

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, February 21, 2012-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill
Council President Zalom was 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 Asbury Park Press and was published in the Ocean Star on January 6, 2012. Notice was also posted on the municipal bulletin board and the municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all our troops overseas and for the soldier from North Arlington that was killed.

PLEDGE OF ALLEGIANCE: Councilman Borowski led us in the Salute to the Flag

MAYOR'S WELCOMING STATEMENT: The Mayor thanked the small group of residents for coming out 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.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of February 6, 2012
Budget Meeting of February 9, 2012

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

RESOLUTIONS-ON CONSENT:

- 2012-84 approving the Beach Lifeguard Supervisors for the summer season of 2012
- 2012-85 proclaiming March 2, 2012 Read Across America day in the Borough of Lavallette
- 2012-86 authorizing the amendment of the temporary budget in the amount of \$3853.34 for the purchase of snowflakes-Mr. Parlow stated that the Beautification Committee donated \$1,853.34 for the purchase of six more snowflake decorations which will complete the Snowflake Project. Also, the Heritage Committee donated \$2,000 towards the purchase of additional decorations. The committee recommended six additional wreaths for the decorative lamps, one additional swag for across the highway and new lights for the pine tree at Borough Hall.
- 2012-87 approving a raffle license to St. Pio of Pietrelcina to hold a 50/50 off premise raffle at their Church at 2:30 pm
- 2012-88 approving a bingo license to St. Pio of Pietrelcina for their bingo games to be held on various dates in July, August, and September 2012
- 2012-89 in support of legislation to create a municipal shared services energy authority-Mr. Parlow stated that this is a bill to permit the ten members of the Public Power Association to form an entity to purchase and build generation so we can generate our own power. Councilman Lamb questioned what exactly that would mean. Mr. Parlow stated that Vineland, which is one of the members generates half of their load right now. Based on financial commitment we are hoping to use our bonding power to form a corporation to allow us to generate our own power. If this bill passes, which we believe it will, we will have so many more options with different types of power.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Lamb. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda or the bills list.

Clem Boyers, 20 Kerr Avenue questioned what type of power Vineland produces?

Mr. Parlow stated that Vineland has there own generation plant that runs on gas.

Mr. Boyers stated that for our generation plant don't we need to find more space?

Mr. Parlow stated that Lavallette does not have enough space for a generation plant.

Mr. Boyers questioned if other towns have this option?

Mr. Parlow stated that only towns that have a municipally owned electric utility which would be the 10 members of the Public Power Association.

Councilman Lamb questioned if some of those ten members opted out of the Association recently?

Mayor LaCicero stated that some of those members did not go with the managed contract but has now decided to go with that contract. Let's not forget that this bill is separate from the peak shavings generation.

There was no additional public comment.

The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda.

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

RESOLUTIONS-OFF CONSENT

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2012-90 Bills List in the amount of \$349,825.13

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. The Motion Passed.

INTRODUCTION OF THE 2012 BUDGET

Mr. Parlow read aloud the Budget Resolution 2012-91. He stated that budget review is available to the public.

Mr. Parlow stated that this 2012 budget in total is \$7,537,802 which is still \$325,013 under the expendable cap. The tax levy is \$5,025,985 which is under the 2% cap by \$122,102. The surplus in the beginning of 2011 was \$1.036 million and we expect the new surplus to be about \$200,000 more. The 2012 tax rate is 26.8 cents, which is the same rate as last year. For example, a home that is assessed at \$650,000 will have a municipal tax amount of \$1,742.00. The additional assessments increased the assessed valuation of all properties by an additional \$11,000,000. All of our utility budgets are balanced with no rate increases.

Mayor LaCicero stated that we have a zero tax increase and our surplus is still going to be more than last year.

Mr. Parlow stated that some of our highlights this year are to replace the Jacobsen Park playground equipment, complete the dredging under the WPI Bridge and we have included funds for the celebration of the 125th year. We are looking for some donations from our businesses for this year fireworks.

A Motion was made by Councilman Horan to introduce the 2012 Budget. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor reported that the public hearing and final adoption is scheduled for April 9, 2012.

INTRODUCTION/FIRST READING OF ORDINANCES

ORDINANCE NO. 2012-01(1100) AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mr. Parlow stated that the cap ordinance gets approved with the budget. The ordinance allows the borough to exceed the 2 ½ % appropriation cap and raise the budget, if needed, to 3 ½ %. The Borough will be able to bank the unexpended cap balance to be used for future years if needed.

A Motion was made by Councilman Horan to introduce Ordinance 2012-01 (1100). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mayor stated that the public hearing and final adoption is scheduled for March 11, 2012.

ORDINANCE NO. 2012-02 (1101) AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO REVISE THE FEE FOR THE MAYOR TO OFFICIATE AT WEDDINGS

Mr. Parlow stated that the fee to have the Mayor perform wedding ceremonies is being increase to \$100.00.

Councilwoman Filippone questioned if the ordinance provided for a Mayor's designee?

Mr. Parlow stated that the existing ordinance does permit a Mayor's designee.

