

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, May 17, 2021-7:00 pm

CALL TO ORDER: Councilman Robert Lamb, presiding

Mayor LaCicero was absent.

ROLL CALL: Council Members Borowski, Zalom, Stogdill, Finter and Filippone

Also present: Phil George, Borough Attorney
Donnelly Amico, Municipal Clerk
Robert Brice, Borough Administrator
Robert Oliwa, Borough Auditor
Steve Colvil, Borough Auditor
Chrissa Sierfeld, Chief Financial Officer

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: Councilman Lamb asked for a moment of silence for all family members who have passed recently.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: Councilman Lamb welcomed everyone to tonight's meeting via zoom.

APPROVAL OF MINUTES:

Caucus/Regular Meeting of April 5, 2021
Executive Session Minutes of April 5, 2021
Regular Meeting Minutes of April 22, 2021

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

REPORTS ACCEPTED AS SUBMITTED:

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

- b) Zoning Report for April 2021-Councilwoman Filippone-no report
- c) Municipal Court Report for April 2021-Councilwoman Filippone-read report
- d) Police Overtime Report for April 2021-Councilwoman Filippone-read report
- e) Public Works Report for April 2021-Councilman Lamb-read report
- f) Public Affairs Report for April 2021-Council President Zalom-We will be having all our events this year such as our concerts, movies on the bay, fireworks, town wide garage sale.
- g) Tax Account Report for April 2021-Tax Collector
- h) Revenue Transaction Report for March 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:

- 2021-132 authorizing the budget to be read by title only at the time of the public hearing
- 2021-133 authorizing the refund to United Excavating Co., Inc. for unused off duty escrow in the amount of \$44.59
- 2021-134 approving a facilities use application to Remax By the Sea to hold an open house event in front of their business located at 406 Grand Central Avenue with tables, chairs, a DJ and a tent for coverage on Saturday, May 29, 2021 from 1pm to 4pm
- 2021-135 authorizing Mayor LaCicero to sign and execute an amendment to the OCCARES Agreement of July 20, 2020 between the Borough of Lavallette and the County of Ocean
- 2021-136 approving two raffle licenses to the Lavallette PTO to be held on June 4, 2021 from 6:30pm to 10:30pm at Chandler Field
- 2021-137 approving the annual salary stipends for additional titles paid to specific employees for 2021-Councilman Stogdill requested that this be put off consent.
- 2021-138 approving the proposal from O'Donnell, Stanton & Associates in the amount of \$3,450.00 for the preparation and submission of the 2021 Local Improvement Grant for the improvements to the pickle ball courts
- 2021-139 approving a facilities use application to Gail Bray of the Ocean County Kids Run Club to hold her summer youth program on Chandler Field Mondays through Thursdays, starting August 2nd through August 10th from 9am to 12 noon.
- 2021-140 approving a facilities use application to Vibe Sessions with Kate, LLC to hold chakra sound classes on the ocean beach at Virginia Avenue starting May 27th through

October 21st, Mondays & Fridays 8am to 9am and Tuesdays, Thursdays & Sundays 6:30pm to 7:30pm

- 2021-140A authorizing the lease/purchase of a 2021 Ford Ranger Pickup Truck from Lester Glenn Ford in the amount of \$36,434.00 to be paid in three annual payments of \$12,899.55-Mr. Brice stated that the lifeguards need more of a light duty smaller pickup truck and for some reason it has been difficult to find this type of small pickup truck anywhere that can be delivered sooner than 3 to 6 months.
- 2021-140B accepting the donation of two American flags from Nicholas Simzak of 102 Bond Avenue

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

PUBLIC HEARING ON 2021 APPROVED BUDGET

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

Mr. Oliwa stated that the 2021 budget was introduced on April 5, 2021 and advertised on April 16, 2021. The budget was reviewed by the State with no changes requested by them. The total budget went up 2.12% over 2020. The tax rate went up 25.6 cents which is a 1/10% increase over 2020. There was some discussion during the introduction of the budget by Council to amend the budget to make the tax a flat rate. With the amendment that will be discussed tonight and the adoption of the budget the tax rate will be flat. So for a property that is assessed at 875,000 the taxes will only be up by 2.12%.

There was no comments from the public.

Councilman Lamb asked for a motion to close the public hearing on the 2021 approved budget.

A Motion to close the Public Hearing 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.

APPROVAL OF THE AMENDMENT TO THE 2021 APPROVED BUDGET

Resolution 2021-146 Amending the 2021 Approved Budget

Councilwoman Filippone stated that she was the one who requested that the monies be found so that the tax rate could be flat. With this amendment the 2021 budget now only has a slight increase from 2020.

A Motion to approve the Amendment 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.

