

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
February 7, 2011-7:04 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: Mayor LaCicero asked for a moment of silence for all the troops lost overseas and for a longtime resident Joan Titus who passed away on Friday. He also asked for a moment of silence for Matthew Budesca, the son of Councilman Bob Budesca from Pine Beach and the other young adults who were killed in a motor vehicle accident last week.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight's 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.

Sam Giampietro, 112 Guyer Avenue, stated that he would just like to express his opinion on the garbage can problem that has come up recently. He stated that he has had these garbage cans with the attached lids for many years. He has never had a problem with seagulls destroying his garbage or any garbage cans with lids flying off. He understands there is really nothing he can do about it but would just like to ask if the garbage guys could just make sure the lids are put back on the cans when they empty it.

Mayor LaCicero stated that there might be a change in this so he recommended that he not make any purchases of new cans yet. We are uncertain right now with all the complaints we have had with issue.

Councilman Borowski stated that the initial problem in why we started this is because of the large robo type cans that residents have that they fill with so much that they have become too heavy for the guys to pick up. We have an Ordinance on the books that states they can not be over 40 pounds and they can not have attached lids.

APPROVAL OF CLERK'S MINUTES

Caucus/Regular Meeting of January 24, 2011
Executive Session Meeting of January 24, 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 for January-Councilwoman Filippone-read report
- b) Municipal Court Report for January-Councilwoman Filippone-read report
- c) Public Affairs Report for January-Council President Zalom-She asked all not to forget to get your monthly calendar for this month downstairs. She reported that the Library has so many wonderful programs and to make sure you visit them. The NYC Bus Trip will be on April 9, 2011 and the tickets for residents are \$12.00. The Ladies Auxiliary Fire will be having their Roast Pork Dinner on April 16, 2011 and the Beach Sweeps will be on April 30, 2011. There are many different exercises programs at the First Aid during the week so check it out. There is Basketball at the school on Monday nights from 6:30 pm to 9:00 pm. She has completed all the information needed for Joy Grosko to be hopefully named a "Local Hero" from the Governor's wife. The new owner of Hankins Boat Works, Jack Buzzi, was in a magazine about going green and he has a development company called "Sea Horse Development" and he builds with elements of nature. She also reported that she was in the Post Office the other day and a woman who is a resident questioned her on our solicitation law and what she should do about papers stuck inside her door when she is not home. She is concerned because of all the burglaries of people noticing she is not there. Mr. Parlow stated that he has spoke to the Chief about this and he states that if anyone comes to your door or if there is anything put in your door call the police department right away or bring the item to them. We have a solicitation ordinance and it is illegal to go door to door without contacting the police department. Anyone who wishes not to be solicited can contact the Police Department and they will put you on their no solicitation list and you will receive a placard to put on your front door. Councilwoman Filippone questioned whether the phone books being dropped off at your door would be considered solicitation. Mr. Parlow stated that he doesn't see why they would not fall under the same category.
- d) Zoning Report for January-Councilwoman Filippone-read report
- e) Construction Report for January-Councilwoman Filippone-read report
- f) Animal Control Report for January-Councilwoman Filippone-there was no report again this month and she will be checking into it.
- g) Tax Account Report for January-Tax Collector

A Motion was made by Councilwoman Filippone 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:

- 2011-64 authorizing the refund of \$46.00 to Diane Biundo of 107 Washington Avenue due to non participation in the ski trip
- 2011-65 authorizing the interlocal service agreement with the Ocean County Prosecutor’s Office for the Driving While Intoxicated Program for the Year 2011
- 2011-66 authorizing the execution of an addendum to the contract with New Brunswick Avenue Road Improvement Project in the amount of \$270.31
- 2011-67 opposing and urging repeal of United States Department of Transportation regulations requiring State and Local Governments to re-fit and re-face street signs to meet new lettering and reflectivity standards
- 2011-68 appointing Adam Williams as an interim laborer for the Department of Public Works at an hourly rate of \$10.00 commencing February 14, 2011 through September 30, 2011- Councilman Stogdill requested this resolution be put off consent.
- 2011-68A authorizing the Mayor to execute the Cooperative Purchasing Form for the registration renewal of the Commodity Resale Agreement which includes Toms River Twp pertaining to the purchase of fuel
- 2011-69 accepting a donation from the Lavallette Beautification Committee in the amount of \$2,436.00 towards the purchase of eight additional snowflakes for our 2011 holiday season-Council President Zalom stated that she is very pleased with this and she knows that they got some type of deal this time with buying two snowflakes and receiving one free which is wonderful. Pat Marrone stated that they received 33% discount.
- 2011-70 designating Christopher Parlow and Councilman Michael Stogdill as Representatives for the Public Officials & Employment Practices Liability Claim Reporting Insurance Procedures-Councilman Stogdill requested that this resolution be put off consent
- 2011-71 authorizing a 2011 temporary appropriations for the Capital Outlay-Snowflake line item in the amount of \$2,436.00

A Motion was made by Councilwoman Filippone to approve the Consent Agenda with the exception of 2011-68 and 2011-70. 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, the off consent agenda and the bills list.

