

**BOROUGH OF LAVALLETTE(Minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, May 19, 2008 – 7:03 pm**

**CALL TO ORDER:** Council President Anita Zalom, presiding

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

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 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 11, 2008. Notice was also posted on the Municipal bulletin board.

**MOMENT OF SILENCE:** Council President Zalom asked for a moment of silence for all those men and women who are overseas at war.

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

**MAYOR'S WELCOMING STATEMENT:** At this time, Council President Zalom asked if anyone in the audience wished to speak about anything that was not listed on the agenda could do so now.

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

Craig McLean of Liquid Action requested the approval to hold a second annual Wakeboard Competition on the Bayfront to be held on August 2, 2008. They had one last year and it was very successful so they would like to keep doing it every year.

Councilman Lamb requested that maybe they move a little further away from the gazebo.

Councilwoman Wenzel stated that the back area of the gazebo is very unstable and last year people were climbing down that way to get to the water. She suggested that maybe some temporary snow fencing could be put up to prevent that from happening.

Councilwoman Filippone suggested that if they need to use the electricity at the gazebo they should get a longer extension chord so they can move further away from the gazebo.

Councilman Ardito questioned what they were going to do about medical personnel if someone got hurt.

Mr. McLean stated that some of the guys participating are EMT's and last year volunteers from Wall Township First Aid volunteered to help out.

Councilman Ardito stated that if they are going to need the Lavallette First Aid they need to let them know so they can make some volunteers available for that day.

A Motion was made by Councilwoman Wenzel to approve the Wakeboard Competition to be held on August 2, 2008. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

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

Regular Meeting of April 28 , 2008  
Executive Session Meeting of April 28, 2008  
Caucus/Regular Meeting of May 5, 2006  
Request for Proposal/Planner Minutes of May 6, 2008

A Motion was made by Councilwoman Wenzel to approve the minutes as listed. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

#### **REPORTS:**

- a) Parking Committee Update-Mr. Parlow gave a brief update on the Parking Committee. The committee has recommended the issuance of parking permit to homeowners with undersized lots who have no driveways. Councilwoman Filippone questioned how the permit would identify which space they are supposed to be in. Mr. Parlow stated that the permit and the spot would have the same letter or number visible for the police and residents to see. Councilman Ardito questioned how many lots this was going to effect and how many spaces were going to be designated and what about a sign? Council President Zalom stated that one of the properties is on a corner with a fire hydrant and 50 foot of yellow curbing that needs a spot. Mr. Parlow stated that the committee did not feel that a space could be provided that would be in front of someone else's property. Councilwoman Wenzel stated that she thinks this is wonderful progress. She believes that the resident parking issues should be the first to be taken care of instead of the commercial parking. She would like to see some type of draft ordinance getting started. Councilman Ardito questioned whether the property on Washington Avenue that has a yellow curb and is one house from corner. He feels that they should have some kind of permit space in front of their house. Councilwoman Wenzel stated that she has a problem with that property because of the traffic light and the school being right there. She doesn't think a car should park be parked there it would create a problem.

Mr. Parlow stated that the other issue that they made some progress on was the two hour parking on Grand Central Avenue. The committee would like to issue a letter to all property owners of business establishments asking them if they would prefer the two hour parking in front of the establishment. Councilman Ardito stated that this might

cause a conflict between property owner and business tenant. He also stated that he appreciates the work the committee has done and supports the recommendations. Councilwoman Wenzel stated that Public Works use to put the signs up on the highway for the parking but wonders if the state will be doing it now. Mr. Parlow stated that it still needs some clarifying on that issue.

b) Revenue Transaction Report for April-CFO

A Motion was made by Councilwoman Filippone to receive the Revenue Transaction Report. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

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

**RESOLUTIONS – ON CONSENT:**

2008-147 authorizing an amendment to the Verizon Wireless Contract-Mr. Parlow stated that there was another amendment in reference to the five year renewal term that needed to be added to the contract.

2008-149 accepting the retirement of Albert Scheller and authorizing payment of unused sick and vacation time

2008-150 authorizing the removal of two electric accounts on borough property due to them not being operational anymore.

