

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, December 2, 2024-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Bill Burns, Borough Attorney
Donnelly Amico, Municipal Clerk
John Bennett, Borough Administrator

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 10, 2024. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for any loved ones who have passed.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated the weather is now starting to get a lot chillier. We only have one more meeting for the year 2024 and we look forward to another great year.

REPORTS:

- a) Construction Report for November 2024 -Councilwoman Filippone-read report
- b) Zoning/Code Report for November 2024-Councilwoman Filippone-read report
- c) Municipal Court Report for November 2024-Councilwoman Filippone-no report
- d) Police Overtime Report for November 2024-Councilwoman Filippone-no report
- e) Public Works Report for November 2024-Councilman Lamb-read report
- f) Fire Department Report for November 2024-Councilwoman Filippone-no report
- g) Animal Control Report for November 2024-Councilwoman Filippone-no report
- h) Public Affairs-Council President Zalom-This Saturday is our tree lighting ceremony at 7pm
- i) Tax Account Report for November 2024-Tax Collector
- j) Revenue Transaction Report for October 2024-Chief Financial Officer

A Motion to approve the reports 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:

- 2024-243 approving entering into a Cooperative Pricing Agreement with the Mercer County Special Services School District for goods and services
- 2024-244 authorizing the transfer of funds between appropriation accounts in the amount of \$10,000
- 2024-245 approving the temporary employment of Pam Caucino as a Consultant for a two-week period to help with transitioning of Badge Checker Supervisor in the amount of \$1,837.00
- 2024-246 awarding a contract to OC PowerSports for the purchase of a 2025 Honda ATV for the Beach Patrol in the amount of \$8,545
- 2024-247 approving a facilities use application to the Lavallette PTO to hold a Christmas Tree Fundraiser from December 5th through December 8th 2024 at various times at the Lavallette Fire House
- 2024-248 accepting the resignation of Joyce Deutsch and authorizing payment of unused sick and vacation time
- 2024-248A approving the employment of Justin Barretta to the full-time position of Dispatcher for the Lavallette Police Dept.
- 2024-248B approving the settlement agreement regarding Cellco Partnership v. Borough of Lavallette-Councilwoman Filippone requested this be put off-consent

A Motion to approve the consent agenda was made by Councilman Borowski. 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:

- 2024-248B approving the settlement agreement regarding Cellco Partnership v. Borough of Lavallette

The Mayor stated that at the last meeting we went into executive session to discuss this settlement

Agreement with Verizon. He and Mr. Burns attended numerous mediation sessions in Trenton to try and resolve these issues the best we could. The Judge advised us to try and come to some sort of compromise because we didn't have a very strong hold of this. So we did negotiate some items the best we could. They will use shrouds that fully conceal all of the antennas on the pole and soil testing for each additional new pole. They will also provide the Borough space on the top of the Philadelphia Avenue pole for the installation of the Borough's lightning detection system. Verizon Will drop any unreasonable costs with this suit and also give the Borough \$20,000 one-time Payment for the purchase of a lightning detection system. Unfortunately, this was the best we could Since the Judge basically let us know that we weren't going to win this case. Pt. Pleasant Beach has private donors that have formed an organization to fund their suit to stop Verizon from doing this in their town. We unfortunately do not have that option and this litigation, if dragged on would cost a significant amount of money for the us.

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

Barbara Susinno, 1 Pennsylvania Avenue stated that she has been fighting this for the last 7 years and will keep fighting it any way she can. All the data regarding these facilities is not as forthcoming as it should be. Each year we hear more problems that could occur to humans and children regarding these nodes. None of these nodes should be close to any residents windows and especially children's windows.

The Mayor thanked her for her comments and stated that he wishes that it worked out differently.

Councilwoman Filippone stated that she has always made it very clear from day one of all of this where she stood on this issue. It's appalling that the federal government won't allow us to consider all the data that clearly is not well for us. Verizon still has not shown us any proof that these small cell facilities are needed and seem to not care at all about the danger they will cause to us.

The Mayor closed the floor to the public and asked Council for a motion and a vote on this Resolution.

A Motion was made by Councilman Lamb to approve this resolution. The Motion was Seconded By Councilman Stogdill.

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

APPROVAL OF VOUCHERS:

2024-249 Bills List in the amount of \$914,553.43

A Motion was made by Councilwoman Filippone to approve the bills list. The Motion was Seconded by Councilman Lamb.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill Finter and Lamb voted Yes.

COMMUNICATIONS:

General With No Action:

- a) Susan Esposito/letter of appreciation for Public Works employee Vincent Percella/
Received November 15, 2024

General With Action:

- a) Lavallette Seniors Club/Jim Peeney, President/requesting Mayor and Council approve the Borough paying the cost of a bus for their annual trip to the Surfflight Theatre on Long Beach Island in 2025

Mr. Peeney was in the audience and thanked Mayor and Council for always helping out the seniors with the bus every year. They are very thankful and appreciate it.

- b) Atlantic Shores Offshore Wind/Susan Jin, Senior Permitting Lead/Invitation to Consult on Potential Avoidance, Minimization, and Mitigation Measures for Adversely Affected Historic Properties/Received November 25, 2024

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Councilman Finter stated that there is a blood shortage so please make sure to try and donate blood. He also stated that homeowners need to inspect their water pipes and advise DPW what size and type of pipes they are.

The Mayor stated that he will be attending the pre-con meeting next week regarding the beach replenishment project so he hopes to have some more information to give at the next meeting.

Mr. Bennett stated that we will be receiving two surplus pickup trucks from the County for \$1.00 each.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that he would like to thank Joyce Deutsch for all the years of being our Planning Board Secretary. She lived in Lavallette for many years before selling after Sandy and she is also a friend to many in Lavallette and is going to be missed.

COMMENTS FROM THE PUBLIC:

Mark Speaker, 111 Brown Avenue stated that the History Book Committee is looking for any old photos of Lavallette so if anyone has any or comes across any they can drop them at Borough Hall or to me at anytime.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

A Motion to adjourn 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 adjourned at 8:07pm.

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 Council meeting held on the **2nd** day of **December 2024**.

Donnelly Amico
Municipal Clerk