

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
October 4, 2010-7:04 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone
Councilman Stogdill remains absent due to illness.

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 Gazette and was published in the Ocean Star on January 8, 2010. Notice was also posted on our Municipal Website and the Municipal bulletin board.

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

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to the meeting in this horrible weather.

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

Mayor LaCicero opened the floor to anyone who wished to comment on any items that were not on the agenda and did not wish to stay for the remainder of the meeting.

There was no public comment.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES

Regular Meeting of September 27, 2010
Executive Session Meeting of September 27, 2010

A Motion was made by Councilman Horan to approve the Minutes. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom and Horan voted Yes. Councilman Lamb abstained. The Motion Passed.

REPORTS:

- a) Police Report for September-Councilwoman Filippone-read report.
- b) Planning Board Report for September-Councilwoman Filippone-There were two cases at the last meeting. The first was changing a two family to a one family with the enclosure of existing balconies and the addition of a second floor porch. There were a number of questions about the egress and there was a two part vote. The enclosures were approved but the addition was not. The second case was the subdivision of a Bay Blvd. home which was approved.
- c) Public Affairs Report for September-Council President Zalom-The First Aid Rummage Sale is this week Thursday, Friday and Saturday. The Moose Lodge is having a Spaghetti Dinner on October 9th and the Columbus Day Parade in Seaside Heights is on Sunday. The Friends of Beautification luncheon is at the Crab's Claw and there is a flu clinic on October 22nd at the First Aid Building. The Environmental Committee is holding a fall bay cleanup on October 16th and Clean Ocean Action's Beach Sweeps will be on October 20th. She reminded all not to forget about the exercise classes including Yoga, Aerobics and Zumba at the First Aid Building all week long and Dodgeball and Basketball at the Lavallette School.
- d) Municipal Court Report for September-Councilwoman Filippone-read report.
- e) Zoning Report for September-Councilwoman Filippone-read report.
- f) Construction Report for September-Councilwoman Filippone-read report.
- g) Animal Control Report for September-Councilwoman Filippone-There was no report for this meeting.
- h) Public Works Third Quarter Report-Councilman Borowski-read report.
- i) Revenue Transaction Report for August-Chief Financial Officer
- j) Tax Account Report for September-Tax Collector

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

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

RESOLUTIONS – ON CONSENT:

- 2010-253 authorizing the execution of a grant agreement with the United States Department of Justice, Office of Community Oriented Policing Services for a COPS Technology Program Grant in the amount of \$185,000-Mr. Parlow stated that this was the Technology Grant that we applied for new CAD System for the Police Department.
- 2010-254 appointing four temporary laborers at an hourly rate of \$10.00 for the Department of Public Works commencing October 1, 2010 and ending December 31, 2010-Councilman Lamb questioned if these guys were going to be putting up the snow fence and get us ready for winter? Councilman Borowski stated that they will be used for the bulk cleanup and the boardwalk. Mayor LaCicero stated that Public Works is down four full time bodies anyway so the more temporary workers the better.

2010-255 supporting passage of Senate Bill S-2275 requiring the State to survey all storm drains-Council President Zalom thanked Mr. Parlow for a great resolution

A Motion was made by Councilman Horan to approve Consent Agenda. The Motion was seconded by Council President Zalom. At this time, the Mayor opened the floor for public comment on the consent agenda and the bills list and asked if anyone wished to comment on the consent agenda or the bills list. No one wished to comment at this time. Mayor LaCicero closed the floor to comment and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion passed.

