

**BOROUGH OF LAVALLETTE (MINUTES)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, October 20, 2008 – 7:01 pm**

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Ardito, Lamb, Zalom, Wenzel, Filippone and Stogdill

Council Members Wenzel and Stogdill were absent for this meeting.

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 Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 11, 2008. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for a long time resident, Angelo Rigliano, who recently passed away.

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

PROCLAMATION FOR SOPHIE ZAVISTOWSKI WHO IS TURNING 100 YEARS OLD ON OCTOBER 24, 2008-Mayor LaCicero read the Proclamation out loud and Council President Zalom took a picture to give to the family. Councilman Ardito promised to take the Proclamation to Mrs. Zavistowski.

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

At this time, Mayor LaCicero asked if anyone who wished to speak about anything that was not on the agenda and did not wish to remain for the remainder of the meeting could do so now.

Jennifer O'Reilly, Save Barnegat Bay wanted to make sure Lavallette had their new date for their 8K Run on June 27, 2009.

Donnelly Amico stated that she did receive the letter from Councilwoman Wenzel for that date and it will be on the next agenda of November 17th for approval.

She also wanted to show Council pictures that were taken of the ocean with a red glowing tint to it which was caused by a certain type of algae.

APPROVAL OF MINUTES

Minutes of Caucus/Regular Meeting of October 6, 2008

A Motion was made by Councilman Lamb to approve the Minutes of October 6, 2008. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Zalom, Filippone and Lamb voted Yes. The Motion passed.

RESOLUTIONS – ON CONSENT:

- 2008-273 authorizing the CFO to refund monies from the off duty police trust account in the amount of \$336.13 to Ruth Lazzara of 110 Trenton Avenue.
- 2008-274 authorizing the CFO to refund monies from the planning board escrow fund in the amount of \$249.00 to William Bori of 8 New Brunswick Avenue- Councilman Lamb questioned what type of fund this was. Mr. Parlow stated that when someone applies to the Planning Board there is an escrow fund set up for that case for any fees that accrue. Once the case is approved or denied the money is reimbursed to the homeowner.
- 2008-275 authorizing the CFO to refund monies from the planning board escrow fund in the amount of \$584.50 to Kenneth Abrahamsen of 85 Grand Central Avenue
- 2008-276 authorizing the Halloween curfew from October 30th thru November 2, 2008 in the Borough of Lavallette from 9:00 pm until 6:00 am
- 2008-277 authorizing the Recreation Dept. to have their Halloween bonfire in conjunction with the Halloween Harvest Hoedown on October 24, 2008
- 2008-278 authorizing the Mayor to sign and execute the Interlocal Agreement between the Borough of Lavallette and the Ocean County Sheriff's Department for the FY 2009 966 Reimbursement Program.
- 2008-279 strongly and unequivocally opposing any legislation that would require the inclusion of Lavallette School District into any plan for school district consolidation or regionalization-Council President Zalom thanked Mr. Parlow for a wonderfully worded resolution.
- 2008-280 authorizing the Borough Administrator to execute all enabling agreements for the purpose of procuring wholesale power supply and pricing proposals based on the recommendations of American Power Net
- 2008-280A appointing Council President Anita Zalom as Community Development Block Grant Representative

The Mayor opened public comment on all resolutions on the consent agenda and the approval of vouchers.

There was no public comment.

A Motion was made by Councilwoman Filippone to Approve the Consent Agenda. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Zalom, Filippone and Lamb voted yes. The Motion passed.

RESOLUTIONS-OFF CONSENT: There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2008-281 Bills List in the amount of \$2,478,243.39

A Motion was made by Council President Zalom to Approve the Bills List. The Motion was seconded by Councilwoman Filippone. Council Members Ardito, Zalom, Filippone and Lamb voted Yes. The Motion passed.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

Ordinance No. 2008-19(1047) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE, ENTITLED "LAND USE PROCEDURES," SO AS TO REVISE SECTION 37-9 ENTITLED PROCEDURES FOR FILING APPLICATIONS FOR BUILDING REQUIREMENTS.

The Mayor asked Mr. Parlow for a synopsis on this Ordinance.

Mr. Parlow stated that Land Use statute requires that a planning board application checklist must be approved by municipal ordinance and, although there is a checklist, the verbiage must be included in the code.

