

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, June 20, 2011-7:03 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill
Councilman Borowski was absent.

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 was published in the Ocean Star on January 7, 2011. Notice was also posted on the municipal bulletin board and the municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for a summer resident Angelo Turturro from Baltimore Avenue who died in a tragic accident on his farm in Pennsylvania and Herta Tully a long time resident of Seaside Heights. He also asked for a moment of silence for all the troops that are fighting overseas and to the ones who have lost their lives.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out tonight to the meeting. He stated that tomorrow is the official start of summer.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)

The Mayor asked if anyone wished to comment on any items that were not listed on the agenda and that they did not wish to stay for the remainder of the meeting they could do so now.

Anthony Giorgianni, 900 D Grand Central Avenue stated that he has been requesting a handicap space in the front of his home for years. He is very handicap and his wife is now in a wheelchair. They have been taxpayers for thirty years and he believes he should be allowed this request. He has 24 hour nursing care for his wife. He sees that there is one in front of a home on Pennsylvania Avenue and wonders why he cannot receive one.

Mr. Parlow stated that the reason it was denied years ago was because we usually put handicap parking spaces for access to public facilities not for private use.

Mayor LaCicero stated that the one on Pennsylvania has been there for a long time and it is for a young girl who lives there that is handicapped.

Councilwoman Filippone stated to Mr. Giorgianni that even if we put a handicap space in front of your home we could not specifically dedicate the space for your own private use. It would be for anyone who had a handicap sticker.

Mayor LaCicero stated that the Borough cannot specifically give you a handicap space for your own personal use. If we put a handicap space in front of your home it will be accessible to all handicap people. The one on Pennsylvania Avenue can be used by anyone who has a handicap sticker.

Council President Zalom stated that she remembers this request from a couple of years ago and rode by the home to view the situation. She stated that there is already an off street parking space in front of the building for your use.

Mr. Giorgianni stated that was correct but he really needs another spot so if his children come down he can still get in and out easier.

Mayor LaCicero stated that they cannot designate a handicap space for his own personal use but they will look into the space itself.

Bruno Hornung representing the Lavallette Business Association presenting the beautiful banner that they have donated for the street lights in the B2 district. They have donated 20 banners in total. He read aloud a letter from the LBA.

Mayor LaCicero thanked the members of the LBA for their generous donation. He stated that he believes there are more members that are here for a different reason also. He asked if any of you would like to speak on another item you could do so.

Barbara Janosko, President LBA stated that first she would like to thank Mayor and Council for allowing Mr. Parlow to attend their monthly meetings. He is very informative and we enjoy knowing what is going on. We have heard about an item that has come up regarding the display of merchandise with the business owners. We were told that a formal complaint was issued and we would like to know where it is going to go from here. The problem that the LBA has is that if you restrict the business owners it would have a big impact on them.

Mayor LaCicero stated that this topic was brought up at our last meeting by Councilwoman Filippone. There are times when we do get complaints about the amount of merchandise and the amount of time that it is left out on the sidewalks.

Councilwoman Filippone stated that she brought this topic up at the last meeting along with several other issues regarding our ordinances not being enforced. She stated that if we are not going to enforce our ordinances than they should be revised. This is not just the display of merchandise it is a lot of other situations that are not being enforced. Council has already approved twenty days that the business owners can put out their displays. If the LBA would like

to request more days to put things out than that needs to be addressed but right now you can put it out on twenty days during the summer season. We have upgraded our business district and have made it look beautiful and it should remain that way. Displays of merchandise all day, every day lining the streets and sidewalks is not so beautiful.

Mrs. Janosko stated that discussing it further is a reasonable request and all the LBA would like is to take care of it now rather than later.

Councilwoman Filippone stated that if they are requesting some changes to that ordinance it will require two meetings of approval so you are looking at approximately two months before approved.

Mrs. Janosko stated that she will get some suggestions together and let Councilwoman Filippone know.

Council President Zalom questioned if all the business owners know when the exact display of merchandising days are that were approved.

Mrs. Janosko stated that the LBA members know the dates.

Council President Zalom questioned how the non-members would know.

Councilwoman Filippone stated that the dates are on our yearly calendar and the website.

Mayor LaCicero stated that selective enforcement is the problem. If we have to enforce the ordinance it would affect every business owner.

Marty Morales, 103 Grand Central Avenue, owner of Big Ed's Produce stated that he is a member of the LBA and was responsible for getting these display dates. In the beginning the Council only approved ten days then it increased to fifteen and now it is twenty. Each business sells different items. At his establishment they sell produce as well as plants and flowers. In his opinion, his property looks much nicer with the plants and flowers aligning the front of the property. Even if he was not selling the plants and flowers he would still be allowed to align them around his establishment. This is his 32nd season with his business and we have a lot of competition in Ortley Beach and Normandy Beach and those establishments can put anything out and sell much more than us. It seems like the seasons seem to get shorter in Lavallette every year. If he is not allowed to sell his plants it will hurt his business. He stated that he remembered years ago a Councilman stated that Peter's Florist looked lovely at Christmas time with all their flowers and plants outside their store. Well, that display is in violation of the display ordinance but the Councilman raved how beautiful it looked. He just thinks that Council has become not so business friendly in the last couple years.

