

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, September 22, 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

Mr. Parlow arrived at 7:48 pm.

**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 two longtime residents who passed away this weekend, Louise Longo who was Linda Vizzone's mother and Nancy Miceli, who was Celeste Brockwell's mother.

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

**PRESENTATION:** Joe Yewaisis of Save Barnegat Bay presenting checks from the 8K Run –Mr. Yewaisis was not present.

Councilwoman Wenzel stated that he did request to be put on this agenda.

**MAYOR'S WELCOMING STATEMENT:**

**COMMENTS FROM PUBLIC: (Items not listed on agenda/not staying for remainder of meeting):** Mayor LaCicero opened public comment. There was no public comment.

**APPROVAL OF MINUTES**

Minutes of Caucus/Regular Meeting of September 8, 2008

A Motion was made by Council President Zalom to approve the Minutes of September 8, 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:

- 2008-249 appointing Luke Cuccurullo to the Environmental Committee-Council President Zalom stated that Mr. Cuccurullo is very excited about this.
- 2008-250 authorizing the Interlocal Agreement with the County of Ocean Prosecutors Office for our DWI Checkpoints for year 2009
- 2008-251 authorizing the 50/50 raffle and gift auction for the Helping Hands, Loving Hearts to be held on November 1, 2008 at the St. Bonaventure Parish Hall.
- 2008-252 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc.-Councilwoman Wenzel questioned if there were any changes to the agreement from last years? Mayor LaCicero stated that there were no changes.
- 2008-253 authorizing an emergency appropriation of less that 3 percent of the total operating appropriations in the amount of \$15,000 for gas and diesel fuel purchases-Mayor LaCicero stated that this was just because of the price of gasoline, the usage has gone done. Council President Zalom stated that she is thankful that the Borough is a member of the Stafford Co-Op. Councilwoman Wenzel stated that there are keys required to the all pumps and cameras watching the area so that makes a difference, also. Councilman Ardito stated that he was very glad to see the usage down for the gasoline.
- 2008-254 providing recognition and support for the National Guard and Reserve
- 2008-255 authorizing a bingo license to the Rosary Altar Society of the St. Pio of Pietrelcina (formerly St. Bonaventure Church) for their bingo games for the year 2009
- 2008-256 authorizing the electric collector to adjust an electric account at Block 11 Lot 28 that was over billed by \$287.99
- 2008-257 authorizing the Mayor to execute an Amendatory Schedule “C” Agreement between the Borough of Lavallette and the County of Ocean-Council President Zalom stated that in the early 90’s we hired Bird Construction to do our dredging and that cost \$16,000. In 1999, we had the County do it and that cost us \$16,500. She was very glad to see that this time the price came down to only \$12,000.

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:**

2008-258 Bills List in the amount of \$3,347,923.70

A Motion was made by Councilman Stogdill to approve the Bills List. The Motion was seconded by Councilwoman Filippone. Council Members Ardito, Wenzel, Stogdill and Lamb voted Yes. Council Members Zalom and Filippone abstained on PO#08-0831 and PO#08-0832 and voted Yes to the rest of the bills list. The Motion passed.

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

Ordinance No. 2008-20(1048) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-04(920) ADOPTED ON APRIL 7, 2003, AS AMENDED BY BOND ORDINANCE NO. 2005-04(968) ADOPTED ON APRIL 11, 2005, AS AMENDED BY BOND ORDINANCE NO. 2005-21(985) ADOPTED ON OCTOBER 24, 2005, AS AMENDED BY BOND ORDINANCE NO. 2006-17(1005) ADOPTED ON AUGUST 21, 2006, AS AMENDED BY BOND ORDINANCE NO. 2007-02(1013) ADOPTED ON FEBURARY 26, 2007, AS AMENDED BY BOND ORDINANCE NO. 2007-09(1020) ADOPTED ON AUGUST 20, 2007, AS AMENDED BY BOND ORDINANCE NO. 2008-01(1029) ADOPTED ON JANUARY 14,2008, PROVIDING FOR IMPROVEMENTS TO BOARDWALKS AND DOCKS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$1,050,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$997,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40a:2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A Motion was made by Councilwoman Wenzel to adopt Bond Ordinance No. 2008-20(1048). The Motion was seconded by Councilman Stogdill. The Mayor opened up the Public Hearing on Bond Ordinance 2008-20(1048). There was no comment from the public on this Bond Ordinance. The Mayor than closed the Public Hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion Passed.

