

**Stanhope Land Use Board
January 12, 2015
Reorganization Meeting
Minutes**

CALL MEETING TO ORDER:

Attorney Thomas called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Reorganization Meeting was forwarded to the New Jersey Herald and Daily Record on January 14, 2014 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present
Michael Depew - present
Rosemarie Maio – present
Thomas Pershouse - absent
James Benson, Alt #1 – absent

John Rogalo - present
Joseph Torelli - present
Michael Vance - absent
Paula Zelif-Murphy - present
John Maguire- present

Others present: Roger Thomas, Esq. and Linda Chirip

REORGANIZATION

Election of Chairman:

On nomination by Ms. Zelif-Murphy, seconded by Mr. Rogalo, John Maguire was nominated Chairman.

By the following roll call vote, John Maguire was elected Chairman for 2015:

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire

OPPOSED: None

ABSTENSIONS: None

Election of Vice-Chairman:

On nomination by Mr. Depew, seconded by Mr. Bielanowski, Paula Zelif-Murphy was nominated Vice-Chairman.

By the following roll call vote, Paula Zelif-Murphy was elected Vice-Chairman for 2015:

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire
OPPOSED: None
ABSTENSIONS: None

Resolutions

**Board Secretary RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD SECRETARY**

WHEREAS, there exists the need within the Land Use Board (the “Board”) for the retention of personnel to perform such secretarial services/clerical duties and office work as required by the Board’s job description to hold a monthly public meeting, at the monthly compensation of \$739.33, and in addition, other such work as deemed necessary by the Board at a \$20.00 hourly rate or other rate negotiated per task;

WHEREAS, the monthly compensation rate of \$739.33 for the Board Secretary is the salary paid for the year 2014; and

WHEREAS, upon determination of the salary increase for Borough employees, the Board will determine the salary increase for the Board Secretary, which increase shall be retroactive to January 1, 2015; and

WHEREAS, the funds for such duties and services are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by said Board that it hereby appoints Ellen Horak as the Board’s Secretary, to be retained for the calendar year 2015 to perform such duties and office work outlined in the Board’s job description, with reimbursement for all expenses, at the monthly compensation of \$739.33;

BE IT FURTHER RESOLVED, by said Board that, after a salary increase has been determined for Borough employees, the Board shall determine a salary increase for the Secretary which salary increase shall be retroactive to January 1, 2015.

On motion by Mayor Maio, seconded by Ms. Zelif-Murphy and carried by the following unanimous roll call vote, the above resolution was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire
OPPOSED: None
ABSTENSIONS: None

**Board Attorney: RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD ATTORNEY**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Legal services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971,

NOW, THEREFORE, BE IT RESOLVED that the firm of **Dolan & Dolan** is hereby appointed as Attorney for the Land Use Board of Stanhope for a period of one year, to December 31, 2015, with the understanding that **Roger W. Thomas, Esq.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Dolan & Dolan's professional services.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Ms. Zelif-Murphy, seconded by Mr. Depew and carried by the following unanimous roll call vote, the above resolution was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire
OPPOSED: None
ABSTENSIONS: None

Board Engineer: **RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD ENGINEER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Engineering Services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from the provisions of public bidding as provided in the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED that the firm of Omland Engineering Associates is hereby appointed as Engineer for the Land Use Board of Stanhope for the period January 1, 2015 through December 31, 2015, with the understanding that **Eric Keller, P.E.** will be primarily responsible for the work done for the Board;

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of his profession;

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional services contract with attached fee schedule established for Omland Engineering Associates professional services, and

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Mayor Maio, seconded by Ms. Zelif-Murphy and carried by the following majority roll call vote, the above resolution was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire

OPPOSED: None

ABSTENSIONS: None

Board Planner: **RESOLUTION OF THE STANHOPE LAND USE BOARD
APPOINTING BOARD PLANNER**

WHEREAS, the Land Use Board of the Borough of Stanhope is in need of Professional Planning services; and

WHEREAS, R.S. 40A:11-5 specifically exempts professional services from this provision of the local public contracts law of 1971,

NOW, THEREFORE, BE IT RESOLVED the firm of **Omland Engineering Associates** is hereby appointed as Planner for the Land Use Board of Stanhope for a period of one year from January 1, 2015 to December 31, 2015, with the understanding that **William Hamilton, P.P.** will be primarily responsible for the work done for the Board.

BE IT FURTHER RESOLVED, that the aforesaid is a member in good standing of her profession.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon receipt of a fully executed professional service contract with attached fee schedule established for Omland Engineering Associates professional services.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon the receipt of a completed C.271 Political Disclosure Form pursuant to N.J.S.A. 19:44A-20.4 et. seq., commonly known as the Pay-to-Play Law.

On motion by Ms. Zelif-Murphy, seconded by Mr. Bielanowski and carried by the following unanimous roll call vote, the above resolution was adopted.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire

OPPOSED: None

ABSTENSIONS: None

Official Newspaper: **RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR THE
2015 CALENDAR YEAR**

BE IT RESOLVED, by the Land Use Board of the Borough of Stanhope that they New Jersey Herald is hereby designated the official newspaper of the Land Use Board for the calendar year 2015; and

BE IT FURTHER RESOLVED, that the New Jersey Herald and the Daily Record are hereby designated to receive all notices of Land Use Board meetings in the calendar year 2015 as required under the Open Public Meetings Act.

