

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, May 8, 2023-7:00 pm

CALL TO ORDER: Councilman Robert P. Lamb, 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: Councilman Lamb asked for a moment of silence for two longtime residents Dagmar Finkle of Bond Avenue and Rosario Tropeano of Grand Central Avenue who both passed away recently.

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

MAYOR'S WELCOMING STATEMENT: Councilman Lamb stated that if anyone wished to comment on 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 they have been able to trap 16 cats so far in Lavallette. Two cats were also killed by cars. These cats have now been neutered and brought to a farm a few hours away to enjoy their lives. The infamous cat on the ocean front named Pork Chop was not and will not be trapped since he has already been neutered and has a big following of residents who love him.

REPORTS:

- a) Construction Report for April 2023 -Councilwoman Filippone-read report
- b) Zoning Report for April 2023-Councilwoman Filippone-read report
- c) Municipal Court Report for April 2023-Councilwoman Filippone-read report
- d) Police Overtime Report for March 2023-Councilwoman Filippone-read report
- e) Public Works Report for April 2023-Councilman Lamb-read report
- g) Beach Badge Report for April 2023-Councilman Stogdill-read report
- h) Public Affairs-Council President Zalom-last month was National Library Week and we have so many events at our library for children and adults.

- i) Tax Account Report for April 2023-Tax Collector
- j) Revenue Transaction Report for March 2023-Chief Financial Officer

A Motion to approve the reports 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2023-117 establishing the official summer beach season for the 2023 beach season
- 2023-118 authorizing the refund of a construction permit fee in the amount of \$551 due to an overcharge
- 2023-119 approving a facilities use application to Vibe Sessions with Kate to hold meditation classes on the Virginia Avenue ocean beach on M-W-F starting June 12th through October 30th 2023 from 8am to 9am
- 2023-120 authorizing the refund of a zoning and flood permit in the amount of \$300 due to paying in duplicate
- 2023-121 approving a facilities use application to Soccer Shots to hold children’s soccer program on Mondays, June 26th through August 21st 2023 from 5pm to 7:15pm
- 2023-122 approving two on premise gift raffles to the Lavallette PTO to be held on Friday, June 9, 2023 from 6pm to 10pm at the Lavallette School’s Auction and Dinner Dance
- 2023-123 approving a facilities use application to Muggeo Basketball, LLC to add an additional week, July 31st through August 4th 2023 to his previously approved basketball camp
- 2023-124 awarding a contract to Garden State Fireworks for our fireworks display in the amount of \$12,000 to be held on Sunday, July 2nd with a rain date of Sunday, July 9th 2023
- 2023-125 approving a shared services fuel agreement between the Borough of Lavallette and the Toms River Fire Commissioners to permit five vehicles from the Ocean Beach Fire Company to receive fuel from our public facility
- 2023-126 approving a facilities use application to the Lavallette Pickle Ball Club to reserve our pickle ball courts every weekend beginning June 24th through September 9th 2023

from 8am to 12 noon-Mr. Bennett stated that this application needs to be amended to request only for weekends for the summer.

2023-127 approving the provisional appointments of four full-time public works repairers to the position of truck driver effective July 1, 2023

2023-127A approving a facilities use application to John Fata of 27 Guyer Avenue to hold a local skimboard competition fundraiser on Friday, July 7, 2023 from 8am to 10am with all proceeds going towards “Waves of Impact”-Mr. Burns stated that he thinks this resolution should be pulled off until the next meeting so we can discuss who will be holding the insurance for this event.

A Motion to approve the consent agenda with modifications was made by Councilman Borowski. The Motion was Seconded by Councilman Finter.

Councilman Lamb opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Kathy Grandstrand, 1 Camden Avenue stated that they wanted the facility use application for every day from 8am to 12 noon for the summer.

Councilwoman Filippone stated that she is not in favor of approving for every day for your group.

Mr. Bennett stated that the agreement was that the club could apply to have it for only the weekends in summer until 12 noon. On the weekdays, it would just remain open play or others could reserve it.

