

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, December 21, 2009– 5:02 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone
Councilman Lamb was not present.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk
Councilman-Elect James Borowski

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 who have lost their lives this last year.

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

MAYOR’S WELCOMING STATEMENT: At this time, the Mayor welcomed everyone to the last meeting of the year.

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.

Mayor LaCicero closed the floor to public comment.

Mayor LaCicero stated that he wanted to take this time to commend the Public Works Department for a fantastic job on clearing our streets during the snowstorm. We did a better job than the State and the County. He stated that the surrounding towns around us still have snow covered streets but Lavallette’s roads are plowed to perfection. Thank you to all the employees in the Public Works Department for a fine job.

APPROVAL OF CLERK’S MINUTES:

Caucus/Regular Meeting of December 7, 2009
Executive Session Meeting of December 7, 2009
Request for Proposal for Borough Attorney Minutes of December 9, 2009
Request for Proposal for Borough Engineer Minutes of December 9, 2009
Request for Proposal for Borough Auditor Minutes of December 9, 2009
Request for Proposal for Municipal Prosecutor Minutes of December 9, 2009
Bid Opening for Bucket Truck of December 10, 2009

A Motion was made by Council President Zalom to approve the Minutes. The Motion was seconded by Councilman Horan. Vote: Council Members Zalom, Horan and Filippone voted Yes. Council Members Wenzel and Stogdill Abstained on the Minutes of December 7th and voted Yes to all others. The Motion passed.

RESOLUTIONS – ON CONSENT:

- 2009-268 appointing John Humprey as a recycling attendant commencing January 1, 2010 at an hourly rate of \$10.00

- 2009-269 expressing support for federal funding of beach nourishment and maintenance projects and urging the federal government to continue the necessary studies required to implement beach nourishment and maintenance projects in Ocean County.

- 2009-270 authorizing transfers between 2009 Budget Appropriations Accounts

- 2009-271 authorizing the cancellation of 2009 unexpended balances in order to be credited as surplus for 2010

- 2009-272 authorizing the reappointment of Christine Sierfeld as Tax Collector for the Borough of Lavallette-Council President Zalom stated that she is very happy that Chrissa is our Tax Collector.

- 2009-273 authorizing Mayor Walter G. 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 2010

- 2009-274 modifying the effective date of appointment of Adam LaCicero to the position of Patrol Officer for the Lavallette Police Department and Stephen LaCicero to the position of Interim Labor for the Department of Public Works

- 2009-274A authorizing the electric collector to adjust an electric billing error from \$11,312.39 to \$14.75

- 2009-274B authorizing the execution of an addendum to the contract with Earle Asphalt Company, Inc. for the road improvements to Bond/Kerr Avenues

Mayor LaCicero opened the floor to the public for comments on the Consent Agenda and the Bills List.

There was no public comment.

The Mayor closed the floor to the public and asked 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, Stogdill, Horan and Filippone voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS

2009-275 Bills List in the amount of \$ 335,865.25

A Motion was made by Councilwoman Filippone to approve the Bills List. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel and Zalom voted Yes. Councilman Stogdill abstained on PO #09-04472 and voted yes to all others. Councilman Horan abstained on PO #09-04453 and yes to all others. Councilwoman Filippone abstained on PO #09-04474 and yes to all others. The Motion passed.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

ORDINANCE NO. 2009-17 (1070) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED "STREETS AND SIDEWALKS" SO AS TO AMEND THE VIOLATIONS AND PENALTY PROCEDURES FOR RESIDENTIAL PARKING PERMITS.

Mayor LaCicero asked Administrator Parlow to explain this ordinance.

Mr. Parlow stated that when this Ordinance was originally adopted there were no provisions within the violations and penalties section that would allow the police department to have an illegally parked vehicle removed. This Ordinance amends the violations and penalties section giving the Police the ability to have vehicles towed at the owner's expense.

A Motion was made by Councilwoman Wenzel to adopt Ordinance No. 2009-17 (1070). The Motion was seconded by Councilman Horan.

Mayor LaCicero opened the Public Hearing on Ordinance 2009-17 (1070) and asked if anyone wished to comment on this Ordinance.

There was no public comment.

Mayor LaCicero closed the floor to public comment on Ordinance 2009-17 (1070) and asked Council for a vote. Vote: Council Members Wenzel, Zalom, Stogdill, Horan and Filippone voted Yes. The Motion passed.

ORDINANCE NO. 2009-18 (1071) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 90 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED ZONING SO AS TO AMEND THE BUSINESS DISTRICT REQUIREMENTS.

Mayor LaCicero asked Administrator Parlow to explain this ordinance.

Mr. Parlow stated that the Planning Board has been reviewing this Ordinance for over a year. There existed a deficiency in the business district area concerning the amount of uses and the term use. This ordinance redefines the type of uses and number of tenants with square footage requirements.

Councilwoman Filippone stated that the Planning Board has been working on this for over a year to clarify differences in use for the sake of the business district.

A Motion was made by Councilwoman Filippone to adopt Ordinance No. 2009-18 (1071). The Motion was seconded by Council President Zalom.

