

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, June 16, 2008 – 7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

**ROLL CALL:** Council Members Ardito, Zalom, Wenzel, Filippone and Stogdill. Councilman Lamb was not present at roll call.

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 Meeting 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:** Mayor LaCicero asked for a moment of silence for all the troops and also the New Jersey National Guard who is shipping out this week.

**PLEDGE OF ALLEGIANCE:** Council President Zalom led the Salute to the Flag.

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

Mayor LaCicero asked if anyone in the audience wished to speak about anything that was not on the agenda could do so now. No one wished to speak at this time.

**REPORTS:**

- a) Police Overtime Report for May-Councilwoman Filippone-read report
- b) Animal Control Report for May-Councilwoman Filippone-read report
- c) Public Works Report for May-Councilwoman Wenzel-read report
- d) Municipal Court Report for May-Councilwoman Filippone-read report
- e) Beach Badge Sales Report for May-Chris Parlow read from report
- f) Planning Board Report for May-Councilwoman Filippone reported that the Planning Board had a workshop meeting and the discussed the proposals received for a professional planner. The Planning Board received three proposals. She reported that a committee put together of three members to go over the proposals and at the meeting of June 25<sup>th</sup>. The committee should be giving the board a recommendation of who they feel should be hired. Once the Board hires this person there will be a preliminary meeting in either July or August that will be at not cost to the Borough. The planner will then return to a meeting in September to provide his recommendations. Councilman Ardito

questioned what the fee is for this individual. Councilwoman Filippone stated that she was not on the committee so could not give that information.

- g) Public Affairs Report-Council President Zalom reported that the Battle of the Bands went wonderfully. All the bands were great and it was hard to pick just one. She along with the Chief of Police and Mike Visco were judges. The Garden Tour was beautiful. There were many gardens that were toured. They were all very nice. She reported that she attended the awards assembly at the school and gave out the history books to the graduates. It was a fun night. She reported that the Recreation and Alliance has scheduled and number of activities for the kids to do this summer. She wished all a wonderful summer.
- h) Zoning Report for May-Councilwoman Filippone-read report
- i) Water and Sewer Infiltration Report First Quarter 2008-Councilman Ardito-read report
- j) Tax Account Status Month End for May-Tax Collector

A Motion was made by Councilwoman Wenzel to receive the Tax Account Month End May Status Report. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone all voted Yes. Councilman Lamb was not present at this time. The Motion passed.

**RESOLUTIONS – ON CONSENT:**

- 2008-161      refunding planning board escrow monies to Joseph Smith of 9 Newark Avenue
- 2008-162      refunding planning board escrow monies to 605 Grand Central Ave, LLC of 605 Grand Central Avenue
- 2008-163      refunding planning board escrow monies to 23 Trenton Avenue
- 2008-164      refunding a check to Michael Voto for a duplicate payment of beach badges.
- 2008-165      establishing fees and rates for the towing and storage of motor vehicles- Mr. Parlow stated that the towing Ordinance requires that the fees be established by resolution.
- 2008-166      authorizing a raffle license to the Union Church for an On Premise 50/50 Raffle to be held on September 27, 2008
- 2008-167      authorizing the appointment of James Moran to the Beach Badge Office staff for the 2008 summer season at an hourly rate of \$8.00
- 2008-168      supporting of the Joint New Jersey Senate and Assembly Republican Budget Alternative
- 2008-169      approving the renewal of the Plenary Liquor License No. 1515-44-001-005 for License Year 2008-2009 held by J. Ralph, Inc., doing business as Cornerstone Wines and Liquors

