

BOROUGH OF LAVALLETTE (MINUTES)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, September 14, 2009 – 7:00 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: Mayor LaCicero asked for a moment of silence for all the troops overseas

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

Council President Zalom stated that last Friday, September 11th was Patriot Day. The Borough of Lavallette has plaques with the names of residents and family members of residents who periled on September 11th. She also reported that today is the 195th birthday of the Star Spangled Banner.

A Motion was made by Councilwoman Filippone to pull Resolution No. 2009-228 off the consent agenda and vote on it now. She stated that Patrolman Schierer has his family here and she would like him to be sworn in before the rest of the meeting. The Motion was seconded by Councilman Horan. All of Council was in Favor. The Motion Passed.

Resolution 2009-228 appointing Thomas Schierer to the permanent position of Police Sergeant for the Lavallette Police Department

A Motion was made by Councilwoman Filippone to approve Resolution 2009-228. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion Passed.

Sergeant Thomas Schierer took the Oath of Office and was sworn in by Mayor LaCicero while his father held the Bible.

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

At this time, the Mayor stated that anyone who wished to speak about anything that was not on the agenda or could not stay for the remainder of the meeting could do so now.

Joy Grosko, 13 Camden Avenue thanked Mayor and Council and Mr. Parlow for all their help with Heritage Day. She stated that it was so much fun. She thanked Councilwoman Wenzel for all her help with the revealing of the Clam. Mary Jo Austin did a beautiful job with the painting of the clam. Also, thanks to the Environmental Committee for making this happen.

PUBLIC HEARING: PURCHASE OF A VEHICLE FOR THE FIRE CHIEF

Fire Chief Peter Scott stated that the Fire Department is looking to lease a new 2009 Ford Expedition. The lease company is Blue Line Lighting which is used frequently by other Fire Departments. In order to lease the vehicle it needs to be run through the Borough of Lavallette but the payments will be paid through the budget of the Lavallette Volunteer Fire Company No. 1 and will not be paid with Borough funds.

Mr. George stated that one of the stipulations was that a public hearing needs to be done.

Councilwoman Wenzel questioned what the vehicle would be used for.

Chief Scott stated that the Chief is required to have his own vehicle with numerous items of equipment. He is the one who should be on scene first with the vehicle and equipment

Councilwoman Wenzel stated that it is like a mobile command unit.

Chief Scott stated that it was exactly that.

Councilman Lamb questioned what would happen to the old vehicle.

Chief Scott stated that he believes that the old vehicle would remain for Fire Department use also.

Mr. Parlow stated that as per Section 147(f) of the Internal Revenue Code a public hearing must be held to approve the financing. One of the conditions required is an execution of an Acknowledgement and Written Agreement by the Mayor, which needs Council authorization.

Mayor LaCicero asked the Administrator if a resolution is needed after the close of the public hearing and if so could the Council approve it tonight..

Mr. Parlow stated that a resolution is required and that one could be prepared.

Councilwoman Wenzel questioned if this vehicle would also use municipal gasoline?

Chief Scott stated that he is a firefighter in South Orange and he will not be using the Fire vehicle to go to work. It can only be used locally or within the County; therefore, it should not use much gasoline.

Mayor LaCicero opened the floor to the public and asked if anyone in the audience wished to comment.

Jim Borowski, 141 Newark Avenue stated that in the Fire Department Bi-Laws it clearly states that the Fire Chief's vehicle must stay within a 25 mile radius unless going to an out of town or County fire emergency.

Mayor LaCicero closed the public hearing.

APPROVAL OF CLERK'S MINUTES

Regular Minutes of August 17, 2009

Executive Session Minutes August 17, 2009

A Motion was made by Councilwoman Wenzel to adopt the Minutes. The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion Passed.