Mayor LaCicero stated that he understands his concerns and believes that this Council is very business friendly. We changed the parking in the business area to make it better for the business owners, we created additional parking by shortening the yellow lines by the stop signs and we have upgraded our B-2 district.

Mr. Morales stated that the restaurants are allowed to put table and chairs outside their establishments.

Councilwoman Filippone stated that in the ordinance it states that no perishable items can be displayed. That one sentence affects you tremendously. These are the reasons that this ordinance needs to be revamped. We need the businesses to give us some suggestions so we can come up with a solution sooner than later.

Mr. Morales stated that if this has become such a concern why haven't we had any Ordinance Committee meetings in two years. He stated that he is on that committee and would love to give his input.

Mayor LaCicero stated that they should get their suggestions together and present them to Councilwoman Filippone.

Kim Samarelli, Seashore Delights questioned if we can put a committee together to discuss the situation and come up with some suggestions.

Mayor LaCicero stated that they should just meet amongst themselves and come up with the suggestions and then get back to us.

Mrs. Samarelli stated that the business owners are very busy at this time so it is not a good time to meet.

Mayor LaCicero stated that there was no rush just try and meet as soon as you can.

Councilwoman Filippone stated that no one is demanding the enforcement immediately we just want it to become correct and lawful.

Mayor LaCicero stated that if there is a crisis we will let you know.

No one else wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of June 6, 2011
Bid Opening Minutes of June 15, 2011

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

RESOLUTIONS – ON CONSENT:

- 2011-154 appointing two summer seasonal employees for the Department of Public Works commencing June 13, 2011
- 2011-155 authorizing the issuance of a bingo license to St. Pio of Pietrelcina for their 2011 summer bingo schedule
- 2011-156 authorizing the purchase of Ocean County surplus vehicles-Mr. Parlow stated that the Public Works Dept. has been in need of a dump truck to use as a snow plow for some time now. We put the request in to the County about nine months ago and we finally got one. We purchased it for \$1.00 and it only has 39,000 miles.
- 2011-157 designating the hours bicycles are permitted on the boardwalk during the 2011 “bathing season”-Councilman Lamb requested that this resolution be revised by removing the word “taking” from the second to last paragraph. He stated that he does not see a problem with people walking their bicycles from one street end to the next. Mayor LaCicero stated that he does not think any bicycles should be on the boardwalk at any time walking or riding them because it will create a problem. Mr. George stated that in order to change the wording of the resolution Councilman Lamb needs to take it off the consent agenda and put it off consent. Councilman Lamb requested that this resolution be put off consent. Council President Zalom stated that she is not in favor of keeping the bikes off the beach but is glad that they will at least be able to walk them from street to street.
- 2011-158 authorizing the Mayor to execute an agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc.-Councilman Horan requested that this resolution be put off consent.
- 2011-159 approving the renewal of plenary liquor license no. 1515-33-003-005 for license year 2011-2012 held by Saulwil, Inc. doing business as The Crab’s Claw Inn
- 2011-160 approving application of Nicholas E. Ford as a probationary member of the Lavallette Volunteer Fire Company #1-Council President Zalom stated that she is very happy to see some more guys volunteering. Our Fire Department is in desperate need of volunteers.
- 2011-161 authorizing the application for a special permit for social affairs to Habitat for Humanity for the sale of alcoholic beverages in conjunction with their fundraiser to be held at the Lavallette Yacht Club on August 6, 2011 from 5pm to 9pm-Council President Zalom stated that this is a wonderful fundraiser for the Yacht Club to be sponsoring.
- 2011-162 authorizing the settlement of Government Records Council Complaint 2007-209-Mr. George stated that this complaint was filed four years ago by a gadfly who does this for a living. The Government Records Council has just got around to reviewing it now. Mr. Parlow did respond but failed to explain the redactions.

The GRC responded by saying that Mr. Parlow responded responsibly but should have explained why he redacted the information. There were some minor attorney fees that the Borough had to pay but it was very minimal.

2011-163 proclaiming June 25, 2011 as “Choose Your Cover Day” to help raise awareness about skin cancer and the use of sunscreen products-Council President Zalom stated that there are three different locations where the screening is taking place and she believes that one location is Ortley Beach.

