

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
September 6, 2011-7:04 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, 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 Ocean County Gazette and was published in the Ocean Star on January 7, 2011. 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 all the people we lost at the World Trade Center on September 11, 2001. Let's remember our soldiers fighting overseas, too.

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

Mayor LaCicero questioned Council on if they wanted to start the first meeting in October as wearing formal attire again to the meetings? All of Council was in favor of that.

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

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

The Mayor asked if anyone wished to comment on any items that were not listed on the agenda and that they did not wish to stay for the remainder of the meeting they could do so now.

Gary Lucciola, 140 Newark Avenue stated that sometime last year he was here about the disrepair of the fence around the Treatment Plant. He stated that he was wondering where Council is at with repairing this fence.

Mayor LaCicero stated that it has been looked at and has been decided that a portion of that fence needs to be replaced. We just had other items to take care of before that. He stated that he will put this first on the list.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting of August 22, 2011

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

REPORTS:

- a) Police Report of August-Councilwoman Filippone-read report
- b) Municipal Court Report of August –Councilwoman Filippone-read report
- c) Zoning Report of August-Councilwoman Filippone-read report
- d) Construction Report of August-Councilwoman Filippone-read report
- e) Beach Report for August-Councilman Lamb-read report-Councilman Lamb stated that he and Mr. Parlow met with senior badge checker supervisors Laurie O’Brien and Pam Caucino to discuss some ideas for next year’s season. One possibility is raising the daily badge by \$1.00 to bring it to \$8.00 for next year. Mayor LaCicero stated that Seaside Park charges \$10.00 for a daily badge. Councilwoman Filippone stated that we are up in the amount of badges sold this year. She thinks it is also because of the increase in the daily badge.
- f) Animal Control Report for August-Councilwoman Filippone-read report
- g) Public Affairs Report of August-Council President Zalom stated that we had a very successful summer this year with all activities and departments running very well. Thanks to the Mayor for sending out the letter to the DOT for them to clean the catch basins before the hurricane hit. There was a wonderful breakfast at the Union Church. The Vincent Marrone Memorial Bocci Tournament will be held on September 17, 2011. Unfortunately, the Lavallette Fire Department first annual pig roast had to be cancelled due to the hurricane. Hopefully, next year will be better for them. There will be a Beach Sweeps on October 22, 2011. The New York City bus trips have been scheduled for December 7th and December 10th. We are going to have a little 9/11 ceremony during Heritage Day at 2:30pm where the band plays. The Mayor will read the names along with the sayings on the plaques. This town did a great job preparing for the hurricane. We have a list of what was done to prepare that is a mile long. She thanked the Emergency Management Team, Chief Colin Grant, First Aid, Fire Department, Police and Public Works for a job well done.
- h) Revenue Transaction Report for July-Chief Financial Officer
- i) Tax Account Status Report of August-Tax Collector

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

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

RESOLUTIONS – ON CONSENT:

- 2011-211 authorizing the electric collector to remove one electric metered account at 10 Magee Avenue due to a demolition

- 2011-212 authorizing the extension of ending date of employment for Class II Officer Andrew Baldino to September 30, 2011 at the same hourly rate of \$12.00
- 2011-213 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for the Virginia Avenue Road Improvement Project-Council President questioned which street we would be applying for first. Mr. Parlow stated that we are going to request Westmont Avenue first from Rt. 35 North down to Bay Boulevard.
- 2011-214 appointing Roseangela Zaccaria as a badge checker for the end of the 2011 summer season at an hourly rate of \$8.00
- 2011-215 encouraging the observance of a moment of remembrance to last for one (1) minute beginning at 1:00 pm Eastern Daylight time on September 11, 2011-Council President Zalom stated that this is a wonderful idea and she will advise everyone that comes to the ceremony on Saturday.
- 2011-216 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for the Westmont Avenue Road Improvement Project

A Motion was made by Councilman Stogdill to approve the consent agenda. The Motion was seconded by Councilwoman Filippone. At this time, the Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda or the bills list.

Clem Boyers, 20 Kerr Avenue asked why Council thought that the town was down so much in revenue with the court tickets.

