

Mayor and Council Special Cell Tower Meeting – March 6, 2024

The Special Cell Tower Meeting of the Mayor and Council of the Borough of North Caldwell was held on Wednesday, March 6, 2024. The meeting began at 6:31p.m. at Borough Hall and virtually via tele/video-conference.

Mayor Raymond called the meeting to order announcing that notice was provided in accordance with the requirements of Chapter 231, P.L. 1975. He provided a statement regarding the conduct of the teleconference which would allow members of the public to participate and be heard during public comment.

Roll Call indicated the following:

Present: Mayor Joshua H. Raymond, Council President Anthony Floria-Callori, Councilman Matthew Atlas, Councilman Robert Kessler, Councilman Arthur Rees, Councilman Kenneth Tilton, Councilman Stephen Weinstein.

Also present were: Glenn Domenick, Borough Administrator; Jarriid Kantor, Borough Counsel; Karl Strodthoff, Police Chief; and Tami Michelotti, Borough Clerk.

Mayor Raymond asked Police Chief Strodthoff to lead the Pledge of Allegiance.

Mayor Raymond thanked members of the staff and public for attending the special meeting. He noted that the Borough's consultant was present to help address concerns communicated by residents. He added that no formal action would be taken. Mayor Raymond explained that a three-minute public comment time limit was initially noticed on the agenda in order to allow for all citizens to be heard. He stated that the standard five-minute limit would instead be honored but requested that all speakers keep comments brief so that all can be heard.

Presentation by VComm

Mr. Dominic Villecco of VComm, consultant to the Borough regarding cellular service, presented an overview of the Borough's service issues, solutions and the resulting contract with T-Mobile for lease of Borough property to construct cell towers at the Skyline Drive water tower property and near the corner of Mountain Avenue at Arbor Road.

Public Safety Reports

Police Captain Michael Credico stated that cellular service deficiencies in the Borough have been documented and researched for the past six (6) years. He noted that a solution was necessary for the community demand and to provide better public safety response.

Fire Chief Scott Stellfox added that mobile data terminals in the fire engines need cellular service to obtain data, make calls to other agencies for assistance and to provide home security system connections to central stations.

Mayor Raymond acknowledged that Ed Purcell, legal counsel for T-Mobile, and Frances Pishulte from PierCon Solutions were present at the meeting in addition to Borough department heads.

Citizens to be Heard

On a motion by Councilman Weinstein, seconded by Council President Floria-Callori, public comment was opened. Said motion was unanimously approved.

Michelle Kupferberg, 2 Kenwood Court – Ms. Kupferberg stated that lack of cell service at her home creates a significant safety concern. She added that lack of cellular and internet service affect the ability to work from home, causing residents to leave their homes to conduct their work. She noted that her home security system and land line phone services do not work at times. Ms. Kupferberg stated that emergency calls for help must be prioritized. She asked if emission standards are the same as the Gould Avenue tower.

Nihir Jariwala, 4 Arbor Road – Mr. Jariwala shared a video presentation. He acknowledged a service issue existed in town which needs to be solved. He questioned the studies performed by Crown Castle as they build towers for carriers. He stated that VComm's validation of Crown Castle's studies raised questions as VComm is a member of the New Jersey Wireless Association which informs public and elected officials of the positive economic outcomes of towers. He asked if evaluations of alternative technologies were studied. Mr. Jariwala stated that drop coverage issues are present in town, but no massive coverage issues. He asked if small cell solutions or alternative sites, possibly in other municipalities, were researched. Mr. Jariwala suggested Starlink as an option to counter the dead zones in town. He asked the likelihood of other cell service providers co-locating on the T-Mobile tower.

Steve Pepe, 77 Brookside Drive – Mr. Pepe stated that he is a radio frequency engineer in the radio industry. He asked if cellular service could be obtained from antennas placed on the Cedar Grove, Verona or West Caldwell water towers. He suggested small cell technology be implemented along Mountain

Avenue Field and on Skyline Drive. He noted that there is no guarantee that other cellular providers will co-locate on a T-Mobile tower. Mr. Pepe stated that residents do not want a cell tower in their neighborhoods as it may devalue homeowners' property. He suggested that the town consider a shared services agreement with other towns and that other existing towers should be optimized.

