

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Tuesday, January 19, 2021-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

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

Also present: Phil George, Borough Attorney  
Donnelly Amico, Municipal Clerk  
Robert Brice, Borough Administrator

**READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT:** Due to the coronavirus pandemic, this meeting has been closed to the public physically and is being livestreamed via Zoom. Any comments from the public that are received via email no later than 4pm by the Municipal Clerk will be read and discussed by Mayor and Council at the Council Meeting during public comment period. Notice of this remote meeting was posted on our website with instructions on how the public can connect to livestream this Council Meeting.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for longtime resident Gerry Zegar from President Avenue who passed away.

**PLEDGE OF ALLEGIANCE:** Councilwoman Filippone led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to our meeting via Zoom.

**REPORTS ACCEPTED AS SUBMITTED:**

- a) Construction Report for December 2020-Councilwoman Filippone-read report
- b) Zoning Report for December 2020-Councilwoman Filippone-no report
- c) Municipal Court Report for December 2020-Councilwoman Filippone-read report
- d) Police Overtime Report for December 2020-Councilwoman Filippone-read report
- e) Public Works Report for December 2020-Councilman Lamb-read report
- f) Public Affairs Report for December 2020-Council President Zalom-Hopefully we will be able to hold our events this year without cancelling. We received the Cultural Grant for our concerts this year and it was for \$1,500.
- g) Tax Account Report for December 2020-Tax Collector
- h) Revenue Transaction Report for November 2020-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:**

2021-55 authorizing the Mayor to sign an execute the interlocal shared services agreement between the Borough of Lavallette and OC Prosecutors Office to participate in the “Move Over” Law Enforcement Program

2021-55A authorizing the proposal of services from O’Donnell, Stanton & Associates for the Rehabilitation of Potable Water Supply Well #3 in the total amount of \$24,000-The Mayor stated that this is just to approve the Engineering costs. We will be going out to bid for the project.

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

2021-56 Bills List in the amount of \$2,748,711.78

A Motion to approve the bills list 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.

**PUBLIC HEARING ON VERIZON WIRELESS APPLICATION:**

A Motion to open the Public Hearing was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Public Hearing was opened at 7:19pm.

The Mayor stated that Verizon submitted their application back in November 2020 to install nodes on poles in five different locations in Lavallette. The application was forwarded to the Planning Board for their review and recommendations. On January 6<sup>th</sup> the Planning Board issued their memo along with their recommendations to Council. Tonight we have 3 representatives from Verizon, Anthony Rekosik, Anthony Agidio and Brian Grebis along with Verizon Attorney Gregory Meese who are here to discuss this and answer any questions that anyone has.

Mr. Meese introduced himself and thanked Council for this meeting. He stated that Verizon has submitted an application to the Borough to install 5G nodes in five different pole locations in Lavallette. The locations are as follows: 2000 Grand Central Avenue, 3 Liggett Road, 103 Brown Avenue, 120 Washington Avenue and 1704 Grand Central Avenue. These are the locations that we have requested but we are also flexible, if Council recommends alternate locations. We have

already been advised that the Planning Board has recommended alternate locations instead of the Liggett Road and Brown Avenue locations.

Councilman Borowski requested a general overview of how these nodes will enhance what is already there?

Mr. Rekosik stated that these 5G nodes will improve our entire wireless network. These locations are the best locations right now that would help improve our network. We have a design group go over the specs of what the nodes consist of and the diagram of the pole. This is a long technical process of figuring out which areas would benefit the most.

Mr. Brice questioned page 6 of the application, regarding the grounding rods that are 6 feet apart and questioned if the rods would be recessed or protruding from the ground?

Mr. Rekosik stated that they will be totally recessed into the concrete.

Mr. Brice questioned if the concrete will have to be drilled into?

Mr. Rekosik stated that it is usually saw cut and patched.

Mr. Brice questioned how the repatch process is done?

Mr. Rekosik stated that they will leave it the exact way it was before they started.

