

The Shamong Township Committee held a **Committee Meeting** on the above date at the Municipal Building.

Mayor Di Croce called the meeting to order at approximately 7:30 PM

The Clerk, Susan Onorato, stated the Sunshine Statement advising that proper notice of this meeting has been given in compliance with the Open Public Meeting Act.

Pledge of Allegiance was recited.

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| Roll Call (absentees noted) | Mr. Michael Cooney   | P |
|                             | Mr. Michael Di Croce | P |
|                             | Mr. Timothy Gimbel   | P |
|                             | Mr. Sean Gray        | P |
|                             | Mr. Martin Mozitis   | P |

Also, in attendance: D. Heinold, Solicitor and D. Guzzi, Engineer

**PROCLAMATION:** Mayor Di Croce welcomed Melissa Durham; then read into the minutes a Proclamation Recognizing several of her community service accomplishments. Melissa stated she was honored and humbled and spoke briefly on the upcoming Holiday Lights Tour event.

The Mayor then opened the floor to Mr. William Davis from the Wharton State Forrest who works at both Atsion Lake Park and Batsto Lake Park. Mr. Davis expressed how happy he was for Atsion Lake Park to be hosting the Holiday Lights event this year. Mr. Davis summarized information on the Parks and spoke on an upcoming Trunk-or-Treat event at the Atsion Park on October 26<sup>th</sup>.

**PUBLIC COMMENT:**

Mayor Di Croce thanked all the Brownies, Scouts and families that came out to the meeting in support of Melissa and he then opened the meeting to the public for comments.

*Kitty Stanley*, 462 Oakshade Road – read and presented a petition from the tax paying residents of Shamong to the Committee regarding the proposed cell phone tower.

The Solicitor advised a reminder to the Committee that when the cell tower issue is discussed, there is a pending application before the Joint Land Use Board that is within their jurisdiction. He suggested we try and focus just on the resident request to authorize the hiring of professionals that would be beneficial.

The Mayor advised acceptance of the signature petition list without being notarized.

The Mayor advised the public that the Township Committee is a separate entity from the Joint Land Use Board (JLUB) and cannot direct what they do – the JLUB hears the case and decides how it should be handled.

Deputy Mayor Gimbel summarized history of Township's efforts regarding the cell tower advising this issue goes back quite a number of years – more than seven. Deputy Mayor Gimbel commented on items related to a cell tower such as the benefit to taxpayers offering increased cell connectivity and competition in the area; connection service improvement for many residents who work from home; bringing FIOS to Shamong; the extensive search for another site that was done by the Township and the possibility of a cell tower being a potential revenue generating option. The Mayor commented that concern for safety and the ability to get through on emergency calls was a factor as well.

The Clerk, Mrs. Onorato, gave a summary of the properties within the Township that were reviewed by the JLUB on the cell tower applicants that qualified under the FCC analysis of being in their approved circle area. Many of the locations suggested by residents' present were outside of the FCC circle area. The Clerk reported 13 sites were ultimately discussed some of which included the Shamong Township Board of Education, Murphy's Pit, Stony Creek Ballfield, two (2) private property sites – all were reviewed. The Solicitor commented that efforts were made early on to place a cell tower in a more remote and buffered area, but advised that the Pinelands look at it differently and wanted the development of cell towers in a Regional Growth Area (RGA). The Solicitor advised that the Shamong RGA's tend to be very small Commercial Areas with residential areas around them.

*Janet Wilkens* (Millstone Drive) inquired about the Pineland's rationale for rejections and stated there must be other locations for a cell tower.

The Clerk stated that all of Shamong is in the Pinelands and that any development or construction must have Pinelands approval.

The Solicitor commented the areas for consideration are not preferred, but the Pinelands Commission requested cell towers in Regional Growth Commercial Area per their tiered system under the Comprehensive Management Plan (CMP). The Clerk advised the Board is trying to work within the parameters of the FCC approval and the approvals as they came down from the Pinelands.

