

BOROUGH OF LAVALLETTE (Minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, June 15, 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
Bob Oliwa, Borough Auditor

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: The Mayor asked for a moment of silence for Vincent Marrone, who passed away over the weekend. Mr. Marrone was a former Code Enforcement Officer and Planning Board Member.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone in the audience for coming to tonight's meeting.

PRESENTATION:

Donation from the Lavallette Business Association towards the Fourth of July Fireworks: Dana Symington of the Lavallette Business Association presented the Borough of Lavallette with a check for \$1,000.00 to go towards the fireworks. Also, Mrs. Joy Grosko presented the Borough with a check in the amount.00 from Daba Company (B & B Department Store) towards the fireworks.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting) At this time, the Mayor asked if anyone in the audience wished to speak about any item that was not on the agenda or could not stay for the remainder of the meeting could do so now.

There was no public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of June 1, 2009
Executive Session Meeting of June 1, 2009 of \$250

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

RESOLUTIONS – ON CONSENT:

- 2009-164 authorizing the refund of \$50.00 to Leigh Garaventa for not needing our officiant services
- 2009-165 authorizing the seasonal appointments of the Badge Checkers for the 2009 summer season
- 2009-166 authorizing the seasonal appointments of the Lifeguards for the 2009 summer season
- 2009-167 approving the renewal of the Plenary Liquor License No. 1515-44-001-005 for License Year 2009-2010 held by J. Ralph, Inc., doing business as Cornerstone Wines and Liquors
- 2009-168 approving the renewal of Club Liquor License No. 1515-31-006-001 for License Year 2009-2010 held by Lavallette Yacht Club, Inc.
- 2009-169 approving the renewal of Plenary Liquor License No. 1515-33-002-005 for License Year 2009-2010 held “In Pocket” by Lenny’s Pizzeria Restaurant, Inc.
- 2009-170 approving the renewal of Plenary Liquor License No. 1515-33-003-005 for License Year 2009-2010 held by Saulwil, Inc., doing business as the Crab’s Claw Inn
- 2009-171 approving the renewal of Plenary Liquor License No. 1515-44-005-006 for License Year 2009-2010 held by White Whale, L.L.C., doing business as Lavallette Liquors
- 2009-172 consenting to the renewal of the Plenary Liquor License No. 1515-33-004-013 for License Year 2009-2010 held by Sherman Hospitality, L.L.C., doing business as Gabriella’s Italian Restaurant and Pete’s Poolside Bar
- 2009-173 provides that the budget be read by title only at the time of the public hearing
- 2009-174 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for New Brunswick Avenue Improvements

- 2009-175 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for Westmont Avenue Road Improvements-Councilwoman Wenzel questioned if this was for both the middle block and the bayside block? Mr. Parlow stated that it was for both.
- 2009-176 revising the salary and wages paid to the Construction Code Official/Building Inspector/Plumbing Sub Code Official from an annual salary to an hourly rate
- 2009-177 awarding a contract for the purpose of purchasing garbage and recycling receptacles to General Recreation, Inc. under State Contract Number A59057 in the amount of \$29,788.00-Councilman Lamb questioned how many garbage receptacles this was for. Councilwoman Wenzel stated that it was for 11 receptacles and stated that we need 44 to complete the highway.
- 2009-178 authorizing the electric collector to remove an electric account due to a change from a two family dwelling down to a one family dwelling
- 2009-178A authorizing the appointment of a Class II Police Officer for the 2009 summer season at an hourly rate of \$9.00
- 2009-178B authorizing the electric collector to adjust an electric bill from \$1433.65 to \$82.52 due to an over read electric meter
- 2009-178C temporary budget appropriation

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilwoman Wenzel. Mayor LaCicero opened the floor to the public for comments on the consent agenda.

Tony Minieri, 122 New Brunswick Avenue stated that he has been a strong supporter of Mayor LaCicero for many years and have spoke to him numerous times about his street problems. There is such a big pothole that every time a car hits it all the cars on the street alarms go off. We have been waiting for our street repaving for many years watching all the other streets getting repaved and wondering why we have not come up yet.