2008-151 authorizing the use of two Hyundai Sante Fe Vehicles loaned to the Police Department from Lester Glenn Buick for the summer season.-Councilman Ardito questioned if we have these for the summer why would we need to buy two vehicles for the Police Dept. Councilwoman Filippone stated that she doesn't know what they are going to be used for or why they need them but she trusts the Chief's judgment.

2008-152 amending Resolution 2008-84 changing the contract price of a 2008 Ford Crown Victoria from \$28,367.00 to \$30,785.59

2008-153 authorizing submission of the application of the Lavallette Municipal Alliance Grant for the year 2009 in the amount of \$21,000-Council President Zalom stated that this is a grant we get every year from the County. This year it has increased from \$19,200 to \$21,000 because of the myriad of events that Municipal Alliance does. Thanks to Kathy Mango for all she does. The Municipal Alliance is also donating \$200.00 to Project Graduation.

2008-154 calling upon the United States Congress to take all necessary steps to ensure that the FERC protects electricity consumers and the economy by assuring that

wholesale power prices in all RTO-run regions are “just and reasonable” as required under law.

2008-155 accepting the two vehicles from the County of Ocean for the Public Works Department with no cost to the Borough-Councilwoman Wenzel stated that Public Works was in desperate need of two pickup trucks. Ted Golubowski, our Supervisor of Public Works arrived at the County Auction very early and picked up these two trucks for free. They are in good shape and we will be making very good use of them.

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

**RESOLUTIONS-OFF CONSENT:** There were no Resolution Off-consent.

**APPROVAL OF VOUCHERS:**

2008-156 Bills List in the amount of \$433,344.85

A Motion was made by Councilwoman Filippone to approve the Bills List. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Filippone and Lamb all voted Yes. Councilman Stogdill Abstained on Purchase Order #08-0089 and voted Yes to all others. The Motion passed.

**ORDINANCES ON FOR INTRODUCTION AND FIRST READING:**

ORDINANCE NO. 2008-9(1037) ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED “VEHICLES AND TRAFFIC” SO AS TO REVISE SECTION 89-26.

Mr. Parlow stated that a handicap parking space has been requested by a resident on Pennsylvania Avenue who has a handicap child. The Chief of Police provided the measurements and the ordinance was draft.

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2008-9(1036). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Public Hearing and Final Adoption Scheduled for June 2, 2008.

**ORDINANCES ON FOR SECOND AND FINAL READING:**

ORDINANCE NO. 2008-5(1033) ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE BOROUGH CODE, ENTITLED “CONSTRUCTION CODES, UNIFORM”

A Motion was made by Councilwoman Wenzel to Adopt Ordinance No. 2008-5(1033). The Motion was seconded by Councilman Stogdill. Council President Zalom opened the public hearing. There was no public comment. Council President Zalom closed the public comment. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

**ORDINANCE NO. 2008-6(1034) ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 45 OF THE BOROUGH CODE, ENTITLED "OFFICERS AND EMPLOYEES" SO AS TO AMEND AND SUPPLEMENT SECTION 45-15 SO AS TO ADD THE POSITIONS OF CONSTRUCTION OFFICIAL, ELECTRICAL SUBCODE OFFICIAL, FIRE PROTECTION SUBCODE OFFICIAL AND TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL**

A Motion was made by Councilwoman Wenzel to Adopt Ordinance No. 2008-6(1034). The Motion was seconded by Councilwoman Filippone. Council President Zalom opened the public hearing. There was no public comment. Council President Zalom closed the public comment. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

**ORDINANCE NO. 2008-7(1035) ORDINANCE ESTABLISHING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY**

A Motion was made by Councilwoman Filippone to Adopt Ordinance No. 2008-7(1035). The Motion was seconded by Councilwoman Wenzel. Council President Zalom opened the public hearing. There was no public comment. Council President Zalom closed the public comment. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

**ORDINANCE NO. 2008-8(1036) ORDINANCE PROVIDING FOR THE ADOPTION OF A PERSONNEL POLICIES AND PROCEDURES MANUAL FOR THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF LAVALLETTE**

A Motion was made by Councilwoman Filippone to Adopt Ordinance No. 2008-8(1036). The Motion was seconded by Councilwoman Wenzel. Council President Zalom opened the public hearing. There was no public comment. Council President Zalom closed the public comment. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

**UNFINISHED BUSINESS:**

Councilwoman Filippone stated that she has spoke to the Chief of Police and we will go ahead with the Class I Police Officers acting as crossing guards on a rotating basis at two locations on the highways. This will be weekends only with Friday and Monday holidays, also. She also stated that the CAD system is in the process of being provided to us again. It will probably not be up and running by Memorial Day weekend but it should be ready by the summer. Toms

River Twp. has a new vendor for that system and there is a lot of paperwork that needs to be in place.

