

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, July 21, 2008 – 7:01 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Ardito, Lamb, Zalom, 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: The Mayor asked for a moment of silence for Agnes Wizbeowski, a Councilwoman in Seaside Park who passed away tragically this past week from a stroke and for all the troops overseas.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led the Salute to the Flag.

PROCLAMATION FOR MR. AND MRS. MALCOLM STOGDILL FOR THEIR 65 YEARS OF MARRIAGE

Mayor LaCicero spoke about Mr. & Mrs. Stogdill's family tree. Pictures were taken of the whole Stogdill Family.

MAYOR'S WELCOMING STATEMENT: At this time, Mayor LaCicero asked if anyone wished to speak about anything that is not on the agenda could do so now.

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

Lou Culmone, 118 Trenton Avenue stated that he has seen many bicyclists going the wrong way and being ticketed for it. He questioned why the town could not extend the bike riding on the boardwalk until 6 p.m. This way the bicyclists could spread their time of riding and not be rushed to ride up their before 10 a.m. and they will stay off the highways.

Mayor LaCicero stated that the Chief of Police recommended that we do a test pilot program with the bicycles being allowed on the boardwalk during the day. We need to discuss it further with him.

Councilwoman Filippone stated that she spoke to the Chief and there were only five tickets issued. There were lots of warnings given and only three bicycle accidents that were not serious. The only problem here is that the bicyclists are not obeying the laws.

Mr. Culmone asked Councilwoman Filippone if she agreed that the most traffic up on the boardwalk is before 10 a.m.

Councilwoman Filippone stated that yes that is the busiest time up there but the problem still is not obeying the laws. Even if they ride up on the boardwalk, they still have to follow rules. I am not quite sure it will work.

Councilwoman Wenzel stated that bicycling in town has increased because of the hike in gas prices. It is a definite problem with real concerns. Council President Zalom has applied for grants to help us out. We definitely need to try and figure some way to make it work. Unfortunately, our boardwalk restrictions are set by Ordinance so we would not be able to make any decisions tonight. I think Council needs to recognize that this is a serious problem and we need to find some solutions.

Councilwoman Filippone stated that this has been discussed by the Ordinance Committee and it was a split decision about letting them up on the boardwalk after 10 a.m. Our boardwalk is not wide enough for walkers and bicyclists. Someone, most likely a child, is going to wind up getting hurt up there. You have young children going by themselves for ice cream, elderly people with canes and in wheelchairs. If everyone on a bicycle would just follow the rules, it would not be this bad.

Councilman Ardito thanked Mr. Culmone for his suggestions and hoped Council would take the time to discuss this further.

Council President Zalom stated that she is all for the pilot program of allowing the bicycles up on the boardwalk all day. Chief Grant has been asking for this for two years now. He is the Emergency Management Coordinator and he is just looking from a safety point of it. If he thinks it will be safer, then so do she.

Maryanne Grassis, 38 Pershing Blvd. stated that Council needs to do something about the bikes being on the sidewalks. She walks everyday and she is tired of dancing around the bikes on the sidewalks. It is a dangerous situation and someone is definitely going to get hurt. Councilwoman Filippone is correct when she says that they do not obey the laws. They know they can not ride on the sidewalks but they do it anyway. Please try and fix the problem quickly.

Councilwoman Filippone thanked her for supporting her position. People on bicycles need to be ticketed for being on the sidewalks and going the wrong way on the highways. If we follow through with the ticketing then they will start obeying the rules and it should get better.

John Cassese, 13 New Jersey Avenue questioned the property maintenance code in town. He is glad there is one in place now. He has a problem with an establishment in town and has been asking for many years to have it cleaned up. He asked for something to be done about it.

Mayor LaCicero stated that he will inform the Code Enforcement Officer and hopefully it will get taken care of.

Elizabeth Rudloff, 106 Magee Avenue stated that she has been here for sixty years. She has been studying the bike problem and thinks the best time for them to be up on the boardwalk is between 11 a.m. to 5 p.m. The badge checkers should have umbrellas when they sit at the street ends. Many young people are developing melanoma.

Councilman Lamb stated that we do have umbrellas; they just don't want to use them.

Mrs. Rudloff questioned why the benches were facing the houses and establishments instead of the highway? We don't want to be looking in people's houses; we want to see what's going on around us.

