

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
January 23, 2012-7:02 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone were in attendance.

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 was published in the Ocean Star on January 6, 2012. Notice was also posted on the Municipal website and the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Helen Benz who was a resident in town and for June Schneider the Borough Librarian whose husband died recently. He also asked for a moment for our troops overseas.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming tonight. He stated that there is a lot more audience tonight than usual.

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

Mayor LaCicero asked if anyone wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

Michele Donato, 2202 Ocean Front stated that several years ago the town received a notice of violation from the DEP in regards to the extra openings at the street ends. When she spoke to Mr. Parlow at that time he accused her of being the complainant. She would just like to state for the record that she was not the complainant. Years ago she issued complaints against the DPW because they were violating the Borough's permit and she called the DEP. She recently wrote to Michele Kropelak from the DEP and asked her if she was the complainant on record and she stated that she was not. As a matter of record, she was the one who recommended what you did, why would she be against it. To falsely accuse her is unfair and illegal and she would like it to be publicly known that it was not her. She would like to thank Councilman Borowski for his management of the DPW and his help of trying to prevent anymore of the damaging of the new wood with the town's equipment. This equipment is either broken or too old to be performing the duty of what it needs to

do. She is also in support of Councilman Horan in getting a generator to help us bring down our electric peaks.

Mayor LaCicero stated that they went to inspect a generation site in Mount Holly to see what the generator looked like and the amount of noise generated. Unfortunately it is very large and very loud. We are not sure that it is feasible to put it where it needs to be placed. Seaside Heights has already started their process so once they are done we will monitor that situation and see how it goes.

Ms. Donato stated that she thought it was going by the transformers by the DPW.

Mayor LaCicero stated that even there it is still too large and would still be very noisy for those neighbors.

Ms. Donato questioned if we do not do it this year could we do it in the near future like 2013.

Mayor LaCicero stated that we could do it any year.

Ms. Donato stated that she would like the Mayor to get back to her on clearing the record. She spoke to Michele Kropelak and she stated that the town has a mitigation alternative to the fine. The signage and walking trail that was proposed did not meet the environmental side of the problem. She stated that she provided the document to Mr. George that detailed the type of projects that are acceptable.

Mr. Parlow stated that he does not like to be falsely accused of making such comments that Ms. Donato is stating.

Councilman Lamb stated that he would like to move on instead of dealing with he said/she said. This is not the place for that.

MAYOR APPOINTMENTS (without advice and consent of Council)

Mayor LaCicero made the following appointments to the Municipal Alliance Committee.

Members of Municipal Alliance Committee

Peter Sturm
Paula Sturm

APPROVAL OF CLERK'S MINUTES

Regular Meeting of December 19, 2011
Executive Session Meeting of December 19, 2011
Reorganization Meeting of January 3, 2012
Special Meeting of January 9, 2012-Vouchers Only

A Motion was made by Councilman Horan to approve the Minutes. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. Councilman Stogdill abstained on the January 9th minutes and voted Yes to all others. The Motion Passed.

REPORTS:

- a) Police Report for December and Year End 2011-Councilwoman Filippone-read report
- b) Municipal Court for December and Year End 2011-Councilwoman Filippone-read report
- c) Zoning Report for December-Councilwoman Filippone-read report
- d) Construction Report for December -Councilwoman Filippone-read report
- e) Animal Control Report for December-Councilwoman Filippone-read report
- f) Public Affairs Report for December-Council President Zalom-she thanked the Fire Department and the First Aid for giving us use of their buildings to hold our events. There is also Basketball and Dodge ball at the School. We are welcoming the Sturm's to the Municipal Alliance Committee. We had a wonderful ski trip on Saturday and had a great time. There is talk about changing the school election from April to November which would be a help to the town.
- g) Revenue Transaction Report for November-Chief Financial Officer
- h) Tax Account Report for December -Tax Collector
- i) 2011 Tax Collector's Annual Statement of Receipts-Tax Collector

A Motion was made by Councilman Horan to Approve the Reports. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2012-55 appointing members to the Lavallette Goose Patrol Committee-Council President Zalom stated that we are accomplishing so much with this committee and saving municipal funds with the use of the volunteers. Some towns are paying thousands of dollars to do the same thing we are doing.
- 2012-56 establishing the suggested donation fee of \$3.00 year round for all exercise classes including Zumba, Yoga, Tai Chi and Aerobics-Council President Zalom stated that she has already spoken to the instructors about this.
- 2012-57 appointing members to the Lavallette Recreation Committee
- 2012-58 modifying the rules and regulations for the operation of the Lavallette Goose Patrol in accordance with Chapter 6-9D. of the Borough Code of the Borough of Lavallette
- 2012-59 conditionally approving renumbering application of 306B Grand Central Avenue to 99 Bond Avenue-Councilman Borowski questioned if this was contingent upon the

change in the by-laws with the association. Mr. Parlow stated that was correct. After the change it should be filed with the County and a copy to the Borough.

