

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, April 6, 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: 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 former Councilwoman Anne Willis, who recently passed. She served on Council from 1990 thru 1996. He also asked for a moment of silence for the 53 people nationwide who have died due to violence and for our troops overseas.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led the Salute to the Flag

MAYOR'S WELCOMING STATEMENT: 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.

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

Mayor LaCicero opened the floor to public comment.

Joy Grosko, 13 Camden Avenue stated that she was very upset with this advertising on the back of the lifeguard stands. This town is beautiful and very family oriented and we will be throwing away all the beauty by advertising on the stands. The amount of \$30,000 is not enough to turn our town into Seaside Heights. Please let's reconsider this and try to keep our town as beautiful as it is now.

Mayor LaCicero stated that before Council makes a decision or responds about this we will hear from everyone that has a comment on this.

Bill Kinney, 23 Philadelphia Avenue stated that he applauds Council for trying to produce revenue for the town but Lavallette is not the side of a bus. He asked the Council to reconsider this idea.

Jerry Boylan, 2201 Bay Blvd. stated he has been in this town since 1934 and he doesn't understand why Mayor and Council are doing this to this beautiful town. No state or federal park allows advertising at all. This is going to be a big mistake so please think about this whole thing again.

Barbara Janosko, LBA President stated that the LBA was shocked and dismayed to hear about this advertising on our beach. The beach is Lavallette's best asset because we are a tourist town. The LBA is no way in support of this advertising. Please do not let this happen.

Susan Koch, Camden Avenue stated she is fairly new to the town and she agrees with everyone else that we should not allow this town to become Seaside Heights.

Arleen Maglionico, 117 Camden Avenue stated that she would like to know how much this is going to save one taxpayer.

Joe Ardito, 109 New Jersey Avenue stated that it is Mayor and Council's job to listen to the people. We received a letter from the Mayor and it never mentioned anything about this advertising. He stated that this is not a good business deal at all and certainly not enough of profits to even consider this. People are always telling me that Mayor and Council in this town do not listen to the people they do what they want for themselves. The answer to Arleen's question is \$10.00 per household.

Bobbie Brown, 119 Pershing Boulevard questioned if this is going to abide with our sign ordinance in town.

Pat, Manager of Rite-Aid stated that he was here for a different reason but just wanted to state that this town is a beautiful one and it should not be desecrated by this horrible advertising.

Tom Cullen, 507 Bay Blvd stated that he read an article from a 2004 newspaper that spoke so highly of how beautiful and family oriented Lavallette is. If we bring this advertising to our town it will look just like Seaside Heights and Pt. Pleasant Beach. People come here because of how serene and beautiful this town is. We are a family oriented town and we need to stay the way we are.

Greg Sharkey, 3 Bond Avenue stated that this is not proper for our town. Your attorney should guide you into how you can withdraw this contract. We have a Beautification Committee so we can have our town stay beautiful. Please reconsider this whole situation.

Mayor LaCicero stated that he fielded calls about this all weekend. Mayor LaCicero made the following statement. First of all, let me start by saying this advertising firm has not at all contributed to the Republican Party. There has been a lot of miscommunication out there. Mayor and Council are trying to bring in as much revenue as we can for this town. This suggestion was given to us and we had Mr. Parlow look into it. He researched it and we talked about it at a couple of public meetings. We heard no objections to it so we authorized him to go out to bid for the advertising. Mr. Parlow sent out about 15 bid specs to different companies and only one company, "Kerwin Communications" responded with a bid. Since November we have been discussing this and no one came forward to object to it.

Mr. George stated that the contract has been signed and executed. Unless there is a breach of contract of some sort, he cannot authorize the Borough to pull out of this contract. It is only for one year so we can always not renew at the end of the year.

Councilwoman Wenzel stated that the owner of Kerwin Communications lives in town and she would suggest that the Mayor reaches out to him and see if he would back out of the contract with no problems to the Borough.

Councilwoman Filippone stated that she agrees with Councilwoman Wenzel on this. She has not been present for couple of meetings but she does not recall ever talking about only 25% of the revenue. The only amount of monies she ever heard was that we could make was \$140,000. She thinks we passed the resolution to quickly without more discussion. The Council did speak about it at a couple of meetings and did not get any negative feed back but she believes we pursued it too quickly without more discussion on the percentage of revenue. To her, that is not a lot of revenue for what they are doing up there. She never even heard anything about the size and how many signs there were going to be.

