

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, March 23, 2009– 7:02 pm

CALL TO ORDER: Council President Zalom, presiding

ROLL CALL: Council Members Wenzel, Lamb, Stogdill, Horan and Filippone
Councilman Lamb and Councilwoman Filippone were absent.

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: Council President Zalom asked for a Moment of Silence for all the troops overseas that cannot be with their loved ones at this time.

PLEDGE OF ALLEGIANCE: Councilman Horan led the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT:

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

Pat Marrone, President of the Beautification Committee stated that the Committee is dedicated in preserving the beauty of Lavallette and are not in favor of the advertising on the beach lifeguard stands. The Committee does not think this is in the best interest of the town. The Beautification Committee’s job is to enhance the beauty of Lavallette and this is not a part of that beauty. The Committee would like to go on record as being opposed to this advertising. The Committee applauds the Mayor and Council’s hard work at trying to bring in extra revenue for the town and we understand that maybe we are too late but would like Council to think hard next year and choose another venue of revenue.

Tom Cullen, President Avenue stated that he has been a part of this town for thirty years and considers it a town of beauty. He is a member of the Lavallette Business Association and was advised of this advertising at their recent monthly meetings. He is also in opposition of this advertising on the lifeguard stands. He believes we can bring in more revenue by stricter enforcement of the badge checking. He stated he made it a point to go to Seaside Heights and Point Pleasant Beach and review their advertising. He stated we do not want to eventually be what they are now. The whole purpose of this town is to preserve the beauty of it. He drove

down the highway in this town and see beautiful houses being constructed. Both of the Associations in town, LBA and LVT are opposed of this, also.

Council President Zalom stated that with the economy the way it is going the Borough of Lavallette is trying to bring in as much revenue as possible for the town. This is only a one-year contract so if we are not happy with what we see, we certainly will not renew the contract. Mayor and Council do their best to keep the taxes low and the budget low and these are the ways we can do it. The signs are not large in size and we have been talking about for many months at our public meetings.

Councilwoman Wenzel stated that she received a letter in her mailbox from the LVT in opposition of this advertising also. Unfortunately, nobody came forth when all the discussions were being made and the resolution was approved. This resolution was already passed and the contract was already executed so there is nothing we can do about it now. She thanked the citizens for coming out now and voicing their opinions but unfortunately it is a done deal for this year. We will have to look at this again next year.

Mr. Parlow stated that the Mayor and Council have to approve the advertisements before they go out. They are giving the Lavallette businesses a 15% discount and are giving them first option before it goes out nationally.

Pat Marrone, Beautification Committee stated that there are no residents around in the winter, they are all in Florida. We should think about that before we discuss these big issues.

Lach Cameron, 115 President Avenue questioned when the resolution was approved and was it at a public meeting?

Mr. Parlow stated that it was approved at the March 9th Public Meeting.

PROCLAMATION: WOMEN'S HISTORY MONTH

Council President Zalom read aloud the Proclamation.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Minutes of March 9, 2009
Executive Session Minutes of March 9, 2009
Bid Opening Minutes of March 18, 2009

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

RESOLUTIONS – ON CONSENT:

- 2009-94 authorizing a bingo license to St. Pio of Pietrelcina to hold their summer bingo games in July, August and one in September at their Parish Hall
- 2009-95 declaring the Month of March as “National Nutrition Month”
- 2009-96 authorizing the return of a refund check in the amount of \$1,810.71 to Dell Financial Services
- 2009-97 authorizing the appointment of Stephen LaCicero as a seasonal temporary laborer for the Lavallette Public Works Department from April 1, 2009 thru September 30, 2009 at an hourly rate of \$10.25
- 2009-98 authorizing an emergent condition for the temporary appropriations for the purposes mentioned
- 2009-99 authorizing the refund to Heather Gillespie in the amount of \$50.00 for the cancellation of our officiate services
- 2009-100 authorizing the temporary appointment of Bryan Strazzella as a part time public safety telecommunicator - trainee for the Police Department at an hourly rate of \$10.00 starting March 23, 2009
- 2009-101 authorizing the award of a contract for a 2010 or newer sanitation truck with rear loading packer body to Hunter Jersey Peterbilt, L.P. in the amount of \$161,900
- 2009-101A authorizing transfers between appropriations budget accounts