REPORTS:

- a) Police Report for August-Councilwoman Filippone-read report
- b) Planning Board Report for August-Councilwoman Filippone-There was one case that was carried over to the next meeting. The case involves a site plan review for development of a lot on Grand Central Avenue.
- c) Animal Control Report for August-Councilwoman Filippone-read report
- d) Municipal Court Report for August-Councilwoman Filippone-read report
Councilwoman Wenzel questioned whether the vacancy in the Court has been filled as of yet. Councilwoman Filippone stated that the Court Administrator is in the process of going over the applications and they will start interviews soon.
- e) Public Affairs Report for August-Council President Zalom-All summer events went well. Keep an eye out for two bus trips to culinary institutes coming soon. Bocce Ball Tournament is on September 20th. Fall Beach Sweeps is on October 24th. She thanked Public Works for their assistance with the Eagle Scout Project that is finally complete. The next dune grass planting will be held on November 7th.
- f) Beach Badge Sales for August-Councilman Lamb-read report-Mayor LaCicero questioned whether we had the labor costs? Mr. Parlow stated the last payroll was just this past Friday but he will get those figures for the next meeting. Mayor LaCicero thanked Councilman Lamb for also getting out there and checking badges himself. Councilwoman Wenzel stated that she could not believe the big jump in daily badges.
- g) Construction Report for August-Councilwoman Filippone-read report
- h) Zoning Report for August-Councilwoman Filippone-read report

- i) Tax Account Status Report for August-Tax Collector
- j) Revenue Transaction Report for July-Chief Financial Officer
- k) Report of Bond Anticipation Note Sale-Chief Financial Officer
- l) Budget Report for July-Chief Financial Officer
- m) Water Report for January through June 2009-Councilman Horan-read report-He stated that with our electric contract there is already a reduction by \$12,000 even with the rate reduction. Councilwoman Wenzel asked that we send a letter of thanks to Roger Martin for all his time and effort with these reports. Mayor LaCicero suggested a Proclamation. All of Council was in Favor.

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

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

RESOLUTIONS – ON CONSENT:

- 2009-221 authorizing Mayor LaCicero to sign and execute the New Jersey Division of State Police Live Scan Initiative Grant Program Agreement and Waiver-Mr. Parlow stated that this is a grant that Chief Grant has applied for and received for a live fingerprint scan in the amount of \$20,000.
- 2009-222 appointing two lifeguards for the 2009 summer season at an hourly rate of \$8.75
- 2009-223 authorizing the refund of 3rd quarter tax payment in the amount of \$784.86 due to an over payment of taxes on Block 45.02 Lot 20 C01
- 2009-224 accepting the resignation of Jennifer Krieg and authorizing the payment of any unused vacation time
- 2009-225 authorizing an amendment to the 2009 Capital Plan-Mr. Parlow stated that this is in connection with the Grand Central Avenue Sidewalk Beautification Project
- 2009-226 approving application of Stephen J. LaCicero as a probationary member of the Lavallette Volunteer Fire Company #1
- 2009-227 approving application of Thomas Harrington as a probationary member of the Lavallette Volunteer Fire Company #1
- 2009-228A appointing Michael Tier as a Class II Police Officer at an hourly rate of \$13.00

2009-228B authorizing Mayor Walter LaCicero to execute an acknowledgement and written agreement and the Borough Administrator to obtain the appropriate vehicle insurance for the lease/purchase of a fire vehicle for the Lavallette Volunteer Fire Company #1

A Motion was made by Councilwoman Wenzel to Approve the Consent Agenda. The Motion was seconded by Councilman Stogdill.

Mayor LaCicero opened public comment on the consent agenda and the bills list.

There was no public comment.

Mayor LaCicero closed the public comment and called for a vote.

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

RESOLUTIONS-OFF CONSENT:

APPROVAL OF VOUCHERS:

2009-229 Bills List in the amount of \$4,342,689.04

A Motion was made by Council President Zalom to approve the Bills List. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel and Lamb voted Yes. Council President Zalom abstained on PO #09-04126 and voted Yes to all others. Councilman Stogdill abstained on PO #09-0087009 and voted Yes to all others. Councilman Horan abstained on PO #09-04126 and voted Yes to all others. Councilwoman Filippone abstained on PO #09-04131 and voted Yes to all others. The Motion Passed.

