

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, December 3, 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  
                              Eric Bernstein, 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:** Mayor LaCicero asked for a moment of silence for former President George Bush, Sr. He also asked for a moment of silence for longtime residents, Ann Tucci of WPI, Randolph Turner of Baltimore Avenue and Mary Calhoun of Lavallette Avenue who was also Ann Tucci's sister. There has been a lot of passings' this year of longtime residents. They will all sadly be missed.

**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. There is only one more meeting left for this year and then we will be going into year 2019. Hard to believe this year is gone already. He stated that if anyone wished to comment on any items that are 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)**

No one wished to comment.

**2018 BOROUGH APPOINTMENTS BY THE MAYOR:** (not requiring Council approval)

Mayor LaCicero stated that there has been some moving around of Planning Board Officials this past few years and this year he didn't appoint a Mayor's Designee. He will be appointing Tom Restaino to this position for the remainder of the year. At the re-org meeting in January he will be appointing the Planning Board members whose terms are up at the end of this year so he will be also doing some changes with those as well. Mr. Restaino is a great guy and we look forward to his becoming part of the Planning Board.

## Planning Board

Class I Member-Mayor's Designee

Tom Restaino

### **APPROVAL OF MINUTES:**

Minutes of Caucus/Regular Meeting of November 19, 2018

A Motion to approve the minutes 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.

Councilwoman Filippone stated that before we continue she just wanted to bring attention to the new framed maps to the left of the dais. These are original maps of Lavallette and she thinks it completes the wall. On the wall to the right of me is a framed print of the corporation papers for the Lavallette Fire Department that is from many, many years ago that Councilman Lamb presented to the Memorabilia Committee. She thinks that it is all coming together very nicely and is very proud of all that was done.

### **REPORTS:**

- a) Lavallette Construction Report for November 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for November 2018-Councilwoman Filippone-read report- She stated that the shared services with SSP is terminated as of December 31, 2018. We have been finalizing some personnel issues that needed to be taken care of as well as the finances.
- c) Lavallette Zoning Report for November 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for October 2018-Councilwoman Filippone-no report
- e) Municipal Court Report for November 2018-Councilwoman Filippone-no report
- f) Police Overtime Report for November 2018-Councilwoman Filippone-read report
- g) Animal Control Report for November 2018-Councilwoman Filippone-no report
- h) Public Works Report for period November 2018-Councilman Lamb-read report-Doug Franzoso our long time water supervisor will be retiring as of January 1, 2019 after 40 years of service. We wish him the best.
- i) Public Affairs Report for November 2018-Council President Zalom-she is still trying to get some swings back at the new playground. We are going to be making the Administration doors in the municipal building handicap accessible with some additional funds still available from our 2017 CDBG grant. We are in process of getting quotes. Also, she spoke to the Ocean County Cultural Commission and the Borough is receiving \$1,205 from the arts grant that we apply for every year to go towards our summer concerts. A big thank you to Donnelly for doing the time consuming grant application and doing such a great job. This year we are receiving more than the previous two years. Christian LaCicero who is the President of the Fire Department has been in contact with the Nutrition Project that use to be at the Fire Dept. before the storm. Hopefully, they can work something out to get that back to Lavallette. The Municipal Alliance will be hopefully getting their \$21,000 grant for next year. They also have agreed to include the senior lunch and movie as one of the events that can be done under this grant so that is fantastic. Our tree lighting was Friday night and it was great. There are 3

tickets left for the NYC bus trip on December 12<sup>th</sup> but the December 15<sup>th</sup> trip is booked. We will be doing Wyndham Mountain on January 26<sup>th</sup> if anyone is interested. The State will be putting the pedestrian crosswalks once we provide them the list of streets we are requesting.

- k) Tax Account Report for November 2018-Tax Collector
- l) Revenue Transaction Report for October 2018-Chief Financial Officer

Mr. Brice stated that he just wanted to give an update on the beach replenishment. The pre-construction meeting will be on December 11<sup>th</sup> and he will be attending. The way it looks right now is they will start their first dredge in Lavallette on December 19<sup>th</sup> and hopefully will have the project complete in Lavallette by March.

