

**MINUTES OF PLANNING BOARD REORGANIZATION
MEETING HELD ON THURSDAY, JANUARY 17, 2019**

The clerk of the Board called to order the reorganization meeting of the Board and announced the meeting had been duly advertised in compliance with the Open Public Meetings Act by notice dated January 9th, 2019 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.

Ms. Ward stated I'll do the roll call and then you can swear the members in, or do you want the acknowledgment first?

Mr. Neiss mentioned let's do the acknowledgment and then I'll swear in the members.

Ms. Ward stated okay that's fine.

PRESENT: BLEWETT, GEMIAN, KAUFMAN, TERRERO AND BRIGHTMAN (ALT. #1)

ALSO PRESENT: DONOHUE, ENGINEER (FILLING IN FOR BOORADY) AND NEISS, COUNSEL

ABSENT: MARINO, MORREALE, RUNFELDT, AND TAORMINA

Ms. Ward stated the first item on the agenda is Acknowledgment of Mayoral/Council Appointments. Class II member (municipal official) Sal Marino has been reappointed. Class III member (member of Governing Body) and our Council liaison is Gary Gemian. Welcome.

Ms. Gemian thank you.

Ms. Ward mentioned Class IV member (Alt. 1) Donna Brightman has been reappointed and elevated to Alt. 1. Alternate II is vacant right now but I believe the mayor has someone in mind.

Mr. Neiss stated let the record reflect that I'm about to swear in our newest appointees Gary Gemian and Donna Brightman.

Ms. Ward stated welcome and would you please sign your oaths for me so that I can give them to Cindi. Thanks.

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

Mr. Terrero nominated Chuck.

Mr. Kaufman seconds.

Roll call:

Yes: Terrero, Kaufman, Blewett, Gemian and Brightman (Alt. #1)

No: None

Abstain: None

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

Chairman Blewett stated thank you very much. The next item on the agenda is election of two additional Board officers. The vice chairman do I have any nominations?

Mr. Kaufman nominated Dave Koldyk.

Mr. Terrero seconds.

Roll call:

Yes: Kaufman, Terrero, Blewett, Gemian and Brightman (Alt. #1)

No: None

Abstain: None

Chairman stated okay. Next is election of another Board officer the secretary. I'll open the floor for nominations?

Mr. Terrero nominated Joan

Chairman Blewett seconds.

Roll call:

Yes: Terrero, Blewett, Gemian, Kaufman and Brightman (Alt. #1)

No: None

Abstain: None

Ms. Ward thanked the Board.

Chairman Blewett stated the next item on the agenda is the appointment of Planning Board Professional Consultants. The first one, you have a resolution in your packet for engineer and the resolution awards the contract for 2019 to Darmofalski Engineering Associates, Inc.

Ms. Ward mentioned everything stayed the same.

Chairman Blewett stated okay is there a motion to approve.

RESOLUTION
LINCOLN PARK PLANNING BOARD
AWARD OF CONTRACT FOR
PROFESSIONAL ENGINEER FOR 2019 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 Fifty-Two Hundred (\$5,200.00) 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 2019 commencing January 1, 2019 and continuing through December 31, 2019 or until the appointment of a successor, to provide engineering services to the Board in accordance with its proposal dated December 10, 2018 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, 2019 THROUGH DECEMBER 31, 2019

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, 2019 through December 31, 2019 or until a subsequent appointment is made, and with reference to the Darmofalski Engineering Associates, Inc. proposal dated December 10, 2018, 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.*

Ms. Brightman moved the resolution.

Mr. Terrero seconds.

Roll call:

Yes: Brightman (Alt. #1), Terrero, Blewett, Gemian and Kaufman

No: None

Abstain: None

Ms. Ward stated it's approved.

Mr. Neiss mentioned a brilliant choice by the way.

Ms. Ward stated I agree.

Chairman Blewett stated the next item on the agenda is the appointment of the Planning Board Professional Consultant for Planner. You also had a resolution in your packet and this is for the appointment of Paul N. Ricci, AICP, PP, Ricciplanning LLC, Clark, NJ.

Ms. Ward mentioned everything stayed the same as last years.

Chairman Blewett stated okay. Does someone want to move the resolution?

RESOLUTION
LINCOLN PARK PLANNING BOARD
AWARD OF CONTRACT FOR

PROFESSIONAL PLANNER FOR 2019 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 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 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**, 10 Georgian Drive, Clark, New Jersey 07066, is hereby awarded the contract as Planning Board Professional Planner for the calendar year 2019 commencing January 1, 2019 and continuing through December 31, 2019 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 12, 2018 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-

SCHEDULE OF SERVICES
PLANNING BOARD PLANNER
JANUARY 1, 2019 THROUGH DECEMBER 31, 2019

The Planning Board Professional Planner shall render services to the Lincoln Park

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Planning Board (the “Board”) at the rate of \$135 per hour during the period January 1, 2019 through December 31, 2019 or until a subsequent appointment is made.

