

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Tuesday, July 5, 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 resident Lennie Stickno of Pennsylvania Avenue.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight's meeting. He stated the fireworks this weekend were fantastic. 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)

No one wished to comment.

REPORTS:

- a) Construction Report for June 2022 -Councilwoman Filippone-read report
- b) Zoning Report for June 2022-Councilwoman Filippone-no report
- c) Municipal Court Report for April, May, June 2022-Councilwoman Filippone-read report
- d) Police Overtime Report for May & June 2022-Councilwoman Filippone-read report
- e) Public Works Report for June 2022-Councilman Lamb-read report
- f) Beach Badge Report through July 4th weekend 2022-Councilman Michael Stogdill-read report
- f) Public Affairs Report-Council President Zalom-We had a concert at 8pm and then the fireworks at 9pm and they were both wonderful. The movies on the bay tonight will be at the First Aid Building due to the rain.
- g) Tax Account Report for June 2022-Tax Collector
- h) Revenue Transaction Report for May 2022-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:

- 2022-165 authorizing the participation in the New Jersey Coastal Coalition (NJCC)
- 2022-166 authorizing the refund of a 2022 tax overpayment in the amount of \$3,159.45
- 2022-167 approving employment of 8 beach badge checkers at an hourly rate of \$13.00 for the 2022 summer season
- 2022-168 approving the submission of the grant application and execution of any grant agreements with the NJ Dept. of Transportation for the Newark Avenue, Brooklyn and Baltimore Avenues road improvement project-Mr. Brice stated that we received the grant for Brooklyn and Baltimore last year but due to the increase in material costs we weren't able to get that done for the amount we received so now we will be applying for those two streets again for this year along with Newark Avenue.
- 2022-169 authorizing the refund of 2015 & 2016 state tax appeal interest in the amount of \$4,291.18 as per State Tax Court
- 2022-170 authorizing the refund of a road opening performance bond in the amount of \$1,000
- 2022-171 authorizing Doug Erb to act in the capacity of Construction Official starting July 1, 2022 through July 18, 2022
- 2022-172 authorizing the adoption of the modified rules and regulations of the Goose Patrol Membership Program effective immediately-Mayor LaCicero stated that this needs to be pulled for now. There are a lot of issues with people who think this is a dog park and not a goose patrol program. A lot of these people don't seem to want to follow the rules of not having any dogs on the field when there is field activity use nor are they following the rule of no more than 20 dogs allowed on the field at one time. We had some Special Officers monitoring them this weekend. We are also going to be increasing the fee from \$10 to \$25.
- 2022-173 authorizing the disposal of surplus property through GovDeals

2022-173A approving the OC Parks & Recreation request to hold tennis and pickleball clinics on our courts starting Monday, August 1st through Thursday, August 4th 2022 with time of 9:30am to 10:30am for pickleball and 11am to 12 noon for tennis

A Motion to approve the consent agenda was made by Councilman Borowski. The Motion was Seconded by Councilman Lamb.

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.

RESOLUTIONS - OFF CONSENT:

2022-174 approving a facilities use application to Danielle Levato and Viola Castelli to hold a birthday party on the Westmont Avenue ocean beach on Saturday, September 17, 2022 from 1pm to 1am along with the setup of two 20x30 tents, 10 tables and 100 chairs, a portable toilet, DJ with speakers, food and drinks and a food truck at top of street

Mayor LaCicero stated that due to our Borough Code we cannot approve this application since no food or alcohol are allowed to be on our beach as well as large tents.

No motion was given to approve this application. The Motion Failed.

APPROVAL OF VOUCHERS:

2022-175 Bills List in the amount of \$1,227,825.35

A Motion to approve the bills list 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.

ORDINANCES ON FOR FIRST READING/INTRODUCTION:

Ordinance No. 2022-06 (1224) Ordinance of the Borough of Lavallette Amending, Revising and Supplementing Chapter 43 of the Borough Code, Entitled, "Noise," and More Specifically 43-6 Entitled, "Loud, Excessive or Unusual Noises Prohibited"

Councilwoman Filippone stated that this needed to be amended to include the construction equipment and the new schedule of when construction can be done during the summer months.

A Motion to introduce this 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 July 18, 2022.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

Ordinance No. 2022-04 (1222) Ordinance of the Borough of Lavallette Amending, Revision and Supplementing Chapter 90 of the Borough Code, Entitled, “Zoning”, Article III, “General Uses,” And More Specifically 90-8, Entitled, “Accessory Buildings and Uses”

Councilwoman Filippone stated that this has to do with properties in Westmont Shores that are on the lagoon. We needed to amend to make sure structures were not too close to the lagoon. Also, This does not include inground pools or fences.

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

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

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

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

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

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 LaCicer stated that this ordinance along with the next one basically go hand in hand. These are required by Civil Service so we can hire police officers with waivers when there are no civil service lists available. We need to hire some full time officers.

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

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.

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

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

A Motion to adopt this ordinance 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.

Motion: Second: Public Hearing: Vote:

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 open the public hearing was made by Councilman Lamb. 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.

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

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

A Motion to adopt this ordinance 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.

COMMUNICATIONS:

General With No Action:

- a) Preslee Fusaro/Lavallette 8th grade student/thanking Mayor and Council for the graduation gift of the Lavallette Flag/Received June 20, 2022.
- b) Ocean County Engineer/John Ernst, Engineer/letter advising the curbing issue on Bay Blvd. and Washington Avenue will be investigated/Received June 21, 2022
- c) Ocean County Engineer/John Ernst, Engineer/letter advising that the rip rap stones under the WPI Bridge have been cemented as requested/Received June 23, 2022

UNFINISHED BUSINESS:

Councilwoman Filippone stated that the Ordinance Committee discussed and tried to put together some potential ordinances regarding short term rentals and air bnb's. We were struggling with how to come up with how we can enforce this because it seems difficult with specifics.

Mayor LaCicero stated that it should be a seven day rental minimum for summer season but no restriction any other season. We also should limit how many can occupy a rental to prevent any issues with large groups causing chaos.

Councilwoman Filippone stated the fire pits also was a little problematic. We came up with not allowing fire pits to burn real wood due to the producing of sparks and too much smoke and in this town it becomes a big problem with the smoke because our houses are very close together. They have smoke less fire pits and smoke less logs. The state law is 25 feet from a structure as well.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Karen Papsin, 104 Vance Avenue questioned what the landscaping status was at the pickle ball courts.

Mr. Brice stated that we will be ready to go with that in the fall.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments.

EXECUTIVE SESSION:

Mr. Hack stated that there is a need to go into executive session to discuss some contract negotiation items. There may be action to be taken.

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

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

The Council meeting was adjourned to go into executive session at 8:08pm.

A Motion to reconvene 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 reconvened at 8:55pm.

Mr. Hack stated that while in executive session there were discussions regarding some contract negotiations and personnel matters.

A Motion to approve the Memorandum of Understanding with the Teamsters 469 with Public Works was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

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 Councilwoman Filippone. The Motion was Seconded by Councilman Finter.

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

The Council Meeting was adjourned at 8:56pm.

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 5th day of **July 2022**.

Donnelly Amico
Municipal Clerk