

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, October 19, 2009– 7:02 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone

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 the Ocean County Gazette and was published in the Ocean Star on January 9, 2009. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for all the troops overseas and for two longtime residents, Rudy Krone and Helen Bruckner, who passed away this month.

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

MAYOR’S WELCOMING STATEMENT: Mayor LaCicero welcomed everyone to tonight’s meeting. He commented that this is probably the smallest agenda he has seen so far.

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

Mayor LaCicero opened the floor to anyone in the audience who wished to speak on any issues that were not listed on the agenda or could not stay for the remainder of the meeting.

There was no public comment.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of October 5, 2009

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

RESOLUTIONS – ON CONSENT:

2009-240 authorizing the Chief Financial Officer to refund \$1,400.00 to Sica Industries for

a building permit due to an error in calculation

- 2009-241 appointing Council President Anita Zalom as Community Development Block Grant Representative through October 31, 2010-Council President Zalom thanked everyone for letting her be the representative. She commented that the Borough received funds in 2009 from the County so we will not receive any funds again until 2011.
- 2009-242 endorsing the green acres, water supply and floodplain protection and farmland and historic preservation bond act of 2009
- 2009-243 recognizing the month of November 2009 as national family caregiver month
- 2009-244 appointing Sandra Brodbeck to the provisional part-time position of Deputy Municipal Court Administrator at an hourly rate of \$13.00

Mayor LaCicero opened the floor for anyone who wished to comment on the consent agenda and the bills list. No one wished to comment on the Consent Agenda or the Bills List. Mayor LaCicero closed the floor to public comment and asked Council for a vote on the Consent Agenda.

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

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent

APPROVAL OF VOUCHERS

- 2009-245 Bills List in the amount of \$292,885.93

A Motion was made by Councilman Stogdill to approve the Bills List. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Lamb and Stogdill voted Yes. Council President Zalom and Councilwoman Filippone abstained on PO #09-04331 and PO#09-04351 and Yes to all others. Councilman Horan abstained on PO #09-04351 and PO #09-09-04353 and Yes to all others. The Motion passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING

ORDINANCE NO. 2009-15 (1068) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 55 OF THE BOROUGH CODE ENTITLED "SOLID WASTE"

Mr. Parlow stated that he provided Council with a red line version to show where the changes had occurred. There were a number of changes that needed to be revised and a number of items that were in solid waste that needed to be moved to recycling. As the recycling industry changes we have updated the list of items that can be recycled. We have placed in this ordinance some revisions that puts more own ness on Council to do the resolutions to change some of the regulations on how we pick up recycling rather than having to keep updating the Ordinance in the future. It just makes the Ordinance more users friendly.

Councilwoman Wenzel stated that one significant change was to remove the fee for a resident who brings their bulk items to the recycling center instead of us having to pick them up with a vehicle.

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2009-15 (1068). The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone. The Motion passed.

Public Hearing and Final Adoption will be held on November 9, 2009.

Mr. Parlow stated that the violations and penalties section that is in this Ordinance is a standard section in the majority of other section of the Code.

Council President Zalom questioned when you should put your garbage out the day before and when they must be removed the day of the pickup.

Councilman Horan stated that you must put your garbage out at 7pm the night before and bring your cans in by 6pm the day of pickup.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

ORDINANCE NO. 2009-14 (1067) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED "VEHICLES AND TRAFFIC", TO ADD A NEW ARTICLE X ENTITLED "MOTOR VEHICLE STORAGE"

A Motion to Adopt Ordinance No. 2009-14 (1067) was made by Councilman Stogdill. The Motion was seconded by Councilwoman Filippone.

Mr. Parlow stated that this ordinance will provide the Police Department with the ability to address abandoned and inoperable vehicles on properties. Mr. George drafted a new ordinance that provides regulations for the Police Department to go after homeowners who have inoperable and abandoned vehicles on their properties.

Councilwoman Filippone questioned whether this would regulate homeowners who are using their property as a junk yard or is using his property as a workplace.

Mayor LaCicero stated that if the homeowner and his property is not registered and licensed to do so than this Ordinance will cover that issue as well.

Mayor LaCicero opened the Public Hearing on Ordinance 2009-14 (1067) and asked if anyone wished to comment. There was no public comment. The Mayor closed the Public Hearing and asked Council for a vote.

Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Councilwoman Wenzel stated that she gave Mayor and Council a copy of the Public Works 3rd quarter report. She stated she did not have it for the previous meeting and would like it put on the record for this meeting. One item on this report is the hiring of temporary laborers for the repairing of the docks on Bay Boulevard. The Magee Avenue dock repair has been completed on October 13th and they have now moved on to the Reese Avenue dock.

Mayor LaCicero stated that the L & R Marine building has finally been sold and will be demolished hopefully this week. He has been approached by the new homeowner who also owns a few of the surrounding homes and he has asked that we vacate that portion of the road to him for a fee. The road itself in that area is in desperate need of repair and he is looking to make some landscaping renovations to that area. The Mayor recommended that we look into this as far as the utilities and any easement issues. He believes it is a good idea.

Councilman Lamb questioned if the utilities run the whole street?

Mayor LaCicero stated that would be something we would need to investigate.

Councilwoman Wenzel stated that her only concern would be public safety and we should have the Fire Chief see where the fire hydrant is located.

Councilman Lamb stated that he thinks each department head should look into this.

Mr. George stated that the first step is to do an ordinance to vacate the street if the when the decision is made.

Councilwoman Filippone questioned whether the electric for that street could go underground if necessary.

