

**BOROUGH OF LAVALLETTE (Minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, February 4, 2008 – 7:02 pm**

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

**ROLL CALL:** Council Members Ardito, Lamb, Zalom, Filippone and Stogdill  
Councilwoman Wenzel was absent.

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:** Mayor LaCicero asked for a moment of contemplation for the soldiers fighting overseas in Iraq.

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

**MAYOR'S WELCOMING STATEMENT:** At this time, Mayor LaCicero stated that the Public Hearing for the liquor license transfer for Sherman Hospitality, LLC was cancelled because of a conflict of interest and will be heard by the Director of the Alcohol Beverage Control. Mayor LaCicero stated that the public will be informed when and where the hearing on the application will be held.

**COMMENTS FROM PUBLIC (Items not listed on agenda / not staying for remainder of meeting):** Mayor asked if anyone wished to speak about anything not on the agenda.

Patricia Marmo, 108 Trenton Avenue stated that she found it amazing that at the twelfth hour the hearing was cancelled due to a conflict when she and others new it was a conflict weeks ago. She stated that you have all these attorneys up there and you just realized this at the last minute. Why would Lavallette even think about giving up one of their liquor licenses? We will have no control over that bar at Gabriella's if we give up the license.

Mayor LaCicero stated that a premise does not have to be a structure or building. We are not giving up our license. The license will remain Lavallette's.

Mrs. Marmo stated that what Mr. Pascarella is stating on his application is pure fiction. The bar was only supposed to stay open until 8pm and it goes until 2am. In 1977 the Candlelight had a little bar that you could have a drink at while you were waiting for your table. Now the restaurant closes

at 9pm and the bar goes until 2am. She said that it is not fair to the residents on our street. We are constantly cleaning up broken beer bottles.

Mayor LaCicero stated that it really does not make a difference what is said here because the Director of the ABC will be hearing the case.

Mrs. Marmo questioned whether or not the town could restrict the hours of the outside bar along with the application.

Mayor LaCicero stated that the bar hours were restricted with the Planning Board case.

Laura Dec, 102 Trenton Avenue stated that she just wants to make sure that the town will always be in control of that license. She would like to know who she could contact to get all the information on when the hearing will be at the ABC.

Mayor LaCicero stated that when the information is given to us it will be posted on our Lavallette website.

Sharon Rossi, 100 Trenton Avenue stated that she just wants to make sure that this does not turn into another Surf Club. The bar crowd hangs around until 2am now. She said that this situation directly affects her street and it is unfair to us.

Mayor LaCicero stated that because they have to turn the case over due to a conflict the Mayor and Council will have no decisions to make on this. This decision is strictly now on the Director's hands.

Mr. George stated that the role of Council can only appear as commentators. They can not be part of the decision making.

Councilwoman Filippone stated there is a letter in our correspondence from the Planning Board in reference to this topic that she will read into the record tonight.

Councilman Ardito stated that he looked at the schematic. He questioned whether any part of the bar was in Lavallette?

Councilwoman Filippone stated that if the premise spans two communities, which it very well could, that opens up the right for that owner to hold two licenses instead of just one. The unobstructed tiki bar's common wall between the two buildings is roughly on the property line. The applicant has a lease on land at the pool. She stated that all of this documentation will be forwarded to the Director of the ABC.

Council President Zalom stated that we will never give our license to Toms River. It will always remain Lavallette's. We will always have the control.

Dorothy Hickey, 105 Trenton Avenue questioned the jurisdiction of complaints for the police department.

Mayor LaCicero stated that we only have the control of the licenses, the condos and the bar around the pool. The jurisdiction of the bar is Toms River Police Department.

Paul Holick, 21 Dover Avenue questioned why it was brought up with Lavallette if we cannot make a decision on it? Are we going to have any control at all? He stated that he is sick of the noise and the parking problems.

Mayor LaCicero stated that we will continue to have the control that we have right now. The situation will stay the same for us.

Laura Dec, 102 Trenton Avenue stated that the corporation requesting the change does not have the community at heart. She thinks the decision should be binding so he has to abide by the rules.

Pat Marmo, 108 Trenton Avenue questioned if the Lavallette Police is called because of something that happens at the bar they cannot respond? The town has no say as to what happens there?