Councilwoman Filippone questioned if the extra weight of these nodes is going to affect the top of the poles and the extreme winds we have here?

Mr. Rekosik stated that we base it on the code standard which is 39 mph winds.

Councilwoman Filippone asked what code do they follow for this?

Mr. Rekosik stated that they always have followed the National Council Safety Code based on wind not equipment. We have done other towns following the same code and also the same equipment and installations.

Mayor LaCicero stated that there has been new information circulating regarding the Dept. of Defense and how they are concerned with these signals interfering with flight operations. How are you going to handle this?

Mr. Rekosik stated that the closest flight pattern to Lavallette is Maguire Air Force Base and we have already took that into consideration with this project. We have never had any issues since we have been installing these and the 5G signals die out very quickly so there should be no issues in the future.

Council President Zalom questioned what other towns have these 5G nodes now and if there has been any issues so far?

Mr. Rekosik stated that there are 100 nodes right now that we installed on LBI, some in Ocean City, Atlantic City and Margate, Sea Isle City, Upper Township, Cape May Point, Belmar and Asbury Park.

Councilman Borowski questioned why they chose these locations in Lavallette?

Mr. Rekosik stated that they try to choose locations that are not close to homes if possible, but also where views aren't blocked and where there is a lot of foot traffic by stores and shops and business areas which is where the use of cellphones are used mostly.

Mayor LaCicero questioned what kind of equipment is on our water tower that they have?

Mr. Rekosik stated that equipment is only 4G not 5G.

Mayor LaCicero questioned what the extra benefits will be with the 5G?

Mr. Rekosik stated that it will enhance video calling, such as facetime, which is what has been being used so much more now due to COVID, video conferences, webinars, it will enhance more data, more streaming and allow more data connectivity. It will boost to house so you won't need cable at all.

Councilman Borowski stated that they say in their application that eventually they want to be able to install in a total of 20 locations in Lavallette so why not request all 20 locations now and not just 5?

Mr. Rekosik stated that since there was a lot of controversy and issues with the first application we decided to just request 5 locations for now and go from there.

The Mayor opened the floor to the public and asked if anyone had any questions or concerns that they wanted to discuss.

Marlene Chamberlain, 26B Bond Avenue, stated that she finds it a bit shady that Verizon submits this application on November 25<sup>th</sup> which is the day before Thanksgiving. These nodes are not safe and we have a lot of elderly people in town. There have been facts that these nodes are excessively noisy on the poles, the batteries are combustible and they are causing fires. There has been issues where they have decreased property values by 20% mostly due to the aesthetics of the large equipment on these poles.

Mr. Rekosik stated that the biggest piece of equipment with these installations is 17 inches. There is no large cabinetry at all. The 4G nodes requires larger equipment than the 5G. The fiber box and junction box are very small and there are no noise bands at all.

Marge LaVolpe, 3 Liggett Road, stated that she is opposed to having this being installed right in front of her home. It will increase the risk to our health, the impact on the environment and our privacy.

Mr. Rekosik stated that that the radio frequency reports emissions well within the FCC limits and the facility is very low powered.

Mr. Stogdill questioned why most of the locations are close to the ocean beach?

Mr. Rekosik stated that these frequencies require that 5G needs a direct line of site and can't have anything blocking its path.

Maryanne Grier, 104 Brown Avenue stated that she is not happy about the installation on the pole close to her house. She is concerned about hypersensitivity it will cause. She doesn't understand why they wouldn't need any kind of zoning or ADA approval. She is worried about the safety of our electricians who will need to utilize these poles if there is an electrical issue.

Mr. George stated that there are no issues with these nodes and any ADA compliance.

Skylar Streich, 1606 Ocean Front, stated that Lavallette is a tourist town in the summer but during the off season there are not that many people in town. Would there any ways that for the 9 months that the population is very low, could the network be shut down or decrease the power output?

Mr. Rekosik stated that would not be feasible nor could it be done.

