

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**July 11, 2011-7:00 pm**

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

**ROLL CALL:** Council Members Borowski, 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 Ocean County Gazette and was published in the Ocean Star on January 7, 2011. Notice was also posted on our Municipal Website and the Municipal bulletin board.

**MOMENT OF SILENCE:** Mayor asked for a moment of silence for our troops overseas and for Mary Mineci who had just passed away.

**PLEDGE OF ALLEGIANCE:** Councilman Borowski led us in the Salute to the Flag

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out on this beautiful night. He stated that the fireworks the night before were absolutely amazing and he hoped everyone got out to see them.

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

The Mayor asked if anyone wished to comment on any items that were not listed on the agenda and that they did not wish to stay for the remainder of the meeting they could do so now.

No one wished to speak at this time.

The Mayor closed the floor to public comment.

Council President Zalom stated that it was a wonderful night at the fireworks with the two concerts. We had our regular concert along with a young girl who also sang three songs for us. The fireworks were fantastic and very long and everyone was so thrilled with them.

**APPROVAL OF CLERK'S MINUTES:**

Regular Meeting of June 20, 2011  
Executive Session Meeting of June 20, 2011  
Special Meeting of June 24, 2011

Special Meeting of July 1, 2011

A Motion was made by Councilman Horan to approve the Minutes. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted yes. Councilman Stogdill abstained on the Minutes of June 24<sup>th</sup> and July 1<sup>st</sup> and voted yes on all others. The Motion passed.

**REPORTS:**

- a) Police Report of June-Councilwoman Filippone-read report
- b) Municipal Court Report of May & June –Councilwoman Filippone-read report
- c) Zoning Report of June-Councilwoman Filippone-read report
- d) Construction Report of June-Councilwoman Filippone-read report
- e) Beach Report for June-Councilman Lamb-He submitted a beach revenue report as of June 30, 2011. He stated that last week beach badge sales were \$21,000 over last year at this same time. This week sales are \$29,000 over last year. As of yesterday the total was \$619,000 and last year was \$590,000 so he thinks we are doing absolutely fantastic. Councilman Borowski stated that he believes that has a lot to do with the badge checkers this year. They are really doing a fine job of checking badges.
- f) Public Affairs Report of June-Council President Zalom-thanked Mayor LaCicero and Mr. Parlow for their comments in the newspaper about our business district. She received a thank you letter from Major Scott Wiley who was one of the speakers at Memorial Day. She reminded all to make sure you get the Little Paper or the LBA Tide Chart for all your business information on where all the stores are. Barbara Jost was the artist that we used for our calendar this year. Check out all the events our library has for the public. One of our residents, Joe Marino, is teaching Bocce Ball to anyone who wishes to learn down at the courts. We have exercise classes all week. We had our first movie on the bay last week and there were at least 250 people there. The sand castle contest was a big hit this year, too. We had about 15 applicants. Thanks needs to go out to Kathy Mango, Nancy Dews and all of our great volunteers that help out with these events. The Beautification Committee sent a letter to the County to see if they could help us out with cleaning up that triangle on Jersey City Avenue and Bay Boulevard. The County has rebuilt the triangle with new curbing and removing the asphalt. Now our gardener can make it look nice with some greenery.
- g) Tax Account Status Report of June-Tax Collector

A Motion was made by Councilman Horan to approve the Tax Status Report. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Horan, Stogdill, and Lamb voted yes. The Motion passed.

