

**MINUTES  
BOROUGH OF LAVALLETTE  
REORGANIZATION MEETING OF THE PLANNING BOARD  
Wednesday, January 10, 2007 -7 P.M.**

Vice-Chairman Korb presiding.

**Roll Call:** Mayor Joseph Ardito- present  
Councilman Walter LaCicero - present  
Joseph Baginski - present  
Leonard Calderaro- present  
Robert Korb - present  
William Zylinski-

Rosangela Zaccaria – present

**Public Notice Announcement:**

This is the Borough of Lavallette Planning Board meeting of January 10, 2007. Adequate notice of this meeting has been given as required by Chapter 231 Public Law 1975, commonly known as "The Sunshine Law." The date, time and place of this meeting was posted on the bulletin board located in the Borough Hall, filed with the Borough Clerk, and supplied to the official Borough newspapers, the Ocean Star and the Ocean County Observer.

**Flag Salute:** Vice-Chairman Korb lead the audience in the salute to the flag.

Vice-Chairman Korb stated that before proceeding, he wanted to note for the record, that with regard to the Class II appointment, he did not believe a volunteer on a committee constituted being an "official". He noted this is a question for the Borough Council to decide, and not the Planning Board. He also inquired if Mrs. Kelly can sit on the Board since she is suing the Board.

Mr. Brady responded that the suit was brought by Kay's Bakery in which Mrs. Kelly has a significant interest. He stated that the Court has dismissed the suit as per the remand and at the present juncture there is no litigation. However, the party has a right to resurrect further litigation at which time there may be some issues of conflicting interest.

Mr. Baginski asked what would happen if the suit was revisited.

Mr. Brady responded that the qualifications to sit on the Board are set forth in the statute and on particular applications, with the same interests as the law, suit may present some conflict and open the door for applicants and/or objectors to file litigation.

**Approval of Minutes:**

On motion by Mr. Baginski, seconded by Mr. Zylinski, with all voting in favor, the minutes of the Regular Meeting of December 13, 2006 were approved.

**New Business:**

Mayor Ardito conducted the swearing in of the following: Ms. Lough, (Class II appointment), Mayor

Ardito's Designee, Gregory Sharkey, Class IV members, Paul Grosko and Walter Boright and Alternate No. 2, Irene Kelly. After the swearing in ceremony, the members took their seats as Planning Board members.

**Reorganization:**

Mr. Korb asked for a nomination for Chairman for the year 2007. Mr. Baginski nominated William Zylinski as Chairman, seconded by Mr. Boright. Roll call vote was taken. Mr. Baginski- yes, Mr. Boright, yes- Mr. Grosko, yes-, Mr. Calderaro, yes-, Mr. Korb, yes-, Ms. Lough, yes-, Mayor Ardito, yes-, Councilman LaCicero, yes-, Mrs. Zaccaria, yes-, Mrs. Kelly, yes. Motion carries.

Mr. Zylinski took the Chair.

Chairman Zylinski asked for a nomination for Vice-Chairman for the year 2007. Mr. Korb nominated Joseph Baginski, seconded by Councilman LaCicero. Roll call vote was taken. Mr. Korb, yes-, Councilman LaCicero, yes-, Mr. Boright, yes-, Mr. Grosko, yes-, Mr. Baginski, yes-, Mr. Calderaro, yes-, Mr. Korb, yes-, Ms. Lough, yes-, Mayor Ardito, yes, Mrs. Zaccaria, yes-, Mrs. Kelly, yes-, Chairman Zylinski, yes. Motion carries.

Chairman Zylinski asked for a motion for Secretary for the year of 2007. Mr. Calderaro nominated Rosemary Robertson, seconded by Mr. Baginski, with all present voting in favor. Motion carries.

Chairman Zylinski stated he been contacted regarding Ocean Bay Park appearing before the Toms River Planning Board to address seceding from Toms River and joining Lavallette.

Councilman LaCicero stated he also received a call and that this is a small one-block area of waterfront homes and he does not believe Toms River will agree to the secession.

Mayor Ardito stated he had been called also.

Chairman Zylinski stated that while not obligated to so by law, the Planning Board, in the past, has sought Requests for Proposals for both the Board Attorney and Board Engineer positions.

He further stated that as a result, only two proposals were received for Board Attorney. Out of those two, Mr. Brady's firm had been recommended. The fees in the other proposal were higher and Mr. Brady is much more familiar with Lavallette. At that time, only three engineering proposals were received and Mr. O'Donnell was recommended. The other two proposals were very large firms in Monmouth County and were more expensive than Mr. O'Donnell, whose knowledge of the Borough is very extensive.

Chairman Zylinski stated the Board has since been very satisfied with the cost and quality of service of both Mr. Brady's firm and Mr. O'Donnell's firm.

Chairman Zylinski asked for a resolution to nominate Terry Brady, Esq., of the firm Mulvaney, Coronato & Brady, Esqs., 12 Madison Avenue, Toms River, NJ 08754, as Legal Counsel for the year of 2007. A motion was made by Mr. Baginski who reiterated Chairman Zylinski's comments, adding

that the fees have remained flat, despite two appeals, and this firm has complied with the Borough's Pay to Play Ordinance, seconded by Mr. Korb. All present voting in favor. Motion carries.

Chairman Zylinski asked for a resolution to nominate Michael O'Donnell, of the firm O'Donnell, Stanton & Associates, 1705 Route 37E, Toms River, NJ 08754 as Planning Board Engineer for the year of 2007. A motion was made by Mr. Calderaro, who also stated satisfaction with Mr. O'Donnell, seconded by Mr. Korb. All present voting in favor, with the exception of Mayor Ardito who abstained. Motion carries.

Chairman Zylinski asked for a resolution to appoint the Ocean Star, the Ocean County Observer and the Asbury Park Press as official newspapers for the year of 2007. Motion was made by Councilman LaCicero, seconded by Mr. Boright. All present voting in favor. Motion carries.

Chairman Zylinski asked for a resolution to adopt the Planning Board Procedures for the year of 2007. Some grammatical changes were pointed out by Mr. Boright. Motion was made by Mr. Boright with the grammatical changes, seconded by Ms. Lough. All present voting in favor. Motion carries.

Chairman Zylinski stated the Board had previously reviewed the proposed meeting dates for 2007 and inquired if there were any changes. Hearing none, a motion was made by Mr. Boright, seconded by Ms. Lough to adopt the schedule of meeting dates for 2007. All present voting in favor. Motion carries.

**Adjourn:**

On motion by Mr. Korb, seconded by Councilman LaCicero, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Rosemary Robertson.  
Secretary