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

BOND ORDINANCE 2009-11 (1064) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2009-05 (1058) ADOPTED ON MARCH 23, 2009, PROVIDING FOR ROAD IMPROVEMENTS TO INCLUDE IMPROVEMENTS TO KERR AVENUE, TO INCREASE THE APPROPRIATION THEREFOR BY \$20,000 FOR A TOTAL APPROPRIATION OF \$205,000, AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$20,000 FOR A TOTAL DEBT AUTHORIZATION OF \$50,000, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY

A Motion was made by Councilwoman Wenzel to adopt Bond Ordinance 2009-11 (1064). The Motion was seconded by Council President Zalom.

Mayor LaCicero opened the Public Hearing on Bond Ordinance 2009-11 (1064) and asked if anyone in the audience wished to comment.

No one wished to comment on Bond Ordinance 2009-11 (1064). He then asked Council if anyone wished to comment on this Bond Ordinance and none of Council wished to speak. The Mayor closed the Public Hearing and then asked for a vote on Bond Ordinance 2009-11 91064)

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

BOND ORDINANCE 2009-12 (1065) BOND ORDINANCE PROVIDING FOR THE GRAND CENTRAL AVENUE SIDEWALK BEAUTIFICATION PROJECT, AND APPROPRIATING \$600,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$112,000 BONDS AND NOTES TO FINANCE A PORTION OF THE OCSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that this is for the Grand Central Avenue Sidewalk Beautification Project grant in the amount of \$488,000. The Borough will have to put the money out first and then we are reimbursed by the State. The Engineer costs are on us as always.

Mr. Parlow stated that as with other DOT grants we have to raise the money in advance and then we are reimbursed. Once we award the contract, which hopefully will be in the spring of 2010, we will receive 75% of the monies from the DOT up front. The submissions need to be done by January 2, 2010 and the plans need to be approved by March 2010.

Mayor LaCicero questioned what impact this will have on the 2009 budget?

Mr. Parlow stated that there will be no impact on this year's budget because with DOT grant project there is not longer a requirement to raise the 5% downpayment money.

Councilwoman Wenzel stated that she really is hoping to keep the soft costs down. With the Route 35 Restoration Project being within the same time frame as this project we really need to baby sit these two projects simultaneously.

A Motion was made by Council President Zalom to introduce Bond Ordinance 2009-12 (1065). The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for September 28, 2009.

BOND ORDINANCE 2009-13 (1066) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A BUCKET TRUCK FOR THE ELECTRIC UTILITY, AND APPROPRIATING \$100,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE OCSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A Motion was made by Councilman Horan to Introduce Bond Ordinance 2009-13 (1066). The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for September 28, 2009

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Borough of Lavallette v. Leonard Churchill and John Forman/Received August 24, 2009
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received August 31, 2009
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Received August 31, 2009-Councilwoman Wenzel stated that it was comical that the DEP had to ask what a pavilion is? Mr. George stated that he had to inform them that we've had them since 1901.

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond Avenue Road Improvements/Received August 6, 2009
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Received August 24, 2009
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/2010 NJDOT Municipal Aid Program/Westmont Avenue Road Improvements/Received August 26, 2009
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/2010 NJDOT Bikeway Program/Route 35 Northbound and Southbound/Received August 26, 2009
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/2010 NJDOT Municipal Aid Program/New Brunswick Avenue Road Improvements/Received August 26, 2009
- f) O'Donnell, Stanton & Assoc./Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Received September 4, 2009
- g) O'Donnell, Stanton & Assoc./Michael O'Donnell/Bond and Kerr Avenues Road Improvements/Received September 10, 2009

New Jersey League of Municipalities:

- a) Actions Relative to Loss of Business Personal Property Tax Revenue/Received July 31, 2009
- b) DEP Discusses Plans to Implement New Site Remediation Reform Act/Received August 5, 2009
- c) Organ Donation and Your Community/Received August 5, 2009
- d) A-3508, Enabling Municipalities to Utilize Credit Unions as Depositories/Received August 5, 2009
- e) Process for Filing Consumer Complaints Concerning Banking and Insurance/Received August 5, 2009
- f) Federal Transportation Funding/Received August 6, 2009
- g) Temporary Layoff Guidelines for Local Appointing Authorities/Received August 6, 2009
- h) Volunteer Background Checks/Received August 6, 2009
- i) Special Charity Event for League Members/Received August 10, 2009
- j) Hurricane Season/Received August 12, 2009
- k) NJ Citizen Corps Receives National Honor/Received August 13, 2009
- l) Sustainability and the Obama Stimulus Agenda: Engaging and Connecting with Government/Received August 14, 2009
- m) 2009 League Conference Resolutions/Received August 17, 2009
- n) Open Space, Water Supply, Farmland and Historic Preservation Question on November Ballot/Received August 19, 2009
- o) Affordable Housing/Received August 19, 2009
- p) New Jersey-Israel Clean Tech Conference/Received August 21, 2009
- q) Appellate Division Rules that an Assisted Living Facility Need Not Provide Charity Care In Order to Qualify for a Real Property Tax Exemption/Received August 21, 2009
- r) Important New Information from the Division of Local Government Services/Received August 24, 2009
- s) Two Issues/Received August 26, 2009
- t) Risk of Third Party Service Organizations and Ameripay/Received August 31, 2009
- u) Delay of Red Flag Rule until November 1, 2009/Received August 31, 2009
- v) Washington Watch Federal Update/Received August 31, 2009
- w) Prevailing Wage Threshold Change/Received August 31, 2009
- x) National Preparedness Month Kick-Off/Received August 31, 2009
- y) Invitation for 2009 New Jersey Statewide Cultural Festival/Received September 2, 2009
- z) Lame Duck Issues/Received September 8, 2009
- aa) Staples Advantage Agreement/Received September 8, 2009
- bb) Urgent H1N1 Update/Received September 10, 2009
- cc) US EPA Workshop on Brownfield's Clean-up Grants/Received September 10, 2009
- dd) Arts Build Communities/Received September 10, 2009

General With No Action:

- a) Cablevision/Adam E. Falk, Vice President/Launch of Jus Punjabi & Trinity

- Broadcasting/Received August 3, 2009
- b) State of New Jersey/Dept. of Environmental Protection/Nancy Wittenberg, Assistant Commissioner/Recycling Enhancement Act/Received August 3, 2009
 - c) Ocean County Planning Board/Mark C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report/July 2009/Received August 3, 2009
 - d) Resource Control Corporation/Environmental Professionals/Melanie Pyle, Project Manager/Public Notice/Sunoco Service Station/Received August 6, 2009
 - e) US Department of Homeland Security/United States Coast Guard/Waverly W. Gregory, Jr., Chief/Public Notice 5-1148/Received August 3, 2009
 - f) William Daniels/16 ½ Elizabeth Avenue/letter expressing disappointment in the newly painted parking spaces on Elizabeth Avenue/Received August 6, 2009
 - g) Birdsall Services Group/Environmental Alert/Site Remediation Reform Act and Licensed Site Remediation Professional Program Signed Into Law/Received August 10, 2009
 - h) Cablevision/Tricia Kaminski, Assistant for Government Affairs in New Jersey/Tariffs/Received August 10, 2009
 - i) State of New Jersey/Dept. of Environmental Protection/Greg Langan, Compliance Inspector/Green Acres Program/Bayfront Park/Received August 12, 2009
 - j) Joe Doherty/1115 Lawrence Avenue, Pt. Pleasant/letter expressing disappointment with a parking ticket for not having a parking permit/Received August 12, 2009
 - k) US Department of Homeland Security/United States Coast Guard/Waverly W. Gregory, Jr., Chief/Public Notice 5-1154/Received August 14, 2009
 - l) State of New Jersey/Department of Environmental Protection/Barry Chalofsky, Chief/Notice of Draft Permit Actions/Scrap Metal Industrial Storm water General Permit/Vehicle Recycling Industrial Storm Water General Permit/Received August 14, 2009
 - m) Board of Chosen Freeholders/Ocean County/Gerry P. Little, Freeholder/Lavallette will receive 17, 411 Dune Grass Plants to be picked up on November 6, 2009/Received August 14, 2009
 - n) State of New Jersey/Department of Transportation/The Borough has been selected to received \$488,000 for the Transportation Enhancement Program/Received August 14, 2009
 - o) Cablevision/Adam E. Falk, Vice President/Channel Moves in New Jersey/Received August 15, 2009
 - p) Cablevision/Adam E. Falk, Vice President/Launch of Wedding Central/Received August 18, 2009
 - q) Cablevision/Adam E. Falk, Vice President/Data Carrier Shut Down and Nickelodeon Rebranding/Received August 20, 2009
 - r) George O'Brien/97 Bennington Parkway/Franklin Park, NJ/letter expressing disappointment of receiving a parking ticket while lunching in Lavallette/Received August 20, 2009
 - s) Ocean County Administrator/Alan W. Avery, Jr./thanking Mayor for his letter expressing concern that the County could no longer provide instructors at fire training facilities other than OC Training Center/Received August 24, 2009
 - t) Verdin/Time to Purchase a New Clock for our Beautification Project on Grand Central Avenue/Received August 24, 2009

