

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
April 9, 2012-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Mayor LaCicero stated that both Council Members Lamb and Horan were approved for their absence at the last meeting. Council President Zalom had a last minute emergency so Council needs to approve her absence.

A Motion was made by Councilwoman Filippone to approve the absence of Council President Zalom. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone and Stogdill voted Yes. 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 Stogdill 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.

No one wished to speak at this time.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES

Regular Meeting of March 26, 2012
Ice Cream Vendor Bid Auction of April 2, 2012

A Motion was made by Councilman Borowski to approve the minutes. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski and Stogdill voted Yes. Councilwoman Filippone abstained. The Motion Passed.

Mr. George stated that two members of the governing body voting on the minutes is sufficient for an approval.

Mayor LaCicero stated that this was the first time for the vendor auction and we did very well. Last year we received a total of \$8,000 in license fee and this year we received \$12,000.

REPORTS:

- a) Police Overtime Report for March-Councilwoman Filippone-read report
- b) Municipal Court Report for March-Councilwoman Filippone-no court report
- c) Animal Control Report for March-Councilwoman Filippone-read report
- d) Zoning Report for March-Councilwoman Filippone-read report
- e) Construction Report for March-Councilwoman Filippone-read report
- f) Revenue Transaction Report for February-Chief Financial Officer
- g) Tax Account Report for March -Tax Collector

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

ADOPTION OF 2012 MUNICIPAL BUDGET

Mr. George stated that there are three Council Members that are not present tonight and specific statutory requirements states that the budget needs to be voted on by the duly authorized majority of the full governing body which is six members. The resolution to read the budget by title would also need the full majority vote. Therefore, he requests that the budget adoption, the resolution to be read by title only and the resolution to amend the budget all be moved to the next meeting agenda on April 23, 2012 for a full majority vote of the governing body. Mr. Parlow will re-advertise the budget.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2012-127 authorizing the disposal of surplus property-Mr. Parlow stated that this is a old police car that was left off of the last resolution.

- 2012-128 authorizing a parking decal to Joseph and Cathleen Scarpitto of 110 President Avenue-Mr. Parlow stated that this property does qualify for a parking space. These are new owners who are renovating the property. The curbs in front of the house are in very poor condition. He stated that he has spoken to the homeowners and asked them if they would consider redoing the curbs. They were not considering it but they would take a look at it and get some pricing.
- 2012-129 proclaiming the week of April 8th through April 12th as National Library Week in the Borough of Lavallette
- 2012-130 establishing the beach badge preseason beach badge office hours for the 2012 summer season and establishing the official summer beach opening day
- 2012-131 appointing a certifying officer to the PJM Interconnection and adopting the required risk management policy-Mr. Parlow stated that this is the company that we purchase our electric utility power from and they are requiring a certificate of a risk management policy.
- 2012-132 approving application for Shawn Auriano as a probationary member of the Lavallette Volunteer Fire Company #1

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone and Stogdill voted Yes. The Motion Passed.

RESOLUTION OFF CONSENT

- 2012-133 approving the facilities use application to the Island Junior Baseball League for their senior league from June 2, 2012 through August 24, 2012 Monday through Friday 6pm to 10pm and Saturday 9am to 3pm

Councilman Stogdill stated that there is only one league this year which is the senior league for 13-15 year olds. We did not receive any other applications for the other two leagues.

A Motion was made by Councilwoman Filippone to approve Resolution 2012-133. The Motion was seconded by Councilman Borowski. Vote: Council Members Borowski and Filippone voted Yes. Councilman Stogdill Abstained. The Motion Passed.

Mr. George stated that granting permission of the permit ordinance requires a simple majority vote, therefore, two yes votes is sufficient. We can ratify if necessary at the next meeting.

APPROVAL OF VOUCHERS:

- 2012-134 Bills List in the amount of \$632,665.62

A Motion was made by Councilman Stogdill to approve the bills list. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski and Stogdill voted Yes. Councilwoman Filippone abstained on PO #12-00276 and voted Yes to all others. The Motion Passed.

Mr. George stated that conducting business governs doctrine approval.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

REFUNDING BOND ORDINANCE 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 that this Ordinance is saving the Borough approximately \$800,000. With the sewer loan we are trying to frontload the cost to give the taxpayers some savings in the beginning and with water loans we are going to shorten the term.

A Motion was made by Councilwoman Filippone to adopt the Refunding Bond Ordinance. The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on the Refunding Bond Ordinance. No one in the audience wished to comment on the ordinance. The Mayor closed the public hearing.

