

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, August 19, 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: Robert Brice, Borough Administrator  
Phil George, Borough Attorney  
Donnelly Amico, Municipal Clerk

**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 website and bulletin board.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for long time business owner, Tim Ryan from Ryan's Funeral Home. Tim suffered from cancer and fought it for a good 11 years. Also, for Ruth Perrillo, a longtime resident who had a flower shop in town for many, many years called Driftwood Florist. Mrs. Perrillo moved out of town a few years back and is also the grandmother of John Perrillo who is a partner for Lester Glenn Auto Group.

**PLEDGE OF ALLEGIANCE:** Councilman Finter led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. The weather has been great and our season is still going strong. He stated that anyone who 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.

**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 July 22, 2019  
Minutes of Caucus/Regular Meeting of August 5, 2019

A Motion to approve the minutes was made by Councilman Lamb. 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:**

- 2019-225      granting a tax exemption for a totally disabled veteran-Councilman Finter requested this be put off consent.
- 2019-226      hiring a lifeguard for the remainder of the 2019 summer season at an hourly rate of \$11.25
- 2019-227      accepting the proposal of services from O'Donnell, Stanton & Associates in the amount of \$7,750 to perform a boundary line survey regarding properties along the ocean front from Ortley Avenue to Bryn Mawr Avenue-Mayor LaCicero stated that this is in conjunction with the application for our DEP dune maintenance permit
- 2019-228      supporting the lawsuit by the Ocean County Board of Chosen Freeholders challenging the Attorney General's "Immigration Trust Directive"
- 2019-229      authorizing the Municipal Clerk to prepare and submit an application for funding through the OC Cultural & Heritage Commission's 2020 local arts program grant for our summer concert series program-Council President Zalom thanked Donnelly for always getting this grant done and in on time. The application is very time consuming so she is thankful that Donnelly takes care of it and gets us the grant every year to put towards our summer concert series.
- 2019-230      hiring a summer seasonal for the Department of Public Works at an hourly rate of \$10.50 effective August 12, 2019
- 2019-231      recognizing the month of September 2019 as "National Preparedness" month

A Motion to approve the consent agenda was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

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

Al Jones, 113 Reese Avenue questioned Resolution #2019-228 and what it pertained to.

Mayor LaCicero stated that the NJ Attorney General has ordered that all State, County and local police departments not to stop, search or detain immigrants at the request of the US ICE except in if the crimes are extremely serious or violent. This resolution is supporting the Freeholders lawsuit challenging the legalities of this Directive.

Chris Chamberlin, 26 Bond Avenue, questioned what the cost will be to Lavallette taxpayers with Lavallette supporting this lawsuit? For each town that supports this lawsuit, will there be a percentage of the legal costs of the lawsuit to fight it?

Councilwoman Filippone stated that she doesn't believe there will be actual costs to the local taxpayers but doesn't know if there will be affects with the County tax. The federal government has made it mandatory throughout the country that each municipality participate and follow their directive. The NJ Attorney General is not higher than the federal government. Ethically, we are bound to support the federal government.

Ed Hardy, 86 Ocean Front, questioned Resolution 2019-227 and once the boundary survey is done will we know what we can and can't do?

The Mayor stated that this will take care of us knowing what we can do.

Mr. Brice stated that the survey is a template from the State. Right now they are limiting us to 10 feet of any structure. We are trying to get more than that. The map is for the 14 properties that were violated by the DEP. It is all so frustrating but it has to be done.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda minus Resolution 2019-225.

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

#### **RESOLUTIONS - OFF CONSENT:**

2019-225      granting a tax exemption for a totally disabled veteran

Councilman Finter stated that this is regarding a neighbor on his street so he has a conflict with it.

A Motion to approve this resolution was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

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

Joe Palinsky, Washington Avenue questioned Resolution #2019-225 and if the total exemption also included the school and county tax.

