

**BOROUGH OF LAVALLETTE (MINUTES)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, January 14, 2008 – 7:02 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 Meetings 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 posted on the Municipal bulletin board.

MOMENT OF SILENCE: Council President Zalom asked for a moment of silence for those service men and women who put their lives on the line for our freedom

PLEDGE OF ALLEGIANCE: Councilwoman Wenzel led us in the Salute to the Flag

MAYOR’S WELCOMING STATEMENT: At this time, Council President Zalom thanked everyone in the audience for sharing this evening with us. She then asked if anyone in the audience wished to speak on any issues that were not on the agenda.

Council President Zalom commented that New Jersey ranked highest in having a lot of millionaires living here. She stated that she received her discount on her flood insurance and thanked Chris Parlow for administering the Community Rating System.

Administrator Parlow stated that it’s not just him that does the work; it’s also Public Works performing such tasks as cleaning out the catch basins on an annual basis. The more points the town receives for doing the work the greater the deductions in the insurance premiums. The town received a 10% discount last year.

Council President Zalom also spoke about attending the fundraiser for “Hands up for Brian” at Knuckleheads in Point Pleasant. Brian is the son of one of our Postal workers in Lavallette. She also thanked Catherine from the Ocean Star for taking the extra time to put Lavallette pictures in the newspaper.

COMMENTS FROM PUBLIC: No one in the audience wished to speak at this time.

APPROVAL OF CLERK’S MINUTES:

Special Meeting Minutes and Transcript of November 16, 2007

Regular Minutes of November 19, 2007
Regular Minutes of December 3, 2007
Regular Minutes of December 17, 2007
Reorganization Meeting of January 2, 2008

Councilwoman Filippone stated that there were a number of typos and errors in the transcript of November 16, 2007 and she did not feel comfortable approving them.

Chris Parlow stated that he would like to get the changes and provide them to the transcriber and receive a revised transcription.

Councilwoman Filippone suggested we listen to the tape recording that was done.

Councilman Ardito questioned what happened to the digital recorder we purchased.

Chris Parlow stated that the equipment that is used for the court and our meetings could not be transferred to the school.

A Motion was made by Councilwoman Wenzel to table the approval of minutes from the meetings of November 16th, November 19th, December 3rd and the December 17th and approve the minutes from the Reorganization Meeting of January 2, 2008. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill, and Filippone all voted Yes. Councilman Lamb voted No. The Motion passed.

REPORTS:

- a) Police Overtime Report for December-Councilwoman Filippone-read from report. She reported that she didn't have her complete report so she would report next meeting for both months.
- b) Public Works Report for December-Councilwoman Wenzel-read report. All-In-One Recycling will start on February 6th with stickers being put in the calendars for the garbage cans. The cans must have lids on them at all times because of moisture. She also asked if Council would be interested in preparing a resolution in reference to the Pinelands and recognizing more plant life.
- c) Public Affairs Report-Council President Zalom-She reported that there are only 26 seats left for the ski trip. The Senior Lunch and a Movie has started for 2008. Pat Gilman a resident in town would like to start up a walking group. Anyone interested let me know. The Nutrition Program at the Firehouse is very productive. Ocean County feeds 75,000 people with this program alone.
- d) Municipal Court Report for December-Councilwoman Filippone-read report. She also wanted to congratulate the Deputy Court Administrator, Jennifer Krieg on her new Certification of Municipal Court Administrator.
- e) Animal Control Report for December-Councilwoman Filippone-read report
- f) Planning Board Report for December-Councilwoman Filippone-The Planning Board Reorganization Meeting was held on January 9th. All members reappointed, as was the Attorney. We have also scheduled our workshops for every other month and none in the

summer. There have been some questions on the variance that was approved for Pete's Bar And Grill having to do with the Place to Place Transfer Application. The current license involved was approved by the planning board. She reported that Mr. Baginski questioned what exactly we approved and did we discuss the license itself. Those transcripts and all the information is being put together and will be discussed at the meeting of the 23rd. That information will more than likely become testimony at our February 4th hearing on the license itself.