- 2008-170 approving the renewal of Club Liquor License No. 1515-31-006-001 for License Year 2008-2009 held by Lavallette Yacht Club, Inc.
- 2008-171 approving the renewal of Plenary Liquor License No. 1515-33-002-005 for License Year 2008-2009 held "In Pocket" by Lenny's Pizzeria Restaurant, Inc.- Mr. Parlow stated that this renewal is contingent on the receipt of the tax clearance certificate.
- 2008-172 approving the renewal of Plenary Liquor License No. 1515-33-003-005 for License Year 2008-2009 held by Saulwil, Inc., doing business as the Crab's Claw Inn
- 2008-173 approving the renewal of Plenary Liquor License No. 1515-44-005-006 for License Year 2008-2009 held by White Whale, L.L.C., doing business as Lavallette Liquors
- 2008-174 consenting to the renewal of the Plenary Liquor License No. 1515-33-004-013 for License Year 2008-2009 held by Sherman Hospitality, L.L.C., doing business as Gabriella's Italian Restaurant and Pete's Poolside Bar- Mr. George stated that this resolution only consents to the ABC handling the renewal of this license.
- 2008-175 authorizing the employment of beach badge checkers for the 2008 summer season starting June 21, 2008
- 2008-176 authorizing the electric collector to remove one electric account Block 2 Lot 7 due to a demolition of a dwelling unit.
- 2008-177 authorizing the amendment to contract between the Borough of Lavallette as a member of the Public Power Association of New Jersey and DTE Energy Trading, Incorporated- Mr. Parlow stated that this was an amendment to the current contract. The amendment removes the language that requires a letter of credit to be posted as well as the requirement for a Business Registration Certificate.
- 2008-178 authorizing the Mayor to execute an electric power supply contract with American Power Net- Mr. Parlow asked that this resolution be pulled until he receives further information for the agreement to finalize. Councilwoman Wenzel questioned where this company was based out of. Mr. Parlow said that they were based in Pennsylvania. The company is also willing to come to our next meeting and speak about the contract. Council agreed to remove Resolution 2008-178 from the agenda.
- 2008-179 authorizing the employment of two summer seasonal workers for the Department of Public Works at an hourly rate of \$7.50

- 2008-180 authorizing the employment of lifeguards for the 2008 summer season
- 2008-181 authorizing the removal of an electric account on Block 37.02 Lot 26 due to a demolition of a dwelling unit
- 2008-184A authorizing the employment of the tennis court attendants for the 2008 summer season

Mayor LaCicero opened public comment of all resolutions and payment of vouchers.

Frank Taibi, 127 Philadelphia Avenue questioned what a pocket license was?

Mr. George explained that a pocket license was a license that was purchased but not being used at an establishment.

Clem Boyers, 20 Kerr Avenue questioned if the Borough of Lavallette now holds the active license for Gabriella's Restaurant.

Mr. George explained that the Borough now has jurisdiction over the license and will enforce it. The Borough maintains control of the license for both establishments.

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda with Resolution 2008-171 as amended and the removal of Resolution 2008-178. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone all voted Yes. Councilman Lamb was not present at this time. The Motion passed.

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

**APPROVAL OF VOUCHERS:**

2008-182 Bills List in the amount of \$411,768.23

A Motion was made by Councilwoman Filippone to approve the bills list. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito Wenzel, Zalom, and Filippone all voted Yes. Councilman Stogdill abstained from PO # 08-0588 and #08-0530 and voted Yes to all others. Councilman Lamb was not present at this time. The Motion passed.

Councilman Lamb arrived at the meeting.

**UNFINISHED BUSINESS:**

Budget Amendment – Resolution 2008-183

Mr. Parlow read the budget amendment resolution in full.

A Motion was made by Council President Zalom to approved Budget Amendment Resolution 2008-183. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion was Passed

Mayor LaCicero asked Administrator Parlow for an update on the budget and the amendment.

Mr. Parlow reported that the Borough will not be receiving \$40,000 Municipal Aid from the State. He also reported that revenues from the Borough's Construction Office can be used to offset appropriations for six months of the year. The plan is to reduce budget appropriations through the Reserve for Uncollected taxes. In additional the new Recycling Tax must be removed to an "Outside the Cap" appropriation. He reported that the construction department is still very busy with construction and building. The additional revenue will help offset certain costs.

Councilwoman Filippone asked if the 2009 budget will reflect the construction revenue.

Michele Burk stated that the revenues and expenses will be run through a trust fund so those revenues will not be reflected in the current fund budget document.

Mr. Parlow stated that a spreadsheet will be prepared for the construction department to show the fees and anticipated expenses.

At this time, Mayor LaCicero asked the public if anyone wanted to comment on the budget.

Frank Taibi, 127 Philadelphia Avenue thanked Mayor and Council for reconsidering the Cushman being that the Borough \$40,000 of municipal aid. He commented that this is taxpayer money and since the Borough lost \$40,000 the budget should be reduced by \$40,000. He also commented that he believes the budget is being moved too quickly without public comment.

Council President Zalom stated that the budget process started at the beginning of the year and that there have been numerous public budget meetings for residents to attend. She commented that the Council is not trying to hide anything, it's all here in black and white for you to see.

