

**MINUTES OF PLANNING BOARD REORGANIZATION  
MEETING HELD ON THURSDAY, JANUARY 16, 2020**

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 6<sup>th</sup>, 2020 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: BLEWETT, GEMIAN, KAUFMAN, KOLDYK, MARINO, MORREALE, TAORMINA AND TERRERO**

**ALSO PRESENT: BOORADY, ENGINEER AND NEISS, COUNSEL**

**ABSENT: RUNFELT AND BRIGHTMAN (ALT. #1)**

Ms. Ward stated the first order of business is the Acknowledgment of Mayor/Council Appointments. Class II member is Salvatore Marino, Class III member (municipal official), next is Gary Gemian (our counsel liaison) and Class IV member Dion Morreale. All of you have been reappointed, sworn in and welcome back.

The next item on the agenda is Nomination and Election of Board Officers. The first office is chairman. Do I have any nominees?

Mr. Koldyk nominated Jonathan.

Unidentified member asked who did you nominate.

Mr. Koldyk stated Jonathan.

Mr. Terrero nominated Chuck.

Ms. Ward asked is there a second.

Mr. Gemian seconds.

Ms. Ward asked any other nominees?

Mr. Blewett asked who was nominated.

Mr. Kaufman asked did you get David's nomination, he nominated Jonathan.

Ms. Ward stated yes, you nominated Jonathan okay.

Mr. Blewett asked who are we voting for.

Ms. Ward asked are we voting for Jonathan or Chuck.

Ms. Kaufman stated David nominated Jonathan and Jonathan nominated Chuck.

Ms. Ward stated we have two of you.

Mr. Taormina seconded Jonathan's nomination.

Mr. Neiss asked has there been a second to Jonathan's nomination.

Ms. Ward stated yes, we have a tie so now what do we do?

Mr. Neiss stated take a vote.

Ms. Ward stated okay. The first vote is for Chuck.

Mr. Taormina asked do either one of the nominees not want that position then we can stop the vote altogether.

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Ms. Ward mentioned yes that would stop the vote.

Mr. Kaufman asked does anyone want to decline.

Mr. Neiss stated I think they should go out in the hall and just fight for it.

(Laughter)

Ms. Ward stated the first one you will be voting for is Chuck okay.

**Roll call:** (for Chuck)

**Yes:** Terrero, Gemian, Marino and Morreale

**No:** Kaufman, Koldyk,

**Abstain:** Blewett and Taormina

**Absent:** Runfeldt

Ms. Ward stated we have 4 yeses, 3 nos, and 2 abstentions. Now I guess we'll vote for the Jonathan.

Mr. Gemian asked if you vote for one are you allowed to vote for another.

Ms. Ward asked how does that work.

Mr. Neiss stated under these circumstances if you voted for somebody, then your vote is cast.

Mr. Gemian stated right.

Ms. Ward stated okay. So the no ones can vote.

Mr. Gemian stated the nos can vote for –

Mr. Neiss stated right.

Ms. Ward mentioned we have 3 nos.

Mr. Terrero stated so the yeses win for Chuck.

Ms. Ward stated we have two that abstained.

Mr. Terrero stated I would have abstained for my vote.

Ms. Ward stated this is very confusing. We've never had this much discussion on any nominations since I've been here.

Mr. Terrero stated let's make it easy, Chuck can take the chairman and I'll take the vice chairman if that's what the Board wants.

Ms. Ward stated I'll turn the meeting over to the chairman and now you're on the vice chairman.

Chairman Blewett stated the next order of business is vice chairman. Is there any nominations?

Mr. Morreale nominated Josh.

Chairman Blewett asked is there a second.

Mr. Taormina seconds Josh.

Mr. Kaufman asked is Jonathan officially nominated.

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Mr. Terrero stated no you got the proposal.

Unidentified member stated I'm thoroughly confused.

Ms. Ward stated okay now you are voting for Josh not Jonathan.

Mr. Neiss stated for vice chairman.

Mr. Gemian asked are the nominations closed.

Chairman Blewett stated no.

Mr. Kaufman stated I'd like to nominate Jonathan for vice chair.

Chairman Blewett asked is there a second for Jonathan.

Mr. Koldyk seconds Jonathan.

Chairman Blewett stated okay we have two in the race.

Mr. Gemian asked another point of order if I may. If you are nominating someone by rights you are withdrawing your own nomination? In other words, you've been nominated for the position –

Mr. Kaufman stated I would like to decline the nomination.

Mr. Gemian stated that's what I'm asking, so if you are not willing to accept it that would be the best course of action.

Mr. Kaufman stated I would like to decline the nomination.

Mr. Gemian stated okay, so far we only have the one nomination for Jonathan.

Chairman Blewett asked any other nominations.

Mr. Gemian moved the nominations be closed.

Chairman Blewett stated call the roll.

