

BOROUGH OF LAVALLETTE (MINUTES)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, August 20, 2007 – 7:06 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding.

ROLL CALL: Council Members Ardito, Lamb, Wenzel, Zalom, Filippone and Stogdill

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

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meeting Act. Public Notice was given to the Ocean County Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 12, 2007. Notice was posted on the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for the 13 Americans lost in Oklahoma and Minnesota tragedies and the dozen in Jamaica.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero welcomed everyone in the audience and asked if anyone had any comments on anything that was not on the agenda.

Bernie Borrelli, 36 Dickman Drive-asked for Council's permission to hold a Triathlon on September 23, 2007, starting at 7am. They would need use of Bay Boulevard, the bayfront bathing beach, and the Lavallette Fire Department building for registration. The proceeds are to benefit the Boy Scouts Troop #22. There will be fewer than 100 participants which will consist of mostly police personnel.

Mayor LaCicero asked if there will be any State Police patrolling in the waters and on land.

Mr. Borrelli stated that there will be a State Police water patrol and a land unit. These troopers will be helping on Bay Boulevard. There will be no disruption on the State highways. There will be a 440 yard swim in the bay, then a 12 ½ mile bicycle ride down Bay Boulevard through Ortley Beach and Lavallette, then a run to Ortley Beach and then back to the gazebo in Lavallette.

Mayor LaCicero stated that this approval is contingent on the submittal of an insurance certificate to the Borough.

Mr. Borrelli stated that he has already spoken to Chief Grant and he has offered his assistance. The Boy Scouts will be responsible for all clean-up.

Councilman Ardito stated that it would be a good idea to involve the Lavallette and Ortley Beach First Aid in case of an emergency. He stated he would be glad to be on standby for the Lavallette First Aid if they need him.

Councilwoman Filippone questioned whether the bicycle part of the race went onto West Point Island.

Mr. Borrelli stated that it does go around the perimeter of WPI in order to get the 12 ½ miles.

Mayor LaCicero asked for a motion to approve the Triathlon contingent on the insurance certificate. Council President Zalom made a motion to approve. The motion was seconded by Councilman Lamb. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. Motion was passed contingent on the submittal of insurance certificate.

Herb Hascher, 1301 Bay Blvd.-questioned whether or not anything is going to be done about the Ocean Ride bus using our side streets. He thinks it’s very dangerous for that bus to be cruising down our side streets. He should only be on the highways and Bay Boulevard.

Mayor LaCicero stated that he hasn’t been able to get in touch with the right person on this issue but he is working on it.

Council President Zalom stated that she has spoke to Kathy Edmonds about this before. She will contact Ms. Edmonds again and advise her to rectify the problem.

Mr. Hascher stated that it seems to be only the afternoon bus at 4pm, 7pm and 10pm and it started in March.

Corey Wingerter, 20 Bond Avenue-asked for an update on the Ordinance change and the transfer in reference to Lenny’s Pizza.

Attorney Phil George stated that at the present time there are possibilities of placing conditions upon the applicant but at this time have not reached any action. Council and Mr. Parlow will be discussing this in a couple of days.

Mr. Wingerter asked if there could be 4 weeks in between the 1st and 2nd readings instead of just the two weeks.

Mayor LaCicero stated that he had no problem with that request.

Councilwoman Filippone stated that after the 1st reading there will be a special meeting scheduled for the public hearing and 2nd reading.

Mr. Wingerter questioned if the transfer is approved would Lenny’s have to go to Planning Board.

Mayor LaCicero stated that they would have to go to Planning Board for Site Plan approval.

Bill Kinney, 21 Philadelphia Avenue stated that this is usually the time of year when residents voice their complaints about the bicycles. He asked for an update on the bicycle discipline.

Councilwoman Filippone states that the Police Department has issued 91 warnings on just bicycles going in the wrong direction. The Chief is working on what the next step should be. 2nd offense over 18 should be ticketed and fewer than 18 should have bicycle confiscated. Visually she sees some improvement but this last week seems to be worse.

Mr. Kinney stated that enforcement is the only answer and the next enforcement should be the bicycles on the boardwalk after hours.

Councilman Ardito stated that he had an informal conversation with Chief Grant and he thinks that the warnings have made some improvement but he is still puzzled on what he should do next.

APPROVAL OF CLERK'S MINUTES:

Approval of Caucus/Regular Minutes of the August 6, 2007 and Executive Session minutes of August 6, 2007.

Councilwoman Wenzel stated that in the minutes of August 6, it said that no Public Works report was given to be part of the minutes. She stated that she has since given Mr. Parlow a copy of the report so can the minutes be approved as amended.