Clem Boyers, 20 Kerr Avenue stated that the problem with the phone books being dropped off at the curb is that on his street there are 20 or so houses but only six are occupied year round. When someone drives up his street and they still see the phone books sitting at the curb that is when you know that the house is unoccupied.

Mr. Parlow stated that he will contact Verizon and put in a complaint.

No one else wished to comment on the Consent Agenda. The Mayor closed the floor to public 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

2011-68 appointing Adam Williams as an interim laborer with the Department of Public Works at an hourly rate of \$10.00 commencing February 14, 2011 through September 30, 2011

A Motion was made by Councilman Borowski to approve Resolution 2011-68. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. Councilman Stogdill Abstained. The Motion Passed.

2011-70 designating Christopher Parlow and Councilman Michael Stogdill as Representatives for the Public Officials and Employment Practices Liability Claim Reporting Insurance Procedures Program

A Motion was made by Councilwoman Filippone to approve Resolution 2011-70. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. Councilman Stogdill Abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2011-72 Bills List in the amount of \$2,413,444.21

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received February 1, 2011
- b) Eric M. Bernstein & Assoc/Philip G. George, Esq/Bossert v. Borough of Lavallette/Received February 4, 2011

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Grand Central Avenue Beautification Project File/Checklist Review Meeting/Received January 24, 2011
- b) O'Donnell, Stanton & Assoc/Michael O'Donnell/New Brunswick Road Improvements/Pay Estimate No. 2/Received February 1, 2011
- c) O'Donnell, Stanton & Assoc/Michael O'Donnell/New Brunswick Avenue Road Improvements/Received February 1, 2011

New Jersey League of Municipalities:

- a) 1.5% Health Care Contributions Law Held to be Constitutional/Received January 21, 2011
- b) Verizon Business Personal Property Tax Update/Received January 21, 2011
- c) Urgent Alert: Affordable Housing/COAH/Governor Conditionally Vetoes S-1/State Supreme Court Stays March 8 Deadline to Develop New Rules/Received January 24, 2011-Council President Zalom stated that this veto was good for us.
- d) Local Finance Notice on 2011/2012 Budget Matters/Received January 24, 2011
- e) Two Issues/Contracting Unit Power Supply Procurement Guidance/Public Health Update: New Jersey Animal Rabies Cases, January 1 through December 31, 2010/Received January 25, 2011
- f) Committee Hearing on December Snow Removal and Public Safety/Received January 25, 2011
- g) Governor Signs A-2844 and S-1466 Into Law/Received January 26, 2011
- h) Have Questions Regarding Your Upcoming Labor Negotiations? Take Advantage of the League's Arbitration Advisory Services/Received January 26, 2011
- i) The League's Website Provides Valuable Resources in Helping You Run Your Municipality/Received January 28, 2011-Council President Zalom stated that we also have fantastic website with much knowledge about what is going on in town.
- j) Census Bureau Ships Local 2010 Census Data to New Jersey/Received February 3, 2011
- k) Recent Changes on the DLGS Website/Received February 3, 2011
- l) Available for Download: "Collaborating on Real Solutions to the 2% Cap"/Received February 3, 2011

General With No Action:

- a) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Chief/Public Notice 5-1204/Received January 24, 2011
- b) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Chief/Supplemental Public Notice 5-1203/Received January 24, 2011

