

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS**  
**Monday, September 8, 2008 – 7:00 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 posted on the Municipal bulletin board.

**MOMENT OF SILENCE:** Mayor LaCicero asked for a moment of silence for the 9/11 victims who were killed in the World Trade Center Bombing. He read the names from the plaques of residents of Lavallette who were killed.

Council President Zalom spoke about how the plaques were created and when the Borough had its first memorial service for the 9/11 victims.

**PLEDGE OF ALLEGIANCE:** Council President Zalom led the Salute to the Flag

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

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

Lucille Jarosinski, 1305 Bay Blvd. - She suggested that the Mayor and Council do not let the bicycle issue lay dormant through the fall and winter months. We should use this time to figure out a solution to this problem so it is in place for the spring. Maybe a committee should be formed of residents and council members to discuss some options and find solutions.

Mayor LaCicero thanked her and stated he would make her aware of any committee that was formed.

The Mayor closed the public comment portion.

**APPROVAL OF CLERK'S MINUTES**

Regular Minutes of August 18, 2008

## Executive Session Minutes of August 18, 2008

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

### **REPORTS:**

- a) Police Overtime Report for August-Councilwoman Filippone-read report-Councilwoman Wenzel stated that this police force has shown a great deal of leadership and she is proud of that. Mayor LaCicero stated that the police are doing a fine job and the Chief is doing a great job of leading it.
- b) Public Works Report for August-Councilwoman Wenzel-read report-Councilwoman Wenzel stated that winter garbage collection will start on September 15<sup>th</sup>.
- c) Public Affairs Report-Council President Zalom- She apologized about Heritage Day. The Borough cannot help the weather and Mother Nature. She has received a lot of compliments on the Borough's website. She thanked Matt Burk for that. The September through December 2008 flyers are out telling people what is going on around town. There was a wonderful article in the Ocean Star about Kathy Mango and the Municipal Alliance. She reported that the Annual Halloween Harvest Hoedown is scheduled for October 24<sup>th</sup>. There will be pony rides, spooky stories, scream contest and pumpkin carving. There will be two New York bus trips this year again on December 10<sup>th</sup> and the 13<sup>th</sup>. The Republican Club will be holding their Adopt a Highway program on October 25<sup>th</sup>. Lastly, she reported that the movie "Greetings from the Shore" will be in the movies starting September 12<sup>th</sup>.
- d) Municipal Court Report for August-Councilwoman Filippone-read report
- e) Animal Control Report for August-Councilwoman Filippone-read report
- f) Planning Board Report for August-Councilwoman Filippone-She reported that a Planner appeared before the Planning Board during its August workshop meeting and gave the Board a proposal on the fees for the meeting in September. The price seemed a little higher than the Board expected. Therefore, the Board decided to bring in a second Planner to give his presentation and proposal and then the Board will make a decision. The Board will have two proposals to review. The two issues the Board discussed were the 1,500 foot buffer between liquor license establishments and the use ordinance that implies that a 50 x 100 commercial lot can only have two uses.
- g) Beach Badge Sales Report for summer season of 2008-Councilman Lamb-read report
- h) Zoning Report for August-Councilwoman Filippone-read report
- i) Tax Account Status Report for August-Tax Collector
- j) Revenue Transaction Report for July-CFO

A Motion to Approve the Tax Account Status Report and Revenue Transaction Report was made by Councilwoman Wenzel. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion Passes.

