

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, December 16, 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:     Robert Brice, Borough Administrator  
                     Phil George, Borough Attorney  
                     Donnelly Amico, Municipal Clerk

**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 website and bulletin board.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for his father, Walter LaCicero, who was a long-time resident residing on Westmont Avenue. He was the former owner of Liberty Liquors which is still in town by Bryn Mawr Avenue and Rt. 35 North. He was a Lavallette Councilman from 1979 to 1981. He was a very outspoken and stubborn guy and we loved him for that. He loved his family and most of all his grandchildren and great-grandchildren. He will be missed deeply. Thank you to everyone who has reached out with their condolences.

**PLEDGE OF ALLEGIANCE:** Mayor LaCicero led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that this is the last meeting of the year 2019 which seemed to go by extremely quick. He stated that anyone that wished to comment on any items that were not on the agenda or 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)**

Lefty Grimes, East Hanover, NJ-stated that he and his group are activists for medical marijuana and how it helps people with their illnesses and diseases.

**APPROVAL OF MINUTES:**

Minutes of Caucus/Regular Meeting of November 18, 2019  
Executive Session Minutes of November 18, 2019  
Minutes of Caucus/Regular Meeting of December 2, 2019

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.



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

### **RESOLUTIONS – ON CONSENT**

- 2019-291      authorizing the cancellation of current fund accounts payable in the amount of \$38,831.90
- 2019-292      authorizing the cancellation of 2019 water operating fund appropriation balances in the amount of \$87,866.93
- 2019-293      authorizing the cancellation of 2019 current fund appropriations balances in the amount of \$534,500
- 2019-294      authorizing the cancellation of 2019 sewer operating fund appropriation balances in the amount of \$111,048
- 2019-295      authorizing the cancellation of 2019 electric operating fund appropriation balances in the amount of \$234,556.14
- 2019-296      accepting the resignation of Glen Purves and authorizing payment of unused vacation time
- 2019-297      authorizing the renewal lease agreement between the Borough of Lavallette and the United States Postal Service for a term of five (5) years starting January 1, 2020 through December 31, 2024 at an annual rate of \$44,000-Mr. Brice stated that this is just the new renewal lease agreement with the Post Office.
- 2019-298      authorizing the cancellation of general capital fund grant receivable balances in the amount of \$14,824.48
- 2019-299      authorizing the refund of a construction permit fee in the amount of \$150.00
- 2019-300      approving the hiring of 3 temporary seasonal laborers from December 16, 2019 through January 30, 2019-Mr. Brice stated that we are starting to do some boardwalk repairs so we needed to hire some temporary guys for this to keep it flowing.

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

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

John Corney, 1 Newark Avenue thanked Mayor and Council and the Administrator for a great job done with the finances for 2019. You are all doing a great job!



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:**

2019-301      approving settlement of litigation against the Borough of Lavallette by Vallatta Gardens, LLC

A Motion to approve this resolution was made by Council President Zalom. The Motion was Seconded by Councilwoman Lamb.

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

Jenn Rossiter, 103 Magee Avenue stated that her parents have owned 103 Magee Avenue and other properties in Lavallette for over 40 years. She spent every summer here and worked every summer here. When Superstorm sandy hit the town suffered great devastation as did my family with our homes. The whole town worked together to rebuild and did a great job! We have been trying to rebuild 103 Magee Avenue and have been knocked down. For the past three years we have not been able to rebuild the home because of a stop work order that we received back in three years ago. We just want to be able to rebuild this home and start moving forward. It's been too long. The house is in more disrepair because it has been sitting for three years. My family is asking for Council to vote on this settlement agreement tonight and approve it so we can start moving forward and repairing the home.

Arlene Dunn, 105 Magee Avenue stated that she lives next door to the property in question, and she has been suffering with this monstrosity long before Superstorm sandy. This house has always been a 4 family house and has always had a number of tenants occupying it. It has always been a rental property and some or most of the tenants that they have rented to along the many years have not always been the best. The property has always been in a dilapidated state and never really had any upgrades. Now since they raised it, it now has become a dilapidated monstrosity and the homeowners on this block are just tired of this guy getting away with never following any rules.

Ed Thayres, 100 Magee Avenue stated that he is part of the group of homeowners that are not happy with this property situation and hired Michele Donato to file a motion to intervene to enforce the right for us to be given the chance to be heard before any decisions are made by Council.

Councilwoman Filippone questioned if this agreement is voted on tonight, what happens to the motion to intervene? Will the case be dismissed? Will this filing interfere with this settlement agreement? Will this group then have the right to file a suit with the Borough? These are all questions that we should be getting answers to before we vote.



Council President Zalom stated that she thought that Council was already deciding to approve the settlement because our insurance company was not covering the suit and we didn't want to waste taxpayers' money on a long drawn out trial.

Mr. George stated that was correct. The Borough's insurance coverage does not cover this type of suit.