Ryan Hayes, 69 Brookside Terrace – Mr. Hayes requested the fall distance of the proposed towers as the Skyline Drive tower would be in closest proximity to his home on Brookside Terrace. He expressed concern for the exact location of the tower on the Skyline Water Tower site. Mr. Hayes asked if there were other bidders for the lease of Borough property for construction of the tower. He reviewed the timeline of the cellular tower contracts based on Borough Council meeting agendas and stated that the process was not transparent. He asked for documentation that other locations for tower placement were considered. Mr. Hayes stated that the lease revenue was more important to the town officials than the risk to its citizens. He added that messaging and dissemination of information regarding this project was not sufficient. He stated that the Planning Board should not approve the application by T-Mobile.

Sean Jacobs, 34 Fox Run – Mr. Jacobs summarized the issues of dropped business and emergency calls at his home. He supported the improvement of cellular service for communication and safety for the community despite the complexity of the issue. He added that people involved in car accidents on Mountain Avenue had to drive to the Police Department to report the incident due to lack of cellular service at the scene of the accident.

Pat Conforti, 10 Arbor Road – Mr. Conforti thanked the governing body for their efforts. He stated that cell phones use satellite service for SOS/emergency calls and noted that he was able to call 911 with his cellular service setting turned off. He noted that he resorted back to land-line service to supplement his cellular service at home. He requested that the Borough investigate alternatives. He acknowledged that public safety is the paramount concern but stated that reliance upon cellular service may be greater than necessary.

Susan Lapoff, 4 Laurel Court – Ms. Lapoff stated that she does not have cellular service at her home most of the time. She noted that prevailing law favors telecom services as towns have a requirement to provide effective wireless service unless there is substantial detriment to erecting the towers. She added that radiation emissions that are compliant with Federal and State regulations cannot be considered detrimental to the public good. Ms. Lapoff referred to a New Jersey Supreme Court ruling in which lack of radio signals in a geographic area was considered a gap issue. She provided examples of towers constructed in Millburn and case law from T-Mobile vs. Mendham, NJ. Ms. Lapoff noted that anecdotal arguments regarding devaluation of properties near cell towers are not sufficient criteria.

Amy Galarowicz, 6 Skyline Drive – Ms. Galarowicz thanked the governing body for their service. She stated that she is an electrical engineer who develops standards for radio magnetic effects on people, plants and animals. She noted that the Borough's Zoning Ordinance restricts the height of structures in town. She added that the Borough's Master Plan requires the town to promote health and safety. She asked about the review process for the cell tower construction. She encouraged the Council to reach out to knowledgeable citizens to obtain expert input. Ms. Galarowicz noted that cell towers are outdated technology and pose a hazard for people and property within 1500 feet. She noted that some towns are passing ordinances to prohibit towers. She asked for a more thorough review of the plans. She added that FCC guidance regarding radiation is over 25 years old and that scientific evidence presented in 1996 was ignored. She offered to share an exhibit she prepared and asked to slow down the construction process to research alternative solutions.

Catherine Fink, 2 Skyline Drive – Mrs. Fink cited a Court of Appeals case in which a cellular provider must show the need and any significant gaps in coverage as well as proof that a good-faith efforts was made to investigate other locations, designs and technologies. She stated that feasible, less intrusive alternatives must be investigated as the town has not documented the need nor other viable locations, designs and technologies. Mrs. Fink stated that public objections were made to the governing body prior to the October 4, 2023 signing of the lease agreements with T-Mobile. Mrs. Fink stated that the Skyline Drive tower would be placed directly behind her home. She noted that the bid specifications specified 150-foot monopoles with no other solutions or locations considered. She stated that notification to residents was buried in meeting minutes with a 200' notification executed only for this special meeting. Mrs. Fink described the utilities burden of her neighborhood including the PSE&G towers, the Borough's water tank and the soon-to-be installed generators on the water tank site. She stated that there is no justification for a cellular monopole that is twice the size of the water tower. She noted that tower would devalue properties in the area. Mrs. Fink expressed concern for the removal of several trees at the Skyline Water Tower required for the cell tower construction and the potential stormwater drainage issues that could result.

Tom Fink, 2 Skyline Drive – Mr. Fink noted that resale of properties with disamenities show decline in market value of approximately 5% to 10%. He stated that the Borough will have the long-term liability of

Mayor and Council Special Cell Tower Meeting – March 6, 2024

tower ownership and responsibility to dismantle them and restore the site. Mr. Fink expressed concern for stormwater runoff over the rocky surface once trees are removed from the Skyline site to prepare for the tower construction. He noted that noise pollution will result from the cell tower construction from the four (4) potential co-locators and their associated generators. Mr. Fink stated that the cell tower's fall zone could impact the water tower and cause catastrophic damage.