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

## **RESOLUTIONS – ON CONSENT:**

- 2008-237 authorizing the formal cancellation of unexpended funds from the Grant Fund
- 2008-238 authorizing the refund of planning board escrow monies to Joseph Mauriello in the amount of \$97.00
- 2008-239 authorizing the refund of planning board escrow monies to Donald Oriolo in the amount of \$692.00
- 2008-240 authorizing the refund of planning board escrow monies to Car-Lou, Inc. in the amount of \$55.00
- 2008-241 authorizing the appointment of a Lifeguard for the 2008 summer season at an hourly rate of \$9.00
- 2008-242 expressing support for S77/A285 to establish a uniform, statewide “Pedophile Free Zones” restricting where sexual offenders can reside
- 2008-243 urging the New Jersey Legislature to amend the Municipal Land Use Law regarding recreation and open space set asides
- 2008-244 authorizing the appointment of Hans Warnebold to the part-time positions of Construction Official/Building Inspector-Mr. Parlow stated that the Gerry Grayce, the Construction Official who was hired two months ago and held the titles of Construction Official, Building Subcode Official and Fire Subcode Official has resigned. In order to keep the Construction Office functioning at the speed it is going we needed to hire three separate officials. The total salaries combined is \$47,000. Based on the activities during the first three months of operation the annual revenues should be around \$100,000.
- 2008-245 approving the 50/50 Raffle for the Island Junior Baseball League on April 4, 2009
- 2008-246 authorizing the Chief Financial Officer to refund various vendors due to the cancellation of Heritage Day
- 2008-247 authorizing the appointment of Philip Reed to the part-time position of Building Sub Code Official
- 2008-247A authorizing the appointment of Michael Foy to the part-time position of Fire Subcode Official
- 2008-247B authorizing amendments to the adopted 2008 capital budget

The Mayor opened public comment on the resolutions On-consent and the Bills List.

Clem Boyers, 20 Kerr Avenue questioned the refunding of the vendors for Heritage Day. He felt that the Borough should not provide refunds.

The Mayor closed the public comment portion.

A Motion was made by Councilwoman Wenzel to approve the Consent Agenda. 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:** There were no resolutions off consent

**APPROVAL OF VOUCHERS:**

2008-248 Bills List in the amount of \$1,474,596.95

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

**ORDINANCES ON FOR INTRODUCTION/FIRST READING**

ORDINANCE NO. 2008-19(1047) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE, ENTITLED "LAND USE PROCEDURES: SO AS TO REVISE SECTION 37-9 ENTITLED "PROCEDURES FOR FILING APPLICATIONS BUILDING REQUIREMENTS".

Mr. Parlow stated that the Land Use Law requires the Borough to adopt a land use ordinance application checklist. It was brought to our attention by an applicant so we had to comply.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2008-19(1047). The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Public Hearing and Final Adoption scheduled for October 20, 2008.

BOND ORDINANCE NO. 2008-20(1048) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-04(920) ADOPTED ON APRIL 7, 2003, AS AMENDED BY BOND ORDINANCE NO. 2005-04(968) ADOPTED ON APRIL 11, 2005, AS AMENDED BY BOND ORDINANCE NO. 2005-21(985) ADOPTED ON OCTOBER 24, 2005, AS AMENDED BY BOND ORDINANCE NO. 2006-17(1005) ADOPTED ON AUGUST 21, 2006, AS AMENDED BY BOND ORDINANCE NO. 2007-02(1013) ADOPTED ON FEBRUARY 26, 2007, AS AMENDED BY BOND ORDINANCE NO. 2007-09(1020) ADOPTED ON AUGUST 20, 2007, AS AMENDED BY BOND ORDINANCE NO. 208-01(1029) ADOPTED ON JANUARY 14, 2008, PROVIDING FOR IMPROVEMENTS TO BOARDWALKS AND DOCKS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$150,000 FOR A TOTAL

APPROPRIATION OF \$1,050,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$142,500 FOR A TOTAL DEBT AUTHORIZATION OF \$997,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

A Motion was made by Councilwoman Wenzel to introduce Bond Ordinance No. 2008-20(1048). The Motion was seconded by Councilman Stogdill. Vote: Council Members Ardito, Wenzel, Zalom, Stogdill, Filippone and Lamb voted Yes. The Motion passed.

Mr. Parlow stated that this is the last phase of our boardwalk reconstruction project.

