

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, October 6, 2008 – 7:05 pm**

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

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

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 Ocean County Observer, Asbury Park Press and the Ocean County Gazette and was published in the Ocean Star on January 11, 2008. Notice was also posted on the Municipal bulletin board.

**MOMENT OF SILENCE:** Mayor LaCicero asked for a moment of silence for a resident, Loretta Yaiser, who passed away and for all the troops overseas.

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

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

At this time, Mayor LaCicero stated that anyone who wished to speak about something that was not on the agenda and did not wish to stay for the whole meeting could do so now.

No one wished to speak at this time.

Mayor LaCicero closed the public comment portion of the meeting.

**PRESENTATION: MUNICIPAL ALLIANCE POWER POINT PRESENTATION BY KATHY MANGO AND AWARDS FOR THE HOSTS OF THE SKIMBOARDING CONTEST**

Kathy Mango the Director of the Municipal Alliance gave a brief presentation of how the Municipal Alliance runs and all the events that they are responsible for. She also thanked her many volunteers and the Borough, including Mayor and Council and the employees.

Council President Zalom thanked Kathy for her presentation and all of the volunteers that help with the Municipal Alliance.

Mayor LaCicero presented four resident boys with awards of appreciation for their work in putting together this year's Skim Boarding Contest, which was a big success.

Council President Zalom, at this time, read a Proclamation from President George Bush proclaiming the month of October 2008 as Domestic Violence Awareness Month.

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

Regular Minutes of September 22, 2008

Boardwalk Lumber Bid Opening Minutes of October 1, 2008

2009 Sanitation Truck Bid Opening Minutes of October 1, 2008

Kerr Avenue Road Improvements Bid Opening Minutes of October 3, 2008

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

## **REPORTS:**

- a) Police Overtime Report for September-Councilwoman Filippone-read from report
- b) Public Works Report for September-Councilwoman Wenzel-read report-Councilwoman Wenzel stated that she was not going to read the whole report because it was pretty much standard each month. She wanted the residents to know that there will be a bulk pickup starting on October 20, 2008. She also stated that the first Environmental Committee meeting was held on October 1<sup>st</sup> and it went well. It was the first meeting so it was really an organizational meeting. She reported that the committee will try to monthly. She also reported that the boardwalk reconstruction will start shortly.
- c) Public Affairs Report-Council President Zalom-Council President Zalom stated that Mr. Parlow also sent letters to all the homeowners on the Ocean Front preparing them for the reconstruction project once again. The activity schedules are available for the fall/winter season so be sure to pick them up. She reported that the Halloween Harvest Hoedown will be on October 24<sup>th</sup> and hopefully it won't rain so we can have the pony rides and all the outside activities. She thanked Dunkin Donuts for all their donations for all recreation events. She reported that the Beach Sweeps will be on October 18<sup>th</sup> and Adopt A Highway will be on October 25<sup>th</sup>. Flu shots will be given on November 6<sup>th</sup> between 1:00 pm and 3:00 pm at the Parish Hall of St. Pio of Pietrelcina. There will be dune plantings done on November 8<sup>th</sup>. Save Barnegat Bay sent the Borough a thank you for our ad. The New York bus trips still have tickets for sale.
- d) Municipal Court Report for September-Councilwoman Filippone-read report
- e) Animal Control Report for September-Councilwoman Filippone-read report
- f) Planning Board Report for September-Councilwoman Filippone-Councilwoman Filippone reported that the Planning Board did hire a Planner from Planning Design Collaborative. His name is Thomas Scangarello. She will keep everyone informed as to when our next meeting with him will be. There was only one case on for the meeting. She could not sit for the case. The case was rescheduled for November because the applicant had to go back and condense the plans.
- g) Zoning Report for September-Councilwoman Filippone-read report
- h) Construction Office Report for September-Councilwoman Filippone-read report
- i) Tax Account Status Report for September-Tax Collector
- j) Revenue Transaction Report for August-CFO
- k) Bond Anticipation Note Sale Report-CFO

A Motion was made by Councilwoman Filippone to approve the Tax Account Status Report for September, the Revenue Transaction Report for August, and the Bond Anticipation Note Sale Report. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

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

**RESOLUTIONS – ON CONSENT:**

- 2008-259      authorizing the CFO to refund a duplicate payment of \$111.00 for a Construction Permit to Custom Electronic Systems
  
- 2008-260      authorizing the CFO to refund a gazebo permit fee of \$175.00 to Kathleen Truskowski pursuant to Ordinance No. 2008-11 (1039)
  
- 2008-261      supporting polio survivors “We’re Still Here” campaign
  
- 2008-262      urging the New Jersey Board of Public Utilities to consider requiring interconnectivity of televisions systems seeking a state wide franchise, or otherwise serving Ocean County municipalities-Council President Zalom said she thought this was a very good idea. It should be corresponding with all of Ocean County.
  