- c) Cablevision/Victoria Mink, Senior Vice President/Franchise fee payment in the amount of \$22,592.00 for the year 2010/Received January 24, 2011-Council President Zalom stated that this is a nice thing for us.
- d) Cablevision/Kevin Drennan, Area Director/Launch of iO International TV Record International a la carte channel and iO Brazilian Package/Received January 24, 2011
- e) Borough of Lavallette/Anita F. Zalom, Council President/letter of thanks sent to the firemen who helped with our ice rink/Received January 25, 2011-Council President Zalom thanked the Fire Dept. for their help with the ice rink. Councilman Borowski stated that they did receive the letter and read it aloud at their last meeting.
- f) Ocean County Utilities Authority/Richard Warren, Executive Director/Certificate of 2011 Annual Charge/Received January 26, 2011
- g) Ocean County Utilities Authority/Richard Warren, Executive Director/Deficiency Notification for 2010 Calendar Year (\$18,286.80 credit)/Received January 28, 2011-Mr. Parlow stated that even though it says Deficiency Notice we actually have a credit of \$18,286.80 and we are five million gallon under budget. The credit will be applied to the 2011 budget.
- h) Cablevision/Kevin Drennan, Area Director/Channel Moves in New Jersey/Received January 31, 2011
- i) Lavallette Heritage Committee/Joy Grosko, Director/donation check in the amount of \$4,000 towards our 2011 Summer Concert Series/Received January 31, 2011-Mayor LaCicero stated that this always helps us out.
- j) Ocean County Utilities Authority/Richard Warren, Executive Director/Certificate of 2011 Annual Charge-Administrative Correction/Received January 31, 2011
- k) Ocean County Utilities Authority/Richard Kunze, Director/OCUA Surcharge/Fourth Quarter 2010/Received February 2, 2011
- l) State of New Jersey/Department of Environmental Protection/Sandra Krietzman, Chief/Notice of Open Public Comment Period/Proposed Amendments to the FFY2011 Drinking Water Priority System/Intended Use Plan (IUP)/Received February 3, 2011
- m) Ortley Beach Liaison Committee/Ken Langdon/A Comparative Analysis of Beach Revenue and Operations at Ortley Beach As Contrasted with Lavallette, Seaside park and Seaside Heights/Received February 3, 2011-Mayor LaCicero stated that this was a great report to read and Mr. Langdon did a wonderful job. Looking at the comparison to other beaches, our beach did a good job last year. Council President Zalom stated that Seaside Park does very well with their daily badges because they have the bathhouses so they get a lot of day trippers.

General With Action:

- a) Playball Sports/Jack Pova, Owner/annual request to use our ball field for his baseball camps/June 27th-30th/July 25th-28th/August 8th-11th/Received January 28, 2011-Mayor LaCicero stated that this will be discussed at a later date.
- b) Lavallette Business Association/Barbara Janosko, President/requesting approval of the dates of their sidewalk sales and their display of merchandise for the 2011 summer season/Received January 31, 2011-Mayor LaCicero stated that this was an annual request for the summer season.

- c) Lavallette Beautification Committee/Pat Marrone, Chairperson/requesting Council allow the gardener to come up with a suitable plan to beautify the parcel of land on Jersey City Avenue and then send the attached letter to the Freeholders/Received February 1, 2011- Council President Zalom stated that the Beautification Committee would like Mayor and Council to give the gardener permission to make a plan for the Jersey City and Bay Boulevard triangle to make it look somewhat better than it does now. Once we give permission and Mr. Visco gives us a plan Pat would like to send the attached letter with the plan to the Freeholders to see if they will agree. Councilwoman Filippone stated that that whole triangle is in need of curbing also so that should be included in the letter. Mayor LaCicero stated that right now there is just blacktop and it does not look that nice so maybe they could give us some curbing. He stated that he will mention this item at the yearly County meeting that he and Chris will be attending soon. All of Council was in favor of allowing the gardener to draft a plan for the County.

UNFINISHED BUSINESS:

Use of Lavallette Recreation Facilities

Mayor LaCicero stated that there has been talk that we can not charge a fee for the ball field because it is Green Acres.

Mr. Parlow stated that he did check into this and we can charge under separate cover as long as they are not non profit organizations or events. He stated that the Green Acres regulations do allow for the charging for permits for usage.

Councilwoman Filippone stated that she agrees with the 10% of their profits that we have been discussing.

Councilman Lamb questioned how we will know what their profits will be.

Councilwoman Filippone stated that if they lie or get caught then we will not approve their events for Lavallette anymore.

Mr. George stated that with the help of Mr. Parlow we have drafted an Ordinance for your review. If you all agree to the 10% of the revenues from the for-profit organizations than we could go ahead and introduce by title tonight and schedule the public hearing for the next meeting.

Councilman Lamb questioned what the times and how many courts are going to be used for the tennis lessons?

Council President Zalom stated that it will be Tuesday and Thursday 10am to 5pm and they will be utilizing two courts.

Mr. Parlow stated that based on last years fees the courts were not occupied for a long period of time during the week.

Councilman Borowski stated that the tennis vendor already suggested the 10% fee so he would agree with that fee.

Councilwoman Filippone stated that we definitely need to start charging. We have an awful lot of events here and they make a profit by using our facilities and in today's economy we should get some type of profit.

Councilman Stogdill stated that he hears nothing but complaints about Public Works not dragging the field. In his opinion the field should be maintained by each vendor after the event or filed usage.

Councilwoman Filippone stated that if we charge the 10% fee that will take care of Public Works raking the field. However, the understanding should always be that a facility that you are using should be kept exactly the way you found it with any event including our events.

Mayor LaCicero stated that we agree on the 10% fee but should review the ordinance before the next meeting.

Councilman Borowski stated that the problem is all the other camps use our field before Island Junior Baseball League during the day and then the League gets stuck with a crumby field.

Councilman Lamb stated that we should try the 10% fee and see how it goes. If we think that we should collect more than we will discuss further.

