

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**September 13, 2010-7:0 pm**

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

**ROLL CALL:** Council Members Borowski, Zalom, Lamb, Horan, and Filippone were present. Councilman Stogdill was absent.

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

**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 Ocean County Gazette and was published in the Ocean Star on January 8, 2010. Notice was also posted on our Municipal Website and the Municipal bulletin board.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Jim Milholland and Jack Henderson who were long time residents who passed away recently and also for the troops still overseas.

**PLEDGE OF ALLEGIANCE:** Councilman Lamb led us in the Salute to the Flag

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero welcomed everyone to the meeting.

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

Mayor LaCicero opened the floor to anyone who wished to comment on any items that were not on the agenda and did not wish to stay for the remainder of the meeting.

Gary Norman, 20 Westmont Avenue stated that he is having problems with cars speeding on his block during the summertime. He has confronted some of them and most are apologetic but some just flip him off. His personal opinion is the speed limit should be lower in the summertime. He has his grandchildren visiting and he is afraid for them.

Mayor LaCicero stated that even if the Borough was to reduce the speed limit we still would have trouble enforcing it.

Mr. George stated that the only adjustments that can be changed would be the school signs and maybe some speed bumps.

Councilwoman Filippone questioned if the Borough could place some cones in the middle of the ocean blocks to slow them down. The vacationers do not seem to have rules. She stated that she will speak to the Chief.

Mayor LaCicero stated that the speed limits are set by State law.

Jerry Hunsinger, 8 Philadelphia Avenue stated that when he sees speeding cars most of the time it is our lifeguards and we should be able to do something about them because they are our employees.

Councilman Lamb stated that there are signs everywhere it does not slow them down.

Councilwoman Filippone questioned if maybe there is a temporary fix we could use during the summer like a speed bump.

Mayor LaCicero stated that he said there is one that we can bolt down. We could try that temporarily.

Councilman Borowski stated that he will have Public Works look into.

Mr. George stated that we will have to adopt an ordinance for the speed bump even if it is temporarily.

Councilman Borowski stated that maybe we need to put some speed traps on the streets.

Joe Farfalla, 15 Bond Avenue stated that he had the same problem on his street and knew what house it was. He stated that he contacted the police right away and they went to the house and it stopped immediately.

Mayor LaCicero stated that was very important to contact the police when you see it happening. In the meantime, we will see about what can be done for next year.

## **APPROVAL OF CLERK'S MINUTES**

Regular Meeting of August 30, 2010

Executive Session of August 30, 2010

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

## **REPORTS:**

- a) Police Report for August-Councilwoman Filippone-read report
- b) Planning Board Report for August-Councilwoman Filippone-The meeting for September was canceled by the attorney for the client.

- c) Public Affairs Report for August-Council President Zalom-We had a wonderful summer with a lot of activities. Our bus is taking people to the Patti Austin at the PNC Arts Center. The Vinnie Marrone Bocce Tournament will be held on Saturday September 18<sup>th</sup> and unfortunately it is completely full. The Voters & Taxpayers are having a Beefsteak Dinner at St. Pio on October 2<sup>nd</sup>. The Halloween Hoedown is all set up for October 29<sup>th</sup> with all the usual events during that day. The NY bus trips are December 8<sup>th</sup> and December 11<sup>th</sup> tickets are \$10.00. We have a flyer downstairs that tells you about all the events. All exercise classes will be held at the First Aid Bldg. and Basketball and Dodgeball at the school. We are going to Wydham on January 22<sup>nd</sup> so I will have more to follow.
- d) Municipal Court Report for August-Councilwoman Filippone-read report
- e) Zoning Report for August-Councilwoman Filippone-read report
- f) Construction Report for August-Councilwoman Filippone-read report
- g) Animal Control Report for August-Councilwoman Filippone-read report
- h) Beach Badge Revenue for August and Final Report-Councilman Lamb-read report-He stated that next year he would like to raise the daily badge fee to \$7 or \$8.
- i) Revenue Transaction Report for July-Chief Financial Officer
- j) Tax Account Status Report for August-Tax Collector
- k) Report of Sale of Bond Anticipation Notes-Chief Financial Officer

Councilman Horan stated that there was an Environmental Meeting and we are going to have a Bay Cleanup on October 16<sup>th</sup> from Jacobsen Park all the way to New Brunswick Avenue and the pathway by White Avenue. We are going to have some school kids and Save Barnegat Bay volunteers.

