

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
February 8, 2010 7:04 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone
Councilman Borowski 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 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: Mayor LaCicero asked for a moment of silence for Bruce Hiller, a longtime resident of Lavallette and Father Corcora of St. Pio of Pietrelcina who both passed away.

PLEDGE OF ALLEGIANCE: Councilman Stogdill led the Salute to the Flag.

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

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.

APPROVAL OF CLERK'S MINUTES

Caucus/Regular Meeting of January 25, 2010
Executive Session Minutes of January 25, 2010
Special Meeting of February 1, 2010
Executive Session Minutes of February 1, 2010

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

Councilman Stogdill abstained on February 1st minutes and voted Yes to all others. The Motion passed.

REPORTS:

- a) Police Report for January-Councilwoman Filippone-read report
- b) Planning Board Report for January-Councilwoman Filippone-There was a workshop meeting in January which she was not present but the Board passed a resolution denying a variance on a property located on West Point Island.
- c) Public Affairs Report for January-Council President Zalom-There will be a New York City bus trip on April 17th and a Roast Pork Dinner at the Firehouse on April 10th. She asked everyone not to forget about our Senior Lunch & Movie the 1st Sunday of every month. The Beautification Committee will be holding a fundraiser on May 12th at Downtown on Irons Restaurant. The flyers can be obtained at Borough Hall. Our February calendars are available downstairs. The Mayor is available every Friday at 3pm before the Monday Meeting so go and visit him. The School will be having a CPR class on February 23rd at 7 pm. Remember to remove your vehicles from the street for snow plowing. Mr. Parlow stated that the streets need to be cleared for the snow plowing and we were able to get all the salt we needed so we are fully stocked.
- d) Municipal Court Report for January-Councilwoman Filippone-read report
- e) Zoning Report for January-Councilwoman Filippone-read report
- f) Construction Report for January-Councilwoman Filippone-read report
- g) Animal Control Report for January-Councilwoman Filippone-read report
- h) Tax Account Status Report for January-Tax Collector
- i) Revenue Transaction Report for December-Chief Financial Officer

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

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

RESOLUTIONS – ON CONSENT:

- 2010-65 appointing Frank Michenfield as a member of the Environmental Protection Advisory Committee-Council President Zalom welcomed Mr. Michenfield to the town and to the Environmental Committee.
- 2010-66 authorizing the refund of planning board escrow to Gary Ashby of 105A Grand Central Avenue in the amount of \$496.00
- 2010-67 authorizing the refund of planning board escrow to Robert and Margaret Astorino of 2 Elizabeth Avenue in the amount of \$512.15
- 2010-68 authorizing the refund of planning board escrow to Ralph Axcelson of 127 New Brunswick Avenue in the amount of \$114.00

- 2010-69 authorizing the refund of planning board escrow to Nicholas Burdi of 800 Ocean Front in the amount of \$205.50
- 2010-70 authorizing the refund of planning board escrow to Joseph Chyb of 1106 Ocean Front in the amount of \$323.00
- 2010-71 authorizing the refund of planning board escrow to Pasquale Stancato of 1702 Grand Central Avenue in the amount of \$47.50
- 2010-72 authorizing the Treasurer to issue a check in the amount of \$18,972.11 to D or L Rollo for a tax lien redemption
- 2010-73 appointing Nicholas Franzoso as an alternate recycling center attendant at an hourly rate of \$10.00 effective February 1, 2010
- 2010-74 appointing John Humprey as an interim laborer at an hourly rate of \$10.00 commencing February 1, 2010
- 2010-75 opposing the passage and enactment of Senate Bill 458 which calls for a master plan for the consolidation of the tax assessment and tax collection functions- Councilwoman Filippone suggested that maybe this bill should be put on our website with a form letter opposing it so our residents can send the letter to our constituents. It seemed to work on another matter very well. Mr. Parlow stated that what people don't know is that we already use shared services in Lavallette. We have a part time Tax Assessor who also works for Brick Township and Ocean Gate and our Tax Collector also works for Seaside Heights. Our Tax Collector also shares some of the work with the Chief Financial Officer helping her with payroll and some financial functions.
- 2010-76 appointing Arleen Maglionico as a temporary clerk typist for the Administration Office at an hourly rate of \$13.00 commencing February 1, 2010-Mr. Parlow stated that we had to hire two temporary clerks for the Administration Office due to one of our employees being on disability and another going on family leave.
- 2010-77 authorizing the execution of a shared services agreement with the County of Ocean pursuant to N.J.S.A. 40A:65-1 et seq., for 911 emergency telecommunications services
- 2010-78 designating the Trenton Times and the Trentonian as official newspapers of the Borough of Lavallette for the Year 2010-Mr. Parlow stated the federal law requires that the receipts of bids for the Sidewalk Beautification Project be advertised in a Trenton based newspaper.
- 2010-79 appointing Lauren Grogan as a temporary clerk typist for the Administration/Tax Office at an hourly rate of \$12.00 commencing February 16, 2010

