

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, February 3, 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: 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 10, 2020. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Art Simpson, who was a long time resident of Lavallette and a Councilman from 1988 through 1994 and 2001. Art was the Captain of the First Aid Squad and was a lifetime member. He owned iceberg ice cream and the gas station that was where the Quik-Stop is now.

Council President Zalom stated that his family is who Chandler Field is named after.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated 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.

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

Tyler Zylinski, 118 Magee Avenue just wanted to follow up on the ordinance for the plastic bag ban.

Councilwoman Filippone stated that the Ordinance Committee reviewed all the information that Tyler submitted to us. The consensus of the Committee is to definitely do something but do it in small steps. One of the steps was to maybe talk to the LBA and see if they could start by not using the plastic bags in their stores and maybe create a canvas bag for all the stores to use and get the residents and visitors to use as well. We will keep Tyler updated on our progress.

REPORTS:

- a) Construction Report for January 2020-Councilwoman Filippone-read report
- b) Zoning Report for January 2020-Councilwoman Filippone-no report

- d) Municipal Court Report for January 2020-Councilwoman Filippone-no report
- f) Police Overtime Report for January 2020-Councilwoman Filippone-no report
- g) Public Works Report for January 2020-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-she attended the fireman's installation dinner over the weekend and had a great time. The fire department has instituted the Junior Fire Academy which is a great addition.
- i) Tax Account Report for January 2020-Tax Collector
- j) Tax Collector's Annual Statement of Receipts for Year 2019-Tax Collector

A Motion to approve the reports 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:

- 2020-69 authorizing the execution of a Schedule "C" agreement between the Borough of Lavallette and the County of Ocean for year 2020
- 2020-70 approving a facilities use application to Soccer Shots to hold their children's soccer program on Chandler Field on Mondays from March 30th through June 8th 2020 from 5pm to 7pm
- 2020-71 authorizing the dates upon which Big Ed's Produce may exhibit merchandise outside the confines of his business from May 1st through October 1st 2020
- 2020-72 approving a facilities use application to Kevin Kolans to hold baseball tournaments on Chandler Field on Fridays from 5pm to 7:30pm and Saturdays and Sundays on June 26-28, July 10-12, July 24-26 and September 11-13, 2020- Mr. Brice requested this be pulled and put off consent.
- 2020-73 authorizing the Borough Engineer to go out to bid for repairs to Well #4
- 2020-74 authorizing the redemption of a tax sale certificate in the amount of \$3,834.68
- 2020-75 authorizing a refund of a tax overpayment in the amount of \$1,980.06
- 2020-76 approving a facilities use application to the Women's Auxiliary of the Lavallette First Aid to hold their flea market in their parking area on Wednesday, July 15, 2020 with a rain date of Thursday, July 16, 2020
- 2020-77 hiring Craig Stogdill as a part-time Clerk I for the Administration Department at an hourly rate of \$11.00 effective February 3, 20120 through June 1, 2020- Councilman Stogdill requested this be pulled and put off consent.

2020-78 approving a facilities use application to the Lavallette Business Association to hold their Soups of the Shore event on Sunday, September 27, 2020 from 11am to 3pm in the First Aid/Fire parking lot area

A Motion to approve the consent agenda excluding Resolutions 2020-72 and 2020-77 was made by Councilman Lamb. 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.

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

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

RESOLUTIONS - OFF CONSENT:

2020-72 approving a facilities use application to Kevin Kolans to hold baseball tournaments on Chandler Field on Fridays from 5pm to 7:30pm and Saturdays and Sundays on June 26-28, July 10-12, July 24-26 and September 11-13, 2020

Mr. Brice stated that some of these games are at night and our lights down there right now are not working properly. We are not going to do any repairs on them before the summer starts so he will not be able to use them for the night games.

Councilman Borowski stated that he feels that the field is being utilized for too many weekends during the summer for these games. We really need to get a little more information on the times for these games as well.

Mayor LaCicero stated that we will table this resolution until the next meeting and request that Mr. Kolans be here for some clarification.

