

**MINUTES OF PLANNING BOARD REORGANIZATION
MEETING HELD ON THURSDAY, JANUARY 21, 2016**

The clerk called to order the reorganization meeting of the board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated January 13, 2016 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at borough hall. All stood for the pledge of allegiance.

PRESENT: KAUFMAN, KOLDYK, LANCASTER, MARINO, MOELLER, RUNFELDT, WILD AND TERRERO (ALT. #1)

ALSO PRESENT: BOORADY, ENGINEER, STEINHAGEN, COUNSEL (FILLING IN FOR DEL VECCHIO) AND MC KENZIE, SPECIAL PLANNER

ABSENT: BLEWETT AND D'ANTONO

Ms. Ward stated before we start with the items on the agenda we had a resident who asked if he could video tape the meeting. I spoke with Andy this morning and he checked the ordinances and he did not find anything in the ordinance that would prohibit video taping the meeting. I'll turn it over to Dan for his comment.

Mr. Steinhagen stated I spoke with Andy today and there was a question about whether or not a member of the public can video tape a public meeting. The Supreme Court case from 2007 said there is a common law right to video tape but the right to video tape is not absolute. It can be subject to reasonable restrictions and they give examples of number cameras, the noise associated with it, and basically it shouldn't disrupt the meeting.

I see a tripod over in the corner and I would think that if there was a camera just placed on that tripod and there is no movement around it it wouldn't be a distraction. But if the board wanted to impose restrictions, they would have to be neutral and we should announce them up front and we can do that. So if someone is video taping and they start making noise, you can ask them to stop that is the kind of thing you can do, but you can't say no to video taping categorically.

Ms. Ward asked does the board have any problem with it. Everybody is in agreement with it? Okay we are ready to move on.

The first item on the agenda is acknowledgment of mayoral/council appointments. The first one is Class II member (municipal official) which is Salvatore Marino. The next one is class II member (member of governing body) which is James Wild. The next one is class IV members, I have two regular members being reappointed Kevin Lancaster and Joshua Kaufman. We have a new alternate 1 member who is Jonathan Terrero. Welcome back old members and new member.

The next item on the agenda is the nomination and election of board officers. The first officer is chairman.

I spoke with Trish D'Antono this week and she advised that she does not want to be chairwoman of the board. She has been for three years and she feels somebody else should have a turn.

Mayor Runfeldt mentioned past practice is if you are not here you get nominated automatically.

Ms. Ward stated that's true we've done that in the past.

Okay the first officer is chairman any nominations.

Mr. Marino nominated Kevin Lancaster.

Mr. Wild seconds.

Ms. Ward closed the nominations.

Roll call:

Yes: Marino, Wild, Kaufman, Koldyk, Lancaster, Moeller, Runfeldt and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward stated okay and now I'll turn it over to Kevin.

Mayor Runfeldt congratulations Kevin.

Ms. Ward stated you've been chairman many times in the past and vice too.

Chairman Lancaster stated continuing on the next position would be vice chairman. I'd like to open it up for nominations.

Ms. Moeller stated I'll like to nominate Jim Wild.

Ms. Ward stated it has to be a class IV member.

Chairman Lancaster mentioned it has to be a class IV member.

Mayor Runfeldt nominated Dave Koldyk.

Ms. Moeller seconds.

Chairman Lancaster asked any other nominations. If none, I'll close the nominations.

Roll call:

Yes: Runfeldt, Moeller, Kaufman, Koldyk, Lancaster, Marino, Wild and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward stated okay.

Chairman Lancaster stated the next one is secretary. We have somebody who has been secretary for quite a while and has done a good job of it. Do I have any nominations?

Mr. Marino nominated Joan Ward.

Ms. Moeller seconds.

Chairman Lancaster stated seeing no other nominations, close the nominations.

Roll call:

Yes: Marino, Moeller, Kaufman, Koldyk, Lancaster, Runfeldt, Wild and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward thanked everyone.

Chairman Lancaster stated okay. The next is appointment of professional consultants and we have four on here. We can do them individually or we can move all four. I know you have everything in your packets all the information and it is proposed that we would have Paul Darmofalski Engineering Associates as the engineer and borough planner, Betsy McKenzie as our special planner, and then lastly Andy Del Vecchio from Beattie Padovano, LLC as our planning board counsel. Does anyone have any comments on it?

Ms. Ward mentioned before you make your motion I just want to advise in the attorney's resolution we raised the hourly rate to \$150. We did that also with the board of adjustment counsel. The fees haven't been raised since 2008. The meeting fee stays the same at \$475 and the \$150 most of it comes out of the applicant's escrow account so that was the only change.

