

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
Monday, March 9, 2009 – 7:04 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Wenzel, Lamb, Stogdill, Horan and Filippone
Council President was not present at the start of the meeting. Councilwoman
Filippone was not present.

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

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting
complies with the Open Public Meetings Act. Public Notice was given to the Asbury Park Press and
the Ocean County Gazette and was published in the Ocean Star on January 9, 2009. Notice was
also posted on the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident
Patricia Slowinski who past away last week from a brain tumor.

PLEDGE OF ALLEGIANCE: Councilman Stogdill led the Salute to the Flag

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

The Mayor asked that if anyone wished to speak about anything that was not on the agenda could
do so now. No one wished to speak at this time. The Mayor closed the public comment portion of
the meeting.

APPROVAL OF CLERK’S MINUTES

Council President Zalom arrived at the meeting at 7:25 pm.

Caucus Minutes of February 9, 2009
Bid Opening Minutes of February 10, 2009
Public Works Budget Meeting Minutes of February 11, 2009
Police Budget Meeting Minutes of February 18, 2009

A Motion to Adopt the Minutes was made by Councilwoman Wenzel. The Motion was Seconded
by Councilman Horan. Vote: Council Members Zalom and Horan voted Yes. Councilwoman
Wenzel abstained on February 18th minutes and voted Yes to all others. Councilman Stogdill
abstained on February 11th minutes and Yes to all others. Councilman Lamb Abstained on all
Minutes. The Motion passed.

REPORTS:

- a) Water and Sewer Infiltration Report for Fourth Quarter 2008-Councilman Horan-stated that there is an increase in the infiltration due to the excessive rainfall in the fourth quarter. Mr. Parlow stated that the only way of find out where the flow is coming from is to have Public Works go out on a rainy night and start checking man hole for heavy flow. Mayor LaCicero stated that the Public Work employee should go out on a dry night and get a baseline reading and then go out on a rainy night so they have a comparison.
- b) Public Works Report for the March 2nd Snowstorm-Councilwoman Wenzel-stated that the overtime for the snowstorm was \$6,581.63. There was also a transformer down that night and the electric overtime amount was \$426.22. This was an average amount of overtime for a snowstorm. There is a snowstorm trust fund amount of \$29,000. She would like permission to pay for overtime from that snow trust fund. The Mayor ask if she would like to put that in a form of a motion.

A Motion was made by Councilwoman Wenzel to charge the overtime from the snowstorm to the snow trust fund. The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

- j) Tax Account Status Report for February-Tax Collector
- k) Revenue Transaction Report for January-Chief Financial Officer

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

RESOLUTIONS – ON CONSENT:

- 2009-77 authorizing the Electric Collector to adjust an electric bill due to an over read
- 2009-78 appointing Bruno Hornung as a member to the Environmental Committee-Council President Zalom welcomed Bruno to the Committee.
- 2009-79 authorizing the Electric Collector to adjust an electric bill due to the meter not resetting
- 2009-80 authorizing an amendment to the Capital Budget for 2009 Project Improvements to Bond Avenue
- 2009-81 authorizing the emergency temporary appropriations in the Current Fund line item-Mr. Parlow stated that because the budget has not been adopted as of yet there is a need to make temporary modifications. The appropriations items include monies fot the IT agreement with Seaside Park, some money for Planning Board and the energy audit grant.

- 2009-82 revising the annual salary of the Municipal Alliance Coordinator-Councilman Lamb questioned the revision. Mr. Parlow stated that there were some modifications according to the grant that affected the way the coordinator is to be paid. She is basically a consultant and will get paid based on her programs.
- 2009-83 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP Program for the previous year-Council President Zalom praised this program and stated she started this five years ago.
- 2009-84 authorizing the participation in the PARIS grant (Records Management) with the County of Ocean-Councilman Stogdill stated that this is wonderful news for the Borough of Lavallette. The Borough needs a safer place to store municipal records off the island.
- 2009-85 authorizing the execution of an inter-local service agreement to perform information technology services with the Borough of Seaside Park-Council President Zalom stated that she is very proud of this agreement and the Administrator of Seaside Park is thrilled with it.
- 2009-86 authorizing the Mayor to execute an Interlocal Agreement with the Ocean County Prosecutor's Special Operations Group
- 2009-87 approving two applications for the Lavallette PTA to hold a 50/50 On Premise Raffle and a On Premise Gift Raffle at their Spaghetti Dinner to be held on April 24, 2009
- 2009-88 authorizing the purchase of a Ocean County Surplus Vehicle for use by the administrative office
- 2009-90 awarding a contract for the performance of an energy audit to Concord Engineering Group in the amount of \$37,454.11
- 2009-91 authorizing the electric collector to remove one electric account due to a conversion from a three family to a two family
- 2009-92 authorizing a contract with Kerwin Communications, Inc. for the advertising program at the Borough of Lavallette beaches-Mr. Parlow stated that the Borough went out to bid for advertising on the lifeguard stands and the lifeguard tower> There was only one bid received and it was from Kerwin Communications. Mr. Parlow stated that the estimates income from the sale of displays could reach \$136,000 of which the Borough would receive 25% of that amount. This is a one year contract with an option for a second year. The contract also provides a 15% discount to the Lavallette businesses who take part in the advertising program.

