

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE FIRST AID BUILDING**  
**Monday, May 18, 2015-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, Zalom, Filippone, Lamb, Finter and Stogdill were present.

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk  
Eric Bernstein, 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 published in the Ocean Star on January 9, 2015. Notice was also posted on our municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for all our troops overseas.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor stated that he wanted to clarify the procedure about when citizens are welcomed to speak at the Council Meetings. He stated that the Borough is not required to have a citizen's comment portion of the meeting at the beginning of the agenda. The Borough established this policy to allow any citizens that wish to speak on any items that are not listed on the agenda that opportunity and that they do not wish or can stay for the balance of the meeting. This makes it easier for them to speak and then leave if they choose.

Council President Zalom stated that she always thought that it was an appropriate that the Mayor did this for residents who could not stay for the entire meeting.

**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 on the agenda or if they could not stay for the remainder of the meeting they could do so now.

Tom Cullen, 507 Bay Blvd. stated that he would like to say a few words regarding Lenny's Pizzeria.

Councilman Lamb questioned if Mr. Cullen was representing Lenny's.

Mr. Cullen stated that he was not representing Lenny's; he was just there to state his opinion. He stated that in 2007, when this first came up all of Council, as well as, Planning Board and even

the Crab's Claw was in favor. All of sudden, there was a flip flop and everyone became against it. They voted it down for spot zoning which does not apply to this situation. He stated that even the Borough Master Plan talks about needing less "condos" and more shops and restaurants with liquor licenses. He stated he does not understand what exactly happened with the first hearing in 2007 and why they changed their minds so quickly but it was wrong. The ordinance from 1978 regarding the 1,500 feet was a spite ordinance between two rival restaurants. Mr. Baginski from the Planning Board at that time also said this ordinance needs to go away. The attorney for the Crab's Claw was agreeable at the time to 450 feet but the ABC decided on 750 feet which became a buffer zone for Lenny's. This ordinance should have failed. He stated that it is a ridiculous ordinance. He stated that he feels that Council needs to do the right thing and get rid of this ordinance or resign.

Councilman Lamb stated that the public only gets three minutes to speak and this has lasted more than three minutes.

Mr. Cullen stated that Council has the paperwork that he passed out and that says it all.

Mayor LaCicero thanked Mr. Cullen for his comments.

No one else wished to comment at this time.

The Mayor closed the floor to public comment.

#### **APPROVAL OF CLERK'S MINUTES:**

Executive Session Minutes of April 20, 2015  
Caucus/Regular Meeting of May 4, 2015  
Executive Session Minutes of May 4, 2015

A Motion was made by Councilman Finter to approve the minutes. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb abstained on May 4, 2015 minutes and yes to all others. The Motion Passed.

#### **RESOLUTIONS-ON CONSENT:**

2015-159 approving amendment #1 and authorizing the execution of a sub-recipient agreement with the State of New Jersey, Department of Community Affairs for additional funding for the zoning/code enforcement grant program in the amount of \$26,210.06-Mr. Parlow stated that we have already received the first grant in the amount of \$50,894.66. This is an amendment to the first grant and we will receive this also for 2015 and 2016.

2015-160 approving a raffle license to the Lavallette Volunteer Fire Company to hold a 50/50 off premise raffle at the Lavallette Founder's Day on September 12, 2015

- 2015-161      awarding a contract to Garden State Fireworks to hold our fireworks on July 5, 2015 with a rain date of July 12, 2015
- 2015-162      appointing Class I Officers for the 2015 summer season
- 2015-163      appointing Class II Officers for the 2015 summer season
- 2015-164      amending the 2015 temporary budget-Mr. Parlow stated that because the budget is not adopted as of yet we need to continue to amend the temporary budget.
- 2015-165      authorizing Change Order #4 for Wallace Contracting in the amount of \$30,536.73-Mr. Parlow stated that this is another change order for the municipal building totaling \$30,536.73. Most of the items is mandatory for the Police Department per the NJ Department of Corrections regarding the jail cells.

A Motion was made by Councilman Finter to approve the consent agenda. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Jon Corney, 1 Newark Avenue questioned what the aggregate total of the change orders for the municipal building was to date.

Mr. Parlow stated that it was 6.37% more but he will add the totals up and let him know at the end of the meeting what the total dollar amount is.

No one else wished to comment on the consent agenda.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS-OFF CONSENT:**

- 2015-166      approving a facilities use application to Dana Maoli, Inc. to hold Yoga classes on the ocean or bay beach Mondays through Thursdays from June 27<sup>th</sup> through August 27<sup>th</sup> 2015 at 8 to 9 am and 6 to 7 pm

Council President Zalom stated that Ms. Maoli wants to charge a fee for her services so she would be responsible for giving the Borough 10% of her profits at the end. She stated that she does not think it is a bad idea to have yoga at different times and days with different instructors.

A Motion was made by Councilman Lamb to approve Resolution 2015-166. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Joe Palinsky, 122 Washington Avenue stated that he thinks that this person needs to specify her location whether it is on the ocean beach or bay beach so that location will be permanent for her instead of changing locations every day.

Mayor LaCicero stated that it could be approved contingent upon the applicant specifying the location.

No one else wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted yes contingent upon giving us the specific location. The Motion Passed.

2015-167 approving a facilities use application to Robin Conover to hold Yoga classes on the gazebo lawn on Saturdays at 9am from June 20<sup>th</sup> through September 5<sup>th</sup> 2015

Council President Zalom stated that this woman lives in town and does not even want to charge a fee, she just wants to teach it on Saturday mornings.