Chairman Lancaster stated other than that the other rate stayed the same.

Ms. Ward mentioned yes.

RESOLUTION
OF THE LINCOLN PARK PLANNING BOARD
PLANNING BOARD ENGINEER
FOR CALENDAR YEAR 2016

IT IS HEREBY RESOLVED by the Planning Board of the Borough of Lincoln Park (the "Board") that **PAUL P. DARMOFALSKI, P.E., P.P.**, of **Darmofalski Engineering Associates, Inc.**, **86 Newark-Pompton Turnpike, Riverdale, New Jersey 07457-1429**, is hereby appointed Planning Board Engineer for the calendar year 2016, specifically, commencing January 1, 2016 and continuing through December 31, 2016, to provide engineering services to the Board in accordance with the attached schedule of services.

IT IS FURTHER RESOLVED that this appointment is made without necessity for public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*

SCHEDULE OF SERVICES OF
PLANNING BOARD ENGINEER
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

The Planning Board Engineer ("Board Engineer") shall render the following services to the Lincoln Park Planning Board (the "Board") at the rate of \$125 per hour during the period January 1, 2016 through December 31, 2016, per Darmofalski Engineering Associates, Inc. proposal of December 15th, 2015:

1. **Development Applications.** All engineering services required in connection with review of development applications submitted to the Board. Such services shall include, without limitation, reviewing all applications for completeness, and for compliance with all applicable ordinance requirements. All services in connection with development applications shall be charged to the applicant's escrow account. All charges, vouchers, and invoices shall be in full conformance with the requirements of N.J.S.A. 40:55D-53.2.
2. **Master Plan.** All engineering services (*i.e.*, review, input, and advice) with respect to the Master Plan, at such time or times as the Board may undertake (a) a review of or an amendment to the current master plan, and/or (b) the preparation of a new master plan.
3. **Proposed Ordinances.** All engineering services (*i.e.*, review, input, and advice) in connection with any and all proposed zoning, land development, stormwater management, or other ordinances which may come before the Board for review pursuant to the Municipal Land Use Law.
4. **Meetings.** Attendance at all regular and special meetings of the Board. Except in cases of emergency, the Board Engineer shall attend all Board meetings. When the Board Engineer cannot attend, the meetings shall be covered by Thomas A. Boorady, P.E.
5. **Inspections.** Perform all inspections ("Inspections") of all improvements constructed pursuant to development applications approved by the Board.

6. **Other Services.** Perform such other services as the Board may request from time to time.
7. **Delegation.** The Board Engineer shall, where appropriate, delegate to competent assistants under his direct supervision responsibility for (a) Inspections, and (b) design/drafting services (if any). Services of Field Inspectors and Draftsman shall each be performed at the rate of \$70 per hour.
8. **Insurance.** The Board Engineer shall provide to the Board Secretary proof that he has obtained, and will keep in force through December 31, 2016, professional liability insurance in minimum amounts of \$1 Million per claim and \$1 Million aggregate, or in such greater amounts as may be required by the Borough Council for his services as Borough Engineer.
9. **Simultaneous Performance of Planning and Engineering Services.** Since the same individual will be serving simultaneously as Board Engineer and Board Planner, he shall charge only one hourly fee (of \$125 per hour) at such times as he is performing planning and engineering services simultaneously. Examples of simultaneous performance of these services include (a) while attending Board meetings, and (b) while reviewing development applications, master plan documents, and/or proposed land development ordinances.
10. **Invoices.** The Board Engineer shall submit invoices for all services monthly on forms supplied by or acceptable to the Board.
11. **Termination.** The Board may terminate this appointment, and the Board Engineer may resign from his position, on 30 days prior notice to the other party.
12. **Compliance With Law.** The Board Engineer shall comply fully with all applicable municipal, county, state and federal laws, ordinances, regulations and directives in connection with the performance of his duties as Planning Board Engineer, including, without limitation, the Local Unit Pay to Play Law, P.L. 2004, c.19, as amended by P.L. 2005, c.51, and N.J.S.A. 10:5-31 et seq., and all requirements and regulations in Schedule A attached, which shall be promptly executed and delivered to the Board Secretary.

