

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Tuesday, February 19, 2008 – 7:02 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding.

ROLL CALL: Council Members Ardito, Lamb, Zalom, 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 Meeting 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 posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Al Kraft who was a long time resident and recently passed away

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag

MAYOR'S WELCOMING STATEMENT: At this time, the Mayor asked if anyone wanted to speak about anything that was not on the agenda could do so now. No one wished to speak at this time.

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

MAYOR'S APPOINTMENTS WITHOUT THE ADVICE OR CONSENT OF COUNCIL

Lavallette Municipal Alliance Committee Members

Mayor LaCicero read the list of Committee Members aloud.

APPROVAL OF CLERK'S MINUTES:

Minutes of Special Meeting of November 16, 2007 (Minutes and Transcript)
Minutes of Regular Meeting of November 19, 2007
Minutes of Caucus/Regular Meeting of December 3, 2007
Minutes of Regular Meeting of December 17, 2007
Minutes of Caucus/Regular Meeting of February 4, 2008

Minutes of Budget Hearing for Police on February 5, 2008
Minutes of Budget Hearing for Public Works on February 7, 2008

A Motion was made by Council President Zalom to approve all minutes. The Motion was Seconded by Councilman Lamb. Vote: Council Members Zalom, Stogdill, Filippone and Lamb all voted Yes. Councilman Ardito Abstained on the Minutes of November 16 and November 19 and voted Yes to all other Minutes. The Motion passed.

REPORTS:

a) Revenue Transaction Report for January – CFO

A Motion was made by Councilwoman Filippone to approve the Revenue Transaction Report. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

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

RESOLUTIONS – ON CONSENT:

- 2008-78 approving the applications from the Lavallette PTA to hold a 50/50 On Premise Raffle and an On Premise Merchandise Raffle to be held on March 11, 2008-Council President Zalom stated this was going to be at their Eight Grade Spaghetti Dinner.
- 2008-80 proclaiming February 2008 as American Heart Month
- 2008-81 authorizing the transfer of a credit from Block 23 Lot 9 Acct. 1 to Block 23 Lot 9 in the amount of \$92.14 because the one account no longer exists.
- 2008-82 appointing Kathleen Mango as Municipal Alliance Coordinator and Anthony Gallo as Municipal Alliance Secretary-Council President Zalom congratulated both of them. Mayor LaCicero swore them in.
- 2008-83 authorizing the salvaging of a certain municipal vehicle deemed inoperable-Council President Zalom stated that this was the inoperable Fire Bus that has not been used for some time.
- 2008-84 awarding a contract for the lease/purchase of a law enforcement vehicle for the Police Dept. with Winner Ford Fleet in the amount of \$28,367.00.
- 2008-84A authorizing the renumbering of Block 2 Lot 29 Acct. C01/C02 known as 101 Grand Central Avenue to 26 Ortlely Avenue, Units 1 & 2

A Motion was made by Councilwoman Filippone to approve the Consent Agenda. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

RESOLUTIONS – OFF CONSENT:

APPROVAL OF VOUCHERS:

2008-85 Bills List in the amount of \$558,997.75

A Motion was made by Council President Zalom to accept and approve the Bills List. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

ORDINANCE ON FOR FIRST READING

Ordinance No. 2008-03(1031) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING IN PART BOND ORDINANCE NO. 2000-21(876) ADOPTED ON DECEMBER 4, 2000, PROVIDING FOR SANITARY SEWER REHABILITATION, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE IMPROVEMENTS TO THE PURCHASE OF A SEWER CLEANING MACHINE

Mr. Parlow stated that the Public Works Department has requested a need to purchase a sewer cleaning / vacuum machine. There are remaining funds available in the sewer rehabilitation ordinance in the form of a grant that can be used for this purpose. The Department of Public Works has been borrowing a machine from Seaside Heights.

Mayor LaCicero stated that he believed this has been on Public Works Capital wish list for a number of years.

A Motion was made by Council President Zalom to approve Ordinance No. 2008-03(1031) on First Reading. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Public Hearing on Ordinance No. 2008-03(1031) will be held on March 17, 2008 at 7:00 pm.