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

**RESOLUTIONS – ON CONSENT:**

- 2011-171 authorizing the balance in the off duty police officer trust account to be refunded to Chap Construction

- 2011-172 authorizing the Treasurer to refund \$10,101.16 to US Bank Cust for Pro Capital I for the redemption of Tax Sale Certificate #10-00001
- 2011-173 authorizing the Treasurer to refund \$35,573.71 to CCTS Tax Lien II for the redemption of Tax Sale Certificate #080004
- 2011-174 authorizing submission of the application of the Lavallette Municipal Alliance Grant for the year 2012 in the amount of \$21,000-Council President Zalom stated that we have the best Municipal Alliance in the County.
- 2011-175 authorizing the renewal of our membership in the Ocean Municipal Joint Insurance Fund for the Year 2012
- 2011-176 supporting the “Over the Limit Under Arrest 2011 Statewide Crackdown”
- 2011-177 authorizing the appointments of two summer seasonal workers for the Department of Public Works
- 2011-178 authorizing the appointments of two lifeguards for the 2011 summer season
- 2011-179 authorizing the grant of an easement on certain Borough property to Jersey Central Power & Light without fee or cost-Councilman Borowski stated that this is to take care of some deficiencies that need to be taken care of.
- 2011-180 requesting the Director of the Division of Local Government Services to approve the Chapter 159 titled “Over the Limit Under Arrest 2011 in the sum of \$4,400.00
- 2011-181 accepting the donation of a 2011 Kawasaki ATV with a value of \$4,680.00 from the Lavallette Lifeguard Booster Association for the Lavallette Beach Patrol to utilize
- 2011-182 appointing Michael Maguire as Animal Control Officer for the Borough of Lavallette as of July 1, 2011
- 2011-183 adding the position of municipal magistrate to the list of non-contractual employees included in resolution 2011-169
- 2011-183A authorizing an application for special permit for social affairs by the Lavallette Volunteer Fire Company #1 in conjunction with their barbeque fundraiser to be held on August 27, 2011 from 11am to 5pm on the fire house premises-Councilman Borowski asked that this be pulled and put off consent. Council agreed.
- 2011-183B authorizing the purchase of Ocean County surplus vehicles from the Ocean County Library-Mr. Parlow stated that he received a call last week from the County that the library had a vehicle that could be used by our Animal Control Officer who needs a vehicle to transport animals safely.

A Motion was made by Councilman Horan to approve the consent agenda with the exception of Resolution 2011-183A which was moved off consent. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment. The Mayor closed the floor to public comment and asked Council for a vote. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

## **RESOLUTIONS OFF-CONSENT**

2011-183A           authorizing an application for special permit for social affairs by the Lavallette Volunteer Fire Company #1 to in conjunction with their barbeque fundraiser to be held on August 27, 2011

Mayor LaCicero asked the fire department members who were present to explain their request.

Kevin Turner, 2002 Baltimore Avenue, member of the Lavallette Volunteer Fire Company #1 stated that they have been discussing ways to bring in some money at a few of their monthly meetings and they came up with this barbeque fundraiser. They are trying to separate the children from the adults with maybe some pony rides for the kids. They are looking to have it from 11am to 5pm with hamburgers, hotdogs and a pig roast.

Councilman Lamb questioned if they were going to have off duty police for security?

Mayor LaCicero stated that he does not think that our patrolman can do it due to liability issues.

Mr. George stated that there is event insurance that they should purchase for a one day event. A social affairs permit is to just approve the alcohol being served. They would need to get an insurance certificate naming the Borough as an additional insured indicating a special one day event with a social affairs permit to sell alcohol.

Mayor LaCicero stated that his concern is that they are too close to Heritage Day.

Councilwoman Filippone stated that her concern is with all the events down there and the closing off of the streets, the parking problems with people not getting parking stickers and this would be smack dab right in the middle of the summer season.

Councilman Borowski stated that he has spoke to our insurance company in the past about the Heritage Festival with the Fire and First Aid and have always been told if it is in conjunction with the town there is no issue. The only time it would be an issue is when it doesn't include the Borough than you would have to get the additional insurance.

Mayor LaCicero stated that this would be an additional permit on top of the one we approve for Heritage Day.

Mr. Parlow stated that there are two separate issues that need to be approved. One being the approval of the social affairs permit application and the other being the approval of the fundraiser event itself. They are two separate approvals. The approval of the fundraiser does not have to be approved tonight until you are satisfied with the insurance and security issues.