2020-77 hiring Craig Stogdill as a part-time Clerk I for the Administration Department at an hourly rate of \$11.00 effective February 3, 20120 through June 1, 2020

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

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.

APPROVAL OF VOUCHERS:

2020-79 Bills List in the amount of \$2,945,667.27

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

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Philadelphia Avenue Road Improvements/Pay Estimate #1/Received January 29, 2020

New Jersey League of Municipalities:

- a) State & Federal Issues/Received January 24, 2020

General with No Action:

- a) Board of Chosen Freeholders/ John Kelly & Gerry Little, Freeholders/2020 County Road Improvement Program/Received January 21, 2020.
- b) Lavallette Yacht Club/Ruth Oliver, Assistant Secretary/reminder of Swan Point Road being officially closed for all access from Sunday, February 2nd through Monday, February 3rd 2020 from 9am to 9am/Received January 23, 2020.
- c) Lavallette Yacht Club/Ruth Oliver, Assistant Secretary/2020 Officers/Received January 23, 2020.
- d) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Certificate of 2020 Annual Charge/Received January 23, 2020-Councilman Finter stated that we seem be deficient again by \$79,000. Mayor LaCicero stated that it just doesn't make sense.
- e) NJDEP/Kerry Pflugh, Director/Updates from the DEP/Received January 24, 2020.
- f) Altice/Cablevision/Maria Bruzzese, Senior VP/Franchise fee payment in the amount of \$30,636.00 for the year 2019
- g) Board of Chosen Freeholders/ John Kelly & Gerry Little, Freeholders/2020 County Road Improvement Program/Received January 21, 2020.

General with Action:

- a) Save Barnegat Bay/Leigh Simpson/requesting permission to have a bay beach clean-up on Sunday, April 5, 2020 from 11 am to 2pm

A Motion to approve the Save Barnegat Bay cleanup was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

UNFINISHED BUSINESS:

50th Wedding Anniversary Celebration

Council President Zalom stated that all of our events are subsidized by the Borough. Our residents enjoy these special events. Last year's dinner was a big hit. We can help with the Recreation budget.

Sue Kotch, 119 Camden Avenue stated that the dinner is to celebrate couples, homeowners and residents, who have been married 50 years or more. Last year's event was very well attended and it wasn't even widely publicized. We had last years at the fire house and we actually had to have a cut off of couples because we didn't have enough room. This year we would like to do it at the Parish Center which will hold more people. We take donations from the couple but we still need to help subsidizing from the town. Whatever monies are not used will be returned like it was last year.

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

John Corney, 1 Newark Avenue stated that he attended the event last year and it was one hell of an event. Everyone had a great time and enjoyed themselves. The Borough should be able to put some monies toward this great event for their residents.

Mary Chyb, 1106 Ocean Front stated that it was a nice celebration and we need the previous couples too.

A Motion to allocate \$4,000 for this event was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that we have been approved to receive additional funds from CDBG for the purchase of the Matrax to help the handicap accessible get down to the water. So now we need to figure out what street it should be placed on. Most of the suggestions I received from residents was New York Avenue.

The Mayor stated that we need to put it on the next agenda for discussion.

NEW BUSINESS:

O'Donnell, Stanton & Associates –Proposal for Services for the New York Avenue Road Improvement Project

Councilman Borowski stated that he thinks the price is a bit high and that we should get another proposal from Najarian as well before we make a decision.

Councilwoman Filippone stated that the Ordinance Committee met and had a lot of good discussions on 5 different topics plus the plastic bag ban. The first discussion we had was on creating an ordinance for vacant properties so we can start to move the owners to take action. Right now, we have about 20 to 30 properties that are vacant, that need action to be taken on doing something with them.

Mayor LaCicero stated that he knows other towns that charge a vacant property fee to the homeowners each year to get them moving on repairs or whatever they need to do.

Councilwoman Filippone stated that they also discussed revising the table and chairs ordinance to be more specific in the wording and make a drawing of where the tables and chairs will be mandatory with the application.

