

**BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, June 20, 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: Robert Brice, Borough Administrator
Phil George, Borough Attorney
Donnelly Amico, Municipal Clerk

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 website and bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Helen Byrne from who was a long time resident of Brown Avenue.

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 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 Regular Meeting of April 18, 2022
Minutes of Regular Meeting of May 16, 2022
Minutes of Executive Session of May 16, 2022

A Motion to approve the minutes 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2022-149 approving a facilities use application to Northern Habitat for Humanity to hold their annual fundraiser walk on our boardwalk on Saturday, September 17, 2022 from 9am to 11am
- 2022-150 authorizing the refund of a town wide garage sale permit in the amount of \$10.00
- 2022-151 seeking increase in municipal aid and direct property tax relief
- 2022-152 appointing Retired Judge Bradley J. Ferencz as Alternate Special Hearing Officer for the Borough of Lavallette
- 2022-153 refunding unused planning board escrow funds in the amount of \$75.00
- 2022-154 approving a road opening permit to NJNG for a service renewal at 23 Elizabeth Avenue
- 2022-155 approving a facilities use application to LaxKids to hold youth lacrosse instruction on Chandler Field on Wednesdays, 5pm to 5:45pm starting July 13th through August 11th 2022
- 2022-156 designating the hours' bicycles are permitted on the boardwalk during the 2022 "bathing season"-Councilman Finter asked that this be put off consent.
- 2022-157 approving a facilities use application to This Is Yoga to hold paddle board yoga on the Kerr Avenue bay beach on Saturdays, July 13th through July 30th 2022 from 9am to 10:30am
- 2022-158 establishing the official 2022 summer beach season hours of operation when lifeguards will be on duty from 10am to 5pm daily and a Water Rescue Team on Saturdays and Sundays only from 5pm to 6pm-Councilman Stogdill asked that this be put off consent.
- 2022-159 appointing 6 seasonal workers for the Department of Public Works at various hourly rates
- 2022-160 approving the renewal of liquor license to Cornerstone Liquors for license year 2022-2023 upon condition of receiving a tax clearance certificate
- 2022-161 approving the renewal of liquor license to Castaway's Pub for license year 2022-2023 upon condition of receiving a tax clearance certificate
- 2022-162 approving a facilities use application to Crossroads Realty to hold an outdoor community celebration at their office located at 100 Grand Central Avenue with tents, photo booth and games on the Ortley Avenue side of building utilizing the

sidewalk and a food truck in the driveway on Saturday, July 3, 2022 from 12 noon to 3pm with a rain date of Tuesday, July 5, 2022

- 2022-163 supporting Sergeant Christian LaCicero in signing a “Proclamation of Local Emergency” to instituting a curfew for minors from 10pm to 5am unless accompanied by a parent or guardian-Councilwoman Filippone stated that we are going along with Toms River with this curfew since they have implemented it on both sides of us and we have had some issues with vandalism as well.
- 2022-163A appointing Justin Ruppert as a permanent part-time Police Officer at an hourly rate of \$15.00
- 2022-163B appointing Patrolman Frank White as a Provisional Police Sergeant for the Lavallette Police Department effective immediately-Councilwoman Filippone stated that the NJ Civil Service Sergeant Exam was taken by a number of our Police Officers as well as other police officers statewide in February 2022. We have been told that the scores and certified list will not be going out until closer to the end of the year but with the changes happening in our Police Dept. with the Chief retiring and some officers out on medical worker’s comp leave we needed to hire a Sergeant now. Frank White has been in the position of interim Sergeant for the last couple of years and has taken the exam so we decided to hire him as a provisional Sergeant now until the list comes in and re-evaluate at that time.

A Motion to approve the consent agenda was made by Councilman Lamb. 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 minus Resolution 2022-156 and 2022-158.

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

RESOLUTIONS - OFF CONSENT:

- 2022-156 designating the hours’ bicycles are permitted on the boardwalk during the 2022 “bathing season”

Councilman Finter stated that he wants to know if the electric bicycles are also included in this. He thinks that the electric bicycles that go at a higher speed need to be banned in Lavallette. They are really flying on those all over the town and it is going to become a big problem.

Mayor LaCicero stated that in our code book motorized bicycle or moped and motorized scooter are included with our bicycle rules and regulations but we should discuss further if we want to ban them or set more restrictions on them before next year.

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 this resolution.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

2022-158 establishing the official 2022 summer beach season hours of operation when lifeguards will be on duty from 10am to 5pm daily and a Water Rescue Team on Saturdays and Sundays only from 5pm to 6pm

Councilman Stogdill stated that the Lifeguard Captain has really thought long and hard about this and has determined that there should be a Water Rescue Team available until 6pm on Saturdays and Sundays for any emergencies that occur during that time.