- 2010-80 authorizing the execution of an agreement with the State of New Jersey, Department of Transportation to enter into the work on the Grand Central Avenue Sidewalk Beautification Project-Mr. Parlow stated that the State has approved the project and we hope to have bid specs out for the summer and should be able to start project after Labor Day.
- 2010-81 authorizing an amendment to the Capital Budget for 2010 - Project Improvements to New Brunswick Avenue and the Improvements to Sewer Utility
- 2010-81A support and commit to cooperation and participation in the PARIS grant for the purposes set forth and to execute and deliver all documents required incident thereto

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

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

- 2010-82 Bills List in the amount of \$2,240,147.07

A Motion was made by Councilman Horan to approve the Bills List. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Horan abstained on PO #10-00151, 10-00198, 10-00208 and voted Yes to all others. The Motion passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

BOND ORDINANCE NO. 2010-01 (1073) BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MUNICIPAL SEWER UTILITY, AND APPROPRIATING \$90,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$85,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Parlow stated that this is to repair the sewer liner on Guyer and Bond Avenues that needed to start the Sidewalk Beautification Project.

A Motion was made by Councilman Stogdill to Introduce Ordinance No. 2010-01 (1073). The Motion was seconded by Councilman Horan. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the Meeting of February 22, 2010

BOND ORDINANCE NO. 2010-02 (1074) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO NEW BRUNSWICK AVENUE, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Parlow stated that this in our annual road improvement project. This year's project is New Brunswick Avenue from Rt. 35 North down to Bay Boulevard. The ocean block was done years ago. Even though the project is totaling \$200,000 we will only be responsible for \$50,000 due to a DOT grant of \$150,000. The project will also address the sump pump problems in that area.

Councilman Lamb questioned if this would take care of the water problem on Rt. 35 North in front of LBI Spas.

Mr. Parlow stated that yes it would take care of that.

A Motion to Introduce Ordinance No. 2010-02 (1074) was made by Councilman Horan. The Motion was seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the Meeting of February 22, 2010

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/ADA Complaint-Mrozek/Department of Justice/Received January 25, 2010
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Bay Beach Way Annexation/Revised Draft Order for Annexation and Taxation/Received January 27, 2010
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Bay Beach Way Annexation/Revised Draft Order with some fine tuning with regards to school and county taxes/Received January 27, 2010
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Township Council of the Township of Toms River/Mayor and Council of the Borough of Lavallette/Bay Beach Way Annexation Order/Received February 2, 2010
- e) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Inspection of Records by Teamsters Local 469/Received February 5, 2010

New Jersey League of Municipalities:

- a) S-1, Reforms Fair Housing Act, Abolishes COAH/Received January 22, 2010
- b) Hazard Mitigation Grant Funds (HMGP)/Received January 25, 2010
- c) Changes to the DLGS Website/Received January 25, 2010

- d) Mayors-Take the Pledge to Combat Obesity in you Town-Join the Mayors Wellness Campaign Today/Received January 25, 2010
- e) Fema/State Web Resources Provide Hazard Mitigation Policy Guidance for Local Officials/Received January 28, 2010
- f) Elimination of “Time of Decision Rule” Is Reintroduced/Received January 28, 2010
- g) S-82, Time of Decision Bill Posted/Received January 29, 2010
- h) Resolution Urging the Elimination of 4% Cap on Local Tax Levy/Received January 29, 2010
- i) S-1, Affordable Housing/Received February 1, 2010
- j) Community Outreach Training on Sustainable NJ/Received February 1, 2010
- k) Upcoming NJRA RTI Redevelopment Training Institute Courses/Received February 2, 2010
- l) Local Finance Notices/February 2, 2010
- m) Sustainable Jersey Action Update/Received February 2, 2010
- n) Administrator or Manager Recruitment and Selection Advisory Service/Received February 4, 2010
- o) S-82, Time of Decision Approved by Senate Committee/Received February 4, 2010
- p) Support the Troops-March 25, Lawrenceville Armory/Received February 4, 2010

General With No Action:

- a) Board of Chosen Freeholders/Gerry Little, Freeholder/copy of letter to Senator Smith from Freeholder Gerry Little with regards to Eutrophication/Received January 22, 2010-Mayor LaCicero stated that eutrophication he believes is the nitrogen problem in the bay.
- b) Cablevision/Victoria Mink, Senior Vice President/check in the amount of \$21,955 representing full payment of all franchise fees for the period January 1, 2009 to December 31, 2009
- c) Ocean County Utilities Authority/Richard Warren, Executive Director/Certificate of 2010 Annual Charge/Received January 27, 2010
- d) Ocean County Utilities Authority/Richard Warren, Executive Director/Deficiency Notification for 2009 Calendar Year/Received January 29, 2010
- e) Douglas and Donna Franzoso/26 Lavallette Avenue/letter opposing the sale of Lavallette Avenue/Received February 1, 2010-Mayor LaCicero stated that he received about a 120 petitions from residents opposing the Lavallette Avenue configuration change and questioned Mr. Parlow if anyone has been in to Borough Hall to look at the plans? Mr. Parlow stated that maybe three people have asked to look at the plans. Mayor LaCicero stated that since we received these petitions today let’s hold off on talking about this until next meeting and he will review the petitions.
- f) Barbara Santosuosso/38 Lavallette Avenue/opposing the configuration of Lavallette Avenue/Received January 29, 2010-
- g) State of New Jersey/Department of Transportation/Robert Werkmeister, Manager/Grand Central Avenue Sidewalk Beautification/Received February 1, 2010
- h) Rhoda Gavornik/7 Cooper Lane/Millington, NJ/summer resident for seventeen years opposing the change of the configuration of Lavallette Avenue/Received February 2, 2010

General With Action:

- a) FEMA/RAMPP/Jean Huang/RAMPP/Data Acquisition for Region II Flood Study/Received January 28, 2010-Mr. Parlow stated that there is no action that needs to be taken on this.
- b) Financial Freedom/Jim Cunniff, Reverse Mortgage Specialist/requesting to speak at the senior citizen group for 15-20 minutes on Reverse Mortgages/Received February 3, 2010-Mr. Parlow stated that he will contact the Senior President and give him the information.
- c) Board of Chosen Freeholders/Joseph Vicari, Freeholder/requesting a representative take part in a grant writing seminar on February 24th hosted by Congressman Adler to assist with replacing inefficient heating systems with state of the art alternate energy/Received February 5, 2010-Mayor LaCicero stated that this is right up Councilman Horan's alley.
- d) Monmouth Academy/Tim Costello, Head of School/requesting to hold a Polar Bear Plunge on March 7, 2010 at 11:00 am/Received February 5, 2010-Councilwoman Filippone stated that this is in honor of Tom Schierer who is a Sergeant in town. He is part of the alumni at Monmouth Academy. They are also requesting that our rescue squad be on hand for this event. Mr. Parlow stated that the Mayor can approve the event with pending approval from the First Aid Squad.

UNFINISHED BUSINESS:

Council President Zalom stated that she thinks that the plans for the Lavallette Avenue street configuration should be kept visible so residents can come to view them. People are signing petitions that they do not even know what they are saying no to.

Mayor LaCicero stated that he did receive a call from the developer Walter Kosenski on what Council is leaning towards. He asked if the Council how they wanted to proceed on this matter. His feelings are that if the governing body is going to even consider it we should do all of our homework before going any further.

Councilman Lamb questioned if doing our homework is going to cost the Borough money?

Mr. Parlow stated that an appraisal will cost us about \$1,500.00.

Councilman Lamb questioned if we should spend the money or should the applicant spend it?

Council President Zalom stated that they had the same problem with residents not agreeing with the Crab's Claw having food outside. She stated that you do not always get what you want.

Mayor LaCicero stated that he does not think it is fair to the developer to keep him at bay until we make a decision.

Councilman Lamb questioned whether the buyer could pay for the appraisal?

Council President Zalom made a motion to approve the allocation of funds for an appraisal.

Councilman Lamb made a motion not to allocate \$1500.00 for an appraisal.

Mr. George stated that he believed that Council President Zalom made the first motion and that would require a second.

Mayor LaCicero called for a second.

There was not second.

Mr. George stated that the Motion has then failed.

Mayor LaCicero stated that he will take a look at the petitions and speak with the developer on what the next step is going to be or should be.

NEW BUSINESS:

Council President Zalom stated that we are going to be doing a new tourism brochure this year. She spoke to the person that worked on it two years ago and she is going to help again along with Matt Burk from downstairs.

Also, she spoke to someone who works for the State and she said that they have a registry of all businesses in New Jersey and the businesses have to pay a permit fee. When she mentioned it to Mr. Parlow he said we have it in our code book that businesses need to register which includes a one time fee of \$25.00. That would be extra revenue for the town so he suggested that the money could be used to prepare the brochure.

Councilwoman Filippone questioned when it was last enforced.

Mr. Parlow stated that he was unable to locate any records where the ordinance has been enforced. He stated that what is in the Code Book is a lot of information that we request with the registration that would be very helpful to all our departments in town such as floor plans, trade name, contact information and hours of operation. This information would be useful to the police and public works and fire department as well.

Councilwoman Filippone questioned if we had a form that she could give the Zoning Officer to start the process.

