

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, May 4, 2009 – 7:06 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 9, 2009. Notice was also posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Alfonse Klaips a long time resident and employee who passed away recently.

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

MAYOR’S WELCOMING STATEMENT: At this time, the Mayor stated that anyone who wished to speak and could not stay for the rest of the meeting could do so now; however, if they were going to stay for the meeting they had to wait until the end for public comment.

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

Doug Houser, 1702 Bay Blvd stated that he has been a long time resident and is also a Science teacher at Brick Memorial High School. He stated that there is a letter from him listed on the agenda in the “with action” section. He stated he is requesting permission from Council to hold a Forensic Science Camp for kids 10-15 years of age. He will be holding this camp at the Lavallette Elementary and he has already received permission from them. He would like to do this the week of July 13th from 9am to 12 noon, Monday thru Friday.

Mayor LaCicero stated that as long as the school gave permission to hold the camp he believes there should be no problem.

Council President Zalom stated that Mr. Houser came to the Recreation meeting and gave his presentation and she thought it was a great program and will be very exciting for the children.

Councilwoman Wenzel questioned whether it would be for all children in Lavallette.

Mr. Houser stated that the age group is 10-15 years but will be for all children that are in Lavallette summer or winter.

Joy Grosko, 13 Camden Avenue questioned whether or not the Mayor has heard from Mr. Kerwin on the contract.

Mayor LaCicero stated that he has had some discussions with Mr. Kerwin and we will be discussing it in Executive Session.

Mrs. Grosko stated that there was some damage to the area where the flag is by the gazebo. The bricks need to be replaced and we are going to get a new flag. This will be paid for by the Heritage Committee and will be all done before Memorial Day.

Tom Cullen, 507 Bay Blvd stated that he reviewed the Master Plan of Lavallette and in the plan it states that there will be no commercialization of the boardwalk or beach. This is the guidelines for the town to follow.

He also participated in the Beach Sweeps last week and does not agree with the tally figures. He picked up at least 40 rusty nails by the area of the beach that people sit and relax. He stated that someone is going to get hurt.

He also stated that there is a piece of vacant land fenced in next to Schlosser Real Estate that is an eyesore to the town. Maybe we need to contact the owner and see if it could be used for something.

APPROVAL OF CLERK'S MINUTES

Regular Minutes of April 20, 2009
Executive Session Minutes of April 20, 2009
Budget Meeting of April 15, 2009

A Motion was made by Council President Zalom to adopt the Minutes. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Filippone voted Yes. Councilman Horan Abstained on the April 15th Minutes and voted Yes on both April 20th Minutes. The Motion passed.

REPORTS:

- a) Police Overtime Report for April-Councilwoman Filippone-read report. Mayor LaCicero stated that the Asbury Park Press had an article in the paper on Sunday with how many summonses for each town. All the towns were down by 11% for their summonses but Lavallette was up 28%. That should say something about our Police Department
- b) Public Affairs Report-Council President Zalom stated there were 85 people that attended the Beach Sweeps and it was the biggest attendance so far. Thanks to Clem Boyers who is always there to help her set up for the event and to Michele Burk who did the tabulations for her. The highest volume of tabulations were caps and lids. Thanks to the residents of Lavallette for

sending the letters to Ciesla's office. She stated that the Borough's prayers have finally been answered. Senator Ciesla's office called Mr. Parlow today and stated that the Route 35 roadway and drainage project will start in 2010 and will be completed in 2012. They stated that they received a lot of letters from residents of Lavallette and they are the reason it is getting done. The Clam that we are going to be putting at the Welcome Center will be the first clam on the Northern Barrier Island. We will be having our Memorial Day event on May 25th and the Color guard from Lakehurst will be attending again. Our dog walk will be on May 30th. The town wide Garage Sale will be on June 6th & 7th and cleanup day will be June 8th. The calendars went out last week so you all should be receiving them if you did not get them already. She reminded all that the PTA Gift Auction is on May 30th.

