

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, June 6, 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
Robert Brice, 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 residents Barbara Jost, Joe Gomeringer, Bob DiLonardo and George Carlin who all passed away recently. Barbara Jost was 105 years old when she passed. Some of her art work is actually on our walls here in Borough Hall.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that Memorial Day Weekend was extremely busy here and we had two water rescues as well.

Councilman Stogdill stated that lifeguards will be at 4 street end ocean beaches every weekend until the season opens and then they will be at all the street ends.

Mayor LaCicero stated that the Ocean County Prosecutors Office has taken over some of the duties of our Police Department but it's not as dramatic as it sounds. With the Chief retiring, our staff right now haven't had enough time to learn the daily administration tasks that are done by the Chief right now so the Prosecutor's Office have stepped in to help to make sure the transition goes well. He stated that anyone who 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)

Valerie Berkowitz, 102 Jersey City Avenue, stated that she rents a few properties in town for the summer and she, as well as, a few other homeowners in town who rent their homes for the summer have hired Chris Thumm Garbage Disposal Services to pick up the garbage and recycling on Saturdays with the turnovers of tenants. We would appreciate if Mayor and Council would allow

him to take all the garbage and recycling he takes from our rentals and bring it down to the Borough's recycling center to dump.

Councilman Lamb stated that homeowners in this town have been renting out their properties to tenants for over 40 years and he has never heard of any garbage issues until now. What is the problem with the new tenants who come in on that Saturday just putting the can out to be picked up the following Monday with regular garbage pickup. This is the way it has always been done and it has never been an issue.

The Mayor stated that there are some issues with allowing this service to utilize our recycling center so until we discuss this further it cannot happen.

APPROVAL OF MINUTES:

- Caucus/Regular Meeting Minutes of March 7, 2022
- Regular Meeting Minutes of March 21, 2022
- Executive Session Minutes of March 21, 2022
- Caucus/Regular Meeting Minutes of April 4, 2022
- Executive Session Minutes of April 4, 2022
- Regular Meeting Minutes of April 18, 2022

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:

- a) Construction Report for May 2022 -Councilwoman Filippone-read report
- b) Zoning Report for May 2022-Councilwoman Filippone-no report
- c) Municipal Court Report for May 2022-Councilwoman Filippone-no report
- d) Police Overtime Report for April 2022-Councilwoman Filippone-read report
- e) Public Works Report for May 2022-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-We had a great Memorial Day Services. All our events are set up for the summer and the 50th wedding anniversary celebration will be on June 12th.
- g) Tax Account Report for May 2022-Tax Collector
- h) Revenue Transaction Report for April 2022-Chief Financial Officer

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

- 2022-135 approving the liquor license renewal to the Lavallette Yacht Club for the license year 2022-2023-Councilman Finter requested this resolution be put off consent.
- 2022-136 approving a facilities use application to Nick Barile and Mike Leone of Lester Glenn Auto Group to hold an employee softball game on Chandler Field on June 12, 2022 from 9am to 1pm
- 2022-137 requesting approval of items of revenue and appropriations (Chapter 159) in the amount of \$12,418.64 entitled 2022 Clean Communities Grant
- 2022-138 approving the separation agreement for Chief Colin Grant
- 2022-139 approving the liquor license renewal to Lavallette Liquors for license year 2022-2023
- 2022-140 approving a facilities use application to Soccer Shots to utilize Chandler Field on Mondays, July 11th through August 22nd 2022 from 5pm to 7:15pm
- 2022-141 approving the beach badge office staff for the 2022 summer season-Councilman Stogdill requested this be put off consent.
- 2022-142 appointing a part-time dispatcher for the police department at an hourly rate of \$13.00 commencing May 19, 2022
- 2022-143 approving a facilities use application to Kevin Kolans to utilize Chandler Field to hold baseball tournaments starting Friday, August 26th 5pm to 10pm and Saturday and Sunday, 8am to 10pm-Mr. Brice stated that he is not aware of any waiver of fee given to Mr. Kolans regarding the application fee. Also, he put some type of turf down on the field without any permission and the school couldn't utilize the field until it was removed. He reached out to Mr. Kolans and he was not responsive to remove it so we had to take care of it. There is also an issue with the angle of the lights for the field which need to be addressed so approving any field use at night should not be given until the lighting issue is rectified. This request was pulled until further discussion.
- 2022-144 authorizing the refund of a title transfer application fee in the amount of \$200.00 due to the inspection not being needed
- 2022-145 approving a liquor license renewal to the Crab's Claw Inn for the license year 2022-2023
- 2022-146 amending the 2022 capital budget

- 2022-147 approving an off premise 50/50 raffle to the Lavallette School PTO to be held on October 7, 2022 at 3pm
- 2022-147A approving a facilities use application to Waves of Impact to hold their free surf camp for specially challenged children on the Dover Avenue ocean beach on August 4, 2022 from 10am to 3pm
- 2022-147B approving the beach badge checkers for the 2022 summer season
- 2022-147C approving the lifeguards for the 2022 summer season

A Motion was made by Councilman Lamb to approve the consent agenda. 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 minus Resolution 2022-135.

