

**BOROUGH OF LAVALLETTE (MINUTES)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, August 4, 2008 – 7:03 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 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:** Mayor LaCicero asked for a moment of silence for Arthur Anderson who past away the night before. He was a long time resident and worked for the Department of Public Works for 28 years before retiring in 1995.

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

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

At this time, Mayor LaCicero asked anyone in the audience who wished to speak about anything that was not on the agenda or didn't wish to stay for the entire meeting could speak now.

Pat Marrone, 11 Elizabeth Avenue-Friends of Lavallette Beautification-We have purchased ninety eight benches in three years. There seems to be a problem, mostly in front of the Crab's Claw, of moving of benches. This has become a very big problem because the bench that is supposed to be in front of the Crab's Claw was purchased by the Carbone Family to be put there because their parents honeymooned at the Lavallette Hotel. Some employees of the Crab's Claw keep moving Mr. Bertoni's bench in front of there because he was a longtime employee of the Crab's Claw. This has become a big problem. She asked if there is anything the Borough could do to try to stop this since the benches are now Borough property. She suggested that either the benched could be bolted down or charges could be filed against the people who as moving the benches.

Councilman Ardito questioned why the benches aren't bolted down already.

Councilwoman Wenzel stated that the benches can not be bolted down because they are located on a State Highway.

Mayor LaCicero stated that it will be looked into further by the attorney and the Police Department.

Jason Stender, Ortleigh Beach-Liquid Action- Thanked the Mayor and Council for their help with the Wakeboard Competition. He stated that it was a great day and everyone enjoyed it. He thanked the Fire Department, Police Department and the First Aid for their help and support. They had a great day and it was successful. He hoped to see everyone again next year.

## **APPROVAL OF CLERK'S MINUTES**

Regular Minutes of July 21, 2008

A Motion was made by Councilwoman Filippone to approve the Minutes of July 21, 2008. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

## **REPORTS:**

- a) Police Overtime Report for July-Councilwoman Filippone-read from report
- b) Public Works Report for July-Councilwoman Wenzel-read from report
- c) Public Affairs Report-Council President Zalom-The movie "Greetings From the Shore" is in the magazine NJ Voice and NJ Monthly Magazine. It's nice to see scenes from Lavallette. She reminded all about the Circus in Seaside Heights on August 6<sup>th</sup> and 7<sup>th</sup>. Movies on the Bay on Tuesday nights are a big hit. Remember there is a Psychic Fair at the Library and don't forget to pick up your exercise flyer.
- d) Municipal Court Report for July-Councilwoman Filippone-read from report.
- e) Animal Control Report for July-Councilwoman Filippone-read from report
- f) Planning Board Report for July-Councilwoman Filippone-One case with a swimming pool was withdrawn because a solution was found and no variance needed. Mr. Parlow stated that there was a renovation on an ocean block home that was over ground coverage. The other case was a modification to an approval from 2007 that was granted.
- g) Beach Badge Sales Report for July-Councilman Lamb-read from report
- h) Zoning Report for July-Councilwoman Filippone-read from report
- i) Tax Account Status Report for July-Tax Collector
- j) Revenue Transaction Report for June-CFO
- k) Water and Sewer Infiltration Report-Second Quarter 2008-Councilman Ardito-read from report
- l) Construction Report for July-Councilwoman Filippone-read from report

A Motion was made to approve the Tax Account Status Report and Revenue Transaction Report by Councilwoman Wenzel. The Motion was seconded by Council President Zalom. 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:**

