

BOROUGH OF LAVALLETTE (MINUTES)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, August 6, 2007 – 7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding.

ROLL CALL: Council Members Ardito, Lamb, Wenzel, Zalom, Filippone and Stogdill all were present.

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

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meeting 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 12, 2007. Notice was posted on the Municipal bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for the Minnesota Bridge victims.

PLEDGE OF ALLEGIANCE: Mayor LaCicero asked Councilman Lamb to lead us in the Salute to the Flag

MAYOR’S WELCOMING STATEMENT: At this time, Mayor LaCicero stated that Council President Zalom had some information to give and then anyone who was in the audience that wanted to speak on anything that wasn’t on the agenda could speak.

Council President Zalom spoke about the County Tourism Grant that we receive every year. She said there is also a grant from the State that is more money which we are going to look into. She announced that the Lavallette Brochures were all completed and they look wonderful. The Beautification Committee did a wonderful job. Special thanks to Josephine Sessa-Agliata, Pat Marrone, Theresa Coleman, Arleen Maglionico, and Bruno Hornung. These brochures will be in every welcome center on all New Jersey Borders and in our County Welcome Center. Josephine Agliata is a graphic designer and did a marvelous job.

Pat Marrone, 11 Elizabeth Ave.-stated that everyone on the Beautification Committee including the Lavallette Business Association were part of creating the brochures. It was a team effort and she wanted to thank them all.

Chris Parlow stated that the calendars were not selling at all. His suggestion would be to rescind the \$5.00 charge and we put them in the welcome center and just start giving them out.

Motion was made by Councilman Lamb to rescind the \$5.00 charge. The Motion was seconded by Council President Zalom. All of Council were in favor. The Motion was passed.

Corey Wingerter, 20 Bond Avenue wanted an update on the liquor license for Lenny's Pizza.

Attorney Phil George stated that the public hearing on the issue has been closed. The Ordinance was tabled. The applicant has asked that no action be taken tonight and he needs to discuss with his client

Corey Wingerter asked if there will be a special meeting on the subject and if so when will this take place.

Mayor LaCicero stated that when Council makes a decision on the Ordinance there will be a special meeting. He will make sure that the people are notified ahead of time.

Corey Wingerter also stated that posting the minutes on the website would be much easier for the residents to request them instead of filling out Opra requests.

Mayor LaCicero stated that the agenda was not put on the website due to the webmaster being out of the state on vacation.

Chris Parlow stated that his office will be in control of the website shortly and assures us that the agendas will be posted for all meetings from now on.

Gregg Sharkey, 3 Bond Avenue asked if the public hearing for the liquor license can be reopened.

Attorney Phil George stated that the applicant's portion closed and was then withdrawn. If the application returns the applicant or objectors can ask the Mayor to reopen the public portion of the application.

Councilwoman Wenzel stated that we are interested in what the public has to say so if they want to speak on this subject we should let them speak.

Attorney Phil George stated that Council can reopen the public hearing on the subject but the attorney for the applicant asked that no action be taken and has withdrawn his application for now.

Councilman Lamb asked how the residents will be notified when the subject is discussed.

Mayor LaCicero stated that if an Ordinance is done on this matter it will have to be introduced for 1st reading before a public hearing anyway so they will be notified and they will know.

APPROVAL OF CLERK'S MINUTES:

Approval of Regular Minutes of the July 16, 2007 and Executive Session minutes of July 16, 2007.

Motion was made by Council President Zalom: Motion was seconded by Councilwoman Filippone Vote: Council Members Ardito, Wenzel, Zalom, Filippone and Lamb all voted “yes”. Councilman Stogdill abstained due to his absence at that meeting. The Motion was passed.

REPORTS:

a) Public Works Report for July 2007-Councilwoman Wenzel read from report. No report provided for minutes/Councilwoman Wenzel gave a copy of this report on August 20, 2007 to be put in with the amended minutes.

b) Police Overtime Report for July 2007-Councilwoman Filippone-read from report. She also spoke about letter from Allen MacDuffie commending Ptl. Arthur Reece and Sgt. Jon Andrews in their assistance and kindness with one of his clients that had a problem. There was also a letter form WPICA commending Chief Grant, First Aid and the Lavallette Police Dept. thanking them for their assistance at the Children’s Picnic. Councilwoman Filippone also spoke about the Police Dept. giving out 95 warnings to people riding bikes the wrong way and not following the rules.

Councilwoman Wenzel made a Motion to put the letters of commendation in their personnel files. The Motion was seconded by Council President Zalom. All of Council were in favor. Motion was passed.

c) Beach Report for July 2007-Councilman Lamb-read from report

Councilwoman Wenzel stated that there definitely is an increase in the daily badges.

