

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, November 18, 2019-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

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 long-time resident Carmen Russo who passed away over the weekend. He was a fixture in town since the 70's. He was also a member of the fire department and very active in town events. He will be deeply missed.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. The DOT is in the process of replacing the crosswalks on Rt. 35 South. They also are replacing the ramps with the ones that should have been put up to begin with. The Mayor stated that if anyone 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)

Kathleen Lucciola, 140 Newark Avenue, stated that she has lived in Lavallette a very long time and raised her children here and now have her grandchildren come to visit. She is not in favor of Verizon putting nodes on our poles in town. She has heard a lot about these nodes not being safe and healthy for people. She finds it funny how they did not want to come over here to give us FIOS but want to put these nodes here for 5G because they will make more money. She knows that according to the FCC, towns cannot stop them from doing this and she is not sure why. We as a community elect our officials and expect them to serve and protect the citizens and she is hoping that is what they will do.

Mayor LaCicero stated that they have been dealing with Verizon on this issue for approximately 2 years and we have never been in favor of it at all. Verizon submitted their application and our Engineer went over it to make sure it was compliant with our Ordinance. The application went in front of our Planning Board and out of the 7 locations that they wanted to put these nodes, the

Planning Board's recommendation was for only two. We will be discussing these locations and voting on them at our next meeting.

Councilwoman Filippone stated that these locations were selected by Verizon and they had to follow a very complicated ordinance. Five of the seven locations were not in compliance with our ordinance. The two that were in compliance to a degree were recommended with conditions. The next step is for Council to either accept the Planning Board recommendations or deny them.

APPROVAL OF MINUTES:

Minutes of Caucus/Regular Meeting of October 7, 2019

Minutes of Regular Meeting of October 21, 2019

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

REPORTS:

- a) Lavallette Construction Report for October 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for October 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for October 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for October 2019-Councilwoman Filippone-read report
- e) Animal Control Report for October 2019-Councilwoman Filippone-no report
- f) Public Works Report for October 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-the beach sweeps was on October 26th and there were a lot of people who came. The Harvest Hoedown was great! The Ladies Aux of the Fire Dept. will be selling poinsettias and wreaths again this year.
- i) Tax Account Report for October 2019-Tax Collector
- j) Report of Tax Sale/2018 Taxes/-Tax Collector
- j) Revenue Transaction Report for September 2019-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:

- 2019-265 authorizing the Mayor to sign and execute the Ocean County Recycling Center Use and Revenue Five Year Sharing Agreement with the OC Department of Solid Waste Management-Mr. Brice stated that as of 2021 the County will be charging for this service instead of the Borough receiving the revenue.

- 2019-266 approving a residential parking permit application from Robert & Mary Russo at 105A New York Avenue
- 2019-267 authorizing the refund of a 2019 tax overpayment in the amount of \$3,598.18 to Mark and Barbara Barone
- 2019-268 adopting the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County
- 2019-269 authorizing the execution of the NJDOT final quantities change order #1 to the contract with Earle Asphalt Company for the Bryn Mawr and Sterling Avenues road improvement project decreasing the original contract price by \$3,467.00
- 2019-270 authorizing the Mayor to sign and execute policy endorsements for the Horizon employee prescription plans and the Horizon dental option plans for the year 2020
- 2019-271 calling for a Study Commission to review the Open Public Records Act (OPRA)
- 2019-272 authorizing the Mayor to sign and the Municipal Clerk attest the deed transferring a small portion of land parcel known as "Parcel B" between the Borough Complex and the Lavallette Elementary School to the Lavallette Board of Education- Mayor LaCicero stated that when we were constructing this building we needed some additional feet for our parking area so we swapped a small portion of our land with a small portion of the school's land.
- 2019-273 granting a tax exemption for a totally disabled veteran to Alphonse Faiella of 108 New Jersey Avenue
- 2019-274 authorizing the Borough Engineer to prepare bid specs and go out to bid for additional repairs needed for Well #4

A Motion to approve the consent agenda was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

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:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2019-275 Bills List in the amount of \$989,659.88

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

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:

Ordinance No. 2019-10 (1200) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 7 of the Borough Code, Entitled, "Bathing and Beach Control", to Amend Section 7-9, "Fees for Use of Beaches and Facilities"

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

Mr. Brice stated that our pre-season badges will be \$50 and then they will become \$60 after that. For the holiday sales they will be the pre-season price. Senior badges will be \$20.

Mayor LaCicero stated that with the new minimum wage increase we have to do some rate increases for our seasonal employees in order to be more competitive so we can keep them. We haven't had a badge increase in quite a few years but our hands are pretty much tied at this point.

Councilman Finter stated that he would like to make a motion that we give free badges to our active military and disabled veterans.

Councilman Borowski stated that he also thought that was a good idea as well.

Mr. George stated that if Council agrees to this we simply will just need to amend this ordinance tonight for adoption by just changing line (c) from \$15.00 to Free.

The Mayor asked if anyone in the audience wished to comment on this ordinance and the amendment.

Clem Boyers, 20 Kerr Avenue stated that only active military and disabled veterans are qualified for the free badges not just retired veterans.

The Mayor stated that was correct. They will have to pay \$20 for a badge.

A Motion to amend this ordinance changing the price of a season badge for disabled veterans and active military from \$15.00 to free 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.