**Roll call:** (Jonathan)

**Yes:** Kaufman, Taormina, Blewett, Gemian, Koldyk, Marino and Morreale

**No:** None

**Abstain:** Terrero

**Absent:** Runfeldt

Mr. Morreale stated hey we got through that.

Mr. Gemian stated that was the most difficult part of the night.

Chairman Blewett stated I thought we were going to be out of here quickly.

The next item on the agenda is nomination for Board secretary. Are there any nominations?

Mr. Kaufman nominated Joan.

Mr. Terrero seconds.

Chairman Blewett stated call the roll please.

**Roll call:**

**Yes:** Kaufman, Terrero, Blewett, Gemian, Koldyk, Marino, Morreale and Taormina

**No:** None

**Abstain:** None

**Absent:** Runfeldt

Ms. Ward thanked the Board.

Chairman Blewett stated the next item on the agenda is the appointment of professional consultants; engineer, planner and counsel. You have resolutions in your packet. The first one is the appointment of the professional engineer for the 2020 calendar year, so we are appointing the firm of Darmofalski Engineering Associates, Inc. of Riverdale, NJ.

Ms. Ward stated everything is staying the same as last year and the proposal will be attached to the resolution.

Chairman Blewett asked any concerns about the resolution.

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL ENGINEER FOR 2020 CALENDAR YEAR**

**WHEREAS**, there exists a need for the professional services of a Professional Engineer for the Planning Board of the Borough of Lincoln Park, County of Morris, State of New Jersey (the “Board”), for the 2019 calendar year, in accordance with the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, and Article II, Section 17-14 of the Development Review Ordinance of the Borough of Lincoln Park; and

**WHEREAS**, the Governing Body of the Borough of Lincoln Park has appropriated the funds from the municipal budget necessary for the expenses of the Board to permit the Board to award a professional services contract for Professional Engineer not to exceed Five Thousand (\$5,000.00) Dollars in accordance with N.J.A.C. 5:30(a)(1); and

**WHEREAS**, the contract for Board Professional Engineer may be awarded without competitive bidding as a non-fair and open “Professional Service” contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and compliance with provisions of N.J.S.A.19:44A-20.4 and/or N.J.S.A. 19:44-20.5, because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Lincoln Park that the firm of **DARMOFALSKI ENGINEERING ASSOCIATES, INC.**, 86 Newark-Pompton

Turnpike, Riverdale, New Jersey 07457-1429 is hereby awarded the contract as Planning Board Professional Engineer for the calendar year 2020 commencing January 1, 2020 and continuing through December 31, 2020 or until the appointment of a successor, to provide engineering services to the Board in accordance with its proposal dated December 17, 2019 and the attached Schedule of Services, both of which are attached and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Board and the Planning Board Professional Engineer shall enter into a written contract that incorporates the terms of this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution or a summary of its material terms be published in the official newspaper of the Borough and be on file, available for public inspection, in the office of the Secretary to the Planning Board, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035-1998.

**SCHEDULE OF SERVICES**  
**PLANNING BOARD ENGINEER**  
**JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**

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, 2020 through December 31, 2020 or until a subsequent appointment is made, and with reference to the Darmofalski Engineering Associates, Inc. proposal dated December 17, 2019, a copy of which is attached and made part hereof:

1. **Development Applications.** The Board Engineer shall perform all required engineering services in connection with review of development applications submitted to the Board. Such services shall include, without limitation, reviewing all applications for completeness, compliance with all applicable ordinance requirements and other engineering-related functions. All services rendered in connection with development applications shall be charged to and payable from applicants’ escrow accounts. All charges, vouchers, and invoices shall conform to N.J.S.A. 40:55D-53.2.

2. **Master Plan.** All engineering services (e.g., review, input, and advice) with respect to the Master Plan whenever the Board undertakes (a) a review of or an amendment to the master plan and/or (b) the preparation of a new master plan.

3. **Proposed Ordinances.** All engineering services (e.g., review, input, and advice) in connection with any and all proposed zoning, land development, stormwater management or other appropriate land use related ordinances which may be referred to 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 or whenever there shall be no engineering-related issue on the Board’s agenda (confirmed by the Board Secretary), the Board Engineer shall attend all Board meetings. Whenever the Board Engineer cannot attend, the Board Engineer shall make appropriate arrangements for meeting coverage by a professional engineer.

5. **Inspections.** Perform all necessary inspections of improvements constructed by developers pursuant to Board-approved development applications.

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

7. **Delegation.** The Board Engineer may, when appropriate, delegate to competent personnel under his direct supervision responsibility for (a) inspections, and (b) design/drafting services (if any) and (c) any other services that will serve the economic interests of the Borough of Lincoln Park and the developers who appear before the Board. All such services shall be performed at the rate of \$75 per hour.

