

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
February 6, 2012-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone
Councilman Borowski 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 our Municipal Website and the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for Rose Dul and Greg Barow, two long time residents of Lavallette who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked all 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 January 23, 2012
Executive Session Meeting of January 23, 2012

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

REPORTS:

- a) Police Report for January-Councilwoman Filippone-read report
- b) Municipal Court for January-Councilwoman Filippone-There was no report for January.
- c) Zoning Report for January-Councilwoman Filippone-read report
- d) Construction Report for January -Councilwoman Filippone-read report
- e) Animal Control Report for January-Councilwoman Filippone-read report
- f) Public Affairs Report for January-Council President Zalom-There was a wonderful article in the Ocean Star about the Construction Department thanks to Colleen King. Councilwoman Filippone stated just to clarify there are no benefits paid to the employees in the Construction Department because they are all part-time. Council President Zalom stated that the calendars are ready for February so you can pick them up in Borough Hall. The Borough was in the League Magazine again this year for our message to our residents to enforce using black bags for their garbage instead of white bags because the sea gulls rip open the white bags. If you remember, last year we were in this magazine regarding our goose patrol. There was an article in the newspaper about the DEP reimbursing Point Pleasant Beach for the purchase of a storm truck that will be used by other towns, also. Mr. Parlow stated that we are in final agreements with Seaside Park and Seaside Heights for shared services with the purchase of a street sweeper. Council President Zalom stated that she will not be at the next couple of meetings. There is a New York City bus trip on April 28th, however; if you call Jean Lane leave a message and she will return your call. She is away right now but will return soon and will call you back. There is a beach sweeps on April 21st. At the last meeting, I spoke about joining the Mayors Wellness Campaign but have come to find out that we have already joined this wellness campaign. There was a short meeting with Mrs. Grosko, the Mayor, myself and Mr. Parlow about doing something different for our 125th year. We decided to have a parade on September 23rd. The flyer will be going out shortly. The crew members of the SS Lavallette will be in attendance, also. The school kids will be decorating the town bus for us too.
- g) Revenue Transaction Report for December-Chief Financial Officer
- h) Tax Account Report for January -Tax Collector

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2012-70 authorizing the Treasurer to issue a check in the amount of \$57,913.09 payable to Crusader Lien Services for the redemption of Tax Sale Certificate #080002
- 2012-71 authorizing the dates and times upon which businesses located along Grand Central Avenue may exhibit or display for sale merchandise in accordance with Chapter § 50 of the code of the Borough of Lavallette for the year 2012
- 2012-72 appointing Chief Colin Grant to a three year term as Emergency Management

Coordinator for the Borough of Lavallette

- 2012-73 authorizing the dates and times upon which B & B Department store may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-74 authorizing the dates and times upon which Big Ed's Produce may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-75 authorizing the dates and times upon which Ben Franklin Store may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-76 authorizing the dates and times upon which Lavallette Hardware may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-77 authorizing the dates and times upon which The Beach Home may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-78 authorizing the dates and times upon which the Wavejammer Surf Shop may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette
- 2012-79 requesting that the Department of Transportation adopt the required regulation establishing two-hour and fifteen-minute parking spaces on Route NJ 35 Northbound-Mayor LaCicero stated that this will be the last time for this request for at least another two years. Council President Zalom stated that the Borough is very business friendly as well as tourist friendly and are always to trying to please everyone.
- 2012-80 approving a raffle license to the Lavallette Heritage Committee to hold a 50/50 raffle at their annual Heritage Day Festival on September 8, 2012
- 2012-81 authorizing the Mayor and Municipal Clerk to execute the grant agreement with the Ocean County Cultural & Heritage Commission-Council President Zalom stated that Mr. Parlow worked very hard on this paperwork and it was a very long process. We only received \$750 with all that work he did but that will pay for at least two concerts. The OC Parks and Recreation have also agreed to pay for one of our concerts which helps us out also.
- 2012-82 authorizing a temporary budget appropriation for Emergency Management Other Expenses in the amount of \$3,000-Mr. Parlow stated that there is usually not a lot of money in that line item at this time and we needed to put some in so we could purchase the Emergency Notification System.

A Motion to approve the consent agenda was made by Councilman Horan. The Motion was seconded by Councilwoman Filippone. The Mayor opened the floor to the public 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 the public and asked Council for a vote on the consent agenda.