A resident inquired again regarding the ball field site and the Solicitor advised it's not just a matter of applying to the State and waiting for approval, there is a State House Review Commission Process for all Open Space inventory matters – there is no guarantee the State will approve your application. Additionally, money needs to be spent to acquire additional land to replace what would be removed from the site. Pinelands also has a process with regards to the site.

The Mayor asked the Solicitor to discuss any background regarding litigation as to keeping cell towers out of a town. The Solicitor advised the FCC is Federal and preempts to a degree any local control and it's impossible to keep a cell tower out of their ring area.

The Mayor asked the Solicitor about the radiation issue. The Solicitor commented that the radiation issue is one where the FCC and the Federal Government have clearly preempted that area. The environmental and health considerations in terms of whether a town can regulate or a local board can consider – the law is very clear that it is not permitted and this law has been in place for twenty years.

*Andrew Powell* (Shamong) mentioned maybe a judge would take that timing into consideration.

The Solicitor advised the law regarding the radiation issue has been litigated many times and the law is clear that issue is preempted at the Federal level and towns aren't allowed to consider that.

The Mayor asked the Solicitor to address if the town can control who can come before the JLUB and where they make an application to put a cell tower. The Solicitor stated the town cannot control those issues, but added if the JLUB felt there were professionals that would be suitable for their consideration that he feels it would be appropriate for the Committee to consider that.

After brief summary from the Mayor and clarification on issues that there has been much litigation and millions of dollars spent on the issues – the law is pretty much well settled.

*Sam Diblin* (18 Rutland Court) inquired what constitutes this area as Regional Growth. The Mayor advised areas are set up by the Pinelands; there is a balance of running the town without contribution from businesses, which we do not have many, and loving where we are in this town.

*Janet Wilkens* (Millstone Drive) also inquired about Regional Growth Area determination. The Clerk and Solicitor confirmed this is determined by the Pinelands not the JLUB. The JLUB has to comply with the Pinelands.

There was brief discussion and comments regarding the Regional Growth Areas; conditions associated with the use variance and why the school was considered as a location.

*Eileen Carlos* (109 Indian Mills Road) inquired if Committeeman Cooney attended the JLUB meetings on the cell tower. Committeeman Cooney advised he was at the first meeting, but clarified his appointment is not permitted to vote on a use variance. Ms. Carlos inquired if unable to vote, could they sit in the audience. The Solicitor commented if representing a Board, if you cannot sit on application, it is best you do not sit in the audience to avoid interplay influences.

*Eileen Carlos* inquired regarding the number of properties looked at for the cell tower and the Clerk clarified it was a fine tuning and filtering process eliminating properties that could not be considered.

*Eileen Carlos* inquired if anyone present involved with the creation of the ordinance in 2008. The Clerk commented it was at the time of the Master Plan review and driven by the CMP and clarified the ordinance states Township land to be considered first. The Engineer commented the proposed tower is in a Zone it's permitted to be in and also at a location that FCC has approved – it's not one or the other, but both.

There were additional topics inquired about regarding the cell tower, but could not be discussed due to pending JLUB application considerations.

*Ruth Berger* (432 E. Stokes Road) commented on marijuana not being grown in the Township.

*Lauren Smith* (Route 206) mentioned having Comcast with an inexpensive plan. She mentioned her friends in Comcast said a cell phone tower might help, but is not needed. Committeeman Gimbel commented that the agreement she has with Comcast, the cellular network that it is run off, is a 100% resale agreement with Verizon Network. Lauren commented bringing in stuff brings in money/revenue, we can't just live in the dark.

*Dr. Lazos* (Kingswood Road) inquired on dog issue updates. The Solicitor advised updates are somewhat limited as they are in prosecution mode. The Solicitor summarized the current status of the two dog issue events as he was aware.