Councilman Lamb questioned whether or not she wants it to stay the same way it is?

Mrs. Marmo stated that enforcement needs to be put in writing with the decision as to what needs to be done.

#### **APPROVAL OF CLERK'S MINUTES:**

Regular Minutes of January 14, 2008  
Executive Session Minutes of January 14, 2008

Mr. Parlow stated that he received the transcript back today with the corrections from the meeting of November 16, 2007. He will make copies of the corrected pages and give them to Council instead of making a copy of the entire transcript once again. He hopes to have all the minutes on for the next agenda that need to be approved.

A Motion was made by Council President Zalom to approve the minutes of January 14, 2008. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

#### **REPORTS:**

- a) Police Overtime Report for December & January-Councilwoman Filippone-read from reports. Thanks to Chief Grant for the very low overtime.
- b) Public Works Report for January-Councilwoman Wenzel-there was no report.
- c) Public Affairs Report-Council President Zalom-Heritage applied for grant and received 3,000.00. Municipal Alliance had their first meeting in January. Kathy Mango, Coordinator

is attending the county meetings to take care of the needs assessment. Municipal Alliance is the largest grant in Ocean County. The Fire Dept. received \$27,000 of federal money for protective suits. Congrats! Get your tickets for the April 12<sup>th</sup> bus trip to New York. Activity schedules are done up until June 21<sup>st</sup>. Beatlemania was terrific. The ski trip was great. All the children and adults had a blast.

- d) Municipal Court Report for January-Councilwoman Filippone-read from report. The court girls are very busy.
- e) Animal Control Report for January-Councilwoman Filippone-read from report
- f) Planning Board Report for January-Councilwoman Filippone-the case in reference to the sign on West Point Island was postponed because there weren't enough members to vote on because most of the members had to excuse themselves due to conflicts.
- g) Zoning Report for December and January-Councilwoman Filippone-read reports. We received our new bright yellow permit for zoning purposes.
- h) Tax Account Status Report for January-Tax Collector
- i) Utility Report-Councilman Ardito- Stated that February 6<sup>th</sup> starts the All in One Bin Recycling Program. Stickers can be picked up at Public Works and Borough Hall. There was a modest increase in the electric rates. I was informed that there were a lot of rereads on the meters but all but one were correct. There are five water wells in Lavallette but we only use three. Well #5 is the purest. Our Water Facility is phenomenal. There are 500,000 gallons of water stored in our wells.

A Motion was made by Councilman Lamb to receive and approve the Tax Account Status Report. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

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

**RESOLUTIONS – ON CONSENT:**

- 2008-65        authorizing the Electric Collector to remove the four electric accounts at 23 Trenton Avenue due to demolishing of the building
- 2008-66        authorizing the Electric Collector to remove the one electric account at 113 Reese Avenue due to demolishing of the building
- 2008-67        appointing temporary boardwalk laborers to the Dept. of Public Works at an hourly rate of \$10.00 per hour for a period beginning January 28, 2008 and ending May 31, 2008
- 2008-68        expressing the Borough's opposition to revisions to the wrongful death statute
- 2008-69        authorizing the provision for emergency temporary appropriations in the amount of \$24,100

- 2008-70      authorizing the refund of planning board escrow funds to Robert Campbell, Block 6, Lot 11 in the amount of \$447.00
- 2008-71      authorizing the refund of planning board escrow funds to Emanuele Iosue, Block 20, Lot 32 in the amount of \$1,099.50
- 2008-72      urging a moratorium on home foreclosures and congressional enactment of a homeowners and bank protection act-Councilman Lamb questioned what this has to do with Lavallette. Mr. Parlow explained this is just a resolution that every municipality is adopting to help with the banking industry.
- 2008-73      establishing annual salary for the Chief of Police Colin Grant
- 2008-74      approving the application of Adam LaCicero as a probationary member of the Lavallette Volunteer Fire Company #1
- 2008-75      approving the application of Joseph Lord as a probationary member of the Lavallette Volunteer Fire Company #1
- 2008-76      authorizing the Electric Collector to remove the third electric account at 18 White Avenue
- 2008-77      establishing an hourly rate change to temporary boardwalk workers