Mr. Terrero moved the resolution.

Mr. Gemian seconds.

Roll call:

Yes: Terrero, Gemian, Blewett, Kaufman and Brightman (Alt. #1)

No: None

Abstain: None

Ms. Ward mentioned it’s adopted.

Mr. Neiss stated once again a brilliant choice by the Board.

Chairman Blewett stated we’ll see how the next one goes.

Mr. Neiss mentioned you know what the next one is.

Chairman Blewett stated the next item on the agenda is appointment of the Planning Board Counsel. Again you had a resolution in your packet and this is for the appointment of the firm of Beattie Padovano, LLC and I’m assuming it stayed the same as last year?

Ms. Ward mentioned yes everything is the same.

RESOLUTION
LINCOLN PARK PLANNING BOARD
AWARD OF CONTRACT FOR
LEGAL COUNSEL FOR 2019 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 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 Planning Board Attorney not to exceed Fifteen Thousand (\$15,000) 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 2019 commencing January 1, 2019 and continuing through December 31, 2019 or until the appointment of a successor to provide legal services in accordance with its proposal dated December 3, 2018; and

BE IT FURTHER RESOLVED that the compensation of the Planning Board Attorney for the calendar year 2019 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.

Chairman Blewett asked do I have a motion to approve.

Mr. Terrero moved the resolution.

Mrs. Brightman second.

Roll call:

Yes: Terrero, Brightman (Alt. #1), Blewett, Gemian and Kaufman

No: None

Abstain: None

Chairman Blewett stated a very good choice.

Mr. Neiss mentioned this one is extremely brilliant.

Chairman Blewett stated the next one on the agenda is the adoption of the meeting schedule for 2019. There was a resolution in your packet that the third Thursday of each month be designated as a regular meeting of the Board. The meetings will be held in Council Chambers and they will commence at 7 P.M. A motion to approve the resolution?

RESOLUTION
LINCOLN PARK PLANNING BOARD
MEETING SCHEDULE
CALENDAR YEAR 2019

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.

Ms. Brightman seconds.

Roll call:

Yes: Terrero, Brightman (Alt. #1), Blewett, Gemian and Kaufman

No: None

Abstain: None

Ms. Ward it's adopted.

Chairman Blewett stated next is designation of the Official Newspaper for 2019.

Ms. Ward mentioned those are the papers to put the legal notices in.

Chairman Blewett stated it is two newspapers the Daily Record and the Suburban Trends.

Chairman Blewett asked do I have a motion to approve.

RESOLUTION
LINCOLN PARK PLANNING BOARD
OFFICIAL NEWSPAPER
CALENDAR YEAR 2019

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 2019.

Mr. Terrero moved the resolution.

Mr. Gemian seconds.

Roll call:

Yes: Terrero, Gemian, Blewett, Kaufman and Brightman (Alt. #1)

No: None

Yes: None

Chairman Blewett stated the next is the designation of newspaper to receive the agendas for 2019.

RESOLUTION
LINCOLN PARK PLANNING BOARD
NEWSPAPERS TO RECEIVE AGENDAS
CALENDAR YEAR 2019

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 2019.

Mr. Terrero moved the resolution.

Ms. Brightman seconds.

Roll call:

Yes: Terrero, Brightman (Alt. #1), Blewett, Gemian and Kaufman

No: None

Abstain: None

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Chairman Blewett stated okay. The next item on the agenda is the appointment of the subdivision, site plan, downtown improvement, ordinance and master plan committees for 2019.

Ms. Ward mentioned I don't think I put that in your packets.

Chairman Blewett stated I don't recall seeing it.

Ms. Ward mentioned I didn't and I wanted to photocopy it for you today but we were so busy I forgot about it. Do you want to do it at the next meeting, or do you want to keep the same appointments as last year? It's up to you.

Mr. Kaufman stated we can keep it the same.

Ms. Ward asked keep them the same.

Mr. Terrero stated I think that is fine.

Chairman Blewett stated okay. Is there a motion to keep it the same?

Mr. Terrero moved it.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor.

Board aye.

Ms. Ward mentioned okay.

Chairman Blewett asked okay is there any other business which may arise.

Ms. Ward mentioned not for the reorg.

Chairman Blewett asked for a motion to adjourn the reorganization meeting.

Mr. Kaufman made the motion to adjourn.

Mr. Terrero seconds.

Chairman Blewett asked all in favor.

Board aye.

Meeting adjourned 7:14 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman