

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, April 24, 2023-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: John Bennett, Borough Administrator
Bill Burns, Borough Attorney
Donnelly Amico, Municipal Clerk
Robert Oliwa, Borough Auditor

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 website and bulletin board.

MOMENT OF SILENCE: Mayor LaCicero asked for a moment of silence for Lorraine Nelson and Patricia Dughi, two longtime residents who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone who came to tonight's meeting. We have our budget on for adoption tonight so we have our Auditor, Bob Oliwa here tonight. 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 do so now.

COMMENTS FROM PUBLIC (Items not listed on agenda / not staying for remainder of meeting)

Eileen Turner, 150A Newark Avenue stated that we trapped two more cats which brings the total to 17. We have about 2 or 4 more to trap and then we should be all good for now.

The Mayor thanked her for all the hard work her and her volunteers have done and it was done so quickly.

Gary Norman, 20 Westmont Avenue stated that he thinks someone needs to be down at the ballfield every day checking to make sure every person bringing their dog on the ballfield has a goose patrol tag because there is just too many people down there now.

The Mayor stated that he knows that there are a greater amount of dogs on that field and the summer is going to bring more so we may have to do something and also change the ordinance to update rules and regulations.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2023-104 approving a facilities use application to Sanctuary Yoga to hold classes on the President Avenue ocean beach starting June 17th through September 2nd 2023, every day 8am to 9am and T-Th from 7pm to 8pm-Councilman Finter asked that this be put off consent.
- 2023-105 approving a budget request change from Van Cleef Engineering in the amount of \$46,240 regarding changes for the Potable Well #6 Project
- 2023-106 approving a facilities use application to Moon Doggy Media to for one day of filming during the 1st or 2nd week of May 2023 on the boardwalk from 9am to 5pm-Councilman Finter asked for this to be put off consent.
- 2023-107 appointing Kristen Rocco as a full time Clerk I/Flood Plain Administrator for the Construction Department at annual salary of \$50,000
- 2023-108 approving a facilities use application to This Is Yoga to hold classes on the Kerr Avenue ocean beach starting May 27th through September 2nd 2023 on M-F-Sat mornings from 6:30am to 9am and T-W-Th nights from 6pm to 7:30pm
- 2023-109 approving 7 individuals to attend the Ocean County Police Academy Training Class for Class I training commencing May 15, 2023
- 2023-110 approving a facilities use application to East Coast Brigade to hold a surf camp on New Jersey Avenue starting June 22nd through September 1st 2023, Monday through Friday from 9am to 11am
- 2023-111 approving a facilities use application to This Is Yoga to hold stand up paddleboard classes on the bay utilizing the bay beach in July and August 2023 on Saturday mornings from 9am to 10am and on August 1st and August 26th 2023 from 6pm to 7:30pm
- 2023-112 appointing 3 individuals as Class I Officers at an hourly rate of \$14.13 commencing May 22, 2023
- 2023-113 authorizing self-examination of the 2023 budget
- 2023-113A approving a raffle license to the Lavallette PTO to hold a 50/50 on premise raffle on May 11, 2023 at the Lavallette School's basketball event

A Motion to approve the consent agenda was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone.

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 resolutions 2023-104 and 2023-106.

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

RESOLUTIONS - OFF CONSENT:

2023-104 approving a facilities use application to Sanctuary Yoga to hold classes on the President Avenue ocean beach starting June 17th through September 2nd 2023, every day 8am to 9am and T-Th from 7pm to 8pm

Councilman Finter stated that in the application it states that they will be having a live band on some days. We will need to let them know this is not allowed and is not included in the approval.

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 this resolution.

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

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

2023-106 approving a facilities use application to Moon Doggy Media to for one day of filming during the 1st or 2nd week of May 2023 on the boardwalk from 9am to 5pm

Councilman Finter stated that just because it is for the State doesn't mean we have to approve it. They seem to be doing a lot and can't even give us an exact date and time.

Councilman Borowski stated that he agrees.

Councilwoman Filippone stated that she agrees as well.

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 this resolution.

The Mayor asked for a motion to approve this resolution.

No motion was given. The Motion Fails.

APPROVAL OF VOUCHERS:

2023-114 Bills List in the amount of \$3,771,485.13

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 and Finter voted Yes. The Motion Passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Ordinance No. 2023-05 (1243) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 56 of the Borough Code, Establishing Procedures And Standards Regarding Deployment of Small Wireless Facilities In Public Rights-Of-Way In the Borough of Lavallette, County of Ocean, State of New Jersey

Mayor LaCicero stated that Declan O'Scanlon is here tonight to discuss this ordinance.

Mr. O'Scanlon stated that my company will take point as a 3rd party to make sure that wireless facilities follow the rules and procedures making sure the Borough is protected.

The Mayor stated that there are some very active citizens in this audience tonight that have always been against all nodes.

Joe Palinsky, 1106 Ocean Front questioned whether we would need new towers for this or keep the existing structures we have already?

Mr. O'Scanlon stated that Lavallette will make these decisions. Maybe we can keep the existing and also may need some new ones but whatever needed Lavallette is the decision maker. They would be new pole structures.