RESOLUTIONS OFF-CONSENT

APPROVAL OF VOUCHERS:

2010-256 Bills List in the amount of \$802,559.13

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Michele Donato, Esq/Bossert, 11 Bullard Drive/Zoning Permit Issue/Received September 16, 2010
- b) Eric M. Bernstein & Assoc/Philip George, Esq./11Bullard Drive/Zoning Permit Issue/Received September 20, 2010
- c) Eric M. Bernstein & Assoc/Philip George, Esq/Bids for Dune Walkover Structure Handicap Ramps Project/Received September 23, 2010

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Preconstruction Conference/Received September 17, 2010
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Sanitary Sewer Replacement Route 35 Northbound/Received September 23, 2010
- c) O'Donnell, Stanton & Assoc/Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Received September 23, 2010-Councilman Borowski questioned when this project is going to start? Mr. Parlow stated that the preconstruction meeting was on September 29, 2010 and there is still some paperwork that needs to be taken care of but they are hoping to start as early as October 11, 2010. The curbing needs to be complete by November 15th and we are hoping to have the total completion of the work done by mid November.

New Jersey League of Municipalities:

- a) Attend Sustainable Jersey Luncheon at the League Conference on November 16th/Received September 10, 2010
- b) Governor's Environmental Excellence Awards/Received September 13, 2010- Councilman Horan stated that he did apply for this with the Environmental Committee for Technology and Continuation.
- c) 2010 League Conference Session CEU Procedures/Received September 13, 2010
- d) Reminder-Midnight, September 15th is the Deadline for 2010 Certification Applications/Received September 14, 2010
- e) Update on "Tool Kit" Developments/Received September 14, 2010
- f) Legislative Session Update/Toolkit Resolution-We Need Your Help/A-2911, Library Bill, Conditionally Vetoed/S-837-Sex Offender Residency/Received September 14, 2010
- g) Governor Unveils New Public Employee Pension and Benefits Reform Agenda/Received September 14, 2010
- h) Best Practices Checklist Clarifications/Received September 15, 2010
- i) School Report Card published by NJ Spotlight/Received September 16, 2010
- j) Civil Service Adoption of Amended Rules Selection and Appointment Transfers/Received September 16, 2010
- k) Shaping NJ: The State Partnership for Nutrition, Physical Activity and Obesity Prevention/Received September 17, 2010
- l) COAH Reform, Arbitration Reform and Civil Service Reform/Received September 20, 2010
- m) Free Event-Government Efficiency and Best Practices Forum-Friday, October 22 at Forsgate Country Club in Monroe Township/Received September 23, 2010
- n) League Urges Action on Arbitration Reform/Received September 23, 2010
- o) FY 2011 Pension Contributions Estimated Billing/Received September 24, 2010
- p) Homestead Rebate Application Begins/Received September 24, 2010
- q) Proper Perspective on Pension Problems/Received September 27, 2010
- r) Reminder-2010 Conference Resolutions/Received September 28, 2010
- s) Deadline Reminder-October 13-Call for Nominations Ninth Annual Innovation in Governance Awards/Received September 28, 2010
- t) Best Practices Checklist Deadline/Received September 28, 2010-Mayor LaCicero stated that the CFO has completed our Checklist and has submitted on time.
- u) Disaster Management Reimbursement/Received September 28, 2010
- v) Governor Unveils New Education Reforms/Assembly Committee Advances Some Mandates Relief Measures/Received September 29, 2010
- w) Sustainable Jersey Named Finalist in National Communities Competition/Received September 29, 2010
- x) New Content on DLGS Web Site/Received September 30, 2010/Received September 30, 2010

General With No Action:

- a) ADA Ocean County Action Network/ADAOCAN/requesting the Borough of Lavallette use the preferred terminology in all correspondence/Received September 13, 2010