- c) Animal Control Report for April-Councilwoman Filippone-read report
- d) Planning Board Report for April-Councilwoman Filippone-There was one case at our last meeting with a lot of issues so it was held over to the next meeting for more discussion.
- e) Zoning Report for April-Councilwoman Filippone-read report
- f) Construction Office Report for April-Councilwoman Filippone-read report. There is a tremendous amount of work in that department. The Construction Official did 101 inspections by himself last month. The workload for the clerical is also overloaded. Mayor LaCicero asked Mr. Parlow if the employees in that department are on an hourly rate so if they needed to put in more hours it would be okay. Mr. Parlow stated that they are salaried not hourly so we would have to adjust their salaries.
- g) Municipal Court Report for April-Councilwoman Filippone-read report
- h) Utilities Report for April - Councilman Horan stated that he attended a seminar on New Jersey Downtown Revitalization to see what they had to help the Lavallette Business Association. There are funds available but most of them are going to the bigger cities. They did have some good ideas which I will be presenting to the LBA at their next meeting.
- i) Tax Account Status Report for April-Tax Collector
- j) Revenue Transaction Report for March-Chief Financial Officer
- k) Annual Report of Taxes Not Collected-Tax Collector

A Motion was made by Councilwoman Wenzel to Approve the Reports. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

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

RESOLUTIONS – ON CONSENT:

- 2009-130 authorizing the treasurer to refund a credit balance on his electric bill in the amount of \$558.57 to Theodore Sabarese of 500 Ocean Front
- 2009-131 authorizing temporary budget appropriations
- 2009-132 approving a raffle license to the Lavallette PTA for their Gift Auction to be held on May 30, 2009 from 5pm to 11 pm to be held at St. Pio of Pietrelcina Parish Hall.

- 2009-133 authorizing a recycling tonnage grant application for 2009
- 2009-134 authorizing the disposal of old playground equipment and an old copy machine in order to be removed as a fixed asset
- 2009-135 proclaiming the month of May 2009 as “Older Americans Month”
- 2009-136 awarding a contract to Garden State Fireworks to have our Fireworks Display on July 5, 2009-Council President Zalom stated that for the last five or six years Vineland Fireworks have been doing our fireworks.
- 2009-137 authorizing the appointment of Anthony Gallo as a Beach Badge Checker Supervisor at an hourly rate of \$13.00
- 2009-138 approving the Lavallette First Aid to submit an application for a social affairs permit to be used in conjunction with the Heritage Day Festival on September 12, 2009
- 2009-138A authorizing the Mayor to execute an amendment to the commodity resale agreement with the Township of Toms River to the resale of gasoline and diesel fuel-Mr. Parlow stated that we have a commodity resale agreement with Toms River Township and in order to charge the 5% administrative fee we need to modify the agreement.
- 2009-138B refund of a Residential Parking Permit fee in the amount of \$250.00 payable to Mildred Allegar of 114 President Avenue-Councilwoman Filippone stated that she that there is some legislation waiting for approval that would give the Borough the ability to lessen the length of the yellow curb from a stop sign or intersection. She suggested that we should have our residents send letters about our yellow curb problem and try to get our yellow curbs lessened. Mr. Parlow stated that the curb cut on this property is a joint curb cut so Mr. Allegar needs to discuss it with his neighbor. In the meantime, he has requested a refund of his parking permit fee.

The Mayor opened the floor to public comment on any item on the consent agenda or the bills.

Pat Marrone, 11 Elizabeth Avenue stated that she wanted to comment on the drainage project. The Beautification Committee was part of trying to get that project done. The Committee came up with the streetscape plan to help with the beauty of the town. Just to let you know if this is going to happen for real this time than that streetscape plan should be revised. Maybe you can put together an advisory committee to do some revisions to it. My only suggestion is that if you are going to revise the plan to please include trees in it.

Councilwoman Filippone stated that they did a roadway project in Bay Head and pulled out a lot of trees. Her suggestion would be not to do anything with trees until after this project is complete. She reported that one permit could be submitted for all of the trees on Route 35.