APPROVAL OF MINUTES

Minutes of Caucus/Regular Meeting of July 7, 2008

Executive Session Minutes of July 7, 2008

Request for Proposal Opening of July 9, 2008

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

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

RESOLUTIONS – ON CONSENT:

- 2008-204 supporting a revised funding percentage for the Senior Citizen and Disabled Resident Transportation Assistance Program (SCADRTP)
- 2008-205 authorizing the employment of two beach badge checkers for the 2008 summer season at an hourly rate of \$8.00
- 2008-206 authorizing the employment of a lifeguard for the 2008 summer season at an hourly rate of \$9.25
- 2008-207 supporting the nomination of General Norton Schwartz to the position of Chief of Staff of the United States Air Force-Councilman Lamb questioned what this has to do with us. Mayor LaCicero stated that the Freeholders sent it to us for our support because he is from Toms River.
- 2008-208 accepting eleven benches and one garbage receptacle from the Beautification Committee-Council President Zalom thanked the Beautification for all they do.

- 2008-209 authorizing the execution of a contract with American Power Net to provide Managed contract services for the procurement of energy and authorization for the Borough Administrator to make application for membership with the PJM Interconnection
- 2008-209A opposing proposed legislation to enact a State Wide Beach Badge Program
- 2008-209B authorizing the approval of a tonnage grant application for the year 2007- Councilwoman Wenzel requested that Robert Van Dorpe be added to this Resolution as a Recycling Coordinator as well.

A Motion was made by Councilwoman Filippone to approve the Consent Agenda with the amendment to Resolution No. 2008-209B. The Motion was seconded by Councilman Lamb. Vote: Council Members Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. Councilman Ardito voted No to Resolution No. 2008-207 and Yes to all others. The Motion passed.

RESOLUTIONS-OFF CONSENT: There were no resolutions off consent

APPROVAL OF VOUCHERS:

- 2008-210 Bills List in the amount of \$391,636.92

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

ORDINANCES ON FOR FINAL ADOPTION

Ordinance No. 2008-10(1038) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED “STREETS AND SIDEWALKS” SO AS TO ESTABLISH A RESIDENTIAL PARKING PERMIT PROCEDURE AND FOR FEES FOR RESIDENTIAL PARKING PERMITS.

A Motion was made by Councilwoman Wenzel to approve Ordinance No. 2008-10(1038). The Motion was seconded by Council President Zalom.

Mayor LaCicero opened the Public Hearing.

Bob Marra, 102 President Avenue stated that he is unhappy with the price of the spot. His issue is all year round because of the Crab’s Claw. Maybe the Borough could prorate the first year’s fee since it is almost the end of the year. Also, he thinks the Borough should only have a sign instead of a permit decal.

Robert Storch, 1507 Baltimore Avenue questioned whether or not this was for all residents?

Mayor LaCicero stated that this was for only about 15 properties in town with undersized lots that have no driveways.

Mayor LaCicero stated that there was some wording left out in the violations and penalties section of this ordinance. Mr. George has added that section. We spoke about this ordinance some more and we have changed our minds on the fees. This Ordinance should be voted down and then we can discuss the new one that's on for re-introduction and first reading.

Mayor LaCicero closed the Public Hearing.

Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted No. The Motion failed.

Ordinance No. 2008-11(1039) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSE, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO ESTABLISH A FEE FOR THE USE OF MUNICIPAL PAVILIONS AND GAZEBOS AND FOR FEES FOR THE MAYOR TO OFFICIATE AT WEDDINGS.

A Motion to Adopt Ordinance No. 2008-11(1039) was made by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill. Mayor LaCicero opened the Public Hearing. No Public Comment. Mayor LaCicero closed the Public Hearing. Vote: Council Members Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. Councilman Ardito Abstained from Voting. The Motion Passed.

Ordinance No. 2008-12(1040) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE BOROUGH CODE, ENTITLED "ELECTRICAL STANDARDS" SO AS TO PROVIDE FOR ADDITIONAL FEES FOR MUNICIPAL CONNECTION OF ELECTRICAL SERVICE WHERE EXTRAORDINARY OR UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING CONNECTION

A Motion to Adopt Ordinance No. 2008-12(1040) was made by Councilwoman Wenzel. The Motion was Seconded by Councilman Lamb.

Mayor LaCicero opened the Public Hearing.

Peter Sturm, 1600 Ocean Front questioned what the extraordinary conditions would be?

Mayor LaCicero stated that this has to do with modular homes. They need a whole service put in and sometimes the power on the street needs to be turned off.

