

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, July 20, 2009– 7:03 pm**

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

**ROLL CALL:** Council Members Wenzel, Zalom, Stogdill, Horan and Filippone  
Councilman Lamb was not present for Roll Call.

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 requested a Moment of Silence for the soldier taken hostage by the Taliban and asked that we pray for him and his family.

**PLEDGE OF ALLEGIANCE:** Councilman Stogdill led the Salute to the Flag

**MAYOR’S WELCOMING STATEMENT:** Mayor thanked everyone for coming to the meeting tonight and stated that if anyone wished to speak about any items that were not on the agenda they could do so now.

Michele Donato, 2202 Ocean Front stated that she had a copy of the Parking Committee’s final report. The re-striping of the parking spaces on Elizabeth Avenue is still being worked on. There seems to be a problem with the idling of the ice cream trucks for a long period of time. She stated that in the State of New Jersey there is a three minute idling law and it should be enforced by the Lavallette Police Department. She has approached these drivers and they have never heard of this law. Maybe handouts about this law should be given to these vendors when they apply for their licenses. She commented that if Lavallette is trying to become a sustainable community than we need to try and stop this idling for long periods of time. There seems to be some issues concerning the geese police and the rules and regulations. One of the rules is that the dogs need to be leashed. She does not leash her dog on the field or the bay front because that would be a lot harder for her to chase the geese. She also thinks the residency requirement should not be an issue and there should be some signs in these areas pertaining to “Registered Geese Patrol Dogs Only”. Lastly, she has spoken with Councilwoman Filippone numerous times about the garbage and recycling issues we have. She feels that there should be stronger enforcement towards people who do not put their garbage in black plastic bags and people who leave bulk items on the curb for days and days and do not pay for them to be picked up.

Councilwoman Filippone stated that she has spoke to the Code Enforcement Department and we have come up with sending some type of flyer out with the tax bill mailing about what you can and ca not do with garbage and recycling.

**PRESENTATION:**

Save Barnegat Bay-Joe Yewaisis-8K Run-Presenting a Check to the Borough of Lavallette

Mr. Yewaisis stated that the 8K Run Walk was the biggest this year by far with approximately 900 applicants. He would like to publicly thank Chief Grant and Sergeant Lamb for all their help and the Lavallette Police Department, First Aid and Fire Department for all their help. Next year the race will take place on June 26, 2010 and he would like to see if that can be approved tonight.

Mayor LaCicero stated that we need a letter from Save Barnegat Bay requesting that and we will vote on it at one of our meetings officially.

Mr. Yewaisis stated that \$3,000 of the 8K Walk were being donated to the Lavallette First Aid, Fire Department and Police Department, each receiving \$1,000. He estimated that within the next couple of years this run is going to get larger and if that does happen Save Barnegat Bay will need additional help from the town, so he is just preparing you now.

Project Porchlight Program-Charisse Tyus a representative from Project Porchlight spoke about what the program is about. He stated that this is a program is funded by the Board of Public Utilities and the Clean Energy Program. We are trying to educate people to conserve energy with our energy efficient light bulbs.

Councilman Horan questioned if the light bulbs they are handing out contain mercury.

Mr. Tyus stated that they do contain mercury.

Councilman Horan questioned if they give information in their packets on where to dispose of the mercury and what to do if the bulb breaks.

Mr. Tyus stated that in one of the brochures in the packets provided there contains a website that people can go to that gives you detailed information on that issue.

Mayor LaCicero stated that the only issue that some of the members of the governing body have is how you should distribute them.

Mr. Tyus stated that in other municipalities we distribute door to door with numerous volunteers.

Councilwoman Wenzel stated that she thinks that they should be distributed at Heritage Day.

Councilwoman Filippone stated she thought that was a better idea than going door to door because we have a lot of snow birds and weekend only residents.

Mayor LaCicero asked Councilwoman Wenzel if she could take care of registering them for Heritage Day.