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

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

**RESOLUTIONS – ON CONSENT:**

- 2010-231      appointing Matthew Luminaous as a lifeguard for the end of the 2010 summer season at an hourly rate of \$8.50
- 2010-232      authorizing the refund of planning board escrows in the amount of \$631.50 to Adam Zybulewski of 21 White Avenue
- 2010-233      authorizing the refund of planning board escrows in the amount of \$123.50 to Donald Oriolo of 25 Sturgis Road
- 2010-234      accepting the resignation of Sandra Brodbeck and authorizing payment of unused sick time-Council President Zalom stated that this was our part time Deputy Court Clerk and was sorry she had to leave but needed a full time job

- 2010-235 appointing Ronald Lovenberg as a part-time line worker for the Department of Public Works at an hourly rate of \$30.00 commencing September 2, 2010
- 2010-236 canceling the opening balance of a 2003 contract with B & B Construction Co., LLC to perform water capital improvements to Princeton Avenue in the amount of \$12,695.56.
- 2010-237 certifying to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"-Mr. Parlow stated that the 2009 Audit has been filed by our Auditor and there were no audit comments or recommendation. He thanked the Chief Financial Officer and staff. The complete Audit is available on the Borough website.
- 2010-238 appointing Ian Inverno as a Class II Officer at an hourly rate of \$11.00 commencing September 1, 2010 through November 1, 2010

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. There were no comments at this time. The Mayor closed the floor to public comment and asked Council for a vote. Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS-OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2010-239 Bills List in the amount of \$3,722,995.29

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

**ORDINANCES ON FOR SECOND READING/FINAL ADOPTION**

**BOND ORDINANCE 2010-02 (1074) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO NEW BRUNSWICK AVENUE, AND APPROPRIATING \$200,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY**

Mayor LaCicero stated that this is being funded by a grant and we do one road a year this one being New Brunswick Avenue.

A Motion was made by Councilman Horan to adopt Bond Ordinance 2010-02 (1074). The Motion was seconded by Councilwoman Filippone. The Mayor opened the public hearing and asked if any one in the audience had any comments on Bond Ordinance 2010-02 (1074). No one wished to comment on Bond Ordinance 2010-02 (1074). The Mayor closed the Public Hearing and asked Council for a Vote on Bond Ordinance 2010-02 (1074). Vote: Council Members Borowski, Filippone, Zalom, Horan and Lamb voted Yes. The Motion Passed.

ORDINANCE 2010-16 (1088) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 22, ENTITLED "DEFENSE AND INDEMNIFICATION" SO AS TO CREATE 22-2 (B) ADOPTING THE USE OF A NOTICE OF TORT CLAIMS FORM PURSUANT TO N.J.S.A. 59:8-4 AND N.J.S.A. 59:8-6

Mayor LaCicero stated that we introduced this Ordinance on August 30, 2010 and were supposed to Adopt tonight; however, the newspaper had published the ordinance incorrectly.

The New Public Hearing and Final Adoption on Ordinance 2010-16 (1088) is scheduled for September 27, 2010.

#### **COMMUNICATIONS:**

##### Legal:

- a) Eric M. Bernstein & Assoc/Philip George, Esq./B&B Construction Contract/letter to Paul I. Weiner, Esq./Received August 27, 2010
- b) Eric M. Bernstein & Assoc/Philip George, Esq./11Bullard Drive/Pergola Zoning Permit Issue/Received August 27, 2010
- c) Eric M. Bernstein & Assoc/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received August 27, 2010
- d) Eric M. Bernstein & Assoc/Philip George, Esq./Lavallette Borough/Street End Beach Openings/Received September 10, 2010
- e) Eric M. Bernstein & Assoc/Philip George, Esq./Appeal of Civil Administrative Penalty Assessment/Received September 10, 2010
- f) Eric M. Bernstein & Assoc/Philip George, Esq./Dune Walkover Contract No. 09072.00/Received September 10, 2010

##### Engineering:

- a) O'Donnell, Stanton & Assoc./Michael O'Donnell/New Brunswick Avenue Road Improvements/Received August 25, 2010
- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/2011 NJDOT Municipal Aid Program/Camden Avenue Road Improvements/Received August 25, 2010-Council President Zalom stated that the residents and Camden are very happy about this.
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/2011 NJDOT Municipal Aid Program/Westmont Avenue Road Improvements/Received August 25, 2010