2011-163A authorizing the execution of a shared services agreement with the Boroughs of Seaside Heights and Seaside Park for the purchase and use of certain equipment-Council President Zalom thanked Mr. Parlow for getting this agreement for us. This is a wonderful idea for all three towns to share this piece of equipment and it doesn't cost us anything.

2011-163B appointing badge checkers for the 2011 summer season at an hourly rate of \$8.00

A Motion was made by Councilwoman Filippone 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 could do so now. No one wished to comment on the consent agenda or bills list. The Mayor closed the floor to public comment and asked Council for a vote on the Consent Agenda. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS-OFF CONSENT:

2011-157 designating the hours that bicycles are permitted on the boardwalk for the 2011 summer “bathing season”

A Motion to Approve Resolution 2011-157 was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom.

A Motion was made by Councilman Lamb to remove the word “taking” out of Resolution 2011-157. The Motion was Seconded by Council President Zalom. The Mayor opened the floor and asked if any wished to comment on Resolution 2011-157.

Clem Boyers, 20 Kerr Avenue stated that he agreed with the Mayor that if the bicycles are not permitted on the boardwalk then they should not be permitted at all whether you are riding them or walking them.

Pat Marrone, 11 Elizabeth Avenue stated that she agreed with Councilman Lamb. It becomes very difficult for children to have to ride their bikes down the street on the highway to the next block when they could just walk their bike on the boardwalk to the next street.

No one else wished to comment on Resolution 2011-157. The Mayor closed the floor to comment on Resolution 2011-157 and asked Council for a vote on the removal of the word

“taking” from Resolution 2011-157. Vote: Council Members Zalom, Stogdill, Horan and Lamb voted Yes. Councilwoman Filippone voted No. The Motion Passed.

2011-158 authorizing Mayor LaCicero to execute an agreement between the Borough of Lavallette and the Lavallette First Aid Squad, Inc.

Councilman Lamb questioned if this agreement was the same as last year.

Mayor LaCicero stated that it was an annual agreement.

A Motion to Approve Resolution 2011-158 was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone. The Mayor opened the floor to the public and asked if anyone wished to comment on Resolution 2011-158. No one wished to comment so Mayor LaCicero closed the floor and asked Council for a vote on Resolution 2011-158. Vote: Council Members Filippone, Zalom, Stogdill, and Lamb voted Yes. Councilman Horan recused and abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2011-164 Bills List in the amount \$312,308.17

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

UNFINISHED BUSINESS:

Draft-Volleyball Ordinance

Councilman Lamb questioned the language about removing the net on a daily basis. He stated that he believes that in the past the net went up in the beginning of the season and was removed at the end of the season. He thinks it would be too much to take it down every day.

Mr. George stated that the way it is proposed is okay. With leaving it up all season presents a problem with cleaning the beach on a daily basis. This draft is just a starting point for Council to discuss, any part of can be changed before the final draft.

Councilman Lamb stated that this has been going on for many years and he has never heard of it being a problem with the cleaning of the beach so in his opinion the language of removing daily needs to be adjusted.

Councilwoman Filippone questioned how many nets are being permitted.

Mr. Parlow stated that this volleyball net on White Avenue will be the only one that will be permitted.

Mayor LaCicero stated that the area needs to be designated specifically within the ordinance.

Councilwoman Filippone questioned what specific hours are we going to designate.

Councilman Lamb stated that the hours should be the same that the lifeguards are on duty.

Mr. George stated that once the designation of the time and the location we will have to post that up at the beach.

Mayor LaCicero stated that just like we have to designate the times the bicycles can be on the boardwalk on an annual basis we will also designate the hours of the volleyball playing every year.

Council President Zalom stated that there also use to be one down at the bay is that one going to stay there also?

Councilwoman Filippone stated that we can designate both areas on the ocean and the bay with no other area of playing and just volleyball.

NEW BUSINESS:

Council President stated that Hot Shot Tennis for the summer season has been cancelled. They received more of a turn out up north than here in Lavallette.

Mayor LaCicero asked Mr. Parlow to update the Council on the recent transformer leak.

Mr. Parlow stated that a transformer has leaked in front of 101 New Brunswick Avenue. The leak was caused by a opening in one of the seams and only a small amount of oil leaked. The oil did spill on a few cars, the asphalt in front of the pole and in the area between the curb and the sidewalk. The good thing about this problem is that the procedure was handled and was very organized. The Fire Department and Hazmat were dispatched immediately. The DEP was notified right away and we notified our insurance company immediately. The Borough will have to hire another environmental company to assess the damages. The impact is much smaller than the first transformer leak we had on President Avenue last summer.

Councilwoman Filippone questioned how many of the transformers have already been replaced.

Councilman Horan stated that six have already been replaced.

Councilwoman Filippone stated that maybe it would be in our best interest to hire another electrician part time to expedite the replacement of these transformers in a timely manner.

Councilman Horan stated that they are replacing one a week right now.