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

**RESOLUTIONS-OFF CONSENT**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2008-79      Bills List in the amount of \$2,226,384.83

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

## COMMUNICATIONS:

### Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Request for Opinion on Religious Solicitation with the Borough/Watchtower Society/Jehovah's Witnesses/Received January 16, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Venezio vs. Venezio/Responding to a record subpoena requesting all for on a certain property in Lavallette/Received January 16, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Request for Opinion on Split Jurisdiction Place to Place Transfers/Received January 23, 2008

### Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Miscellaneous Service Lateral Repair Project/Pay Estimate No. 4/D & D Utility Contractors, Inc./USDA Phase III-Pay Estimate No. 6/Received January 23, 2008
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Handicap Accessible Sidewalk/NJDOT Highway Occupancy Permit/Received January 10, 2008
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Miscellaneous Service Lateral Repair Project/Warranty Inspection/Received January 30, 2008

### New Jersey League of Municipalities:

- a) 92<sup>nd</sup> Annual Conference Highlights/Received January 11, 2008
- b) A Special Edition of the Federal Relations Update/Received January 14, 2008
- c) New Jersey State Family Readiness Council Fundraiser/Received January 14, 2008
- d) COAH Update/Received January 15, 2008
- e) Important New Information from the Division of Local Government Services/Received January 15, 2008
- f) Coastal Management Rules Hearing/Received January 15, 2008
- g) Governor's Pocket Vetoes/Received January 15, 2008
- h) The Mayors Committee for a Green Future Workshop & Business Meeting/Received January 15, 2008
- i) League's Shared Services Board/Received January 16, 2008
- j) 2008 Brownfield Development Area (BDA) Applications/Received January 17, 2008
- k) New League Brochure "State Government and Your Local Property Taxes"/Received January 22, 2008
- l) Proposed Revisions to Wrongful Death Act/Received January 18, 2008
- m) Budget Deadline Extensions and Budget Referendums/Received January 22, 2008
- n) Smart Future Planning Grant Request for Proposals/Received January 22, 2008
- o) League Electronic Library of Ordinances & Sample Shared Service Agreements/Received January 28, 2008

- p) Attorney General Directive Concerning Immigration and State and Local Law Enforcement-Update/Received January 25, 2008
- q) State Financial Restructuring/Received January 29, 2008
- r) Appellate Division Affirms That Specificity Required for Proper OPRA Request/Received January 30, 2008
- s) Use Your League/Received January 30, 2008
- t) Legislative Developments/Municipal Prosecutor Mandates/Paid Family Leave/Received January 29, 2008

General With No Action:

- a) State of New Jersey/Dept. of Environmental Protection/Guy Watson, Chief/amending the O.C. Solid Waste Management Plan to include a revised enforcement strategy for violations/Received January 4, 2008
- b) County of Ocean/John Haas, Recycling Coordinator/Recycling Enforcement/Received January 10, 2008
- c) State of New Jersey/Office of the Attorney General/Anne Milgram, Attorney General/2008 Campaign Contribution Notice/Received January 10, 2008
- d) State of New Jersey Dept. of Community Affairs/Benjamin Spinelli/Basic Course Requirement for planning board members in Land Use and Planning/Received January 10, 2008
- e) Bruno & Associates, Inc./John R. Bruno, Chairman/Grant consulting and public relations firm/Received January 10, 2008
- f) County of Ocean/Arthur Burns, Supt. of Recycling/December 2007 Recycling and Compost Reports/Received January 11, 2008
- g) Lavallette Business Association/Kimberlee Samarelli, President/list of their sidewalk sales and display dates for the 2008 summer season/Received January 14, 2008
- h) Birdsall Services Group, Inc./Howard Birdsall, Chief Exec. Officer/letter advising that PMK Group has joined their firm/Received January 14, 2008
- i) Ocean County Recycling Center/Joseph Sanzaro, President/recycling report for 2007/Received January 14, 2008
- j) State of New Jersey/Municipal Court Administrator Certification Board/Dennis Bliss/Board Chair/advising of Jennifer Krieg, Deputy Court Administrator's Certification of Court Administrator/Received January 14, 2008
- k) Suffolk Recycling Corporation/recycling report for 2007/Received January 15, 2008
- l) State of New Jersey/Dept. of Environmental Protection/Guy Watson, Chief/Thirty Day Desk Audit Report for 2006 Recycling Tonnage Reporting Year/Received January 25, 2008
- m) County of Ocean/Dept. of Consumer Affairs/Jamie Henninger, Administrative Clerk/Rebate check in the amount of \$3,980.60 for Construction Services for the 4<sup>th</sup> Quarter, 2007/Received January 17, 2008
- n) State of New Jersey/Office of Attorney General/Dept. of Law and Public Safety/Incomplete Application for Retail License Transfer/White Whale, LLC/Received January 17, 2008
- o) Lavallette Municipal Alliance/Kathy Mango, Coordinator/letter advising of them conducting a needs assessment for their 2009-2011 funding/Received January 17, 2008
- p) North Jersey Transportation Planning Authority, Inc./Kevin Twine, Principal Transportation Planner/Route 35 Restoration listed for their 2009 Project Pool/Received January 18, 2008