- 2008-263      authorizing the electric collector to make an adjustment on an electric bill due to an over billed account
  
- 2008-264      authorizing the municipal clerk to advertise and receive bids for the leasing of space for the placement of wireless communications antennas and ancillary ground equipment at the municipal water tank facility-Councilwoman Wenzel asked that this be put on the off consent part of the agenda.
  
- 2008-265      recognizing the month of October 2008 as National Breast Cancer Awareness Month
  
- 2008-266      authorizing the electric collector to adjust an electric bill in the amount of \$180.16 due to an over read electric meter.
  
- 2008-267      authorizing the refund of an overpayment of taxes in the amount of \$913.45 to Alex and Sharlene Hovsepian of 115 Bond Avenue
  
- 2008-268      requesting that the Department of Transportation adopt the required regulation establishing two-hour parking spaces on Route NJ 35 Northbound-Councilwoman requested that this be put on the off consent part of the agenda.

- 2008-269 authorizing the provisional appointment of Anthony J. Cirz to the position of Fire Sub Code Official
- 2008-270 amending the salary allocation of various positions within the administrative offices to reflect the addition of the building department
- 2008-270A authorizing the closure of a portion of the Oceanfront Boardwalk during repair of reconstruction of that portion of the boardwalk

The Mayor opened public comment on all resolutions on and off consent and approval of vouchers.

There was no public comment.

Councilwoman Wenzel asked to have Resolutions 2008-264 and 268 moved to Off-consent.

Council Agreed.

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda as amended. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

**RESOLUTIONS-OFF CONSENT:**

- 2008-271 awarding a contract to Diamond M Lumber Co. for the purchase of various boardwalk lumber, materials and supplies in the amount of \$139,177.72.

A Motion was made by Councilwoman Wenzel to approve Resolution No. 2008-271. The Motion was seconded by Council President Zalom. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

- 2008-271A awarding a contract to Earle Asphalt Company, for Kerr Avenue Road Improvements in the amount of \$97,413.13

A Motion was made by Councilman Lamb to approve Resolution No. 2008-271A. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed

- 2008-264 authorizing the municipal clerk to advertise and receive bids for the leasing of space for the placement of wireless communications antennas and ancillary ground equipment at the municipal water tank facility

Councilwoman Wenzel stated that she thought the Council would have a discussion process to provide information prior to us voting. She stated that the consultant showed up with his team at the Borough Yard with no warning. When she called him later to discuss the situation he was rather arrogant. She stated she is not sure that the Borough is going in the right direction with this.

Mr. Parlow stated that the consultant prepared the bids and the specifications were included in each packet. The Borough provided a \$3,000 retainer and the consultant will receive a percentage of the 1<sup>st</sup> year's revenue.

Mayor LaCicero stated that we went out to bid for this consultant and we hired him. The next step is for him to find us the best deal.

A Motion was made by Councilman Lamb to approve Resolution No. 2008-264. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Zalom, Stogdill, Filippone and Lamb voted Yes. Councilwoman Wenzel and Councilman Ardito voted No. The Motion passed.

2008-268      requesting that the Department of Transportation adopt the required regulation establishing two-hour parking spaces on Route NJ 35 Northbound

Councilwoman Wenzel stated that she thought this Resolution should be tabled tonight because she was under the impression that the Borough was going to discuss this further and establish a fee for to go along with the two hour parking.

Council President Zalom stated that she is on the Parking Committee and she does not remember discussing a fee attached to the two hour parking signs. The Borough has had the signs out there before and nobody paid for them.

Mr. Parlow stated that if it is the intention of the governing body to charge a fee for having two hour parking in front of a business establishment then the fee will need to be created by ordinance.

Councilwoman Filippone suggested that the resolution should be pulled from the agenda and have the Parking Committee meeting discuss it at their Wednesday's night meeting.

