

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, May 23, 2011-7:02 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 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 silence for all our troops overseas. The Mayor commented that the number of combined deaths in the wars in Afghanistan and Iraq has risen to over 6,000 so he asked all to take a moment to remember those soldiers.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming to the meeting tonight.

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

The Mayor asked if any one 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.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of May 9, 2011

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

RESOLUTIONS – ON CONSENT:

- 2011-129 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 for this resolution to be put off consent. Council President Zalom thanked all our volunteers for giving us their time.
- 2011-130 authorizing the execution of an addendum to the contract for the purchase and installation of a CAD/RMS/Mobile software system with Spillman Technologies, Inc.-Councilman Lamb questioned if this system was up and operating. Mayor LaCicero stated that it is on line but there is one component that is not necessary. Councilman Lamb questioned if this system does not work out will there be a problem withdrawing from the contract. Mr. Parlow stated that we are only paying a maintenance fee annually and other than that there are no ties.
- 2011-131 authorizing the refund of an electric credit balance in the amount of \$452.40 to Mark & Janice Zarrilli of 15 New Brunswick Avenue
- 2011-132 authorizing the appointment of Class I Officers for the 2011 summer season at an hourly rate of \$9.00 commencing May 25, 2011
- 2011-133 authorizing the issuance of a raffle license to the Lavallette PTA to hold a 50/50 raffle on June 10, 2011 at the Lavallette Elementary School
- 2011-134 awarding a contract to Garden State Fireworks for our fireworks display to be held on July 3, 2011-Council President Zalom stated that they did our fireworks last year and did a fabulous job so she is looking forward to this year also.
- 2011-135 approving the execution of an emergency interconnection agreement with New Jersey American Water Company-Mr. Parlow stated that there are two interconnections that join Lavallette and New Jersey American Water. They have always been there but we have never had an interconnection agreement. New Jersey American Water was audited and they were told that there needs to be a signed agreement with Lavallette. The rates for water usage will be the same for both utilities.
- 2011-136 authorizing the Electric Collector to adjust the billing on the cell tower bill due to being over billed by \$1,305.00
- 2011-137 authorizing the issuance of a parking decal to Kathleen and Nicholas Morolda of 102A President Avenue-Council President Zalom stated that she is so happy that residents can take advantage of this option.
- 2011-137A authorizing the award of contract for professional services with the Barnegat Bay

Partnership for the installation of the net barrier at the Brooklyn Avenue Beach in the amount of \$1,000.00-Mr. Parlow stated that this will be a pilot program that the Barnegat Bay Partnership will be doing with Lavallette and Brick Township at Windward Beach. They are having an internship with college students to perform the research and take samples to see if the netting is helping. Councilman Lamb questioned what our responsibility will be. Mr. Parlow stated that our lifeguards will be responsible for putting the nets in the bay in the morning and taking it out at the afternoon. Council President Zalom stated that she thinks that this is a great idea especially when our school is so active with this problem as well as the Environmental Committee. Councilman Borowski stated that there are already some jellyfish in the Bay.

A Motion was made by Councilman Horan to approve the Consent Agenda with the Exception of Resolution 2011-129. The Motion was seconded by Councilwoman Filippone. Mayor LaCicero opened the floor for public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment at this time. The Mayor closed the floor to public comment and asked 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:

2011-129 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

A Motion was made by Councilman Horan to approve Resolution 2011-129. The Motion was seconded by Council President Zalom. The Mayor opened the floor and asked if anyone wished to comment on Resolution 2011-129 or the bills list could do so now. No one wished to comment at this time. The Mayor closed the floor to public comment and asked for a vote on Resolution 2011-129. Vote: Council Members Filippone, Zalom, Stogdill and Horan voted Yes. Council Members Borowski and Lamb Abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2011-138 Bills List in the amount \$679,006.35

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.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Change a Child's World-Non-Profit Organization-Charles Cerami-requesting to hold a 5K Race on the boardwalk or the bay front on July 24, 2011

Councilman Borowski stated that he was down at the bay this on Saturday and there was the bay cleanup, the plant swap, the MS Bike Tour and three weddings at the gazebo. He commented that there was too much going on at the Bay. He stated that we also should put the pedestrian stanchions on Bay Boulevard and Washington Avenue and Philadelphia Avenue.

Mayor LaCicero stated that he thinks that this was already taken care of at the last meeting.

Councilwoman Filippone stated that she has spoken to the Chief about it and it is illegal to be put there.

Councilman Borowski stated that there were multiple vehicles that were not stopping at the crosswalks for the pedestrians.

Councilwoman Filippone stated that she will speak to the Chief about it again.

Councilman Borowski stated that the bay is already packed with events and it is not even summer yet.

Mayor LaCicero stated that maybe we want to start setting a limit and denying some events.

Councilman Lamb stated that even when we do not have events the bay front is packed with people walking, jogging, riding bikes or kids playing but he agrees with making it safer with the stanchions on Washington and Philadelphia Avenues.

Councilman Borowski stated that clearly we have too many events in town already.

Councilwoman Filippone questioned what criteria would be used to set the limit.

Mayor LaCicero stated that we have already taken care of the for-profit organizations do we start now with the non profit organizations.

Councilwoman Filippone stated that maybe we should say that no activities should go on during the summer season.

Mayor LaCicero questioned if we should keep burdening our residents on Bay Boulevard.

Councilman Borowski stated that we can not say no to events during the summer season because we have the flea markets, Arts & Crafts Show and Heritage Day.

Councilman Lamb stated that the MS Bike Tour was very organized and they cleaned up but left the garbage bag on the side of parking lot.

