

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, September 28, 2009– 7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

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: The Mayor asked for a moment of silence for all the troops overseas

PLEDGE OF ALLEGIANCE: Councilman Horan led the Salute to the Flag

MAYOR’S WELCOMING STATEMENT: At this time, the Mayor asked if anyone in the audience wished to speak on any issues that were not on the agenda or could not stay for the remainder of the meeting could do so now.

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 September 14, 2009
Executive Session Meeting of September 14, 2009
Bid Opening Minutes of September 17, 2009

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

RESOLUTIONS – ON CONSENT:

- 2009-230 approving a Bingo License for the Rosary Altar Society of St. Pio of Pietrelcina to hold their Bingo Games for 2010 at their Parish Hall throughout the year.
- 2009-231 approving the appointments of temporary laborers at an hourly rate of \$10.00 for a period commencing September 21, 2009 through December 31, 2009

Mayor LaCicero opened the floor to anyone in the audience who wished to comment on the Consent Agenda.

There was no public comment.

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

RESOLUTIONS-OFF CONSENT:

- 2009-232 awarding a contract to Earle Asphalt Company, for Road Improvements to Bond and Kerr Avenues in the amount of \$131,113,13

Mr. Parlow stated that the Borough received a grant for \$155,000 for road improvements to Bond Avenue. The estimates were so low that we were able to add the middle block of Kerr Avenue to the project. The lowest bidder was Earle Asphalt. The bid came in so low that the Borough Engineer has recommended that we add the lower portion of Kerr Avenue, between Route 35 South and Bay Boulevard to the project.

Councilwoman Wenzel stated that she was present at the bid opening and they are very competitive. There were five bidders there and we received a lot of different prices with Earle Asphalt being very low. She stated that we would not be able to receive a grant for that section of Kerr Avenue because it is so short in size so this works out for everyone.

Council President Zalom stated that this will also take care of the sump pump problems over there.

Mayor LaCicero opened the floor to anyone in the audience who wished to comment on Resolution 2009-232.

Clem Boyers, 20 Kerr Avenue stated that the portion of Kerr Avenue by Bay Boulevard is the worst portion of the road. It definitely needs to be taken care of.

Judy Heim, 100 Bond Avenue questioned when the Bond Avenue section would begin.

Mr. Parlow stated that we are hoping to start within two weeks and hopefully have it completed before the start of winter.

Councilwoman Wenzel stated that the company does notify the homeowners when they are going to start the work.

There were no other comments.

A Motion was made Councilwoman Wenzel to approve Resolution No. 2009-232. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

2009-233 awarding a contract for the purchase of a 2010 or Newer Trailer Mounted 700 Gallon Mobile Sewer Jet Cleaning Machine to Jet-Vac, Inc. in the amount of \$48,828.00

Mr. Parlow stated that Sewer Jet is being purchased through un-used grant proceeds from the Sewer Infiltration Program. The Public Works Department needs Sewer Jet for a cleaning of sanitary sewer lines. The Borough has had to either rent or borrow one from other towns in the past.

Mayor LaCicero opened the floor to anyone in the audience who wished to comment on Resolution 2009-233.

There was no public comment.

A Motion was made by Councilwoman Wenzel to approve Resolution No. 2009-233. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

APPROVAL OF VOUCHERS

2009-234 Bills List in the amount of \$371,752.68

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

ORDINANCE NO. 2009-14 (1068) ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED "VEHICLES AND TRAFFIC", TO ADD A NEW ARTICLE X ENTITLED "MOTOR VEHICLE STORAGE"

Mr. Parlow stated that the Police Department expressed some difficulty with abandoned vehicles on properties in town. The existing code is inadequate and currently is found in the Littering Ordinance. The ordinance has been updated and placed into the "Vehicles and Traffic" Chapter.

Councilman Lamb questioned if it was removed or just misplaced.

Mr. Parlow stated that it was in the Code Book just in the wrong Chapter.

A Motion was made by Council President Zalom to introduce Ordinance No. 2009-14 (1067). The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the Meeting of October 19, 2009

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

BOND ORDINANCE 2009-12 (1065) BOND ORDINANCE PROVIDING FOR THE GRAND CENTRAL AVENUE SIDEWALK BEAUTIFICATION PROJECT, AND APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$112,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

A Motion was made by Council President Zalom to adopt Bond Ordinance 2009-12 (1065). The Motion was seconded by Councilman Horan.

Mayor LaCicero opened the Public Hearing and asked if anyone in the audience wished to comment on Bond Ordinance 2009-12 (1065). No one in the audience wished to comment on the Bond Ordinance. The Mayor closed the Public Hearing and asked Council for a vote.

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

BOND ORDINANCE 2009-13 (1066) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A BUCKET TRUCK FOR THE ELECTRIC UTILITY, AND APPROPRIATING \$100,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

A Motion was made by Council President Zalom to adopt Bond Ordinance 2009-13 (1066). The Motion was seconded by Councilman Horan.

Mayor LaCicero opened the Public Hearing and asked if anyone in the audience wished to comment on Bond Ordinance 2009-13 (1066). No one in the audience wished to comment on Bond Ordinance 2009-13 (1066). The Mayor closed the Public Hearing and asked Council for a vote.

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

Mr. Parlow asked if he could get an approval from Council to go out to bid for the bucket truck.