Councilwoman Wenzel stated that she was a little bothered to hear that our Police were out there without the safety they should be having. We are going into the holiday season and this situation needs to be expedited for the safety of our officers.

Councilwoman Filippone stated that this is not Lavallette's fault. The licensing for the product needed to be funded. There were two issues that got complicated. The old vendor didn't require much at all for us to piggy back on Toms River's System; however, the new vendor requires a lot of security and paperwork. Lavallette has completed what it needed to provide to Toms River.

Mr. Parlow stated that Toms River knew for some time that this was going to happen but we found out the two days before the plug was going to be pulled. It seems that the new vendor is not as cooperative as the old vendor was. There was no cost to the Borough before and now we received a \$9,000 invoice to be signed for the new vendor's services. The invoice was signed and sent back to Toms River and now we are just waiting on Toms River.

Councilwoman Filippone stated that she thinks everything is flowing but will put a call into Chief Mastronardy to see what the hold up is.

Councilwoman Wenzel stated that a couple of meetings ago, Heritage Committee requested a social affairs permit for alcohol to be served at Heritage Day which she tabled. The following meeting the First Aid requested the same permit for the same event which the Mayor pulled from the Consent Agenda. The issue is obviously becoming quite tense. She stated that she was under the impression that this issue is never going to be solved. Therefore, she would like to make a Motion that Heritage Day be an alcohol free event for the year 2008.

Council President Zalom stated that she thought both parties came to an agreement recently.

Mr. Parlow stated that he did hear something but did not want to report on unofficial business.

Councilman Ardito stated that that agreement was not going to happen.

Councilwoman Filippone stated that Heritage Day has served as a fundraiser for this town for many, many years. She suggested that the Council should not move to quickly on this issue especially without the Mayor being present.

Councilman Lamb stated that he knows the Mayor met with both parties and didn't come to an agreement. He stated that he agrees with Council Wenzel regarding an alcohol free event.

Councilwoman Wenzel stated that she has a different opinion on Heritage Day being a fundraiser for the town. The Borough always loses money with Heritage Day. The First Aid is a vital part of our community as where Heritage does not provide that vital service to us. Traditionally, the First Aid ran the beer truck for whatever reason. It has always been handled that way. She called around to other towns that run similar festivals. Point Pleasant Beach's Seafood Festival

has not sold alcohol at their event in ten years as well as the Sail Fest in Island Heights; She questioned the need for there to be alcohol served at the event. She suggested that it should be a family oriented event and we should gravitate to that with no alcohol being served.

A Motion was made by Councilwoman Wenzel to make Heritage Day an Alcohol Free Event for the Year 2008. The Motion was seconded by Councilman Lamb. Vote: Council Members Wenzel, Stogdill, Filippone and Lamb all voted Yes. Councilman Ardito abstained due to a conflict with him being a member of the First Aid Squad. The Motion passed.

Councilman Ardito stated that he had to deal with the flooding by B & B last week. He spoke about a procedure called Directional Drilling which is underground and hooked up by computer with one to three sump pumps attached. He stated that this is something that needs to be addressed so he has asked the engineer to look into.

Councilman Lamb questioned how much it is going to cost for the engineer to look into.

Councilwoman Filippone stated that Councilman Ardito should have got authorization before putting that request to Mike O'Donnell.

Council President Zalom stated that the voucher was sent to Coast Cities and the bus should be ready to go shortly.

#### **NEW BUSINESS:**

Councilwoman Wenzel stated that Councilwoman Filippone made an informal request for the West Point Island Civic Association requesting garbage and recycling receptacles at some of their beaches and some clean fill for a dilapidated dock that needs repair.

