

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, December 4, 2023-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Bill Burns, 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 6, 2023. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all involved in what is happening in Israel.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming to tonight's meeting.

REPORTS:

- a) Construction Report for November 2023 -Councilwoman Filippone-read report
- b) Zoning/Code Report for November 2023-Councilwoman Filippone-read report
- c) Municipal Court Report for November 2023-Councilwoman Filippone-read report
- d) Police Overtime Report for November 2023-Councilwoman Filippone-read report
- e) Public Works Report for November 2023-Councilman Lamb-read report
- g) Public Affairs-Council President Zalom-a big turnout for our Christmas Tree Lighting on Saturday. We might keep it going on Saturday instead of Friday from now on. PW did a wonderful job setting up all the ornaments on the tree that the school kids made.
- h) Tax Account Report for November 2023-Tax Collector
- i) Revenue Transaction Report for October 2023-Chief Financial Officer
- j) Report of Tax Sale-Tax Collector

A Motion to approve the reports 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2023-229 approving a raffle license to the Lavallette Heritage Committee to hold a raffle at the Lavallette Birthday/Christmas Party on December 21, 2023
- 2023-230 reaffirming previous Resolution 2023-219C approved on October 16, 2023 authorizing the transfer of funds in the amount of \$72,000
- 2023-231 accepting the retirement of Ryan Greenhalgh and authorizing payment of unused compensatory time
- 2023-232 authorizing the refund of a tax overpayment in the amount of \$2,574.06 due to an erroneous payment
- 2023-233 authorizing the redemption of a tax sale certificate in the amount of \$86,495.32
- 2023-234 authorizing the transfer of funds between appropriation accounts in the amount of \$4,000
- 2023-235 approving three applicants to attend the Ocean County Police Academy SLEO II training commencing January 5, 2024

A Motion to approve the consent agenda 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 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:

There were no resolutions off consent.

APPROVAL OF BILLS LIST:

2023-236 Bills List in the amount of \$1,122,051.84

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 FINAL ADOPTION/PUBLIC HEARING:

Ordinance No. 2023-14 (1252) An Ordinance Amending and Supplementing Chapter 55 Garbage and Trash Regulations of the Code of the Borough of Lavallette Regarding the Private Collection of Garbage and Trash for Commercial Retail Food Establishments

Councilman Finter requested to remove this ordinance from the agenda until another meeting with the business owners has occurred.

A Motion was made by Councilman Finter to remove this ordinance from the agenda. The Motion was Seconded by Councilwoman Filippone.

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

There was no vote or public hearing on this ordinance.

Ordinance No. 2023-15 (1253) An Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending Ordinance 2005-17 and Chapter 65, Entitled, Wildlife Feeding of the Code of the Borough of Lavallette

Bev Sullivan, 3 Sturgis Road stated that starting February of this year our group raised funds to help with trapping the stray cats in town and implementing the tnr program. If now, you are going to pass this ordinance banning people from feeding stray cats then why did we raise funds for this program.

Patricia Tagar, 83 Pershing Blvd. stated that the State does not allow this. It is not supported by our tnr groups as well. It is illegal to starve these cats.

Kathy Morolda, 102A President Avenue stated that her property on President Avenue suffered a terrible problem with at least 30 cats on our street. It became a extremely big issue and we would hope that this ordinance is passed.

Eileen Turner, 150A Newark Avenue stated that she was part of the group that trapped all these cats. It was a big team effort. She thanked the Police Department and Brendan Brice, the Animal Control Officer and all the volunteers within this group. To date we trapped 33 cats and 19 kittens and had them neutered and spayed. She stated that feral cats are not considered wildlife and it is in violation of state law to ban the feeding of them as well.

Nick Morolda, 102A President Avenue thanked Mayor and Council for helping them take care of the cat issue. His concern is if we allow people to continuously feed these cats it will just attract more cats. The biggest issue we had on our property was the awful smell of urine that actually made it very difficult for us to handle the strong smell of ammonia.

Brian Hackett, Popcorn Park Zoo stated that feral cats are not considered wildlife they are domesticated and also contradicts state law. A feeding ban will also stop you from getting any kind of grants or monies to help with this issue.

Brian Becker, Rescue stated that you can't issue an ordinance that directly undermines the state law. These feral cats are not wildlife and they are protected under Title 4.

Councilman Borowski questioned if NJ Law also states that if a person continuously feeds a stray animal dog or cat, it then becomes that person's responsibility from then on.

Mr. Becker stated that yes, that person does take the risk if that cat causes any hazardous problems does that owner get held responsible.

Councilman Finter questioned when these feral cats are given rabies shots, how do you know when these cats need to be updated with a new rabies shot. Whose responsibility is it to keep track of all of this?

Mr. Becker stated that usually the shots administered last approximately 7 years.

Jane, People for Animals stated that she was the one who gave the Borough Administrator the ordinance that needed to be adopted so she is confused as to why this one was done instead of the one she gave him.

Councilwoman Filippone stated that Mr. Bennett is not here tonight so we will have to discuss this with him further.

Councilman Lamb stated that he would like to make a motion to remove this ordinance as well until further discussion is done.

A Motion to remove this ordinance from the agenda 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.

COMMUNICATIONS:

General With No Action:

- a) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Preliminary Estimate of 2024 Annual Charge/Received November 21, 2023

UNFINISHED BUSINESS:

2023-228 denying Cellco Partnership d/b/a Verizon Wireless's applications for small cell facility applications as supported by substantial evidence

Mr. Burns stated that the above resolution was approved at the last meeting but tonight it just needs to be memorialized by title only.

A Motion to memorialize by title only was made by Councilman Lamb. The Motion was Seconded By Councilwoman Filippone.

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

Councilman Borowski stated that Verizon places these nodes and antennas wherever they want to And has been very disingenuous in doing so.

Councilwoman Filippone stated that she has done her final research on the benches and it looks like we are going to have to go out to bid for them. It is going to delay things a bit because it is going to be expensive.

NEW BUSINESS:

There was no new business.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments.

COMMENTS FROM THE PUBLIC:

Bob Astorino, 2 Elizabeth Avenue stated that he has an issue as well with this cat problem. If a cat is an inside cat then he is surely a domesticated animal but cats that have been outside cats there entire existence are feral cats which are like wild cats. He is in favor of the feeding ban as well.

Eileen Turner, 150A Newark Avenue stated that she is torn at to what needs to be done here. All the cats that were trapped were not brought back to town, they were taken to a farm in Pennsylvania.

Bev Sullivan, 3 Sturgis Road stated that we did return a mother and her kitten to President Avenue because we made a promise to a homeowner on President Avenue.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

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 4th day of **December 2023**.

Donnelly Amico
Municipal Clerk