

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, October 7, 2024-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

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

Councilman Finter was absent.

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 10, 2024. 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 Toni Daniels from Grand Central Avenue who passed away recently. Her and her husband Bill owned the Cozy Nook and he was a longtime Councilman many years ago and a lifetime member of the First Aid.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated it seems to be a packed house and he thinks it must be about the washed up whale issue from last week.

**CERT TEAM HONORED-**Mayor LaCicero gave each member of the Cert Team a Certificate of Appreciation and pictures were taken.

Cert Team Head Al DeBenedictis stated that there are 19 volunteer members and they have done a total of 443 ½ of hours for 18 events including 3 races. They have done 152 ½ hours of training as well as basic life support.

Mayor LaCicero stated that on Friday morning Lavallette PD was advised that there was a dead whale washed up on Trenton Avenue and they put the call out to the Marine Mammal Center which was protocol. They advised the Chief of Police that they would be coming at some point that day but were not sure of the time so they requested that the whale be transported to the DPW because they were not sure how long they would be. DPW came and transported it to the DPW garage. After that, the Borough offices received a numerous amount of calls from people complaining that we were involved in some type of cover up because we had moved the whale. The Mammal Center made it to the DPW at some point that day and did the normal procedure of testing for toxicology and review of the whale carcass and then they advised us that we could bury the carcass on our

beach. DPW decided to bury this whale carcass on the Bryn Mawr Avenue beach. Whale carcasses washing up on our beach has happened a number of times of every year for many years and they have been buried on all different beaches on the ocean in Lavallette as well as being buried on beaches in other towns they have washed up on. It has always been done this way.

He stated that since there are so many people here for this issue he will allow whoever would like to speak about it do so now.

Arlene Ferrandino, 20 Bryn Mawr Avenue stated that the Borough should have notified the residents of Bryn Mawr Avenue that this whale was going to be buried on our beach. This whale could have had an infectious disease.

Mayor LaCicero stated that we follow the protocol of the Marine Mammal Center and always have.

Donald Geiger, 17 Bryn Mawr Avenue, questioned how deep it was buried.

Mayor LaCicero stated that there is no protocol anywhere on how deep it should be buried so the Supt. of PW said they buried it 8 feet fill above. We are still waiting on the autopsy as well.

#### **VAN CLEEF ENGINEERING-DISCUSSION REGARDING WELL #6**

Bob Chankalian, Van Cleef Engineering stated that Mark Beam who is our Director of Wastewater Management is here tonight to give an update on the well #6 project.

Mark Beam, Director of Wastewater Management stated that this project went out for bid but then we needed to do a re-bid to make some changes to the procurement area. Lavallette has multiple wells but well #3 which has been here since 1948 was in need of replacement due to capacity issues. This well has been rehabbed twice already so the next step is always replacement. The problem with getting this project done in a timely manner is the fact that the prices for materials and labor are outrageous and because of this we are looking at this project costing in the low to mid \$400,000's. The biggest issue here with the cost is the electrical gear. This equipment is extremely expensive and the State that the Borough has the loan with denied the pre-purchase of the equipment. There are so many different issues that can be resolved but because of us needing to keep having to get approvals from the State and prices being through the roof it has kind of put some holds on getting things done quickly.

Councilman Lamb stated that wells 4 and 5 can't keep up with consumption for much longer.

Ted Golubowski, Supt. stated that we were lucky to get through the summer with no big issues but we need to get this well replaced as soon as we can.

Mark stated we need to get the bid out and awarded and once that is done we can order the electrical gear which becomes the problem because that takes 40 weeks to come in and the construction period once started takes 12 to 18 months as well. We do have provisions to keep things running until the project is completed. We think that having a well driller as the general contractor instead of a sub is not a good idea anymore.

Mayor LaCicero stated that he feels much better now knowing that a plan is now in place to start getting things in order.

He opened the floor to the public and asked if anyone in the audience wished to comment on this issue.

Joe Palinsky, 1106 Ocean Front questioned if well #3 has an imminent failure do we have a plan to purchase water from an outside source.

Mayor LaCicero stated that we have always had a backup plan in place for any of these issues.

Mark Speaker, 111 Brown Avenue questioned where this well is located.

Mayor LaCicero stated that it is located down at Newark Avenue Treatment Plant.

**REPORTS:**

- a) Construction Report for September 2024 -Councilwoman Filippone-read report
- b) Zoning/Code Report for September 2024-Councilwoman Filippone-read report
- c) Municipal Court Report for September 2024-Councilwoman Filippone-no report
- d) Police Overtime Report for September 2024-Councilwoman Filippone-rea report
- e) Public Works Report for September 2024-Councilman Lamb-read report
- f) Fire Department Report for September 2024-Councilwoman Filippone-no report
- g) Animal Control Report for September 2024-Councilwoman Filippone-no report
- h) Public Affairs-Council President Zalom-We had a wonderful summer with our concerts and movies on the bay. They were both so well attended and enjoyed.
- i) Tax Account Report for September 2024-Tax Collector
- j) Revenue Transaction Report for August 2024-Chief Financial Officer

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 and Lamb voted Yes. The Motion Passed.

**ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:**

**RESOLUTIONS – ON CONSENT:**

2024-213 approving a facilities use application to the Lavallette School PTO to hold a 5K and 1 mile fun run on Saturday, November 23, 2024 from 9am to 11am utilizing our parking lots and Bay Blvd/bay front

2024-214 requesting approval of items or revenue and appropriation inserting an item of revenue from the County of Ocean Storm Water Drainage Improvement Agreement in the amount of \$2,600,000

- 2024-215 authorizing the refund of a gazebo use permit in the amount of \$300 due to a double booking of specific date
- 2024-216 authorizing the Halloween curfew on October 30<sup>th</sup> and October 31<sup>st</sup> 2024 from 9pm to 6am for minors under the age of 18 years old, except when accompanied by an adult over the age of 25 years old
- 2024-217 approval of a bonfire in conjunction with the Halloween Harvest Hoedown sponsored by the Lavallette Recreation to be held on Friday, October 24, 2024 at 6pm on the Washington Avenue bay beach
- 2024-218 awarding a contract to Motorcycle Mall of Monmouth for the purchase of a 2024 Sea Doo GTX 170 for the Lavallette Beach Patrol in the amount of \$14,250.00
- 2024-219 authorizing the refund of a road opening performance bond in the amount of \$1,000 to New Jersey Natural Gas
- 2024-220 authorizing the Mayor and Municipal Clerk to sign and attest to the interlocal service agreement with the OC Prosecutors Office for the DWI Enforcement and Drug Recognition Expert Program
- 2024-221 authorizing the membership into the Somerset County Cooperative Pricing System #2-SOCCP effective October 7, 2024 through December 31, 2028

A Motion to approve the consent agenda was made by Councilman Stogdill. 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.

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

**RESOLUTIONS - OFF CONSENT:**

There were no resolutions off-consent.

**APPROVAL OF VOUCHERS:**

- 2024-222 Bills List in the amount of \$817,752.69

A Motion to approve the bill list was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.

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

**ORDINANCES ON FOR INTRODUCTION/FIRST READING:**

**Ordinance No. 2024-12 (1263)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending Chapter 63, Entitled, “Water”, Article II, Section 3(B), Entitled, “Water Usage Charge”

The Mayor stated that the town has been in a deficit with these utilities for a number of years. We haven’t increased the water and sewer in 14 years but in order to build the surplus we have no choice. Understand that we are still cheaper with this increase than NJ American Water and Toms River MUA. We are in a much better place with having our own utilities.

A Motion to introduce this ordinance was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill.

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

Public Hearing and Final Adoption is scheduled for October 21, 2024.

**Ordinance No. 2024-13 (1264)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending Chapter 52, Entitled, “Sewer Use”, Article V, Entitled, “Rate Schedule”, Section 3(A), Entitled, “Sewer Usage Charge”

A Motion to introduce this ordinance was made by Councilman Stogdill. The Motion was Seconded by Councilman Lamb.

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

Public Hearing and Final Adoption is scheduled for October 21, 2024.

**COMMUNICATIONS:**

General With No Action:

- (a) Lavallette Heritage Committee/Denise Wirth, Chairwoman/advising the Borough they can no longer host the Lavallette Birthday/Christmas Party due to lack of volunteers-Mayor LaCicero stated that the Founder’s Day Committee will think about taking this over.
- (b) Ocean County Health Department/Daniel Regenye, Coordinator/Funds for the reimbursement of costs of Hep B inoculations for EMT’s, firefighters and police officers
- (c) Ocean County Planning Board/Anthony Agliata, Director/2024 Dune Grass Distribution
- (d) State of New Jersey/Division of Taxation/Melissa Thomas, Chief/Equalized Valuation exceeds by 10% or more the equalized valuation determined for 2023

General With Action:

- (a) Catherine Connolly, 1703 Grand Central Avenue/email requesting the town implement noise regulations regarding music and outside speakers at business establishments-Councilwoman Filippone stated this will be discussed at our ordinance committee meeting.

**UNFINISHED BUSINESS:**

Mr. Bennett stated that we collected \$18,715 this summer with our recreation badges.

**NEW BUSINESS:**

Mr. Bennett stated that November 9<sup>th</sup> will be the dedication ceremony for the benches.

**COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Councilwoman Filippone stated that there were no inside phone calls or discussion regarding the whale on the beach. There was no conspiracy. Whales wash up on the beach a lot and all that become involved just follow the same routine and protocol.

**COMMENTS FROM THE PUBLIC:**

Mark Speaker, 111 Brown Avenue thanked Mayor and Council, employees, volunteers and anyone else who helped make Founder's Day such a big hit.

**EXECUTIVE SESSION:**

There was no executive session.

**ADJOURNMENT:**

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

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 7<sup>th</sup> day of **October 2024**.

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Donnelly Amico  
Municipal Clerk