ORDINANCE ON FOR SECOND AND FINAL READING

Ordinance No. 2008-02(1030) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING, REVISING AND SUPPLEMENTING CHAPTER 25 “FEES.”

A Motion was made by Councilman Lamb to approve Ordinance No. 2008-02(1030) on Second and Final Reading. The Motion was seconded by Councilman Stogdill. Public Hearing: Mayor LaCicero opened the public hearing. There was no public comment. Mayor LaCicero closed the public hearing. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Council President Zalom stated that she left copies of a letter on the dais that she sent to the NJDOT in reference to the Restoration of RT 35 South. She then read the letter aloud.

Mr. Parlow reported that he spoke to the Ocean County Department of Solid Waste and was informed that the recycling center will accept shredded paper with the all-in-one bin for paper products. They suggested that it be placed in the container in a brown paper bag. Also, Mr. Parlow reported that the flyers went out stated that cereal boxes should not be included in the paper container, this is meant to be cereal-type boxes. Those type of boxes should go out with regular trash.

Mr. Parlow also stated that a sample of the calendar is on the dais for review. There is just one small problem that needs to be cleared up. The school event of the Time Capsule and the garage sale are scheduled for the same weekend. I need a definite answer as to whether both events are going to be held on the same weekend or if one of them is going to be moved to the following weekend. There also exists the problem with the cleanup day. Public Works requests the cleanup day to be June 2nd.

Councilman Lamb questioned whether there was a problem with both events being held on the same weekend?

Council President Zalom stated that this event the school is holding has been scheduled for quite some time. There is going to be a picnic, tours of the school, WOBM will be here. There's going to be a parade up at the boardwalk. The street by the school will be closed off. These people who are part of this event are not going to be able to have a garage sale at the same time. I do not think that the two events should be held on the same weekend. My suggestion is that the garage sale be held on June 7th & 8th.

Mayor LaCicero questioned Mr. Parlow as to what the ramifications would be if the garage sale was put of one more week?

Mr. Parlow stated that Public Works would like the cleanup to be June 2nd so they will have more time to get ready for the summer season which opens on June 21st. They will need at least two weeks to prepare for that.

Councilwoman Filippone stated that bulk pickup alone requires at least two weeks.

A Motion was made by Council President Zalom to keep the date of May 31st, with a rain date of June 1st, for the Time Capsule Opening/Picnic and change the Garage Sale Date to June 7th & June 8th with a Cleanup Day of June 9th. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

NEW BUSINESS:

Mayor LaCicero congratulated Mr. Parlow for his nomination as President of the Public Power Association.

Mayor LaCicero stated that he attended a County meeting along with Mr. Parlow in reference to the drainage problems we are having. The County advised us that they completed a survey of our storm drain outlet pipes and there are problems with the ones on Bay Blvd/Washington, Brooklyn, and Bond Ave/Bay Blvd. We are definitely making progress. This should be taken care at no cost to the Borough.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned why there was such a fuss with not approving all these minutes when it took only three seconds for you to vote on them now.

Mr. Parlow stated that there were a couple of errors with the names and some wording on the transcript. We needed to get those taken care of before anything could be voted on. A copy of all corrections was distributed to the Council in advance of the meeting so the minutes are now correct. The Council voted on the corrected version tonight.

Councilwoman Filippone stated that when we got the transcript, there were names that weren't recognized and things that weren't understood. She reported that Mr. Parlow and her listened to the tape and made corrections and then sent them back to the transcribers for correction.

Councilman Ardito stated that that is why he abstained from those minutes because they could have changed it to what they wanted to hear.

Councilwoman Filippone stated that names weren't changed, we just verified from the tape what the correct names were and what was really said.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the furniture has arrived in the Mayor's Office so stop in and take a look. Also, make sure you get your calendar of events at Borough Hall. There is the Easter Egg Hunt on March 13th. Don't forget to get your tickets for the NYC Bus Trip April 12th. The Music Man Presented "They're Playing Our Song" on February 10th and it was a big hit.