Councilwoman Wenzel stated that she spoke to a few people who are afraid that they are going to advertise free pizza deliveries to the beach and also people were concerned if they were going to abide by our sign ordinance. She was also told by a resident that we are trying to oppose the consolidation of our beautiful town to other towns like Seaside Heights and they we go and do something like this to make us look like Seaside Heights. She made comments in the beginning of discussing this whole project and no one came out to back me up. She believes we all have Lavallette in our hearts and that is why we will all work this out somehow for the town and the people.

Councilwoman Filippone stated that the town is exempt of any town ordinances or permits. Our zeal here was to increase revenue for the betterment of the town. Let's face it our zero tax increase has been a formidable challenge. Mr. Ardito made a statement that we up here do not listen to the people. She dos not believe this to be true. Everyone in this town knows where she lives. Anyone who has a comment or a problem about anything that has to do with this town can feel free to call her or come to my house at anytime and she will listen to whatever you have to say.

Councilman Lamb stated that we, the Council, do not always get everything right up here. We need the revenue for the town. He happens to look out of his front window everyday and see a bunch of ugly, unsightly cell antennas on top of the water tower and thinks how disgusting it looks but we collect a lot of revenue from the antennas so we just need to deal with it. We have been discussing this for several months along with other ideas for more revenue and no one has come to these meetings with other suggestions on how to create the extra revenue. We already entered into a contract but if the Mayor could somehow persuade this man to reconsider he would be okay with that.

Councilman Stogdill stated that he would support the Mayor trying to seize the contract. He listened to a lot of residents who called him also and some had some good points but we are up here to do a job and that is to keep this town running.

Councilman Horan stated that he supports the decision of having the Mayor speak to Mr. Kerwin and see if we can put a cancel the contract.

Council President Zalom stated that we have been discussing this since October and no one has come forward until now. If they came forward six months ago maybe we would not have to go through all this hassle of the Mayor having to speak to this man.

Mayor LaCicero stated that it is the citizens of Lavallette's obligation to find out what is going on at our public meetings that we have twice a month. They are televised once a month and also every agenda and minutes of every meeting are posted on our website. If you have an opinion on anything that we discuss then you should be coming to the meetings and voicing them. He rejects any suggestion that any decisions we make are done behind closed doors. He also disagrees that \$30,000 is not enough revenue for this town. If we turned down every \$30,000 savings to this town we would be in trouble. We work hard to keep our taxes flat and with these revenues is how we can do that. He would have no problem talking with Mr. Kerwin if that is what Council wishes him to do.

A Motion was made by Councilwoman Wenzel to allow the Mayor to speak with Mr. Kerwin on rescinding this Contract. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

PROCLAMATION – “NATIONAL LIBRARY WEEK”

The Mayor read a loud the Proclamation

APPROVAL OF CLERK'S MINUTES

Regular Minutes of March 23, 2009
Executive Session Minutes of March 23, 2009
Budget Meeting of March 18, 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 and Horan voted Yes. Councilwoman Filippone Abstained. The Motion passed.

REPORTS:

- a) Police Overtime Report for March-Councilwoman Filippone-read report
- b) Public Affairs Report-Council President Zalom-the Easter Egg Hunt was cancelled on Friday and we are waiting for a sunny day. Thanks to all the volunteers for always helping us with that. Mr. Parlow cannot be with us tonight because he had surgery last week so we wish him well. The calendar has gone to the printer so the residents should be receiving it shortly. We had a great Environmental Committee meeting.
- c) Public Works Quarterly Report-Councilwoman Wenzel-read report-The Recycling Center will be closed on Easter Sunday. She has \$58,000 in cuts from the Superintendent of Public Works in reference to the budget.

