

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Tuesday, January 22, 2019-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

A Motion to excuse Councilman Finter was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

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

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 4, 2019. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for two longtime residents John Marzella of WPI and Evelyn Haag from Elizabeth Avenue. We will keep them in our thoughts.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. The beach equipment has finally arrived.

Mr. Brice stated that they will start the pumping process in approximately 9 days and then it will last a total of 80 days. They are pretty hopeful that they will be completed with the pumping by May 1st and then there will be some cleanup after that but that should not take long. The dune grass planting won't be done right away but they will take care of it.

Mayor LaCicero stated that Verizon will have a public forum for anyone who wishes to attend to discuss the nodes. This will take place on Thursday, January 24th from 5pm to 7pm at the Lavallette School.

Mr. Brice stated that they will be giving a 5 to 10-minute introduction and then set up breakout sessions with representatives and experts. These sessions should run from 60 to 90 minutes. After this forum is done, the Borough will be having a public hearing on this topic and we will let everyone know once we decide on a date and time. Also, Verizon has informed me that before the public hearing they will be submitting an updated application.

Mayor LaCicero stated that he had his Mayor's meeting with barrier island Mayors last week and he filled them in on the Verizon public forum and they were very interested in attending. They haven't

even been approached yet with an application so they would like to get a head start on what they want to do.

The Mayor stated that if anyone in the audience 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)

Michele Donato, 2200 Ocean Front, stated that she has become very familiar with this 5G and the strong arm tactics. The Borough Electric Department has already maintained that no other equipment or devices should be put on our poles. These nodes will cause more radiation that will be closer to homes and the residents. These nodes don't even fit the criteria that the courts put in place for cell towers. There are more alternatives to look into. These nodes are not designed to help the Borough residents in any way except to help Verizon.

Mayor LaCicero stated that he appreciated her comments and any help that she could provide would be great because we are not in favor of this either. We are trying to hold off as long as possible but with the FTC regulations we may have to allow but our attorney is trying to see what can be done.

Mrs. Donato stated that she also wanted to express that she is not a fan of this beach replenishment at all. The sand they will be pumping onto our beach is extremely loose and she doesn't think that they will be replacing the dunes we have. Is this project also including dune fencing to prevent the loose sand from blowing on our properties and the boardwalk? We have already had the blowing sand problem with the sand already on our beach and this sand will be much more loose.

Mayor LaCicero stated that he believes that dune fencing is included in this project but he will check to be sure and get back to her. There is an easement so the dunes will be 10 feet from the boardwalk.

Councilman Lamb stated that whatever dune fencing that they do not install, the Borough will make sure they take care of it.

Mr. Brice stated that there is a pre-construction meeting on Tuesday so he will ask about the dune fencing and give an update at the next meeting.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of December 17, 2018

Minutes of Reorganization Meeting of January 2, 2019

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

REPORTS:

- a) Lavallette Construction Report for December 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for December 2018-Councilwoman Filippone-this will be final report.
- c) Lavallette Zoning Report for December 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report from August to December 2018-Councilwoman Filippone-she is not happy with this report and can barely read it. She is going to request that a final month to month report is done.
- e) Municipal Court Report for December 2018-Councilwoman Filippone-read report
- f) Police Overtime Report for November & December 2017-Councilwoman Filippone-read report
- g) Animal Control Report for November & December 2017-Councilwoman Filippone-read report
- h) Public Works Report for December 2018-Councilman Lamb-read report
- i) Public Affairs Report-Council President Zalom-We have a new reporter from the Ocean Star and his name is Alex. Don't forget about the ski trip to Wyndham on Saturday the 26th. There is no more Zumba through recreation anymore so we put Pickle ball in that slot and that will be done at the school. Hopefully, we will hear about our application for the Beautification grant in April. The next NYC bus trip will be on May 4th.
- j) Tax Account Report for December 2018-Tax Collector
- k) Revenue Transaction Report for November & December 2018-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:

- 2019-56 authorizing the transfer of 2018 overpayments to 2019 taxes receivable in the amount of \$51,188.02

- 2019-57 refunding the unused planning board escrow funds in the amount of \$570.00 to Alert & Audrey Hughes

- 2019-58 authorizing the transfer of funds between appropriation accounts in the amount of \$4,400.00

- 2019-59 authorizing the process of advertising and receiving of RFP's for the complete revaluation of all real properties as of October 1, 2019-Mayor LaCicero stated that we have no choice, unfortunately, to begin this process but we are going at a slower pace.