Mayor LaCicero closed the Public Hearing.

Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Ordinance No. 2008-13(1041) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 63 OF THE BOROUGH CODE, ENTITLED "WATER" SO AS TO PROVIDE FOR ADDITIONAL FEES FOR MUNICIPAL CONNECTION OF WATER SERVICE WHERE EXTRAORDINARY OR UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING CONNECTION

A Motion to Adopt Ordinance No. 2008-13(1041) was made by Councilwoman Wenzel. The Motion was seconded by Councilman Stogdill. Mayor LaCicero opened the Public Hearing. No Public Comment. Mayor LaCicero closed the Public Hearing. Vote: Council Members Arditto, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

ORDINANCE ON FOR RE-INTRODUCTION/FIRST READING

Ordinance No. 2008-14(1042) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED "STREETS AND SIDEWALKS" SO AS TO ESTABLISH A RESIDENTIAL PARKING PERMIT PROCEDURE AND FOR FEES FOR RESIDENTIAL PARKING PERMITS.

Councilwoman Wenzel stated that she had asked the Administrator to look into the value of a 10 x 20 parking space on the middle block which would be about 200 square feet. He came up with the amount of about \$150.00. Most of the houses in the middle block in that area's assessed land value is about \$400,000. When you put all the fees together of creating these spaces that amount seems sufficient to me. Also, signs fall down all the time and we have to replace them; therefore, we would need the decals to prove the space is theirs.

Mayor LaCicero stated that he thinks \$250 the first year and \$150 each additional year is sufficient.

Councilwoman Filippone stated that a parking space for these lots is a privilege to that homeowner to accommodate them. Parking is a major problem within the whole town and yet they are the only houses being granted their own private spot. I believe that \$250.00 every year is a sufficient price for those homeowners. The Ordinance Committee discussed this for quite some time and they also believed unanimously that it was a sufficient price to charge.

Council President Zalom stated that she agrees with Mr. Parlow's research and that it should be a one time fee of \$250 and \$150 thereafter every year.

Councilwoman Wenzel questioned Mr. George as to whether or not we could lease spots on the Rt. 35 North in front of establishments.

Mr. George stated that the highway is owned by the State and that it is not possible to lease spots at all.

A Motion was made by Council President Zalom to amend the language in Ordinance No. 2008-14(1042) making the fee \$250.00 for the first year and \$150.00 thereafter. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill and Lamb voted Yes. Councilwoman Filippone voted No. The Motion passed.

A Motion was made by Councilwoman Wenzel to introduce Ordinance No. 2008-14(1042) as amended. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption Scheduled for August 4, 2008

UNFINISHED BUSINESS:

Councilwoman Filippone stated that she spoke to the Chief of Police about the crossing guard issue. He stated that he eliminated the guard on the southbound highway and Bryn Mawr because there were minimal people being crossed. The guards on New York Avenue are definitely a necessity. He also stated that the peak time is from between 1 p.m. and 3 p.m.; therefore he is extended the hours of operation from 10 a.m. to 5 p.m. in the interest of safety. There are crossing guards on the North and South bound highways on New York Avenue and the Northbound and Bryn Mawr Avenue.

Councilman Lamb stated that some residents did not like the way it was set up with the cones.

Council President Zalom stated that this is why it is so important to keep asking for that traffic light on New York or Elizabeth Avenue.

Councilwoman Filippone stated that all the computers are hooked back up in the Police cars. The Chief also stated that all the food / ice cream vendors in town were checked to make sure they all have permits and were all fingerprinted.

Councilwoman Wenzel stated that some business owners were questioning if the ice cream trucks were allowed at special events in town.

Mayor LaCicero stated that the trucks are allowed to ride around until 8 p.m. They must keep moving unless they are stopped for ice cream but they cannot just idle in one area.

Councilman Ardito questioned the sign at the gazebo. He suggested maybe it be looked at and updated. He also stated that a resident on New Jersey Avenue was complaining about getting no help from the Police with the flooding by her house.

Councilwoman Wenzel stated that she too received a call from that resident. She called the Police Department and Patrolman Frank White went over and took care of it.

Council President Zalom requested that the hockey rink be used for various games. One side of the rink for pickle ball, which is tennis, ping-pong, and badminton all mixed into one, and the

other side can be used for big checker and chess games. The products to do this run about \$1,000.00. She would like Council to think about this.

Councilwoman Wenzel suggested we wait until the fall to discuss it because the gardener is going to be revegetating the Bayfront.