8. **Insurance.** Within ten (10) days of the date of this Resolution and if the Board Engineer has not already done so, the Board Engineer shall provide to the Board Secretary proof that it has obtained professional liability insurance in minimum amounts of \$1 million per claim and \$1 million in the aggregate, or in such other amounts as may be required by the Borough’s risk manager or its counsel. That insurance shall be kept in full force at all times during the period of this appointment and until a successor Board Engineer is appointed

9. **Invoices.** The Board Engineer shall submit invoices for all services no less than monthly and on forms supplied by or acceptable to the chief financial officer of the Borough.

10. **Termination.** The Board may terminate the Board Engineer’s appointment or the Board Engineer may resign from the position only after 30 days following written notice delivered to the other party (“Effective Date”). In the event of termination, any work of the Board Engineer completed prior to the Effective Date shall be compensable and be paid in accordance with the terms of this Resolution.

11. **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 the duties of 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.*

Mr. Terrero moved to approve the resolution.

Mr. Taormina seconds.

**Roll call:**

**Yes: Terrero, Taormina, Blewett, Gemian, Kaufman, Koldyk, Marino and Morreale**

**No: None**

**Abstain: None**

**Absent: Runfeldt**

Ms. Ward stated it’s adopted.

Chairman Blewett stated the next resolution was for the professional calendar year 2020 and Ricciplanning. Any concerns?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL PLANNER FOR 2020 CALENDAR YEAR**

**WHEREAS**, there exists a need for the professional services of a Professional Planner for the Planning Board of the Borough of Lincoln Park, County of Morris, State of New Jersey (the “Board”), for the 2020 calendar year, in accordance with the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, and Article II, Section 17-14 of the Development

Review Ordinance of the Borough of Lincoln Park; and

**WHEREAS**, the Governing Body of the Borough of Lincoln Park has appropriated the funds from the municipal budget necessary for the expenses of the Board to permit the Board to award a professional services contract for Professional Planner not to exceed Ten Thousand (\$10,000) Dollars in accordance with N.J.A.C. 5:30(a)(1); and

**WHEREAS**, the contract for Board Professional Planner may be awarded without competitive bidding as a non-fair and open “Professional Service” contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and compliance with provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5, because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Lincoln Park that the firm of **PAUL N. RICCI, AICP, PP, RICCIPLANNING, LLC**, 117 Monmouth Avenue, Atlantic Highlands, New Jersey 07716, is hereby awarded the contract as Planning Board Professional Planner for the calendar year 2020 commencing January 1, 2020 and continuing through December 31, 2020 or until the appointment of a successor, on an on-needed basis, to provide planning services to the Board in accordance with its proposal dated December 8<sup>th</sup>, 2019 and the attached Schedule of Services, both of which are attached and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Board and the Planning Board Professional Planner shall enter into a written contract that incorporates the terms of this Resolution; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution or a summary of its material terms be published in the official newspaper of the Borough and be on file, available for public inspection, in the office of the Secretary to the Planning Board, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035-1998.

**SCHEDULE OF SERVICES**  
**PLANNING BOARD PLANNER**  
**JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**

The Planning Board Professional Planner shall render services to the Lincoln Park Planning Board (the “Board”) at the rate of \$140 per hour and planning staff \$115 an hour during the period January 1, 2020 through December 31, 2020 or until a subsequent appointment is made.

Mr. Terrero moved the resolution

Mr. Kaufman seconds.

**Roll call:**

**Yes: Terrero, Kaufman, Blewett, Gemian, Koldyk, Marino, Morreale and Taormina**

**No: None**

**Abstain: None**

**Absent: Runfeldt**

Ms. Ward stated it's approved.

Chairman Blewett stated the next resolution is to appoint legal counsel for 2020. This is being awarded to Beattie Padovano, LLC. Is there a motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**LEGAL COUNSEL FOR 2020 CALENDAR YEAR**

**WHEREAS**, there exists a need for the professional services of a Planning Board Attorney for the Planning Board of the Borough of Lincoln Park, County of Morris, State of New Jersey (the "Board"), for the 2020 calendar year, in accordance with the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, and Article II, Section 17-14 of the Development Review Ordinance of the Borough of Lincoln Park; and

**WHEREAS**, the Governing Body of the Borough of Lincoln Park has appropriated the funds from the municipal budget necessary for the expenses of the Board to permit the Board to award a professional services contract for Planning Board Attorney not to exceed Ten Thousand (\$10,000) Dollars in accordance with N.J.A.C. 5:30(a)(1); and

**WHEREAS**, the contract for Planning Board Attorney may be awarded without competitive bidding as a non-fair and open "Professional Service" contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law and compliance with provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5, because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Lincoln Park that the firm of **BEATTIE PADOVANO, LLC**, 50 Chestnut Ridge Road, Suite 208, P.O. Box 244, Montvale, New Jersey 07645-0244, is hereby awarded the contract as



