

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, October 17, 2011-7:02 pm**

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

**ROLL CALL:** Council Members Borowski, Zalom, Filippone, Lamb, Horan 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 Meetings Act. Public Notice was given to the Asbury Park Press and was published in the Ocean Star on January 7, 2011. Notice was also posted on the municipal bulletin board and the municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Mary Naimo, Art Mrozek and Stanley Glowatz all residents of Lavallette who have passed away recently and also for our troops overseas.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming to tonight's meeting.

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

Mayor LaCicero 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.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of October 3, 2011

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

**RESOLUTIONS-ON CONSENT:**

- 2011-233 appointing Joyce Deutsch to the Lavallette Recreation Committee and the Municipal Alliance Committee-Council President Zalom stated that Mrs. Deutsch is very happy about this appointment. She was planning to attend this evening's meeting. She stated that she would read a letter from her a loud a little later.
- 2011-234 authorizing Mayor LaCicero to execute a shared services agreement with the Township of Toms River for the joint use of the Spillman Public Safety System
- 2011-235 approving a bingo license for St. Pio of Pietrelcina to hold their bingo games for the year 2012 at their Parish Center
- 2011-236 proclaiming October 2011 as National Domestic Violence Awareness Month in the Borough of Lavallette-Council President Zalom stated that this is a very important resolution and we should send one to the Freeholders. She stated that she attending the services about this today.
- 2011-237 approving application of Zachary R. Lamb as a regular active member of the Lavallette Volunteer Fire Company-Councilman Stogdill stated that Zachary will be a great asset to the Fire Department as well as the Police Department as their dispatcher.
- 2011-238 appointing Zachary R. Lamb as a temporary part time dispatcher trainee for the Lavallette Police Department at an hourly rate of \$9.00 effective October 18, 2011
- 2011-239 authorizing the CFO to refund planning board escrows to Richard Rovito of 123 Elizabeth Avenue in the amount of \$433.00

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Horan. At this time the Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda and the bills list.

Joe Palinsky, 123 Washington Avenue stated that he too thinks that Zachary Lamb will be a great asset to the Fire Department and the Borough. He is a very diligent and hard worker.

Mr. Palinsky questioned if there is more information on the Spillman Agreement.

Mayor LaCicero stated that we purchased this system a couple of years ago and has already been linked to Toms River Township but was a little late with getting the shared service agreement prepared and signed.

Mr. Palinsky questioned if this system stores the records.

Mayor LaCicero stated that he believed it did.

Councilman Lamb questioned if Spillman had the ability to read license plates and store them that could be purchased in the future.

Mayor LaCicero stated that he believed that there are additional components that could be purchased but we would have to discuss that further. He stated that Councilwoman Filippone will speak to the Chief.

There were no additional public comments.

Mayor LaCicero closed the floor and asked Council for a vote on the Consent Agenda.

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

### **RESOLUTIONS-OFF CONSENT**

There was no resolutions off-consent.

### **APPROVAL OF VOUCHERS:**

2011-240 Bills List in the amount of \$334,312.61

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

### **UNFINISHED BUSINESS:**

Councilwoman Filippone stated that there was an Ordinance Committee meeting held last week concerning some of the changes in some ordinances. We discussed the display of merchandise and figured out that the current ordinance gives the business owner the opportunity to request in writing additional display dates. We also discussed moving the frontage of displaying from 3feet to 5feet off the curb. We realize that a couple of businesses in town are very unique and need more than just ten days to display their merchandise. Some other changes we discussed for this ordinance is to allow the business owner to apply for a variance with planning board but still requesting permission from Council in writing.

Mayor LaCicero stated that some of our businesses are not part of the LBA. The Mayor stated that from now on it looks like blanket displays are not permissible, you will need to request permission from Council from now on or once the new ordinance is passed.

Council President Zalom stated that she thinks that the Borough is very good to their businesses.

Mayor LaCicero stated that we will still maintain the approval of the dates and the space will have to go before planning board.

Councilman Horan questioned if there will be any fees or permits required.

Councilwoman Filippone stated that right now there are no fees or permits required and we there were no discussions regarding the establishment of a fee. The only thing we discussed is that when they receive the special permission the owner will be issued a permit to display showing that they received permission.

Councilwoman Filippone stated that the President of the LBA and one business owner who was affected was present at the meeting and they both seemed very satisfied at what we were proposing.

Councilwoman Filippone stated that another issue that was discussed at the meeting was the garbage can ordinance and we all agreed that we should continue to limit the size and weight. We also were in favor of the weight limit that was proposed by our insurance company which I do believe is 40 pounds and are still in favor with the garbage cans with the lids on the can but not tied on. We discussed having a 45 gallon container with a 40 pound weight limit. This will all have to be discussed with the Department of Public Works before anything is done.

