

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, August 18, 2008 – 7:00 pm**

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

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

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 the troops overseas and the New Jersey National Guard who will be deployed to Iraq on September 2.

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

**PROCLAMATION:**

The Donation of a Charcoal Drawing “Fallen Hero” by resident Adam Douglas Houser

Mayor LaCicero honored Adam with a Proclamation from the Borough of Lavallette and thanked him for his generous gift.

**MAYOR’S WELCOMING STATEMENT:**

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

Peter Sturm, 1600 Ocean Front stated that there has been an increase in activity on his corner of the boardwalk. There are teenagers and adults and they are very noisy and must be drinking on the beach. He said it goes on between 11:30 pm and 1:30 am and it is very bothersome. He has called the police a number of times but by the time they get there the people have dispersed.

Mayor LaCicero stated that he will speak to the Chief about it but don’t be afraid to call the police as soon as you see the problem starting.

Elaine Schardien, 221 Newark Avenue stated that she has been a resident of this town for many years and she loves this town. She is a big advocate of the bikes on the boardwalk. The highway is very dangerous for adults as well as children. Having the bikes on the boardwalk will alleviate

a lot of the parking problems because people will feel safer to ride their bikes instead of their cars.

Lucille Jarosinski, 1305 Bay Blvd. stated that she is petrified to ride her bike on Route 35 North. She commented that it is an accident waiting to happen. She thinks that the Borough should allow the bikes after 10 a.m. on the boardwalk instead of between 5 to 10 a.m. Her biggest pleasure is to ride her bike in this town.

**PRESENTATION:**

Lavallette Environmental Committee - Lee Horan

Mr. Horan gave a synopsis of the Wind Energy Symposium he attended on August 11<sup>th</sup>. He met with numerous vendors who were eager to help us out. He received a lot of information on Wind Energy and is looking forward to attending the next one on October 29<sup>th</sup>. He will give Mayor and Council all that he received there.

**APPROVAL OF MINUTES**

Minutes of Caucus/Regular Meeting of August 4, 2008

A Motion was made by Councilwoman Wenzel to approve the Minutes of August 4, 2008. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

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

**RESOLUTIONS – ON CONSENT:**

- 2008-229      authorizing the employment of three Lifeguards for the 2008 summer season
- 2008-230      accepting the donation of a charcoal drawing of a “Fallen Hero” from Adam Douglas Houser
- 2008-231      requesting the Director of the Division of Local Government Services to establish a dedicated trust by rider for uniform fire safety penalty monies pursuant to NJSA 52:27d-192 et seq.
- 2008-232      authorizing two applicants to attend the Ocean County Police Academy for Class I Officer training from September 2, 2008 until May 2009
- 2008-233      authorizing payment of a clothing allowance for the Superintendent of Public Works

2008-234 authorizing the employment of two beach badge checkers for the 2008 summer season

2008-235 authorizing the electric collector to adjust the billing amount on Block 46.01 Lot 3 due to an over read electric meter reading

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

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

**APPROVAL OF VOUCHERS:**

2008-236 Bills List in the amount of \$2,433,901.53

A Motion was made by Council President Zalom to approve the Bills List. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

**ORDINANCES ON FOR FINAL ADOPTION/SECOND READING**

Ordinance No. 2008-15(1043) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, SO AS TO DETERMINE POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM AS REQUIRED BY CHAPTER 92 OF THE LAWS OF 2007 (N.J.S.A. 43:15C-1 et seq.)

A Motion was made by Council President Zalom to adopt Ordinance No. 2008-15(1043). The Motion was seconded by Councilman Wenzel. The Mayor opened the Public Hearing. There was no public comment. The Mayor closed the public hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Bond Ordinance No. 2008-16(1044) BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO KERR AVENUE AND THE MUNICIPAL PARKING LOT, 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, STATE OF NEW JERSEY

A Motion was made by Councilwoman Filippone to adopt Bond Ordinance No. 2008-16(1044). The Motion was seconded by Councilwoman Wenzel. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Bond Ordinance No. 2008-17(1045) BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A SANITATION TRUCK AND IMPROVEMENTS TO PARKS AND

PLAYGROUNDS, APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,750 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY

A Motion was made by Councilwoman Wenzel to adopt Bond Ordinance No. 2008-17(1045). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Capital Ordinance No. 2008-18(1046) CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A CARGO VAN FOR THE ELECTRIC UTILITY, AND APPROPRIATING \$20,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY

A Motion was made by Councilwoman Wenzel to adopt Capital Ordinance No. 2008-18(1046). 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, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

Councilman Ardito stated that the Ralph Gorga sign on the boardwalk has been vandalized. He suggests that we replace it with a new one.

Councilwoman Filippone requested that we replace it with a much sturdier sign that will hold up better. She doesn't think replacing it with the same type of sign is a good idea.

Mr. Parlow stated that he will get a couple different prices on different signs and get back to Council with some ideas.

Mr. Parlow stated that he needs three motions from Council. The first one is provide authorization to the administrator to hire various positions in the Construction Office. The second is to provide authorization to go out to bid for a sanitation truck and the third is to provide authorization to go out to bid for lumber to complete the boardwalk project.

