

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, August 17, 2009– 7:03 pm**

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

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

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 all our troops overseas.

**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)**

Mayor LaCicero asked if anyone in the audience would like to speak about anything that is not on the agenda or if they cannot stay until the end of the meeting could do so now.

Michael Motsay, 5 President Avenue stated that he rides his bicycle most of the time when he is here. He has been nudged a couple of times from vehicles while riding. It is very congested on the highways for people to ride their bicycles. He believes that after 11:00 am there is not as much traffic on the boardwalk as there is in the mornings. We should consider allowing bicycles up on the boardwalk after 11:00 am for safety reasons.

Mayor LaCicero stated that he appreciated the comments but unfortunately there is not much support from Council or residents for the bicycles being allowed on the boardwalk.

Barbara Porter, 107 President Avenue stated that she rides her bicycle the majority of the time and she rides the wrong way as a safety precaution for herself. She does not think there is any safe place in Lavallette for children to ride their bicycles. She stated that she spends a lot of time on the beach picking up garbage and believes that there should be more receptacles on the beach for garbage with lids attached. She also stated that she received a ticket last week for her car being parked with the rear to the curb. There are no signs posted stating this and maybe this

should be rethought. Also, she thinks that dogs should be allowed to run on the beach in the winter months as long as people clean up after them. Lastly, she lives in the middle block between the highways and she has noticed the excessive speed the police cars are doing. Can we try to slow them down a bit?

Mayor LaCicero stated that he lives by the highway also and he suspects that the speeding police cars are those driven police from surrounding towns and not Lavallette.

Councilwoman Filippone stated that there is a bike route on Bay Boulevard that people can use that is quite safe. The law is that you must ride with the traffic pattern not against it. The rear end parking issue is a State Law under Title 39 and we also have an Ordinance prohibiting it. We are in the process of having the signs posted. As for the excessive speed of the police, she will speak to Chief Grant about it.

Councilwoman Wenzel stated that we use to paint the spaces on an angle but now they are perpendicular in order to have more spaces. She believes that if the spaces were more angled less people would try to back in the spaces. We should consider going back to angle parking on the wider streets.

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

Caucus/Regular Meeting of August 3, 2009

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

#### **RESOLUTIONS – ON CONSENT:**

- 2009-204 authorizing the donation of five new benches from the Lavallette Beautification Committee
- 2009-205 accepting and approving the 2008 audit corrective action plan
- 2009-206 requesting the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2009 in the sum of \$46,000 as part of the Community Development Block Grant
- 2009-207 appointing beach badge checkers for the 2009 summer season-Council President Zalom thanked some of our older residents who signed up to help out with the badge checking
- 2009-208 appointing Hans Warnebold to the permanent status of Construction Official

- 2009-209 authorizing execution of the Recycling Center Use and Revenue Sharing Agreement between the Borough of Lavallette and the County Dept. of Solid Waste Management
- 2009-210 authorizing the cancellation of property taxes in the amount of \$8,453.92 for the tax years, 2007, 2008 and 2009 and authorizing the treasurer to refund taxes in the amount of \$6,884.21 due to a 100% permanent disability status
- 2009-211 authorizing the receipt of payment of Taxes and Water, Sewer and Electric Utility Rents through the utilization of electronic fund transfer (ACH)-Councilman Stogdill stated that this is a win win situation for both the employees and residents. It is going to save everyone a lot of time
- 2009-212 authorizing the Rosary Altar Society of St. Pio of Pietrelcina to hold an On Premise 50/50 Raffle on October 30, 2009 at St. Pio Parish Hall
- 2009-213 authorizing a public hearing to consider tax-exempt financing for the Lavallette Volunteer Fire Company No. 1 to lease-purchase a vehicle for the Lavallette Fire Department-Councilwoman Filippone stated that the Fire Department would be making the payments and the Borough would not be responsible. Mr. Parlow stated that we would be insuring the vehicle and they would be making the payments.
- 2009-214 authorizing the Borough Administrator/Municipal Clerk to prepare and submit application for funding through the Ocean County Cultural & Heritage Commission's 2010 Local Arts Program Grant to provide funding for the Sunday evening concert program-Council President Zalom thanked Mr. Parlow for all his help with this grant
- 2009-215 authorizing the sale of certain personal property pursuant to N.J.S.A. 40A:11-36-Mr. Parlow stated that this auction will take place on September 2, 2009
- 2009-216 authorizing Mayor Walter LaCicero to sign and execute the 2009 CDBG agreement with the OC Planning Board for handicap beach access to Jersey City and Brown Avenues and Bay Blvd.-Council President Zalom stated that she was very happy about this and we received \$46,000 which is more than we were supposed to receive.
- 2009-217 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"
- 2009-218 establishing a standard for the painting of parking stalls on Borough streets-Councilwoman Filippone questioned if we decided to go with the angle parking instead would we have to redo this resolution. Mr. Parlow stated that this

resolution can be changed even after it is adopted. Keep in mind that we will lose spaces if we do the angle parking.