- d) Animal Control Report for March-Councilwoman Filippone-read report
- e) Planning Board Report for March-Councilwoman Filippone-the Planning Board meeting was cancelled for March so I have nothing to report
- f) Zoning Report for March-Councilwoman Filippone-read report
- g) Construction Office Report for March-Councilwoman Filippone-read report
- h) Municipal Court Report for February-Councilwoman Filippone-read report
- i) Tax Account Status Report for March-Tax Collector
- j) Revenue Transaction Report for February-Chief Financial Officer
- k) Lavallette School Board Rep-Councilman Horan-attended the County School Board meeting about the regionalization. He reported that ultimately the decision to regionalize will be made by the voters. As of now, even if the Borough did regionalize Lavallette School would remain here and we would get the kids from other towns. The Lavallette School was the lowest school tax in all districts as well as the highest test scores within the top 10% overall.

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

INTRODUCTION OF CAP ORDINANCE 2009-08 (1061):

A Motion was made by Council President Zalom to introduce the Cap Ordinance No. 2009-08 (1061). 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 April 20, 2009

INTRODUCTION OF 2009 MUNICIPAL BUDGET:

Councilwoman Wenzel stated that she recommends that we table or pull off the agenda. She thanked the Administrator for doing our cuts for us but she thinks that we as Council should sit down and discuss it amongst ourselves and make those decisions. She requested that the administrator scheduled a budget meeting.

Mr. George stated that statutorily if you do not introduce the budget by March 31st you will be penalized. His suggestion is for the Council to introduce it tonight and then the Council could always amend it.

Michele Burk stated that we have postponed it before and the penalty is not a concern. She would suggest you postpone it also.

Resolution No. 2009-112 (Clerk to Read Budget Resolution)

A Motion was made by Councilwoman Wenzel to table the Introduction to the Budget Resolution No. 2009-112. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

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

RESOLUTIONS – ON CONSENT:

- 2009-103 authorizing the acceptance of a proposal from Signature Information Solutions for the Borough of Lavallette to provide a weekly data transmission of Borough tax records
- 2009-104 reappointing Frank Salzer as the Judge for the Lavallette Municipal Court for another three year term commencing on April 1, 2009 and ending March 31, 2012
- 2009-105 authorizing eight Class I applicants to attend the Ocean County Police Academy Satellite Training Course at an hourly rate of \$7.15
- 2009-106 authorizing an Interlocal Agreement with the Toms River Fire District for fuel services commencing April 1, 2009 and ending March 31, 2010-Councilwoman Wenzel stated that it was nice to see the 5% increase to give us more revenue.
- 2009-107 honoring our troops and “Support Our Troops Day” on April 19, 2009-Councilman Horan stated that it was nice to see the Borough honoring this day.
- 2009-108 in opposition to Governor Corzine’s FY 2010 State Budget
- 2009-109 authorizing the approval of an application for a residential parking permit to Mildred Allegar from 114 President Avenue-Council President Zalom thanked Mr. Parlow getting this parking problem taken care of.
- 2009-110 proclaiming April as “Autism Awareness Month”
- 2009-111 authorizing disposal of a municipal shredder from the Lavallette Police Department and removing it as a fixed asset
- 2009-113 authorizing the appointments of the 2009 beach badge office personnel
- 2009-114 approving the pre-season beach badge office hours
- 2009-115 proclaiming April 6th thru April 12th, 2009 as “Public Health Week”
- 2009-116 authorizing the appointments of the 2009 seasonal supervisor staff
- 2009-116A-authorizing the application for a grant for COPS Hiring and Recovery Program

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

Filippone voted Yes. Councilwoman Wenzel abstained on Resolution 2009-108 and voted Yes to all others. The Motion passed.

RESOLUTIONS-OFF CONSENT:

APPROVAL OF VOUCHERS:

2009-117 Bills List in the amount of \$1,005,229.00

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./James Cavanaugh v. Borough of Lavallette/Received March 13, 2009
- b) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received March 16, 2009
- c) Eric M. Bernstein & Assoc., LLC/Philip George, Esq./Bus Lease Agreement between the Borough of Lavallette and E. Allen MacDuffie, Jr./Received March 23, 2009
- d) Eric M. Bernstein & Assoc., LLC/Deborah Bracaglia, Esq./New Bill Limiting Unpaid Suspensions of Police Officers and Firefighters/Received March 25, 2009
- e) Eric M. Bernstein & Assoc., LLC/Deborah Bracaglia, Esq./Civil Service Commission Emergency Rule Authorizing Mandatory Furloughs/Received March 27, 2009
- f) Eric M. Bernstein & Assoc., LLC/Deborah Bracaglia, Esq./Changes to COBRA benefits under the new stimulus package (American Recovery and Reinvestment Act of 2009 (ARRA)/Model COBRA/ARRA Notices/Received March 30, 2009