Rotem Naftalovich, 24 Willowbrook Drive – Mr. Naftalovich stated that he was not in favor of the construction of towers and that other alternatives should be considered. He noted that all parties want a solution that would provide safety but that non-tower options should be explored. He added that disturbing the rock layers for tower construction would lead to stormwater issues.

John Zurlo, 16 Skyline Drive – Mr. Zurlo asked if construction could be halted or if the tower height could be reduced since the contracts with T-Mobile were already signed.

Ellen Sciarillo, 3 Kenwood Court – Ms. Schiarillo stated that she has no cell service at home or in the neighborhood preventing her from having the ability to use her cell phone in case of emergency when walking through the neighborhood. She stated the importance of providing safety to the residents of Kenwood Court, Lakeside Drive and the nearby streets.

Sam Rastogi, 8 Skyline Drive – Mr. Rastogi asked the Council to explain the process after this meeting and if there were any subsequent meetings, reviews or votes planned. He asked how residents can participate in the next steps.

Mike Costa, 24 Timber Drive – Mr. Costa stated his opposition to the cell tower construction. He stated that his home, near the Skyline tower site, and the other 50+ homes in the area could suffer a 20% devaluation in property value. He asked for a better solution.

David Goldberg, 3 Sparrow Drive – Mr. Goldberg stated the need for improved cellular service to meet safety concerns. He described his family's needs for emergencies services and reliable phone service to call for help. He welcomed any technology enhancements that would help in life-threatening situations.

John Randall, 14 Arbor Road – Mr. Randall stated his opposition to cell tower construction. He stated that the Borough contracted VComm's services to justify the construction of the towers. He noted that prior to Superstorm Sandy, the community did not have cell service issues, and that Verizon service was not completed restored afterwards. He asked if neighboring towns found solutions that may help North Caldwell through a shared service agreement. Mr. Randall suggested that other solutions exist. He asked if a parcel of property at Green Brook Country Club could be negotiated from the future developer for cell tower placement. He asked that the construction plans be slowed down to allow for more research and alternative solutions.

Elliott Sommer, 143 Four Seasons Drive – Mr. Sommer asked if T-Mobile secured guarantees for co-location from any other cellular service providers. He asked if mini-towers would be capable of locating multiple carriers. He asked that other reasonable solutions be explored to provide the services that the community urgently needs.

Aimee Franco, 3 Timber Drive – Ms. Franco noted that the Americans with Disabilities Act, Title IV, mandates telecommunications services for individuals with disabilities. She asked for more information regarding the tower construction process given that a contract is signed. She asked that other technology solutions be explored.

On a motion by Council President Floria-Callori, seconded by Councilman Kessler public comment was closed. Said motion was unanimously approved.

Mayor Raymond thanked all for participating in the meeting and representing both sides of the issues. He stated that the next steps included an application to the Planning Board which was paused in order to address the location of the Mountain Avenue tower. He noted that discussions with T-Mobile and site plan research resulted in moving the tower closer to the detention basin. Mayor Raymond added that setting up the public meeting also paused the application to the Planning Board at the Borough request. He noted that the Planning Board review would also offer the opportunity for further public comment.

Borough Attorney Jarrod Kantor provided the following responses to some of the questions from the public:

- The Borough's agreement with T-Mobile addresses responsibility for removal of the tower should T-Mobile vacate. The responsibility falls on T-Mobile to remove the tower.
- Regarding co-location of other carriers, the lease anticipates co-location.

Mayor and Council Special Cell Tower Meeting – March 6, 2024

- Breach of contract provisions are included in the lease agreement if the construction does not proceed.
- Regarding authorization of resolutions approving the T-Mobile agreements as Consent Agenda items in meeting agendas, the resolutions were listed in the Consent Agenda, however, the Council pulled said resolutions and voted on them individually as evidenced by the non-unanimous votes.

Borough Administrator Glenn Domenick confirmed that the next step in the cell tower construction process is an application submission to the Planning Board. He stated that the application has been withheld to allow for this meeting and public comments and questions. He stated that he anticipates T-Mobile filing a site plan for Planning Board review which will be discussed at a public meeting. He noted that residents within 200 feet of each tower location will receive notice of the hearing date. Mr. Domenick stated that ample opportunity would be provided at the Planning Board hearing for residents to obtain information regarding radio frequency, tower location, etc. He added that the hearing dates would also be posted to the Borough website.

Council President Floria-Callori noted that each time a co-locator is sought for addition to the towers, a public bidding process would be required with formal action by resolution/ordinance.

Mayor Raymond stated that T-Mobile was awarded the lease agreement as a result of a public bidding process. Council President Floria-Callori noted that one bid was rejected because it was not an FCC-approved licensed wireless provider/carrier which was a stipulation of the bid specifications. Mr. Villecco added that this stipulation in the bid was drafted to attract carriers to come on to the towers and avoid a tower being built by a non-carrier with no guarantee that it wouldn't sit empty.

Mr. Villecco addressed the questions regarding alternate technologies. He stated that small cells were considered but ultimately ruled out because of the lack of power backup during power outages. He stated that small cell technology is used only for hotspots of additional coverage. He noted that these small devices placed on utility poles have limitations of one (1) carrier. Mr. Villecco added that the utility poles on Mountain Avenue have high voltage for primary power on top which cause safety issues for placing antennas on the poles; therefore, poles are precluded from being an option for placement unless new poles were installed all along Mountain Avenue. He noted that there would be no backup power for these small cell antennas during power outages.

Mr. Villecco addressed satellites which are used to backup dead spots in rural and remote areas. He stated that there is no "handover" between satellite systems and terrestrial systems which would cause service to drop when switching from one technology to the other. He added that satellite service does not provide for service to penetrate through buildings unless using a device at a window. Mr. Villecco addressed StarLink which requires a dish on the outside of a structure but also does not transition between systems. He noted that Iridium is no longer in business because there was not enough public interest.

Mr. Villecco addressed the questions regarding emission studies performed for the cell tower on Gould Avenue behind the Firemen's Community Center. He stated that his firm did not participate in that tower's construction. He conjectured that if the tower height was the same as the proposed tower heights being discussed, then similar results would be expected with results within the FCC standards.

Mr. Villecco addressed the distance of the Mountain Avenue tower from the resident's trampoline at 4 Arbor Road. He noted that the adjusted tower site was more than 20-feet away and

Mr. Villecco addressed VComm's study of coverage in Avalon, NJ where nodes were an option to meet seasonal demands over the summer. He stated that Avalon has three (3) towers and has not yet built nodes. He explained that these hotspots can be used for additional capacity requirements during peak times but have the limitation of no backup power.

Mr. Villecco confirmed that the towers operate at full efficiency. He explained the difference between broadcast and cellular technology and single noise ratio. He stated that broadcast uses one (1) tower to cover an area. He added that cellular technology uses multiple towers with finite capacity. He noted that as usage and demands increase, more cellular sites are needed to cover an area because existing towers cannot keep up with demand.

Regarding fall distance, Mr. Villecco explained that towers are designed to buckle on themselves and not to lay down. He added that the towers are designed for weather conditions in the area, including wind and ice. He noted that structural safety factors are built into the construction and are designed to hold carriers. A structural analysis will be performed prior to each carrier being added. Mr. Villecco stated there have been no cell towers to fall in his 40-year career.

Regarding the level of megabits, Mr. Villecco noted that three (3) megabits is sufficient but most of North Caldwell has less than three.

Mr. Villecco stated that VComm's scope of work when hired by North Caldwell was to assist with how to solve the coverage problem and not how the town could build towers.

Mr. Villecco responded to the claim that FCC standards are 25 years old. He stated that the standards have been built and updated over time. He added that VComm's studies are independent of carriers; it is each carrier's responsibility to prove their compliance with FCC rules.

Regarding noise pollution from each carrier's generator, Mr. Villecco confirmed that the generators are used during emergencies/power outages and for a 30-minute per week exercise only.

Mr. Villecco addressed claims that cell coverage decreased since Superstorm Sandy. He stated that the volume of subscribers and usage have increased over time, creating more demand on the networks and, therefore, decreasing service levels.

