

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, October 3, 2022-7:00 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
John Bennett, Borough Administrator

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 7, 2022. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident Shirley Moramarco from WPI, Rachel Farrell from Gran Central Avenue and longtime resident Father Fred Kochan of Jersey City Avenue.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that the rain seems to be lingering longer than expected due to effects from Hurricane Ian in Florida. He stated that if anyone wished to comment on any items that are not on the agenda or if they cannot 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.

REPORTS:

- a) Construction Report for September 2022 -Councilwoman Filippone-read report
- b) Zoning Report for September 2022-Councilwoman Filippone-no report
- c) Police Overtime Report for August 2022-Councilwoman Filippone-read report
- d) Public Works Report for September 2022-Councilman Lamb-read report
- e) Public Affairs Report-Council President Zalom-Our famous clam that was down at the bay was in desperate need of repainting so we moved it over to Mary Jo Austin's garage so she can repaint it for us. She was the one who painted it initially as well. Mary Jo is here tonight to speak about where she thinks the clam should be located in town to prevent it from getting to damaged again.
- f) Tax Account Report for September 2022-Tax Collector
- g) Revenue Transaction Report for August 2022-Chief Financial Officer

Mary Jo Austin, WPI, stated that she was very honored when she won the contest back in 2009 to initially be the one to paint the clam. Back then, the Clam was located in front of the old Municipal Building and Police Department. After Sandy, it was placed down on the bay front where it seemed to have take a beating from the weather. Down by the bay, is not a good place for this since it sustains more wind and sand blowing. In her opinion, in order to keep it in better shape than she received it for repainting, she thinks its best if it doesn't go back down by the bay.

Mayor LaCicero stated that they have not really made a decision on where the clam should be placed as of yet but they will definitely consider her input.

Councilman Borowski stated that he thinks we should let the community give us some ideas of where the clam should be located. We could put the question on our website so people can give their ideas.

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:

- 2022-219 accepting the resignation of Kimberly McNally and authorizing payment of unused vacation time
- 2022-220 requesting approval of items of revenue and appropriation (Chapter 159) to insert an item of revenue in the amount of \$5,292.42 for the Reserve for FEMA Reimbursement-Superstorm Sandy
- 2022-221 authorizing the following stipend increases for Ted Golubowski for his Sewer Collection Operator license in the amount of \$5,000 and for Charles Farrah for his Water Treatment Operator and Water Distributor licenses each in the amount of \$4,250
- 2022-222 approving a road opening permit to NJNG for a service retirement at 14 Elizabeth Avenue
- 2022-223 increasing the hourly rates of two Class II year-round Special Officers to \$25.00
- 2022-224 proclaiming October 2022 as National Breast Cancer Awareness Month and October 13, 2022 as National Breast Cancer Awareness Day in the Borough of Lavallette

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.

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

RESOLUTIONS - OFF CONSENT:

2022-224A approving a facilities use application to TKR the Film, Inc. to film a dialogue scene in the Washington Avenue parking lot on Friday, October 7, 2022 from 6:30am to 2:30pm

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, Finter and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2022-225 Bills List in the amount of \$566,235.46

A Motion to approve the bills list 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.

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:

Ordinance 2022-19 (1237) Ordinance Amending, Revising and Supplementing Chapter 7 of the Borough Code Entitled, "Bathing and Beach Control," Specifically that Portion of Article I Entitled "General Regulations," and More Specifically 7-11 Entitled, "Prohibited Acts

The Mayor stated that this ordinance is to keep vehicles off the beach for fishing 7 days a week through September 30th of each year. The way it is right now is allowing them on Monday through Friday as of September 16th and then 7 days a week as of October 1st. For safety reasons, we want to avoid any vehicles up there during the whole month of September since it has become a popular month for people to still utilize our beach for bathing and swimming.

A Motion to approve this ordinance was made by Councilman Lamb. The Motion was Seconded by Councilwoman Filippone.

The Mayor opened 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.

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

Motion: Second: Public Hearing: Vote:

COMMUNICATIONS:

General With No Action:

- a) resignation letter from Kimberly McNally, Cashier in Administration Office/Received September 14, 2022
- b) Ocean County Health Department/Daniel Regenye, Coordinator/Availability of funds reimbursement costs for Hepatitis B inoculations/Received September 23, 2022
- c) New Jersey Dept. of Environmental Protection/Compliance Alert/Coastal and Land Use Enforcement/General Guidance for Seasonal or Temporary Structures Placed on a Beach by a Municipality/Received September 26, 2022
- d) Lavallette Yacht Club/Tim Faranetta, Member/thank you letter for support of their MC National Championship Regatta on September 23, 2022/Received September 27, 2022

General With Action:

- a) Meg & David Geer/104 Brown Avenue/letter requesting an update regarding open fires topic/Received September 15, 2022

Councilwoman Filippone stated that the ordinance committee did discuss this issue at a few of our meetings but we could not come up with any regulations that would really be able to be enforced. We already follow the State rules and regulations as of right now anyway.

David Geer, 104 Brown Avenue stated that the State regulations require firepits to be 25 feet from from houses which cannot be done in this town since the houses are so close together and it is becoming a big issue for a lot of homeowners. Something has to be done.

UNFINISHED BUSINESS:

Councilwoman Filippone stated that we will have an ordinance on for the next meeting regarding the new state law that mandates all business owners and homeowners who will be renting their homes to register with town and also must present additional amount of homeowner's insurance and provide it to the town. This registration fee will be \$50.00.

NEW BUSINESS:

COMMENTS FROM THE PUBLIC:

Bob Astorino, 2 Elizabeth Avenue stated that many years ago we use to have concrete barriers up at each of the street ends before the boardwalk and beach to prevent cars from driving up on the boardwalk and beach. Will they be coming back soon?

Mayor LaCicero stated that he will check with Public Works and find out.

Meg Geer, 104 Brown Avenue, Lavallette Environmental Cleanup Committee, stated that Ted from PW has provided the cleanup crew buckets to use while we are cleaning up the beach and she wants to give him a big thank you.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments from Mayor and Council.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss some police personnel matters. There might be some action taken when the Council Meeting is reconvened.

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

A Motion to reconvene the Council Meeting was Councilman Finter. The Motion was Seconded by Councilman Stogdill.

Vote: All of Council was in favor.

Mr. George stated that while in executive session there was some discussion regarding a grievance from a police officer and PBA regarding use of catastrophic time while being out while waiting on approval for a disability retirement as of 10/1/2022. It was agreed that his vacation time will be paid to him upon his retirement for years 2021 and 2022.

A Motion to approve a police officer's vacation time paid upon a disability retirement contingent upon the PBA's approval of wavier of past practice based on this officer's unique situation 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.

ADJOURNMENT:

A Motion to adjourn the Council Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill.

Vote: All of Council was in favor. The Motion Passed.

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 **October 2022**.

Donnelly Amico
Municipal Clerk