Councilwoman Wenzel stated that she had two trees in front of her store that were going to have to be removed for the Route 35 North project and the DOT gave her a list of replacement trees to choose from and they would replant two trees in front of her property.

Mrs. Marrone stated that the DOT has only three different types of trees to choose from.

There was no addition public comment.

The Mayor closed the floor to public comment and asked for a vote.

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

RESOLUTIONS-OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2009-139 Bills List in the amount of \$3,060,521.83

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./James Cavanaugh v. Borough of Lavallette/Received April 8, 2009
- b) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./New Jersey Family Leave Insurance/Received April 20, 2009
- c) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Draft Letter for MacDuffie Bus Lease/Received April 21, 2009
- d) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Parking Permits Request for Opinion Regarding Parking Meter Installation/Received April 21, 2009
- e) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Barnegat Bay Clamming Trail Clamshell Placement Request for Opinion Regarding Zoning Exemption/Received April 21, 2009-Mr. George stated that Councilwoman Wenzel might want to speak to the Zoning Officer on where the clam should be located for safety reasons
- f) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Barnegat Bay Clamming Trail Clamshell Placement Request for Opinion Regarding Zoning Exemption for Private Lot Placement in the B-1 and B-2 Business Zones/Received April 21, 2009

- g) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Voting Powers of Mayor in Mayor/Council Borough Form of Government/Received April 22, 2009
- h) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received April 22, 2009
- i) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Lifeguard Stand Beach Advertising Contract with Kerwin Communications/Lavallette Voters & Taxpayers/Received April 29, 2009
- j) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received April 28, 2009

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Kerr Avenue Road Improvements Punch List/Received April 27, 2009

New Jersey League of Municipalities:

- a) Governor Helps League Kick-Off Census 2010 Campaign/Received April 1, 2009
- b) S-2711-Revises Reassessment Procedures/Received April 1, 2009
- c) New League Service-Recruitment and Selection Advisory Service Launched/Received April 1, 2009
- d) Tax Exempt Bond Provisions Included in Stimulus Bill/Received April 2, 2009
- e) Mortgage Stabilization and Relief Act Notification Requirements/Received April 2, 2009
- f) Tax Appeals Hit Local Budgets Again/Received April 2, 2009
- g) Reminder-Free Limited Membership in International Municipal Lawyers Association (IMLA)/Received April 3, 2009
- h) Census 2010 Update/Received April 6, 2009
- i) Age-Restricted Housing Conversion Legislation/Received April 6, 2009
- j) Important New Information from the Division of Local Government Services/Received April 7, 2009
- k) Funding For Local Volunteers to Assist in Digital TV Conversion/Received April 7, 2009
- l) Reminder: Sustainable Jersey Small Grants Funded by Wal-Mart/Received April 7, 2009- Council President Zalom stated that the Environmental Committee has applied for this grant.
- m) DEP Permit Efficiency Review Task Force Implementation Plan/Received April 7, 2009
- n) Ask Your Legislators to Support Our Call for Mandates Relief/Received April 9, 2009
- o) Affordable Housing, COAH Challenge League Files Response to COAH/Received April 13, 2009
- p) Important New Information from the Division of Local Government Services/Received April 13, 2009
- q) New Civil Service Rule Regarding Furloughs/Received April 13, 2009
- r) Stimulus Funding Update on Department of Community Affairs Programs and Priorities/Received April 14, 2009
- s) Additional Municipal Transportation Funding Proposed for FY 2010/Received April 14, 2009
- t) Destination Marketing Organizations (DMO)/Received April 15, 2009
- u) Two Issues/S-2484, Commercial Development Fee/New Information from US Department of