Mayor LaCicero opened the Public Hearing on Ordinance 2009-18 (1071) and asked if anyone wished to comment.

Joe Baginski, 3 Trenton Avenue stated that he is a member of the Planning Board and they took their time diligently to create this Ordinance to make it the best for the businesses. He stated that this is to enhance the district and maybe help with the parking situation in the summer months. He still believes that we should consider valet parking in the town and use Baltimore Avenue for parking. A Professional Planner once told him that if you have a parking problem in a town then you have a successful business district.

Irene Kelly, 92 Dickman Drive stated that she is the owner of the Tradewinds Motor Lodge and does not have a parking problem because she has a parking lot for her tenants. She stated that if you approve this ordinance you are creating more of a parking problem and congestion than it already is. She owns a lot of properties in this town and has paid taxes for many years and if you approve this she is going to go to the State and fight it. She requested that the Council table this Ordinance until you fix the parking problem in the town first.

Pat Gilman, 45 Dickman Drive stated that maybe we should think about parking the cars on Baltimore Avenue and having a jitney to take the people where they want to go.

There was no additional public comment.

Mayor LaCicero closed the floor to public comment on Ordinance 2009-18 (1071) and asked Council for a vote. Vote: Council Members Wenzel, Zalom, Stogdill, Horan and Filippone voted Yes. The Motion passed.

ORDINANCE NO. 2009-19 (1072) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPLEMENTING AND AMENDING 6-1, ET SEQ., AUTHORIZING "LAVALLETTE GOOSE PATROL" MEMBERS TO EXERCISE DOGS IN CERTAIN PUBLIC AREAS OF LAVALLETTE IN ORDER TO REDUCE THE NUMBER OF CANADIAN GEESE INFESTING THESE RECREATION AREAS.

A Motion was made by Council President Zalom to adopt Ordinance No. 2009-19 (1072). The Motion was Seconded by Councilman Stogdill.

Mayor LaCicero opened the Public Hearing on Ordinance 2009-18 (1071) and asked if anyone wished to comment.

There was no public comment.

Mayor LaCicero closed the floor to public comment on Ordinance 2009-17 (1070) and asked Council for a vote. Vote: Council Members Wenzel, Zalom, Stogdill, Horan and Filippone voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Councilwoman Wenzel read the Public Works quarterly year end report in its entirety. She mentioned in her report about all new electric meters being ordered because our meters are so old we are losing money. One meter was tested and it was not moving at all.

Mayor LaCicero questioned if it was possible to compare the bulk purchases with our usage to figure out the amount of loss?

Mr. Parlow stated that that calculation is performed on a monthly basis. Right now on an annual basis we have an approximate 8% of the use that is unaccountable. We do not meter our street lights so it is difficult pin point the exact amount of actual loss within the system.

Councilwoman Wenzel stated that we put money in our 2009 budget for the new electric meters.

Council President Zalom thanked Britta for all her work at Public Works and for an outstanding job.

Mayor LaCicero stated that he appreciated her dedication to her job and stated that she will be missed by all.

Council President Zalom stated that the last Senior Lunch & Movie of the year will be held this weekend. There is a meeting on the Tourism Grant from the County that she will be attending with the CFO on January 5th. The Beautification Committee was thrilled to help with our Grand Central Beautification Project. It looks like it is moving along very nicely. We are going to buy some news racks and put them in two different locations so they will look very nice. The first Beautification Committee Meeting will be on the 26th of January. They will also be having a dinner event fundraiser in May. Our Reorganization Meeting will be on January 4th of the New Year. Happy Holidays to all.

Mayor LaCicero stated that he put a call into the DOT prior to the snowstorm to make sure they were courteous to both sides of the highway. They assured him that their policy was to remove the snow from curb to curb. He knows they received a lot of calls from our businesses, also. Obviously, that policy did not happen. He would like our Public Works Department to help out with it by removing some the snow from the fronts of our businesses. He would also like to see if we could make some kind of arrangement with the County under our Schedule C to take over their streets in town because they forgot to plow them altogether. He reminded all that Dickman, Pershing and Bay Boulevard, as well as, Washington and part of Ortley Avenues are owned by the County.

Mr. Parlow will work on that for us.

NEW BUSINESS:

Councilwoman Wenzel stated that she attended the Clean Energy Conference in November. She was able to speak with the United States Energy Secretary, Dr. Chu and told him about our little town called Lavallette and he told her that Lavallette would receive an additional \$25,000 as long as we did one thing from our Energy Audit. She asked if he would put that in writing so she will forward it to Mr. Parlow. She stated that we should consider it a wonderful Christmas present.

Councilman Horan stated that he attended the Environmental Committee meeting on December 9th and had a representative from NJNG there. She explained all the different programs they had to help with reducing your utility bills. We made arrangements to have her come back and speak to our residents about what programs they can qualify for. She will be at the Upper Shores Library on March 3rd at 7pm.