ADOPTION OF THE 2021 BUDGET

Resolution 2021-147 Adoption of the 2021 Budget

A Motion to approve the 2021 budget was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb. The Motion Passed.

RESOLUTIONS - OFF CONSENT:

2021-137 approving the annual salary stipends for additional titles paid to specific employees for 2021

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

2021-141 authorizing a refund of \$55.00 for a water bill that was erroneously paid by the previous owner of 12 Pershing Blvd.

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

2021-142 approving a facilities use application to Muggeo Basketball, LLC to hold a two week basketball youth camp on our new basketball courts on Monday through Thursday, July 5th through July 9th and July 12th through July 16th from 9am to 12 noon

Mr. Brice stated that this resolution actually goes hand in hand with the next resolution for the use of our basketball courts. Team Hill was for approval of the use of our basketball courts back on April 19th and at that time it was discussed by Council and requested that the days and times were cut back from what he was requesting. We contacted Mr. Hill and he agreed to cut back his days and hours to only two days a week instead of three days and agreed to two hours instead of three for those days. This request is requesting just two weeks Monday through Friday 9am to 12noon but it will conflict with Mr. Hill's amended request for the Tuesdays & Thursdays, 9am to 11am.

Councilman Borowski stated that this request from Muggeo Basketball had a lot of information about his camp along with specific times, dates and what the camp entails. This request is only for two weeks compared to the request to use the courts for the entire summer and fall. My suggestion is to allow this request for the two weeks since it is only for those weeks.

Councilman Stogdill stated that we already requested that Mr. Hill modify his days and times and he has done so with this new request so I don't consider that to be fair to him.

Councilwoman Filippone stated that maybe we could approve both of these requests and see if Mr. Hill could maybe use the old basketball courts for just those 4 days, Tuesdays & Thursdays for those two weeks that Muggeo is requesting for his camp. We need to try and accommodate as best we can.

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.

2021-143 approving a facilities use application to Team Hill Foundation to hold basketball instruction on the new basketball courts, May through June 25th, Mondays & Wednesdays, 4-6pm and June 28th through August 31st, Tuesdays & Thursdays 9-11am

A Motion to approve this resolution 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.

2021-144 approving a facilities use application to Beach Butler, LLC our ocean beach to deliver beach chairs and umbrellas on the beach for beachgoers and pickup when done starting Saturday, May 21, 2021 through Friday, September 10, 2021, sunrise to sunset

Mr. Brice stated that this request was on last year at this time and Council was going back and forth with requesting him to change some of his request. By the time everything was discussed and finally agreed the summer was over so now he is back with his request again for this year. The discussion last year was that he could not do any food deliveries on the beach since it was not allowed, he could not set up the chairs and umbrellas close to the water because there was a lot of complaints from other beachgoers that it wasn't fair and also that he cannot set up any chairs and umbrellas in a certain proximity of the lifeguard stands. When we discussed this with him last year he agreed and also spoke with the lifeguards about that issue.

Councilwoman Filippone stated that he is requesting to start before the summer season begins and we should not approve any dates before the season opens.

Mr. Brice stated that we have approved other facility use applications that was before the summer season and on the beach so there needs to be some consistency.

Councilman Borowski questioned how many persons were in his crew and how many vehicles. If he was contacted to come and remove chairs or umbrellas due to a problem or the customer was leaving the beach how long will it take him to get to the area in question and remove the items?

Mr. Mazzola stated that he has 2 to 3 people in his crew including himself and two vehicles and he is always in the area to head to the area to remove the items as soon as requested.

Donnelly Amico, Municipal Clerk stated that at some point, Council is going to have to discuss the facility use applications and decide if the fee should go up for the app itself as well as the 10% profits. Even making decisions on changing the app itself to request more of specific information. There has to be more consistency with the approvals.

Mr. Brice stated that he has already agreed to the terms we requested of him last year. Let's also remember that if there becomes an issue, Council has the authority to rescind the approval of his request immediately.

Councilman Lamb opened the floor to the public and asked if anyone wished to comment on this resolution.

Mark Speaker, 111 Brown Avenue stated that he is not in favor of this type of service. He feels it is unfair to other beachgoers who cannot afford nor wants to use this service at all. It just shouldn't be something that happens on our beaches.

Vincent Marino, Bay Blvd., stated that his insurance certificate only insures him until July 5, 2021.

Mr. Brice stated that we will make sure that he needs to provide a new certificate before that date or he cannot continue his approved service.

Chris Chamberlain, 26 Bond Avenue stated that he is in agreement with Mark Speaker that this type of service should not be allowed at all on our beaches.

Councilman Lamb closed the floor to the public and asked Council for a vote on this resolution.

A Motion to approve this resolution was made by Council President Zalom. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom, Stogdill and Lamb voted Yes. Council Members Filippone and Finter voted No. The Motion Passed.

