

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, March 26, 2012-7:03 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill were present. Councilwoman Filippone was absent. Mr. George stated that at the last meeting Council voted to excuse her absence at both March meetings.

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 Claire Caruso a longtime resident of Lavallette who passed away last week. He also asked to keep in mind our troops that we have lost overseas and the coalition forces.

PLEDGE OF ALLEGIANCE: Councilman Lamb 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.

Sam Giampietro, 112 Guyer Avenue stated that he was a little disappointed to see the article in the paper about Lavallette. He just can not believe the shenanigans going on with this group. He stated that he applauds the LVT for finding the properties but stated that he knows that this was not done intentionally. He stated that the Mayor and Council up here are very trustworthy. This is a small town and it is a great town so let's try not to ruin it with all this bias talk. He came from a big town in Middlesex County where it was all politics. In Lavallette, it is not like that. We are all friends and we all get along. If you have a question or a problem asks the Mayor, he will be happy to help you out or find someone to help you. The town looks beautiful and all is working well so let's keep it that way. He thanked the Mayor and Council.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of March 12, 2012

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

RESOLUTIONS-ON CONSENT:

- 2012-105 consenting to the submission of an application by the Toms River MUA to do pump station conversions to their pump station facility located on Bullard Drive on West Point Island

- 2012-106 authorizing the removal of one electric account that was a two family dwelling that has now become a one family dwelling at 606 Ocean Front

- 2012-107 authorizing the removal of an electric account for a flood light that is no longer needed at 501 Grand Central Avenue

- 2012-108 authorizing the Treasurer to issue a check in the amount of \$10,960.82 to FNA Jersey BOI, LLC for the redemption of tax sale certificate #11-00002

- 2012-109 in support of S243 and A327 prohibiting the use of volunteer driving activities as an underwriting or rating factor to determine eligibility for private passenger automobile insurance or any premium or other charges paid

- 2012-110 authorizing the reappointment of Judge Frank Salzer as the Borough of Lavallette Municipal Court Judge for a three year term commencing April 1, 2012-Council President Zalom welcomed the Judge back for another three years.

- 2012-111 authorizing the refund of planning board escrows to Thomas Monahan of 12 Newark Avenue in the amount of \$817.50

- 2012-112 authorizing the refund of planning board escrows to Edwin Gustafson of 1004 Ocean Front in the amount of \$25.00

- 2012-113 authorizing the application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 AND 40A:2-55-Mr. Parlow stated that authorization is needed for the application to the Finance Board regarding our Refunding Bond Ordinance. We are going to save a substantial amount of money in our water/sewer capital utility. Back in the 1990’s Lavallette received low interest loans and grants from the USDA to have work done on our sewer and water utilities. A total of four loans, three in sewer and one in water, are outstanding and they are over five million dollars. Our intent is to payoff the loans and then re-issue the bonds at lower interest rates which will save the Borough approximately \$800,000 savings. The schedules we received will cut six years off of the water loan and nine years off of the sewer loans. In addition nearly \$100,000 will be reduced off the first five

years. Mayor LaCicero stated that instead of getting the most savings at the end we are front loading the benefits for our ratepayers now. Mr. Parlow stated that we will not see that much of a savings in 2012 because it will only start in June.

- 2012-114 calling for the restoration of energy taxes to municipalities-Council President Zalom stated that this should be distributed accordingly. Mayor LaCicero stated that the Borough does not receive property taxes from the private utilities in town such as cable, phone or our electric. The State collects the energy taxes distributes them to the municipalities. Mr. Parlow stated that the energy taxes, which use to be called the franchise and gross receipts taxes use to be paid directly to the municipalities until the State took it over and now we get less and less of the payment in lieu of charging them property taxes. The legislation that is being proposed right now is requiring municipalities to share services or consolidate. If we do not oblige the state wants it to go to the voters with a referendum and if the voters do not approve of the consolidation or shared services agreement the state could hold back some of the aid. Mayor LaCicero questioned if we should put a link on our website to have residents voice their concerns about both of these issues.
- 2012-115 authorizing a budget transfer between appropriation accounts in the amount of \$1,500.00-Mr. Parlow stated that New Jersey American Water performed an audit of their fire hydrants and realized that they have been charging Toms River for the two hydrants on Bay Beach Way for the last two years. They have now fixed the problem so we now have received an invoice for the back billing.
- 2012-116 authorizing a temporary budget in the amount of \$405,750.00-Mr. Parlow stated that prior to the new budget being adopted we need to do a temporary budget in regards to the payment of bonds. Mayor LaCicero questioned if the refunding our the bonds will hold up our adoption of the budget? Mr. Parlow stated that the auditor is reviewing the change due to the refunding bond issue and will determine if he an amendment is needed.
- 2012-117 awarding a contract to Game Time for the purchase of playground equipment at Jacobsen Park in the amount of \$14,744.80 under State Contract A59052-Mr. Parlow stated that Game Time is running a special for the month of March for free installation which will save the Borough between \$5,000 and \$7,000.
- 2012-118 recognizing the week of April 18th through the 21st 2012 as National Volunteer Week in the Borough of Lavallette-Council President Zalom stated that Lavallette has so many wonderful volunteers that just go above and beyond.
- 2012-119 authorizing an amendment to the Capital Budget for 2012 – Refunding Bond Ordinance, Borough of Lavallette, County of Ocean
- 2012-120 proclaiming the month of April as “Autism Awareness” month in the Borough of Lavallette