Mayor LaCicero stated that he always looks for sources of funding from outside of Lavallette to help us out. He believes that additional revenues from cell tower rentals and forming our own construction department will offset the reduction of the \$40,000. He also commented that pension contributions as well as gas prices are making it extremely difficult.

Councilwoman Filippone stated that she was confident that the construction department revenue will make up the difference and as far as the purchase of the Cushman, the money was bonded in the 2007 budget.

Councilman Ardito stated that the committee he worked with in the past years always recommended the reduction in surplus.

Joe Marcianti, 3 New Jersey Avenue stated that he thinks he understands. We have one trust fund to pay out expenses and account for revenue. Now where is the money coming from to open the trust fund.

Michele Burk stated that the account is already open with revenues from June so there is no cash deficit.

Chris Parlow read Resolution No. 2008-184 in full for Adoption of the Budget.

A Motion was made by Councilwoman Filippone to approve Resolution 2008-184 which adopts the 2008 Municipal Budget. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. Councilman Ardito voted No. The Motion passed. The 2008 Municipal Budget was adopted.

Mayor LaCicero asked Administrator Parlow to go over the tax rate.

Mr. Parlow stated that our new municipal tax rate will be .257 which is an increase of 1.7 cents. This means if a home is assessed at \$650,000 their municipal portion of taxes would be \$1,670.60 which is a \$110 increase from last year.

Councilwoman Wenzel stated that she was very pleased with this budget process. She reported that in year's past she did not receive a hard copy of the final budget until the night of the meeting, which made it difficult to review. She commented that the Borough has saved nearly \$20,000 on the hiring of the new auditor.

Mayor LaCicero read, in full, a letter from NJDEP telling the Borough that they are going to allow the Borough to open the three street end accessways that are current closed for the summer season. There is a meeting on June 17<sup>th</sup> with members from the DEP to give us the restrictions and how they want them to be.

Mr. George stated that the meeting is going to take place at 11:00 a.m. at one of the street ends. He would like the person from public works that is going to be in charge of removing the sand to also be there so he knows exactly what they want.

Mayor LaCicero stated that the dredging under the WPI bridge is complete. He took his boat through and did not get stuck. He reported that the waterway is now navigable but it is not great. The excess sand is going to be spread across the Bayfront.

Council President Zalom stated that everyone was complaining to her about this and now everyone will be very happy.

Mayor LaCicero stated that the soundings that were done by Stockton College did not include the last three streets in Lavallette including the Lavallette Yacht Club. They stated that they will complete those three streets and give us some type of plan by the fall.

Councilwoman Wenzel stated that she is still waiting for some people to be on her Environmental Committee. She has about four people now and still needs as many as she can get.

Councilman Ardito stated that he will ask around and see if anyone wants to be part of that committee.

Councilwoman Wenzel also stated that the Cushman price of \$20,000 that she quoted at the last meeting was incorrect. It did not include some of the optional equipment for the truck. The company stated that they are probably going to receive a state contract this fall. She recommended that the purchase be placed on hold.

**NEW BUSINESS:**

Municipal Alliance requesting permission to hold “Movies on the Bay” at the Gazebo every Tuesday during the summer season.

A Motion was made by Councilwoman Wenzel to approve the dates for the Movies on the Bay at the Gazebo. The Motion was seconded by Council President Zalom. All Council Members were in favor. The Motion passed.

Council President Zalom announced that the library is having a dedication in memory of Linda Vizzone. Thanks to all of the donations that were given in her memory they were able to purchase a baby grand piano. The dedication will take place on July 9<sup>th</sup> at 7:30 pm at the Upper Shores Library. They are requesting the use of thirty chairs from the Borough to accommodate the amount of people that will be attending.

Draft Ordinances:

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED “STREETS AND SIDEWALKS” SO AS TO ESTABLISH LIMITATIONS ON CONSTRUCTION RELATED STREET OR SIDEWALK OBSTRUCTION.

Councilwoman Filippone stated that the ordinance to hire off duty police should be modified to require those who install modular home should be required to hire off duty police. This policy is done in other towns.

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE BOROUGH CODE, ENTITLED “ELECTRICAL STANDARDS” SO AS TO PROVIDE FOR ADDITIONAL FEES FOR MUNICIPAL CONNECTION OF WATER SERVICE WHERE EXTRAORDINARY OR UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING CONNECTION

Mayor LaCicero stated that he thinks more language needs to be added pertaining to modular home hookups for utilities. That is always a bigger project for the town.

