

**COUNCIL MEETING
OF
OCTOBER 19, 2020**

**BOROUGH OF LAVALLETTE
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, October 19, 2020-7:00 pm**

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Robert Brice, Borough Administrator
Phil George, Borough Attorney
Donnelly Amico, Municipal Clerk

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Due to the coronavirus pandemic, this meeting has been closed to the public physically and is being livestreamed via Zoom. Any comments from the public that are received via email no later than 4pm by the Municipal Clerk will be read and discussed by Mayor and Council at the Council Meeting during public comment period. Notice of this remote meeting was posted on our website with instructions on how the public can connect to livestream this Council Meeting.

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

MAYOR'S WELCOMING STATEMENT:

VIA ZOOM: DISCUSSION FROM BRIAN VADA ON PUBLIC POWER MATTERS

APPROVAL OF MINUTES:

Caucus/Regular Minutes of October 5, 2020

Motion: Second: Vote:

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- | | |
|----------|--|
| 2020-235 | authorizing the refund of a zoning application fee in the amount of \$100.00 that was paid in duplicate |
| 2020-236 | refunding the unused balance of planning board escrow fees in the amount of \$336.00 |
| 2020-237 | authorizing the Lavallette School PTO to amend their previous approved raffle draw from October 18, 2020 to October 30, 2020 |

- 2020-238 establishing a curfew during the Halloween season from October 29th through October 31st 2020 from 9pm to 6am for minors under the age of 18 years old unless accompanied by an adult over the age of 25 years old
- 2020-239 approving two raffle licenses from the Lavallette School PTO to hold a 50/50 off premise gift raffle on November 27, 2020 and a 50/50 off premise draw raffle on December 18, 2020
- 2020-240 certifying to the NJ Local Finance Board that all Governing Body Members have reviewed, at the minimum, the sections of the annual audit entitled “Comments and Recommendations”

Motion: Second: Discussion: Vote:

RESOLUTIONS - OFF CONSENT:

APPROVAL OF VOUCHERS:

- 2020-241 Bills List in the amount of \$3,550,120.16

Motion: Second: Vote:

UNFINISHED BUSINESS:

NEW BUSINESS:

COMMENTS FROM THE PUBLIC:

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

EXECUTIVE SESSION:

ADJOURNMENT:

**RESOLUTION OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN,
STATE OF NEW JERSEY AUTHORIZING THE REFUND OF DUPLICATE
ZONING APPLICATION FEE**

**RESOLUTION NO: 2020 - 235
DATE OF ADOPTION: October 19, 2020**

WHEREAS, Justin Rzepecki purchased the property at 230 Bryn Mawr Avenue in Lavallette,

WHEREAS, the title transfer fee of \$100.00 was due upon a CO inspection for the title transfer,

WHEREAS, this fee in the amount of \$100.00 was paid twice,

WHEREAS, the Construction Official is requesting that the duplicate payment in the amount of \$100.00 be refunded to the Mr. Rzepecki as the duplicate payment was made in error,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lavallette that the Treasurer be and hereby is authorized to refund the amount of \$100.00 to Justin Rzepecki, 15 Overlook Drive, Riverdale, NJ 07457.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council on the 19th day of October 2020.

**DONNELLY AMICO
MUNICIPAL CLERK**

**RESOLUTION OF THE BOROUGH OF LAVALLETTE
LAVALLETTE, NEW JERSEY REFUNDING THE UNUSED BALANCE OF
PLANNING BOARD ESCROW FUNDS**

**RESOLUTION NO: 2020 - 236
DATE OF ADOPTION: 10/19/2020**

WHEREAS, the following applicant has deposited planning board escrow fees with the Borough of Lavallette, County of Ocean, State of New Jersey the sum noted below:

Applicant: Sherry & Augustine Vivenzio

Address: 1 Hines Court

Block/Lot: 972/26

Escrow Deposited: \$2,000.00

Escrow to be Refunded: \$336.00

WHEREAS, the Chief Financial Officer has determined that bills totaling \$1,664.00 have been submitted against the above noted deposit and the balance of the escrow funds are no longer required and may be refunded in full or in part as noted above,

NOW, THEREFORE, BE IT RESOLVED, BY THE Borough Council of the Borough of Lavallette, County of Ocean, State of New Jersey that the Chief Financial Officer be and is hereby authorized to refund the above noted sum to the subject applicant.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a resolution adopted on the 19th day of October 2020.

DONNELLY AMICO
MUNICIPAL CLERK

**RESOLUTION OF THE BOROUGH OF LAVALLETTE
LAVALLETTE, NEW JERSEY**

Resolution No. 2020-237

Date of Adoption: 10/19/2020

WHEREAS, the Lavallette School PTO submitted a raffle application to hold a 50/50 off premise draw raffle to be drawn on Sunday, October 18, 2020 at 5pm in conjunction with the LBA Food Truck Festival in the Washington Avenue parking lot in Lavallette, NJ.

