

**BOROUGH OF LAVALLETTE (minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, August 20, 2012-7:00 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 6, 2012. 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 all our troop overseas in Iraq and Afghanistan.

**PLEDGE OF ALLEGIANCE:** Council President Zalom led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out 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.

Kathleen Lucciola, 140 Newark Avenue stated that she has a petition with two hundred signatures to stop smoking on our beaches in Lavallette. She stated that smoking is a health hazard and all the towns around us have banned it on their beaches. She is requesting that Council support the petition and ban smoking on the Lavallette beaches.

Councilman Lamb stated that he would have no problem banning it. He question how you would be able to enforce it. He stated we have a hard enough time enforcing the no food or alcohol on the beach and no ball playing and having a badge. It just becomes repetitive and difficult to enforce everything that is not allowed on the beach.

Councilman Stogdill stated that he is not against the ban but how do you begin to enforce it and where are the people going to go if they want to smoke on the boardwalk and then people start complaining about that.

Councilwoman Filippone state that she has always been in favor of no smoking on the beach and will support it. Any enforcement of any laws or ordinances is the police department's job so if someone is violating that law or ordinance call the police and they will take care of it.

Councilman Horan stated that he would support it also but is also concerned about the other issues that Council Lamb and Stogdill spoke of.

Council President Zalom stated that people can always go below the high tide mark on the beach and be able to smoke whether we have a ban or not. She suggested maybe having smokers on the north side of the lifeguard stand and non smokers on the south side of the lifeguard stand and see how that works.

Councilman Borowski stated that he was instrumental on facilitating the ban of smoking in the recreational areas. He has also recommended wherever the flags are in between those flags you can smoke. He would be in favor of whatever was recommended.

Mayor LaCicero stated that this is the second person who has come and asked for the ban. Last year it was also requested by someone and it just did not get enough support from Council or other residents. We will take a look at the petition but there is still not much support without a lot of how to's and what if's. We will look at the petition and see if we get any more chatter.

No one else wished to speak at this time.

Mayor LaCicero closed the floor to public comment.

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of August 6, 2012

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

**RESOLUTIONS-ON CONSENT:**

2012-226      awarding a contract to Garden State Fireworks at no cost to the Borough for the fireworks display to be held on September 23, 2012 at the 125<sup>th</sup> Anniversary Celebration with parade and barbeque-Council President Zalom stated that she is thrilled about this.

2012-227      appointing three lifeguards at an hourly rate of \$9.00 for the 2012 summer season

2012-228      appointing Daniel Montferrat and Jonathan Houser as badge checkers at an hourly rate of \$8.00 for the 2012 summer season

- 2012-229      appointing three summer seasonal for the Department of Public Works for the 2012 summer season
  
- 2012-230      proclaiming August 2012 as National Immunization Awareness Month in the Borough of Lavallette
  
- 2012-231      stating that September 2012 is nationally known as National Preparedness Month in the Borough of Lavallette and the State of New Jersey
  
- 2012-232      appointing Susan Boyers to the beach badge office at an hourly rate of \$12.00 effective August 23, 2012-Mr. Parlow stated that one of the supervisors is going back to college early so we needed to due a change in hourly rate for this employee so she can be the supervisor for those couple of weeks.
  
- 2012-233      authorizing the execution of an addendum (Change Order No. 2) to the contract with Earle Asphalt Company for the Camden Avenue Road Improvement Project
  
- 2012-234      authorizing the Mayor to sign and execute a modification agreement for the Grand Central Avenue Beautification Project, Phase II between the Borough of Lavallette and the State of New Jersey, Department of Transportation
  
- 2012-234A     authorizing the electric collector to adjust an electric billing at 406 Grand Central Avenue due to an incorrect reading
  
- 2012-234B     appointing Paige Biundo as a badge checker for the 2012 summer season at an hourly rate of \$8.00
  
- 2012-234C     authorizing William Hannon and Jason Guide to attend the Ocean County Police Academy for Class II Officer Training at an hourly rate of \$7.25 beginning August 27, 2012 through May 22, 2013
  
- 2012-234D     authorizing the purchase of a 2001 Ford F250 from County of Ocean Vehicle Services at a cost of \$1.00

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Horan. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment at this time. 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, Horan and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS-OFF CONSENT:**

- 2012-235      approving a facility use application to Point Pleasant Tide Baseball to hold their baseball games on Saturdays for three hours in September, October and half of November

Mr. Parlow stated that he spoke was in contact with the baseball team manager and she said that they will only need the field one day a week for practice between 5:30 and 7:00 and it could be any day of the week. The team is a under 11 age group. Mayor LaCicero questioned if they would need the lights on and if they were a not for profit.

Mr. Parlow stated that they would need the lights on and no they do not make money with this team. It is just a traveling baseball team they make no money.

A Motion was made by Council President Zalom to approve Resolution 2012-235 as amended. The Motion was Seconded by Councilman Horan. The Mayor opened the floor to public comment 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.

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

2012-236 approving a facility use application to H2 Windsurfing to have their windsurfing and kayaking lessons and rent equipment on the bay front from dusk to dawn in August and on weekends in September

Mayor LaCicero stated that this is no different than the one we did not approve with the rental of jet skis. It is in violation of our ordinance and we do not want to commercialize our bay front.

Council President Zalom did not see what the big deal was.

Councilman Borowski stated that he was not in favor of this.

A Motion was made by Councilman Lamb to deny Resolution 2012-236. The Motion was Seconded by Councilwoman Filippone. The Mayor opened the floor to public comment and asked if anyone wished to comment on this resolution.

Joe Palinsky, 122 Washington Avenue stated that he was not in favor of this resolution. He wants to run his business on our property for 14 hours every day of the week. He agrees with not commercializing the bay front.

