

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**May 9, 2011-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone  
Council Members Borowski and Filippone were absent.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk  
Philip George, Borough Attorney

**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 Ocean County Gazette and was published in the Ocean Star on January 7, 2011. Notice was also posted on our Municipal Website and the Municipal bulletin board.

**MOMENT OF SILENCE:** Mayor LaCicero asked for a moment of silence for the troops lost since the last time we met and as well as the troops that served our country so well last week finally ending the life of the most wanted fugitive in the United States.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out to tonight's meeting.

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

Mayor LaCicero opened the floor to anyone who wished to comment on any items that were not on the agenda and did not wish to stay for the remainder of the meeting.

Herb Hascher, 1300 Bay Blvd stated that he is a little concerned about the boat race he has been hearing about. He would like some information on it because he lives across the street from the bay area. He asked where are they going to be launching their boats and where will the trailers be stored.

Mayor LaCicero stated that they will be launching from our boat ramp and the trailers will be either by the ramp or at the bay front lot next to the gazebo.

Mr. Hascher stated that he has to deal with all of the action down there all summer and he knows that comes with the territory with living there. Once the Heritage Festival is over he looks forward to the peace and quiet again. The kids at the school go down to the beach and study the beach and the water. This boat race will chop all the eel grass away. The Public Works guys have a hard time just keeping the beach clean. He asked how will this race help the bay.

Mayor LaCicero stated that we have no authority to ban them from the use of the bay waters. They are only asking our permission to use our bay front facilities.

Mr. Hascher asked if they are going to be allowed to do this every year?

Mayor LaCicero stated that they will have to request permission every year and depending on how it goes this year we will have to see.

Mr. Hascher stated that it is nice to have peace after the Heritage Day Festival and he is very against this race.

Council President Zalom stated that they race all over the County and she provided a copy of their racing schedule.

Mr. Hascher stated that we should not encourage this type of racing in the Borough of Lavallette.

**APPROVAL OF CLERK’S MINUTES:**

Regular Meeting of April 25, 2011  
Executive Session of April 25, 2011  
Bid Opening Minutes of May 5, 2011

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

**REPORTS:**

- a) Public Affairs Report of April-Council President Zalom-Thanked everyone for coming out to the Annual Beach Sweeps. We always have the biggest sweep in New Jersey. Clem Boyer was the co-captain and he works very hard. Councilman Horan also joined us this year. She thanked Dunkin Donuts for their donation of the coffee and food. A lot of groups, clubs and schools came out to help this year. The next beach sweep will be in October. There is going to be a bay beach sweep on May 21, 2011 and also the Beautification Plant Swap will be on May 21, 2011 at the tennis courts. The Beautification is also having a fundraiser at Serenity Café. The Cancer Walk on August 2<sup>nd</sup>. This year for Memorial Day we will have two speakers, one is the Head Chaplain at Lakehurst and the other has been served three tours of duty in Afghanistan. Councilman Horan is going to speak and Councilwoman Filippone will be reading a poem. She asked all to help out our Fireman with donations. The June Senior Lunch & Movie the Music Man is coming to do a show for us and give us ice cream.
- b) Revenue Transaction Report of February& March –Chief Financial Officer
- c) Tax Account Status Report of April-Tax Collector

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

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

**RESOLUTIONS – ON CONSENT:**

- 2011-116 authorizing the change in title and text to Ocean County Tourism Grant Match-Mr. Parlow stated that the untitled grant fund match appropriations are placed in the budget annually. When a grant is awarded after the budget is adopted and requires a local match the titled of those funds need to be amended by resolution.
- 2011-117 authorizing a Chapter 159 amendment for the County of Ocean Department of Public Affairs Ocean County Tourism Grant in the amount of \$1,125.00-Mr. Parlow stated that the term 159 is a budget amendment which is usually used for the purpose of grants and needs to be done after a budget is adopted. Council President Zalom questioned if this was the same amount as last year. Mr. Parlow stated that it is just about the same amount.
- 2011-118 proclaiming May 2011 as “Older Americans Month” in the Borough of Lavallette
- 2011-119 appointing Class II Officers for the 2011 summer season commencing May 14, 2011-Councilman Horan questioned if the salaries remained the same for the police and the Public Works employees? Mayor LaCicero stated that there were no increases.
- 2011-120 appointing Class II Officers for the 2011 summer season commencing May 27, 2011
- 2011-121 authorizing the issuance of a raffle license to the Lavallette Volunteer Fire Company #1 to hold a 50/50 raffle on September 10, 2011 at the Lavallette Heritage Festival
- 2011-122 authorizing the Municipal Clerk to advertise and receive bids for the purchase of various-sized beach access matting funded through the 2011 Community Development Block Grant-Council President Zalom thanked Chris for moving on this bid advertisement.
- 2011-123 opposing Senate Bill No. 1351, which would amend the Open Public Meetings Act, NJSA 10:4-6, et. seq.
- 2011-124 authorizing the appointments of the summer seasonal employees for the Department of Public Works commencing May 23, 2011 and ending September 16, 2011
- 2011-125 authorizing a Chapter 159 amendment for State of New Jersey Solid Waste Administration in the amount of \$9,868.26 and will be appropriated under the caption Clean Communities Grant