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O' Donnell/Miscellaneous Service Lateral Repairs/Contract Closeout/Received March 11, 2009
- b) O'Donnell, Stanton & Assoc./ Michael O'Donnell/Kerr Avenue Road Improvements/Pay Estimate #1/Received March 27, 2009

New Jersey League of Municipalities:

- a) Legislative Alert/Received March 5, 2009
- b) Governor Corzine Announces Economic Recovery Website/Received March 9, 2009
- c) Governor Corzine's Budget Message/Received March 10, 2009
- d) Issue Alert/Received March 11, 2009
- e) Governor Corzine's Preliminary Budget Analysis/Received March 11, 2009
- f) Support Our Troops/Received March 11, 2009

- g) Age Restricted Housing Conversion Bill/A-3772 & S-2577/Received March 12, 2009
- h) 4% Tax Levy Cap/Received March 12, 2009
- i) Important New Information from the Division of Local Government Services on Budgeting/Received March 16, 2009
- j) Sustainable Jersey Grants Funded by Wal-Mart/Received March 16, 2009-Councilwoman Filippone stated that Environmental Committee is in the process of filling out the application for this grant but they need a resolution from the Borough in order to apply. She would like the resolution to be put on the agenda for the next meeting.
- k) New Pension Deferral Bill/Received March 12, 2009-Mayor LaCicero stated that we did not defer our pension bill.
- l) Legislative Cap/Pension Deferral Goes to Governor/Senate Releases Qualified Purchasing Agent Mandate/Age Restricted Housing Conversion Bill/Commercial Fee Moratorium Passes Senate/Received March 17, 2009
- m) COPS Hiring Recovery Program (CHRP)/Received March 17, 2009
- n) Governor Welcomes Budget Comments/Received March 17, 2009
- o) False Claims Acts Amendments Threaten Local Governments/Received March 18, 2009
- p) Pension Deferral Signed/Received March 18, 2009
- q) Immediate Need for Binding Arbitration/Received March 18, 2009
- r) Affordable Housing Update Local Mandates Ruling in Medford Township Challenge/March 19, 2009
- s) COBRA Continuation Requirement in the American Recovery and Reinvestment Act (ARRA)/Received March 19, 2009
- t) Local Finance Notice on Pension Deferral Law/Received March 23, 2009
- u) League Budget Testimony/Received March 24, 2009
- v) Stimulus Funding News From the EPA and HUD/Received March 24, 2009
- w) Urgent Action, Contact Governor's Office Today, A-3772 & S-2577, Conversion of Age-Restricted Housing/Received March 24, 2009
- x) Binding Arbitration Reform Needed Now/Received March 26, 2009
- y) Federal Stimulus Funding U.S. Department of Energy/Received March 26, 2009
- z) Workshop on "Green Schools" Scheduled/Received March 27, 2009
- aa) Local Unit Alignment, Reorganization and Consolidation Commission Adopts Report/Received March 30, 2009
- bb) Proposed Re-Adoption Police Training Commission Rules/Received March 30, 2009
- cc) Important Information from the Division of Local Government Services/Received March 31, 2009
- dd) Furlough Rule Challenged/Received March 31, 2009

General With No Action:

- a) Lavallette Voters & Taxpayers/Joseph Marcianti, President/Letters and comments from property owners related to various municipal issues/Received March 6, 2009-Mayor LaCicero stated that he will respond personally to this property owners.
- b) State of New Jersey/Department of Environmental Protection/Donald Kakas, Section Chief/Classification Exception Area(CEA) Biennial Certification/Revision Report Approval/Received March 9, 2009
- c) Lavallette Volunteer Fire Co. #1/Arthur Reece, President/Addressing the bathroom use in the

