates are approved.
- e) Ocean of Love for Children with Cancer/Michael Little, Board of Directors/requesting the Mayor attend their annual event at the Lowes, Target billboard at least 15 minutes during one day between October 24th through October 28th 2011/Received September 28, 2011-Mayor stated that he will look into this.
- f) Ocean County Public Employee Charitable Campaign/Linda Gyimoty, Executive Director/requesting the Mayor's attendance at their annual PECC Kick-Off on October 12, 2011/Received September 29, 2011-Mayor LaCicero stated that he will check his calendar.

UNFINISHED BUSINESS:

Council President Zalom stated that if anyone else was going to ride in the Columbus Day Parade with her they need to let her know.

Councilwoman Filippone stated that so far it is just her and Anita.

NEW BUSINESS:

Councilman Borowski stated that the last bulk pickup for the year will be on October 17th and also the winter garbage schedule begins on that day with garbage only being picked up once a week.

Councilman Borowski stated that the Upper Shores Library is closed this week and will reopen on Monday, October 10th.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Joe Palinsky, 122 Washington Avenue stated that the organizers of the boat race that was held a couple of weeks ago were not very good neighbors. He stated that the noise level was awful. We could not hear at all. He stated that he approached an officer and asked that the noise level be checked and he stated that it was an approved event and he does not think that the sound machine is functioning. They also did not remove their signs on the telephone poles. He stated that Bay Boulevard is Residential Zone A and should not have a carnival atmosphere every day and night through the summer. Some of the events like the movies for the kids are very nice but these ones that are loud and messy are just ridiculous.

Mayor LaCicero stated that the events committee is going to take a look at all of the events and see what can be done. There is no sense in talking about this now especially when we do not even know if they are going to be back next year.

Mr. Palinsky stated that the EMS landing site was not available for transport due to the vehicles parking in the bay front so when someone got hurt and needed to be airlifted we had to drive them to Jersey Shore. He stated that he believed that person is paralyzed.

Mayor LaCicero questioned if there was a request for a landing site because there is an additional landing site at the ball field.

Mr. Palinsky stated he did not know if there was a request but they would not have been able to land in the usual spot.

Councilwoman Filippone stated that when a request is made to have an event here there is going to be a much thorough application process for them to fill out and abide by and this will include clean up and rules and regulations. The problem with this event was the amount of people that attended. No one knew that there would be that amount of people attending.

Mr. Palinsky stated that there needs to be some type of coordination.

Mayor LaCicero stated that the Borough has no authority regarding the waters and the noise of the boats. He stated that he spoke to a lot of residents and they thoroughly enjoyed the show.

Mayor stated that he believes the noise device is only effective at night after 10pm when the noise needs to be muffled.

Councilman Lamb stated that the device was always challenged in court.

Councilwoman Filippone stated that this event was approved by the Coast Guard because it was a water event.

Mayor LaCicero stated that Mr. Palinsky's comments were noted.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that he also agrees with Mrs. Marrone with regards to Mike Visco. We are very lucky to have an employee as dedicated and enthusiastic as him. He is a genuine asset to the Borough and he makes me proud.

Councilwoman Filippone stated that she took a look at the triangle on Jersey City Avenue and it looks truly wonderful. She stated that she did notice a very small chip in the new curb but Mike thinks he can repair it. We are going to need to advise the County and State as well as our employees when it comes time for the plowing to not pile up the snow there anymore and to be very careful with the new curbing.

Council President Zalom stated that Mike Visco researched and was able to find her a small portable sound system with a microphone for all the small events that we have such as the Halloween Hoedown, skim board contest and weddings. She thanked Mike Visco for his help.

Mr. Parlow stated that he received a place to place transfer application from one of our liquor license holders for an expansion of the ABC license. The request is to expand the liquor store into the unoccupied portion of the strip mall that they own. He stated that this application will be on for approval at the November meeting. The applicant must publish two notices and if there are no objections to the request a resolution can be placed on the November agenda. If there are any objections received a public hearing must be held.

Mr. Parlow stated that he has been working with a consultant who works with the Public Power Association. We have been discussing the possibility of installing behind the meter generation at the substation. Obviously space is the number one limitation. We need to be able to fit two units in that area. Right now there is no way but we have been looking at a number of option. There is no charge for this consultant and once we make a decision on this project we will need to apply for permits with the DEP and a number of other items so it will take some time.

Councilman Lamb questioned the time period?

Mr. Parlow stated that the generator would be used approximately 100 hours per year which will provide a 20 to 30 year useful life. The payback schedule is approximated at 10 years.

Councilman Horan stated that they are looking at these units being mounted on trailers so they can be removed if necessary.

Mayor LaCicero stated that FEMA is stating that as of October 1st anyone who still did not file a claim for damages resulting from Hurricane Irene have only to October 31st to do so. He reported that the Borough has filed its claim for reimbursable costs.

ADJOURNMENT:

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

The Caucus/Regular Meeting was Adjourned at 8:08pm.

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 3rd of **October 2011**

Christopher F. Parlow
Municipal Clerk