- b) Board of Chosen Freeholders/Gerry P. Little, Freeholder/18,225 in beach grass plants for dune planting available for Lavallette/Received September 14, 2010-Council President Zalom stated that we are getting more grass this year and that planting is usually scheduled for the Saturday after Election Day which is November 6th.
- c) Susan Kotch/119 Camden Avenue/letter expressing sincere gratitude to all members of the Lavallette Building Department/Received September 14, 2010-Mayor LaCicero stated that this will go into their personnel files.
- d) VerdeEnergyUSA/Richard Reilly/Choose VerdeEnergyUSA as your electric supplier/Received September 16, 2010
- e) Lawrence Bolanowski/96 Dickman Drive/letter to Governor Christie/requesting the pedestrian law be repealed due to the dangerous situation it puts on the Borough of Lavallette/Received September 20, 2010-Mayor LaCicero stated that we also sent a letter in opposition to this law but have not heard anything back as of yet.
- f) Edward Deane/128 Jersey City Avenue/letter to Richard Remy, Zoning Officer questioning the lot coverage of 130 Jersey City Avenue/Received September 20, 2010-Mr. Parlow stated that Mr. Remy has sent him a letter taking care of this.
- g) Cablevision/Tricia Kaminski, Assistant/Tariffs for New Jersey/Received September 29, 2010
- h) Birdsall Services Group/Kristi Butkowski, Staff Scientist/2010 Environmental Joint Insurance Fund (EJIF) Audit of our facility/Received September 29, 2010
- i) New Jersey's Clean Energy Program Approvals/Ashley Miller, Program Coordinator/Received September 30, 2010-Mr. Parlow stated that we have received approvals for this grant which will be putting efficient lighting in all our municipal buildings which is totaling \$20,000
- j) New Jersey Natural Gas/Anne Marie Peracchio, Director/Energy Efficient Conservation Block Grant Deadline December 31, 2010/Received September 30, 2010
- k) Cablevision/Kevin J. Drennan, Area Director/Digital Transition/Received October 1, 2010

General With Action:

- a) Kaitlynn Ivans/982 Vaughn Avenue, Toms River/requesting the return of her \$200 gazebo permit fee for June 11, 2011 due to the cancellation of the wedding/Received September 14, 2010-Mr. Parlow stated that the Ordinance states that if there is a cancellation they are entitled to a refund of \$175.00
- b) Lavallette Business Association/Tom Yannacone, Chairman/requesting to hold their annual LBA Flea Markets on Saturday, July 16, 2011 with a rain date of July 17, 2011 and Saturday August 13, 2011 with a rain date of August 14, 2011/Received September 14, 2010-Mayor LaCicero stated that these dates seem fine. Mr. Parlow questioned if he should send them the same letter he sent to the Jersey Shore Multisport regarding the possible fees? Mayor LaCicero stated that it should be sent to all for profit organizations who request dates.
- c) Oceans of Love For Children With Cancer/Michael Little, Board of Directors/requesting of your attendance at their opening ceremonies at 4:30 pm on October 25th at the Target in Toms River/Received September 29, 2010-Mayor LaCicero stated that he will take care of this.

- d) Regular Republican Club of Lavallette/Harry Dews, President/requesting to use the Council Chambers for the various dates in the year 2011/Received September 29, 2010-Mayor LaCicero stated that these dates are the first request for Chambers in 2011 so they are fine.
- e) Oceanside 1 Condominium Association/requesting permits for one parking spot per unit/Received September 30, 2010-Mr. Parlow stated that the Ordinance requires only undersize lots; however, it also does permit Council to waive the conditions. Mayor LaCicero stated that Mr. Parlow should send them a letter explaining the process.

UNFINISHED BUSINESS:

Councilman Lamb questioned the situation on Elizabeth and Rt. 35 South and what is going to happen with regards to the flooding there?

Mayor LaCicero stated that the problem started there with the old Willow Tree root that was clogging everything up. The tree was cut down and they also removed the roots and it seemed to alleviate most of the flooding.

Mr. Parlow stated that in the meantime he sent the DOT a letter requesting them to take care of this problem and they did write back stating they are going to be taking care of it. The problem is it is the State and they take their time with everything. He stated that he has since sent out an additional letter to them requesting an update on the situation.

Councilman Lamb questioned if they continue to delay can we take it upon ourselves to fix the problem because now the problem is also affecting Elizabeth Avenue as well as Newark Avenue.