Mayor LaCicero asked if we could modify the ordinance to permit the fee to be modified by resolution.

Mr. George stated that by statute the fee must be set by ordinance.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2012-02 (1101). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor stated that the public hearing and final adoption is scheduled for March 11, 2012.

ORDINANCE NO. 2012-03 (1102) AMENDING AND SUPPLEMENTING CHAPTER 35, ENTITLED "HOUSING STANDARDS" SO AS TO REVISE SECTION 35-3A ENTITLED "AMENDMENTS TO STANDARDS"

Mr. Parlow stated that the Code Enforcement Officer and the Plumbing Inspector requested that a sentence within the Housing Standards ordinance be removed that exempted the requirement that outdoor showers be drained into the sanitary sewer system.

Councilwoman Filippone questioned if everyone was going to be made to do this if they have an outdoor shower?

Mr. Parlow stated that if you it would apply to any future installations or modifications to existing outdoor showers.

A Motion was made by Councilman Stogdill to introduce Ordinance 2012-03 (1102). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor stated that the public hearing and final adoption is scheduled for March 11, 2012.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Mr. Parlow stated that a draft copy of the calendar has been provided for Council review. He requested that Council review it and respond back with any additions or corrections.

Mayor LaCicero stated that he spoke to the developer on Lavallette Avenue and he was interested in replacing the sidewalk from the end of Lavallette Avenue up to the WPI Bridge about 30 feet. He is going to close off the curb cut and put new curbing and do some landscaping around that area. He also offered his piece of property that is vacant if we were going to do the dredging under the bridge we could store some of our equipment there if necessary.

Councilwoman Filippone stated that is a County road so how could we give permission.

Mr. Parlow stated that he has a meeting with the County along with the Mayor tomorrow and we will bring that up and see if they are okay with that project.

Councilwoman Filippone stated that whatever he is going to do over there he should submit a drawing to the Chief for safety purposes in case they need to put cones around the area or close off a portion of the street.

Mayor LaCicero stated that he also was questioning if we could possibly move the paving of that portion of Lavallette up a little sooner than later. All of the utilities are ready and done so they won't be touching the street at all.

Councilman Borowski stated that those owners also were supposed to do some irrigation on that triangle. That should be addressed before the paving.

Mr. Parlow stated that the earliest that the paving could even be thought about is the fall. We could always add that portion on to one of the streets that will be done in the spring if needed. His opinion would be to wait until the house is totally completed on that lot before we pave that portion of the street.

Mayor LaCicero stated that they were also questioning whether or not they could possibly run a conduit from the house across the street to the island for irrigation purposes only. What would be the legalities?

Mr. Parlow stated that he was not sure if the property owner could secure an easement across the roadway.

Councilman Borowski stated that if that is done it would be a private service and they would have to get their own contractor to do the work.

Mr. George stated that he was not sure if that could be done without appropriate easements but he would research it and have an answer by the next meeting.

Mayor LaCicero stated that he was approached with these questions so he wants to make sure he gives them all the answers.

Councilman Borowski stated that maybe we could also ask the County if they could do the paving under Schedule C.

Mayor LaCicero stated that they will ask that question at the meeting tomorrow. They also wanted to make us aware that they will be removing one of the oil tanks from the ground. They have already received clearance on the three oil tanks that are there but he will only be removing one.

Councilman Lamb questioned if the letter received from Peters Florist was beyond the January 15th deadline for the display of merchandise?

Mr. Parlow stated that we did not receive it on time. It is a new ordinance and Council could maybe approve it beyond the date this first time.

Mr. George stated that Council could not waive the requirements. The ordinance would have to be amended.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Clem Boyers, 20 Kerr Avenue questioned if the salaries were raised for all part time employees such as the beach workers?

Councilman Lamb stated that all the part time salaries were raised.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that he attended the MEL/JIF seminar on February 8th in order to get the \$250 credit.

Councilwoman Filippone stated that the Holiday Decorations Committee met recently and we do have a plan in place. We have decided to do one project at a time. The snowflake project has now been completed and now the wreaths project will be the next project to complete and then we will start on the lights for the tree. We also discussed having a second lighted ornament on the telephone poles and the decision was to go with holly design with red/green lights so they too can stay lit beyond the holiday season. We will also need some donations from the businesses in town. The swag that Mr. Parlow talked about is a little different than the ones we already have. This one is 60 feet wide while they others are 40 feet wide and we will be putting this one on the first street when you enter the town on Route 35 North.

Mayor LaCicero stated that he and Mr. Parlow will be having their annual meeting with the County Road Department and we will be discussing the dredging under the WPI Bridge. Our permits are in effect so it should be no problem. The County is still taking care of the outfall pipes on WPI which is one of the items that we discussed at the last annual meeting. If any of Council has any items that they want us to bring up let me know before 10 a.m. tomorrow.

Councilwoman Filippone stated that she would like the Mayor to bring up needing more crosswalks on Bay Boulevard.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 7:42 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 Regular Meeting of Mayor and Council held on the **21st** day of **February 2012**

Christopher F. Parlow
Municipal Clerk