

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, November 15, 2021-7:00 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 8, 2021 Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for long-time residents Bob Letson, Sr. and Marty Unfried.

**PLEDGE OF ALLEGIANCE:** Councilman Borowski led us in the salute to the flag.

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

No one wished to comment.

**APPROVAL OF MINUTES:**

Minutes of October 4, 2021 Council Meeting  
Minutes of October 18, 2021 Council Meeting

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) Construction Report for October 2021-Councilwoman Filippone-read report
- b) Zoning Report for October 2021-Councilwoman Filippone-no report
- c) Municipal Court Report for October 2021-Councilwoman Filippone-read report
- d) Police Overtime Report for October 2021-Councilwoman Filippone-read report

- e) Public Works Report for October 2021-Councilman Lamb-read report
- f) Public Affairs Report for October 2021-Council President Zalom-Michael Goldmann who resides on the Ocean Front planted 3 blocks of dune grass for us from Virginia to New Brunswick Avenues. If anyone wishes to plant any of the dune grass they can go down to Public Works and pick it up. Our tree lighting will be on December 3<sup>rd</sup>.
- g) Tax Account Report for October 2021-Tax Collector
- h) Revenue Account Status for September 2021-Chief Financial Officer

A Motion to approve the reports was made by Councilman Lamb. The Motion was Secocnded 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:**

- 2021-238      authorizing the cancellation of prior year federal and state grants receivable and reserves in the amount of \$30,158.35
- 2021-239      authorizing the refund of a road opening performance bond in the amount of \$1,000
- 2021-240      approving a 50/50 off premise draw raffle to the Lavallette Heritage Committee to hold at the Lavallette Christmas/Birthday Party on Tuesday, December 21, 2021
- 2021-241      authorizing the transfer of funds between current fund budget appropriations in the amount of \$45,729.60
- 2021-242      consenting to the renewal, upon conditions, of a liquor license (inactive/pocket license) held by Sherman Hospitality, LLC for license year 2021-2022 under the terms of a consent order of the NJ Division of Alcoholic Beverage Control
- 2021-243      approving the refund of an electric account credit in the amount of \$1,134.47
- 2021-244      approving two Class I Special Officers to attend the OC Police Academy SLEO II training commencing November 29, 2021
- 2021-245      refunding the unused balance of planning board application and escrow funds for the substantially damaged appeal cases in the amount totaling \$3,427.50
- 2021-246      authorizing the Mayor to sign and execute policy endorsements for the Horizon Employee Prescription Plans and the Horizon Dental Option Plans for year 2022
- 2021-247      appointing Joseph Casella as a full-time Dispatcher for the Lavallette Police Department commencing November 16, 2021

- 2021-248 authorizing the salary increase of the Municipal Court Administrator to \$77,000 due to the additional responsibilities and duties in connection with the shared services agreement with the Borough of Seaside Park for her services-Mayor LaCicero states that Seaside Park will now pay 50% of her salary.
- 2021-249 authorizing the Mayor to sign and execute an interlocal service agreement between the Borough of Lavallette and the OC Prosecutor's Officer to participate in the Drug Recognition Expert Callout Program
- 2021-250 approving the proposal of services from O'Donnell, Stanton & Associates for Asset Management Plan Update in the amount of \$8,750.00-Mr. Brice stated that this is associated with the mandatory requirements now regarding the Water Accountability Act.
- 2021-251 approving a 50/50 off premise draw raffle to the Lavallette School PTO to be held on Friday, December 31, 2021 at 7pm

A Motion to approve the consent agenda 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.

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

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

- 2021-252 acknowledging that Victoria Chester and John Cannataro have been admitted to active membership in the Lavallette Fire Company and have been approved by the Borough of Lavallette Governing Body

A Motion to approve this resolution was made by Councilman Finter. The Motion was Seconded by Council President Zalom.

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 and Finter voted Yes. Councilman Lamb Abstained. The Motion Passed.

2021-253 authorizing the payment of an insurance reimbursement for the Lavallette First Aid Building to Albitron, LLC for mold remediation services in the amount of \$27,147.98

Councilman Borowski stated that this was due to a leak found behind a wall in the First Aid building which caused water damage and then some mold.

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

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

2021-254 Bills List in the amount of \$700,680.24

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/FINAL ADOPTION:**

**Ordinance No. 2021-11 (1218)** Ordinance of the Borough of Lavallette, Amending, Revising and Supplementing Chapter VII of the Lavallette Borough Code, Entitled, "Bathing and Beach Control," More Specifically Article 7-9, Entitled "Fees for Use of Beaches and Facilities"

Mr. Brice stated that there was just some wording that needed to be changed in order for us to be able to change badge prices by resolution during the year instead of opening up the ordinance.

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

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.

## **COMMUNICATIONS:**

General with No Action:

- a) State of New Jersey/Dept. of Transportation/Diane Gutierrez-Scaccetti, Commissioner/Approved for funding through the NJDOT's Fiscal year 2022 Municipal Aid Program for the Brooklyn Avenue and a portion of Baltimore Avenue Road Improvement Project in the amount of \$326,415.00/Received October 21, 2021
- b) American Littoral Society/Aleksandra Modjeska, Program Director/Notice of Proposed Habitat Creation/Restoration/Enhancement/Living Shoreline Work by the West Point Island Bridge /Received October 28, 2021-Mayor LaCicero stated that this is the living shoreline that will go down by the WPI Bridge to help with the preventing the excess sand that builds up in that area every year.
- c) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Preliminary Estimate of 2022 Annual Charge/Received November 15, 2021

## **UNFINISHED BUSINESS:**

Mr. Brice stated that Kathy Grandstrand has submitted some renderings regarding some potential upgrades to the pickleball courts.