2008-211      authorizing a recycling tonnage grant application for 2008

- 2008-212 in opposition to offshore liquid natural gas port facilities in the NJ/NY clean ocean zone
- 2008-213 authorizing the cancellation of unexpended and dedicated balances of the Electric Capital Appropriations-Mr. Parlow stated that this is to cancel funds that have exceeded their ten year life expectancy for the upgrade of electrical distribution system. There is a need to cancel these funds and create a new bond ordinance.
- 2008-214 authorizing the execution of an addendum to the contract with Earle Asphalt Company for the road improvements on White Avenue, Coleman Lane and Ortlely Avenue- Mr. Parlow stated that this is a decrease of \$7,017.00 in the contract price.
- 2008-215 proclaiming August 2, 2008 as “Choose Your Cover Day” to help raise awareness about skin cancer and the use of sunscreen
- 2008-216 authorizing the employment of a beach badge checker for the 2008 summer season at an hourly rate of \$8.50
- 2008-217 endorsing S-1976/A-2982, an increase in state police surcharges to defray costs of local police services
- 2008-218 authorizing the Borough of Lavallette to hold a municipal auction for the sale of certain personal property pursuant to N.J.S.A. 40A:11-36-Mr. Parlow stated that this auction is for certain items that have not been claimed. This auction will take place on August 20<sup>th</sup> at 9am at the Water Treatment Plant located on Newark Avenue.
- 2008-219 accepting and approving the 2007 Audit Corrective Action Plan-Mr. Parlow stated that there were two comments in this year’s audit. One is in reference to our electric cash balances, which is being corrected by one of the resolutions on tonight’s agenda. The other comment is in reference to using the correct electric rates.
- 2008-220 authorizing the acceptance of a donation to the Lavallette Beach Patrol from the Lavallette Booster Association of a 2008 John Deere Gator for use on the beach by the Lifeguards
- 2008-221 authorizing the cancellation of \$134,494.30 unexpended funds from the Electric Capital Improvement Fund- Mr. Parlow stated that this is from the electric power feeders and will go on for the 2009 budget.
- 2008-222 authorizing the cancellation of unexpended and dedicated balances of the Water Capital Appropriations- Mr. Parlow stated that this is to cancel \$30,000 in balances still in the water capital fund.

- 2008-223 certifying to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled “comments and recommendations”
- 2008-224 authorizing the award of contract for cellular telephone facilities lease consultancy- Mr. Parlow stated that we have awarded the contract to FSD Enterprises with a \$3,000.00 retainer.
- 2008-225 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for Bond Avenue Road Improvements
- 2008-226 approving the submission of a grant application and execution of a grant agreement with the New Jersey Department of Transportation for New Brunswick Avenue Road Improvements
- 2008-227 authorizing the cancellation of unexpended and dedicated balances of the General Capital Fund

Open Public Comment (Resolutions / Vouchers)

Mayor LaCicero opened the floor to public comments on resolutions and vouchers.

There was no public comment.

Mayor LaCicero closed the public comment portion.

Councilwoman Filippone stated that the hiring of this consultant is to find companies with the best bid specs.

Mr. Parlow stated that this consultant is going to prepare the specs and assist the Borough in the process.

A Motion was made by Councilman Lamb to approve the Consent Agenda. The Motion was seconded by Councilwoman Wenzel. 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:**

2008-228 Bills List in the amount of \$953,778.28

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

**SECOND READING/ADOPTION OF ORDINANCE:**

ORDINANCE NO. 2008-14 (1042) - 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 A RESIDENTIAL PARKING PERMIT PROCEDURE AND FOR FEES FOR RESIDENTIAL PARKING PERMITS.

A Motion was made by Councilwoman Wenzel to adopt Ordinance No. 2008-14(1042). The Motion was seconded by Councilman Stogdill.

Mayor LaCicero opened the public hearing.

Robert Marra, 102 President Avenue thanked Mayor and Council for this permit. He still thinks the tags should be transferable and thinks the cost of \$250 is still too high but he will take what he can get.

Lach Cameron, 115 President Avenue questioned how the citizens were going to be notified that this was going to take place?

Mr. George stated that the fact is that the street parking is public parking and the Borough does not have to inform the residents ahead of time.

Councilwoman Wenzel stated that Section C of this Ordinance does try to accommodate the residents.