Mr. George requested that the Mayor and Council carry this vote until the next Council Meeting which will be April 23, 2012. This Ordinance requires the full majority vote of the Governing Body. We will have another public hearing on April 23, 2012 before the vote.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Philip George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received March 14, 2012
- b) Eric M. Bernstein & Assoc/Philip George, Esq/Mark Cutalo vs. Borough of Lavallette/Civil Action/Received March 15, 2012

- c) Eric M. Bernstein & Assoc/Philip George, Esq/Mark Cutalo. Borough of Lavallette/Civil Action/Received March 20, 2012
- d) Eric M. Bernstein & Assoc/Philip George, Esq/Mark Cutalo vs. Borough of Lavallette/Civil Action/Received March 21, 2012
- e) Eric M. Bernstein & Assoc/Philip George, Esq/Stanley Rizzolo vs. Borough of Lavallette/Received March 28, 2012
- f) Eric M. Bernstein & Assoc/Philip George, Esq/2011 Tax Appeal Cases/Received April 2, 2012
- g) Eric M. Bernstein & Assoc./Philip George, Esq/LOSAP Contributions/Received April 2, 2012-Councilman Borowski stated that we currently have two distinct LOSAP programs one for the Fire Department and one for the First Aid. He stated the he was one of the beneficiaries to receive an award. The State has a cap on how much you can receive. We have a lot of young men on our departments and he will be writing letters to the State to see if they could raise the cap for these gentlemen. Mr. George stated that it is a statutory limit and can be increased and the cost of living could apply even going back ten years. Councilman Borowski questioned what the mechanism would require for this body to request an increase. Mr. George stated that we could change our ordinance to increase our cap but it is governed by state statute. Mr. George stated by state statute the maximum is \$1,150.00. Councilman Borowski stated that the Borough caps out at \$1,000 and some feel that \$1,000 was some years ago and that cap in our ordinance should be increased. Mayor LaCicero stated that our ordinance will need to be amended to increase it to \$1,150.00. Mr. George stated that it could be amended up to the limit. Mr. Parlow stated that we are at \$1,000 but the statute says we can increase to \$1,150. Councilwoman Filippone stated that currently the Lavallette Ordinance only allows you to max at \$1,000 but if amended we could give a person with one service increased to \$1,150. Councilwoman Filippone questioned if we decided to give each person in the program and increase of \$150 how much would that cost us? Mr. Parlow stated that it would cost the Borough roughly \$3,000 per year.
- h) Eric M. Bernstein & Assoc/Philip George, Esq/Commercial Jet Ski Rental Operations on Places of Public Resort/Received April 5, 2012-Mayor LaCicero stated that he will discuss this issue when it becomes part of the correspondence.

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell/Michael O'Donnell/Maintenance Dredging at West Point Island Bridge/Boat Ramp/Received March 28, 2012-Mayor LaCicero stated that we have paid for our tidelands permit and it should be here in time for the start of the project in June.

New Jersey League of Municipalities:

- a) Please forward to your Vendors/Received March 13, 2012
- b) Senate Energy Tax Restoration Follow-Up Needed/Received March 14, 2012
- c) Senate and Assembly Voting Sessions on Thursday/Received March 14, 2012
- d) Two New Rule Comments by the League/Received March 15, 2012
- e) Permit Extension Bill Held/Results of the Senate and Assembly Voting

- Sessions/Received March 16, 2012
- f) League President Tells Assembly Budget Committee to Restore Lost Property Tax Relief/Received March 19, 2012
 - g) Recent Study Lists New Jersey as Least Corrupt State in the Nation/Received March 20, 2012/Received March 20, 2012
 - h) Email Lists and the Open Public Records Act/Received March 21, 2012
 - i) Energy Tax Funding Gaps, Funding Cuts and the State Skim/Received March 22, 2012
 - j) Support National Donate Life Month/Received March 26, 2012
 - k) 2012 Annual Legislative Correspondents Club Show/Received March 26, 2012
 - l) New Jersey Clean Air Council Annual Hearing/Received March 26, 2012
 - m) Local Aid Infrastructure Fund and Safe Streets to Transit Grants Announced/Received March 26, 2012
 - n) Pennsylvania Continuing Legal Education Credits (PACLE) Announcement/Received March 29, 2012
 - o) Please Forward to your Vendors/Received March 30, 2012
 - p) Special Invitation to State Information Technology Presentation/Received April 2, 2012
 - q) Affordable Housing/Municipal Trust Fund Dollars & Draft Resolution in Support of A-2717, Extending the Deadline on Housing Trust Funds/Received April 2, 2012
 - r) New Publication on Support for Small Businesses Available On-Line/Received April 4, 2012

General With No Action:

- a) MagnaCare/Joseph Berardo, President and CEO/Report in Response to State Comptroller's Report Regarding State Health Benefit Plan/Received March 14, 2012
- b) Ocean County Cancer Coalition/Debra Levinson, Coordinator/Tobacco Free Beaches and Parks Guide/Received March 19, 2012
- c) State of New Jersey/Office of Attorney General/Jeffrey Chiesa, Attorney General/Cops In Shops Summer Initiative 2011/check in the amount of \$1,200 for participating in COPS IN SHOPS/Received March 21, 2012-Mayor LaCicero stated that this is a grant we receive from the State for the COPS IN SHOPS Program regarding our DWI Program this grant again this year.
- d) D & B File/Customer Service/Update of Lavallette Financial File/Received March 28, 2012
- e) State of New Jersey/New Dredging License Application/Received March 26, 2012-Mayor LaCicero stated that this is the license fee for the dredging application which was \$200.00
- f) Cablevision/Adam Falk, Vice President/Launch of The Israeli Network/Received March 29, 2012
- g) New Jersey Sea Grant Consortium/Caroline McLaughlin, Coastal Communities Agent/Coastal Issues Caucus Summary and Strategies Document/Received March 30, 2012
- h) State of New Jersey/Department of Transportation/Chris Christie, Governor/Funding received from the NJDOT 's Fiscal year 2012 Municipal Aid Program for Westmont Avenue Road Improvements in the amount of \$175,000/Received April 3, 2012-Mayor LaCicero stated that this is our approval letter to do the road improvements to Westmont

