

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, February 4, 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 was made by Councilman Finter. The Motion was Seconded by Councilman Lamb. 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 longtime resident Dave Brown. He is the husband of Bobbi Brown who was our Court Administrator for many years and is also currently a member of our Planning Board. Dave was a member of the West Point Island Civic Association, a member of the Lavallette Yacht Club and was a member of the Ortley Beach First Aid. Also, for long time Bill Zylinski who was currently the Chairman of our Planning Board and a longtime member of the Lavallette First Aid.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero welcomed everyone to tonight's meeting. He stated that the beach replenishment is underway in town. If you go take a look at Princeton Avenue that is what the height of the dunes will be. The walkovers will be 22ft above sea level and they are giving us a 10ft tow back from the boardwalk. Verizon had their public session on the 24<sup>th</sup> and it didn't seem to go very well for them. We have an ordinance on the floor tonight for introduction tonight. We are trying to take every opportunity to delay this as much as possible. There is also a bill HR530 in the Legislature that will overturn bill that preempts our authority. Our Borough Attorney has done some opra requests in other towns to see if any agreements have been signed with Verizon or any other companies. So far we know that Mantoloking has signed an agreement with Verizon and only Verizon and will not allow any other companies in. Not sure if that is allowed but we will see. We will continue to resist as best we can. Our State Legislators are on board with us so that is a good sign. 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)**

Eileen Wallen, 105 Guyer Avenue stated that there is a bill A2244 pending legislation that may possibly allow them to do this. What recourse will we have to try and prevent it?

Mayor LaCicero stated that Verizon is relying on the FCC guidelines to eventually be able to do this.

Mrs. Wallen stated that we should still have the right to refuse.

Mayor LaCicero stated that he agrees with her 100%. He stated that his advice to the residents is to reach out to our legislators and make it known that you are not in favor of this. The more letters they receive in opposition, the more they will try and prevent it.

Leslie Kesselhaut, 127 Trenton Avenue stated that she has already sent a letter to our Congressman. Is there any way the town could do some kind of bulk mailing to all residents and legislators showing opposition as well?

Mayor LaCicero stated that he doesn't think that is necessary since word of mouth between the Mayors and the towns is growing. It has spread considerably already. We are not the only town that is opposed to this.

Joanne Angelides, 115 Jersey City Avenue, that they have also wrote letters. She questioned how soon is Verizon scheduled to start this project if given consent?

Mayor LaCicero stated that we don't have that answer as of yet. We also don't want to reveal our plans as of yet. We are taking every legal strategy we can to try and keep this from happening.

Guy Moretti, 2102 Baltimore Avenue stated that he has been told that if this goes through our property values will drop by 10%.

Mayor LaCicero stated that the FCC has their regulations that state this is allowed but we are trying to prevent it and using every legal way possible. We are on the residents' side and are giving it 100% in trying to make it go away.

Jon Corney, 1 Newark Avenue, stated that he just got a new Samsung cell phone and his email is running on 5G.

Mayor LaCicero stated that Verizon is delaying employment of the 5G and right now are still running on 4G. Their goal is to upgrade their system to 5G once these nodes are installed.

Matt Schlosser 241 Newark Avenue stated that the NJ Realtor Association has a system called Voters Voice and it pings every Elected Official in the State to voice the town's opinion and the residents. A 1-year package is roughly \$3,500. This might be a quick way to get the word out.

Mayor LaCicero stated that if he could send him that information on this system we will take a look at it.

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of January 22, 2019

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

**REPORTS:**

- a) Lavallette Construction Report for January 2019-Councilwoman Filippone-read report-She stated she also had the SSP totals for the year. For the first year we had two full time clerical positions that were already working there. These two women were full time and we had to pay them health benefits. The total revenue was for the two years was \$156,867. After expenses we were -\$12,948.80 for Construction Dept. only. Zoning Department total was \$28,880. After expenses we were ahead by \$10,561.49. The Code Enforcement Department's total was \$69,745 minus expenses, which gave us revenue of \$21,211.67. We did make a profit when you add all departments together so overall we didn't suffer that much of revenue. Before we took the department over, SSP had a deficit of \$75,000 so they must have been doing something wrong.
- b) Lavallette Zoning Report for January 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for January 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for January 2019-Councilwoman Filippone-no report
- e) Animal Control Report for January 2019-Councilwoman Filippone-no report
- f) Public Works Report for January 2019-Councilman Lamb-read report
- g) Public Affairs Report-Councilwoman Filippone-in the League magazine there is an article on page 42, there is an article all about our Lavallette Goose Patrol. It really is a great article and shows how great our program is and how it works for us. This gives us great exposure as well.
- h) Tax Account Report for January 2019-Tax Collector
- i) 2018 Tax Collector's Annual Statement of Receipts-Tax Collector
- j) Planning Board Annual Report 2019-Councilwoman Filippone