- Labor and US Department of Health and Human Services/Received April 16, 2009
- v) Predatory Towing Prevention Act, Chapter 39, P.L. 2009/Received April 17, 2009
 - w) Extended Unemployment Benefits/Received April 17, 2009
 - x) Efficiency and Conservation Block Grants Program/Received April 17, 2009-Council President Zalom questioned whether we would be eligible for these programs. Mr. Parlow stated that these grants will piggyback with the Municipal Energy Audit. Once the audit is complete and a report is issued the Borough will be able to apply for additional grant funds. Unfortunately most of the monies are allocated to the larger cities but we should be eligible for something.
 - y) We Work for Health Campaign/Received April 17, 2009
 - z) Appeals Court Decision on Civil Service Emergency Rule/Received April 20, 2009
 - aa) Vehicle-Washing Requirements under Municipal Stormwater Permits/Received April 20, 2009
 - bb) 2nd Annual Central Jersey "Mayors Healthy Cook-Off"/Received April 21, 2009
 - cc) Working Together to Solve New Jersey's Blood Shortage through Workplace Blood Drives/Received April 22, 2009
 - dd) Mandates Relief Binding Arbitration Reform/Received April 23, 2009
 - ee) Census 2010 Dorms and Residence Halls/Received April 28, 2009
 - ff) NJDEP Beach Access Regulations Will Not Become Law/Received April 28, 2009-
 - gg) Public Health Emergency Declared/Received April 28, 2009
 - hh) Census 2010 Update-Address Canvassing Begins/Received April 27, 2009
 - ii) Identity Theft Protection Plan Requirements (Red Flag Rules)/Received April 30, 2009-Mr. Parlow stated that this should be included in our Borough Code. He will draft the Ordinance and have it on for the next meeting.
 - jj) Swine Flu News for You to Use NJ DHHS Establishes "Hot Line"/Received April 30, 2009
 - kk) Important Federal Recovery Act Grant Application Changes/Received April 30, 2009

General With No Action:

- a) New Jersey American Water/Jason Gonzalez, Vice President/Virtual Annual Report/Received April 6, 2009
- b) Cablevision/Adam E. Falk, Vice President/ABC Plus Ceasing Operations/Received April 6, 2009
- c) United States Environmental Protection Agency/Ronald Borsellino, Acting Director/Greening the Implementation of State Revolving Loan Fund Projects/Received April 8, 2009
- d) State of New Jersey/Department of Environmental Protection/Stephen Dilts, Commissioner/Accepting Applications for the Transportation Enhancement ARRA (Economic Recovery) Program/Received April 8, 2009-Council President Zalom stated that we have had a project ready for years now and she believes the Engineer applied for this a few years ago and we did not receive the grant. She thought we should apply for this again since we have everything done on it from before. She believes it was for the B2 district and the Beautification did the streetscape plan. Councilwoman Wenzel stated that she had a problem with the Belgium curbing that was presented last time. Mr. Parlow stated that he has not been able to come across solar street lights for commercial lighting. They have them for residential but he has not seen a lot of choices for street lighting. Councilwoman Wenzel stated that they seem to be only available in foreign countries. Councilwoman Filippone stated that she is not comfortable doing any of this until after the roadway project is complete.