There were no additional comments.

The Mayor closed the floor to public comment and asked Council for a vote on Resolution 2012-236.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted No. The Motion Passed.

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

2012-237 Bills List in the amount of \$548,586.48

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

**UNFINISHED BUSINESS:**

Jersey Outlaws, Kathleen Halbing requesting an extension of time from 4:00 pm to 6:30 pm for their Garvey Boat Race on September 23, 2012

Council President Zalom stated that the Outlaws were not sure now that they were going to be in the parade if they were going to have enough time to finish the races and clean up. They only had the time on the application until 4pm.

Mayor LaCicero stated that because of the parade they were going to have a delayed start for the races so this is just giving them the extra time to finish due to the delay.

Mr. Parlow stated that it is not really an extension but a change in the time from 4pm to 6:30pm for the cleanup. They only put until 4pm on the application and they were concerned that if they ran over the 4 pm time limit people would complain and they wanted to make sure that they do clean up properly. The extra time is to give them enough time to clean up not to race.

Mayor LaCicero opened the floor to public comment and asked if anyone wished to comment on this request.

Joe Palinsky, 122 Washington Avenue stated that this extra time is giving them an additional 2 ½ hours which in his opinion is a little too long for cleanup. Are we sure that it is not for the racing also. He questioned the fireworks and where are they going to be able to set up for them if these races are still going on.

Mayor LaCicero stated that the fireworks are going to be on Vance Avenue beach area.

Councilwoman Filippone questioned if there was a way that we could just limit the hours of race time for this and give them the additional hours for cleanup.

Mayor LaCicero stated that the racing time is usually 4 hours.

Clem Boyers, 20 Kerr Avenue stated that in their application they did only ask for the 4 hours of racing time.

Mr. Parlow stated that the event is supposed to be from 12 noon to 4pm with the set up starting at 8am and cleanup by 6:30 pm. They specifically stated at the meeting that the extra time would be cleanup time only.

A Motion was made by Councilwoman Filippone approve Resolution 2012-236A to allow the Jersey Outlaws Racing Association 4 hours for the racing time with the cleanup time to be completed no later than 6:30 pm. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Horan Abstained. The Motion Passed.

Council President Zalom stated that the West Point Island Civic Association had their annual golf tournament and Chris and Joanne one first place for a mixed team. All the monies are donated for scholarships.

She stated that she has been throwing around having a rain date for the parade on September 23, 2012 and thought maybe that with all everyone is putting into it we should have a rain date on September 30, 2012. She stated that she believed the boat races have that rain date and she would have to speak to the fire department about it.

Councilman Borowski stated that the crew from the USS Lavallette can only be here on September 23<sup>rd</sup>. What about having it in the church or school if it rains?

Council President Zalom stated that we could not have a parade with the bands in the school or church and thought a rain date was the best idea.

Councilman Horan was not in favor of a rain date.

Councilwoman Filippone stated that a lot of work is being put into this parade both financial and physically so she thinks a rain date is necessary.

Councilwoman Filippone stated that the bands can not play in the rain.

Councilman Stogdill agreed that a rain date is necessary.

Councilman Lamb also agreed about the rain date.

A Motion was made by Councilwoman Filippone to have a rain date of September 30, 2012 for the 125<sup>th</sup> Anniversary Parade. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that we could only get the seven inch tiles from the distributor in both designs and we are getting 144 each. We are paying \$7.50 a tile so my suggestion is for the Borough to sell them for \$10.00 each.

#### **NEW BUSINESS:**

Pointe South Condominium Association, Larry Vecchio, President-annual request to use our Council Chambers on September 2, 2012 from 10am to 11am

Mayor LaCicero stated that this is an annual request.

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

Councilman Borowski stated that he spoke to Mrs. Grosko about the special flags for the 125<sup>th</sup> anniversary. The Heritage flags for the town are not the same as the ones we have and they can not pay for any flags this year. He stated that he spoke to a flag company and put together a 2 x 3 flag to sell for \$25.00 at Heritage Day and for anyone else that would like one.

A Motion was made by Councilman Borowski to buy the 2 x 3 flags for \$18.50 each and sell them at Heritage Day for \$25.00 each. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

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

Clem Boyers, 20 Kerr Avenue questioned if it was proper and legal for the town to buy items for one price and sell them at a higher price.

Mr. George stated that as long as all funds are put through the general fund there is no problem.

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

Council President Zalom stated that we all need to congratulate Colleen King our reporter for receiving a special press award. She stated that she attended the public hearing about the bay at the first aid everyone is still trying to figure ways to help our bay. She stated that if they want to do a storm water authority it needs to be funded by the state because Ocean County is not the only County who uses our waters. Everyone in the State of New Jersey and other states use our waters.

Councilman Borowski stated he thinks that maybe the bell in front of the Borough Hall should be cleaned and shined before our parade.

Council President Zalom stated that she thought it was already being done. She also stated that Peter's Florist is donating some type of wreath to put around the bell.

Councilman Horan stated that he too was at that public hearing about the bay and stated the same as Council President Zalom about the storm water authority being paid for by the State and not the County municipalities. The main problem that still exists in the nitrogen.

Councilman Horan stated that there was a meeting with JCP & L at the substation and some time in October overnight the electric system will shut down to repair the damages at the substation from the lightning strike. He will give an exact date when he receives it.

Councilman Stogdill stated that the Island Junior Baseball League thanks Public Works for all their help this summer. It was another great year.

**EXECUTIVE SESSION:**

There was no executive session.

**ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:19 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 Regular Meeting of Mayor and Council held on the **20<sup>th</sup>** day of **August 2012**

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