- u) John Smith/32 Dickman Drive/letter expressing concern with pedestrians and traffic on Rt. 35 North and South/Received August 26, 2009
- v) NJ Dept. of Environmental Protection/Adopt a Beach Fall Cleanup/Saturday September 26th/Received August 26, 2009
- w) Charles J. Schlosser/2202 Bay Blvd/letter of suggestions to alleviate the Borough's parking problems/
- x) State of New Jersey/Office of Homeland Security/Richard L. Canas, Director/Terrorism Awareness and Prevention CD/Received September 1, 2009
- y) Cablevision/Tricia Kaminski, Assistant/Tariffs for all Systems/Received September 1, 2009
- z) New Jersey Clean Energy Program/Joseph Carlamere/approval of the energy audit reports for the Borough of Lavallette completed by Concord Engineering Group/Received September 4, 2009
- aa) Jersey Central Power & Light/Michael J. Filippone, Director/Proposed Economic Stimulus Demand Response and Energy Efficiency Programs/Received September 4, 2009
- bb) Resource Control Corporation/Melanie Pyle, Project Manager/Public Notice Ad/Sunoco Service Station/Received September 4, 2009
- cc) Island Junior Baseball League/John Wiley, President/letter thanking Public Works and the Geese Patrol for the field being in the best condition this year/Received September 4, 2009
- dd) Margaret Denato/20 Oliver Street/Somerset, NJ/thank you letter to the lifeguards for saving her granddaughter from the current taking her out/Received September 8, 2009
- ee) Ocean County Library/Judy Macaluso, Librarian/advising of six programs being held on gangs/Received September 8, 2009
- ff) United State of America/Federal Energy Regulatory Commission/Notice of Substitution of Counsel for Wisconsin Public Service Corporation/Received September 8, 2009
- gg) Ocean County Planning Board/David J. McKeon, Planning Director/informing the Mayor of their 36th Annual Dinner to be held on October 21, 2009/Invitation to Follow/Received September 8, 2009
- hh) Concord Engineering Group, Inc./John A. Marchiafava, P.E./Local Government Energy Audit Program/Final Energy Report/Received September 10, 2009

General With Action:

- a) Clean Ocean Action/Tavia Danch, Pollution Prevention Coordinator/requesting to hold their Annual Fall Beach Sweeps on our Beach on Saturday, October 24th from 9am to 12:30 pm/Received August 3, 2009-Mayor LaCicero stated that this is an annual request and there is no problems.
- b) Toms River Youth Soccer Club/Dave Butz, External Vice President/requesting permission to hold their soccer games on our Lavallette ball field on certain Sundays in September, October and November/Received August 12, 2009-Mayor LaCicero stated as long as they provide the proper insurance.