Mr. Parlow stated that they will notify the adjacent property owner's and ask them if they have any problem with their spot out in front of their house to a property owner who does not have a driveway.

Mr. George stated that the burden will be on the person in need of the parking space to notify their neighbors.

Councilwoman Filippone stated that this is a maximum of fifteen properties in town that qualify with only three of these spaces not being directly in front of their homes.

Mayor LaCicero closed the public hearing

Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

**INTRODUCTION OF ORDINANCES:**

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. 43:15C-1 et seq.).

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2008-15 (1043). The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Parlow stated that this ordinance is required by the State and is in reference to the newly created defined contribution retirement program. All municipalities are required to create an ordinance to enroll certain positions in this plan. Newly elected officials are automatically required to enroll in the new plan. The only other positions that qualify are the Borough Administrator and the Municipal Judge.

Public Hearing and Final Adoption are scheduled for August 18, 2008.

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, NEW JERSEY

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2008-16 (1044). The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Parlow stated that this is the Bond Ordinance required to perform road improvements to Kerr Avenue and also to repave the municipal parking lot. The road project is funded with a DOT Grant.

Public Hearing and Final Adoption Scheduled for August 18, 2008

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 THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2008-17 (1045). The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Parlow stated that this Bond Ordinance is to purchase a garbage truck and for improvements to the Washington Avenue Playground. Mr. Parlow reported that the Police 4x4 can not be included in the bond ordinance and must be funded through the Police operating budget.

Councilwoman Filippone stated that she spoke to the Chief and he will be able to lease under state contract the 4x4 or a car.

Councilman Lamb questioned whether a garbage truck is absolutely needed right now?

Mr. Parlow stated that with the increase in recycling another garbage truck will make the schedule a lot easier for the town.

Public Hearing and Final Adoption Scheduled for August 18, 2008

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, NEW JERSEY.

A Motion was made by Councilman Stogdill to introduce Ordinance No. 2008-18 (1046). The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Parlow stated that the Electric Department has an old cargo van that is not operable. A new one should be more efficient for that department.

Public Hearing and Final Adoption Scheduled for August 18, 2008

### **COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Bay Beach Way Realignment Committee/Copy of Complete Petition/Received July 15, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Public Power Association of New Jersey/Request for Interpretation of Waiver Request/Received July 17, 2008
- c) Carluccio, Leone, Dimon, Doyle & Sacks, LLC/Bay Beach Way/Order of Final Judgment/Received July 17, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water & Sewer Utility, et al./Received July 24, 2008
- e) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water and Sewer Utility/Plaintiff's Interrogatories and Supplemental Interrogatories/Received July 29, 2008-Mr. George stated that this is the beginning of the litigation process. Councilman Ardito questioned if this could be lengthy and costly? Mr. George stated that it is quite possible but he anticipates that it should be resolved quickly.
- f) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Cellular Tower Leasing Consultancy Bids/Received July 30, 2008

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley

Avenue Road Improvements/Pay Estimate No. 2/May 1, 2008 thru June 30, 2008

New Jersey League of Municipalities:

- a) Important New Information from the Division of Local Government Services/Received June 18, 2008
- b) Electric Energy Cost Containment Initiative/Received July 2, 2008-Mr. Parlow stated that this was sent to the League by the Public Power Association explaining that the system that we use to purchase energy is broken and definitely needs to be fixed.
- c) Re-adoption of Vegetation Management Regulations by the Board of Public Utilities/Comment and Interim Requirement/Protecting the Rights of Military Service Member Public Employees/Received July 10, 2008
- d) Government's Blue Ribbon Advisory Panel on Immigrant Policy/Telephonic Hearing on July 31, 2008/Received July 11, 2008
- e) Calendar Year 2008 Extraordinary Aid Numbers Released/Received July 11, 2008-Mr. Parlow stated that Lavallette was cut \$39,000.00.
- f) Appellate Division Affirms Invalidation of Sex Offender Residency Ordinances/Received July 15, 2008
- g) League Files Challenge of COAH Regulations/Received July 17, 2008
- h) Public Safety Related Costs Property Tax Relief(S-1976/A-2982/Received July 22, 2008
- i) NJDEP Offers Local Outreach Concerning Site Remediation/Received July 24, 2008
- j) WASHINGTON WATCH! House Passes H.R. 3221/Received July 25, 2008
- k) H.R. 3221-Foreclosure Crisis Relief/Received July 29, 2008
- l) President Signs Foreclosure Relief Bill/Received July 30, 2008
- m) DLGS News/Received July 30, 2008

