

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, April 20, 2009– 7:04 pm**

**CALL TO ORDER:** Mayor Walter 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 all the troops overseas.

**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)**

Sally DeGruccio, 10 Morton Drive stated that she has lived here for many years at this property and next door to her is a property that has not been occupied since she has lived here. It is held in an estate and the property has large trees that hang over my property. It is in such bad shape and every year she has a company come and cut whatever is hanging over on her property. There is such overgrowth and for years everyone was telling her that there was nothing she could do. She recently went to see the zoning officer, Richard Remy, and he stated to her that he would go over and look at the property to see what could be done. To her amazement, within a couple of weeks the situation was rectified and the property owner cut back all that overgrowth. She is here to say thank you for your zoning officer, Richard Remy. He is a wonderful man and very good at his job. She would also like to thank the Mayor and Council for the wonderful Police Department who, while she was having a problem with her alarm system and it kept going off, had no problem coming to her house for four days straight to check on her.

Councilwoman Wenzel made a Motion to put a letter of commendation in Mr. Remy’s personnel file. The Motion was seconded by Councilman Horan. All of Council were in favor. The Motion Passed.

Barbara Janosko, President of the LBA wanted to thank Mayor and Council for listening to the residents and the business owners and making a stand on their behalf on the advertising. The

Lavallette Business Association supports the Mayor and Council and the town of Lavallette and would like to help in finding ways to increase revenue for the town. She asked that the Council would let them know what they can do to help and again thank them for a job well done.

Tom Cullen, 507 Bay Blvd stated he would like to give a moment of praise to Mayor and Council and the Voters & Taxpayers Association for the meeting held on Thursday dealing with the consolidation of our town with Toms River. We have a lot of perks in this town and if we consolidated with Toms River we would not be so lucky. He stated that the Ocean Star does not report anything in Ocean, Normandy or Ortlely Beaches. He suggested that one way to increase revenue is to open the beaches on Memorial Day Weekend. Seaside Park made \$100,000 by doing that.

Joy Grosko, 13 Camden Avenue thanked Mayor and Council for coming together and listening to people with the advertising. She thinks not going through with it is a smart thing to do.

Bob Marra, 102 President Avenue thanked Council for his parking space in front of his house. So far he has had to call the police on four different occasions because someone was parked there but it still is working. On another note, he walks the boardwalk with his wife every day around 9:30 am. On Saturday, they were almost trampled by a race that was going on. He did not know you could do any kind of racing on the boardwalk for any reason. He just wanted to bring it to the Council's attention.

Councilwoman Wenzel stated that she thinks it was the Special Olympics but she does not remember giving them permission.

Mr. Parlow stated that he does not think we had anything on our calendar but he will check to see.

Joy Grosko, 13 Camden stated that she has a problem with the a group of people who are having full blown picnics with food and water jugs at the gazebo and are leaving a mess. Picnicing and littering are not allowed and the police need to be going down and telling them so.

## **PRESENTATION:**

Eagle Scout Nicholas Zegar – Dog Waste Receptacles on the Bayfront

Mr. Zegar gave his presentation on his dog waste receptacles project. He would like the Borough to purchase these receptacles and the biodegradable bags, which are affordable and environmentally friendly and he would be in charge of installing and maintaining them. The total cost is approximately \$750.00

Mayor LaCicero stated that this project sounds like a very good idea and we will discuss it further. He asked Mr. Parlow if he could find this money in the budget.

Mr. Parlow stated that he thinks it will not be a problem locating those funds for this project.

Mayor LaCicero stated that in the meantime Mr. Zegar should decide where he would like to put these receptacles.

Councilwoman Wenzel stated that maybe we could use some funding from storm water compliance money.

Mayor LaCicero asked Mr. Zegar to contact Mr. Parlow with the information.

**APPROVAL OF CLERK’S MINUTES:**

Caucus/Regular Minutes of April 6, 2009  
Executive Session Minutes of April 6, 2009  
Vendor Lottery Minutes of April 6, 2009

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

**RESOLUTIONS – ON CONSENT:**

- 2009-118      authorizing approval of a tax refund resulting from a tax court judgment of appeal for James Cavanaugh of 1906 Ocean Front
  
- 2009-119      supporting participation in the Sustainable Jersey Municipal Certification Program for the Lavallette Environmental Committee
  
- 2009-120      recognition of child abuse prevention month 2009
  
- 2009-121      proclaiming the week of April 19<sup>th</sup> thru April 25<sup>th</sup>, 2009 as “National Volunteer Week”-Council President thanked all of Lavallette’s volunteers. We as a town accomplish so much with our volunteers.
  