- 2019-60 approving the Lavallette Business Association's 2019 proposed calendar of events

- 2019-61 authorizing the dates upon which Big Ed's Produce may exhibit merchandise outside the confines of his business in accordance with Chapter 50 of the Borough Code
- 2019-62 approving a facilities use application to the Women's Auxiliary of the Lavallette First Aid to hold their annual flea market on Wednesday, July 24, 2019 with a rain date of July 25, 2019 in the fire house/first aid parking area
- 2019-63 approving a facilities use application to the Regular Republican Club of Lavallette to hold their meetings in Council Chambers on the third Thursday every month at 7pm for the year 2019
- 2019-64 requiring mandatory Governing Body certification of compliance with the US Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"
- 2019-65 accepting the retirement of Douglas Franzoso and authorizing payment of unused sick and vacation time-Councilman Lamb stated that he will be missed.
- 2019-66 approving the date of September 7, 2019 and the use of our bayfront facilities for Founder's Day 2019 and appointing the Founder's Day Committee
- 2019-67 authorizing the disposal of surplus property through GovDeals
- 2019-68 establishing the official summer beach season dates for 2019-Mr. Brice stated that the beach will open for Father's Day weekend on June 15th and 16th and then will be closed until Friday, June 21st to start the official season. Some people come down for that weekend but go home for the week so we thought it would be a good idea to open the beach with lifeguards for this weekend.

A Motion to approve the consent agenda 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 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:

2019-69 Bills List in the amount of \$575,558.02

A Motion to approve the bills list was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom and Stogdill voted Yes. Councilman Lamb abstained on PO# 19-00010 and yes to all others. The Motion Passed.

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Philip George, Esq./Sherman Hospitality, LLC/Liquor License/Received December 21, 2018-Phil George stated that this is requesting all discovery regarding the charges that were issued upon Sherman Hospitality and Capriccio's by the ABC. He has not heard back as of yet but will update everyone when he hears from them.

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Rehabilitation and Repainting 500,000 Gallon Water Storage Tank Project/Closeout Document Request/Received December 28, 2018

New Jersey League of Municipalities:

- a) Governor Signs Electronic Procurement Legislation into Law/Received December 18, 2019
- b) State & Federal Issues/Received December 21, 2019
- c) State & Federal Issues/Received January 4, 2019
- d) Annual Survey/1st Annual NJ Local Government Week/Received January 7, 2019
- e) State & Federal Issues/Received January 11, 2019

General with No Action:

- a) State of New Jersey/Department of Environmental Protection/Catherine McCabe/Solar Siting Analysis Update/Received December 5, 2018
- b) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/2019 Budgets/Received December 7, 2019
- c) Ocean County/Dept. of Solid Waste Management/Ernest Kuhlwein, Jr./Recycling Program/Revenue Sharing Program/County loss of revenue/Received December 11, 2018-Councilman Borowski stated that the demand of recycled goods is not as high as previous years. This in turn, may decrease our revenue we get through the revenue sharing program and may even stop it completely.