- q) State of New Jersey/Dept. of Environmental Protection/Lisa Jackson, Commissioner/advising of their new Publication of "Guidebook for Local Government Officials and a reminder of the Mayors Brownfield Roundtable being held on January 31<sup>st</sup>/Received January 22, 2008
- r) Lavallette First Aid Women's Auxiliary/Claire Caruso, President/informing us of the road closings that will be done for the First Aid Flea Markets for the 2008 summer seasons/Received January 23, 2008
- s) Mazza Recycling/Dominick Mazza, Jr./Recycling Tonnage Report for 2007/certification of scrap metal/letter detailing recycling tonnages sorted/Received January 23, 2008
- t) State of New Jersey/Dept. of Community Affairs/Benjamin Spinelli, Exec. Director/Extension for Completion of Mandatory Basic Course in Land Use Law and Planning to March 31, 2008/Received January 23, 2008
- u) Ocean County Utilities Authority/Richard Warren, Exec. Director/Certificate of 2008 Annual Charge/Received January 23, 2008
- v) Affordable Housing Alliance/Toi Collins, Director of Intake/Administrative Agent Services/Received January 23, 2008
- w) Kirk Tilton/Save Barnegat Bay 8K Race/Fitness Walk for June 28, 2008/Received January 24, 2008
- x) Stevens Institute of Technology/Jon Miller, Specialist/Rip Current Awareness Signs/Received January 24, 2008
- y) State of New Jersey/Dept. of Transportation/Kris Kolluri, Commissioner/Information on the Safe Routes to School Grant Application/Received January 28, 2008
- z) Rosalie/John Dolinaj/78 Dickman Drive/would like to be part of an environmental committee if one is formed/Received January 28, 2008
- aa) Association of New Jersey Environmental Commissions/ANJEC/Smarth Growth Planning Assistance Grants of up to \$20,000/Sandy Batty/Exec. Director/Received January 28, 2008
- bb) Ocean County Planning Board/Mark C. Villinger, Assist. Planner/Ocean County Natural Lands Trust Fund Status Report-January 2008/Received January 25, 2008
- cc) Ellen Steinberg/Millburn Committeewoman/Governor's Asset Monetization Plan/Received January 30, 2008
- dd) Ocean County Utilities Authority/Richard Warren, Exec. Director/Deficiency Notification for 2007 Calendar Year/Received January 31, 2008
- ee) Barnegat Bay National Estuary Program/L. Stanton Hales, Jr., Program Director/follow up letter from the Ocean County Mayors Association Meeting/Received January 31, 2008
- ff) Borough of Lavallette/Planning Board/William Zylinski, Chairman/letter in opposition of the Sherman Hospitality, LLC Place to Place Liquor License Transfer/Received January 31, 2008-Councilwoman Filippone read aloud this letter for the record.

