

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, July 7, 2008 – 7:02 pm**

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

**ROLL CALL:** Council Members Ardito, Lamb, Zalom, Wenzel, Filippone and Stogdill

Councilman Lamb was not present at Roll Call.

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:** The Mayor asked for a moment of silence for our troops overseas.

**PLEDGE OF ALLEGIANCE:** Councilman Ardito led the Salute to the Flag.

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

At this time, the Mayor asked if anyone wished to speak about anything that was not on the agenda and did not wish to stay until the end of the meeting could do so now.

Joy Grosko, 13 Camden Avenue-The fireworks were cancelled on July 6<sup>th</sup> due to weather conditions. They are rescheduled for July 13<sup>th</sup>. She had an announcement put on 100.1 WOBN Radio Station.

Herb Hascher, 1301 Bay Blvd.-He was concerned about the cars parking at the yellow curbs. He requested that the police on bicycles patrol the yellow curb corners better. He stated that he watches the police patrol the lots for permit stickers and they do a wonderful job up there.

Councilwoman Filippone suggested that if someone sees a car parked in the yellow lines to pick up a phone and call the police department.

Joe Farfalla, 15 Bond Avenue- He was concerned about cars going up the ocean blocks at a high rate of speed and then making the turn at the street end and coming back down at the same rate of speed. He suggested the police patrol some of the ocean blocks for speeders.

Lee Horan, 16 New Jersey Avenue- He questioned why Councilman Ardito at the previous meeting voted “no” to the budget, “yes” to the amendment to the budget and then asked for a cooling center for the elderly.

Councilman Ardito stated that he voted “yes” to the amendment because that was just to change certain accounts. He voted “no” to the budget because he didn’t agree with the numbers and as far as the cooling center, he didn’t request a building be erected for this, he just requested that maybe the first aid or the firehouse could be available for the 90 degree and above days for senior who do not have air conditioning.

Lach Cameron, 115 President Avenue- He questioned why Toms River Township police cars go the wrong way on the highways at times. He wanted the Lavallette Police to check into it.

Rob Bocchino, 20 Lavallette Avenue- He stated that he and his partner, Michael Wright have a company called Nu Wave Cinemas. The night of the fireworks, because they were cancelled, they set up one of their movie screens on his father’s property which use to be the old marina. He guessed some people must have complained because of the amount of spectators that were showing up to watch the movie. The police came to see what was going on and they explained to the police the situation. The police actually stayed to provide crowd control. He wanted to apologize for any problems this may have caused but they were on private property not Lavallette’s. he also wanted to offer their services to Lavallette if the Borough is looking for something as convenient as their services.

### **MAYOR’S APPOINTMENTS- with advice and consent of Council**

Members of the Environmental Protection Advisory Committee – Resolution 2008-202A

Councilman Ardito requested that Marie Lough be added to the Resolution.

A Motion was made by Councilwoman Wenzel to approve Resolution 2008-202A appointing members to the Environmental Protection Advisory Committee with the inclusion of Marie Lough. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill and Filippone voted Yes. Councilman Lamb was not present at this time. The Motion passed.

### **PRESENTATION:**

New Jersey State Police – Office of Emergency Management – Hurricane Preparedness

Rosemarie Chisholm-Cohen from the Ocean County Emergency Management and Lieutenant Donald Barlow from the State Police Homeland Security Division gave a presentation of Hurricane Preparedness for the residents of Lavallette.

### **APPROVAL OF CLERK’S MINUTES**

Caucus/Regular Minutes of June 2, 2008

Regular Minutes of June 16, 2008  
Executive Session Minutes of June 16, 2008

A Motion was made by Council President Zalom to approve the Minutes of June 2, 2008 and June 16, 2008. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill and Filippone voted Yes. Councilman Lamb was not present at this time. The Motion passed.

