

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**March 12, 2012-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

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

A Motion was made by Councilman Borowski to excuse Council Members Zalom and Filippone. The Motion was Seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed.

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:** The Mayor asked for a moment of silence for our troops overseas.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming 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.

John and Rosalie Dolinaj, 78 Dickman Drive Mr. Dolinaj stated that he thought that this Governing Body held a very distinct uniqueness and he was very fond of they way they conducted their business, their superb education level and their community involvement. He stated that he is a member of the Lavallette Fire Department, Municipal Alliance and Environmental Committee. The WPICA has applied for a CAFRA Permit, as well as, a zoning permit to erect a storage shed on their beach which is right next door to his property. This supposed shed will also be put right in front of his house which will be blocking his view, as well as, other home's views. The building on our beaches is utropic. He would like to request that the Mayor help them with this evident problem that is going to become a problem in the near future.

Mayor LaCicero stated that he would have no problem mediating a meeting between WPICA and the Dolinaj's; however, the governing body has no say on the CAFRA permits. The WPICA beach is a privately owned beach and we unfortunately cannot set restrictions. He wanted to wait and see if they get approved for CAFRA first and then we can set up a meeting.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

## **APPROVAL OF CLERK'S MINUTES**

Regular Meeting of February 21, 2012

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

## **REPORTS:**

- a) Police Overtime Report for February-Councilwoman Filippone
- b) Municipal Court Report for February-Councilwoman Filippone
- c) Animal Control Report for February-Councilwoman Filippone
- d) Zoning Report for February-Councilwoman Filippone
- e) Construction Report for February-Councilwoman Filippone
- f) Public Affairs Report for February-Council President Zalom
- g) Revenue Transaction Report for January-Chief Financial Officer
- h) Tax Account Report for February -Tax Collector

A Motion was made by Councilman Borowski to approve the Reports and advise that the reports are available for public inspection. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

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

### **RESOLUTIONS – ON CONSENT:**

- 2012-92 certifying the submission of expenditure for taxes paid pursuant to P.L. 22007, Chapter 311, in 2011 in the amount of \$8,079.93 for payment of the annual recycling Tax
- 2012-93 authorizing disposal of surplus property
- 2012-94 approving an application for Christopher M. Auriano as a probationary member of the Lavallette Volunteer Fire Company #1

- 2012-95 application of William J. Hannon, Jr. as a probationary member of the Lavallette Volunteer Fire Company #1
- 2012-96 supporting legislation to permit property tax assessment adjustments and expand the role of the local assessor's office
- 2012-97 approving a temporary budget appropriation in the amount of \$261,817.00-Mr. Parlow stated that the pension bills need to be paid prior to the adoption of the 2012 budget. Also included is the temporary budget is \$15,000 in capital outlay for the purchase of playground equipment at Jacobsen Park.
- 2012-98 approving the issuance of a raffle license to the Lavallette Volunteer Fire Company #1 to hold a 50/50 on premise raffle on September 8, 2012 at the Lavallette Heritage Festival
- 2012-99 to affirm the Borough of Lavallette's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers
- 2012-100 authorizing applicants to attend the Ocean County Police Academy Satellite Class I Training Course at an hourly rate of \$7.25
- 2012-101 authorizing the dates and times upon which Peter's Florist may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette

A Motion was made by Councilman Horan to approve the consent agenda. The Motion was seconded by Councilman Lamb. 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 comment and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

**RESOLUTION OFF CONSENT**

- 2012-102 approving Special Event/Facility Use Application-Lavallette Business Association/Tom Yannacone/Summer Flea Markets at the Firehouse/First Aid grounds/Saturday, July 14, 2012/raindate Sunday, July 15, 2012/Saturday, August 11, 2012/raindate Sunday, August 12, 2012/6am setup/cleanup 5pm

Councilman Borowski stated that on this application Mr. Yannacone states that the DPW will be responsible for the cleanup. He states that he believes the LBA should be held responsible for making sure the grounds are left the way that they received them.