- 2012-121 authorizing a contract for professional services with Phoenix Advisors, LLC to serve as financial advisor for the Borough's refunding Bond Ordinance in the amount of \$12,500
- 2012-122A authorizing Mayor Walter G. LaCicero to sign the intergovernmental agreement Schedule "C" shared services agreement for the dredging at the West Point Island Bridge and Boat Ramp-Mayor LaCicero stated that he attended a meeting with Mr. Parlow and the County in February and this dredging agreement was discussed. They agreed to have the dredging done in June. We have already put the money in this year's budget for the dredging project. We also discussed the possibility to have the dredging done yearly. Councilman Lamb questioned when the last time it was done? Mr. Parlow stated that it has not been done for about four or five years and at that time the County did the dredging and our workers spread the materials. The ramp stickers are required as of Memorial Day. He stated that he will make sure that all users with stickers of the ramp will be notified that there may be some disruption while the dredging is going on in June.
- 2012-122B proclaiming April as Alcohol Awareness Month in the Borough of Lavallette

A Motion was made by Councilman Stogdill to approve the consent agenda. The Motion was seconded by Councilman Horan. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda.

Joe Palinsky, Washington Avenue stated that he read an article on this consolidation shared services bill, S-2, and they have a committee doing the studies with information they receive from municipalities. The towns are not required to submit the information if asked to so my suggestion to Council is not to offer or supply them with this information

Mayor LaCicero stated that consolidation would be highly detrimental to this town. The residents of this town are very happy with these small town amenities.

Mr. Palinsky also questioned Resolution 2012-117 and asked if this playground equipment was being replaced or was this in addition to the one that was already there?

Mayor LaCicero stated that it is being replaced with a new one. Last year we decided it needed to be put in the budget for this year because in examining it the steel was disintegrating away.

Mr. Palinsky questioned if the company was removing the old or was the town?

Mayor LaCicero stated that the town was responsible for removing the old one.

RESOLUTIONS-OFF CONSENT

- 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 the Chief has spoken with Mr. Krauser and has advised him that he is uncomfortable with anyone filming inside the police station. He advised him that he would be speaking with the Prosecutor's Office to ask their opinion. Mr. Parlow stated that being that the Chief is uncomfortable he would suggest that Council disapprove this application.

A Motion was made by Councilman Horan to disapprove Resolution 2012-103. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2012-122 Special Event/Facilities Use Application-Lavallette Personal Fitness/Steven DeMaria/requesting to hold a Walk to Cure Diabetes on the Lavallette Boardwalk/June 16, 2012/10am

A Motion was made by Councilman Horan to approve Resolution 2012-122. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on Resolution 2012-122. No one wished to comment so the Mayor closed the floor to the public and asked Council for a vote on this Resolution. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2012-123 Bills List in the amount of \$382,382.37

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

INTRODUCTION OF ORDINANCES

Refunding Bond Ordinance No. 2012-04 (1103) - REFUNDING BOND ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S SEWER UTILITY BOND, DATED NOVEMBER 6, 1997, SEWER UTILITY BOND, DATED MARCH 22, 2002, SEWER UTILITY BOND, DATED MARCH 18, 2004, AND WATER UTILITY BOND DATED, JUNE 7, 2001, HERETOFORE ISSUED TO FINANCE SEWER AND WATER UTILITY IMPROVEMENTS, APPROPRIATING AN AMOUNT NOT EXCEEDING \$5,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF LAVALLETTE FOR FINANCING THE COST THEREOF

Mayor LaCicero stated all costs are included in this Bond Ordinance.

A Motion was made by Councilman Horan to Introduce Bond Ordinance 2012-04 (1103). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed. Public Hearing and Final Adoption scheduled for April 9, 2012.

UNFINISHED BUSINESS:

Councilman Horan stated that he will be away for the two meetings in April.

Mayor LaCicero asked for a motion to excuse Councilman Horan during his absence.

A Motion was made by Council President Zalom to approve Councilman Horan's leave for the month of April. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill and Lamb voted Yes. The Motion Passed.

Councilman Lamb stated that he will not be at the April 9, 2012 meeting.

Mayor LaCicero asked for a motion to excuse Councilman Lamb during his absence.

A Motion was made by Councilman Horan to approve Councilman Lamb's absence on April 9th. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill and Horan voted Yes. The Motion Passed.

