

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, December 2, 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: Eric Bernstein, Borough Attorney-via speaker phone  
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 all our loved ones that we have lost.

**PLEDGE OF ALLEGIANCE:** Councilman Lamb led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. Our Attorney, Mr. Bernstein, will be joining us via speaker phone tonight due to the inclement weather he has by him. He stated that anyone who 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)**

Jen Rossiter, 103 Magee Avenue stated that she is the daughter of the owners of 103 Magee Avenue, Vallatta Gardens. Back in September this litigation went to mediation and there was a settlement agreement that was done. The next step was for the agreement to be voted on and signed off by Council. As of today, that agreement has not been approved or signed off on. She would like this agreement to be voted on tonight so her family can begin to move on and proceed with renovations that came to a halt 3 years ago. Right now, there is a stop work order on our property until this settlement is signed and executed. My parents have been homeowners in this town for over 40 years. We have spent all those years enjoying summers here.

The Mayor stated that we had a resolution on our agenda back in September for a vote but unfortunately, it did not receive a motion to vote on it either way. There is also a group of residents and their attorney who are involved as well. We have it scheduled to be on the agenda of December 16<sup>th</sup> and it will be voted on either way that night.

**REPORTS:**

- a) Lavallette Construction Report for November 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for November 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for November 2019-Councilwoman Filippone-no report
- d) Police Overtime Report for November 2019-Councilwoman Filippone-no report
- e) Animal Control Report for November 2019-Councilwoman Filippone-no report
- f) Public Works Report for November 2019-Councilman Lamb-read report
- g) Public Affairs Report-Council President Zalom-The Borough will not be planting dune grass this year but the Army Corps. will be coming back by March to plant some. Mr. Brice stated that Public Works does have some dune grass for any residents who would like to plant it themselves. Don't forget to get your tickets for the Birthday Party on the 21st and the ski trip to Wyndham will be on January 25<sup>th</sup>
- h) Tax Account Report for November 2019-Tax Collector
- i) Revenue Transaction Report for October 2019-Chief Financial Officer

A Motion to approve the reports 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.

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

**RESOLUTIONS - ON CONSENT:**

- 2019-276 approving a raffle license to St. Pio of Pietrelcina to hold a 50/50 off premise draw raffle on September 13, 2020 at 4pm at the St. Pio Parish Center
- 2019-277 authorizing the cancellation of prior year federal and state grants receivable and reserves in the amount of \$13,643.86-Mayor stated that this will be available surplus for 2020.
- 2019-278 approving a raffle license to the Lavallette Heritage Committee to hold a 50/50 on premise raffle in conjunction with the Lavallette Christmas/Birthday party on December 21, 2019
- 2019-279 approving two Class I Officers to attend the OC Police Academy for SLEO II training commencing December 2019
- 2019-280 appointing Christopher Eagle to the full time position of laborer for the Department of Public Works at an annual salary of \$31,836.00 effective December 2, 2019-Councilman Lamb stated that this now gives Public Works a full crew
- 2019-281 authorizing the redemption of a tax sale certificate in the amount of \$1,406.36
- 2019-282 authorizing the submission of a strategic plan for the Lavallette Municipal Alliance grant for fiscal year 2021

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

**RESOLUTIONS: OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

2019-283 Bills List in the amount of \$678,546.14

A Motion to approve the bills list was made by Councilman Borowski. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom and Lamb voted Yes. Councilman Stogdill abstained on PO #19-01076 and yes to all others. Councilman Finter abstained on PO #19-01084 and yes to all others. The Motion Passed.

**COMMUNICATIONS:**

League:

- a) Police & Fire Contract Provisions/Received November 19, 2019
- b) NJLM 2019-2020 New Officers & Executive Board Members/Received November 25, 2019

General with No Action:

- a) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Preliminary Estimate of 2020 Annual Charge/Received November 18, 2019
- b) State of New Jersey/Department of Environmental Protection/Michele Kropilak, Region Supervisor/Resolution and Case Closure/Administrative Consent Order/Received November 21, 2019
- c) Glen Purves/Plumbing Subcode Official/Plumbing Inspector/resignation letter as of December 6, 2019/Received November 21, 2019
- d) State of New Jersey/Dept. of Transportation/ Diane Gutierrez-Scaccetti, Commissioner/NJDOT Transportation Fiscal Year 2020 Municipal Aid Program/Approved funding for the New York Avenue Road Improvement Project in the amount of \$225,000/Received November 26, 2019

## **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

#### Discussion on Verizon Wireless 5G Nodes Application

The Mayor stated that Verizon submitted their application for the 5G nodes with 7 locations in town of where they wanted to locate them. The application went to Planning Board for their recommendations as per our Ordinance. The Planning Board then gave their recommendations of denying 5 out of the 7 locations and recommended approval of two locations with conditions. The next step, as we all know, is for this application to come to the Council for their vote.