A Motion was made by Councilwoman Filippone to adopt Ordinance No. 2008-19(1047). The Motion was seconded by Council President Zalom. The Mayor opened the Public Hearing on Ordinance No. 2008-19 (1047). There was no public comment. The Mayor closed the Public Hearing. Vote: Council Members Ardito, Zalom, Filippone and Lamb voted Yes. The Motion Passed.

Ordinance No. 2008-23(1051) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "ZONING" SO AS TO CHANGE ARTICLE V, RESIDENCE DISTRICT A TO AMEND 90-24.E AND TO CHANGE ARTICLE VI, RESIDENCE DISTRICT B TO AMEND 90-37.E AND TO CHANGE ARTICLE VII, RESIDENCE DISTRICT C TO AMEND 90-44.E AND TO CHANGE ARTICLE VIII, BUSINESS DISTRICT TO AMEND 90.49.D(2)(d) AND TO CHANGE ARTICLE IX, OFF-STREET PARKING AND LOADING TO AMEND 90-59.A

Mayor LaCicero stated that this Ordinance is to allow a one foot overhang in the front yard setback.

A Motion was made Councilwoman Filippone to adopt Ordinance No. 2008-23(1051). The Motion was seconded by Council President Zalom. The Mayor opened the Public Hearing on Ordinance No. 2008-23 (1051). There was no public comment. The Mayor closed the Public Hearing. Vote: Council Members Ardito, Zalom, Filippone and Lamb voted Yes. The Motion passed.

Ordinance No. 2008-24(1052) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "SITE PLAN REVIEW" SO AS TO REVISE SECTIONS 53A-5 ENTITLED "APPROVALS REQUIRED", 53A-11 ENTITLED "APPLICATIONS FOR DEVELOPMENT; PROCEDURE," 53A-15 STANDARDS AND REGULATIONS."

The Mayor asked Mr. Parlow for a synopsis on this Ordinance.

Mr. Parlow stated that the Ocean County Planning Board must approved the Borough's Stormwater Management Plan. They have reviewed the Stormwater Management Ordinance as well as the Site Plan Ordinance and made various minor changes to each. This Ordinance reflects those recommendations.

Councilwoman Filippone stated that the Planning Board has reviewed all three of these Ordinances and recommend approval of all three.

A Motion was made by Councilwoman Filippone to adopt Ordinance No. 2008-24(1052). The Motion was seconded by Council President Zalom. The Mayor opened the Public Hearing. There was no public comment. The Mayor closed the Public Hearing. Vote: Council Members Ardito, Zalom, Filippone and Lamb voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Councilman Ardito stated that there was a lot of talk on the "Discuss Lavallette" website about the water bills and he received a number of calls at home also. He thinks these water/sewer bills need to be explained further and clearer. The residents clearly do not understand the rates and what they are being charged for.

Council President Zalom stated that the Parking Committee discussed the charging of the two hour parking signs and does not recommend charging for the two-hour parking. The Borough has never asked for the commercial establishments to pay for them all these years why now. Some of the commercial establishments did not receive the letters for the two hour parking. Mr. Parlow and Kim Samarelli took care of it and those people received their letters. The problem was some of those went to the corporate headquarters not the local ones.

Mr. Parlow stated that about a half dozen more commercial property owners have requested the two hour parking signs. He does not want to start measuring or getting started on this until he knows whether or not the Borough is going to charge a fee for the signs. If Council does decide to charge a fee that would require another step which would be an Ordinance designating a fee schedule for the sign. The resolution for the two hour parking was pulled from the agenda. In order to even start anything that resolution would have to be put back on the agenda with a vote.

Councilman Ardito stated that he attended the Lavallette Business Association meeting and they were not very responsive to paying for the signs. They think it would be unfair to charge them.

Mayor LaCicero questioned why they should be charged?

Councilwoman Filippone stated that we are charging the homeowners for their parking signs why not the business owners? They are making money with their businesses in town.

Council President Zalom stated that the fee for the parking signs for the homeowners is to have their own parking space in front of their homes because they do not have driveways, the business owners are not going to be parking there themselves if they are asking for the signs.

Councilman Lamb stated that he would like to keep the resolution pulled until we research this further.