**REPORTS:**

- a) Police Overtime Report for June-Councilwoman Filippone-read report-Councilwoman Wenzel questioned if the Borough had crossing guards at the three streets that were discussed previously. Councilwoman Filippone stated she would report back to Council after discussing the matter with the Chief.
- b) Public Works Report for June-Councilwoman Wenzel-read report
- c) Public Affairs Report-Council President Zalom-Kudos to Save Barnegat Bay for a wonderful job with the 8K race. A brother and sister from New Hampshire actually won two races. The Lavallette Elementary children painted the mile marker signs. Movies on the Bay every Tuesday Night. There will be a “Kids, Kites and Kastles” contest on July 11<sup>th</sup>. There is now a flyer for exercise classes being held in town. There will be a Breast Cancer Walk on August 3<sup>rd</sup>.
- d) Municipal Court Report for June-Councilwoman Filippone-read report
- e) Animal Control Report for June-Councilwoman Filippone-read report
- f) Planning Board Report for June-Councilwoman Filippone-The Planning Board had three cases that were all carried to the next meeting because of some changes being made to the plans. The Board also chose a Planner. She reported that the Planner will be in attendance at the meeting of August 13<sup>th</sup> for his preliminary meeting to introduce himself and answer any questions and then his first official meeting will be September 10<sup>th</sup>.
- g) Beach Badge Sales Report for June-Councilman Lamb-read report
- h) Zoning Report for June-Councilwoman Filippone-read report-Councilwoman Filippone stated that with the Construction Department up and running the office space is a little tight for 5 people. She stated that the office may need to be reconfigured.
- i) Tax Account Status Report for June-Tax Collector
- j) Revenue Transaction Report for May-CFO

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

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

**RESOLUTIONS – ON CONSENT:**

2008-185 authorizing a raffle license for the Union Church to hold an On Premise Gift Auction at their Parish Hall on September 27, 2008

- 2008-186 authorizing the change in text and title from Local Match for Future Grants to Ocean County Tourism Grant Match
- 2008-187 Chapter 159 Budget Amendment – Clean Communities Grant in the amount of \$7,932.54
- 2008-188 Chapter 159 Budget Amendment – Ocean County Transportation Grant in the amount of \$3,000.00
- 2008-189 Chapter 159 Budget Amendment – Ocean County Tourism Grant in the amount of \$1,050.00
- 2008-190 Chapter 159 Budget Amendment – Alcohol Education and Rehabilitation Grant in the amount of \$3,908.82
- 2008-191 Chapter 159 Budget Amendment – Cops In Shops Grant in the amount of \$1,200.00
- 2008-192 urging that the Governor and state legislators oppose affordable housing bills A-500 and S-1783 as creating further property tax increases
- 2008-193 authorizing the employment of two beach badge office clerks for the 2008 summer season
- 2008-194 approving renewal of membership in the Ocean Municipal Joint Insurance Fund
- 2008-195 authorizing an hourly rate change to \$16.12 per hour for Class II Officer Ryan Fitzgerald
- 2008-196 authorizing the employment of three beach badge checkers for the 2008 summer season
- 2008-197 establishing a new petty cash fund for the Police Department in the amount of \$250.00
- 2008-198 establishing a new petty cash fund for the Public Works Department in the amount of \$250.00
- 2008-199 establishing a new petty cash fund for the Administration Department in the amount of \$250.00
- 2008-200 rescinding a petty cash fund for the Municipal Alliance Committee
- 2008-201 supporting S-445 sponsored by Senator Joe Pennaccio called “Transparency in Government Act”
- 2008-202 authorizing the employment of a Plumbing Inspector and an Electrical Inspector for the Lavallette Construction Department

The Mayor opened Public Comment on all Resolutions and Vouchers.

There was no public comment.

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

**APPROVAL OF VOUCHERS:**

2008-203 Bills List in the amount of \$731,443.19

A Motion was made by Councilwoman Wenzel to Approve the Bills List. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone voted Yes. Councilman Lamb abstained on Purchase Order #08-0658 and voted yes to all others. The Motion passed.

**INTRODUCTIONS OF ORDINANCES:**

ORDINANCE NO. 2008-10 (1038) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED "STREETS AND SIDEWALKS" SO AS TO ESTABLISH A RESIDENTIAL PARKING PERMIT PROCEDURE AND FOR FEES FOR RESIDENTIAL PARKING PERMITS.

Council President Zalom stated that she was pleased with the decrease to \$150.00. She would like to see the yearly fee of \$150.00 also. She also stated that she is proud to be sitting with a Council that finally takes this seriously but the \$250.00 yearly fee is still too high.

Councilman Ardito stated that he too was pleased with the decrease to \$150.00.