A motion to approve the Regular Minutes as amended and the Executive Session Minutes was made by Council President Zalom. The motion was seconded by Councilwoman Filippone. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted "yes". The motion was passed.

REPORTS:

a) Zoning Report for July 2007-Councilwoman Filippone-read from report
She also stated that even though there was no Police Report she would like to publicly commend Officer Michael Monica for his bravery and sharp thinking of an ocean rescue. She also wanted to commend Officers Christian LaCicero and Michael Monica for their help along with Chief Grant with the Crab's Claw collapse. All departments including First Aid, Fire and Police should be commended for a fine job. Councilwoman Wenzel questioned whether a letter of commendation should go into their files. Mayor LaCicero stated that he thinks a Resolution can be done for a commendation.

Council President Zalom made a motion to prepare a Resolution for commendation. The motion was seconded by Councilwoman Filippone. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted "yes. The motion passed.

Council President Zalom stated that she saw Mayor LaCicero on a local TV program called "Meet the Leaders". She also spoke about the passing of Robert Rioux who was a long time resident who was responsible for creating our town flag. She also talked about the Ocean Swim

held on August 18, 2007. The ages ranged from 10-76 years old. Erin Perna who is a resident of Lavallette placed second in her age group. Chris Parlow's daughter, Samantha also participated.

b) Revenue Report for July 2007-Chief Financial Officer

c) Budget Summary Status as of July 2007-Chief Financial Officer

A motion to receive the Budget Summary and Revenue Transaction Reports was made by Councilwoman Filippone. The motion was seconded by Councilwoman Wenzel. Council Member Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted "yes". The motion passed.

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

RESOLUTIONS – ON CONSENT:

2007-209 petitioning the Federal Highway Administration to provide funding to complete the Route 35 Roadway and Drainage Improvement Project-Council President Zalom thanked Chris Parlow for his prompt response in doing this resolution. The more people that get involved will hopefully push the project ahead quickly.

2007-210 supporting Assembly Bill A-2775, which permits municipalities to determine permissible parking distances from intersections, crosswalks or "stop" signs.- Mayor LaCicero stated that this resolution is encouraging the support. Councilwoman Filippone asked if the painting of the yellow curbs is completed. Councilwoman Wenzel stated that the paint machine broke and Public Works just got it back. The only street that was left was Bay Boulevard corners.

2007-211 approving application of Christian W. LaCicero as a probationary member of the Lavallette Volunteer Fire Company #1-

2007-212 approving application of Justin D. Lamb as a probationary member of the Lavallette Volunteer Fire Company #1

2007-213 approving application of Timothy Seggell as a probationary member of the Lavallette Volunteer Fire Company #1

2007-214 supporting Community Medical Center's application for a new cardiac surgery program

2007-214A authorizing submission of the application of the Lavallette Municipal Alliance grant for the year 2008 in the amount of \$19,200.

A motion was made to approve the Resolutions on consent agenda by Councilwoman Filippone. The motion was seconded by Council President Zalom. Council Members Ardito, Wenzel, Zalom, Stogdill and Filippone all voted "yes". Councilman Lamb voted "yes" to all Resolutions with the exception of Resolution 2007-212 in which he abstained. The motion passed.

RESOLUTIONS-OFF CONSENT-there were no Resolutions off consent.

APPROVAL OF VOUCHERS:

2007-215 Bills List in the amount of \$620,204.77

A motion was made to approve the bills list by Council President Zalom. The motion was seconded by Councilwoman Wenzel. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The motion passed.

ORDINANCES ON FOR 2nd AND FINAL READING:

Bond Ordinance No. 2007-08 (1019) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO WHITE, COLEMAN AND ORTLEY AVENUES, APPROPRIATING \$180,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$74,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A motion to approve Bond Ordinance No. 2007-08 (1019) was made by Councilwoman Wenzel. The motion was seconded by Council President Zalom. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. There was no council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The ordinance passed.

Bond Ordinance No. 2007-09 (1020) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-04 (920) ADOPTED ON APRIL 7, 2003, AS AMENDED BY BOND ORDINANCE NO. 2005-04 (968) ADOPTED ON APRIL 11, 2005, AS AMENDED BY BOND ORDINANCE NO. 2005-21 (985) ADOPTED ON OCTOBER 24, 2005, AS AMENDED BY BOND ORDINANCE NO. 2006-17 (1005) ADOPTED ON AUGUST 21, 2006, AS AMENDED BY BOND ORDINANCE NO. 2007-02 (1013) ADOPTED ON FEBRUARY 26, 2007, PROVIDING FOR IMPROVEMENTS TO BOARDWALKS AND DOCKS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$750,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$712,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A motion to approve Bond Ordinance No. 2007-09 (1020) was made by Councilwoman Filippone. The motion was seconded by Councilwoman Wenzel. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. There was no

council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The ordinance passed.