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

RESOLUTIONS - OFF CONSENT:

- 2022-135 approving the liquor license renewal to the Lavallette Yacht Club for the license year 2022-2023

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

- 2022-141 approving the beach badge office staff for the 2022 summer season

A Motion to approve this resolution was made by Councilman Lamb. The Motion was Seconded by Councilman Finter.

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, Finter and Lamb voted Yes. Councilman Stogdill abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2022-148 Bills List in the amount of \$756,848.56

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 INTRODUCTION/FIRST READING:

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

Mr. Brice stated that this Bond Ordinance is to purchase two garbage trucks for DPW and also to help finance the costs for the Bryn Mawr Avenue road improvement project.

A Motion to introduce Bond Ordinance 2022-08 (1226) 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 June 20, 2022.

ORDINANCES ON PUBLIC HEARING AND FINAL ADOPTION:

Ordinance No. 2022-05 (1223) Ordinance of the Borough of Lavallette Amending, Revision and Supplementing Chapter 56 of the Borough Code, Entitled, "Streets and Sidewalks," and More Specifically Article VII Entitled, "Residential Parking Permits"

Mr. George stated that some amendments of changes were done for this ordinance, regarding the fees, non-transferable with resales and that the permit is for homeowners only not tenants.

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

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

Ordinance No. 2022-07 (1225) Ordinance of the Borough of Lavallette Amending, Revising and Supplementing The Borough of Lavallette Code by Amending, Revising and Supplementing Chapter 15 of the Borough Code, Entitled, “Business Regulations,” By Adding New Sections 15-12 Through 15-22, Entitled, “Filming”

Councilwoman Filippone stated that there have been a lot of requests to the barrier island towns to film reality shows. A lot of towns have already done ordinances banning or putting restrictions regarding filming so we decided it was time we did this as well.

A Motion to open the public hearing was made by Councilwoman Filippone. 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.

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

UNFINISHED BUSINESS:

Councilwoman Filippone stated that we are going to do some changes to the ordinance regarding the setbacks for the ocean front Westmont Shores regarding in ground pools and fencing.

Mr. Brice stated that the noise ordinance will be on again at the next meeting regarding the construction on the weekends, we just need to make a decision on the days and times.

Mayor stated that he thinks the consensus was during the summer season only weekends no demos or piling driving and no construction at all on Sundays.

NEW BUSINESS:

Councilwoman Filippone stated that there might be an ordinance change regarding our LOSAP program increasing the amount but not sure when that will happen. Needs more discussion.

Councilman Borowski stated that the state statute is very specific on this so make sure that is looked at as well.

COMMENTS FROM THE PUBLIC:

Bob Astorino, 2 Elizabeth Avenue questioned when the beach replenishment upgrades where going to begin.

Mayor LaCicero stated that the last he heard it would be in the fall at the earliest.

Bill Murray, 1 Elizabeth Avenue thanked Mayor and Council and the Administrator for always doing a great job. Great staff in all departments and proud to be a Lavallette resident. He stated that there is a lot of traffic coming up Elizabeth Avenue at the beach end because they think it wraps around. He thinks maybe a sign at the top of the street saying no outlet might help.

Susan Kotch, 119 Camden Avenue, stated that the benches by the gazebo and the area behind the tennis courts is looking a little disheveled and ratty. The benches look unsafe and should be removed.

Mark Speaker, 111 Brown Avenue stated that lead paint rules will be implemented in construction permits and certificates of occupancy approvals.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that former Mayor of Pt. Beach, Dan Hennessy has passed away.

Council President Zalom stated that the breast cancer walk will be in August.

Mayor LaCicero stated that he had a few complaints about the pickleball group having music that is way too loud and noisy and how they are also taking over the tennis courts.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss some contract negotiations. 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 Councilman Stogdill.

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

The Council Meeting was adjourned to go into executive session at 8:46pm.

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 9:30pm.

Mr. George stated that while in executive session there was discussion regarding the Teamsters PW Contract and the PBA Contract. Action will be taken now to vote on approving the Memorandum of Understanding for the PBA contract.

Please be advised that after discussion of the Public Works Contract, Mayor LaCicero and Councilman Lamb left the executive session and were not present during the discussion of the PBA Contract.

A Motion to approve the PBA Memorandum of Understanding was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb was not present.

ADJOURNMENT:

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

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

The Council Meeting was adjourned at 9:34pm.

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 6th day of **June 2022**.

Donnelly Amico
Municipal Clerk