Councilwoman Filippone stated that the space is good for 12 months out of the year not just seasonally. No one else can use that space while it is paid for by the permit holder. The yearly fee of \$250.00 is more than appropriate.

Councilwoman Wenzel feels the amount of \$250.00 is sufficient. The Council has been dealing with this problem for many years and this is the recommendations from the Parking Committee that we suggested be formed to help with the problems.

A Motion was made by Councilwoman Wenzel to Introduce for First Reading Ordinance No. 2008-10 (1038). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Stogdill, Filippone and Lamb voted Yes. Council Members Ardito and Zalom voted No. The Motion Passed.

Public Hearing and Final Adoption Scheduled for July 21, 2008

ORDINANCE NO. 2008-11 (1039) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO ESTABLISH A FEE

FOR THE USE OF MUNICIPAL PAVILIONS AND GAZEBOS AND FOR FEES FOR THE MAYOR TO OFFICIATE AT WEDDINGS.

Councilwoman Wenzel stated that she is still working on one of the artists in town creating a certificate for couples who get married here. She also contacted the art teacher at the Lavallette Elementary School and is just waiting for her to respond.

A Motion was made by Councilwoman Wenzel to Introduce for First Reading Ordinance No. 2008-11 (1039). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption Scheduled for July 21, 2008

ORDINANCE NO. 2008-12 (1040) - ORDINANCE OF THE BOROUGH OF LAVALLLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE BOROUGH CODE, ENTITLED "ELECTRICAL STANDARDS" SO AS TO PROVIDE FOR ADDITIONAL FEES FOR MUNICIPAL CONNECTION OF ELECTRICAL SERVICE WHERE EXTRAORDINARY OR UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING CONNECTION.

Councilman Ardito stated that this Ordinance is not consistent with JCP&L fees.

Mr. Parlow stated that it all depends on the scope of the work.

A Motion was made by Councilwoman Wenzel to Introduce for First Reading Ordinance No. 2008-12 (1040). The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption Scheduled for July 21, 2008

ORDINANCE NO. 2008-13 (1041) - ORDINANCE OF THE BOROUGH OF LAVALLLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 63 OF THE BOROUGH CODE, ENTITLED "WATER" SO AS TO PROVIDE FOR ADDITIONAL FEES FOR MUNICIPAL CONNECTION OF WATER SERVICE WHERE EXTRAORDINARY OR UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING CONNECTION.

A Motion was made by Councilwoman Wenzel to Introduce for First Reading Ordinance No. 2008-13 (1041). The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption Scheduled for July 21, 2008

ORDINANCE NO. 2008-14 (1042) - ORDINANCE OF THE BOROUGH OF LAVALLLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE, ENTITLED "STREETS AND SIDEWALKS" SO AS

TO ESTABLISH LIMITATIONS ON CONSTRUCTION RELATED STREET OR SIDEWALK OBSTRUCTION.

There was no action taken on this Ordinance. The attorney needs to make certain revisions to the proposed Ordinance.

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Magee Water Meter Order to Show Cause and Verified Complaint/Letter of Advice and Verified Complaint with Proposed Order to Show Cause/Received June 26, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water & Sewer, et al/There will be no water shut off for past due bills pending litigation/Received June 26, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Request for Opinion on Borough Oceanfront Regulation/Received July 2, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./2007 Audit/Cases in Litigation/Received July 2, 2008
- e) State of New Jersey/Government Records Council/Catherine Starghill, Esq., Executive Director/John Paff v. Borough of Lavallette/OPRA Request Complaint/Received July 2, 2008/ Attorney Response Attached

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Land and Ortley Avenue Road Improvements/letter to NJDOT/Core Waiver Request/Received June 5, 2008
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Tennis Court Restoration Fence Repair/Received June 2, 2008
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Maintenance Dredging at West Point Island Bridge/Received June 11, 2008
- d) Brinkerhoff Environmental Services, Inc./Melanie O. Rogacki/Project Manager/Remedial Investigation Report/Received June 19, 2008
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/Directional Boring for Storm Sewers/Received June 24, 2008-Councilman Ardito stated that he would like O'Donnell to look into further
- f) O'Donnell, Stanton & Assoc./Michael O'Donnell/Tennis Court Restoration/Final Pay Estimate/Pay Record May8, 2008 thru June 24, 2008
- g) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/Received June 26, 2008

