

BOROUGH OF LAVALLETTE (minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING – COUNCIL CHAMBERS
November 14, 2011-7:02 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone

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 Gazette and was published in the Ocean Star on January 7, 2011. Notice was also posted on our Municipal Website and the Municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Woodworth Bine who was a long time resident who recently passed away and for Sergeant Lyons who lived in Seaside Park and was killed in Afghanistan. The Mayor stated that to date there have been 6,300 American Soldiers who have died in the wars in Iraq and Afghanistan.

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

PROCLAMATION: Mark and Thea Lecin 63rd Wedding Anniversary-Mr. and Mrs. Lecin were present and the Mayor read aloud and presented the Proclamation to the Lecin's. Pictures of the couple were taken.

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming to tonight's meeting.

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

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

Ken and Donna Gustafson, 1004 Ocean Front read aloud a statement explaining why they proceeded with their litigation.

Mrs. Gustafson read from the statement. We have owned the Ocean Front home for 13 years. Each unit contains four bedrooms totaling of eight. We purchased this property with a relative but decided to buy the other unit from the relative. We have an existing front deck located 18 ½ feet from the front property line. We have decided to convert the two family dwelling to a one family dwelling. We applied for zoning and were told we needed to go to planning board because we had

a nonconforming use. We observed other homes along the boardwalk to see what we liked and what would be allowed. The planning board denied our request to build the second floor deck. After the planning board denied the second floor deck we received approval from the NJDEP and obtained a CAFRA Permit. We agreed to change the form of ownership and convert from a two family to a one family if we received approval but they were not in agreement. We decided to hire Michele Donato to represent us because we were surprised to see so many homes that had second story decks and she said that she often questioned the validity of Chapter 44. We also found out that there were many houses that got approval for second story decks after Chapter 44 came into play. We went to trial and presented an expert witness and were surprised that the Borough did not present any witnesses of their own. The Judge gave his final decision that Chapter 44 was not where it should have been in our Code. The Judge sided with us. We would like to plead with Council to not go ahead with the appeal. The Judge also limited the decision with just our case since Chapter 44 has been put back in the Zoning Code where it should be. We would like to voluntarily agree to reduce the number of bedrooms from 8 to 6 and increase the number of bathrooms if Council agrees not to pursue the appeal. Please consider our case fairly since we have been waiting 14 months to upgrade our home. We thank you for hearing us tonight.

Mayor LaCicero stated that that because the matter is in litigation he is unable to response to the Gustafson's comments, but the matter is scheduled for discussion in executive session.

Michele Donato, attorney representing the Gustafson's, asked if the Gustafson's could be present in the Executive Session.

Mr. George replied that they can not be present in the executive session. The "Rice" notices and being present in executive session only applies to personnel issues not litigated matters. If Borough Council so wishes at another time they can invite them back for settlement discussions.

Ms. Donato questioned when they would be available for settlement discussions.

Mayor LaCicero stated that first they will discuss it in Executive Session. He stated that the Gustafson's are welcomed to stay until after the executive session is over to hear our decision if there is any.

There were no additional comments made from the public.

Mayor LaCicero closed the floor to public comment.

APPROVAL OF CLERK'S MINUTES:

Regular Meeting of October 17, 2011

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

REPORTS:

- a) Police Report of October-Councilwoman Filippone-read report
- b) Municipal Court Report of October-Councilwoman Filippone-read report
- c) Zoning Report of October-Councilwoman Filippone-read report
- d) Construction Report of October-Councilwoman Filippone-read report
- e) Animal Control Report for October-Councilwoman Filippone-read report
- f) Public Affairs Report of October-Council President Zalom-She reported that there are a number of Recreation programs available such as Zumba, Yoga, aerobics and basketball. There will be a Point Pleasant Beach Hospital fundraiser on November 26th at Jenkinson's Aquarium. We had a great Beach Sweeps on October 22nd with 67 volunteers. Our Halloween Hoedown was a big hit. The tree lighting will be on December 2nd and the Oyster Dinner is on December 3rd. Both New York City bus trips are full but there is a waiting list. The Ladies Fire Auxiliary is having their wreath sale. The Dune Grass planting was on November 5th. There were not that many volunteers because it was very cold but the grass was taken to plant at a later date. The Lavallette Birthday Party is on December 21st.
- g) Revenue Transaction Report for September-Chief Financial Officer
- h) Tax Account Status Report of October-Tax Collector