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

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of July 6, 2009  
Executive Session Meeting of July 6, 2009

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

**RESOLUTIONS – ON CONSENT:**

- 2009-189 requesting the Division of Local Government Services to approve an insertion of item of revenue in the budget year 2009 “Over the Limit Under Arrest 2009 Statewide Crackdown” in the amount of \$6,000.00-Council President Zalom thanked the Chief for obtaining these grants from the State
- 2009-190 requesting the Division of Local Government Services to approve an insertion of item of revenue in the budget year 2009 “Cops In Shops, Summer Shore Initiative 2009” in the amount of \$1200.00
- 2009-191 accepting the retirement of Michael Miljenovic and authorizing payment of unused sick and vacation time
- 2009-192 authorizing the refund of planning board escrow monies to Ruth and Edmund Lazzara located at 110 Trenton Avenue in the amount of \$85.50
- 2009-193 authorizing the refund of planning board escrow monies to West Point Island Civic Association located at Pershing Blvd. in the amount of \$295.00
- 2009-194 appointing Nancy Dews as Municipal Alliance Secretary at an hourly rate of \$10.00-Council President Zalom stated that Nancy Dews has been volunteering for many months with this and she is an asset to us.
- 2009-195 proclaiming July 25, 2009 as “Choose Your Cover Day” in the Borough of Lavallette to promote awareness about skin cancer and using sunscreen products
- 2009-196 authorizing an On Premise Raffle license to the Union Church to be held on September 25, 2009 from 12 noon to 4:00 pm at the Church

- 2009-197 authorizing submission of the application for the Lavallette Municipal Alliance Grant for the year 2010 in the amount of \$21,000-Council President Zalom stated that we did receive this grant for \$21,000. The grant also requires that the Borough provide a 25 percent match.
- 2009-198 authorizing an On Premise Raffle and a Gift Auction to the Deborah Tradewinds Chapter to be held on October 14, 2009 from 12:30 pm to 4:00 pm at St. Pio of Pietrelcina Parish Hall
- 2009-199 authorizing an Off Premise Raffle to the Seaside Rotary to be held on September 12, 2009 at Lavallette Heritage Day
- 2009-200 authorizing the appointment of Vito DeFranza as a Provisional Laborer at an annual starting salary of \$34,925.00-Councilwoman Wenzel stated that this person has been a temporary laborer for several years and helped in the boardwalk reconstruction. We have two vacancies open at Public Works and he will be filling one of those full time vacancies.

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Stogdill, Horan and Filippone voted Yes. Councilman Lamb was absent for the vote. The Motion passed.

**RESOLUTIONS-OFF CONSENT:**

There were no resolutions off consent

**UNFINISHED BUSINESS:**

Mayor LaCicero stated that in regards to the street light on Philadelphia Avenue that the Electric Department had shaded on one side the homeowners would like it shaded on the other side also.

Councilwoman Wenzel stated that she did not know if that was more of a safety concern with the Police Department but she would check with the Chief.

Councilwoman Filippone stated that there will be Crossing Guards on New York and Bryn Mawr Avenues on the North side of Route 35 for the rest of the summer months. Chief Grant will continue to do another statistical survey to see if they should become a permanent fixture every summer until we get our street light on New York Avenue.

Councilman Stogdill stated that the Crossing Guard being there is very helpful to the Faith Lutheran Church on Sundays.

Councilwoman Wenzel stated that it makes it so much safer to our pedestrians as well as the vehicles.

Councilwoman Wenzel stated that on July 29<sup>th</sup> at 7pm at the library the Environmental Committee will have Jeff Flemlin from Re Clam the Bay to speak. She asked if Mr. Parlow would send an email out to the surrounding Mayors and Councils to let them know he is speaking.

Councilwoman Wenzel stated that she had a new draft resolution for the geese police to be considered for the next agenda. It has so far been very effective and we just need to cleanup some items on the current resolution such as the residency, signs, # of members and the leash requirement.

Councilman Lamb stated that as of today we are \$51,000 ahead in beach badge sales already.

Mayor LaCicero stated that we sold 900 daily badges in just one day alone. The volume of sales is up 64%.

Councilwoman Filippone stated that if anyone is interested, the last couple of weeks of August and the first week in September a lot of badge checkers go back to college and Mr. Gallo is looking for people to cover those last weeks of the beach. If anyone would like to apply go and fill out an application at the Borough Hall.