INSERT EXHIBIT

Mandatory Equal Employment Opportunity Language

RESOLUTION
OF THE LINCOLN PARK PLANNING BOARD
PLANNING BOARD PLANNER
FOR CALENDAR YEAR 2016

IT IS HEREBY RESOLVED by the Planning Board of the Borough of Lincoln Park (the “Board”) that **PAUL P. DARMOFALSKI, P.E., P.P., of DARMOFALSKI ENGINEERING ASSOCIATES, INC., 86 NEWARK-POMPTON TURNPIKE, RIVERDALE, NEW JERSEY 07457-1429**, is hereby appointed Planning Board Planner for the calendar year 2016, specifically, commencing January 1, 2016 and continuing through December 31, 2016, to provide planning services to the Board in accordance with the attached schedule of services.

IT IS FURTHER RESOLVED that this appointment is made without necessity for public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*

**SCHEDULE OF SERVICES OF
PLANNING BOARD PLANNER
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016**

The Planning Board Planner (“Board Planner”) shall render the following services to the Lincoln Park Planning Board (the “Board”) at the rate of \$125 per hour during the period January 1, 2016 through December 31, 2016 per Darmofalski Engineering Associates, Inc. proposal of December 15, 2015.

1. **Development Applications.** All planning services required in connection with review of development applications submitted to the Board. Such services shall include, without limitation, reviewing all applications to identify all variances, design exceptions and other relief required and providing the Board with an evaluation of the impacts of all such variances and other relief. All services in connection with development applications shall be charged to the applicant’s escrow account. All charges, vouchers, and invoices shall be in full conformance with the requirements of N.J.S.A. 40:55D-53.2.

2. **Master Plan.** All planning services (*i.e.*, drafting, review, input and advice) with respect to the Master Plan, at such time or times as the Board may undertake (a) a review of or an amendment to the current master plan, and/or (b) the preparation of a new master plan.

3. **Proposed Ordinances.** All planning services (*i.e.*, drafting, review, input, and advice) in connection with any and all proposed zoning, land development, stormwater management, or other ordinances which may come before the Board for review pursuant to the Municipal Land Use Law.

4. **Meetings.** Attendance at all regular and special meetings of the Board. Except in cases of emergency, the Board Planner shall attend all Board meetings. When the Board Planner cannot attend, the meetings shall be covered by Thomas A. Boorady, P.E. In such instances planning issues may be deferred, in the Board’s discretion, to the next meeting.

5. **Other Services.** Perform such other services as the Board may request from time to time.

6. **Insurance.** The Board Engineer shall provide to the Board Secretary proof that he has obtained, and will keep in force through December 31, 2016, professional liability insurance in minimum amounts of \$1 Million per claim and \$1 Million aggregate, or in such greater amounts as may be required by the Borough Council for his services as Borough Planner.

7. **Simultaneous Performance of Planning and Engineering Services.** Since the same individual will be serving simultaneously as Board Engineer and Board Planner, he shall charge only one hourly fee (of \$125 per hour) at such times as he is performing planning and engineering services simultaneously. Examples of simultaneous performance of these services include (a) while attending Board meetings, and (b) while reviewing development applications, Master Plan documents, and/or proposed land development ordinances.

8. **Invoices.** The Board Planner shall submit invoices for all services monthly on forms supplied by or acceptable to the Board.

9. **Termination.** The Board may terminate this appointment, and the Board Planner may resign from his position, on 30 days prior notice to the other party.

10. **Compliance With Law.** The Board Planner shall comply fully with all applicable municipal, county, state and federal laws, ordinances, regulations and directives in connection with the performance of his duties as Planning Board Engineer, including, without limitation, the Local Unit Pay to Play Law, P.L. 2004, c.19, as amended by P.L. 2004, c.19, as amended by P.L. 2005,c.51, and N.J.S.A. 10:5-31 et seq., and all requirements and regulations in Schedule A attached, which shall be promptly executed and delivered to the Board Secretary.

INSERT SCHEDULE A

Mandatory Equal Employment Opportunity Language

BOROUGH OF LINCOLN PARK
PLANNING BOARD
PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL
PLANNING SERVICES 2016

WHEREAS, the Borough of Lincoln Park Planning Board has deemed it necessary to engage the professional services of a Planner, to be the Board’s Special Planner, for the 2016 January 1 through December 31, to provide for contractual planning services for application review on an as needed basis; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, section N.J.S.A.19:44A-20.5 requires that whenever such contracts are awarded through an informal and non-competitive process that the appointee must certify that no reportable contributions have been made to any official in the Borough in the preceding year and will not do so during the terms of the contract; and

WHEREAS, the appointee has filed the mandated business entity disclosure certification.

WHEREAS, the Planning Board has determined to appoint Elizabeth McKenzie, P.P., P.A., 9 Main Street, Flemington, New Jersey 08822 as Special Planner for the Planning Board for the year 2016.

