

**BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, April 25, 2011-7:03 pm**

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Horan and Stogdill were present. Councilman Lamb was not present at the start of the meeting, but arrived shortly thereafter.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk
Michele Burk, Chief Financial Officer
Bob Oliwa, Auditor

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 7, 2011. Notice was also posted on the municipal bulletin board and the municipal website.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silent for residents George Hoppe, Georgette Stone, Kim Bischoff and Herman Hart who passed away this past week. He also asked for a moment for two soldiers that were killed in the line of duty while serving in Iraq. One was a resident of New Jersey.

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

MAYOR’S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight’s meeting.

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

Mayor LaCicero opened the floor to anyone who wished to comment on any items that were not on the agenda and did not wish to stay for the remainder of the meeting.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of April 11, 2011

A Motion was made by Councilman Horan to approve the Minutes. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Horan voted Yes. Councilman Lamb was not present at this time. The Motion Passed.

RESOLUTIONS – ON CONSENT:

Councilman Lamb arrived at the meeting.

- 2011-104 providing for the budget to be read by title only at the time of the public hearing
- 2011-105 appointing lifeguard officers for the 2011 summer beach season
- 2011-106 authorizing the Self Review of the 2011 Budget for the Borough of Lavallette
- 2011-107 appointing tennis court attendants for the 2011 summer season
- 2011-108 appointing the beach badge office staff for the 2011 summer beach season
- 2011-109 authorizing the execution of an addendum (Change Order #2) to the contract with JOGI Construction, Inc. for the Grand Central Avenue Sidewalk Beautification Project-Mr. Parlow stated that there are two change orders on tonight. One is a decrease in the contract and one is an increase.
- 2011-110 authorizing the issuance of a bingo license to St. Pio of Pietrelcina to hold their summer bingo games for the 2011 summer season
- 2011-111 authorizing the execution of an addendum (Change Order #3) to the contract with JOGI Construction, Inc. for the Grand Central Avenue Sidewalk Beautification Project-Mr. Parlow stated that they are finishing up the pavers, sidewalks in the area that had the underground storage tank problem and hopefully the street lights will be in soon
- 2011-112 certifying a submission of expenditure for taxes paid in 2010 in the amount of \$6,842.55 for the recycling tax
- 2011-113 certifying a submission of expenditure for taxes paid in 2009 in the amount of \$7,670.64 for the recycling tax
- 2011-113A awarding a contract for the purpose of purchasing two law enforcement vehicles for the Police Department to Warnock Fleet through the Cranford Police Cooperative Purchasing System-Councilwoman Filippone stated that she pulled this resolution at the last meeting until she spoke with the Chief to get more information. There were some concerns as to why we were changing from the Ford Crown Victoria to a Dodge Charger. She reported that she was advised by the Chief that the Crown Vic was an eight cylinder and got less miles to the gallon

as where the Charger is a six cylinder and gets better gas mileage. He said that they are phasing out the Crown Victoria as a police car and most towns are now using the Dodge Chargers. He also stated that the reason for another SUV is due to all the storms that we have been getting as far as snow and rain. They make it easier to get around during those times.

A Motion was made by Councilwoman Filippone to approve the Consent Agenda. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor for public comment and asked if anyone wished to comment on the consent agenda or the bills list. No one wished to comment. The Mayor closed the floor to comment 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:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2011-114 Bills List in the amount of \$2,537,745.62

A Motion was made by Councilman Lamb 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.

ADOPTION OF THE 2011 BUDGET:

Resolution No. 2011-115 (Clerk to Read Budget Resolution)

Mr. Parlow read the Budget Resolution in full a loud.

Council President Zalom stated that she thinks that this is a great budget. There has been nothing derogatory about it. We have brought in a lot of revenue and grants within every department and she is very proud to say we up here did a great job.

Mayor LaCicero stated that the tax increase is 1.9% and can be attributed mostly to the items outside the Cap such as debt service, pension and health benefits. There was only a slight increase with items that were inside the cap. There were no major effects to our taxpayers. Also, some people were concerned that we were using the surplus to balance our budget and as you can see that was not the case. Our surplus has increased by 22%.

Mr. Oliwa stated that was correct. The surplus is up \$67,000 and the Borough could have raised the taxes by 4% but instead did it with only 1.9% which is fantastic. The Budget was advertised in the paper on April 1, 2011 and copies were made available to the public if needed.

Councilman Borowski stated that even our numbers are shrinking each year with our long term and short term indebtedness.

Mr. Oliwa stated that the Borough of Lavallette's current outstanding debt is \$4.5 million, but under the bond law the Borough could issue \$82 million.

Michele Burk stated that there are 14 municipalities that are going to referendum so we did a great job.

Mayor LaCicero stated that all of Council, Mr. Parlow and Mrs. Burk deserve a thank you with exercising a lot of restraint with spending.