Mayor LaCicero stated that he believes that it only affects our local tax but he will check on that.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

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

2019-232      Bills List in the amount of \$1,306,565.35

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

**ORDINANCES ON FOR FIRST READING/INTRODUCTION:**

**ORDINANCE NO. 2019-09 (1199)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Designating The Borough of Lavallette Public Works Department To Install And Maintain All Signs Associated With The Municipal Public Access Plan

Mayor LaCicero stated that this has to do with the DEP penalty and the agreement to do interpretive trails with signs at the bayfront and ocean. This is the DEP giving permission to our Public Works Department to maintain the signs as well as install new ones if needed.

A Motion to approve this ordinance was made by Councilwoman Filippone. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for September 9, 2019

**ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:**

**ORDINANCE NO. 2019-07 (1197)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 89 of the Borough Code, Entitled, "Vehicles and Traffic" So As To Revise Section 89-26

Mayor LaCicero stated that this is an additional handicap space for Trenton Avenue.

A Motion to adopt this ordinance was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance.

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

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

**ORDINANCE NO. 2019-08 (1198)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending, Revising and Supplementing Chapter 27 of the Borough Code of the Borough of Lavallette Entitled, "Fire Department" By Creating a New Section 27-14, Et. Seq., Entitled, "Lavallette Junior Firefighters" Auxiliary

Mayor LaCicero stated that this is creating a Junior Firefighters Auxiliary for teens.

A Motion to adopt this ordinance was made by Councilman Borowski. The Motion was Seconded by Councilman Lamb.

The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance.

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

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

### **UNFINISHED BUSINESS:**

Council President Zalom stated that she has been told that we received \$32,000 from CDB grant. We will also be receiving additional monies once they see how much money is left after disbursing to all towns.

Councilman Lamb stated that the timer on the lights by the tennis courts have now been fixed to go off at 10pm. The dock lights have also been fixed as of this morning.

Stockton University Coastal Research Center, Dr. Stuart Farrell-Dredging Permit for Bay Blvd. by West Point Island Bridge

Mr. Brice stated that Dr. Farrell has submitted a proposal to prepare the applications for the DEP permits to do the dredging under the WPI bridge in the amount of \$11,131.04. He thinks it is a good idea if we go ahead with this proposal.

Councilman Borowski stated that he was also told that the Borough has some riparian rights in that area as well.

Mr. Brice stated that the dredging should be done after the bulkhead project which hopefully will be started in October or November. He would like this proposal to be voted on tonight so the process can begin.

Resolution 2019-233 awarding a contract to Stockton University Coastal Research Center for preparing and submitting all documents for securing a dredging permit from the NJDEP for dredging under the WPI Bridge and by the bulkhead and boat ramp.

Councilman Borowski stated that this dredging should definitely go deeper this time.

A Motion to approve this proposal was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.

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

Chris Chamberlain, 26 Bond Avenue questioned if there would be any dredging included in this project down by the boat slips on Jersey City Avenue?

The Mayor stated that this will only be around the WPI Bridge and the bulkhead/ramp area.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

Council President Zalom stated that Taylor English who resides on Pennsylvania Avenue with her grandmother has been disabled since birth and is in a wheelchair. She sent us a letter requesting the Borough do some type of accessibility for the handicapped in wheel chairs to be able to get down to the water on the beach.

Council President Zalom stated that she did look into this and visited the SSP beach to take a look at what they have. They have a mat that allows the wheel chair access all the way down to the water. She called the company to see if they could send some information and was told there are two different option plans. One is for a less expensive mat which would have to be picked up and moved for the beach rake and the other option is a little more expensive but the mat can stay where it is and the rake can just go over it. She spoke to Jessica from a company who is in conjunction with getting all towns to purchase these and she has advised me that they will donate monies toward the purchase of this mat if we decide to purchase.

Mayor LaCicero stated that he spoke to Jessica on Friday and it does seem like a good idea. We are going to look into the prices materials and see if we can eventually do it for all four handicap ramp streets.

Councilwoman Filippone stated that she has never heard any complaints about the beach wheels getting down to the water's edge. Her concern is who is going to keep moving these when there is high tide.

The Mayor stated that the 8-point harness with some of the physically challenged causes an issue with the beach wheels.

