

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, August 3, 2009 – 7:07 pm**

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

**ROLL CALL:** Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone  
Councilman Horan was not 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 the troops overseas

**PLEDGE OF ALLEGIANCE:** Councilwoman Wenzel led us in the Salute to the Flag

**MAYOR’S WELCOMING STATEMENT:**

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

Fran D’Aquila, 124 Brooklyn Avenue-stated that he put in a request for a handicap parking space up at the Ocean and Brooklyn some time ago and was denied. In the meantime, he has been going street to street looking to see where handicap spaces are at the top of the streets. He has spoken to the homeowners on the top of Brooklyn Avenue and asked them if they would not mind if a handicap space was put in front of their house and they said they did not mind at all. Most of them already have driveways for their cars. He stated that if it is a matter of cost, he would cover the costs. He also noticed that some streets do not have handicap spaces at the ocean street ends.

Mayor LaCicero stated that the cost is not a factor; it was the fact that we would lose some regular parking spaces at the street ends but we will look into this again and speak to the homeowners up there. If they seem to be okay with a handicap space in front of their home then we will have no problem.

Mr. Parlow stated that the wide streets have handicap spaces up at the ocean because the streets are wide enough for the space and the garbage trucks to turn around. With the streets that are not as wide, we can not have them interfering with the garbage trucks turning around. He asked that Mr. D’Aquila come to the office tomorrow and give him the names of the neighbors at Brooklyn

Avenue who stated that they would not mind if a handicap parking space was located in front of their home.

Bob Marra, 102 President Avenue stated that he paid for a residential parking permit for in front of his house. There is always someone parking in it. He call the police and they give them a ticket but it does not solve the problem for him. He would like to see the vehicles towed but the police said the Ordinance does not provide for that. He would like the Ordinance to provide for the towing of vehicles.

Mayor LaCicero asked Mr. Parlow if we could amend the Ordinance to provide the towing of the vehicle.

Mr. Parlow stated that the he will take care of amending the Ordinance.

### **PROCLAMATION-HONORING FOUR MEMBERS OF THE FIRE DEPARTMENT FOR FIFTY YEARS OF SERVICE**

Mayor LaCicero read a Proclamation that was given to John Frayman, Mike Franzoso and Bob Bradley for fifty years of service to the Lavallette Volunteer Fire Department and the Borough of Lavallette.

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

Regular Minutes of July 20, 2009  
Executive Session Minutes July 20, 2009

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

### **REPORTS:**

- a) Police Report for July-Councilwoman Filippone-read report
- b) Planning Board Report for July-Councilwoman Filippone-There was one case on 35 North
- c) Animal Control Report for July-Councilwoman Filippone-read report
- d) Municipal Court Report for July-Councilwoman Filippone-read report
- e) Public Affairs Report for July-Council President Zalom-The Skim boarding Contest was a big hit. They had lunch for them and a DJ was there. This will be an annual event from now on. We received so many donations from different businesses and the prizes were given by Billabong. The Breast Cancer Walk was held on August 2<sup>nd</sup> and there were more applicants than last year and we raised \$70,000 this year. There will be another walk in Pt. Pleasant Beach on October 18<sup>th</sup> for those of you who missed ours. Joy Grosko and Donna Franzoso are going to be Clam Diggers of the week from WJRZ. Our artist is almost finished with our clam. Thanks to the Yacht Club for the sail lessons for all our Lavallette kids. The guys won our Lifeguard Tournament this year and the girls tied. The mile ocean swim is going to be this weekend for those who are interested.
- f) Beach Badge Sales for July-Councilman Lamb-read report

- g) Tax Account Status Report for July-Tax Collector
- h) Revenue Transaction Report for June-Chief Financial Officer

Councilwoman Wenzel stated that the new traffic light went up on Elizabeth Avenue and there is also a camera on the light. If a car goes through the red light there is a picture taken. She asked who would receive the revenue from the tickets.

Mayor LaCicero stated that he believes the tickets are mailed by the State.

Mr. Parlow stated that the tickets would be issued under Title 39 so the Borough would not receive the revenue.