Council agreed.

2008-272A    rejecting the bid for the 2009 Sanitation Truck

Mr. Parlow stated that we received one bid for the garbage truck and it was over and above the amount we budgeted for. He recommended that we reject the bid and explore other options.

A Motion was made by Councilman Lamb to reject the 2009 Sanitation Truck bid. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion Passes.

**APPROVAL OF VOUCHERS:**

2008-272      Bills List in the amount of \$680,454.04

A Motion was made by Councilwoman Wenzel to Approve the Bills List. The Motion was seconded by Councilman Lamb. Vote: Council Members Ardito, Wenzel, Stogdill, Filippone and Lamb voted Yes. Councilwoman Filippone and Council President Zalom Abstained on PO #08-0826 and voted Yes on all others. The Motion passed.

**INTRODUCTION OF ORDINANCES:**

ORDINANCE NO. 2008-22(1050) - ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED “ZONING” SO AS TO CHANGE ARTICLE V, RESIDENCE DISTRICT A TO AMEND 90-24.F AND TO CHANGE ARTICLE VII, RESIDENCE DISTRICT C TO AMEND 90-44.F

Councilwoman Filippone stated that the Chief reviewed the ordinance and took some measurements along the highway. He reviewed the issues with the driveways setbacks on the 35 South and did not see a problem with the site triangle as far as the ordinance was concerned. He recommended going ahead with the ordinance as is with the homeowner making that decision regarding side yard setbacks.

A Motion was made by Councilwoman Filippone to Introduce Ordinance No. 2008-22 (1050). The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption Scheduled for December 8, 2008

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Christopher Obchinetz v. Borough of Lavallette/Received September 5, 2008
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water and Sewer Utility/Plaintiff’s Interrogatories and Supplemental Interrogatories/Received September 8, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water & Sewer Utility, et al./Court Appointed Mediator’s Scheduling/Received September 10, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water and Sewer Utility/First Set of Interrogatories to be answered by Defendant’s/Received September 24, 2008
- e) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Gallo v. Borough of Lavallette Water and Sewer Utility/appointment of mediator Jeffrey Light, Esquire/Received September 29, 2008

Engineering:

- a) O’Donnell, Stanton & Assoc./Michael O’Donnell/Stormwater Management Plan/Received

September 5, 2008

- b) O'Donnell, Stanton & Assoc./Michael O'Donnell/White Avenue, Coleman Lane & Ortley Avenue Road Improvements/Final Reimbursement/Received September 8, 2008
- c) O'Donnell, Stanton & Assoc./Michael O'Donnell/Kerr Avenue Road Improvements/Received September 12, 2008

New Jersey League of Municipalities:

- a) Legislative Development/Permit Extension Act/Financial Disclosure For Local Officers/Received September 9, 2008
- b) Important Conference Sessions/Land Use/Received September 9, 2008
- c) Michael A. Pane Memorial Award/Received September 9, 2008
- d) 2009 Pension Cost Budget Shock/Received September 9, 2008
- e) Appellate Division Rules that Municipality Need Only Provide Curbside Trash Collection for Apartment Complex/Received September 10, 2008
- f) Proclamation-October National Planning Month/Received September 11, 2008
- g) NJ Clean Energy Conference/Save the Date/Received September 12, 2008
- h) Important Conference Sessions/Clean and Green/Received September 12, 2008
- i) Important Conference Information/All New Consulting Session/Received September 16, 2008
- j) Municipal Issues 2008/US Senate Candidate Response/Received September 16, 2008
- k) Session Day Wrap-Up/Received September 17, 2008
- l) Affordable Housing/COAH Litigation Update/Received September 17, 2008
- m) SCI Issues Report on Procurement of Fire Trucks/Received September 17, 2008
- n) Rural Policing Local Mandate Case Update/Received September 19, 2008
- o) 2008 League Conference Resolutions/Received September 19, 2008
- p) Updated on Interconnection of PEG Stations Between Verizon and Incumbent Providers/Received September 22, 2008
- q) Important Conference Sessions/The Next Generation/Received September 22, 2008
- r) Children Are Community: Creating Family-Friendly Cities for Young Children/Received September 23, 2008
- s) Governor's Ethics Package/Received September 25, 2008
- t) Public Health Issue/Received September 25, 2008
- u) COAH Update/Received September 25, 2008
- v) Important Conference Sessions/Focus on Finance/Received September 25, 2008
- w) 2008 Conference Resolutions/Received September 26, 2008
- x) A-2731 Expedited Traffic Signs Approval/Received September 29, 2008
- y) Signing of Pension and Benefits Reform Act of 2008
- z) Invite your Suppliers/Vendors to Exhibit at the League Conference/Received September 29, 2008
- aa) Important Conference Sessions-Economic Development/Received September 30, 2008
- bb) COAH Update/Received October 2, 2008
- cc) Wrongful Death/Received October 2, 2008
- dd) Urgent Alert/New Jersey Joins the National League of Cities to Urge Compromise on Financial Crisis