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

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

RESOLUTIONS – ON CONSENT:

- 2011-241 appointing Ken Kiseli to the permanent part time position of Construction Official effective immediately
- 2011-242 supporting S-3062, telecommunications cable television deregulation ensuring consumer protection act
- 2011-243 approving the application for use of lands, beaches and facilities within the Borough of Lavallette
- 2011-244 authorizing Mayor Walter G. LaCicero to sign and execute Policy Endorsements for the Bollinger Insurance Employee Prescription Plans, the Fort Dearborn Life Insurance, Sun Life Financial Short Term Disability Plan and the Horizon Dental Plan for the year 2012
- 2011-245 approving the place-to-place transfer of Plenary Liquor License No. 1515-44-005-006 held by While Whale, L.L.C. doing business as Lavallette Liquors, in the Borough of Lavallette, County of Ocean, State of New Jersey-Councilman Borowski questioned if there was anything they needed to do with this. Mayor LaCicero stated that the store is just expanding their business to the empty space in the strip mall,

which use to be a doctor's office. Mr. Parlow stated that the applicant has satisfied all application requirements and since there were no written oppositions made there is no need a public hearing.

- 2011-246 authorizing the application for special permit for social affairs to Lavallette Volunteer First Aid Squad for the sale of alcoholic beverages in conjunction with their town Christmas (Birthday) Party held at their establishment on December 21, 2011
- 2011-247 authorizing the application for special permit for social affairs to Lavallette Volunteer Fire Company #1 for the sale of alcoholic beverages in conjunction with their Oyster Supper Fundraiser held at their establishment on December 3, 2011
- 2011-248 authorizing the removal of one electric account at 1607 Bay Boulevard due to a conversion of a two family to a one family dwelling
- 2011-249 authorizing the Treasurer to make transfers between appropriations accounts-Mr. Parlow stated additional funds needed to be added to the Planning Board and Engineering Line Items due to unanticipated litigation costs and we needed to move some money over to recreation due to some programs that were added.
- 2011-250 authorizing the Municipal Clerk to advertise and received bids for the positions of Borough Attorney, Borough Auditor and Municipal Prosecutor for the year 2012
- 2011-251 authorizing the execution of an addendum to the contract with Earle Asphalt Company for the New Brunswick Avenue Road Improvement Project-Mayor LaCicero stated that this is to tie in the storm drain from Route 35 North and New Brunswick. The Borough finally received the permits from the State of New Jersey.
- 2011-251A authorizing a contract with Renewable Energy Partners, LLC to perform a feasibility study for the purchase and installation of electric generator for the Borough of Lavallette-Councilman Horan stated that this is to hire a consultant to guide the Borough on whether or not this electric generator project should go forward or is it not feasible for us to continue. Council President Zalom stated that if we proceed with the project we could provide to our town if the power goes out. Councilman Borowski stated that he sat with this gentleman and if you look at the numbers it will be very lucrative for us. The capacity charges are based on our five worst days of the year. This generator would give us the ability to shave the peaks to lower our rates. Councilman Lamb questioned if the way they calculate the capacity could change in the future and would that be a problem for us. Councilman Borowski stated that this company looks very far into the future. We would see a savings small savings immediately and a huge savings once the project is paid off. Councilwoman Filippone questioned if these nine communities with their own utilities all did this project would PJM find a way to get around this. Councilman Borowski stated that there are 8 communities in this very small mix and our group would not pay for it. Councilman Lamb stated that Lavallette is a very unique town where most of our

high days are in the summer. Mr. Parlow stated that based on that argument that is why we should do this project. Mayor LaCicero questioned what the financial aspects would be. Mr. Parlow stated that it is not so much the financial aspect as much as the density issue. Looking at just the financial aspect of it there is not question the project makes sense. We have to look at the space that is needed to fit this equipment and the noise and pollution aspect all of these need to be considered. These are all the things that the consultant will explain to us and help us with the best way to move on with this. Mr. Parlow stated that the generators will run a maximum of 20 days in the year with no weekends. Mayor LaCicero stated that the residents will be updated once we know how we are going to proceed.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was seconded by Councilman Stogdill. At this time, the Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda.

