

**BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, March 8, 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: Due to the coronavirus pandemic, this meeting has been closed to the public physically and is being livestreamed via Zoom. Any comments from the public that are received via email no later than 4pm by the Municipal Clerk will be read and discussed by Mayor and Council at the Council Meeting during public comment period. Notice of this remote meeting was posted on our website with instructions on how the public can connect to livestream this Council Meeting.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime Lavallette Police Officer George Bernhard who passed away. George was retired many years ago and me and Councilman Lamb had the pleasure of working with him on the police force. He was a great guy and will be missed. He also asked for a moment of silence for a long time seasonal employee, Sue Mahon, who passed away. Sue was the beach dispatcher for many seasons. Also, for our Chief of Police's brother Brendan, who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to our virtual zoom meeting tonight. It seems we have a lot of people streaming with us tonight and I believe it has to do with pickleball.

APPROVAL OF MINUTES:

Caucus/Regular Meeting of January 19, 2021
Executive Session Meeting of January 19, 2021
Caucus/Regular Meeting of February 8, 2021

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.

REPORTS ACCEPTED AS SUBMITTED:

- a) Construction Report for February 2021-Councilwoman Filippone-read report

- b) Zoning Report for February 2021-Councilwoman Filippone-no report
- c) Municipal Court Report for January & February 2021-Councilwoman Filippone-read reports
- d) Police Overtime Report for February 2021-Councilwoman Filippone-no report
- e) Public Works Report for February 2021-Councilman Lamb-read report
- f) Public Affairs Report for February 2021-Council President Zalom-Movies on the Bay have been scheduled for the summer. There will be a total of 8 movies every Tuesday night.
- g) Tax Account Report for February 2021-Tax Collector
- h) Revenue Transaction Report for January 2021-Chief Financial Officer

A Motion to approve the reports was made by Councilman Finter. 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:

- 2021-84 establishing the official summer beach season for 2021

- 2021-85 approving a facilities use application to Kevin Kolans to hold baseball practices starting March 1st through November 8th 2021, Mondays and Wednesdays from 5pm to sunset and baseball tournaments on September 11/12 and October 9/10 from 8am to 8pm

- 2021-86 approving a residential perking permit to Frank Killian of 105 New York Avenue-Councilman Borowski requested this be put off consent.

- 2021-87 approving a facilities use application to Soccer Shots to hold a children’s soccer program on Mondays, April 5th through June 28th 2021 from 4:30pm to 6:30pm

- 2021-88 denying residential parking permits to Oceanside 1 Condominium Association, Units 1-10, which does not meet all of the physical conditions required within the ordinance-Councilwoman Filippone requested that this be put off consent.

- 2021-89 approving Clean Ocean Action to hold their Spring and Fall Beach Sweeps on Saturday, April 17th and Saturday October 23rd 2021

- 2021-90 approving a facilities use application to Breathe Life Yoga to hold yoga classes on the ocean beach at Trenton and Philadelphia Avenues starting May 29th through September 30th every day from 7am to 8:30am

- 2021-91 approving the inactive liquor license renewal held by Lenny’s Pizzeria Restaurant, Inc. for the year 2020-2021-Mr. Brice stated that this resolution should be approved contingent upon an investigation being done by the Lavallette PD which is standard but it needs to be done on the new facility as well as providing the Borough with a schematic of the floor plan locating where the fire exits are

- 2021-92 amending the 2021 temporary capital budget for the project for Rehabilitation of the Potable Water Supply System and Well #3
- 2021-93 urging the immediate repeal of Senate Bill 3454 (Amendment to Legalize Marijuana)-Councilman Borowski requested this be put off consent for discussion.
- 2021-94 authorizing the disposal of surplus property through GovDeals
- 2021-95 temporarily permitting expanded outdoor seating permits during the COVID-19 crisis in conformance with Executive Order #150 through December 31, 2021

A Motion to approve the consent agenda with the exception of the 3 resolutions that were put off consent was made by Councilwoman Filippone. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted yes. The Motion Passed.