Council President Zalom stated that there is a resolution already on this agenda for New Brunswick Avenue.

Mayor LaCicero asked Mr. Parlow to explain the process to Mr. Minieri.

Mr. Parlow stated that the resolution will go to the NJDOT and possibly the Fall of 2009 or most likely the Spring of 2010 it will be repaved.

No one else in the audience had any comments on the consent agenda. Mayor LaCicero closed the floor to the Public and asked for a vote on the consent agenda. Vote: Council Members

Wenzel, Zalom, Lamb, Stogdill and Filippone voted Yes. Councilman Horan Abstained on Resolution No. 2009-168 and voted Yes to the rest of the consent agenda. The Motion passed.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2009-179 Bills List in the amount of \$319,810.48

A Motion was made by Council President Zalom to approve the Bills List. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Stogdill, Horan and Filippone voted Yes. Councilman Lamb abstained on PO #09-04030 and voted Yes on all other bills. The Motion passed.

PUBLIC HEARING / FINAL ADOPTION OF THE 2009 MUNICIPAL BUDGET:

Resolution Number 2009-152 - Mayor LaCicero asked Mr. Parlow to read the budget resolutions.

Mr. Parlow read Resolution 2009-152, the Budget Resolution.

A Motion was made by Councilwoman Wenzel to adopt the 2009 Municipal Budget, Resolution 2009-152. The Motion was seconded by Council President Zalom

Mayor LaCicero stated that New Jersey Department of Community Affairs has not completed their review of the budget and therefore the budget can not be voted on and must be tabled until approval is given.

Mr. Parlow stated that we can have the public hearing on the budget but cannot adopt until we get approval from the State.

Mr. Oliwa stated that because we are not a self-review town this year we cannot approve our own budget.

Mr. Parlow stated that he would hope that we would receive approval by the July 6th meeting.

Mayor LaCicero opened the floor for Public Comment on the Budget.

Clem Boyers, 20 Kerr Avenue questioned what the cost is to him as a taxpayer.

Mr. Oliwa stated that the average increase per residential property is \$6.50 for the year.

Mr. Boyers stated that we were supposed to have a zero increase until the LVT caused a problem. He appreciates the hard work that Mayor and Council did in trying to keep a flat budget.

Councilman Lamb questioned if we could trim some of the \$10,000.

Mayor LaCicero questioned what would be required to trim the extra \$10,000 off the budget.

Mr. Parlow stated that based on the cuts that were done already we would have to start cutting services or really make it difficult to balance next year's budget. Going any further with cuts would be detrimental to next year with the 4% cap levy.

Mr. Parlow also stated that he has received notice that health benefits costs through the State Health Benefit Program could raise between 15% and 20% next year.

Councilwoman Wenzel stated that we are going to have to be real creative next year.

Mayor LaCicero questioned what the process would be if we wanted to make any cuts.

Mr. Parlow stated that it would have to be taken out of anticipated surplus so we would not have to have a required public hearing, which would delay the approval process and the issuance of the tax bills. Delaying the tax bills will cause a cash flow.

Councilwoman Filippone stated that if we reduce the budget by \$10,000 then the subsequent base that we will build upon next year would be smaller and the 4% cap would bring in less dollar amounts.

Mr. Parlow stated that is correct. The tax levy cap is based upon the 2008 levy and is increase 4 %.

Mr. Oliwa stated that there is no carry over of an unused base.

Councilwoman Filippone stated that it would be in our best interest not cut the budget any further.

Councilwoman Wenzel stated that the bottom line is by doing that you are responding to politics and at the end of the day the money we collect are our taxpayers dollars and we manage them and try to manage them well and if we do not use them we put them back in the pot and come back and be used for municipal purposes again. We put together a fairly smart budget and cut what we thought we could cut and we tried really hard to reach that zero figure, but it is what it is. To go back and try to cut more we will be paying more to do that. It is not practical at all. We need to move forward.