Councilman Ardito stated that Mr. Parlow's appointment as President of the Public Power Association was definitely a well deserved appointment. He is very knowledgeable about the Electric Trade

Mayor LaCicero stated that he does not think he will be able to attend the budget meeting on February 20th. Council President Zalom will be on vacation so he needs to know who is next in line to take his place.

Mr. George stated that if he and the Council President cannot preside, it would then be the senior of the council members.

Mayor LaCicero asked for a Motion to appoint Councilman Lamb to chair over the Budget Meeting of February 20, 2008.

A Motion was made by Councilwoman Filippone to nominate Councilman Lamb as chairman of the Budget Meeting of February 20, 2008 in the absence of the Mayor and Council President. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill and Filippone all voted Yes. The Motion passed.

The Mayor asked for a Motion to adjourn the meeting and go into Executive Session with possible action taken. A Motion was made by Council President Zalom to enter into executive session. The Motion was seconded by Councilman Lamb. All were in favor. The Motion passed.

The Mayor and Council entered into executive session at 8:10 pm

The Council immediately reconvened regular session to discuss the Ocean County Transportation Grant Resolution at 8:11 pm.

Mr. George stated that during our adjournment it was brought up that there is a grant that must be determined to be submitted or not submitted and this is the only meeting before the deadline date it was determined to return to public session. The members of the public were sought for the ability to participate in a resolution that might be brought forward. He stated that he would advise under the bi laws that the meeting is duly reconstituted after an adjournment for executive session. He would also like to note for the record that approximately 90 seconds transpired when the Chairwoman from the Municipal Alliance indicated that we needed to act upon the grant and no more than three minutes passed between the time we adjourned and the public returned.

Council President Zalom stated that she would like Mayor and Council approve the \$3,000 Ocean County Transportation Grant Application.

Mr. Parlow stated that a Motion is needed to authorize the Mayor to sign and execute an application for an Ocean County Transportation Grant Application for \$3,000.00

A Motion was made by Council President Zalom to authorize the Mayor to sign the application for the Transportation Grant of \$3,000. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

EXECUTIVE SESSION:

Pending Litigation:

The Mayor asked for a Motion to adjourn the meeting to go into Executive Session. A Motion was made by Councilman Stogdill to enter into Executive Session. The Motion was seconded by Councilman Lamb. Vote: All were in favor. The Motion passed. The meeting was adjourned.

The Mayor and Council entered into executive session at 8:14 pm

Pending Litigations-

New Jersey Department of Environmental Protection
Toscano versus the Borough of Lavallette

The Mayor and Council reconvened regular session at 8:29 pm

Mayor LaCicero asked Mr. George to report on the discussions that took place during executive session.

Mr. George reported that two matters were discussed in Executive Session, both of litigation nature. One being the pending litigation with the NJDEP, there was a settlement conference today that was non-productive. He will be receiving a proposal for the court as to whether further proceedings by tomorrow or Thursday. The second matter was the Toscano litigation, which was a settlement which had been reached but was then vacated. The matter is now looking to go on the trial list. Court had scheduled a settlement conference for tomorrow but was cancelled. He raised the question of reservation of rights and proposed uncovered claims now at this present status that may require a defense depending on the news that Council for the JIF and the JIF's Adjustor said to him and therefore is requesting Council considering a resolution which would appoint the Borough Attorney to represent the Borough with any uninsured claims should they arise and actually go to trial sometime after the date of March 3rd. This will be contingent on prior notice to the Borough and confirmation of reservation of rights which we do not have.

A Motion was made by Council President Zalom authorizing the Borough Attorney to represent the Borough on the Toscano litigation. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

There were no other matters discussed in Executive Session.

ADJOURNMENT:

A Motion was made by Council President Zalom to adjourn the meeting and the Motion was Seconded by Councilwoman Filippone. All of Council were in agreement. The Motion was Passed. The Meeting was adjourned at 8:32 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 Borough Council held on the 19th day of February, 2008

Christopher F. Parlow
Municipal Clerk