On motion by Chairman Maguire, seconded by Mr. Rogalo and carried by unanimous voice vote, the above resolution was adopted.

Meeting Dates: **RESOLUTION ESTABLISHING MEETING DATES FOR THE
CALENDAR YEAR 2015**

BE IT RESOLVED by the Land Use Board of the Borough of Stanhope that the following schedule of dates for Regular Meetings be established for 2015 and that all scheduled meetings shall convene at 7:00 p.m. at the Stanhope Municipal Building, 77 Main Street, Stanhope, NJ:

- January 12
- February 9
- March 9
- April 13
- May 11
- June 8
- July 13
- August 10
- September 14
- October 19
- November 9
- December 14

BE IT FURTHER RESOLVED, that the Annual Reorganization Meeting shall be on January 11, 2016, at 7:00 p.m.

On motion by Chairman Maguire, seconded by Mr. Rogalo and carried by unanimous voice vote, the above resolution was adopted.

MINUTES

December 8, 2014 Regular Meeting and Closed Session– On motion by Ms. Zelif-Murphy, seconded by Mr. Depew, the Minutes of the December 8, 2014 Regular Meeting and Closed Session were approved on majority voice vote. Mr. Rogalo abstained. Mr. Torelli abstained from the Closed Session Minutes.

CORRESPONDENCE

12-05-14 Sussex County Soil Conservation District – Lackawanna Cut-Off Trackbed Restoration Project

01-05-15 New Jersey Planning Officials – New Jersey Planner (Nov/Dec Issue)

On motion by Ms. Zelif-Murphy, seconded by Mayor Maio, and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

RESOLUTION OF MEMORIALIZATION

14-01, CBS Outdoor, LLC

Block 11701, Lot 11 "D" Variance

Application Denied: 11/10/14

Attorney Thomas noted there is an outstanding escrow balance for the application and he will send a letter to the applicant strongly urging replenishment of the escrow. The applicant currently owes approximately \$2,300. Attorney Thomas recommended the Board not take action on the Resolution of Memorialization at this time. Attorney Thomas will provide the Board Secretary with a copy of his letter. Chairman Maguire asked that Arlene Fisher also be provided with a copy of the letter since she has already sent the applicant a letter giving them 60 days (from December 1st) to comply. Mayor Maio asked if not acting on the resolution will impact the sixty-day timeframe given to remove the billboard. Attorney Thomas responded in the negative. Ms. Zelif-Murphy asked what happens after the 60-day period. Chairman Maguire responded fines will be imposed and possible a court hearing. Attorney Thomas noted there are time constraints with respect to resolutions. The Board agreed to defer action on the resolution until the February meeting.

NEW BUSINESS:

Annual Report – Chairman Maguire noted there were two (2) variance applications submitted during the year 2014 (CBS Outdoor and Goran Milanovic). Attorney Thomas expressed his opinion that the Annual Report prepared by the Secretary correctly reflects the variance applications heard by the Board in 2014 and that there were no recommended ordinance changes needed. The Board agreed that the Annual Report is accurate. The Secretary will submit a copy of the Annual Report to the Mayor and Council.

BILLS: Attorney Thomas noted an error in bills forwarded by his firm. Attorney Thomas pulled his bill for Boyle listed on the Agenda in the amount of \$308.04 and another bill, not listed, in the amount of \$278.36. Corrected bills will be provided at a future date.

Miscellaneous

12/03/14 NJ Herald – Legal Notice
Re: Boyle \$ 17.10

On motion by Mr. Torelli, seconded by Ms. Zelif-Murphy, the aforesaid bill was approved on the following unanimous roll call vote. Attorney Thomas explained the NJ Herald bill was for advertising the Board's approval of the Boyles' application which approval is required to be published and starts the clock for an appeal.

AFFIRMATIVE: Mr. Bielanowski, Mr. Depew, Mayor Maio, Mr. Rogalo, Mr. Torelli, Ms. Zelif-Murphy, Mr. Maguire
OPPOSED: None
ABSTENSIONS: None

Mayor Maio questioned why the Boyle application which was for a lot line adjustment required a \$4,000 escrow fee. Chairman Maguire responded fees are stated in the ordinance. Attorney Thomas said the application was a minor sub-division and as such, may have had several variances which may have required separate fees. Mayor Maio noted engineering was not needed for the application. Attorney Thomas advised the Board does not have the ability to change fees. The fees are set by Council. The Board can grant a waiver of escrow fees if requested.

Chairman Maguire stated sixty (60) days after a resolution is adopted, bills should be completed and escrow fees returned. Mayor Maio said requiring the applicant send a letter requesting a return of their escrow is wrong. Attorney Thomas noted most towns require such a letter from the applicant. Mayor Maio noted Mr. Patel and Mr. Race have money remaining in their escrow accounts, yet their applications were completed long ago. Attorney Thomas suggested the Board wait ninety (90) days after adoption of the resolution before returning unused escrow. Mayor Maio questioned the lack of monthly escrow reports. Chairman Maguire noted the importance of having a current escrow report for each meeting. Mayor Maio suggested a form letter be sent for the applicants to fill out and send back to have their escrow funds returned. Chairman Maguire will ask the Secretary to create a form letter.

ADJOURNMENT:

On motion by Mr. Depew, seconded by Mr. Rogalo, it was the consensus of the Board to adjourn the meeting at 7:27 P.M.

Respectfully submitted,

Ellen Horak, Board Secretary