Clem Boyers, 20 Kerr Avenue questioned if we had generators helping us when our electricity went out a couple of years ago.

Mr. Parlow stated that we did have about 4-5 generators at that time that were for standby and used for backup.

There were no additional comments from the public.

The Mayor closed the floor to public comment and asked Council for a vote on the consent agenda. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

RESOLUTIONS OFF-CONSENT

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2011-252 Bills List in the amount of \$3,498,221.33

A Motion was made by Council President Zalom to approve the bills list. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Horan abstained on PO #11-00782 and voted Yes to all others. The Motion Passed.

ORDINANCES ON FOR FIRST READING/INTRODUCTION

ORDINANCE NO. 2011-07 (1097) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 50 OF THE BOROUGH CODE, ENTITLED "SALES, AMENDING AND SUPPLEMENTING CHAPTER 37 OF THE BOROUGH CODE ENTITLED "LAND USE

PROCEDURES”, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE ENTITLED “ZONING”

Mr. Parlow stated that this ordinance has to do with doing some changes with our Display of Merchandise ordinance. There were a number of meetings with the Ordinance Committee and the Lavallette Business Association. We have modified and clarified some issues with displaying of the merchandise to give our businesses a better clarification of what they can and can not do.

Council President Zalom questioned if we were going to notify the businesses in writing of these changes.

Councilwoman Filippone stated that this ordinance will take affect by the end of the year.

Mr. Parlow stated that we can send notices to all the registered businesses.

A Motion was made by Councilman Horan to approve Ordinance 2011-07(1097). The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be on December 19, 2011.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Philip G. George, Esq/Richard Gordon v. Toms River Township/Received October 4, 2011
- b) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received October 4, 2011
- c) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley Rizzolo v. Borough of Lavallette/Received October 5, 2011
- d) Eric M. Bernstein & Associates/Philip G. George, Esq/Richard Gordon v. Toms River Twp/Received October 11, 2011
- e) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received October 11, 2011
- f) Eric M. Bernstein & Associates/Philip G. George, Esq/General Exemptions from Local Taxation/Received October 11, 2011
- g) Eric M. Bernstein & Associates/Philip G. George, Esq/Stanley Rizzolo v. Borough of Lavallette/October 13, 2011
- h) Eric M. Bernstein & Associates/Philip G. George, Esq/Thomas Loredo & Lori Gatfield-Loredo v. Borough of Lavallette/Received October 17, 2011
- i) Eric M. Bernstein & Associates/Philip G. George, Esq/Richard Gordon v. Township of Toms River/Received October 17, 2011
- j) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received October 19, 2011

- k) Eric M. Bernstein & Associates/Philip G. George, Esq/Richard Gordon v. Township of Toms River/Received October 19, 2011
- l) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received October 19, 2011
- m) Eric M. Bernstein & Associates/Philip G. George, Esq/St Stanley Rizzolo v. Borough of Lavallette/Received October 20, 2011
- n) Eric M. Bernstein & Associates/Superior Court of New Jersey/Gustafson v. Borough of Lavallette/Judge Mark Troncone/Opinion/Received November 3, 2011
- o) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received November 4, 2011
- p) Eric M. Bernstein & Associates/Philip G. George, Esq/Richard Gordon v. Township of Toms River/Received November 9, 2011
- q) Eric M. Bernstein & Associates/Philip G. George, Esq/Gustafson v. Borough of Lavallette/Received November 9, 2011

Engineering:

- a) O, Donnell, Stanton & Associates/Michael O'Donnell/Camden Avenue Road Improvements/Preconstruction Conference/October 3, 2011
- b) O'Donnell, Stanton & Associates/Michael O'Donnell/Camden Avenue Road Improvements/NJDOT Application/Received October 3, 2011
- c) O'Donnell, Stanton & Associates/Michael O'Donnell/Camden Avenue Road Improvements/Received October 5, 2011
- d) O'Donnell, Stanton & Associates/Michael O'Donnell/Camden Avenue Road Improvements/Received October 11, 2011
- e) O'Donnell, Stanton & Associates/Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Received October 12, 2011
- f) O'Donnell, Stanton & Associates/Michael O'Donnell/Hurricane Effects on Lavallette Sewer Flows/Received October 27, 2011-Mayor LaCicero stated that during the hurricane our sewer flows were off the charts. We will continue to look at our storm drain problems. Mr. Parlow stated that the bills have been adjusted since due to the OCUA building being flooded during Hurricane Irene.
- g) O'Donnell, Stanton & Associates/Michael O'Donnell/Former Sunoco Service Station/2007 Grand Central Avenue/Classification Exception Area Biennial Certification/Received November 1, 2011
- h) O'Donnell, Stanton & Associates/Michael O'Donnell/Grand Central Avenue Sidewalk Beautification Project/Pay Estimate #6/Final Payment/Received November 9, 2011
- i) O'Donnell, Stanton & Associates/Michael O'Donnell/New Brunswick Avenue Road Improvements/Received November 9, 2011
- j) O'Donnell, Stanton & Associates/Michael O'Donnell/Camden Avenue Road Improvements/Received November 9, 2011

New Jersey League of Municipalities:

- a) Action Requested: D Block Legislation in House Commerce Committee/Received September 30, 2011

- b) Plan to Attend the 2011 Annual Conference on November 15-17/Atlantic City Convention Center/Received October 5, 2011
- c) Sandy McClure to Address the Women in Municipal Government Breakfast “Breaking the Glass Ceiling: Women and Government Reform”/Received October 5, 2011-Council President Zalom stated that she and Councilwoman Filippone will be attending this breakfast down at the league.
- d) PERS & PFRS Savings Announced/Received October 5, 2011
- e) Governor Christie Signs Bill on Sundry Changes to Taxicab Laws/Received October 6, 2011
- f) Holiday Displays/Received October 12, 2011
- g) S-2887/A-3992, Wind Turbines on Preserved Farmland/Received October 12, 2011
- h) Local Priorities Squeezed in Competing House and Senate Spending Bills/Received October 12, 2011
- i) Nationwide Test of Emergency Alert System Less than Four Weeks Away/Received October 13, 2011
- j) Resolution Supporting S-3062 “Telecommunications-Cable Television Deregulation Ensuring Consumer Protection Act”/Received October 14, 2011
- k) First 2011-2012 CDC Flu News Report Issued/Received October 17, 2011
- l) Mayors Wellness Campaign/Received October 17, 2011
- m) IRS Educational Webinar on Healthcare Coverage Reporting/Received October 18, 2011
- n) Affordable Housing, Appellate Division Rulings/Received October 20, 2011
- o) New Content on Division of Local Government Services’ Website/Received October 21, 2011
- p) Guidance Issued on the “New Jersey First Act”/Received October 21, 2011
- q) League Position on Internet Sales Taxation/Received October 21, 2011
- r) New State Plan/Received October 21, 2011
- s) State Health Benefits Open Enrollment-New Plans Available/Received October 24, 2011
- t) New AOC Rules Regarding Municipal Administrator Vacancies/Received October 25, 2011
- u) S-3078, Blue Acres Funding for Flood Prone Properties/Received October 26, 2011
- v) New Jersey State Data Center/Received October 27, 2011
- w) Action Needed to Protect Federal Transportation Enhancement Program/Received October 28, 2011
- x) Federal Health Care Reform and New Jersey Municipalities/Received October 28, 2011
- y) New Jersey’s 2011 Holiday Blood Drive Campaign/Encourage Your Employees and Residents to Give the Gift of Life/Received October 28, 2011
- z) Halloween Safety Recommendations for 2011/Received October 31, 2011
- aa) Save the Date-20th Annual Mayors Legislative Day-February 8, 2012/Received November 1, 2011
- bb) New Information on DLGS Website/Received November 1, 2011
- cc) Twenty More Towns Achieve Sustainable Jersey 2011 Certification; Certifications Will Be Awarded at the Sustainable Jersey Awards Luncheon on November 15/Received November 3, 2011
- dd) Implementing the 2010 Homestead Credit Benefit Program/Received November 3, 2011
- ee) Local Finance Notice Issued/Pre-Halloween Snow Storm Declared Emergency/CY 2012 Municipal and County Budget and Cap Information/Received November 4, 2011

- ff) Nationwide Test of the Emergency Alert System: November 9, 2011/Received November 7, 2011
- gg) Emergency Alert System TEST Today at 2pm/Received November 9, 2011- Councilwoman Filippone stated that she heard on the radio today that they were looking to do away with this already because it is outdated with all our new technology.