Mr. Parlow stated that there is a new law that went into affect for the New Year. The new law requires all volunteers that are appointed to various committees be administered the Oath of Office. The Municipal Clerk is also required to keep a directory of all the signed oaths of office of all our volunteers and rosters of committee members in the various committees in the office.

Councilwoman Filippone questioned if Mr. Parlow should have one meeting with all the committees to swear them in.

Mr. Parlow stated that he was thinking maybe at each of the committees' first meetings of the year to go there and swear them in.

Council President Zalom left the meeting at 5:45 pm.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Joe Baginski, 3 Trenton Avenue thanked Councilwoman Wenzel for her dedicated service and many accomplishments with Public Works but especially for completing the boardwalk restoration with our own employees that saved the Borough a significant amount of savings. He also stated that something was going to need to be done with the flooding on Grand Central Avenue where the sump pumps are. During this winter season, the flooding turns to ice and many people are going to get hurt by falling.

Cliff Gilman, 45 Dickman Drive thanked Councilwoman Wenzel for a great job and she will be truly missed. He stated that he came to this meeting to voice his opinion on the closing of Lavallette Avenue. By doing this would cause such a hardship for the pedestrians that use that road for walking and bicycling. In reviewing the proposal he noticed a crosswalk to nowhere that will cause a safety hazard for the pedestrians. He would like Mayor and Council to take a good look at the proposal and think about this seriously and hard before the time comes.

Walter Boright, 25 Bullard Drive stated that he came to this meeting tonight to thank Councilwoman Wenzel for dedicating herself unselfishly to our town and residents. Public Works is probably the most difficult department to take on with all the problem phone calls going to Public Works and yet she did it with such ease. She even used her own business as a liaison to Public Works with anyone having a problem could go there and complain or call with your complaint and it still was taken care of. Every phone call was returned without a cross word. Her legacy will always be remembered and the manner in which she served the public. Thank you, Britta.

Walter Kosenski, 2000 Bay Blvd. thanked Councilwoman Wenzel for all the work on the boardwalk. He just wanted to stress that the proposal for Lavallette Avenue was just an informal proposal to get some feedback on what should be done and that it was not set in stone. We actually thought it was safer with the crosswalk around the Avenue with a sidewalk. This was just a first draft. We understand the people's concern and anyone who wants to talk with us can. He actually had the architect here if anyone wants to discuss it tonight.

Mayor LaCicero stated that he didn't think it was appropriate to discuss this topic at tonight's meeting. Currently we are still in fact finding and when the time comes we probably should have a special meeting just on that topic.

COMMENTS FROM THE MAYOR AND COUNCIL:

Councilman Stogdill thanked Councilwoman Wenzel for her service and stated that he learned a great deal from her. He stated the he is sure that this will not be her last venture in public service. He wished everyone a happy holiday.

Councilman Horan stated that it was a pleasure working with Councilwoman Wenzel and wished her well. He wished everyone a happy holiday.

Councilwoman Filippone stated that this issue with Lavallette Avenue was not even a formal issue. There is no action being taken on this at all. Essentially we received an informal proposal from a builder and were asked to review it and see what we thought. First, they would have to give us a formal proposal of request, then it goes on the agenda for discussion and then it is voted on. She4 thanked Councilwoman Wenzel for her dedication. She stated that they both started politics at the same time and has developed a mutual respect for each other. She will miss her a great deal. She wished everyone a happy holiday.

Mr. Parlow stated to Councilwoman Wenzel that it has been truly a pleasure to work with her and she will be missed tremendously. He wished everyone a happy holiday.

Councilwoman Wenzel stated that she takes a lot of pride in her work. She tackled Public Works head on and being the lone Democrat it was very challenging and rewarding. She will continue to serve the public because it is a passion of hers. She is now the Vice President for Save Barnegat Bay so she regretted to have to inform everyone that she cannot be a part of our Environmental Committee. She has someone who is going to be doing an Eagle Scout Project in the spring and would like to have an Environmental Design Architect come to a meeting of the Mayor and Council to discuss it. She wished everyone a happy holiday.

Mayor LaCicero thanked Councilwoman Wenzel for all her hard work. The Reorganization Meeting will be held on January 4, 2010. He stated that we have an Executive Session.

EXECUTIVE SESSION:

Mr. George stated that there is a need for an Executive Session to discuss some contractual matters with no action being taken.

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting and enter into Executive Session. The Motion was seconded by Councilman Horan. All of Council was in Favor. The Motion Passed. The Regular Meeting was adjourned to enter into Executive Session at 5:54 pm.

A Motion was made by Councilwoman Wenzel to Reconvene the Regular Meeting. The Motion was seconded by Councilman Horan. All of Council was in Favor. The Motion Passed. The Regular Meeting reconvened at 6:10 pm.

Mr. George stated that while in Executive Session we discussed two contract matters. One was a contract for a Jet-Vac Machine not being in compliance with the time frame and the other being

contract negotiations regarding some part of the insurance plans under negotiations. No action was taken on either issue.

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 6:11 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, do attest these to be a true copy of the minutes of the Regular Meeting of Mayor and Council held on the 21st day of December 2009

Christopher F. Parlow
Municipal Clerk