Councilwoman Filippone stated that she will speak to the Chief about our off duty police doing the security there.

Mayor LaCicero stated that the only problem would be the liability that we would be responsible for.

Mr. Turner stated that the event insurance we could receive within 24 hours.

Mayor LaCicero stated that the approval of the social affairs permit can be voted on tonight but the event itself will not be voted on until further information is provided and the Fire Department gets together with the Chief to discuss this further. The approval for the event will be put on the next agenda for approval. That should give us enough time to discuss.

A Motion was made by Councilman Stogdill to approve Resolution 2011-183A. The Motion was Seconded by Councilman Horan. The Mayor asked if anyone wished to comment on this resolution. No one wished to comment. The Mayor asked Council for a vote. Vote: Council Members Filippone, Zalom, Stogdill and Horan voted Yes. Council Members Borowski and Lamb Abstained. The Motion Passed.

#### **APPROVAL OF VOUCHERS:**

2011-184 Bills List in the amount of \$1,202,061.86

A Motion was made by Councilman Stogdill to approve the Bills List. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

#### **ORDINANCES ON FOR INTRODUCTION/FIRST READING**

ORDINANCE NO. 2011-05 (1095) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "ZONING"

Mr. Parlow stated that the Planning Board periodically reviews the zoning ordinances and an issue concerning the term "living space" has come up. The phrase living space is used throughout the zoning ordinance without being defined. Also, there were some gray areas with the definition of "Half Story". The Planning Board created the definition of living space and modified the words half story to make it is not used as living space. The ordinance also redefines the storage shed requirements and also adds an additional requirement regarding detached garages. Vehicle access to the detached garage is required and must be maintained.

Councilman Borowski questioned if a shed is part of lot coverage.

Mr. Parlow stated that anything above 18” or above the elevation of the curb is considered lot coverage.

Councilman Borowski stated that if you are at your max with lot coverage you can not get a shed.

Mr. Parlow stated that was correct.

A Motion was made by Councilman Lamb to Introduce Ordinance 2011-105 (1095). The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Comment and Final Adoption will be held on August 22, 2011.

### **COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Philip G. George, Esq/John Paff v. Borough of Lavallette GRC Complaint 2007-209/Received June 7, 2011
- b) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received June 7, 2011-Mr. George stated that when we are the attorney for these cases we must send you the correspondence on every move we make with the cases.
- c) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette Planning Board/Received June 9, 2011
- d) Eric M. Bernstein & Associates/Philip G. George, Esq/Apicella v. Childers Sotheby’s International Realty/Received June 9, 2011
- e) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley F. Rizzolo v. Borough of Lavallette /Received June 10, 2011
- f) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley F. Rizzolo v. Borough of Lavallette/Received June 10, 2011
- g) Eric M. Bernstein & Associates/Philip G. George, Esq/John Paff v. Borough of Lavallette/GRC Complaint 2007-209/Received June 10, 2011
- h) Eric M. Bernstein & Associates/Philip G. George, Esq/John Paff v. Borough of Lavallette/GRC Complaint 2007-209/Received June 10, 2011
- i) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received June 15, 2011
- j) Eric M. Bernstein & Associates/Philip G. George, Esq/John Paff v. Borough of Lavallette/GRC Complaint 2007-209/Received June 16, 2011
- k) Eric M. Bernstein & Associates/Philip G. George, Esq/Bossert v. Borough of Lavallette/Received June 16, 2011
- l) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley F. Rizzolo v. Borough of Lavallette/Received June 16, 2011

