

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, November 19, 2018-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Robert Brice, Borough Administrator
 Donnelly Amico, Municipal Clerk
 Phil George, Borough Attorney

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 12, 2018. Notice was also posted on our municipal website and bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident Joe Borrelli who passed away recently. Joe resided on Princeton Avenue for a very, very long time.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He congratulated Councilman Borowski and Councilwoman Filippone for being elected to another 3-year term. He stated that he looks forward to working with all of Council again for the next 4 years. He stated that if anyone wished to comment on any items that are not on the agenda or if they cannot 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)

George Thompson, 18 Magee Avenue, that he is having a bit of a problem with the interpretation of an ordinance and how the zoning officers are interpreting it. The code states that any overhangs on a home are strictly limited to only roof overhangs. The way the code reads even prevents flag poles in this area. There are other overhangs that exist and he believes that the code needs to be redefined so that the confusion is cleared up.

Councilwoman Filippone stated that right now the code reads that the overhangs cannot protrude in the setbacks. She does agree with Mr. Thompson on some of his concerns such as the flagpole item which should definitely not be denied. There is flexibility with some of his concerns but not all of them. She is open to discuss the issue and maybe it could be loosened up in some areas.

Mayor LaCicero stated that he has received some feedback on this issue. Our side yard setbacks are very strict as well as restricting the overhangs to roofs only. Hopefully, we can adopt a new ordinance defining clearly what an overhang is.

Councilman Lamb stated that there needs to be some clarity with these codes so that everyone interprets them the same.

PRESENTATION: Verizon Wireless

Mayor LaCicero stated that we have a presentation tonight from Verizon Wireless regarding these 5G nodes that they would like to attach to our poles.

Johnathan Bahmani and John Szeliga from Verizon Wireless thanked Mayor and Council for allowing them to be here tonight for this discussion. Mr. Bahmani discussed why these 5G nodes are necessary to make it possible to bring over FIOS and upgrade all wireless capabilities to provide better service to the customers over here on the island. He explained how they will work and where they would want to put them. are to the issue of the nodes for 5G and how they are requesting to attach these nodes to our poles in Lavallette to provide better service for their customers over here on the island. Mr. Bahmani explained what they were for and how they work and what it will do for Lavallette in the future.

Mayor LaCicero questioned how many nodes they are looking to attach?

Mr. Bahmani stated that they are requesting to attach roughly less than 10.

Mayor LaCicero stated that if we approve Verizon to do this, what is stopping all the other wireless providers from requesting it also.

Mr. Bahmani stated that he understands that this might become an issue. The capacity use of these nodes will be setting a foundation first. Every wireless carrier is different and use different equipment for their service.

Mayor LaCicero questioned how many other municipalities have approved this?

Mr. Bahmani stated that he does not have that exact number but we have reached out to a number of other towns requesting the same. Right now we do not have any nodes in New Jersey. If you approve this, your town would be the first to receive them.

Councilman Borowski stated that from what he interpreted from the paperwork provided 5G does not even exist yet and this is just for data usage for 4G. So once the 5G becomes available you will have to put more of the nodes up.

Mr. Bahmani stated that there will be a need for some slight modifications in the future.

Councilman Finter questioned why they are looking to do this first in Lavallette?

Mr. Bahmani stated that we have identified 3 metrics through data analysis showing this specific area has a big need for enhancements due to the amount of service that is being used.

Mayor LaCicero questioned if this would replace any of the equipment they have on the water tower?

Mr. Bahmani stated that he is unsure of that but will find out for him.

Councilman Finter questioned the health and safety of these nodes with the frequency waves so close to children's bedrooms?

Mr. Bahmani stated that it would all be done with FCC standards.

Councilwoman Filippone stated that these nodes are very unattractive and if approved would definitely need to be somewhat modified for Lavallette as far as looking less unattractive. You are here tonight for us to approve these nodes but you would not give this town FIOS when we requested for it. Why should we authorize these for you?

Councilman Finter questioned if the Borough will have the authority to decide where the locations should be?

Mr. Bahmani stated that there is site specific information but there is flexibility in some areas. The locations selected are to maximize the service.

Councilwoman Filippone questioned if they could give us some samples of these nodes to look at?

Mr. Bahmani stated that it should not be a problem to send them to Lavallette.

Councilman Borowski stated that the node is attached to the pole and then there is some type of box above the node. What is going to be inside the box?

Mr. Bahmani stated that is where the antennae and radio equipment will be.

Councilman Borowski questioned if there are any other communities that are against this?

Mr. Bahmani stated that there are some that are against it but there are some that have already been installed.

Mr. Brice stated that he believes that Long Branch and Deal have already approved this.

Mr. Bahmani stated that they have been in those locations for about a year but he has no data to share tonight.

Councilman Lamb questioned if we don't give approval, will we be facing a big legal battle with Verizon?

Mr. Bahmani stated that we would need your consent right now.

Councilman Stogdill stated that in the summer our population becomes roughly 30,000 people. Will more nodes be required during that time?