Councilwoman Filippone questioned why the harassment charge within this lawsuit to the members has never become an issue?

Marlene Chamberlin, 26 Bond Avenue recommended that Council table this resolution until after the motion to intervene is heard. These residents deserve to be heard.

Nunzio Gallo, 103 Magee Avenue, stated that he has tried on numerous occasions, to reach out to this group of neighbors to try and rectify some of their issues but he never gets any response from them. This house has been here way before all the other houses were constructed on the block. They all knew that this house was a rental. Every property in Lavallette is pre-existing, non-conforming. We do not want to upset anyone and are willing to talk to anyone who has issues with the property so we can rectify any issues to move forward.

Chris Chamberlin, 26 Bond Avenue stated that just looking at what is there now compared to what was previously there, it is very clear that it is not the same house and that it has been completely reconstructed.

Mayor LaCicero stated that there is case law that allows some construction to be done but nothing has changed. All the history is the same.

Mr. George stated that there was a lot of issues regarding the garage so they have agreed to access the garage from the back of the house with no additional curb cut and the units will be decreased from 4 to 3. If we bypass the settlement agreement and go to trial, there will be attorney fees as well as it remaining 4 units.

Councilman Borowski stated that when you look at the previous home before sandy and what is there now, they are completely different. There seems to be a lot of misconceptions.

Mr. George stated that the plaintiffs will have to produce a new set of plans with all the changes and there will be all new inspections as well.

Councilman Lamb stated that reducing the 4 units to 3 units will also prevent a lot of issues with tenants.

Councilwoman Filippone stated that this house is in violation of our ordinance. They have already been in non-compliance from the beginning. They were not approved for what they constructed and new that but constructed it anyway so why should they be trusted.



Vote: Council Members Zalom, Stogdill, Finter and Lamb voted Yes. Council Members Borowski and Filippone voted No. The Motion Passed.

#### **APPROVAL OF VOUCHERS:**

2019-302 Bills List in the amount of \$320,569.27

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, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **UNFINISHED BUSINESS:**

Councilwoman Filippone stated that she started calling people that are on the list for the benches. Some of the phone numbers must not be right because they don't seem to be working. I will be calling some more from the list this week as well.

Councilman Borowski stated that he and Mr. Brice have been in contact with the DOT regarding the dredging and the sand.

Mayor LaCicero stated that we need a new bulkhead and boat ramp over by the WPI bridge. We hired Dr. Farrell to apply for the CAFRA permit for the dredging. The DOT has again expressed interest in taking our sand so we might be able to strike up a deal with the dredging as well.

Mr. Brice stated that we should be starting the bulkhead project towards February and the dredging will start once the CAFRA permit has been cleared.

Councilman Borowski stated that he would like to have Dr. Farrell come to one of our meetings within the next month or so to discuss the dredging issue.

Councilman Lamb questioned if we will be keeping any of the sand?

Mayor LaCicero stated that we don't know any of the details as of yet.

#### **NEW BUSINESS:**

Councilwoman Filippone stated that the software that the Construction Department uses to enter permit information called NJ Permits that is free of charge will no longer be provided by the State as of December 31<sup>st</sup>. The Construction Official checked out three different software programs and his recommendation is to purchase the iworks software. This software is also used by our DPW for their work orders and they have had no issues so far with it. There is no install or setup fee and the cost is \$2,000. The Construction Official has stated that they need to purchase it as soon as possible and start the setup because the current software ends December 31<sup>st</sup>.



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

**COMMENTS FROM THE PUBLIC:**

Drew Markovitz, questioned if all the sites regarding the Verizon nodes were denied by the Borough.

Councilwoman Filippone stated that all 7 of the sites that were proposed were denied by Council.

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

Councilman Finter stated that the NYC bus trips both went well. Merry Christmas and Happy New Year!

Councilman Stogdill wished everyone a Merry Christmas and Happy New Year!

Councilwoman Filippone wished everyone a Merry Christmas!

Council President Zalom stated that the tree lighting was great! We had a lot of people even in the rain. The Beautification Committee purchased 6 more snowflake decorations so we thank them. We will be going to Wyndham Mountain on January 25<sup>th</sup> so get your tickets. Merry Christmas & Happy New Year to all!

Councilman Borowski wished everyone a Merry Christmas!

Councilman Lamb wished everyone a Merry Christmas!

Mayor LaCicero thanked everyone for all their condolences regarding his father's passing. He wished everyone a Merry Christmas! Our reorganization meeting will be on Monday, January 6, 2020.

**EXECUTIVE SESSION:**

There was no executive session.

**ADJOURNMENT:**

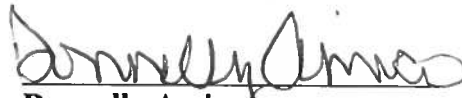
A Motion to adjourn the Council Meeting was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned at 8:20pm.

**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 16<sup>th</sup> day of **December 2019**

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