Mr. Parlow stated that he would check with surrounding towns and see what they do and if they charge a fee.

Councilwoman Filippone stated that there was a joint meeting of the Ordinance and Environmental Committee meeting held on the 10th of October. Some issues that the committees discussed were solar/wind power, the 1500 foot buffer in between liquor establishments and news racks. She stated that the combination of the two committees worked really well. The committees were able to discuss a lot of issues concerning both committees.

She also reported that the Professional Planner is scheduled to attend the November 12th Planning Board meeting and it is open to the public. She has spoken with a representative from the Yacht Club and he has informed her that the bird noise machine was approved by the Fish & Game. There are no violations and it does not exceed our noise ordinance. The Borough will take a look into more in the spring when they turn it on again.

Mr. Parlow stated that RFP's for energy have been issued by APN and bids will be received on Thursday, October 23, 2008. Fortunately, the market has allowed advantages with electric pricing. The Boroughs are purchasing use blocks instead of loads. The earliest the new rates will take effect will be June 2009 bills.

NEW BUSINESS:

Council President Zalom stated that the Walter Donlan sign on the boat up at Philadelphia and the Ocean looks like it is starting to deteriorate. She thinks we need to take it down and maybe it

needs to be repaired or replaced. She also thinks Public Works need to replace any flags up there that are defrayed or damaged.

Councilman Ardito stated that he attended the NJ Clean Energy Conference in Jersey City. He was very impressed by the number of products that are out. He reviewed them over and over again. The conference on a whole was impressive and informative

COMMENTS FROM THE PUBLIC

Lach Cameron, 115 President Avenue he thinks the problem with people understanding the water and sewer bill is that it is not clear on the \$65.00 sewer charge.

Lee Horan, 16 New Jersey Avenue stated that he attended the Clean Energy Conference along with Councilman Ardito and was also extremely impressed with the amount of products. The big eye catcher was the solar flat roofs.

Joe Palinsky, 122 Washington Avenue questioned what happened to the old two hour parking signs? If we have the old ones, we can put those up and only order however many more we will need. No one would have to be charged at all.

He also stated that the Borough could also enhance our revenue by ticketing the dog owners who let their dogs go on the beach. A Police Officer patrolling the beach especially in the morning and giving out tickets would maybe stop the abundance of animals on the beach. People just do not seem to care even looking at the signs because nothing is enforced.

Councilwoman Filippone stated that if anyone sees the dogs on the beach call the police department right away. That is the only way that it is going to be enforced. She will definitely speak to Chief Grant about this and see what he can do.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS

Council President Zalom stated that October 22nd is Women's Health Day. We had a great time at Al Scheller's retirement dinner. The Beach Sweeps was held on October 8th and 75 people showed up in that cold wind. The number one pickups were caps and lids with wrappers coming in second. There were a lot of nails that we picked up from the boardwalk reconstruction. Don't forget about our dune grass planting on November 8th. Our annual Halloween Harvest Hoedown will take place on October 24th. There will be pony rides, scream contest, bonfire and lastly a dance for the older kids. There is square dancing at St. Pio and Faith Lutheran will be having an Octoberfest on Election Day.

We had our first Environmental Committee meeting. We are looking to appoint two students from Lavallette School to join our committee as well as Jill Lorenz, the science teacher.

Councilman Ardito stated that he thinks the various committees meeting together is definitely a good idea.

A Motion was made by Councilman Lamb to go into Executive Session. The Motion was seconded by Councilwoman Filippone. All were in favor. The Motion passed.

Mr. George stated that the discussions will be in reference to pending litigation with the DEP and the Gallo matters. He doesn't foresee any action being taken.

The meeting was adjourned at 8:06 pm to go into Executive Session.

The meeting resumed at 8:29 pm.

Mayor LaCicero asked Mr. George to report on what was discussed during executive session.

Mr. George stated that there was discussion about the DEP regarding a settlement in which we are going to move forward with the action. We also discussed the Gallo litigation in which no action was taken.

A Motion was made by Councilman Lamb to adjourn the meeting. The Motion was seconded by Councilwoman Filippone. All were in favor. The Motion passed.

The meeting was adjourned at 8:30 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 Regular Meeting of the Mayor and Council held on the **20th** day of **October 2008**.

Christopher F. Parlow
Municipal Clerk