All of Council was in favor of the request.

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

Clem Boyers, 20 Kerr Avenue-He took pictures of all of the undersized corner lots on the 35 South highway and most of them have Rt. 35 South side driveway cuts in the side rear of the properties. He stated that most of them have just put fences up and have trees blocking the driveways. The parking permits and spaces will have red stickers for the permits and red boxes for the spaces and will be very distinct. The Chief stated that they will deal with it when the homeowner makes the phone call. In other words, the permit spaces will be policed by the homeowners themselves. Also, there should be no meters on Route 35 North but parking boxes.

Bob Marra, 102 President Avenue-He was very pleased with the parking problem progress. He agreed with the way it is written. The residents will enforce it because it will affect them. Also, his preference is the number should be on the street and the fee for the permit should be a minimal fee.

Colin Jennings, Liquid Action- He thanked the Mayor and Council for the approval of the Wakeboard Competition.

Councilwoman Wenzel questioned him on if they do any skin boarding competitions. She knows a couple of young boys in town who are looking to get one started and need some direction.

Alex Stender, Liquid Action- He stated that skin boarding is more a beach/ocean competition. It couldn't be done on the bay. He will take their names and be happy to get something started for them.

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

Councilwoman Wenzel just wished everyone a safe and happy Memorial Day and made a reminder that Memorial Day Services are held on Monday at 11am.

Councilman Lamb stated that he spoke to Mr. John Doyle who is the attorney for the Bay Beach Way Properties and the trial starts tomorrow, May 20, 2008.

Councilman Ardito stated that he is not for meters or parking boxes on the highway.

Councilman Stogdill stated that he attended the PTA Auction on Saturday and it was very successful. He thanked all of the PTA members who do a fantastic job of pulling it off each year.

Councilwoman Filippone thanked Councilwoman Wenzel and the rest of Council on behalf of the West Point Island Civic Association for the fill and the receptacles for West Point Island. It's going to help us a great deal.

Council President Zalom stated that she attended the wine tasting event on May 14<sup>th</sup> along with Mayor LaCicero and had a great time. All the Mayors were there from the surrounding towns. While we were there, we learned about a meeting that was to take place on May 19<sup>th</sup> in reference to shared services between Brick, Point Pleasant and any other town that wanted to be involved in discussions relating to the Construction Inspection Services. Mr. Parlow attended that meeting for us.

Mr. Parlow stated that he went to the meeting and it was very informative. He stated that this may provide the Borough with an option regarding plumbing and electric service. He reported that he has interviewed a number of candidates for the position of Construction Official. He hopes to have a resolution prepared for the next meeting. The Borough still may need some other services which he hopes this interlocal will help us out.

Council President Zalom stated that the town wide garage sale will be June 7<sup>th</sup> and 8<sup>th</sup>. Don't forget about the Father Alphonse concerts that will be held every Wednesday in Point Pleasant. Diane Turton Realtors is providing a bus for any residents that wish to go. Also, don't forget there is a PBA Fundraiser at the Surf Club on June 14<sup>th</sup> to support our Police Officers.



**EXECUTIVE SESSION:**

A Motion was made by Councilwoman Wenzel to go into Executive Session for Personnel Matters concerning Compensation. The Motion was seconded by Councilman Stogdill. Vote: All Council Members were in favor.

The Meeting was adjourned to go into Executive Session at 9:06 pm.

A Motion was made by Councilwoman Filippone to go back into regular session. The Motion was seconded by Councilman Stogdill. Vote: Council Members were all in favor. The Motion passed. The regular session resumed at 10:08 pm.

Council President Zalom asked Mr. George to report on the contents of the executive session.

Mr. George stated that in Executive Session there were discussions about two public works employees regarding compensation for licenses they hold and an employee of the Police Department regarding compensation for his job. There were no decisions or dollar values that were decided. There is more information that was requested and these matters are to be determined at a later date.

**ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilwoman Filippone. Vote: All voted "Yes". The motion passed. The Meeting was adjourned at 10:13pm.

**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 a true copy of the minutes of the Regular Meeting of the Mayor and Council held on the 19<sup>th</sup> day of May 2008.

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Christopher F. Parlow  
Municipal Clerk