g) Revenue Transaction Report for November & December-Chief Financial Officer

h) Beautification Reports for 2008-Council President Zalom-Council President Zalom stated that Pat Marrone needs authorization from Council to purchase the 22 benches the Beautification is requesting she needs. Councilwoman Wenzel stated that herself, Chris, and Gary had a meeting with Beautification on January 4th and rectified some communication problems. Council President Zalom recognized Pat Marrone from the Beautification Committee. Pat Marrone asked if she could get approval from Council for the benches to be put at Hankins Park by the next meeting. She also requested that there fundraiser date be put on the calendar for 2008. Mr. Parlow stated that the date would be placed on the calendar. Mr. Parlow suggested that this be included in the streetscape plan and he will do a red line version for the next meeting. All were in agreement. Council President Zalom spoke about the newsrack draft ordinance and how much Beautification has done with that. Mr. Parlow stated that he needs to sit down with the attorney and go over the draft. He reminded Council that the newsracks are placed on the State Highway and the any ordinance revision would need DOT approval. Mr. Parlow stated that he has concerns regarding the financial feasibility of the project. He not sure if the fees that could be charged will cover the costs of the proposed racks. He stated that there is still a lot that needs to be determined. Councilwoman Filippone suggested we make it a goal for 2008 season. Councilman Lamb questioned how many we would be putting on the highway. Pat Marrone stated that there would be six spaces with 36 full bins with the price being a maximum of \$24,000 to purchase. She spoke to Morristown and asked them how they dealt with it. She stated that the Borough would put them in the locations currently being used the most. The space would be available on a first come - first serve basis. The vendors could also reserve them for 3-5 year period. Pat Marrone also stated that she was told if it works right the first year should pay for itself. Mr. Parlow stated that he has concerns regarding the permissibility of charging fees for a multi-year period. Pat Marrone suggested that a committee be formed to discuss the news rack situation. She requested that the Council approve a motion that further discussion and investigation on this matter continue. Councilwoman Wenzel stated that she is in favor of cleaning up the news-rack problem but feels that the Administrator should give us a prioritized list of what is entailed for us to review. Pat Marrone stated that her committee needs to get some kind of understanding on where this is going. Mr. Parlow stated that if Council wants him to continue reviewing this issue he would also request that it is done through the form of a motion. Councilwoman Filippone stated that she is concerned so much with the money but more with the legal issues that need to be addressed and the DOT approval. I think this should be a goal for 2008. Councilman Lamb questioned 1st amendment rights of telling a newspaper company that they cannot put their paper in our racks because we are all filled up. Pat Marrone stated that Council can set certain limitations on these newspapers like the racks have to be the same kind and color. She knows of other towns that have stipulations.

A Motion was made by Councilwoman Wenzel to grant authorization to the Department of Public Works assemble place the benches. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

A Motion was made by Councilwoman Wenzel to grant authorization to the Department of Public Works to plant the trees given to the Borough by the Shade Tree Commission. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

A Motion was made by Councilwoman Wenzel to accept the donation of roses at Hankins Park and flowers for the municipal complex and the cleanup project. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

- i) Tax Account Status Report for December-Tax Collector
- j) Tax Account Status Report for Year End 2007-Tax Collector

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

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

Council President Zalom opened the public comment portion. There was no public comment.

APPOINTMENT OF COUNCILMEMBER TO LAVALLETTE PLANNING BOARD / BOARD OF ADJUSTMENT:

2008-53 Councilwoman Joanne Filippone One-Year Term

A Motion was made by Councilman Lamb to approve Resolution 2008-53. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Stogdill and Lamb all voted Yes. Councilwoman Filippone Abstained. The Motion passed.

RESOLUTIONS – ON CONSENT:

2008-54 approving the application from Deborah Hospital/Seaside Chapter to hold a 50/50 On Premise Raffle and a Chinese Auction on January 27, 2008 at the Crab’s Claw Inn.-Council President Zalom requested that they be reminded that it must be called a Prize or Gift Auction not Chinese.

2008-55 appointing Matthew Burk to the position of Bookkeeping Machine Operator (Electric Collector)

- 2008-56 approving the applications from Lavallette Heritage Committee to hold an On Premise 50/50 Raffle to be held on September 6, 2008, at their Lavallette Heritage Day and an On Premise 50/50 Raffle to be held on July 27, 2008, at their Arts & Crafts Fair

- 2008-57 authorizing transfers of the 2007 Appropriation Reserve Accounts

- 2008-58 authorizing the Treasurer to apply two 2007 overpayments in the amount of \$5,261.22 to 2008 taxes receivable.