#### **NEW BUSINESS:**

Public Hearing Information on Dock Extension at 83 Pershing Blvd. Public Hearing Notification-NJDEP-Philip Mylod, Esq.

Mayor LaCicero stated that he was asked by Mr. Mylod to mention this notification regarding a public hearing in Trenton if you object to a 300foot proposed dock on WPI. If anyone has any

questions or wants more information on this, they can request a copy of the letter from the clerk's office or contact Mr. Mylod's office.

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

Mary Logios, 4 Sterling Avenue stated that she has to keep reminding Council to always keep Bryn Mawr Avenue beach entrance on their minds. Our beach entrance ramp is not maintained at all. Our disabled on the street can't get over the ramp because it is always filled with too much sand and rocks.

Mayor LaCicero stated that we could also look into putting a mat there as well. We can only do as much maintenance right now as we are allowed to without a DEP permit. We are stuck right now.

Councilman Lamb stated that public works does maintain that area but it is much more difficult to keep the sand and rocks off of the ramps because everything in that area properties boardwalk ramps sand all encroach on each other.

The Mayor stated that he is hoping that once we get the DEP permit it will get better and easier to maintain.

Mrs. Logios stated that the closest lifeguard to Bryn Mawr Avenue is like three blocks down. We need another lifeguard closer.

Mayor LaCicero stated that we are down a lot of lifeguards this year and we have 26 entrances to cover. We had to make a decision on where to put the guards to make it as safe as possible for all our beachgoers. The lifeguards are every 3 blocks.

Mrs. Logios stated that the north end is always forgotten and she is sick of it.

Maryanne Ferrandino, 20 Bryn Mawr Avenue, stated that the residents of Bryn Mawr take care of sweeping the ramp and the boardwalk all the time. We lost one of our benches because it was taken away and put somewhere else. It has been going on for so long now and we are all just fed up with it.

The Mayor stated that the Borough cannot do anything with the dunes anywhere up there right now without a permit. Once we get our permit we will have a better idea of what we can do and then we can start making a plan on how to maintain it all.

Mrs. Ferrandino stated that on Bryn Mawr and the highway there are cars parked in spaces for days at a time in front of businesses and there are no two hour signs down there at all.

The Mayor stated that it has been a very busy season this year.

Mrs. Ferrandino stated that there are 4-wheel Borough vehicles and trucks on the beach while the people are up there. There were children playing and these vehicles are flying all around. It is just not safe anymore.

Mr. Brice stated that there should not be any of the public works vehicles up there during the beach hours. There might be some vehicles that are being used by the beach crew but not many. He is wondering if these vehicles are from Toms River since so close to the ocean beach area. He will check on all of this and make sure it is taken care of.

Joe Palinsky, Washington Avenue stated that there is a man that is up on the boardwalk every night doing some kind of laser show and he doesn't think he has a permit to do this.

Mayor LaCicero stated that he doesn't remember that being up for approval of facilities use so we will check into it and advise him he has to get approval.

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

Councilman Stogdill stated that there have been some thefts of boats up at the beach. If anyone sees anything out of the ordinary just call the PD so they can go out and check.

The Mayor stated that he attended a luncheon with other Mayors on the island and Congressman Kim last week. He wanted to give updates regarding the flood insurance bill which looks like it will affect more of the non-full time residents than the full time.

He stated that he had the owner of 2302 Ocean Front stop in to see him. He was one of the houses involved in the fire on Trenton Avenue. He wanted to give some donations to the Lavallette Fire, PD and First Aid and thanked us for all the help with the fire and making it less stressful.

#### **EXECUTIVE SESSION:**

There was no executive session.

#### **ADJOURNMENT:**

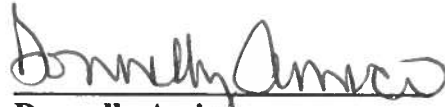
A Motion to adjourn the Council Meeting was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned at 8:40pm.



**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 19<sup>th</sup> day of **September 2019**

A handwritten signature in black ink that reads "Donnelly Amico". The signature is written in a cursive style with a horizontal line underneath the name.

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