Council Lamb asked to have Resolution # 2009-89 move to the Off-consent agenda,

The Mayor opened public comment on the On-consent agenda, the off-consent agenda and the bills list. There was not public comment.

A Motion was made by Council President Zalom to approve the Consent Agenda. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Stogdill and Horan voted Yes. Councilman Lamb abstained on Resolutions 2009-77 and 2009-83 and voted Yes to all others. The Motion passed.

RESOLUTIONS-OFF CONSENT:

2009-89 authorizing the acquisition of a bus in the amount of \$15,110.00-
Council President Zalom stated that for emergency purposes the Borough definitely needs a bus as well as for local events. She reported that we have found a much nicer bus for the same amount of money. She thanked Mr. Parlow for his work and finding another bus. Mr. Parlow stated that this bus is by far a much better bus for the price. The bus company is going to paint and letter it with Borough of Lavallette at no charge. Councilwoman Wenzel questioned who was going to be in charge of the maintenance. Council President Zalom stated that the Transportation Grant will be taking care of the maintenance and the bus will be maintained by an outside facility. Councilman Lamb questioned whether we should be purchasing a bus with the economy the way it is? Mr. Parlow stated that Council President Zalom is willing to reduce her Recreation budget by \$4,000 for any maintenance that needs to be done on the bus and in four years it is more than paid off.

A Motion was made by Council President Zalom to approve Resolution 2009-89. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

APPROVAL OF VOUCHERS:

2009-93 Bills List in the amount of \$1,203,178.83

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

Bond Ordinance No. 2009-05 (1058) PROVIDING FOR ROAD IMPROVEMENTS TO BOND AVENUE, AND APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$30,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Parlow stated that this ordinance is for the road improvements to Bond Avenue and in order to receive the grant money we need to award a contract by July. There was also a change in the Bond

Law and the Borough no longer is required to budget the 5% down payment and with the exception with the preparation of the specifications all other costs are reimbursable through the grant.

A Motion was made by Councilwoman Wenzel to introduce Bond Ordinance 2009-05(1058). The Motion was seconded by Council President Zalom. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan. The Motion passed.

Public Hearing and Final Adoption will take place on March 23, 2009

Ordinance No. 2009-06 (1059) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 24 OF THE BOROUGH CODE, ENTITLED "ELECTRICAL STANDARDS" SO AS TO REVISE SECTION 24-10 ENTITLED "RATES"

Mr. Parlow stated that the Borough will be able to decrease the electric rates as of June 1st thanks to our managed contract pricing. The summer rate will decrease by 10% and the winter rate will decrease by 12%.

Councilman Horan stated that Mr. Parlow works very hard with the Public Power Association to get the Borough the best price for our electric utility, so we can thank him for the decrease of the rates.

A Motion was made by Councilman Horan to Introduce Ordinance 2009-06(1059). The Motion was seconded by Councilman Stogdill. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

Public Hearing and Final Adoption will take place on March 23, 2009

Ordinance No. 2009-07 (1060) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE BOROUGH CODE, ENTITLED "SEWER USE" SO AS TO REVISE SECTION 52-24 ENTITLED "CAPITAL / INFILTRATION CHARGE"

Mr. Parlow stated that the bad news is the sewer surplus is down \$79,000 mostly due to the OCUA costs increasing due to a 4% rate increase. In 2007 the Borough had a credit that we were able to use in 2008; this year's credit is significantly smaller due to an increase in infiltration. The utility budget is about \$100,000 short. The rate for capital infiltration needs to be increased by \$50.00 per year per property.