Mr. Bahmani stated that he did not have that information right now.

Councilwoman Filippone questioned how high up can they go?

Mr. Bahmani stated that for higher frequency, preferably 40 feet.

Mayor LaCicero stated that he thinks we have received enough information and should now see if anyone in the audience wishes to comment or ask questions.

Clem Boyers, 20 Kerr Avenue, stated that he is not in favor of the box that they are looking to include. The size seems to be very large.

John Corney, 1 Newark Avenue, questioned what the node is exactly?

Mr. Bahmani stated that they are small cells of wireless radio frequency waves.

Mr. Corney questioned that if this is in fact approved and the nodes are attached, how long after will we be able to get the 5G service?

Mr. Bahmani stated there is no exact time frame for the 5G but putting the nodes up definitely moves it along.

Al De Benedictis, 70 Pershing Blvd, stated that the whole reason for this is to get rid of all the wiring.

Marlene Chamberlain, 26 Bond Avenue stated that she knows that there are a lot of health concerns and issues regarding these nodes and she would like to discuss them with him after the meeting.

Chris Chamberlain, 26 Bond Avenue, questioned the 4G small cell and outside wiring?

Mr. Bahmani stated that the 5G nodes range is roughly 100 to 1000 feet and the range is shorter than the 4G.

Mr. Chamberlain stated that there are a lot of towns not in favor of this as well as attorneys fighting this for many towns.

Mayor LaCicero stated that we are not going to approve or authorize anything tonight but we thank Verizon for coming out tonight and having this discussion.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of October 15, 2018

A Motion to approve the minutes was made by Councilman Finter. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

REPORTS:

- a) Lavallette Construction Report for October 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for October 2018-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for October 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for August & September 2018-Councilwoman Filippone-read report
- e) Municipal Court Report for September & October 2018-Councilwoman Filippone-read report
- f) Police Overtime Report for September & October 2018-Councilwoman Filippone-read report
- g) Animal Control Report for October 2018-Councilwoman Filippone-no report
- h) Public Works Report for period October 25 through November 15 2018-Councilman Lamb-read report
- i) Public Affairs Report for October 2018-Council President Zalom-We had a wonderful Beach Sweeps and the Halloween Hoedown was fantastic. There will be an article about our goose patrol in the next NJ League magazine. Don't forget about the oyster dinner on December 2nd and the tree lighting on November 30th.
- k) Tax Account Report for October 2018-Tax Collector
- l) Revenue Transaction Report for September 2018-Chief Financial Officer
- m) 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:

- 2018-292 adopting and establishing a “Personnel Policies and Procedures Manual” and a “Employee Handbook” for years 2019/2020

- 2018-293 refunding unused planning board escrow funds to Irene Brunt in the amount of \$1,056.00

- 2019-294 refunding an electric credit in the amount of \$3.93 to Robert Femia of 2204 Grand Central Avenue

- 2019-295 authorizing the redemption of a tax sale certificate in the amount of \$2300.74 to Trystone Capital Assets, LLC

- 2018-296 authorizing Mayor LaCicero to sign and execute shared services agreements between the Borough of Lavallette and the Ocean County Prosecutor's Office to participate in their Prosecutor's Program for the years 2018/2019
- 2018-297 permanently appointing Susan Kilcheski as part-time Zoning Officer for the Borough of Lavallette as per Civil Service
- 2018-298 permanently appointing Douglas Erb as part-time Electrical Subcode Official for the Borough of Lavallette as per Civil Service
- 2018-299 accepting a donation of a collection of old Lavallette beach badges from the 1970's through 1990's from Betty Psychos
- 2018-300 recognizing the month of November 2018 as "National Family Caregivers Month"
- 2018-301 authorizing the transfer of funds between budget appropriations
- 2018-302 authorizing the disposal of surplus property through GovDeals
- 2018-303 awarding a contract to Stockton University Coastal Research Center to conduct a bathymetric survey of the area around the West Point Island Bridge in the amount of \$10,924.93-Mayor LaCicero stated that this survey is for the dredging under the WPI bridge. We received two proposals with Dr. Farrell being much lower. We are eager to get this going and see what the outcome is.
- 2018-304 approving a raffle license to Lavallette Heritage Committee to hold a 50/50 on premise raffle to be held on December 1, 2018 in conjunction with the Lavallette Fire Dept. oyster dinner
- 2018-305 appointing Shane Flood as a temporary mechanic for the Department of Public Works at an hourly rate of \$22.00 effective November 19, 2018-Councilman Finter requested this be put off consent.

A Motion to approve the consent agenda minus Resolution 2018-305 was made by Councilman Stogdill. The Motion was Seconded by Councilman Lamb.

The Mayor opened the floor to the public and asked if anyone wished to comment on any items on the consent agenda.

No one wished to comment. Mayor LaCicero closed the floor to the public and asked Council for a vote on the consent agenda minus Resolution 2018-305.

