

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, October 5, 2009 – 7:00 pm**

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

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

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 Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 9, 2009. Notice was also posted on the Municipal bulletin board.

**MOMENT OF SILENCE:** Mayor LaCicero asked for a Moment of Silence for the troops overseas. We suffered a big loss over there this week. Also, for the Berens Family who lost their son, Matthew Berens last week. Jack Berens works for O'Donnell, Stanton Associates

**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 opened the floor to anyone in the audience who wished to speak on any issues that were not listed on the agenda or could not stay for the remainder of the meeting.

There was no public comment.

**PROCLAMATION:**

Mayor LaCicero read the Proclamation for Roger Martin, who was a long time resident of Lavallette and a wonderful volunteer.

Council President Zalom took pictures of Mayor LaCicero and Councilman Horan holding the Proclamation and it will be mailed to Roger Martin.

**PRESENTATION:**

Census 2010 – Katy Bazerque, Partnership Specialist:

Katy stated that the Federal Government does a census every ten years. The Census is done for three reasons. The first is to count the amount of people in the United States. The second is for the

amount of monies each state gives their municipalities according to population and the third is for determining our Congressional seats. She stated that starting in March 2010 the residents in Lavallette will be receiving a survey with about ten questions on it and they are to fill it out and mail it back to the Census Bureau. The problem the Census Bureau is having is some municipalities have a large amount of snowbirds. We have three different groups that we need to get counted for this census, the seniors, undocumented and the homeless. She believes the Borough has already put a link on their website for people to review the survey that will be being mailed to them. Our representatives that will be going door to door will not be asking for social security numbers or bank account information. They will also not be asking for access into the residence. There is no fees connected to this survey, you just have to answer the questions and then mail it back. Ocean County believes that 30% of the population in Ocean County was left out in the 2000 Census which consisted of mostly the snowbirds.

Councilman Horan questioned what they are going to do to prevent the shortage this year.

Ms. Bazerque stated that this year they are going to try their hardest to count as many people as they can. That is why we need everyone's help including the snow birds of each municipality. If you just vacation for the winter months in Florida and you live here than most of the time then you need to fill the survey out here not in Florida. That is what we need to keep reminding them so they remember to do it. That is why she is here tonight so everyone understands the concept of what we are trying to accomplish. This is mostly to help each town get the benefits they deserve. Ms. Bazerque thanked the Mayor and Council for allowing her to make the presentation.

Bill Kinney, 23 Philadelphia Avenue questioned whether the number of undocumented affects the congressional seats, state and federal money?

Ms. Bezerque stated that the undocumented do count like everyone else.

Clem Boyers, 20 Kerr Avenue stated he worked for the Census in 2000 and it counts every address. If there are three units there will be three surveys sent.

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

Regular Meeting of September 28, 2009  
Executive Session Meeting of September 28, 2009

A Motion was made by Councilwoman Wenzel to adopt the Minutes. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. Councilwoman Filippone abstained. The Motion passed.

#### **REPORTS:**

- a) Police Report for September-Councilwoman Filippone-read report
- b) Planning Board Report for September-Councilwoman Filippone-One case on Bond Avenue that was held over to the October meeting. There is a case on for the October Meeting that is our

first Site Plan Ordinance. Mike O'Donnell office did a great deal of work with this application. After this we are going to have Mr. O'Donnell do some revisions to the Ordinance.

