

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, May 5, 2008 – 7:05 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 posted on the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for all the troops overseas.

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

MAYOR'S WELCOMING STATEMENT: At this time, Mayor LaCicero asked if anyone in the audience wished to speak on anything that was not on the agenda could do so now.

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

Peter Sturm, 1600 Ocean Front- Wanted to compliment the town on the beautiful calendar. He stated that the calendar was very nice.

REPORTS:

- a) Police Overtime Report for April-Councilwoman Filippone-read report-Mayor LaCicero stated that he did notice that enforcement is down due to the disconnection of the laptops being provided by Toms River Twp. Chief Grant has reported that the preliminary plan is to tie back into the Toms River system.
- b) Public Works Report for April-Councilwoman Wenzel-read report
- c) Public Affairs Report-Council President Zalom- Public Affairs Report-Council President Zalom-Memorial Day event is approaching. She needs to know who will be in attendance. There is a dog walk on May 17th. The Ladies Auxiliary of the Fire Department will be having their geranium sales on May 9th. Mayor and some Council attended the West Point Island Civic Association Dinner Dance held at the White Sands. Great job to Councilwoman Filippone who was in charge of the event. There was another Adopt the Highway this weekend and it went well as always. She thanked to Tom Walls from Bayside

Café who provides breakfast that day and also thanked Dunkin Donuts for their donations for all our events.

- d) Municipal Court Report for April-Councilwoman Filippone-read report
- e) Animal Control Report for April-Councilwoman Filippone-read report
- f) Planning Board Report for April-Councilwoman Filippone- Mr. Parlow stated that there were two cases heard at the April meeting. One was a nonconforming use held over from 2007 requesting an attic over a first floor, which was approved. The second was the erection of a monument on a West Point Island Civic Association boat ramp property that was being donated by a resident and that also was also approved.
- g) Zoning Report for April-Councilwoman Filippone-read report
- h) Tax Account Status Report for April-Tax Collector

A Motion was made to receive the Tax Account Status Report by Councilwoman Wenzel. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

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

RESOLUTIONS – ON CONSENT:

- 2008-141 appointing temporary seasonal laborers for the Lavallette Public Works- Councilwoman Wenzel stated that our own Al Scheller will be coming back as a temporary seasonal for the summer.
- 2008-142 proclaiming May 18th to the 24th as “National Public Works Week”-Councilwoman Wenzel stated that she is happy with this resolution and if you see a Public Works Employee say thank you.
- 2008-143 removal of an electric account on Block 15 Lot 20 due to a demolition of a building
- 2008-144 removal of an electric account on Block 15 Lot 24 due to a demolition of a building
- 2008-145 authorizing the execution of an addendum to the contract with Curb Con, Inc. for the installation of handicap curbs
- 2008-146 appointing Colleen Towne as the Beach Badge Supervisor for the 2008 summer season at an hourly rate of \$13.00 per hour-Councilman Lamb stated that Richard Laird is not coming back this year because of his full time job but recommended Colleen for the position.
- 2008-147 authorizing an amendment to the Verizon Wireless Contract-Mr. Parlow stated that the attorney asked that this be held over until the next meeting of May 19, 2008

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

RESOLUTIONS-OFF CONSENT: There were no resolutions off consent

APPROVAL OF VOUCHERS:

2008-148 Bills List in the amount of \$2,632,115.60

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Fernandez v. Willingboro Township/copy of letter sent with Resolution No. 2008-124 approving amounts to be rebated/Received April 14, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./24 Magee Avenue, Block 10, Lot 27/Water and Sewer Bill Dispute/Received April 24, 2008-Councilman Ardito stated that he received a letter from the homeowner and he stated that he was not happy with the decision and is going to sue the Borough.

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Preconstruction Conference Minutes/Tennis Court Restoration/Received April 7, 2008
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Tennis Court Restoration/Notice to Proceed/Received April 8, 2008
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/ Handicap Accessible Sidewalk/NJDOT Highway Occupancy Permit/Received April 7, 2008
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/Punch List to Earle Asphalt Company/Received April 17, 2008
- e) O'Donnell, Stanton & Assoc./White Avenue, Coleman Lane & Ortley Avenue Road Improvements/Pay Estimate No. 1/Pay Record March 31, 2008 to April 30, 2008/Received April 30, 2008

New Jersey League of Municipalities:

- a) Senate Voting Session of April 7, 2008/Received April 8, 2008
- b) Flood Prevention Resources/Received April 9, 2008
- c) League Partners with NJCTA to Highlight Mortgage Foreclosure Crisis/Received April 9, 2008
- d) Property Tax Relief Funding Cut Update/Received April 9, 2008