- d) O'Donnell, Stanton & Assoc./Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Received August 27, 2010-Council President Zalom stated that we received some references from JOGI Construction of some other Municipalities who have dealt with this company and they were very good reviews so we are happy to hear that.
- e) O'Donnell, Stanton & Assoc./Michael O'Donnell/New Brunswick Avenue Road Improvements/Bid Award Recommendation/Received September 1, 2010
- f) O'Donnell, Stanton & Assoc/Michael O'Donnell/New Brunswick Avenue Road Improvements/Received September 8, 2010
- g) O'Donnell, Stanton & Assoc/Michael O'Donnell/New Brunswick Avenue Road Improvements/Preconstruction Conference/Received September 8, 2010
- h) O'Donnell, Stanton & Assoc/Michael O'Donnell/Dune Walkover Structure Handicap Ramps/Bid Review Recommendation/Received September 10, 2010

New Jersey League of Municipalities:

- a) 2010 League Conference Resolutions/Received August 16, 2010
- b) Division of Pensions and Benefits Announce Employer Training/Received August 16, 2010
- c) Senate Budget and Appropriation Committee Takes Testimony on Civil Service Reforms/Received August 17, 2010
- d) NJLM Reacts To Comptroller's Tax Abatement Report/Received August 18, 2010
- e) Governor Signs the Following Bills/Hotel Occupancy Taxes, A-2579/S-1828/Impact of Tax Appeal Judgments on Reserve for Uncollected Taxes Calculation, A-2950/S-2077/County Deer Management Plan, S-1776/A-2863/Received August 20, 2010
- f) DCRP Enrollment and Processing Division of Pension and Benefits Webinar/Received August 23, 2010
- g) Senate Action on Bills No Help For Budgets/Received August 24, 2010
- h) Reminder-Governor's Environmental Excellence Award Applications are due September 16<sup>th</sup>/Received August 26, 2010
- i) Assembly Committee Hearing on Unfunded Mandates/Received August 26, 2010
- j) Water Conservation Workshop/Received August 26, 2010
- k) NJ Complete Streets Summit/Received August 26, 2010
- l) "Best Practices" Checklist/Received August 30, 2010-Council President Zalom stated that the CFO was very upset about one of the items in this toolkit. Mr. Parlow stated that this was distributed to all Municipalities and it deals with a survey of some sort that we need to fill out and based on the answers of this survey your last five percent of and based on this survey your last five percent of your state aid that has not been made is subject to be reduced. There has been a lot of feedback from municipalities and Michele had some questions that she wanted answered and why should we be penalized for not having a nurse on staff when it does not apply to us. Based on these answers that we supplied we could possible lose \$98.00.
- m) A-2095-Revises Requirements for Emergency Medical Services Delivery/League's Mayors Committee update on Unfunded Mandates and Best Practices/Received August 30, 2010-Councilman Borowski stated that their comments pretty much mimic the comments he made at the last meeting. He is in the process of preparing a letter.

- n) D.A.R.E. New Jersey Inc ./Received September 1, 2010
- o) NJOEM Kicks-Off National Preparedness Month/Received September 1, 2010
- p) County Tax Board Appeals Survey/Received September 1,2 010
- q) Training Opportunities for Mayor's and Council Members/Received September 1, 2010
- r) Save The Date/Executive Leadership Training for Mayor's and Council Presidents/Received September 1, 2010
- s) Moody's Downgrade of Westfield Causes Budget Cap Concern/Received September 3, 2010-Councilman Lamb questioned how this could happen. Mr. Parlow stated that the good thing about Lavallette is that we are always paying down our debt obligations and will not issue bonds in the foreseeable future. At this point in time he is not concerned about any potential downgrade in our bond rating due to the 2% cap regulations.
- t) 2010 Conference Resolutions/Received September 7, 2010
- u) Division of Pensions & Benefits Group Counseling Sessions/Received September 7, 2010
- v) 4<sup>th</sup> Annual Everything Jersey: Business Statewide Conference and Expo/Received September 8, 2010
- w) A Short and Simple Glimpse at the Property Tax in New Jersey/Received September 8, 2010
- x) Governor Christie's New Reform Agenda/Received September 9, 2010
- y) Verizon to Claim More Personal Property Tax Exemptions/Verizon v. Hopewell-Status Update/Received September 9, 2010
- z) NJ Alert, the State's New Mass Text and Email Emergency Notification System/Received September 9, 2010
- aa) American Recovery and Reinvestment Act/Received September 9, 2010
- bb) DCA Checklist Clarifications Forthcoming/Received September 9, 2010
- cc) Corrected Copy-Verizon to Claim More Personal Property Tax Exemptions/Verizon v. Hopewell-Status Update/Received September 10, 2010