Councilwoman Filippone stated that not all tickets are the same price. We definitely have less revenue from tickets this year than last year but she also thinks we had a lot more people here last year than this year.

Councilman Lamb stated that we lost a lot of revenue the weekend of the hurricane and he did not think anyone came back down for Labor Day Weekend so that is roughly two weeks loss of revenue which definitely hurts us.

Mr. Boyers also questioned what the minimum and maximum meant regarding the salaries pertaining to Ordinance 2011-106.

Mayor LaCicero stated that it is required that every three years we give a salary range for each job title to run for three years.

Mr. George stated that was correct and is required by law to have one done every three years. Salaries for employees can also be set by resolution but the range must be set by Ordinance.

The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda.

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

RESOLUTIONS OFF-CONSENT

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2011-217 Bills List in the amount of \$668,521.33

A Motion was made by Councilwoman Filippone to approve the bill list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom and Lamb voted Yes. Councilman Stogdill abstained on PO #10-004401 and yes to all others. Councilman Horan abstained on PO #10-00670 and yes to all others. The Motion Passed.

ORDINANCES ON FOR FIRST READING/INTRODUCTION

ORDINANCE NO. 2011-06 (1096) ORDINANCE OF THE BOROUGH OF LAVALLETTE ESTABLISHING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

Mayor LaCicero asked Mr. Parlow to explain the ordinance.

Mr. Parlow stated that this is a requirement with a projection to extend us another three years. This new Ordinance will take the Borough through 2014. These current ranges also are included in our collective bargaining agreements.

A Motion was made by Councilman Horan to Introduce Ordinance 2011-106 (1096). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption will be held on September 19, 2011

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Philip G. George, Esq/Lavallette Volunteer Fire Company #1, Inc./Received August 11, 2011
- b) Eric M. Bernstein & Associates/Eric M. Bernstein Esq/Follow Up Regarding Legislation Related to Pensions and Health Benefits of Public Employees/Received August 15, 2011
- c) Eric M. Bernstein & Associates/Philip G. George, Esq/Bossert v. Borough of Lavallette/Received August 15, 2011
- d) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received August 19, 2011

- e) Eric M. Bernstein & Associates/Philip G. George, Esq/Bossert v. Borough of Lavallette/Received August 19, 2011
- f) Eric M. Bernstein & Associates/Philip G. George, Esq/Signage Along State and Municipal Roads/Received August 22, 2011
- g) Eric M. Bernstein & Associates/Philip G. George, Esq/NJDEP v. Borough of Lavallette/Received August 22, 2011
- h) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received August 22, 2011
- i) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received August 22, 2011
- j) Eric M. Bernstein & Associates/Philip G. George, Esq/Voting Eligibility for Approval of Minutes/Received August 24, 2011
- k) Eric M. Bernstein & Associates/Philip G. George, Esq/Bossert v. Borough of Lavallette/On Appeal from the Superior Court/Received August 24, 2011
- l) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received August 29, 2011
- m) Eric M. Bernstein & Associates/Philip G. George, Esq/In the Matter of Richard A. Burk, Borough of Lavallette/Received August 29, 2011

Engineering:

- a) O'Donnell, Stanton & Associates, Inc./Michael O'Donnell/Camden Avenue Road Improvements/Received August 9, 2011
- b) O'Donnell, Stanton & Associates, Inc./Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Received August 15, 2011

New Jersey League of Municipalities:

- a) S-2795 and A-3835, Inspection of Multiple Dwellings, Sample Resolution Website Included/Received August 5, 2011
- b) Guide to Medical Leave Laws/Received August 5, 2011
- c) S & P Downgrade/Received August 9, 2011
- d) Management Survey/Received August 11, 2011
- e) Federal Transportation Funding Debates To Intensify Next Month/Received August 17, 2011
- f) Pensions and Health Benefit Reform Training/Received August 18, 2011
- g) Management Survey Follow-Up/Received August 19, 2011
- h) Pensions & Benefits Information/Received August 23, 2011
- i) League Compliance with the Open Public Records Act/Received August 24, 2011
- j) New Content on DLGS Web Site/Received August 24, 2011
- k) Bills Signed Into Law/Credit Unions Authorized as Public Depositories/The "Anti-Snow Dumping Act"/Suspension of 2.5% Non-Residential Development Fee/Received August 24, 2011
- l) Federal Transportation Funding Information/Grants Application Webinar/Update on Congressional Debate on the Future of Federal Transportation Programs/Received August 25, 2011