- c) Animal Control Report for September-Councilwoman Filippone-read report
- d) Municipal Court Report for September-Councilwoman Filippone-read report
- e) Public Affairs Report for September-Council President Zalom-We have a wonderful calendar that we mail to every resident but we also have the updated calendars of events on the website that can be downloaded. Adopt A Highway will be on October 17<sup>th</sup>. We have the Rummage Sale on October 9<sup>th</sup> & 10<sup>th</sup>. The Beach Sweeps is going to be held on October 24<sup>th</sup>. The Halloween Harvest Hoedown will be held on October 30<sup>th</sup>. There will be two culinary trips this fall so keep an eye out. October is Women's Health Month and Domestic Violence Month. There will be two NY trips on December 9<sup>th</sup> and 12<sup>th</sup>. The flu clinic is October 13<sup>th</sup> from 1 to 3pm at the First Aid.
- f) Zoning Report for September-Councilwoman Filippone-read report
- g) Construction Report for September-Councilwoman Filippone-read report
- h) Tax Account Status Report for September-Tax Collector
- i) Revenue Transaction Report for August-Chief Financial Officer
- j) Detailed Budget Report for August-Chief Financial Officer

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

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

**RESOLUTIONS – ON CONSENT:**

- 2009-235 authorizing Mayor Walter G. LaCicero to execute a certification regarding executive compensation reporting requirements under section 1512 of the American Recovery and Reinvestment Act of 2009
- 2009-236 authorizing the 2009 Halloween curfew from October 29<sup>th</sup> thru November 1<sup>st</sup> from 9:00 pm until 6:00 am in the Borough of Lavallette
- 2009-237 authorizing the Recreation Department to hold their Halloween bonfire on October 30, 2009 at 6pm in conjunction with the Halloween Harvest Hoedown
- 2009-238 approving two applications to Helping Hands, Loving Hearts to hold a 50/50 raffle and Gift Auction on November 7, 2009 from 4pm to 11pm at St. Pio Parish Hall
- 2009-238A appointing David Jackovino to the position of Temporary Recycling Center Attendant at an hourly rate of \$10.00 commencing on October 8, 2009 through December 31, 2009
- 2009-238B authorizing the Tax Collector to cancel 2008 delinquent balances in the amount of \$2.08

Mayor LaCicero opened the floor to anyone in the audience who wished to comment on the Consent Agenda and Bills List.

There was no public comment.

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

**RESOLUTIONS-OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

2009-239 Bills List in the amount of \$322,612.22

A Motion was made by Councilwoman Filippone to approve the Bills List. The Motion was seconded by Councilman Stogdill. Vote: Council Members: Wenzel, Lamb, Stogdill, Horan and Filippone voted Yes. Council President Zalom Abstained on PO #09-00280-18 and voted Yes to all others. The Motion passed.

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received September 14, 2009
- b) Horn, Turnbach & Rybar, LLC/Jeff J. Horn/Borough of Lavallette v. Margaret Churchill & John Forman/Received September 17, 2009

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond & Kerr Avenues Road Improvements/Application to the OC Soil Conservation District/Received September 14, 2009
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Kerr Avenue Road Improvements/Final Reimbursement/Received September 17, 2009
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Received September 23, 2009
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Received September 30, 2009
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Bid Award Recommendation/Received October 1, 2009
- f) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Received October 1, 2009

New Jersey League of Municipalities:

- a) Unemployment Insurance Extended Benefits/Received September 11, 2009
- b) Two Issues for the “Lame Duck” and Beyond/Mandates Relief/Binding Arbitration Reform/Received September 11, 2009
- c) Rethinking our Region: From Infrastructure to Social Structure National Premiere of the New Metropolis/Received September 14, 2009
- d) State Planning Commission, Affordable Housing/Sample Resolution for Legislative Action on the Easthampton COAH Decision/Received September 14, 2009
- e) Important Conference Sessions Public Safety/Emergency Management/Received September 15, 2009
- f) Federal Update Road and Rail Funding/Received September 16, 2009
- g) Sustainable Jersey Workshops/Received September 16, 2009
- h) Latest Information on Mayors Wellness Campaign/Received September 18, 2009
- i) 2009 League Conference Resolutions/Received September 18, 2009
- j) Deadline Reminder October 13<sup>th</sup>/Call for Nominations Eighth Annual Innovation in Governance Awards/Received September 18, 2009
- k) Important Conference Sessions Public Health/Received September 18, 2009
- l) Important Conference Sessions Economic Development and Revitalization/Received September 21, 2009
- m) Mayors Book Clubs Launched/Received September 23, 2009
- n) Federal H1N1 Resources/Received September 23, 2009
- o) 94<sup>th</sup> Annual League Conference/Received September 23, 2009
- p) Tax Foundation Names New Jersey First in Nation in Property Taxes/Received September 23, 2009
- q) Federal Recovery Zone Bonds Guidance/Received September 24, 2009
- r) Use of Force, Risk Management & Legal Strategies Seminar/Received September 25, 2009
- s) Important Conference Sessions Green Issues and Sustainability/Received September 25, 2009
- t) Effective Floodplain Management-Solutions Using Limited Resources/Received September 28, 2009
- u) Changes to the New Jersey Division of Local Government Website/Received September 30, 2009
- v) Holiday Displays/Received October 1, 2009