Councilman Borowski stated that if the fee becomes a burden for the vendors they could always charge a higher registration fee.

Mr. George stated that we have discussed and reviewed this issue during a couple of meetings with the biggest issue being the use of the streets down at the bay front with the marathons. We also have discussed the issue of some of the beach events not having the required badges. This Ordinance will allow the Borough of Lavallette to charge a certain percentage to the vendors who request to use our facilities for their profitable events. We have also included in this Ordinance the Tennis Courts and ice rink as places of resort in order for us to charge for those events. There is also a penalty section included for the misuse of beach badges and other items. We also can adjust the fee annually without changing the Ordinance. The Borough's maintenance costs have doubled as well as vendors' profits doubling and most of these events being held on the weekends which most of the time requires overtime.

Mr. Parlow read aloud the Ordinance by title.

Ordinance 2011-01(1091) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending Chapter 7 of the Borough Code, Entitled "Bathing and Beach Control" so as to Establish a Permit for Commercial For-Profit Activities on Places of Public Resort.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2011-01 (1091). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Final Adoption and Public Hearing will be held on February 22, 2011

Councilman Borowski questioned if we could discuss this Ordinance tonight?

Mr. George stated that the statute reads that there can be no discussion upon introduction. The ordinance can be discussed during the public hearing prior to final adoption. There is a Public Comment section at the end of each meeting. The audience can make comment on any issue at that time.

Councilman Borowski questioned whether or not we were going to purchase the phone message system to inform residents of certain items, especially information to them when it snows.

Mr. Parlow stated that he did get prices and put the information in everyone's mailbox.

Mayor LaCicero stated that we should discuss this at our budget meeting on Wednesday.

Councilman Lamb stated that we should discuss at the budget meeting and maybe pay the \$1,500.00 and see where it goes.

Mayor LaCicero stated in the winter it will be easy to notify the residents we have but in the summer it might cost us a fortune and take some time.

Councilwoman Filippone stated that the most important thing we need to address is collecting the correct data from our residents as far as current phone numbers especially for the police.

Mayor LaCicero questioned if the contract allows for seasonal?

Mr. Parlow stated that he will have to check on that.

Mayor LaCicero stated that if necessary we will have to set up with two lists.

Mr. Parlow stated that he doesn't see that being a problem.

NEW BUSINESS:

Councilman Borowski questioned how long the huge sign in front of Borough Hall in reference to the Beautification Project going to remain?

Mr. Parlow stated that the project is not yet complete but he does not know how long the sign will remain but he will put a call into the State to find out.

COMMENTS FROM THE PUBLIC:

Pat Marrone, Beautification Committee questioned if the 10% fee will apply to the Beautification Committee.

Mr. Parlow stated that it would not.

Clem Boyers, 20 Kerr Avenue stated that he is the Treasurer for the Republican Club and they contracted a company by the name of RoboCall for their automated messaging and they were very cheap and was very easy to set up. He stated that he believes there was minimal fee and definitely worth it.

Mayor LaCicero stated that he will get that information on RoboCall to Mr. Parlow and he too believes that they may be able to quote us a better price.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone stated that the Resolution that we adopted last year in reference to not hiring any full time employees and not giving part time or seasonal employees any increases expired as of December 31, 2010 and should be addressed. She stated she believes that it should be extended. She stated that she was just informed today that a full time dispatcher has resigned and she does not think that a new full time one should be hired. The Chief should utilize his part time dispatchers for coverage until we decide what we are going to do.

Councilman Borowski stated that if the Chief is going to offset a full time employee and use part time for coverage we should rethink not increasing their hourly rates. Although, by not implementing a hiring freeze for full time employees does not mean that we have to give part timers a raise.

Mayor LaCicero stated that this also should be discussed at our budget meeting.

Councilman Borowski stated that not hiring full time employees will definitely help with our current budget.

Mayor LaCicero stated that FEMA has agreed to reimburse the borough for the December snowstorm which is wonderful for us.

Mr. Parlow stated that he has a meeting on Thursday with the Chief and Diana to go over all those costs. This will definitely also have impacts on our 2011 budget as well. The last checks we received a portion went to surplus but the Budget Law does not allow any anticipated until we receive.

Councilman Borowski stated that some of our fire and first aid vehicles sustained some damage, also. Mr. George is going to research the Fire Department lease information from 1933 and let me know. We just need a letter from Mr. George stating every thing is okay.

ADJOURNMENT:

A Motion was made by Councilman Horan to Adjourn the Caucus/Regular Meeting. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in Favor. The Motion Passed.

The Caucus/Regular Meeting was Adjourned at 8:34 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, does hereby certify these to be a true copy of the Minutes of the Caucus/Regular Meeting held on the 7th day of **February 2011**

Christopher F. Parlow
Municipal Clerk