- m) Governor Declares State of Emergency in Anticipation of Hurricane Irene/Received August 25, 2011
- n) Hurricane Irene Preparedness Update/Received August 26, 2011
- o) Two Issues/Additional Hurricane Details: Procedure to Follow If Storm Forces Delay in Public Bid Opening/New Bills Advanced at Senate Session on August 25, 2011/Received August 26, 2011
- p) Hurricane Irene Business Recovery Assistance/Received August 29, 2011
- q) Hurricane Irene, Regarding Building and Electrical Inspections/Received August 30, 2011
- r) Urgent Need for Blood and Platelets/Received August 30, 2011
- s) Hurricane Irene Updates/Deadline for Best Practices Extended/Presidential Disaster Declaration Issued or New Jersey/Hurricane Recovery On-Line Resources/Received September 1, 2011
- t) Verizon v. Hopewell/Status Update/Received September 1, 2011

General With No Action:

- a) Barnegat Bay Partnership/Jim Vasslides, Program Scientist/Lavallette Sea Nettle Barrier Project/Received August 8, 2011-Mayor LaCicero stated that he hoped that this gave them more information to research.
- b) State of New Jersey/Department of Environmental Protection/Wolfgang Skacel, Assistant Commissioner/Compliance Inspection/Water Quality/Received August 8, 2011
- c) Board of Chosen Freeholders/John C. Bartlett, Jr., Freeholder/thank you letter to Patricia Marrone for her kind letter/Received August 10, 2011
- d) Ocean County Planning Board/Michael D. Georgalas, CDBG Program Monitor/CDBG Funding Award/Received August 10, 2011-Mr. Parlow stated that we received approval for our CDBG funds and also received the approval for reimbursement.
- e) Jersey Shore MultiSport/Christopher S. Wilcox, Managing Member/LavaMan 6/11/11-10% Activity Fee/Received August 10, 2011-Councilman Borowski stated that he was glad to see that we received roughly \$1,800 in revenue from this event.
- f) New Jersey Clean Communities Council/Sandra Huber, Exec. Director/Clean Communities Reports Delay Deadline for 2010 Reports/Received August 12, 2011
- g) Jeffrey Licato/complaint letter in reference to receiving a parking ticket for not having a parking sticker/Received August 15, 2011-Councilwoman Filippone stated that she took a look at the signs in those lots and they are very clear. He also stated in his letter that he was married at the Gazebo and none of his guests received tickets when they parked there. She stated that she did some checking and found out that he was married in October of 2009 when parking stickers are not required. Mr. Parlow will follow up with a letter to him explaining that.
- h) Mendes & Mount, LLP/Thomas J. Quinn, Esq/1402 Ocean Front/Water & Sewer Bill/April 1 through June 30, 2011/Received August 19, 2011-Mr. Parlow stated that he has already sent Mr. Quinn a letter regarding his meter.
- i) Sunoco, Inc./Corporate Environmental Remediation/Fiona Livingston, Environmental Engineer/Notification of Environmental Remedial Activities/Sunoco Service Station/Received August 24, 2011

- j) Paul DeMassi & Associates/Paul DeMassi/Planning Board Application #3-07/1702 Grand Central Avenue/Received August 29, 2011-Councilman Lamb questioned if this gentleman is going to pursue this legally. Mayor LaCicero stated that he has had numerous discussions with this gentleman and he is not happy with the outcome of this planning board case. He definitely is in the business to know what is happening with that. He most likely will follow through with some type of legality if this isn't resolved.
- k) Ocean County Department of Solid Waste Management/James F. Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program/Received August 31, 2011-Councilman Horan stated that this was nice to see. It would be interesting to see how much we received last year at this time. Thanks to all of our residents who made this happen.
- l) Congress of the United States/Jon Runyan, Congressman/Budget Control Act of 2011/Received September 1, 2011
- m) Ocean County Columbus Day Parade Committee/Michael Blandina, Chairman/Twentieth Annual Columbus Day Parade/Received September 2, 2011
- n) Board of Chosen Freeholders/Joseph Vicari, Freeholder Director/letter to NJ Public Utilities about Hurricane Irene/Received September 2, 2011

