

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, April 26, 2010-7:01 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

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 Ocean County Gazette and was published in the Ocean Star on January 8, 2010. Notice was also posted on the municipal bulletin board and the municipal website.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for the passing of Stephen Hornick who was a long time resident of Lavallette and for the Brielle resident Sgt. Ronald Kubik who was killed in the line of duty.

PLEDGE OF ALLEGIANCE: Councilman Horan led us in the Salute to the Flag

MAYOR'S WELCOMING STATEMENT:

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

Mayor LaCicero stated that anyone in the audience that wished to speak on any items that were not listed on the agenda or could not stay for the remainder of the meeting could do so now.

No one wished to speak at this time.

The Mayor closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of April 12, 2010

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

RESOLUTIONS – ON CONSENT:

- 2010-120 authorizing the Treasurer to refund \$97.89 to Karen Stein of 21 Princeton Avenue which was inadvertently taken out of her bank account via ACH

- 2010-121 authorizing the sidewalk sale dates and flea market dates being held by the Lavallette Business Association and Wavejammer Surf Shop-Council President Zalom stated that all these dates are on our website also. She stated that our website is so wonderful and so full of information it's fantastic. She stated that she remembers when people use to complain about the website being so outdated. She gave kudos to Matt Burk for doing such a great job on our website. Councilman Horan stated that our website is very beneficial to the LBA also.

- 2010-122 authorizing the seasonal appointments for the beach badge office staff for the year 2010

- 2010-123 authorizing the seasonal appointment of Anthony Gallo as the Badge Checker Supervisor

- 2010-124 appointing Brendan Brice as a temporary seasonal laborer for the Department of Public Works at an hourly rate of \$10.00 commencing April 13, 2010 and ending July 31, 2010

- 2010-125 in support of organ and tissue donation

- 2010-126 authorizing the Self Review of the 2010 Budget for the Borough of Lavallette

- 2010-127 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP Program for the previous year-Councilman Borowski asked that this resolution be pulled and put off consent

- 2010-128 appointing Thomas Weakly as a temporary seasonal laborer at the Department of Public Works at an hourly rate of \$10.00 commencing April 26, 2010 and ending August 6, 2010

- 2010-128A temporary budget appropriation for Water Capital Outlay-Councilman Horan asked that this resolution be pulled and put off consent

- 2010-128B authorizing the execution of a jurisdictional agreement with the State of New Jersey, Department of Transportation in connection with the Grand Central Avenue Sidewalk Beautification Project

At this time, Mayor LaCicero opened the floor to public comment and asked if anyone in the audience wished to comment on the consent agenda or the bills list. No one wished to comment on the consent agenda or the bills list. The Mayor closed the floor to public comment and asked for a vote on the Consent Agenda.

A Motion was made by Councilwoman Filippone to approve the Consent Agenda with the exception of Resolutions 2010-127 and 128A. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT:

2010-127 approving the annual certifications submitted to the Borough by the emergency service organizations of all volunteer members who have qualified for credit under the LOSAP program for the previous year

Councilman Borowski stated that he took this off consent because he has to abstain since he is a member of the First Aid and is part of this program. Councilman Horan stated that he also will have to abstain. Councilman Borowski stated that this is a program for the volunteer First Aid Members and Firefighters, where they have a small stipend go into a tax deferred savings plan. The program provides a small incentive to continue membership. When you volunteer your time you do not get paid for your services and even though it's a nice thing to do not many stick around for to long.

Mayor LaCicero opened the floor to public comment on Resolution 2010-127 and asked if anyone wished to comment on this resolution.

Joseph Palinsky, 122 Washington Avenue thanked Mayor and Council for this program. He stated that he noticed that there was a member who was missing from the roster.

Michele Burk stated that she is on the roster but was not included in the resolution because she has not filled out the required paperwork to set up her account. She needs to establish an account before the money can be deposited. Once she fills out her paperwork and creates her account she will be on a separate resolution.

There was no additional public comment.

Mayor LaCicero closed the floor to public comment on Resolution 2010-127.

A Motion was made by Councilwoman Filippone to approve Resolution 2010-127. 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.

2010-128A temporary budget appropriation for Water Capital Outlay

Councilman Horan stated that he feels that \$3,100 for a fence that he believes does not need to be replaced is entirely too much money and does not think it is needed.

Mr. Parlow stated that he was asked to do this resolution because a section of the fence at the Newark Avenue Treatment Plant is in need of repair.

Councilman Borowski stated that the fence adjoins a homeowner's property and the homeowner has been complaining for years. The one section is in very bad shape and we first got an estimate for a chain link but it was too high. The estimate for the vinyl fence was the cheapest we got.

