

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Tuesday, May 29, 2012-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Horan and Stogdill

Mayor LaCicero stated that Councilman Borowski was stuck at work and would like Council to excuse him for tonight.

A Motion was made by Councilwoman Filippone to excuse Councilman Borowski's absence. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

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 Richard Remy our Zoning/Code Officer and a resident of Lavallette who passed away last week. He read his obituary a loud.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming to tonight's meeting. He stated he wanted to thank Council President Zalom for another outstanding Memorial Day Service again this year. Councilman Lamb stated that next year we should look into getting a tent for the speakers and the color guard.

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 May 14, 2012

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

RESOLUTIONS-ON CONSENT:

2012-167 authorizing Mayor Walter G. LaCicero to sign and execute an interlocal Shared services agreement between the Borough of Lavallette and the County of Ocean Prosecutor’s Office to participate in the Ocean County Special Operations Group also known as “SOG” program for the year 2012-2013-Councilwoman Filippone requested that this resolution be pulled and tabled until further notice.

A Motion was made by Councilwoman Filippone to Table Resolution 2012-167 until further notice. The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

2012-168 appointing tennis court attendants for the 2012 summer season-Council President Zalom stated that she is always pleased with the tennis staff.

2012-169 consenting to the proposed water quality management plan amendment entitled “Ocean County Wastewater Management Plan”

2012-170 strongly supporting A-321, “Lisa’s Law” as a positive step in offering real protection for victims of domestic violence

2012-171 in opposition of Senate Bill S-1914

2012-171A authorizing the dates and times upon which The Beach Authority may exhibit merchandise in accordance with Chapter 50 of the Code of the Borough of Lavallette

2012-171B authorizing an extension and amendment to the contract with American Power Net to provide manage contract services for the procurement of energy, in addition to, load forecasting services

2012-171C authorizing the approval of a contract with Garden State Fireworks to for our fireworks display to be held on July 1, 2012 with a rain date of July 8, 2012

2012-171D appointing lifeguards for the 2012 summer season

2012-171E appointing Erik Messner as a summer seasonal laborer for the Department of Public Works at an hourly rate of \$10.00

A Motion was made by Councilman Horan to approve the consent agenda with the exception of Resolution 2012-167. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda.

Clem Boyers, 20 Kerr Avenue questioned regarding the fireworks and asked the Borough had a bigger display last year?

Mr. Parlow stated that it was the same display and fee last year.

Mr. Boyers stated that he thought it should be a bigger display this year due to the 125th anniversary.

Mr. Parlow stated that the Borough budgeted \$7,000 this year, which is more than last year. He stated that in addition to the money the Borough funds we usually get donations from the businesses and other organization. This year so far we have received no donations from the businesses. We will have no problem modifying the display if we do receive the donations prior to the date.

There were no additional comments from the public.

Mayor LaCicero closed the floor and called for a vote.

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

RESOLUTIONS-OFF CONSENT

2012-172 approving a special event/facility use application to Playball Sports to hold their third annual baseball camps from Monday, July 23, 2012 through Thursday, July 26, 2012 and Monday, August 6, 2012 through Thursday, August 9, 2012

The Mayor opened the floor to public comment and asked if anyone wished to comment on Resolution 2012-172.

Joe Palinsky, 121 Washington Avenue questioned if this resolution was approved could a copy of the sign ordinance be sent to them.

Mayor LaCicero stated that we could approve it conditional upon a certain number of signs.

Councilwoman Filippone stated that they need to put some signs up but not a lot of them are needed.

Mr. Parlow stated that he has no problem telling him he has to limit his signs but we should give him a number of how many he can put up.

Mayor LaCicero questioned if no more than ten signs that can not be put up prior to a week before the events during registration.

Councilwoman Filippone stated that we have a sign ordinance already in effect he should just follow it.

A Motion was made by Councilman Stogdill to approve Resolution 2012-172 with the stipulation of no more than ten signs allowed to be put out seven days prior to the day of the event through August 9th. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2012-173 Bills List in the amount of \$331,941.07

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

ADOPTION OF ORDINANCES/SECOND READING:

ORDINANCE 2012-05 (1104) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED "VEHICLES AND TRAFFIC" SO AS TO ESTABLISH NO PARKING AREAS AT VARIOUS INTERSECTIONS

Mayor LaCicero stated that this was the second phase with the decreasing of the 50 feet parking from a stop sign restriction and will add additional parking spaces.

A Motion was made by Councilman Horan to adopt Ordinance 2012-05 (1104). The Motion was seconded by Councilwoman Filippone. The Mayor opened up the public hearing and asked if anyone wished to comment on Ordinance 2012-05 (1104). No one wished to comment. The Mayor closed the public hearing and asked Council for a vote.

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

ORDINANCE 2012-06 (1105) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED "VEHICLES AND TRAFFIC" SO AS TO REVISE SECTION 89-26 ENTITLED "HANDICAPPED PARKING SPACES DESIGNATED"

Mayor LaCicero stated that this was just cleaning up and verifying what handicap spaces we had. Some needed to be deleted as well as some being rearranged.

A Motion was made by Councilwoman Filippone to adopt Ordinance 2012-06 (1105). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on Ordinance 2012-06 (1105). No one wished to comment. The Mayor closed the public hearing and asked Council for a vote.

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

BOND ORDINANCE 2012-07 (1106) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO WESTMONT AVENUE, AND APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$75,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

Mayor LaCicero stated that this is our yearly paving project that is mostly funded by a paid DOT grant.