- 2012-60 proclaiming the month of January as Radon Awareness Month and the week of January 23rd as Radon Action Week in the Borough of Lavallette-Councilman Lamb stated that we do not have any Radon in Lavallette.
- 2012-61 authorizing the Treasurer to apply the following 2011 overpayments in the amount of \$8,915.77 to 2012 taxes receivable
- 2012-62 appointing Frances Adams as a part time clerk typist for the Construction Department commencing January 24, 2012
- 2012-63 authorizing the refund of a credit balance of \$677.64 on an electric account at 106 Virginia Avenue
- 2012-64 adopting the County ABC Multi-Hazard Mitigation Plan and resolves to execute the actions in the Plan
- 2012-65 in support of Senate Bill S-2339 and Assembly Bill A-3558, permitting municipalities to conduct reassessments without the need to perform interior inspections if interior inspections have been performed in a municipality within the last eight years
- 2012-66 authorizing transfers between budget appropriations accounts in the amount of \$3,000-Mr. Parlow stated that normally we have enough balance in the budget to pay the December invoices; however, we have an interlocal agreement with Toms River Township and even though we billed them for December they have not paid the invoice as of yet. Councilwoman Filippone questioned where the money will go once the payment is received. Mr. Parlow stated that once the payment is received it will go into the municipal surplus. Mr. Parlow reported that diesel fuel usage was down in 2011 and gas purchases were slightly up.
- 2012-67 authorizing the salary change of Rosemary Robertson from an annual basis to an hourly rate-Councilman Lamb questioned if this was Ms. Robertson's request. Mr. Parlow stated that it was her request to decrease her hours and just focus on Planning Board. Mr. Parlow stated that Gerri Adams will be doing the Construction side of the job.

A Motion was made by Councilman Horan to approve the consent agenda. The Motion was seconded by Councilwoman Filippone. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda or the bills list. No one wished to comment at this time. The Mayor closed the floor and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb. The Motion Passed.

APPROVAL OF VOUCHERS:

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredo & Lori-Gatfield Loredo v. Borough of Lavallette/ Received December 4, 2011
- b) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredo & Lori-Gatfield Loredo v. Borough of Lavallette/Received December 14, 2011
- c) Eric M. Bernstein & Assoc/Philip George, Esq/Added Assessments for Realty Under Construction/Received December 16, 2011-Mayor LaCicero stated that maybe the Lavallette Voters & Taxpayers should receive a copy of this since they were the ones questioning this. Mr. Parlow stated that he wasn't sure if they were entitled to the entire letter. Mr. George stated that it can be released to the voters & taxpayers.
- d) Eric M. Bernstein & Assoc/Philip George, Esq/Gustafson v. Borough of Lavallette/Received December 21, 2011
- e) Eric M. Bernstein & Assoc/Philip George, Esq/Lavallette Volunteer Fire Company No. 1, Inc./Received January 3, 2012-Councilman Borowski asked the Borough Attorney to provide an update since there were members of the Fire Department in the audience. Mr. George stated that when they started this we just wanted to get it done quickly but when we filed the papers and sent them to the Division of Revenue they came back and said that corporation no longer existed. We are trying to clarify the situation. What he found when he did some research was that there was some type of dissolution in 1929 and the registering agent put Lavallette Fire Company as #19. This was obviously some type of mistake. He spoke with the Department of Treasury and sent them all the information. We are still waiting on an answer from them but he believes everything should work out.
- f) Eric M. Bernstein & Assoc/Philip George, Esq/Gustafson v. Borough of Lavallette/Received January 3, 2012
- g) Eric M. Bernstein & Assoc/Philip George, Esq/Gustafson v. Borough of Lavallette/Received January 10, 2012
- h) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredo & Lori-Gatfield Loredo v. Borough of Lavallette/Received January 11, 2012
- i) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredo & Lori-Gatfield Loredo v. Borough of Lavallette/Received January 12, 2012
- j) Eric M. Bernstein & Assoc/Philip George, Esq/Mark Cutalo v. Borough of Lavallette/Received January 12, 2012
- k) Eric M. Bernstein & Assoc/Philip George, Esq/Thomas Loredo & Lori Gatfield-Loredo v. Borough of Lavallette/Received January 17, 2012

Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/Camden Avenue Road Improvements/Punch List/Received January 6, 2012
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/Camden Avenue Road Improvements/Received January 12, 2012
- c) O'Donnell, Stanton & Associates/Michael O'Donnell/New Brunswick Avenue Road Improvements/Received January 16, 2012
- d) O'Donnell, Stanton & Associates/Michael O'Donnell/Proposal for Services/Maintenance Dredging at West Point Island Bridge/Boat Ramp/Received January 17, 2012-Mayor LaCicero stated that our engineering fees for the dredging has dropped from \$25,900 to \$3,000 which he thinks is wonderful and the permit is extended for five years.

New Jersey League of Municipalities:

- a) General Assembly Voting Session on Monday/Transitional Aid Bill before Senate Committee/Received December 2, 2011
- b) Conditional Veto of S-2220, Cap on Accumulated Sick Leave/Received December 2, 2011
- c) S-3119, Establishes Notification Requirements for Combined Sewer Overflows/Received December 2, 2011
- d) First Annual Statewide Holiday Blood Drive Campaign/Received December 5, 2011
- e) Transitional Aid Passes Assembly, Up In Senate Committee on Thursday/Assembly Voting Session on Monday, December 5
- f) Legislative Alert/Permit Extension Act/Senate Budget Appropriation Hearing on S-2794, Encouraging Shared Services with Voter Penalty/Received December 9, 2011
- g) New Content on DLGS Website/Received December 12, 2011
- h) Administrator or Manager Recruitment and Selection Advisory Service/Received December 13, 2011
- i) Update on Paterson Police PBA Local 1 et al. v. Paterson/Received December 13, 2011
- j) Legislative Alert/Assembly and Senate Voting Session Committee Hearings/Received December 14, 2011
- k) New Requirements for Budget Message in 2012/Received December 15, 2011
- l) Division of Local Government Services Issues Guidance on CY 2012 Budget/Received December 15, 2011-Mayor LaCicero stated that maybe we should think about this budget with uncollected taxes. Mr. Parlow stated that he would not advise doing this. It would be a desperate move and we would only gain short term relief and it would hurt the surplus in the long run.
- m) BPU Releases Preliminary Report on Power Company Performance/Received December 16, 2011
- n) Ethics Resources From the League/Received December 16, 2011
- o) Local Finance Board Paving the Way to Faster Refunding/Received December 16, 2011
- p) Legislative Alert/Bills on the Governor's Desk/Received December 19, 2011
- q) NJLM's 2012 State Legislative Priorities/Received December 19, 2011
- r) Governor Signs Transitional Aid Restoration Bill/Received December 21, 2011
- s) Update on Recent Council on Local Mandates Case/Received December 27, 2011

- t) Mayors: Help Your Town Stay Healthy in the New Year/Join the Mayors Wellness Campaign TODAY/Received January 5, 2012-Council President Zalom stated that she would like permission to write a letter about all our recreational activities to stay health and also the goose patrol.
- u) Division of Local Government Services Issues Guidance on CY 2012 Transitional Aid Process/Received January 5, 2012
- v) Monday, January 9-Last Voting Session of the 214th Legislative Session/Received January 6, 2012
- w) Survey Created by NJ Child Fatality and Near Fatality Review Board/Received January 6, 2012
- x) State of State Address Postponed/Governor Signs Legislation/Received January 10, 2012
- y) US Senator Robert Menendez to Hold Senate Banking Committee Field Hearing: "Saving Our Neighborhoods From Foreclosures"/Received January 11, 2012
- z) Two Upcoming Programs: Doing Business with the Private Sector/Received January 13, 2012
- aa) CORRECTION to 2nd Date Under III, RETROREFLECTIVITY OF SIGNS/Federal Road Sign Standards Update/Received January 13, 2012
- bb) 2012 Campaign Contribution Notice/Received January 17, 2012
- cc) Property Tax in New Jersey/Received January 18, 2012
- dd) Emergency Management Preparedness Task Force/Received January 18, 2012
- ee) Governor Pocket Veto Bills/Received January 18, 2012
- ff) Governor Signs Bills/Received January 18, 2012

General With No Action:

- a) Jersey Central Power & Light Company/Lawrence Sweeney, Director/Verified Petition of JCP & L for the review and approval of costs incurred for Environmental Remediation of Manufactured Gas Plant Sites pursuant to the Remediation Adjustment Clause of its filed tariff/Received December 12, 2011
- b) Ocean County Health Department/Daniel Regenye, Public Health Coordinator/Ocean County Health Department Annual Report/Received December 15, 2011
- c) Save Barnegat Bay/William Decamp, President/ 40th Anniversary/Received December 19, 2011
- d) Ocean County Department of Human Services/Ryan Reilly, Coordinator/Point In Time (PIT) Count of the Homeless/Received December 21, 2011
- e) State of New Jersey/Department of Environmental Protection/Katie Burnett and Lynette Lurig, Co-Chairs/Barnegat Bay Blitz/Received January 3, 2012
- f) State of New Jersey/Department of Community Affairs/Second Edition of The Redevelopment Handbook/Received January 5, 2012
- g) Cablevision/Kevin Drennan, Area Director/Tariffs for All Systems/Received January 8, 2012
- h) State of New Jersey/Department of Transportation/Douglas Dillon, Principal Engineer/Restricted Parking-2 Hour Time Limit Parking Revised/Received January 9, 2012-Mayor LaCicero stated that these are some revisions from the State. We also have two requests on with action for two hour parking in front of their establishments. We

seem to have people constantly changing their minds, which is not very feasible for us. Council President Zalom stated that some homeowners of the buildings of the businesses did not know about the program. The requests are for two hour parking in front of the old PNC Bank which is the Fitness Center and the Ben Franklin Store. The Post Office and the Borough Hall should get 15 minute parking. Councilwoman Filippone stated that we can not have all these signs out there with all different wording. Right now the signs say two hour parking with no time frames. We would have to open the ordinance to revise it if we want to change the wording on the signs to have time frames. We do not need two hour parking during the winter when no one is here. Councilman Lamb questioned how much money it would cost to change the signs and ordinance. Mayor LaCicero stated that this will be the last time that we are going to do this for a very long time. Councilwoman Filippone questioned who was going to enforce these signs. Councilman Borowski stated that these recent businesses with the requests are all year round. Mayor LaCicero questioned how many times is this going to be entertained. Councilman Lamb stated questioned what happen to not entertaining this for another two years.

- i) State of New Jersey/Department of State/Gerry Scharfenberger, Director/Six Public Hearings for the draft Final State Strategic State Plan: New Jersey's Development and Redevelopment Plan/Received January 10, 2012
- j) Ocean County Health Department/Peter Curatolo, Director/3-D-Drinking, Drugging and Driving/Received January 11, 2012
- k) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Bridge Program Manger/Public Notice 5-1243/Modification to the Regulations Governing the Operation of Two New Jersey Department of Transportation Bridges/Received January 19, 2012
- l) State of New Jersey/Department of Environmental Protection/Guy Watson, Chief/submission of Recycling Tonnage Grant by email starting April 2012 submittal by a Certified Recycling Coordinator/Received January 20, 2012

General With Action:

- a) B & B Department Store/Jeanette Turner, Store Manager/requesting permission to display their beach chairs in front of the store on a seasonal basis from April 1st through October 1st/Received October 27, 2011-Mayor LaCicero stated that the display of merchandise requests needed to be submitted by January 15th but we do not need to approve them until April 15th. Council does not need to take action on these tonight if they do not want to. Mr. Parlow stated that the time frame request by B & B is not within the times frame established in the ordinance. The Council can only approve the display of merchandise from May 1st to October 1st. Councilwoman Filippone stated that in the Ordinance it states that they could display only a sampling of their merchandise not there entire inventory. Mr. Parlow stated that any approvals that are granted he will send them an approval letter along with the Ordinance so they know the rules. Mayor LaCicero stated that Council approves this request with the exception of the month of April. Mr. Parlow stated that the approvals can be done for tonight and the resolutions will be on for the next meeting of February 6th.

