

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, January 26, 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: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was given to the 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: The Mayor asked for a Moment of Silence for long time resident Vivian Fertakos and Bob Kerman who was a resident and mailman in town.

PLEDGE OF ALLEGIANCE: Councilman Horan led the Salute to the Flag.

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

Mayor LaCicero opened Comments from Public.

Herb Hascher, 1301 Bay Blvd. stated that he would like the “Memorial Garden” at the First Aid be included with the Beautification plantings at the Bayfront because it is looking like a jungle. He also was concerned about a long piece of sidewalk in between the First Aid and Firehouse that is in need of replacing. He stated he lives across the street and has seen numerous people have difficulty in wheelchairs and baby carriages.

Mayor LaCicero stated that they will speak to Public Works and Beautification Committee.

MAYOR’S APPOINTMENTS WITHOUT THE ADVICE OR CONSENT OF COUNCIL

Lavallette Municipal Alliance Committee on Alcohol and Drug Abuse

Mayor LaCicero read the list of the appointed Committee Members.

Council President Zalom stated that we received the 2009 Municipal Alliance Grant from the County and the budget was increased by \$1800. She commented that Kathy Mango does a great job of organizing exciting events for the children and things for the seniors to do. Tony Gallo was the

secretary last year but he has decided to move on to other things so we are looking for a new assistant.

Councilman Lamb questioned whether or not the money is eventually going to end?

Councilwoman Wenzel stated that there was a State Audit done on all Municipal Alliance grants because it was alleged that some towns were not using the monies properly.

APPROVAL OF CLERK'S MINUTES

Regular Minutes of December 22, 2008

Executive Session Minutes of December 22, 2008

Reorganization Meeting of January 5, 2009

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

REPORTS:

- a) Police Overtime Report for December-Councilwoman Filippone-read report
- b) Public Works Report for December-Councilwoman Wenzel-stated that she has advised the Superintendent that she will only request quarterly reports from now on. Most of the reports each month are just telling us the basic jobs and duties they are doing. She would prefer to have the report issued quarterly with any unusual activity as well as the Public Works overtime. Mayor LaCicero stated that sounded fine. Councilman Lamb commended the Public Works Department for their work on the ice rink.
- c) Public Affairs Report-Council President Zalom-She also thanked the Department of Public Works and the Fire Department for the work associated with getting the ice rink up and running. She reported the some ramps we constructed for easy access. The Borough had to make a separate schedule for the ice skaters and the hockey players because it was just too dangerous with them together. The skaters can skate until 6:30 pm and then the hockey players can play from 6:30 pm to whenever. She reported that the bus for the ski trip on Saturday is full with a waiting list. The Lavallette School is offering evening classes for adults. The flyers are downstairs in Borough Hall. She reminded all that senior citizen discounts are available for EZ Pass. She reported that the Music Man is doing an Ice Cream Musical on February 14th.
- d) Municipal Court Report for December-Councilwoman Filippone-read report
- e) Animal Control Report for December-Councilwoman Filippone-read report
- f) Planning Board Report for December-Councilwoman Filippone-stated that their Reorganization meeting was held on January 14th. The Planning Board elected Lionel Howard as Chairman and Bill Zylinski as Vice Chairman. The next meeting is scheduled for January 28th and the Board will be discussing the report from the Planner. The public can attend the meeting but there will be no action taken by the Board at this meeting.
- g) Zoning Report for December-Councilwoman Filippone-read report-She spoke about the need to increase the hours of the Zoning / Code Enforcement Officer. Councilman Lamb questioned whether we could take the money for that out of the Construction Department since the work is

related. Councilwoman Wenzel suggested that the Council may consider utilizing funds from the Recycling Trust to pay for additional enforcement of the Recycling Ordinance. The Borough might be able to use these funds to increase his hours and he could also do the garbage and recycling enforcement as well. Mayor LaCicero stated that he thought that was a great idea and we should discuss it further during budget meetings.

- h) Construction Office Report for December-Councilwoman Filippone-report
- i) Tax Account Status Report for December-Tax Collector-Mr. Parlow stated that the amount of year end tax delinquencies has nearly doubled over last year which is clearly a sign of the times. The Borough will establish the links from our Web Page to various sites that are offering financial assistance throughout the state.
- j) Revenue Transaction Report for November and December-CFO
- k) 2008 Annual Statement of Tax Receipts-Tax Collector

A Motion was made by Council President Zalom to approve the Revenue Transaction Report for November and December and the 2008 Annual Statement of Tax Receipts. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

- l) Public Power Report on Energy Purchases-Councilman Horan-read report

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

RESOLUTIONS – ON CONSENT:

- 2009-49 authorizing the 2009 overpayments on 2008 taxes to 2009 taxes receivable in the amount of \$13,318.10
- 2009-50 appointing seasonal laborers for the Department of Public Works from January 12, 2009 through March 31, 2009
- 2009-51 authorizing the removal of an electric account due to a two family conversion to one family on Block 24 Lot 29
- 2009-52 authorizing St. Pio of Pietrelcina to hold a 50/50 Off Premise Raffle on September 6, 2009
- 2009-53 appointing Kathy Mango as 2009 Municipal Alliance Coordinator
- 2009-54 appointing Barbara Florimont as a member of the Recreation Advisory Committee
- 2009-55 authorizing the permanent appointment of Theodore Golubowski as Public Works Supervisor from his provisional status

- 2009-56 authorizing the Chief Financial Officer to refund planning board escrow funds in the amount of \$52.00 to Eileen Cyran, 123 New York Avenue.
- 2009-57 authorizing the Chief Financial Officer to refund planning board escrow funds in the amount of \$13.00 to John Constantino, 8 Westmont Avenue
- 2009-58 authorizing the Chief Financial Officer to refund planning board escrow funds in the amount of \$176.50 to Thomas Restaino, 113 White Avenue.
- 2009-59 authorizing the Chief Financial Officer to make transfers between budget appropriation reserves-Mr. Parlow stated that this is just a precautionary measure for our benefit
- 2009-60 commemorating the 30th anniversary of the Holocaust, Genocide and Human Rights Education Center at Brook Dale Community College
- 2009-61 requesting that the Department of Transportation adopt the required regulation establishing two-hour parking spaces on NJ Route 35 Northbound-Mr. Parlow stated that the Chairperson of the Parking Committee or a representative could not attend the meeting so they are asking that it be carried over until the February 9th meeting. Mayor LaCicero and Council had no problem with that.

A Motion was made by Councilwoman Wenzel to carry Resolution 2009-61 until the February 9th meeting. The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan, Filippone. The Motion passed. The resolution was carried to the meeting of February 9th.

- 2009-63 approving the application for a residential parking permit for Robert Marra at 102 President Avenue
- 2009-64 approving the application for a residential parking permit for 15 Kerr Avenue

At this time, Mayor LaCicero opened the floor up for public comment on the consent agenda, off consent agenda and the bills list.

Joe Palinsky, 122 Washington Avenue questioned if the Supervisor is the same as the Superintendent?

Councilwoman Wenzel stated that Mr. Schlosser is the Superintendent and Mr. Golubowski is the Supervisor who replaced Al Scheller when he retired.

Mr. Palinsky questioned the bus and whether we would need to put seatbelts in it if we purchase it.

Council President Zalom stated that we do not need to put seatbelts in this bus.

Clem Boyers, 20 Kerr Avenue questioned what the next step is with the approval of the permits for parking?

Mr. Parlow stated that Public Works is currently purchasing the signs and the permit decals are already ordered. The signs will then be installed and the permits issued.

Martin Morales, 103 Grand Central Avenue expressed his support for the two hour parking signs along Grand Central Avenue. He is a member of the Lavallette Business Association, as well as, the Parking Committee and both agree that the signs are definitely needed. He remembers when the signs were there a couple of years and that they worked great. There was really little need for enforcement.

Councilman Lamb questioned if he knew the costs in the signage?

Mayor LaCicero stated that the resolution does not require any fees to the establishments.

Council President Zalom stated that the State does not charge the Borough for any permits and no other towns charge a fee to their establishments.

Mayor LaCicero closed the floor for public comment.

A Motion to Approve the Consent Agenda as Amended was made 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 Passes

RESOLUTIONS-OFF CONSENT:

2009-62 amending the 2009 temporary budget appropriations for the acquisition of a recreation bus-Mr. Parlow requested that this resolution be modified by removing the capital outlay for the purchase of a recreation bus and just keeping the Municipal Alliance appropriation. He stated that he was not in the position to recommend the purchase of a bus and like additional time to look for more options. The bus is that he looked at was over ten years old and the underbody of the bus had significant rust. He would like to see if there are other buses in that same price range available. Councilwoman Zalom stated that she is still very anxious to purchase a bus. She does not mind exploring other options but she does not think this bus is in bad shape for the money. Councilwoman Filippone questioned when we do find a bus can we transfer the money and buy the bus all in the same night. Mr. Parlow stated that was correct.

A Motion was made by Councilwoman Wenzel to approve Resolution 2009-62 with the modifications (No appropriation for the Recreation Bus). The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

APPROVAL OF VOUCHERS:

2009-65 Bills List in the amount of \$2,443,320.43

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Ordinance No. 2009-01 (1054) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 3 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED “ALCOHOLIC BEVERAGES, AMENDING CHAPTER 7 FO THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED “BATHING AND BEACH CONTROL”, AMENDING CHAPTER 25 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED “FEES”, AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED “PEDDLING AND SOLICITING”, AND AMENDING CHAPTER 50 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED “SALES”.

Mr. Parlow explained that there are a number of fees that need to be amended. He went over the changes that were being made to various fees.

A Motion was made by Councilman Stogdill to introduce Ordinance No. 2009-01 (1054). The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Public Hearing and Final Adoption scheduled for February 9, 2008

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Gallo v. Borough of Lavallette Water & Sewer Utility/Received December 6, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Gallo v. Borough of Lavallette Water & Sewer Utility/Received December 6, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Round 3 COAH regulations and Fair Share Housing Plan/Received December 6, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Gallo v. Borough of Lavallette Water & Sewer Utility/Received December 12, 2008
- e) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Bus Lease Agreement between the Borough of Lavallette and E. Allen MacDuffie, Jr./Received December 12, 2008
- f) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Lavallette COAH Obligations 2008/Received December 12, 2008
- g) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/James Cavanaugh v. Borough of

Lavallette/Tax Appeal/Received December 15, 2008

- h) Rosenberg, Kirby, Cahill & Stankowitz/Robert Rosenberg, Esq/Patrolman Frank White/Lavallette Police Department/Received December 18, 2008
- i) Felice Busto, Esq./Mrozek v. Borough of Lavallette/Received December 24, 2008
- j) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/John Paff v. Borough of Lavallette/Received December 30, 2008
- k) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Appeal of Civil Administrative Penalty Assessment/Received January 22, 2009
- l) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Adoption of a News Dispenser Ordinance/Received January 22, 2009

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Miscellaneous Service Lateral Repair Project/Change Order #2-Final Quantities/Pay Estimate No. 5/D & D Utility Contractors, Inc./USDA Phase III/Pay Estimate 28/Received January 6, 2009

New Jersey League of Municipalities:

- a) Affordable Housing/COAH Update/Received December 7, 2008
- b) S-7 Hearing Tomorrow/Pension Payment Deferral/Received December 10, 2008
- c) S-7 Pension Payment Deferral Option Advances/Received December 12, 2008
- d) Census Preparation Begins Today/Received December 15, 2008
- e) Municipal Stimulus Package Survey/Received December 15, 2008-Council President Zalom questioned if we had anything ready to go for this. Mayor LaCicero questioned maybe the preliminary design work done for Rt. 35. Mr. Parlow stated that he would contact Senator Ciesla's office.
- f) S-7 Pension Payment Deferral Option/Received December 16, 2008
- g) Legislative Status Update/Traffic Control Initiatives/Energy Savings Improvement Program/Direct Appeal to Tax Court/Lifetime Survivor Benefits/Received December 17, 2008
- h) S-7 Pension Deferral/Received December 18, 2008
- i) Request for Emergency COAH Action on Arbitrary December 31 Deadline/Received December 22, 2008
- j) COAH Deadline Extension Denied/Received December 23, 2008
- k) Census Opportunities/Received December 31, 2008
- l) Division of Local Government Services News/Received January 2, 2009
- m) Census Opportunities/Received January 5, 2009
- n) CY 2008 Length of Service Award Programs (LOSAP) Cost of Living Increase Notice/Received January 6, 2009
- o) Affordable Housing/COAH Update/NJLM Brief Filed/Received January 6, 2009
- p) Governor Proposes FY '09 Funding Cuts/Received January 6, 2009
- q) Library Funding/Received January 8, 2009
- r) Pinelands Commission/Pinelands Model Septic System/Management Ordinance/Received January 8, 2009
- s) Agendas for Stakeholder Meetings on Draft GWRA Recommendations/Received January 8, 2009

- t) Federal Stimulus News/Received January 8, 2009
- u) Urban Sociologist to Lecture on the Future of Suburbs/Received January 9, 2009
- v) Important New Information from the Division of Local Government Services/Received January 12, 2009
- w) State of the State/Received January 13, 2009
- x) Join the Mayors Wellness Campaign Today/Received January 14, 2009-Council President Zalom questioned why we do not have something for this. Councilwoman Wenzel stated that maybe a fishing or crabbing contest in the summer would do. Mayor LaCicero stated that maybe we should look into it.
- y) Mayor's Legislative Day/Received January 15, 2009
- z) Who's Who in the New Administration/Received January 15, 2009
- aa) Stimulus Bill Summary/Received January 16, 2009
- bb) Support Our Troops Day on April 19, 2009/Received January 19, 2009
- cc) Stimulus Bill Details/Received January 16, 2009
- dd) Affordable Housing /COAH Update/Received January 16, 2009
- ee) 2009 New Jersey Local Government Desk book Available/Received January 16, 2009
- ff) Charitable Clothing Bins Chapter 209/Received January 20, 2009
- gg) Pension Payment Deferral Background/Received January 21, 2009

General With No Action:

- a) State of New Jersey/Department of Labor and Workforce Development/James Revak, Assistant Chief/Inspection of Fire Department Building/Received December 6, 2008-Councilwoman Wenzel stated that Public Works took care of these issues.
- b) County of Ocean/Anthony M. Agliata, Assitant Planning Director/CBBG Funding Cycle 2009-2010/Received December 7, 2008
- c) Lavallette Heritage Committee/Joy Grosko, Director/Contribution of \$4,000.00 towards the 2009 summer concert series/Received December 11, 2008-Mayor LaCicero stated this was a wonderful gesture.
- d) Cozen, O'Connor/Stacy A. Mitchell/In the Matter of the Petition of New Jersey American Water Company for Authorization to Implement a Distribution System Improvement Charge/Received December 11, 2008
- e) Ocean County Planning Board/Erika F. Stahl, Planner Trainee/CDBG Project Status Reports/Received December 11, 2008
- f) Denise Wirth/1606 Grand Central Avenue, Unit 2/letter of gratitude to Sgt. Toscano, Ptl. Monica and Dispatcher Tracy Heroy for their help in an emergency situation/Received December 16, 2008
- g) Denise Thompson/Howard Hellwig/1599 Marco Island Drive/Toms River/letter of gratitude to Sgt. Toscano, Ptl. Monica and Dispatcher Tracy Heroy for their help in an emergency s situation/Received December 16, 2008
- h) Public Notice/Gary Kassof, Bridge Program Manager/Availability of Environmental Assessment for the Proposed Construction of the Tremley Point Connector Road Between Carteret and Linden, New Jersey/Received December 17, 2008
- i) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/November 2008 Recycling and Compost Reports/Received December 18, 2008
- j) Cablevision/Adam E. Falk, Vice President/Programming Changes/Received December 22,

2008

- k) Lavallette Volunteer First Aid Squad/Lillian Buirkle, Secretary/expressing profound gratitude for the innumerable assists at First Aid calls to the Lavallette Police Department/Received December 23, 2008
- l) State of New Jersey/Department of Community Affairs/requesting the extension of the COAH Revised Third Round Plans/Received December 23, 2008
- m) State of New Jersey/Department of Environmental Protection/Economic Recovery Program for 2009/Call for Projects, 2008/Received December 23, 2008
- n) Vineland Fireworks Company, Inc./Raquel L. Flowers, Office Manager/Advising us of the selling of their Company to Pyrotechnico/Received December 24, 2008
- o) Public Notice 5-1133/ Waverly W. Gregory, Jr./Proposed Replace of Oldmans Creek Bridge/Received December 24, 2008
- p) Council President Anita Zalom / MBI / Gluck Shaw/ Martin/ Bontempo / Maticera/ Bartlett/requesting some relief with the corner of Rt. 35 North and New York Avenue/Received – December 26, 2008-Council President Zalom stated that this was just a letter she wanted Council to review before she sent it out. Mayor LaCicero stated that the State painted some bright lines around New York Avenue and 35 North. He spoke to the Chief and he spoke to the State about it; they told him they did a survey and did not think the light was necessary. The Chief asked if the survey was done in the height of the summer season or the off season. He was informed that he need to submit an OPRA request in order to receive that information. He did file the request and is waiting for the information.
- q) County of Ocean/John Haas, District Recycling Coordinator/MPF-Multi-Paper Breakdown/Received December 30, 2008
- r) Jersey Central Power & Light/Proposed New Solar Financing Program/Michael J. Filippone/Director/Received December 31, 2008
- s) Board of Chosen Freeholders/John C. Bartlett, Jr./confirming the meeting of all Mayors on Island to be held on January 8th at Upper Shores Library/Received January 2, 2009
- t) Lavallette Beautification/Pat Marrone, Chairperson/2009 Year Update/Received January 2, 2009-Mayor LaCicero stated that this is the Beautification's yearly update.
- u) Lavallette Volunteer Fire Company #1/Peter Scott, Fire Chief/List of Line Officers and Executive Officers/Received January 2, 2009-Council President Zalom read aloud the names of the officers. She also stated that the Ortley Beach Moose Lodge donated \$9,000 to surrounding First Responders.
- v) Cablevision/Cathy Baker, Assitant for Government Affairs-NJ/Tariffs with some price changes effective February 1, 2009/Received January 5, 2009
- w) Environmental Waste Management Associates/Sharon McSwieney, Assistant Vice President/Financial Assistance for Brownfield Redevelopment/Received January 12, 2009
- x) Planning Design Collaborative/Kendra Lelie, Principal Partner/Council on Affordable Housing COAH Fair Share Plan/Received January 13, 2009
- y) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/December 2008 Recycling and Compost Reports/Received January 13, 2009
- z) State of New Jersey/Department of Environmental Protection/Nancy Wittenberg, Assistant Commissioner/Received January 15, 2009
- aa) United States Coast Guard/Public Notice 5-1134/Waverly W. Gregory, Jr./Modification to the Regulations Governing the Operation of the S37 Bridge, At IntraCoastal Waterway (ICW), Across Barnegat Bay at Seaside Heights, NJ/Received January 16, 2009

General With Action:

- a) Lavallette Heritage Committee/Joy Grosko, Director/Requesting permission of the dates provided for their summer events/Received December 11, 2008-Mayor LaCicero stated these dates were fine.
- b) E. Allen Macduffie, Jr., Esq/1995 Ford E350/requesting the bus be delivered to a Ford Dealer for necessary recall repairs/Received December 22, 2008-Mr. George stated that in reading the recall letter he suggests that we drop off the bus to a local Ford dealer and then let Mr. MacDuffie take care of the rest because the recall problem could become a liability to the Borough.
- c) Lavallette Business Association/Tom Yannacone, Flea Market Chairman/requesting the dates of July 12th and August 22nd for their annual summer flea markets/Received January 6, 2009-Mayor LaCicero stated these dates were okay.
- d) Friends of Lavallette Beautification/Pat Marrone, President/requesting the town to purchase five sets of garbage receptacles/Received January 7, 2009-Mayor LaCicero stated that this would be discussed during our budget process.
- e) Lavallette Voters and Taxpayers Association/requesting the use of Council Chambers the third Friday of every month at 7:30 pm for their meetings/Received January 7, 2009
- f) Lavallette Voters & Taxpayers Association/requesting Joe Ardito as their LVT Parking Committee Representative/Received January 7, 2009-Mayor LaCicero asked Mr. Parlow to do a resolution for the next meeting.
- g) Robin Devine/Wedding Coordinator/requesting that her client get married on the beach at Bryn Mawr Avenue on July 4th from 10:30 am and 11:00 am and to put chairs out consisting of about thirty people/Received January 9, 2009-Mayor LaCicero stated that he did not think it was a problem but they would have to buy beach badges for all who was attending.
- h) Lavallette Business Association/Kimberle Samarelli/LBA Past President/requesting a new liaison to the LBA since Mr. Ardito left and advising us of the change in Officers/Received January 12, 2009-Mayor LaCicero stated that the Council already approved Councilman Horan as the liaison.
- i) Jersey Central Power & Light/Kimberly Sheridan, Supervisor Customer Billing/requesting the name of a town official to receive discontinuance of service for Lavallette residents/Received January 12, 2009-Mr. Parlow stated he would place his name as the contact.
- j) Michele Donato/Chairman/Lavallette Parking Committee/Recommendation for two-hour parking option on Route 35 North/Received January 15, 2009
- k) Amanda Martin/ 126 Virginia Avenue/requesting to hold her wedding ceremony on the beach at Virginia Avenue on September 25th/Received January 16, 2009 / Council approved.

UNFINISHED BUSINESS:

Public Hearing - CDBG Grant Availability

Council President Zalom stated that the Borough Engineer had prepared a sketch of the ramps to be constructed on the walkovers to the beach. She also stated that she is asking that the grant application also include revision to the walkthroughs along Bay Boulevard. She also commented

that the Borough Engineer will be completing the grant application for the Borough. She also said she does not believe there will be any problems receiving the funding for these projects. She also researched the sidewalks on Jersey City Avenue near the Library but that project is not covered under this grant.

Councilwoman Wenzel stated that the designs look good and are pretty basic which will help us in applying for the Cafra permit. She thinks that the project necessary to make our beaches more handicap accessible.

Mayor LaCicero questioned the impact of the dunes but stated that we need to get the grant approval so we can modify the plans if we need to.

Mayor LaCicero opened the Public Hearing on the Community Development Block Grant application.

Clem Boyers, 20 Kerr Avenue questioned the plans. He state that the plans are not to scale and that both ramps look like a roller coaster ride and look like they are going to interfere with dunes.

Mr. Parlow stated that these are just preliminary sketches and we not construction drawings. The actual plans will be modified of need be.

Pat Marrone, 11 Elizabeth Avenue questioned whether or not Trek decking material could be used to cut down on the maintenance.

Councilman Lamb stated that the use of the Trek decking could be problematic because of the ocean storms and the possibility that the decking could be washed away.

There was no other public comment.

Mayor LaCicero closed the Public Hearing and asked for a vote on the authorization to submit the grant application for the handicap ramps and the improvements along Bay Boulevard.

A Motion was made by Councilwoman Wenzel to authorize the submission of the CDBG grant application (Resolution 2009-64B). The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, Horan and Filippone voted Yes. The Motion passed.

Resolution No. 2009-64A

Council Liaison to the Lavallette Board of Education

Mayor LaCicero requested that Councilman Lee Horan be made liaison to the Board of Education

Council President Zalom stated that she was always the liaison for many years and if he had any questions she would be glad to help.

A Motion was made by Councilman Lamb to appoint Councilman Lee Horan as Council Liaison to the Lavallette Board of Education (Resolution 2009-64A). The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill, and Filippone voted Yes. Councilman Horan Abstained. The Motion passed.

Mr. Parlow stated that the resolution to appoint Councilwoman Filippone as Class III member to the Lavallette Planning Board was inadvertently left off the Reorganization Agenda. The Council approved the appointment under Council Committee assignment but needed to make the actual appointment. He requested that Council take that action at tonight's meeting.

A Motion was made by Councilman Lamb to appoint Councilwoman Filippone as a Class III member of the Planning Board (Resolution 2009-64C). The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. Councilwoman Filippone abstained. The Motion passed.

Mayor LaCicero reported that at the Reorganization Meeting Councilman Stogdill should have abstained from voting on Resolution 2009-14. Resolution 2009-14 approves the use of certain financial institution, which Councilman Stogdill is an employee of one the institutions listed for approval. Mayor LaCicero reported that Councilman Stogdill has no direct involvement with government banking but he should still abstain from the vote.

Mr. George stated that the Resolution needs to be recalled and reconsidered with a vote and then readopted with another vote.

A Motion was made by Councilwoman Wenzel to Recall and Reconsider Resolution 2009-14. The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Horan and Filippone voted Yes. Councilman Stogdill Abstained. The Motion passed.

A Motion was made by Councilwoman Wenzel to readopt Resolution 2009-14 and reaffirm all transactions made to date. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Wenzel, Zalom, Lamb, Horan and Filippone voted Yes. Councilman Stogdill abstained. The Motion passed.

Councilman Horan stated he attended the monthly LBA Meeting. He reported that the members of the associate ask that he relay the message that our residents should utilize Lavallette businesses as much as possible.

Mayor LaCicero stated that Tony Meola provided a letter with revised times for the summer soccer camp that remove the conflicts with the baseball schedule.

NEW BUSINESS:

Interlocal Agreements- Fuel Purchase – Township of Toms River and Toms River Fire Commissioners

Mr. Parlow requested authorization to modify the interlocal service agreements with the Township of Toms River and the Toms River Fire Commissioners which allows them to utilize the Borough's fuel system. Mr. Parlow recommended that the Borough add a five percent administrative charge to the agreements. The Borough has had to incur additional costs associated with the Gas Boy system.

Councilman Lamb questioned whether the Borough should contact the Police Chief in Toms River and give him notification.

Mayor LaCicero stated that he does not think the Chief is involved in the process and believes Mr. Parlow should contact the Administrator and let him know.

Mayor LaCicero stated that he spoke to Mrs. Grosko and she wants to install a sound device at the gazebo to eliminate the geese.

Councilwoman Wenzel stated that the Audubon Society has an issue with the Yacht Club in reference to their sound device. They actually have a specialist that has the knowledge to deal with eliminating the birds in a better way. Maybe we should consider talking to them about this problem.

Councilman Lamb stated that he thinks that would be a very annoying sound to residents that live along Bay Boulevard.

Mayor LaCicero stated that he had a discussion with the State about storm water improvement. There are possible grant monies or loans available for projects for storm water maintenance. There is a possibility to fix the storm drain outlets along the highway at Reese Avenue where the storm water runs north to President and south to Vance Avenue. The Borough Engineer is going to be looking into it. The preliminary designs are already done. Mr. Parlow will be attending the meeting this Friday so he will fill us in at the next meeting of the details.

Councilwoman Wenzel stated that she received a letter from John Adler advising us of the additional funds available.

Council President Zalom stated that from the Crab's Claw down is solid ice from all the sump pumps and running water.

Councilwoman Wenzel stated that Public Works would like to change the garbage and recycling schedule to make it easier and better for the residents. She would like to make garbage and recycling on the same day by decreasing our zones and making just an Ocean and a Bay Zone. We want to have just a winter schedule and a summer schedule with recycling two days a week with garbage in the summer. She would like to present this plan with a map at our next meeting.

She reported that the department still needs to purchase another garbage truck to make this change work. Mr. Parlow and the Superintendent have been going over different specifications for a garbage truck with potential bidders. The amounts are ranging from \$152,000 to \$163,000, the amount budgeted were \$175,000.

She reported that the Environmental Committee will meet for its Reorganization Meeting on January 28th. The committee has a new high school member and has already retained six months of speakers for presentations at the library. The committee is also planning to apply for the 2009 ANJEC Smart Growth Grants and she would like Councilman Horan to look into Renewable Energy Grants.

She also requested the use of any old computers from the Construction Office for use by the mechanic's shop and one for the Environmental Committee.

She also requested permission to hold the Save Barnegat Bay cleanup on the Bayfront on May 9th from 9am to 1pm. She may need to have two days for the cleanup.

Mr. Parlow stated he received the proposals for the energy audit for our facilities. The lowest bid was \$38, 023. The bids will be reviewed by the Board of Public Utilities for the necessary contract language and approval. There are grant available to pay for up to 75 percent of the audit costs and to pay for future improvements that are part of the audit recommendations.

Mr. Parlow also asked from the Mayor and Council and public for ideas regarding this year's calendar inserts.

Mayor LaCicero stated that maybe we should do something different this year. He was thinking maybe each Councilperson should come up with one accomplishment each department has made and put of picture of it in the calendar.

Councilwoman Wenzel stated she was thinking services provided in town and volunteers.

Councilwoman Filippone stated that they had their Ordinance Committee meeting and recommendations on the news racks are soon to follow.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned whether we supply the chairs for weddings on the beach.

Mayor LaCicero stated that any set up for weddings including chairs are provided by the wedding party.

Bob Marra, 102 President Avenue thanked Mayor and Council for his permit and asked what the next step is.

Mr. Parlow stated that he will be contacted when the permit is ready.

Joe Palinsky, 122 Washington Avenue-stated that a good infrastructure project that could be included in the League's request for projects is the sidewalk replacement at the First Aid. He will provide estimates.

Mayor LaCicero asked Mr. Palinsky to give those estimates to Mr. Parlow and we will look into that.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she attended the Casino Night for the Point. Pleasant Education Committee and it was a great big hit. A lot of Lavallette residents were there because it helps raise money for our school kids. The next fundraiser will be in March and she would like Mayor and Council to run a full page ad in their Journal.

She received a thank you note from Ann Gorga for the replacement of her husband Ralph's plaque up at the boardwalk.

She had a parent of an Eagle Scout approach me with an idea he would like to do for his project. He wants to make containers for the bay front to hold doggie pooper scooper bags for residents who take their dogs for walks and forget them. He would like the Borough to pay for the cedar wood and he will supply the bags for a year.

Mayor LaCicero stated that he should send a letter requesting it with the cost and expenses and where the locations would be and we will discuss it.

Councilwoman Wenzel stated that she will be attending a meeting at the Sheraton in Eatontown in reference to the natural gas off our coast.

She also reported that Public Works had two injured employees. One slipped and fell hitting his head when filling the nice rink and one had a very large splinter of treated lumber through his hand from the boardwalk project.

Mayor LaCicero stated that he attended the meeting with the Barrier Island Mayors on the beach replenishment. He reported that there is still a split amongst the Mayors regarding their opinion about the project. All Mayors present recognize that the required easements will be the biggest obstacle.

He reported that the he attended a meeting with the Administrator in Seaside Heights regarding the refurbishing of the Mathis Bridge. The New Jersey Department of Transportation requested the meeting. The DOT reported that the project will take four years to complete. The Mathis Bridge will be closed from October to April each year and all traffic, both east and west, will be diverted to the Tunney Bridge.

EXECUTIVE SESSION:

Mr. George stated that we need to go into Executive Session to discuss Non-contractual Employees and a Contractual Matter relating to the Teamster 469 contract with no action being taken.

A Motion was made by Councilwoman Wenzel to go into Executive Session. The Motion was seconded by Councilman Lamb. All were in favor. The Motion passed. The Meeting was adjourned to go into Executive Session at 9:43 pm.

A Motion was made by Councilwoman Wenzel to resume the Regular Meeting. The Motion was seconded by Councilman Horan. All were in favor. The Motion passed. Regular Session resumed at 10:05 pm.

Mr. George stated that we had a general review of non-contractual salaries with no specific employees being spoken about and had some updates from Mr. Parlow on a grievance with Teamsters 469 with no specific names being given. Both discussions had no action taken.

A Motion was made by Council President Zalom to adjourn the meeting. The Motion was seconded by Councilwoman Wenzel. The meeting was adjourned at 10:05 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby attest these to be a true copy of the minutes of the Regular Meeting of the Mayor and Council held on the 26th day of **January 2009**.

Christopher F. Parlow
Municipal Clerk