

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, June 25, 2012-7:02 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill

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.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight’s meeting. He apologized for the agenda not being posted on the website.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)

Mayor LaCicero stated that Maria Sessa from Jersey Central Power and Light is in the audience and she has some information to share with us.

Maria Sessa, JCP & L stated that she has some information about the company, their restoration process and their new 24/7 power center which is an online backing system. She thanked the municipality for putting the link on their website so quickly. There is also a list of storm contacts for the Borough’s use.

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.

Alita Taylor, 1 Philadelphia Avenue stated that she was here last year about smoking on the beach and would like to know what is going to be done about this situation. She pays taxes and it is a health hazard. She asked if the Council had any plans to make the beaches smoke free.

Mayor LaCicero stated that the idea has not received any support from Council. We have not had any other requests for this relief.

Mrs. Taylor stated that she knows of a lot of taxpayers that go to the beach that want the beaches smoke free. She stated that it does not appear that the Council cares about how the taxpayers feel.

Mayor LaCicero stated that they have not seen any real support for this subject.

Councilman Borowski stated that he suggests that the beaches where the lifeguards are between the white flags should be designated for the non smokers. He stated that he would offer that again on a trial basis.

Councilman Lamb stated that it is difficult enough for our badge checkers to police alcohol and people without badges. To have them try to stop people from smoking in designated areas is just too much for them to do.

Councilwoman Filippone stated that those white flags move every day according to the tides. She stated that she would not mind if the beaches were smoke free. She suggested to have every other beach non-smoking. She stated that she thinks we owe it to the public.

Council President Zalom stated that she always suggested that we have a lifeguard stand on every beach and people who smoke go to the south and people who do not smoke go to the north of the stand.

Mayor LaCicero stated that this is why we run it to the problem because there is not a consensus of support with the 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 June 11, 2012

Executive Session of June 11, 2012

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

RESOLUTIONS-ON CONSENT:

2012-186 appointing two badge checkers for the 2012 summer season commencing June 23, 2012-Council President Zalom was happy to see Adam Houser as a badge checker.

- 2012-187 authorizing the execution of an addendum to the contract with Earle Asphalt Company for the Camden Avenue Road Improvement Project-Mr. Parlow stated the change order is needed to tie the new storm sewer line into the existing State storm sewer line that runs along Grand Central. The State would not approve our application at the time of the project and we had to do a temporary fix until they approved our permits. Mayor LaCicero stated that the State would not approve the permit before the new paving so we have to rip up our new paved street.
- 2012-188 authorizing the Mayor to sign and execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc.-Councilman Borowski requested that this Resolution be put off consent.
- 2012-189 authorizing the cancellation of the accounts payable balance of \$3,062.90 for the Contract with the County of Ocean for Improvements to the Newark Avenue Bulkhead
- 2012-190 authorizing a grant application under the New Jersey DOT Transportation Program for the Grand Central Avenue Sidewalk Beautification Project-Mayor LaCicero stated that we are applying for this grant again for our second Phase of beautifying our business district. Last time we did three blocks and this time we are only doing one block. We also have a sample letter on our website for our residents to download the letter in support of this project. Mr. Parlow stated that this sample letter was also given to the President of the LBA and he was going to send it to all the businesses to support this as well.
- 2012-191 committing the Borough of Lavallette to maintain the improvements for the Grand Central Avenue Sidewalk Beautification Project Phase II from Reese Avenue to Vance Avenue
- 2012-192 determining the form and other details of general improvement refunding bonds and providing for the sale and the delivery of such general improvement refunding bonds to RBC Capital Markets, LLC
- 2012-193 appointing three lifeguards for the 2012 summer season commencing June 23, 2012
- 2012-194 supporting A-2939 and S-1957, which, if enacted, would provide a credit against New Jersey gross income tax for certain tolls, paid via E-Z Pass Electronic Toll System
- 2012-195 appointing summer seasonal workers for the 2012 season for the Dept. of Public Works
- 2012-196 appointing Joyce Hornung provisionally to the position of Tax Clerk at an annual salary of \$33,324.00 commencing June 19, 2012-Mayor LaCicero stated that our Tax Clerk/Tax Collector has decided to move on to another municipality and

position so we put Joyce in as tax clerk and Michele Burk already has the tax collector title so we just appointed her as such.