- b) Lavallette Heritage Committee/Joy Grosko, Director/requesting permission to hold their annual Heritage events for 2012 and requesting approval to put advertising signs a week prior to the event/Received December 12, 2011-Mayor stated that this is approved by Council.
- c) Allie Grieg/Mike Morano/requesting permission to hold their wedding ceremony on the beach at New Brunswick Avenue on Friday, April 6, 2012/Received December 13, 2011-Mayor LaCicero stated that this wedding is okay and is not during the bathing season.
- d) Leah Farrell/Grant Siders/requesting to hold their wedding ceremony after 5pm on the beach at Philadelphia Avenue on Thursday, June 28, 2012/Received December 19, 2011-Mr. Parlow stated that in this letter they were also requesting the use of electricity to be provide. He stated that the Borough does not provide any electricity for weddings on the beach. Mayor LaCicero stated that this is approved by Council with the exception of the electric provision.
- e) William Mullen/18 Coolidge Avenue, Ortley Beach/proposing that the town install public charging ports within the shopping district for patrons who own electric vehicles/Received January 3, 2012-Mayor LaCicero stated that this is not even a Lavallette resident and it would cost us a lot of money. Council does not approve this request.
- f) Martin & Susan Morales/Big Ed's Produce/requesting permission to exhibit merchandise outside of our store during the period between May 1st through October 1st, 2012/Received January 5, 2012-Mayor LaCicero stated that this is within the restraints and Council does approve.
- g) Lavallette Business Association/Barbara Janosko, President/requesting approval to hold their 2012 Sidewalk Sales and Displays of Merchandise/Received January 9, 2012-Mayor stated that Council does approve these sales and display dates for the LBA.
- h) Lavallette Voters & Taxpayers Association/Joseph Marcianti, President/Requesting to hold their meetings in Council Chambers on Friday of each month in 2012/Received January 10, 2012-Mayor LaCicero stated that these dates are approved.
- i) Vincent Foti/501 Grand Central Avenue/requesting two hour parking in front of the Lavallette Fitness Center which was formerly the PNC Bank/Received January 10, 2012-Mayor LaCicero stated that this was already discussed and will be submitted with resolution to the DOT.
- j) Ben Franklin Store/1205 Grand Central Avenue/James and Jason Boekholt/requesting two hour parking in front of their establishment/Received January 11, 2012-Mayor LaCicero stated that this was already discussed and will also be submitted to the DOT.
- k) Ben Franklin Store/1205 Grand Central Avenue/James and Jason Boekholt/requesting exemption from the new ordinance pertaining to the display of merchandise and requesting approval of the dates for the displays/Received January 11, 2012-Mayor LaCicero stated that they will not be exempt from the ordinance but Council will approve their display dates with the exception of the April dates. If they still want to pursue the exemption they will have to submit to Planning Board.
- l) Friends of Lavallette Beautification/Arleen Maglionico, Chairperson/requesting to have their plant swap event at the Tennis Courts on May 19th with a rain date of May 20th 2012/Received January 11, 2012-Mayor LaCicero stated that Council approves this event.

- m) Barnegat Bay Partnership/Peter Row, Associate Director/request for proposals for research and implementation projects/Received January 12, 2012-Mayor LaCicero stated that if anyone wishes to submit a proposal they should let him know.
- n) Lavallette Hardware/Robert Shoemaker/requesting permission to display merchandise on a daily basis in front of our building from May 1st to October 1st 2012/Received January 13, 2012-Mayor LaCicero stated that Council approves these dates.
- o) The Beach Home/Joanne de Franca-Marion/requesting permission to display merchandise on a daily basis in front of her store from the beginning of May through late September/Received January 17, 2012-Mayor LaCicero stated that Council approves these dates.
- p) Wavejammer Surf Shop/Scott Meredith/requesting permission to display merchandise on Saturday and Sunday, June 2nd and 3rd and on Saturday and Sunday with a rain date of June 9th and 10th and on Saturday and Sunday, September 15th and 16th with a rain date September 22nd and 23rd/Received January 19, 2012-Mayor LaCicero stated that Council approves these dates.
- q) Casey Loundy/312 Atlantic Avenue, Point Pleasant, NJ/requesting the town to pass an ordinance making your beaches free for military members and their families/Received January 19, 2012-Councilman Horan stated that it has become tradition with other towns to allow the active duty military to use the beach for free. Councilman Lamb stated that we have a reduced badge fee for the active military already of \$14.00.
- r) Board of Chosen Freeholders/John P. Kelly/James F. Lacey/2012 County Road Improvement Program/requesting the Mayor to schedule the date and time for the annual meeting/Received January 20, 2012-Mayor LaCicero stated that this is the annual meeting with the County that Chris and he will attend. Last year we brought up the triangle at Jersey City Avenue and they did take care of that. We will be attending again this year and will bring them other requests. Council President Zalom stated that they should bring up the dredging again.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Special Events Application: Friends of Lavallette 8K/Joseph Yewaisis/requesting to hold their Lavallette 8K Run/Walk on June 23, 2012 from 7am to 11:30 am/no rain date

Joe Yewaisis, 204 Ocean Front, President of the Lavallette 8K Race stated that this is the 7th year for us in Lavallette and Lavallette is the prime beneficiary with this race because at the end we give substantial donations of monies to the services such as the First Aid, Fire and Police.