Councilwoman Filippone stated that there is not even a map designating where it is going to take place and no time frame.

Councilman Lamb stated that if it is a 5K it is probably the same route as the Save Barnegat Bay race just not on West Point Island.

Councilman Borowski stated that we do not have enough information to even make a decision. We need to know the route and what time.

Councilwoman Filippone stated that the race should be completed by 10am and we need a map with the route.

The Attorney stated that you have to be careful if someone decides to challenge this you have not established criteria. She suggested that the approval is granted and then you can start setting some type of criteria.

Councilwoman Filippone stated that we need to adopt some type of policy for the summer season.

Councilman Borowski questioned if that was a motion.

The Attorney stated that you can set any type of criteria for the future but you ca not use that now.

Councilman Horan stated that we can approve this one and make this the last one.

Councilwoman Filippone stated that the 8K is also during summer season.

Mayor LaCicero stated that we need more information with the route and time and he will form a committee to set up some type of criteria for the future.

Councilwoman Filippone questioned if we should approve it tonight.

Councilman Lamb stated that we should hold off on approval until we get the route and the time frame.

Mayor LaCicero stated that we will table it pending more information. The Committee will be called the "Event Criteria Committee" and Council Members Borowski, Lamb and Filippone will be on it as well as Chris Parlow and the Chief of Police.

Mayor LaCicero stated that he received a visit from a resident who gave him pictures of the area on the bay with the overgrown unkempt area and asked if there was something we could do. He stated that he spoke to our gardener and his suggestion was to level it and start fresh.

Councilman Lamb questioned if we would need approval from the DEP. He stated that he believes this is not natural but that some residents planted that grass.

Councilwoman Filippone stated that we could just clean it up and make it presentable.

Councilman Borowski stated that if there is no barrier there it could cause a problem with storms and the sand whipping through.

Mayor LaCicero stated that whatever Councilman Borowski decides because it is his department.

Councilman Horan stated that during our bay cleanup they collected a large amount of debris.

COMMENTS FROM THE PUBLIC:

Dave Finter, 236 Bay Beach Way questioned if anything has been decided about the garbage cans and lids.

Mayor LaCicero stated that there was some discussion and he believes that there still is some discussion about the size of the can and we would need to modify the ordinance.

Mr. Parlow stated that we are still enforcing the 40lb. weight. The Public Works Department picks up the cans manually and any thing over 40lbs. is to heavy to collect.

Councilman Borowski stated that people were purchasing 60lb cans and packing them that created the issue.

Mark Speaker, 111 Brown Avenue stated that in front of his house there is a substantial amount of flooding when it rains and he thinks that maybe the storm drains need to be cleaned out.

Mayor LaCicero stated that the State has been cleaning them out. The elevation is not so good in that area also. Unfortunately, we can not guarantee when your storm drains are going to be cleaned out.

Mr. Parlow stated that if they are our storm drains they get cleaned out twice a year.

Councilman Borowski stated that he would check into it.

Joe Palinsky, 122 Washington Avenue stated that he believes the County sent a letter in August that was on the agenda stating that pedestrian stanchions could not be put on a divided road. He suggested that the Borough ask the County to put a stop sign there to stop the traffic that would solve our problems.

Mayor LaCicero stated that he will look into.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that the netting was going to be used two days a week and the lifeguards would be putting out in the morning and taking in at night. If that is how it is going to work there should not be that much buildup at all.

Councilman Lamb questioned if we need any permits from the DEP.

Mr. Parlow stated that it is already approved.

Mayor LaCicero stated that the Barnegat Bay Partnership first requested \$5,000 for the project and subsequently reduced the amount to \$1,000 and with the commitment that the lifeguards would assist in the installation.

Council President Zalom stated that the Welcome Center looks beautiful with all the flowers and shells and sand by the clam. She thanked the Beautification Committee for the daffodils at Hankins Park. She stated that she just got back from Hawaii and Lavallette's sand is much nicer and our ocean is better too. The Municipal Alliance will be stuffing the bags on Tuesday for the Garage Sale on June 4th and 5th. Tuesday night at 8:30 on President and Rt. 35 North the street lamps will be turned on. There is the Rotary Spaghetti Dinner on Friday at the Lavallette Firehouse. The May calendar of events is available downstairs for anyone that needs them. The Memorial Day Services are on Monday and we have two wonderful speakers. The Primary Election is on June 7th so let's not forget to vote.

Councilman Horan stated that the Environmental Committee had a very successful bay cleanup on Saturday. The amount of volunteers doubled from last year so we hope to keep this going every year.

Councilwoman Filippone stated that she requested that the Chief make up temporary signs for the Memorial Day weekend down at the bay front lots advising people that the parking stickers are in effect.

Councilman Borowski stated that after the Garage Sales on June 4th and 5th there will be a cleanup day on June 6th so anything you need to put out can go out on Sunday night.

Mayor LaCicero stated that he will be attending the Top Ten Beaches in Sandy Hook because he was informed that Lavallette is on the list.

EXECUTIVE SESSION:

The Attorney stated that there is a need for an executive session to discuss some PBA Contract Negotiations. There is no anticipated action to be taken.

A Motion was made by Councilman Horan 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 to go into Executive Session at 8:04 pm.

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 Motion Passed.

The Regular Meeting Reconvened at 8:30 pm.

The Attorney stated that while in Executive Session there were some discussions about proposals that were offered and the position of the Borough. There was no action taken.

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 8:31pm.

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 **23rd** day of **May 2011**

Christopher F. Parlow
Municipal Clerk