Mayor LaCicero stated that he has never heard of anyone complaining about the Newark Avenue fence but have had complaints about the Brooklyn Avenue fence where the Department of Public Works is located. He also asked why it is being charged to Water Capital Outlay.

Mr. Parlow stated that is the primary use of that location is the water treatment plant so that is where he placed the appropriation.

Councilman Lamb stated that he has heard about the Brooklyn Avenue fence but not fence on Newark Avenue.

Councilman Borowski stated that this fence has been in disrepair for a long time. With all the heavy equipment that is dropped along the fence it loosened the slats in the one area. He has spoken to the Superintendent and he was assured that with the new fencing he will make sure that there is a barrier to prevent the equipment from getting near the fence so we would not have to replace it again anytime soon.

Mayor LaCicero questioned why it needs to be done as a temporary budget item and just can not be done after the budget is adopted.

Councilman Lamb stated that he would like to hold off on this resolution until he takes a look at the situation himself.

Councilwoman Filippone questioned if there were other estimates received.

Councilman Borowski stated that this estimate was the lowest we received.

Mayor LaCicero questioned how we should deal with the resolution as far as tabling it or pulling it off agenda.

Mr. George stated that the resolution should be pulled and put on the next meeting's agenda.

Mayor LaCicero questioned if everyone was in favor of pulling this resolution until next meeting.

All of Council was in Favor. The Resolution was pulled of the agenda until the next meeting.

APPROVAL OF VOUCHERS:

2010-129 Bills List in the amount of \$400,284.25

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

INTRODUCTION / WITHDRAWAL OF ORDINANCES:

Mayor LaCicero stated that a motion is needed to withdraw Ordinance 2010-06 (1078) due to the omission of a portion of the Checklist Application and a revision to the number of required applications.

Mr. Parlow stated that the Engineer omitted a portion of the checklist for a minor subdivision so Council needs to withdraw this Ordinance.

A Motion was made by Councilman Horan to withdraw Ordinance 2010-06(1078). The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed. The Ordinance 2010-6(1078) was withdrawn.

ORDINANCE NO. 2010-08 (1080) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AN SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE ENTITLED "LAND USE PROCEDURES" SO AS TO ADOPT A REVISED APPLICATION COMPLETENESS CHECKLIST PURSUANT TO SECTION 37-9 OF THE BOROUGH CODE ENTITLED "PROCEDURES FOR FILING APPLICATIONS BUILDING REQUIREMENTS"

A Motion was made by Councilwoman Filippone to introduce Ordinance No. 2010-08 (1080). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the Meeting of May 24, 2010.

ORDINANCE NO. 2010-09 (1081) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 45, ENTITLED "OFFICERS EMPLOYEES" SO AS TO CREATE § 45-31, ET SEQ., ENTITLED "INCENTIVE PROGRAM FOR WAIVER OF HEALTH BENEFITS.

Mayor LaCicero stated that at the last budget meeting we discussed giving an incentive to employees who hold dual coverage with their spouse. We would like them to give up their coverage with us and take their spouse's.

Mr. Parlow stated that there is new legislation that allows us to offer this program to our employees who hold dual coverage. We will be able to give 25% of the premium up to \$5,000 and the second part is to adopt a resolution for a Section 125 cafeteria plan along with this program so the tax part of this program can be put in the Section 125 plan.

Mayor LaCicero commented that all non-contractual employees may have to start contributing 1.5% of their salary towards their insurance premiums starting the end of May.

Mr. Parlow stated that certain non-contractual employees may be aligned with certain unions so it is unclear yet as to when they are going to start contributing.

Mayor LaCicero questioned whether or not we know where if that money is going to the State or will be retained by the Borough.

Mr. Parlow stated that he that as of now the money will be retained by the Borough to offset the costs of the health benefits.

Councilman Lamb questioned how many would be eligible?

Mayor LaCicero stated that he believes that there are 3 or 4 employees that are eligible.

Mr. Parlow stated that the resolution for the Cafeteria Plan 125 must be adopted in order for the waiver benefit and the 1.5 % contribution to be pre-taxed.

A Motion was made by Councilwoman Filippone to Introduce Ordinance No. 2010-09 (1081). The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the Meeting of May 10, 2010.

ORDINANCE 2010-10 (1082) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

Mr. Parlow stated that this ordinance is adopted as part of the budget process each year. The Cost of Living Adjustment this year is 0% so this ordinance is necessary. Whatever part of the 3 ½ % is not used will be banked for future years.

A Motion was made by Councilman Horan to introduce Ordinance No. 2010-10 (1082). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion was passed.