Councilwoman Filippone stated that everyone in the public needs to be clear of the dangers to cut it that close and it does not pay in the end.

There was not additional public comment.

Mayor LaCicero closed the public comment portion of the budget process.

A Motion was made by Councilwoman Filippone to table the Adoption of the Budget until it is approved by the State. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion was passed.

INTRODUCTION OF ORDINANCES:

ORDINANCE NO. 2009-10 (1063) - AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 89 OF THE GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ENTITLED "VEHICLES AND TRAFFIC"

Mayor LaCicero asked Mr. Parlow to explain the ordinance.

Mr. Parlow stated that this Ordinance is to address three different parking situations. One is to create a no parking area on Guyer Avenue where the Department of Public Works needs access a dumpster. Secondly, there was a request by the Chief of Police to have a handicap space in front of the entrance way to the school on Brooklyn Avenue. The third issue is to delete the regulation of the two hour parking on all of Grand Central Avenue between 9am and 6pm.

Councilwoman Wenzel stated that there was also a request for a curb cut there for wheelchair access.

Mr. Parlow stated that this ordinance will take care of the three minute zone for that handicap space.

Councilwoman Wenzel questioned the request of the curb cut and if we are going to provide them with that also.

Mr. Parlow stated that he has a meeting with the Engineer and Gary tomorrow down at Public Works so we could see if we are able to use some of that CDBG money to make that happen.

A Motion to Introduce Ordinance No. 2009-10 (1063) was made by Councilwoman Wenzel. The Motion was made by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Public Hearing and Final Adoption of Ordinance No. 2009-10 (1063) is scheduled for July 6, 2009

UNFINISHED BUSINESS:

FEMA – Community Rating System Program-Mr. Parlow stated that as part of our participation in the Flood Insurance Program the Borough must perform a variety of Public Outreach Projects. The Borough currently places flood insurance information in the calendar, we send it out with the tax bills and we also set up a table at Heritage Day. We also provide the information at one of our public meetings. Since the Borough of Lavallette participates in this program we have a community rating of an 8 which provides a 10% discount on flood insurance to the residents of Lavallette. He also reminded the homeowners that if their properties are not in compliance with the flood ordinance they will not receive the discount. Mr. Parlow also provided, as part and included in the agenda, a copy of the flood insurance brochure, which he read portions of.

Councilwoman Wenzel stated that she spoke to the company who wants to provide fluorescent light bulbs to Lavallette residents and it sounds like a good idea. Eventually, Lavallette is going to have to participate in the disposal of them.

Councilman Horan stated that he has a problem with these fluorescent light bulbs. They give off mercury vapors that are very dangerous to the public. You actually need to dispose of them in sealed containers and if they break you have to clear a room.

Councilman Lamb questioned if the light bulbs create a potential hazard why should we promote them in this town.

Councilwoman Filippone stated that the box they come in tells you how to dispose of them and if we just educate the public there should be no problem. She personally thinks they are a good idea.

Councilwoman Wenzel stated that was what the Project Porchlight is trying to do, educate the public on the use and disposal of the bulbs to prevent a potential hazard.

Councilwoman Wenzel stated that the Environmental Committee has selected an artist to paint the clam and she is Mary Jo Austin. The Committee is very excited about this.

She also stated that we should be receiving our new garbage truck by the middle of next week.

Councilman Horan questioned the penalties charged because it was not delivered on time.

Mr. Parlow stated that we do have the authority to charge certain penalties but would suggest waiting until we receive the garbage truck and than discuss it further.

Councilwoman Wenzel stated that the Environmental Committee had a meeting on Friday night about the bird and geese problems going on in town. We discussed a lot of goose management techniques. Unfortunately, the Lavallette Yacht Club did not attend.

Councilman Lamb questioned how we should get rid of the geese problem.

Councilwoman Wenzel stated that there are many humane techniques that we can use and she will get you the information on these techniques. We will need to do some brainstorming.