- 2009-122      appointing Matthew Burk as a member to the Lavallette Environmental Committee-Councilwoman Wenzel stated that Matt Burk has been very helpful to our committee. He put together the artist’s proposal application for painting the clam which will have a deadline in June and we will be picking an artist at the Arts & Crafts Show and revealing the Clam at Heritage Day.
  
- 2009-123      authorizing the placement of a “Giant Clam” in front of the Beach Badge Office in conjunction with the Lavallette Environmental Committee’s part in “Reclam the Bay”-Council President Zalom stated that small clam shells are going to be provided for the school children to decorate. Mr. George also stated that he has looked into the Borough getting any zoning permits for the placement of the clam and we would be exempt from any permits. Councilwoman Wenzel questioned whether or not any of the businesses would need zoning permits if they wanted to place a clam in front of their establishment. Mr. George stated that they are

private businesses and would be required to get permits. Councilwoman Filippone stated that she would hope that the artwork was not going to be tacky and we have to be very careful of the selection of artwork. Councilwoman Wenzel stated that we are looking for something to be proud of.

- 2009-124 authorizing the submission of a grant application for Sustainable Jersey Grant being applied for by the Lavallette Environmental Committee-Councilwoman Wenzel stated that the Environmental Committee has done a preliminary draft application for this grant. There is a massive effort for municipalities to go green. The grant funding is coming from Wal-Mart. Her project for the grant monies is to put solar fixtures in our boardwalk street lights.
- 2009-125 establishing the Garbage, Bulky Waste and Recycling Fees, Schedules and Regulations pursuant to Chapter 55 of the Borough Code entitled "Solid Waste"
- 2009-126 requesting that the Department of Transportation adopt the required regulation establishing two-hour parking spaces on Route NJ 35 Northbound-Council President Zalom thanked the Chief and Mr. Parlow for all their work.
- 2009-127 certifying the submission of expenditure for recycling tax in the amount of \$7,541.67-Councilwoman Wenzel stated that this is a State requirement. She would like to take monies out of Recycling Trust and purchase some garbage receptacles for Route 35. Currently there are 41 additional sites so she would suggest that 15 more be purchased.
- 2009-128 approving a statement of opposition to the governor's budget proposal to reduce funding for shore protection and tourism promotion

Mayor LaCicero opened the floor to the public and asked if anyone wished to speak on the consent agenda or the bills list. There was no public comment. Mayor LaCicero closed the floor and asked for a vote.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilwoman Wenzel. 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:**

- 2009-129 Bills List in the amount of \$194,954.48

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 FINAL ADOPTION/SECOND READING**

#### **Ordinance No. 2009-08 (1061) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Mayor LaCicero asked Mr. Parlow to provide a summary of the ordinance. Mr. Parlow reported that the town by law is permitted to increase the spending cap levy from 2 ½% to 3 ½% with an ordinance. The Borough has approved this ordinance for the last several years and have not used that extra levy but we are permitted to bank that every year.

A Motion was made by Council President Zalom to adopt Ordinance No. 2009-08 (1061). The Motion was seconded by Councilwoman Filippone. The Mayor opened the Public Hearing. There was no public comment. The Mayor closed the public hearing and called for a vote. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

### **UNFINISHED BUSINESS:**

Mayor LaCicero stated that he had a conversation with Mr. Kerwin on Tuesday night. He already had sent out the proposals to the Lavallette businesses. Therefore, there are going to be some costs already incurred but he did not seem hesitant in anyway about breaking the contract. He was going to provide the Mayor with the cost his firm has already incurred. The Mayor reported that all should understand that this is going to affect the budget. As of today, he has not heard back from him on the costs to the Borough. As soon as he gets that information he will provide that information to the public.

Council President Zalom stated that she would like to bring up the issue with the bicycles on the boardwalk for this season. The Police Chief did a study and asked the Council to extend the hours of the bicycles up on the boardwalk until 5 pm to keep them off of Route 35 North.

Councilman Lamb stated that the Council has already had this discussion and no one was in support of that idea. He is not comfortable with revisiting it again.