*Bridget Lazos* (Kingswood Road) inquired if anyone has been out to check to property as she hears dogs there. The Clerk advised County Board of Health inspected the property and no apparent issues were found. The Solicitor commented if you hear things, the best thing is to call the Police which starts a chain of communication for all entities involved.

*Dr. Lazos* (Kingswood Road) inquired if the Pinelands would have any say regarding the kennels on the property. The Solicitor advised he will follow up with the Zoning Officer.

*Denise Tolefson* (Oakshade Road) advised seeing trailer loads of chain link fence being trucked into the Roberts yard.

*Kathleen Zuchak* (Oakshade Road) lives next door to the Roberts property – advised there is definitely dogs there all the time and inquired if the family is permitted to have dogs. The Solicitor advised Donna Roberts has restrictions on her condition of release, but that does not extend to the rest of the family.

*Eileen Carlos* inquired if that property had been condemned at one point. The Solicitor advised it had been declared uninhabitable – the issues were addressed and the County Health Department inspected a few times before deeming habitable.

*Denise Tolefson* requested a deer crossing sign at her section of Oakshade Road. The Clerk advised as it was a County Road and she would need to reach out to the County Road Department.

*Eileen Carlos* inquired regarding the cell tower issue and revenue mentioned of \$100,000. The Clerk clarified this was potential revenue to the property owner, not tax revenue to the Township. The Mayor advised it was first looked into to put the cell tower on Township property, in an appropriate area, and the taxpayers get the taxpayer relief. Unfortunately, the Township property potential options have been exhausted. Committeeman Gimbel advised the revenue talked about is actually revenue generated from the traffic covered through the tower.

Committeeman Cooney inquired if a dollar limit was necessary for this motion. The Solicitor advised the JLUB would act judiciously and did not feel that was a concern. **On motion of Committeeman Gray, seconded by Committeeman Cooney, it was moved to authorize the Joint Land Use Board (JLUB) to retain any professionals they deem appropriate or desirable in order to hear the Verizon matter. A roll call vote showed all members present voting yes.**

As there were no additional comments, the Mayor closed the meeting to the public.

At 8:39 PM, Committeeman Gray excused himself from the meeting for a prior obligation.

**ITEMS FOR DISCUSSION AND POSSIBLE OFFICIAL ACTION:**

**On motion of Committeeman Cooney, seconded by Committeeman Mozitis, approval of the September 3, 2019 Regular and Executive Session minutes were approved as submitted. A roll call vote showed all members present voting yes except Committeeman Gimbel who abstained.**

The Clerk reported on a resident request to remove dead and/or fallen trees and stated the two properties – Block 23.01/Lot 2 and Block 8.01/Lot 12.62. The Clerk advised the resident has done this for several years and has supplied the required Certificate of Insurance and Hold Harmless paperwork. Resident is aware all work must be completed by February 1, 2020. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve resident request for permission to remove dead and/or fallen trees from Township land. A roll call vote showed all members present voting yes.**

The Committee discussed the options for algae treatment of Indian Mills Lake in 2020 reviewing quotes submitted – Princeton Hydro in NJ was the lowest cost coming in at \$1,850 for a 1-time treatment. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve the Princeton Hydro quote for algae treatment of Indian Mills Lake in 2020 for 1-2 treatments if necessary and application of permit at a cost of \$500. A roll call vote showed all members present voting yes.**

**On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve the following education/seminar reimbursement requests.**

- a. Clerk - training session on Recycling Tonnage Grant updates. the only cost would be the estimated \$40 for transportation.
- b. Deputy Clerk - required BurlCo JIF training on October 8<sup>th</sup>. The only cost will be the estimated \$40 for transportation.
- c. Listed staff to attend the NJ League of Municipalities Conference in Atlantic City November 12 – 15, 2019 at a reduced member costs of \$55 plus travel costs.
  - i. Tax Collector
  - ii. Tax Assessor

**A roll call vote showed all members present voting yes.**

The Clerk gave a summary update on a tax abatement application, located in the Industrial Park Regional Growth Area. It is under Tax Assessor review for abatement.