She also reported that the State will be announcing the winners of the Sustainable NJ Grants from Walmart that the Environmental Committee has applied for.

Council President Zalom stated that a couple of meetings ago Doug Houser a resident in town and also a teacher asked if he could run a forensic science summer camp two weeks out of the summer at the school. He attended our recreation meeting first and asked if it could be sanctioned under recreation/municipal alliance. When he requested permission from Council he never stated that it was going to be an event under recreation. She would like an okay from Council to have it be part of Recreation.

A Motion was made by Council President Zalom to approve the Forensic Science Camp to be sanctioned under Recreation. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Council President Zalom stated that Seaside Heights is giving us their Senior Bus for the summer season to use for the Father Alfonse concerts but Seaside Heights has ask that we possibly store it for the summer. She asked if the Council would be agreeable to store it somewhere like the firehouse.

Councilwoman Filippone questioned why all of a sudden we need to house it. Where is it stored right now?

Council President Zalom stated that it is down on Public Works.

Councilman Lamb stated that maybe it should be stored down at the sewer plant in Ortley Beach.

Councilwoman Filippone stated that if we house it on our property than we are liable for it if something happens to it.

Council President Zalom stated that she will check with Toms River Township.

NEW BUSINESS:

Public Power Association of New Jersey – Procurement Initiative

Mr. Parlow stated that he received an email from Public Power discussing procurement issues. They provided a status report providing some different types of procurement initiatives. All they are looking for is the municipality is in favor of going forward with this buying power.

Councilwoman Wenzel stated that she is very happy that we are part of this Association.

Mr. Parlow stated that without this association we never would have the rates we have today. We would be way above the rates charged by the investor-owned utilities.

Council agreed to support the procurement initiative.

Councilwoman Filippone questioned if we had our Energy Audit yet.

Mr. Parlow stated that the company has finished their audit inspections we are just waiting for the completed report.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned when he was going to be able to pay his utilities on line. He keeps hearing about it but nothing is being done.

Mr. Parlow stated that it is going to happen before the end of the year most likely before the end of the summer.

Mr. Boyers also commented that he thought Diane Turton paid for the Father Alfonse buses last year.

Joy Grosko, 13 Camden Avenue wanted to compliment Britta on a wonderful meeting on Friday night. It was very informative. She attended simply because she needed a solution to the geese problem down at the gazebo with the concerts. No one wants their kids rolling around in geese yuck.

Mr. Farfalla, 15 Bond Avenue stated that this whole thing with the Yacht Club causing problems with the bird quacker is just a political strategy and it is just ridiculous.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated we had a wonderful town wide garage sale. We are going to have two New York bus trips this year in December. The Battle of the Bands was a hit. The Republican Club gave two scholarships out to two high school kids from Lavallette.

Councilwoman Wenzel stated that she felt she needed to comment on Mr. Farfalla's statements. She and her family have been members of the Lavallette Yacht Club since 1965. She has always been a conservationist and she stands for proactive leadership and for Mr. Farfalla to accuse her of using politics at public meetings is a mistake.

Mayor LaCicero stated that he gave out the history books to the graduates on Awards night at the school and they were very appreciative. Also, he would like to change the attire for the summer meetings to casual.

Mr. Parlow stated that with the increase in the health benefits we might want to look into other options outside of the State Health Benefit Plan. In order to review the claims experience the Borough has had over the last two years the State requires a fee of \$2,000.00. If we are going to consider changing plans we should really pay the fee and look at the other options out there. He does not know if those options will be less expensive or even worth looking at but our benefits right now have become expensive.

Councilwoman Filippone stated that in her experience it does not pay to go outside the plan.

Mr. Parlow stated that he would put it on for the next agenda and Council can make that decision then.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the Meeting. The Motion was seconded by Councilwoman Wenzel. All of Council were in favor. The Motion passed. The Meeting was adjourned at 8:35 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 Caucus/Regular Meeting of the Mayor and Council held on the 15th day of **June 2009**

Christopher F. Parlow
Municipal Clerk