

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Tuesday, February 19, 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 Council President Zalom and Councilman Lamb was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

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 of longtime resident and part time employee Doug Clinton from New Jersey Avenue.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that the beach replenishment project is coming along very nicely and we are getting great comments about it. There seems to be so much migrated sand from Ortley Beach that we have been told that our beach will be bigger than anticipated.

He 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)**

No one wished to comment at this time.

**APPROVAL OF MINUTES:**

Minutes of Caucus/Regular Meeting of February 4, 2019  
Minutes of Executive Session Meeting of February 4, 2019

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

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

**RESOLUTIONS – ON CONSENT:**

- 2019-74 increasing the Tax Assessor’s annual salary from \$15,000 to \$18,700 effective January 1, 2019-Mayor LaCicero stated that when we hired her back in July we had already anticipated that we might have to increase her salary for this year due to the backlog of the previous Assessor and the amount of work needed for the reval process. Councilman Borowski stated that there was a lot of backlog left from the previous Assessor that required a lot of extra work as well.
- 2019-75 appointing Jack Caucino as the lifeguard captain for the 2019 summer season at \$882.35 weekly for a total of 17 weeks-Mr. Brice stated that he would like to amend this resolution increasing his salary to \$970.58 per week totaling his salary at \$16,000 for the year. Mayor LaCicero stated that Jack has been a seasonal beach employee for a very long time starting out as a lifeguard when he was a teenager working his way up. He already knows the system and routine so he is definitely the best candidate.
- 2019-76 approving a facilities use application to Hammer Surf School to hold their annual surf camp on the Brown Avenue ocean beach starting June 24<sup>th</sup> through September 2<sup>nd</sup> 2019 9am to 5pm-Mayor stated that this is an annual request.
- 2019-77 authorizing the filing of an application with the Ocean County Community Development Block Grant Committee (CDBG) for the year 2019-Mayor stated that this grant application is requesting the funds for the benches to put on the deck areas connected to the walkovers. Mr. Brice stated that according to the Engineer, the CDBG has specific target areas of streets where these benches can be located. Apparently, south of Philadelphia Avenue is less of an income area than north. He stated that he is not quite sure what they base these findings on but if we want to apply we have to abide by the restrictions. Mayor LaCicero stated that this is the first he is hearing about these target areas and he would like to know what their criteria was to determine this.
- 2019-78 approving a facilities use application from Cori Caccese to hold a 3 hour children’s yoga camp in front of the gazebo on the grass on Wednesdays in July 2019 from 9am to noon
- 2019-79 approving a facilities use application from Lavallette Select Baseball to hold baseball tournaments one full weekend in June and two full weekends in September at various times and practices Wednesdays and Thursdays, April through June, September and October after 2pm
- 2019-80 requesting the NJDOT install seven more pedestrian crosswalks on NJ Route 35 South at various sections

2019-81 amending the 2019 temporary budget-Mr. Brice stated that the CFO decided to do just one big transfer resolution to take care of all the areas needed before the introduction of the budget

2019-81A authorizing the Borough Administrator to sign and execute a service agreement for Network Integration Transmission Service between PJM Interconnection, LLC and the Borough of Lavallette

A Motion to approve the amended 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.

Mark Speaker, 111 Brown Avenue stated that with Resolution 2019-78 they should be reminded about the rules with signs.

Mayor LaCicero stated that they are always reminded about signs with these applications.

Jon Corney, 1 Newark Avenue questioning if the first set of transfers wasn't good enough, we had to do another one much bigger?

Mayor LaCicero stated that there were some areas that needed to be done to prepare for the 2019 budget. The CFO is trying to be very accurate and cautious.

Mr. Corney questioned roughly how much was the reval going to cost and are we going to have to do a special note?

Mr. Brice stated that we are waiting on the RFP's to come which will be this Friday and then we will be able to see where we stand with costs.

Mayor LaCicero stated that we have money in surplus that might be able to be used but we will need to discuss once we get the RFP's in.