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

APPROVAL OF VOUCHERS:

2012-83 Bills List in the amount of \$2,441,500.18

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredó & Lori-Gatfield Loredó v. Borough of Lavallette/ Received January 23, 2012
- b) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredó & Lori-Gatfield Loredó v. Borough of Lavallette/Received January 23, 2012
- c) Eric M. Bernstein & Assoc/Philip George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received January 24, 2012
- d) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredó & Lori-Gatfield Loredó v. Borough of Lavallette/Received January 26, 2012
- e) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredó & Lori-Gatfield Loredó v. Borough of Lavallette/Received February 2, 2012
- f) Eric M. Bernstein & Assoc./Philip George, Esq/Lavallette Volunteer Fire Company No. 1, Inc./Received February 2, 2012-Mr. George stated that this is just a follow up letter to see where this issue is at and if they have corrected the problem.

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/PV Solar Panel System/106 Grand Central Avenue/Received January 23, 2012
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Camden Avenue Road Improvements/Pay Estimate #1/Received January 24, 2012
- c) O'Donnell, Stanton & Assoc/Michael O'Donnell/New Brunswick Avenue Road Improvements/Pay Estimate #3/Received January 24, 2012
- d) O'Donnell, Stanton & Assoc/Michael O'Donnell/Camden Avenue Road Improvements/February 2, 2012

New Jersey League of Municipalities:

- a) Federal Road Sign Standards Update/Received January 12, 2012

- b) New Law Permits Moving of School Board Elections/Received January 19, 2012
- c) Recent Supreme Court Decision in Polzo v. Essex County/Received January 19, 2012
- d) Summary of Recently Enacted Legislation/Received January 19, 2012
- e) New Content on DLGS Web Site/Received January 23, 2012
- f) Deadline to Introduce CY 2012 Budget Extended/Received January 23, 2012
- g) Guidance Issued on Moving the School Board Election to November/Received January 26, 2012-Council President Zalom stated that our school board has moved their election to November with the general. Councilman Lamb questioned how much it will save us? Council President Zalom stated that it will save us \$3,000.
- h) Please forward to your vendors/Received January 27, 2012
- i) 2012 Census Boundary and Annexation Survey/Received January 30, 2012
- j) Please Support Our Men and Women In Uniform/Received January 31, 2012
- k) Flawed Decisions Could Inflate Local Pension Bills/Received January 31, 2012
- l) Input Sought on Draft On-Farm Direct Marketing AMP/Received February 1, 2012

General With No Action:

- a) Cablevision/Layth Taki, Senior Vice President/franchise fee payment in the amount of \$23, 411/Received January 23, 2012
- b) Ocean County Municipal Utilities Authority/Richard Warren, Exec. Director/Certificate of 2012 Annual Charge/Received January 26, 2012
- c) Ortleigh Beach Liaison Committee/Ken Langdon, Chairman/Annual Community Report/Received January 27, 2012-Mayor LaCicero stated that in this report Lavallette had the largest increase in badge sales. Councilman Lamb stated that Mr. Langdon is very informative about the badge sales.
- d) Cablevision/Adam Falk, Vice President/Launch of iO International Package and Channels/Received January 30, 2012
- e) Ocean County Engineer/Frank Scarantino, Engineer/Schedule "C" Agreements 2012/Engineering Services/Received January 31, 2012-Mr. Parlow stated that this agreement is with the County for certain supplies such as rock salt that we receive at a lower cost than if we purchased it elsewhere.
- f) Ocean County Utilities Authority/Richard Warren, Exec. Director/Deficiency Notification for 2011 Calendar Year/Received January 31, 2012-Councilman Horan stated that he will be discussing this during Council Comments.
- g) State of New Jersey/Board of Public Utilities/Robert M. Hanna, President/New President of Board of Public Utilities/Received February 2, 2012

General With Action:

- a) Friends of Lavallette Beautification Committee/Pat Marrone, Chair/requesting to have their Bayside Weeding Day on April 21, 2012 at the tennis courts/to clean up the bay front/Received January 20, 2012-Council President Zalom stated that she would like to first ask Mrs. Marrone if this date could be changed because she does not want it during the same time as the Beach Sweeps. Sometimes the same people that do the sweeps with her also would like to do the weeding. Mayor LaCicero stated that Council President

Zalom will speak to Mrs. Marrone before we approve this date to see if it can be changed to a different date.