A Motion to approve the reports was made by Councilwoman Filippone. The Motion was Seconded by Councilman Lamb. 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:**

- 2018-307      authorizing the refund of a construction permit fee in the amount of \$130.00 to Mark Tortoriello
- 2018-308      authorizing the refund of a construction permit fee in the amount of \$100.00 to Michael Battaglia Electric
- 2018-309      approving a raffle license to Lavallette Heritage Committee to hold a 50/50 on premise raffle on December 21, 2018 at the Lavallette Christmas Party

A Motion to approve the consent agenda was made by Councilman Lamb. 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, Finter and Lamb voted Yes. The Motion Passed.

#### **RESOLUTIONS - OFF CONSENT:**

No resolutions off consent.

## **APPROVAL OF VOUCHERS:**

2018-310 Bills List in the amount of \$688,626.30

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.

## **COMMUNICATIONS:**

Legal:

- a) Eric Bernstein & Associates/Frank Puccio, Esq/Best Practices Worksheet CY 2018/2019/Received November 27, 2018
- b) Eric Bernstein & Associates/Dominic DiYanni, Esq/Giant Realty, LLC vs. Lavallette Tax Appeal/Received November 29, 2018

General with No Action:

- a) Ocean County Health Department/Daniel Regenye, Public Health Coordinator/Grant Updates for Municipal Alliance Program for 2019/2020/Received November 20, 2018
- b) Retirement letter as of January 1, 2019/Doug Franzoso/Received November 20, 2018-Mayor LaCicero stated that Doug has been such a fixture in the water department and has been in that department for over 40 years. Can't imagine not seeing him down at public works anymore. We wish him luck in retirement.
- c) New Jersey State Legislature/10<sup>th</sup> District/Congratulations on your win/Received November 21, 2018
- d) NJ Dept. of Environmental Protection/Compliance Advisory Enforcement Alert/DEP Beach Maintenance Compliance Initiative/Received November 30, 2018

Council President Zalom stated that she has been in contact with the County regarding the President Avenue outfall pipe flooding issue. They have everything ready to go but the NJDEP is requesting a plan of the project and what is going to be done step by step before the work can begin.

General with Action:

- a) Christopher Chamberlain/26 Bond Avenue/Opposition to Verizon's Mobility Small Cell Nodes and Transport Facility Deployment in Lavallette/Received November 21, 2018
- b) Christopher Chamberlain/26 Bond Avenue/Opposition to Verizon's Mobility Small Cell Nodes and Transport Facility Deployment in Lavallette/Received November 26, 2018

Mayor LaCicero stated that there are two letters here from Chris Chamberlain stating his opposition to the Verizon 5g nodes on the poles. At the last meeting, we had two representatives here from Verizon to discuss the nodes and give some more information on why they are needed and what they are all about. The league of municipalities doesn't seem to be taking a stronger stance on this issue which is affecting all of New Jersey. We have given all the information to the Borough

Attorney and he is going to be dealing with the situation from now on. No one up here is in favor of it and we are thankful for the information that Mr. Chamberlain has given us which our Attorney will also look into.

Councilman Finter stated that for the record, he is retired from Verizon but does not collect a pension or has any stock connected to them. He is strictly neutral just like all the other Council Members. There should be no conflict here.

Chris Chamberlain, 26 Bond Avenue stated to Councilman Finter that the pension and stock part of it was not really the issue as much as Mr. Finter stating that the small nodes are going to be outside bedroom windows.

Councilman Finter stated that he stated at that time that no there would not be. He will be discussing the issue of recusing himself regarding any Verizon issues with Mr. George to make sure there will be no conflicts.

Mr. George stated that he will be discussing the issue with Councilman Finter and they will decide whether he should abstain from any further discussions, votes or meetings on the issue.

Marlene Chamberlain, 26 Bond Avenue stated that one of the Verizon reps who attended at the last meeting was John Szeliga, who is a Belmar Councilman who was in favor of putting the nodes in Belmar; however, he lives in Spring Lake and they do not want them there.