A Motion was made by Council President Zalom that the Administrator/Clerk is authorized to go out to bid for the bucket truck. The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Beach Operations-Salaries & Wages-Councilman Lamb stated that the salaries were pretty tight this year. Lifeguard salaries are definitely an issue that needs to be addressed with close to \$30,000 total increase from 2008. We are definitely going to need to tighten this up for next year.

Mr. Parlow stated that the checkers as well as the supervisor did a phenomenal job this season with salaries and enforcement. We also need to understand that it was an eleven week season this year compared to the usual ten weeks so we have that whole extra week in salaries.

Council President Zalom stated that she thinks that the beach staff as a whole did a great job this year.

NEW BUSINESS:

Council President Zalom stated that the new flyers for the Halloween Harvest Hoedown are out. We hope we have a great day for it. Also, she wanted to express that we are not going to be taking away any crosswalks in town. We are trying to make the highway as safe as possible and street lights are safer than crosswalks.

Mayor LaCicero stated that it seems to be that the crosswalks in town have become more of a safety hazard than anything else.

Councilwoman Wenzel stated that this needs to be clarified when we have our meeting with the DOT. These things need to be clarified before the projects start.

Mr. Parlow stated that the kickoff meeting for the Sidewalk Beautification Project is scheduled for October 7th with the DOT.

COMMENTS FROM THE PUBLIC:

Peter Sturm, Virginia Avenue stated that the bicycle problem needs to definitely be incorporated with the vehicle and crosswalk problem also. We need to make sure within these two projects that the bicycle issue is rectified as well.

Lach Cameron, 116 President Avenue questioned if Council sends information to newspapers that is not discussed at meetings.

Mayor LaCicero stated that usually items that are in the newspaper are discussed during the public meetings.

Mr. Cameron stated that he never heard anything about people going to prison if they do not recycle correctly but yet it was in the Ocean Star.

Councilwoman Wenzel stated that on the last meeting agenda there was a draft ordinance with revisions to the Solid Waste Ordinance; Chapter 55. Within the revisions the ordinance deals with the management of recycling and garbage by residents in town.

Mr. Parlow stated that the draft ordinance was included in everyone's packet at the last meeting including the newspaper and public packets. Within most Borough ordinances or Chapters in the code book there are Violations and Penalty sections. It is a State Law that everyone needs to abide by the Recycling and Garbage laws.

Clem Boyers, 20 Kerr Avenue stated that this is just updating the ordinance we still have to recycle the proper way.

Councilwoman Wenzel stated that was correct. The State is requiring all municipalities to update a number of items within the Solid Waste Ordinance that is already in the Code Book.

Bill Kinney, 23 Philadelphia Avenue asked if Councilman Lamb could read the salaries for the beach staff again.

Councilman Lamb stated that the badge office staff salaries went down \$2,500, the checkers went up \$500 and the lifeguards are up \$30,000. We also made an extra \$50,000 in revenue.

Council President Zalom stated that we have a lot of people that come back every year. How much do they get in raises?

Councilman Lamb stated that they only get 25 cents a year raise.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that from November 10th through December 10th you will be able to purchase beach badges for next year. We will present you with a gift certificate so when the badges come out next year you can just present this pre-paid certificate at the badge office and receive your badges. The certificate will have a serial number so that it can be replaced if lost. The application will be available on the website.

Councilwoman Wenzel questioned whether they will be non-refundable like the badges?

Mayor LaCicero stated that if they lose the certificate we will be able to track the number to still give them their badges but they can not return the certificate and get their money back. Once certificate is purchased there will be no refunds.

Council President Zalom stated that the October events calendar is available. Nick Zegar, the Eagle Scout who thought of the dog waste receptacles said that a lot of people are using them and he already had to replace the bags. There are a total of seven stations around town. There will be dodge ball again at the school. The Bocce Ball Tournament was a big hit and it was in memory of Vincent Marrone. Thanks to Tony Gallo and Public Works for all their help with that. The flu shots will be on October 13th at the First Aid. Adopt-A-Highway will be held on October 17th and the Fall Beach Sweeps is going to be on September 24th.

Bill Kinney, 23 Philadelphia Avenue questioned if these were the standard flu shots or the H1N1 flu shots?

Councilwoman Wenzel stated that these are the standard flu shots but there has been no notification from the Health Department as to when the H1N1 shots will be available.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into Executive Session to give updates on contractual matters and Stanton Litigation. There may be action taken afterwards.

A Motion was made by Councilwoman Wenzel to Adjourn the Regular Meeting to go into Executive Session. The Motion was seconded by Council President Zalom. Vote: All of Council was in Favor. The Motion Passed. The Regular Meeting was adjourned to Executive Session at 7:44pm.

A Motion was made by Council President Zalom to reconvene the Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in Favor. The Regular Meeting Reconvened at 7:55 pm.

Mr. George stated that in Executive Session the Mayor and Council discussed the status of an Interlocal Agreement with Seaside Park with no action taken. Also discussed was the status of the Stanton Litigation with some possible authorization of a resolution being required for the settlement negotiations with no action being taken at this time.

ADJOURNMENT:

A Motion was made by Councilman Horan to adjourn the Regular Meeting. The Motion was seconded by Councilwoman Wenzel. Vote: All of Council was in Favor. The Motion passed.

The Meeting was adjourned at 7:55 pm

CERTIFICATION

I, Christopher F. Parlow, 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 of Mayor and Council held on the **28th** day of **September 2009**

Christopher F. Parlow
Municipal Clerk