A Motion was made by Councilwoman Wenzel to introduce Ordinance 2009-07(1060). The Motion was seconded by Councilman Horan. Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

Public Hearing and Final Adoption will take place on March 23, 2009

ORDINANCES ON FOR FINAL ADOPTION/SECOND READING

Ordinance No. 2009-02 (1055) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 7 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "BATHING AND BEACH CONTROL," AMENDING CHAPTER 89 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "VEHICLES AND TRAFFIC".

Mr. Parlow stated that the weekly badge is going from \$20 to \$25 and the season badge is going from \$40 to \$45 with the pre-season price remaining at \$35. The \$12 Senior Citizen badge will now be available to disabled veterans and military personnel on active duty.

A Motion was made by Councilwoman Wenzel to adopt Ordinance No. 2009-02 (1055). The Motion was seconded by Councilman Horan.

Mayor LaCicero opened the Public Hearing and asked if anyone wished to speak. There was no public comment. Mayor LaCicero closed the Public Hearing and asked for a vote.

Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

Ordinance No. 2009-03 (1056) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE BOROUGH CODE, ENTITLED, "CONSTRUCTION CODES, UNIFORM"

Mr. Parlow stated that the Construction Official by ordinance is required to review the construction fees every six months. Mr. Warnebold has reviewed the fee schedule, has performed a comparison to other towns and has made the recommendations contained in the ordinance.

A Motion to Adopt Ordinance No. 2009-03 (1056) was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Wenzel.

Mayor LaCicero opened the Public Hearing and asked if anyone wished to speak. There was no public comment. Mayor LaCicero closed the Public Hearing and asked for a vote.

Vote: Council Members Wenzel, Zalom, Lamb Stogdill and Horan voted Yes. Councilwoman Filippone was absent. The Motion Passes.

Ordinance No. 2009-04(1057) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE, ENTITLED "HEALTH", WHEREAS TO ESTABLISH ARTICLE III ENTITLED "RETAIL FOOD ESTABLISHMENTS"

Mr. Parlow stated that this section of the code book was omitted during the re-codification and needs to be included in the code. The borough needs to readopt these provisions. He also reported that the "Retail Food Establishment License" fee is being increased from \$75 to \$100.

A Motion was made by Councilman Stogdill to adopt Ordinance No. 2009-04 (1057). The Motion was seconded by Councilman Horan.

Mayor LaCicero opened the Public Hearing and asked if anyone wished to speak. There was no public comment. Mayor LaCicero closed the Public Hearing and asked for a vote.

Vote: Council Members Wenzel, Zalom, Lamb, Stogdill and Horan voted Yes. The Motion passed.

COMMUNICATIONS:

New Jersey League of Municipalities

- a) Legislative Update(Three Issues)/Pension Payment Deferral Bill Update, Amendment Adopted/Law Officers Appeal of Suspension A-3481/S-1336/Inherently Beneficial Uses/Received February 6, 2009
- b) Redevelopment Training Opportunities(NJRA)/Received February 9, 2009
- c) COAH-Affordable Housing Update/Received February 10, 2009
- d) Legislative Update/Pension Payment Deferral Bill Update/New Senate Bill Introduced/Forced Consolidation Bill Heard and Held/Inherently Beneficial Uses/Emergency Management Coordinator Flexibility/Received February 10, 2009
Mayor LaCicero stated that this is to consolidate the donut municipalities which they consider as not completely encompassed by water. Councilwoman Wenzel stated that she has been told that the Lavallette Voters and Taxpayers have asked this man to come and speak on this position. Mayor LaCicero stated that he heard that to and the date is April 16th at Borough Hall. He also stated that final arguments would be heard on the Bay Beach Way Annexation on Thursday and they should reach a decision shortly.
- e) Senate Action on Stimulus Divergent Bills Go To Conference Committee/February 11, 2009
- f) Federal Stimulus Funding Alert/Received February 12, 2009
- g) A-3753 Municipal Library Funding Flexibility/Received February 12, 2009
- h) Update on System wide Cable Franchises Public Access Stations/Received February 12, 2009
- i) Federal Stimulus Package Presidents' Weekend Update/Received February 13, 2009
- j) Federal Funding Availability (Energy Efficiency and Conservation Block Grants/Received February 19, 2009
- k) New Jersey Clean Air Council Public Hearing, April 1, 2009/Received February 19, 2009
- l) A-3688(Cryan)/ S-14 (Codey)/Reduces Required Local Employer Contributions to PERS and PFRS for State Fiscal Years 2009 through 2011/Received February 19, 2009
- m) Legislative Alert/February 19, 2009
- n) Federal Stimulus Funding/Roads, Bridges and Transit/Received February 20, 2009
- o) S-2577 & A-3772, "Concerning the Development of Non-Age-Restricted Communities"/Received February 23, 2009
- p) Site Remediation Reform Act(S-1897 and A-2962)/Received February 23, 2009