- d) DEP News Release/DEP Honors 11 Recipients at Annual Governor's Environmental Excellence Awards Program in Trenton/Received December 17, 2018
- e) DEP News Release/DEP Commissioner McCabe Says Federal Proposal to Roll Back Water Rule Protections Could Harm Public Health/Received December 17, 2018
- f) DEP News Release/New Jersey Releases Spending Plan and Begins Evaluating Projects to Improve Air Quality Using Volkswagen Funds/Received December 17, 2018
- g) DEP Regional Greenhouse Gas Initiative Rule Proposals/Kerry Kirk Pflugh, Director/Received December 18, 2018-Councilman Borowski stated that Chris Christie had taken New Jersey out of this.
- h) Ocean County Health Department/Saranda Ceka, Coordinator/upcoming deadlines regarding the Municipal Alliance Grant cycle/Received December 24, 2018
- i) DEP News Release/DEP Awards \$14 Million in Grants to Local Governments to Promote, Enhance Recycling Efforts/Received January 2, 2019
- j) Opposition to Verizon's Small Cell Nodes/Christopher Chamberlain/26 Bond Avenue/Received January 11, 2019
- k) State of New Jersey/Department of Environmental Protection/Catherine McCabe/Green Acres Fund Grants/Received January 14, 2019
- l) DEP News Release/DEP Commends New Members of New Jersey Sustainability Registry for Being Community Leaders/Received January 17, 2019
- m) State of New Jersey/Department of Environmental Protection/Bruce Friedman, Director/Revisions to the Water Quality Management Plans/Received January 17, 2019
- n) Lavallette Yacht Club/Ruth Oliver, Assistant Secretary/2019 Officers/Received January 18, 2019
- o) Lavallette Yacht Club/Ruth Oliver, Assistant Secretary/closure of Swan Point Road from February 3, 2019 at 9am to February 4, 2019 at 9am/Received January 19, 2019-Mayor LaCicero stated that this is the Yacht Club's annual closure of Swan Point Road that is owned by them.

Council President Zalom questioned if there were any updates on the electric charging stations.

Mayor LaCicero stated that he believes it is still in process but we are stuck on a location.

Councilman Borowski stated that he and Bob went around and took a look at what the best locations were but we didn't make a decision as of yet.

Mr. Brice stated that we can't submit the grant application without the specific locations. He has the application and once the locations are chosen he will start the application process.

Councilwoman Filippone stated that we also need to take a look at all the designs that they have for these and also we need to charge for them.

General with Action:

- a) Lavallette Seniors/James Peeney, President/requesting the Borough help with subsidizing the cost of the bus for trip/Received January 11, 2019-Council President

Zalom stated that we gave them monies out of Recreation last year for the bus and we can do this again this year. Last year she thinks we gave them \$1,000 but will check with Chrissa.

Councilman Borowski stated that we should decide on this tonight and he believes it was \$1,000.

A Motion was made by Councilman Borowski to allow for \$1,000 to be given to the Seniors to supplement their cost for the bus for their trip. The Motion was seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that there are Green Acres Grants that we can apply and she was thinking of applying for this to take care of that not so appealing area by the gazebo.

Mayor LaCicero stated that is not green acres.

Council President Zalom stated that all of our bay front is green acres and this is an opportunity to fix up our bay front.

Councilman Lamb stated that he was just at the gazebo this weekend and didn't see any ugly areas.

Council President Zalom stated that it just needs some spicing up a bit. It definitely needs a new walkway or what about the bulkhead and ramp replacement we want to do. Maybe we can apply for the grant for that project.

Mayor LaCicero stated that would be great if it will be approved for this grant.

Council President Zalom stated that she will call Kerry at the DEP and see if she thinks this project fall under this grant.

UNFINISHED BUSINESS:

Council President Zalom stated that she spoke to the County regarding the President Avenue outfall pipe replacement and repair. The DEP denied their CAFRA permit requesting more detailed information. They amended the application and sent the requested information back to the DEP. She will give them a call again to see if there are any updates because this really needs to be done as soon as possible. We do have a property maintenance ordinance but it only lets us go so far with limitations. We have received an ordinance from Toms River on vacant and abandoned properties. Right now we have 14 properties that would fall under this ordinance.

Mr. George stated that these ordinances came about around 3 or 4 years ago due to the excess of foreclosures. Once the homeowners abandoned the home, there was no way to hold them accountable for the maintenance of the property due to the foreclosure. This ordinance allowed the towns to hold the banks that were foreclosing accountable for the maintenance.

Mayor LaCicero stated that he does know of a few homes in town that are bank owned. We will have to review the ordinance and see what can be done.

Councilman Borowski stated that we should try to draft a letter to these homeowners or banks first to advise them they need to take care of the repairs and maintenance and give them a chance to take care of it first.

Councilwoman Filippone stated that those letters have already been sent out by the construction office and our Construction Official has also spoke to the homeowners.

NEW BUSINESS:

Councilwoman Filippone stated that she had a conversation with the Construction Official regarding some homes in town that are still a mess from the storm with nothing being done to them at all and they are vacant.