- m) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley F. Rizzolo v. Borough of Lavallette/Received June 18, 2011
- n) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley F. Rizzolo v. Borough of Lavallette/Received June 18, 2011
- o) Eric M. Bernstein & Associates/Philip G. George, Esq/Lavallette Volunteer Fire Company #1/Received June 22, 2011
- p) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received July 5, 2011
- q) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received July 5, 2011
- r) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received July 5, 2011
- s) Eric M. Bernstein & Associates/Philip G. George, Esq/NJDEP v. Borough of Lavallette/Received July 5, 2011
- t) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received July 5, 2011
- u) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received July 5, 2011
- v) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/P.L. 2011, c.78/Newly Signed Legislation Related to Pensions and Health Benefits of Public Employees/Received July 8, 2011

Engineering:

- a) O'Donnell, Stanton & Assoc/Michael O'Donnell/Lavallette Planning Board Application No. 3-07/Request for Infield/1702 Grand Central Avenue/Received June 29, 2011- Councilwoman Filippone stated that this has to do with the Underground Storage Tank Removal and they are asking for an additional extension.

New Jersey League of Municipalities:

- a) SCR-107 Reduce Property Taxes for Certain Preserved Open Space/Received June 2, 2011
- b) League Asks Policy Makers Deciding NJN's Future to Keep Focus on State and Local Programming/Received June 6, 2011
- c) Community Development Block Grant Appropriations/Received June 6, 2011
- d) Sustainable Jersey Announces \$175,000 in Funding for Municipal Projects/Received June 6, 2011-Council President Zalom stated that the Environmental Committee should look into this.
- e) Governor Unveils New State Energy Master Plan/Received June 7, 2011
- f) S-2794, Shared Services Bill That Threatens Local Discretion Up in Committee on Monday/Received June 8, 2011
- g) Applications for the 2011 Governor's Environmental Excellence Awards Now Available/Received June 10, 2011
- h) S-2794, Shared Services/Consolidation Bill That Removes Impediments, But Threatens Local Discretion Advances/Received June 13, 2011

- i) S-2839, Extends “Whistleblower” Protections/Received June 14, 2011
- j) Health & Pension Benefit Reform Released from Committee/Received June 16, 2011
- k) Pension & Health Benefits Reform/Assembly Committee Hearing on Monday/Received June 17, 2011
- l) Pension & Health Benefit Reform Update/Senate Passes Pension and Health Benefit Reforms/Mayors Testify before Assembly Budget Committee/Received June 20, 2011
- m) Free Blanket License Agreements with ASCAP and with BMI/Received June 21, 2011
- n) Month 25 of Economic Recovery: Where Are We Now and Where Are We Going/Received June 21, 2011
- o) New DLGS/BPU Guidance and NJ Local Government/School ESIP’s/Received June 21, 2011
- p) Advisory Message from New Jersey Department of Transportation on ADA Compliance/Received June 22, 2011
- q) Pension and Health Benefits Reform/Assembly Floor Vote Tomorrow/Received June 22, 2011
- r) Sustainable Communities Regional Planning Grant Program/Received June 24, 2011
- s) Governor Conditionally Vetoes S-2006/A-3125 Regulating Solar Panels/Received June 24, 2011
- t) A-4221/S-2974, Suspension of 2.5% Non-Residential Development Fee Affordable Housing/Received June 28, 2011
- u) Governor Signs Pension and Health Benefit Reforms Legislation/Received June 28, 2011
- v) New Content on DLGS Website/Received June 29, 2011
- w) Guidance on Implementation on Pension and Health Benefit Reforms/Received June 29, 2011
- x) Governor’s Educational Transition Task Force/Received June 29, 2011
- y) Legislature Send Budget Bill to Governor/Received June 30, 2011
- z) Governor Issues Reorganization Plan to Abolish COAH/Received June 30, 2011
- aa) Legislative Re-cap/Received July 1, 2011
- bb) Call for Nominations Tenth Annual Innovation in Governance Awards/Received July 7, 2011
- cc) Assisted Living Facility Opportunity/Received July 7, 2011
- dd) Reminder: Article Requested for Octobers NJM Due August 10<sup>th</sup>/Received July 7, 2011