Councilwoman Filippone stated that her concern is that with the hot summer arriving how many more of these are going to leak or explode.

Mr. Parlow stated that he will speak to the Supervisor in the Electric Department and make sure he prioritizes and gets the worst ones done first.

Council President Zalom stated that she spoke to our part time electrician and he is retired from JCP & L. He stated to me that Lavallette does a wonderful job and makes sure everything is done by the book.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Pat Marrone, Friends of Beautification stated that a couple of months ago Council gave her permission to send a letter to the Freeholders asking them if they could help us out with the triangle on Bay Boulevard and Jersey City Avenue that was in dire need of some beautifying. She stated that she sent two letters and received no response. Council President Zalom got in touch with Freeholder Bartlett about it and they have agreed to put in some new curbing there and take out some of the asphalt so thank you to Council President Zalom.

She stated that she also wanted to thank the Committee that was in charge of the Streetscape plan for doing a great job.

Council President Zalom stated that Freeholder Bartlett was more than happy to accommodate us here in Lavallette. They are going to hire a contractor to remove some of the asphalt and replace with curbs. Once that is done we can have our gardener put some nice plantings and shrubs there to make it look presentable.

Paula Sturm, 1600 Ocean Front stated that she would like to thank the police that are on bicycles for responding so quickly with a situation concerning her dog and a pit bull that had gotten loose. Luckily, her dog was not hurt. She also wanted to thank the Lavallette Police and the Borough for the program that they have initiated concerning the elderly. The town that her mother-in-law lives in does not have that program and we had to have the police go to her home and check on her because she was not answering her phone. The program that we have here is really a fantastic program and she wants to thank the town for their sincerity.

Kim Samarelli, Seashore Delights thanked Council for the two-hour parking in front of the businesses and for the wonderful beautification project in the business district. She stated that she was down at the bay with a friend on Sunday and parked in one of the lots down there. A police officer came and told us we needed stickers to park here. It was already after 3pm and the badge office was closed so there was no way that we could retrieve a sticker. We were willing to pay for one but there was no availability of where to buy one. She suggested that Council would be to make them available somewhere after 3pm on the weekends or even weekdays to accommodate the residents and visitors but to also bring in some more revenue for the town.

Mayor LaCicero stated that he will have someone look into that idea.

Barbara Janosko, President LBA thanked Mayor and Council for all their cooperation with the LBA.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom questioned if we are going to have a quorum for the July 1st special meeting to award a contract to expedite the mobi mats getting on the beach for this summer.

All of Council can attend except for Councilman Stogdill.

Council President Zalom stated that Ocean Gate is installing a storm water infiltration system as a pilot program so that should be interested to see how that goes. She stated that she and Councilman Horan will be attending a seminar on June 27th.

She stated that Officer Christian LaCicero was off duty sometime within the last couple of weeks and he witnessed someone falling into the bay. Officer LaCicero jumped in the water and swam across the lagoon and saved the man from drowning. The person had two broken hips from the fall so if Officer LaCicero did not see him he could have drowned. Mr. LaCicero is being honored by the 200 Club for his assistance and bravery.

Councilman Horan stated that he will be attending a seminar on June 29th on Sustainable Green Team.

Councilman Stogdill thanked Public Works for doing a fantastic job on the ball field.

Council President Zalom stated that the Dog Walk was a big hit on Sunday with 32 dogs entered in the walk.

EXECUTIVE SESSION:

Mr. George stated that there is a need to have an executive session to update Council on several litigation issues and Mr. Parlow needs to discuss the contracts with Council. There is no anticipated action to be taken.

Litigation – Gustafson v. Borough of Lavallette Planning Board and the Borough Council of Lavallette

Litigation – Bossert v. Borough of Lavallette

Litigation – DEP Violation

Collective Bargaining Agreement – Teamsters Local 469

Collective Bargaining Agreement-Teamsters Local 97

Collective Bargaining Agreement-Dispatchers and Records Clerk

Collective Bargaining Agreement-PBA Local 372

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting to go into Executive Session. The Motion was seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed.

The Regular Meeting was Adjourned at 8:26 pm.

A Motion was made by Councilman Stogdill to reconvene the Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 9:57pm.

Mr. George stated that while in executive session there were a number of matters that were discussed. Council was given updates on litigations along with interrogatories. There was discussion on the DEP Beach Access litigation and the meeting that will be held in Toms River. Also, discussed were the four pending union contracts and possible percentages to be negotiated with some other offers. No action was taken at this time. Mayor LaCicero and Councilman Lamb were recused before there was any discussion about the PBA Local Contract due to a conflict.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 10pm.

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 and correct copy of the Minutes of the Regular Meeting of Mayor and Council on the 20th day of June 2011.

Christopher F. Parlow
Municipal Clerk