A Motion was made by Councilman Lamb to approve the Consent Agenda. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda or the bills list. No one wished to comment at this time. The Mayor closed the floor to comment and asked Council for a vote. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

## **RESOLUTIONS OFF-CONSENT**

2011-126      awarding a contract to Wesco Distribution for the purchase of electric transformers and various electrical distribution equipment and supplies in the amount of \$22,172.39

A Motion was made by Councilman Stogdill to approve Resolution 2011-126. The Motion was seconded by Councilman Lamb. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2011-127      awarding a contract to T & R Electric Supply Co., Inc. for the purchase of electric transformers and various electrical distribution equipment and supplies

A Motion was made by Councilman Stogdill to approve Resolution 2011-127. The Motion was seconded by Councilman Lamb. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mr. Parlow stated that we received two bids last week for the purchase of transformers, materials and supplies. The bid was drafted in a way that permits the award of multiply contracts based upon the lowest price received for each line item bid. The first contract was Wesco Distribution; they were the lowest bidder on the supplies and materials and the second contract is to T & R Electric Supply; they were the lowest bidder on the transformers. By awarding the two separate contracts the Borough will save \$18,000 collectively. The new transformers are certified that they do not contain the PCB's.

## **APPROVAL OF VOUCHERS:**

2011-128      Bills List in the amount of \$1,193,579.80

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

## **COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received April 8, 2011

- b) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received April 11, 2011
- c) Eric M. Bernstein & Associates/Philip G. George, Esq./Gustafson v. Borough of Lavallette/Received April 14, 2011
- d) Eric M. Bernstein & Associates/Philip G. George, Esq./Request for Information/High Pressure Breathing Air System Investigation/Lavallette Volunteer Fire Department/Received April 18, 2011
- e) Eric M. Bernstein & Associates/ Philip G. George, Esq./Gustafson v. Borough of Lavallette/Received April 21, 2011
- f) Eric M. Bernstein & Associates/Philip G. George, Esq./Easement for Storm Sewer Construction/Received April 25, 2011
- g) Eric M. Bernstein & Associates/Philip G. George, Esq./Bossert v. Borough of Lavallette/Received April 26, 2011
- h) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received April 29, 2011
- i) Eric M. Bernstein & Associates/Philip G. George, Esq./New Supreme Court Opinion Regarding Police Officer Notes/State vs. W.B. New Jersey/Received April 29, 2011
- j) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received April 29, 2011
- k) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received April 29, 2011
- l) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Request for Driving Abstract/Received May 2, 2011
- m) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received May 2, 2011
- n) Eric M. Bernstein & Associates/Philip G. George, Esq./Stanley Rizzolo v. Borough of Lavallette/Received May 4, 2011
- o) Eric M. Bernstein & Associates/Philip G. George, Esq./Gustafson v. Borough of Lavallette/Received May 5, 2011
- p) Michele R. Donato/Bossert v. Borough of Lavallette/letter of appeal to the Appellate Division/Received May 5, 2011
- q) Eric M. Bernstein & Associates/Philip G. George/Stanley Rizzolo v. Borough of Lavallette/Received May 6, 2011

#### Engineering:

- a) O'Donnell, Stanton & Assoc/Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Pay Estimate #4/Received April 14, 2011-Council President Zalom stated that the street lights look absolutely beautiful in the business district. It looks great down there. Mayor LaCicero stated that the LBA have offered to pay for the banners that will be put on the light poles and they are going to look great. Mr. Parlow stated that the LBA is waiting for approval of the banner from Council so could we get a motion on that tonight.

A Motion was made by Councilman Stogdill to approve the banner design as presented. The Motion was seconded by Councilman Horan. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

- b) O'Donnell, Stanton & Assoc/Michael O'Donnell/Sanitary Sewer Main Replacement/Route 35 Northbound/Bond Avenue to Guyer Avenue/Received April 26, 2011

New Jersey League of Municipalities:

- a) Five Years of Creating Healthier Communities: Have You Joined the Mayor's Wellness Campaign Yet/Received April 2011
- b) White House Briefing on Local Impacts of Federal Shutdown/Received April 8, 2011
- c) Support for New Jersey's Involvement in the RGGI Program/Received April 11, 2011
- d) S-2718, Health Benefits Reform/Received April 12, 2011
- e) Current Federal Fiscal Year CDBG and Budget Deal Details/Received April 13, 2011
- f) PERC Decision Clears Way for Collection of 1.5% Employee Health Benefits Contribution/Received April 13, 2011
- g) Energy Tax and CMPTRA Under-Funding Informational Tools/Received April 13, 2011
- h) New Content on DLGS Web Site/Received April 18, 2011
- i) Interlocal Advisory Center/Received April 20, 2011
- j) Update on S-2664/A-3766 "Market Competition and Consumer Choice Act/Received April 25, 2011
- k) S-2762, Commercial and Industrial Property Tax Refunds/Received April 25, 2011
- l) Statement of Support for Statutory Funding Compliance/Received April 26, 2011
- m) Defeated School Budgets/Received April 27, 2011
- n) Proposed New Rule for Waiver of DEP Regulations/Received April 27, 2011
- o) Pew Report on State and Local Pension Raises New Jersey Concerns/Received April 29, 2011
- p) Legislative Week in Review/April 29, 2011
- q) Sustainable Jersey Wins U.S. EPA Environmental Quality Award/Received May 2, 2011
- r) Correcting the Census Count for Your Municipality/Received May 2, 2011
- s) HUD Posts Current Year CDBG Info/Received May 2, 2011
- t) Recently Signed Bills/Municipal Consolidation Study Commission/Reporting of Certain Injuries to Local and State Police/Received May 2, 2011
- u) Share NJ 5K Walk/Run To Save Lives/Received May 3, 2011

General With No Action:

- a) Cablevision/Kevin Drennan, Area Director/Launch of The Movie Channel on Demand (TMC on Demand)/Received April 14, 2011
- b) Manchester Township/Michael Fressola, Mayor/Municipal Priority Funding/Received April 13, 2011
- c) Deborah Rosen/thanking Mayor and Council for the great training that Patrolman Anthony Amalfa has received from the Lavallette Police Department/Received April 13, 2011

- d) State of New Jersey/Department of Environmental Protection/Wolfgang Skacel, Assistant Commissioner/Water Quality Inspection Compliance/Received April 20, 2011-Councilman Horan stated that we passed our water quality test.
- e) Ocean County Utilities Authority/2011 Metered Flow Data/Received April 20, 2011-Councilman Horan stated that our volume is down considering the winter we have had and that is good news for us.
- f) NJBIA/Philip Kirschner, President/2011 New Good Neighbor Awards Luncheon/Received April 29, 2011
- g) HMFA/New Jersey Housing and Mortgage Finance Agency/Anthony Marchetta, Exec. Director/New Jersey HomeKeeper Available May 9, 2011/Received May 5, 2011-Mr. Parlow stated that this is a new program and we are going to post on our website so if there is anyone who is struggling to pay their mortgage they can contact them.
- h) Michele Donato, Esq/West Point Island Litigation/letter to the Lavallette Voters & Taxpayers Association/Received May 5, 2011-Mayor LaCicero stated that the letter that is being spoken of was not a signed letter so it did not make it on the agenda.
- i) State of New Jersey/Department of Environmental Protection/Office of the Commissioner/Bob Martin, Commissioner/Clean Communities Notification of 2011 Funding Allocations/Received May 6, 2011
- j) Exelon Power Team/Ken Cornew/Merger with Constellation Energy Group/Received May 6, 2011-Mr. Parlow stated that this is just notifying us that they are merging with Constellation but it will not have an effect on Borough residents.

Council President Zalom stated that the Governor's office requested nominations for local heroes in New Jersey and she had sent in a nomination for Joy Grosko. We received a letter stating that she was nominated but as of yet have not chosen any one.

#### General With Action:

- a) Lavallette Soccer Camp 2011/Tony Meola/requesting the use of the ball field from August 15<sup>th</sup> through August 19<sup>th</sup> 2011/Received April 18, 2011-Mayor LaCicero stated that these dates are fine and they would fall under the 10% of profits to the Borough of Lavallette.
- b) Toms River Youth Baseball Fundraiser/Paul Deceglie/requesting use of our ball field on May 28<sup>th</sup> and 29<sup>th</sup> 2011 from 8am to 10pm for their fundraiser tournament/Received April 26, 2011-Councilman Stogdill questioned if they are going to require a mound because there is not one there as of yet. Mr. Parlow stated that they are requesting the field on Memorial Day weekend from 8am to 10pm for both days. Mayor LaCicero stated that many people use that field over the Memorial Day weekend and if approved would not have access to the field.

A Motion was made by Councilman Stogdill to deny the request to use our ball field on May 28-29, 2011. The Motion was seconded by Councilman Lamb. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

- c) Wavejammer Surf Shop/Scott Meredith, Owner/requesting permission to have an outside display of merchandise in front of the store on Saturday and Sunday, June 4<sup>th</sup> and

5<sup>th</sup> with a rain date of Saturday and Sunday, June 11<sup>th</sup> and 12<sup>th</sup> 2011/Received April 27, 2011-Mayor LaCicero stated this is an annual request and should be fine. Council agreed.