Councilman Ardito asked Councilman Lamb if based on the numbers will it reach over 60,000 for the summer. Councilman Lamb stated that he didn’t think so because towards the end of the summer it dwindles off. Every weekend seems to be a steady 6,000 with weather permitting. Councilman Ardito stated that this is great performance and with this additional revenue we should think about putting in the beach budget for next year the additional crossing guards for the summer. He also asked if Richard Laird is still working seven days a week. Councilman Lamb stated that Mr. Laird is not working full time anymore. He is only part time and does not get paid when he is not here. Councilman Ardito spoke about a tracking system that tracks the badges and we should look into the system. Councilman Lamb stated that he didn’t know enough about it but would be interested in taking a look at it.

d) Public Affairs Report for July 2007-Council President Zalom-stated that the Lavallette School received a grant from the Soil Conservation District. for their Rain Garden they created. She stated that she is the liason of the school and if anyone has any concerns that should come to her. She also talked about the project for Highway 35 North and South. She spoke to the State and they said the preliminary palns will start a year from now because the funding is not in place.

Council President made a Motion to authorize the Administrator to send a letter or Resolution to Susan Zellman expressing how much we need this project to start. Motion was seconded by Councilwoman Wenzel. All of Council were in favor. Chris Parlow stated that he will have a resolution done for the next meeting.

e) Municipal Court Report for July 2007-Councilwoman Filippone-read from report-July was a record high with 798 tickets.

f) Tax Account Status Report for June and July 2007-Tax Collector

g) Revenue Transaction Report for June 2007-Chief Financial Officer

h) Animal Control Report for May, June and July 2007-Councilwoman Filippone-read form reports.

i) Planning Board Report for July 2007-Councilwoman Filippone-stated that the Planning Board only meets once a month for July and August. There were three cases for July. Two were postponed. The one that was heard was granted with restrictions.

Chris Parlow stated that there was a disabled woman that called about a water problem in her condominium complex. Mitch Williams and Ted Golubowski from Public Works went over to check out the problem and discovered a water leak. They helped her rectify this problem. Chris sent an email to the Superintendent of Public Works explaining that the woman wanted these two workers commended their efforts. Mr. Parlow asked that the email be put in their personnel files also.

Councilwoman Wenzel made a Motion which was seconded by Council President Zalom. All of Council were in favor. Motion was passed.

Motion was made by Councilwoman Wenzel To Receive the Tax Account Status And Revenue Transaction Reports: Motion was seconded by Council President Zalom Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

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

RESOLUTIONS – ON CONSENT:

- 2007-195 authorizing the adjustment of an electric bill due to an incorrect meter reading
- 2007-196 authorizing the adjustment of an electric bill due to an incorrect meter reading
- 2007-197 supporting the Over the Limit Under Arrest 2007 Crackdown
- 2007-198 opposing proposed public archives and records infrastructure support (paris) funding cuts
- 2007-199 opposing Assembly Bill A-4393 amending the Local Public Contracts Law
- 2007-200 urging Congress to create a comprehensive integrated National Catastrophe Fund
- 2007-201 appointing the Lavallette Fire Chief as the authorized signator to sign any documents necessary to implement the Firefighter Certification Program
- 2007-202 urging all volunteer organizations to require background checks of their prospective members in order to protect the children of our community- Councilwoman Wenzel asked who would be doing the background checks. Chris Parlow stated that in Brick Township the Police Department performs background checks for their volunteer organization. Councilwoman Wenzel stated that one person should be handling all the background checks. She recommends the Chief of Police be the liason to these volunteer background checks. She wondered if all

employees should get background checks. Chris Parlow stated he would talk to the Chief of Police about all employees getting checks. The intent is great but not sure if practical. He suggests that a different resolution be done for employees if agreed to. Councilwoman Wenzel stated that they do background checks at Public Works for all their seasonal employees and have found some things that were not good. Councilman Ardito asked if we were leaving it as is or changing it to reflect all Employees. Mayor LaCicero stated it is being left as is. Councilwoman Filippone stated that all volunteer names should be submitted to the Chief of Police for these checks. Attorney Phil George stated that the Chief of Police reports back to the organization and they report to the volunteer either in person or in writing. The forms are maintained at the Police Dept. or the Administrator's office.

- 2007-203 requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2007 in the sum of \$5,000 which is now available as revenue-this was a grant that was given to us that needed to be added into the budget year.
- 2007-204 appointing Sergey Samgin as a seasonal laborer for the Department of Public Works at an hourly rate of \$7.15.-Councilwoman Wenzel stated that Public Works is in dire need of seasonal laborers and clean communities. If anyone is interested please apply.
- 2007-205 amending the 2007 Capital Budget to reflect the additional Bond Ordinances.
- 2007-206 appointing Lauren Kobylarz as a seasonal lifeguard for the Lavallette Beach Patrol at an hourly rate of \$9.85 and appointing Caitlin Dugan as a badge checker at an hourly rate of \$8.00.
- 2007-207 authorizing the adoption of the amended Borough of Lavallette Police Manual and Rules and Regulations-Councilwoman Filippone explained that this update reflects the abolishment of the Captain's position.

Dave Brown, 119 Pershing Blvd. asked who was going to pay for these extensive background searches.

Mayor LaCicero stated that he would discuss the subject with the Chief of Police and see how much it entails.

Motion was made by Council President Zalom to approve the Consent Agenda. Motion was seconded by Councilwoman Wenzel Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted "yes".