NOW, THEREFORE BE IT RESOLVED by the Borough of Lincoln Park Planning Board as follows:

- 1) That the contract for professional general planning services be awarded to Elizabeth McKenzie P.P., P.A.
- 2) That this contract be awarded without competitive bidding because the services in question are of a specialized, technical and professional nature, not reasonable capable of being reduced to specification.
- 3) The line item appropriation or ordinance to be charged shall be the Escrow Fund as services for review of applications as paid for by the developer or applicant, or in the case where there is no developer or applicant, the Planner Portion of the 2016 Planning Board Budget.
- 4) As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c. 127, which is attached to this resolution as Exhibit A.
- 5) The rates for said work are as outlined in the appropriate ordinance or agreement made with Mayor and Council of the Borough of Lincoln Park in its award of the annual contract for services of Elizabeth McKenzie as the Planning Board’s Special Planner for the Borough of Lincoln Park.
- 6) The fees to be paid for such services are based on the rates as specified. The cost of the portion of the contract for annual services relating to affordable housing compliance is not to exceed \$_____ unless an amendment revising that figure is approved by the Planning Board and funded by the Mayor and Council. The Planner shall be compensated at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour. The contract for all other planning services provided on an as needed basis in connection with review of developer’s applications, review of memorializing resolutions, review of developer’s agreements, correspondence and related matters, the Planner shall be compensated at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour.
- 7) The Professional Shall provide proof of insurance in form and amount satisfactory to the Borough:
 - (a) General Liability; Certificate naming the Borough of Lincoln Park required.
 - (b) Worker’s Compensation: Statutory requirements to be met. Certificate required.
 - (c) Auto Liability: Certificate required.
 - (d) Professional Errors and Omissions.
- 8) In addition, the contract shall include provisions relative to compliance with N.J.S.A. 19:44A-1 et seq.

RESOLUTION
LINCOLN PARK PLANNING BOARD
COUNSEL

BE IT RESOLVED by the Planning Board of the Borough of Lincoln Park and pursuant to Article II, Section 17-14 of the Development Review Ordinance that **ANTIMO A. DEL VECCHIO, OF BEATTIE PADOVANO, LLC, 50 CHESTNUT RIDGE ROAD, SUITE 208, P.O. BOX 244, MONTVALE, NEW JERSEY 07645-0244** is hereby appointed Planning Board Attorney for the **calendar year of 2016**. The appointment is made without the necessity of public bid pursuant to The Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

BE IT FURTHER RESOLVED that the compensation of the Planning Board Attorney for the **calendar year 2016** shall be as follows:

- A. Five Thousand Seven Hundred (\$5,700.00) Dollars for attendance of twelve (12) meetings of the Board.
- B. Four Hundred Seventy-Five (\$475.00) Dollars for each additional meeting as may be requested by the Board from time-to-time.
- C. The annual legal fee shall include the preparation of minor resolutions, time extensions and waivers, telephone conferences, correspondence, attendance at monthly meetings and all other legal services customarily rendered in connection with the representation of a municipal Planning Board, excepting litigation, general legal services and professional fees as against an applicant's escrow account as may be permitted by municipal ordinance.
- D. Any and all legal services rendered in connection with litigation/appeals from the resolution and decision of the Planning Board, ordinance revisions and/or work in connection with Master Plan, shall be billed at the litigation hourly rate of One Hundred Fifty (\$150.00) Dollars per hour.
- E. General legal services relating to such things as (a) aiding Board and/or Borough officials in regard to jurisdictional determinations, and (b) providing legal advice on matters relating to administration of ongoing construction relating to development approvals, but excluding such items as litigation, ordinance revisions, and master plan work, shall be billed at the rate of One Hundred Fifty (\$150.00) Dollars per hour.
- F. Legal services and process fees relating to application processing and chargeable against application escrow accounts pursuant to Borough Ordinance, to be billed at the rate of One Hundred Fifty (\$150.00) Dollars per hour.

Mr. Koldyk moved all four resolutions for the professional staff.

Ms. Moeller seconds.

Chairman Lancaster asked any discussion on them. From my standpoint the professionals have been providing very good service for the past year.

Roll call (all four resolutions):

Yes: Koldyk, Moeller, Kaufman, Lancaster, Marino, Runfeldt, Wild and Terrero (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay.

Chairman Lancaster asked counsel if he wanted to swear in the professional staff.

Mr. Steinhagen swore in Elizabeth C. McKenzie and Thomas A. Boorady

Ms. McKenzie stated yes I do.