Councilwoman Wenzel thanked Mayor and the rest of Council for being so forthcoming with this project. She is very excited about the completion being so close.

Public Hearing and Final Adoption scheduled for September 22, 2008.

BOND ORDINANCE NO. 2008-21(1049) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF ELECTRICAL DISTRIBUTION EQUIPMENT, APPROPRIATING \$175,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$166,250 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Parlow stated that we had to cancel a Bond Ordinance because it was over ten years old. This is in replacement of that cancelled ordinance. Included in this Bond Ordinance is a electric wire that needs to be purchased to update our electrical system.

A Motion was made by Councilwoman Wenzel to introduce Bond Ordinance 2008-21(1049). 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 September 22, 2008.

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

Mr. Parlow stated that this Ordinance was a request from Planning Board in reference to requiring corner lots certain setbacks.

Mayor LaCicero stated that he is not comfortable with this Ordinance until he goes out and looks at these lots for himself.

Councilman Lamb stated that he isn't quite sure this is the right thing to do for these corner properties.

Councilwoman Filippone stated that this is only going to effect an existing home if they demolish it and go to build a new home.

A Motion was made by Councilwoman Wenzel to table Ordinance 2008-22 (1050) until the September 22, 2008 meeting. The Motion was seconded by Councilwoman Filippone. Vote: All Council Members were in Favor. The Ordinance was tabled until September 22, 2008.

ORDINANCE NO. 2008-23(1051) 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.E AND TO CHANGE ARTICLE VI, RESIDENCE DISTRICT B TO AMEND 90-37.E AND TO CHANGE ARTICLE VII, RESIDENCE DISTRICT C TO AMEND 90-44.E AND TO CHANGE ARTICLE VIII, BUSINESS DISTRICT TO AMEND 90-49.D(2)(d) AND TO CHANGE ARTICLE IX, OFF-STREET PARKING AND LOADING TO AMEND 90-59.A.

Mr. Parlow stated that some of our applicants brought to our attention that houses cannot have any overhangs in the front yard setbacks. This Ordinance amends the previous Ordinance providing at least a 1 ft. setback in the front yard setback.

A Motion was made by Councilwoman Filippone to introduce Ordinance 2008-23(1051). 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 October 20, 2008.

ORDINANCE NO. 2008-24 (1052) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED "SITE PLAN REVIEW" SO AS TO REVISE SECTIONS 53A-5 ENTITLED "APPROVALS REQUIRIED", 53A-11 ENTITLED APPLICATIONS FOR DEVELOPMENT; PROCEDURE", 53A-15 ENTITLED "STANDARDS AND REGULATIONS".

Mr. Parlow stated that the County needs to approve our Stormwater Management Plan. They reviewed the Stormwater Management Plan, the Stormwater Control Ordinance and the Site Plan Ordinance and made a number of small modification that are included on Ordinance 1051 and 1052.

A Motion was made by Councilwoman Wenzel to Introduce Ordinance 2008-24(1052). 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 October 20, 2008.

## COMMUNICATIONS:

### Legal:

- a) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Bicycles on the Boardwalk Issue/Borough Ordinances 7-10 (Q) & 9-1/Received August 11, 2008-Council President Zalom thanked Mr. George for all his legal help with this issue. She stated that the State is very concerned about the Bicycle issue also. They have given \$50,000,000 towards grants for this problem.
- b) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq/Bernadette Stanton v. Borough of Lavallette/Received August 19, 2008
- c) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./Lavallette COAH Obligations/Received August 6, 2008
- d) Eric M. Bernstein & Assoc., LLC/Philip G. George, Esq./