- b) Clean Ocean Action/Tavia Danch, Coordinator/requesting to hold their beach sweeps on April 21, 2012 and Saturday October 20, 2012/Received January 25, 2012-Mayor LaCicero stated that this is an annual event and is always approved.
- c) Office of the Sheriff/Sheriff William Polhemus/Freeholder John Kelly/requesting your attendance at the Ocean County Honorable Mayors Mitigation Meeting on February 29, 2012/Received January 31, 2012-Mayor LaCicero stated that this is a program for flood prone properties. Mr. George stated that this is mostly for inland towns with hazard areas and hazardous targets. The Borough of Lavallette is usually not a target. Mr. Parlow stated that FEMA will not reimburse a town for any damage from storms without the adoption of a Hazardous Mitigation Plan which we adopted at the last meeting. Therefore, he will be attending this meeting.
- d) Ocean County Planning Board/David McKeon, Planning Director/2012 Dune Fencing Program/Received January 31, 2012-Mr. Parlow stated that this fencing was already picked up on February 1st by the Department of Public Works.
- e) Megan Lorenz and Andrew Martin/requesting permission to get married on the beach at Newark Avenue on September 8, 2012/Received February 2, 2012-Mayor LaCicero stated that this was ok.

UNFINISHED BUSINESS:

Council President Zalom stated that she spoke to a representative of the Department of Transportation and questioned when the 35 South Reconstruction Project would be started. He stated that this project will begin this year, however; it is a three phase process with Lavallette being in the middle of the projects. They also can not do any of the work during the busy season.

NEW BUSINESS:

Special Event Application-National MS Society/Brian Hurwitz/Annual Coast the Coast Bike Tour/requesting to use Lavallette as a rest stop/May 19, 2012/8:30am to 4pm/no rain date

Mayor LaCicero stated that this is an annual event and have never heard of any issues or problems with it.

A Motion was made by Councilman Stogdill to approve the MS Coast the Coast Bike Tour. The Motion was seconded by Councilman Horan. The Mayor opened the floor to the public and asked if anyone wished to comment on this event. No one wished to comment on this event. The Mayor closed the floor to the public and asked Council for a vote on the MS Bike Tour.

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

Special Event Application-Jersey Shore Running Club/Special Olympics NJ/Annual Jersey Shore Relay/run through Borough via boardwalk/April 21, 2012/8:00 am to 12:30 pm/no rain date

Mayor LaCicero stated that this is an annual event but seems to be on the same day as the beach sweeps. He questioned Council President Zalom being that this event is using our boardwalk to walk through would this be a burden on the sweeps.

Council President Zalom stated that it should not interfere with the Clean Up but can Mr. Parlow advise them in writing along with their approval that the beach sweeps will be taking place also.

A Motion was made by Councilman Stogdill to approve the Relay. The Motion was seconded by Councilman Horan. The Mayor opened the floor to the public and asked if anyone wished to comment on this event. No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this event.

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

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 121 Washington Avenue questioned the Mayor on why the public was able to comment on these events before approval but was not allowed to comment on the events at the last meeting before approval. He asked if receiving comments from the public for the events are at the Mayor's discretion.

Mr. Palinsky stated that last year when he had his comments about the boat race, the Mayor told him he could make his comments next year if they were to request the event again. Unfortunately, he did not have that opportunity like he was promised.

Mr. George stated that these events are approved by resolution and have no need for discussion.

Mayor LaCicero stated that with the other events he did not think there was any public comment on those events. He now sees that he has made a mistake and he should have asked for public comment on the last meeting's events and he does remember telling him he could make his comments next year if they apply again and he does apologize. He asked Mr. Parlow if these events could be put on the agenda in a different way so the public can comment on them.

Mr. Parlow stated that they should not be put on the consent agenda because those are usually items that we know will be approved without a problem. What we can do in the future is put them under resolutions off consent so that the public may comment on them before the approval.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Horan stated that the OCUA sent a deficiency notice last week and we will be receiving a credit of \$65,000 which will be put in our sewer surplus fund. We need to thank our Sewer Department employees continuing the inspections. They also have been notifying the Code Enforcement Officer if they find an illegal sump pump and they are issued a violation. To date there have been 55 sump pump violations issued.

Council President Zalom thanked Mr. Parlow for the approval letters sent to the organizations that have requested to hold events here.

Mr. Parlow stated that there will be a budget meeting on February 9th at 4pm.

EXECUTIVE SESSION:

There was no executive session.

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 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 Caucus/Regular Meeting of the Mayor and Council held on the 6th day of February 2012

Christopher F. Parlow
Municipal Clerk