General With No Action:

- a) Ken Trawinski/901 Bay Blvd/the relocating of an electric line/pole on his property/Received June 6, 2011-Mr. Parlow stated that the new pole is in and the electric department will be changing the service as soon as possible.
- b) New Jersey Senate/Michael Doherty, Member of Senate/Enlisting support for school aid in New Jersey/Received June 6, 2011
- c) State of New Jersey/Department of Transportation/storm water drains cleaned out on Rt. 35 SB and Newark, New Jersey, New Brunswick and Brooklyn Avenues/Received June 10, 2011-Council President Zalom stated that the State is doing more work now with cleaning the storm drains out also. Mr. Parlow asked for Council’s permission to send a letter to the DOT with regards to the utilization of fire hydrants to clean the storm

sewers. There have been some complaints about dirty water and our Superintendent is stating that due to them filling their trucks with any fire hydrant it is stirring up the water. He likes them to just use the fire hydrant by Public Works for filling up. He will send them a letter about this.

- d) New Jersey Society of Municipal Engineers/Frank Seney, President/2011 Municipal Engineering Project of the Year Awards Program/Received June 13, 2011
- e) Patricia McCourt/17 Pennsylvania Avenue/cold reception received at the beach badge office/Received June 15, 2011-Councilwoman Filippone requested that some type of response be drafted to this resident about the treatment she received. She was not aware that she could bring it over to the Borough Hall to receive the discounted price. Councilman Lamb has already looked into this and send some type of response.
- f) State of New Jersey/Department of Transportation/Two-Hour Parking/Received June 16, 2011-Mr. Parlow stated that this is just a response letter to a business owner about the two hour parking. We have already sent a resolution to the DOT for this two hour parking request. Councilwoman Filippone stated that she has been getting many compliments on the two hour parking.
- g) Cablevision/Kevin Drennan, Director/Launch of TVN 24 and TVN International and a new iO International Package iO Polish/Received June 21, 2011
- h) Jamie Monroe/resignation as of July 1, 2011 as the Borough of Lavallette's Animal Control Officer/Received June 22, 2011-Mayor stated that we already have a replacement approving him tonight with a resolution.
- i) Save the Date for the Next Beach Sweeps/Thanks to Council President Zalom/Next Beach Sweeps October 22, 2011/Received June 27, 2011-Mayor LaCicero stated that this date was already approved.
- j) Congress of the United States/House of Representatives/Jon Runyan, Member of Congress/Passing of Bills/Received June 27, 2011
- k) State of New Jersey/Department of Environmental Protection/Suspected Hazardous Substance Discharge Notification NJDEP Case/Site Remediation/120 Haddonfield Avenue/Oil Lube/Received June 28, 2011
- l) Cablevision/Kevin Drennan, Area Director/Revised Launch of TVN24 and TVN International and a new iO International Package iO Polish/Received July 5, 2011
- m) HealthCare Institute of New Jersey/Community Health Fair/July 29, 2011 at Lacey Community Hall/Received July 5, 2011
- n) Board of Chosen Freeholders/John Bartlett, Jr., Freeholder/supplying the curbing to the triangle site that was requested on Jersey City Avenue and Bay Blvd/Received July 5, 2011-Mayor LaCicero stated that this project was already taken care of by the County this week and it looks very nice. Now all we have to do is have our gardener make it look nicer with some plantings.
- o) Lavallette Voters & Taxpayers Association/Joseph Marcianti, President/Hazardous situation at boat ramp at West Point Island Bridge/letter to County Engineer/Received July 6, 2011-Mayor LaCicero stated that unfortunately our permit has expired for the Borough to do the dredging and the County is saying they no longer have the proper equipment to do it. He stated that we are looking into some type of maintenance permit so we could do this if we have to.