2012-197 supporting S-380 and A-2027 the “Jessica Lundsford Act” which would increase penalties for those who commit sex crimes against minors

2012-197A appointing Michele Burk as Tax Collector for the Borough of Lavallette commencing July 1, 2012

A Motion was made by Councilwoman Filippone to approve the consent agenda minus Resolution 2012-188. The Motion was seconded by Councilman Stogdill. Mayor LaCicero opened the floor to public comment and asked if anyone wished to comment on the consent agenda minus resolution 2012-188. No one wished to comment at this time. Mayor LaCicero closed the floor to the public and asked Council for a vote. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT

2012-188 authorizing the Mayor to sign and execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc.

A Motion was made by Councilwoman Filippone to approve Resolution 2012-188. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Horan abstained. The Motion Passed.

2012-198 denying a request for a parking decal to Clement and Joan Sullivan of 901C Grand Central Avenue due to not fulfilling all the requirements

Council President Zalom stated that they have no driveway, their lot is undersized so what is the problem.

Mr. Parlow stated that it is not an undersized lot but that they are condominiums.

Mr. George stated that the condo property which is all the land up to the walls of the building is owned by the condominium association and is not an undersized lot.

Council President Zalom stated that she is handicap and has no place to park.

Mayor LaCicero stated that it was one piece of property that was condoized. The people who purchased the property already were aware that there was no parking.

Mayor LaCicero stated that under this current ordinance we can not approve this request.

A Motion was made by Councilwoman Filippone to approve Resolution 2012-198. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2012-199 Bills List in the amount of \$413,800.42

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

ORDINANCE NO. 2012-11 (1110) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 46 OF THE BOROUGH CODE, ENTITLED "PEACE AND GOOD ORDER"

Mr. Parlow stated that this ordinance is repealing the section that talks about public intoxication.

Mr. George stated that Council has already corrected this and this part of the ordinance was ruled unconstitutional.

A Motion was made by Councilman Horan to Introduce Ordinance 2012-11 (1110). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Council President Zalom stated that the triangle on Jersey City Avenue was a mess after the torrential rain. When she got home she received a call from a neighbor that said it floods horribly down there. She spoke to Public Works about it and they took care of cleaning it up after the rain. She thanked Public Works for always responding quickly to her requests.

Council President Zalom stated that she is still in contact with the State in reference to our parking sign request for the post office and the Borough Hall. They are going to put this on their list of priorities and hopefully will get this done for the summer.

She also stated that Donations of Love had such a great Gift Auction on Saturday and we all had a fantastic time.

Discussion of a three way stop sign on the corner of Bay Boulevard and Washington Avenue

Councilwoman Filippone stated that she has a memo from Chief Grant who did take a look at the area and does not feel it is necessary for a stop sign. What he did suggest is that the pedestrian signs be put there and maybe on New Brunswick Avenue and Bay Boulevard also.

Councilman Lamb stated that we should look into the legalities of those pedestrian signs.

Councilwoman Filippone stated that they are definitely helpful with slowing the traffic down. We do not like the law but we have no choice but to follow the rules.

Mayor LaCicero questioned Mr. George on these pedestrian signs and whether they are illegal.

Mr. George stated that there is no consistent answer on it. The state put the crosswalks for the pedestrians to be able to cross the road in a safer manner. The state wants to keep the pedestrians safe at all times. If there is a crosswalk it is the obligation of the vehicle to allow the pedestrians to cross in that crosswalk safely. A pedestrian has the obligation as well as the vehicle to abide by the law and protect themselves.

Councilman Lamb stated that these pedestrian signs are a liability in his opinion. They are not safely held down by any means. Any vehicle can hit it and it can go flying.

Councilwoman Filippone stated that she trusts the Chief in putting these signs where they should be and it should be the Chief putting these signs out not Public Works.

Mayor LaCicero called for a motion.

A Motion was made by Councilwoman Filippone to authorize Chief Grant to install traffic control devices at the intersections of New Brunswick Avenue and Bay Boulevard and Washington Avenue and Bay Boulevard. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that the traffic control devices are also located in Mantoloking. She stated that she stopped for the pedestrians but the car next to her was not going to stop but finally did at the last minute. It is a very dangerous situation for these pedestrians.

Mr. Parlow stated that the pedestrians are not supposed to enter the crosswalk until it is safe to cross. We need to put this on the pedestrians also.