Councilwoman Wenzel stated that it could if necessary but we should have the department heads at Public Works take a look at it.

Mayor LaCicero stated we should have the Tax Assessor in the meantime estimate the value.

NEW BUSINESS:

Councilman Horan stated that he would like the Borough to become a military friendly town with formally with a resolution. The Borough already provides a discounted beach badge to active military and veterans and the LBA is willing to give discounts as long as the Borough does the resolution.

Mayor LaCicero stated that the resolution will go on for the next meeting.

Councilwoman Filippone stated that she has been approached by a few residents about two issues in town in reference to uncompleted construction jobs that have remained dead for some time. There are two properties in question, one is on West Point Island and the other is on the ocean. She has looked at both properties and they are substantially completed. The property on West Point Island is lived in and the one on the ocean is not. Right now they are not being taxed on the dwelling it is just being taxed on the land. She thinks we are losing a lot of money by not taxing them a portion of the dwelling. We need to set some standard where even if you stop working on your home and the permit is still open you will be taxed on whatever portion of the dwelling is completed. Maybe this will wake them up and they will complete it in a timely manner.

Mayor asked Mr. George if he had any knowledge on the construction laws on this issue.

Mr. George stated that there are standard guidelines in the Construction Code. The work must be started within one year of the permit being issued, if there is abandonment of the work for six months the permit can be pulled and the work needs to be completed within six years of the permit being issued. We can probably craft something up according to the construction code.

Councilman Lamb stated that he has never seen a house being built being taxed without being completed.

Councilwoman Filippone stated that he spoke to Hans, the Construction Official and he said he knows it has been done in other towns.

Mayor requested Mr. George look into this issue and get back to us.

Councilwoman Wenzel stated that she thinks Brielle Borough is doing something like this.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated the first reading on the Recycling Ordinance does not include the numbers on the plastic containers.

Councilwoman Wenzel stated that the County often changes its rules on that so we are just going to include it in our literature.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Wenzel stated that she did attend the Recycling Conference on Wednesday. There was nothing new to update. The representatives from Sustainable Jersey were there and we spoke to them. In conversations there she was told that we will qualify for the first tier. Unfortunately, we did not make the deadline in time for the League Conference for the awards program. On January 1st we can submit and we will qualify for funding. As we start to move up tiers, we will be in a smaller group of applicants. She will also be attending the NJ Clean Energy Conference this week.

Councilman Horan stated that we have ordered the LED lighting for our street lights so we will start to see a savings soon.

Council President Zalom stated that October schedules are available. Please remember the Beach Sweeps on October 24, 2009 and our Halloween Harvest Hoedown on October 30th. She had to cancel the Adopt A Highway on October 18th because of the rain. Our dune planting will be on Saturday November 7th. The Borough received another grant from the DOT of \$150,000 for New Brunswick Avenue. We received a letter thanking the Geese Patrol for keeping the field free of geese droppings.

Mayor LaCicero stated that we are going to be fine tuning the Ordinance to allow more people to sign up for that patrol.

Council President Zalom stated that there is a culinary bus trip on November 10, 2009. The tree lighting is on December 4th and the Oyster Supper is December 5th. The Ocean County Homeland Security got a big grant from the Federal Government to keep all Ocean County municipalities hooked up. We received a grant for the Police Department of \$180,000 for their CAD System. She also reminded all to vote on November 3, 2009.

Councilman Stogdill stated that there have been at least ten applicants who have already registered for the auto pay for their payments. The holiday beach badge sale for the next season will be held on November 10th through December 10th.

Mayor LaCicero stated that he and Chris Parlow attended the kickoff meeting with the DOT for the Beautification Project. There is a lot of red tape but he thinks we can get through it in a timely manner. We also met with the Engineer and walked the area to see the physical challenges regarding the telephone poles and the width of the sidewalks. Once the Engineer submits the plans we will meet with the Beautification Committee to help us out. There are some pine trees at one residence that probably will only get the five foot sidewalks instead of ten.

Mr. Parlow stated that he is looking forward to the next set of meetings with the Beautification, the Utility Committee and the roads as well. There are a lot of requirements and the final plans need to be submitted by January 3, 2009. The Engineer has already surveyed the area so the plans are started already.

Mayor LaCicero stated the cost of the project might limit the amount of lighting we can afford. We are trying to find some give and take here, we have already eliminated the receptacles and benches cost wise because we have already purchased them.

Councilwoman Wenzel questioned the coordination with both Route 35 projects?

Mayor LaCicero stated that the State is saying that the Route 35 Project is probably not going to start until 2012 if that so we want to focus on the Roadway Enhancement first.

Mr. Parlow stated that even though we can not coordinate both projects the DOT will be coordinating among themselves on both projects to insure that there are no problems.

Councilwoman Wenzel stated that in Seaside Heights the pavers go up to an entrance way and the door is on the other side. She does not like that look.

Mayor LaCicero stated that we are not going to do any improvements to the buildings themselves except for the pavers and sidewalks. We are going to do up to a certain area and leave the rest for maybe the business owners to complete if they so choose.

Council President Zalom requested that some of those meetings with the roadway enhancement be after 4 pm so she could attend.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

A Motion was made by Councilwoman Wenzel to adjourn the Regular Meeting. The Motion was seconded by Councilman Horan. All of Council was in Favor. The Motion Passed. The Regular Meeting was adjourned at 7:54 pm.

CERTIFICATION

I, Christopher F. Parlo, 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 from the Regular Meeting held on the 19th day of **October 2009**

CHRISTOPHER F. PARLOW
MUNICIPAL CLERK