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

RESOLUTIONS - OFF CONSENT:

2018-305 appointing Shane Flood as a temporary mechanic for the Department of Public Works at an hourly rate of \$22.00 effective November 19, 2018

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

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

APPROVAL OF VOUCHERS:

2018-306 Bills List in the amount of \$902,311.80

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.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2019 NJDOT Municipal Aid Program/Philadelphia Avenue Road Improvements/Received October 12, 2018
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2019 NJDOT Municipal Aid Program/New York Avenue Road Improvements/Received October 12, 2018
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr and Sterling Avenue Road Improvements/NJDOT Municipal Aid FY 2018/Received October 26, 2018
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr & Sterling Avenue Road Improvements/Preconstruction Conference/Received October 26, 2018

New Jersey League of Municipalities:

- a) State & Federal Issues/Received October 5, 2018
- b) State & Federal Issues/Received October 12, 2018
- c) State Issues/Received October 19, 2018
- d) State & Federal Issues/Received October 26, 2018
- e) State & Federal Issues/Received November 2, 2018

General with No Action:

- a) DEP News Release/Commissioner McCabe Announces Launch of Comprehensive Coastal Resilience Plan During Summit at Monmouth University/Received October 15, 2018
- b) State of New Jersey/Dept. of Transportation/Diane Gutierrez-Scaccetti, Commissioner/NJDOT Fiscal Year 2019 Local Freight Impact Fund/Received October 24, 2018
- c) Brilliant Environmental Services, LLC/Jonathan Libourel, Site Remediate Professional/Response Action Outcome/Kelly's Sea Bay Sunoco/Received October 26, 2018
- d) Mayor's Committee on Life Sciences/Mayor Joseph Pannullo, Chair/Inviting all Mayors of New Jersey to Join/Received November 2, 2018
- e) FEMA/Project Worksheet 4793/Large Project Final Accounting/Lavallette Lifeguard Station Reconstruction/ final award of \$341,817.30/Received November 13, 2018-Mayor LaCicero stated that this was a big shock but a big plus for us. We received \$341,817.30 from FEMA for our lifeguard building. We are very pleased.
- f) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/Public Hearing of 2019 Proposed Budget/Received November 13, 2018

General with Action:

- a) Ocean County Planning Board/Marissa Spoto, CDBG Program Monitor/FY 2019 CDBG Funding Application and Timeline/Received November 16, 2016-Council President Zalom stated that for this new application for 2019 we will be applying for funds to purchase benches for each walkover that we will be getting to put in the viewing area. She will be attending the meeting on December 11th to get it started. Also, we have some balance of monies left over from the 2017 grant that we need to use so she is going to request they be used to make the interior doors downstairs ADA compliant.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion of Best Practices Worksheet 2018

Mayor LaCicero stated that this worksheet is mandated by the State for municipalities in order to get state aid. We have qualified for the state aid for this year and it seems that we did better than last year with the questions.

Councilman Borowski stated that he would like to make a motion for Council to authorize Mr. Brice to apply for the electric car charging station grant that is available.

A Motion to authorize Mr. Brice to apply for the electric car charging stations was made by Councilman Borowski. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion passed.

Councilman Stogdill stated that with the news of minimum wage going up to possible \$15.00 per hour, he would like to propose shortening the time frame for pre-season badge sales to December 31st of this year with the holiday sales and make it regular price as of January 1, 2019. We have to remember we will need badge checkers at every opening this year which will be 26. This will require more badge checkers and life guards, which will be more out of pocket for the Borough.

Mayor LaCicero stated that he thinks it's a little late to inform the people so they can get them by December 31st.

Councilwoman Filippone stated that she doesn't think that is giving anyone enough time. Maybe we can do it as of now until maybe March or April and then go to regular.

Mayor LaCicero stated that it should definitely be discussed further before any decisions are made now. It's still too early for us to decide anything.

Council President Zalom stated that the State will be painting the crosswalks for us on Rt. 35 South. They just want a letter from us requesting it which we will take care of.

COMMENTS FROM THE PUBLIC:

No one wished to comment.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski congratulated Councilwoman Filippone and Mayor LaCicero for their win. He thanked the residents for allowing him to lead them for another 3 years which he has always been honored to do.

Councilwoman Filippone congratulated Councilman Borowski and Mayor LaCicero and read a short thank you letter to the residents for their continued support and trusting in her to lead them. She is thankful for this win and appreciates the support.

EXECUTIVE SESSION:

Personnel Matters
Litigation Matters

Mr. George stated that the executive session tonight has been waived since there is nothing of urgency that cannot wait until the next meeting.

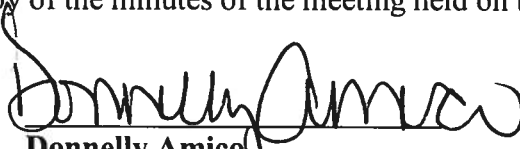
ADJOURNMENT:

A Motion to adjourn the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 9:15 pm.

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 meeting held on the 19th day of **November 2018**



Donnelly Amico
Municipal Clerk