General With No Action:

- a) Clean Ocean Action/Tavia Danch, Pollution Prevention Coordinator/thanking Council President Zalom for returning as Beach Captain for the Beach Sweeps/Received September 21, 2009
- b) James F. Martin/106 Trenton Avenue/letter not in favor of reducing any crosswalks in town/Received September 21, 2009-Council President Zalom stated that she read about a town that had their residents in an uproar because they took a traffic light away and put a crosswalk. Councilwoman Filippone stated that Lavallette is not making any moves with reducing crosswalks in town.
- c) Cablevision/Adam E. Falk, Vice President/Launch of GlobalMind and MHZ World

View/Received September 23, 2009

- d) US Department of Homeland Security/US Coast Guard/introducing the new Commander of US Coast Guard Sector Delaware Bay Meredith L. Austin/Received September 23, 2009
- e) Martin Morales/Big Ed's Produce/thanking the Lavallette Police, Fire and Public Works Electric Dept for all their help on the night of the storm/Received September 28, 2009
- f) Insurance Services Office, Inc./Ronald P. Mielnicki, Program Coordinator/Preliminary Results regarding credits for Lavallette's Community Rating System/Received September 28, 2009-Mr. Parlow stated that ISO performs an audit of the CRS program every five years. Based on the results of the audit the Borough will still maintain a CRS Rating of 8 which gives the Borough residents a 10% discount on their flood insurance.

General With Action:

- a) John M. Patrick/13 Newark Avenue/requesting some assistance with 11 Newark Avenue property condition/Received September 18, 2009-Mayor LaCicero stated that Mr. Parlow has already responded to this request and has sent it over to the Code office.
- b) Regular Republican Club of Lavallette/Harry Dew, President/requesting the use of our Council Chambers for their Republican Club meetings in 2010/Received September 18, 2009-Mr. Parlow stated they are the first to request for 2010 so they will get those dates.
- c) Ocean County Columbus Day Parade Committee/Michael A. Blandina/requesting the presence of Mayor and Council in the parade on October 11<sup>th</sup> and the Italian Festival on October 9<sup>th</sup>/Received September 18, 2009-Council President Zalom stated that she will be attending and walking in the parade
- d) Lavallette Business Association/Tom Yannacone, Flea Market Chairman/requesting to hold their Flea Markets in July and August 2010/Received September 21, 2009-Mayor LaCicero stated that this is an annual request and this is the first request so he can have those dates.
- e) Casey Loundy/Senior at Pt. Pleasant Beach High School/requesting the town pass the same resolution as Seaside Heights declaring Lavallette Borough a Military Friendly Community/Received September 23, 2009-Councilman Horan stated that we give most of these discounts already but he has to talk to the LBA about them giving discounts. The Borough already provides discounted beach badges.
- f) Jersey Shore Triathlon/Christopher Wilcox/requesting to a Swim Event on Memorial Day, May 31, 2010/Received September 2, 2009
- g) Jersey Shore Triathlon/Christopher Wilcox/requesting to hold their 2<sup>nd</sup> Annual LavaMan Triathlon on June 20, 2010/Received September 2, 2009-Mayor LaCicero stated that he spoke to Mr. Enright who is part of this Triathlon and he advised me that all proceeds for both events goes to charity so these two events can take place.
- h) Cody/Lavallette Elementary School/requesting that Council consider putting up a roller hockey rink for the kids in town/Received September 28, 2009-Mayor LaCicero stated that he will write a letter to both students thanking them for their request but it can not be done.
- i) Anthony/Lavallette Elementary School/requesting that Council consider putting up a roller hockey rink for the kids in town/Received September 28, 2009
- j) Joan Brennan/118 Brooklyn Avenue/requesting the same brick wall with the posts at the Newark Avenue Treatment Plant be put at the DPW on the Brooklyn Avenue side/Received September 30, 2009-Mayor LaCicero stated that this will be put in the budget for 2010 but we have to wait to see if anymore work is going to be done over there.