Councilman Borowski stated that the triangle on Jersey City Avenue was under water. It is his recommendation to put some type of stone instead of the mulch.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opens the floor to public comment.

Alida Taylor, 1 Philadelphia Avenue stated that she would like to make a motion about the non smoking beaches or can she get some type of petition going for us to approve.

Mayor LaCicero stated that only Council can make a motion but she can get a petition started if she so chooses.

Joe Palinsky, 120 Washington Avenue stated that Washington Avenue is used frequently throughout the year as much as the summer. The County sent the Borough a memo a couple of years ago specifically prohibiting those pedestrian signs on two lane divided roads. He states that the Council needs to look at that letter again.

Mr. George stated that he will take a look at that letter but he does not believe it will be a problem.

Councilman Borowski stated that he does remember the State and the County having an issue with these signs but then agreed that it was okay for municipalities to use.

Mr. Palinsky stated that the letter specifically said two lane divided roads. You may need to get a waiver from the County for approval to use them.

There were no additional comments from the Public.

The Mayor closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS

Councilman Lamb stated that there was a letter about our seasonal employees in his mailbox that stated that we did not give our seasonal workers any raises. He stated that they were all given raises this year.

Councilman Borowski stated that there were some Public Works seasonal employees that needed to be given raises that were overlooked.

Mayor LaCicero stated that the same Assemblyman was trying to introduce another bill slightly modified consolidating some smaller municipalities. Mr. Parlow did some research and there does not seem to be any support for this at all.

Councilman Borowski stated that we received more smoke free area signs and they will be put in the north part of the bayfront.

Council President Zalom stated that the Diabetes Walk on the June 16th was great and the Lavallette 8K Walk/Run was fantastic and she walked in both races. The Mayor shot off the gun for the start of the race. The First Aid and the Fire Departments were on hand.

Mayor LaCicero stated that he shot off the gun after 8am and he has a gun permit.

Council President Zalom stated that the dog walk was a great thing. There were 30 dogs and we used the sound system. The pancake breakfast this weekend at the Union Church. We added one more movie with Movies on the Bay and it will be E.T. on August 21st. Thanks to Heritage for this wonderful flyer. We also have updated July and August monthly calendars downstairs for all because we have so many more events that were added. The skimboarding contest and

Kites and Kastles contest in July. She stated for all to take advantage of so many of the wonderful events going on in town. Wednesday at 4:30pm is our parade committee for our 125th anniversary. She received a call from Councilman Horan with the Emergency System regarding our peak demand with our electric.

Councilman Horan stated that the people we buy our power from checked the grid and let us know that last week we had two days that were going to be the highest peak demand so we sent a message to our residents to conserve energy on those days.

Mayor LaCicero stated that next time we need to send the information twice as a reminder because he forgot towards the afternoon.

Mr. Parlow stated that at the end of the month he will receive a monthly read out that shows the hourly usage and he should be able to see with those particular days if there was any noticeable dip in energy. He stated that he did hear from some people that followed through with turning down there thermostats so we might see something.

Mayor LaCicero stated that he and Mr. Parlow stopped at the Seaside Heights to see there generators and they were very large.

Mr. Parlow stated that we had a lightning strike at the Public Works building and did sustain damage to some of the well signaling devices. One of the well stations was hit and our Borough employees had to manually run the water wells.

Councilman Lamb stated that he received the pre-season badge sales and that we were up \$20,000 compared to last year. The weather is holding out for us and he is confident that we are going to have another great year. We are looking at this season so different having 4th of July on Wednesday so we are trying to figure out how to handle the significant increase in people.

Mayor LaCicero stated that he does not remember the beach being as large as it has been in a very long time. He stated that he took his boat under the WPI Bridge and was quite pleased with the dredging work.

Councilman Stogdill stated that the Island Junior Baseball League started last night. Please take advantage of getting down to the field to watch our boys.

Councilwoman Filippone stated that the Beautification Committee would like to give the town a gift for the 125th anniversary. They would like to put a sign in front of the Borough Hall advising the public of what departments are in these buildings; similar to the sign in front of the Welcome Center. Once they figure out what they are going to do they will let us know.

Mayor LaCicero stated that as long as they do not obstruct the bell and our landscaping it sounds like a great idea.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:22 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 **25th** day of **June 2012**

Christopher F. Parlow
Municipal Clerk