APPROVAL OF VOUCHERS:

2021-145 Bills List in the amount of \$3,889,383.19

A Motion to approve the bills list 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.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Ordinance No. 2021-07 (1214) Ordinance of the Borough of Lavallette Amending, Revising & Supplementing Chapter 7 of the Borough Code, Entitled, "Bathing and Beach Control," More

Specifically Article 7-11X, Entitled, “Prohibiting Smoking on the Beach During Bathing Season” to Include Cannabis Use As a Form of Prohibited Smoking

Mr. Brice stated that this ordinance will prevent the use of cannabis on our beach and boardwalk during the bathing season but it is already state mandated all year every year.

A Motion to introduce 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.

Public Hearing and Final Adoption is scheduled for June 7, 2021.

Ordinance No. 2021-08 (1215) Ordinance of the Borough of Lavallette, Amending, Revising & Supplementing Chapter 53B, of the Borough Code, Entitled, “Smoking Restrictions,” More Specifically Article I, Entitled, “Recreation Areas” To Include Cannabis Use As a Form of Prohibited Smoking

Mr. Brice stated that this ordinance will prevent cannabis use in our recreation areas.

A Motion to introduce 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.

Public Hearing and Final Adoption is scheduled for June 7, 2021.

Bond Ordinance 2021-09 (1216) Bond Ordinance Providing for Capital Improvements and the Acquisition of Various Capital Equipment, Appropriating \$457,000 Therefor and Authorizing the Issuance of \$194,950 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized In and by the Borough of Lavallette

Mr. Brice stated that this Bond Ordinance is for 3 projects in our capital plan. One being Phase II of the renovations of our Public Works buildings, a new sweeper and road improvements to the last section of Bryn Mawr Avenue.

A Motion to introduce this Bond 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 June 7, 2021.

Bond Ordinance 2021-10 (1217) Bond Ordinance Providing for the Acquisition of a Bucket Truck for the Electric Utility, Appropriating \$142,500 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized In and By the Borough of Lavallette

Mr. Brice stated that this Bond Ordinance is for the purchase of another bucket truck for our Electric Department to replace a 22year old truck.

A Motion to introduce this Bond Ordinance was made by Councilman Stogdill. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for June 7, 2021.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

Ordinance No. 2021-05 (1212) An Ordinance to Amend, Revise and Supplement Chapter 90, "Zoning", Article XC, Entitled, "General Regulations," Most Notably Amending, Revising and Supplementing 90-17 (B and C), Prohibiting Any Class of Cannabis Businesses Within the Geographical Boundaries of the Borough of Lavallette.

Councilman Lamb opened the public hearing and asked if anyone wished to comment on this ordinance.

Councilwoman Filippone stated that this is a zoning ordinance and was reviewed by the Planning Board and they sent their approval.

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

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.

OLD BUSINESS:

Mr. Brice stated that Public Works has been repairing some damage on the beach and dunes from the winter months. The DEP has also sent us notification that there is an endangered plant called amarynth that is growing on our beach in certain areas and unfortunately we cannot go anywhere near these plants so this has caused a bit of a problem with being able to maintain the beach in these areas.

NEW BUSINESS:

Councilwoman Filippone stated that she has received some calls regarding fire pits and what the Borough's regulations are on them. We don't have any ordinance on fire pits or regulations but since these fire pits have become very popular she thinks we might need to do an ordinance at least with some restrictions and rules for them. The number one issue that has come to my attention is how close to houses the open flames should be, should they be allowed open flames or need some type of screen or covering to keep it contained and maybe only allowing ones in acceptable containers. The UCC requires fire pits to be 15 feet from a structure so that is a State UCC code. She suggests that Mr. George draft an ordinance and also include our Fire Inspector along with the State Fire Marshall to get their recommendations.

COMMENTS FROM THE PUBLIC:

Mark Speaker, 111 Brown Avenue questioned the status of the house on the ocean front that has fire damage.

Mr. Brice stated that the Construction Official has relayed to me that there are still some insurance issues going with the property so the homeowner cannot move forward fully yet until they are resolved and finalized.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that beach badges pre orders can be picked up on Tuesdays & Fridays and only the person that is on the pre order form will be required to pick them up.

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

A Motion to adjourn the Council Meeting to go into executive session was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned to go into executive session at 8:51pm.

EXECUTIVE SESSION:

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

The Council Meeting was reconvened at 9:15pm.

Mr. George stated that while in executive session there was discussion regarding some personnel matters and also some discussion on possible litigation. There was no action taken at this time.


ADJOURNMENT:

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

The Council Meeting was adjourned at 9:15pm.

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 17th day of **May 2021**.


Donnelly Amico
Municipal Clerk