The funding request of \$1,820 for the Holiday Lights award ceremony was tabled until the next meeting.

The Clerk summarized that the Burlington County Farmland Preservation Program – Acquisition Targeting List, which is a list of target farms who have chosen to apply for the Farmland Preservation Program, is available for Municipal Review. County advised that no formal action is required unless changes are made to the list. The Mayor advised no need for action.

The Clerk reported The Clerk advised this annual Request for Proposal/Request for Qualification sub-committee appointment, per our ordinance, can be two members of the Committee or one member of the Committee and the Clerk. This RFP/RFQ is for the Township's professional staff (Auditor, Solicitor, Engineer). **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Committeeman Cooney and the Clerk, Mrs. Onorato to the 2020 RFP/RFQ sub. A roll call vote showed all members present voting yes.**

The Engineer summarized the Indian Mills Lake Dam inspection that was completed on September 23, 2019. The Engineer advised the inspection revealed some minor erosion and an area of aggressive vegetation that will be addressed by Public Works. The Engineer stated the report is ready to be sent to the Department of Environmental Protection for review and sign-off. Target date of June 30, 2020 for completion of work identified.

The Clerk advised there were several special events currently approved or in the process and John Lyons, OEM Coordinator briefly summarized the following:

- a. October 6, 2019 Semi-annual Atsion day hosted by Indian Mills Historic Society at the Atsion Lake Rec, a flea market and vendor sales event - APPROVED
- b. October 13, 2019 Curly Fern Enduro ride – APPROVED
- c. October 26, 2019 (rain date 27) 2019 - V&V Farm Haunted Hops & Ghoulish Grub – PENDING
- d. December 7, 2019 – Crossroads Church Annual tree lighting ceremony – PENDING
- e. December 13, 2019 – Holiday lights award ceremony – PENDING

Mayor Di Croce thanked John Lyons acknowledged his service to Shamong.

### **RESOLUTIONS:**

**On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Resolution 2019R-93 Refund of permit fees on block 3.01, lot 4.11 (8 Bainbridge Court) of \$347.40 which is net of the 20% review fee and state fees. Installation of solar panels was cancelled. A roll call vote showed all members present voting yes.**

The Clerk reported the refund total is \$229.21 for this quarter and the rest of the year would be cancelled. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Resolution 2019R-94 Refund and cancellation of property taxes on block 35.02, lot 34 (31 Shawnee Trail) for a 100% totally and permanently disabled veteran. A roll call vote showed all members present voting yes.**

The OEM Coordinator reported on a road closure occurring during the event – a portion of Forked Neck Road – for about a two-hour period between 8:40am - 10:45am. A Swift 911 notification will go out regarding the closure. The Clerk advised approval is pending the receipt of a Certificate of Insurance and Hold Harmless agreement. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Resolution 2019R-95 Permitting CK Running, LLC to conduct: Zero - The End of Prostate Cancer – South Jersey 5K (Sunday, Nov. 3, 2019 at Valenzano Winery). A roll call vote showed all members present voting yes.**

The Clerk advised this State report is required for funding – the State added more questions this year and some questions don't have point values. The Clerk reported 30+ points are required to avoid withholding any State Aid and advised that Shamong scored a 41.5. The Clerk also credited the Joint Insurance Fund (JIF) with recommended cyber security items the Township put into place which assisted on the questionnaire. **On motion of Committeeman Cooney, seconded by Committeeman Mozitis, it was moved to approve Resolution 2019R-96 CY 2019/SFY 2020 Best Practice Inventory Program public meeting certification. A roll call vote showed all members present voting yes.**