Mr. Palinsky stated that our ordinance only allows 40 foot poles and no higher.

Mayor LaCicero stated that the federal government says we have to allow some type of nodes for these wireless companies so hopefully this ordinance will give us more control of the situation.

Matt Watkins stated that there will be fees for the applicant to pay and professional review by us

Al Jones, 113 Reese Avenue stated that the structures won't be located by our electric poles

Mr. Watkins stated that was correct. They will have to be put in new location and we cannot include the Verizon poles either.

Councilman Borowski questioned how many other communities has passed this ordinance?

Mr. Watkins stated that roughly 30 have passed already and some are going on agendas within the next few months.

Mr. Bennett stated that we used the ordinance that Bay Head has already adopted.

Mr. Burns stated that this is mandatory by the State as well.

A Motion to introduce this ordinance was made by Council President Zalom. The Motion was Seconded by Councilman Stogdill.

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

Public Hearing and Final Adoption is scheduled for May 8, 2023

Ordinance 2023-06 (1244) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 48A of the Borough Code Entitled, “Property Maintenance”, to Amend Article V, Entitled, “Interior Structures”, so as to Add Section 30A, Entitled, “Lead-Based Paint”

Mayor LaCicero stated that this is for any homes that are rented 6 months or more.

Mr. Bennett stated that we used the same ordinance that Bay Head has already adopted.

Mr. Burns stated that this was mandated by the State as well.

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 and Finter voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for May 8, 2023.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

Ordinance No. 2023-04 (1242) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Revising and Supplementing Chapter VII of the Lavallette Borough Code, Entitled, “Bathing and Beach Control,” More Specifically Article 7-9 Entitled, “Fees for Use of Beaches and Facilities”

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

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

The Mayor stated that this is for the recreation badges for our pickle ball and tennis court facilities.

The Mayor asked if anyone wished to comment on this ordinance.

Isabelle Amato, 104 Vance Avenue stated that she didn't get to see the amended ordinance.

Mr. Bennett stated that he spoke to Council about revising it the way your club wanted to do it but they were not interested in amending it.

Judy 19 Brown Avenue stated that pickle ball is an open play concept. It's not a group it's 4 people with open play. Anyone can play with us if they choose to.

Mr. Bennett stated that we have already discussed your club doing a facilities use application for the weekends in the summer for the 4 hours you play 8am to 12 noon.

Mark Speaker, 111 Brown Avenue stated that we should have facility use apps for all of the Borough facilities to keep control of the management.

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 ordinance was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone.

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

PUBLIC HEARING AND FINAL ADOPTION OF THE 2023 BUDGET:

Resolution 2023-115 Adoption of 2023 Budget

Mr. Bob Oliwa stated that the 2023 budget was introduced and approved on March 20, 2023. This year's budget has a slight increase of 1.84% to offset decrease in revenue items. There was a substantial increase in the health benefits this year as well as the pension fees. The salaries and wages for Public Works due to their new contract increased by \$57,000. Overall, this is a great budget and the Borough financially is in great shape.

Mr. Bennett stated that our department heads did a lot of work on this budget.

Mayor LaCicero stated that the last 3 years the tax rate was flat. This year we really did try and keep it flat again but the increases in the health benefits and the pension fees increased so much we really had no choice. Even the bans we do to finance our road improvements went up 1000%. Yet we still didn't have to use the cap bank.

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

Vote: All of Council was in favor.

Mark Speaker, 111 Brown Avenue stated that this budget seems fair considering all the outside increases we have to pay.

Joe Palinsky, 1106 Ocean Front congratulated Mayor and Council on a great budget.

Meg Geer, 104 Brown Avenue stated that she thinks it definitely is worth the price to live in this great town.

Al Jones, 113 Reese Avenue stated that even with this increase it is still less than a 4% increase over 4 years and that is all good by him.

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

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

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

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

There were no comments.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone stated that Sgt. Frank White and Special Officer Patrick Kennedy were honored by the 200 Club for their bravery in helping with the victims who were buried under the sand.

Mr. Bennett stated that the tentative date for the cracks to be repaired in the courts is May 21, 2023. We are still in need of a Code Enforcement Officer so if anyone knows of anybody interested they can fill out an application. We will be doing upgrades to the dugout area and roof on Chandler Field with the grant we received. The Lavallette School would like the drainage and levelling of field to be done as well. The grant was for \$63,000 and the Borough and the school will be splitting the additional \$44,000.

Mayor LaCicero stated that the State will be requiring transition plans for all towns to become compliant with ADA. Judy Josephs of New York Avenue has volunteered to take care of this for us. She is retired from local government and was part of the ADA Committee in her town.

EXECUTIVE SESSION:

Mr. Burns stated that there is a need to go into executive session to discuss an attorney client privilege matter and also 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 9:33pm.

A Motion to reconvene the Council Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Borowski.

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

The Council Meeting was reconvened at 9:40pm.

Mr. Burns stated that while in executive session there was discussion regarding some attorney client privilege as well as some contract negotiations. There was no action taken.

ADJOURNMENT:

A Motion was made to adjourn the Council Meeting 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 9:40pm.

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 24th day of April 2023.

Donnelly Amico
Municipal Clerk