Bond Ordinance No. 2007-10 (1021) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL VEHICLES AND EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, I THE COUNTY OF OCEAN, NEW JERSEY

A motion to approve Bond Ordinance 2007-10 (1021) was made by Councilwoman Wenzel. The motion was seconded by Councilman Stogdill. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. There was no council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The ordinance passed.

Ordinance No. 2007-12 (1023) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED “ZONING” SO AS TO REVISE SECTION 90-73 ENTITLED “CERTIFICATES AND PERMITS”

A motion to approve Ordinance No. 2007-12 (1023) was made by Councilman Stogdill. The motion was seconded by Councilwoman Filippone. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. There was no council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The ordinance passed.

Ordinance No. 2007-13 (1024) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE PROVIDING FOR THE ADOPTION AND CHANGING OF A SYSTEM OF NUMBERING ALL BUILDINGS AND LOTS OF LAND IN THE BOROUGH AND DISPLAY OF NUMBER ASSIGNED PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 40:67-1(j)

A motion to approve Ordinance No. 2007-13 (1024) was made by Councilwoman Wenzel. The motion was seconded by Councilman Stogdill. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. There was no council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”. The ordinance passed.

Ordinance No. 2007-14 (1025) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE ESTABLISHING PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR

REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 48:3-17 (a)

A motion to approve Ordinance No. 2007-14 (1025) was made by Councilman Lamb. The motion was seconded by Councilwoman Wenzel. The Mayor opened the public hearing.

Harry Dews, 214 Newark Avenue asked if this Ordinance includes the overhead facilities in town, also.

Mr. Parlow stated that the overhead facilities are included as well.

There was no additional public comment.

The Mayor closed the public hearing. There was no Council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill Filippone and Lamb all voted "yes".

UNFINISHED BUSINESS:

Councilwoman Wenzel stated that the Energy Conference is coming up in September and she would like to see a representative from our town attend.

Mr. Parlow stated that he was planning on attending the Conference.

Councilman Ardito stated they he has no problem attending also.

Council President Zalom made a motion to approve two spots for the attendance of the Energy Conference. Motion was seconded by Councilwoman Wenzel. All of Council was in favor.

Councilwoman Wenzel also stated that she will be attending the League of Municipalities in November but will not be staying in a hotel.

She also wanted to speak about a young resident who came to her about holding a skin boarding competition next summer. The boy is eight years old and would like to hold a competition just for fun.

Council President Zalom stated that maybe they could somehow incorporate this event into Recreation for next year's summer events. She will talk about it with the boy.

Councilwoman Wenzel spoke about a resident who sent notices to some residents in reference to the yellow curb painting stating selective enforcement. She also stated that the Public Works department has run out of yellow paint and would like to purchase more and take it out of building and grounds. She asked for Council approval.

A motion was made by Council President Zalom to purchase additional line paint from the Public Buildings and Grounds Budget. The motion was seconded by Councilwoman Filippone. All were in favor. The motion passed.

Mayor LaCicero thanked her for asking Council for permission. He also wanted to explain that he spoke to the man that sent out the notice about the selective enforcement. He sent the notices out before he spoke to him and was embarrassed about the notices and apologized for the knee jerk reaction. He now understands that it was down to the entire town not just him.

Councilwoman Wenzel also stated that not only did the Crab's Claw suffer with a structural collapse but the Sunny Hunny Restaurant in Ortley Beach had an electrical fire. These restaurants give a lot of people their bread and butter and she feels for them.

Councilwoman Filippone stated that a resident approached her and stated that she was very grateful for the yellow curbs.

Councilman Lamb stated that even if the Borough badge sales did badly the rest of the season we would still be up in revenue for the entire season of 2007 than 2006.

Council President Zalom stated how sad she was about the Crab's Claw. She stated that her street has so much parking due to the Claw being closed its unbelievable. Even though the residents on her street have the parking they still miss the Crab's Claw.

She spoke about Public Works being so prompt in fixing a pothole on her street. She also stated that she still thinks new furniture should be in the Mayor's office.

Council President Zalom spoke about cell towers. She said St. Bonaventure is going to have one in their steeple for church revenue. She stated that we should again look into this for the revenue.

Councilwoman Wenzel stated that the Borough of Belmar's cell antennae paid for their beach.