- 2009-219 authorizing the tax collector to refund the credit balance in the amount of \$2,795.32 to L. Churchill of 82 Ocean Front due to a successful tax appeal on their 2009 property taxes
- 2009-219A authorizing Lawrence Jovanovic and Andrew Harchetts to attend the Ocean County Police Academy for Class II training at an hourly rate of \$7.25 commencing September 2, 2009
- 2009-219B authorizing the advertisement and receive bids for the purchase of a Trailer Mounted Mobile Sewer Jet Cleaning Machine.
- 2009-219C appointing lifeguards for the 2009 summer season
- 2009-219D authorizing the Mayor to sign and execute the 2009 Ocean County Recycling Mini-Grant Application
- 2009-219E authorizing amendments to the 2009 capital budget

Mayor LaCicero opened public comment on the resolutions on-consent and the bills list.

Clem Boyers, 20 Kerr Avenue questioned when the applications would be available for the ACH payments.

Councilman Stogdill stated that they will be available downstairs in the Administration office.

Mr. Boyers stated that when the Parking Committee discussed the angle parking they figured out that the town would lose three spaces per street. Also, Mr. Parlow did a great job with the dimensions on the parking.

Joe Palinsky, 122 Washington Avenue stated that he is not happy with the new benches up at the boardwalk. They are very uncomfortable to sit on.

Mayor LaCicero stated that he believes that there were three different styles up there and the newest ones are the ones that people are not happy with.

Councilwoman Wenzel stated that we used to do the concrete molds ourselves at Public Works but it became very costly so we started using a third party. The old distributor went out of business so we started using the only distributor we could find and he was very cheap. I will see if there are other avenues to pursue.

Mayor LaCicero closed public comment.

A Motion was made by Council President Zalom to Approve the Consent Agenda. The Motion was seconded by Councilman Horan. 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**

2009-220 Bills List in the amount of \$649,322.71

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

**ORDINANCES ON FOR INTRODUCTION/FIRST READING**

BOND ORDINANCE 2009-11 (1064) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2009-05 (1058) ADOPTED ON MARCH 23, 2009, PROVIDING FOR ROAD IMPROVEMENTS TO BOND AVENUE, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE IMPROVEMENTS TO KERR AVENUE, TO INCREASE THE APPROPRIATION THEREFOR BY \$20,000 FOR A TOTAL APPROPRIATION OF \$205,000, AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$20,000 FOR A TOTAL DEBT AUTHORIZATION OF \$50,000, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A Motion was made by Councilwoman Wenzel to introduce Bond Ordinance 2009-11 (1064). The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Public Hearing and Final Adoption is scheduled for the meeting of September 14, 2009.

**UNFINISHED BUSINESS:**

Councilwoman Wenzel stated that she had a meeting with the Lavallette Yacht Club and she believes it was very productive. We agreed to have two more days of garbage pickup there to see if that alleviates the sea gull issue.

Mayor LaCicero stated that he spoke with John Doyle who is the Attorney for Bay Beach Way, he asked Mr. George to provide an update.

Mr. George stated that Toms River Township has filed an appeal with the Supreme Court on this issue. The timeline seems that next week there should be a response from the Courts on this

matter. He does not foresee Toms River winning their appeal so he predicted that by the end of September we should start our process of the annexation.

Council President Zalom stated that she is very happy to report that after six years of applying we have finally received the NJDOT Roadway Enhancement Grant in the amount of \$488,000 to beautify our B2 district on Grand Central Avenue.

#### **NEW BUSINESS:**

Councilwoman Wenzel stated that due to the H1N1 virus of pandemic flu the County Board of Health has moved up our flu clinic to October 13<sup>th</sup> and it will be held at the First Aid Squad.

Councilman Lamb stated that he wrote a letter to the editor in the Ocean Star about the two children that were hit by a car because of one lane stopping for them and the other lane not stopping. Something has to be done about this sooner than later. Maybe we have too many crosswalks and need to remove some of them so more people cross at the lights.