A Motion to adopt the amended ordinance 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.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr & Sterling Avenue Road Improvements/Pay Estimate No. 2/Received October 23, 2019
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Philadelphia Avenue Road Improvements/NJDOT Permits/Received October 29, 2019
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Philadelphia Avenue Road Improvements/NJDOT Municipal Aid 2019/Earle Asphalt Company/Received October 25, 2019
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Road Opening Permit/NJNG Gas Main Renewal Phase 3/Received November 1, 2019
- e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Preconstruction Conference Minutes/Philadelphia Avenue Road Improvements/Received November 7, 2019

League:

- a) State Issues/Received November 1 2019
- b) Your Input on Proceeds from RGGI/Received November 4, 2019
- c) State & Federal Issues/Received November 8 2019

General with No Action:

- a) NJDEP/News Release/Murphy Administration Establishes a Panel to Oversee Decommissioning of Oyster Creek Generating Station/Received October 7, 2019
- b) New Jersey Warehousemen & Movers Assoc./Bob Russo, Exec. Director/Recent Changes to Public Movers Act/Received October 15, 2019
- c) NJ Department of Law & Public Safety/Gurbir Grewal, Attorney General/DEP File Six New "Environmental Justice" Lawsuits Targeting Polluters in New Jersey's Lower Income and Minority Communities/Received October 25, 2019
- d) State of New Jersey/Division of Parks & Forestry/Olivia Glenn, Director/Touring our New Jersey Treasures/Received October 29, 2019
- e) Ocean County Utilities Authority/Robert McGlaughlin, Specialist/Fourth Quarter-2019 Metered Flow Data/Received November 8, 2019-Councilman Finter stated that we are down 3 million gallons from last year. Mayor stated that is good but we still seem to have an infiltration issue which hopefully we will work out.
- f) DEP News Release/In Recognition of America Recycles Day on Friday, November 15, 2019, DEP Reminds Public of Recycling Importance for Protecting Environment/Received November 15, 2019

General With Action:

- a) Lavallette Seniors Club/James Peeney, President/requesting the town set aside monies in their 2020 budget to provide transportation for their trip to Long Beach Island in June as done the previous year/Received October 18, 2019
- b) Catholic Charities/Mary Pettrow, Associate Director/requesting funds towards in the amount of \$140.00 to cover costs of services provided to 2 residents in Lavallette/Received October 23, 2019
- c) NJ Tree Recovery Campaign Partners/NJ Forestry Program/Receive 1,000 Free Tree Seedlings for Lavallette/Received November 16, 2019

UNFINISHED BUSINESS:

Council President Zalom stated that the County has hired a contractor to take care of the President Avenue outfall pipe issue finally. This project should be starting very shortly.

Councilwoman Filippone stated that she thinks that we need to consider on moving ahead with getting a new PA system sooner than later. This system does not seem to be working properly at all.

NEW BUSINESS:

Princeton Avenue Catch Basin Repair-Mr. Brice stated that a catch basin repair needs to be done on Princeton Avenue according to the Engineer. He would like permission to allow Earle Asphalt to do the repair while they are here paving Philadelphia Avenue and then we can just add the repair onto the Philadelphia road project job with a change order.

A Motion to approve the repair to be done by Earle Asphalt and add to the Philadelphia Ave road project was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

Discussion on 2019 Best Practices Survey

The Mayor stated that our survey looks good again for this year so our state aid should not be reduced.

Councilman Borowski stated that the Army Corps. approved our permit for the dredging project. With this approval we have 10 years to make a plan. We are still waiting on the DEP approval of our CAFRA permit.

The Mayor stated that the plans that we thought we had with the County to help us with the dredging project have fallen through so now we need to take a step back and figure out another plan.

Mr. Brice stated that we have applied for the waterfront permit for the bulkhead project and once we get all the permits that we need we will discuss with the County on a timetable.

COMMENTS FROM THE PUBLIC:

Mark Speaker, 111 Brown Avenue, stated that the LBA will be providing refreshments for the tree lighting and Hometown Christmas.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter stated that there are still 8 tickets left for the NYC bus trip on Saturday the 14th.

Councilwoman Filippone stated that after the Thanksgiving holiday, she will be calling all the people that are on the memorial bench list. The fee for this will be \$300.00 and they will get 3 lines with 20 characters per line on the plaque. Right now there are 56 people on the list and there are 52 benches that can be utilized. Not everyone will be able to get the exact street they want but they will be able to pick a second location if their first pick is already taken.

Council President Zalom stated that Mr. Brice has been working on the plaques for the bench on the pier and the swings. Once we get those we will have a little ceremony at the site for the families to enjoy. The Lavallette Birthday Party will be on December 21st and Lavallette will be 132 years old so get your tickets.

Mr. Brice stated that Glenn, our Plumbing Subcode Official has resigned as of December 6th. There is one other person on the civil service list so we are going to reach out to him and see if he is interested. If not, we will have to advertise accordingly.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session for a discussion on a single topic regarding Vallatta Gardens litigation. There will be no action taken at this time.

A Motion to adjourn the Council Meeting to go into Executive Session was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned to go into executive session at 8:20pm.

A Motion to reconvene the Council Meeting was made by Councilman Lamb. 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. George stated that while in executive session there was discussion regarding a potential settlement agreement with Vallatta Gardens. 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 meeting held on the 18th day of **November 2019**


Donnelly Amico
Municipal Clerk