#### **NEW BUSINESS:**

Mr. Parlow stated that he has received an OPRA request from the Asbury Park Press in reference to all payroll records for all employees. Mr. Parlow stated that the problem he is having is that they requesting the payroll records requested be given in a specific format that that the Borough does not maintain. In order to obtain this specific format the Borough would have to hay a processing fee to the Borough's payroll provider in the amount of \$300.00. The Asbury Park Press maintains that they do not have to pay this fee. Mr. Parlow stated that he has received a letter from their attorney explaining that if we do not respond to this request and give them this without charge they are going to file a denial complaint against the clerk and the Borough. Mr. Parlow stated that based on looking at this strictly from a financial view it would be his recommendation have the Borough absorb the \$300 fee rather then spend more money with the litigation and attorney fees. He would like to discuss this matter in Executive Session.

Councilwoman Filippone wondered why a newspaper would think that they deserve special treatment and should not have to follow the OPRA rules.

Councilwoman Wenzel stated that they are always getting their information wrong with Lavallette and wind up misinforming the public anyway.

Councilman Lamb arrived at 7:58 pm

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

Bob Storch, 1507 Baltimore Avenue stated that he is a taxpayer but not a full time resident. He thinks that non-residents should be allowed to vote on all the issues that Lavallette has.

Mayor LaCicero stated that the voting law is a state law and you can only vote in one state and one town. As far as the town itself, we do not have any referendums that are voted on.

Peter Sturm, 1600 Ocean Front stated that the bicycle problem seems to be worse than last year and there is nothing being done. What happened to the enforcement of going the wrong way and riding on sidewalks?

Councilwoman Filippone stated that she will speak to the Chief about it.

Councilwoman Wenzel stated she has received some complaints about the specials that are on bikes not following the rules either and they don't have a light on their bicycles.

Councilwoman Filippone stated that has already been addressed. She has also been questioned about their uniforms and that they should have reflective shirts. The Chief has been questioned before about the uniforms and he is opposed to the varying of uniforms. She also thinks that the helmet law should be strictly enforced.

Joe Palinsky, 122 Washington Avenue stated that the request from the Asbury Park Press is ridiculous. They have every software program imaginable and they are just creating smoke to prove a point. He also wanted to thank the bicycle patrols up on the boardwalk for doing a wonderful job. Also, congratulations to Mr. Miljenovic for on his retirement. He thinks he did a wonderful job and was an asset to this town. He had the pleasure of working with him on a lot of First Aid calls and he was very professional. Also, maybe we do not have to hire a new sergeant right away and then we can save some of the money.

#### **COMMENTS FROM MAYOR AND COUNCIL MEMBERS:**

Council President Zalom stated that the Forensic Science Camp at the school was on Channel 4 News. She received a thank you from a woman who needed the trek decking for her daughter who has cerebral palsy going to the beach.

She also reported that a woman on Bryn Mawr Avenue sends a big thank you to the Public Works Department for their help with a large trench on her street.

Mayor LaCicero stated that he has received numerous requests from Zachary Hess whose red sail boat was impounded by the Borough He has asked when the next auction is so he can purchase his boat back. He asked Mr. Parlow is he could schedule the next equipment auction.

#### **EXECUTIVE SESSION:**

Mr. George stated that there is a need to go into Executive Session on the annexation of Bay Beach Way, possible litigation on an Opra request and ice cream trucks. There will possibly be some action taken.

A Motion was made by Councilman Horan to Adjourn the Meeting to go into Executive Session. The Motion was seconded by Councilman Stogdill. All of Council were in favor. The Motion passed. The Meeting was adjourned to Executive Session at 8:26 pm.

A Motion was made by Councilwoman Filippone to resume the Regular Meeting. The Motion was seconded by Councilwoman Wenzel. All of Council was in Favor. The Regular Meeting resumed at 8:57 pm.

Mr. George stated that there were three topics discussed in executive session. One being the OPRA matter that will need a motion tonight to approve the \$300.00 fee. We discussed more on the ice cream vendors ringing the bells and he updated Mayor and Council on the annexation of Bay Beach Way.

A Motion was made by Councilman Horan to authorize a payment to ADP in the amount of \$300.00 to comply with an Asbury Park Press OPRA request. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

**ADJOURNMENT:**

A Motion was made to adjourn the Regular Meeting by Councilwoman Filippone. The Motion was seconded by Council President Zalom. All of Council was in Favor. The Motion passed. The Meeting was adjourned at 8:59 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 the true minutes of the Regular Meeting of Mayor and Council held on the **20<sup>th</sup>** day of **July 2009**

---

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