- d) Borough of Seaside Park/David Meyer, Council President/inviting Mayor and Council to their Memorial Day Services on May 30<sup>th</sup> at 9:30 am/Received May 6, 2011-Mayor LaCicero stated that unfortunately this is during our Memorial Day Services so we cannot attend.

#### **UNFINISHED BUSINESS:**

Council President Zalom stated that she received a few phone calls about the new decking and seats where the new handicap ramps were put in. They cannot sit comfortable on the benches they are too wide.

#### **NEW BUSINESS:**

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

Peter Sturm, 1600 Ocean Front – Mr. Sturm stated that the garbage and recycling containers that are located on each street end are located on his side of the street and the bike racks are located on the other. He asked as a matter of fairness, if the Borough would consider moving the garbage and recycling containers to the other side and moving the bike rack to his side.

Mayor LaCicero stated that he would speak to the Mr. Borowski about it.

Joe Palinsky, 122 Washington Avenue - Mr. Palinsky reference a League of Municipalities correspondence regarding the proposed new rule for waiver of DEP Regulations. He asked the Borough Attorney how the new rule would effect Borough applications and residential applications.

Mr. George commented that he has reviewed the new regulations and the waiver rules will be very restrictive.

Herb Hascher, 1300 Bay Blvd stated that with the summer approaching he noticed some things that can be corrected on Bay Boulevard. The crosswalks on Washington and Philadelphia Avenues are very busy during the summer. He believes it is a very dangerous situation. He stated that by the Bayside Café there are stanchions reminding cars that it is a crosswalk and they should stop for pedestrians. He thinks that the stanchions should be put on Washington and Philadelphia as well.

Mayor LaCicero stated that he would speak to the Chief about it.

Mr. Hascher stated that he and his wife take care of the bulleting board on Philadelphia and he has been trying to have it repaired because it is rotting inside. He would like to see if Public Works could take care of repairing it.

Mayor LaCicero stated that he will speak to Councilman Borowski about it.

Clem Boyers, 20 Kerr Avenue stated that on the west side of the trench on the boardwalk we were going to put a board so the front end loaders could scroll right along and not chew up any of the boardwalk. If we put a board along there it will keep them from chipping at the wood.

Mayor LaCicero stated that he does remember talking about it and he will speak to Councilman Borowski.

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

Council President Zalom thanked Public Works for a great job of picking up the trash on the boardwalk from the beach sweeps. She stated that she had a veteran approach her this weekend and he is 90 years old. He has received 11 medals of honor for his bravery and he lives here in town. She commented that on Veteran's Day we should consider asking all veterans in town to be recognized publicly. She stated that the person she was talking about was Joe Kelly.

Mayor LaCicero stated that the Barnegat Bay Watershed was offering grants. We joined with Seaside Heights and Seaside Park to purchase a street sweeper with a jet vac and we were awarded an amount of \$250,000.

He also reported that the New Jersey Department of Transportation finally cleaned the storm water line along Rt. 35 South in the area of Elizabeth, Princeton and Jersey City Avenues. He was told that they finally fixed the problem.

He also reported that if you fish in salt water you need to register with the State of New Jersey. The registration is online and is free. The information is on the Borough Website.

He also reported that the under-assessed lot that the Voters & Taxpayers discovered has been taken care of. We have received a check in the amount of \$8,015.33 for 2008 taxes and \$13,854.15 for 2009 taxes. Even though he stated that the property owner was under no obligation to pay the back taxes due to the error of the Tax Assessor he felt it necessary to do so. Mayor LaCicero read the letter received from the property owner.

Mayor LaCicero stated that there are still a few more properties which he has not received the information on yet but he will make contact with them as well.

Mayor LaCicero stated that he was visited by additional residents of Ocean Beach that are still interested in pursuing annexation to Lavallette. He stated that he does not believe that Toms River Township will allow them to succeed to us without a fight but told them they are free to proceed with the request to Toms River and see what happens with them first.

Mayor LaCicero stated that he met with the 3<sup>rd</sup> graders this week and answered a lot of their questions. They want to have a talent show on the beach and a skateboard park but he told them to write letters to Council for their approval.

Council President Zalom stated that the school budget passed by two votes. She also comment that receiving \$250,000 in funds for the purchase of an additional street sweeper is wonderful for the Borough. She thanked Mr. Parlow and staff for their hard work.

## **ADJOURNMENT**

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Lamb. Vote: All of Council was in Favor.

The Caucus/Regular Meeting was adjourned at 7:53 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 of the Caucus/Regular Meeting held on the 9<sup>th</sup> day of **May 2011**

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