Mr. Parlow stated that there are no proposed rate increase in the electric, water and sewer utilities.

A Motion was made to adopt the 2011 Budget by Council President Zalom. The Motion was seconded by Councilman Horan.

The Mayor LaCicero opened the Public Hearing and asked if anyone wished to comment on the 2011 Budget. No one wished to comment at this time. The Mayor closed the Public Hearing and asked Council for a vote on the 2011 Budget. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Councilwoman Filippone stated that she received a phone call from Mrs. Kelly about the two-hour parking restriction on Grand Central Avenue. She asked if the two-hour parking signs indeed clear enough for the public to understand. Are they in each space or is it one sign with arrows designating two directions. The complaints she is receiving are that there are too many signs, they look ugly and the cars are being chased from one side of the street to the other.

Mayor LaCicero questioned if the signs were approved by the State.

Mr. Parlow stated that the signs were reviewed by the Municipal Prosecutor for enforcement. He reported that the signs were with the use of arrows to minimize the number of signs used throughout the business district. They were reviewed and approved by the Prosecutor and he stated that they were enforceable.

Councilman Lamb stated that he noticed that Kathleen Halbing was in the audience from Jersey Outlaws and wondered if we should discuss the Garvey Boat races again.

Kathleen Halbing, Jersey Outlaws stated that there was some discussion at the last meeting about some concerns regarding our race interfering with the Yacht Club's Regatta. She has received approval from the Coast Guard to have their race which she now presumes that no other organization has requested approval to race in that area on that date. We are only asking permission to use your facilities which is your bay beach so we can make hotdogs and have an

area for the people to sit and enjoy the races. She stated that the organization does not need the Borough's permission to use the water. They have received that permission from the Coast Guard.

Mayor LaCicero stated that he remembers the races being here years ago and does not recall any problems with them.

Councilman Lamb stated that the only problem he had is with the date that they requested in July because of the parking permits and the beach badges but he has no problem with the September 18th date.

Council President Zalom stated that she spoke to Bobbie Steele who is in charge of the Ocean County Tourism and she states that these Jersey Outlaws race all over the County and she has never heard of any complaints so far.

Kathleen Halbing stated that they work with the Cub and Boy Scouts so they can get their badges.

Councilman Horan stated that he has an issue with the race regarding the environmental aspect of it. He asked if the organization has a plan in place if there is some type of fuel spill.

Kathleen Halbing stated that they have met all of the Coast Guard requirement regarding safety. Safety is always their first priority.

Council President Zalom asked what the date was of the Lavallette Yacht Club Regatta.

Mayor LaCicero asked to have Clem Boyers respond.

Mr. Boyers stated that it is also on the weekend of September 18th.

Councilwoman Filippone questioned if Mrs. Halbing has a preliminary permit approval from the Coast Guard.

Mrs. Halbing stated that she does already have that permit.

Councilman Borowski stated that most of their races are west and south of the bridge.

Mrs. Halbing stated that they are having a race on July 31st in Belmar.

Councilman Borowski stated that his concerns are that the water is going to be very crowded over here on that day and those boats are very loud and he does not see it being a good idea.

Councilwoman Filippone stated that Yacht Club obviously have this Regatta every year at this time and she has never seen it spill over to the lots on the bay front.

Councilman Borowski questioned exactly what we will be approving?

Councilman Lamb stated that they are only requesting permission to use our bay front facilities

Councilman Borowski stated that he believes there are a lot of negativities with this race one being the amount of noise these vessels give off. They are built for speed and have no restrictions on exhaust.

Mayor LaCicero stated that these boats are not like the large engine cigarette boats, these boats have small engines. He does not have an issue with the races being here. Boating on the bay is legal and we can not discriminate that aspect of it.

Councilwoman Filippone stated that they would have to provide us a certificate of insurance.

Mrs. Halbing stated that they have all the necessary insurance and that would not be a problem.

Mr. Parlow stated that the only issue that the organization would need approval for would be the cooking and sale of hotdogs on the bay beach. The organization does not need permission to just use the facility.

Mayor LaCicero permitted comments from the public.

Clem Boyers, 20 Kerr Avenue stated that he has viewed the schematic of the area they will be racing and the Yacht Club will probably not be affected but you never know with the change in the currents and the shift in the winds. He reminded all that the Club uses sail boats compared to their bigger boats. These boats go in a circle our sailboats do not.

Councilman Stogdill stated that our approval will be just for the bay beach and ability to cook and sell the hotdogs.

A Motion was made by Councilman Lamb to grant approval to the New Jersey Outlaws to utilize the bay front facilities for their Garvey Boat Race on September 18th. This approval includes the use of a concession stand. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom and Lamb voted Yes. Council Members Borowski, Stogdill and Horan voted No. The vote created a tie. Mayor LaCicero voted Yes. The Motion Passed.