Planning Board Attorney for the calendar year 2020 commencing January 1, 2020 and continuing through December 31, 2020 or until the appointment of a successor to provide legal services in accordance with its proposal dated December 5, 2019; and

**BE IT FURTHER RESOLVED** that the compensation of the Planning Board Attorney for the calendar year 2020 shall be as follows:

A. Five Thousand Seven Hundred (\$5,700.00) Dollars for attendance at 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 meeting fee shall include the preparation of minor resolutions, time extensions and waivers, telephone conferences, correspondence and such other legal services customarily rendered in connection with the representation of a municipal planning board, except litigation, general legal services or professional fees chargeable to an applicant's escrow account as may be permitted by municipal ordinance and N.J.S.A. 40:55D-53.2.

D. Any and all legal services rendered in connection with litigation/appeals from any resolution and decision of the Board, ordinance revisions and/or work in connection with the 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 matters as (a) aiding the Board and/or Borough of Lincoln Park 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; and

**BE IT FURTHER RESOLVED**, that the Board and the Planning Board Attorney shall enter into a written contract that incorporates the foregoing terms of compensation; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution or a summary of its material terms be published in the official newspaper of the Borough and be on file, available

for public inspection, in the office of the Secretary to the Planning Board, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035-1998.

Mr. Koldyk made the motion to approve.

Chairman Blewett asked is there a second.

Mr. Terrero seconds.

Chairman Blewett asked for a roll call.

**Roll call:**

**Yes: Koldyk, Terrero, Blewett, Gemian, Kaufman, Marino, Morreale and Taormina**

**No: None**

**Abstain: None**

**Absent: Runfeldt**

Ms. Ward stated it's approved.

Mr. Neiss stated I have two things to say about this. First of all thank you all very much, and secondly unlike our Class II, III and IV members I have no class so I'm just letting you know.

Chairman Blewett stated the next item on the agenda is the adoption of the meeting schedule for 2020. It is basically staying the same 7 P.M. start time and the third Thursday of the month.

Ms. Ward stated the hard stop time is 10 P.M. according to our bylaws.

Chairman Blewett stated the next resolution is the meeting schedule for 2020. Motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**MEETING SCHEDULE**  
**CALENDAR YEAR 2020**

**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, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035 and commence at 7:00 P.M.

Mr. Terrero moved the resolution.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor (voice vote).

Board aye (unanimous).

Opposed?

Board none.

Chairman Blewett the next item on the agenda is the designation of the official newspaper for 2020.

The papers are the Daily Record be designated as the official newspaper, and the Suburban Trends designated as the alternate official newspaper for 2020. Motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**OFFICIAL NEWSPAPER**  
**CALENDAR YEAR 2020**

**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 2020.

Mr. Terrero made the motion.

Mr. Koldyk seconds.

Chairman Blewett asked all in favor (voice vote).

Board Aye (unanimous).

Any opposed?

Board none.

Chairman Blewett stated the next item on the agenda is designation of newspapers to receive the agendas for 2020. That will be the same newspapers. Motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**NEWSPAPERS TO RECEIVE AGENDAS**  
**CALENDAR YEAR 2020**

**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 receive notices required by the Open Public Meetings Act for the calendar year 2020.

Mr. Terrero moved the resolution.

Mr. Koldyk seconds.

Chairman Blewett asked all in favor (voice vote).

Board aye (unanimous).

Opposed?

Board none.

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Chairman Blewett stated now we come to the fun point. Appointment of Subdivision, Site Plan, Downtown Improvement, Ordinance and Master Plan Committees for 2020.

Mr. Koldyk moved they stay the same as last year.

Mr. Kaufman seconds.

Chairman Blewett asked any objections. All in favor?

Board aye (unanimous).

Ms. Ward mentioned on the Master Plan we did the Master Plan in 2012 and we have to revisit it every 10 years so just keep that in mind. It was adopted in 2012.

Mr. Neiss stated so we have until 2022.

Ms. Ward stated right, so maybe next year we should start talking about it for budgeting purposes.

Mr. Neiss stated that will have to be budget.

Ms. Ward stated right that's why I brought it up so just keep that in mind.

Mr. Neiss stated that's a good point.

Chairman Blewett asked so we don't have to do anything yet.

Ms. Ward stated no, but I just wanted to give you a heads up so everyone would keep that in mind while we were on committees.

Chairman Blewett stated okay is there any new business which may arise? Is there a motion to adjourn?

Mr. Koldyk moved to adjourn.

Mr. Gemian seconds.

Chairman Blewett asked all in favor.

Board aye (unanimous).

Reorganization meeting adjourned 7:21 P.M.

Respectfully submitted:

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Joan E. Ward, Secretary

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Charles W. Blewett, Jr., Chairman

