

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, October 7, 2019-7:00 pm**

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

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

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

**READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT:** Notice of this meeting was published in the Ocean Star on January 4, 2019. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor stated that there have been no residents who passed away within the last two weeks which is a good thing. Let's have a moment of silence for all who passed away in town this year.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that there seems to be a lot of new faces tonight and he thinks he knows why. Once we go through the consent agenda we will have public comment. He stated that if anyone wished to comment on any items that are not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

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

No one wished to comment at this time.

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of September 23, 2019  
Executive Session Minutes of September 23, 2019

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

**REPORTS:**

a) Lavallette Construction Report for September 2019-Councilwoman Filippone-read report

- b) Lavallette Zoning Report for September 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for September 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for September 2019-Councilwoman Filippone –read report
- e) Animal Control Report for September 2019-Councilwoman Filippone-no report
- f) Public Works Report for September 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-the Union Church will have their roast pork dinner on October 19<sup>th</sup> at 5:30pm. The LBA will have their football & food truck event on October 20<sup>th</sup> and the beach sweeps is October 26<sup>th</sup>. The Halloween Hoedown is scheduled for October 25<sup>th</sup>.
- i) Tax Account Report for September 2019-Tax Collector
- j) Revenue Transaction Report for August 2019-Chief Financial Officer

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

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

**RESOLUTIONS - ON CONSENT:**

- 2019-247      awarding a contract to A.C. Schultes, Inc. for the replacement of well#3 motor due to an electrical fire in the amount of \$11,737.00
- 2019-248      approving a halloween curfew from October 29<sup>th</sup> through October 31<sup>st</sup> 2019 from 9pm to 6am for minors under the age of 18 unless accompanied by an adult over the age of 25 years' old
- 2019-249      approving a halloween bonfire sponsored by the Lavallette Recreation Department to be held on the Washington Avenue bay beach on October 25, 2019 at 6pm in conjunction with their "Halloween Harvest Hoedown" event
- 2019-250      awarding a contract to Earle Asphalt Company for the Philadelphia Avenue road improvement project in the amount of \$130,713.13-Mr. Brice stated that the attorney only awarded the contract for the base bid amount with this resolution but it should be awarded for the total base bid plus the two alternates in the amount of \$161,413.13. He stated that he would like to amend this resolution to the total amount of the base bid plus two alternates.
- 2019-251      appointing Christopher Vicente as a full-time laborer for the Department of Public Works with an annual salary of \$33,587.00 effective October 7, 2019
- 2019-252      approving an application for a residential parking permit to Anthony & Lisa Carbone of 110 Philadelphia Avenue
- 2019-253      appointing two part-time year round dispatchers at an hourly rate of \$10.00 for the Lavallette Police Department effective October 7, 2019

- 2019-254 authorizing the disposal of surplus property through GovDeals
- 2019-255 refunding unused balance of planning board escrow funds in the amount of \$1,276.50

A Motion to approve the consent agenda modified with the amended Resolution 2019-250 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on the consent agenda with the amended Resolution 2019-250.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS: OFF CONSENT:**

- 2019-256 approving the hiring of Craig Stogdill as a full-time temporary Clerk I position in the Administration Office at an hourly rate of \$10.00 effective October 8, 2019

A Motion to approve this resolution was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. Councilman Stogdill Abstained. The Motion Passed.

- 2019-256A approving Settlement of Litigation against the Borough of Lavallette by Valatta Gardens, LLC

Mr. George stated that this was a 4 unit building that sustained substantial damage after sandy. The building was non-conforming as are many in town so they were required to go to the Planning Board for approval of their new plans. The Planning Board denied their new plans so the homeowner sued the Borough of Lavallette. We attended mediation last week and were there for many hours trying to come to some type of agreement and we finally did. Unfortunately, not everyone agrees to the agreement but it seems that it is the best we all could come up with, including the Judge. We are here tonight to vote on this settlement agreement.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Kaitlyn Campanile, Esq./On behalf of Michele Donato, Esq.

Ms. Campanile stated that Ms. Donato could not attend tonight so she asked that she come in her place to oppose the approval of this settlement agreement. This settlement should not be approved by anyone except the Planning Board members since they were the ones who denied the case and so the public has a right to be heard on why they disagree with it. This settlement agreement should be heard by the Planning Board and should only be approved with a "D" variance. The homeowner has always tried to get away with not getting permits in the past as well as cutting corners and is still doing it.