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda. The Motion was seconded by Councilman Stogdill. Council President Zalom opened the floor to Public Comment on Resolutions On-consent, Off-consent and Approval of Vouchers. There was no public comment. Council President Zalom closed the floor to Public Comment and asked for a vote on the Consent Agenda. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

- 2009-102 Bills List in the amount of \$419,683.85

A Motion was made by Councilwoman Wenzel to Approve the Bills List. The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

Bond Ordinance No. 2009-05 (1058) PROVIDING FOR ROAD IMPROVEMENTS TO BOND AVENUE, AND APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$30,000 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 Council President Zalom to Adopt Bond Ordinance No. 2009-05 (1058). The Motion was seconded by Councilman Stogdill. Council President Zalom opened the Public Hearing. There was public comment. Council President Zalom closed the Public Hearing and asked for a vote. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

Ordinance No. 2009-06 (1059) 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 REVISE SECTION 24-10 ENTITLED "RATES"

Mr. Parlow stated that this is lowering our electric rates by 10% in the summer and 12% in the winter.

A Motion was made by Councilman Horan to Adopt Ordinance No. 2009-06 (1059). The Motion was seconded by Councilwoman Wenzel. Council President Zalom opened the Public Hearing. There was no public comment. Council President Zalom closed the Public Hearing and asked for a vote. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

Ordinance No. 2009-07 (1060) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE BOROUGH CODE ENTITLED "SEWER USE" SO AS TO REVISE SECTION 52-24 ENTITLED "CAPITAL/INFILTRATION CHARGE"

Mr. Parlow stated that due to a significant increase in our OCUA charges and an increase in infiltration in the town we had to increase the capital infiltration charge by \$50.00 per year.

A Motion was made by Councilman Stogdill to Adopt Ordinance No. 2009-07 (1060). The Motion was seconded by Councilwoman Wenzel. Council President Zalom opened the Public Hearing. There was no public comment. Council President Zalom closed the Public Hearing and asked for a vote. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. The Motion passed.

UNFINISHED BUSINESS:

Councilwoman Wenzel stated that the Public Works Department has revised the garden/landscape plan and she brought the hard copy to tonight's meeting in the hope of

receiving an approval but she would be willing to hold off on the discussion until all the member of Council are present. She explained that the Borough had applied for a grant in the amount of \$7,500 and received \$5,000 so we had to revise the plan to account for the reduced funding. The plantings are going to be planted around the Tennis Courts. We are hoping to do the plantings on May 9th in conjunction with the bayfront cleanup because we have the volunteers to help us. We are considering a pathway in clamshells for a low impact foot path.

Council President Zalom stated that she has received a lot of feedback from people in town who do not want the blacktop by the basketball courts removed so we need to think about that further.

She also stated that with the escalation of bicycles we need to still figure out a way to make the bicycling in town safer. There is an ordinance in town that prevents people from riding on the sidewalks and that is what most of our residents do. We really need to get a bicycle committee together and figure something out for this summer season or someone is definitely going to get seriously hurt. Our Chief of Police asked for the bicycles to be allowed on the boardwalk during a certain time period and she thinks we need to look further into that request.

Mayor LaCicero arrived at 7:49 pm. The Mayor presided over the meeting.

NEW BUSINESS:

Councilwoman Wenzel stated that she was concerned about a banner by the school on Rt. 35 South looking for tuition students. She thinks that it is a distraction to drivers and does not even think it is legal to have it there.

Mayor LaCicero stated that he will talk to the Chief about it.