A Motion to approve this resolution was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

APPROVAL OF VOUCHERS:

2022-164 Bills List in the amount of \$343,258.01

A Motion to approve the bills list 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.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Ordinance 2022-09 (1227) Ordinance of the Borough of Lavallette Amending, Revising and Supplementing Chapter 48 of the Borough Code, Entitled “Officers and Employees,” and More Specifically, Article IV Entitled, Employment of Relatives of Elected Officials,” by Deleting the Current 45-18 and 45-19 of the Borough Code and Adding New 45-18 Through 45-24 Entitled, “Anti-Nepotism Policy”

Mayor LaCicero stated that this ordinance as well as the next one below to be introduced Ordinance 2022-10 (1228) need to be done as per Civil Service in order for us to be able to obtain a waiver from Civil Service to hire Police Officers when there is no one available to us on any certified lists.

Present employees are already grandfathered in and these ordinances do not apply to them.

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 July 5, 2022.

Ordinance 2022-10 (1228) Ordinance of the Borough of Lavallette Amending, Revising, and Supplementing Chapter 48 of the Borough Code Entitled, “Police Department,” and More Specifically 48-1 Entitled, “Establishment; Appointment of Personnel,” by Adding a New 48-1E Entitled, “Qualification of Applicants For Membership and a New 48-1 (F) Entitled, “Anti-Nepotism Policy.”

A Motion to introduce this ordinance 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.

Public Hearing and Final Adoption is scheduled for July 5, 2022.

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:

Bond Ordinance 2022-08 (1226) Bond Ordinance Providing for Capital Improvements and the Acquisition of Various Capital Equipment, Appropriating \$750,000, Therefor and Authorizing the Issuance of \$386,085 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized In and By the Borough of Lavallette

Mayor LaCicero stated that this Bond Ordinance is to be able to purchase two more garbage trucks for the Department of Public Works and also for the road improvement project of Bryn Mawr Avenue.

A Motion was made by Councilman Stogdill to open the public hearing. The Motion was Seconded by Councilman Lamb.

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

The Mayor asked anyone in the audience if they wished to comment on this Bond Ordinance.

No one wished to comment.

A Motion to close the public hearing was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill.

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

A Motion to adopt this Bond 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.

UNFINISHED BUSINESS:

Councilman Lamb stated that the roof was completed on the public works building and the next step is now the siding.

Councilwoman Filippone questioned what the date was for repairs to the tennis courts?

Mayor LaCicero stated that he believes that they said roughly around July 1st.

Council President Zalom stated that her and Councilwoman Filippone are looking at two grants to help with purchasing these new benches to put by the gazebo.

Councilwoman Filippone stated that there is roughly 75 people on the memorial bench list so far. We will only go to 100 and then it will be cut off.

NEW BUSINESS:

Public Power Association Rate Comparison-June 2022

Councilman Borowski stated that the annualized total for 12 months on average for Lavallette is 1710. The only more efficient town is Butler Borough. Once we install the capacitor banks that were ordered by our electric supervisor we will be in even better shape.

Councilman Finter stated that the Ladies Auxiliary of the First Aid is holding a flea market on Wednesday, July 20, 2022.

COMMENTS FROM THE PUBLIC:

Matt Schlosser, 241 Newark Avenue stated that he believes that Mayor and Council were given the list of rentals in town that will be utilizing a private garbage hauler for their changeovers on Saturdays and he knows it has been discussed before but nothing was decided as far as this private hauler being allowed to utilize the Borough’s recycling center to dump the garbage he collects.

Mayor LaCicero stated that he did receive the paperwork but it wasn’t requested to be put on the agenda. We did have a discussion on this with a resident who spoke about it but there is an issue with this request. Our recycling attendant is not allowed by law to utilize our trash compacting garbage trucks. In order for this private hauler to be able to dump the amount of garbage that is being requested we would need to have the garbage compacted a few times and that would require one of our sanitation workers to be present every Saturday to do this and he would have to get overtime for this since it is above his regular working hours and we only allow overtime if it requires necessity and we do not feel that this fits under necessity. Maybe we can discuss this again in the future and come up with another plan but as of right now this is not something we can approve at this time.

Meg Geer, 104 Brown Avenue stated that there seems to be a lot of issues with bicycles riding on the sidewalk and it becomes the walkers who have to move out of the way for them. Are they allowed on the sidewalks and if not is there any way it can be enforced?

Mayor LaCicero stated that it is not allowed, they are prohibited from being on the sidewalks. We will let the police department know so they can keep an eye out.

Ms. Geer also questioned if designated crosswalks can be put on some of the intersections on the highway that do not have them right now?

Council President Zalom stated that she will reach out to the NJDOT and see if they can put one or two more for us.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments.

EXECUTIVE SESSION:

Mr. George stated that there exists a need to go into executive session to discuss some contractual matters. There may be action taken.

A Motion to adjourn the Council Meeting to go into executive session was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone.

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

The Council Meeting was adjourned to go into executive session at 8:20pm.

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 8:50pm.

Mr. George stated that while in executive session there was some discussion regarding Teamsters 469 negotiations but there was no action taken because there was some more information needed at this time.

ADJOURNMENT:

A Motion to adjourn the Council Meeting was made by Councilman Lamb. The Motion was Seconded by Councilman Borowski.

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

The Council Meeting was adjourned at 8:51pm.

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 20th day of **June 2022**.

Donnelly Amico
Municipal Clerk