- c) Jayne's Elegant Events/Jane Cammarata, Event Planner/requesting to hold a wedding on the beach on Newark Avenue on October 10, 2009 at 3:00 pm/Received August 14, 2009-Mayor LaCicero stated as long as there are no conflicts not a problem.
- d) Philip G. Mylod, Esq./Attorney for Carl Sailer, 100 Guyer Avenue/letter to the Borough requesting Lavallette Code Enforcement enforce the codes at 502 Grand Central Avenue which is the Lavallette Post Office/Received August 14, 2009-Mayor LaCicero stated that it is not necessary to hold a meeting for this situation. This is strictly a code enforcement matter and they should speak with Mr. Remy. Mr. George concurs.
- e) Gertner & Riordan, LLC/Ross D. Gertner, Esq/Response letter to Philip Mylod in reference to 100 Guyer Avenue's complaint on 502 Grand Central Avenue/Lavallette Post Office/Received August 24, 2009
- f) John Yard/128 New Brunswick Avenue/letter questioning his recent water bill charges being too high/Received August 17, 2009-Mr. Parlow stated that he sent the Yards a letter.
- g) James Donohue/106 New Jersey Avenue/requesting Mayor and Council to restrict smoking to certain beaches in Lavallette/Received August 18, 2009
- h) Jennifer Lyn Kotza/requesting to hold a wedding ceremony on the beach located on New Jersey Avenue on September 19, 2009 at 4:00 pm/Received August 20, 2009-Mayor LaCicero stated as long as there are no conflicts.
- i) APWA/American Public Works Association/requesting the Mayor nominate an employee for this award/Received August 20, 2009-Councilwoman Wenzel stated it has expired for this year but we will look into for next year.
- j) Ocean County Planning Board/Stacey A. Perrine, Assistant Planner/Municipal Ordinances needed for County Wastewater Management Plan/Received August 20, 2009-Mr. Parlow stated that he will discuss this with the Borough Engineer
- k) Board of Chosen Freeholders/Ocean County/Gerry P. Little, Freeholder/extending an invitation to the Mayor to their Sept. 11 Memorial Ceremony/Received August 24, 2009
- l) Charles Schlosser/2202 Bay Blvd/requesting the Mayor and Council's proposal on the deterioration of the Barnegat Bay/Received August 25, 2009-Mayor LaCicero asked Councilwoman Wenzel if she could take care of this and put him in touch with Re-Clam the Bay.
- m) Joan Lurie/letter requesting replacement of beach badges as they were swept away by an errant wave/Received August 27, 2009-Mr. Parlow stated we have a policy.
- n) Mr. & Mrs. Thomas Ryan/2 Orchard Knoll Court/New Paltz, NY/letter requesting a refund on beach badges/Received August 31, 2009-Mr. Parlow stated that we have a policy and can not break it.
- o) State of New Jersey/Dept. of Environmental Protection/Michael V. D'Errico, Supervisor/requesting the Mayor attend this year's NJ Shade Tree Federation annual meeting on October 23rd and 24th/eligible for a \$3,000 grant/Received September 1, 2009
- p) Jersey Shore Multi Sport/Christopher Wilcox, Managing Member/requesting to hold their 2nd annual Lava Man Race on June 20, 2010/Received September 2,

2009-Mayor LaCicero stated that we will hold this until the first meeting in October.

- q) Jersey Shore Multi Sport/Christopher Wilcox, Managing Member/requesting to hold a Memorial Day Swim Event, 2010/Received September 2, 2009-Mayor LaCicero stated that we will hold this until the first meeting in October.
- r) Southern New Jersey Development Council/Marlene Z. Asselta, President/requesting the Mayor's attendance to the 49th Annual Distinguished Achievement Awards Reception on September 23, 2009/Received September 8, 2009-Mayor stated that he can not attend this meeting.
- s) Ocean County Columbus Day Parade Committee/Michael A. Blandina, Parade Chairman/requesting Mayor and Council's participation in the Columbus Day Parade on October 11, 2009/Received September 8, 2009-Mayor stated that he will probably be attending this parade.
- t) Nicole I. Apice/requesting to have her engagement pictures taken on our bay beach without use of the gazebo on October 11, 2009/Received September 8, 2009-Mayor LaCicero stated that this is not a problem as long as she doesn't use the gazebo.