### New Jersey League of Municipalities:

- a) Increase in Gas Rates/Received August 4, 2008
- b) New Jersey Urban Real Estate Conference/Received August 4, 2008
- c) Economic Development Workshop at Rutgers, September 12, 2008/Received August 7, 2008
- d) League Motion before COAH/Received August 13, 2008
- e) Important New Information from the Division of Local Government Services/Received August 14, 2008
- f) Important New Information from the Division of Local Government Services/Received August 20, 2008
- g) Call for Nominations-Seventh Annual Innovation in Governance Awards/Received August 26, 2008
- h) Affordable Housing/COAH Update/Received August 29, 2008
- i) Energy Price Rise Resolution/Received August 28, 2008
- j) The New Jersey State Police Office of Emergency Management at the Direction of Acting Governor Dick Codey Has Asked Me To Make This Executive Order Available To You/Received September 3, 2008
- k) New Law Limits Power of Municipality to Impound Shopping Carts/Received September 4, 2008

### General With No Action

- a) Friends of Addiction Recovery New Jersey/Jeanette Grimes, Community Organizer/19<sup>th</sup> Annual Celebration of National Alcohol and Drug Addiction Recovery Month/Received August 1, 2008-Council President Zalom stated that she thinks Municipal Alliance would be interested in this.
- b) State of New Jersey/Department of Environmental Protection/Barry Chalofsky, P.P. Chief/2008 Governor's Environmental Excellence Awards/Clean Water New Jersey Program Categories/Received August 1, 2008

- c) County of Ocean/ Office of Senior Services/D. Jane Maloney, Executive Director/Economic Stimulus Payment/Received August 1, 2008-Council President Zalom stated that anyone in town who did not fill out the proper paperwork for this payment should do so immediately.
- d) State of New Jersey/Department of Community Affairs/Lawrence Petrillo, State Fire Marshal, Director/Monies from Fines collected by the State from facilities located in the Borough for failing to abate Uniform Fire Code violations/Received August 1, 2008
- e) Cablevision/Tricia Kaminski, Assistant to Government Affairs/Tariffs effective as of August 1, 2008/Received August 4, 2008
- f) New Jersey League of Municipalities/William G. Dressel, Jr., Executive Director/Annual Audit Statement from July 1, 2007 thru June 30, 2008/Received August 5, 2008
- g) The Tone Foundation/Robert Agliata, Event Co-Chair/thank you letter for the Mayor and Council's support with the Breast Cancer Walk/Received August 6, 2008
- h) Ocean County/Department of Solid Waste Management/Ernest J. Kuhlwein, Jr., Director/Ocean County Use and Revenue Share/Received August 6, 2008
- i) Jersey Central Power & Light/Sally J. Cheong, Manager, Tariff Activity Rates/Annual Universal Service Fund Compliance Filing/Received August 6, 2008
- j) Gerald Grayce, Construction Official/letter of resignation/Received August 6, 2008
- k) Cablevision/Adam E. Falk, Vice President/Only the use of Digital Cable Boxes/Received August 11, 2008
- l) Lavallette Elementary Students/thanking the Borough for letting them help out with the painting of the signs/Received August 11, 2008
- m) State of New Jersey/Department of Environmental Protection/Nancy Wittenberg, Assitant Commissioner/Notice of Public Hearing for the Proposed FFY 2009 Priority System, Intended Use Plan and Project Priority List Document for Clean Water Financing/Received August 11, 2008
- n) New Jersey Senate Democrats/Jim Manion/Sarlo Calls for 10 MPH Speed Limit for Night Boating/Received August 11, 2008
- o) Herald Newspapers/Jim Vanore/copies of pages from their November 7<sup>th</sup> issue featuring "Greetings from the Shore"/Received August 11, 2008
- p) Board of Chosen Freeholders/John C. Bartlett, Jr., Freeholder/extension of the third quarter tax payment due date to Tuesday, September 2, 2008/Received August 11, 2008
- q) County of Ocean/David J. McKeon, Planning Director/2008 Ocean County Data Book/Received August 11, 2008
- r) County of Ocean/Annual Recycling/Solid Waste Bus Trip/John Haas, District Recycling Coordinator/Received August 18, 2008
- s) Independence Tax & Bookkeeping Service, LLC/Jerry R. Skinner, Manager/2007 US Form 990, Form for the Lavallette Volunteer Fire Co. #1/Received August 18, 2008
- t) Sokol, Behot & Fiorenzo/Neil Yoskin/Joseph & Mary Chyb-Approval for Variances, Case No. 7-07/Received August 18, 2008 –Mr. Parlow stated that this resident has to apply for a Cafra Permit and one of the requirements is that the town will not eliminate the two handicap spots in front of his home and will still maintain them.
- u) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/July 2008 Recycling & Compost Reports/Received August 20, 2008
- v) Ansell, Zaro, Grimm & Aaron/Peter Falvo, Jr., Member/letter to ABC in reference to Lenny's Pizzeria's license/Received August 11, 2008-
- w) Ansell, Zaro, Grimm & Aaron/Peter Falvo, Jr., Member/revised letter to ABC in reference to



