

**BOROUGH OF LAVALLETTE (MINUTES)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, September 10, 2007 – 7:06 pm**

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

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

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 read the names of residents and relatives of residents who perished on September 11, 2001 and he also asked for a moment of silence for one of our retired employees, Leonard Christoforo, who has been ill for several weeks.

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

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

Corey Wingerter, 20 Bond Avenue questioning when the special meeting will be for Lenny's Pizzeria. He would like four (4) weeks between the 1<sup>st</sup> and 2<sup>nd</sup> readings.

Mayor LaCicero stated that there is nothing on the agenda today so it would not be for at least another couple weeks.

Attorney Phil George stated that because there is a great amount of interest on this subject and to save the Borough money but not having a special meeting the earliest action that would be taken would be at the September 24<sup>th</sup> meeting. That would not be the hearing date. The hearing date would then be at the 2<sup>nd</sup> meeting in October which would be a least five weeks in between meetings.

Councilman Ardito questioned if the ordinance could be untabled at any council meeting.

Attorney Phil George stated that the motion to un-table the Ordinance must be moved by one of the four members who tabled the original ordinance. That Ordinance was to eliminate the 1,500 foot distance between establishments. It was tabled prior to the introduction so it was never introduced. Chris Parlow stated that whenever the new Ordinance gets introduced Council has the flexibility to establish whatever date they want for that Public Hearing as long as it meets the minimum publication requirements.

## **SPECIAL PRESENTATIONS BY GROUPS OR ORGANIZATIONS TO THE COUNCIL:**

Bay Beach Way Property Owners Annexation – John Paul Doyle, Esq.

John Paul Doyle, Esq. speaking on behalf of the Bay Beach Way Property Owners

The property owners are looking to become part of Lavallette Borough. That process goes by way of petition showing the support of 60% of effected land owners. There are 60 properties on the North and South side of Bay Beach Way and a handful along Route 35 South. There are fifty eight (58) single family properties and two (2) commercial properties owned by the Association. The total assessed value on these sixty (60) properties is approximately \$12,000,000, out of a total assessment value for the Township of Toms River of \$8,000,000,000. The case was presented to the Toms River Planning Board. Mr. Doyle stated that the Planning Board denied the application due what they claimed would be a significant loss to Toms River. The group Mr. Doyle represents has filed a court suit since then. According to Mr. Doyle, the court needs to know the Borough Lavallette's position in regards to the annexation if they, the court, decide to reverse Toms River Planning Board's decision. Mr. Doyle stated that Bay Beach Way, for many, is thought to be part of Lavallette already. Their mailing addresses and driver's licenses says Lavallette. They can watch Lavallette meetings on the television but not Toms River meetings. The residents of Bay Beach Way feel they are already part of Lavallette Borough. Mr. Doyle stated that you can not leave Bay Beach Way without going through Lavallette. Their basic day to day services are in Lavallette such as pharmacy, restaurants, churches, shopping. In their hearts and minds they are in Lavallette. However, they cannot vote in Lavallette. There are only 21 voters, so most of them do not live here year round. Most of the residents are senior citizens. It is uniquely different from the other parts of the Toms River barrier island. Bay Beach Way, by its type of land use, should be part of Lavallette but is not due to the boundaries that were drawn. What really matters is that these residents and their street should be able to really call themselves Lavallette residents. The Property Owners' Association is asking that Lavallette do a resolution supporting the annexation so they can present it to the court for consideration.

Councilman Ardito stated that it would be an additional \$120,000 in revenue with the annexation.

Mr. Doyle stated that our assessor stated that the average assessment of Bay Beach Way is about \$215,000. If you had a house that was assessed at \$380,000 in Toms River Township the ratio is 38% which would mean the true value of the home would be a \$1,000,000. In Lavallette, the house would be worth \$930,000. Mr. Doyle stated that the mathematics would indicate that the addition revenue to Lavallette would be \$227,709. The point is this, these residents started this when they looked across their lagoon on a very bad snowy day and saw Lavallette streets being cleared while they sat and waited for Toms River and could not leave their houses. The tax revenue gain is a couple hundred thousand dollars.

Mayor LaCicero asked if that was just the municipal tax or the overall.

Mr. Doyle stated that he believed that it was the overall tax.

Councilman Ardito stated that it is a pleasing number.

Mayor LaCicero asked Mr. Parlow if this was to go through would our tax assessor have to go out and assess all these properties.

Mr. Parlow stated that yes the assessor would have to do that but that there would be no extra cost in doing so. The assessor would do this during his normal hours of work.

Councilwoman Filippone asked what the average size lot is and would they be non-conforming properties by Lavallette standards.

Mr. Doyle stated that the average size is 58' x 100'. He stated that he has already spoken to our Zoning Officer and that in this zone the lots would be fully conforming.

Mayor LaCicero stated that this would be considered Residential Zone C.

Councilwoman Filippone asked for a description of the available roadway for access by the Police, Fire and First Aid.

Mr. Doyle stated that Bay Beach Way starts out at a 50 foot right-of-way. The road way widens about half way down the street and continues to widen again at the end of the street. It is a dead end road and according to State standards is sufficient for emergency vehicles.

Mayor LaCicero asked if there are curbs.

Mr. Doyle stated that there are curbs and sewers and also two fire hydrants on the street.

Councilman Lamb asked about the two lots owned by the Association.

Mr. Doyle stated that he cannot speak for the Association. The subdivision map reserved them for the Association. They are assessed and taxed by the Township of Toms River so they would be assessed by Lavallette if annexed.

Councilwoman Filippone stated that it would be the same situation as the West Point Island Civic Association. The Association would be responsible for the maintenance and paying the taxes.

Mr. Parlow asked if Mr. Doyle sees this street falling under Residential Zone C.

Mr. Doyle stated that he sees know reason why it wouldn't comply with the requirements contained in Zone C.

Mr. Parlow asked if the residents of Bay Beach Way have reviewed the Borough's zoning codes. Mr. Parlow stated that he would not like to see sixty (60) new property owners coming into town that are now non-conforming based on the ordinance.

Mr. Doyle stated that they did fact finding and the properties will comply.

Mayor LaCicero stated that they have a 24 foot front-yard setback, 35% lot coverage, and 24 foot height. So the Borough's code is more restrictive.

Councilman Ardito stated that we would have to make sure we could provide the same quality of service to Bay Beach Way as we do Lavallette.

Councilman Lamb stated that the Chief of Police did not see any extra police coverage.

Councilwoman Filippone stated that when there is an emergency situation our Police and Fire and First Aid arrive first anyway.

The Mayor asked is there was any more Council comment or questions.

The Mayor opened the floor to the public.

Joe Palinsky, 122 Washington Avenue stated that he thinks this should be put on for a ballot question on the General Election.

Jim Borowski, 141 Newark Avenue questioned the sewer services and whether or not they would be part of our sewer.

Mr. Doyle stated that it would remain Dover MUA regardless.

Mayor LaCicero closed the public comment portion. He asked for additional Council comment.

Councilman Lamb stated that he would like to make a motion to do a Resolution of support for the annexation.

Attorney Phil George stated that there is a statutory procedure. We can do a resolution introducing the support or not support the future annexation of Bay Beach Way.

Councilwoman Wenzel questioned the language of the Resolution.

Mr. George stated that it should read "Whereas the presentation was made on September 10, 2007, and whereas at a prior time the Mayor and Council has been apprised of the procedure and whereas there is presently litigation pending which bars the introduction of an Ordinance, Now therefore be it resolved that the Borough of Lavallette supports the efforts and the application in court of the Bay Beach Way residents to be annexed to Lavallette and deannexed from Toms River Twp.

Mr. Doyle stated that they have just filed a complaint and their pretrial hearing is scheduled for September 25<sup>th</sup>, 2007. He requested that the resolution be memorialized.

Councilwoman Wenzel stated that she would like some more discussion and then perhaps see it on the next agenda since there is no rush.

Mayor LaCicero stated that Councilman Lamb or Councilman Stogdill could withdraw there motion or we could vote on it as is.

Councilman Lamb stated that he would like to vote on it as is.

Councilwoman Filippone asked that assuming we pass the resolution and they go to court and the court reverses the decision would the Borough have to do an Ordinance and that the ordinance may be defeated.

Mr. George stated that this step is a step added by the Court. They are required to come to the municipality they want to be annexed with and get support from them. It is not in the statute but it is just an extra step. Mr. George stated that the fact finding will be done under the statutory proceedings. The resolution in question is merely of intent. We have to do fact finding in a public hearing on the record. Mr. George stated that he does not recommend we engage in that process because the statute says we can not.

Councilman Lamb stated that his motion was just to do a Resolution of support. This is not the first time we have looked at this. The street and residents do conform to the Lavallette properties. It looks like Lavallette. There is no significant impact on emergency services or the school system. To show support this evening is the right thing to do.

Councilman Stogdill stated that this is a group of citizens who truly want to be a part of Lavallette. This is clearly a win situation.

Council President Zalom stated that we should give them a chance and support them along with some fact finding.

A motion was made by Councilman Lamb to approve the resolution of support for the annexation of Bay Beach Way as read by Mr. George. The motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. Councilwoman Wenzel passed and then voted No. The motion passed.

**APPROVAL OF CLERK’S MINUTES:**

Approval of Regular Minutes of the August 20, 2007 meeting and Executive Session minutes of August 20, 2007 meeting. Approval of Special Meeting Minutes of August 27, 2007 and Special Meeting Executive Session of August 27, 2007. Approval of Minutes from Bid Opening for Tennis Court Resurfacing of September 5, 2007.

A motion was made Council President Zalom to approve the minutes. The motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Zalom, Stogdill, Filippone and Lamb all voted Yes. Councilwoman Wenzel abstained on the August 27 minutes and voted Yes on all others. The motion passed.

**REPORTS:**

- a) Beach Report for August 2007-Councilman Lamb

- b) Beach Report for September 2007 – Councilman Lamb (final with yearly comparison)- read report. He reported that this year was a record high for badge sales. He is very proud of the entire beach staff. Councilwoman Wenzel asked if there were any increase in expenses this year. Councilman Lamb stated that it appears there was an increase of about \$8,000 more in expenses. He also stated that Jim Cresbaugh and Richard Laird will be doing there reports with some recommendations.
- c) Police Report for August 2007-Councilwoman Filippone-read report
- d) Public Works Report for August 2007-Councilwoman Wenzel-read report. She thanked Mike Visco for doing a great job. Would like a letter of thank you sent to the Department of Corrections for all their help this year. Relieved summer season is over. Most seasons she receives a lot of complaints by phone but this year no complaints. This summer went off without a hitch. She stated that she is very pleased.
- e) Public Affairs Report for August 2007-Council President Zalom- She stated that Heritage Day was another wonderful day. She gave a big thank you to Laurie O'Brien for a great job. Thanks should also go out to Eleanor and Jim Saks for all their help with the Shuffleboard games. The fall schedules for September through December will be on the bulletin boards. There is a dog walk on September 15<sup>th</sup>, 2007.
- f) Municipal Court Report for August 2007-Councilwoman Filippone-read report
- g) Planning Board Report for August 2007-Councilwoman Filippone-no cases for the month
- h) Animal Control Report for August 2007-Councilwoman Filippone-read report
- i) Tax Account Status for August 2007-Tax Collector

A motion was made to receive the Tax Account Status Report by Councilwoman Filippone. The motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The motion passed.

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

**RESOLUTIONS – ON CONSENT:**

- 2007-216 authorizing the refund of a tax overpayment in the amount of \$1,156.54 on Block 30.01, Lot 1, Qualifier C03
- 2007-217 appointing Glenn Nuefeld as a lifeguard for the Lavallette Beach Patrol from August 27, 2007 through September 3, 2007 and appointing Amanda Gordon as a beach badge checker from August 1, 2007 through September 4, 2007.
- 2007-218 appointing Catlyn Griffith as a part time seasonal worker for the Department of Public Works from August 17, 2007, until October 31, 2007.
- 2007-219 authorizing the cancellation of the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes in the amount of \$1,470.00 on Bock 2 Lot 29 for the 2007 tax year due to an error in assessment.
- 2007-220 authorizing the approval of Eric Denvir, Ryan Darling, and Derek Jovanovic to attend the Ocean County Police Academy for Class II training to commence on

September 7, 2007 and ending May of 2008.

- 2007-221 authorizing the approval of RL-370 for the Church of St. Bonaventure 50/50 On-Premise raffle on October 26, 2007.
- 2007-222 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 amount of \$4803.12 for the Drunk Driving Enforcement Grant Program.
- 2007-223 supporting the Green Acres, Farmland, Blue Acres, Historic Preservation Bond Act of 2007
- 2007-224 appointing Jane Thompsen as a crossing guard for the Lavallette Police Department effective September 5, 2007.
- 2007-224A authorizing the release of Lavallette Planning Board escrow to Mark DeGiacomo of 3 Pershing Blvd. in the amount of \$753.00
- 2007-224B authorizing the release of Planning Board escrow to James LaCava of 252 Westmont Avenue in the amount of \$774.00.
- 2007-224C authorizing the receipt of bids for the purchase of a Compact Tract Loader (Beach and Dune Maintenance).-Councilwoman Wenzel stated that this is the T300 not the Cushman. The use of another one will certainly save us time and money.
- 2007-224D authorizing the receipt of bids for the purchase of Boardwalk Lumber and Supplies.
- 2007-224E appointing Arleen E. Maglionico as Temporary Clerk Typist for the Administrative Office

A motion to approve the consent agenda was made by Council President Zalom. The motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The motion passed.

#### **RESOLUTIONS-OFF CONSENT**

- 2007-224F authorizing the award of a contract to American Tennis Courts, Inc. for the tennis court resurfacing project in the amount of \$91,025.00.

Councilman Lamb questioned when the project is going to begin. Mayor LaCicero stated that there was only one bid that came in and it was 25% higher than we expected. He does not believe it is very cost effective.

Mayor LaCicero thinks Council should reject bid and go out to bid again with an alternate option for asphalt paving.

Councilwoman Wenzel stated that she did not think the time frame of 10 days was enough in regards to the weather.

Administrator Chris Parlow stated that five bids were picked up at the engineer's office. Four of them were paving companies. Only one responded because of the synthetic overlay. He agrees with the Mayor about going out to bid again with the alternate option. We should look at this again in spring 2008. The money was already bonded so it will stay in place until the project is complete.

Councilwoman Wenzel noted that the engineer costs for this project appear to be quite extensive. She recommended that the Borough needs to pay close attention to future engineering costs on this project.

Mr. Parlow recommended that the resolution be tabled and a new resolution prepared for the next meeting rejecting the bid.

A motion to table Resolution No. 224F was made by Council President Zalom. The motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The motion to table 2007-224F was passed.

**APPROVAL OF VOUCHERS:**

2007-225 Bills List in the amount of \$1,272,422.13

A motion to approve the bills list was made by Councilwoman Filippone. The motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes. The motion passed.

**ORDINANCES ON FOR FIRST READING:**

Ordinance No. 2007-15 (1026) - AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 1 OF THE BOROUGH CODE, ENTITLED "ADVISORY COMMITTEES" SO AS TO CHANGE SECTION 1-1 ENTITLED "ESTABLISHMENT" SO AS TO ADD THE "MUNICIPAL PARKING ADVISORY COMMITTEE."

A motion to introduce Ordinance No. 2007-15 (1026) was made by Councilwoman Wenzel. The motion was seconded by Council President Zalom. There was not Council discussion. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb all voted Yes.

Public Hearing and Final Adoption of Ordinance No. 2007-15 (1026) is scheduled for September 24, 2007

**COMMUNICATIONS:**

Legal:

a) Supplement to our Notice of Appeal in reference to Appeal of Civil Administrative Penalty Assessment/Philip G. George, Esq/Received August 22, 2007- Mr. George stated that a new decision rendered in August by appellate division which very substantially alters the definition to a primary dune and construction within the dune area and will be highly beneficial in our appeal. We have also appealed on the basis of handicapped access. We have received a call from the attorney general's office and a Deputy Attorney General has been assigned.

Engineering:

New Jersey League of Municipalities:

- a) Update and Clarification on PEG Stations on System Wide Franchises/Received August 6, 2007.
- b) Governor Appoints Mayors Shing-Fu Hsueh and Michael Wildes to Immigration Panel- Information Request/Received August 9, 2007.
- c) Federal Census Accuracy Insurance/Received August 13, 2007.
- d) New Information from the Division of Local Government Services/Received August 14, 2007.
- e) Library Levy Cap Issues Update/Received August 14, 2007
- f) News Release on E-Trace/Received August 16, 2007.
- g) 2007 League Conference Resolutions/Received August 15, 2007
- h) Make Plans to Attend the Annual Business Meeting on Friday, November 16, 2007, at the Sheraton Convention Center Hotel/Received August 16, 2007
- i) Proposed "Plan Endorsement" Guidelines/Received August 17, 2007
- j) Holland Ethics Forum Invitation/Received August 20, 2007
- k) Recent Legislative Development/Received August 23, 2007.
- l) Call for Nominations Sixth Annual Innovation in Governance Awards/Received August 23, 2007
- m) Attorney General Directive Concerning Immigration and State and Local Law Enforcement/Received August 24, 2007
- n) Governor's Invitation/Received August 24, 2007
- o) New Information from the Division of Local Government Services/OPRA Seminar August 29/Received August 27, 2007
- p) 2007 Clean Energy Conference/Received August 27, 2007/
- q) Special Invitation to Tour Regional Operations Intelligence Center(ROIC)/Received August 31, 2007
- r) President's Initiative on Sub-prime mortgage Crisis/Received September 4, 2007
- s) Meeting Date Re-Scheduled for Police Standards Development to September 20, 2007/Received September 4, 2007
- t) Procedures for Implementation of Property Tax Levy Cap/Received September 4, 2007
- u) Governor Signs Ethics Bills/Received September 5, 2007

General with No Action:

- a) Martha and Tom Hanley/1900 Baltimore Avenue/complaint letter in reference to the yellow painting of the curbs on the corner streets/Received August 6, 2007
- b) County of Ocean/Mary Jerkowicz/Recycling Program Aide/Ocean County Recycling Directory Updates/Received August 6, 2007.
- c) Joan Adair/Resident/complaint letter in reference to the badge checkers/Received August 7, 2007
- d) Ocean County Partnerships in Safety/Roden S. Lightbody/Traffic Engineer/Safe Routes to School 3 Day Webcast/Received August 7, 2007
- e) State of New Jersey/Dept. of Community Affairs/Office of Smart Growth/Lorissa Whitaker, Cross-Acceptance Coordinator/Ocean County Cross-Acceptance Public Hearing/Received August 8, 2007
- f) State of New Jersey/Dept. of Environmental Protection/DEP Bulletin/Lisa Jackson/Commissioner/Volume 31 Issue 15/Received August 9, 2007
- g) Cablevision/Adam E. Falk/Vice President/Launch of May TV and Latele Novela Latin Television waiver request/Received August 9, 2007
- h) State of New Jersey/Dept. of Environmental Protection/Stanley Cach/Assistant Director/Division of Water Quality/OCUA pursuing financial assistance from the NJ Environmental Infrastructure Financing Program for the rehabilitation of clarifiers at their Pollution Control Facilities/Received August 9, 2007
- i) State of New Jersey/Dept. of Environmental Protection/Wolfgang Skacel/Assistant Commissioner/Bay Blvd. Inspection Compliance/Received August 13, 2007
- j) Manchester Twp. Board of Education/Mark Stanley/Coordinator/letter thanking Chief Colin Grant and Officer Ryan Greenhalgh for their help with handicapped children at the Music Man/Received August 13, 2007
- k) Cablevision/Adam E. Falk/Vice President/Addition of Chinese ala carte Channels CCTV-4/Received August 15, 2007
- l) Roger Martin/Lavallette Utility Committee/Water and Sewer Infiltration Report/2<sup>nd</sup> Quarter 2007/Received August 20, 2007-Councilman Ardito states that the 2<sup>nd</sup> quarter of 2007 far exceeds 2006. Amount of infiltration is slightly less than 2006.
- m) Clean Ocean Action/Michele Plantamura/COAST Coordinator/thank you note for Mayor and Council's support/Received August 22, 2007
- n) Judith Young/Resident/complaint letter on lack of badge checking/Received August 22, 2007
- o) State of New Jersey/Dept. of Environmental Protection/Lisa Jackson/Commissioner/DEP Bulletin/Volume 31 Issue 16/Received August 22, 2007
- p) Ocean County Planning Board/Mark C. Villinger/Assistant Planner/Ocean County Natural Lands Trust Fund Status Report-August 2007/Received August 24, 2007/
- q) Ocean County Dept. of Solid Waste/Mary E. Jerkowiz/Recycling Program Aide/Preliminary Recycling Rates for 2006/Received August 27, 2007.
- r) County of Ocean/Robin Cunningham/Asst. Administrative Analyst/July 2007 Recycling and Compost Reports/Received August 27, 2007
- s) County of Ocean/Cultural & Heritage Commission/Cynthia H. Smith/Administrator/letter to Joy Grosko on what types of organizations should be at Heritage Day/Received September 4, 2007
- t) Sierra Club/Faith Teitelbaum/Co-Chair/requesting the attendance at a workshop meeting in reference to US Mayors Climate Protection Agreement/Received September 4, 2007
- u) Jersey Central Power & Light/Michael J. Filippone/Director/Annual Proposal for Basic Generation Service/Received September 4, 2007

- v) Ocean County Columbus Day Parade Committee/Michael A. Blandina, Parade Chairman/requesting the presence of our officials in the parade/Received September 5, 2007
- w) State of New Jersey/Department of Transportation/Douglas Bartlett, Manager/Traffic Engineering and Investigations/thanking us for supporting bill A-2775/permissible parking distances/Received September 6, 2007
- x)Larry and Linda Adams/Received September 10, 2007/in reference to Lenny's Pizza requesting a Planner to review.

General With Action:

- a) Amanda Martin/Anthony Marinaro/126 Virginia Avenue/requesting permission to be married on Brown Avenue Beach on September 27, 2007.- Council approved
- b) State of New Jersey/9<sup>th</sup> District Legislative Offices/Leonard T. Connors, Jr/Christopher J. Connors/Brian E. Rumpf/requesting Lavallette to do a resolution in support of our state employee reduction initiative/Received August 23, 2007-Mr. Parlow will do a resolution for the next meeting.
- c) Faith Lutheran Church/Rev. John T. Collins/requesting a traffic light on their corner of New York Ave. and Route 35 North-Councilman Stogdill would like Chief Grant to write a letter asking for a traffic light on that corner.
- d) State of New Jersey/ Governor's Council on Alcoholism and Drug Abuse/Mary Lou Powner/Executive Director/urging us to adopt and enforce a beer keg registration ordinance/Received August 23, 2007-Mayor LaCicero doesn't feel this is a problem in our community. Councilwoman Wenzel is only concerned with all other surrounding towns enforcing and people coming to us for kegs. Mayor LaCicero recommends the Chief of Police review the information.
- e) The Foodbank of Monmouth and Ocean Counties/Susan M. Kelly/consider suggesting the FoodBank as a recipient of donations made in celebration of wedding ceremonies/Received August 21, 2007-Mayor said we will use to donations for maintenance of our own facilities.
- f) Ocean County Vocation Technical School/Adult Education/GIS-Homeland Security first Geographic Information System class/requesting participation/Received August 21, 2007-Mr. Parlow will refer it to the Police Department.
- g) Burlington County Bridge Commission/Gary LaVenia/Director/Improvement Authority Operations/requesting attendance to the South Jersey Shared Services Conference/Received August 15, 2007
- h) United States Dept. of Commerce/U.S. Census Bureau/Charles Louis Kincannon/Director/requesting participation in the 2010 Decennial Census Local Update of Census Addresses(LUCA) Program/Received August 13, 2007-Mr. Parlow stated that we will be participating in this program.
- i) Emil Manfredonia/21 Bryn Mawr Avenue/complaint letter about a vehicle sitting in front of his house and has never moved/Received August 9, 2007-Councilwoman Filippone stated that this was already looked into once before. The vehicle is not in violation. It is a dispute between neighbors. Will speak to the Chief about this again.
- j) Jewish War Veterans of Monmouth and Ocean Counties/Michael Leibowitz/Commander/requesting attendance at the 13<sup>th</sup> Annual Law Enforcement Breakfast on September 23, 2007/Received August 7, 2007
- k) State of New Jersey/Dept. of Environmental Protection/Lisa Jackson/Commissioner/announcing the first annual "Clean Water New Jersey Awards" and for our participation/August 8, 2007

l) Clean Ocean Action/Anna Will, Pollution Prevention Coordinator/Emily Hackett, Programs Coordinator/requesting permission to hold their 22<sup>nd</sup> Annual Clean Ocean Action Fall Beach Sweeps on October 20, 2007 from 9am-12noon at Philadelphia Avenue/Received August 24, 2007-Mr. Parlow will send them approval letter.

m) Diane Cittadino/requesting the use of the Pavilion on New Brunswick Avenue for a marriage ceremony on September 29, 2007 from 6:30-7:30 pm/Received August 28, 2007-Approved

n) West Point Island Civic Assoc./Walter E. Boright/requesting an update on the dredging under the WPI Bridge/Received August 28, 2007-Mayor LaCicero stated that we have budgeted 30,944.00. All seven hundred cubic yards were removed and the bill was 10558.78. We have a substantial surplus left. We should continue to use that money for the next couple of years. We have a five year permit for this so let's ask for the dredging again in the spring under the Schedule C. Councilman Lamb asked if maybe we could look into the Tennis Court Paving under Schedule C. Councilwoman Wenzel stated that the County had a problem with their dredge so they used a regular crane with a scoop. That gave them limited access under the bridge area. In terms of the permit we had applied for a different permit with a five year life. Maybe we could modify the permit and put in a groin. Mayor LaCicero stated that we shouldn't do anything right now. Mr. Parlow will send an update to the WPICA. Mr. Parlow stated that if the County comes back next year we will have to cancel this year's Schedule C and do a new Schedule C for next year with the additional monies. Councilwoman Wenzel asked if the bulkhead on Newark could be repaired with that money. The County would provide the labor and we would pay for the materials. Mr. Parlow will contact the bridge dept. for a proposal on the bulkhead.

o) Trinity Heating & Air, Inc./proposal on Solar Photovoltaic System/Received September 4, 2007-Councilman Ardito stated that we received a proposal. We are still not comfortable with the proposal and still have some questions. Anyone who wants to transfer to solar power that has the rebates needs to go through the gas company.

p) State of New Jersey/Department of Environmental Protection/Michael V. D'Errico, Supervising Forester DEP-Community Forestry/inviting the Mayor to attend their NJ Shade Tree Federation annual meeting on October 26-27, 2007/Received August 31, 2007-Cannot Attend.

q) Board of Chosen Freeholders/Gerry Little/Freeholder/requesting the Mayor's attendance at the Ocean County Planning Board 34<sup>th</sup> Annual Dinner and Workshop on October 24, 2007-Mayor LaCicero will check his schedule.

#### **UNFINISHED BUSINESS:**

Council President Zalom stated that the bus for Recreation is being worked on at Coast Cities. Mr. MacDuffie is taking care of the costs to bring it up to safety codes. There is a grant that we are applying for that will take care of the gas and maintenance of the bus.

Mr. Parlow stated that he has some union contracts that need to be discussed in detail. He doesn't believe that executive session late in the evening after the regular session is very productive. How should we approach this situation? A lot of things need to be addressed.

Councilman Ardito asked that he condenses the information and give them cheat sheets.

Councilwoman Wenzel suggests that the Borough Attorney be there also.

The date of September 17, 2007 for a special meeting with an Executive Session at 5:00 pm was decided upon with everyone.

**NEW BUSINESS:**

Councilwoman Filippone stated that the Police Department received a \$17,000 grant for a message board.

Mayor LaCicero stated that he had a couple of complaints in reference to the goal on the field and how many times soccer balls go in the street. It is a very dangerous situation. He asked that Public Works put some kind of wire fencing behind the goal to keep the balls from going in the street.

Councilwoman Wenzel stated that she will inform the Superintendent to take care of the situation.

**COMMENTS FROM THE PUBLIC:**

Herb Hascher, Bay Blvd. questioned whether or not the sand from the dredging could be used on the Washington Avenue beach.

Mayor LaCicero stated that our permit does not allow us to do that.

Mr. Hascher also asked about the Loori Bus and was anything done about the bus coming up the side streets.

Council President Zalom stated that she did speak to the Director and the bus drivers are only supposed to go down the side streets for the handicapped people who cannot get out. She said she will speak to them about this and make sure it is taking care of.

Alice Bass, 200 Pershing Blvd. questioned whether there were schedules in reference to the storm sewer clean outs on the highways.

Mr. Parlow stated that we do not have a schedule with the State in regards to cleaning out catch basis. The State has been responsive to our calls. The Borough does call them periodically and they do respond.

Mrs. Bass also questioned why we charge for the tennis courts when Ortley Beach's tennis courts are free.

Councilman Lamb stated that you have to be a resident of Toms River Township in order to use those tennis courts.

Jim Borowski, 141 Newark Avenue questioned whether or not the Department Heads take their vehicles home with them.

Mr. Parlow stated that the Superintendent of Public Works and the Chief of Police are allowed to take their vehicles home because they are periodically called out.

Mr. Borowski also stated the Superintendent's vehicle should have some type of decal on it so people know it is a municipal vehicle. Another issue he had was some of the big equipment in the borough yard that should be garage kept is being left out in the elements.

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

No comments from the Mayor and Council.

**ADJOURNMENT:**

A motion was made to adjourn the meeting by Councilwoman Filippone. The motion was seconded by Councilwoman Wenzel. Vote: All were in favor. Meeting was adjourned at 9:35 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 10<sup>TH</sup> DAY OF SEPTEMBER, 2007.**

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**CHRISTOPHER PARLOW  
MUNICIPAL CLERK**