Mr. Parlow stated that the Deputy Court Administrator has taken a full time position in Mantoloking Borough so she will be leaving us. The position is going to be advertised in the August 7<sup>th</sup> edition of the Ocean Star.

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

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

**RESOLUTIONS – ON CONSENT:**

- 2009-201      appointing two lifeguards for 2009 summer season beginning July 31, 2009 through September 7, 2009
- 2009-202      authorizing the modification of vacation leave granted to the Borough Administrator / Municipal Clerk-Council President congratulated Chris on his ten year anniversary.
- 2009-202A    appointing Danielle Halm as a part-time telecommunications officer at an hourly rate of \$10.00

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

**RESOLUTIONS-OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2009-203      Bills List in the amount of \$3,132,432.70

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

## **COMMUNICATIONS:**

### Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received July 7, 2009
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received July 7, 2009
- c) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Approval of Annexation of Bay Beach Way/Received July 10, 2009
- d) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Request for Opinion Regarding Vending Regulations Ice Cream Truck Music and Veteran Vendors/Received July 17, 2009
- e) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received July 27, 2009
- f) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received July 27, 2009
- g) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received July 30, 2009

### Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Kerr Avenue Road Improvements/NJDOT Highway Occupancy Permit/Received July 16, 2009
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond Avenue Road Improvements/Received July 16, 2009-Mayor LaCicero stated that this project came in lower than we expected so we are going to use the additional funds on some of another block. Mr. Parlow requested authorization to revise the Bond Ordinance and change the appropriations to include the mid block of Kerr Avenue. All of Council was in Favor.

### New Jersey League of Municipalities:

- a) Local Finance Notice on GASB 45 OPEB/Received June 29, 2009
- b) Age-Restricted Conversions, S-2577/A-3772/Received July 6, 2009
- c) Important New Information from the Division of Local Government Services/Received July 7, 2009
- d) Economic Recovery Update: \$4 Billion in ARRA Broadband Grants and Loans Announced/Received July 9, 2009
- e) A Quarterly Report on the Activities of the New Jersey League of Municipalities/Received July 10, 2009
- f) Local Government Greenhouse Gas Reduction Grant Program/Received July 10, 2009
- g) Terrorism Awareness and Prevention Auto-Run CD/Received July 10, 2009-Mr. Parlow stated

that this is going to be sent to us in cd form and we will forward it to the Chief.

- h) NJ Family Care Advertising Campaign/Received July 14, 2009
- i) A-3443, Authorizes Set-Asides, Fees In-Lieu for Open Space and Recreation Purposes/Received July 15, 2009
- j) 2010 State Health Benefit Premium Increase to be Approved Next Week/Received July 16, 2009
- k) COAH Regional Briefings/Received July 17, 2009
- l) Complete Count Committee for 2010 Census/Received July 17, 2009
- m) New Jersey Mayor's Book Club Initiative/Received July 20, 2009
- n) 2010 Pension Obligations/Received July 21, 2009
- o) State Health Benefits Plan Premium Increase Approved/Received July 22, 2009
- p) Five Ways to Spread the Word about the Census/Received July 23, 2009
- q) The New Jersey Economic Stimulus Act of 2009/Received July 27, 2009-Mayor LaCicero stated that the Police Department did not get the stimulus money for this. They commented that there was \$1 billion in grants available and they received 83 billion requests.
- r) Update on PT-10 Forms and Telecommunications Taxes/Received July 28, 2009
- s) Ethics Training Available from NJLM/Received July 29, 2009
- t) NJ Mayors Urge Congressional Action on Energy Efficiency and Conservation Block Grant (EECBG) Provisions/Received July 31, 2009

General With No Action:

- a) United States Coast Guard/Waverly W. Gregory, Jr, Chief/Proposed Modification to the Regulations Governing the Operation of the US Route 9/Beesleys Point Bridge, At Mile 3.5 Across Great Egg Harbor Bay, Between Beesleys Point and Somers Point, NJ/Received July 6, 2009
- b) Ocean County Planning Board/Stacy Perrine, Assistant Planner/Ocean County Wastewater Management Plan Updates/Received July 9, 2009
- c) New Jersey Natural Gas/Stephen Rybka, Manager/Variety of Programs/Received July 10, 2009
- d) Ocean County Board of Health/Ella Boyd, Public Health Coordinator/Municipal Alliance Request for Funding 2010 Meeting/Received July 13, 2009
- e) Emily Gatarz/11 Vance Avenue/expressing gratitude for the boardwalk over the sand dunes at President Avenue/Received July 15, 2009-Mayor LaCicero stated that this was a thank you for the trek walkway down the beach.
- f) Bruno Associates, Inc./John Bruno/advising the Mayor that he is Commissioner of the Motion Picture and Television Development Commission/Received July 20, 2009
- g) Ann and Patrick Growney/245 Bryn Mawr Avenue/expressing their gratitude to Public Works and Gary Schlosser for their help with a trench in front of their home/Received July 20, 2009-Mayor LaCicero thanked Public Works for this rectifying this problem.
- h) Lavallette Parking Committee/Michele Donato, Chairwoman/Report on Recommendations of the Parking Committee/Received July 21, 2009-Councilwoman Filippone questioned whether or not we could establish some type of consistency with the size and width of the parking spaces. There has got to be some type of guideline we can follow. Mr. Parlow stated that the Engineer will be forwarding him a guideline for us to follow with the precise size and distance we should be from driveways so we do not have this problem. He will have a resolution on for

the next meeting. Councilwoman Wenzel stated that we should all remember that there are a lot of bigger vehicles now days and we should follow the size of those vehicles as a guide also.

- i) Gary Steele for Governor/Gary T. Steele/Beach Walk Event/thanking the Borough and the Police Department for their help/Received July 21, 2009
- j) Ocean County Utilities Authority/Keith B. Marcoon, Planning/Metering Engineer/2009 Metered Flow Data/Received July 23, 2009
- k) United States Coast Guard/Waverly W. Gregory, Jr., Chief/Removal of the Regulations Governing the Operation of the Route 70 Bridge Across Manasquan River, At Riviera Beach, NJ/Received July 24, 2009
- l) New Jersey Natural Gas/Tracey Thayer, Esq., Director/In the Matter Of/Received July 24, 2009
- m) Cablevision/Adam Falk, Vice President/Removal of Dual Illumination Premium HD Channels Sci-Fi Rebrand/Received July 24, 2009
- n) Thomas Tevlin/13 President Avenue/thanking Mayor and Council for a very patriotic Memorial Day Ceremony/Received July 27, 2009-Council President Zalom stated that he donated a \$25.00 check to Recreation for this event next year.
- o) Lavallette Yacht Club/Ronald Kiss, Commodore/expressing thanks to the prompt response from the Lavallette Police Dept. for a kitchen fire/Received July 27, 2009
- p) Messina Wildlife Management/Chris Beatty, Community Outreach/Goose Stopper Program/Received July 28, 2009-Councilwoman Wenzel stated that this is one of the products we will be looking into for the bay front by the gazebo. Also, the Lavallette Yacht Club has contacted her to schedule a meeting for discussion on their sound device.
- q) US Department of Justice/Andrew A. Dorr, Assistant Director for Grants/COPS Hiring Recovery Program Grant Application
- r) Jersey Central Power & Light/Sally J. Cheong, Tariff Activity Lead/Annual Universal Service Fund Compliance Filing/Received July 30, 2009

General With Action:

- a) Ocean County Department of Solid Waste Management/Ernest Kuhlwein, Jr./2009 Municipal Recycling Mini Grant Assistance Program/Received July 6, 2009-Councilwoman Wenzel will take care of this. The only thing she needs Mr. Parlow to do is update the Recycling Ordinance. Mr. Parlow stated that he will have it completed for then.
- b) Lavallette Elementary School/Debbie Connor/requesting permission for "Hoop Dreamz" to use our basketball courts from July 20<sup>th</sup> through the 24<sup>th</sup> for their Basketball Summer Camp/Received July 8, 2009-Mayor LaCicero stated this was already approved.
- c) Michael Patrick Carroll/Assemblyman-25<sup>th</sup> District/137 Princeton Avenue/complaint with their Water/Sewer bill/Received July 8, 2009-Mr. Parlow stated that the Water Department. has researched and does not appear to be a problem with the meter. He has sent Mr. Carroll a letter stating his next step if he chooses is to have his meter pulled and tested. He has not got back to me as of yet.
- d) Zachary Hesse/requesting the Borough accept a check for \$200.00 for his red sailboat that was impounded/Received July 8, 2009-Mayor LaCicero stated that this is being handled we are just waiting on an auction date.
- e) Ocean County Board of Freeholders/Joseph Vicar, Freeholder/Census 2010/Received July 14, 2009-Mayor LaCicero asked Councilman Stogdill to handle this.