Council President Zalom made a motion to authorize the Administrator to do an RFP for cell antennae.

Mayor LaCicero stated that we should meet with a consultant for exploration and discussion on this topic before a Resolution is done.

Mr. Parlow stated that he will set up a meeting with a consultant for discussion so this could be further explored.

Councilman Stogdill spoke about the need for a traffic light on Rt. 35 North. He stated that Faith Lutheran Church made a request to have the traffic light on their corner. He stated that because of their summer camp and their preschool it would be beneficial to the safety of the children.

Council President Zalom asked if Councilman Stogdill could bring that information to the Chief because he is gathering the information for the State.

Councilwoman Filippone wanted to give an update on the Crab's Claw. She stated that she and Mr. Parlow had a discussion update with the Construction Official about where the Crab's Claw was at and how much further they have. Mr. Erdman explained that they applied for all the proper permits and is moving along very nicely. Apparently, it had something to do with structure beams shifting from the new work that was done outside months ago.

Councilman Ardito was concerned with fire hazards with the 3rd story. He questioned whether or not a fire escape should be put in.

Councilwoman Filippone stated that there are no zoning issues. Anything that is there or not there is grandfathered in.

Mayor LaCicero stated that they do have a ladder from the 3rd floor on the south side of building.

Attorney Phil George stated that there was a Federal appellate reversed a DEP denial in reference to the Mantoloking dunes. They stated that the DEP's definition of dunes was too abstract. They went on to say that the beaches should be accessible, and usable for the public. This is very helpful to us considering the problem the Borough is having with the DEP in reference to the same situation.

NEW BUSINESS:

Mayor LaCicero read letters from Joy Grosko about Heritage Day

Councilman Ardito spoke about a newspaper article in reference to "Beach Big Wheels. He said they are similar to surf chairs but supposedly much easier and better. He asked Councilman Lamb to look into and he will give him a copy of the article.

Councilwoman Wenzel asked for an update on the Tennis Courts.

Mr. Parlow stated that a contract should be awarded by September 10, 2007. He expects that there should be some 80 degree weather in September or October.

Councilman Ardito questioned if the new front doors were installed.

Mr. Parlow stated that the new doors were put in on Thursday, August 16. He explained that electricity needs to be installed for the handicap button and then the door company can come back and adjust the doors accordingly

Councilman Lamb asked about the Firehouse doors.

Mr. Parlow stated that the representative from Pella was there last week with the Superintendent of Public Works and did acknowledge that there was a problem. He is supposed to be putting together a proposal on the correction and getting back to us.

Mr. Parlow also advised Council that they needed an Executive Session tonight.

COMMENTS FROM THE PUBLIC:

Bill Kinney, 21 Philadelphia Avenue asked about vehicles and equipment for Public Works and what procedure is done to get the lowest price.

Mr. Parlow explained that there are bid specifications prepared for most vehicle or equipment purchases. The bids specifications are advertise in accordance with the law and sealed bids are opened. The purchase of the vehicle is awarded to the lowest bidder.

Councilwoman Wenzel stated that when only one company bids it does become problematic. She questions whether the bid specs are too restrictive.

Bill Kinney stated that he is pleased that they have identified and addressed the problems and is satisfied with that.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS: There were no comments from the Mayor and Council

There was a motion made to go into Executive Session by Council President Zalom and Seconded by Councilman Lamb.

EXECUTIVE SESSION:

Anticipated Litigation – Lenny’s Pizzeria and Restaurant place-to-place transfer application

Mr. George stated that the only topic discussed during the executive session was the pending Lenny’s Pizzeria and Restaurant application and the ordinance amending and rescinding Ordinance 3-6 of the Borough Ordinance establishing the 1,500 foot limitation. Discussed were certain negotiated conditions which are still pending which the Borough would find satisfactory. Also discussed was the fact that they have been reviewed by the Crab’s Claw objectors and found acceptable. Also discussed was the fact that they have been communicated to the L.O.L.A. (Lavallette Opposes Liquor Application) objectors without currently an opinion. The Council also discussed the current status and parliamentary procedure that might be entailed depending on the variables on whether conditions are accepted and any revisions proposed to the ordinance which would allow a place-to-place transfer to take place.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilwoman Filippone. The motion was seconded by Councilwoman Wenzel. All present voted in favor. Meeting was adjourned at 9:12 pm.

CERTIFICATION

I, CHRISTOPHER 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 CAUCUS MEETING OF THE BOROUGH COUNCIL HELD ON THE 20TH DAY OF AUGUST, 2007.

SEAL

CHRISTOPHER F. PARLOW
MUNICIPAL CLERK