General With Action:

- a) Judith M. Campo/14 Reese Avenue/disputing the electric rate increase and the base rate/would like an answer at your earliest convenience/Received January 15, 2008-The Mayor asked Councilman Ardito to respond to Mrs. Campo. He agreed.
- b) Brian Walsh/11 Pershing Blvd/requesting the fire hydrant in front of his home being relocated somewhere else because of potential hazardous situations/Received January 18, 2008-Councilman Lamb stated that he has already spoken with the Fire Chief and they are going to look to see if it can be relocated.

- c) Lavallette Beautification Advisory Committee/Theresa Coleman, Treasurer/requesting the Borough continue purchasing the garbage receptacles and that all items be placed in the B2 Zone/Received January 22, 2008-Mr. Parlow stated that he will put it on for budget review.
- d) Mayors Wellness Campaign/Judy Doyle/Healthy Town Project/does the Borough of Lavallette wish to be a Healthy Town designation /Received January 23, 2008-Mayor LaCicero stated that he is looking into this and will take care of it.
- e) Island Junior Baseball League, Inc./John Wiley, President/requesting your presence at opening day on April 5, 2008/Received January 23, 2008-Mayor LaCicero stated that he met with John Wiley along with Mr. Parlow and Paul Kelly from the Soccer League and resolved the conflicts between the two regarding the field times.
- f) Island Junior Baseball League, Inc./John Wiley, President/requesting the ball field from March 15<sup>th</sup> thru June 30<sup>th</sup> for their major and minor leagues and until mid August for their senior league/requesting also that the mound be removed/Received January 23, 2008
- g) Board of Chosen Freeholders/John Kelly/James Lacey/requesting your presence at their 2008 County Road Improvement Program Meeting/Received January 24, 2008-Mayor LaCicero stated that he is going to make arrangements to attend this meeting.
- h) Herb/Catherine Hascher/1301 Bay Blvd/requesting that the lights at the tennis courts be turned off until the season starts because we are wasting energy/Received January 28, 2008-Mr. Parlow stated he will refer to Public Works.
- i) Lavallette Volunteer First Aid Squad/requesting that the trailer that they use to store at Public Works be stored back at Public Works for the winter and spring/Received January 25, 2008-Mr. Parlow stated that he will speak to the Supt. of Public Works about this.

**UNFINISHED BUSINESS:**

Applications for Re-Numbering of Property 101A Gr. Central Avenue/Louis Andreozzi and 101B Grand Central Avenue/Gennaro Tartaglia

Mr. Parlow stated that now that both units want the address change he will put the resolution on for the next meeting. He stated that Mrs. Andreozzi would like 28 Ortley as her address but because they are on one lot they will have to be 26A and 26B. He will advise her of this.

**NEW BUSINESS:**

Mayor LaCicero stated that he attended a DEP Meeting in reference to the dredging under the West Point Island Bridge. There were representatives from the DOT, DEP and Stockton College who takes the dredged material for research programs. Very few towns attended were in attendance. We have a need for the dredging and they will help us. Stockton has the funds for the project and is very anxious to work with us. There will be zero expense to the Borough.

Councilman Ardito questioned whether the permit is still good from last year.

Mayor LaCicero stated that the permit last year was only for 350 cubic yards of dredge. That permit is no useless to us but Stockton College will be applying for the permit on our behalf.

Councilwoman Filippone questioned whether or not this could include the WPI Bay Beach?

Mayor LaCicero stated that he believed it would not because that beach is a private beach owned by West Point Island.

Mayor LaCicero also stated that the Parking Advisory Committee held their first meeting on January 31<sup>st</sup>. Michele Donato is Chairman, Kim Samarelli, LBA is the Vice Chairman and Marie Lough, LVT is the Treasurer. They set their meeting for February already and will be forwarding me a copy of their meeting schedule.

Mayor LaCicero stated he had a meeting with our new employee in the administration office that will also be in charge of our website. He requested that the website address be changed to lavallette.org instead of lavalletteboro.com. Municipal Alliance had lavallette.org and we are still paying for it so he thinks it will be more beneficial.

A Motion was made by Council President to approve the website address change. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Mayor LaCicero also stated that he had a meeting with Kathy Mango and Tony Gallo from Municipal Alliance. It was a very productive meeting. She is going to supply him with a list of names of people she needs to be appointed. She and Tony Gallo will be appointed for the next meeting on February 19, 2008

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

Patricia Marmo, 108 Trenton Avenue requested that we put out some yield to pedestrians signs on the Rt 35 North for the summer season.

