

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, December 22, 2008 – 7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Ardito, Lamb, Zalom, Wenzel, Filippone 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 Ocean County Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 11, 2008. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for Joan Martinez and Don Dickson, two long time residents who passed away this past week.

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

PRESENTATION:

Mayor LaCicero presented a volunteer award to Clem Boyers from the Southern New Jersey Council on Issues of Aging.

Council President Zalom presented him a gift from Clean Ocean Action for volunteerism.

MAYOR’S WELCOMING STATEMENT: At this time, Mayor LaCicero thanked the people in the audience for attending the last meeting of 2008. He stated this would be Councilman Ardito’s last attendance at a meeting as Councilman and thanked him for his service.

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

Mayor LaCicero opened the floor for comments from the public.

Lachlan Cameron, 115 President Avenue. He stated that he attends most of the Council meetings and that Council Ardito is a first class guy. He also thanked Councilman Ardito for the service he provided these past three years. He is a good guy and kept to his word. Mr. Cameron hoped that the rest of Council learned from him and step up.

APPROVAL OF MINUTES

Minutes of Caucus/Regular Meeting of December 8, 2008

Minutes of Executive Session Meeting of December 8, 2008

Minutes of the Bid Opening for Borough Attorney of December 17, 2008

Minutes of the Bid Opening for Borough Auditor of December 17, 2008

Minutes of the Bid Opening for Municipal Prosecutor of December 17, 2008

A Motion was made by Councilwoman Wenzel to approve the Minutes. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Council President Zalom stated that the Borough received only two proposals for Borough Attorney. She stated that she has no problem with Mr. George; however, she thinks the reason not many local attorneys submit proposals is due to the strict Pay To Play Ordinance the Borough has in place. She stated that the Borough may need to look into revamping it for next year.

Councilwoman Ardito stated that this is a testimony that the ordinance is working.

Councilwoman Wenzel stated that she finds that the bid process has been very rewarding for the Borough of Lavallette. She feels it is in the best interest for our taxpayer's money.

Councilwoman Filippone stated that she thinks that Council President Zalom is referring to the part of the Borough's pay to play ordinance that restricts contributions made at the County level. Most local attorneys contribute to both the Democratic and Republican parties. She feels that voters in any community want to see some integrity from our professionals so I think right now we are doing fine.

REPORTS

a) Bond Sale Report of December 23, 2008

A Motion was made by Councilwoman Wenzel to approve the Bond Sale Report. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

PUBLIC COMMENT ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

2008-313 authorizing Mayor LaCicero to sign and execute policy endorsements for the Bollinger Insurance Employee Prescription Plans, The Fort Dearborn Life Insurance, Sun Life Financial Short Term Disability Plan and the Horizon Dental Plan for the Year 2009

- 2008-314 designating The Press of Atlantic City as an additional official newspaper for the year 2008.
- 2008-315 authorizing the transfers between Budget Appropriation Accounts-Mr. Parlow stated that there was a revised resolution on the dais, but that resolution should be discarded and that the resolution that was in the packet is the resolution that will be voted on.
- 2008-316 authorizing the cancellation of unexpended balances in the Current Fund and crediting to surplus
- 2008-317 awarding a state contract for the purchase of a 2009 Ford Crown Victoria to Winner Ford-Councilman Ardito asked that this be put on off-consent for discussion.
- 2008-318 refunding a water/sewer overpayment to Mary Ann Stagg from 904 Grand Central Avenue in the amount of \$329.16
- 2008-319 authorizing the cancellation of unexpended balances in the Electric Operating Fund and crediting to surplus.
- 2008-320 authorizing the acceptance of the bids of MetroPCS Wireless, Inc. and Omnipoint Communications, Inc. for lease to place wireless communication antennas at the Lavallette Water Tower-Councilwoman Wenzel asked that this be put off consent for some discussion
- 2008-321 authorizing the issuance of a check in the amount of \$3,914.17 to Crusader Lien Services for the redemption of a tax lien on Block 7 Lot 26, 21 Reese Avenue
- 2008-322 authorizing the submission of the 2009 Barnegat Bay National Estuary Program Grant application in the amount of \$7,500.00 by the Public Works Department and the Environmental Committee-Councilwoman Wenzel stated that she would like this pulled and put on for Reorganization because she is not quite ready with the application yet.
- 2008-323 opposing A-3490, which consolidates various municipalities into the new municipalities of Seaside Township and Long Beach Island Township

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda with the exception of Resolution 2008-320, 2008-317, 2008-322. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filipone and Lamb voted Yes. The Motion passed.

At this time, Mayor LaCicero asked if anyone in the audience wished to comment on the Consent Agenda, the Off Consent Agenda or the Bills List.

Clem Boyers, 20 Kerr Avenue questioned what Resolution No. 2008-319 was about?