General With No Action

- a) Board of Chosen Freeholders/Joseph H. Vicari, Director/thanking the Mayor for providing such picturesque location for the Barnegat Bay Buddy Press Conference/Received July 7, 2008
- b) Environmental Resources Management/Client Alert/Revised Rule to Encourage Wastewater Reuse/Received July 7, 2008
- c) Coastline Adventures Surfing School, LLC/Lance Tompkins/Preliminary Proposal to work with the town of Lavallette to offer surf camps at your beaches/Received July 7, 2008-Council President Zalom stated that Billabong is wonderful and helped out with our Skim boarding Contest last month. Captain Cresbaugh is willing to help out with coordinating the beaches and the Recreation Department as well as the Municipal Alliance will be a part of this also.
- d) State of New Jersey/Department of Environmental Protection/Benjamin Keiser, Acting Manager/Barnegat Bay/West Point Island Soundings/Received July 7, 2008-Mayor LaCicero stated that this was the one that was not included in the first round of soundings. This one is for the Westmont Shores area including the Lavallette Yacht Club.
- e) State of New Jersey/Department of Environmental Protection/David Kerr, Communications Officer/Suspected Hazardous Substance Discharge Notification NJDEP Case/Received July 9, 2008
- f) Worldwater and Solar Technologies/Jim Bryan, Markets Manager/Solar Energy Consultants/Received July 10, 2008

- g) Jersey Central Power & Light Company/Notification of electric services that are in our area /Received July 14, 2008
- h) Clean Ocean Action/Cindy Zipf, Executive Director/Master Data Card/Received July 14, 2008
- i) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/June 2008 Recycling and Compost Reports/Received July 14, 2008-Councilwoman Wenzel stated that Brick Twp. is going to give Mazza and Sons a chance to give them a proposal. The Ocean County Landfill's prices are just getting ridiculous. Mazza sent out a mailing to all municipalities asking them to give them a chance to speak with them and show them what services they have to offer. Amazingly, the OC Landfill has in the mean time lowered their tonnage rates. Maybe we could still set up a meeting with Mazza and see what he has to offer.
- j) County of Ocean/Mary Jerkowicz, Recycling Program Aide/Ocean County Recycling Directory Updates/Received July 14, 2008
- k) Ocean County Board of Health/Ella Boyd, Public Health Coordinator/Ocean County Community Health Improvement Plan/Received July 15, 2008
- l) PMK Group/Kristi Sorrentino, Staff Scientist/2008 Environmental Joint Insurance Fund Audit/Received July 16, 2008
- m) CompComm/Christine Malone, Principal/Cellular Antenna Installation Consultant RFQ/Received July 16, 2008
- n) New Jersey Natural Gas/Suzanne Bostwick, Manager/Lavallette can receive a daily list of residential customers that are disconnected if we choose to/Received July 17, 2008
- o) State of New Jersey/Department of Environmental Protection/Frank Coolick, Administrator/2007 Recycling Tonnage Report/Received July 18, 2008
- p) State of New Jersey/Department of the Treasury/FY 09 Appropriations Act/Received July 21, 2008
- q) Cozen, O'Conner/Ira G. Megdal/In the Matter of the Petition of New Jersey American Water Company, Inc. to change the level of its purchased water adjustment clause and purchased sewerage adjustment clause/Received July 21, 2008
- r) Voters and Taxpayers Association of Lavallette/Joseph Marcianti, President/Lavallette Voters and Taxpayers Participation in Heritage Day 2008/Received July 21, 2008
- s) Cablevision/Adam E. Falk, Vice President/Launches of LATV; The Hallmark Channel and 15 HD Channels/Received July 22, 2008
- t) Ocean County Landfill Corp/Lawrence C. Hesse, President/Ocean County Landfill Corp. Solid Waste Facility/Received July 23, 2008
- u) Ocean County Utilities Authority/Keith B. Marcoon/2008 Metered Flow Data/Received July 23, 2008
- v) US Coast Guard/US Department of Homeland Security/Public Notice 5-116/Received July 23, 2008
- w) Township of Woodbridge/John E. McCormac, Mayor/2008 New Jersey Senior Olympics being held in Woodbridge Twp/Received July 24, 2008
- x) Ocean County Planning Board/Mark C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report-July 2008/Received July 28, 2008
- y) PMK Group/Environmental Alert/NJDEP Continues Crackdown on Underground Storage Tanks/Received July 28, 2008
- z) State of New Jersey/Council on Affordable Housing/Lucy Vandenberg, Executive Director/Affordable Housing Reform Statute, P.L. 2008, c.46/Received July 29, 2008