Mr. Parlow stated that he will advise them of their responsibility for the cleanup with their approval letter.

A Motion was made by Councilman Borowski to approve Resolution 2012-102. The Motion was seconded by Councilman Horan. The Mayor opened the floor to the public and asked if any wished to comment on this resolution.

Mark Speaker, 111 Brown Avenue stated that he is the President of the LBA and he will personally make sure that our comments be brought to the attention of Mr. Yannacone.

The Mayor closed the floor to the public and asked Council for a vote on Resolution 2012-102. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2012-103 approving Special Event/Facility Use Application-Lemon Productions/Lawrence Krauser/requesting permission to film a scene in the Borough of Lavallette parking lot and the Lavallette Police Station/Wednesday, April 11, 2012

Mr. Parlow stated that he would like to request that this resolution be tabled until the next meeting. He has spoken to the Chief and he has some reservations about this company be able to film inside the Police Department due homeland security issues. He would like have the Chief review this with the Prosecutor's Office before the Council moves on this.

A Motion was made by Councilman Horan to table Resolution 2012-103 until the next meeting. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Stogdill, Horan and Lamb. The Motion Passed.

#### **APPROVAL OF VOUCHERS:**

2012-104 Bills List in the amount of \$1,588,424.15

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

#### **ORDINANCES ON FOR FINAL ADOPTION/SECOND READING**

**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 adopt Ordinance 2012-01 (1100). 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. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2012-01 (1100).

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

**ORDINANCE NO. 2012-02 (1101) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, 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 was \$50.00 and is now increasing to \$100.00.

A Motion was made by Councilman Stogdill to adopt Ordinance 2012-02 (1101). The Motion was seconded by Councilman Horan. The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2012-02 (1101).

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

**ORDINANCE NO. 2012-03 (1102) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, 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.

A Motion was made by Councilman Stogdill to adopt Ordinance No. 2012-03 (1102). The Motion was seconded by Councilman Horan. The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance. No one wished to comment. The Mayor closed the public hearing and asked Council for a vote on Ordinance 2012-03 (1102).

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

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Assoc/Philip George, Esq/Appeal of Civil Administrative Penalty Assessment/Received February 10, 2012
- b) Eric M. Bernstein & Assoc/Philip George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received February 21, 2012
- c) Eric M. Bernstein & Assoc/Philip George, Esq/Open Public Records Act Request for Incident #L-11-05100/Received February 21, 2012
- d) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loreda & Lori Gatfield Loreda v. Borough of Lavallette/Received February 24, 2012
- e) Eric M. Bernstein & Assoc/Philip George, Esq/Lavallette Volunteer Fire Company No. 1, Inc./Received March 6, 2012
- f) Eric M. Bernstein & Assoc./Philip George, Esq/Borough of Lavallette/2011 Dodge Charger 4 Door Sedan Police Vehicle/Received March 7, 2012-Mr. George stated that

that the Police Department has had numerous problems concerning an electronic defect with this police vehicle. It has been brought back to the dealer twice already and is still not fixed. We have spoken to the dealer and will bring it back one more time which under the lemon law three times and if still not fixed they must refund money or give us another vehicle.

- g) Eric M. Bernstein & Assoc./Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received March 9, 2012

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell/Michael O'Donnell/Camden Avenue Road Improvements/Received March 1, 2012
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/PV Solar Panel System/106 Grand Central Avenue/Received March 6, 2012

New Jersey League of Municipalities:

- a) Changes to the DLGS Website/February 7, 2012
- b) 20<sup>th</sup> Annual Mayors' Legislative Day Recap/February 8, 2012
- c) US Senator Robert Menendez To Hold Senate Banking Committee Field Hearing "Saving Our Neighborhoods From Foreclosures"/Received February 9, 2012
- d) Proper Flag Etiquette/Received February 16, 2012
- e) Updated League Publication: State Government and Your Local Property Taxes (What Residents & Businesses Should Consider/Received February 16, 2012
- f) October 2011 Snowstorm Mitigation Funds Available/Letter of Intent/Received February 22, 2012
- g) FY 2013 State Aid Released Budget Language for Best Practices Incentive/Received February 23, 2012
- h) Please Forward to your Vendors/Received February 23, 2012
- i) School Board Election Date Changes/Trip to Turkey/Received February 24, 2012
- j) Updates of DLGS website/Received February 27, 2012
- k) S-533, "Common Sense Shared Services Act" Advances/Received February 28, 2012
- l) Important Decision Regarding OPRA and Mailing Lists/Received February 29, 2012
- m) S-1451 Reforms to the Open Public Meetings Act/Received March 2, 2012
- n) Bloustein School's 20<sup>th</sup> Anniversary Celebration/Received March 2, 2012
- o) Act Now for Property Tax Relief/Assembly Budget Committee to Review Energy Tax Issue/Received March 2, 2012
- p) Assembly Budget Committee to Consider Restoration of Municipal Property Tax Relief Funding/Received March 5, 2012
- q) Budget Committee Hearings On-Line Registration Available Make the Case for Relief Funding Restoration/Received March 6, 2012
- r) Permit Extension Bill Advances in Senate/New Jersey Residential Transformation Act Advances in Assembly/Received March 6, 2012
- s) OPRA and OPMA Reforms Bills Released from Committee/Received March 7, 2012

General With No Action:

- a) Board of Chosen Freeholders/Joseph Vicari, Freeholder Chairman/Bill S243 and A327/Received February 8, 2012
- b) Michele Donato/NJDEP Violation/Received February 14, 2012-Mayor LaCicero stated that this letter is in reference to the ongoing saga of the NJDEP Violation that Ms. Donato was stating that there were lies being told about her. As you can see this letter says it all. He stated that he assumes that this will conclude this matter.
- c) Ocean County/Department of Solid Waste Management/James F. Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program/Received February 24, 2012-Councilman Borowski stated that this is a six month distribution and has increased since last year at this time. He thanked the citizens and the DPW for taking the time to recycle.
- d) GTBM/George Petropoulakis, Exec.Vice President/Info-Cop E Ticket/March 6, 2012
- e) Cablevision/Adam E. Falk, Vice President/Launch of New iO Packages effective March 27, 2012

**General With Action:**

- a) Nami Ocean County, Inc./Michael Roche, Vice President/requesting the Mayors presence at their annual Ocean County Legislative Breakfast on March 30, 2012/Received February 17, 2012-Mayor LaCicero stated that he will check his schedule.
- b) Gary Sanderson/114 Brooklyn Avenue/requesting to renew his vows on the beach on Saturday June 23, 2012 at 6pm/Received March 6, 2012-Mayor LaCicero stated that this was after hours of the beach so it should be fine.
- c) Ocean County Sheriff's Department/Sheriff Polhemus/Award to Ocean County for the Development of an All-Hazards Plan Participation/Received March 7, 2012-Mr. Parlow stated that he has attended this meeting and the town will be participating. He would like permission to approve the participation with a resolution approval tonight.

A Motion to approve the participation form with the County of Ocean Pre Disaster Mitigation Planning Grant was made by Councilman Borowski. The Motion was Seconded by Councilman Horan. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed. This will be Resolution 2012-101A.

**UNFINISHED BUSINESS:**

There was no unfinished business.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue questioned if the ordinance about the sewer system with the outdoor showers is for everyone who has a new shower or just starting with the new constructions as of this date?

Mr. Parlow stated that the ordinance will apply to new construction for people who construct new outdoor showers.

Mr. Boyers questioned what is the meaning of Resolution 2012-96.

Mr. Parlow stated that it will permit tax assessors to perform certain modifications to assessments without the need to call for a revaluation or reassessment as long as certain conditions are met.

Joseph Ardito, 109 New Jersey Avenue stated that being the tax book had some assessment errors maybe the town should look to a computerized report and set a threshold of a certain amount to allow for errors to be caught before put on paper.