Mayor LaCicero questioned if this was done by resolution or ordinance.

Mr. Parlow stated that it was done by resolution.

Mayor LaCicero stated that it could be changed with a simple modification if Council so chose to do so.

Mr. Yewaisis stated that we decide this date way in advance because professional runner clubs have other races to run that are always on the weekends before and after ours. That is why we always stay with the same weekend as does the other runs in other towns. We give Lavallette 25% of the profits from our race and that is why we always have it in Lavallette.

Councilman Borowski stated that there are a lot of Lavallette residents that participate in this race and this race has always been local oriented. He stated that he has never heard of any negative issues regarding this race.

Councilwoman Filippone stated that the reason that we decided on no events during the bathing season is because the residents were complaining and the residents of Bay Boulevard are disrupted with the closing of the street.

Mayor LaCicero stated that Council should decide with a vote.

A Motion was made by Council President Zalom to approve the Lavallette 8K Race on June 23rd, 2012. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom, Stogdill and Lamb voted Yes. Council Members Filippone and Horan voted No. The Motion Passed.

Special Events Application: Jersey Shore Multi Sport/Chris Wilcox/requesting to hold their Swim Clinics on May 5, 12, 19 & 26 2012 from 11am to 12noon/no rain date

Mayor LaCicero stated that we have three applications from Jersey Shore MultiSport for swim clinics, a Lava Swim and a Lava Love Triathlon. Mr. Wilcox is in the audience so he can give us some more information.

Chris Wilcox stated that this will be the third year in Lavallette.

Councilman Lamb stated that the only problem he heard from last year was that it was too loud with the speakers and some driveways on West Point Island were blocked off.

Mayor LaCicero stated that the swim clinics are not the issue it is the loud speaker with the Lava Swim and the Triathlon.

Mr. Wilcox stated that he does play the national anthem and does use a loud speaker for the Triathlon and Swim but he could not use it if it is a problem. We also use barricades on Bay Boulevard for people to cross the street. He stated he does not remember any driveways being blocked.

Councilman Lamb stated that he does not think they should use barricades unless the police are present.

Mr. Wilcox stated that he is certified in safety and Chief Grant was not concerned about the barricades.

Councilwoman Filippone stated that 5:30 am is way too early for the amount of noise that is produced and the barricades in front of driveways can not be done. The Borough's noise ordinance states that contractors can not make noise until 8am and that is what should be followed.

Mayor LaCicero stated that unfortunately we are experiencing more and more pressure from our residents. They do not want to hear the amplified music that early in the morning. Any safety procedures should also be coordinated with Chief Grant. Our police department should definitely be in charge of the safety issues with these events.

A Motion was made by Councilman Stogdill to approve the Swim Clinics. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Special Events Application: Jersey Shore Multi Sport/Chris Wilcox/requesting to hold the Lava Swim on May 27, 2012 from 7:30 am to 9:30 am/no rain date

A Motion was made by Council President Zalom to approve the Lava Swim. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Special Events Application: Jersey Shore Multi Sport/Chris Wilcox/requesting to hold the Lava Love Triathlon on June 9, 2012 from 6:45 am to 10:00 am/no rain date

A Motion was made by Council President Zalom to approve the Lava Love Triathlon with regards to less noise and better safety coordinated with the Chief of Police. The Motion was seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Special Events Application: Jersey Outlaws/Kathleen Halbing/requesting to hold Garvey & Skiff Racing on Sept 23, 2012 from 12 noon to 4pm/rain date September 30, 2012

Kathleen Halbing, Jersey Outlaws stated that they would like to hold the Garvey Races again this year on September 23rd with a rain date of September 30th. The races were a big hit last year and except for a small incident with the First Aid everything went perfectly. We have our own First Aid and they are very qualified. We would like to have pre-plan meetings this year with the Fire Department and the First Aid. Last year because it was the first one there was some bad communications and she does not want that to happen again. We have no problems working with Lavallette Police, Fire and First Aid. She stated she was in the process of working with the Fire Chief to raise money for the Fire Department by having the Fire Department do a fundraiser during the races and serve food and beverages in the parking lot.

Art Reece, Fire Chief stated that he has been speaking with Kathleen and this race along with our fundraiser would be very advantageous for the Fire Department. They have dive teams on staff and

they have a lot of races throughout Ocean County. We will work together to come up with a plan. He stated he has already spoke to the Chief of Police and will make sure that both the Fire and First Aid are on board.