Mr. Burns stated that we can amend the application verbally now so we can approve it to read weekends, Saturday and Sunday, for entire summer from 8am to 12 noon.

Kathy Grandstrand stated that there needs to be some type of structure set up for open play or it will always be complete chaos.

Councilwoman Filippone stated that the problem that we are being told is that your club does not like to share with the public while you are all playing during the hours you are down there.

Councilman Lamb closed the floor to the public and asked Council for a vote on the consent agenda minus resolution 2023-127A and with the modified changes to resolution 2023-126.

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 VOUCHERS:

2023-128 Bills List in the amount of \$876,454.63

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 PUBLIC HEARING AND FINAL ADOPTION:

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

Councilwoman Filippone stated that this ordinance was not carefully scrutinized by me or any of us for that matter. It seems to take too much power away from us and gives the power to the companies. She would like it pulled until more discussion is done before any public hearing or adoption.

Mr. Burns stated that this ordinance has been introduced on April 24, 2023 but is being pulled off the agenda before any public hearing or final adoption has been done until Council has had time to review and discuss further.

Motion: Second: Public Hearing: Vote:

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”

Mr. Bennett stated that this was a mandate handed down by the State to inspect houses/rentals in New Jersey that were built before 1978.

A Motion to open 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.

Councilman Lamb asked if anyone wished to comment on this ordinance.

Al Jones, 113 Reese Avenue questioned if this ordinance could be clarified for him.

Mr. Bennett stated that any properties that are being rented for 6 months or more will need visual inspections by our Code Enforcement Officer to test for any lead paint.

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.

Councilman Lamb 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.

COMMUNICATIONS:

General with No Action:

- a) State of New Jersey/Diane Gutierrez-Scaccetti, Commissioner/NJDOT's Fiscal Year 2024 State Aid Programs Grant Applications Deadline is July 1st/Received April 28, 2023

UNFINISHED BUSINESS:

Councilman Borowski stated that in the future if we decide to do any proposed ordinances regarding electric charging stations, it is imperative that we keep track of where these stations will be. We need to keep watch how much electric they consume to keep track of our infrastructure. Level 1 charges are less invasive than Level 2 and 3.

Councilwoman Filippone stated that we would have to also check to see if anyone who will be installing these in their garages or property for their electric cars will need to apply for an electric permit and/or zoning. Before we do anything with an ordinance for community charging stations we will need to have our Attorney review and create the ordinance.

Councilman Finter stated that Lavallette received a grant to update Chandler Field in the amount of \$65,000. The field is going to need a lot more upgrades than we first thought so the Lavallette School and the Borough will be splitting any additional costs above the grant amount, if necessary.

Councilman Borowski questioned the time frame regarding the upgrades?

Mr. Bennett stated that they are not sure on the time frame as of yet. They are thinking September to October 2023.

NEW BUSINESS:

Councilman Borowski stated that he thinks some discussion should be done regarding when we start 2 times a week garbage pickup for the summer. He thinks it should be pushed back at least

another week to give Public Works another week to complete some other items before the summer starts.

Mr. Bennett stated that the lightning detection system we are looking into will move forward. We will be tapping into Toms River Township's which is in Ortley Beach. We will be doing a shared services type of agreement.

COMMENTS FROM THE PUBLIC:

Barbara Susinno, 1 Pennsylvania Avenue read aloud her letter in opposition of Ordinance 2023-05 (1243) regarding the 5 G nodes.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments.

EXECUTIVE SESSION:

Mr. Burns stated that there is a need to go into executive session to discuss a grievance and potential litigation. Action may 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 Stogdill.

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

The Council Meeting was adjourned at 8:30pm.

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

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

The Council Meeting was reconvened at 8:55pm.

Mr. Burns stated that while in executive session there was discussion regarding a potential lawsuit and a grievance by Teamsters 97. There was no action taken at this time.

ADJOURNMENT:

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

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 **8th** day of **May 2023**.

Donnelly Amico
Municipal Clerk