- Firehouse by the general public/Received March 9, 2009-Council President Zalom stated that this needs to be addressed before our summer events start. Councilwoman Wenzel stated she will discuss it with the Superintendent of Public Works.
- d) Ocean County Mosquito Extermination Commission/Thomas M. Candeletti, Supt./Required information on mosquito control/Received March 11, 2009
 - e) Lavallette Voters & Taxpayers Association/Joseph Marcianti, President/Assembly Bill 3490 consolidation of various municipalities/Received March 16, 2009
 - f) United States Environmental Protection Agency/EPA Assistance Agreement/Received March 16, 2009
 - g) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/February 2009 Recycling & Compost Reports/Received March 17, 2009
 - h) Cablevision/Adam Falk, Vice President/Programming Changes/Received March 18, 2009
 - i) State of New Jersey/Department of Transportation/Stephen Dilts, Commissioner/Municipal Aid, Bikeway, Centers of Place,, Transit Village and Safe Streets to Transit Programs/Received March 18, 2009-Council President Zalom stated that she spoke to the Engineer about this and he stated that we might be able to get a small grant for bike safety. Councilwoman Filippone stated that our bike safety rules are in our calendar every year.
 - j) RCC Environmental Professionals/Melanie Pyle, Project Manager/Paul Kelly's Sunoco Service Station Classification Exception Area/Received March 18, 2009
 - k) State of New Jersey/Department of Environmental Protection/Ed Frankel, Section Chief/Municipal Storm water Regulation Program/Notice of Final Permit Decision/March 18, 2009
 - l) State of New Jersey/Department of Environmental Protection/Mark Mauriello, Commissioner/Receipt of 2009 Clean Communities Grant in the amount of \$7,976.71/Received March 20, 2009
 - m) Ocean County Department of Transportation Services/Kathleen Edmond, Director/Receipt of Transportation Grant in the amount of \$2,850.00/Received March 23, 2009
 - n) Lavallette Voters & Taxpayers Association/Joe Marcianti, President/Opposition to advertising on back of lifeguard stands and lifeguard tower/Received March 23, 2009
 - o) Excel Environmental Resources, Inc./William Tubito, Exec. Vice President/Municipal Environment Grants from the State of New Jersey/Received March 23, 2009
 - p) Jersey Professional Management/Daniel Mason, President/Jersey Professional Management 's Grant Writing Services/Received March 25, 2009
 - q) Carol Saam/16 Trenton Avenue/thank you letter for sending the Mayor letter/Received March 25, 2009
 - r) Ocean County/Department of Solid Waste Management/James Lacey, Freeholder/Ocean County Recycling Sharing Program/Received March 25, 2009
 - s) Press Release/Congressman John Adler/Adler Urges White House to Fund Beach Nourishment Projects/Received March 26, 2009
 - t) Cablevision/Adam Falk, Vice President/Launch of Style Channel/Received March 27, 2009
 - u) Cablevision/Adam Falk, Vice President/Digital Transition/Received March 27, 2009
 - v) Lavallette Municipal Alliance/Kath Mango, Director/thanking Mayor & Council for the purchase of the new bus/Received March 30, 2009
 - w) Board of Chosen Freeholders/John C. Bartlett, Freeholder/receipt of the Ocean County Tourism grant in the amount of \$1,000.00.
 - x) PMK Group/Environmental Alert/Renewed NJDEP Focus on Recycling/Received March 30,

2009

- y) Emil & Janet Manfredonia/21 Bryn Mawr Avenue/letter in opposition to the consolidation/Received March 30, 2009
- z) Ocean County Planning Board/Mark Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report-March 2009/Received March 31, 2009
- aa) Michael Gerardo/11 Newark Avenue/opposing the consolidation/Received April 1, 2009

General With Action:

- a) Ocean County Planning Board/David McKeon, Planning Director/Dune Fencing/Received March 4, 2009-Councilwoman Wenzel stated this is already taken care of.
- b) Clean Ocean Action/Tavia Danch, Pollution Prevention Coordinator/requesting permission to hold their Annual Beach Sweeps on April 25th and October 24, 2009/Received March 9, 2009-Mayor LaCicero stated this is an annual approval and is fine.
- c) County of Ocean/John Haas, District Recycling Coordinator/Municipal Recycling Ordinance-Update/Received March 12, 2009-Councilwoman Wenzel stated that Mr. Parlow is already on board with this and is taking care of it.
- d) Thomas Schierer/65 Grand Central Avenue/requesting a two hour parking sign in front of his establishment/Received March 18, 2009-Mayor LaCicero stated that he will have Mr. Parlow see if the State could amend our application to include this address also.
- e) Michele Donato/Chairman/Parking Committee/requesting the Mayor to provide her with a list of issues for the upcoming year/Received March 18, 2009-Mayor LaCicero stated that he has no more ideas for this parking committee and maybe they should disband. Councilwoman Wenzel stated that there has been discussion on the parking stations in the bayfront lots instead of parking stickers. Councilwoman Filippone stated she would be apprehensive in investing in stations when we just increased our parking stickers to \$10.00 for more revenue and our parking stickers are working for us. Councilwoman Wenzel also stated that there has been discussions on parking on Baltimore Avenue. Mayor LaCicero stated that we should make a list and give to Michel Donato.
- f) State of New Jersey/Department of Environmental Protection/Jason Varano, Project Coordinator/Annual Spring Adopt a Beach Program on April 18, 2009/Received March 18, 2009-Mayor LaCicero stated we do not participate in this cleanup.
- g) David Waladkewics/2102 Ocean Front/requesting payment for their fence that was damaged from the boardwalk restoration/Received March 18, 2009-Councilwoman Wenzel stated that this should be discussed in Executive Session.
- h) Rite Aid Corp./Stephen Hawn, District Manager/requesting permission to hold a "Welcome Home" day on June 24, 2009 from 11:00 am to 3:00 pm with various vendors on the sidewalk/Received March 23, 2009-Mayor LaCicero stated that the manager is in the audience and we will have him speak about this at public comment.
- i) State of New Jersey/Department of State/requesting a nomination of a deserving student for the 2008-2009 King Scholarship Program/Received March 24, 2009-Council President Zalom stated she would pass this on to the high school.
- j) New Jersey Ironmen/Omid Namazi, Head Coach/Vice President/requesting permission to hold two weeks of their summer soccer camp at our field from June 22 thru July 2nd from 9am to 12

noon/Received March 25, 2009-Mayor LaCicero stated that as long as it did not interfere with the other associations and dates and times it would be okay. Donnelly Amico stated that she checked the dates and times and they did not coincide with the other associations.

- k) County of Ocean/Department of Parks & Recreation/Linda DePonte, Recreation Aide/permission to use the tennis courts and the baseball field for their summer programs/Received March 5, 2009-Mayor LaCicero stated that this also was okay as long as there were no conflicts. Donnelly Amico stated that there were no conflicts.
- l) New Jersey Council on Special Transportation/Michael Vieira, President/requesting the municipality to join their COST Association/Received March 18, 2009-Mayor LaCicero stated that he will look into this.

UNFINISHED BUSINESS:

Island Bay Front Gardens-Councilwoman Wenzel

Councilwoman Wenzel stated that she thinks it is better if we just for now vote on the plantings around the tennis courts only. She stated that there have been some conflicts about the shell pathway and the asphalt at the hockey rink being removed. We received the \$5,000 for the plantings anyway and she has volunteers willing to help with the plantings on May 9th so she would like a vote tonight on the plantings and then we can discuss the other parts of the bayfront gardens at a later date.

Councilman Lamb stated that he had a problem with the height of some of the plantings but the new plan has rectified that.

Councilwoman Wenzel stated that natural growing plants are not affected by the DEP anyway.

Councilman Lamb stated that he has a problem with the skateboarders so he thinks we should leave the asphalt alone so they can go over and skate there. Maybe we could put some signs up saying "No Skateboarding" in some areas.

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

NEW BUSINESS:

Councilwoman Wenzel stated that she thinks we need a resolution approving the new garbage and recycling schedule. She stated she would like it on the next meeting agenda.

Councilman Lamb stated that he would like permission from Council to advertise for a new Beach Badge Checker Supervisor.