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

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

**RESOLUTIONS – ON CONSENT:**

- 2019-70 authorizing payment of unused vacation time to employees who were included in the shared services with Seaside Park
- 2019-71 approving a facilities use application to Soccer Shots to hold a children's soccer program on Chandler Field on Mondays, starting April 8<sup>th</sup> through June 10<sup>th</sup> 2019 from 4:30pm to 7pm

2019-72 approving a facilities use application to Sherri Paris to hold her annual Marine Science Camp on the bay front between President and Reese Avenues starting June 24<sup>th</sup> through August 30<sup>th</sup> 2019, Monday through Thursday from 9am to 2pm

2019-72A referring Ordinance 2019-01 (1191) to the Lavallette Planning Board-Mayor LaCicero stated that this has to do with the Ordinance we will introduce tonight. We are referring it to the Planning Board for their opinion.

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

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 and asked Council for a vote on the consent agenda.

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

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

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

2019-73 Bills List in the amount of \$2,891,342.69

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

#### **ORDINANCES ON FOR INTRODUCTION/FIRST READING:**

**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 there is an attorney firm, Bateman & DeFrancesco who has prepared several ordinances on this subject already in opposition of the nodes.

Mr. George stated that Cape May and also Morris County has also done this ordinance.

Mayor LaCicero stated that this is just one more step to try and prevent this from being done. We will be referring it to the Planning Board for their recommendations and then we will be able to adopt it at our next meeting.

A Motion to introduce this ordinance was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for February 19, 2019.

## COMMUNICATIONS:

### Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Rehabilitation and Repainting 500,000 Gallon Water Storage Tank Project/Brave Industrial Paint, LLC/Final Pay Estimate #5/Received January 30, 2019
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr & Sterling Avenue Road Improvements/Pay Estimate #1/Received January 31, 2019

### New Jersey League of Municipalities:

- a) Governor State of the State Address/January 15, 2019
- b) State & Federal Issues/Received January 18, 2019
- c) State Issues/January 25, 2019
- d) League President Welcomes Long-Awaited Court Decision/January 31, 2019
- e) State & Federal Issues/Received February 1, 2019

### General with No Action:

- a) Jamie Shohfi/136 Elizabeth Avenue/letter to be put on list for the purchase of a bench on Elizabeth Avenue boardwalk to memorialize a loved one/Received January 22, 2019- Councilwoman Filippone stated that we already had a small list from a while ago so the requests we get now will be added to that. The grant we are applying for will be for one bench per each opening which will be 28. Those benches will not be dedicated. We are hoping to be able to put one more bench for each walkover that will be offered for dedication. We will start with the list, and it will be first come first serve as well as the streets requested. There is only one bench per street so it will be first come, first serve for the streets as well. We will have more information once we are notified that we received the grant.
- b) Joanne Andreatch/2 Haddonfield Avenue/letter stating the necessity for dune fencing for our dunes after the replenishment project/Received January 24, 2019-Mayor LaCicero stated that dune fencing is included in the beach replenishment project and we also will continue to put dune fencing up wherever it needs to be filled in after the project is complete.
- c) Altice/Cablevision/Maria Brazzese, Senior VP/Franchise Fee Payment in the amount of \$30,814 for year 2018/Received January 24, 2019
- d) Crown Castle/Peter Broy, Manager/Proposal for Right-Of-Way Use Agreement/Received January 24, 2019-Mayor LaCicero stated that this is not an application but just a proposal which we will not be responding too as of yet.