Councilman Stogdill stated that he received a lot of complaints from spectators that there were a lot of open containers while watching the races which is not allowed at all.

Mayor LaCicero stated that is the Police Departments job to monitor those situations.

Councilman Borowski stated that he spoke to the Chief last year and he did not even know that this event was happening and the parking on the bay front fields was not a good idea.

Art Reece stated that with the fundraiser they are planning to set up the food and beverages like Heritage with the food and drink only being allowed to eat and drink under the tents in the parking lot.

Mayor LaCicero stated that they park the classic cars on the field during the Heritage Day Festival.

Councilman Borowski stated that they should fuel the boats in the parking lots not in the water.

Councilman Horan stated that he witnessed a few boats fueling up in the water.

Mrs. Halbing stated that she was not aware of that but will make sure it is strictly enforced and coordinate the safety with the Chief.

Councilman Horan stated that in their application they state that no police assistance is necessary and you have your own security. We need a list of those people for our records.

Councilwoman Filippone stated that the biggest problem with this race was the amount of spectators. You say you have your own first aid and security and we have our police, fire and first aid but who is in charge, your people or ours. She stated that there seems to be a difference of opinion and she thinks it needs to be defined before the event takes place.

Mrs. Halbing stated that she would prefer that her dive teams be in charge of any action within the water. We do supply our own security but if you would be more comfortable with Lavallette PD being in charge that is fine. She stated that she will have her race coordinator get in touch with the Chief of Police.

Councilwoman Filippone stated that it needs to be clear before the event. She stated that there should be no cars parked in the middle of the field where our helipad is located in case of an emergency.

Art Reece stated that this is not his first event and he knows he has to pre plan all the logistics and the ICS is who will be in control. He stated that he will make sure that everything is sorted out prior to the event. We will make sure there is only emergency vehicles parked by the helipad and fence it off so there is no driving over the sidewalks.

Council President Zalom stated that she too would be more comfortable with our Police Department being in charge of the security and safety of this event like every other event we have in Lavallette.

Councilwoman Filippone stated that the Chief of Police needs to have the supreme authority.

Councilman Borowski stated he is concerned about the fueling issues since we have an ordinance stating no gerry jug cans anywhere near the water.

Mayor LaCicero stated that they might have to fuel the boats in the street not the parking lot or water.

Councilman Borowski stated that the Yacht Club was supposed to have a sailing regatta that day and it was cancelled due to high dangerous winds. He was curious why this event was not cancelled due to the high winds and the fact that two boats flipped. He stated that he is very nervous about this event.

Councilwoman Filippone stated that her boat racing friends in town loved the event. The time of year and day was appropriate and a lot of people were very pleased with this event. There were just some issues that needed to be clarified.

Mrs. Halbing stated that the Coast Guard issued the permit and was there for the beginning of the race. If they thought that the event should be cancelled because of the high winds they would have done it. We have had them cancel events before.

Councilman Horan stated that they also failed to abide by the no wake zone and in Lavallette it is 200 feet.

Mrs. Halbing stated that she will make that a priority of advising them of the no wake zone.

Councilman Borowski stated that he spoke to the Chief last year and he did not even know that this event was happening and the parking on the bay front fields was not a good idea.

Mayor LaCicero called for a vote regarding the request for facility use made by the Jersey Outlaws.

A Motion was made by Councilwoman Filippone to approve the Garvey Race with the conditions that were discussed. The Motion was seconded by Council President Zalom. Vote: Council Members Filippone, Zalom and Lamb voted Yes. Council Members Borowski, Stogdill and Horan voted No. Three members voted in favor; three members voted against. In accordance with the Rules of Order the mayor can vote in the case of a tie. Mayor LaCicero voted Yes. The Motion Passed.

Emergency Notification System – Global Connect Proposals

Mr. Parlow stated that this company provided two proposals of their web based emergency notification programs. The system would allow the Borough to send notifications to specific areas

as well as the entire town. It does text, voice or email notifications. This was the most affordable system compared to the other companies that he looked at. One proposal was for emergency notification only and the other was any type of messaging. The company also stipulated that they do monitor the emergency messaging to make sure they are emergent. His recommendation to Council is to start with just the emergency notification system for the first year until we get comfortable with the system. The emergency notification is \$1,849 for the first year and a one time set up fee of approximately \$600.

Councilman Borowski requested that we put a notice on our website if any residents would like to provide their cell phone numbers for notification purposes only.

Mr. Parlow stated that should be done also.

COMMENTS FROM THE PUBLIC:

Mayor LaCicero opened the floor to public comment.

Clem Boyers, 22 Kerr Avenue stated that with this Garvey Race they do not abide by the no wake zone. These guys are in violation of causing wakes. Last year he was asked to get in touch with the Yacht Club and set up a sit down with Mrs. Halbing. We set up a meeting and they never showed. Eventually, our Commodore spoke with her and he was not very happy. The Council needs to watch her and be very careful with what she says and does. He stated that she is very sneaky.

Joe Palinsky, 121 Washington Avenue stated that with the Lava Swim they will also be running down the bike lane. Also, with the Jersey Outlaws there application is not complete. It asks if there will be tents, how many and what size. They only answered yes to tents and did not stipulate the size or quantity. Will there be a sound meter available to check the decibels.

Mayor LaCicero questioned Mr. George if we could be stricter than the State.

Mr. George stated that the State overrides the town. Also, we do not have jurisdiction over the water.

Councilwoman Filippone stated that right now we do not have a sound meter. Chief Grant has someone in training to be certified.

Mr. Palinsky stated that he liked the fact that they should not have any noise until 8am. Also, if the Lavallette Police sees anyone with open containers they should be issuing a summons.

Councilwoman Filippone stated that they should absolutely issue a summons and they will.

Mr. Palinsky suggested that the town photocopy their workers ID's and keep at the police station.

Councilwoman Filippone stated that we are not going to do the policing. The event requires a certificate of insurance that frees the Borough from any lawsuits or problems. That is as far as we are going to go with that.

Herb Hascher, 1301 Bay Blvd. stated that he always has a problem with the two races. The starting point for the Lavallette 8K Race is always on Washington Avenue. If they could maybe move that starting point to Baltimore Avenue he could at least get in and out of his driveway. As for the Triathlon, he gets woken up at 4:30 am with their loud speaker and them setting up the racks for the bikes. It becomes very nerve racking.

Mayor LaCicero stated that he will see if the starting point could be moved for the 8K for him. As far as the Triathlon, you heard us here tonight telling them that they cannot start with the noise until 8am and they cannot block driveways so that should be taken care of.

Mr. Hascher stated that with regards to the boat race, the police should try to keep the people off the bay beach because someone is going to get hurt if a boat loses control.

Joe Palinsky, 121 Washington Avenue stated that he was pleased with Council's choice of not starting with noise until 8am. Those barricades that they use for the Triathlon are not approved by the State.

Councilwoman Filippone stated the approved activity leaders are to give the Chief schematics of where everything is located so we know ahead of time what is going on.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that just for the record his no votes on the races is not in any way a reflection on the Fire Department. Hopefully, with this boat race they will have a lot of pre meetings with the fire department so we know what is happening.

Councilman Lamb stated that the Chief of Police will report back to us.

Council President Zalom stated that the Point Pleasant Beach Education Foundation is holding their Hall of Fame dinner and are requesting donations. She stated she would like \$10 each from Council.

Councilman Horan stated that we had two water main breaks but they were taken care of immediately with no issues and they are still cognitively working on replacing the transformers.

Mr. Parlow stated that he is looking at February 7th, 8th, or 9th, for a budget meeting so please check your schedules and get back to me.

Councilman Borowski stated that he will not be here for the next meeting because he will be on vacation.

EXECUTIVE SESSION:

Gustafson v. Borough Council of Borough of Lavallette

Mr. George stated that there exists a need for an executive session to discuss one issue regarding the Gustafson settlement agreement and there is some action that might be taking place.

A Motion was made by Councilman Stogdill to Adjourn the Caucus/Regular and enter into Executive Session. The Motion was seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned to go into executive session at 9:26 pm.

A Motion was made by Councilwoman Filippone to reconvene the Caucus/Regular Meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting reconvened at 9:41pm.

Mr. George stated that in executive session the only matter discussed was the Gustafson Settlement Agreement with Council deciding on a final resolution with the litigation. There will be action taken with the approval of a resolution.

Resolution 2012-69- authorizing the settlement of the matter of Gustafson V. Borough Council of Borough of Lavallette, et al.

A Motion was made by Councilwoman Filippone to approve Resolution 2012-69. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

ADJOURNMENT:

A Motion was made by Councilwoman Filippone to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in Favor. The Motion Passed.

The Caucus/Regular Meeting was Adjourned at 9:42 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey does hereby attest these to be a true copy of the minutes of the Caucus/Regular Meeting of Mayor and Council held on the **23rd** of **January 2012**

Christopher F. Parlow
Municipal Clerk