Councilwoman Wenzel stated that there should be some language pertaining to the notification issues, as well.

**ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO ESTABLISH A FEE FOR THE USE OF MUNICIPAL PAVILIONS AND GAZEBOS AND FOR FEES FOR THE MAYOR TO OFFICIATE AT WEDDINGS.**

Council President Zalom stated that she thought the fee of \$250.00 was too high.

Mayor LaCicero stated that he spoke to Mrs. Grosko and she was happy with the fee amount and also wanted some other additional language in reference to the rules and regulations put in this ordinance also.

Council President Zalom stated that there was also a draft ordinance in reference to the permit decals for the spaces in front of people's homes that have no driveways. The parking committee is recommending a one time fee of \$250.00 for the sticker itself. There is going to be two spots per lot with some type of sticker and signage.

Mr. Parlow stated that he needs permission from Mayor and Council to allow him and Gerry Grayce, the new Construction Official to hire a Plumbing Inspector and an Electrical Inspector.

A Motion was made by Councilwoman Wenzel to give Mr. Parlow permission to hire two new Inspectors for the Construction Department. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

#### **COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue stated that there are about 12 undersized lots throughout the town that do not have driveway. He stated that the annual fee of \$250.00 is a must.

Councilwoman Wenzel stated that this \$250.00 should be yearly but also some type of fee for the signage.

Bob Marra, 102 President Avenue stated that the fee of \$250.00 is astronomical. He understands that we should pay for the painting of the numbers and signs but the amount is ridiculous. The sticker also should be transferable. Some homeowners have tenants on a weekly basis and they would need to give the stickers to every tenant. If someone has a driveway then they should only get one sticker for one spot not two. The driveway should be their other spot.

#### **COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Councilwoman Filippone wanted to congratulate Public Works for a wonderful job on the beach. She commented that it is perfect and pristine up there. She also wanted to let everyone know that the problem with our police computers in the car and Toms River Police has been resolved. Hopefully, we should be back on line by July 1<sup>st</sup>. Despite this problem tickets are still of high volume. Also, Patrolman Mike Monica is being honored by the 200 Club for his rescue in the ocean.

Councilman Ardito stated that he thinks that the Borough should have some type of cooling center in one of our buildings for anyone who does not have air conditioning when it reaches 90 degrees and above. The elderly people especially cannot take that amount of heat. He also was on the beach and boardwalk and it is perfectly nice and neat. There are bicycles on the boardwalk all the time. People who are walking have to walk around them. He suggested that the Council should consider changing the ordinance. He also witnessed many dogs on the beach. The police should start enforcing that also. Another issue he had was that people on the highways walking, riding bicycles and rollerblading. He stated that they should be told that they have to cover up. He believes it just does not look proper with all these people half naked walking down a busy highway.

Councilwoman Wenzel stated that she was impressed with Public Works and all the work they have been doing. She is very proud of her department.

#### **EXECUTIVE SESSION:**

A Motion was made by Councilwoman Filippone to go into Executive Session. The Motion was seconded by Councilwoman Wenzel. All were in favor. The Motion passed. The meeting was adjourned to Executive Session at 9:35 p.m. for Personnel and Contract Matters with formal action to be taken afterwards.

A Motion was made by Council President Zalom to reconvene the regular meeting. The Motion was seconded by Councilwoman Filippone. All were in favor. The Regular Meeting reconvened at 10:31 pm.

Mayor LaCicero asked Mr. George to comment on the content of the Executive Session.

Mr. George stated that the Police Chief's salary was discussed as well as some stipend discussions for Public Works. "Rice" notices were issued to those employees in a timely manner. Mr. George reported that Mr. Parlow was also "Rice" noticed as well.

Mr. George also reported that there was discussion in reference to the non-responsive bids received for consultant services relating to the water tower cellular antenna where action needs to be taken tonight.

A Motion was made by Councilwoman Wenzel to reject the bids for cell antenna tower consultant. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

A Motion was made by Councilwoman Filippone to go out for proposals again for the cell tower consultant. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

**ADJOURNMENT:**

A Motion was made by Councilwoman Filippone to adjourn the meeting. The Motion was seconded by Councilman Stogdill. Vote: All voted in favor of. The Motion passed. The Meeting was adjourned at 10:33 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 **16<sup>th</sup>** day of **June 2008**.

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Christopher F. Parlow  
Municipal Clerk