- q) Legislative Recap/Received February 25, 2009
- r) Sustainable Jersey Goes Live/Received February 25, 2009
- s) US Supreme Court Rules on Standards for Acceptance of Permanent Monuments for Display in Municipal Parks/Received February 26, 2009
- t) Stimulus Transportation Funding News/Received February 27, 2009
- u) New Jersey Economy/Received February 27, 2009
- v) Federal Stimulus Funding US EPA/Clean Water and Drinking Water State Revolving Funds/Received March 3, 2009
- w) 4% Tax Levy Cap/Received March 3, 2009
- x) Important New Information from the Division of Local Government Services/Received March 4, 2009
- y) Municipal Library Contribution Relief/Received March 4, 2009
- z) Federal Stimulus Funding U.S. Department of Justice Byrne Justice Assistance Grants/Received March 4, 2009
- aa) S-2485/Commercial Development Fee/Received March 4, 2009
- bb) Governor Signs Law Officers Suspension Bill/Received March 5, 2009

General With No Action:

- a) ISO/Ruth Delia Morales, Field Representative/Building Effectiveness Grading Schedule/Received February 6, 2009
- b) New Jersey Natural Gas/Stephen Rybka, Manager/Help is Available for Those Struggling to Pay Energy Bills/Received February 11, 2009

Council President Zalom stated that this is for anyone who is in need of assistance.

- c) New Jersey Natural Gas/France Karras/Notice of Public Hearing/Received February 11, 2009
- d) SBE/Brian Ruiz/Third Party EMS Billing Service/Received February 11, 2009
- e) State of New Jersey/Department of Environmental Protection/Jamie Herzog, Principal Environmental Specialist/Compliance Evaluation and Assistance Inspection/Water Quality/Received February 13, 2009
- f) PMK Group/NJDEP Issues New Permits For Boilers and Heaters/Received February 17, 2009
- g) Cablevision/Tricia Kaminski, Assistant/Tariffs for all Systems/Received February 17, 2009
- h) State of New Jersey/Department of Labor and Workforce Development/James Revak, Assistant Chief/Inspection of Hazards at Lavallette Fire Department were Abated/Received February 17, 2009

Mayor LaCicero stated that the hazards were abated at the Fire Department.

- i) Skadden, Arps, Slate, Meagher & Flom/Cynthia Lewis, Energy Specialist/Compliance Filing/Exelon Generation Company/Received February 17, 2009
- j) Congress of the United States/Congressman John Adler/Lavallette Borough School District to receive \$95,000 Stimulus Monies/Received February 23, 2009

Mayor LaCicero stated that the Lavallette School is receiving \$95,000 is stimulus monies which is great.

- k) Lavallette Board of Education/Steve Shohfi, Board President/copy of letter to Voters and Taxpayers in reference to School Consolidation/Regionalization/Received February 20, 2009

Mayor LaCicero stated that this is from the Board of Education President to the Lavallette Voters & Taxpayers in opposition of the school regionalization. Mayor stated that every district would have to agree to the regionalization so it most likely is not going to happen anytime soon.

- l) ASCI/Sri Rangarajan, Chair/Town Hall Meetings on New Jersey's Water Infrastructure New Jersey Section of American Society of Civil Engineers/Received February 23, 2009
- m) SPH Corp./Theresa Gallagher, Training Coordinator/Green Awareness Certification Program/Received February 23, 2009
- n) County of Ocean/Arthur P. Burns, Supt. of Recycling Operations/January 2009 Recycling and Compost Reports/Received February 23, 2009
- o) Rehabco, Inc./Ervin E. Oross, Jr., President/New Jersey Council on Affordable Housing/Received February 23, 2009
- p) Jersey Central Power & Light/Michael J. Filippone, Director/Proposed Economic Stimulus Infrastructure Investment Program/Received February 20, 2009
- q) County of Ocean/Mary Jerkowicz, Recycling Program Aide/Class B Recycling Facility 2008 Reports/Received February 24, 2009
- r) Ocean County Planning Board/Mark C. Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report-February 2009/Received March 3, 2009
- s) Ocean County Library/Jane Schneider, Branch Manager/Creating a Reading Garden for the Upper Shores Library/Received March 3, 2009

Council President Zalom stated that this is going to be a wonderful thing for library. It is going to be a beautiful addition to the library.