- 2008-59 granting the extension of time for the completion of the White Avenue, Coleman Lane & Ortley Avenue Road Improvement Project-Mr. Parlow stated that they should be having a meeting in February and March to discuss the situation and get a start date.

- 2008-61 requesting that the Department of Transportation adopt the required regulation establishing a handicap parking space on Route NJ 35 Northbound.-Mr. Parlow stated that this is in reference to a letter form Enright Chiropractic on Rt. 35N/Brown Avenue to Chief Grant requesting a handicap parking space in front of his office. The DOT requested a formal resolution from us. Councilwoman Wenzel questioned whether or not the State or Public Works would be painting that space. Mr. Parlow stated that he was not sure but he believed the State would be responsible for doing that.

- 2008-62 authorizing the Administrator to execute a release of contract with Pella Windows and Doors for the installation of doors at the Lavallette Fire House-Mr. Parlow stated that he is going to make a call to Jammer Doors who installed the Borough Hall doors and see if they would be able to install the firehouse doors.

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda with the exception of 2008-60 which was put off consent. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Stogdill and Lamb all voted Yes. The Motion passed.

RESOLUTIONS-OFF CONSENT

- 2008-60 approving a Memorandum of Agreement between the Borough of Lavallette and the P.B.A. Local #372

A Motion was made by Councilwoman Wenzel to approve Resolution 2008-60. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill and Filippone all voted Yes. Councilman Lamb Abstained. The Motion passed.

APPROVAL OF VOUCHERS:

2008-63 Bills List in the amount of \$254,973.09

A Motion was made by Councilwoman Wenzel to approve the Bills List. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill and Filippone all voted Yes. Councilman Lamb abstained from PO #08-0004 and voted Yes on all other claims. The Motion passed.

ORDINANCES ON FOR SECOND AND FINAL READING:

Bond Ordinance No. 2008-01 (1029) – BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-04(920) ADOPTED ON APRIL 7, 2003, AS AMENDED BY BOND ORDINANCE NO. 2005-04(968) ADOPTED ON April 11, 2005, AS AMENDED BY BOND ORDINANCE NO. 2005-21(985) ADOPTED ON OCTOBER 24, 2005, AS AMENDED BY BOND ORDINANCE NO. 2006-17(1005) ADOPTED ON AUGUST 21, 2006, AS AMENDED BY BOND ORDINANCE NO. 2007-02(1013) ADOPTED ON FEBRUARY 26, 2007, AS AMENDED BY BOND ORDINANCE NO. 2007-09(1020) ADOPTED ON AUGUST 20, 2007, PROVIDING FOR IMPROVEMENTS TO BOARDWALKS AND DOCKS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$900,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$855,000 AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A: 2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY.

A Motion was made by Councilwoman Wenzel to approve the Bond Ordinance 2008-01. 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 hearing. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/NJDEP/Our File No. 1250-1028/Inspection of Areas In Question/Received January 10, 2008

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/Received December 6, 2007
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Preconstruction Conference Minutes/Handicap Accessible Sidewalks/Received December 6, 2007

- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Magee Avenue Road Improvements/Final Reimbursement/Received December 13, 2007
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/CDBG Project Status Report/Handicap Accessible/Received December 17, 2007
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/letter from Earle Asphalt recommending they wait for more favorable weather before starting the project/Received December 31, 2007
- f) O'Donnell, Stanton & Assoc./Michael O'Donnell/Sanitary Sewer Rehabilitation Program USDA Phase II/Pay Estimate #25/Received December 27, 2007-Councilwoman Wenzel questioned what this was. Mr. Parlow stated that this is to receive reimbursement of engineer costs.
- g) O'Donnell, Stanton & Assoc./Michael O'Donnell/Handicap Accessible Sidewalks/Pay Estimate No. 1/Pay Record: December 10, 2007 thru December 31, 2007/Received January 3, 2008

New Jersey League of Municipalities:

- a) Clean Power Community Partner/Received December 5, 2007-Mr. Parlow stated that this is all about conserving energy. He referred residents to the website at NJEnergy.com/cal
- b) Legislative Update/Received December 5, 2007
- c) Police Standards Committee Report Issued/Received December 13, 2007
- d) S-2955/Contractor's Relief Bill/Received December 12, 2007
- e) League Testifies on Affordable Housing Reform Package/Regulation of Off-Road Vehicles/Received December 11, 2007
- f) School Aid Funding Numbers/Received December 12, 2007
- g) School Funding/Received December 13, 2007
- h) Cap Levy Problems/New COAH Regulations/Paid Family Leave/Received December 14, 2007
- i) Scs for 176/A-1511/Wrongful Death/Received December 17, 2007
- j) Federal Update/For Period Ending December 14, 2007/Received December 18, 2007
- k) Important New Information from the Division of Local Government Services/Received December 18, 2007
- l) New COAH Regulations/Received December 18, 2007
- m) Coastal Management Rules, NJAC 7:7E/Received December 19, 2007-Council President Zalom suggested to Councilwoman Wenzel that maybe Gary could attend so we have information on this. Councilwoman Wenzel stated that she would ask Gary what his schedule was.
- n) Draft School Funding Formula Bill/Received December 20, 2007
- o) Important Notice on Pensions and Benefits for Newly Elected and Appointed Officials/Received December 28, 2007-Mr. Parlow stated that this is related to any newly appointed or elected officials such as Council, Mayor, Administrator. They must enroll in a special plan like a 401K instead of PERS.
- p) New Jersey State League of Municipalities Teams Up with New Jersey Law Journal to Publish New Handbook for Municipal Officials with Special Discount for League Members/Received December 28, 2007-Mr. Parlow requested approval from Council to purchase this Handbook for the Officials. All of Council was in Favor.

- q) Addition of Municipal Clerks E-Mail Addresses to 2008 Municipal Directory/Received December 13, 2007
- r) Legislative Alert/Received January 4, 2008

Councilwoman Wenzel stated that she was reappointed to the Legislative Committee for 2008. If anyone from Council or residents has any questions or complaints bring them to her and she will present them to the Committee.

General With No Action:

- a) Cablevision/Adam E. Falk/Deletion of Telemundo Puerto Rico/Received November 30, 2007
- b) Cablevision/Adam E. Falk/New Channel Launches/Rebranding of Programming Services/Received December 3, 2007
- c) New Jersey Natural Gas/Kathleen Ellis, Corporate Affairs/Increase of Base Rates/Received December 3, 2007
- d) Lavallette Voters and Taxpayers/Joseph Marcianti, President/Recommendation of LVT Member for Borough Parking Advisory Committee/Received December 6, 2008
- e) County of Ocean/Ocean County CDBG Steering Committee/Anthony M. Agliata, Planning Director/CDBG Funding Cycle 2008-2009/Received December 4, 2007
- f) Association of NJ Environmental Commissions/Sandy Batty, Exec. Director/Received December 7, 2007
- g) Lavallette PTA/appointing a PTA member to the Parking Advisory Committee/Received December 10, 2007
- h) New Jersey State Legislature/Andrew Ciesla/David Wolfe/James Holzapfel/a letter to Dept. of Transportation in support of a traffic light on New York Avenue and Rt. 35 North/Received December 6, 2007
- i) County of Ocean/Arthur P. Burns, Supt./November 2007 Recycling & Compost Reports/Received December 7, 2007
- j) Lavallette Democratic Club/Lachlan Cameron, President/requesting use of Council Chambers for their monthly meetings/Received December 12, 2007
- k) Ocean County Planning Board/Mark Villinger/Asst. Planner/Ocean County Natural Lands Trust Fund Status Report-December/December 10, 2007
- l) Atlantic City Surf Professional Baseball Club/Barry Kraus/Comm. Relations Manager/2008 Schedule/Received December 10, 2007
- m) Ocean County Community Services, Inc./ Nutrition Schedule 2008/Received December 12, 2007
- n) Lavallette Planning Board/Rosemary Robertson, Secretary/2008 Planning Board Meetings/Received December 17, 2008-Mr. Parlow stated that these dates were put on the calendar and the website.
- o) Cablevision/Adam E. Falk/Launch of Caribe Vision/Received December 17, 2007
- p) Watchtower Bible and Tract Society of New York, Inc./Paul D. Polidoro, Assoc. General Counsel/Jehovah's Witness/letter opposing requiring a permit to go door to door/Received December 14, 2007-Councilwoman Wenzel stated that this is very important for residents to call the Police Dept. when people are trying to solicit anything. The purpose of the permit is to make sure the police know who and what companies are solicited door to door.