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

APPROVAL OF VOUCHERS:

2007- 208 Bills List in the amount of \$2,526,209.63

Motion was made by Council President Zalom to approve the bills list. Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

ORDINANCES ON FOR FIRST READING:

Bond Ordinance No. 2007-08 (1019) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO WHITE, COLEMAN AND ORTLEY AVENUES, APPROPRIATING \$180,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$74,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Motion to introduce Bond Ordinance No. 2007-08 (1019) was made by Councilwoman Wenzel Motion was Seconded by Council President Zalom: There was no discussion. Vote: Council Members Ardito, Wenzel, Zalom Stogdill, Filippone and Lamb all voted “yes”.

Public Hearing and Final Adoption on Bond Ordinance No. 2007-08 (1019) is scheduled for August 20, 2007

Bond Ordinance No. 2007-09 (1020) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-04 (920) ADOPTED ON APRIL 7, 2003, AS AMENDED BY BOND ORDINANCE NO. 2005-04 (968) ADOPTED ON APRIL 11, 2005, AS AMENDED BY BOND ORDINANCE NO. 2005-21 (985) ADOPTED ON OCTOBER 24, 2005, AS AMENDED BY BOND ORDINANCE NO. 2006-17 (1005) ADOPTED ON AUGUST 21, 2006, AS AMENDED BY BOND ORDINANCE NO. 2007-02 (1013) ADOPTED ON FEBRUARY 26, 2007, PROVIDING FOR IMPROVEMENTS TO BOARDWALKS AND DOCKS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL APPROPRIATION OF \$750,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$712,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Motion to introduce Bond Ordinance No. 2007-09 (1020) was made by Council President Zalom Motion to introduce was Seconded by Councilwoman Filippone: There was no discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

Public Hearing and Final Adoption of Bond Ordinance No. 2007-09 (1020) is scheduled for August 20, 2007

Bond Ordinance No. 2007-10 (1021) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL VEHICLES AND EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, THE COUNTY OF OCEAN, STATE OF NEW JERSEY

Motion to introduce Bond Ordinance 2007-10 (1021) was made by Council President Zalom Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

Councilwoman Wenzel gave a description of the vehicles in question. Compact Trackloader (T300) for the Beach, John Deere Bucket for the Electric Dept., a Fire Vehicle, and the infamous Cushman Refuse Vehicle. She asked if the word Public Works could be removed and just have Acquisition of Vehicles.

Attorney Phil George stated that 3A of the Ordinance states that the bonding is for the Public Works Dept. He stated that it can, however, be amended at a later date.

Chris Parlow stated that we can't leave it open ended and amendment can be done at a later time.

Public Hearing and Final Adoption of Bond Ordinance 2007-10 (1020) is scheduled for August 20, 2007

Ordinance No. 2007-11 (1022) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED “ZONING” SO AS TO ESTABLISH LIMITATIONS ON GROUND COVERAGE

Motion to introduce Ordinance No. 2007-11 (1022) was made by Councilwoman Wenzel. Motion was seconded by Councilwoman Filippone Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

Councilwoman Filippone stated that she doesn't expect this to be a popular Ordinance but in order for there to be proper drainage it needs to be done. The drainage in this town is getting worse and worse. The runoff water is too great. The Planning Board and the Ordinance Committee have been working on this for a long time. There were some adjustments made putting it into zoning so enforcement could be done. The structure part of the lot coverage will remain at 37% with an additional 20% of ground coverage for a total maximum coverage of 57%. Anything above 18 inches is included such as above ground pools and hot tubs. We needed to start somewhere and this was the most reasonable way.

Mayor LaCicero stated that a homeowner could reduce the structure size and add more ground coverage with a maximum of 57%.

Councilwoman Filippone stated that our water table is not adequate. There is no absorption at all. She stated that now they've invented waterproof grout. We are going to forbid the use of this grout and also forbid the use of plastic under stones and pavers and request only cloth.

Councilman Ardito stated that are the engineers correct with the water table figures. He knows that the storm sewers need upgrades and we do have a lot of flooding but not so sure it's caused from pavers.

Mayor LaCicero stated that they were working on this for at least a year and he thinks the number is reasonable.

Councilwoman Filippone stated that Lionel Howard was the Chairman of the Planning Board when they started this subject. She stated that he had the statistics based on Engineer figures for reduction of drainage without pavers vs. with pavers. We could ask Mike O'Donnell for an opinion but we will have to pay for it.

Councilwoman Wenzel stated that there is a source for this and that is the Soil Conservation. Vegetation soaks up the water and without the vegetation we have less drainage. She can provide the facts and problems with runoff water. There is a lack of education on the issue. People don't know that putting pavers in and having less vegetation on their properties is causing the town problems with drainage.

Public Hearing and Final Adoption of Ordinance No. 2007-11 (1022) is scheduled for September 24, 2007

Ordinance No. 2007-12 (1023) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "ZONING" SO AS TO REVISE SECTION 90-73 ENTITLED "CERTIFICATES AND PERMITS"

Motion to introduce Ordinance No. 2007-12 (1023) was made by Councilwoman Wenzel. Motion was seconded by Councilwoman Filippone There was no discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill and Lamb all voted "yes".

Chris Parlow stated that only Section 1C was modified to change the fees for zoning per the request of the Planning Board.

Public Hearing and Final Adoption on Ordinance No. 2007-12 (1023) is scheduled for August 20, 2007.

Ordinance No. 2007-13 (1024) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE PROVIDING FOR THE ADOPTION AND CHANGING OF A SYSTEM OF NUMBERING ALL BUILDINGS AND LOTS OF LAND IN THE BOROUGH AND DISPLAY OF NUMBER ASSIGNED PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 40:67-1(j)

Motion to introduce Ordinance No. 2007-13 (1024) was made by Council President Zalom. Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

Mayor LaCicero stated that he requested this Ordinance be done for safety purposes. He stated that Officer Greenhalgh sent a letter requesting that there be numbering on the curbs preferably on West Point Island in order for the emergency vehicles to locate the address. Should we table this Ordinance and add this section to it.

Councilman Lamb stated that since this is for the safety of our residents we should go ahead with this Ordinance tonight and if we choose to add anything to it we can amend it at another time.

Chris Parlow stated that the corner lots on Grand Central and the side streets were all commercial facing Grand Central at one time. Now they are all townhouses with the frontage facing the side streets which should require a side street address.

Mayor LaCicero stated that this Ordinance models after the 911 Ordinance for Emergency Services.

Councilwoman Wenzel stated that the Public Works Dept. reviewed this Ordinance and was curious to know if this is going to require that the units be put on accordingly also.

Attorney Phil George stated that the unit numbers would be required as well.

Councilman Stogdill questioned whether the postal service would need to be notified of the changes as well.

Attorney Phil George stated that the postal service honors what the municipality will do and they will have to be notified of the changes.

Public Hearing and Final Adoption on Ordinance No. 2007-13 (1024) is scheduled for August 20, 2007.

Ordinance No. 2007-14 (1025) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE ESTABLISHING PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE AUTHORITY PROVIDED IN N.J.S.A. 48:3-17 (a)

Motion to introduce Ordinance No. 2007-14 (1025) was made by Council President Zalom. Motion was Seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted “yes”.

Mayor LaCicero stated that this Ordinance is in order for the double wooden telephone poles along Rt. 35 South be removed by Verizon.

Public Hearing and Final Adoption on Ordinance No. 2007-14 (1025) is scheduled for August 20, 2007.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 16, 2007/Magee Avenue Road Improvements/Core Waiver Request/#06004.00.
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 11, 2007/Magee Avenue Emergency Pier Reconstruction/Pay Estimate (Final)/Pay Record 6/19/07 to 7/2/07.
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 13, 2007/Magee Avenue Road Improvements/Pay Estimate No. 2/#06004.00/Pay Record 6/13/07 thru 7/6/07.
- d) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 13, 2007/Magee Avenue Road Improvements/letter to NJDOT/Change Orders/#06004.00
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 11, 2007/Cafra Individual Permit Application/Beach and Dune Maintenance/Block 72 Lot 1 and Block 954.02 Lot 22/Borough of Lavallette/letter to Mark Mauriello/NJDEPDonnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received June 6, 2007
- f) O'Donnell, Stanton & Assoc./Michael O'Donnell, Borough Engineer/Received July 2, 2007/Miscellaneous Services Lateral Repair Project/ #04134.00/Change Order No. 1

New Jersey League of Municipalities:

- a) Ground Water Quality Standards; Antidegradation Policy N.J.A.C. 7:9C/Received July 3, 2007.
- b) Sales Tax Repeal and Other New Information from the Division of Local Government Services/Received July 3, 2007
- c) Information on Updates on NJLM website/Received July 10, 2007
- d) Information and Application on Registration for the 16th Annual Executive Summit, Update #2/Received July 11, 2007.
- e) Police Standards Committee Needs Your Input on Racial Profiling/Receiving July 13, 2007
- f) Join our "Legislative E-Line" Fast Action Team/Received July 16, 2007.
- g) Promoting the Downtown Revitalization and Management Institute to Mayors/Received July 17, 2007-Council President Zalom stated that this is a grant to fix up your downtown area. Chris Parlow checked it out last year and we didn't qualify because of the income. He is going to look into again.
- h) National Fire Protection Association (NJPA) Looks at Standards Changes/Received July 17, 2007
- i) NJ Supreme Court Rules on Limitations of "Progressive Discipline"/Received July 17, 2007
- j) Re-Adoption of Vegetation Management Regulations by the Board of Public Utilities/Received July 17, 2007.
- k) New Information on the Division of Local Government Services/Received July 18, 2007.

- l) New Jersey Supreme Court Rules Against Municipalities in Lead Paint Case/Received July 18, 2007
- m) Presidential Primary Election Costs/Received July 18, 2007
- n) Pension Changes per Chapter 103/Received July 20, 2007
- o) Treasury Releases Local Employer Pension Bills/Received July 20, 2007
- p) Mayor Tim Mc Donough, Chair, League's Hometown Security Task Force Tour "The Rock"/Received July 25, 2007
- q) NJ Supreme Court Rules on Meaning of "Traumatic Event" Standard for Accidental Disability Retirement/Received July 26, 2007
- r) Update on PEG Stations on System Wide Franchises/Received July 26, 2007
- s) Urgent! Participate in Police Standards Development/July 26, 2007
- t) NJLM's Annual Audit Statement covering the League's financial activities for the fiscal year closed (July 1, 2006-June 30, 2007)./Received July 30, 2007
- u) New Information from the Division of Local Government Services/Received July 31, 2007
- v) US District Court of Pennsylvania Rules on Hazleton's Authority to Enact Ordinances that Regulate the Presence and Employment of Illegal Aliens/Received July 31, 2007

Councilwoman Wenzel stated that she sits on the Legislative Board on a monthly basis. If Council or Residents have any concerns or thoughts please let her know and she will bring it to them. There are a lot of different boards. She sits on the General Legislation Board. They have a group discussion voicing their concerns and then take a vote. They reconvene as a larger body and voice their opinions. She is there to represent the Borough so please any questions or concerns let me know.

General with No Action:

- a) Clean Ocean Action/thanking Lavallette for allowing them to use our beach/Kari L. Martin, Policy and Communications Director/Received July 2, 2007-Mayor has the table for them and will get it to Philadelphia Avenue on Friday morning.
- b) County Of Ocean/2007 Ocean County Data Book/David J. McKeon, Planning Director/Received July 2, 2007/
- c) State of New Jersey/Dept. of Corrections/Joseph W. Hartmann Coordinator/Office of County Services/letter in reference to our municipal detention facility inspection/Received July 2, 2007.- Councilwoman Filippone stated that this inspection was good. They needed to add a mattress to the cell and give some privacy to the bathroom facility in the cell.
- d) letter from a resident supporting Jim Cresbaugh, Beach Captain in his management of the Lavallette Beach/John Kiyler/Received July 5, 2007.
- e) New Jersey American Water/inviting the Mayor to the annual New Jersey Clean Energy Conference in New Brunswick on September 27- 28, 2007/Scott Connor/Engineering Manager/Received July 9, 2007-Councilwoman Wenzel stated that she would like some of them to attend this. It is going to be very informative with over 600 vendors. Mayor LaCicero asked Chris Parlow to get information on this and distribute to Council.
- f) Annual Financial Statement for the Lavallette Volunteer First Aid Squad/Received July 9, 2007.-Councilwoman Wenzel questioned whether these were Financials for the Borough or just for the Organization. Chris Parlow stated that these were financials for the volunteer organization only and the folders were available to review.

- g) New Jersey Mayor's Association/letter advising the Mayor of packages coming in reference to First Aid information/Larry Anzovino, Executive Director/Received July 10, 2007.
- h) State of New Jersey/Dept. of Environmental Protection/Jamie Herzog, Principal Environmental Specialist/report in reference to the Compliance Evaluation and Assistance Inspection on Water Quality/Received July 10, 2007-Chris Parlow stated that the report was very good. He also stated that this was a combined effort from all departments that made it a clean report.
- i) Annual Financial Statement of the Lavallette Volunteer Fire Department/Received July 10, 2007
- j) State of New Jersey/Dept.of Environmental Protection/Lisa P. Jackson, Commissioner/Mitigation Grant Program Fact Sheet/Received July 12, 2007.
- k) State of New Jersey/Department of Environmental Protection/Stanley V. Cach, Jr., Assistant Director/Environmental Review of the Ocean County Utilities Authority Influent Flow Equalization Basin/Received July 12, 2007.
- l) County of Ocean/Arthur P. Burns, Supt. Of Recycling Operations/June 2007 Recycling & Compost Reports/Received July 12, 2007.
- m) State of New Jersey/Dept. of Environmental Protection/DEP Bulletin Volume 31, Issue 13 /Received July 12, 2007
- n) Schoor DePalma/George G. McCann, CEO/Change of Leadership letter/Received July 13, 2007.
- o) State of New Jersey/Council on Affordable Housing/Lucy Voorhoeve, Executive Director/letter informing us of the Unit Inventory monitoring forms for new construction and rehabilitated units now being available/Received July 13, 2007
- p) letter from resident at 24 Bond Avenue opposing the transfer of liquor license for Lenny's Pizza/Charles Heimach/Received July 16, 2007
- q) Protecting New Jersey.org/David Smith, State Director/letter urging Mayor and Council to approve a local resolution that would support a solution to the threat of natural catastrophes and for New Jersey to create a state catastrophe fund/Received July 17, 2007.
- r) County of Ocean/Dept. of Finance/County Tax Statement for period ending August 15, 2007/J.N. Tarrant, Comptroller/Received July 18, 2007
- s) County of Ocean/Dept. of Consumer Affairs/Jamie Henninger, Administrative Clerk/letter giving us a breakdown of our rebate for Construction Code Services for the 2nd quarter, 2007 in the amount of \$2,136.40 /Received July 19, 2007
- t) New Jersey Planning Officials/list of members from our Planning Board that completed the Mandatory Training Classes for Planning Board Members/Received July 19, 2007
- u) New Jersey State Legislature/Office of Legislative Services/John A. MacCalus, CPM Manager, Leasing and District Office Services/Legislative Leases with Local Government and School Districts/Received July 24, 2007
- v) State of New Jersey/Office of the State Treasurer/Bradley I. Abelow, State Treasurer/letter clarifying the previous letter in reference to Corzine Administration's Asset Monetization study/Received July 24, 2007
- w) Municipal Excess Liability Joint Insurance Fund/David N. Grubb & James J. Kickham, JIF Executive Directors/letter about the Street Smart is Street Safe Program and the new School Crossing Guard Safety Program Kit/Received July 26, 2007
- x) State of New Jersey/Dept. of Environmental Protection/DEP Bulletin, Volume 31, Issue 14 dated July 25, 2007/Received July 26, 2007

- y) County of Ocean/Dept. of Solid Waste Management/John Haas, District Recycling Coordinator/Annual Recycling Bus Trip/Received July 26, 2007
- z) letter from Ann Gorga thanking Mayor and Council for the plaques in recognition of her husband Ralph Gorga/Received July 26, 2007
- aa) letter from Charles & Susan Johnson commending the town for the excellent lifeguard staff including Jim Cresbaugh, Bob Tormollan and Jack Caucino/Received July 26, 2007
- bb) Ocean County Planning Board/Mark C. Villinger, Assistant Planner/Ocean County Natural Lands Trust Fund/Received July 27, 2007
- cc) West Point Island Civic Assoc./Walter E. Boright/Handicapped Signage/letter thanking Councilwoman Wenzel for her assistance/Received July 27, 2007
- dd) West Point Island Civic Assoc./Walter E. Boright/letter complimenting and thanking the First Aid Squad for their response to a call during the WPICA Children's Picnic/Received July 27, 2007
- ee) West Point Island Civic Assoc./Walter E. Boright/letter expressing appreciation to Chief Colin Grant and members of the Lavallette Police Dept. in assuring additional level of traffic safety at the two events we had on WPI/Received July 27, 2007.
- ff) Jersey Central Power & Light/Robin R. Alston-Santiago, Distribution Specialist/letter advising the town of permission we need to post signs or banners on their telephone poles/Received July 27, 2007-Chris Parlow stated that we do not need permission because our poles belong to us.
- gg) Ocean County Utilities Authority/Tariq M.S. Siddiqui, Director of Engineering & Construction/2007 Metered Flow Data/Received July 27, 2007
- hh) Edison Projects/Harnath Aggarwal/letter in reference to windmill energy/Received July 30, 2007
- ii) State of New Jersey/Board of Public Utilities/Jeanne M. Fox, President/encouraging the Mayor to attend the 2007 Clean Energy Conference and Leadership Awards/Received July 30, 2007
- jj) Wireless Capital Partners, LLC/Bill Flanagan, Director Acquisitions and Finance/letter explaining their programs in the wireless industry/Received July 31, 2007
- kk) Lavallette Voters and Taxpayers/Joseph Marci ant, President/letter to Joy Grosko in reference to not being invited by letter to participate in Heritage Day 2007/Received July 31, 2007
- ll)Teamsters Local 469 Benefits Fund/Martha De Fazio/letter commending Michel Burk, CFO on her properly remitting contributions for retirees to the Teamsters Local 469 Welfare Fund/Received July 3, 2007
- mm) Jersey Central Power & Light/Sally J. Cheong, Manager, Tariff Activity/letter informing us of the Notice of Filing and Public Hearing in reference to the annual Universal Service Fund/Received August 1, 2007
- nn) Letter from Heritage Committee to the homeowners on Baltimore and Washington Aves. informing them of the no parking during the Heritage Day festivities/Joy Grosko/Received August 1, 2007
- oo) Letter from Attorney E. Allen MacDuffie, Jr. thanking Ptl. Arthur Reece and Sergeant Jon Andrews in handling a situation with one of his clients in a very professional but compassionate way/Received August 1, 2007-Copy to go into Personnel Files
- pp) Cablevision/Tricia Kaminski, Assistant for Government Affairs/copy of all their fees and charges/Received August 2, 2007

qq) Board of Chosen Freeholders/James F. Lacey, Deputy Freeholder Director & Gerry P. Little, Freeholder, Planning Liason/letter introducing newly created municipal parcel data/Received August 3, 2007

General with Action:

- a) County of Ocean/Dept. of Solid Waste Management/Kathleen Avery, Assistant District Recycling Coordinator/letter reminding us about the Ocean County Master Composter Training Program being offered in the fall of 2007/Received July 27, 2007
- b) Letter from resident at 5 White Avenue requesting something be done about not being able to see the cars coming down Rt. 35 South because of the plantings on the east side between White and Ortlely Aves./Gloria Child Goelz/Received July 27, 2007-Mayor asked Councilwoman Filippone to notify the Code Enforcement Officer.
- c) West Point Island Civic Assoc./Walter E. Boright, President/letter requesting the local electric dept. to inspect the dangling wires on West Point Island near the bridge/Received July 27, 2007-Chris Parlow stated that this was already taken care of.
- d) Ocean County Council of the New Jersey Congress of Parents and Teachers/Cathy Lindenbaum, PTA President of Ocean County Council and Joe DiPietro, Assistant Principal of Southern Regional HS/asking for a letter of support to cover the estimated budget to run the league/Received July 30, 2007-no action was taken.
- e) Letter from a resident at 21 Bryn Mawr asking for some Zoning/Code help in reference to a property that is in violation of code/Emil Manfredonia/Received July 18, 2007-Councilwoman Filippone stated that the Police Department was already taking care of this..
- f) County of Ocean/Dept.of Solid Waste Management/Ernest J. Kuhlwein, Director/Ocean County Recycling Center Use and Revenue Sharing Program/Received July 23, 2007-Councilwoman Wenzel stated that this is routine.
- g) Lavallette Beautification/Pat Marrone, Chairwoman/requesting permission to make an area for a bike rack to be used at the welcome center and municipal building/Received July 18, 2007-Council President Zalom explained that they would like it to be put in front of welcome center because of all the people who drop their bikes in front to get beach badges and information and block the sidewalk.

Motion was made by Council President to allow the Beautification Committee to make an area for a bike rack in front of the welcome center. The Motion was seconded by Councilman Stogdill. There was a vote and all of Council was in favor. The Motion was passed.

h) Lavallette Beautification/Pat Marrone, Chairwoman/recommendations from them in reference to the dedication of benches and plaques/Received July 19, 2007-Council President Zalom explained that they recommend the Concrete white mix benches for dedication instead of the wood. The dedication would be inside the mix. Attorney Phil George stated that if they approve this the person buying the bench needs to be told that the town is not responsible for vandalism and maintenance and those benches only last a certain amount of time. Councilwoman Filippone stated that she thought that the person purchases the bench than donates it back to the town to cover the liability problem. Councilwoman Wenzel questioned who would be making these benches. Public Works already deals with heritage benches. There are clearly too many benches with dedications from different Committees. She stated she is not convinced it is right for the

town. Councilwoman Filippone stated that dedicating the benches is a fundraiser for the Beautification Committee. They take that money and use it for something else. However, she does agree with Councilwoman Wenzel. Chris Parlow is concerned with the evacuation process. What happens when we have a severe storm or hurricane and need to evacuate the town. The benches will have to be removed by Public Works and who is going to keep track of where these benches are. It seems very simple but there are many issues. No action was taken on this subject.

i) State of New Jersey/Dept. of State/Nina Mitchell Wells/NJ Martin Luther King, Jr. Commemorative Commission announcing the 2008 V-Free Mini Grant Program/Received July 16, 2007-Council President Zalom stated that she forwarded this to the Lavallette School.

j) Ocean County Planning Board/Pieter Waldenmaier, Principal Planner/letter explaining some changes that may occur to our currently approved sewer service area due to an update of the wastewater management plan/Received July 2, 2007.-Chris Parlow stated that they want to discuss this subject with our representative.

k) Regular Republican Club of Lavallette/Rosangela Zaccaria, President/letter discussing some issues in reference to the status of the beach and boardwalk/Received July 6, 2007.-Council President asked why there is no fencing around the dunes. Councilwoman Wenzel stated that the plan for managing the sand with the post with rope fencing fell through due to the State DEP. Mayor stated he would tread lightly due to the penalty we just received from the DEP. Councilwoman Wenzel stated that now that we will soon have another T300 the sand shouldn't be a problem anymore. She asked that the Zoning Officer take a look at all the homeowner's fences on the boardwalk. There are a lot of homeowner fences that are broken. Councilwoman Filippone stated that she thinks Richard Remy is already looking at the fencing from Philadelphia Ave. through the south end of town on the boardwalk. Councilwoman Wenzel also stated that they are short on clean community laborers and it's hard to keep up with the amount of littering down by the beachgoers each day.

l) West Point Island Civic Assoc./Walter E. Boright, President/Old L & R Marine properties code/zoning violations/Received July 2, 2007-Mayor LaCicero stated that he believes this property was purchased by a builder in town. Councilwoman Wenzel asked if we have the power to remove the derelict boats. Attorney Phil George stated that if they are not properly registered than we can remove them. Mayor LaCicero stated that we have to give the owner of the boat a warning first.

m) Partnership for a Drug Free New Jersey/Brian Pete, Research & Technology Coordinator/requesting us to respond to their study to evaluate which municipalities have adopted P.L. 2000, Chapter 33, which is an ordinance prohibiting possession or consumption of alcoholic beverages on private property by persons under legal drinking age/Received July 31, 2007-Mayor LaCicero asked Chris Parlow to respond to this study.

n) State of New Jersey/Dept.of Environmental Protection/Green Acres Program/John Flynn/Administrator/advising us of green acres loans and grants applications being accepted until October 26, 2007/Received July 31, 2007-Council President Zalom stated that this is not for us.

o) Letter from Mary Thompson from Toms River voicing her displeasure with the lack of checking beach badges/Received August 1, 2007-Councilman Lamb stated that he will look into this.

l) Letter from Deborah Ciambrone of 114A President Ave expressing concern about the driveway her and her neighbor share and being told by her that it is not a legal curb cut/Received August 1, 2007-

m) Celebrate New Jersey/Karen Hatcher/Executive Director/letter asking for a contribution between \$250 and \$1,000 to support the Celebrate NJ 4th Grade School Program.-No action was taken.

UNFINISHED BUSINESS:

Councilman Ardito stated that he had numerous complaints about a two weeks ago that was held on the gazebo grounds. He suggests that some type of Resolution be done to collect fees for the cleanup of the gazebo.

Council President Zalom stated that she went down the Wakeboard Competition and warned them that this is sacred grounds and to make sure they clean up.

Councilman Ardito stated that there were plantings destroyed, things nailed to the gazebo and barbecuing which is not allowed.

Mayor LaCicero stated that he was told the event went well. There were some miscommunications along the way. They were not supposed to be on the gazebo property. He stated that he is going to come up with some type of payment that will be due from people who want to have weddings there.

Councilman Ardito stated he thinks there should be some type of rules connected with the use of the gazebo.

Mayor LaCicero suggests that they ban all commercial use at the gazebo and charge a fee for weddings. Those fees will go to the cleanup.

Councilman Ardito stated that he and Chris Parlow had a meeting with the solar power company. They said we could do it two ways, they install the solar power and absorb all costs and they charge us 10% less than our rate or we pay all costs and reap all benefits and we sell them the excess electric. We are waiting on the proposal.

Councilwoman Wenzel spoke about the dilapidated storm drains that the County needs to repair. There was a letter received from the Ocean County Road Dept. that the Borough needed to work under the Schedule C and the County would provide the free labor. She stated that this was an unforeseen problem.

Mayor LaCicero stated he saw the letter and he doesn't think it is unreasonable.

Council President Zalom stated that she received the signed lease from Allen MacDuffie's office for the bus. Mr. MacDuffie is going to pay \$3800 to bring the bus up to the federal safety standards.

Councilman Ardito was concerned about how much the yearly maintenance would be.

Council President Zalom stated that Mr. MacDuffie will be paying for the maintenance.

Council President Zalom stated that this is going to save us on renting buses and bus drivers. She also stated that this bus could be used for Emergency Management purposes. There were to letters from the Chief of Police to consider purchasing a bus for that purpose.

Council President Zalom made a motion to have the Mayor sign Resolution No. 2007-207A which is the Bus Agreement with Allen MacDuffie. The Motion was seconded by Councilman Lamb. Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted "yes". Motion was passed.

Mayor LaCicero stated that he received two of his requests back from the LBA and the WPICA on who would like to be on the Ad Hoc Committee. He will present all the names at the next meeting.

NEW BUSINESS:

Councilman Ardito stated that he spoke with a resident on 112 New York Avenue who was very unhappy with his yellow curb in front of his house. He stated that this resident had documentation that showed that this was a state law but the municipality can overturn that.

Mayor LaCicero stated that the resident came to see him on Friday, also. He was very unhappy because he thought it was selective until he saw every corner like that. He still is not happy but he understands it.

Councilwoman Wenzel stated that while painting the curbs the public works employees noticed that some residents have plantings surrounding the fire hydrant in front of their homes. You can barely see the hydrant which leaves a very dangerous situation. She thinks the Code Enforcement Officer should notify the homeowners that this is a hazard. Maybe we should look into painting the hydrants so they can be seen.

Councilwoman Wenzel stated that yellow painting of the curbs is almost done. They have only Bay Blvd. to complete. If someone finds that the measuring is inaccurate please let her know

Council President Zalom stated that she loves her particular crosswalk on President Avenue. She stated that she spoke to the Dept. of Transportation about more crosswalks and he said maybe we should get another traffic light on one of the streets. It could be all year round or just seasonal. She will ask the Chief to get documentation together on what street he thinks would be better. She also thanked Public Works for putting up the new Lavallette flags.

Councilwoman Wenzel suggests that maybe a light should go on the southbound highway coming into Lavallette.

Mayor LaCicero stated that the State uses accident records to determine where lights should go.

Mayor LaCicero stated that the Ocean Bay Organization wants to be on the September 10 Agenda regarding becoming part of Lavallette.

Attorney George stated that the town they live in now denied their request so coming to us with a proposal is the next step.

COMMENTS FROM THE PUBLIC: There were no comments from the public

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS: There were no comments from Mayor and Council

The Council Comment portion of meeting was closed at 9:55 pm.

A motion was made to enter into executive session with no action to be taking after the Session by Council President Zalom. The motion was seconded by Councilwoman Wenzel. All were in favor. The motion passed. Mayor LaCicero and Councilman Lamb were excused from the meeting due to conflict.

EXECUTIVE SESSION:

PBA Contract Negotiations

A motion was made to return to regular session by Councilwoman Wenzel. The motion was seconded by Councilwoman Filippone. All were in favor. The motion to return to regular session passed. Council meeting resumed as 9:55 pm.

Borough Attorney Phil George was asked to summarize the contents of the executive session.

Mr. George stated that during the executive session the only issue that was discussed was the filing of interest arbitration by the PBA regarding ongoing contract issues. The Council discussed some of the strategies that may be used. There were no further discussion and no action recommended to be taken.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilman Stogdill. The motion was seconded by Councilwoman Filippone. All present voted in favor. Meeting was adjourned at 10:00 pm.

CERTIFICATION

I, CHRISTOPHER PARLOW, MUNICIPAL CLERK OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY DO HEREBY ATTEST THESE TO BE A TRUE COPY OF THE MINUTES OF THE CAUCUS MEETING OF THE BOROUGH COUNCIL HELD ON THE 6TH DAY OF AUGUST, 2007.

**CHRISTOPHER PARLOW
MUNICIPAL CLERK**