General With No Action

- a) Jersey Central Power and Light/Michael J. Filippone, Director/Annual Proposal for Basic Generation Service/Received September 15, 2008
- b) State of New Jersey/Department of Environmental Protection/Karen Kloo, Acting Manager/Public Access to Contaminated Sites in New Jersey/Received September 15, 2008
- c) Letter to Ocean County Freeholders about installing tertiary plants for the three sewer plants/Total Loss of Clamming/Bill Hammarstrom/Waretown, NJ/Received September 11, 2008-Councilwoman Wenzel said she spoke to
- d) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/August 2008 Recycling and Compost Reports/Received September 16, 2008
- e) Harry Dews, 214 Newark Avenue/letter suggesting the pavilions be fenced in during the summer months/Received September 15, 2008-Mayor LaCicero recognized Mr. Dews in the audience and asked him to speak about this during the public comment portion.
- f) State of New Jersey/Commission of Investigation/Alan A. Rockoff, Executive Director/Report Titled "Alarming Contracts"/Received September 22, 2008
- g) Ocean County Planning Board/David J. McKeon, Planning Director/Regarding Additional Beach and Dune Planting Material Available/Received September 22, 2008
- h) Ocean County Solid Waste Management/Mary E. Jerkowicz, Recycling Program Aide/Preliminary Recycling Rates for 2007/Received September 23, 2008-Councilwoman Wenzel stated that Lavallette's recycling rates have gone up and she thinks that is wonderful.
- i) T & M Associates/Kevin F. Toolan, President/Advertising in Forbes Magazine/Received September 24, 2008
- j) Jersey Professional Management/Dan Mason/Shared Services Report/Received September 24, 2008
- k) State of New Jersey/Department of Health & Senior Services/Heather Howard/Report on Prevention Quality Indicators, New Jersey 2005/Received September 11, 2008
- l) State of New Jersey/Council on Affordable Housing/Lucy Vandenberg, Executive Director/Development Fees and P.L. 2008, c.46/Received September 16, 2008
- m) State of New Jersey/Department of Health & Senior Services/Heather Howard, Commissioner/New Jersey 2008 Hospital Performance Report/Received September 26, 2008
- n) Friends of Lavallette Beautification/Pat Marrone, Chairperson/acknowledging the completion of the project of Commemorative Benches/Received September 30, 2008-Councilwoman Filippone stated that the program is completed. They are keeping a list of people who would like a bench and if it begins to increase they will think about it again.
- o) Lavallette Board of Education/Steve Shohfi, President/opposing any school consolidation of districts/Received October 2, 2008-Councilman Lamb stated that this would be a serious issue for the Borough. Seaside Park has spent 20 years fighting their regional district. The amount of school tax is outrageous that they pay. It really doesn't get enough attention. He thinks the Mayor or Administrator should send a letter to our representatives to see where we stand with this. Councilman Stogdill stated that this would be our taxpayers' dollars at stake and the quality of education with the range of class size we have. Council President Zalom stated that Mr. Shohfi is already taking care of the letter to our legislatures. Councilwoman Wenzel requested that we put a resolution on for the next meeting in complete support of the Board of Education. Mr. Parlow stated that he would take care of that.