General With Action:

- a) Alison Littell McHose, Assemblywoman/requesting us to join an effort devoted to smaller government called the Small Government Caucus/Received July 7, 2008-Mr. Parlow will contact Mrs. McHose and get some more information.
- b) Michael Genovese/Allison Stubits/3 New Brunswick Avenue/requesting to hold a wedding ceremony on the beach at New Brunswick Avenue on September 26, 2008 between 2:30 pm and 4:30 pm-Approved
- c) James Pasch/Amy Meirose/requesting permission to hold a wedding ceremony on the beach at Trenton Avenue on September 20, 2008, between 3:00 pm and 5:00 pm/Received July 18, 2008-Approved
- d) Lavallette Voters and Taxpayers/Joseph Marcianti, President/requesting the e-mail addresses of Mayor and Council/Received July 21, 2008-Mayor stated that he does not use email. Councilwoman Wenzel stated that she doesn't even have a computer. Councilman Lamb stated that he would not want to use his personal computer and am not even the Borough Hall much to check an email. Councilwoman Filippone stated that there is no law that requires Councilpersons to hold email addresses. Councilman Ardito stated that he thinks they only reason why it was requested was because there were all kinds of talk on this Lavallette web site with residents complaining about different things. If we had our own email addresses those residents could question or complain to us instead of coming to meetings. He also knows that other Council persons in other town hold email addresses. Mayor LaCicero stated that he has office hours from 3-4 pm on the Fridays before the meetings for anyone with a problem or question. He also can be reached at his personal office in town. Council President Zalom stated that she has her own personal email at her residence but does not wish to share it with anyone. Councilwoman Wenzel stated that OPRA was a good thing for the citizens of New Jersey, unfortunately some people and organizations use it for the wrong reasons and that's why government entities do not wish to accommodate so easily if they don't have too.
- e) Stephanie Szczepan/Kevin Crosby/requesting to hold a wedding ceremony on the beach at New Jersey Avenue on August 10, 2008 at 7:00 pm/Received July 23, 2008-Approved
- f) Jersey Shore Partnership, Inc./Jack Rosenfeld, Chairman/requesting the Mayor to become a member of their organization/Received July 23, 2008-Mr. Parlow will check into this further.
- g) Colleen Rabke/David Meyer/requesting to hold their wedding ceremony on the beach at Kerr Avenue on September 27, 2008-Approved

**UNFINISHED BUSINESS:**

Councilman Ardito stated that he did some research about the light on the water tower. He stated that the light to illuminate the water tower costs the Borough annually \$1,500. He questioned whether the light is worth keeping on all year round? One alternative is a red light for the airplanes to see.