NEW BUSINESS:

Councilwoman Wenzel stated that the residents of Sterling Avenue are having a parking problem and would like to have parking permit spaces on their little road. It seems people are parking on their street to get to the Ocean Beach beaches. The Police were called and they see the problem but do not know how to fix it.

Mayor LaCicero stated that it is a public street so we can not tell people they cannot park there unless they are in the yellow lines are blocking a driveway. Maybe the Superintendent can take a look at it and see if a fence would block them from cutting through.

Councilwoman Wenzel suggested the Chief look into the closing of bars at midnight instead of 2 a.m.

Councilman Ardito suggested maybe we should consider putting mosquito traps up around town. They work really well.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned whether the lots on Sterling Avenue were normal or undersized lots.

Mayor LaCicero stated that they are normal size lots.

Mr. Boyers stated that he does not think we were fair to ourselves with pricing the parking spaces. Our rateables in town are lower that what we can sell our houses for.

Walter Ressler, 1502 Baltimore Avenue complained about the flooding on Baltimore and New Jersey Avenues. He stated that he has been living here for four years full time and the flooding is horrendous. The traffic goes through it and the wake is fifteen feet high. The water is 6 to 8 inches high and the children like to play in it. It is a hazardous situation and somehow it needs to be fixed. Even if the police put up barriers to stop the traffic from going through would be a big help.

Mayor LaCicero stated that he would speak to the Emergency Management Coordinator who is the Chief of Police. The storm drains will also be maintained in that area soon so that may help some also.

Councilwoman Wenzel suggested that the Chief and the Superintendent work together to come up with some type of solution to this problem.

Bill Kinney, 23 Philadelphia Avenue complimented the Police Department for their effort with the bicycle problem. There is definitely an improvement from the last two weeks. Secondly, what is the town doing about gasoline prices?

Councilwoman Wenzel stated that the League of Municipalities provided guidelines for town's to follow and they were given to each department that has use of our municipal vehicles. The only increase in consumption is from the police department, the boardwalk reconstruction and the Dover Twp Police. As far as the police department there are more police officers driving around as you can see from the amount in tickets we get. We also get reimbursed for the Dover Twp. Police gasoline that is used. The departments in Public Works have been combining their trips out of town if they need something.

Mr. Kinney suggested maybe the Police should use fuel efficient vehicles.

Mayor LaCicero stated that the smaller vehicles are being used as much as they can in the Police Department.

George Kelly, 1304 Baltimore Avenue requested that the light on the water tower be shut off at night to conserve electricity. It is on all day, all night, and every day.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Mayor LaCicero read a report from Moody's Financial raising our bond rating went from an A3 to A2 which gives the Borough an excellent review of our financial status. Moody's said our income levels are solid, we have a healthy tax growth and feels we will remain stable which is a key factor for our Borough.

Councilwoman Wenzel stated that she is very excited about our new Environmental Committee. Lee Horan, who is a member already, has signed up for the Wind Energy Symposium in August. She attended a Renewable Energy conference in Brick Township and they looked at Solar Power. Brick Twp. is looking into putting a small wind turbine at Brick Beach so that should be interesting to see. She also would like a resolution put on for the next meeting in reference to opposing the liquid natural gas off the coast of New Jersey. She will give the sample resolution to the Deputy Municipal Clerk for the next meeting.

Councilman Lamb stated that the beach is safe and profitable. The lifeguards have been outstanding this year and he is very proud.

Council President Zalom stated that she attended the Lifeguard Tournament and we came in fourth place. We had the sand castle contest last week. The big winner was a family who made a heart out of sand and wrote "Lavallette is Where the Heart Is". Don't forget about Movies on the Bay every Tuesday night. There is a skim boarding contest on Friday July 25th on the ocean and President Avenue.

Councilman Stogdill thanked Council and everyone in the audience for a warm reception for his grandparent's 65th wedding anniversary.

Councilwoman Filippone requested that a Capital Ordinance be done for the purchase of a police and public works vehicle.

EXECUTIVE SESSION: There was no Executive Session

ADJOURNMENT:

A Motion was made by Councilwoman Wenzel to Adjourn the Meeting. The Motion was seconded by Councilman Stogdill. All Council Members were in favor. The Motion passed. The Meeting was adjourned at 8:59 p.m.

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 21st day of **July 2008**.

Christopher F. Parlow
Municipal Clerk