- t) Congress of the United States/Congressman John Adler/\$1 billion in grant funding available for COPS Program/Received March 3, 2009

Mayor LaCicero stated that the Chief should look into this so we can hire a full time officer.

- u) United States Department of Commerce/US Census Bureau/Thomas L. Mesenbourg/2010 Census Complete Count Committee Guide/Received March 3, 2009
- v) Ocean County Engineer/ Roger A. Shapley, Senior Engineer/Newark Avenue Bulkhead and Outfall Replacement/Received March 3, 2009
- w) New Jersey's Clean Energy Program/Colleen Kling, Program Coordinator/Approval of Facilities/Received February 26, 2009
- x) Verizon/Stanley Howell/Tonnage Grant Information/Recycling Information Processed by Verizon and Credited to our Borough/Received March 5, 2009

General With Action:

- a) Lavallette Business Association/Barbara Janosko, President/Requesting of Approval of Sidewalk Sale Dates/Received February 6, 2009

Mayor LaCicero stated this was an annual request from the businesses and is good for the tourism.

- b) Parish of St. Pio of Pietrelcina/Rev. Msgr. Leonard F. Troiano/requesting permission to use the Fire House and First Aid Parking Lots on May 16th 2009/Received February 12, 2009

Mayor LaCicero stated as long as it is okay with the First Aid and Firehouse its okay with us.

- c) County of Ocean/Betty Vasil/requesting Resolution from Governing Body to be part of the Records Information Management System with the County and Surrounding Towns/Received February 17, 2009

Mayor LaCicero stated we just voted yes on this resolution.

- d) Ocean County St. Patrick's Day Parade Committee, Inc./John J. Sweeney, Parade Coordinator/requesting participation in the parade from Mayor and Council on March 14th/Received February 24, 2009

Mayor LaCicero stated that he will be attending as well as some Council Members

e) Thomas Janiszewski/Toms River, NJ/requesting to be married on the beach at New Brunswick Avenue on May 30th/Received February 25, 2009

Mayor LaCicero stated this was okay and was not during our summer season.

f) Ocean County Planning Board/David McKeon, Planning Director/Request for Assistance on Storm water Mapping/Received March 3, 2009

Mr. Parlow stated that this specific agency should have to do this by an Opra Request and pay the proper fees because it is very lengthy. Mayor LaCicero stated that he thinks we should help them out through the County instead of charging them.

h) Lavallette First Aid Women's Auxiliary/Audrey Zylinski, President/requesting permission to close some streets for their flea markets held in July and August

Mayor LaCicero stated that this is done annually and we will take care of it.

i) New Jersey Natural Gas/Stephen Rybka/requesting your attendance at their Green Energy Program Meeting being held on March 25th/Received March 5, 2009

Mayor LaCicero asked Councilman Horan if he would attend this meeting. Councilman Horan stated that he would look into it.

UNFINISHED BUSINESS:

Councilwoman Wenzel stated that the calendar needs to get out soon which means we need to move on this garbage schedule. As of right now, we have two zones, Oceanside and Bayside with recycling pickup on the same day and a summer and winter schedule. The Council needs to make a decision on which option to choose for the winter schedule. She stated that she prefers Option 3 because it saves time and money for the Borough. She stated that this new schedule also requires another garbage truck which we are in the process right now of receiving bids. What we want to do for now until the new schedule is up and running is continue on with the current schedule until it expires and then go to winter pickup until May. We want the guys to do a couple of the new routes for a few weeks to get use to it before we jump into the new summer schedule. We also have an attendant at the Recycling Center for the convenience of our residents. She requested a vote from Council regarding what option they want to choose.

The Mayor asked for a motion.

A Motion was made by Councilman Lamb to accept Option 3 for the Winter Pickup Schedule. The Motion was seconded by Councilwoman Wenzel. Vote: Council Members Wenzel, Lamb, Stogdill and Horan voted Yes. Council President Zalom voted No. The Motion passed.

Councilwoman Wenzel stated that the Borough received a grant for the native plantings at the Bayfront. The Borough requested \$7,500 and received \$5,000. Public Works has put together a draft plan that is going to be modified but she requested some feedback from Council.

Councilman Lamb questioned how high the plantings are going to be?

Councilwoman Wenzel stated that some of the plants grow very high but we can plant those in different places so that they will not affect any views.