Lenny's Pizzeria's license/Received August 20, 2008-Councilwoman Wenzel stated that this is saying that the Crab's Claw has changed their feeling on the 450 ft distance change.

- x) New Jersey Natural Gas/Tracey Thayer, Esq./Annual Compliance Filing of NJNG to Change the Universal Service Fund and Lifeline Rate in the Societal Benefits Charges Rates/Received August 20, 2008-Councilman Lamb stated that the gas company seems to be raising their rates by 20%.
- y) Board of Chosen Freeholders/Gerry P. Little/Freeholder/distribution of 150,000 beach grass plants for dune planting/Received August 22, 2008 –Councilwoman Wenzel stated that the dune planting will take place November 8<sup>th</sup>.
- z) The Trust for Public Land/Kathy Haake, Project Manager/Barnegat Bay 2020: A Vision for the Future of Conservation/Received August 25, 2008
- aa) United States Coast Guard/Supplemental Public Notice 5-1089(a)/Received August 25, 2008
- bb) Resource Control Corporation/Melanie Pyle, Project Manager/Paul Kelly's Sunoco Service Station/Groundwater Quality Update and Remedial Action Progress Report/Received August 25, 2008
- cc) Stanley Turon/former resident of Lavallette/Borough Sidewalks on Bay Blvd./Received August 29, 2008-Council President
- dd) Ocean County Planning Board/Mark C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report/August 2008/Received August 29, 2008
- ee) Pescatore & Sauter/Luther G. Jones/Discriminatory Business Practices/Received August 27, 2008
- ff) State of New Jersey/Department of Environmental Protection/Jamie C. Herzog, Principal Environmental Specialist/Compliance Evaluation and Assistance Inspection/Water Quality/Received September 2, 2008
- gg) Cliff Greenwood/3 Bridle Lane, Budd Lake, NJ/complaint letter about being ticketed at the parking lots for not having a permit/Received September 3, 2008-Mayor LaCicero stated that he spoke to Mr. Greenwood and just let him talk.
- hh) Kim Pascarella, Esquire/Medical Call Out/Received September 4, 2008-Councilwoman Filippone stated that this should go into their personnel files.
  - ii) NJ Department of Labor and Workforce Development/ James G. Revak, Assistant Chief/ Notice to Comply – Lifeguard Headquarters/ Received August 18, 2008-Council President Zalom stated that she was informed that Public Works will make sure this is all taken care within the allotted time that was requested.

General With Action:

- a) Phil Neugebauer/11 Camden Avenue/requesting the street light in front of 9 Camden Avenue be shielded some how because it enters his window very brightly/Received August 8, 2008-Mayor LaCicero stated that he spoke with this man already.
- b) Christopher P. Lee/14 Magee Avenue/complaint letter asking for the Mayor and Chief of Police to look into the Police Officers ticket writing/Received August 11, 2008
- c) Louise C. Corporation/300 Ocean Front/Charles Cerami/questioning when repairs will start for the project on Kerr Avenue/Received August 14, 2008-Mayor LaCicero stated that he spoke with Mr. Cerami and explained to him that the paving on Kerr Avenue is in process.
- d) Clean Ocean Action/Emily Hackett, Programs Coordinator/requesting permission to perform

their fall cleanup on October 18<sup>th</sup> from 9am to 12 noon/Received August 18, 2008-This was approved.