Mr. Parlow stated that there is a budget appropriation account for payments of bulk energy and within that account there are unused balances that would have to sit in a reserve for a year before being cancelled to surplus unless that balances are cancelled via resolution. The ratepayer will be able to get access to the surplus if they are cancelled.

Joe Palinsky, 122 Washington Avenue questioned Resolution 2008-320. He stated that he did not feel that a rate adjustment of three (3) percent each year was large enough.

Mayor LaCicero stated that the rate of increase was determined by the bids received.

Mr. Palinsky also stated that they will need access to Public Works twenty four (24) hours a day.

Mayor LaCicero stated that they will be able to access their own equipment on a daily basis and that they would not have direct access to the Borough Yard.

Councilwoman Wenzel stated she had some questions about this lease agreement. The lease states that none of their equipment will cause damage or deterioration to the premises. Her question was; how is this going to be established and who is going to inspect?

Mr. George stated that the proper way to inspect is when the equipment is installed.

Councilwoman Wenzel also stated that there is a provision in the lease that because it is on Borough property a zoning permit will not be required.

Mr. George stated that that is correct.

Councilwoman Wenzel stated that the lease states that all documents will be reviewed for approval. Her question is who will be reviewing these documents for the Borough?

Mr. Parlow stated that there are certain UCC guidelines that need to be followed. Once all the documents are submitted, they will be forwarded to the Borough Engineer for his review.

Councilwoman Wenzel stated that she was happy to hear that. She went on to say that if they are going to need access to the borough yard facilities she would prefer that they be able to present the police department or our borough yard superintendent some form of identification. Councilwoman Wenzel stated that as far as giving copies of the borough yard and water tank structure reports and plans, she would hope that they will be given strict orders that these cannot be shared at all.

Mr. George stated that private companies like this one are well aware of that law.

Mr. George also stated that in the lease agreement we should be able to put some verbiage that any person involved with this agreement, such as sub contractors, officials, or contractors should provide identification in order to enter the borough yard facilities> This can be accomplished with a memo of this going to our police department and the provider.

Councilman Ardito stated that he was not happy with just the three percent annual increase. The increase should be ten percent. There is not going to be just two antennas there will be a total of fourteen antennas up there.

Council President Zalom stated that our neighboring towns have a number of antennas on their water towers.

Councilman Ardito stated that we should have gone further and put more there for more money.

Mayor LaCicero stated that the Borough only received those two bids.

RESOLUTIONS-OFF CONSENT:

2008-268 requesting that the Department of Transportation adopts the required regulation establishing two-hour parking spaces on Route NJ 35 Northbound

Mr. Parlow stated that the Chairwoman of the Parking Committee has asked that this resolution be pulled and held over until the January 26th meeting because she was not able to attend tonight's meeting.

A Motion was made by Councilwoman Filippone carry this resolution until the meeting of January 26th, 2009. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

2008-317 Awarding a state contract for the purchase of a 2009 Ford Crown Victoria from Winner Ford

Councilman Ardito questioned what department this vehicle was for.

Mr. Parlow stated that it was for the purchase of a police car.

A Motion was made by Councilwoman Wenzel to approve Resolution 2008-317. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

2008-320 authorizing the acceptance of bids from MetroPCS Wireless, Inc. and OmniPoint Communications, Inc. for lease to place wireless communication antennas at the Lavallette Water Tower

A Motion was made by Councilman Stogdill to approve Resolution 2008-320. The Motion was Seconded by Councilman Filippone. Vote: Council Members Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. Councilman Ardito voted No. The Motion passed.

APPROVAL OF VOUCHERS:

2008-324 Bills List in the amount of \$407,951.20

A Motion was made by Councilwoman Filippone to approve the Bills List. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Filippone, and Lamb voted Yes. Councilman Stogdill abstained on PO #08-0089-15 and Yes to all others. The Motion Passes.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

Ordinance No. 2008-25 (1053) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED “VEHICLES AND TRAFFIC: SO AS TO REVISE SECTION 89-26 ENTITLED “HANDICAPPED PARKING SPACES DESIGNATED.”

A Motion to adopt Ordinance No. 2008-25 (1053) was made by Councilwoman Filippone. The Motion was seconded by Councilwoman Wenzel. The Mayor opened the Public Hearing on Ordinance No. 2008-25 (1053). There was no public comment. The Mayor closed the Public Hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone, Lamb voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Council President Zalom stated that some residents were not happy with the decision not to purchase the bus. They feel that the town needs a bus. Now, we have the information from Coast Cities on a better bus for \$15,000. She was also told that there is an organization in town that wants to put some money towards a bus if we decide to purchase it. Hopefully, we can put it in the budget for next year. She thanked the Council.