- f) Mary Heveran, 2202 Grand Central Avenue/requesting the Borough adopt an Ordinance that prohibits the smoking or carrying tobacco products on our beaches/Received July 14, 2009
- g) New Jersey Society of Municipal Engineers/J. Timothy Kernan, President/requesting participation in the 2009 Municipal Engineering Project of the Year Awards/Received July 15, 2009-Mayor LaCicero asked Councilman Stogdill to look into this.
- h) Dr. & Mrs. V.A. DeMuro/9A Philadelphia Avenue/requesting a handicap parking space in front of his home/Received July 21, 2009-Mayor LaCicero stated that there are already two handicap spaces at the top of the street and two at the bottom of the street so we should not create any additional spaces.
- i) State of New Jersey/Department of Environmental Protection/Greg Langan, Compliance Inspector/Green Acres Program/Bay Front Park/Received July 21, 2009-Mr. Parlow stated this is an annual request and will be taken care of.
- j) Michael Patrick Carroll/Attorney At Law/137 Princeton Avenue/requesting that his water meter be changed and a credit is made to his water/sewer bill/Received July 28, 2009
- k) Leann Salvatore/Charlie's Farm Market/Normandy Beach/requesting the use of our ball field for an employee softball game on August 17<sup>th</sup> or 18<sup>th</sup> at 7pm-Mr. Parlow stated that he believes the field is clear for these dates.
- l) Robyn Swider/18 Camden Avenue/requesting to hold Alex's Lemonade Stand on August 10<sup>th</sup> from 12 noon to 3pm at Philadelphia Avenue on the boardwalk/Received July 30, 2009-Mayor LaCicero stated that it is on a Monday so it should be okay for a couple of hours.
- m) Friends of Lavallette Beautification/Pat Marrone, Chairperson/requesting that the Borough authorize the accepting five new benches on Grand Central Avenue/Received July 30, 2009-Mr. Parlow stated that he will have a resolution for next meeting.
- n) Wavejammer Surf Shop/Scott Meredith, Owner/701 Grand Central Avenue/requesting to hold a "Fall Customer Appreciation Weekend" on October 10<sup>th</sup> through the 12<sup>th</sup>/Received July 31, 2009-Mr. Parlow stated that our Ordinance only provides display sales from April to September not October. He will call Mr. Meredith and see if he could push it up to September.

**UNFINISHED BUSINESS:**

None Offered

**NEW BUSINESS:**

None Offered

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

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

Councilman Stogdill stated that there will be a Resolution on for the next meeting for payments to the Borough of Lavallette for utilities and taxes to be debited from your checking accounts through ACH.

Councilwoman Filippone stated that the Chief will be doing an analysis within his department to see what needs to be done as far as the recent retirees and openings in his department.

Councilwoman Wenzel stated that she has received a few complaints in reference to shrubbery and landscaping to the street on some properties that do not have sidewalks which forces the people to walk in the street. She thinks we should look into this issue more with obstructions in public right-of-ways further.

Council President Zalom stated that we need to have the Engineer start the application for the CAFRA Permit for the CDBG project on the beach.

Mr. Parlow stated that he has not seen an award letter from the County for that project as of yet.

Mr. Parlow stated that the Borough has received its billing statements for the month of June for our energy purchases. There was a total amount budgeted for the month of June of \$221, 333.00 and the actual cost was \$173,659.00. The usage was down and the cost of power was lower as well. He will include this report in the minutes.

**ADJOURNMENT:**

A Motion was made by Councilwoman Filippone to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilwoman Wenzel. All of Council was in Favor. The Motion passed. The Meeting was adjourned at 8:22 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 Mayor and Council held on the 3<sup>rd</sup> day of **August 2009**

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