

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, August 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: Due to the coronavirus pandemic, this meeting has been closed to the public physically and will be livestreamed via YouTube with comment period for the public. Notice of this remote meeting was posted on our website with instructions on how the public can connect to this livestream Council Meeting.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Gerri Burns of New York Avenue and Bob Bovasso of Virginia Avenue who recently passed away.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone that was watching our meeting on youtube. He stated that the Borough has taken all the necessary steps for safety with the storm coming. We are not expecting a lot of issues just some rain and heavy wind.

Mr. Brice stated that due to the storm coming we have cancelled garbage collection for tomorrow and rescheduled pickup for Wednesday. Also, the County has advised us that the pump and valves have been removed from the President Avenue road project due to them not being installed properly. Since they were removed, the road has remained dry. They will be updating us accordingly.

APPROVAL OF MINUTES:

Caucus/Regular Meeting Minutes of July 6, 2020

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

REPORTS ACCEPTED AS SUBMITTED: (WILL NOT BE PUBLICLY READ)

- a) Construction Report for July 2020-Councilwoman Filippone
- b) Zoning Report for July 2020-Councilwoman Filippone
- c) Municipal Court Report for July 2020-Councilwoman Filippone

- d) Police Overtime Report for July 2020-Councilwoman Filippone
- e) Public Works Report for July 2020-Councilman Lamb
- f) Public Affairs Report for July 2020-Council President Zalom-She stated that red flags are used for social distancing at the concerts and movies.
- g) Beach Badge Report for July 2020-Councilman Stogdill
- h) Tax Account Report for July 2020-Tax Collector
- i) BAN Sale of \$1,630,470 on July 22, 2020-Chief Financial Officer
- j) Revenue Transaction Report for June 2020-Chief Financial Officer

A Motion to approve the reports 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.

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

- 2020-196 refunding unused planning board escrow in the amount of \$672.50
- 2020-197 approving a facility use application to Soccer Shots to hold soccer classes at the ballfield on Mondays starting August 31st through October 26th at 4:30pm
- 2020-198 appointing 4 badge checkers at hourly rate of \$11.00 and two lifeguards at an hourly rate of \$12.50-Councilman Borowski requested this be put off consent.
- 2020-199 approving a facility use application to Team Hill Foundation to hold basketball instruction on the new basketball courts Mondays through Thursdays for the month of August from 8am to noon-Councilman Borowski requested this be pulled and put off consent.

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

RESOLUTIONS - OFF CONSENT:

- 2020-198 appointing 4 badge checkers at hourly rate of \$11.00 and two lifeguards at an hourly rate of \$12.50

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

2020-199 approving a facility use application to Team Hill Foundation to hold basketball instruction on the new basketball courts Mondays through Thursdays for the month of August from 8am to noon

Council President Zalom stated that the time of 8am needs to be pushed up to 9am because Recreation uses that area for aerobics from 8am to 9am.

Councilman Borowski stated that he has a problem with them taking up all of those courts for 3 hours a day.

Mr. Brice stated that we will advise him that he cannot start until 9am and also see how many courts he will need.

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

APPROVAL OF VOUCHERS:

2020-200 Bills List in the amount of \$6,080,497.99

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 PUBLIC HEARING AND FINAL ADOPTION:

Ordinance No. 2020-06 (1206) Ordinance of the Borough of Lavallette Amending, Revising and Supplementing Chapter 53A of the Borough Code, Entitled, "Subdivision", and More Specifically Chapter 53A, Entitled "Subdivision", and Chapter 57 of the Borough Code Entitled, "Definitions", and More Specifically That Portion of Chapter 57-4, Entitled, "Street"

Mayor LaCicero stated that this was to waive any frontage issues for the ocean front properties regarding subdivisions due to the boardwalk being there and not a real street.

Mayor LaCicero stated that the Planning Board has reviewed this ordinance and have approved it as well.

The Mayor opened up 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.

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

OLD BUSINESS:

Sewage Flow Evaluation (Inflow & Infiltration Study)

Mr. Brice stated that our Engineer, Mike O'Donnell, prepared a study regarding our sewage flow issue that we have been dealing with and has suggested that we hire a company to start doing the videoing of the pipes to say exactly where the problem is coming from.