Mr. Corney stated that the financials seem to be looking good so far. He is proud of all of them for doing a good job.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Filippone, Stogdill and Finter voted Yes. The Motion Passed.

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

There were no resolutions on consent.

**APPROVAL OF VOUCHERS:**

2019-82 Bills List in the amount of \$579,471.73

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

**ORDINANCE NO. 2019-01 (1191)** Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending, Revising and Supplementing Chapter 56 of the Borough Code, Entitled "Streets & Sidewalks," Article VIII, Entitled, "Rights of Way," by Adding Sections 56-50 through 56-56 to Provide Standards For Siting Poles, Cabinets and Antennas in the Public Right of Way.

Mayor LaCicero stated that this ordinance was introduced at the last meeting. There were two small typographical errors that were changed after the introduction. One was at 56-52, letter a., where the word entering was amended to read the word obtaining and the word agreement was amended to read the word permit and the other was at 56-53, letter d.ii., where the word antennae was amended to read the word cabinet. There were other suggestions to some other wording being changed but we felt that those two changes were all that were needed as of right for the passage of this ordinance tonight. There may be possible amendments to this ordinance in the near future.

Councilwoman Filippone stated that this ordinance was forwarded to the Planning Board for their recommendations and they all agreed that this ordinance be adopted as soon as possible.

The Mayor opened up the public hearing and asked if any wished to comment on this ordinance.

Al Jones, 113 Reese Avenue, stated that he sent a letter to Mayor and Council on proposed changes to this ordinance that he felt were technical in nature and necessary to how it would affect the applications. He does fully support going through the process and adopt the ordinance tonight as it reads. He hopes in the future that some changes are done to make it more efficient.

Mayor LaCicero stated that the Governing Body appreciates his comments.

Johnathan, Verizon Representative, stated that he was present tonight to represent Verizon in requesting that the adoption of this ordinance be postponed for tonight until certain changes that they are requesting be taken into consideration. There are a number of sections in this ordinance that Verizon feels are too restrictive regarding Sections 56-49, 56-53, 56-55 and 56-57.

Mayor LaCicero stated that the Governing Body appreciates his comments.

Marlene Chamberlin, 26B Bond Avenue, thanked the Governing Body for this ordinance. The opposition all over the country has been very strong. There are many states that have adopted many ordinances and policies to keep these 5G nodes from being installed. We look forward to continuing the fight.

Mayor LaCicero stated that the Governing Body appreciates her comments.

Jon Corney, 1 Newark Avenue, questioned if an ordinance of this type has ever been challenged before?

Mayor LaCicero stated that he believes that several towns already in New Jersey as well as other states have passed this type of ordinance.

Mr. Corney stated that he was proud of the Governing Body for taking a stand to protect the residents and the town.

Mayor LaCicero stated that the Governing Body appreciates his comments.

The Mayor closed the public hearing.

A Motion to adopt this ordinance was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

Vote: Council Members Borowski, Filippone, Stogdill and Finter voted Yes. The Motion Passed.

#### **UNFINISHED BUSINESS:**

Mr. Brice stated that AT&T will have some minor additions to their radio equipment on the tower and also have paid their one-time payment of \$25,000 for the use of our generator.

#### **O'Donnell, Stanton & Associates/Washington Avenue Water Treatment Plant Breakdown**

Mr. Brice stated that he spoke to Jack Berens from O'Donnell, Stanton & Associates on the repair of Well #4 and the estimated costs of repairs to get Well #4 up and functioning. Mr. Berens advised me that one side of the well is more damaged than the other. He stated that he requested that O'Donnell's office submit two separate proposals for these costs. One proposal should be costs of just repairing the one side of the well and to get us to full capacity right after the repair. The second proposal would be to get us ½ up and running while rehabbing both sides of the well and also putting a pro-chlorination system.

#### **O'Donnell, Stanton & Associates/Professional Services Proposal/Water Quality Accountability Act Compliance/Revised**

There was no discussion on this proposal. It will be put on for the next meeting of March 4, 2019.