As for the bicycle problem it has yet to be resolved. He reported that he has taken it upon himself to ask some people who were riding on the sidewalks, or going the wrong way if they knew that they shouldn't be riding on the sidewalks or riding the wrong way and most of them did not know. Some of the people stated that in their town you are allowed to ride on the sidewalks. Some people stated that they feel more comfortable and safe on the sidewalks or going against the flow of traffic.

Maybe we need to post some signs with the rules and regulations so these people know they are doing something wrong.

Council President Zalom stated that these problems with the bikes have been going on forever.

Councilwoman Filippone stated that the Police Department has issued tickets to bicyclists going the wrong way and has seen some improvements. We did receive a report from the Chief about the bicycle problem and his request was to let them be on the boardwalk during the day. Unfortunately, the times the bikes can be on the boardwalk is set by Ordinance.

Mr. Parlow stated that the way the current ordinance reads the time is set by resolution of the governing body.

Mr. George stated that this means that the bicycles on the boardwalk are prohibited any other time unless allowed by Mayor and Council.

**NEW BUSINESS:**

Councilwoman Wenzel stated that she has had some complaints from West Point Island residents about cars cruising at a very high speed. They requested some type of speed bumps by the beach area. They request some patrol cars to sit and run radar.

She also was approached by some residents questioning who should be enforcing telling the young children they cannot play on the dunes. She thinks some of the problem is that the signs do not face the beach just the boardwalk.

Councilwoman Filippone stated that it has become a problem. She has gone over to parents on the beach and told them it is a \$1,000 fine if you get caught on the dunes. The signs need to be put towards the beach and the boardwalk.

Councilwoman Wenzel stated that the Marine Mammal Stranding Center is in the process of losing their lease and is in need of some help. Maybe the Borough could reimburse them for their services every time they are called down to Lavallette for a wounded or dead animal on the beach.

Mr. George stated that he does not think it would be a problem but will look into it further.

Council President Zalom stated that there is a resident who has lived here since he is four months named Adam Houser who did a Charcoal Drawing of a "Fallen Hero" and would like to donate it to the Borough of Lavallette for the use at our Memorial Day Services each year.

She stated that she would like a resolution done to accept this donation and he will be here at the next meeting to present it to the Borough.

Council President Zalom stated that she also emailed the Governor in reference to the canceling of certain projects such as the Adopt the Highway Program. She wanted him to know how disappointed she was and how disturbed she was by it.

## **COMMENTS FROM THE PUBLIC:**

Jim McDonald, 120 Camden Avenue stated that he has been a resident for over fifty years here. He stated he has never seen the bicycle problem as bad as it is now. Between the Church and Quick Check is the worst. He is all for the bikes on the boardwalk. If we spread the hours out during the day it will filter out the problem on the highways and the sidewalks. People won't scurry to ride their bikes on the boardwalk before 10am and it would not be so crowded during the morning hours. He suggested allowing bikes on the boardwalk between the hours of 10:30 a.m. to around 3:00 or 4:00 p.m. He stated that the boardwalk is empty during those hours.

Mr. George stated that the hours could be changed temporarily by Resolution but you are still going to have the same issues up there.

Mr. McDonald stated that he is pleased with Mayor and Council to care so much about the specific hardships with the residents in this town and how you try your hardest to help them out. He is reaching out as a resident of this town and to ask that the Council look into bikes on the boardwalk between the hours of 10:00 a.m. and 4 p.m. with some signs going up there saying yield to pedestrians or watch for children crossing. He stated that bicycle riding in the spring and fall is a pleasure in the summer it becomes unbearable and very dangerous for everyone.

Councilman Ardito stated that he would like to do a trial run with allowing bikes on the boardwalk. His only concern is of course that child running across for the ice cream truck and not watching for the bicycle rider.

