

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
March 14, 2011-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the Ocean County Gazette and was published in the Ocean Star on January 7, 2011. Notice was also posted on our Municipal Website and the Municipal bulletin board.

Mr. George stated that there are three Council Members that have excused absences tonight and wanted to inform the public that the Mayor does count as part of tonight's quorum.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for the tsunami tragedy in Japan and for all the troops that might have been exposed to radiation.

PLEDGE OF ALLEGIANCE: Councilman Borowski led us in 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.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting of February 22, 2011

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

REPORTS:

- a) Tax Account Report for February-Tax Collector
- b) Revenue Transaction Report for January-Chief Financial Officer

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

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

RESOLUTIONS – ON CONSENT:

- 2011-82 authorizing an interlocal fuel services agreement with the Fire Commissioners of Toms River Twp. to provide fuel to the Ocean Beach Fire Co. #1 for five fire vehicles
- 2011-83 authorizing a raffle license to St. Pio of Pietrelcina to hold an off premise 50/50 raffle at the Heritage Day Festival on September 10, 2011 at 3:00 pm
- 2011-84 authorizing Temporary Emergency Appropriation #3 for the Current Fund , Water Utility Operating Fund, Sewer Utility Operating Fund, and the Electric Utility Operating Fund, total amount of all temporary emergencies being \$1,541,126.00-Mayor LaCicero stated that this resolution had to be pulled due to not having a full quorum. This will be put on the next agenda for approval.
- 2011-85 authorizing two raffle licenses to the Lavallette PTA to hold two a 50/50 raffle and a gift raffle on April 8, 2011 at their 8th grade spaghetti dinner
- 2011-86 authorizing a joint grant application for the Barnegat Bay Initiative Environmental Infrastructure Trust between the Borough of Lavallette, Borough of Seaside Park and the Borough of Seaside Heights-Mr. Parlow stated that at the last meeting Council authorized the submission into the program and now this resolution is to authorize a shared service agreement for a joint purchase with the Boroughs of Seaside Park and Heights of a street sweeper. The purpose of the joint purchase is to accrue more points through the program and if you share the service you accrue more points. Mayor LaCicero questioned if that meant the street sweeper would be shared amongst the three towns. Mr. Parlow stated that was correct. Councilman Lamb stated that he thought the Borough of Lavallette already had a street sweeper. Mr. Parlow stated that the one we have is already 12 years old and the new one can also clean out catch basins.

- 2011-87 authorizing Mayor LaCicero to execute an agreement between the Borough of Lavallette and the Township of Cranford Police Cooperative Pricing System-Mr. Parlow stated that our Police Department is requesting authorization to become a part of this pricing system with Cranford Police Department. They offer police vehicles at a better price than ones on State Contract.
- 2011-88 authorizing the suggested donation fee of \$2.00 for all exercise classes year round
- 2011-89 strongly requesting support in restoring the Community Development Block Grant Program (CDBG) to last year's funding level
- 2011-89A authorizing applicants to attend the Ocean County Police Academy Satellite Class I Training Course at an hourly rate of \$7.25

A Motion was made by Councilman Horan to approve the Consent Agenda. The Motion was seconded by Councilman Lamb. The Mayor opened the floor for public comment and asked if anyone in the audience 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 public comment. Vote: Council Members Borowski, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS OFF-CONSENT

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2011-90 Bills List in the amount of \$1,370,349.08

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Philip G. George, Esq/Gustafson vs. Borough of Lavallette/Received February 17, 2011-Mayor LaCicero stated that there will be an Executive Session on this topic.
- b) Eric M. Bernstein & Assoc/Philip G. George, Esq/Easement for Storm Sewer Construction/Received February 17, 2011
- c) Eric M. Bernstein & Assoc/Philip G. George, Esq/Salary Disapproval Order/Account Clerk Position/Received February 23, 2011
- d) Eric M. Bernstein & Assoc/Philip G. George, Esq/Bossert v. Borough of Lavallette/Received February 28, 2011