RESOLUTIONS - OFF CONSENT:

- 2021-86 approving a residential perking permit to Frank Killian of 105 New York Ave

Councilman Borowski stated that these residential parking permits seem to be increasing the value of homes in Lavallette for the owners but not with the Borough as far as the property taxes. If we are going to continue this service, we really need to start thinking about increasing the price for the renewals every year to offset the taxes on the property. The conforming properties who have driveways should also be able to get a space to increase their value for this price. It just doesn't seem fair at all.

Councilwoman Filippone stated that she agrees since the fee is rather a nominal fee. She will put it on the list to discuss this ordinance with the Ordinance Committee.

Mayor LaCicero stated that it will be looked into about increasing the fee but right now this property does meet the criteria so we will have to approve this for now.

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

- 2021-88 denying residential parking permits to Oceanside 1 Condominium Association, Units 1-10, which does not meet all of the physical conditions required within the ordinance

Mayor LaCicero stated that in reviewing the application, this property does not meet the criteria for this parking permit.

A Motion to approve this resolution 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.

2021-93 urging the immediate repeal of Senate Bill 3454 (Amendment to Legalize Marijuana)

Councilman Borowski stated that he received resolution from Seaside Heights Borough. He just wanted to get Council's opinion regarding this. In this bill, it is stating that if a minor child is found by the police with marijuana they do not have to inform the parent of this. As a parent, he is not comfortable with not being advised if my minor child was found with marijuana on his person. Minor children are parent's responsibilities and parents should always know what their kids are doing and who they hang around with and they should absolutely be aware if they are using drugs.

Mr. Brice stated that a lot of the wording in this bill was added at the 11th hour and was not vetted information and I do believe it is being again reviewed for changes.

A Motion to approve this resolution 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.

APPROVAL OF VOUCHERS:

2021-96 Bills List in the amount of \$407,295.69

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:

Bond Ordinance 2021-03 (1210) Bond Ordinance Providing for the Rehabilitation of the Potable Water Supply System and Well #3, Appropriating \$225,000, Therefor and Authorizing the Issuance of \$213,750 Bonds and Notes To Finance A Portion of the Costs Thereof, Authorized In and By the Borough of Lavallette, County of Ocean, State of New Jersey

Mayor LaCicero stated that this is for the repairs that are needed for Well #3. Last year we took care of the repairs for Well #4 so now we are doing this Well for this year.

A Motion to introduce this ordinance 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.

Public Hearing and Final Adoption is scheduled for March 22, 2021.

ORDINANCES ON FOR FINAL ADOPTION:

Refunding Bond Ordinance 2021-01 (1208) Refunding Bond Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Providing for the Refunding Of All or a Portion of the Borough's General Improvement Refunding Bonds, Series 2012, Appropriating An Amount Not Exceeding \$4,100,000, Therefore and Authorizing the Issuance of Not To Exceed \$4,100,000 General Improvement Refunding Bonds of the Borough of Lavallette or Financing Cost Thereof

Mayor LaCicero stated that we had the public hearing on this at the last meeting so all we need to do tonight is adopt.

A Motion to adopt this ordinance was made by Councilman Finter. 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. 2021-02 (1209) Ordinance of the Borough of Lavallette Amending, Revising and Supplementing, Chapter VII of the Borough Code, Entitled, "Bathing and Beach Control", More Specifically, Article 7-9, Entitled "Fees for Use of Beaches and Facilities"

Mayor LaCicero stated that this ordinance is to make it easier for Council to adjust badge prices every year without having to open up the ordinance and wait for two readings. This allows us to use a resolution every year if we need to change the price of badges.

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

The Mayor 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 Stogdill. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

OLD BUSINESS:

Mr. Brice stated that 11 towns in New Jersey have filed complaints with the BPU regarding Altice/Cablevision regarding their rates and their customer service issues. We have been dealing with a lot of issues with them with our residents not being able to get in touch with anyone through customer service. We reached out to the company and was able to discuss these issues with the Govt Affairs Rep, Marilyn Davis, and she was very helpful and took care of our issues right away but our residents seem to be unhappy with the service and the rates and still have issues with getting in touch with them. My recommendation is to have our residents put their complaints to us on our website regarding Cablevision and their issues and also opinions so we can see what the biggest areas of complaint are and try to get them to rectify these problems.

Mayor LaCicero stated that our pickleball courts have been shut down due to a lot of safety concerns. We also received some quotes from some contractors on different options for repairs to the courts.

