

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**October 1, 2012-7:00 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 was published in the Ocean Star on January 6, 2012. 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 Joe Girardo and Marie Morrison who were long time residents that passed away and for our troops overseas. He also asked to keep in mind the soldiers who are serving overseas; the total number of American Soldiers that have passed has exceeded 2,000.

**PLEDGE OF ALLEGIANCE:** Councilman Stogdill led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out to tonight's first formal meeting after our casual summer wear.

**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.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comments.

**APPROVAL OF CLERK'S MINUTES**

Regular Meeting of September 17, 2012  
Executive Session Meeting of September 17, 2012  
Bid Opening of September 25, 2012

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 Overtime Report for September-Councilwoman Filippone- she reported that the report will be available at the next meeting
- b) Animal Control Report for September-Councilwoman Filippone-read report
- c) Zoning Report for September-Councilwoman Filippone-read report
- d) Construction Report for September-Councilwoman Filippone-read report
- e) Public Affairs Report for September-Council President Zalom-the results of the Roadway Enhancement Grant is due out this week. The parade was fantastic. Everyone pitched in and all of our employees deserve a big thank you. The Police and Public Works employees worked all day and we truly could not have done this without them. All the thank you letters are out for everyone who participated and helped out in some way. Everyone she spoke to just could not say enough good things about the parade and the celebration after it was just a perfect day. The daughter of one of the USS Lavallette crewmen emailed her the next day and was so thankful for all we did for them. It was very special to them and they said they will keep the memories in their heart. The Art Exhibit of George Eisenberg is still at the Library for review and will be there the whole month of October. The Lavallette students in the older grades will be going over to see it as a history lesson. We will be having the Halloween Harvest Hoedown on October 26<sup>th</sup>, the First Aid Rummage Sale will be on October 11<sup>th</sup> & 12<sup>th</sup> and Clean Ocean Action on October 20<sup>th</sup>. Richard Fowler, a former long time resident wrote a poem about Mrs. Grosko and is coming to the next meeting to read it for her. There is Polish Night at St. Pio on October 20<sup>th</sup>. The LBA is ordering more t-shirts. Mr. Parlow deserves a big thank you for still getting us the discounted flood insurance.
- f) Revenue Transaction Report for August-Chief Financial Officer
- g) Tax Account Report for September -Tax Collector
- h) Report of Sale of Bond Anticipation Notes-Chief Financial Officer

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

## **ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:**

### **RESOLUTIONS – ON CONSENT:**

- 2012-255 authorizing the refund of an overpayment of taxes in the amount of \$828.04 for Block 6 Lot 31.3
- 2012-256 certifying to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”
- 2012-257 authorizing approval to the Lavallette Recreation Department to hold a “bonfire” on Washington Avenue bay beach on October 26, 2012 at 6:00 pm in connection with the Halloween Harvest Hoedown

- 2012-258 approving the Halloween curfew for the Borough of Lavallette on October 29<sup>th</sup> through October 31<sup>st</sup> 2012 from 9pm to 6am
- 2012-259 authorizing the Borough Administrator/Municipal Clerk to prepare and submit application for funding through the Ocean County Cultural & Heritage Commission's 2013 Local Arts Program Grant to provide funding for the summer concert series program-Council President Zalom stated that Mr. Parlow works very hard on this grant.
- 2012-260 proclaiming the month of October 2012 to be National Domestic Violence Awareness Month in the Borough of Lavallette
- 2012-261 authorizing the Electric Collector to remove an electric account at 24 New Brunswick Avenue due to a demolition
- 2012-262 approving the transfer of an overpayment on an electric account in the amount of \$242.41 for 117 Newark Avenue and transferring it to their water/sewer account
- 2012-263 authorizing the Chief Financial Officer to refund a commemorative trivet fee of \$10.00 to Ms. Pratt because of the trivets being sold out and her trivet had a crack so it was returned the Borough
- 2012-264 supporting the passage of S180/A640 by the Legislature
- 2012-265 authorizing a contract with Wilson & Wilson, LLC to perform Electrical Engineering Consultant Services as a result of the power failure that occurred on July 7, 2012

A Motion to approve the consent agenda 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 the consent agenda. No one wished to comment. The Mayor closed the floor to the public 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.

