

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, September 17, 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 the Libyan Ambassador who was assassinated last week by Libyan forces and for all our troops overseas

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight’s first formal meeting after our casual summer wear.

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.

REPORTS:

Councilwoman Filippone read the Police Report for August. She also stated that Officer Art Reece received an award for the 2011 DWI “Top Guns” and was recognized in the State of New Jersey as making the most DWI arrests in 2011. Also, there is a severe weather alert for tomorrow into Wednesday morning with winds at 60/70 miles per hours so please be careful.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of September 4, 2012
Executive Session of September 4, 2012
Special Meeting/Executive Session of September 5, 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:

- 2012-248 authorizing the electric collector to adjust an electric bill to \$55.79 due to an incorrect reading
- 2012-249 authorizing the change in salary allocation for Charles Farrah of the Department of Public Works
- 2012-250 appointing Nicholas Franzoso to the position of provisional laborer with an annual starting salary of \$37,604 effective immediately-Mayor LaCicero stated that there was a resignation in the water department so a person was moved to that department and one of our part timers was made full time. There was some moving around with some individuals in order for the public works to maintain stability.
- 2012-251 appointing of seasonal employees for the Department of Public Works
- 2012-252 adjusting the salary of the Zoning/Code Enforcement Officer after completion of 90 day working test period
- 2012-253 appointing Adam Williams as a part-time recycling attendant for the Department of Public Works at an hourly rate of \$10.20 effective immediately
- 2012-253A amending the 2012 Capital Budget relative to the purchase of vehicles and equipment for the electric utility-Councilman Horan stated that the old pole digger vehicle is thirty some odd years old and they stopped making parts for it so there is a need to purchase a new one.

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

Joe Palinsky, 122 Washington Avenue questioned what provisional meant.

Mr. Parlow stated that it was a civil service term which means that they are appointed provisional for a ninety day working test period and for the position of laborer would become permanent after completion.

Mr. Palinsky questioned if there was still a hiring freeze.

Mayor LaCicero stated that we would need to approve the hiring freeze resolution each year and the resolution was not adopted in 2012. He stated that we did not add any employees to the Public Works Department; we just moved some individuals around that were already there.

There were no additional comments from the public.

The Mayor closed the floor to the public and asked Council for a vote on the Consent Agenda.

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

RESOLUTIONS-OFF CONSENT:

APPROVAL OF VOUCHERS:

2012-254 Bills List in the amount of \$3,080,117.82

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

ORDINANCES ON FOR INTRODUCTION

Ordinance No. 2012-12(1111) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 90 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "ZONING"

Mr. Parlow stated that this is in reference to the ocean front properties with the 30 foot setback restrictions. The thought process regarding the modification is that these are the most valuable properties in Lavallette and they currently have the greatest restrictions. As it stands now there is no development allowed within 30 feet of their property line. This ordinance will permit the construction of first and second story open porches or decks within the 30 foot setback but no closer than 20 feet from the front yard setback.

Mr. Parlow read through some of the other modifications in this ordinance.

A Motion was made by Councilman Horan to introduce Ordinance 2012-12(1111). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor stated that the Public Hearing and Final Adoption to be held on November 19, 2012

Bond Ordinance No. 2012-13(1112) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN ALTEC DM 47 HYDRAULIC DERRICK FOR THE ELECTRIC UTILITY, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS

THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Councilman Horan stated that this is the Pole Digger vehicle that needs to be replaced because of the longevity of the current vehicle and the fact that they do not even carry parts for it anymore.

A Motion was made by Councilman Stogdill to introduce Bond Ordinance 2012-13(1113). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

The Mayor stated that the Public Hearing and Final Adoption to be held on October 1, 2012

Ordinance No. 2012-14(1113) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 54 OF THE BOROUGH CODE, ENTITLED "SOIL REMOVAL"

Mr. Parlow stated that Chapter 54 of the Borough Code currently requires that an application to removal any quantity of sand from private property must be submitted and approved by Council. The code states that any property that needs to remove sand is required to request permission from the Clerk, the application must be reviewed by the Borough Engineer and then Mayor and Council would have to approve the request. This section of the code is outdated and was more than likely enforced during a time period when there were a number of undeveloped properties along the ocean. The ordinance does not set a limit on how much sand could be removed with the need for a permit. The ordinance has not been enforced in many years.

A Motion was made by Councilman Horan to introduce Ordinance 2012-14 (1113). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb. The Motion Passed.

The Mayor stated that the Public Hearing and Final Adoption to be held on October 1, 2012

UNFINISHED BUSINESS:

Council President Zalom stated that our aerobics instructor became injured and needs surgery but we have an interim aerobics instructor. Clean Ocean Action is going to be October 20th. The parade is coming along very nicely and there are so many different things that will be in it such as floats, bands, cars, and so much more.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Clem Boyers, 20 Kerr Avenue questioned the new zoning ordinance and whether the 20 feet went back from the boardwalk or the property line.

Mr. Parlow stated that the 20 foot set back is measured from the property.

Joe Palinsky, 122 Washington Avenue questioned the Bond Ordinance and whether the Derrick is going to be paid for with a separate line item or rolled into our electric base rate.

Mr. Parlow stated that the debt service is part of the base rate.

Mayor LaCicero stated that this purchase will affect the ratepayers not the residents.

Mr. Palinsky questioned if all the workers in Public Works are Civil Service.

Mr. Parlow stated that all of the Lavallette employees are covered by civil service.

Mark Speaker, LBA President stated that with regards to the two hour parking over the summer, the police response was great when someone called to complain about a car being parked there overnight. The police would come and mark the tires but yet nothing else was done about it. He stated that he thinks that maybe a dedicated meter maid might do the trick for next year. With not enough enforcement regards to this problem is greatly impacts the business owners in a negative way.

Mayor LaCicero stated that they will look into that for next year and is a good idea.

Council President Zalom stated that she heard a rumor that the two hour parking was going away altogether in town and just wanted to advise everyone that is not going to happen.

Councilman Lamb questioned if the two hour parking was a Borough Ordinance or does the state get the parking ticket money.

Mr. Parlow stated that we did the two hour parking by resolution and not by Ordinance so the state does get the larger portion of the ticket money. We could do an ordinance so we can collect a hundred percent of any ticket revenue.

Mr. George stated that in order for the Borough to receive the full hundred percent of the ticket revenue an ordinance would need to be created.

Mr. Parlow stated that he will have an ordinance together for the next meeting.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that the anniversary flags came out very nice. Mr. Parlow and his daughter sold some at Heritage Day along with the tiles. The rest of the flags and tiles will be sold at the Parade and Barbeque.

EXECUTIVE SESSION:

Mr. George stated that there exists a need for an executive session to discuss a personnel matter regarding a pending disciplinary action with anticipated action that might be taken. Mayor LaCicero and Councilman Lamb have recused themselves.

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting to go into executive session. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned to go into executive session at 7:58pm.

A Motion was made by Councilwoman Filippone to reconvene the Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor.

The Regular Meeting was reconvened at 8:37pm.

Mr. George stated that while in executive session points were presented in regards to a possible settlement agreement and some counter proposals were issued. There was no action that was needed at this time. Mr. George stated that he recused himself from the executive session as well as Mayor LaCicero and Councilman Lamb due to conflicts.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:38pm.

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 meeting held on the 17th day of **September 2012**

Christopher F. Parlow
Municipal Clerk