General With No Action:

- a) Michele Donato, Esq/Mr. & Mrs. Kara Bossert/11 Bullard Drive/Illegal Pergola/Received August 16, 2010-Mayor LaCicero stated that he had a conversation with Ms. Donato and explained that the Borough Attorney is reviewing her request.
- b) Jim Donohue/106 New Jersey Avenue/Consolidation Services/Received August 17, 2010-Council President Zalom stated that she spoke with him and he was satisfied with my answers.
- c) State of New Jersey/Department of Environmental Protection/Stanley Cach, Assistant Director/Environmental Review on the Proposed Project for OCUA Central Water Pollution Control Facility Sludge Handling Facility/Received August 17, 2010
- d) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Chief/Public Notice 5-1188/Received August 18, 2010
- e) PoliticWeb/Scott Alexander, President/Received August 18, 2010
- f) Clean Ocean Action/Anna Tweten, 2010 Coast Coordinator/Thank You to Mayor and Council For Their Continued Support/Received August 18, 2010
- g) Cablevision/Adam E. Falk, Vice President/Launch of MSG Varsity HD, Telecare and WPPX HD/Received August 24, 2010

- h) Ocean County/Department of Solid Waste Management/James F. Lacey, Freeholder Director Liaison/Received August 24, 2010
- i) Ocean County Utilities Authority/Joanne Kazanowsky, Executive Assistant/Amendments to its Sewer Use Rules and Regulations/Received August 26, 2010
- j) State of New Jersey/Department of Environmental Protection/Notice of Public Hearing for the Proposed FFY2011 Priority System, Intended Use Plan and Project Priority List Document/Clean Water Financing/Received August 26, 2010
- k) Jersey Central Power & Light/In the Matter of the Provision of Basic Generation Service for the Period Beginning June 1, 2011/Received August 26, 2010
- l) First Sealord Surety, Inc/Michael E. Carson, Surety Counsel/HD Supply Waterworks, LTD/B&B Construction Company, LLC/Received August 20, 2010
- m) Law Offices of Weiner & Weiner, LLC/Paul Weiner, Esq/B& B Construction Company, LLC/Received August 26, 2010
- n) Jersey Central Power & Light/Michael Filippone, Director/Proposal to Adjust Certain Components of the Societal Benefits Charge/Received August 30, 2010
- o) US Department of Homeland Security/United States Coast Guard/Waverly Gregory, Chief/Preliminary Public Notice-5-1191/Received September 1, 2010
- p) Aileen Meares/120 Bond Avenue/complimenting the lifeguards for 2010 summer season/Received September 1, 2010
- q) Ocean County Columbus Day Parade Committee/Michael Blandina, Parade Chairman/Preparing for the Columbus Day Parade/Received September 8, 2010
- r) New Jersey American Water/News Drop/An Update Concerning Issues in the Water Industry/Received September 8, 2010
- s) JeanMarie Santucci/900B Grand Central Avenue/letter in support of the hard work the lifeguards do/Received September 8, 2010-Councilman Lamb requested that these two letters get put in the Captains personnel file.
- t) State of New Jersey/Department of Transportation/James S. Simpson, Commissioner/Essential Seminars to be attended at the League of Municipalities Conference/Received September 10, 2010/Received September 10, 2010

General With Action:

- a) Jersey Shore Relay/Bob Both, Event Director/requesting permission to run through on our boardwalk from Dover Avenue to Ortlely Avenue on April 16, 2011 to benefit the Special Olympics/Received August 16, 2010-Mayor LaCicero stated this is an annual request and is okay.
- b) Phil Neugeauer/11 Camden Avenue/requesting the toning down of two streetlights in front of 11 Camden Avenue/Received August 20, 2010-Councilman Horan stated that this was taken care of two days after his letter arrived. We placed a shield over the glare.
- c) Office of the Ocean County Engineer/Frank S. Scarantino, Engineer/In Street Pedestrian Crossing Signs/Received August 23, 2010-Mr. Parlow stated that these signs are not on any county roads.