Council President Zalom stated that Lavallette has always had a problem with the white garbage bags and the seagulls ripping them open. She has witnessed even some of the black bags being ripped open. The fix for this is these very sturdy black contractor bags that can fit three or four white garbage bags filled inside it. This seems to help where my daughter lives in Wyckoff so maybe we should try it. She also reminded all that the exercise classes are \$2.00 donation all year round. There will be Yoga held at the Gazebo on Thursdays from 5pm to 6pm as of June 18th.

Mayor LaCicero stated that before we approve that she should get approval from Joy Grosko.

Council President Zalom stated that she will do that.

Councilman Borowski stated that Mr. Schlosser from Public Works received quotes to replace the fence on Brooklyn Avenue. The lowest quote was \$2,100.00. He has discussed this with Mr. Schlosser and Mr. Parlow and both think that the price can be approved in the budget.

Councilman Lamb questioned what type of fence it will be.

Councilman Borowski stated that it will be the same chain link fence as now it will just look better.

Mayor LaCicero questioned if we could get away with changing the slats on the fence down at Newark Avenue?

Councilman Borowski stated that he received quotes on that fence last year and replacing the slats on that fence would not work because it is very old construction. There is also a lot more entailed with that fence and it has even shifted some.

Councilman Lamb stated that is too labor intense and would not be worth it with the slats.

Councilwoman Filippone questioned if we had quotes on that fence?

Councilman Borowski stated that he got three quotes on that fence and the same guy that quoted the Brooklyn Avenue fence came in the lowest for the Newark Avenue fence.

Councilwoman Filippone stated that she thinks that we should stay with the design of the existing fence.

Councilman Borowski stated that he has spoken to the backside neighbor and he is not interested in replacing that part of the fence because he has some shrubbery that would be affected.

Mayor LaCicero stated that since the back neighbor does not want it replaced we are looking at about 100 feet of fence that needs replacing.

Councilman Borowski stated that he believes the resident in question would be interested in going half of the price for a white vinyl fence. He asked if Council would like for him to discuss it with the neighbor.

Mr. George stated that a resolution would be needed to accept his donation of payment for half of the fence price.

Mr. Parlow stated that we would have to accept the donation by resolution.

Councilwoman Filippone stated that when the homeowner requested to pay for the removal and moving of the fire hydrant he paid for the entire removal and replacement of are who would be in charge of the maintenance of the fence.

Mayor LaCicero stated that we would own the fence and be responsible for the maintenance. He stated that we should wait and see what the homeowner says first.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the sixth grade class of Mrs. Lorenz took second place nationally in the Science Project that was presented to Disney. They deserve a great deal of applause for their hard work. It is a great credit to the Lavallette School system. He requested that we invite the entire sixth grade class that was involved along with the teacher and Dr. Morris and give them a Proclamation at our next meeting.

Mr. Parlow stated that he would take care of that.

Councilwoman Filippone stated that the school election is Wednesday so she asked all to vote.

Council President Zalom stated that the Beach Sweeps is on Saturday. The Plant Swap is May 21st at the tennis courts. She asked all not to forget about our Senior Lunch and Movies at the Fire House. The town wide garage sale is June 4th and 5th and cleanup day is June 6th.

Councilman Horan stated that the prizes that were given for 2nd place for the school were \$5,000 to the teacher, \$2,000 to the children and a \$2,000 grant to the school. The class will get a personal viewing of the Disney Nature Movie “African Cats” and each child gets a Disney Prize Package with many gifts included. We are very proud of them. He congratulated the class.

Councilman Borowski stated that May 9th starts the summer garbage collection.

Councilman Horan stated that on May 12th the County will be providing a shredding program at the fire house for any one who wishes to get rid of their paperwork. The program runs from 9am to 12 noon and is free of charge. There are other towns that they are going to also so check out the flyer downstairs. There will be an Ocean Fun Day in Seaside Park on May 21st.

Mr. Parlow stated that the polls are open Wednesday from 2:00 pm to 9pm.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to have an executive session to discuss the PBA Contract ongoing negotiations. There will be no anticipated action taken and some recusals are necessary due to conflicts.

A Motion was made by Councilman Horan to adjourn the Regular Meeting to go 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 8:12 pm.

A Motion was made by Councilman Borowski to reconvene the Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. Mayor LaCicero and Councilman Lamb were not present at this time. The Motion Passed.

The Regular Meeting reconvened at 9:04 pm. Council President Zalom presiding.

Mr. George stated that while in Executive Session the only matter discussed was the PBA Contract regarding counter proposals that were addressed. There was no action taken. Mayor LaCicero and Councilman Lamb were recused due to a conflict.

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. Councilman Lamb was absent. The Motion Passed.

The Regular Meeting was Adjourned at 9:04pm.

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 of Mayor and Council held on the **25th** day of **April 2011**

Christopher F. Parlow
Municipal Clerk