General With Action:



- a) New Jersey Department of Labor and Workforce Development/John Powers/Notice of Order to Comply/Department of Public Works/Received September 15, 2008-Councilwoman Wenzel stated that corrections are in process and there were no fines given.
- b) State of New Jersey/Council on Affordable Housing/Lucy Vandenberg, Executive Director/COAH Training Classes/Received September 9, 2008-Mr. Parlow stated that he is in the process of taking the training classes.
- c) Center for Civic Responsibility/Harry Pozycki, Chairman/requesting the attendance at their conference entitled "Call to Service for the Business Community" on October 14, 2008/Received September 9, 2008
- d) New Jersey Future/Peter Kasabach, Executive Director/requesting the Borough to become a member of their program/Received September 11, 2008
- e) Vincent Foti/Guyer Avenue/requesting the repairs to potholes at the curbside on Guyer Avenue on the side of PNC Bank/Received September 16, 2008-Councilwoman Wenzel stated that she will forward this on to Public Works. She was curious to know if when something like this is received does a copy of it get forwarded to that department? Mrs. Amico stated that a copy was forwarded to Public Works already.
- f) Island Junior Baseball League/John Wiley, President/requesting use of the ballfield for the 2009 baseball season/Received September 17, 2008-Councilman Stogdill suggested a meeting again with John Wiley to discuss the use of the field and the 2009 season. He stated he will set it up.
- g) Ocean County Columbus Day Parade Committee, Inc./Michael Blandina, Parade Chairman/requesting the Mayor and Council join the Columbus Day Parade/Received September 18, 2008-Council President Zalom stated that she will be attending. Mayor LaCicero stated that he will try to attend as well.
- f) State of New Jersey/Department of Community Affairs/Robert S. Hilzer, Office of Regulatory Affairs/Borough of Lavallette Ordinances, Chapter 44-1 regarding Ocean Front Construction needs to be rescinded being it conflicts with the Uniform Construction Code/Received September 26, 2008-Mr. Parlow stated that he is in the process of reviewing this with the Mr. George. There is supposedly some language that conflicts with the UCC Code in reference to requiring pilings.
- g) Friends of Lavallette Beautification/Pat Marrone, Chairman/requesting the matter of newsracks to be discussed once again with the ordinance committee to get a jump on it for 2009/Received September 30, 2008-Councilwoman Filippone stated that she spoke to Pat Marrone about this last week and we are going to discuss at our Ordinance Committee meeting this week.
- h) Jersey Shore Triathlon Club/Christopher Wilcox, President/requesting permission to stage a morning triathlon race on June 21, 2009/Received September 30, 2008-Mayor LaCicero recognized Mr. Wilcox and Mr. Enright in the audience and asked them to discuss this during public comment portion of the meeting.
- i) Michele Donato/2200 Ocean Front/requesting in writing a commitment from the Borough that her property and dunes will not be disrupted or damaged during the boardwalk reconstruction/Received October 2, 2008-Mayor LaCicero stated that he spoke to Mr. George about this and in no way would we make any agreements to that effect. He already spoke to Mrs. Donato and we are going to sit down and discuss further.
- j) State of New Jersey/Department of Transportation/Chris Barretts, Manager/Revising the Electrical Service for Traffic Signal at Rt. 35 N.B. and Elizabeth Avenue/Received October 3, 2008-Mr. Parlow stated that Lavallette Electric Company needs to fill out some paperwork for the electric service.

**UNFINISHED BUSINESS:**

Councilwoman Wenzel asked for Council's permission to retrofit the old F400 Fire Truck with just a plow instead of the dump body.

Council Members agreed that would be fine.

Councilwoman Wenzel also stated that she has received some complaints from residents that the papers in the news racks were old and outdated. Maybe we need to inform the Zoning Department to go out and check the racks and if any papers are old contact them and let them know.

Mr. Parlow stated that the residents need to come to Borough Hall and make the complaint to the Zoning Officer so he can go out and check.

Councilwoman Filippone stated that she was out to look at the windmill on the ocean front. It looks like a pole with a fan on it. She stated her main concern is that it violates our code of 30 foot height restriction. We also had someone in town that put solar panels up and did not follow our Ordinance so we have some concerns and need to be very careful.

Mr. Parlow stated that no matter what degree of solar you put in you need an electrical permit in order to do so. The device cannot back feed into our system and that is a major concern.

Council President Zalom stated that Coast Cities is still holding on to the bus for us if we still want it. The price is still \$7,000 and if you think about it we pay \$4,000 a year to rent a bus for our events.

Councilman Lamb asked Mr. George for an update on the DEP litigation.

Mr. George stated that the Judge in the case has taken it off the inactive list. Most of the corrections have been taken care of. We have asked that the monetary fines be dismissed.