#### **UNFINISHED BUSINESS:**

Council President Zalom stated that the Borough can apply for the CDBG grant for the year 2019 again and she will be attending the first meeting next week. We will be applying for the grant and will be requesting it for the purchase of benches to be put in the sitting areas of each walkover once that project is complete. She will keep everyone informed as it progresses.

Council President Zalom also stated that the town's 131<sup>st</sup> Birthday/Christmas party will be on December 21<sup>st</sup> at 7pm at the First Aid Building so get your tickets.

Mayor LaCicero stated that we also received some correspondence last week from the Alcohol Beverage Control regarding Capriccio's and their liquor license. A number of charges have been filed against Capriccio's and the license holder and they are facing a revocation of their license as well as a number of fines.

Mr. George stated that they have been issued the complaint by the ABC and will have 30 days to respond to the complaint. Once a court date is set they State will advise all parties involved.

Councilwoman Filippone questioned if their license is revoked, will they be allowed to sell it or does it revert back to the Borough?

Mr. George stated that he believes it will come back to the Borough and you will have the option of either reissuing to another party, deciding on whether you want to even re issue or just hold onto it for a while. He will update everyone on the next step once he is informed.

Mr. Brice stated that Bryn Mawr Avenue and Sterling Avenue road improvements will start later this week with the milling first. Earle will be notifying all homeowners of the dates and to make sure all vehicles are removed from the streets.

#### **NEW BUSINESS:**

There was no new business.

#### **COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue questioned if there will be an update on the Verizon node issue at the next Council Meeting?

Mayor LaCicero stated that Mr. George will be looking over all the information and let us know what should be done.

Mr. George stated that the issue is very complex. A lot of other towns have decided on different ways of going about this as well. We have to be very careful with this issue and make sure we follow all guidelines.

Mr. Boyers questioned if Verizon has a right to our poles?

Mayor LaCicero stated that they can install more poles and have rights to poles they own also but they need approval to install in our right-of-way.

Mr. Brice stated that they still have to get approval.

Mr. George stated that the Borough has to give their consent.

Mr. Boyers questioned if other towns have approved these nodes?

Mr. Brice stated that some towns have given consent already.

Marlene Chamberlain, 26 Bond Avenue, stated that California has denied and defeated all of this issue. There is an attorney that has filed an actual order of opposition in New Jersey.

Joe Palinsky, 122 Washington Avenue questioned if the Borough is in compliance with our dune openings?

Mayor LaCicero stated that as of right now we do not have an individual DEP permit for our dunes. The DEP is aware of this and are allowing any permits to be applied for after the beach

replenishment in their town is completed. Once the project is complete our Engineer will be taking care of handling that issue.

Mr. Brice stated that at the pre-construction meeting on December 11<sup>th</sup> for the beach replenishment project there will be a DEP representative there and I will ask her what is needed to apply for this permit as well as how long after the completed project does this application for the permit need to be received.

Mr. Palinsky stated that as far as the benches being so close to the dunes, there might be restrictions from the DEP and/or the Army Corps. on what type of benches in case of a storm.

Mr. Brice stated that there are no restrictions with what we put up there after the project is done; however, they have stated that most of the benches being used after the projects in other towns are being locked down by long anchored poles so that is an option.

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

Council President Zalom stated that she will need to be excused for the two February 2019 meetings because she will be in Florida for that month.

#### **EXECUTIVE SESSION:**

Personnel Matters  
Litigation Matters

Mr. George stated that there is a need to go into executive session to discuss some personnel matters as well as some litigation matters. There will be no action that will be taken.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 8:05pm.

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

The Caucus/Regular Meeting was reconvened at 9:09pm.

Mr. George stated that while in executive session there were a number of employee matters that were discussed as well as a discussion on the termination of the shared services agreement with Seaside Park and the Verizon nodes. No action was taken.

#### **ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 9:10pm.

**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 17<sup>th</sup> day of **December 2018**

  
**Donnelly Amico**  
**Municipal Clerk**