Mayor LaCicero stated that he believes they are pushing it off until this whole revitalization project gets underway so they do not have to come out twice.

Mr. Parlow stated that he also copied Senator Ciesla's office so maybe he can push this along quickly for us. We also have the same problem on New Brunswick and it affects Brooklyn too.

NEW BUSINESS:

Councilman Borowski stated that the OC Hazardous Waste Program is beginning again. The closest drop-off sites to Lavallette are Toms River Township and Brick Township. You can call the OC Recycling Center to pre register and they have the items they can take on their website as well as our website.

Mayor LaCicero stated that he had a visit from the new president of the Ocean Beach Unit 1 Association. He happens to live on Bay Beach Way. He is looking for some enforcement with their parking problems. Even though it is a private street Toms River Township police always issued parking tickets for them.

Mr. George stated that it is a private road with deed restrictions. He stated that the Association needs to present the Borough with a resolution requesting that the Borough enforce their parking

regulation and then the Borough would have to draft an Ordinance which permits the enforcement of their parking regulations.

Councilman Lamb questioned if we enforce the parking on Swan Point Road because that is private also.

Mayor LaCicero stated that it has never been an issue with that road.

Councilman Borowski questioned if we maintain Swan Point Road.

Mayor LaCicero stated that we only pick up the garbage on that road.

Councilwoman Filippone questioned if Toms River Township and Bay Beach Way had some type of written agreement with the enforcement.

Mayor LaCicero stated that from talking with this gentleman it just seemed like Toms River did it for the revenue of the tickets.

Mr. Parlow stated that an Ordinance for this to happen would need to be adopted prior to any enforcement by our police department.

Mayor LaCicero stated that he will advise the association they need to present us with a resolution before we can do anything.

Mayor LaCicero stated that he also was asked about raking the beach on the ocean in one of their associations. He asked if the Superintendent ever had a chance to look at the bay beach on Bay Beach Way and see if the rake would fit.

Councilman Borowski stated that he did take a look at it and he said it was not feasible especially when he did not even know how we would get the rake over there because we would have to take it up streets.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Clem Boyers, 20 Kerr Avenue stated that at the west end of Bay Beach Way there is parking stalls painted in the middle of the roadway.

Mayor LaCicero stated that no cars are allowed to park on the street overnight.

Joe Palinsky, 122 Washington Avenue questioned that if we have to create this Ordinance for the enforcement of parking could we charge this association the advertising fees that is going to cost the Borough.

Mr. George stated that the Borough can not charge someone or another organization for the enactment of their law.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom thanked Mr. Parlow for all his work with the CRS Program.

Councilman Borowski thanked Council President Zalom for the fall decorations for the meetings.

Mr. Parlow stated that the New Brunswick Road Improvements is underway. He stated that New Jersey Natural Gas is currently replacing the gas lines prior to the start of the construction work. During this improvement project we will also be able to take care of a sump pump on that street that has been a major sump pump issue for many many years.

EXECUTIVE SESSION:

Mr. George stated that there exists a need for an executive session to discuss some updates with the PBA Contract Negotiations. There is no action that will be taken. Also, there will be two members of Council that will be excused due to conflicts.

A Motion was made by Council President Zalom to adjourn the Caucus/Regular Meeting to go into Executive Session. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in Favor. The Motion passed.

The Caucus/Regular Meeting was adjourned to enter into Executive Session at 8:00 pm.

A Motion was made by Councilwoman Filippone to Reconvene the Caucus/Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed.

The Caucus/Regular Meeting was reconvened at 8:35 pm.

Mr. George stated that while in Executive Session Mr. Parlow gave updates on the ongoing contract negotiations with the PBA. There was no formal action taken. Mayor LaCicero and Councilman Lamb recused themselves due to conflicts.

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to Adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion passed.

The Caucus/Regular Meeting was adjourned at 8:36 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 held on the 4th day of **October 2010**

Christopher F. Parlow
Municipal Clerk