- q) State of New Jersey/Dept. of Environmental Protection/Donald Kakas, Section Chief/Biennial Report for CEA Approval/Lavallette Public Works/Received December 20, 2007-Mr. Parlow stated that Brinkerhoff Environmental submitted a proposal for this additional work that the state is requiring. The amount is \$4,000 so we are going to need to budget for it for 2008 and go out to bid again for professional services. There is no way around this.
- r) Kim Pascarella, Esq./Certification of NJ State Municipal Prosecutor/Received December 20, 2007
- s) County of Ocean/John Haas, Recycling Coordinator/All In One Bin-Paper Stream Recycling/Received December 19, 2007
- t) State of New Jersey/Anne Milgram, Attorney General/Cops In Shops Summer Shore Initiative 2007/Received December 17, 2007
- u) Lavallette Heritage Committee/Joy Grosko, Director/check in the amount of \$4,000.00 reflecting the collections from the 2007 Sunday Night Concerts/Received December 21, 2007-Mr. Parlow stated that the Heritage Committee has graciously donated monies from their concerts to the Borough of Lavallette.
- v) Cablevision/Adam E. Falk/2008 Regulated Rate Adjustments/Received December 31, 2007
- w) State of New Jersey/Dept. of Environmental Protection/Kathleen Katz, Unit Supervisor/Notice of Approval of Extension Request/Kelly's Sea Bay Sunoco/Paul E. Kelly/Received December 27, 2007
- x) The Ocean County Gazette/Raymond Hoather, Publisher/Legal Advertising Request/Received December 27, 2007
- y) State of New Jersey/Affordable Housing/Lucy Voorhoeve, Exec. Director/COAH's Revised Third Round Rules/Received December 31, 2007
- z) Lavallette Voters and Taxpayers Assoc./Joseph Marcianti, President/Requested use of Council Chambers for their monthly meetings/Received December 20, 2007
- aa) State of New Jersey/Dept. of Transportation/Kris Kolluri, Commissioner/letter to Senator Andrew Ciesla advising them that the installation of the traffic light on New York and Rt. 35 North will be investigated/Received January 4, 2008
- bb) Lavallette Volunteer First Aid Squad/Audrey Zylinski, President/letter advising Mayor and Council of their newly elected President/Received January 4, 2008-Council President Zalom thanked them for all they do.
- cc) Ocean County Planning Board/Robin Florio, Secretary/Ocean County Planning Board Meeting Schedule for 2008/Received January 7, 2008
- dd) State of New Jersey/Dept. of Transportation/Kris Kolluri, Commissioner/letter denying a Municipal Aid grant for Bond Avenue/Received January 3, 2008
- ee) Lavallette First Aid Squad Women's Auxiliary/Calendar of Events/Received January 7, 2008
- ff) Lavallette Heritage Committee/Joy Grosko, Director/Lavallette Heritage Committee Events for 2008/Received January 2, 2008
- gg) Cablevision/Adam Falk/Launch of ESPN2 HD/Received December 20, 2007
- hh) The Salvation Army/Captain Lorie M. Travaglini, Chairperson/Project Homeless Connect/Received January 8, 2008

- ii) State of New Jersey/Dept. of Transportation/Kris Kolluri, Commissioner/letter approving the Municipal Aid Program for Kerr Avenue in the amount of \$145,000/Received December 27, 2007-Mr. Parlow stated that this is for the ocean block of Kerr Avenue.
- jj) Federal Communications Commission/Consolidated Reply to Comments on Petition for Determination of Effective Competition submitted by Cablevision of Monmouth, Inc./Received December 13, 2007
- kk) Pamela Maguire/letter resigning from her appointments on the Ordinance and Beautification Committees effective immediately/Received December 27, 2008-Councilwoman Filippone stated that she is sorry to lose her. She's an asset to the Committees
- ll) Mulvaney, Coronato & Brady/Terry F. Brady, Esq./2008 Planning Board Attorney Proposal/Received December 13, 2007
- mm) Cablevision/Adam E. Falk/Launch of Dominican View in iO Espanol Package/Deletion of Korean Channel/Received January 8, 2008
- nn) Lavallette Beautification Committee/Pat Marrone, Chairperson/Schedule of 2008 Meetings

General With Action:

- a) New Jersey Business & Industry Association/Philip Kirschner, President/letter requesting the Mayor to nominate a company for the 2008 Good Neighbor Awards Program/Received December 3, 2007
- b) Ocean County Library/Elaine McConnell, Director/letter requesting a donation from the Borough of Lavallette/Received December 3, 2007-Mr. Parlow stated that we cannot give donations with public funds.
- c) Caregiver Volunteers of Central Jersey/Rev. Terry Chapman/letter requesting a donation from the Borough of Lavallette/Received December 12, 2007-Mr. Parlow stated again we cannot donate to anyone or any company with public funds.
- d) County of Ocean/Dept. of Public Affairs/Barbara Steele, Director/requesting the presence of a Lavallette Official to attend the meeting on January 8, 2008 for information on the Tourism Promotional Grant Application/Received December 14, 2007-Council President Zalom requested that Council make a motion to approve a resolution to be prepared for this tourism grant now so she can have it for the meeting at the end of January. Councilwoman Wenzel made a Motion and was Seconded by Councilwoman Filippone. All Council members were in favor. Mr. Parlow will do a resolution to apply for and obtain a Tourism Grant. The Resolution No. is 2008-64.
- e) Borough of Lavallette Planning Board/William Zylinski, Chairman/Proposed Permit Issuance/Referring it to the Zoning Officer/Received December 19, 2007.-Mr. Parlow stated that this permit placard is already out to the printer.
- f) State of New Jersey/Dept. of Community Affairs/Benjamin Spinelli, Exec. Director/letter advising Council that the Basic Course in Land Use Law and Planning is a requirement for planning board members and training should be completed by January 17, 2008/Received December 18, 2008
- g) Lavallette Heritage Committee/Joy Grosko, Director/requesting the placement of two benches on the gazebo grounds, in memory of Leonard Christoforo and the son of Connie Meyers prior to Memorial Day/Received December 21, 2007

- h) Ocean County Planning Board/David J. McKeon, Planning Director/Dredged Material Management in Ocean County/requesting the Mayor's attendance at a meeting for discussion on January 31, 2008/Received December 31, 2008
- i) Linda Aloia/Haddonfield Avenue/requesting some type of gazebos placed at the beach entrances to the last three streets in Lavallette/Received January 7, 2008-Councilwoman Wenzel stated that this doesn't sound like it would be easy with the DEP. Maybe the Supt. of Public Works could look into what could be placed down there and do it the easiest way possible.
- j) Lavallette Business Association/Tom Yannacone, Flea Market Chairman/requesting permission to hold their Flea Markets in July and August at the Lavallette First Aid/Firehouse Grounds/Received January 7, 2008
- k) State of New Jersey/Dept. of Transportation/Peter A. Riscica/Highway Engineer/Handicapped Parking Space on Rt. 35 South and Brown Avenue/letter requesting Mayor and Council to submit a certified adopted resolution requesting same/Received January 8, 2008
- l) Verizon Wireless/Dave Sesso/Right of Way Permit Agreement Requiring the Signature of a Borough Official to install an equipment cabinet on the property of the water tower where the cell towers are/Received December 11, 2007
- m) Katherine Dzugan-Szymanski, Esq./Water and Sewer Bill Dispute/24 Magee Avenue/Block 10 Lot 27/Received January 4, 2008-Mr Parlow stated that this has been an ongoing dispute with Mr. Gallo. He doesn't believe he used that much water. The Supt. of Public Works, the homeowner's plumber and Mr. Gallo were all present when the meter was tested and it was accurate. Phil George stated that both parties have to come up with some type of solution and it is being handled by his office. He will keep Council abreast of the situation.

UNFINISHED BUSINESS:

Councilman Ardito stated that he has seen a document related to the Toscano case saying that it has not been resolved. He thinks it would be wise to include this in the budget plan.

Mr. George stated that to the best of his knowledge the case was resolved.

Mr. Parlow stated that if Councilman Ardito would like to give him this document he will have the insurance company look into it.

Councilman Ardito stated that he was not given a copy of the document, he just reviewed it.

Councilman Ardito also stated that he was approached by a resident who would like to become part of the cert team of the Emergency Management but cannot get any satisfaction from Kevin Dey. He has tried to get in touch with him for about six months and cannot locate him. Councilman Ardito stated that this alarms him if a person cannot even get in touch with a person on the Emergency Management Team.

Councilman Lamb questioned why this person wouldn't just speak to the Chief of Police who is here all the time and is the Coordinator for Emergency Management.