Mayor LaCicero stated that there is some confusion on where the tables should go with the businesses. Some businesses have them in the front and some have them on the side of their business. We need to alleviate these problems and correct the language.

Councilwoman Filippone stated that they also discussed revising the boat mooring ordinance and adding kayak racks. There was a lot of different ideas that the members had so we need to discuss further and get this ordinance started.

Councilman Lamb stated that he thinks that we should make the areas in between the mooring posts wider.

Mayor LaCicero stated that he is concerned about the racks being too high.

Councilman Lamb stated that he thinks we need to also raise the prices.

Councilwoman Filippone stated that another discussion was about this service that apparently is done by a beach valet where they carry all your belongings up to the beach and set it all up for you as well as deliver food to you on the beach. The members were very clear that they do not want our beach becoming commercialized and being that this is a service should we ban it all together or do a facilities use app. More discussion needs to be done.

Mayor LaCicero stated that he thinks that might be something that Mr. George needs to research for us.

Mr. George stated that there are some issues regarding the Revised Public Trust Law. There is definitely an issue with the delivery with the intent to eat on the beach which is not allowed. He will look more into it.

Councilwoman Filippone stated that we also discussed the revision to the garbage collection regarding the retrofitting of our trucks to pick up the cans automatically.

Councilman Finter stated that he has been looking into tipper carts. There are grants also that will give us money towards the purchase of the specific garbage containers each resident would need.

Each property would need two cans. We would provide each homeowner one can for free and they would pay \$100 for the 2nd can. Also, we would charge our businesses that have the dumpsters \$150 a month to pick up the garbage.

Councilman Lamb stated that we would have to outfit the trucks and pay for the cans which seems to him like a lot of layers to this whole project. We would be putting out roughly \$350,000 just to resolve some workers comp cases from heavy cans. It just seems like a lot of money to put out.

Mr. Brice stated that it would also help decrease our tipping fees. A lot of the garbage cans we pick up have standing water in them from rain so when the garbage is dumped in the truck it includes the water which weighs as well. The heavier the load the more tipping fees we are charged.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned what the cable franchise fee was.

Mayor LaCicero stated that we have a franchise agreement with Cablevision and part of that agreement is paying the town an annual fee.

Mr. Boyers stated that he thinks that the whole garbage collecting issue is just paying out more money for a lot of mess.

Mark Speaker, 111 Brown Avenue stated that submitting a drawing of where the table and chairs will be for each business is key on how it gets enforced.

John Corney, 1 Newark Avenue questioned what the issue was with the OCUA bill?

Mayor LaCicero stated that the County says that all the fees are up on the barrier island.

Mr. Brice stated that he has been in contact with the OCUA and him and Teddy are still trying to figure it out. The next step is to sit down with the County and discuss their metering and usage.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter asked that he be excused for the next meeting.

Councilman Lamb also asked to be excused for the next meeting.

A Motion to excuse Council Members Lamb and Finter from the next meeting was made by Councilman Stogdill. The Motion was Seconded by Councilman Borowski. Vote: All of Council was in favor. The Motion Passed.

Councilman Borowski stated that the estimated uses for us from the OCUA from 2015 to 2019 went from 132 to 169 gallons.

He also gave his condolences to the Simpson Family. Art Simpson was a life member of the Lavallette First Aid.

Mr. Brice stated that the residents of Pershing Blvd. have submitted a petition regarding the issue of the severe flooding on that street. He will be talking to the County about this.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss some pending litigation issues. There is no action that will be taken.

A Motion to adjourn the Council Meeting to go into Executive Session was made by Councilman Finter. The Motion was Seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion passed.

The Council Meeting was adjourned to go into executive session at 9:05pm.

A Motion to reconvene the Council Meeting was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion passed.

The Council Meeting was reconvened at 9:28pm.

Mr. George stated that while in executive session there was discussion regarding a pending litigation matter. There was no current action taken.


ADJOURNMENT:

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

The Council Meeting was adjourned at 9:29pm.

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 Council meeting held on the 3rd day of **February 2020**.


Donnelly Amico
Municipal Clerk