Councilwoman Filippone stated that she is not in favor of the bikes on the boardwalk. We need to enforce the laws so people start to obey them.

Joe Marcianti, 3 New Jersey Avenue stated that he has many concerns with the bicycle problem in town. The children are riding the bikes with no reflectors or helmets. He stated he has even witnessed the police on bicycles going extremely fast on their bicycles. He questioned why the bicyclists are not using Bay Boulevard. He stated that there has to be a better solution to this dangerous problem.

Frank Taibi, 127 Philadelphia Avenue stated that he was amazed by the organization that was in charge of the Wakeboard Competition over the weekend. He has lived here along time and this was the first time that an organization came at 5 a.m. and set up a stage and sound system and we never heard one noise. Kudos to that Organization!

He asked for an update on the Bay Beach Way Annexation.

Mayor LaCicero stated that Toms River Township has appealed the decision therefore; he doesn't expect anything to happen until 2009.

Joe Palinsky, 122 Washington Avenue questioned Ordinance No. 2008-17. He wants to know if this is adding more playground equipment to the Bayfront.

Councilwoman Wenzel stated that this is taking one away and replacing it with a newer, safer one.

Mr. Palinsky also questioned when the parking sticker is waived for special events what are the hours that they are waived? Someone parked there during a waived event and received a ticket after a certain hour.

Councilwoman Filippone stated that she thought it was during the hours of the event but will speak to the Chief.

Bill Kinney, 23 Philadelphia Avenue stated that we do not know if something is going to work unless we give it a try. The biggest problem we have is the bikes going the wrong way on Rt. 35 North so let's try allowing them to ride somewhere else to see if this will rectify the problem.

Mr. Kinney stated that it would be very easy for a resident to send an email to a Council person pointing out a problem and not expecting an answer in return. This should be considered at some point.

Tim Correll, 2207 Baltimore Avenue stated that if Council is going to allow bikes on the boardwalk the safest way to do that is to create designated lanes. Bicycles are still traffic just a different kind of traffic.

Lucia Correll, 2207 Baltimore Avenue stated that the problem is that there are no signs on Bay Blvd. for the bike riders to know where they should turn to get to a specific location. That would solve a lot of problems with the bicycles.

Jim McDonald, 120 Camden Avenue stated that he sees a lot of valid points from Council concerning the emails but emails are a valuable tool. Maybe we need some type of alerts or newsletters to inform residents better.

Joe Marcianti, President of the Voters and Taxpayers Assoc. stated that he has 700 members in this organization and he is responsible to them. These taxpayers are requesting your emails so they can express certain concerns and problems to you the public figure. It is a better line of communication compared to the telephone or letters. Most of the time an answer is not needed, just the person knowing they have addressed a concern that they have is good enough. Some residents are not year round and can not get to a meeting or even to town but would like to express a concern. Please reconsider this and think more about it.

Lach Cameron, 115 President Avenue stated that there are more walkers than bikers and the bikers go home in September.

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

Councilwoman Filippone stated that there was an article in the New York Times about the Bruce Springsteen Concert and how he praised New Jersey. Everyone should read it, it was a nice article.

She also stated that she is in the phone book for anyone who has a concern or complaint.

Councilman Ardito stated that Seaside Park Council passed a resolution closing all drinking establishments at midnight. Maybe we should consider this, also.

Councilwoman Wenzel thanked Council for approving the Natural Gas Resolution.

Council President Zalom stated that she is running in November and is more concerned with the safety issue then the election issue.

Mayor LaCicero stated that he had a couple of people come to see him during his Meet the Mayor hours on Friday and their concern was cigar smoking on the beach. There might be a lot of anti smokers at the next meeting.

**EXECUTIVE SESSION:** There was no executive session

**ADJOURNMENT:**

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

The meeting was adjourned at 10:32 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 4<sup>th</sup> day of **August 2008**.

---

Christopher F. Parlow  
Municipal Clerk