Public Hearing and Final Adoption is scheduled for the Meeting of May 10, 2010.

INTRODUCTION OF 2010 MUNICIPAL BUDGET:

Resolution No. 2010-130 (Clerk to Read Budget Resolution)

Mr. Parlow read the budget resolution out loud.

Mayor LaCicero stated that we tried to keep the taxes at a minimum increase. The taxes are going to go up 1.9 % which amount to \$30 annually per household. We received revenue from Bay Beach Way which in the long run will help us out tremendously.

Councilman Lamb stated that he thinks the school tax is going to go through the roof.

Mr. Parlow stated that he has to applaud Council for always paying down our debt above the minimum. This year's minimum payment requirement to the bond anticipation notes is \$199,000, but the Borough is paying down \$270,000 in note principal, which will save a tremendous amount of interest in the long run.

Councilman Borowski stated that he wanted to put on the record that with the hiring freeze Public Works can not hire their full time employee that they need. He stated that with all the jobs Public Works has and now with the summer season arriving they are doing it all with just eight guys and a Secretary. Most of the work can not be done by a temporary or seasonal worker. Let's not forget taking on another street that will need tending to. This department has an amazing group of guys. He is not quite sure with the amount of jobs we have down there already if we will be able to have somebody go and rake the beach on Bay Beach Way. As far as the ballfield, we do not even have enough manpower to take care of that field. He just wanted to put it on record that all the extra jobs that Public Works has done in the past are probably going to get done at a later date or just not going to get done at all.

Mayor LaCicero stated that it is already understood that the Public Works Department is down some employees. We will deal with the issues as they arise.

Councilwoman Filippone stated that the West Point Island Civic Association has a private beach also and we tried to see if the town could take care of it for us. We were told that they could not and would not take care of a private beach. Bay Beach Way Association should probably see if they can get an outside source to take care of their beach.

Mr. Parlow requested that the informative report prepared by the auditor be included in the minutes.

Mayor and Council agreed.

A Motion was made by Councilwoman Filippone to introduce the 2010 Municipal Budget. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption scheduled for May 24, 2010

UNFINISHED BUSINESS:

There was no unfinished business discussed.

NEW BUSINESS:

Public Works Report for 1st quarter of 2010-Councilman Borowski-read report in full and the report will be included in the minutes.

Councilman Borowski stated that Save Barnegat Bay has requested a dumpster and a front end loader be provided for their May 22nd cleanup as well as mulch from the OC Recycling Center. He stated that he let them know that it should not be a problem.

COMMENTS FROM THE PUBLIC:

Lach Cameron, 116 President Avenue questioned if there was going to be a program in place to prevent bicycles and cars from going the wrong way on the highways by Memorial Day.

Mayor LaCicero stated that he knows the Chief always tries to have something in place before the summer season as far as the bicycles but he will check with the Chief on that.

Mr. Cameron stated that he is the Mayor and he should know this.

Mayor LaCicero stated that the Chief is the Law Enforcement Officer who handles all this not the Mayor.

Councilwoman Filippone stated that she will discuss it with the Chief as far as the bicycles but as far as the cars the police can only issue tickets to people with the cars.

Mr. Cameron stated that as citizens of this Borough we depend on Mayor and Council to get these issues resolved.

Council President Zalom stated that the Municipal Alliance is working on a big bicycle safety presentation.

Councilman Lamb stated that even when he was on the force there was nothing to do but give out tickets to cars going the wrong way. We already have enough signs saying wrong way with arrows showing which way. What more can we do!

Councilwoman Filippone stated that maybe we need to look into some more one way signs.

Mr. Cameron also questioned if it was true that there were over 40 break ins in Lavallette last year.

Councilwoman Filippone stated that it was true and she did verify it with the Chief.

Mr. Cameron questioned why the Lavallette Police can not ask the State Police for help with the speeding on the highways.

Mayor LaCicero stated that the State Police are overstretched as it is. We have never had any fatalities in this town as far as traffic safety.

Councilwoman Filippone stated that the reports from the Police and Court are proof enough that our police department is doing a fine job. We can only tell people the rules we can not make them follow them.

Council President Zalom stated that a lot of towns are enforcing the crosswalks. We should do the same here.

Clem Boyers, 20 Kerr Avenue thanked Mayor and Council for being responsible for my house value increasing tremendously and for your wonderful support of our school. Also, for working so hard every year, even with things the way they are, for keeping our taxes so low. You guys are what good government is all about.

Frank Farley, 1007 Bay Blvd. questioned if Council would let the public know about salary increases in the future with the unions.