A Motion was made by Councilman Lamb to approve Resolution 2015-167. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **APPROVAL OF VOUCHERS:**

2015-168 Bills List in the amount of \$1,068,229.66

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

## **UNFINISHED BUSINESS:**

Councilwoman Filippone stated that the State will be purchasing our Welcome signs on both highways. We discussed this at the last meeting and decided to meet with members of the Beautification and Heritage to discuss the logo and colors. We met with Jeff Lanigan from the State and he helped us sort some issues out. The Committee then picked out our logo which is the long running logo for the Police Department which is on their cars and uniforms. We will have a narrow vertical sign with the logo and blue lettering on the northbound highway and a wider horizontal sign with the logo and blue lettering on the southbound highway.

Council President Zalom stated that we also used that logo for 125<sup>th</sup> anniversary and parade.

## **NEW BUSINESS:**

Council President Zalom stated that our Memorial Day services this Monday, May 25<sup>th</sup> at 11am. Our programs are all set and the Color Guard will be there. Our speaker will be Colonel Michael Fahey and he loves coming to Lavallette. Councilman Borowski will be introducing him. Our beautiful flags are already along our northbound highway. She thanked Lavallette Hardware for donating the highway flags. It's always a great day for everyone.

## **COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue questioned if the fireworks were still the same amount as last year.

Mayor LaCicero stated that they were and the amount is \$7,000 again.

Kathleen Finnegan, 13 Sturgis Road stated that she purchased her home in 2005 and is not a year round resident. She loves Lavallette and understands that after the storm there were certain things that needed to be changed in order to bring Lavallette back to what it was. However, full time residents received numerous grants to help put their houses back together but the part timers did not. Being one of those part timers, she put her house back together but could not raise it like some. Now because there are so many changes with the construction and raising of homes the homeowners who could not raise their homes have lack of privacy now due to their neighbors being so much more elevated in height. She would like to know when things are will be changing as far as the construction and the houses.

Mayor LaCicero stated that we have hired a consultant with a grant that we received and he will be reviewing our Master Plan and resolving any conflicts that we have.

Marlene Chamberlain, 401D Grand Central Avenue stated that she is part of the LOLA lawsuit regarding Lenny's and Mr. Cullen's information was not correct at all. Also, Lenny's Pizza knew what they were purchasing when they did it. She that the why should the town fix his problem when he bought the license with the problem already existing. She stated he can easily find an establishment further away and have no issues using the license but he chooses to stay where he is.

Mayor LaCicero thanked her for her comments.

Jon Corney, 1 Newark Avenue stated that he was told that the beach replenishment project was starting in Seaside and going north and will be finishing up in December. He asked if this is true.

Mr. Parlow stated he attended a meeting last week where Commissioner Martin of the NJ DEP was the guest speaker. Mr. Parlow stated that Commissioner Martin announced that the project will be going out to bid in September and will not be starting until the Spring of 2016. He stated that there are still holdouts with easements in Point Pleasant Beach and Bay Head. They are looking at the possibility of breaking apart the contract and bypassing those sections where the easement have not been granted. There were no details provided as to where the contractor will start the project.

Mr. Corney thanked Mr. Parlow for the information. He also questioned if the town was looking to take some land from the Board of Education for their municipal building.

Mayor LaCicero stated that we are asking them for 3 feet of the back area to accommodate some of our parking areas and that the property is owned by the Borough.

Mark Speaker, LBA stated that he had a check for the Borough towards Memorial Day for plantings. He also stated that the LBA would like to state that the parking signs along the highway should have all the same new language. He also stated that it should be advertised that the tennis court attendant has parking stickers for people to purchase. People would benefit from knowing that stickers could be purchased right at the lots. He also wanted to thank Kevin Dey for all his work as the CERT Coordinator for the Emergency Management. He has resigned his position for family reasons. He was very good at the job and he helped out a lot during the storm.

Mayor LaCicero stated that Al DeBenedictis was appointed to fill that position.

Marie De Grande, 5 Jersey City Avenue stated that she has been in touch with Cablevision regarding our meetings and the last meeting was not televised. Hopefully, we can get it rectified but she wants Council to be aware of this also.

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

Councilman Stogdill reported that badge sales are currently up by 14% and \$15,000 ahead of the from the same period as last year. He is very optimistic that this will be a very good season.

Councilman Borowski stated that he has spoken to Keith Lovgren from Waves of Impact, who run the surf camp for disabled kids and he will be sending his facilities-use application for the next meeting.

Mayor LaCicero wished everyone a safe and happy Memorial Day.

Councilman Borowski questioned regarding the Open Public Meetings Act during his training years ago he was under the impression that the town was under no obligation to allow any public commenting at their meetings.

Mr. Bernstein stated that years ago having a public-comment section of the meeting was not a requirement, but that the law has changed and now does require that one opportunity is provided for public comment. He stated that the Borough of Lavallette does really provide more public speaking at meetings than most towns.

**EXECUTIVE SESSION:**

Mr. Bernstein stated that there was a need for an executive session to discuss litigation updates regarding Lenny's Pizzeria. There may be action taken at the end of the meeting.

A Motion was made by Councilman Stogdill to adjourn the regular meeting to go into executive session. The Motion was seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 7:55 pm.

A Motion was made by Councilwoman Filippone to reconvene the regular meeting. The Motion was seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 8:15pm.

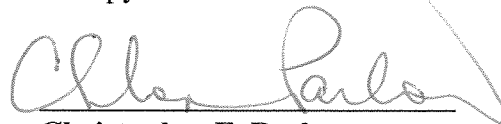
Mr. Bernstein stated that while in executive session Council was updated on the Lenny's litigation and advised of certain procedural matters and how to proceed. There was no formal action taken at this time.

A Motion was made by Councilwoman Filippone to adjourn the Regular Meeting. The Motion was seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 8:15 pm.

**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 copy of the minutes of the meeting held on the 18<sup>th</sup> day of May 2015



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