Michele Fojon, 103 Brown Avenue stated that she just found out yesterday about all of this. This pole and installation of this node is only 20 feet from my childrens' bedroom. We are only summer residents but that is during the time that these nodes will be utilized more with more people in town. I am not in favor of this being so close to my children.

Tammy Roselle, 108 Brown Avenue questioned if there can be alternate locations requested for the ones that are so close to people's homes. She is a cancer survivor and she is always more cautious now.

Mr. Rekosik stated that they have no issues with finding alternate locations instead of the Liggett Road and Brown Avenue locations.

Barbara Susinno, 1604 Ocean Front stated that she has a problem and is very concerned about unborn babies being subjected to these. There is a higher chance of miscarriages and birth defects.

Mr. Brice stated that the Planning Board has reviewed the application and they had some issues. They suggested the town be able to determine the color of the cabinet samples on the poles and the removal of any obsolete equipment. The 2 locations on Grand Central Avenue will need NJDOT approval and the one on Washington Avenue will need County approval. The UCC permits are pending as of right now.

#### **EXECUTIVE SESSION:**

A Motion was made by Councilman Borowski to go into Executive Session to discuss this matter before voting on these locations. The Motion was Seconded by Councilwoman Filippone. Vote:

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

The Council Meeting was adjourned to go into executive session at 9:30pm.

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

The Council Meeting was reconvened at 9:53pm.

Mr. George stated that while in executive session there was discussion on the 5 locations and approving with some conditions with specific language added.

Resolution No. 2021-57            conditionally approving an application of Verizon/Tilson Technology for a right of way permit at 2000 Grand Central Avenue in the Borough of Lavallette

Approval is granted with conditions as follows:

The applicant must obtain consent from the NJDOT and any other necessary governmental agencies prior to installation.

The applicant shall obtain all required UCC permits including such electrical and building permits as required.

The application shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location.

The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar

The applicant shall be responsible for removal of obsolete equipment.

The applicant shall obtain certification from the FAA and the USDOD demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft.

The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette.

Mr. Meese requested the record reflect that Verizon objects to these conditions.

A Motion to approve this resolution with conditions was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Zalom, Stogdill and Lamb voted

Yes. Council Members Borowski and Filippone voted No. Councilman Finter Abstained. The Motion Passed.

Resolution No. 2021-58      conditionally approving the application of Verizon/Tilson Technology for a right of way permit at 3 Liggett Road in the Borough of Lavallette

Approval is granted with conditions as follows:

The applicant shall obtain all required UCC permits including such electrical and building permits as required.

The application shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location.

The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar

The applicant shall be responsible for removal of obsolete equipment.

The applicant shall seek approval from the Lavallette Police Chief to resolve any site triangle issues.

The applicant shall supply radii of the openings for the replacement pole and mark outs.

The applicant was strongly encouraged to find an alternative location for this antenna.

The applicant shall obtain certification from the FAA and the USDOD demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft.

The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette.

This application is approved only if the applicant cannot, after due diligence, find an alternate more favorable location for the said antenna in consultation with the Borough Engineer.

A Motion to approve this resolution with conditions was made by Councilman Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Filippone voted No. Councilman Finter Abstained. The Motion Passed.

Resolution No 2021-59      conditionally approving an application of Verizon/Tilson Technology for a right of way permit at 103 Brown Avenue in the Borough of Lavallette

Approval is granted with conditions as follows:

The applicant shall obtain all required UCC permits including such electrical and building permits as required.

The application shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location.

The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar

The applicant shall be responsible for removal of obsolete equipment.

The applicant shall supply radii of the openings for the replacement pole and mark outs.

The applicant was strongly encouraged to find an alternative location for this antenna.

The applicant shall obtain certification from the FAA and the USDOD demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft.

The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette.

This application is approved only if the applicant cannot, after due diligence, find an alternate more favorable location for the said antenna in consultation with the Borough Engineer.