A Motion was made by Councilman Horan to adopt Bond Ordinance 2012-07 (1106). The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on Bond Ordinance 2012-07 (1106). No one wished to comment. The Mayor closed the public hearing and asked Council for a vote:

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

ORDINANCE 2012-08 (1107) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 7-11 OF THE BOROUGH CODE, ENTITLED "PROHIBITED ACTS"

Mr. Parlow stated that this will allow Council to designate an area for volleyball to be played on an annual basis.

Councilwoman Filippone questioned if we should designate White Avenue now or have we already done that.

Mr. Parlow stated that it should be designated after this Ordinance is adopted.

Council President Zalom stated that she would like to designate the one down at the Bay at that time, also.

A Motion was made by Councilman Stogdill to introduce Ordinance 2012-08 (1107). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption scheduled for June 11, 2012

ORDINANCE 2012-09 (1108) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 43 OF THE BOROUGH CODE, ENTITLED "NOISE," AND CHAPTER 46 OF THE BOROUGH CODE, ENTITLED "PEACE AND GOOD ORDER"

Mr. George stated that the courts have taken an interest in the nuisance and disorderly person language being so outdated in some municipalities' ordinances. They have come up with modernized language approved by the Superior Courts to make it easier for issuing summonses and making arrests so there are no technicalities. We have referred it to the prosecutor as well as the police department for their review.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2012-09 (1108). The Motion was seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption scheduled for June 11, 2012

ORDINANCE 2012-10 (1109) ORDINANCE OF THE BOROUGH OF LAVALLETTE IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 980 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "ZONING"

Mr. Parlow stated that this ordinance pertains to Residential A and C. If you remember last year when we modified the oceanfront setbacks and brought it from Chapter 44 back to Chapter 90. There is still a section in Chapter 90 that permit porches in Residential A and Residential C to be construction within the front yard set back. This conflicts with the 30 foot setback requirements for ocean front properties. This will make the porches on the ocean front consistent with the ordinance.

Councilwoman Filippone stated that we do not want a porch up to 7 feet of property line on ocean front properties but we will be discussing some other modification.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2012-10 (1109). The Motion was seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb. The Motion Passed.

Public Hearing and Final Adoption scheduled for July 9, 2012

Mr. Parlow stated that with a zoning ordinance we need 35 days between meeting dates because the ordinance needs to be sent to the Ocean County Planning Board and the Lavallette Planning Board for their review.

UNFINISHED BUSINESS:

Wendy Santoro, 3 Philadelphia Avenue requesting a hardship with regards to her denial of a residential parking permit decal

Council President Zalom stated that unfortunately it still does not meet the full requirements of the ordinance.

Mr. Parlow stated that this is a self imposed hardship due to a front and back house that have been “condoized”. The owner of the front building is not permitted to block the driveway for access to the owner of the rear building. They unfortunately have off street parking whether they share the driveway or not and one of the requirements of the residential parking permit ordinances is that no off street parking is provided on the property.

Mr. George stated that he also concurs with Mr. Parlow’s opinion that if it has a curb cut and driveway it does not meet the requirements of the application.

Mr. Parlow will notify the applicant that the permit is denied.

NEW BUSINESS:

Councilman Stogdill requested Public Works to purchase and lay down infield mix at the ball field. He stated that this is an annual request.

A Motion was made by Councilman Stogdill to have public works purchase and lay infield mix at the ball field. The Motion was seconded by Councilman Lamb. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated that we just received notice from the County that they will start the dredging on Friday, June 1, 2012. Just for information the sand that they dredge has to remain in a pile until it dries and then they spread it with the other sand by the moorings.

Council President Zalom stated that she will be starting the meetings about our parade very soon. We will be having a Hankins Skiff in the parade also. Mr. Sweeney from Washington Avenue will be helping with the arrangements. Included so far in the parade will be marching bands, bagpipers and quite possibly a singing quartet. Also, public works is going to fix up the bell out in front of Borough Hall in time for the parade.

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 121 Washington Avenue stated that Sunday morning he was awakened at 6am by a loudspeaker for the Swimapooloza. He stated that he thought along with the approval for the event they were to not start using the loud speaker until 8am.

Mayor LaCicero stated that he believed that was included in the approval.

Mr. Parlow stated that he will send a letter off to them advising them of the complaint and letting them know they should follow this also for their next event.

Mayor LaCicero stated that if they do not follow the approvals we can always not approve the events next year.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the Seaside Park Recreation Department has taken over the Seaside Park Elementary School and they have a lot of events taking place there

Mr. Parlow stated that he needs Council to give him approval to be the Interim Zoning Officer until we hire a part time permanent.

A Motion was made by Councilwoman Filippone to appoint Christopher Parlow to the position of Interim Zoning Officer. The Motion was seconded by Councilman Horan. Vote: Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

EXECUTIVE SESSION:

Mr. George stated that there exists a need for an executive session to discuss a personnel matter. There will be no action taken.

A Motion to Adjourn the Regular Meeting to go into Executive Session was made by Councilman Horan. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

A Motion to Reconvene the Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Horan. Vote: All of Council was in favor.

Mr. George stated that in executive session the discussion was about a resignation from an employee and the need to advertise for the position. There was no action taken.

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.

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 held on the **29th** day of **May, 2012**

Christopher F. Parlow
Municipal Clerk