- e) Eric M. Bernstein & Assoc/Philip G. George, Esq/Richard Gordon v. Township of Toms River/Received March 2, 2011
- f) Eric M. Bernstein & Assoc/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received March 8 2011
- g) Eric M. Bernstein & Assoc/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received March 8, 2011
- h) Eric M. Bernstein & Assoc/Philip G. George, Esq/Borough of Lavallette Volunteer Fire Department/Recertification of Certificate of Incorporation/Received March 8, 2011
- i) Eric M. Bernstein & Assoc/Philip G. George, Esq/Richard Gordon v. Township of Toms River/Received March 9, 2011

Engineering:

- a) O'Donnell, Stanton & Assoc/Michael O'Donnell/Dune Walkover Structure Handicap Ramps/Pay Estimate No. 1/Received February 9, 2011
- b) O'Donnell, Stanton & Assoc/Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Underground Storage Tank Removal/Restoration/February 15, 2011

New Jersey League of Municipalities:

- a) Conditional Veto of Civil Service Reform/Received February 4, 2011
- b) Revisions to the Open Public Meeting Act/Received February 4, 2011
- c) A-3766 "Market Competition and Consumer Choice Act: Amended/Received February 4, 2011
- d) Federal Update-President to Propose CDBG Cuts League Forms Task Force to Fight Funding Cuts/Received February 9, 2011
- e) Two Issues/S-2072/A-2082 on Internet Advertising/Redistricting Data for Counties, Municipalities and Congressional Districts are now available and Census Bureau Launches Interactive Map Showing/Received February 9, 2011
- f) Updated League Publication: State Government and Your Local Property Taxes (What Residents and Businesses Should Consider/Received February 14, 2011
- g) A-3766/S-2664 "Market Competition and Consumer Choice Act/Received February 16, 2011
- h) S-2126/A-3139/Permits Development of Solar and Wind Facilities and Structures on Landfills and Resource Extraction Operations Under Certain Circumstances/Received February 16, 2011
- i) Public Assistance Briefing for Municipalities Impacted by Snow/Received February 17, 2011
- j) A-3766/S-2664/"Market Competition and Consumer Choice Act" passes Assembly/Received February 17, 2011
- k) Mayoral Invitation to Intercultural Trip to Turkey/Received February 23, 2011
- l) League Management Reforms and the City of Orange Attract National Coverage/Received February 23, 2011
- m) Property Tax Relief Funding Certifications and Other Budget Info Posted/Received February 23, 2011

- n) FY 2012 State Budget: Proposed Termination of UEZ Program/Received February 24, 2011
- o) Available for Download: “Collaborating on Real Solutions to the 2% Cap”/Received February 24, 2011
- p) Community Development Block Grant (CDBG) Funding/Received February 24, 2011
- q) A-3766-S-2664 “Market Competition and Consumer Choice Act” Poised for Vote in Senate/Received February 24, 2011
- r) State Budget Week in Review and Call For Action/Received February 25, 2011
- s) Commissioner Grifa Provides Snow Emergency/Levy Cap Guidance/Received February 25, 2011
- t) Get Out the Vote on April 27/Received February 28, 2011
- u) Our Town Grant Available for Creative Peacemaking/Received February 28, 2011
- v) CY 2011 Cap Referendum Procedures/Received February 28, 2011
- w) Women in Municipal Government Celebration Day-Friday, March 11, 2011/Received March 1, 2011
- x) Update on A-3766, S-2664 “Market Competition and Consumer Choice Act/Received March 3, 2011
- y) Administrator or Manager Recruitment and Selection Advisory Service/Received March 3, 2011
- z) Urgent-Urging for the Exemption for Reserve for Uncollected Taxes/Received March 3, 2011
- aa) CY 2011 Budget and Levy Cap Update Local Finance Notice/Received March 4, 2011
- bb) Budget Hearing Schedule Set/Received March 4, 2011
- cc) S-2718, Senate President Sweeney’s Health Care Benefits Reform/Received March 8, 2011
- dd) League President Mayor Chiarello Presents League Perspective on State Budget Proposal/Received March 8, 2011
- ee) Urgent Alert: Immediate Action Needed/Senate to Vote on Federal Budget Today-CDBG Funding at Stake/Received March 8, 2011
- ff) Strategies for Policing During Lean Times/Received March 9, 2011

General With No Action:

- a) State of New Jersey/Department of Transportation/Michael Russo, Director/Fiscal Year 2011 Municipal Aid Program/Denial of Municipal Aid Grant for Westmont Avenue Road Improvements/Received February 7, 2011-Mr. Parlow stated that he is going to meet with the State to find out why the applications were flipped. The Borough applied for Westmont Avenue first and then Camden so I do not know why Westmont was passed over.
- b) Ocean County Planning Board/David McKeon, Planning Director/2011 Dune Fencing Program/Received February 7, 2011-Councilman Borowski stated that we have already received this fencing and this program always works out great for us.
- c) Ocean County Health Department/Daniel Regenye, Public Health Coordinator/Partnering with Municipalities To Promote Public Health Information/Received February 7, 2011

- d) T & M Associates/Lori Thompson, Grants Program Manager/Barnegat Bay Initiative/NJDEP Environmental Infrastructure Trust Financing Program/Storm Water Principle Forgiveness Loan/Received February 7, 2011
- e) Berry, Sahradnik, Kotzas & Benson/Attorneys At Law/Laura Benson, Esq/County of Ocean/Drainage Pipe Upgrade at Bay Boulevard and Washington Avenues/Block 70 Lot 3/Received February 7, 2011
- f) New Jersey Natural Gas/Tracey Thayer, Esq., Director/Petition of NJNG for Approval of an Accelerated Energy Infrastructure Investment Program and Changes to Gas Rates/Received February 9, 2011
- g) Hot Shot Tennis/Bill Cusick/Information Flyers to Follow for the new Hot Shot Tennis/Received February 9, 2011
- h) State of New Jersey/Division of Land Use Planning/Elizabeth Semple, Manager/Ocean County Wastewater Management Plan/Draft Sewer Service Area Map Public Meeting/Ocean County Water Quality Management Plan/Received February 10, 2011
- i) State of New Jersey/Department of Transportation/James Simpson, Commissioner/Received Funding through the Fiscal Year 2011 Municipal Aid Program for the Camden Avenue Road Improvements in the amount of \$135,000/Received February 14, 2011-Mr. Parlow stated that he would like Council to give him the go ahead to get the bid process started on this so we can have this started by the fall. All of Council was in favor.
- j) The Kaen Family/1705 Baltimore Avenue/commending the Lavallette Police Department, Lavallette Fire Department and the Lavallette Public Works Department for the quick response with a broken water pipe in their home/Received February 14, 2011
- k) Weichert Commercial Brokerage/John Udell, President/Surplus Assets/Received February 15, 2011
- l) Cablevision/Kevin Drennan, Area Director/Launch of Sportsman Channel/Received February 16, 2011
- m) Jersey Central Power & Light/Lawrence Sweeney, Director/In the Matter of Long-Term Capacity Agreement Pilot Program/Received February 18, 2011
- n) Congress of the United States/Jon Runyan, Congressman/Applicant Briefings Regarding the Winter Storms of December 26 & 27, 2011 with FEMA on February 23, 2011/Received February 18, 2011
- o) Cablevision/Kevin Drennan, Area Director/Launch of Neo Cricket and the New iO South Asian Package/Received February 22, 2011
- p) Lippincott Jacobs Consulting Engineers/Jeffrey Jacobs, Director/New Jersey Department of Transportation 2011 Municipal Aid Program Construction Quality Control and Materials Testing Services/Received February 22, 2011
- q) MetroPCS/Anthony Romanelli, Senior Site Acquisition Specialist/MetroPCS Site Lease Agreement/Notice to Perform Modifications at 120 Washington Avenue/Received February 22, 2011
- r) United States Department of Commerce/Economics and Statistics Administration/Fernando Armstrong/Regional Director/American Community Survey 5-Year Estimates from 2005-2009/Received February 25, 2011/Received February 25, 2011
- s) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Jr. Chief/Public Notice 5-1213/Withdrawal of the Proposed Modification to the Regulations