A Motion to approve this resolution was made by Councilman Stogdill. The Motion was Seconded by Councilman Lamb. Vote: Council Members Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Filippone voted No. Councilman Finter Abstained. The Motion Passed.

Resolution No. 2021-60            conditionally approving an application of Verizon/Tilson Technology for a right of way permit at 120 Washington Avenue in the Borough of Lavallette.

Approval is granted with conditions as follows:

The applicant shall obtain all required UCC permits including such electrical and building permits as required.

The application shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location.

The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar

The applicant shall be responsible for removal of obsolete equipment.

The applicant shall supply radii of the openings for the replacement pole and mark outs.

This site will require approval of the Ocean County Road Department.

The applicant shall obtain certification from the FAA and the USDOD demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft.

The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette.

A Motion to approve this resolution was made by Councilman Stogdill. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom and Stogdill voted Yes. Councilman Lamb voted No. Councilman Finter Abstained. The Motion Passed.

Resolution No. 2021-61            conditionally approving the application of Verizon/Tilson Technology for a right of way permit at 1704 Grand Central Avenue in the Borough of Lavallette

Approval is granted with conditions as follows:

The applicant must obtain consent from the NJDOT and any other necessary governmental agencies prior to installation.

The applicant shall obtain all required UCC permits including such electrical and building permits as required.

The application shall provide color samples to be used for the installation of the antenna and related equipment matching the specific pole location.

The applicant shall provide training to Borough Officials and the Lavallette Public Works Department and Electric Utility personnel regarding conducting repairs at the location and provide RFE meters used by applicant's technicians or similar

The applicant shall be responsible for removal of obsolete equipment.

The applicant shall obtain certification from the FAA and the USDOD demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft.

The applicant is permitted no more than twenty (20) locations within the Borough of Lavallette.

The applicant shall seek approval of the Lavallette Fire Chief regarding the safety of the pole's proximity to an existing fire hydrant.

A Motion to approve this resolution was made by Councilman Stogdill. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Zalom, Stogdill and Lamb voted Yes. Council Members Borowski and Filippone voted No. Councilman Finter Abstained. The Motion Passed.

**2<sup>nd</sup> PUBLIC HEARING ON CDBG GRANT APPLICATION:**

Council President Zalom opened the public hearing and stated that the Borough is applying for the 2021 CDBG grant this year. With the application there are certain requirements that need to be done which is why we need to have this hearing. This is the 2<sup>nd</sup> public hearing tonight and the 1<sup>st</sup> public hearing was on January 4<sup>th</sup> at our Reorganization Meeting. The CDBG grant is strictly for projects that are ADA handicap accessible. The last grant we received in 2019 was for the purchase of the benches that are on every dune walkover to the beach and also two more handicap beach chairs. This year we are going to apply for the grant to purchase a mobi-mat to be put on the President Avenue handicap accessible walkover to help with easier access for the handicap people to get down to the beach. This mat will roughly cost \$50,000 and this grant usually gives roughly \$35,000 with a possibility of additional funds. The award date for the grant is usually around August-September so we might not be able to get the mat for this summer.

Council President Zalom asked if anyone had any questions regarding this grant application or had any recommendations.

No one wished to comment.

The Mayor closed the public hearing.

**OLD BUSINESS:**

Councilman Stogdill stated that the beach badge order form will be on our website starting February 15<sup>th</sup>. You can start placing your orders with the form and sending it along with your checks right away.

**NEW BUSINESS:**

Mayor LaCicero stated that Swan Point Road will be closed starting 9am on February 7<sup>th</sup> and will reopen 9am on February 8<sup>th</sup>.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

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

Council President Zalom requested to be excused from the February meetings since she will be away.

A Motion to excuse Council President Zalom was made by Councilman Borowski. The Motion was Seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

**ADJOURNMENT:**

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

The Council Meeting was adjourned at 6pm.

**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 **19<sup>th</sup>** day of **January 2021**.

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