The Clerk reported Ed Toussaint, the Building Code Official, is also licensed in Fire and Mechanical inspections and this will allow Mr. Toussaint to do these inspections if necessary. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Resolution 2019R-97 Appointing interim fire and mechanical inspector for a four years term expiring October 1, 2023 at no costs. A roll call vote showed all members present voting yes.**

The Clerk reported this event has been endorsed by the State Police and the approved resolution will allow the Clerk to sign off as well. **On motion of Committeeman Mozitis, seconded by Committeeman Gimbel, it was moved to approve Resolution 2019R-98 Issuance of a Social Affairs Permit to permit a beer garden at the V & V Adventure Farms on October 26, 2019 with a rain date of October 27, 2019. A roll call vote showed all members present voting yes.**

The Solicitor gave a brief summary of his understanding of this litigation advising the implications in Shamong Township are practically nothing. The Solicitor advised the issue is a statute that has to do with taxation of Verizon. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Resolution 2019R-99 Support of A-5450/S-3827 clarifying telecommunications industry corporate tax responsibilities. A roll call vote showed all members present voting yes.**

**ORDINANCES: None**

## **BILL LIST:**

The Mayor requested any questions or comments; Committeeman Gimbel asked for clarification on costs related to the Public Works building. As there were no additional comments, **on motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve the attached Bill List. A roll call vote showed all members present voting yes.**

## **REPORTS:**

The Engineer Reported:

- Still waiting for Dept. of Transportation (DOT) to approve the Grassy Lake Road bid package so that it can go out to bid. Staff change ups in the DOT have slowed down the process.

The Mayor thanked the Clerk for getting the new “Exceed 25 MPH – Meet Our Judge” signs on Grassy Lake Road.

The Solicitor Reported: No Reports

The Administrator Reported:

- Rent Control Board Vacancy – please contact Clerk’s office for additional information.
- Public Works and Office of Emergency Management overhead doors were repaired.
- Public Works garage building has been repainted. Salt barn, storage container and shed are in process.
- 6 White Pines (5–7 feet) have been planted as buffer of Public Works Salt Building, storage shed from Willow Grove Road.
- Bushes planted along the walkway to the entrance of the meeting room.
- November 1-2, 2019: 25th annual Jeep Jamboree – rescheduled from March due to weather.
- Recycling Carts are being delivered to residents. Extra Carts have been delivered to the Township – second Carts and smaller Carts will be available to residents as well.

The Clerk advised reaching out to Tabernacle Township on their process for a second Cart request and was advised pick up at no charge and delivered for a \$10.00 fee. The Clerk reached out to the Solicitor and he reported the ordinance would need to be amended in order to institute a fee if desired. The Clerk stated the County will submit their log of Carts, including the serial numbers, for the Township to maintain going forward. Committee decided to wait and see regarding a delivery fee.

- Department reports included with meeting packet – Municipal Court has provided revenues of roughly \$35,000 YTD.

The Mayor commented briefly on the positive impact of the consolidation and relocation of the Shamong Court over recent years.

The OEM Coordinator Reported:

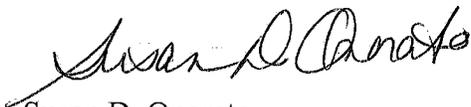
- Thanked the members of the Township who recently recertified for CPR and AED training.
- Advised that Memorial School is having a "Stop the Bleed" program in late October which is a National Program through FEMA.

**PUBLIC COMMENT:**

Mayor Di Croce opened the meeting to the public for comments, at which time *Lauren Smith* mentioned needing another recycle can. *John Lyons* mentioned the Fire House is having a Fire Prevention Night on October 9<sup>th</sup> from 6:00 PM – 8:00 PM. The Mayor mentioned needing volunteers at the Fire House/EMS. As there were no further comments, the Mayor closed the meeting to the public.

There being no further business, **on motion of Committeeman Gimbel, seconded by Committeeman Cooney and a roll call vote showing all members present voting yes, the meeting was adjourned.**

Attest:



Susan D. Onorato  
Municipal Clerk