- e) Memo to Mayor George Nebel/Peter Strohm/2009 Coastal Summit/Received April 13, 2009
- f) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/March 2009 Recycling & Compost Reports/Received April 20, 2009
- g) Congress of the United States/House of Representatives/John Adler, Congressman/AFG Grants Available to First Responders/Received April 20, 2009
- h) Optimum Interactive/Certain Channels will only be available with a Digital Cable Box/Received April 21, 2009
- i) Ocean County Utilities Authority/Keith Marcoon, Planning/Metering Engineer/2009 Metered Flow Data/Received April 21, 2009
- j) State of New Jersey/Department of Environmental Protection/Stanley Cach, Assistant Director/OCUA pursuing financial assistance for construction of improvements to certain areas of interest/Received April 22, 2009
- k) New Jersey General Assembly/Reed Gushciora, Assemblyman/Amending Assembly Bill 3690 removing Lavallette from joining Toms River/Received April 22, 2009-Mayor stated that thanks to the Lavallette Voters & Taxpayers having that meeting with Mr. Guschiora and all the letters and phone calls from our residents he has decided to remove Lavallette Borough as one of the towns to consolidate.
- l) Cablevision/Adam Falk, Vice President/Launch of Live Well HD Network/Received April 23, 2009
- m) Cablevision/Adam Falk, Vice President/Launch of 8 HD Channels/Received April 23, 2009
- n) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Chief/Modification to the Regulations Governing the Operation of the Route 30 Bridge, At Intracoastal Waterway, Across Beach Thorofare at Atlantic City, NJ/Received April 24, 2009
- o) Jersey Central Power & Light/Michael J. Filippone, Director/Proposed Economic Stimulus Demand Response and Energy Efficiency Programs/Received April 24, 2009
- p) Congress of the United States/House of Representatives/John Adler, Congressman/Time Of Use Metering Project for FY 2010 has not been approved/Received April 27, 2009-Mayor LaCicero stated that unfortunately this project we sent for stimulus money has been rejected. He asked Mr. Parlow if the project was still included in the capital budget. Mr. Parlow stated that only the cost of the straight replacement meters is included and not the price of the time of use meters.
- q) Board of Chosen Freeholders/John P. Kelly, Freeholder/101 Days of Safe Summer 2009/Received April 27, 2009
- r) Birdsell Engineering Services/Municipal Stormwater General Permit Renewed with NJDEP Changes/Received April 27, 2009
- s) State of New Jersey/Department of Law & Public Safety/Anne Milgram, Attorney General/Cops In Shops Summer Shore Initiative 2008/Received April 29, 2009-Council President Zalom thanked the Police Dept. for their participation
- t) Scibal Associates/Susan Lovett, Assitant Liability Supervisor/Voters & Taxpayers Assoc. v. Borough of Lavallette/Received April 29, 2009
- u) Congress of the United States/House of Representatives/Congressman John Adler/Advising of the submittal of the Lavallette Police Department Communications Update Project to the Appropriations Committee for approval/Received April 28, 2009-Mayor LaCicero stated that we have received notice that our request for the Lavallette Police Communications Update has been sent to the Appropriations Committee for approval.
- v) Scibal Associates/William Frambes, Senior Claims Analyst/Voters & Taxpayers Assoc. v.

Borough of Lavallette/Received April 28, 2009

- w) Ocean County Department of Solid Waste Management/Ernest Kuhlwein, Jr., Director/Ocean County Master Composter Training Program being offered in the fall/Received April 28, 2009- Council President Zalom stated that if anyone was interested in this she will leave copies at Borough Hall.
- x) NJ Transit/John Leon, Senior Director/Advising them 72 hours in advance when we have traffic detour in our town/Received April 22, 2009
- y) Michele Donato/2200 and 2202 Ocean Front/Beach and Dune Maintenance/Received April 30, 2009-Mayor LaCicero stated that he would like this item discussed in Executive Session.
- z) Office of the Ocean County Engineer/Frank Scarantino, Engineer/Dickman Drive Outfall Reconstruction/Received April 24, 2009-Mayor LaCicero stated that this has been on our request list for the County for a couple years now and finally it is going to get done.

General With Action:

- a) Francis D'Aquila/124 Brooklyn Avenue/requesting a handicap parking space in front of his home/Received April 20, 2009-Mr. Parlow stated that the Chief is looking to see if there is a suitable space available on Brooklyn Avenue.
- b) Boy Scout of America Troop 22/Valentino Borrelli/requesting to hold their 3rd Annual Jesse Anderson Triathlon on September 20, 2009 from 5:00 am to 12 noon/Received April 22, 2009-Mayor LaCicero stated that this has been an annual event for the last couple of years. He does not see any problems.
- c) Doug Houser/Bay Blvd/requesting to hold a Forensics Summer Camp to be held at the Lavallette School for one week in the summer/Received April 22, 2009-Mayor LaCicero stated that Mr. Houser spoke about this before and it is not a problem.
- d) Michele Donato/Application by Steve's Personal Transportation Service from 138 Princeton Avenue requesting a Auto cab License in the Borough of Lavallette/Received April 20, 2009-Mr. Parlow stated that Ms.Donato has asked to have this item placed on the next agenda.
- e) NJBIA/Philip Kirschner, President/requesting the Mayor's Attendance on June 16th at their 50th Anniversary ELC Dinner featuring the Candidates running for Governor/Received April 27, 2009-Mayor LaCicero stated that he would check his schedule.
- f) Ocean County Library/Upper Shores Branch/June Schneider, Branch Manage/requesting use of our sound system for their Battle of the Bands on June 13, 2009-Mayor stated that we have always let them use our sound system for this event.
- g) Playball Sports, Inc./requesting use of our ball field for their Pro-Player Summer Baseball Camp to be held either July 13th thru July 16th, July 20th thru 23rd or August 10th thru 13th or August 24th thru 27th/Received April 16, 2009-Mayor LaCicero asked Mr. Parlow if he could coordinate the date with this company.
- h) Zachary Hesse/requesting a hardship to his fines he owes for the confiscation of his sail boat he neglected to remove from the beach/Received April 9, 2009-Mr. George stated that we can not waive the fines for this man.
- i) Ocean County Police Chief's Association/Chief William Dikun/requesting the Mayor's Attendance at their 18th Annual Law Enforcement Memorial Day Observance at the Ocean County Police Academy on May 15, 2009/Received April 8, 2009-Mayor stated that he would check his schedule
- j) Borough of Seaside Park/Barbara Greger, Deputy Municipal Clerk/requesting the Mayor's

attendance at their Memorial Day Services held on May 25, 2009 at 9:30 am/Received April 29, 2009-Mayor stated that he cannot attend because he will be attending our services.

- k) Lavallette Volunteer Fire Co. #1/James Borowski, Secretary/requesting the Borough assume the responsibilities of taking care of the plantings in front of the Firehouse/Received April 28, 2009-Councilwoman Wenzel stated that she would take care of scheduling a meeting with them for further discussion.
- k) WWFM/Peter Fretwell, General Manager/requesting to be released from their remainder of their lease with the Borough/Received April 30, 2009-Mr. Parlow stated that this needs to be discussed in Executive Session
- l) Lavallette Municipal Alliance & Recreation Committees/Kathy Mango, Director/requesting approval for their Town wide Garage Sale and their Movies on the Bay/Received May 1, 2009-Mayor stated these are annual events that get approved every year.
- m) Lavallette Municipal Alliance & Recreation Committees/Kathy Mango, Director/requesting to hold their Skim boarding Contest on July 24th on the beach south of President Avenue/Received May 1, 2009-Mayor stated that these are also annual events that get approved every year.
- n) Lavallette Municipal Alliance/Kathy Mango, Director/requesting to hold their Breast Cancer walk on August 2, 2009/Received May 1, 2009-Mayor stated that we approve this every year.
- o) Lavallette Municipal Alliance & Recreation Committees/Kathy Mango, Director/requesting to hold their sandcastle and kite contests on July 10th/Received May 1, 2009-Mayor stated that we approve this every year.

UNFINISHED BUSINESS:

Council President Zalom stated that now that we have the bus the PNC Arts Center has some free shows for seniors in June that we are looking into. She will let you know more when she receives the information.

Councilwoman Filippone stated that they had their first Bike Safety meeting on April 29th. The Chief researched other towns that had a boardwalk and they have restricted hours. These towns also do not have highways like we do. We all had different views but we decided that nothing will be done for 2009 it will remain the same as it is now. We will focus on bike safety with big posters distributed everywhere and the bike safety cards on. We will try to have some school programs on the safety of bike riding. We will make sure the rules go on our website. The officers will ticket or give warnings at their discretion. We also are looking into warnings about bike safety at the entrances to town. Some suggestions were trying the bikes on the boardwalk more on the weekdays than the weekends. She also reminder everyone that if you are under the age of 18 years of age you must wear a helmet.

Council President Zalom stated that they are looking for grants for bike safety with larger amounts of money.