- e) New Jersey Senate/Paul Sarlo, Senator/requesting a resolution of support of the restriction of Boat speeds to 10 mph from dawn to dusk/Received August 20, 2008-Mr. Parlow stated that he will prepare a resolution opposing this.
- f) Karabashian Eddington Planning Group/Peter Karabashian, Managing Partner/requesting a meeting with the Mayor to discuss a strategy to complete the COAH Certification Process/Received August 20, 2008-Mayor LaCicero stated that he needs to talk to Mr. George a little bit more about this issue.
- g) Phil Neugebauer/11 Camden Avenue/thanking the Mayor for his help but requesting the shading of the street light be shaded a bit more towards their home/Received August 22, 2008-Mayor LaCicero stated that he will speak to Public Works again about shading this a little more.
- h) Luke Cucurullo/221 Newark Avenue/requesting to be a member of the environmental committee and to maybe intern for the summer months in 2009/Received August 28, 2008-Mayor LaCicero stated that he will put Mr. Cucurullo a member of the Environmental Commission but at this time we do not have any internships for 2009.
- i) United States Coast Guard/Waverly W. Gregory, Jr./Chief, Bridge Administration Branch/Public Notice 5-1122/Proposed Modification to the Regulations Governing the Operation of the S37 Bridge, At Intracoastal Waterway (ICW), Across Barnegat Bay at Seaside Heights, NJ/Received September 2, 2008
- j) Carmella Stefanelli/23 Newark Avenue/requesting one parking spot in front of her house due to safety conditions, especially in the summer months/Received September 4, 2008-Mayor LaCicero stated that he spoke to Mrs. Stefanelli and will speak to the Chief about this. There does seem to be some sort of shortness of two spaces in front of her house.
- k) Robbin A. Kane/114 Reese Avenue/requesting Mayor and Council to participate in Ovarian Cancer Awareness Month by allowing teal colored ribbons throughout the community/Received September 4, 2008-Mayor LaCicero recognized Ms. Kane in the audience and told her to come up and speak about her request during the Public Comment portion of the meeting.
- l) State of New Jersey/Department of Environmental Protection/requesting your attendance at the NJ Shade Tree Federation annual meeting on October 24 & 25/Received August 25, 2008-Mayor LaCicero stated that he cannot attend this meeting.

#### **UNFINISHED BUSINESS:**

Councilman Ardito stated that he attended the School Board meeting last week. The purpose of this meeting was to discuss what would happen if the school was to become a regional school district. What this means is that if the state decides that our kids should go to a different school in a different town our taxes would increase drastically.

Councilwoman Wenzel questioned whether the State has the ability to combine schools and what resources would we need to fight it?

Mr. George stated that the state cannot force the town to combine school systems. It would have to be agreed upon by those towns that would be involved.

Council President Zalom stated that many years ago this was already tried. It went to a referendum and Pt. Pleasant Beach voted “No” but Lavallette voted “Yes”. Back then it was if one town doesn’t want it then it can’t happen. Today, it will be the majority of the entirety of the combined towns. Lavallette would be used to fund according to our rateables.

**NEW BUSINESS:**

Councilman Lamb stated that he thinks there needs to be some process of immediate cleanup after all the events take place at the First Aid/Firehouse. The mess that is left there for the whole weekend until Public Works comes in on Monday is horrible. There should be some type of cleanup done right after the events are over. He also believes it should be done on the weekends in the summer. The receptacles on the boardwalk are atrocious for the weekends. We need to figure something out whether we do split hours or days for some employees at PW.

Mayor LaCicero questioned why the sponsor of the event should not be responsible for the cleanup?