- Governing the Operation of S.R. 44 Bridge Across Mantua Creed in Paulsboro, NJ/Received February 25, 2011
- t) State of New Jersey/Department of Environmental Protection/Eugene Chebra, Acting Assistant Director/Ocean County Utilities Authority/Infrastructure Improvements within the North, Central and Southern Wastewater Service Areas/Received February 28, 2011
 - u) Celebration of Hope Benefit Gala on April 16, 2011/Letter of Invitation/Honoring Senator Edward Kennedy and Nation Peace Medal Award Recipients/Received February 28, 2011
 - v) USDA/Barry Gruber, Area Director/USDA Rural Development/Water & Environmental Programs (WEP)/Homeland Security Initiatives/Received March 3, 2011
 - w) Resource Control Consultants, LLC/Karen Elcock, Project Manager/Receptor Evaluation Form/Sunoco Service Station/Received March 3, 2011
 - x) New Jersey Business and Industry Association/Philip Kirshner, President/2011 Awards for Excellence/Received March 7, 2011
 - y) Unites States Senate/Senator Robert Menendez/Wishing You Success/Received March 4, 2011
 - z) Home Helpers of the Jersey Shore/Robert Fastow, President/Offering Support for Seniors, New/Expecting Mothers and those Needing Recuperative and Continuing Care/Received March 4, 2011
 - aa) Borough of Seaside Park/Robert Martucci, Administrator/Barnegat Bay Initiative/Principle Forgiveness Loans/Interlocal/Shared Services Joint Purchase of Street Sweeper Project between Seaside Park/Seaside Heights/Lavallette/Received March 8, 2011
 - bb) Megan Nicole Kanka Foundation, Inc./Maureen Kanka, Founder/Free Funding for Fingerprint Background Checks/Received March 10, 2011

General With Action:

- a) Joan Brennan, 118 Brooklyn Avenue/Requesting a New Fence along the North Side of Brooklyn Avenue between the street and the Public Works Garage/Received February 14, 2011-Mayor LaCicero stated that he believes that there has already been discussion on this previously and the agreement was that we were going to wait until the radio station left so we could get another cell provider in and then we would take care of replacing the fence. Councilman Borowski stated that he can understand her frustration when we keep putting her off. He stated that he would like something put in our budget for some type of repair or new fence. Mr. Parlow stated that he would take care of it.
- b) Team Brandon Foundation/Ted Kucowski/requesting permission to conduct a swim clinic fundraiser in the area of the Gazebo and Jacobsen Park on April 9, 2011 with a rain date of April 10, 2011 with approximately 100 attendees/Received February 25, 2011-Mayor LaCicero stated that this is approved contingent upon their Certificate of Insurance.
- c) JerseyOutlaws/Kathleen Halbing, Public Relations Liaison/requesting to hold a Barnegat Bay Garvey Boats and Skiff Race on July 24th and September 18th/Received March 9, 2011-Mayor LaCicero stated that Kathleen Halbing is in the audience so he asked Council if they would allow her to provide information regarding the event. Mrs. Halbing stated that this is wood and fiberglass Garvey boat racing in the bay and it is

free to spectators. They would like to have it on July 24th and September 18th and they will be selling hotdogs. It is a wonderful event that is always enjoyed by many. We have all the necessary insurances and will clean up the grounds when done. Councilman Borowski questioned how many races are run in a day. Mrs. Halbing stated that we would run the races between 12 noon and 3:30pm and finish promptly at that time and we run about 10 races during that time. The Coast Guard, State Police and dive teams are all notified and are on hand to make sure there is no interference with any outside boats and our races run 100 yards off the beach. Mr. Parlow stated that with the date of July 24th you run into the problem of having to have beach badges and pay for parking stickers to park in the municipal lots. Councilman Borowski questioned what direction the races go. Mrs. Halbing stated that the race courses run circular and oval. Mr. George stated that the only way to avoid the badges and parking stickers for that event is for Council to approve a waiver for that one event. Councilman Borowski stated that the Lavallette Yacht Club has a young sailor program during the days in the summer and he is concerned about that. Mayor LaCicero stated that in that particular area on the beach there is no badge checker. Mr. Parlow stated that he will sit down with Mrs. Halbing during the week and figure out the necessary restrictions and what this entails and put the request back on for the next meeting. Councilman Borowski stated that we have to be careful with the waiver of badges because last year a non profit organization requested us to waive badges for 15 minutes one day for Hands Across the Sand and we denied their request. Clem Boyers from the audience and asked to speak. Mayor LaCicero stated that would be okay. Mr. Boyers stated that there is only one Sunday in the summer that the Lavallette Yacht Club does not run the sailing program so Mrs. Halbing should definitely check with the Yacht Club and get a list of their sailing dates.