Mayor LaCicero stated that all the union contracts are not expired until December 31st of 2010. As far as the non-contractual employees they received their 4% raises for this year and it is shown in this budget for 2010. We will let the public know of all increases with our employees as soon as we know.

Joseph Palinsky, 122 Washington Avenue questioned when someone is going to take care of the roll stops on the corner of Washington and Baltimore Avenues. He thinks maybe additional signage besides a stop sign or some writing on the street would help tremendously.

Councilwoman Filippone stated that she would talk to the Chief about the additional signage.

Mr. Palinsky stated that the Lavallette School states that it costs them \$16,000 to educate one student. If that is true, why do we only charge \$5,000 for our tuition for outside students.

Mayor LaCicero stated that he presented that question to the school also. The difference is the spaces are available and they do not have to incur the cost of any additional teachers. If the school's charge the amount it costs for tuition they would not get any additional students.

Mr. Palinsky also questioned the tuition sign on the highway. Is that sign violating the code.

Mayor LaCicero stated that he will check with the Code Enforcement Officer.

Lachlan Cameron, 116 President Avenue stated that Mr. Boyers is correct; this is a great place to live. He wanted to know what is going on with the yellow curbing and additional parking spaces.

Mayor LaCicero stated that the Chief is in the process of completing his survey on where and how many parking spaces did we create by losing some of that yellow curbing.

Councilwoman Filippone stated that he is hoping to have it all complete for the start of the summer season.

Mr. Parlow stated that he hopes to get the information from the Chief by next week and have the Ordinance prepared for the next meeting.

Mr. Parlow stated that the State is also measuring for the two hour parking on Rt. 35 Northbound and he stated he has a feeling that both of these issues are going to happen at the same time.

There was no additional public comment.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the Borough is fazing out the Borough's use of the PO Box. He asked all to state mailing correspondence and bills to the 1306 Grand Central Avenue address. We still have the box but are hoping to discontinue it by the end of the year.

Councilwoman Filippone stated that she was a bit disturbed by the article in the Ocean Star last week in reference to accusations of closed door agreements from this Council and the Mayor. The article was speaking of the Mayor, however; the Mayor does not have any voting powers only the Council does so those accusations affect all of the Council members. She stated that she has been pretty consistent in saying if you do not like what she does up here feel free to let her know. There has never been any back door politics from us nor the Mayor who does not even have a vote. If anyone has any problems with the way we run things up here please let us know about it but do not criticize us without the facts.

Councilman Horan stated that he echoes what Councilwoman Filippone stated.

Council President Zalom stated the flags have gone up all over town thanks to Public Works. The bathrooms will be at the ballfield by Wednesday. The Father Alphonse concerts have been cancelled so we are working on some Lakewood Blue Claw games. There will be skim boarding again this year, as well as the townwide garage sale. We had a wonderful beach sweeps with 85 people showing up. There is a Beautification Meeting here tomorrow night. There is going to be Zumba exercises on the Bay this year.

Councilman Borowski stated that he read an article about giving some positive influence to our bicyclists who follow the rules. He stated that he has been working with Municipal Alliance and we have been in contact with the pizza and ice cream stores in town questioning if they would allow us to give out badges to those bicyclists who are following the rules for a free slice or a free ice cream cone at their establishments. We have received positive feedback from these establishments so he would ask that we be allowed to do this for this summer season.

All of Council was in Favor of this.

Mayor LaCicero stated that this Thursday night the Ocean County Federation of Republican Women has nominated our own Anita Zalom as Women of the Year. It is at Hemingway's at 6:30 pm on April 29th if anyone is interested.

EXECUTIVE SESSION:

A Motion was made by Council President Zalom to adjourn the Regular Meeting to enter into Executive Session. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in Favor. The Motion passed. The Regular Meeting was Adjourned at 8:25 pm.

Mr. George stated that in Executive Session we will be discussing contractual matters as well as some personnel matters with no specific employees being discussed. There will be no action taking place.

A Motion was made by Councilwoman Filippone to reconvene the Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed. The Regular Meeting reconvened at 8: 40 pm.

Mr. George stated that in Executive Session contractual matters were discussed regarding a potential change in the prescription plans with no action taken place. Also, Councilman Borowksi raised some issues regarding a certain employee but matters were not discussed any further until that specific employee is "Rice Noticed".

ADJOURNMENT:

A Motion to Adjourn the Regular Meeting was made by Councilman Borowski. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in Favor. The Motion Passed. The Regular Meeting was adjourned at 8:42 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, do hereby attest these to be a true copy of the Minutes of the Regular Meeting of Mayor and Council held on the 26th day of April 2010

Christopher F. Parlow
Municipal Clerk