Peter Dunn, 105 Magee Avenue stated that this property has been a problem since before sandy even happened. Now he never had any approved plans or permits and he raised the 2<sup>nd</sup> floor a foot and the 1<sup>st</sup> floor 2 feet when he raised it. He never even thought that maybe he should try and be considerate to his neighbors and maybe move the building back and over a bit. The properties around this eyesore now will have damaged values of their homes. The town should be more interested in protecting the majority of residents and taxpayers who are against this settlement agreement.

Steve Hughes, 31 Morton Drive stated that he lives on WPI but he had to come tonight because to see a home like this build this way in this town shows that you have no respect for your home or your town. This is an eyesore and should have just been taken down to start over at some point. How can you agree to something that is still non-conforming and allow it to happen? By approving this settlement, you are setting a precedence with our zoning rules and opening Pandora's box.

Al Norman, 800 Grand Central Avenue stated that this would be a mistake for Council to give in to this homeowner who has no care for the town or his neighbors. You cannot approve this agreement.

Mayor LaCicero stated that to not approve this settlement tonight and continue to spend taxpayers' money and continue on with the lawsuit to trial because the mediator who is also a Land Use Judge seems to think this settlement is a good one and we will lose if we go to trial and then he will either be allowed to continue with what he already has or be allowed to follow through with this option. Mr. George knows his business and his opinion is that looking at the whole picture, that this settlement agreement is the only logical option we have.

Councilwoman Filippone stated that she spoke with the Construction Official about this agreement and he is not happy about it either and is also not happy about having Toms River inspectors approving and or denying each step. It should be Lavallette that is inspecting all of this building.

Mr. George stated that the agreement does not supersede UCC. The Toms River Inspectors will be coordinating with the Lavallette inspectors at all times throughout the process. We are trying to do it as clean as possible and so that it is done as smoothly as possible. Mr. George stated that this agreement is also subject to approval of all inspectors and officials and there will also be a pre-construction meeting.

Daria Hajisafari, 116 Magee Avenue stated that stated that she does not know how this guy has gotten away with doing this with his property. When I was building my house, a certain Planning Board member's relative who lived on the same street as me did not like the size of my house and that is why I was denied. This property has been nothing but problems for the neighbors and now this will become more of a problem. How does he get denied and basically now gets what he wants on the neighbors and towns expense?

Clem Boyers, 20 Kerr Avenue questioned if the town will be vigilant on making sure he follows the settlement agreement and doesn't stray again.

Mr. George stated that the work will be monitored as he goes along. He won't be able to do anything without us knowing.

Al Jones, 113 Vance Avenue questioned is he going from 4 units down to 3?

Mayor LaCicero stated that the interior volume of the home stays and there will only be 3 kitchens not 4.

Sheila Porcelli, 125 Brooklyn Avenue stated that she use to live next store to this house years ago. He was always doing work on the house without getting permits. He enclosed a porch to make a room without getting permits. I was told I couldn't change the inside of my houses footprint until I removed my back house and yet he has been getting away with so much all these years.

Councilman Borowski stated that once the settlement is signed that becomes binding so before we do any votes shouldn't we be able to see the new plans to go along with this agreement.

Mr. George stated that unfortunately, the way it works is we can't move forward with anything until this agreement is approved and in place.

The Mayor closed the floor to the public and asked for a Motion on this resolution. There were no motions. The resolution was not voted on.

#### **APPROVAL OF VOUCHERS:**

2019-257 Bills List in the amount of \$453,352.72

A Motion to approve the bills list was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes.

#### **COMMUNICATIONS:**

League:

- a) State Issues/Received September 13, 2019
- b) State & Federal Issues/Received September 20, 2019

- c) State Issues/Received September 27, 2019

General with No Action:

- a) DEP News Release/DEP Marks National Drive Electric Week by Hailing Increases in Electric Vehicle Sales, Expansion of Charging Infrastructure/Received September 13, 2019
- b) Carluccio, Leone, Dimon, Doyle & Sacks, LLC/John Paul Doyle, Esq./Brinley and Haag Avenues in Ortley Beach/Interest of Succession to Lavallette/Received September 16, 2019
- c) DEP News Release/DEP Looks to Universities and Colleges for Wealth of Research on Climate Change and Sea-Level Rise/Received September 16, 2019
- d) Ocean County Health Dept./Saranda Ceka, Coordinator/Upcoming Deadlines Regarding Municipal Alliance Grant Cycles/Received September 24, 2019
- e) Ocean County Health Dept./Daniel Regenye, Coordinator/Availability of Funds for Reimbursement of Costs of Hepatitis B Inoculations for Emergency Medical Responders/Received September 24, 2019

General With Action:

- a) Community Medical Center/Patrick Ahearn, CEO/Requesting the Mayor and Town Administrators to Attend Their First Annual Mayor's Breakfast & Tour of Community Medical Center on Monday, October 21, 2019 from 8:15am to 9am/Received September 16, 2019-The Mayor stated he will check his schedule.
- b) Simon Wiesenthal Center/Michael Cohen, Eastern Director/Requesting the Borough Pass A Resolution Condemning the BDS Movement/Received September 17, 2019-The Mayor stated that he doesn't think this pertains to us.
- c) Ocean County Health Dept./Planning Sub-Committee/requesting the Mayor to attend "The Aftermath of Addiction" event at OCC on October 24, 2019 at 8:30am/Received September 17, 2019-The Mayor stated that he will be out of town.
- d) Citizens Improving Affordable Housing/James Burd, President/requesting all Municipal Elected Officials to send letters to State Elected Officials asking them to step up and take over the Affordable Housing Act/Received October 3, 2019-Councilman Borowski stated that even if the Borough does not have any space for affordable housing it will be forced upon us eventually.

**UNFINISHED BUSINESS:**

Councilman Lamb stated that the generator at the firehouse has been checked out and is not worth fixing. We can trade it in and maybe get a few thousand dollars for it and then purchase a new generator for the fire house and relocate it to the outside of the building.

Councilman Stogdill stated that with the new laws increasing the minimum wage, in order to bring in and keep badge checkers and lifeguards for next year we are going to need to increase their hourly wages. To do this, we are going to also have to increase badge prices to offset the wage increases. He is open to all suggestions, regarding pricing.

Mr. Brice stated that this year we had a big shortage of badge checkers and lifeguards since other towns were offering higher hourly rates and we also had all of our 28 street ends opened as well so it was very hectic trying to get coverage for all the streets. We can't have this issue happen again for next year because it caused a lot of issues with resident complaints.

Councilman Lamb stated that this new beach replenishment has definitely been a learning experience. We had so many changes this summer. We would rather not increase badge fees but we are at a standstill in how to recover.

Mr. Brice stated that right now we have 3 different formulas of prices right now. We will be hopefully deciding on what formula to go with and have an ordinance on for introduction at the next meeting.

#### **NEW BUSINESS:**

Councilwoman Filippone stated that we will have 52 benches for people to request the memorial plaques. There is a memorial bench list still going strong downstairs in the Administration Office so if you haven't put your name down for one then do it quickly.

Councilman Borowski stated that the DEP had their pre-construction meeting on the dredging project and are hoping to begin around October 15<sup>th</sup> in the Barnegat Bay. The DEP has also decided that they will not be needing the Borough's sand anymore.

Councilman Lamb stated that the Borough had 6 local residents that were killed in decades of past wars. Each of these residents were killed in different wars but all resided on 6 of the streets in town. George Pollin lived on Camden Avenue, Mr. Osborn lived on Brown Avenue, Donald Skinner lived on Magee Avenue, Adolph Kurmin lived on Vance Avenue, Mr. Bloom lived on Reese Avenue and P.J. Gavio lived on President Avenue. He would like to do some type of honorarium, honoring these men with maybe putting their names under the street signs or something like that.

Mr. Brice stated that we received the Verizon node application but it was not fully complete so we sent it back a few times for different reasons. It is now fully complete and is with the Engineer now for his review before it goes to Planning Board. The 60 day shot clock for us to give the answer or approval is by December 4<sup>th</sup>. The Borough Council will need to have a hearing on this issue before then so either at the November 18<sup>th</sup> or December 2<sup>nd</sup> hearing. Keep in mind, if we don't respond it becomes an automatic approval.

Mr. Brice stated that Professional Property Appraisers will be holding a public information questions and answer meeting in Council Chambers for the residents regarding the reval on October 16<sup>th</sup> at 6pm. The new values should be ready by November.

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

There were no comments from the public.

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

There were no comments from the Mayor and Council Members.

**EXECUTIVE SESSION:**

There was no executive session.

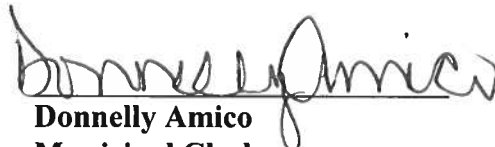
**ADJOURNMENT:**

A Motion to adjourn the Council Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned at 8:38pm.

**CERTIFICATION**

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, does hereby attest these to be a true copy of the minutes of the meeting held on the 7<sup>th</sup> day of **October 2019**

  
**Donnelly Amico**  
**Municipal Clerk**