Councilwoman Wenzel stated that the Lavallette Voters & Taxpayers have invited this Assemblyman to speak about the consolidation of donut towns on April 16th in Council Chambers. Her concerns are that the Council Chambers will not hold the capacity of the amount of people that she thinks are going to attend.

Mayor LaCicero stated that he will speak to the Chief about having police presence at this meeting and making sure that the LVT, who is sponsoring the event, keeps track of the amount of people coming in and make them aware that this room can only hold the maximum of 87 people.

Councilwoman Wenzel stated that we received a Clean Communities grant from the State and it was \$50.00 higher than last year.

She stated that the Environmental Committee is getting involved with the Shellfish Restoration Program which is being called "Re-Clam the Bay". Part of the program is having a "Giant Clam" placed around certain municipalities. We would be the first northern barrier island town to do this. The cost is \$3,500 and the Environmental Committee has already secured the funding from Heritage Committee and an anonymous donor in town and we are looking to place it in front of the Beach Badge office. We would like to have an artwork contest with the

Environmental Committee people as judges and then we would like to unveil the Clam at Heritage Day. The Environmental Committee is very excited about this because this is the beginning of the clam trail on the northern barrier island.

Also, this Wednesday at the Library the Environmental Committee will be having a speaker from Clean Ocean Action to discuss the Barnegat Bay Buddy program.

She stated that a letter will be going out on March 30th explaining the transition of the garbage schedule and the details on the change.

Council President Zalom stated that we received the Transportation Grant this year but it is \$150 less than last year.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned where the calendars are at?

Mr. Parlow stated that he is hoping to have it to the printer by the end of the week.

Mr. Palinsky, 122 Washington Avenue thanked Mr. Parlow for the decrease in the electric rates and all his hard work on that.

He also stressed that there should be no shells anywhere near the Helipad because it would be a very dangerous situation for the first aiders. He stated that when that helicopter comes down those shells will blow upward and it will be flying like shrapnel. He asked that the Council reconsider the shell pathways.

He also questioned if we go ahead with the giant clam program would the Borough be exempt from the zoning fees and permits.

Mayor LaCicero stated that Borough property is exempt from any permits.

Gail Stefanelli, 122 Camden Avenue stated that she has a problem with bicycles on the boardwalk. It would be very problematic for families with young children.

Mayor LaCicero stated that this request did not get very much support last year and he does not believe it will happen this year either.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that there were four firefighters that received plaques for fifty years of service to the Lavallette Fire Department. One of those men is in Florida and when he returns she would like to do something for them at one of our meetings.

Councilman Lamb arrived at 8:06 pm.

Council President Zalom stated that her monthly activity calendars are on our website and the schedule can be downloaded at the site. We have also made packets for residents to send to the State to ask for their help with our drainage problems in our town. The more requests for their help, the more they might see what a problem it is.

EXECUTIVE SESSION:

Mr. George stated that we need to go into an Executive Session concerning DEP litigation regarding our IP permit and DPW personnel with no action being taken.

A Motion was made by Councilman Horan to adjourn the meeting and enter into Executive Session. The Motion was seconded by Councilman Stogdill. All were in Favor. The Motion passed. The meeting was adjourned to Executive Session at 8:11 pm.

A Motion was made by Councilman Stogdill to resume the Regular Meeting. The Motion was seconded by Council President Zalom. All were in favor. The Regular Meeting resumed at 8:19 pm.

Mr. George stated that the discussion was the DEP regulations regarding fines and budgetary personnel regarding vacant laborer positions and interviews. No action was taken.

ADJOURNMENT:

A Motion was made by Councilwoman Wenzel to adjourn the Regular Meeting. The Motion was seconded by Councilman Horan. All were in Favor. The Motion passed. The Meeting was adjourned at 8:20 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 **23rd** day of **March 2009**.

Christopher F. Parlow
Municipal Clerk