Mr. Boorady stated yes I do.

Mr. Steinhagen thanked them.

Chairman Lancaster stated okay. So the next item on the agenda is the adoption of the meeting schedule. The resolution was in our packet and the resolution talks about the third Thursday of every month.

We also have the official newspaper which is the Daily Record and the Suburban Trends. The other resolution for the designation of the papers to receive the agendas would also be the Daily Record and Suburban Trends. So I'm looking for a motion to move 5, 6 and 7.

Mayor Runfeldt asked Mr. Chairman, if I may, in the past we had an issue with Brian but is there any consideration for changing the meeting start time to 7:30.

Ms. Ward mentioned last year when I asked if you want to change the time several members said they couldn't make it at 7:30.

Mayor Runfeldt stated I thought it was just Brian.

Ms. Ward mentioned we can leave it the way it is and at our next meeting when the other two members and Andy are present we can bring it up and see if we can change it to 7:30. I tried last year but it didn't fly. The board of adjustment we start at 7.

Mayor Runfeldt stated that's even better. We'll bring it up when everyone else is here.

Ms. Ward mentioned we'll bring it up next meeting.

Chairman Lancaster asked do I have a motion for those 3 resolutions.

RESOLUTION
LINCOLN PARK PLANNING BOARD
MEETING SCHEDULE
CALENDAR YEAR 2016

BE IT RESOLVED by the Planning Board of the Borough of Lincoln Park that the third Thursday

of each month be designated as a regular meeting of the Board. Said meetings are to be held in Council Chambers, 34 Chapel Hill Road, Lincoln Park, New Jersey and commence at 8:00 P.M.

RESOLUTION
LINCOLN PARK PLANNING BOARD
OFFICIAL NEWSPAPER
CALENDAR YEAR 2016

BE IT RESOLVED, by the Planning Board of the Borough of Lincoln Park that the **DAILY RECORD** be designated as the Official Newspaper and **SUBURBAN TRENDS** designated as the Alternate Official Newspaper for the calendar year 2016.

RESOLUTION
LINCOLN PARK PLANNING BOARD
NEWSPAPERS TO RECEIVE AGENDAS
CALENDAR YEAR 2016

WHEREAS, N.J.S.A. 10:4-6 et seq., requires the Planning Board of the Borough of Lincoln Park to designate two (2) newspapers to receive the notice of its meetings (the agendas).

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Lincoln Park that the **DAILY RECORD** and **SUBURBAN TRENDS** be designated the two (2) newspapers to receive notices required by the Open Public Meetings Act for the calendar year 2016

Mr. Koldyk made the motion to adopt 5, 6 and 7.

Mrs. Moeller seconds.

Chairman Lancaster asked any discussion beyond starting at 7:30 which we are going to table for right now.

Roll call (for all three resolutions):

Yes: Koldyk, Moeller, Kaufman, Lancaster, Marino, Runfeldt, Wild and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward mentioned okay.

Chairman Lancaster mentioned in your packet there was a list of committees that we had last year and seeing how we don't have Mike Harrigan this year and we have a couple of new people I would like to put this on hold until the next meeting. People can take a look at it and see what committees you would like to sit on.

Again I'm chairman of two of them but being chairman of the planning board I probably should turn that over to somebody else. Take a look at it and there are five different committees. The subdivision committee was myself, Mike Harrigan, Dave Koldyk and Donna Moeller. I was the chairman.

The site plan committee was Mike Harrigan as chairman, Chuck Blewett and Trish D'Antono.

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The downtown improvement committee was Chuck Blewett as chairman, Trish D’Antono and Mike Harrigan.

The ordinance committee was Sal Marino as chairman and I’d like him to remain as chairman, Chuck Blewett, Dave Koldyk and Mike Harrigan.

The master plan committee for 2015 was myself as chairman, Trish D’Antono, Chuck Blewett and Donna Moeller.

Let us know the people who weren’t on the committees Josh and Jonathan which ones you’d like to be on and we can sort that out between now and then.

Ms. Ward mentioned we’ll table it and I’ll put it on in February. We can have no more than four members on each committee otherwise it becomes a quorum. We can have three or four so just think about it for the next meeting.

Chairman Lancaster asked is there any other business to come before the board for the reorganization meeting. If not, we’ll adjourn the reorganization meeting.

Mr. Koldyk made the motion to adjourn the reorganization meeting.

Mr. Kaufman seconds

Meeting adjourned 8:20 P.M.

Respectfully submitted:

Joan Ward, Secretary

Kevin Lancaster, Chairman