Mayor LaCicero stated that at the time this happened there were manual CO's that were being done and we were in the process of transitioning from the County to in house and there were different County guys coming. He stated that we now have computer generated CO's that are distributed to the proper departments at the proper time.

Mr. Parlow stated that once this occurred we went through the book and made sure that all properties that were listed with no improvement value were investigated by physically inspected these properties and have corrected the problems. We now generate a monthly computer listing to further defining the improvements of properties. That listing is provided to the tax assessor on a monthly basis.

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

Mr. Parlow stated that the Borough currently has four outstanding bond issues with the USDA; one is in water capital and the other three are in the sewer capital funds. These loans have a high interest rates right and our bond counsel is recommending that we refinance these loans to bring our interest rates down dramatically and also lower the amount of time we have to pay off the debt. This will save the Borough a significant savings.

Councilman Lamb questioned if there would be any pre penalty fees involved.

Mr. Parlow stated there would be no penalties. Our bond counsel will need to prepare a refunding bond ordinance. The savings we are looking at is approximately \$700,000 over the life of the bonds and included the costs paid to bond counsel and a financial advisor. He stated he did ask if the USDA had the ability to refinance these loans and he was told no. He stated he also questioned whether any of the grants that we received as part of the loans would have to be refunded. We were told that as long as the Borough maintain ownership of the utilities none of the grant would have to be refunded.

A Motion was made by Councilman Horan to allow Bond Counsel to move forward with refinancing our four outstanding bonds. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated that he received this newsletter at his home in the mail from the Lavallette Voters & Taxpayers and that it is pretty disturbing and filled with a lot of inaccuracies. He stated he did a little research and discovered that there is not a Republican to be had on the Executive Committee. He stated that if you were to look at the newsletter none of the articles are credited to any particular officer or author and no where in this paper are the executive committee members identified. It seems that the Democrats have simply commandeered the Voters & Taxpayers Association to use for their own partisan political activities in spite of the fact that it is supposed to be a non-partisan association. He stated that he would like to request that the Attorney file a complaint with the appropriate federal authorities to conduct an investigation of this association. He feels personally that this is completely a partisan attack against the Republican Council. It obviously appears that it is campaign time again with looking at the audience. Also, further to that, this organization, in his opinion, has not done anything to benefit the Borough of Lavallette. They brought in Mr. Paff, which resulted in thousands of dollars in costs to the Borough to comply with his requirements, they began the lawsuit with regards to the advertising on the beach, in spite of the fact that they sat in on numerous meetings and heard discussion for over six months but decided to file the lawsuit the day after the contract was signed which resulted in thousands of dollars in legal fees and the only year we had a tax increase because of their actions. Further, they have burdened Mr. Parlow with many correspondences which they fail to acknowledge in any of this stuff. He stated that since he feels that they are nothing but a partisan organization at this time he would like to ask that the Borough do not officially communicate with them, in writing or orally, unless we are required to do so by state law. He asked Council for their support.

Councilman Lamb made a Motion to have the Borough Attorney review that piece of correspondence and make a recommendation to have the Borough Attorney investigate the non-profit, non-partisan status of the 501(c) 3. The Motion was seconded by Councilman Stogdill.

Councilman Borowski stated he agrees that that group has been somewhat adversarial and confrontational in trying to work together. They did bring to our attention the five properties that did not have the proper assessments. He stated that it would be nice if we could just work together instead of against each other. He stated that he was equally upset for the same reasons, that being said he is not looking to spend Borough money to try to make this a federal lawsuit. He will vote in the affirmative on the motion to have the attorney look into it but would prefer to not get drawn into their fracas.

Councilman Horan stated that he has a problem with them bringing up something that was discussed over a year ago. It has been resolved yet we continue to get the same questions over and over again along with the same answers.

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

Mr. Joseph Ardito started to speak at this time out loud from the audience and the Mayor told him that the public portion of the meeting was over so he could not be on record.

**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 7:54 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 **12<sup>th</sup>** day of **March 2012**

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**Christopher F. Parlow**  
**Municipal Clerk**