- p) Joanne LaCicero/Goose Patrol/check in the amount of \$200 representing proceeds from the goose patrol t-shirt fundraiser/Received July 6, 2011-Mayor LaCicero stated that this is money is from their T-Shirt fundraiser.
- q) Ocean County Utilities Authority/Joanne Kazanowsky, Exec. Assistant/established bulk rate to be charged starting January 1, 2012
- r) Congress of the United States/House of Representatives/Jon Runyan, Congressman/State financial budget explanations/Received July 6, 2011
- s) Ocean County Library/June Schneider, Branch Manager/thank you letter for the Borough's support and generous contributions of the PA System and someone to run it for the "Battle of the Bands"/Received July 7, 2011—Mayor LaCicero stated that this was a nice thank you to the Borough.

General With Action:

- a) Elizabeth Daniels/requesting to hold a wedding ceremony on the beach at Philadelphia Avenue on Sunday, October 9, 2011 at 2:30pm/Received June 13, 2011-Mayor stated that this is after the summer season so it should be fine.
- b) Lawrence Bolanowski/96 Dickman Drive/issuing a complaint with regards to the event that took place on June 11<sup>th</sup> of this year/metal fencing covering their driveways/Received June 13, 2011-Mayor LaCicero stated that this is why we have created the event committee to create some limitations and restrictions and they will look into this. Mr. Parlow will send a letter to Mr. Bolanowski.
- c) Clean Ocean Action/Anna Shaw, Coordinator/requesting permission to set up a COAST table on the boardwalk for four hours on Saturday, August 13<sup>th</sup> and August 14<sup>th</sup>/Received June 16, 2011-Mayor LaCicero stated that this is an annual request and is fine.
- d) New Jersey Chapter American Public Works Association/Janet Leli, Chapter Administrator/requesting the Mayor to nominate people who are deserving of this Public Works Professionals/Received July 5, 2011-Councilman Borowski stated that he will work on this.
- e) Joanne LaCicero/Goose Patrol/requesting the Borough of Lavallette purchase a dog fountain replacing the current one at the Magee Avenue Tennis Courts from the Goose Patrol Fund of \$2,300.00/Received July 5, 2011-Mayor LaCicero stated that the Goose Patrol has done a good job with their fundraiser and has requested that those monies go towards the purchase of a dog fountain that would replace the one existing at the Magee Avenue tennis courts. Councilman Borowski stated that he has received some complaints about putting some type of water fountains up at the beach for the humans to wash off their feet after they leave the beach. Councilwoman Filippone stated that the fountains that are already up there are used inappropriately. People should not be washing their feet in a water fountain that people use to drink out of. We should think about putting some type of fountains up there for people to wash their feet off with or even to get clean water for an emergency. We have them periodically down the boardwalk for our residents. Councilman Borowski stated that he will talk to the Superintendent.
- f) Boy Scouts of America/Troop 22/Wade Brackman, Chairman/requesting to hold their annual Jesse Anderson Triathlon on September 25, 2011/Received July 5, 2011-Mayor

- LaCicero stated that this is an annual request and is okay and after our summer season.
- g) Jim Donohue/106 New Jersey Avenue/requesting Mayor and Council to make our beaches smoke free/Received July 5, 2011-Councilwoman Filippone stated that maybe we should consider at least one smoke free beach for our residents. She stated that she receives complaints about this often. Some people are very sensitive to cigarette smoke. Councilman Borowski stated that he was the lead in making the bay beaches smoke free due to our children and also suggested no smoking between the white flags on the ocean but it was not very receptive. Mr. George stated that it is allowable to ban smoking in certain designated areas but you cannot make all the public areas smoke free.
  - h) Lavallette Voters & Taxpayers Association/Joseph Marcianti, President/Storage and unsightly condition of property located at Bay Blvd and New Brunswick Avenue bordering westerly by Lavallette Avenue/Received July 6, 2011-Mayor LaCicero stated that we do recognize the piece of property in question but there is no ordinance on our books banning them from parking there. We will send the Code Enforcement down there to check it out but he does not believe there is really anything that can be done. They own that piece of property and can store anything on it.
  - i) Nicole Schneider/Jordan Ryan/requesting permission to hold their wedding ceremony on the Philadelphia Avenue beach on September 24, 2011/Received July 8, 2011-Mayor LaCicero stated that this is fine and after our summer season.

#### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

Council President Zalom stated that the owner of The Beach Home which is a business in town is donating a certain type of bicycle called an elipitiride to the police department.

Mayor LaCicero stated that this person is also a homeowner and he spoke to him on Friday about it. We will have the resolution for acceptance put on for the next meeting.

Councilwoman Filippone stated that the Police Department wants everyone to know that there has been an increase in stolen bicycles that are locked. The locks are being cut so please take your bicycles inside if possible.

Councilman Horan stated that he attended two seminars on Sustainable Jersey and they were very informative and we will be applying for a \$1000 grant for sustainable energy. He has some fertilizer fact sheets that he will leave downstairs for people to look at or take with them.

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

Pat Marrone, 11 Elizabeth Avenue questioned if the already existing detached garages will be affected by this new ordinance?

Mr. Parlow stated that if you apply for a new permit for renovations it will have to be up to code but if not you will be grandfathered in. Any new development will be subject to the new ordinance.

Mrs. Marrone stated that she has two parking spots in the front of her house and sometimes when someone parks their car there they extend into my driveway. When she went out one day to tell the person she could not park there if she extends the vehicle in my driveway she told me that she spoke to the police and they are not ticketing for that.

Councilwoman Filippone stated that she does not believe that would be true and next time it happens she should call the police right away.

Mrs. Marrone stated that she also likes the idea of no smoking between the white flags. She stated that instead of a resolution how about just putting up signs saying “Please do not smoke in the swimming areas as a courtesy to our children” and let’s see if that will work.

Mayor LaCicero stated that sounds like an idea and he will look into that.

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

Councilman Horan stated that we will be going for the 2012 Governor’s Excellence Award Grants again this year.

Council President Zalom stated that she would like to thank Pat Marrone for the idea of the mobi-mats. They are wonderful and the compliments just keep coming. Thank you for Mr. Parlow for getting the job done so quickly.

Councilman Borowski stated that Public Works had a problem with the beach rake last week but it is all taken care of and fixed so we shouldn’t have any more problems.

He thanked Mr. Parlow and the Mayor for taking care of the issue with the bayberry bushes being overgrown. There seemed to be some confusion also about garbage pickup on the 4<sup>th</sup> of July. It was on the calendar as a pickup day but a lot of residents did not realize until it was too late. Please refer to your calendar on a daily basis.

### **EXECUTIVE SESSION:**

Mr. George stated that there exists a need for an executive session for discussion of two topics. One is the decision from the Judge on our DEP Violation litigation and Mr. Parlow has some updates with non-contractual employees and benefits.

Litigation – DEP Violation

Personnel - Terms and Conditions of Employment – Other Non-contractual Employees

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting to go into Executive Session. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in Favor. The Motion Passed.

The Regular Meeting was adjourned to Executive Session at 8:39 pm.

A Motion was made by Councilman Stogdill to reconvene 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 was reconvened at 8:55 pm.

Mr. George stated that during executive session there were two matters discussed. One was the DEP violation decision by Judge Mason which we will be filing exceptions towards the fine. The other was discussed by Mr. Parlow updating a certain class of non-contractual employees that were not impacted by the budget law that do not receive our health benefits. There was no action taken.

**ADJOURNMENT:**

A Motion to Adjourn the Caucus/Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Horan. Vote: Council Members were all in favor. The Motion Passed.

The Caucus/Regular Meeting was Adjourned at 8:55 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 and correct copy of the Minutes of the Caucus/Regular Meeting of Mayor and Council held on the 11<sup>th</sup> day of **July 2011**

---

Christopher F. Parlow  
Municipal Clerk