NEW BUSINESS:

Sea Nettle Nets

Mayor LaCicero stated that last year we were lucky to have the Barnegat Bay Partnership choose Lavallette as a pilot project for the Sea Nettle Net Program. Last year we contributed \$1,000 in fees towards the project. This year they were not able to get the same grant study. In order to have the net again for this year they are requesting a \$5,000 payment. Mayor LaCicero reported that he recently attended an Ocean County Mayor's Association meeting last week and was able to discuss the project with the Partnership director who also attended the meeting. He was able to negotiate the price down to \$2,500. We have discussed it and decided that it was very effective for us to have this netting so we should probably go forward with the program and pay the fee.

Councilman Borowski questioned how many days a week will the net be there?

Mayor LaCicero stated that last year it was there three days a week but if it keeps proving effective we could request seven days a week.

A Motion was made by Councilman Borowski to approve the fee of \$2,500 to have the sea nettle nets provided for the 2012 summer. The Motion was seconded by Councilman Zalom. Vote: Council Members Borowski, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Councilman Borowski stated that with the outfall pipes the pipes are going out further this year so perhaps it will act as a groin to capture the sand that causes the problem also.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that last year there were two municipalities that had the nets. He asked if they will also have to pay the fee.

Mayor LaCicero stated that he believes that Brick Township will be participating again this year but does not know how much they are paying but he negotiated the price of \$2,500 for the Borough.

Joe Palinsky, Washington Avenue stated that the Borough already owns the water behind the war memorial and maybe Council should consider in the future putting a groin in that area where they already own title to.

Mayor LaCicero stated that would be something that should be thought about.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that he will have information on the ball field for the next meeting.

Council President Zalom stated that the Easter Egg Hunt was wonderful. The Upper Shores Library was recognized the 2nd year in a row as being the best library. They have so many events for our residents. The Beach Sweeps will be held on April 21st. The NYC bus trip will be on April 28th and there are still 17 seats left. There will be a gift auction in June at St. Pio's to help the animals at the shelters. We had one meeting so far concerning the 125th anniversary parade. We will be having the Point Pleasant Beach High School band playing in the parade. She is hoping to have more meetings and getting more people to participate.

Mayor LaCicero stated that if she needs more help she can form an anniversary parade committee.

Council President Zalom stated that she hoped to have the Fire Truck and the First Aid rig in the parade also. The calendar is beautiful this year with the paintings from the art students in Lavallette School. A lot of thanks goes to Mr. Parlow for organizing this calendar so wonderfully.

Mr. Parlow stated that the calendars should be going out tomorrow. He stated that all the departments and volunteer groups contributed to this calendar. The businesses in town are also recognized in this calendar. There are many different informational sections for the residents as well as the different programs that are available and our many departments with their hours and phone numbers. There is also the beach badge order form.

Mr. Parlow stated that he had a meeting last week with FEMA regarding the National Flood Insurance Program. They are in the process of changing the Community Rating System Program. The Borough receives a lot of activity points from putting the CRS program information in the calendar and the maintaining the elevation certificates in the Construction Department. Public Works also has been cleaning and maintaining the catch basins throughout town. FEMA is changing the program by requesting more outreach projects. Mr. Parlow stated that the new regulations will require the Borough to form a committee. Based upon the Borough's participation in the program our residents receive a 10% discount on their flood insurance. Some of our homeowners do not receive the discount due to non-compliance issues with their properties. Most of which pertain to lack of the required ventilation in the crawl spaces. With this new change he would like to use the committee to review all the non

compliant properties and advise them of the required changes needed in order to qualify for the discount. Last year there were 2,015 flood insurance policies writing on Borough properties. The discount received amounts to approximately \$200,000 borough wide. With fixing these problems with the vents and some other issues we might be able to become Class 7 which is a 15% discount. That is the goal for next recertification cycle. That is also the reason why Lavallette has joined with the County to develop a Flood Hazard Mitigation Plan. It should take about nine to twelve months to complete and receive adoption by the State.

Mr. Parlow stated that we will be installing another K9 dog guzzler in town at the Chandler Field Playground for our goose patrol dogs. It should be up and running by Memorial Day.

Mayor LaCicero stated that this guzzler was purchased from funds from the sale of merchandise concerning the goose patrol including the tags.

Mayor LaCicero stated that he has received a request from someone to run his jet ski rental in our municipal lot. He stated that he has tried to reach out to this person but have not received a phone call back as of yet. He stated he is very concerned about this issue and is not in favor of it. There is no overnight parking in our lots so he would not be able to store his jet skis there and will not be able to fuel them there either. It is a very touchy subject so he is going to have Mr. George look into this issue for him and get back to us about what our options are.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

A Motion was made by Councilman Horan 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 7:58 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 held on the 26th day of **March 2012**.

Christopher F. Parlow
Municipal Clerk