New Jersey League of Municipalities:

- a) A-500, Affordable Housing/Received May 30, 2008
- b) Federal Election Resource/Received June 4, 2008

- c) Legislative Developments/Received June 6, 2008
- d) More Legislative Developments/Received June 6, 2008
- e) Security Bonds on Landlords/Received June 9, 2008
- f) Urgent Legislative Alert: Affordable Housing/A-500/S-1783/Received June 10, 2008
- g) State Budget Crunch Time/Received June 10, 2008
- h) COAH Challenge-Pledges/Received June 11, 2008
- i) SCS for S-241/394/1098 and 710/Property Tax Exemption for Renewal Energy Systems/Received June 11, 2008
- j) Two Issues/Permit Extension Act, A-2867/S-1919 Pension Reform/Received June 13, 2008
- k) Important New Information from the Division of Local Government Services/Received June 16, 2008
- l) A-500 Passes Assembly, Senate Vote on Monday/Received June 17, 2008
- m) Municipalities React to Budget Agreement/Received June 20, 2008
- n) Legislative Updates/Received June 20, 2008
- o) Job Line Rate Change-Effective August 1<sup>st</sup>/Received June 20, 2008
- p) Business Personal Property Tax Proposal/Received June 23, 2008
- q) Appellate Divisions Rules Open Space Set Asides and Contributions Not Authorized by MLUL/Received June 23, 2008
- r) Verizon Announces Grants to Promote Literacy in New Jersey/Received June 23, 2008-Council President Zalom stated that she would forward this to the school.
- s) Urgent Alert/Affordable Housing/A-500/S-1783
- t) State Budget Passes in Both Houses/Received June 24, 2008
- u) Pension Reforms Advanced to the Governor/Received June 25, 2008
- v) LUARCC Update/Received June 27, 2008
- w) A-500, Implementation of Commercial Development Fee/Received June 27, 2008
- x) Governor Signs Budget/Received June 30, 2008
- y) Affordable Housing/League Challenge of COAH Regulations/Mayors' Housing Policy Committee/Received July 1, 2008
- z) Formula Aid Allocations/Received July 1, 2008

#### General With No Action

- a) State of New Jersey/Division of Alcoholic Beverage Control/Chris Margounakis, Exec. Assistant/Special Ruling to Permit Renewal of Inactive License Pursuant to NJSA 33:1-12.39/Lenny's Pizzeria Restaurant, Inc./Received June 2, 2008
- b) Joseph Monti/26 Morton Drive/thanking Mayor and Council for including him in the Memorial Day Festivities/Received June 4, 2008
- c) New Jersey Asphalt Pavement Association/Brian N. Tobin, Executive Director/2007 Annual Report for the New Jersey Asphalt Pavement Association/Received June 4, 2008
- d) Cablevision/Adam E. Falk, Vice President/Launch of the Filipino Channel, GMA Pinoy TV and the iO Filipino Package/Received June 5, 2008
- e) State of New Jersey/Dept. of Labor and Workforce Development/Yustina Saleh, Director/thanking the Borough for our cooperation with the 2010 Census/Received June 5, 2008
- f) State of New Jersey/Division of Alcoholic Beverage Control/Joann Frascella, Exec. Assistant/approving the conflict liquor license for Sherman Hospitality, LLC/Received June 6, 2008