Councilwoman Filippone stated that it would be more beneficial if people have complaints to put it all in writing so it can be taken care of in the proper manner. She stated that if Raymond Toscano approached you with a document about his lawsuit you should have come forth with it to us so it can be handled properly. She stated that it is the same situation as receiving an unsigned letter. If you have no documentation, how do we know anything? If you had a document we could investigate it further.

Councilwoman Wenzel stated that she would like to get the status on the Toscano matter. The last she heard of it there was going to be a change in representation. Maybe the attorney could give us an update at the next meeting.

Councilman Lamb stated that the insurance pays the lawsuit not the Borough of Lavallette so the budget is not affected.

Councilman Ardito stated that the lawsuit can affect the budget if it is over the limit threshold.

NEW BUSINESS:

Application for Renumbering of Property-Gennaro Tartaglia, 101B Grand Central Avenue Requesting address to be 26 Ortlely Avenue-Mr. Parlow stated that renumbering has already been done once before on Philadelphia Avenue and was approved. He stated that this application is somewhat different. The applications received from the applicant on Philadelphia Avenue were from all eight units on that location. This request is for a two unit condominium with only Unit B asking for the change. Mr. Parlow recommending that the other unit needs to be notified and most also make application for the change. Mr. George stated that even if we notify the other homeowner that the homeowner at 101B is asking for this change would be significant. Mr. Parlow stated that he would take care of the notification.

Draft Ordinance-Amending, Revising and Supplementing Chapter 42 "Newsracks"-This was already discussed at the beginning of the meeting.

Council President Zalom requested that Council give Mr. Parlow permission to draft a resolution authorizing the Administrator to prepare the required specification to lease additional space for cellular antennas on the Lavallette water tower.

Councilwoman Wenzel suggested having a resolution prepared for the next meeting.

Council President Zalom stated that would be a first step.

Councilwoman Wenzel stated that a resolution should be prepared by the Administrator or the Engineer with some due diligence and more articulated.

Chris Parlow stated that in the past when we prepare specifications we usually tell the vendors what we are looking for exactly and then go with the lowest bidder. With doing these specifications they

would have to be technical because of the space requirements and the sizes of the antennas and we would also go with the highest responsible bidder. The Engineer would have to review them.

Councilwoman Wenzel questioned if we solicit bids do we have to move forward with the bids.

Mr. George responded that the bid law allows you to reject bids but you have to follow Federal criteria. Bids could always be rejected under certain circumstances.

Councilwoman Filippone stated that although she appreciated the spirit to cut some spending it is too early to predict how much we will be saving. The ground space is limited already and we will not be able to lease many. There will be some need for wireless communication in the future for our police dept. but let's go slow with it.

A Motion was made by Councilwoman Wenzel to prepare bid specifications for the lease of space on the Lavallette water tower for the placement of cellular antennas and submit specifications to Council. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Councilman Ardito also stated a taxpayer suggested having a big shredder down at the recycling center for residents to shred their paperwork.

Councilwoman Wenzel stated that the Ocean County Recycling Center is looking into a garbage truck with a big shredder going from municipality to municipality for that reason.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue-Mr. Boyers state that he shreds his own mail. He asked if he will be in violation if he puts the shredded paper in with his recycling products.

Councilwoman Wenzel stated that shredded paper is not allowed with recycling but can be put with garbage.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she has had a lot of residents approach her on becoming part of the Environmental Committee when it is formed. There are a lot of grants available when you have an Environmental Commission so maybe we should consider that.

She also stated we are in good shape with our beach replenishment.

EXECUTIVE SESSION:

Contractual:

Verizon Wireless Contract

A Motion was made by Councilwoman Wenzel enter into executive session. The Motion was seconded by Councilman Lamb. All were in favor. The motion passed.

The meeting reconvened at 9:40 pm.

All members present.

Council President Zalom presiding. She requested that the Borough Attorney provide comments regarding items discussed in Executive Session.

Mr. George stated that to Verizon Wireless requested some additional space for installation of equipment. Mr. Parlow was advised to prepare a letter to Verizon Wireless advising them that the installation to utilize more space at their current lease property is currently not available at this time.

ADJOURNMENT:

A Motion was made Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilwoman Filippone. All were in favor. Meeting was adjourned at 9:45 pm.

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 Borough Council held on the 14th day of January, 2008.

CHRISTOPHER F. PARLOW
Municipal Clerk