WHEREAS, the Borough Council approved their application/raffle (RL-507) on July 20, 2020 with Resolution 2020-191.

WHEREAS, the Lavallette PTO has requested to reschedule the off premise draw pull to Friday, October 30, 2020 at 7pm at the Lavallette Elementary School, Brooklyn Avenue, Lavallette, NJ 08735.

WHEREAS, the Lavallette PTO has taken care of notifying all ticket holders of the change in date, time and location.

WHEREAS, an investigation has been made and the members in charge of these games are of good moral character; and

WHEREAS, the proceeds will be used to benefit the children of the Lavallette Elementary School.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lavallette, County of Ocean, State of New Jersey, that approval is granted to the Lavallette School PTO to reschedule their 50/50 off premise raffle draw from Friday, October 18, 2020 to Friday, October 30, 2020 to be held at the Lavallette Elementary School.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body at their Council Meeting held on the 19th day of **October 2020**.

Donnelly Amico
Municipal Clerk

**RESOLUTION OF THE BOROUGH OF LAVALLETTE
LAVALLETTE, NEW JERSEY**

**RESOLUTION NO. 2020-238
DATE OF ADOPTION: 10/19/20**

WHEREAS, incidents of vandalism and disorderly conduct by juveniles have occurred in the past on Halloween and mischief nights; and

WHEREAS, due to such prior incidents, the Governing Body wishes to establish a curfew during the Halloween season to promote the safety and well-being of the Borough's minors and to foster and strengthen parental responsibility for children.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Lavallette, County of Ocean, State of New Jersey as follows:

1. That on October 29th, 30th & 31st 2020 there shall be a curfew from 9:00 pm to 6:00 am for minors under the age of 18 years old, except when accompanied by an adult over the age of 25 years old.
2. That law enforcement personnel encountering minors under the age of 18 years old in violation of the stated curfew shall advise the juveniles of the curfew and advise them to return to their homes immediately.
3. That a certified copy of this resolution shall be provided to the Chief of Police and the Lavallette Elementary School.

CERTIFICATION

I, **Donnelly Amico**, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Governing Body at their Council Meeting held on the 19th day of **October 2020**

**Donnelly Amico
Municipal Clerk**

**RESOLUTION OF THE BOROUGH OF LAVALLETTE
LAVALLETTE, NEW JERSEY**

**Resolution No. 2020-239
Date of Adoption: 10/19/2020**

WHEREAS, the Lavallette School PTO has submitted two raffle applications to hold an off premise 50/50 draw gift raffle to be drawn on Friday, November 27, 2020 at 5pm at My Sister's Jewelry Box, 905 Grand Central Avenue, Lavallette and a 50/50 off premise draw raffle on Friday, December 18, 2020 at 7pm at the Lavallette School, 105 Brooklyn Avenue, Lavallette; and

WHEREAS, an investigation has been made and the members in charge of these games are of good moral character; and

WHEREAS, the proceeds from both of these raffles will be used to benefit the children of the Lavallette Elementary School; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lavallette, County of Ocean, State of New Jersey, that approval is granted to the Lavallette School PTO to hold a 50/50 off premise gift raffle to be drawn at 5pm on Friday, November 27, 2020 at My Sister's Jewelry Box located at 905 Grand Central Avenue, Lavallette and a 50/50 off premise draw raffle to be drawn at 7pm on Friday, December 18, 2020 at Lavallette Elementary School, 105 Brooklyn Avenue in Lavallette.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body at their Council Meeting held on the **19th** day of **October 2020**.

Donnelly Amico
Municipal Clerk

RESOLUTION OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY CERTIFYING TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE SECTIONS OF THE ANNUAL AUDIT ENTITLED “COMMENTS AND RECOMMENDATIONS”.

Resolution Number: 2020-240

Date: October 19, 2020

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars

(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Lavallette, County of Ocean, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, **Donnelly Amico**, Municipal Clerk of the Borough of Lavallette do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Lavallette at a Regular Meeting held on the 19th day of **October 2020**.

DONNELLY AMICO
Municipal Clerk

RESOLUTION NO. 2020-241

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
LAVALLETTE APPROVING BILLS LIST AT THEIR MEETING OF
OCTOBER 19, 2020**

BE IT RESOLVED, the Chief Financial Officer has certified that funding is available to pay the following bills (list attached) in the amount of \$3,550,120.16 and Council hereby authorizes the issuance of payment.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body at a Meeting held on the 19th day of **October 2020**

Donnelly Amico
Municipal Clerk