Councilman Borowski stated that with UPS and Fedex and even airlines the maximum weight limit is 50 pounds and that may be what is considered.

Mayor LaCicero stated that it is very important to go over with the Department of Public Works to get their essential suggestions.

Councilwoman Filippone stated that right now the ordinance prohibits the “robo” style cans. One of the ideas the committee discussed was to include the use of approved brand names and model numbers of garbage cans in the ordinance to make it easier for our residents. We will have to move on this quickly because we are looking at the December meetings to introduce and adopt.

Councilwoman Filippone stated that the other item that was discussed was the events held down at the bay front during the bathing season. It was decided that all athletic events west of Route 35 South held during bathing season would be prohibited. Also, Mr. Parlow has put together an outstanding application for these requesters to complete and he will give each of us a copy to go over.

Mr. Parlow stated that we have already established a policy and fee schedule for these events when we adopted that ordinance charging a fee of 10% of the profits and in that ordinance it also states that there is an application process they must go through so we can move on the application right away.

#### **NEW BUSINESS:**

Lavallette Volunteer Fire Company #1 requesting to place a cold drink vending machine in the vicinity of the tennis courts on Bay Boulevard to be operated strictly to benefit the Fire Department.

Councilman Lamb stated that the Fire Department was looking at this idea to bring in additional funds to help the Fire Department.

Councilwoman Filippone stated that putting a vending machine down there is just asking for trouble with vandalism and theft. She does not think it is a good idea at all.

Mayor LaCicero stated that there use to be one down there many years ago and he does not believe there are any violations against it.

The Mayor asked Council for a vote on allowing the vending machine to be located at the tennis courts strictly for the Fire Department to maintain.

A Motion was made by Councilman Lamb to allow the Fire Department to place a vending machine by the tennis courts. The Motion was seconded by Councilman Stogdill. Vote: Council Members Zalom and Stogdill voted Yes. Councilman Horan voted no. Council Members Borowski, Filippone and Lamb abstained. The Motion did not pass.

The Mayor questioned Mr. George if this subject could be revisited and voted on in the future after Councilman Borowski presents us with more information.

Mr. George stated that the Abstentions go with the no votes which makes it voted down so it can be revisited again in the future.

Councilwoman Filippone stated if you opposed the issue now can you vote again next time?

Mr. George stated that you could vote again.

A Motion by Councilman Lamb to allow the subject to be revisited once the Fire Department performs additional research and provides information on the placement of vending machines. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

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

Clem Boyers, 20 Kerr Avenue stated that he would like to know how you dispose of hazardous waste such as syringes in Lavallette. He stated he was going to through them in the garbage and was told he could be fined \$10,000.

Mayor LaCicero stated that was a good question and he will have the Department of Public Works look into the matter. He suggestion that maybe the Borough could have the red box for disposal down at Public Works.

Councilman Stogdill said the there are issues with the process of providing the red boxes and there is a very lengthy process.

Mr. Boyers questioned if decks on rooftops were permitted.

Mayor LaCicero stated that they are not prohibited but the access to them is restricted by the ordinance.

Councilwoman Filippone stated that the Council passed a new ordinance which prevents access to the rooftop decks from inside the half story or attic, but access is permissible through the second floor.

There were no additional public comments.

Mayor LaCicero closed the floor to public comment

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

Councilman Borowski stated that he reviewed the application for the events that Mr. Parlow created and he was very impressed. It is a lengthy application and Mr. Parlow left nothing that was discussed out.

Council President Zalom stated that the Beach Sweeps is this Saturday October 22<sup>nd</sup>. The Dune Grass Plantings is November 5<sup>th</sup>. She cut the ribbon at the new Lavallette Fitness. The Halloween Harvest Hoedown will be on October 28<sup>th</sup>. The two NYC bus trips are December 7<sup>th</sup> and December 10<sup>th</sup>. Flu shots will be at the First Aid Building on October 26<sup>th</sup> from 1:30 pm to 3:30 pm. There will be another ski trip in January so watch for the date. The Point Pleasant Beach Education Foundation is holding a fundraiser night at Jenkinson's Aquarium on November 26<sup>th</sup>. Council President Zalom read a loud a letter from Joyce Deutsch.

Mayor LaCicero stated that November 8<sup>th</sup> is Election Day so let's not forget to vote.

### **ADJOURNMENT:**

A Motion was made by Councilman Horan to adjourn the Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was Adjourned at 8:51pm.

### **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 and correct copy of the Minutes of the Regular Meeting held on the 17<sup>th</sup> day of **October 2011**

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