Councilman Weinstein addressed the suggestion that antennas be placed on water towers in other towns. He stated that North Caldwell could only control what is within our town limits and that other towns' towers do not have the height level required. Mr. Villecco added that the West Caldwell water tower on Mountain Avenue was considered but does not have additional room on the tower. Additionally, he stated that the West Caldwell tower sits below tree level so signals are blocked and degraded and, therefore, does not provide a viable option.

Councilman Weinstein asked Mr. Villecco to address the tower height of 150-feet. Mr. Villecco explained that 150-feet is standard but it also provides the right coverage for North Caldwell. He added that this height will also allow for three carriers. He noted that service degrades with lower placement.

Councilman Weinstein addressed the concern that other carriers will not request to be added to T-Mobile's tower. Mr. Villecco stated that towers are difficult to build due to density, but that carriers tend to migrate to available space on existing towers on which to place their antennas.

Councilman Tilton referenced a recent Verizon service outage when a tower in Wayne was experiencing issues. He noted that he had full AT&T service in the Mountain Avenue area during that time. He asked if the Verizon outage allowed for boosted AT&T signals. Mr. Villecco stated that towers are networked in a "daisy chain" through fiber optic connections to a central hub. Captain Credico explained that the high service repairs on a Verizon tower in North Caldwell were originally mis-reported as a Verizon tower issue in Wayne. He noted that the AT&T service improved while the Verizon high service towers were out of service and not causing interference.

Mayor Raymond asked Borough Tax Assessor George Librizzi to address the public question regarding decreased property values for properties near cell towers. Mr. Librizzi stated that there is no market evidence to suggest that cell towers reduce property values. He noted that cell towers are commonly placed on hospital buildings and apartment buildings. He added that the monopole on Gould Avenue did not affect market values of nearby properties. Mr. Librizzi stated that no tax court case law exists regarding properties that suffered in value and that no reduced rental apartment rates were evidenced. He noted that improvement of cellular service coverage is a benefit and enhances values. He stated that his contemporaries from other municipalities find no evidence of reductions in property value. He confirmed that comparable home sales/values are used for home sales.

Council Commentary/Discussion

Councilman Tilton suggested that current networks be more closely evaluated. He did not want to proceed with adding two additional towers in town and still have service issues. He noted that North Caldwell is the highest point in Essex County. He felt the towers may put the town in harm's way.

Councilman Atlas extended his appreciation to the public for their participation and encouraged more civic engagement. He noted that cellular service has been an issue for a long time and the governing body has worked diligently to find the best solution possible.

Councilman Rees thanked the public for their participation. He believed that alternative solutions should be sought such as a new tower at the West Caldwell water tower property or antennae placement on Musco lighting at Mountain Avenue field or on PSE&G poles. He noted that PSE&G towers near Skyline Drive could be an alternative. He suggested that research be performed regarding breaking the contract with T-Mobile.

Council President Floria-Callori expressed appreciation for the public participation. He stated that he has worked on the cellular service improvement project since he joined the Council. He stated that other solutions were researched and other parcels of land were researched. He acknowledged that some residents may be negatively impacted but noted that the cell tower construction solution is the best solution to solve the cellular service deficiency in North Caldwell. He noted that other alternatives such as Verizon's Cellular-on-Wheels were researched but each alternative was insufficient. Council President Floria-Callori added that the site location at Mountain Avenue and Arbor Road was moved further away from the neighboring resident. He offered that landscaping buffers may be added surrounding the towers. He welcomed continued conversation with the public but noted the governing body's indebtedness to the community to find a solution and balance inequities.

Councilman Kessler thanked the public for attending the meeting and encouraged more participation as a way to obtain more information and to express opinions and make suggestions. He noted that much time and effort was expended to find a solution to improve cellular coverage which led to the solution presented that evening. He agreed that all resources would be exhausted before proceeding.

Councilman Weinstein thanked the public for their questions and comments. He noted that the Council has been trying to solve this significant problem for a long time. He stated that other solutions were explored and will be revisited. He confirmed that revenue was not driving the decision. He stated that all questions would be answered in order to solve problems and improve the town. He acknowledged the concerns of residents adjacent to the tower sites. He thanked Mr. Villecco for being thorough and complete in answering questions and comments from the public.

Mayor Raymond thanked the public for the civil and productive discourse.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Weinstein, seconded by Council President Floria-Callori, that this meeting be adjourned at 9:19p.m. Said motion was carried unanimously with six (6) affirmative votes.

Respectfully submitted,



Tami Michelotti, RMC
Borough Clerk