**RESOLUTION - OFF CONSENT**

- 2012-266 awarding a contract to Earle Asphalt Company for Westmont Avenue Road Improvement Project in the amount of \$180,313.13

Mr. Parlow stated that the Engineer's estimate for this project was \$195,000 so we did receive a very good price from Earle Asphalt. We are hoping to start the project in a couple of weeks. The paving will be from Route 35 North west to the end of Westmont. The paving is going to be a bit difficult for them because Westmont Avenue does not have any curbing. There is only a 3 inch

grade difference over the entire length of road with no curbing to follow. There will be six new storm drains installed as well.

Council President Zalom stated that street was always a flooding problem up to their doors.

Mr. Parlow stated that the front yards for properties located at the middle block on the south side are lower than the road surface so they are probably still going to get some flooding but it should be a better. Also, the next street will be Virginia Avenue. The Bocchino's need to excavate for their sprinkler system before we can pave that portion of Lavallette Avenue and if it is not done before they are ready to start Virginia Avenue we will not be able to pave it. We will be looking to start Virginia in the fall of 2013.

A Motion was made by Councilman Lamb to approve Resolution 2012-266. The Motion was seconded by Councilman Horan. The Mayor opened the floor to public comment and asked if anyone wished to comment on this resolution. No one wished to comment at this time. The Mayor closed the floor to public comment and asked Council for a vote on Resolution 2012-266.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2012-266A approving a special event/facilities use application to the New Balance Reach the Beach Relay, Inc. for permission to run through our town and use parts of Bay Blvd., Baltimore, Elizabeth and Route 35 South on October 13, 2012

Mr. Parlow stated that this application was submitted at 4 pm this afternoon and it was added to the agenda because the race is scheduled prior to the next council meeting. It is basically a relay race and they want to use portions of Bay Boulevard, Elizabeth Avenue and Route 35 South. They are not asking to close any roads down, any police presence or any of our facilities.

Councilman Borowski questioned how many runners.

Mr. Parlow stated that it says 3 legs of 36 runners sporadically.

A Motion was made by Council President Zalom to approve Resolution 2012-266A. The Motion was seconded by Councilman Horan. The Mayor opened the floor for public comment and asked if anyone wished to comment on this resolution.

Joe Palinsky, 122 Washington Avenue questioned if there were going to be escort vehicles with the runners.

Mr. Parlow stated that there would be vehicles with the runners.

Mr. Palinsky stated that they should not be running against the traffic not with it and you should still think about police being present because it will be dark early.

The Mayor closed the floor to public comment and asked Council for a vote on Resolution 2012-266A.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2012-267 Bills List in the amount of \$514,105.22

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

**ORDINANCES ON FOR INTRODUCTION:**

ORDINANCE NO. 2012-15 (1114) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 89 OF THE GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED “VEHICLES AND TRAFFIC”

Mr. Parlow stated that this will allow the Borough to collect all the fees for parking tickets.

A Motion was made by Councilman Stogdill to Introduce Ordinance 2012-15(1114). 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 is scheduled for October 15, 2012.

**ORDINANCES ON FOR ADOPTION:**

BOND ORDINANCE NO. 2012-13 (1112) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN ALTEC DM47 HYDRAULIC DERRICK FOR THE ELECTRIC UTILITY, AND APPROPRIATION \$200,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 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

Councilman Horan stated that the old pole truck is 35 years old and you can't even get some parts for it anymore.

Mayor LaCicero stated that the Bond is paid by the electric ratepayers.

A Motion was made by Councilman Horan to Adopt Bond Ordinance 2012-13(1112). The Motion was seconded by Council President Zalom. The Mayor opened the public hearing and asked if

anyone wished to comment on this Ordinance. No one wished to comment on this Ordinance. The Mayor closed the public hearing and asked Council for a vote on Bond Ordinance 2012-13 (1112).

Vote: Council Members Borowski, Filippone, Zalom Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**ORDINANCE NO. 2012-14 (1113) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 54 OF THE BOROUGH CODE, ENTITLED "SOIL REMOVAL"**

Mayor LaCicero stated that this ordinance is not being used and we do not want to be responsible for any sand removal so we are repealing it.

A Motion was made by Councilman Horan to Adopt Ordinance 2012-14 (1113). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment on this Ordinance. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2012-14 (1113).

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**COMMUNICATIONS**

Legal:

- a) Eric M. Bernstein & Associates/Philip George, Esq/Gustafson v. Borough of Lavallette/Received September 12, 2012
- b) Eric M. Bernstein & Associates/Philip George, Esq/Smoking Ban on Lavallette Beaches/Received September 17, 2012
- c) Eric M. Bernstein & Associates/Philip George, Esq/Thomas Loreda & Lori Gatfield-Loreda v. Borough of Lavallette/Received September 19, 2012
- d) Eric M. Bernstein & Associates/Philip George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received September 21, 2012
- e) Eric M. Bernstein & Associates/Philip George, Esq/Attendance by Borough Officials at Public Functions Other than Public Meetings/Received September 21, 2012

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell/Westmont Avenue Road Improvements/Received September 5, 2012
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/Westmont Avenue Road Improvements/NJDOT Street Improvement Application/Received September 11, 2012
- c) O'Donnell, Stanton & Associates/Michael O'Donnell/Westmont Avenue Road Improvements/Street Improvement Application/Received September 13, 2012
- d) O'Donnell, Stanton & Associates/Michael O'Donnell/Westmont Avenue Road Improvements/Bid Review/Recommendation/Received September 27, 2012

New Jersey League of Municipalities:

- a) Comptroller Issues an Alert on Savings in Workers' Compensation Programs/Received August 30, 2012
- b) BPU Issues Report and Recommendations to Prevent Inordinate Utility Service Disruptions Due to Natural Disasters/Received September 5, 2012
- c) A Short and Simple Glimpse at the Property Tax in New Jersey/Received September 5, 2012
- d) Your Input on an Exclusive Line of League Merchandise/Received September 5, 2012
- e) Facebook Requiring Municipalities to Change Identification on Site/Received September 5, 2012
- f) Funds Available to Reimburse Hepatitis B Inoculation/Received September 5, 2012
- g) Affordable Housing Trust Funds Update/Received September 6, 2012
- h) DCA Develops New Budget Reporting Tool/Received September 7, 2012
- i) National Preparedness Month/Received September 7, 2012
- j) Visit the League's Grants Resource Center/Received September 7, 2012
- k) NLC Webinar on New Facebook Policies/Received September 13, 2012
- l) "Base Salary" Litigation Update/Received September 14, 2012
- m) 2012 Conference Resolutions/Received September 14, 2012
- n) National Hunger Action Month/Received September 20, 2012
- o) Brownfields EPA Grant Application Deadline/Received September 24, 2012
- p) NJDEP Exemption from Permitting Requirements for Hurricane Irene Issues/Received September 25, 2012
- q) Become a Better Public Servant for Just \$50, at the 2012 Conference-But Only If You Register Before October 1<sup>st</sup>/Received September 27, 2012

General With No Action:

- a) New Jersey American Water/Frank X. Simpson/ IMO Petition of New Jersey American Water to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge/Received September 10, 2012
- b) State of New Jersey/Office of Governor/Chris Christie, Governor/New Contracts To Assist You in Purchasing Equipment/Received September 10, 2012
- c) State of New Jersey/Office of the Governor/Chris Christie, Governor/Update/Received September 10, 2012
- d) Ocean County/Department of Solid Waste Management/James Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program/Received September 13, 2012-Councilman Horan stated that we received a check for our share of the recycling revenue. This check was a bit less than the last one but that is because it was from December to June when we have less of a population.
- e) Ocean County Health Department/Daniel Regenye, Health Coordinator/Hepatitis B. Inoculations/Received September 14, 2012
- f) State of New Jersey/Office of the Governor/Chris Christie, Governor/Update/Police and Fire/Received September 17, 2012

- g) State of New Jersey/Department of Treasury/Division of Taxation/Elizabeth Ashton, Acting Chief/audit of municipal property tax deductions for seniors and disabled veterans/Received September 19, 2012
- h) New Jersey American Water/Frank X. Simpson/IMO the Petition of New Jersey American Water to Change the Levels of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause/Received September 21, 2012
- i) Ocean County Planning Board/David J. McKeon, Planning Director/2012 Beach Grass Distribution/Received September 25, 2012
- j) Jersey Central Power & Light/Mark A. Mader, Rates & Regulatory Affairs/In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2013/Received September 27, 2012
- k) Cablevision/R. Thurman Barnes/Sundance Channel (SD) Tier and Package Change/Received September 27, 2012

General With Action:

- a) Georgia Minks/16 Virginia Avenue/problems with her water and sewer accounts/response to Georgia Minks from Mr. Parlow/Received September 4, 2012-Mayor LaCicero stated that Mr. Parlow has already taken care of this.
- b) Ocean County Columbus Day Parade Committee/Michael Blandina, Chairman/requesting participation in their parade/Received September 7, 2012-Council President Zalom stated that she and Councilwoman Filippone will be participating in this parade and driving her car.
- c) Carol Aduvato Brown/93 Grand Central Ave, Unit 6/requesting Council act upon the no ball playing on the beach/Received September 10, 2012-Councilman Lamb stated that he read the ordinance and the ball playing should be prohibited if it is endangering other persons on the beach. In this case, it was endangering a beachgoer and should have been stopped. He stated that he does not think they should be more restrictive with it. Mr. George stated that if the ball playing is becoming too dangerous for the beachgoers it most certainly should be stopped immediately. Mayor LaCicero stated that the lifeguards or badge checkers should be stopping the ball playing if they see that it is becoming a dangerous situation. Councilman Lamb stated that the badge checkers do give warnings to the ball players to stay out of the way of the beach goers or they will have to stop playing. He stated that this is the second complaint this summer. Councilman Borowski stated that they should also be using some form of common sense and not play in an area where there is a potential of someone being hit with the ball. Mayor LaCicero stated that the lifeguards and badge checkers should tighten up and keep a watchful eye.
- d) State of New Jersey/Department of Environmental Protection/State Forestry Services/requesting the Borough participate in the Shade Tree Program/Received September 24, 2012-Mr. Parlow stated that we have already looked into this and did not want to participate.

**UNFINISHED BUSINESS:**

Council President Zalom stated that we are receiving 15,483 dune plants this year. They will be ready November 2, 2012 so the Dune Grass Planting Day will be November 3, 2012.

Council President Zalom stated that there were a lot of disappointed people who did not get to buy a trivet. The LBA reordered the T-shirts already and she thinks that we need to reorder the trivets.

Mayor LaCicero stated that maybe we should reorder 100 more and split it with 50 of each design.

A Motion was made by Council President Zalom to reorder 100 trivets splitting it with 50 of each design. The Motion was Seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Councilman Horan stated that on September 24<sup>th</sup> the Public Power Association purchased a block of power which was .55 less than the last purchase. This purchase was for power needed during 2016/2017. The price was \$48.55 per megawatt, which is \$9.55 per megawatt hour lower than what we are currently paying.

Council President Zalom questioned if we should look into the Governor's letter about purchasing playground equipment on state contract.

Mr. Parlow stated that we already do purchase from state contract.

Council President Zalom stated that the Colleen King from the Ocean Star did a fantastic job with the right up about our Parade. The pictures are beautiful and the Asbury Park Press had an article and pictures also.

Councilman Borowski stated that next Tuesday, October 9<sup>th</sup> is the Flu Clinic from 10am to 12 noon. Also, the winter garbage schedule will start on October 15<sup>th</sup> with garbage and recycling being collected once a week on Monday and bulk pickup will also be on October 15<sup>th</sup> so make sure you get all your bulk items out to the curb on Sunday night.

Council President Zalom stated that she wishes to give thanks to the Public Works and the Police Department for all they did to help with our parade.

Mr. Parlow stated that he resubmitted the CRS recertification in order to maintain our 10% discount on flood insurance for our homeowners. Also, there is only one more meeting before the election.

Mr. Parlow stated that he originally reported that in order to repair the substation as a result of the damage that occurred on July 7<sup>th</sup> there would need to be two scheduled power outages that could last up to 8 hours for each outage. During a meeting with JCPL a solution was discussed that would allow the repairs to be made with only two small outages needed.

Mr. Parlow stated that he received a call from the WWFM Radio Station and they are no longer using their site on our water tower. They have found an alternate sight and has already requested an electric meter disconnect. He stated that he would like to utilize our Engineer in overseeing the removal of their equipment to make sure that there will be no damage to our water tower.

Mayor LaCicero stated that paves the way us more room for another cell tower.

Mr. Parlow requested Council give him permission to prepare bid specs for another cell tower.

A Motion was made by Councilman Horan to allow Mr. Parlow to prepare bid specs for another cell tower. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Councilwoman Filippone questioned if we have all the Christmas decorations that we will need for this year.

Mr. Parlow stated that everything was ordered and received.

#### **EXECUTIVE SESSION:**

Mr. George stated that there is a need for an executive session to discuss some police personnel matters regarding policies and procedures. There is no action expected to be taken.

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting to go into executive session. The motion was seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned to go into executive session at 8:05 pm.

A Motion was made by Councilman Stogdill to reconvene the Caucus/Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was Reconvened at 9:28 pm.

Mr. George stated that while in Executive Session there were a number of police personnel matters that were discussed regarding police procedures and policies on screening and hiring of seasonal and regular officers. There was no action taken at this time.

#### **ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 9:29 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 held on the 1<sup>st</sup> day of **October 2012**

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Christopher F. Parlow  
Municipal Clerk