Mr. Bernstein stated that he will be reading the resolutions that the Planning Board issued with their recommendations for each location and Council can either affirm the Planning Board's recommendation for each location or deny them altogether.

Councilwoman Filippone stated that the accuracy of the application is subject to question since information is missing and inaccurate.

The Mayor stated that he would like to hear from the public first. Once everyone has spoken, the attorney will read information for each location and Council will either affirm or deny the location.

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

Maureen Chamberlin, 26B Bond Avenue stated that she has been told that the only reason that Verizon has submitted for these nodes to be in Lavallette is only for the amount of people who come for the summer not for the locals. We need to be more vigilant with the concern of the health and environment for our residents and visitors.

Jon Corney, 1 Newark Avenue stated that he is against the entire 5 G nodes.

Mr. Bernstein stated that the Planning Board has recommended the denial of the node location at pole located at 1306 Grand Central Avenue.

A Motion was made by Councilman Lamb to affirm the denial of the Planning Board for the location of 1306 Grand Central Avenue. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter Abstained. The Motion Passed to affirm denial of this location.

Mr. Bernstein stated that the Planning Board has recommended the denial of the node locations at pole located at 72 Princeton Avenue.

Councilwoman Filippone stated that the record should show that the address of 72 Princeton Avenue does not exist in the Borough of Lavallette.

A Motion to affirm the denial of the Planning Board for the location of 72 Princeton Avenue was made by Councilman Lamb. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to affirm denial the denial of this location.

Mr. Bernstein stated that the Planning Board has recommended the denial of the node location at pole located at 45 New York Avenue.

Councilwoman Filippone stated that the record should show that the address of 45 New York Avenue does not exist in the Borough of Lavallette.

A Motion to affirm the denial of the Planning Board for the location at 45 New York Avenue was made by Councilman Lamb. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to affirm the denial of this location.

Mr. Bernstein stated that the Planning Board has recommended the denial of the node location at pole located at 103 Brown Avenue.

A Motion to affirm the denial of the Planning Board for the location at 103 Brown Avenue was made by Councilman Lamb. The Motion was seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to affirm the denial of this location.

Mr. Bernstein stated that the Planning Board has recommended the denial of the node location at pole located at 1 Kerr Avenue.

A Motion to affirm the denial of the Planning Board for the location at 1 Kerr Avenue was made by Councilman Lamb. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to affirm the denial of this location.

Mr. Bernstein stated that the Planning Board has recommended the approval with conditions of the node location at pole located at 145 Princeton Avenue.

Councilwoman Filippone stated that the node location according to the map included in their application is not at 145 Princeton Avenue.

Councilwoman Filippone made a motion to deny this pole location of 145 Princeton Avenue. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to deny this location.

Mr. Bernstein stated the Planning Board has recommended approval with conditions of the node location at pole located at 5 Liggett Road.

Councilwoman Filippone stated that the record should show that this address does not exist in the Borough of Lavallette and there are two different addresses for this location in the application.

Councilwoman Filippone made a motion to deny this pole location of 5 Liggett Road. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Finter abstained. The Motion Passed to deny this location.

Mr. Bernstein stated let the record show that the Borough Council has denied all 7 locations for the node placement that Verizon submitted in their application.

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

John Corney, 1 Newark Avenue questioned why nothing is done about carrying a tax balance of \$356,000 instead of putting the current year on a tax sale so we get all this revenue now. This is not the way government should be running.

Mayor LaCicero stated that we still get it plus 18% interest.

Bob Astorino, 2 Elizabeth Avenue questioned when the postcards with the new assessments would be coming out?

The Mayor stated that they will be receiving before the end of the year.

Greg Scarcella, 3 Liggett Road thanked the Mayor and Council for denying the Verizon application and siding with their residents. Very much appreciated!

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

Councilwoman Filippone stated that she will be calling the people who are on the bench list starting Thursday of this week. Remember, the fee will be \$300 and you will have 3 lines with 20 characters in each line allowed.

Councilman Stogdill stated that holiday badge sales started today.

Council President Zalom stated that the DOT will be investigating the lighting on Rt. 35 North where the motor vehicle accident was recently to see if more lighting is needed.

Mr. Brice stated that this Thursday at midnight for approximately 30 minutes the power will be interrupted by JCP & L for all of Lavallette so they can update some equipment changes.

#### **EXECUTIVE SESSION:**

There was no executive session.

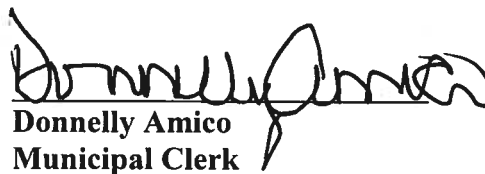
#### **ADJOURNMENT:**

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

The Council Meeting was adjourned at 8:25pm.

**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 2<sup>nd</sup> day of **December 2019**

  
Donnelly Amico  
Municipal Clerk