UNFINISHED BUSINESS:

Councilwoman Wenzel – She stated that some time ago we purchased materials for the Reese Avenue dock and we have been holding onto the materials. She would like permission from Council to hire a number of temporary laborers to complete the project quickly. We already have some applications for the laborer position so we could pick from those.

All of Council was in Favor.

NEW BUSINESS:

2010 Census Update-Councilman Stogdill – He stated that representatives from the Census Bureau are would like to make a presentation at the first meeting in October to discuss the up and coming census. They will be going over some questions that might be asked between October and March

Draft-Revised Solid Waste Ordinance-Mr. Parlow stated that in the packets for Council he included a red-line version of the revised solid waste ordinance but it is only a draft. He stated that Council should look it over. He advised them that he had several meetings with Public Works to put the revisions together. As long as Council agrees with the draft he would like to prepare the Introduction at the first meeting in October.

COMMENTS FROM THE PUBLIC:

Lach Cameron, 115 President Avenue stated that he is very concerned about the bicycle issue in town. He feels that this year has been the worst yet. We are going to have a

tragedy on our hands if something drastic is not done. Maybe we need to write to the State Police and request them to develop a program that we could execute.

Mayor LaCicero stated that maybe we should have the Chief speak to the State Police about developing some type of program to follow.

Councilwoman Filippone stated that a child in Bay Head was killed riding on the handle bars of a bicycle without a helmet. Now the Bay Head Police Department has a no tolerance policy with following the rules of bicycling including helmets, riding with traffic and no riding on the handle bars. She believes that we should also crack down the bicyclists and ticket them for not following the rules.

Council President Zalom stated that years ago, in the Route 35 North and South plans we had a bicycle path and we have also discussed a bike path at our Bike Committee Meetings. Maybe we need to look into this further and see if we can fix the problem.

Judy Farfalla, 15 Bond Avenue stated that she agrees that the bicycles are a big problem in this town. She believes that if the police department started ticketing every bicyclist who is breaking the laws for any reason it will truly make a difference. That seems to be the only answer.

Bill Kinney, 23 Philadelphia Avenue stated that Anita's idea for the bike path on 35 North & South is a great idea but the Police will still have to enforce the problems.

Jim Borowski, 141 Newark Avenue stated that maybe we should put a sign in the Beach Badge office stating that thousands of bicyclists were ticketed last year for not following the bike rules it might make a difference. Secondly, he believes that Tom Schierer is an asset to the community and he is very pleased he is now a Sergeant. Also, he would like to thank Mrs. Grosko for allowing the first aid and fire departments to run the beer garden this year. Lastly, he would like to state his feelings about all the events that are allowed to be on the bay front throughout the summer months. The Save Barnegat Bay 8K Run is a spectacular event but has become a monster and that is just one of the events held there. It has become very inconvenient to the residents down there who pay taxes and can not even get out of their driveways. He think that for next year we should consider being a little bit more cautious with the amount of events that we allow to take place down there.

Mr. Borowski stated that he was also concerned about how we are going to run both projects on 35 North and South without having one interfering with the work performed in the other project.

Mayor LaCicero stated that we are going to have to schedule lots of meetings for both projects. Our main concern is if we use the Belgium block for the curbing is the DOT then going to come through and rip it all up. Maybe we need to think about not using the Belgium block and letting the DOT put the curbs in for us.

Mr. Parlow stated that there definitely needs to be a marriage between the two projects.

Peter Scott, 1105 Bay Blvd questioned when the town was going to clean up the bay front by the T-dock and along the shoreline itself.

Mr. Parlow stated that the bay front is cleaned up every year. The items Mr. Scott mentioned are buried underneath the ground and it would take certain equipment to remove them.

Mr. Scott questioned why we can not put some type of retaining wall to make it look nice.

Mayor LaCicero stated that the State required the Borough to move the revetment further east and bury under the sand so technically there is nothing we can do.