Councilwoman Filippone stated that the police issued warnings to all the bicyclists who were going the wrong way and it seemed to curb the problem last year. The only solution is for them to abide by the law. This issue was brought to the Ordinance Committee meeting and the committee was split with their opinions. No one can really make a decision on this. Her problem is the liability issues with the boardwalk. She stated that this is absolutely not a good idea. The boardwalk is way to narrow to even consider this.

Councilman Stogdill stated that there is a bicycle route on Bay Boulevard as well as a sidewalk, which is much safer than the boardwalk and Route 35.

Councilwoman Wenzel stated that she has some concerns about it being a public safety issue. She stated that there are a lot of municipalities who have bicycle committees or transportation committees to figure out the problems. She asked why the Borough could not empower a committee to educate the public.

Councilwoman Filippone stated that we have already do this with the Chief of Police and the Ordinance Committee.

Councilwoman Wenzel stated that she thinks the citizens are trying to come up with some type of solution. Maybe we need to have a meeting with the Chief, and some of Council to come to some type of solution.

Councilman Lamb stated that we have exhausted every possible solution. Nothing, in his opinion, makes it safer on the boardwalk. The Borough will have the same problems up there as we do on Route 35, they will just be different problems.

Councilwoman Filippone stated that we have an Ordinance that does not allow bicycles on the boardwalk and a resolution specifies the hours. The boardwalk is not a place for bicycles. The only solution is the warnings and the ticketing. People need to know that there are consequences when you do not abide by the law. Even if we allow them on the boardwalk it is not going to take them off of Route 35 it is just going to create more chaos for the town.

Council President Zalom stated that all she is asking is to just try it for one summer.

Councilwoman Wenzel stated that she thinks the Ordinance and the Resolution is structured completely wrong and the citizens up at the boardwalk who see the pros and cons should be brought in on a committee so we can make the right decisions. She requested one meeting with the Chief to discuss it again.

Councilwoman Filippone stated that she would schedule one meeting with the Chief, Lee, her self and Council President Zalom.

Mr. Parlow stated that at the last Council meeting a Resolution was approved for a residential parking permit at 114 President Avenue. The application met all the conditions except it is situated completely in a no parking zone. In order to give them a space, Council would have to approve the space outside the property boundaries.

Council President Zalom questioned why there was a curb cut there if there is no driveway. She asked if the space could be placed in the curb cut.

Mr. Parlow suggested that the two property owners to agree to remove the curb cut and place a curb in that area and a new space could be placed in that area.

Mayor LaCicero stated that the two property owners would incur the costs of replacing it with a curb.

Mr. Parlow stated that Council needs, by resolution, to rescind the old Resolution.

A Motion was made by Councilwoman to rescind Resolution 2009-128A. The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

#### **NEW BUSINESS:**

Councilman Horan stated that the Lavallette Elementary School is looking for donations primarily from the Borough for a weather station. This is really a win/win situation for the school students and the Borough of Lavallette. If the Borough were to purchase it for them the school would take care of the installation. The cost is approximately \$729.75 with software included and we could be in control of the remote monitor that could be left at the Borough Hall.

Council President Zalom stated that the Environmental Committee was looking at this also.

Councilman Horan stated that 4 out of the 6 Bloustein students came from Point Pleasant Beach High School but are Lavallette kids.

Councilwoman Wenzel stated that Matt Burk suggested that we keep the station at the Borough Hall with the remote monitor at the school so they could still monitor it and do projects.

Mayor LaCicero stated that it does sound like a good idea. He asked Mr. Parlow if we could find it somewhere in the budget.

Mr. Parlow stated that he thinks he could find it in our budget and does not believe it to be a problem.

A Motion was made by Councilman Horan to approve the purchase of the weather station. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Mr. Parlow stated that the borough calendars should be in the mail this week.

Mr. Parlow stated that a number of meetings ago he discussed the possibility of sharing dispatching services with Seaside Park. We received a proposal from Jersey Professional Management to prepare a Share Grant application on behalf of both municipalities. The Share Program is offered by the Department of Community Affairs. The grant requires a 10% municipal match. There are a number of issues that pertaining to these shared services that we would have to deal with. The application fee is \$200.00, which Lavallette would only be responsible for \$100.00.