- g) United States Environmental Protection Agency/Alan Steinberg, Regional Administrator/ Highlights of EPA's Beach and Coastal Water Program/Received June 6, 2008
- h) Anthony and Ann Susinno/1606 Ocean Front/complaint about their property and the way it was left in reference to the dune and fencing during the repair on the boardwalk/Received June 11, 2008-Mr. Parlow stated he would like to discuss this in Executive Session.
- i) Partnership for a Drug-Free New Jersey/Angelo M. Valente, Exec. Director/thanking us for our support and cooperation in placing the "Grandma's Stash" web banners on our website/Received June 11, 2008
- i) Power to Learn/A Service of Cablevision/Adam E. Falk, Vice President/Don Viapree, Director/asking us to look over their materials they have given us in reference to "The Triple Play for Education"/Received June 13, 2008
- j) Joan Sica, 7 New Brunswick Avenue/expressing her concern over the non-beach access on New Brunswick Avenue/Received June 16, 2008
- k) Charles Mazzucco, 220 Bryn Mawr Avenue/expressing how the recycling center employee is an asset to this community and is a valued employee/Received June 17, 2008
- l) County of Ocean/Arthur Burns, Supt. of Recycling Operations/May 2008 Recycling and Compost Reports/Received June 17, 2008
- m) State of New Jersey/Department of Environmental Protection/Kathleen Cann/giving Lavallette Borough permission to maintain the three unauthorized access ways located at New York, New Brunswick and Trenton Avenues/Received June 18, 2008
- n) Ocean County Library/June Schneider/Branch Manager/thanking Council President Zalom, Borough of Lavallette, Municipal Alliance, Lavallette Police Department for their support with the "Battle of the Bands"/Received June 18, 2008
- o) Municipal bid/Municipal Auction Site/Greg Berry, Founder/For the Borough of Lavallette's Information/Received June 19, 2008
- p) Jeff Williams, 2105 Bay Blvd./expressing his pleasure to deal with Bernadette Stanton/ Received June 19, 2008
- q) Cablevision/Adam E. Falk, Vice President/Launch of CBS College Sports in iO Sports Pak/ Received June 20, 2008
- r) Simon's Soup Kitchen/John Salemi, Exec. Director/thanking Bernadette Stanton for collecting used computer ink cartridges on their behalf/Received June 23, 2008
- s) State of New Jersey/Department of Environmental Protection/Irene Kropp, Assistant Commissioner/Site Remediation Program/Received June 23, 2008
- t) Mr. & Mrs. Robert Avery/1803 Baltimore Avenue/thanking Bernadette at the Recycling Center for keeping it so nice and clean/Received June 24, 2008
- u) Robert Bassinski/16 Ortlely Avenue/thanking Bernadette Stanton for her good work/Received June 24, 2008
- v) Cablevision/Adam E. Falk, Vice President/Deletion of Leased Access Service Caribevision/Received June 25, 2008
- w) Sinn, Fitzsimmons, Cantoli & West/Kenneth Fitzsimmons/informing Mayor and Council that the Director of LOLA remains in opposition to locating Lenny's Pizzeria Application for a Plenary Retail Consumption License at either location of 403 or 404 Grand Central Avenue/Received June 12, 2008
- x) State of New Jersey/Department of Community Affairs/Benjamin Spinelli, Exec. Director/State Planning Rule Readoption Statement of Substance/Received June 6, 2008

- y) Daphne Iglesias/125 Philadelphia Avenue/thanking and supporting Bernadette Stanton and her contribution to the town/Received June 26, 2008
- z) State of New Jersey/Department of Community Affairs/Benjamin Spinelli, Executive Director/Proposed Repeal and Proposed New Rule for Plan Endorsement/Received June 26, 2008
- aa) Salmon Ventures, LTD/Edward H. Salmon/Shared Services/Received June 25, 2008
- bb) Bonnie J. Garo/217 Haddonfield Avenue/thanking and supporting Bernadette Stanton for her public services/Received June 25, 2008
- cc) Ocean County Utilities Authority/Joanne Kazanowsky, Executive Assistant/established bulk rate to be charged/Received June 30, 2008
- dd) Michael and Carole Falar/21 Washington Avenue/thanking Bernadette Stanton for a well done job at the recycling center
- ee) Cablevision/Adam E. Falk, Vice President/Deletion of World Picks Russian/Received June 27, 2008
- ff) Oliwa & Company/Robert S. Oliwa, CPA/letter to Division of Local Government Services advising them that the 2007 Borough Audit cannot be filed by June 30<sup>th</sup> because of a pending Attorney's response letter/Received July 1, 2008

General With Action:

- a) State of New Jersey/Council on Affordable Housing/Lucy Voorhoeve, Exec. Director/COAH's Revised Third Round Rules/Received June 2, 2008
- b) Clean Ocean Action/Casey Shanley, Coordinator/requesting permission to set up a COAST table on our beach or boardwalk for four hours on August 16, 2008 and August 17, 2008/Received June 5, 2008-The Council approved use.
- c) State of New Jersey/Department of Environmental Protection/John Flynn, Administrator/extending invitation to apply for Green Acres funds until September 30, 2008/Received June 6, 2008-No application to be submitted.
- d) Lavallette Municipal Alliance & Recreation Committees/Kathy Mango, Director/requesting permission to run their annual cancer walk on Sunday August 3, 2008 from 8am to 12 noon/Received June 10, 2008- The Council approved use.
- e) Mazza & Sons, Inc./Dominick J. Mazza, Jr./requesting a meeting to discuss streamlining the year-end reporting process/Received June 13, 2008-Councilwoman Wenzel reported that will address this.
- f) Faith Lutheran Church/MarthaJean Rioux, Administrative Assistant/requesting permission to hold their annual Rally Day Worship Service at the gazebo on September 14, 2008/Received June 18, 2008-Mayor stated that there is a conflict with the requested date. A Triathlon has been scheduled on this date. Church will be notified.
- g) Normandy Beach Improvement Association/Sheila Vinton, Director/requesting permission to use the ball field on July 9<sup>th</sup> and July 28<sup>th</sup> for their children's summer camp/Received June 18, 2008- The Council approved use.
- h) Kristina Sestokas/requesting to hold a 5K run/walk on August 24, 2008 in support of the cause "Run for the Fallen"/Received June 19, 2008- The Council approved use.
- i) American Public Works Association/Janet Leli, Chapter Administrator/requesting the Mayor to nominate an employee of Public Works for an award for their service/Received June 19, 2008-Mayor said he will discuss this with Councilwoman Wenzel.

- j) New Jersey Clean Community Council/Sandra Huber, Executive Director/requesting the Borough to file a Clean Communities Annual Report/Received June 20, 2008-Councilwoman Wenzel stated this would be taken care of.
- k) Summer 2008 Wind Energy Symposium/inviting our officials to attend their Symposium on August 11, 2008/Received June 20, 2008. Environmental Committee Members will be notified.
- l) Clean Ocean Action/Casey Shanley, Coordinator/inviting the Mayor to their kick-off press conference on July 3, 2008/Received June 23, 2008-Mayor LaCicero stated that Councilwoman Wenzel, himself and Council President Zalom attended this.
- m) Georgian Court University/Louise S. Wootton, Professor of Biology/requesting permission to access the dunes in Lavallette between June and September to see if we have Asiatic Sand Sedge which is invading our NJ dune ecosystems/Received June 23, 2008-Mayor stated that we need to receive State approval before we permit access to the dunes.
- n) The Salvation Army/inviting Mayor and Council to attend their annual dinner on September 22, 2008/Received June 24, 2008
- o) Thomas J. Quinn/1402 Ocean Front/requesting payment reimbursement of \$700 for a fence that was destroyed during the recent boardwalk reconstruction/Received June 26, 2008-Mr. Parlow stated that he would like to discuss this in Executive Session
- p) New Jersey Society of Municipal Engineers/C. Richard Roseberry, President/requesting the Mayor to encourage our Borough Engineer to participate in this awards program/Received June 30, 2008
- q) General Assembly of New Jersey/Alex DeCroce/requesting the governing body to list the state mandates that they think should be repealed or changed/Received June 30, 2008-Mr. Parlow stated that he would respond.
- r) Lavallette Municipal Alliance/Kathy Mango, Director/requesting to hold a "skimboarding" contest on July 25<sup>th</sup> from 9am to 12 noon on the ocean/Received July 1, 2008- The Council approved use.
- s) Lavallette Municipal Alliance/Kathy Mango, Director/requesting to hold a Kids Triathlon on the Bayfront on September 13<sup>th</sup> from 9-11 am/Received July 1, 2008- The Council approved use.
- t) New Jersey Council On Special Transportation/Michael M. Vieira, President/requesting support for Legislative Bills Assembly-2046 and companion Bill Senate-1830/Received July 2, 2008-Mayor LaCicero asked that this resolution be on for the next meeting.

#### **UNFINISHED BUSINESS:**

Councilwoman Wenzel questioned whether or not a letter was sent to Ciesla's office in reference to the sump pumps.

Council President Zalom stated that she spoke to the State about the problem and they said anyone draining on the highways should be fined.