Avenue. Councilwoman Filippone stated that the next street is Virginia Avenue and we should see if we could add on that portion of Lavallette Avenue with that project. Mr. Parlow stated that he would like authorization from Council to move on with the process of the project for Westmont Avenue. All of Council was in agreement to authorize Mr. Parlow to move forward with the Westmont Avenue Road Improvement Project process.

- i) John and Rosalie Dolinaj/78 Dickman Drive/copy of letter that was sent to the Lavallette Beautification Committee/Received April 3, 2012

General With Action:

- a) Danielle Gibbons/Iain Flitton requesting permission to hold their wedding ceremony on the beach at Virginia Avenue on September 29, 2012/Received March 19, 2012-Mayor stated that this was okay.
- b) Lavallette Voters & Taxpayers Association/Celeste Brockwell, Secretary/requesting a copy of the video of the Lavallette Council Meeting of March 12, 2012/Received March 20, 2012-Mayor LaCicero stated that we have received the disk for this meeting and Mr. Parlow will forward it to the Voters & Taxpayers Association.
- c) Rite Aid Corporation/Grand Central Avenue/Patrick Boyle, Store Manager/requesting to hold their third annual "Welcome Summer Event" at their Lavallette store on June 16, 2012 from 9am to 2pm/Received March 22, 2012-Mayor LaCicero stated that this is an annual event and there has never been any problems so far.
- d) New Jersey Business & Industry Association/Philip Kirschner, President/requesting the Mayor to nominate a company for their 2012 Awards for Excellence/Received March 26, 2012-Mayor LaCicero stated that he will look into this.
- e) Lavallette Municipal Alliance/Kathy Mango, Director/requesting approval of their summer events for 2012/Received March 27, 2012-Mayor LaCicero stated that these are their annual summer events.
- f) Julie and Michael Kaen/1705 Baltimore Avenue/requesting that the Mayor and Council consider painting crosswalks on the bathing beach cross streets on the southbound highway, Route 35/Received March 27, 2012-Mayor LaCicero stated that this would be the State's responsibility. Mayor stated that he will call and discuss with them what streets they are speaking of.
- g) Andrea Purtell/Wedding Officiant requesting permission to marry a couple on our beach at New York Avenue on April 10, 2012 in the evening/Received March 27, 2012-Mayor stated that this is ok.
- h) John and Rosalie Dolinaj/78 Dickman Drive/West Point Island/requesting Mayor and Council answer three questions regarding the proposed shed on the WPICA beach property/Received April 3, 2012-Mr. Parlow stated that there is an appeal process with the land use law that can be done if someone doesn't agree with an approval permit so my suggestion is to advise Mr. Dolinaj of that appeal process and let them deal with the situation. Councilwoman Filippone stated that this letter should be given to the Zoning Officer and he can answer the questions. Mr. George stated that comments of the official outside the appeal process is not appropriate so my suggestion is to just advise them of the appeal process.

UNFINISHED BUSINESS:

Councilman Borowski stated that the Fire Department has found a spot for the beverage dispenser that will be going down by the tennis courts. They will be placing it in between two sheds tucked out of the way in an appropriate site.

Councilwoman Filippone stated that the Chief will be presenting his presentation with the Fire Chief Art Reece on the Dive Team at the next meeting.

NEW BUSINESS:

Councilman Borowski stated that there has been some comments that there is not enough knowledge of the weekend hours at the Recycling Center. He stated he has prepared index cards advising of the dates and times that the recycling center is available to the residents and he will be putting them at the beach badge office when it opens.

Mayor LaCicero stated that he should give some to the garbage men to keep in their vehicles also.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that there is only one league this year for the Island Junior Baseball League and that is the senior league 15-17 years old but it will still be exciting.

Mayor LaCicero questioned the renovations to the field and when will they be started.

Councilman Stogdill stated that they are waiting on the dirt to be delivered and will be rebuilding the batters box and reconstructing the mound. We will be repositioning the lights eventually also.

Councilwoman Filippone stated that Mr. Buzzi renovations on the old Hankins building looks absolutely beautiful. She stated that she was on facebook and saw a lot of compliments about our calendar this year and how wonderful the kids paintings were.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 7:49 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 **9th** day of **April, 2012**

Christopher F. Parlow
Municipal Clerk