A Motion was made by Councilman Lamb to have Mr. Parlow advertise for a new Beach Badge Checker Supervisor. The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Councilman Horan stated that he attended a meeting at the Lavallette School and the Science Teacher, Mrs. Lorenz is looking to get the old weather station back on track and they are going to need some monies for a new weather vane. He would like this request put on for further discussion under new business for the next meeting.

Council President Zalom stated that she received a request today from the Upper Shores Library to use our sound system and Mike Visco for their "Battle of the Bands". She will give it Donnelly and have her put it on for the next correspondence meeting for approval.

Councilwoman Wenzel stated that Lavallette will be the first community on this side to have one of the clams. Some local artists have already submitted their ideas for a sunrise and sunset theme. She also thinks a resolution is needed to approve the clam going in front of the Beach Badge office.

She also stated that she has received some calls from concerned citizens by the Lavallette Yacht Club about their sound device to keep the birds away. She would like permission from Council to facilitate some type of meeting with the Yacht Club to see if we can rectify this situation somehow.

Councilman Lamb questioned whether or not we could do something about the geese problem on the bayfront also.

COMMENTS FROM THE PUBLIC:

Stephen Hawn, the manager from Rite-Aid stated that his store would like to hold a Welcome Summer day on June 24th between the hours of 11am and 3pm. There will be some big vendors there like Coca-Cola giving away prizes as well as a popcorn machine giving away free popcorn. All of this will be done without disrupting the right of way of the sidewalk.

Mayor LaCicero stated that they would have to abide by the regulations of sidewalk sales but he did not think there would be a problem.

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

Susan Koch, Camden Avenue thanked Council for hearing the public opposition and moving on it so quickly as far as the advertising was concerned. Thank You.

Clem Boyers, 20 Kerr Avenue stated he heard all this talk about this bayfront gardens but what exactly did you vote on.

Mayor LaCicero stated that we voted on the plantings around the tennis courts only. Everything else in the plan is put on hold for now.

Pat Marrone, Beautification Committee stated that they are holding a meeting on April 28th and Winnie Applegate will be attending and she will be speaking about native plants. Mrs. Marrone

questioned whether or not we should think about getting a grant for a sprinkler system for the new plantings.

Councilwoman Wenzel stated that these plants are native plants and require no fertilizing or irrigation once they are established.

Mrs. Grosko, 13 Camden Avenue stated that we need to keep in mind that the fireworks area needs to be clear at all times.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that he and the Mayor attended the Opening Day of Baseball and it was a great day. Public Works did a phenomenal job with the field and the Mayor gave a great speech.

Councilwoman Filippone stated that Chief Grant had commendations wrote up for the two officers, Mike Monica and Frank White and Sergeant Toscano who participated in the car chase and capture of a bank robber.

Councilwoman Wenzel wished everyone a Happy Easter and hoped that Chris Parlow was feeling better. She would like to suggest that we speak to Mr. Parlow and schedule some type of budget workshop this week for us to discuss our cuts. She also would like an Executive Session for possible litigation.

Councilman Horan wished everyone a Happy Easter.

Council President Zalom stated that one of our officers, Ryan Greenhalgh, while off duty actually brought a person back to life at the Crab's Claw Inn on St. Patrick's Day.

EXECUTIVE SESSION:

Mr. George stated that we need an executive session for possible litigation relating to personnel and for potential litigation involving property damage with no action being taken.

A Motion was made to adjourn the meeting to go into executive session by Councilwoman Wenzel. The Motion was seconded by Councilman Horan. All were in favor. The Motion passed. The Meeting was adjourned at 9:43 pm.

A Motion was made by Councilwoman Filippone to resume the regular meeting. The Motion was seconded by Councilman Stogdill. The Motion passed. The meeting resumed at 9:52 pm.

Mr. George stated that two issues were discussed in Executive Session. One was potential litigation regarding the boardwalk reconstruction and a claim that was not acted upon. There was no action taken.

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the meeting. The Motion was seconded by Councilman Stogdill. The Motion passed. The Meeting was adjourned at 9:53 pm.

CERTIFICATION

I, Donnelly Amico, Deputy 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 6th day of **April 2009**.

Donnelly Amico
Deputy Municipal Clerk