Mayor LaCicero stated that we also had to do this back in 2005 and at that time our own Public Works Water Department did the videoing. He thinks that they are qualified enough to take care of this again instead of going outside. They can split the systems into 5 or 6 segments and do one segment at a time.

Mr. Brice stated that using our DPW guys will definitely save us a lot of money. We still don't know where the problem is coming from. It looks like it started to increase in 2015-2016. It could also have something to do with the sump pumps in town as well.

Mr. Brice stated that he had a discussion with Mike from Beach Butler and he has only about 3 to 7 clients in Lavallette. He advised me that there are other people who are setting up early their chairs and umbrellas besides him and he does not leave any umbrellas open at all.

Councilman Borowski stated that after reading some of the letters that came in asking for us to reconsider because it helps a lot of the seniors out, he understands now why it might be necessary.

Mr. Brice stated that he will discuss it again with him and see if we can come to an agreement.

NEW BUSINESS:

Council President Zalom stated that she received a call from the ReClam the Bay Committee and they advised me that our Clam Shell that use to be in front of the Borough Hall before Sandy and is now somewhere down by the Bay is in disrepair and needs to be repainted. They offered to pick it up and take care of it but then they would like to keep it for when their Clam Trail is complete.

Mayor LaCicero stated that he is not sure if we should give it away.

Council President Zalom stated that she knows that the Lavallette Heritage Committee purchased it.

Councilwoman Filippone stated that she has some money left in the Memorabilia Fund that could be used to repair and repaint it. We can get in touch with Mary Jo Austin who painted it the first time and see if she would be interested in doing it again.

Deed of Dedication and Perpetual Public Access Easement for Block 952.04 Lot 22

Mr. Brice stated that the DEP has kicked back our municipal access plan again. It seems our purchase of Westmont Shores was not purchased with Green Acres Funds so even though we have done easements already with our Army Corps. Project we will need to do another easement for this

with specific wording. Once that is done we should be good to go with getting the permit because this will be the final stage.

COMMENTS FROM THE PUBLIC:

Rich Coccia, 1307 B Grand Central Avenue stated that the hours need to be increased for the checkers up at the beach because there is too many people coming on the beach after 4 with food and alcohol. They also don't clean up after themselves and leave all their garbage on the beach.

Russell Burns, Brooklyn Avenue stated that there is a problem also with people changing in their cars.

Mayor LaCicero stated that if you are seeing this then you need to be calling the police department as soon as it is happening.

Ed Thayres, 100 Magee Avenue stated that Michele Donato could not watch the meeting tonight so she has asked him to submit her comments. She is speaking to Mayor, Council and Mr. George in saying that she would like the settlement agreement between the Borough and Vallatta Gardens vacated. There have been no facts or documents to prove that this is within code. There have been numerous stop work orders on this property due to rules not being followed. The Borough Insurance Company has now agreed to pay for some of the legal fees so it will be less of an expense to fight this in court.

Mayor LaCicero stated that Ms. Donato filed a motion to intervene which would have nothing to do with us. It is up to the interveners to submit their facts.

Rob Jones, 113 Reese Avenue thanked Public Works for taking care of clearing the graffiti on the bay front.

Russell Burns, Brooklyn Avenue stated that there has been no enforcement from the Police in this town at all.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter stated that everyone needs to fill out their survey online for the Census.

Mr. Brice stated that the Census have started sending people door to door as well.

Council President Zalom stated that the movie for tomorrow has been cancelled.

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

A Motion to adjourn the Council Meeting to go into executive session was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned at 8:28pm.

EXECUTIVE SESSION:

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

The Council Meeting was reconvened at 8:40pm.

Mr. George stated that while in executive session there was discussion on a pending litigation matter regarding some construction and code enforcement issues. There was no action taken.

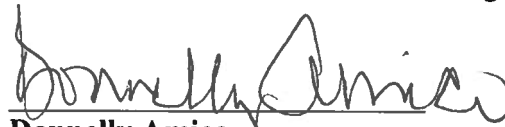
ADJOURNMENT:

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

The Council Meeting was adjourned at 8:41pm.

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 August 2020.


Donnelly Amico
Municipal Clerk