Mayor LaCicero stated that those signs are not in compliance with DOT regulations.

Bill Kinney, 23 Philadelphia Avenue requested an update with the DEP violation with the beach.

Mr. George stated that there is a February 19<sup>th</sup> hearing to advise the outcome of the inspection of our beaches.

Mayor LaCicero stated that the DEP Representative came out to inspect the updates along with myself, Mr. Parlow and Gary Schlosser to make a determination as to if the situation is better.

Mr. Kinney questioned the increase in beach costs?

Councilman Lamb stated he wasn't quite sure because he didn't have the figures in front of him. He believes the beach costs were around \$10,000 in costs this year but the beach revenues were up \$30,000.

Mr. Kinney stated he walks the boardwalk daily and notices the work on the south end of the boardwalk going a little slower than he would like it to. There are only two and half blocks completed.

Mr. Parlow stated that finance was an issue. We had to allocate additional funds to hire three additional laborers. The Borough adopted a Bond Ordinance in January that allocated additional funds into the project. We should see a start in acceleration again. We also have a bigger problem with the south end with the dune on the west side. We didn't have that problem on the north side. Right now we are going to work until the \$150,000 is gone and see how far that will take us.

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

Council President Zalom stated that she attended the breakfast at Basil T's on Saturday with Governor Corzine. She reported that the governor spoke about a lot of topics but the big topic was the parkway. She reported that he stated that most of the people using the parkway are from Monmouth and Ocean Counties. The State is working on some type of discount program. She will be following up on all of this and will let you know.

Mayor LaCicero stated that there will be two budget meetings held this week. Police will be on February 5, 2008 at 5pm and Public Works will be on February 7, 2008 at 5pm.

Mr. Parlow stated that he is still working on the cell tower specifications and is 90% complete. He should have them complete for the next meeting on February 19<sup>th</sup>. He reported that the calendar is also about 90% complete. He reported that he has received photographs of Lavallette sceneries from local photographers. He will put a sample of the calendar in your boxes for your review.

### **EXECUTIVE SESSION:**

Mr. Parlow stated that they need to have an executive session on litigation and contractual matters with action to be taken after the session.

A Motion was made by Councilman Lamb enter into Executive Session with action to being taken after the session. The motion was seconded by Councilwoman Filippone. Vote: All were in favor. The Motion passed.

Possible Litigation/Contractual:

Nicolas Fernandez vs. the Borough of Lavallette

The Mayor and Council entered into executive session at 9:02 pm.

A motion was made by Councilwoman Filippone to go back into regular session. The Motion was back on the record by Councilman Stogdill. Vote: All were in favor. The Motion passed.

Mayor and Council returned to regular session at 9:36 pm.

Mayor LaCicero asked Mr. George to report on the contents discussed during executive session.

Mr. George stated during the Executive Session we discussed an old matter with a new motion in the matter Fernandez vs. Willingboro Township to which the Borough of Lavallette was one of many municipal parties. It required the introduction on first reading of an Ordinance which was part of a settlement in that matter which was publicized January of 2005. We discussed some of the other perimeters involved in that matter including whether we need to examine our discovery policies and also take a count of discovery.

In addition, the contract with the white collar union was discussed; proposals have been received and are under review by administration for purposes of further negotiation.

**INTRODUCTION OF ORDINANCES:**

Ordinance No. 2008-02(1030) Amending, Revising and Supplementing Chapter 25 “Fees”.

A Motion was made by Councilman Lamb to introduce on 1<sup>st</sup> reading Ordinance No. 2008-02(1030). The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion was passed.

Public Hearing on Ordinance No. 2008-02(1030) will be February 19, 2008 at 7:00 pm.

**ADJOURNMENT:**

A Motion was made by Council President Zalom to adjourn the meeting. The Motion was seconded by Councilman Stogdill. Vote: All were in Favor. The Motion passed.

The Meeting was adjourned at 9:38 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 4<sup>th</sup> day of February, 2008.

**CHRISTOPHER F. PARLOW**  
Municipal Clerk