Councilwoman Wenzel stated that maybe we could add some secondary receptacles up on the boardwalk and some at the First Aid during these events.

Councilwoman Filippone questioned whether we could have some employees work Saturday evenings instead of maybe Fridays.

Councilwoman Wenzel stated that not many people want to work on a Saturday night but we will try and figure something out.

Council President Zalom stated that she would like to pursue the New York Avenue light again.

Councilwoman Filippone said that was a good idea and to get all the information the Chief has on how many people crossed at that street with the Crossing Guard there.

Mayor LaCicero asked if Councilwoman Filippone could ask the Chief to get them a report on how the Crossing Guards worked out for the summer season.

Councilwoman Filippone stated that she would take care of that with the Chief.

Council President Zalom stated that Coast Cities has a bus for us to purchase in the amount of \$7,000. It is a decent bus and runs well. They will take care of any necessary repairs and painting if it is needed. Chris Parlow has also been speaking with the County and trying to get us a bus also for cheaper. We spend roughly \$4000 a year in renting busses for our trips so why wouldn’t we pay this one time fee of \$7000 for a long period of time.

The Tennis Court shed needs a lot of work. It very dilapidated and is desperate need of some repairs. We should also think about adding a bathroom to it somehow and we would save a lot of money with the renting of the port-o-potties. Some things we need to think about during the fall and winter months.

## **COMMENTS FROM THE PUBLIC:**

Robin Kane, 114 Magee Avenue stated that she would like to put teal colored ribbons around trees and telephone poles in town to make people aware of Ovarian Cancer. This is Ovarian Cancer Month and she also has ovarian cancer. She would make sure they were removed at the end of the month also.

Mayor LaCicero stated that he believes it is a good idea. All of Council agreed with him.

Clem Boyers, 20 Kerr Avenue stated that the way he read the letter from the Crab's Claw attorney was that they no longer have a problem with the 450 foot buffer between the liquor license establishments.

Joseph Palinsky, 122 Washington Avenue stated that he thinks that the Public Works employees doing some work over the weekend to help with cleanup is a wonderful idea. Maybe they should get the automatic three hour overtime for the weekends they come in. Another idea would be to have some of the police enforce the problem with the dogs on the beach. If we start giving them summonses, that would be a big revenue enhancer.

Mayor LaCicero stated that maybe we should have the police patrol the beach on the weekends with the ATV and enforce the dog problem.

Councilwoman Filippone stated that she would speak to the Chief about that.

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

Councilwoman Wenzel stated that a Finn Whale washed up on Island Beach over the weekend. She stated that she still thinks we should pay the Mammal Stranding for their services.

Mr. Parlow stated that he has received a number of surveys back on the two hour parking. They are pretty even with wanting it and not wanting it. He is going to be preparing a report on it for the parking committee meeting on September 10<sup>th</sup>. The Borough will need to get DOT approval with concurrent regulations.

He also received quotes on the new plaque for Ralph Gorga. The price would be roughly \$360.00 for a higher quality weather resistant plaque. He does have enough money in the Administration Budget to purchase the plaque.

Mayor LaCicero asked if that would be okay with all of Council. All Council Members were in favor of purchasing the plaque.

Mr. Parlow spoke about the gas budget. He did some calculations and does not believe there will be enough funds in the fuel budget to cover until November. Usage is not the issue, it is the price of the gas that has caused the problem. He will be discussing the account with the CFO and will need to do an emergency appropriation for gas at the next meeting.

Mayor LaCicero stated that he has received a lot of suggestions from residents about a lot of difference situations and is very pleased with that.

The Borough still needs to deal with the dredging and the dune permit with the DEP and he will commit to these situations.

A Motion was made by Councilman Lamb to adjourn the meeting. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members were all in favor. The Motion passed.

The meeting was adjourned at 9:21 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 **8<sup>th</sup>** day of **September 2008**.

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Christopher F. Parlow  
Municipal Clerk