A Motion was made by Councilwoman Filippone to approve the hiring of Jersey Professional Management to prepare the Share Grant Application. The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Mr. Parlow stated that he has been in discussions with Bay Head and Mantoloking for possibly sharing our municipal court operations.

Mayor LaCicero stated that if the money is available to implement these shared services than the Chief's request for a new CAD system will fit right in there as a necessity.

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

Lach Cameron, 115 President Avenue stated that the Voters & Taxpayers are taking legal action on Mayor and Council for the beach advertising.

Joe Marcianti, 3 New Jersey Avenue stated that he concurs with Mr. Cameron's statements. He does not like to see his town being treated shoddily. Please understand the suit will be removed provided that the contract with Kerwin Communications is broken. On another note, the bicycle problem is a town problem. The bikes are a bad idea on 35 North and are not going to be any better on the boardwalk. Maybe we need to designate two blocks for bicycles only.

Mayor LaCicero stated that he did try to contact Mr. Kerwin immediately after the meeting but had trouble getting a proper phone number. When he finally did reach him he was in Florida. He will continue all this week to contact him again but he did seem responsive about breaking the contract.

Susan Koch, 119 Camden Avenue stated that all she does is ride her bike and walk around town. Route 35 South is absolutely horrible to ride on but Route 35 North is a little safer but not much. She can tell that riding a bike on the boardwalk is not an option. Bay Boulevard is a great place to ride a bike however the shoulder looks like another lane for a car and she has rode on the shoulder with her bike and a car was coming straight at her. She would like to offer her services to sit on a committee to discuss or study the bicycle situation to find a solution to our biggest problem in this town.

Tom Cullen, 507 Bay Blvd. stated that he sees walkers and runners on the boardwalk. There is a problem with the diagonal parking on Route 35 North because of the slanted spaces you can not see anything when you are pulling your cars. He thinks we have more a parking problem than a bicycle problem. Maybe we should think about parallel parking spaces instead of the diagonal parking.

Mayor LaCicero stated that we all know that this town has a parking problem. We have tried to alleviate it the best we can but there is only so much you can do.

Council President Zalom stated that she is having the Engineer look into a NJDOT Bikeway grant to see if we could use that to educate the people on bicycle safety.

Councilwoman Filippone stated that we put the bicycle safety rules in our calendar and the cards at the Beach Badge Office.

Councilman Lamb stated that the Bay Boulevard shoulder issue has become a repetitive problem. We should look into maybe painting bicycles on there so cars know it is a bicycle lane and not a car lane.

Arlene Maglionico, 117 Camden Avenue stated that maybe we should look into the grooves like on the parkway if you go into the shoulder.

Councilman Lamb stated that we looked into that and it is not allowed. Supposedly, it creates more accidents.

She also stated that she thinks maybe the weather station should be at the police station and the remote be at the school.

Pat Marrone, 11 Elizabeth Avenue stated that she wanted to thank the Mayor and Council on behalf of the Beautification Committee for approving the monies to purchase the garbage receptacles.

Bill Kinney, 23 Philadelphia Avenue stated that we have been discussing the bicycle problems in this town for at least ten years and have made great progress. The only place to ride a bike safely in this town is Bay Boulevard. No bikes should be allowed on 35 North, South or the boardwalk. He will say that if we do not get a committee together than we will never find out the solutions or fix the problems. People break the law because we do not enforce them.

Councilwoman Filippone stated that for one month the Police gave out 140 warnings to people on bicycles that were not obeying the laws. In her opinion, it worked and the bicycle problem improved somewhat. She is a firm believer in enforcing the law.

Mr. Kinney stated that he remembers when the police used the bullhorns and that seemed to work too.

Joy Grosko, 13 Camden Avenue stated that this Clam is going to represent the town as well as Heritage Committee. Her vision is the paintings of a wonderful sunrise and sunset with a panoramic view with gorgeous colors.

Gail Stefanelli, 122 Camden Avenue stated that maybe we could educate the people about the bicycle safety by posting the rules on the electric or water/sewer bills or on a flyer.

Clem Boyers, 20 Kerr Avenue stated that he does not think that will work either because we need to educate the visitors and they do not get the bills just the residents and owners do. We need to hand something to the visitors at the Welcome Center.

Peter Sturm, 1600 Ocean Front commented on the dunes being constantly walked on. Maybe we need to also put some information about no trespassing on the dunes at the Welcome Center also.