Councilwoman Wenzel stated that she will have Public Works go check and see if there are any dangerous situations over there and remove whatever they can.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Wenzel – She stated that the Flu Clinic is going to be held on October 13th from 1 pm to 3 pm at the First Aid Building. The Board of Health is requesting everyone get flu shots this year, as well as, the H1N1 Virus shots. Those are probably going to be available in October. Also, the Hazardous Waste Disposal site is going to be in Pt. Pleasant Beach on October 23rd from 11am to 5 pm.

Councilwoman Wenzel stated that there was a letter to the editor about Mayor and Council generating a letter about crosswalks on Rt. 35 North. She stated that she does not remember Council speaking about generating a letter.

Councilman Lamb stated that we talked about the crosswalks but never about generating any kind of letter.

Mayor LaCicero stated that the discussion was that on the DOT plans there were a lot of crosswalks going in and maybe we needed to have a meeting with them to sit down and review the plans.

Councilwoman Wenzel – She stated that she was very pleased with the art work on the clam and she is very excited about the Borough displaying it in front of the Welcome Center for all to see. Already, Bay Head has called me about how they go about getting a clam.

Councilwoman Filippone – She stated that there is a continuing problem with the cleanup after weddings at the gazebo not to mention the problem with groups of people using the area to have group picnics. She feels that maybe we should be taking some type of deposit from the wedding people for cleanup.

Mr. George stated that our Ordinance is to pay for the gazebo only nothing else.

Mr. Parlow stated that the picnicking and the weddings are two separate issues. If we take a deposit for the weddings for cleanups that is not going to stop the groups from picnicking. This is the first time he has heard that there is a problem with cleanups after wedding ceremonies.

Councilwoman Wenzel stated that the gazebo is a favorite place for all. We have a lot of employees in the summer that could help with cleanup we just need to get some type of coordination in place. As far as the picnicking we have badge checkers and lifeguards down at the bay beach that can help with that also. If they see the picnicking groups they should contact the police. She is not adverse to the deposit idea but we should try different avenues first.

Council President Zalom stated that on October 17th Rutgers is having a class on going green if anyone is interested.

Mayor LaCicero stated that the many events down on the bay front have become a problem. Maybe we need to only allow the non for profit organizations. However, that will also not allow the soccer clinics and the surf school so maybe we should think about this further.

Councilwoman Wenzel stated that if we are going to only allow the non for profit we should require them to show their documents when they apply.

Mr. George stated that every not for profit organization should have their legal status.

EXECUTIVE SESSION:

Councilwoman Filippone read a statement in reference an Interlocal Agreement with Seaside Park with our Construction Department. She requested that the subject needs to be discussed in executive session. (A copy of the statement is attached to these minutes)

Mr. George stated that in Executive Session we will be discussing a possible Interlocal Agreement with Seaside Park for Construction Services and Dispatcher Union Contract. There may be action taken afterwards.

A Motion was made by Council President Zalom to adjourn the Meeting to go into Executive Session. The Motion was seconded by Councilwoman Wenzel. Vote: All of Council was in Favor. The Motion Passed. The Caucus/Regular Meeting was adjourned for Executive Session at 8:55 pm.

A Motion was made by Councilman Horan to resume the Caucus/Regular Meeting. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in Favor. The Motion Passed. The Caucus/Regular Meeting resumed at 9:20 pm.

Mr. George stated that in Executive Session there were two matters discussed. One was a possible Interlocal Agreement for Construction Services with Seaside Park and the other was the Dispatcher Contract and the length of the contract. There is some action that needs to be taken

A Motion was made by Councilwoman Wenzel to authorize the Attorney and Administrator to draft an Interlocal Service Agreement with the Borough of Seaside Park for UCC Services. 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 Councilman Stogdill to Adjourn the Meeting. The Motion was Seconded by Councilman Horan. Vote: All of Council was in Favor. The Motion Passed. The Meeting was Adjourned at 9:21 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 the true minutes of the Regular Meeting of the Mayor and Council held on the 14th day of **September 2009**

Christopher F. Parlow
Municipal Clerk