Mayor LaCicero requested that Kathy Grandstrand and Karen Papsin come up to discuss the renderings.

Karen Papsin, 104 Vance Avenue stated that the pickleball group would like to do some landscaping around the entrance of the courts. Do some crushed stone or pavers, move some of the benches around that are around there or purchase new ones and also look into purchasing a type of shade structure for the players to sit under while they are not playing. This would all be at no cost to the Borough since we have received donations.

Councilwoman Filippone stated that she thinks that the Beautification Committee should take a look at the renderings first. She also has a concern regarding the shade structure and it obstructing the views of the residents on Bay Blvd. We would have to see about the height and location and the benches should be moved around with some uniformity. She also stated that she wants the tennis court improvements to be put in the budget for 2022 so that will definitely get done for next year.

Mr. Brice stated that he has checked into the shade structure that they have suggested and it doesn't seem that it will block any views.

Mayor LaCicero stated that this will need to be discussed further and the renderings will need to be reviewed by all of us.

Council President Zalom stated that she has spoken to the owner of Jersey Mike's about giving us a donation towards the purchase of a new playground to replace the old one down at the bay beach that needed to be removed due to deterioration.

**NEW BUSINESS:**

Review of the Borough's 2021 Best Practices Inventory Survey

Mr. Brice stated that the passing score for this survey in order to receive our state aid is 15 and we scored a 20 so we will have no issues regarding our state aid.

Discuss Changes in Badge Prices for 2022

Councilman Stogdill stated that the holiday badge sales will begin on December 1, 2021 and run through December 23<sup>rd</sup> for all season and senior badges. This holiday sale will only be done in person with no mail orders. He would like to keep the pre-season badge sale price of \$50.00 for the holiday sale but request the increase of the pre-season badge price to go to \$55.00 starting January 1, 2022. He would like to get approval from Council tonight with a resolution. Now that the Ordinance was adopted regarding the change in price being done by resolution he would like to request that a resolution be done tonight increasing the pre-season badge price to \$55 starting January 1, 2022

A Motion was made by Councilman Stogdill to increase the pre-season badge price from \$50 to \$55 starting January 1, 2022. The Motion was Seconded by Councilwoman Filippone.

The Mayor opened the floor to the public and asked if anyone wished to comment before a vote is done.

Vincent Marino, 1501 Bay Blvd. questioned if a different badge price could be done just for rentals in town to collect more revenue that way?

Mayor LaCicero stated that the law states that we cannot differentiate.

Councilman Borowski stated that many years ago we tried to stop the hotels in town from buying a lump sum of badges for their customers to use and we were told it is enforceable and not against the law.

Mr. Marino questioned if the badge checkers will be selling the badges on the beach again?

Councilman Stogdill stated that badge sales will not be done by our badge checkers anymore. It is too much for them to keep track of people entering the beach, checking to make sure everyone has a badge and taking care of people purchasing badges all at the same time. It was just becoming an issue.

Bill Murray, 1 Elizabeth Avenue questioned why they don't have people on the beach walking checking badges?

Councilman Stogdill stated our checkers are up there from 11am to 3pm on the weekdays and 10am to 3pm on the weekends. We also have walkers checking badges on the badge at various times during the day but we don't have enough staff to do both every day all day. We try to do the best we can with the staff we have.

The Mayor closed the floor to the public and asked Council for a vote on this resolution (2021-253A).

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

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

Joe Palinsky, 1106 Ocean Front stated that for the shade structure for the pickleball courts maybe a bunch of beach umbrellas attached with sockets to a structure would be a good idea because then you can remove the umbrellas during the times no one is down there.

Mayor LaCicero stated they would keep that idea in mind.

John Corney, 1 Newark Avenue questioned why the Planning Board has to hear 44 cases regarding substantial damage and what is that issue?

Mayor LaCicero stated that after Sandy, FEMA gave the option of the homeowner to decide whether or not they wanted to declare their homes substantially damaged and they would provide them a letter of substantial damage. By accepting the letter of substantial damage you were accepting the terms to be in compliance of the FEMA regulations to raise your home by a certain deadline. Now some of those homeowners are changing their minds and stating that their homes were not a damaged as they thought at that time. So they will now have to have documentation of upgrades and any other documentation to prove that they can be removed from having to comply.

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

There were no comments from Mayor and Council.

### **EXECUTIVE SESSION:**

Mr. George stated that there was a need to go into executive session to discuss some potential litigation. There will be no action taken tonight.

A Motion to adjourn the Council Meeting to go into executive session 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 to go into executive session at 8:16pm.

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

The Council Meeting was reconvened at 9:00am.

Mr. George stated that while in executive session there was some discussion regarding Verizon. There was no 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 Motion Passed.

The Council Meeting was adjourned at 9:00am.

**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 **15<sup>th</sup> day of November 2021.**

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