- d) Jersey Central Power & Light/Maria Sessa, Area Manager/NJ Clean Energy Efficiency and Conservation Block Grants Available until December 31, 2010/Received August 24, 2010-Councilman Horan will be taking care of this.
- e) State of New Jersey/Department of Environmental Protection/Division of Parks and Forestry/Michael D'Errico, Supervising Forester/requesting the Mayor's attendance to this year's New Jersey Shade Tree Federation Meeting held on October 22 & 23, 2010 in Cherry Hill/Received September 8, 2010-Mayor LaCicero stated that he is unavailable.
- f) Ocean County Planning Board/Stacy Perrine, Assistant Planner/Ocean County Wastewater Management Plan/Final Lavallette Borough Issues & Public Release of Mapping/Received September 8, 2010/Advisement is requested by September 22, 2010/Received September 8, 2010-Mr. Parlow stated that he and the Engineer will review the mapping.
- g) Jersey Shore Multisport/Christopher Wilcox, Managing Member/requesting to hold their third annual LavaMan 2011 on June 19, 2011/Received September 8, 2010-Councilman Borowski stated that he is concerned about the impact these events are having on our residents in that area. Additionally, his concern is using a public venue for a profit making venture. He does not know where the proceeds go for this event and it is a wonderful event. His question is where is the benefit to this municipality. We impose so many different events down there and we have talked about them doing this earlier in the year. Councilman Lamb stated that he agrees with him. Even though this event was cleaned up and was very well organized they blocked off the entire bay area in that vicinity the night before. Mayor LaCicero questioned if we should bring them in to discuss this event. Councilman Horan stated that it does put a strain on our resources down at the bayfront. Mayor LaCicero stated that we will put this off and have Mr. Parlow set up a meeting with them. He also has had some comments made to him about the ballfield and these camps there that profit from using it and we do not even charge them. Councilman Lamb stated he thinks it is too early for us to be making approvals for 2011. Mr. Parlow stated that he will put together lists with the various events and ballfield schedule and we will go from there. Councilman Lamb stated that the surfing contest on Bryn Mawr Avenue was a mess with people not wanting to buy badges. The ones in charge act like they are not concerned with it. Mayor LaCicero stated that some of these events are very positive to the town. Councilwoman Filippone questioned if we could charge use of our facilities to these people? Mr. George stated there would be no reason that we could not charge a fee. The mayor asked for this item to be placed on the next meeting agenda
- h) Ocean County Planning Board/David McKeon, Planning Director/37<sup>th</sup> Annual Planning Board Workshop Dinner attendance request on October 20, 2010/Received September 8, 2010-Mayor LaCicero stated he would not be attending.
- i) Ocean County Columbus Day Parade Committee/Michael Blandina, Parade Chairman/requesting Mayor and Council to walk in this parade/Received September 9, 2010-Mayor LaCicero stated to Council to check there schedules and keep this in mind.

**UNFINISHED BUSINESS:**

Draft Ordinance for “Head On” Parking Modification

Mr. Parlow stated that at the last meeting we had discussed the head on parking in town. The ordinance describes the vehicles with front facing the curb or edge of roadway. The draft that is in front of you is for the parking to adhere to the 45 degree angle parking only. While we have this ordinance open do we want the Chief to look into the intersection parking with shortening the yellow curbs again.

Mayor LaCicero stated that we should wait until the Chief finishes his yellow curb shortening so we do not have to open it again.

Councilman Horan stated that some people have problems with the shortening of the yellow curbing.

Councilman Borowski stated that on Bond Avenue a large truck parks by the stop sign and some cars can not see the stop sign and go through it.

Mr. Parlow stated that he will discuss that corner with the Chief.

Councilman Lamb stated that he would like the draft resolution that was in my box from Pt. Pleasant about the farmland and taxes be put on the next agenda to support Pt. Pleasant.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

Joe Palinsky, 122 Washington Avenue stated that if we are going to do anything with the Environmental Excellence Awards that is due in three days we should probably put it on the calendar for next year. Also, as far as the In Street Pedestrian Crossing it states that signs should not be put on our one way roadways.