**UNFINISHED BUSINESS:**

Council President Zalom stated that she performed a wedding last week at the gazebo and it was pouring rain. The couple had to put a tent up next to the gazebo because of all the rain. She thought that in the event of rain she could have the ability to perform the ceremony in Borough Hall. If it rains, we should allow them to put a tent up or go to the Borough Hall.

Councilwoman Filippone stated that if the Mayor or Council President is performing the ceremony then either could use Borough Hall in the event of inclement weather, but if people are willing to have an outside wedding they should have a backup plan if it rains. That should not be on us to give them a backup it should be the bride and groom's responsibility. Maybe we should put a disclaimer on the application stating that in case of inclement weather they should have an alternative available to them.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

Bill Kinney, 23 Philadelphia Avenue stated that the Borough purchased a new street sweeper about 10 years ago. Along with the new purchase the Public Works established a schedule with sweeping the streets. They would put a sign at the top of the street the day before to let the residents of that street know that they should move their vehicles before hand. His street was swept recently without the use of the sign and his car was still parked in front of his home. He questioned whether the Borough has changed the policy regarding the placement of the notification sign.

Councilwoman Wenzel stated that the policy has not changed to her knowledge but she will check with the Superintendent and let you know.

Mayor LaCicero stated that he believes that the policy still exists but they were just trying to take care of the cleanup from the northeast storm.

Peter Sturm, Virginia Avenue applauded Joanne LaCicero for all her help with the numerous donations to the Popcorn Park Zoo.

Mayor LaCicero stated that this is something she does every year and she does do a pretty good job. I will let her know of your appreciation.

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

Councilwoman Wenzel stated that flu shots will be given on October 13, 2009 from 1pm to 3pm at the First Aid Building. There is a Hazardous Waste drop off site at Point Peasant Beach on Friday, October 23<sup>rd</sup> if anyone is interested. The garbage schedule will switch to the winter schedule on October 19<sup>th</sup> and that will be garbage and recycling on one day for entire town. Also, bulk item

pickup will be on October 19<sup>th</sup> as well. Our dock on Bay Boulevard is in the process of being repaired by our temporary boardwalk laborers. We have very clever employees who transformed a Hobie Cat into a floating dock to make it easier for them to do the repairs. The water was very cold so this helped them a lot.

Councilman Stogdill thanked Clem Boyers for being the test case for the new auto pay for payments of utilities and taxes. This is going to save time and money to the residents and also the employees downstairs.

**EXECUTIVE SESSION:**

There was no Executive Session.

**ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed. The Caucus/Regular Meeting was adjourned at 8:12 pm.

**CERTIFICATION**

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, does hereby attest these to be a true copy of the minutes from the Caucus/Regular Meeting held on the 5<sup>th</sup> day of **October 2009**

---

**Christopher F. Parlow**  
**Municipal Clerk**