Mr. Brice stated that he spoke to a few towns on the island and they advised me that they also have received an excessive bill from the OCUA. He has reached out to the OCUA to see what exactly has caused this large deficit.

Mayor LaCicero stated that the Borough received a bill from the OCUA showing a deficit of roughly \$84,000 which will need to be paid. Most of the time, we have a credit and not a deficit. This is an extreme amount of money but obviously not isolated to Lavallette so we need to find out why.

Mr. Brice stated that he attended the weekly meeting regarding the beach replenishment project and there estimated time frame to have the pumping completed is roughly March/April.

Mr. Borowski stated that there is a grant that we can apply for regarding some upgrades to Chandler Field. He remembers that Mr. Parlow had some documents or information from years ago when we looked into upgrading the field. If we can try and see if those documents still exist it would help me with the application and move it along quicker. Part of the application is having some kind of sponsorship from an organization. He stated that he is going to reach out to the Lavallette School since they utilize the field for sports and see if they would be interested in any sponsorship. The application is due in by February 28, 2019 so time is of the essence.

Councilman Stogdill stated that last year we discussed doing some changes regarding the boat moorings. Right now the moorings are 10 to 12 feet wide from mooring to mooring with some being even wider. Before we consider changing the ordinance, he would like to propose a pilot/trial run for this summer. The boat moorings rental fee is \$100.00 for one boat. He would like to allow each mooring holder the opportunity to moor 3 more boats/kayaks on their pole at an additional fee of \$25.00 per boat.

Councilwoman Filippone stated that she agrees with the proposal but we need to get a legal opinion on whether or not we can do this by resolution temporarily without changing the ordinance. Also, these should be offered to residents only first.

#### **NEW BUSINESS:**

There was no new business.

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

Joe Palinsky, 122 Washington Avenue, stated that the last few months the water has had a very strong chlorine smell. Maybe a pro-chlorination system is a good idea?

Mayor LaCicero stated that there is some chlorine in the water but not a large amount.

Mr. Brice stated that the well has been down for only 3 weeks so that wouldn't be the cause.

Chris Chamberlin, 26B Bond Avenue stated that he knows that the DEP wants to negotiate the Borough giving up sand for to fill holes on the bay floor but we really could use some replenishment of sand down by the tennis courts and the bay beach area.

Mayor LaCicero stated that we haven't yet had any discussions regarding this issue with the DEP but we will keep that in mind.

Mark Speaker, 111 Brown Avenue stated that he was the one who submitted proposals last year regarding the moorings. There are variations of width with the moorings.

Councilman Borowski stated that with the larger area moorings we could maybe increase the number of kayaks to 4 but the issue really needs to be discussed a little further.

Jon Corney, 1 Newark Avenue stated that many years ago when Aileen Barow was Mayor she formed a committee regarding the County infiltration system which consisted of Swede Lovgren and Joe Baginski. They had found that about 60% of the pipes connected with the County infiltration needed repairs. Maybe this needs to be researched again further. It seems every house has installed pavers which creates water runoff which probably adds to the problem.

Mayor LaCicero stated that since then there has been population changes and the Island width. It is a combination of everything although he hasn't seen a spike in lot coverage.

Councilman Borowski stated that we need to look at all different areas since 2014.

Clem Boyers, 20 Kerr Avenue questioned whether there is a limit to the amount of pavers included in the lot coverage?

Mayor LaCicero stated that was correct.

Councilwoman Filippone stated that the size of the homes and runoff is a problem, also. More vegetation is needed in order to absorb the water.

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

Mayor LaCicero stated that we are all keeping an eye on the replenishment and what is going on up there. If any issues occur, we will make sure they are rectified. Everyone should go up and take a look at the progress.

**EXECUTIVE SESSION:**

There was no executive session.

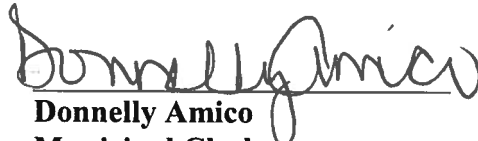
**ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:00pm.

**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 4<sup>th</sup> day of **March 2019**

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