Mr. Parlow stated that the Chief received permission to put those pedestrian signs on Route 35.

Bob Marra, 102 President Avenue stated that he has some thoughts on the potential ordinance with parking in driveways. If this is enforced than you are almost obligated to enforce the parking everywhere. If they have a permit to park in front of their driveway than they must already have cars in their driveway and half of these people their driveways have become courtyards.

Mayor LaCicero stated that is very true and we will keep that in mind.

Mr. Marra asked when someone needs a variance are they supposed to inform the residents within 200 feet. He asked if this was a state law.

Mayor LaCicero stated it is a state law.

Mr. Marra stated that the immediate neighbors should be notified immediately when someone is applying for a variance.

Mayor LaCicero stated that the Planning Board Secretary is very contentious in verifying that they have done their mailings for all the proper notification.

Councilman Borowski questioned if we could put something on our website when it is applied for.

Mayor LaCicero stated that the Planning Board Agenda is on our website and can be viewed anytime.

Mr. George stated there cannot be any expanding of the law.

Mr. Marra stated that on President and 35 South there was shrubbery cut. He thought it was the State doing it but he was informed that they are residents that are doing it. Is it legal for residents to cut the shrubbery for them to have a view of the sunset?

Mayor LaCicero stated that they are not permitted to cut down the shrubs and if they are seen doing contact the police.

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

Council President Zalom stated that in one of the letters that was sent to the Mayor for some help the last paragraph stated that "I realize that there are much more important issues to attend to as a Mayor of a resort town and I apologize for bringing you some relatively minute concerns but I am so impressed by your leadership that I believe that you will be able to help me solve these issues."

Mr. Parlow stated that we did have our municipal auction through GovDeals.com. We had six items including three vehicles and sets of bicycles. One vehicle 94 F350 we received \$1205.00, 98 Crown Vic \$360.00, 99 Suburban \$1,205.00. Last year when we did it at the Treatment Plant we had one vehicle which he believes was a Suburban we received a high bid of \$100.00. With the bicycles we broke them down into lots of nine and we received a total of \$440.00. Last year we had 10 bicycles and we received \$26.00. From now on we are not getting rid of anything without putting it on GovDeals.com.

Councilman Lamb questioned what we are going to do with the old fire truck.

Mr. Parlow stated that it was also listed on Govdeals with a reserve which is a minimum bid and if you do not hit that price it will not sell. He is going to reduce the reserve and readvertise so he hopes to get something. Govdeals customers also get email bullets if they have purchased these types of items before as well as sending out emails to fire departments.

Councilwoman Filippone questioned if we still have bicycles left.

Mr. Parlow stated that they have all been sold. Also, at the last meeting he needed to correct something that he reported. Beach badges do not need to be fixed to the bathing suit but need to be prominently display at all times. If a person chooses they can attached it to a wristlet.

**EXECUTIVE SESSION:**

Mr. George stated that there is a need for an executive session to discuss the two matters relating to the DEP, one being the pending violation in front of Judge Masin and the other that is with regard to a notice of violation that is still for discussion and Mr. Parlow has a short discussion of a PBA contract matter which has just been proposed. There is no action that is necessary.

A Motion was made by Councilman Horan to adjourn to 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 Executive Session at 8:25 pm.

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

The Caucus/Regular Meeting was reconvened at 9:00 pm.

Mr. George stated to summarize the executive session we first discussed pending notice of violation from the DEP and summarize the proceedings which has been in front of Judge Masin. There are settlement conferences being scheduled the week after next. We also discussed the Notice of Violation which has not proceeded to a formal notice at this point in regards to President Avenue. The next order of business regarded contract negotiations with the PBA where the Mayor and Councilman Lamb had to recuse themselves. Mr. Parlow laid out some present opening bids of the negotiations of the contract and some questions from Council were answered. There was also a matter relating to the dune walkovers which was postponed for discussion to the next meeting.

**ADJOURNMENT:**

A Motion was made by Councilwoman Filippone to adjourn 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 was adjourned at 9:03 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 Caucus/Regular Meeting of Mayor and Council held on the 13<sup>th</sup> day of September 2010

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Christopher F. Parlow  
Municipal Clerk