- d) Voters & Taxpayers Association of Lavallette/Joseph Marcianti, President/requesting response as to what fertilizer the Borough uses on their properties and what action is to be taken with regard to informing residents/Received March 8, 2011-Mayor LaCicero stated that we stopped using nitrogen based chemicals on the Borough properties for three years now. Councilman Borowski stated that he checked with our gardener and the chemicals we use are okay. Mr. Parlow stated that he will respond to this letter appropriately.
- e) Jenkinson's Aquarium/Jennifer Savianeso, Supervisor/requesting to put signs and flyers in Lavallette regarding Seal awareness/Received March 10, 2011-Mayor LaCicero stated that this is okay. Mr. Parlow stated that he will get some brochures for the Badge Office.

UNFINISHED BUSINESS:

Councilman Lamb stated that the Fire Company does not need trustees for the bi-laws according to Mr. George.

Mr. George stated that was correct and anyone can sign for the reinstatement of the corporation. This can be done by the membership either at a meeting or by letter.

Councilman Borowski stated that he would like it to be done at their first meeting in April.

Mr. Parlow stated that he and Mike O'Donnell have a meeting with the Contractor on the Grand Central Avenue Beautification Project regarding some 50 linear feet of sidewalk in the area of the underground storage tanks that were removed and also there is a punch list we need to finalize.

Mayor LaCicero questioned if the lighting was received yet.

Mr. Parlow stated that that item will be discussed during the meeting as well.

Councilman Horan stated that the two hour parking signs have been received and will be going up shortly.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that there was a letter to the editor in the Ocean Star last week in reference to some quotes the Mayor made about not making any profit on the beach. Mr. Boyers asked if the Mayor would please clarify those statements.

Mayor LaCicero stated that the person who wrote that letter to the editor is apparently not fully aware of the law. Municipalities cannot make a profit from the sale of our beach badges but we can use that money to take care of the beach. If we had to give \$1.00 to the State for each badge we sold that would be \$40,000 less revenue for us but we would still have \$40,000 in costs to deal with. The Borough of Lavallette was the first town in Ocean County to have a storm water management program approved. We have cleanups on our beaches and bays. He attended meetings on the jelly fish problem and looked into whether or not the netting in the bay would be profitable for our jelly fish problem. He stated he thinks all of these things are the Borough trying to help with the Barnegat Bay problems.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Horan stated that the Rutgers Extension in Toms River is holding an Open House on Reclamming the Bay Program on April 26th from 7pm-9pm and all are welcome.

Mr. Parlow stated that he attended the LBA Meeting last week and they stated to me that they would like to purchase the banners on the light poles with a caviat that they be authorized to put their name somewhere on the banner. We still need to figure the size but we are working on that.

Mayor and Council were in favor of this.

Mr Parlow stated that he would also like permission to prepare the ordinance for pole transformers and bid specs to be put on for introduction for next meeting.

Mayor and Council were in favor of this.

Mr. Parlow stated that the legislation that was amended that wanted municipalities to give the State a \$1.00 for each beach badge has been withdrawn altogether so I guess there was a lot of controversy with that proposed bill.

Mayor LaCicero stated that Long Beach Island is going to advertise on the back of lifeguard stands for extra revenue. Something that the Lavallette Voters and Taxpayers were so against but glad to see a town that is going to prosper from that revenue even if it is not ours.

EXECUTIVE SESSION:

Mr. George stated that there exists a need for a brief executive session to discuss some litigation matters regarding Gustafson and Bossert. There will be no action taken.

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

The Caucus/Regular Meeting was Adjourned to go into Executive Session at 7:50 pm.

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

The Caucus/Regular Meeting was reconvened at 8:03pm.

Mr. George stated that while in Executive Session there was a discussion on a recent litigation case that has been dismissed and some discussion on a recent proposal regarding a current litigation case. There was no action taken.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:04 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey does hereby attest these to be a true copy of the Minutes of the Caucus/Regular Meeting of the Mayor and Council held on the 14th day of **March 2011**

Christopher F. Parlow
Municipal Clerk