- e) DEP News Release/DEP Requests Input on Proposed Ground Water Quality Criteria for Chemicals of Emerging Concern/Received January 28, 2019
- f) Crown Castle/Peter Broy, Manager/Proposal for Right-of-Way Use Agreement/New FCC Regulations/Received January 28, 2019
- g) DEP News Release/Public Comment Sessions Set on Murphy Administration Plan for Implementing Environmental Justice in State Actions/Received January 28, 2019
- h) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Certificate of 2019 Annual Charge/Received January 28, 2019
- i) Chris Chamberlin/26 Bond Avenue/letter in Opposition to Verizon's Small Cell Nodes/Received January 28, 2019-Mayor LaCicero stated that Mr. Chamberlain has given us some information that he found on this issue so we thank him for that.
- j) Sean Ryan/Class II Officer and Dispatcher/resignation letter as of January 31, 2019
- k) Altice/Cablevision/Marilyn Davis, Senior Director/PEG grant payment in the amount of \$550.00/Received January 31, 2019
- l) Board of Chosen Freeholders//Virginia Haines, Freeholder/2019 County Road Improvement Program/Received January 31, 2019
- m) Turn Blighted and Environmentally-Impacted Properties into Community Assets with NJ Brownfields IAWG/Received February 1, 2019

General with Action:

- a) Clean Ocean Action/Alison McCarthy, Coordinator/requesting the dates of April 13<sup>th</sup> and October 26<sup>th</sup> from 9am to 12:30pm for their spring and fall beach sweeps/Received January 24, 2019-Councilman Finter stated that this might be an issue for April due to the beach replenishment being up there. We don't have an actual time that they will be complete up there. He will give them a call and let them know the situation.
- b) Community Services, Inc. of Ocean County/James Sigurdson, Exec. Director/requesting the Borough allocate \$1,000 for the year 2019 to support the meal programs for the Lavallette Seniors/Received January 28, 2019-Mayor LaCicero stated that he believes that we did this last year to cover our Lavallette residents that received meals.
- c) Ocean County Parks & Recreation/Linda DePonte, Recreation Leader/requesting their annual dates of Monday, July 22<sup>nd</sup> through Thursday, July 25<sup>th</sup> for their Kids' Travelin Tennis from 11am to 12 noon and Pickle Ball Clinic from 10am to 11am/Received January 29, 2019-Mayor LaCicero stated that this is an annual request from the County and we always accommodate them first.

**UNFINISHED BUSINESS:**

Councilman Borowski stated that he spoke to Dr. Farrell regarding the dredging and the work they are doing for us. They took three samples of the area with each one going deeper in and all three times came back with pure sand. He will be putting all his finding and recommendations in a report for our review and then meeting with the NJDEP to advise them of his findings. After that, we can make our decision whether or not we want the NJDEP to go ahead with the dredging.

Mayor LaCicero stated that the NJDEP has made us an offer of taking care of the dredging under the WPI Bridge if we give them some of our sand so they can use that to cap and seal holes that are

a problem in the bay floor. They have not told us how much sand will be needed or when they will need it as of yet so we will keep everyone updated.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

Al Jones, 113 Reese Avenue questioned if he could get a copy of the new Ordinance to review?

Mayor LaCicero stated that he had a copy right now that he could have. Also, there will be copies downstairs starting tomorrow for anyone who would like one.

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

Councilman Borowski stated that Bill Zylinski was a longtime member of our First Aid Squad and was always available to take the emergency calls. He was not a man of many words and was mostly a quiet man but was there to help out when needed anytime. He stated that at his funeral, he spoke to his son and stated how sorry he was for his loss. His son responded that it was not only his loss but the town's loss as well. He was not wrong. We, too, lost a great man.

Mr. George stated that he sent a request for all documents and reports to the State ABC regarding the Capriccio's case. This request included all reports, violations and any temporary orders with conditions.

Councilwoman Filippone questioned if we have heard anything from the State regarding the crosswalks on Rt. 35 South.

Mr. Brice stated that they do not paint them during the winter but he will check on the status and let her know.

Mayor LaCicero stated that once Verizon submits their new application, which they said they were going to do after their public forum, we will also refer that application to the Planning Board first and then once we get recommendations from them we will schedule our public hearing on the issue and hopefully put it to a vote that night. We will probably have to have the hearing at the school since we anticipate a full house.

**EXECUTIVE SESSION:**

Mr. George stated that was a need to go into executive session to discuss some personnel matters. There is no action that is anticipated to be taken at this time.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 7:52pm.

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

The Caucus/Regular Meeting was reconvened at 8:20pm.

Mr. George stated that while in executive session there were several personnel matters discussed with no action taken until the next meeting agenda.


ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:21pm.

**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 **February 2019**

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