Bond Ordinance No. 2008-21(1049) BOND ORDINANCE PROVIDING FOR ACQUISITION OF ELECTRICAL DISTRIBUTION EQUIPMENT, APPROPRIATING \$175,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$166,250 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

A Motion was made by Councilman Lamb to adopt Bond Ordinance No. 2008-21(1049). The Motion was seconded by Councilwoman Wenzel. The Mayor opened the Public Hearing on Bond Ordinance 2008-21(1049). There was no comment from the public on this Bond

Ordinance. The Mayor than closed the Public Hearing. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion Passed.

### **ORDINANCES ON FOR INTRODUCTION/FIRST READING**

Ordinance No. 2008-22(1050) 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.F AND TO CHANGE ARTICLE VII, RESIDENCE DISTRICT C TO AMEND 90-44.F

Councilwoman Filippone requested that this Ordinance be pulled from the Agenda. Chief Grant would like some time to measure the spots specifically. He is worried that there will be an issue with the site triangle. It will be put back on the next meeting agenda.

Councilman Ardito questioned whether this ordinance should be sent back to the Ordinance Committee for further review.

Councilwoman Wenzel stated that usually with a Planning Board Ordinance, it comes to the Mayor and Council as correspondence first and then we discuss and make any changes before we put it on the agenda for introduction.

Councilman Ardito stated that he would prefer it be done that way.

Councilwoman Wenzel stated that if we instructed the Attorney to draw up an ordinance for something specific we would naturally review it first before it would go on the agenda. It would be a lot cleaner if we discussed it first.

Mayor LaCicero stated that maybe we should review it before putting it on for introduction.

### **UNFINISHED BUSINESS:**

Councilwoman Filippone stated that she has the report on the Crossing Guards from the Chief. The report reads that the guards started July 12<sup>th</sup> through the summer season from 11am to 4pm. The streets were Bryn Mawr Avenue and Route 35 North and South and New York Avenue and Route 35 North and South on Saturdays and Sundays only. The highest number of pedestrians crossed was on Route 35 North and New York Avenue totaling 167. This was the busiest of the four locations.

Council President stated that she is going to use this information to send to the State for our traffic light that we are requesting there.

Councilwoman Filippone stated that the Chief recommends that this continue next summer on Route 35 South and New York Avenue and Route 35 North and Bryn Mawr Avenue. He recommends still working hard to get that light on NY Avenue and Route 35 North and recommends that we discontinue the guard on Rt 35 South and Bryn Mawr Avenue.

Councilman Ardito requested that we do a rough draft of a solar ordinance for the next meeting to review.

Councilman Lamb stated that many towns are doing this.

Mayor LaCicero asked the attorney to draft an ordinance and make modifications.

Council President Zalom stated that Coast Cities is still working on getting us a bus.

Mayor LaCicero stated that he spoke to the County about the Soundings. The northwest portion of WPI is very shallow. They are going to do an investigation of what the bottoms consists of. The county is going to be taking care of it all at no cost to the borough. The only problem is that this can be very messy and the Borough should probably figure out where we are going to put the mess.

Councilwoman Wenzel stated that she believes the north side of the Island is sand but the northwest side is some kind of silt or muck. That are should probably be isolated.

#### **NEW BUSINESS:**

Councilwoman Wenzel requested that a resolution be put on the agenda for the next meeting allowing Public Works to shut down certain blocks while under construction.

Councilwoman Filippone questioned if she was anticipating anymore fence problems with this section of the reconstruction?

Councilwoman Wenzel stated that she was unable to attend the walk through with the Administrator, Gary and the Mayor but she doesn't foresee much of a problem up there. Mr. Parlow is going to be sending out the letters to the homeowners.

Mayor LaCicero stated that he sees less of a conflict with this project and it looks pretty good.

Councilwoman Filippone questioned when the dune planting was going to be?

Council President Zalom stated that it was being held on November 8<sup>th</sup>.

Councilman Ardito requested that we consider an ordinance for wind power.

Mayor LaCicero stated that that should be discussed by the Ordinance Committee

Councilwoman Filippone stated that if these wind power vanes are on top of roofs, that is going to be another problem. We would also have to look into amended our current ordinance on heights of 30ft. maximum on structures.

Mayor LaCicero stated that maybe the environmental and ordinance committees should discuss this topic together.

Councilwoman Filippone stated that the meeting will take place sometime in November.

Councilman Ardito stated that he was happy that the Borough was a member of the Public Power Association.

Councilman Lamb questioned Councilman Ardito on whether or not he did an assessment on the bills for the Borough Buildings. Maybe there are ways we can be cutting costs for ourselves. The firehouse just got new doors and I believe that they definitely made a difference with conserving energy.