Councilwoman Filippone also stated that they are looking into some no turn signs on every street end. There is a second meeting scheduled for May 20th at 4pm and more ideas will be discussed then.

Councilwoman Wenzel stated that Save Barnegat Bay is having there bayfront cleanup on Saturday as well as a number of volunteers to help us with the native plantings by the tennis courts at 9am.

She also reported that the Environmental Committee had their meeting at the Library on Wednesday of last week and we viewed “An Inconvenient Truth”. Also, the Public Works Department has received a textile container from “Planet Aid”. All materials received will be donated to Africa.

NEW BUSINESS:

Councilman Lamb stated that Coley Brice, Jr. had approached him on an idea to hold a Barnegat Bay Folk & Blues Festival at the Gazebo sometime in September. He told him to speak with Mrs. Grosko and work out the details with her.

COMMENTS FROM THE PUBLIC:

Joseph Palinsky, 122 Washington Avenue stated that the radio station has caused this town nothing but problems with interference with their radios and their televisions. This town would only benefit from the termination of the contract.

He also asked about the correspondence received form Scibal Associates in reference to not providing coverage against the lawsuit filed by the Lavallette Voters & Taxpayers.

Mr. George stated that it will all depend on the resolution of the case but Scibal does not cover certain types of claims such as back pay.

Mr. Palinsky stated that he does not think we should pay for any of it and thinks it is all a waste of time and money. As far as the Enhancement Project maybe we should revisit the lighting aspect of it and go with the dark sky initiative.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Horan stated that he and Mr. Parlow have been reviewing the self generation Ordinance and thinks maybe the reason why no residents have applied for it is because the fee of \$4,500 is too high. He recommending revising the ordinance fee to \$1,500 and see if that helps.

He reported that the Energy Audit for the municipality will begin something within the next week.

Mr. Parlow stated that the Power Group is looking to purchase another block of power extending out beyond 2010. He reported that energy prices appear to have stabilized. Prices are currently lowered than our existing contract.

Councilwoman Wenzel wanted to say “Happy Birthday Crab’s Claw”.

EXECUTIVE SESSION:

Mr. George stated that we need to have an Executive Session on issues dealing with a lawsuit from the Lavallette Voters & Taxpayers Association of Lavallette and settlement negotiations with Kerwin Communications. We also will be discussing proposed boardwalk reconstruction issues at 2200 Ocean Front and some updates on the NJDEP litigation. We also will be discussing the possible early termination of a contract with WWFM. There might be some action to be taken.

A Motion was made by Councilman Horan to go into Executive Session. The Motion was seconded by Councilwoman Wenzel. All were in favor of. The Motion passed. The meeting was adjourned at 8:56 pm.

A Motion was made by Councilwoman Filippone resume the Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All Members were in favor of. The Motion passed. The meeting resumed at 9:33pm.

Mr. George stated that there was some discussion on the LVT litigation with possible alternatives and request for action. We discussed the status on the boardwalk reconstruction in front of a resident's home that could be possible litigation. He gave an update on the NJDEP litigation and we discussed termination of the WWFM lease early and there will be action taken on this.

Resolution No. 2009-138C

A Motion was made by Councilwoman Wenzel to do a resolution to authorize Bernstein & Assoc. to file an answer in the matter of the Lavallette Voters & Taxpayers v. Kerwin Communications, Inc. and the Borough of Lavallette and to continue settlement negotiations with Kerwin Communications, Inc. The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Resolution No. 2009-138D

A Motion was made by Councilwoman Wenzel to have Mr. George advise in writing the radio station that there will be no claims for rent or damages in the event that they were to terminate their lease early and in the event that they do not remove all their property it will be considered abandoned. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

ADJOURNMENT:

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilman Stogdill. Vote: All Members were in favor of. The Motion passed. The Meeting was adjourned at 9:36 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 Caucus/Regular Meeting of the Mayor and Council held on the 4th day of **May 2009**

Christopher F. Parlow
Municipal Clerk