Councilman Borowski stated that they Public Power Association had their auction on the power purchased. These are the prices they received for our power purchased through year 2023 per kilowatt hour.

June 2019 will be \$32.48, 2020-2021 \$30.81, 2021-2022 \$29.31 and 2022-2023 \$29.02. This doesn't include the issues we have with the transmission and capacity costs due to the lawsuit but it should help us out.

CDBG 2nd MUNICIPAL PUBLIC HEARING-Council President Anita Zalom

Mayor LaCicero stated that part of the CDBG application process is two have 2 scheduled public hearings to hear any comments from the public.

Council President Zalom stated that they are still looking at various benches to include in this application. We haven't made a decision on one as of yet.

Mr. Brice questioned if the plaques that people want to purchase to honor their loved ones are included in this project?

Mayor LaCicero stated that we need to apply for this grant for the purchase of the benches first and then we will discuss how we should handle the plaques and memorialization.

Councilwoman Filippone stated that it seems that only one bench can fit up there and the grant usually gives us roughly \$32,000 that will basically cover the purchase of the number of benches that are needed.

Mr. Brice stated that the general model bench ranges in cost from \$500 to \$700 for each bench. The Engineer will give us somewhat of a description on the bench once chosen.

Council President Zalom stated that if the design of the bench needs to be discussed by Council, we need to get going on this discussion because the application is due in by February 15th so that doesn't leave us much time.

Mayor LaCicero agreed that time is of the essence so they need to start discussing this issue and make a decision.

The Mayor asked if anyone in the audience wished to comment on this CDBG project regarding the purchase of the benches for the walkover platforms.

No one wished to comment.

The Mayor closed the public hearing.

COMMENTS FROM THE PUBLIC:

Mary Logios, 4 Sterling Avenue thanked Mayor and Council for the paving on Bryn Mawr and Sterling. She stated that the yellow and white lines were not painted on their street.

Mr. Brice stated that it was included in the contract so he will check with the Engineer and let her know.

Mrs. Logios questioned if the beach is open for the weekend on June 15th does that mean that parking stickers will be required on that date or on the 21st?

Mr. Brice stated that they will be required starting June 15th.

Clem Boyers, 20 Kerr Avenue, questioned if the Army Corps. was going to plant the dune grass in the fall?

Mayor LaCicero stated that it will be done then by them.

Mr. Boyers stated that if the platforms are going to be 10x10 then we should be able to fit two benches to a platform.

Mayor LaCicero stated that we have had that discussion and have debated on it. Right now, we can only request one bench for each with the grant but we can discuss putting another bench up there for each platform and see what can be done. We might be able to discuss this when we talk about the plaques and the memorialization.

Mark Speaker, 111 Brown Avenue, questioned when the paving on Philadelphia Avenue will be?

Mayor LaCicero stated that he believes it will be done for this year.

Mr. Speaker stated that the illumination on the water tower is very weak and not as bright. Maybe there is something wrong with the lighting.

Councilman Lamb stated that he will talk to Ted and have him check it out.

Mr. Speaker stated that he wanted to thank Councilman Borowski for the service of honoring my father with the First Aid and Fire Departments after he passed away. It was appreciated.

Chris Chamberlain, 26 Bond Avenue, stated that it has been brought to his attention that communities can do fiber optic cable themselves without third party companies.

Mayor LaCicero stated that he did hear this also and will have to look more into it.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone stated that she feels the public is being misled by Verizon. This proposal has nothing to do with FIOS. We will not be able to get FIOS with this. This is strictly for 5G nodes which cannot give you FIOS. This is all for Verizon's needs and not Lavallette's. She advises everyone to attend this public forum and ask as many questions as necessary.

EXECUTIVE SESSION:

There was no executive session.

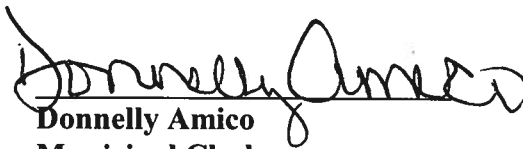
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:30 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 22nd day of **January 2019**


Donnelly Amico
Municipal Clerk