Council President Zalom stated that the only legal crosswalks are the ones with the signs with the arrows at the street lights. The ones painted on the streets are not really legal ones that you should stop for.

Councilwoman Wenzel stated that she believes that the plans for the new DOT highway project have crosswalks going on every street. We should probably set up a meeting to look at the plans and discuss what is going to be done before it starts.

Mayor asked Mr. Parlow to arrange a meeting with DOT so we can discuss the project.

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

There were no comments from the public.

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

Council President Zalom stated that Green Acres inspected our Bayfront Park and found no issues with the exception of a sign that needed to be replaced because it was faded.

Mr. Parlow stated that they were very pleased with all the improvements that were done including the landscaping.

Council President Zalom stated there is still a lot going on for residents in town to enjoy. We have Movies on the Bay, Tai Chi and Aerobics so keep on enjoying it. We will have our Fall Beach Sweeps in October and I will be running it again so keep an eye out for that.

Councilwoman Filippone stated that she would like to discuss police personnel in Executive Session.

Councilman Horan stated that there are two street lights with LED lights in them and they are located on Washington Avenue and at the park. If you want you can check them out. They are saving us 25% of energy compared to normal street lights.

Mr. Horan also requested that the Administrator be authorized to bond for a new bucket truck for the electric dept.

Mayor LaCicero questioned whether that was already in the budget?

Mr. Parlow stated that the purchase of a bucket was part of the capital budget.

Councilman Lamb questioned whether we could look for something smaller with the trucks?

Councilman Horan stated that they are asking for a smaller bucket truck already.

All of Council was in Favor of the Administrator going out to bid for a smaller bucket truck.

Councilwoman Wenzel stated that the Bay Head Environmental Committee will be having a guest speaker on August 20<sup>th</sup> at 7:30 pm to discuss the liquid natural gas issue if anyone is interested. She also stated that she would like to speak about personnel issues with Public Works in Executive Session.

Councilman Stogdill stated that the Island Junior Baseball League has ended their season this year. Thanks goes out to Public Works and the Geese Patrol for the field being in great shape. Also, thanks to the Police and First Aid for coming so quickly to the aid of a player who needed care.

Councilman Lamb stated that we are \$58,000 ahead in beach badge sales this year. Thanks to the entire badge checker staff for working so hard.

Mr. Parlow stated that on the dais are two draft ordinances for review. One is a towing provision for the residential parking permit and the other is motor vehicle storage on private property.

Mayor LaCicero stated that Mrs. Grosko expressed concern about an issue that happened at the gazebo during a wedding that was scheduled and paid for. Maybe we need to fine tune our Ordinance.

Mr. Parlow stated that this was the first incident that we have encountered but we will monitor the situation..

Councilwoman Filippone stated that maybe the police dept. should get a list of the weddings and make themselves present. We also have the off duty account if needed.

Mr. Parlow stated that the Police Department receives notification of all approved use of the gazebo

Mayor LaCicero stated that there are also some problems with picnicking at the gazebo that eventually will need to be addressed.

**EXECUTIVE SESSION:**

Contractual Matters: Teamster Local 97-White Collar Employees  
Dispatchers and Records Clerks

Mr. George stated that in Executive Session some contractual and personnel issues will be discussed with no action being taken.

A Motion was made by Councilman Horan to adjourn the Meeting to go into Executive Session. The Motion was seconded by Councilman Stogdill. All of Council was in favor. The Motion passed. The Meeting was adjourned to Executive Session at 8:11 pm.

A Motion was made to resume the Regular Meeting by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill. All of Council was in Favor. The Motion passed. The Regular Meeting resumed 8:42 pm.

Mr. George stated that in Executive Session the Mayor and Council discussed the Dispatchers Unions current proposal as well as setting up a contractual meeting to discuss the new contract for Teamsters 97. We discussed personnel issues in Public Works as far as proposed hiring full and part time and we had discussions about possible hiring off promotional listings. There was no action taken.

**ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to adjourn the Regular Meeting. The Motion was seconded by Councilman Stogdill. All of Council was in favor. The Motion passed. The Regular Meeting was adjourned at 8:43 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 the true minutes of the Regular Meeting of the Mayor and Council held on the **17<sup>th</sup>** day of **August 2009**

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Christopher F. Parlow  
Municipal Clerk