John Gardella, 9 New Brunswick Avenue stated that what the bicycles need are bells to use to warn people they are coming.

Mayor LaCicero stated that he believes that might be a state law.

Ernest Stefanelli, 122 Camden Avenue stated that he is more concerned with the liability if the bikes go on the boardwalk. Children do not pay attention to anything around them and if they get hit by a bicycle it is not going to be pretty. We need to find a better solution than the boardwalk or Route 35.

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

Councilman Horan stated that the Santoro's on WPI have been married fifty years. On another note, he will be attending a seminar on downtown businesses and will bring any information that he gets to the Lavallette Business Association.

Councilwoman Filippone stated that she is not sure if we have the capacity with the new computer system to put any message on our bills anymore. She just wanted to say that she appreciates all the comments about the bicycle situation. She also wanted to comment about opening the beach on Memorial Day. We have already looked into this once before and the bottom line was we would not make enough money to cover the costs.

Councilman Lamb stated that he wanted to comment on the Memorial Day opening also. We did already look into and it would not be worth it for the town. Not to mention that most of our Memorial Day weekends have not always been good weather.

Councilwoman Wenzel stated that this bike subject has been going on as long as she has been here and the comments have all pretty much been the same. She believes it was Pat Kissane who use to do the bullhorn. Point Pleasant Beach has a bicycle committee and she believes has also applied for different grants. She just thinks that talking a little more about it can only help us not hurt us.

Also, she had a couple of residents call her during last week about some type of solicitation they received from First Energy which is a subsidiary of JCP & L referencing getting some type of insurance policy for their electric wires. She placed a call to Maria Sessa from JCP & L and she said she would investigate it and get back to her.

Further, the Environmental Committee is hosting the viewing of "An Inconvenient Truth" at the Upper Shores Library in celebration of Earth Day. Please come and join us if you are not too busy.

Councilman Stogdill stated that the Federal Census enumerators are going to be knocking on doors for information. They will have proper identification on them and should not be asking for your bank account numbers or your social security numbers.

Council President Zalom stated that the Beautification Committee is having their meeting on April 28<sup>th</sup> and Winnie Applegate will be speaking. Also, thanks to all who have been sending their letters about the drainage problem on Route 35. She was told by Senator Ciesla's office

that the state has submitted this project for stimulus funding. The bus has finally arrived and looks beautiful. A question was asked if church groups or any other organization would be able to use the bus.

Mr. George stated that this bus should be used for Borough Recreation functions only. He stated that there would be too much liability with any other arrangements.

Mr. Parlow asked Anita if a list of Recreation events could be put together for Public Works on when the bus is going to be used so they can have it all ready.

Councilman Lamb questioned where it is going to be parked while it is not being used. He has received some complaints from Philadelphia Avenue residents about located the bus at the firehouse.

Councilwoman Wenzel stated that the bus could be parked at the Newark Avenue Treatment Plant.

Council President Zalom reminder all that the School Election will be held on April 21<sup>st</sup>; and encourage all to go out and vote.

Mayor LaCicero stated that the consolidation meeting with Reed Guschiora had a tremendous turnout. It was videotaped so if you could not attend please watch it on television.

Mr. Parlow stated that the drainage project for Lavallette is listed on the DOT website project list. Also, the Beach Badge form is on our website to download and also will be in our calendar.

#### **EXECUTIVE SESSION:**

Mr. George stated that we need an executive session to discuss potential litigation regarding a bus lease and from the V & T as we were told tonight regarding the advertising on the beaches.

A Motion was made by Council President Zalom to enter into Executive Session. The Motion was seconded by Councilman Horan. All were in favor. The Motion passed. The meeting was adjourned at 9:06 pm.

A Motion was made by Councilwoman Filippone to resume the Regular Meeting. The Motion was seconded by Council President Zalom. All were in favor. The Motion passed. The meeting resumed at 9:22 pm.

Mr. George stated that during executive session there were discussions about potential litigation regarding the bus lease and the Voters & Taxpayers potential litigation. No action was taken.

#### **ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to Adjourn the Meeting. The Motion was Seconded by Councilman Horan. All of Council was in Favor. The Motion Passes. The Meeting was adjourned at 9:23 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 held on the **20<sup>th</sup>** day of **April 2009**.

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Christopher F. Parlow  
Municipal Clerk