General With No Action:

- a) Cablevision/Kevin J. Drennan, Area Director/Launch of iO International Channels and Packages effective September 27, 2011/Received September 30, 2011
- b) Ocean County Planning Board/Mark Villinger, Senior Planner/Ocean County Natural Lands Trust Fund Status Report/September 2011/Received September 30, 2011
- c) State of New Jersey/Department of Transportation/James Simpson, Commissioner/Fiscal Year 2012 NJDOT's Federal Aid Safe Routes to School Program/Received October 3, 2011-Council President Zalom requested that this be sent over to the school.
- d) State of New Jersey/Government Records Council/Robin Berg Tabakan, Chair/John Paff v. Borough of Lavallette/Received October 5, 2011
- e) Cablevision/Kevin J. Drennan, Area Director/Launch of Latin American Sports and Vme Kids/Received October 11, 2011
- f) Office of the Ocean County Engineer/Frank Scarantino, Engineer/Stormwater Management Contract 2011-B/Received October 11, 2011-Mayor LaCicero stated that the County has just awarded a contract for the drains and piping on West Point Island and Liggett Road. We are slowly taking care of what we need down out there from the County. Every year Mr. Parlow and him attend a meeting with the county and make sure that we go over the next item on the list to be done.
- g) New Jersey Department of Environmental Protection/DEP Spearheads Barnegat Bay Cleanup Wednesday: Local Groups Join in Governor Christie's Action Plan To Restore Barnegat Bay/Received October 17, 2011
- h) New Jersey Department of Environmental Protection/Volunteers Clean Up Barnegat Bay as Part of Day Long Blitz/Received October 19, 2011
- i) Cablevision/Kevin J. Drennan, Area Director/Launch of Io International a la carte Channels Noire Africa and Afrotainment Plus and iO African Package/Received October 19, 2011
- j) Ocean County Utilities Authority/Keith Marcoon, Planning Engineer/2011 Metered Flow Data/Received October 20, 2011
- k) New Jersey Courts/Glenn Grant, J.A.D./Municipal Courts-Implementation of the Working Group Report on the Professionalism and Qualifications of Municipal Court Directors, Administrators, and Deputy Administrators/Received October 24, 2011
- l) Cablevision/Kevin J. Drennan, Area Director/Channel Launches Effective October 25, 2011/Received October 24, 2011
- m) Cablevision/Kevin J. Drennan, Area Director/Launch of iO International Channels effective October 25, 2011/Received October 25, 2011
- n) State of New Jersey/Department of Environmental Protection/Bob Martin, Commissioner/State NJDEP v. Borough of Lavallette/Administrative Action Final Decision-Mr. George stated that we are going to discuss this in Executive Session.

- o) Shore Boroughs American Legion Post 351/Chuck Robbins, Event Chairman/Veterans Day Ceremony held on October 28, 2011
- p) Ocean County Municipal Joint Insurance Fund/Perma, Inc./2011 Dividend/Received November 2, 2011
- q) State of New Jersey/Department of Transportation/Michael Russo, Director/Transportation Enhancement ARRA Program/Grand Central Avenue Beautification Project/Received November 4, 2011

General With Action:

- a) Patrick Smith/requesting information on the placement of a memorial plaque on the Lavallette boardwalk/Received October 11, 2011-Mayor LaCicero stated that he thinks there are some plaques up there. Council President Zalom stated just two of them are up there for Ralph Gorga and Frank Livelli. Councilman Lamb stated that if we allow this person every one is going to request it and it is going to get ridiculous. She suggested placing a plaque on a Beautification Bench. Mayor LaCicero stated that program is no longer. Councilman Lamb stated that if they submit a plan we will look into it. Councilwoman Filippone stated that she does not agree with putting plaques up there. The Beautification Committee is looking to do some type of project with bricks by the Bocci Court on the bay. Maybe we can intertwine the two and they could maybe sell memory bricks. Mayor Lacicero asked to entertain a motion.

A Motion was made by Councilman Lamb to not allow plaques up on the boardwalk. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Filippone, Stogdill, Horan and Lamb voted Yes. Council Members Borowski and Zalom voted No. The Motion Passed.