Councilwoman Wenzel requested that maybe one suggestion for the CDBG monies for 2009 is putting sidewalks on the middle and bay sides of Jersey City Avenue by the library and Baltimore Avenue by the ball field.

Mr. Parlow stated that Public Power had their first meeting with the managed contract. This is the first time he is dealing with a managed contract and it's definitely different. We are hoping to hit the market within the next three to four weeks to purchase our first block of power at a reasonable rate.

**NEW BUSINESS:**

Councilman Ardito stated that he held a Drivers Safety Program at the school last week. There were many in attendance and you get a discount on your car insurance.

Councilwoman Wenzel suggested maybe raising the fees on the vendor licenses for the ice cream trucks now so they will be ready for the 2009 summer season.

Mayor LaCicero questioned what the surrounding towns are charging?

Councilwoman Wenzel suggested looking into that and going a little higher.

She also stated she had many complaints from residents by the Yacht Club about a sound device that keeps birds away. They said it is very loud and disturbing and is harassing the wildlife.

Mayor LaCicero stated that the Police should look into this because it may be violating the noise ordinance.

### **COMMENTS FROM THE PUBLIC:**

Dr. James Enright, 907 Grand Central Avenue stated that he is part of the Jersey Shore Triathlon Club and they are looking to do a Triathlon for Father's Day on June 21<sup>st</sup>. It is going to be a run, bike and swim. We will be starting around 7:00 or 7:30 am and will be ending probably around 10:00 or 10:30 am.

Mr. Parlow stated that was the first weekend of the summer season and he wasn't sure if it was a good idea.

Mayor LaCicero stated that it was going to be quick and he didn't see any problem. Please make sure you take care of getting the proper insurance to us and make sure you cleanup anything that needs to be cleaned up.

He also suggested that Mr. Enright check with the Chief on any other issues that would concern this event.

Councilwoman Wenzel stated that she thinks it will work out better having it during the summer season because we have more employees during the summer months as far as police specials and summer personnel.

A Motion was made by Councilman Lamb to approve the date of June 21<sup>st</sup> for the Triathlon. The Motion was Seconded by Councilman Ardito. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Dews, 214 Newark Avenue was concerned about the amount of times the employees in the summer have to keep shoveling out the sand in the pavilions on a daily basis. He suggested that it would make sense to put snow fencing behind the pavilions where the sand is blowing in from.

Mayor LaCicero stated that we have had very little leeway with the DEP on doing anything with the pavilions. This has been our problem from the beginning. We have applied for a permit and have asked for expansion of the perimeter a little bit and are hoping to receive some positive feedback

from them shortly. Once we get some information from them, I will make sure to update the public at a meeting.

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

Councilman Ardito stated that he attended the Recycling Center function in reference to the New County Energy Master Plan. The facility is amazing and very energy efficient. There were many people there and I was glad I was a part of it.

Councilwoman Wenzel stated that she was very proud of the Public Works Department. They have been without four full time employees for awhile now and have been doing a phenomenal job managing the work load, especially during the summer months.

Council President Zalom stated that she was very pleased with this meeting tonight and the amount of people in the audience. She reminded everyone about the PTA Fundraiser on the River Lady. Elaine Schardien, a resident of West Point Island, wrote a book and it is on display at the Upper Shores Library.

Mr. Parlow stated that October 14<sup>th</sup> is the last day to register to vote. Our office will be open until 9pm that night so if you need to register make sure you do so by that date. He reminded all that anyone can hand out absentee ballot applications, but there should be no assistance offered with filling out the ballots. He also reported that he had spoken with the Mayor from Ocean Gate in reference with Wind Power for the Borough. Mr. Parlow reported that he was informed that regardless of where the windmill is located a CAFRA application for Wind Power will be required. He also reported that it is very important that we complete the Energy Audit for our Borough utility bills. He is in the process of preparing the assessment of our utility bills.

Mayor LaCicero reminded everyone that Friday, October 10<sup>th</sup> is the Voters & Taxpayers Candidates Night.

**ADJOURNMENT:**

A Motion was made by Councilwoman Wenzel to adjourn the meeting. The Motion was seconded by Councilman Stogdill. Vote: All were in favor of. The Motion passed. The meeting was adjourned at 9:12 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 6<sup>th</sup> day of **October 2008**.

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Christopher F. Parlow  
Municipal Clerk