Councilwoman Wenzel stated that she thinks that a letter from Mayor and Council to Senator Ciesla asking him for his help in this situation might be of some help to us.

Mr. Parlow stated that he would draft a letter for Mayor and Council's approval and send it to Senator Ciesla's office.

Councilwoman Wenzel stated that she would like Council to authorize Mr. Parlow to put together bid specifications to go out to bid for a garbage truck.

Mr. Parlow stated that a bond ordinance for the purchase of vehicles needs to be approved prior to the preparation of specifications and the receipt of bid.

Councilwoman Wenzel stated that there are only seven blocks remaining for the boardwalk repair. She is hoping it will be finished by the end of the year.

Councilman Ardito questioned the crossing guard issue and stated that he believe the matter was already discussed.

Councilwoman Filippone stated that the hours and days should be determined by the Chief. The Council did discuss the days as to be weekends and some holidays. The hours that were discussed were from around 10 to 11am to around 2 or 3pm. The Chief should make the decision based upon the need. She will discuss the issue with the Chief.

#### **NEW BUSINESS:**

Councilwoman Wenzel stated that she cut out a few articles about issues she thought were important to Lavallette. There is an Assemblyman who is trying to pass a bill to have the State run all of New Jersey's beaches. She did not believe this was a very good idea at all. She commented that she is concerned with the proposition that the State may operate our beaches. She commented that the Borough should keep a look out for this bill so that we can oppose it. She also read where the State has removed money from the beach replenishment fund to help pay for park operations. She objected to this use.

Councilman Ardito stated that Beachwood has a wind turbine down at their Public Works Department. He has tried to take a look at it but he could not locate it. He also reported that there are also special solar roof shingles that are coming out. The shingles are very thin and would conserve energy. We should keep an eye out for these things.

Councilman Stogdill stated that on Sunday night when he was driving down Bay Boulevard there was an officer directing traffic because of the crowd from the concert. The uniform the officer was wearing was very dark and we could barely see him. He stated that this is a very dangerous situation and he should be directed to wear a neon safety vest.

Mayor LaCicero stated that he received a request from the Beautification Committee for permission to buy nine more benches and one garbage receptacle. He asked for a resolution to be placed at the next Council Meeting.

Also, Bay Beach Way property owners did receive the approval from a judge to join Lavallette Borough. The Borough would need to look into this matter further. The first thing the Borough need to do is create an Annexation Committee to further research the steps in going about this.

Councilwoman Wenzel requested that Mr. George keep a separate itemized list of anything pertaining to this annexation.

Mayor LaCicero stated that the committee needs to consist of three members. He suggested Councilman Lamb, Mr. Parlow and either the CFO, the Tax Assessor or the Auditor.

Councilman Ardito stated that he believes that the street will need to be purchased.

Mayor stated that is one of the issues the Committee will have to research.

Mr. George stated that the Committee can only consist of three people and must meet the Monday after the Ordinance takes effect.

Councilwoman Filippone questioned whether the laws have changed in twenty five years on annexations. If not, we should take a look at the other two annexations we have done.

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

Mr. Kinney, 23 Philadelphia Avenue-He stated that the signs need to have the time frame they can be on the boardwalk not just one time. The bicycle problem on the highways is horrible. People are going the wrong way all the time.

Councilwoman Filippone stated that she needs to remind the Chief again to have the guys patrol the bike problem.

Councilman Ardito stated that the bicycle situation is out of control and he does not think it will ever get in control.

Clem Boyers, 20 Kerr Avenue-He thanked Councilwoman Wenzel for quickening the Parking Ordinance. Even though the Ordinance is needed and so is the yearly fee, he feel that the fee of \$250.00 is a little much for this year.

Councilwoman Wenzel stated that by the time all the details get addressed the use of these spots will probably not take place until 2009.

Mr. Boyers also stated that they did a great job with the boardwalk and the fence problem. There are still some little dangerous situations with fence spikes sticking up out of the sand. The condition is much better than last year but still some left in the North End.

Sarah Normandin, 20 Bond Avenue-stated that the bike situation is atrocious. She has observed all kinds of rules being broken. She also stated that the police have done nothing about it and are very lazy.

Pat Slowinski, 1902 Baltimore Avenue- stated that she has not seen one police officer even trying to fix the bike problem. She sees bicycles going the wrong way with police right there watching them.