- b) Peter Hamouroudis/Cool Concessions Ice Cream/requesting Council to think about a bid process for the vendor licenses instead of the current system/Received October 18, 2011-Mayor LaCicero stated that we have a draft ordinance on for tonight for discussion.
- c) B & B Department Store/Jeanette Turner, Store Manager/requesting permission to display their beach chairs in front of their store on a seasonal basis from April 1 through October 1, 2012/Received October 27, 2011-Mr. Parlow stated that we should revisit this after the ordinance is passed.
- d) Manual & Daisy Colon/306B Grand Central Avenue/requesting their address be changed from 306B Grand Central Avenue to 99 Bond Avenue due to problems with mail delivery/Received October 27, 2011-Mr. Parlow stated that we do have an ordinance that permits the renumbering. We have never done one on this side of the Rt 35 North. Councilman Lamb questioned if the association would have to be notified? Mayor LaCicero stated that we will get more information and put the resolution on for a motion at the next meeting.
- e) Mayors Wellness Campaign/Melissa Kostinas, Director/requesting your attendance at their panel session "Mayors Wellness Campaign, Creating Community Wellness/November 16th 2011/Received November 1, 2011-Mayor LaCicero will take care of this.
- f) Alliance for Action, Inc./Clifford Heath, Senior Vice President/requesting attendance at their Chapter Meeting on November 18th 2011 at 8:15 am/Received November 1, 2011-Mayor LaCicero stated that no one is available on this date.

- g) State of New Jersey/Department of Environmental Protection/Division of Fish and Wildlife/Dave Chanda, Director/requesting the Mayor's assistance in sharing this Documentary on Living with New Jersey Black Bears with residents and organizations through public screenings of the film/Received November 3, 2011-Mayor LaCicero stated that he will review the DVD and look into it.
- h) USA Sports Group/Nicola Sichi, Director/requesting to add our town into their calendar for 2012 summer camps and clinics/Received November 9, 2011-Council President Zalom stated that she does not think we should approve this because we would have to do all the work they would just put our town in their magazine on where their camps are located. Mayor LaCicero asked for a motion.

A Motion was made by Councilman Horan to not approve USA Sports request. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Council President Zalom stated that she would like to apply for a grant for us to do a nature trail down by the bay near the gazebo for people to walk leisurely and walk their dogs and enjoy our bay front. The grant would be for \$25,000 and we would put in 20%.

Mayor LaCicero questioned if it was 20% plus soft costs.

Council President Zalom stated it would be just the 20%.

Mayor LaCicero asked for a motion regarding applying for a grant to place a nature trail on the bayfront.

A Motion was made by Councilman Lamb to not authorize the submission of a grant application for a grant for a nature trail on the bay front. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Stogdill, Horan and Lamb voted Yes. Council President Zalom voted no. The Motion Passed.

Councilman Lamb stated that the Fire Company is still working with Phil George on the Corporation.

Mr. George stated that the revision of the by-laws is on for approval tonight. Most likely we are just going to begin the corporation process.

Councilman Borowski stated that at the last meeting there was a request from the Fire Department to put a vending machine down by the tennis courts and take full responsibility in maintaining it. He did more research on this and discussed it with the members and they agreed that we should only have it there from Memorial Day to Labor Day which is our busiest time of the year. He would like to move forward this if possible.

Councilwoman Filippone stated that she hopes that they fill it with water instead of soda.

Mayor LaCicero called for a motion.

A Motion was made by Council President Zalom to approve the Fire Department's request to maintain a vending machine by the tennis courts from Memorial Day to Labor Day strictly to benefit the Fire Department. The Motion was seconded by Councilman Stogdill. Vote: Councilman Borowski Passed. Council Members Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. Councilman Borowski then abstained. The Motion Passed.

Councilman Borowski stated that at the last meeting a resident requested that we check into how he can dispose of medical waste. He spoke to the Board of Health and was told that the hospitals use to take care of it for everyone but they are not doing it anymore. They gave me a packet of material which he will be giving to the resident who inquired.

NEW BUSINESS:

Lavallette Volunteer Fire Company #1 Revision of New By-Laws

Mr. George stated that these by-laws were outdated and needed to be reviewed and revised.