- e) S-1455/County Assumption Referendum Mandate/Received April 11, 2008
- f) UPDATE-League and NJCTA Show on Mortgage Foreclosure Crisis/Received April 14, 2008
- g) Relief Restoration Press Conference/Received April 18, 2008
- h) Affordable Housing Legislation/Received April 18, 2008
- i) 2009 Pension Obligations/Received April 21, 2008
- j) Documentary-Green Builders/Received April 23, 2008
- k) ISRA Applicability Service to be Discontinued/Received April 24, 2008
- l) Important New Information from the Division of Local Government Services/Received April 22, 2008
- m) URGENT! /Budget Cut Update Funding Formulas Matter/Received April 22, 2008
- n) S-1236/Automated External Defibrillators/Received April 28, 2008
- o) Reducing Municipal Fuel Costs/Received April 28, 2008
- p) New Jersey Tide Telemetry System Protecting Your Municipality New Jersey State Match to Federal Funding
- q) Joint Program on Foreclosure Crisis/Received April 29, 2008

General With No Action:

- a) Taser Protect Life/Peter T. Holran, Vice President/Electronic Control Device used by Police Departments/Received April 5, 2008
- b) Lavallette Hardware/Bob, Betty & Randy Shoemaker, Owners/donation of American Flags displayed along Grand Central Avenue/Received April 7, 2008
- c) Ocean County Administrator/Alan W. Avery, Jr., County Administrator/Construction Inspection Services/recap of permit fee revenues from 2007 received from Lavallette/Received April 8, 2008
- d) April 8, 2008
- e) County of Ocean/Arthur P. Burns, Supt. Of Recycling Operations/March 2008 Recycling & Compost Reports/Received April 9, 2008
- f) New Jersey Senate/Thomas H. Kean, Jr., Senator/thanking Lavallette for the Resolution adopted on Opposing the Failure of the Governor's Proposed State Budget for the 2008-09 Fiscal Year to Treat Property Tax Relief as our Priority/Received April 9, 2008
- g) State of New Jersey/Dept. of Community Affairs/Janice L. Kovach, Director/FY08 Domestic Violence Police Training Grants/Received April 10, 2008
- h) Cablevision/Adam E. Falk, Vice President/Digital Transition Project/Received April 14, 2008
- i) Cablevision/Adam E. Falk, Vice President/Launch of Starz on Demand and Encore on Demand Services Rebranding of Programming Services/Received April 15, 2008
- j) County of Ocean/Dept. of Consumer Affairs/Division of Construction Inspection/Jamie Henninger, Administrative Clerk/rebate for Construction Code Services for the 1st quarter, 2008 in the amount of \$2,318.90/Received April 17, 2008
- k) County of Ocean/Division of Construction Inspection/Stephen Scaturro, Director/letter explaining the disbanding of the County Construction Office and the inspector's will be laid off on May 30th/Received April 21, 2008-Mayor LaCicero stated that the County will continue to provide us service until July 1st.
- l) Ocean County Board of Health/Robert J. Ingenito, Environmental Health Coordinator/2009 Solid Waste Control Program/Received April 21, 2008
- m) Wireless Capital Partners, LLC/Bill Flanagan, Director/Cellular Antenna Installation/Received April 21, 2008

- n) County of Ocean/John A. Haas, District Recycling Coordinator/Tires/Received April 21, 2008
- o) State of New Jersey/Dept. of Environmental Protection/Benjamin Keiser, Acting Manager/Barnegat Bay-West Point Island Surroundings/Received April 21, 2008
- p) State of New Jersey/Dept. of Transportation/William D. Kafer, Project Engineer/Signalize Intersection Revisions/Route NJ 35 NB and Elizabeth Avenue/Route NJ 35 SB and President Avenue/Received April 23, 2008
- q) Wireless Capital Partners, Inc./Graeme Kavanagh, Regional Vice President/Affordable Funding in the Tightening Bonds Market/Received April 28, 2008
- r) New Jersey Natural Gas/Tracey Thayer, Esq./Petition Hearings in the Matter of Increases in its Gas Rates/Received April 28, 2008
- s) Ocean County Utilities Authority/Keith B. Marcoon/Planning Engineer/2008 Metered Flow Data/Received April 29, 2008
- t) American Water/John Bigelow, President/Informing the Borough that they are a publicly traded company once again/Received April 25, 2008
- u) State of New Jersey/Dept. of Transportation/Michael Moran, Regional Maintenance Engineer/Rt 35 Project No. HRC-035-2-08-0005759 Has Been Satisfactorily Completed/Received April 28, 2008
- v) Office of the Ocean County Engineer/Alan Rissmiller, Asst. County Engineer/No Road Openings from Pt. Pleasant Beach to Seaside Park from Memorial Day to Labor Day/Received April 30, 2008
- w) State of New Jersey/Dept. of Environmental Protection/Joseph Goliszewski, Section Chief/Conditional No Further Action Letter and Covenant No to Sue Unrestricted Use/Received April 30, 2008

General With Action:

- a) Project Graduation 2008/Point Pleasant Beach High School/Marie Kurtzke, Coordinator/Received April 14, 2008-Mayor LaCicero stated he is taking care of this.
- b) Jersey Shore Partnership Foundation/Jack Rosenfeld, Chair/requesting the attendance to their Summer Celebration at Sandy Hook/Received April 14, 2008-Mayor LaCicero stated he will take care of this one.
- c) State of New Jersey/Department of Community Affairs/Office of Low-Income Energy Conservation/Clarice Sabree-Sylla, Supervisor/Fuel Vendor's Agreement/Received April 15, 2008-Mayor LaCicero stated that he will look into this a little further before any decisions are made.
- d) Michele R. Donato/106 Grand Central Avenue/Chapter 44-Oceanfront Construction/Received April 16, 2008-Mayor LaCicero stated that he forwarded the letter to Mr. George and he is reviewing it.
- e) Diane English/117 Pennsylvania Avenue/requesting a handicap child sign to be put in front of her house and painted lines in front of home/Received April 22, 2008-Mayor LaCicero stated that he believes that Mrs. English should get the sign in front of her house. Chief Grant will take care of this.
- f) Ocean County Police Chief's Association/Chief Raymond J. Hilling, President/extending an invitation to their 17th Annual Ocean County's Police Memorial Service/Received April 22, 2008-Mayor LaCicero stated that he is taking care of this.
- g) Stephen M. Sauter/Ashley T. Sorce/requesting permission to get married on the beach and Philadelphia Avenue and to decorate the pavilion and have chairs/Received April 22, 2008-

- Mayor LaCicero stated that this should follow the same rules as the gazebo ordinance.
- h) State of New Jersey/Council on Affordable Housing/Lucy Voorhoeve, Exec. Director/requesting the completion and submittal of the attached form/Received April 10, 2008-Mayor LaCicero requested that Mr. Parlow be designated as the representative for this situation.
 - i) Board of Chosen Freeholders/John P. Kelly, Freeholder/101 Days of Safe Summer, "Reduce Summer Crashes/requesting participation in these events/Received April 24, 2008-Mayor LaCicero stated that this should be done by the Chief of Police.
 - j) Kathleen Bolger/121 Washington Avenue/requesting permission to plant a small bush or tree by her late husband's bench located by the tennis courts due to the all the trees being removed there/Received April 25, 2008.-Councilwoman Wenzel stated that she doesn't think any plantings should go there until after the project is complete and then Public Works will take care of putting some type of shrubbery there.
 - k) Appellate Division Rules that Mayor Can make Police Appointments under Mayor-Council Government/Received April 29, 2008-Mr. George stated that this references Faulkner government not us.
 - l) Ocean County Mosquito Extermination Commission/Thomas M. Candeletti, Supt./Permission Form For Spraying for Mosquitos/Received May 1, 2008-Mr. Parlow stated that this happens every year and he will take care of it.

UNFINISHED BUSINESS:

Councilwoman Filippone stated that she received a memo from Chief Grant in reference to the crossing guards for the summer months. He would be using Class I Officers at a rate of \$9.00/hr, seven days a week on Bryn Mawr Avenues North and South Highways and New York Avenue North and South Highways. She does not feel we need them seven days a week, checking the daily badge sales from last year it seems we would only need them for the weekends.

She stated that more of this issue will be discussed further.

Councilman Ardito thanked the Chief for putting that together with figures.

Councilwoman Wenzel stated that there is going to be a Jet Vac demonstration at Public Works on Thursday at 9:00 a.m. if any members of Council would like to attend.

Councilman Ardito questioned whether the Planning Board moved any further about the Ordinance on the multiple uses.

Councilwoman Filippone stated that it was put on hold until the proposals received for a planner are reviewed. Request for Proposals are due on May 6th.

Council President Zalom stated that she received the estimate from Coast Cities to repair the bus.

Mr. Parlow stated that he spoke to Bob from Coast Cities and he assured him that if it seems like it is requiring more repairs than it should he will let us know that it is not worth it.

Council President Zalom made a Motion to take \$1,000.00 out of vehicle maintenance to repair the bus. The Motion was seconded by Councilman Ardito. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

NEW BUSINESS:

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue- questioned the RFP's for Planners and what Planning Board meeting will be his first meeting.

Councilwoman Filippone stated that the RFP's will be received on May 6th. She stated that the Planning Board will go over the proposals and pick the best candidate. She did not believe that the planning will be at a meeting until sometime in June or even September.

Mr. Boyers stated that he knows there are a lot of people wanted to attend that meeting so he thinks we should announce it to the public when the decision is made.

Councilwoman Filippone stated that she would discuss it with the Planning Board.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Chris Parlow stated that he met with a representative from PNC Bank and the badge office will soon be outfitted to accept credit cards.

Mr. Parlow also stated that the Parking Committee will be giving Mayor and Council there recommendations and their final report shortly.

Mr. Parlow reported that the Public Power Association recently met to discuss the proposal received for hiring a contract manager for energy purchases. Five of the members have agreed to execute a contract for managed purchases versus a fixed contract price. A contract must be executed in June. With the Managed Contract there are thresholds that can be placed on it. He will be discussing it further with Mayor and Council after the May 8th Public Power meeting when he gets more information.

EXECUTIVE SESSION: There was no executive session

ADJOURNMENT: A Motion was made to adjourn the meeting by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill. Vote: All Council Members were in Favor. The Meeting was adjourned at 9:03 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 **5th** day of **May 2008**.

Christopher F. Parlow
Municipal Clerk