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

Tom Tevlin, 13 President Avenue stated that he would like to request some type of pedestrian walk signs for the light on Washington Avenue to cross North and South.

He thanked Council President for a wonderful job each year with the Memorial Day Services. He is very glad about the purchasing of another sanitation truck. That will help with quicker pickups so the town stays cleaner. He doesn't think the beach badges are working in town. He thinks we should go with a rubber band type badge for daily badges. Nobody likes to stick a pin through their \$100.00 bathing suits. This would be a rubber band type badge that could be secured on their wrist or ankle and wouldn't have to be pinned anywhere on clothing. I have the paperwork on it from breakwater beach and I would like to give it to Councilman Lamb to look into.

Councilman Lamb thanked him and he will look into this option.

Patricia Hoffman, 116 Brown Avenue stated that she was asked by Lee Horan to read this. It is about a free loan program for an anemometer, which is a small wind vein with cups. Rowan University is doing a study and are willing to give towns this free as part of their program. He would like the Borough to apply for this anemometer for the town and become part of their study.

Councilwoman Wenzel suggested that the Borough Administrator look into it further. We need to know about the legalities and would need to figure out a place to put it before we just jumped into it with a yes.

Pat Gilman, 45 Dickman Drive stated that she witnessed these windmills in California and thought they were beautiful. She stated she is not much for technology but it is part of life now and we need to conserve energy the best way we can.

Bill Kinney, 23 Philadelphia Avenue asked for an update on the Dune Maintenance Permit.

Mayor LaCicero stated that the process is taking longer than anticipated because of the budget problems with the State. Our application is submitted and Mr. George is in the process of trying to get a date for a meeting to sit down and discuss this further. As soon as we set a firm date I will announce it at a meeting.

Arthur Bremmer, 213 Bryn Mawr Avenue just wanted to thank Mayor and Council and the Police Dept. for the crossing guard on Rt. 35 and Bryn Mawr this summer. My family and I have a very hard time crossing there to get to the beach. This summer was a pleasure to be able to cross without a problem or worrying about my grandchildren.

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

Council President Zalom thanked Councilwoman Filippone for the copy of the article about Central Park. The Bocci Ball Tournament was a success. Thanks to Tony and Municipal Alliance and also Public Works for setting up. The triathlon was a hit but the kids one didn't have a big turnout. Next year they are going to combine them into one. The new fall/winter activity schedules are out. Don't forget to get your tickets for the NY bus trips. The dune grass plantings will be held November 8<sup>th</sup> and the Beach Sweeps will be held October 18<sup>th</sup>.

Councilwoman Filippone stated that she had an article about the problems in Central Park with the dog walkers, the bicyclists, roller bladders and runners. It is happening everywhere and we need to be very careful what we decide about the bicycles and pedestrians on the boardwalk at the same time.

Councilman Stogdill stated that he thinks we should at least get on the list for the anemometer and than we can research it further.

Councilman Ardito questioned two specific items on a Bond Ordinance and is that allowed.

Mr. Parlow stated that it is called a multi purpose Ordinance and they are used frequently by towns when more than one type of item is being purchased.

Councilwoman Wenzel stated that there is going to be a retirement dinner for Al Scheller who worked for Public Works. It will be held on October 17, 2008 at the Toms River Elks Club. Anyone who wants to attend can speak to Diana Turrian at Public Works or Donnelly Amico at the Borough Hall.

She also asked that information be requested from the School Board on the regional school district. We need to know the legalities.

Councilman Ardito stated that the next School Board meeting is being held on September 25<sup>th</sup> and maybe some of us should attend.

Council President Zalom stated that she knows that the way the law reads now is that it would have to be agreed upon by all three towns in total.

She also thanked Mr. George for donating the easel for the fallen hero portrait.

Mr. Parlow stated that there is a program called Clean Energy Program, which is an energy audit for your town. He has contacted one of the approved vendors and will send them a complete list of our Borough facilities. The consultant will provide the Borough a proposal. The BPU will be picking up 50% of the cost. The Borough should be receiving a proposal shortly.

He also stated that he has received most of the two-hour parking surveys back. He sent out about sixty surveys. The commercial property owners needed to respond or they would not be provided with two hour parking signs. Seventeen of the commercial properties have requested the two-hour parking and 20 have responded that they did not want it. Most of them who responded are from the middle of town to the north. There was a parking committee meeting that was cancelled on September 10<sup>th</sup> and rescheduled for October 8<sup>th</sup>. We will be discussing these surveys at that time.

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

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilman Stogdill. The meeting was adjourned at 8:16 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 22<sup>nd</sup> day of **October 2008**.

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Christopher F. Parlow  
Municipal Clerk