

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, June 2, 2008 – 7:01 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

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

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the Ocean County Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 11, 2008. Notice was posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for the troops in Iraq and Afghanistan.

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

MAYOR'S WELCOMING STATEMENT: At this time, the Mayor asked anyone in the audience if they wished to speak on anything that was not on the agenda could do so now.

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

Jason Stender, Liquid Action spoke about the Wakeboard Competition that was approved at the meeting before that is scheduled to be held on August 2, 2008. He stated that he had some other things to discuss that were not discussed at the previous meeting that he needed to receive approval. He stated that last year they were able to utilize the Fire Department bathrooms and would like to use them again. They would also appreciate it if the grass in the field area can be mowed before the event starts. They plan to stay away from the gazebo area entirely and just keep to the field area. There will be additional vendors and they are hoping for a greater turnout. They are planning to have some bands starting at 12 noon this year and are requesting permission to have a 20x16 stage on the field.

Mayor LaCicero requested that that request be held off until next meeting. This needs to be discussed further.

Councilwoman Filippone questioned whether we would have the capacity to provide them electric?

Craig McLean, Liquid Action stated that they were considering bringing in a generator for that reason.

Mayor LaCicero stated that this would need to be discussed further.

Councilwoman Wenzel questioned since it is a growing event is the parking going to be an issue. She suggested that they let people know to park on Baltimore Avenue since it is a wider street.

Mr. Stender stated that they have their own volunteers for Fire and First Aid supply but they would need Lavallette First Aid for transportation if any needs to go to the hospital.

Mayor LaCicero stated that he would give Mr. Stender the proper information to get that help.

Councilman Ardito questioned how long the event is going to be this year?

Mr. Stender stated that the event is going to be from 8:00 am to about 5:00 pm.

Craig Peterson, 6 New Brunswick Avenue stated that he has a big sand problem at the top of their street and needs something done about it.

Mr. George stated that the NJDEP has said they cannot remove any sand or do anything to the pavilions until the litigation is resolved.

Mr. Peterson questioned when this litigation is going to be resolved? He has tenants coming in for the summer and they are not going to be happy if they cannot get on the beach.

Mr. George stated that when they met with them in February they said it was probably going to be about eight months to resolve. Mr. George reported that the DEP stated that they may allow us minimal maintenance for the summer season but we still haven't received any information on that yet. The Attorney General is supposed to return this week so maybe we will get something from them before next week.

Councilwoman Wenzel stated that she has received complaints from a lot of people on this same subject. Is there any way the residents themselves could maybe send complaints to the NJDEP directly questioning when this is going to be resolved.

Mr. George stated that he thinks that it wouldn't hurt to try again. He suggested using the NJDEP website instead of the mail.

Councilman Ardito stated that residents on Ortle Avenue were also complaining and asked him if they could put their own wooden ramp to get on the beach.

Mr. George stated that he didn't think that was a good idea.

Michele Donato, 2202 Ocean Front-questioned whether the Borough not allowed to clean within the pavilion or 15 foot around the pavilion.

Mr. George stated that the Borough is limited to fifteen inches around the pavilion

Councilman Lamb stated that we cannot legally do any removal of sand without violating the permit.

Mrs. Donato stated that the DEP will never give us that IP. She stated that the Borough has asked for too much. She thanked the Mayor for putting her on the Parking Committee. It has been a pleasure to serve on the committee. The committee is currently trying to give homeowners with undersized lots and no driveways some help by requesting from Council two permit parking spaces that only they can access. The committee also discussed the two hour parking on Rt 35 North. We currently derived a letter to be sent to all commercial residents that have two hour parking. I would ask that the Mayor and Council approve the letter to be sent out.

Councilwoman Wenzel stated that it was approved at the last meeting to send out.

Mrs. Donato also had a complaint about the contractors at the street ends with port-a-potties blocking the roadway as well as modular homes. She requests some type of enactment of rules for contractors for the safety of the homeowners. There is no control of the contractors in town. There should be police escorting the modular homes for safety reasons. She also questioned the opinion letter from Phil George in reference to Chapter 44 Ordinance. She stated that the letter is not consistent with CAFRA Rules.

Mayor LaCicero stated that they are going to add some fencing and other items to that Ordinance.

Lillian Buirkle, 122 Washington Avenue stated that she is a member of the First Aid and would like Mayor and Council to reintroduce the Resolution 2008-127 allowing the First Aid Squad to get the Social Affairs Permit to sell alcohol at the Heritage Festival.

Joe Farfalla, 15 Bond Avenue stated that the First Aid and the Fire Dept. do a lot for the town as volunteers. He stated that they should get the profits from the beer truck and how much profit does the beer truck make? We haven't seen many problems through the years with the First Aid doing it so why change now.

Barbara Brown, 119 Pershing Blvd spoke about how she has always helped out on the beer truck for many years. She has always been a part of the First Aid and the Heritage Committee and she is sad to see this happening. We have always been the same volunteers and should always remember that Heritage Day has always been a Heritage Committee event.

Paul Genovese, 3 New Brunswick Ave spoke about how the First Aid use to have a club license to sell alcoholic beverages. He stated that he is not quite sure why this is all happening but the First Aid has always done the beer truck for as long as he can remember.

Councilwoman Filippone state that she does not think it is Council's job to pick and choose who should get this license and feels it is a no win situation.

Council President Zalom stated that she thought the Mayor was trying to come to some type of agreement between the organizations. She does not quite know how the Fire Department got involved in this.

Joy Grosko, 13 Camden Avenue stated that this all started because of a dispute between the members of the First Aid and Heritage Committee. A lot of things have really changed with the First Aid and the members have changed also. The problem is that the same people are on both organizations and things got out of hand. Some First Aid members were told they were not needed anymore. This whole thing is happening because the First Aid and the Heritage Committee had disagreements. This is a Heritage Committee event not a First Aid event. They have just always run the beer truck because they have always had the club license.

James Borowski, 141 Newark Avenue stated that he is the Captain of the First Aid and the Treasurer of the Fire Department. He stated that there was a reorganization within the First Aid Department and we wanted the bi-laws changed to bring them up to date. Some of the older members of the first aid did not want that to happen. We just felt that the members who perform the duties should be running the organization instead of the honorary members who do not do the work anymore. In the meantime, those members who did not agree with what we were doing went down to the County and filed a lawsuit. He state that this is where it all started.

Jean Lane, 131 Elizabeth Avenue stated she has been a member of the First Aid Ladies Auxiliary for a number of years. She has lived in this town for over forty years and does not like the way this is heading.

Clem Boyers, 20 Kerr Avenue stated that this should be a no brainer. All three organizations are wonderful but only two of them save lives. They are the ones who should be getting the profits.

Joe Palinsky, 122 Washington Avenue stated that the club license that the First Aid use to have was for the rental of the building. When it was rented out, the license was used so First Aid could sell alcoholic beverages. It had nothing to do with the beer truck at Heritage Day.

Jerry Skinner, 112A Magee Avenue stated that the Fire House needs the extra money because a number of new volunteers have joined the Fire Department in the last couple of months. They need new uniforms, classes, etc.

Joy Grosko, 13 Camden Avenue stated that the Heritage Committee has given \$25,000 to the First Aid towards a new rig and \$25,000 to the Fire House for the handicap accessible bathrooms. Heritage has also given to the Police Department. She stated that she is tired of hearing that Heritage Committee does not do anything or does not give enough to the town. The whole problem started when the First Aid claimed that they were not a fundraising organization.

Jim Borowski, 141 Newark Avenue stated that the primary function of the First Aid should be saving lives not attending fundraising events. This all started when we received a call from the beer distributor telling us that the Heritage Committee called them and said they would be taking over the beer for this event.

Jean Lane, 131 Elizabeth Avenue stated that there were three tape machines going at that First Aid meeting and maybe the tapes need to be reviewed.

Lillian Buirkle, 122 Washington Avenue stated that she is the Secretary to the First Aid. She did the minutes of that meeting and they were approved. Anyone who wishes to see them could do so. She also stated that not all of the association members wanted the lawsuit just fourteen out of thirty went to the County.

Michael Phillips, 114 Vance Avenue stated that he is the Fire Chief and last year at the Wakeboard Competition there was a problem with water vessels flying through at a great rate of speed. The Coast Guard and the Marine Police need to be a part of this event to help with the traffic of the boats and jet skis.

Jason Stender, Liquid Action stated that the Marine Police were notified about this event and will have boats out there patrolling.

Frank Taibi, 127 Philadelphia Avenue questioned whether the boat ramp is for boats or just jet skis? What is the plan to fix the problems with the ramp and the dredging out there?

Mayor LaCicero stated that the State is going to be dredging again this year in that area. They are trying to do the best they can with a very mucky situation.

Councilwoman Wenzel stated that last year they were given two alternatives about the dredging problem. One was a jetty and the other was sand migrating. These two alternatives probably should be considered, eventually.

Mr. Taibi stated that maybe the town should put a hydrologist on the payroll because it is a problem that does not seem to be going away.

Betty Psichos, 23 Bullard Drive questioned why there are security cameras being put in down at the Borough Yard.

Councilwoman Wenzel stated that there are cameras being put in at the whole Public Works complex mostly because of break-ins and our wells need to be monitored at all times. We are using a security company for the monitoring at a cost of about \$4,000 which is a very good price.

Councilman Lamb stated that he believes the First Aid and Fire Department should receive the license for the beer truck.

Councilwoman Wenzel stated that she still believes it should be an alcohol free event and stands by that.

Council President Zalom stated that she thinks no decision should be made right now and that all sides should come to some type of agreement.

Councilman Ardito stated that he thinks that a decision should be made tonight and this has been dragged out long enough.

Councilman Stogdill was confused about why the change now but understands it all now. All three organizations play a vital role in this town.

Councilwoman Filippone stated that all three organizations give back to this town in a big way. She also wanted to say that it is an insult to say that Council is waffling on this subject. The Mayor and Council budgets money for the Fire and First Aid every year. We as a Council try to do the best that we can and this is not an easy decision. She also believe that we should not have to make this decision at all.

Mayor LaCicero stated that there should be some type of mediation here. The Mayor and Council are not going to make this decision. There needs to be some type of mediation here. Until there is a compromise we are not going to decide anything tonight or any other night. There is going to have to be more meetings within the three organizations with some type of compromise.

A Motion was made by Councilman Ardito to rescind the Heritage Day Alcohol Free Event. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill and Lamb all voted Yes. Councilwoman Filippone voted No. The Motion passed.

A Motion was made by Councilman Ardito to reintroduce Resolution 2008-127. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, and Lamb all voted Yes. Council Members Zalom, Stogdill and Filippone all voted No. There was tie and the Mayor voted No. The Motion failed.

A Motion was made by Council President Zalom to have the Mayor do some more sit down negotiations with all three parties. The Motion was seconded by Councilwoman Filippone. Vote: Council President Zalom and Councilwoman Filippone voted Yes. Council Members Ardito, Wenzel, Stogdill and Lamb all voted No. The Motion failed.

A Motion was made by Councilwoman Wenzel to un-table Resolution No. 2008-113. There was no second on her Motion. The Motion failed.

Joy Grosko, 13 Camden Avenue stated that she would like to acquiesce to both of these companies. She has had enough of this situation and just wants it over with.

A Motion was made by Councilman Lamb to approve Resolution No. 2008-127. The Motion was seconded by Councilman Stogdill. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion was Passed.

At this time the Councilwoman Wenzel asked for a five minute break. All of Council were in Favor. The Council took a 5 minute adjournment at 9:15 pm.

APPROVAL OF CLERK'S MINUTES

Regular Meeting Minutes of May 19, 2008
Executive Session Minutes of May 19, 2008
Request for Proposal Opening Minutes of May 21, 2008

A Motion was made by Councilwoman Wenzel to approve all the Minutes of May 19, 2008 and May 21, 2008. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

REPORTS:

- a) Police Overtime Report for May-Councilwoman Filippone
- b) Public Works Report for May-Councilwoman Wenzel
- c) Public Affairs Report-Council President Zalom
- d) Municipal Court Report for May-Councilwoman Filippone
- e) Animal Control Report for May-Councilwoman Filippone
- f) Planning Board Report for May-Councilwoman Filippone
- g) Beach Badge Sales Report for May-Councilman Lamb
- h) Zoning Report for May-Councilwoman Filippone
- i) Tax Account Status Report for May-Tax Collector

The Mayor requested that the Reports be held over until the next meeting. All Council Members were in favor. Mr. Parlow stated that he would put the reports on the next agenda.

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

RESOLUTIONS – ON CONSENT:

- 2008-157 appointment of Gerald E. Grayce to the part-time positions of Construction Official, Building Sub Code Official, and Fire Protection Sub Code Official for the Uniform Construction Code enforcing agency of the Borough of Lavallette-Mr. Parlow stated that Mr. Grayce is going to start on June 9, 2008. We are still going to need two individuals for Plumbing and Electric but he is confident that the Borough will fill those positions shortly. Councilwoman Filippone stated that she has met with Mr. Grayce and she is very satisfied with him. All Construction permit fees will be held by the Borough. Councilwoman Wenzel stated that we have a pool of applications for the other positions and we shouldn't have a problem at all.
- 2008-158 approving seasonal employees for the Public Works Department at hourly rates of \$10.00 and \$7.50 from June 2, 2008 thru October 31, 2008.
- 2008-159 approving the contract with Vineland Fireworks Company, Inc. in the amount of \$6,800.00 for our fireworks display to be held on July 6, 2008-Council President Zalom stated that this year the ante has been increased by \$2,800 thanks to Sunoco and Paul Kelly with their generous donations.

2008-159A opposing S-1137 which expands the Scope of Contract Negotiations

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

RESOLUTIONS-OFF CONSENT: There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2008-160 Bills List in the amount of \$283,092.80

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

ORDINANCES ON FOR ADOPTION/SECOND READING

ORDINANCE NO. 2008-9(1037)ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED "VEHICLES AND TRAFFIC" SO AS TO REVISE SECTION 89-26

A Motion was made to Adopt Ordinance No. 2008-9(1034) by Councilwoman Wenzel. The Motion was seconded by Councilman Stogdill. The Mayor opened public comment. There was no public comment. The Mayor closed the public comment. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Appeal of Civil Administrative Penalty Assessment/Letter to Deputy Attorney General with a copy of our Individual Permit Application/Received May 2, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Heritage Day ABC Special Permit Single Day Special Event Beer Sales/Received May 15, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Received May 15, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Raymond Toscano v. Borough of Lavallette/Received May 15, 2008
- e) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Lavallette Borough Ordinance Chapter 44-1/Received May 21, 2008

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Tennis Court Restoration/Pay Estimate No. 1/Pay Record April 21, 2008 thru May 7, 2008/Received May 12, 2008-Mr. Parlow stated that the Tennis Courts are almost complete. He stated that there is a problem with residents allowing their dogs to go on the court as a dog walk and skateboarders utilizing it as their park. Councilwoman Wenzel stated that she will have Public Works place some signs at the tennis courts. Councilman Lamb stated that they are doing a great job on the courts and that they look great.
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/revised punch list to Earle Asphalt Company/Received May 27, 2008
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Maintenance Dredging at West Point Island Bridge/Boat Ramp/letter to O.C. Road Department requesting the maintenance dredging under the Bridge/Received May 27, 2008-Mayor LaCicero stated that the dredging is not final but almost complete
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/Notification/Certification of Work Commencement Form for the US Army Corps of Engineers/Maintenance Dredging at West Point Island Bridge/Received May 22, 2008
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/Maintenance Dredging at West Point Island Bridge/Received May 28, 2008

New Jersey League of Municipalities:

- a) Paid Family Leave/May 5, 2008
- b) Follow Up on Childcare Survey/Received May 5, 2008
- c) A-500, Affordable Housing/Received May 6, 2008
- d) Local Unit Alignment, Reorganization and Consolidation Commission/LUARCC News/Received May 6, 2008
- e) Water Utility Rates Legislative Hearings Soon/Received May 6, 2008
- f) COAH Regulations, Affordable Housing/Received May 7, 2008
- g) FEDERAL UPDATE from WASHINGTON, D.C.-Priority Housing Bills Head to the House Floor-Vote YES!/Received May 7, 2008
- h) New Office of the State Comptroller/Statutory Reporting Requirements/Received May 7, 2008
- i) S-986/A-2178, as amended/Private Collection of Property Taxes/Received May 12, 2008
- j) S-1137, Expands Scope of Negotiation/Received May 13, 2008
- k) League Leaders Asks Legislators to Refocus State Budget on Property Tax Relief/Received May 13, 2008
- l) State Revenue Estimates Revised (Municipal Aid Still At Risk)/Received May 15, 2008
- m) S-1783, Commercial Development Fee/Received May 15, 2008
- n) S-1137, Expands Scope of Negotiation/Received May 15, 2008
- o) May 20th State Budget Summit/Received May 20, 2008
- p) S-1137, Expands Scope of Negotiations/Received May 21, 2008
- q) A-500, Affordable Housing/Received May 23, 2008

General With No Action:

- a) PMK Group/Potential Hazard Associated with Lead in Synthetic Turf Fields/Received May 5, 2008
- b) Hogan & Hartson/John R. Lilystrom/Partial Compliance with April 4, 2008 Letter Order/Received May 5, 2008
- c) Kathleen Mango, Municipal Alliance Coordinator/letter expressing the importance of the town bus/Received May 6, 2008
- d) Atlantic City Surf/Professional Baseball Club/Karin A. Deveney, Director/Received May 6, 2008
- e) U.S. Dept. of Homeland Security/United States Coast Guard/Public Notice 5-1112/Received May 6, 2008
- f) Cablevision/Adam E. Falk, Vice President/Digital Transition Project/Received May 6, 2008
- g) Lavallette Heritage Committee/Joy Grosko, Director/Current Upgrading at the Gazebo/Received May 7, 2008
- h) Borough of Lavallette/Christopher F. Parlow, Administrator/Municipal Clerk/Filing of Submission Requirements under N.J.S.A. 52:15C-7 for Audit Purposes/Received May 7, 2008
- i) Ocean County Administrator/Alan W. Avery, Jr., County Administrator/reminding us to adopt a fee schedule by ordinance for our new construction fees/Received May 8, 2008
- j) Ocean County Department of Transportation Services/Kathleen C. Edmond, Director/advising of public hearing on the County applying for funding from NJ Transit Corporation to be held on June 19, 2008
- k) Lavallette Volunteer First Aid Squad/Financial Statements for the Year 2007/Received May 13, 2008
- l) Kathleen Bolger/121 Washington Avenue/letter thanking us for the prompt response in reference to the tennis court landscaping/Received May 13, 2008
- m) Lavallette Elementary School/Peter S. Morris, Superintendent/Schedule for Graduation/Received May 14, 2008-Council President Zalom stated that she spoke to the Superintendent about changing the date of graduation next year so that it does not fall on a Council meeting date. He assured her that he will take care of that.
- n) Township of Brick, Stephen C. Acropolis, Mayor/Shared Service Agreement/Division of Construction and Inspections/Received May 15, 2008
- o) County of Ocean/Arthur P. Burns, Superintendent/April 2008 Recycling and Compost Reports/Received May 15, 2008
- p) Charlotte Ross/1900 Bay Blvd./letter thanking the Public Works Department along with the Police and Borough Hall employees/Received May 15, 2008
- q) Ocean County Board of Health/Ella Boyd, Coordinator/advising of a mandatory meeting for the 2008-2011 Alliance Request for Funding Application on May 14, 2008 or May 21, 2008/Received May 16, 2008
- r) State of New Jersey/Department of Corrections/Joseph W. Hartmann, Coordinator/Inspection Report of the Jail Cell in the Police Department/Received May 16, 2008-Councilwoman Filippone stated that all went well with this inspection
- s) Ocean County Utilities Authority/Manolito e. Santos, Assistant Treasurer/2007 Auditor's Report/Received May 16, 2008
- t) Hardin, Kundla, McKeon & Poletto/Mark S. Kundla, Esq./Gallo v. Lavallette Water & Sewer Utility/Water and Sewer Bill Dispute/Block 10, Lot 27, 24 Magee Avenue/Received May 19,

2008

- u) Gertner & Riordan, LLC/Sean D. Gertner, Esq./Name Change of Firm/Received May 19, 2008
- v) Board of Chosen Freeholders/Joseph H. Vicari, Director/Barnegat Bay National Estuary Program Reaffirmation Ceremony on May 22, 2008/Received May 19, 2008-Mayor LaCicero stated that he attended this Ceremony.
- w) Stone Mandia, LLC/Frank J. Mandia, Jr./letter to Alcoholic Beverage Control referencing the renewal of an inactive liquor license for the License Term 2008-2009/Received May 21, 2008
- x) Multiple Sclerosis Society/Jessica Moll, Coordinator/letter thanking the Borough of Lavallette for supporting the 17th Annual Bike MS “Coast to Coast” Ride/Received May 22, 2008
- y) Commerce Insurance Services/Legislative Update/Paid Leave Law Passes in New Jersey, Time to Review Leave Policies/Received May 22, 2008
- z) New Jersey Natural Gas/Steve Rybka, Manager/Conserve to Preserve Initiative/Received May 22, 2008
- aa) State of New Jersey/Department of Environmental Protection/Christopher Dolphin, Section Chief/Coastal General Permit for Beach and Dune Maintenance/Received May 22, 2008-Mr. Parlow stated that he received this letter and Lavallette is not affected by this Order.
- bb) Department of the Army/Philadelphia Corps of Engineers/approving the Department of Army permit dated August 16, 2006 to the Borough of Lavallette to allow the dredging under the West Point Island Bridge/Received May 27, 2008
- cc) PJM Interconnection, LLC/Pauline Foley, Senior Counsel/letter to Federal Energy Regulatory Commission/PSEG Energy Resources & Trade, LLC/Received May 27, 2008
- dd) Ocean County Utilities Authority/Richard M. Warren, Executive Director/Notice of Public Hearing on Proposed 2209 Rates/Received May 28, 2008
- ee) Ocean County Department of Solid Waste Management/James F. Lacey, Freeholder/Ocean County Recycling Revenue Sharing Program/Received May 28, 2008
- ff) Ocean County Planning Board/Mark C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report of May 2008/Received May 30, 2008

General With Action:

- a) Catholic Charities/Jean Metz, Service Director/requesting a donation in the amount of \$60.00/Received May 13, 2008-Mr. Parlow stated that this is done by Purchase Order every year.
- b) American Littoral Society/Helen Henderson, Project Manager/requesting the Mayor sit for one half hour in their dunk tank at their Barnegat Bay Festival on June 1, 2008/Received May 21, 2008-Mayor LaCicero stated that he received this to late and could not attend.
- c) Ocean County Sheriff’s Department/Office of Emergency Management/William L. Polhemus, Coordinator/requesting a representative attend a press conference on Monday June 2, 2008 to bring attention to the beginning of hurricane season/Received May 5, 2008 –Councilman Lamb stated that he attended this meeting with Chief Grant and it was just to update us on this year’s hurricane season.
- d) Ocean County Planning Board/John R. Brown, Assistant Planner/Assistance with Lavallette Borough’s Municipal Stormwater Management Plan and Stormwater Control Ordinance/requesting the Mayor or Representative to a private consultation with a stormwater management consultant/Received May 28, 2008-Mayor LaCicero asked Mr. Parlow to take care of this on his behalf.
- e) Christopher & Margaret Porta/12 Old Pleasant Hill Road, New Windsor, NY 12553/requesting

permission to be married at the pavilion on Elizabeth Avenue on June 7, 2008 at 7:00 pm and requesting the Mayor to perform the ceremony/Received May 30, 2008.-Mayor LaCicero stated that he will not be here on that day and if Council President Zalom could perform on his behalf. Council President Zalom stated that she would be glad to.

UNFINISHED BUSINESS:

Councilwoman Wenzel spoke about starting the Environmental Committee with just the couple names they have just to get it started.

Mayor LaCicero stated that when he received more names he would forward them to her.

Councilwoman Wenzel also stated that she received a quote for the Cushman of \$20,010.00. People have forwarded her pictures of the overflow of garbage receptacles on Memorial Day Weekend so she thinks we really need this.

Mayor LaCicero stated that it should be put on for the next meeting agenda.

Councilman Stogdill stated that the Beach Badge has a new credit card machine and it will be ready for credit cards starting this Friday.

Councilwoman Filippone stated that she spoke to Chief Grant in reference to the two loaned vehicles from Lester Glenn. He advised her that these vehicles are not police equipped. They are strictly for use of the Class I and Class II patrols instead of always having to use the bicycles.

NEW BUSINESS:

Councilwoman Wenzel stated that Save Barnegat Bay is asking for permission to use the gazebo on July 2, 2008 to hold a press conference at 11am and for getting the help like every other year from the Public Works and Police Department for their June 28, 2008 8K Run.

All Council Members were in favor of allowing the use of the gazebo and for the help of the Borough Departments on June 28th's 8K Run. The Motion passed.

She also stated that residents have complained to her from New Jersey Avenue and the Ocean in reference to an access street behind their homes on the Ocean that people have been blocking and parking in. They say that it is an access road strictly for emergency use only.

Mayor LaCicero stated that this has been a problem before and it is a civil matter not the Borough's matter. The Chief is also aware of the problem.

Councilman Lamb stated that the Eight Grade Graduation Class is requesting permission to hold a Bay Beach Party after graduation on June 16th at the Washington Avenue Bay Beach. They would also like to have a DJ so would require some lighting and electricity from the Borough.

All Council Members were in favor of the graduation class holding its bay beach party on Washington Avenue with a DJ. The Motion passed.

Councilman Lamb also stated that the Fire Department is going to sound its airhorn for all emergencies during the day.

All of Council were in favor of the sounding of the airhorn. The Motion passed

Councilman Ardito stated that Oyster Creek Nuclear Power Plant has been extended their license for another twenty years.

Council President Zalom stated that the Union Church would like to hold their Sunrise Services on the Beach at Philadelphia Avenue and have use of the electricity outlets starting June 14th on Saturday evenings through the summer season.

All Council Members were in favor of the Union Church holding their services on the beach through the summer season. The Motion was Passed.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue requested an update the CAD system that Lavallette Police was supposed to hook up to for the summer from Toms River Twp.

Councilwoman Filippone stated that Chief Grant is looking at other alternatives.

Frank Taibi, 127 Philadelphia Avenue questioned why we wouldn't just use a regular small pickup truck that Public Works already has instead of purchasing a \$20,000 piece of equipment to pick up garbage on the boardwalk?

Councilwoman Wenzel stated that the boardwalk gets damaged by the vibrations and weight of the vehicles. The Cushman is very lightweight and will let us keep our boardwalk a little longer before we have to replace it again.

Mr. Taibi also asked for an update on the Bay Beach Way Annexation?

Mayor LaCicero stated that they had briefs on May 19, 2008 and heard arguments. They are considering the briefs at this point but it was already told to me that no matter what decision was made their would be appeals from both sides.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill thanked the First Aid Squad for their prompt service when he wife took ill. He appreciates their volunteerism.

Councilwoman Filippone stated that the zoning officer is trying to resolve the problem with the site triangle on Rt. 35 South and White Avenue with the overgrowth of vegetation. The Code Enforcement Officer has received a number of complaints.

Councilwoman Filippone also stated that she received a complaint from Mrs. Grosko about the weddings at the gazebo. The couple's who get married there do not follow the rules that they receive. She brought up an example of a wedding there a few weeks ago where a tent was put up with spikes and then they left it there along with decorations that they had stapled to the gazebo. She thinks we should not allow weddings there at all anymore.

Mayor LaCicero stated that he has been discussing this with Mrs. Grosko and is recommending a flat fee for the gazebo. I think \$500 might be too much but \$250.00 is just right.

A Motion was made by Councilwoman Wenzel to approve the fee of \$250.00 for weddings at the gazebo. The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Councilwoman Wenzel stated that she always thought a nice artistic certificate for the couple as a nice memento be given to them from the town would be a nice gesture.

A Motion was made by Councilwoman Wenzel to have an artist create some type of special certificate for the couples who get married at the gazebo. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The Motion passed.

Council President Zalom stated that there is a town wide garage sale being held on June 6th & 7th so let's not forget. There is a Garden Tour to be held on June 14th along with Adopt a Highway and the Battle of the Bands. The Opening of the Time Capsule on May 31st was a hit. Everything went wonderfully and the rain held off till the end. Thanks to Jim and Eleanor Saks for all their help with shuffleboard. Coast Cities inspected the bus and they said it was not going to work for us. There is too much wrong with it.

Councilwoman Wenzel thanked Council President Zalom for a wonderful Memorial Day Event. She reported that there is going to be a bulk pickup on June 9th. As for the drainage problems on Rt. 35 South we should see if Andrew Ciesla's office could help with the situation.

EXECUTIVE SESSION: Personnel Matters / Contractual Matters

Mayor LaCicero stated that the Executive Session is going to be put off until the meeting of June 16, 2008. Mr. Parlow will "Rice" notice all affected employees.

Councilwoman Wenzel requested Mr. Parlow be "Rice" noticed so we can discuss him also.

ADJOURNMENT:

A Motion was made by Council President Zalom to adjourn the meeting. The Motion was seconded by Councilwoman Filippone. Vote: All Council Members were in favor. The Meeting was adjourned at 10:12 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby attest these to be a true copy of the minutes of the Regular Meeting of the Mayor and Council held on the **2nd** day of **June 2008**.

Christopher F. Parlow
Municipal Clerk