Councilman Lamb stated that he has some concerns about interfering with the helipad.

Councilwoman Wenzel stated that we have some time and we need to modify the plan with the new amount. We will be ordering the plants around the first week in May. Save Barnegat Bay received their Starbucks grant and will be providing the volunteers.

Mr. Parlow stated that we also need to keep the area clear for the fireworks.

Councilman Horan stated that he thinks we need 150 feet x 150 feet for the helipad landing clear and he also had some concerns regarding the use of crushed shells in the area near the helipad.

Council President Zalom stated that maybe we should check with the Engineer on that subject.

Mayor LaCicero stated the only problem he has is the bayberry areas potentially to look like dunes and that is not a good idea.

Councilwoman Wenzel stated that she will modify that area. She stated that she will come back at the next meeting with the modified plan and will need a definite answer that night.

NEW BUSINESS:

Council President Zalom stated that she was just at the CDBG meeting at the County and they are still running off of last year's funding. The Borough requested \$60,000 and now it looks like we are only going to receive \$42,000. There are no monies available yet but they will let s know when and if additional monies become available.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue thanked Chris Parlow for the decrease in the electric rates. He also questioned what the increase would be with the sewer rates.

Mr. Parlow stated that the increase is \$50 per year.

Mr. Boyers questioned what Option 3 is for the winter schedule?

Councilwoman Wenzel stated that Option 3 is pickup garbage and recycling one day a week in the winter and also Fridays for the boardwalk and business district

Joe Palinsky, 122 Washington Avenue questioned whether Councilwoman Wenzel has checked with the FAA guidelines regarding the helipad.

Mr. Palinsky questioned the status with the cable franchise?

Mr. Parlow stated that the Ordinance is set to expire within the next couple of years. Our contract is with Cablevision.

Mr. Palinsky stated that if FIOS is approved in our district Cablevision has the right to drop all of our Public Access channels.

Mayor LaCicero stated that he will have Mr. George look into our Contract and see what the details are.

Councilwoman Wenzel stated that we should have a County access channel for the entire County to keep us up to date on all of the County information.

July Farfalla, 15 Bond Avenue questioned if any decisions were made on how to inform the shut-ins of all the information in the town.

Council President Zalom stated that it will be on our Calendar entitled "Lavallette Luvs".

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Wenzel welcomed back Councilman Lamb and hopes he is feeling better.

Councilman Horan also welcomed back Councilman Lamb.

Council President Zalom welcomed back Councilman Lamb. She stated that the Environmental Committee had a wonderful speaker at the library this week. She also stated that the library has wonderful programs for toddlers. There will be the Beach Sweeps on April 25th and the Recreation / Alliance will be holding the Halloween Hoedown on October 30th. She has asked the Color Guard to come for Memorial Day. She spoke to Paul Materazo from MBI Gluck Shaw and he is going to fight for us with getting the light on Rt. 35 North and New York Avenue.

Mr. Parlow stated that there is going to be a budget meeting on March 18th.

Mayor LaCicero stated that he and Mr. Parlow met with the County Engineer's Office and they assured us that the outfalls that they did not get to last year are on the top of the list for this year as well as the Newark Avenue Bulkhead. Also, the PTA is holding a fundraiser called "The Dome Theater" which is a digital theater presentation of a movie.

EXECUTIVE SESSION:

Mr. George stated that we need to go into an Executive Session concerning three pending litigations. The first would be the Toscano Case, the Stanton Case and the DEP and we also need to discuss a DPW Contract issue.

A Motion was made by Council President Zalom to go into Executive Session. The Motion was seconded by Councilman Horan. All members were in favor of. The Motion passed.

Mayor and Council adjourned to Executive Session at 9:05 pm.

A Motion was made by Councilman Stogdill to resume the regular meeting. The Motion was seconded by Councilman Lamb. All were in favor of. The Motion passed. Regular session resumed at 9:20 pm.

Mr. George stated that our Executive Session was a 15 minute session discussing a trial date for the Toscano trial. The Mayor and Council also discussed a complaint that was filed by Ms. Stanton and the DEP litigation session being held on Thursday of this week at 11 am. The issue with the DPW Contract has not been resolved.

ADJOURNMENT:

A Motion was made by Councilman Lamb to adjourn the Regular Meeting. The Motion was seconded by Councilman Stogdill. All were in favor of. 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 9th day of **March 2009**.

Christopher F. Parlow
Municipal Clerk