NEW BUSINESS:

Mr. Parlow stated that we received another residential parking application for 102 President Avenue. The applicant has already been before the Council with a hardship of unable to produce the required site plan. The resident is requesting a waiver of the site plan requirement. The house has been in his family for a long time and it was inherited. According to the tax records the lot is undersized and based on a site visit the property does appear to meet all of the requirements of the residential parking permit ordinance. Mr. Parlow recommended that the application be placed on the January 26th agenda for approval.

A Motion was made by Councilwoman Zalom to approve the application with the waiver. The Motion was Seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Council President Zalom spoke about the town being able to receive around \$60,000 from CDBG this year. The Borough needs to have two public hearings for discussion and the application must be processed before February 6, 2009.

She was thinking maybe a walkway on Bay Boulevard over the median to get to the bay beaches. She also recommended the construction of two ramps to the beach on the dune walkovers at Brown and Jersey City Avenue.

Councilwoman Wenzel stated that all the ones that have been done before have been washed away with our storms. She was not in favor of them. She suggested that the Engineer provide some designs for us.

Councilman Lamb stated that he just does not think it is the right time for this.

Council President Zalom suggested we discuss it further in Executive Session in conjunction with the IP projects needed.

Councilwoman Filippone stated that other towns might have them but they do not have a boardwalk like we do. She asked if there were any cost estimates.

Council President Zalom responded that the cost will be funded through a CDBG.

Mr. George suggested we discuss the matter in Executive Session.

COMMENTS FROM THE PUBLIC:

Bob Marra, 102 President Avenue thanked Mr. Parlow and Mayor and Council for the approval of his parking space. He questioned what the next step was going to be?

Mr. Parlow stated that the template has already been created by the Chief of Police for the signs. The parking stickers for the vehicles have already been ordered. The resolution needs to be approved then the space will be painted and the sign will be installed.

Clem Boyers, 20 Kerr Avenue stated that he was very upset with the presentation that was made by the professional planner at the Planning Board meeting. He felt that it was a waste of money and time. He stated that Council should take a look at the members and what they are doing up there.

Councilwoman Filippone stated that the Planning Board members do not get paid to sit up there. She thought the Planner did a good job on giving some insight to the two issues we had asked him about. Mr. Scangarello did what he was supposed to do which was to provide some

suggestions and try to guide us in the right direction. His written report will not be finished until the middle of January. She did not believe it was a waste of tax payers dollars.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Ardito stated that he also was both sides of the issues were unhappy with what was reported by the Planner.

Councilwoman Wenzel wished everyone a Merry Christmas and Happy New Year. She went on to say that she thought it was a very progressive year and she will miss Councilman Ardito very much. She stated that we are all here to serve our residents no matter what party we are affiliated with and she feels that all of this Council has worked very well together.

Councilman Stogdill wished everyone a safe and healthy season. He wished Councilman Ardito the best and advised him to stay active in the community.

Councilman Lamb wished everyone Merry Christmas. He thanked Councilman Ardito for his time and effort serving as a Councilperson. He also advised him to stay active in the community.

Councilwoman Filippone stated that she received two letters praising two officers. The reason she was mentioning it, was to establish how important it was to have our own police department. She wished Councilman Ardito well and wished everyone a Merry Christmas.

Council President Zalom thanked Tony Gallo for advising us of the discount on EZ Pass for senior citizens. She stated that she was very pleased to see such togetherness from both the Democrats and the Republicans at the Christmas Party. She wished Councilman Ardito the best and stated she was sad to see him leave. She also stated that she was looking forward to working with Lee Horan in the future.

Mayor LaCicero thanked Peter's Florist for their donation of the poinsettias that decorated the Council chambers. He thanked Councilman Ardito and stated that if he would like to be on any committees to let him know. He stated he thought we had a lot of accomplishments this year and is looking forward to a new year. He reported that the reorganization meeting is scheduled for January 5th.

EXECUTIVE SESSION:

Councilman Lamb made a Motion to adjourn the meeting to go into Executive Session. The Motion was seconded by Councilwoman Wenzel. All were in favor. The meeting was adjourned to Executive Session at 8:24 pm.

Mr. George stated that we will be discussing contract and personnel negotiations, status of IP Permit and pending and threatening litigation.

A Motion was made to reconvene the meeting by Councilwoman Wenzel. The Motion was seconded by Councilwoman Filippone. All were in favor. The motion passed. The meeting reconvened at 9:05 pm.

Mr. George stated that there was discussion on contract negotiations with non contractual employees, union contract discussion, pending litigation, tax appeal litigation resolved, DEP discussion, procedures involved in DOP process, non contractual stipends and updates on personnel matters all with no action taken.

ADJOURNMENT:

A Motion was made to adjourn the meeting by Councilwoman Wenzel. The Motion was made by Councilwoman Filippone. All were favor. The meeting was adjourned at 9:06 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 the Mayor and Council held on the **22nd** day of **December 2008**.

Christopher F. Parlow
Municipal Clerk