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

Draft of Chapter 55 Solid Waste Ordinance Revising the Container Requirements

Mr. Parlow stated that he has meet with Councilman Borowski and Public Works, as well as, the Ordinance Committee concerning the issue of type and style of approved garbage can receptacles. Mr. Parlow explained that the ordinance now states that the lid must detach from the can. A lot of people have the "robo" style cans with the lid attached and some people attach the lid with string. We now have changed it to allow the robo style but limit the capacity and size to 40 pound weight limit when full and 50 gallon capacity limit. The ordinance will also prohibit garbage that is generated from outside of town to be disposed of in town. This happens a lot with our bulk pickup. This ordinance will be on for introduction at the next meeting.

Draft of Revisions of Chapter 47 Entitled "Peddling and Soliciting" and Amending Chapter 50 Entitled "Sales"

Mr. Parlow stated that the Borough allows five vendor licenses to be purchased. If more than five vendors apply we currently have a lottery and pick the five venders out of a hat. The proposed ordinance revises that process and changes it to an auction to the highest bidder if there is more than five venders.

Councilwoman questioned if veterans are included in the five licenses?

Mr George stated that veteran's licenses are issued through the state. They are unlimited but must fill out the application with no cost.

Mr. Parlow stated that this ordinance will be on for Introduction at our next meeting.

COMMENTS FROM THE PUBLIC:

Michele Donato, 2202 Ocean Front Ms. Donato thanked the Council for trying to reduce our electric bills. She hopes that they will in the future look into solar. She states that the ice cream trucks ring their bells all day every day and it has become a nuisance to all of us who live up there. She stated she spoke to a very knowledgeable attorney who states that the town can reduce the ringing of the bells. She hopes that Council will look into the matter once again to try and alleviate the noise for the Ocean front residents. She also states that there has to be some method to stop homeowners or renters from leaving their garbage for the seagulls to destroy. We have to give them some type of warning or fines to let them know we are very serious about this issue.

Mayor LaCicero stated that warnings have been given on many occasions but the problem with the fines is that it is hard to prove that someone else did not just put their garbage there because no one was there.

Councilman Borowski stated that it happened on his street and he took a picture of the mess and then cleaned it up himself. Once the people see the mess it never happened again.

Joe Palinsky, 122 Washington Avenue thanked Council for not approving the nature trail and leaving the bay front alone.

Kenneth Gustafson, 1004 Ocean Front stated that the ice cream trucks are definitely a problem and he hopes we can figure out a solution.

There were no additional comments from the public.

Mayor LaCicero closed the floor to public comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone congratulated Council President Zalom and Councilman Horan for winning the election.

Councilman Borowski stated that the Arts & Crafts Show in the summer has always been a tradition in Lavallette and he hopes someone can help out Mrs. Grosko.

Council President Zalom stated that there have been numerous complaints about the parking in front of the post office. They are requesting that those spaces be only 15 minute parking. She stated that she knows the owner of the building personally and he is going to right a letter requesting the 15 minute parking in front of the post office.

Councilman Borowski stated that we should do 15 minute parking in front of the Borough Hall, also.

Councilwoman Filippone questioned if we decided to limit the time frame they can park would we have to reapply to the State.

Mr. Parlow stated that was correct and we would also have to replace the signs.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to go into executive session to discuss litigations matters regarding the NJDEP violation and the Gustafson matter and possible litigation concerning a claim from a design company about a bill. There is some anticipated action that might be taken.

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

The Caucus/Regular Meeting was Adjourned to go into Executive Session at 9:14 pm.

A Motion was made by Councilman Horan to Reconvene the Caucus/ Regular Meeting. The Motion was seconded by Councilman Stogdill. All were in favor. The motion passed. The Caucus/Regular Meeting reconvened at 10:16 pm.

Mr. George stated that while in Executive Session there were three matters discussed. One being the NJDEP violation with the Judges final order which we have no action until the next meeting. The second was Sessa Designs bill that was not paid due to a lack of contract. The third was the Gustafson matter which Council requests that the Borough Attorney discuss settlement matters with their attorney during the appeal process.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 10:17pm.

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 and correct copy of the Minutes of the Caucus/Regular Meeting held on the 14th day of **November 2011**

Christopher F. Parlow
Municipal Clerk