General With Action:

- a) Wavejammer Surf Shop/Scott Meredith, Owner/requesting permission to have outside display of merchandise on Saturday and Sunday, September 17th & 18th 2011 with a rain date of September 24th & 25th/Received August 5, 2011-Mayor LaCicero stated that this is an annual request and should be voted on by Council.

A Motion was made by Councilman Borowski to grant permission to Wavejammer Surf Shop to have outdoor displays of merchandise on Saturday and Sunday, September 17th & 18th with rain dates of September 24th & 25th. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

- b) Lavallette Voters & Taxpayers Association/Joseph Marcianti, President/Heritage Day Arts & Crafts Day Event held on July 31, 2011/Received August 22, 2011-Mayor LaCicero stated that Mr. Parlow will respond formally with a letter to the LVT.
- c) Corey Jones/1804 Grand Central Avenue/requesting the use of the ball field for 10 weeks on Sundays starting September 11, 2011 for a fall baseball league/Received August 25, 2011-Mayor LaCicero questioned if Mr. Jones was informed about needing insurance. Councilman Stogdill stated that he hopes they will be using wooden bats if it is a men's league. Mayor LaCicero questioned if Council wanted to approve it with wooden bats only. Mr. George stated that you can deny them the use if they do not follow the approval that they were given. Mr. Parlow stated that he would inform Mr. Jones that he needs a certificate of insurance and can only use wooden bats for his league.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comments.

There were no comments from the public.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill thanked Public Works for taking care of the ball field all summer and making sure the lights were on and functioning.

Councilman Lamb stated that he thinks that Public Works did a fantastic job along with the Electric Department preparing for the hurricane and during the hurricane.

Councilman Stogdill stated that he too thinks everyone did a fine job with the hurricane. He was away on vacation but was updated by Mr. Parlow.

Councilman Borowski stated that he was at a conference in New Orleans during the hurricane and he was able to see first hand the horrible effects that occur with a hurricane down there. The devastation that New Orleans received with the flooding from that hurricane was just unbelievable. We should be very thankful. He stated that Mr. Golubowski, Mr. Schlosser and the Public Works crew did a great job along with Emergency Management and Chief Grant. The First Aid was also on hand with Audrey Zylinski evacuating people over to Toms River and Acting Chief of Fire Mike Phillips was on hand also.

Councilwoman Filippone stated that everyone did a great job with the hurricane. We managed to maintain power here because of the evacuation with many shutting down their mains to their homes. The Emergency Management was definitely right on with the evacuation.

Councilman Horan stated that he stayed here and checked on Public Works and they were constantly busy doing something and as soon as the sun came up they started to clean up and put everything back together. They did a fantastic job.

Mayor LaCicero stated that after the hurricane himself and Mr. Parlow had some phone conversations on what should be done next. We decided the best thing for the town was to bring the Public Works Department in on Sunday to start the clean up. We eventually found out that the Borough should be able to seek reimbursement through FEMA for the clean up expenses.

Councilman Borowski stated that awhile ago there was some discussion about maintaining one lifeguard on one of our beaches for the weekend of Heritage Day. He asked Mr. Lamb if the lifeguards will be on duty for Heritage Day Weekend.

Councilman Lamb stated that we did look into it and found out that it would be a liability to the Borough to just maintain one lifeguard for one beach.

Mr. George stated that once you start with one lifeguard with one beach you must maintain a lifeguard at every beach. No matter if we have one at the one beach you will be responsible for all of those beaches that will have no guards.

Mayor LaCicero stated that we always have the police patrolling with the ATV's on the beach.

EXECUTIVE SESSION:

There was no Executive Session

ADJOURNMENT:

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

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 and correct copy of the Minutes of the Regular Meeting of held on the 6th day of **September 2011**.

Christopher F. Parlow
Municipal Clerk