A Motion was made by Councilwoman Wenzel to authorize the Administrator to hire various positions in the Construction Office. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

A Motion was made by Councilwoman Wenzel to authorize the Administrator to receive bids for a sanitation truck. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

A Motion was made by Councilwoman Filippone to authorize the Administrator to receive bids for lumber for the boardwalk project. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Councilman Ardito stated that the Borough's street lighting bills is very costly. We should maybe start thinking about solar lights for these street lights. Maybe we can ask a company if we could try one for free to see how it works.

Councilwoman Wenzel stated that she suggested months ago to have solar lights on the boardwalk.

Councilwoman Filippone stated that we would need to check out the price of the batteries as well.

Councilman Lamb questioned whether there has ever been an actual assessment of the lighting in the Borough. We should do some kind of assessment in regards to our lighting for our buildings.

Councilman Ardito stated that he witnessed the quad vehicle riding to the beach on the streets. They are not supposed to be on the streets. They should use a trailer to bring the quad to the beach. Lastly, he asked for an update regarding the Planner for the Planning Board.

Councilwoman Filippone stated that the Planning Board hired a Planner and he attended the special meeting of August 13<sup>th</sup>. The meeting was open to the public and there were some people in the audience. The next meeting is scheduled for September 10<sup>th</sup> and that is when he will give some recommendations on the two Ordinances we discussed.

Councilwoman Zalom stated that she is going to be the Beach Sweeps Captain for October 18, 2008 once again.

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

Clem Boyers, 20 Kerr Avenue questioned whether the road improvements on Kerr Avenue were on the ocean block. He saw the surveyors on the street all summer. Who determines where the curb cuts go and if they should be where they are.

Mayor LaCicero stated that whatever is there now is what is going to go back. They cannot determine which ones should or shouldn't be there.

Mr. Boyers also questioned where we are at with the dredging situation?

Mayor LaCicero stated that he is going to schedule a meeting with the County to discuss which areas are the highest priority and which ones can be done later.

Mr. Boyers questioned where the sand will go once it is dredged?

Mayor LaCicero stated that it has been determined yet. Once dredged the quality of the sand would need to be determined in order to see where it should be placed. Some options are the bay beach, the WPI beach, and maybe the ocean beaches but it is still early to determine as of yet.

Mr. Boyers recommended maybe using the Yacht Club beach also.

Joe Farfalla, 15 Bond Avenue stated that his street was paved recently and they did a wonderful job. We got new curbs and curb cuts and they put everything back the way it was.

Mr. Farfalla questioned whether the public will be able to ask the Planner questions at the September 10<sup>th</sup> Planning Board meeting?

Councilwoman Filippone stated that she does not run the meeting. He would have to contact the Planning Board chairman.

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

Councilwoman Wenzel stated that the Council's decision to go out for RFP's for the auditor each year was a good decision.

Councilwoman Wenzel reported that the local chapter of the Rolling Thunder was in town on Saturday fundraising for the war veterans. They were disappointed that they didn't get to see the Mayor but gave her a t-shirt to give to him.

Council President Zalom thanked the Fire Department, especially Mike Phillips, for a job well done with Art Anderson's Memorial Service. It was very emotional. He worked for the Borough for thirty years and was a Lavallette Fireman for forty years.

Council President Zalom thanked the children for the painting of the street-end signs. The WPI Golf Tournament was a success once again. She asked everyone not to forget to attend the Pancake Breakfast at the Union Church. She also thanked the Public Works Department for their prompt response with reinforcing the telephone pole located on President Avenue. She thanked the Police Department for their help with the handicap children at the Music Man. They were very helpful with giving us a hand with the buses. Lastly, she reminded everyone to not forget to attend Heritage Day on September 6<sup>th</sup>.

Councilman Ardito complimented Mr. George on his efficient documentation.

**EXECUTIVE SESSION:**

Mr. George stated that there is a need to go into Executive Session. Some of the matters to speak about are the Toscano and DEP litigation. He also stated that there may be action taken after the executive session.

A Motion was made by Councilwoman Filippone to go into Executive Session. The Motion was seconded by Councilman Stogdill. Vote: All Council Members were in Favor. The Motion passed. The meeting was adjourned to go into Executive Session at 8:33 pm.

A Motion was made by Council President Zalom to resume regular session. The Motion was seconded by Councilwoman Wenzel. Vote: All Council Members were in Favor. The Motion passed. The regular meeting resumed at 8:46 pm.

Mr. George explained that there were two issues that were discussed. One was an offer of judgment in the Toscano litigation. The Borough will not be offering that at this time.

The other was the update in regards to the DEP negotiations. The DEP wishing to negotiate separately from the IP. Also discussed, as requested last meeting, was the question of enforcing people who are damaging or climbing on the dunes. There was no action taken on any of these matters and no other matters were discussed..

**ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilwoman Filippone. Vote: All Council Members were in favor. The Motion passed.

The Meeting was adjourned at 8:48 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 18<sup>th</sup> day of August 2008.

\_\_\_\_\_  
Christopher F. Parlow  
Municipal Clerk