Council President Zalom stated that she would like to see something done before the season opens just to get them to be able to utilize them without any safety concerns for right now.

Mr. Brice stated that in reviewing all the quotes we received, the only option that would be a quick fix before the summer season opens is roughly around \$22,000 to \$28,000. All the other options would require us to go out to bid due to the prices being over the threshold and the bid process. Public Works does have a lot of projects coming up to get ready for the summer season but they may be able to get these quick repairs done consisting of the surface and nets. It would probably run us between \$15,000 to \$20,000 for the materials but understand it will not be contractor quality, it will just be surface repairs for now.

Mayor LaCicero stated that he thinks this is a good idea for now to get the courts ready for the summer and then we can discuss more extensive repairs for the fall.

Mr. Brice stated that the ballfield lights have been in need of extensive repairs for quite some time now. They were hit by lightning last year and completely fell down onto the field. They are just not operational right now and for our electric department to repair them would require us to rent a 65 foot lift to get to the top. We have three options, remove them completely due to safety precautions until we make a decision on what to do, do repairs to get them up to safety standards which will cost roughly \$8,000, and to use LED lights would be \$32,000.

Councilman Stogdill stated that the school uses the field for soccer and softball and they play sometimes past dark so they could use the lighting.

Mayor LaCicero stated that we should think about this further and maybe do something to get them working to safety standards for now.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Donna Cobianchi, Oceanside Condominiums, would like to object to Council denying their application for residential parking permits for their 9 units. They have no parking lot and in the summer the parking spaces that they do have in the front of their building is always taken by the employees of the businesses around us. We are taxpayers and should be entitled to have our own parking spaces.

Mr. George stated that he has reviewed the ordinance along with their application and unfortunately, they do not fit into the criteria and guidelines for these specific parking permits.

Maryanne Grier, 104 Brown Avenue thanked Mayor and Council for the concerts again this year and for getting the repairs done to the pickleball courts for the summer season use.

Karen Papsin, 104 Vance Avenue stated that she just wanted to clarify why the other options couldn't be considered to get done before the summer season.

Councilman Borowski questioned what our bid threshold is right now.

Mayor LaCicero stated that it is \$40,000 he believed.

Ms. Papsin questioned why they couldn't do repairs up to \$40,000 which would not require the bid process.

Councilman Borowski stated that he would be fine with doing repairs not to exceed the bid threshold so that more repairs can be done by the summer season.

Mr. Brice stated that would be for repairs to the 4 pickleball courts only with repairing the cracks and the resurfacing and the nets and using specific meshing for the cracks.

Mayor LaCicero stated that we would also need a date of when the repairs should be done by to give to the contractor.

A Motion was made by Councilman Borowski to do necessary repairs to the 4 pickleball courts not to exceed our bid threshold with repairs being completed by June 19, 2021. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Nick Veltri, Oceanside Condos requested that the Council make a hardship decision n a case by case basis regarding the residential parking permits. The homeowners are all willing to pay as much as they need to get these permits. We have 9 parking spaces in front of our building right now that could be used for us. We need some help here with parking for the homeowners of the building. It has become very difficult for us to go food shopping, or take our vehicles anywhere because we don't want to risk losing a close parking space during the summer.

Mayor LaCicero stated that they can sympathize with them and are sorry for their problem but the ordinance has clear guidelines and criteria for qualifying for these permits and they don't fit into those qualifications.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that George Bernhard was a great guy and he will be missed. Sue Mahon was also a great person and provided a lot of her service to this town. Her 3 sons are lifeguards here in town and have been for years. Also, our badge sales through today is \$121,515.00.

Councilman Borowski stated that the electric department had their budget meeting. We got a lot done and have some cap items in the budget and some requests. It was a very efficient meeting.

EXECUTIVE SESSION:

There was no executive session.

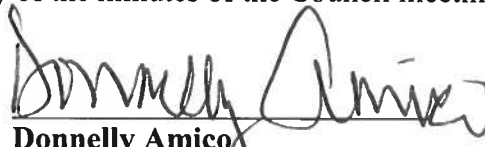
ADJOURNMENT:

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 8:41pm.

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 8th day of **March 2021**.


Donnelly Amico
Municipal Clerk