Mr. Parlow stated that he was not able to locate a form but he will make one up.

Mayor LaCicero stated that Mr. Parlow will create the form and we should start enforcing this right away.

Mayor LaCicero stated that he received a phone call on Friday from Toms River Township advising him to move any vehicles from the street for plowing, even though he does not live in Toms River. They obviously made a mistake, but stated that Lavallette should implement some type of emergency notification system to advise our residents of such issues. He knows the Lavallette School has one that they use frequently.

Mr. Parlow stated that the Chief has already scheduled an appointment to review a reverse 911 system.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned the League Advisory Notice on the elimination of the 4% cap levy and what that was about.

Mr. Parlow stated the 4 % levy cap has caused a lot of distress with their expenditures and revenues.

Mr. Boyers stated that to get the brochure started maybe we could get the initial registrations out for right away so the businesses could be put on immediately.

Joseph Palinsky, 122 Washington Avenue ask how the cable franchise payment is made.

Mr. George stated that the service is a month in advance and it is in the contract that their payment is paid yearly.

Mr. George stated that the payments of cable franchises are binded by the Board of Public Utilities and right now we are working on an expired agreement but the terms shall remain in force.

Mr. Palinsky questioned if there is any advantage to negotiate a new term?

Mr. George stated that the only changes would be in the various percs contained in the contract.

Walter Kosenski, 2000 Bay Blvd. stated that he did not mean to cause such uproar with the possible development on Lavallette Avenue. Those initial proposed plans were not carved in stone. We just wanted to get some insight in what Council thought about it as well as the public. With the first set of plans we had the house on that one lot. To him that seemed to be a real problem with the public so with this second set of plans we have changed that possibility. He apologized about the blocking of views. He hoped that everyone would look at this as a good thing instead of negativity. This project would clean up the mess that is there now. The road is in disrepair and we took down that awful building. That piece of island is owned by a homeowner so no matter what happens they are going to make use of it somehow. We have no problem paying for an appraisal. Even if this proposal gets voted down, eventually there will be a need for new curbs and paving for that part of the road. He will leave the new proposed plans with Mr. Parlow so residents and Council can review them and again use an open mind.

Mayor LaCicero stated that this is a unique situation for us so we do not even know what to expect. We will try to get something on the agenda for the 22nd.

Councilwoman Filippone questioned if these plans were different than the first set?

Mr. Kosenski stated that these plans are very different and he thinks the residents will like them better.

Steve Shohfi, 136 Elizabeth Avenue stated that he is the instructor for the CPR training class at the school on February 23, 2010 at 7pm. It is a two hour class and will be covering adult and child CPR and choking. He also commented about the reverse 911 system, the school has an emergency notification system and it is highly effective and inexpensive. He believes it worked out to be \$2 per pupil per year. Lastly, in regards to the sale of Lavallette Avenue, he knows the Council received roughly 120 letters in opposition of it but he is in favor of the sale. That corner has always been aesthetically displeasing; with the new proposal it makes it much safer and nicer looking.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the Paris Grant received last year has helped us and we're having a company come in and organize and file our records retention archives. This year we are joining with the County again to continue the reorganization and purge of all our archival records at no cost to the Borough.

Councilwoman Filippone stated that at the next meeting of the Planning Board we will be reviewing the new checklist that the Engineer has prepared in regards to our new site plan ordinance. This new checklist will be more efficient and pending approval will have it on agenda for approval.

Council President Zalom stated that she is glad to be working with such a great group of people on Council. Make sure everyone takes a look at the new plans before making any decisions. The Recreation Department is working on a new summer enrichment program. The "nice" rink has a bad liner but we are working with the County to try and get something put together for next year.

Councilman Horan stated that he will be attending the Freeholders Meeting on February 24th in regards to solar power and he has attended a Rutgers Seminar for funding last week. We are finally registered for Sustainable Jersey. The Environmental Committee is holding a meeting on March 3rd at the Library with NJNG and all their savings programs.

Mr. Parlow stated that he will be scheduling Budget Meetings for the next few weeks.

Mr. George stated that the final order on the annexation of Bay Beach Way should be signed by the Judge tomorrow.

Mr. George stated that there is a need to go into Executive Session to discuss contract negotiations. There will be no action that will be taken.

EXECUTIVE SESSION:

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting to enter into Executive Session. The Motion was seconded by Council President Zalom. Vote: All of Council was in Favor. The Motion Passed. The Caucus/Regular Meeting was adjourned to go into Executive Session at 8:05 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 8:25 pm.

Mr. George stated that in Executive Session we discussed the beginning of contract negotiations with Teamsters Local 97. There was no action that was taken.

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 8:26 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 and correct copy of the Minutes of the Caucus/Regular Meeting held on the **8th** day of **February 2010**

Christopher F. Parlow
Municipal Clerk