Cathy Morolda, 102A President Avenue- thanked Mayor and Council for the parking spaces. She thinks the fee of \$250 is a little steep but she is thankful for the effort. She asked why the Crab's Claw is not being held accountable for the parking problem in that area since it is all the workers that are creating the problem.

Mayor LaCicero stated that the Borough can not tell people that they can not park there just because they are employees of the Crab's Claw. The off street parking is available to everyone. That is why with this permit decal, if someone is parked in your spot they will be ticketed and if necessary towed.

Mrs. Morolda went on to say that she thinks something also needs to be done about the bicycle problem and maybe the bikes should be allowed to ride the boardwalk all day.

Councilwoman Filippone stated that the only problem that we have with the bikes is that people on them do not obey the laws. It is not Lavallette's problem it is the people on the bike's problem. They do not obey the State Laws of following with the traffic not riding against it. That is a State law and always has been. In her opinion, the people on the bikes who are not riding with the flow of traffic should be ticketed and the ones on the boardwalk that should not be there should be ticketed. The bikers create their own chaos.

Councilman Lamb stated that he was up on the boardwalk with the beach patrol this weekend and the bike problem was wreaking havoc everywhere. The people walking had to dodge the bikes. It was horrible. He placed a call to the Chief to send an officer up to tell these the people that they can not ride on the boardwalk. There were also people up there with there dogs that needed to be told to get off the boardwalk with there dogs.

Councilman Stogdill stated that he grew up in this town as a child and the rule was if you wanted to ride your bike, you rode it on Bay Boulevard no matter where you wanted to go or get to, you did from Bay Boulevard. The bikes should not be on the highways.

Judy Farfalla, 15 Bond Avenue stated that the police are wonderful this year considering all they have to deal with this summer. They are very alert and eager to help. She had an incident with her elderly mother who had felt faint in B & B. She took her outside on the bench to get some air and a police officer who was riding by on a bicycle stopped and asked if she needed assistance. He knew that the situation looked like we might need help. She commended the police for their astuteness.

Robert Marra, 102 President Avenue thanked Mayor and Council for the Ordinance with the Permit Parking but feels the \$250.00 is ridiculous. The taxpayers should not have to pay that price for needing a parking spot. He feels the Crab's Claw should be accountable in some way. He never had a driveway; however, the business district has increased, the people in town have increased and the traffic has increase three fold. He never needed a driveway until a couple of years ago.

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

Councilman Ardito stated that he spoke to the person on the corner on highway about their sump pump. Their answer was giving us a solution because if we do not do this we will lose our home.

Councilwoman Wenzel stated that Bay Boulevard has a problem with the pine trees. They have been infected with a nematode fungus. Eventually they will all die and we will have no more pine trees.

She stated there was a Press Conference held by Save Barnegat Bay to discuss too much nitrogen in the Bay. The primary source of this is from fertilizer. The fertilizer creates too much algae in the bay and that suffocates our bay creatures.

Council President Zalom stated there is a new device out that keeps the geese away from certain areas. We should look into because the ball field is a mess.

**EXECUTIVE SESSION:** Mr. George stated that we needed to go into Executive Session to discuss possible litigation matters with no action being taken.

A Motion was made to go into executive session by Council President Zalom. The Motion was seconded by Councilwoman Wenzel. All Council Members were in favor. The Motion passed.

Council adjourned to Executive Session at 10:28 pm.

A Motion was made by Councilman Stogdill to resume regular session. The Motion was seconded by Councilman Lamb. All were in favor. The Motion passed.

Regular Session resumed at 10:45 pm.

Mayor LaCicero asked the Borough Attorney to report on the content of the items discussed in executive session.

Mr. George stated that three claims for reimbursement were discussed for fence repairs along the boardwalk. Only one claim was resolved and no other action was taken.

**ADJORNMENT:**

A Motion was made by Councilman Stogdill to adjourn the meeting. The Motion was seconded by Councilwoman Wenzel. All were in favor. The Motion passed.

The Meeting was adjourned at 10:46 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 Mayor and Council held on the 7<sup>th</sup> day of **July 2008**.

\_\_\_\_\_  
Christopher F. Parlow  
Municipal Clerk