

MINUTES
January 6, 2015

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Cyndi Kiefer, Planning and Zoning Secretary, called the meeting to order at 8:07 P.M. She then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meetings on the municipal bulletin board, by sending a copy to the Courier News and Echoes-Sentinel and by filing a copy with the Municipal Clerk on December 17, 2014.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Ms. Kiefer administered the Oath of Office to reappointed Regular Members Edwin F. Gerecht and Michael O'Mullan, First Alternate Thomas Sims, and to newly appointed Second Alternate Jeffrey Wills.

ROLL CALL

On a call of the roll, the following were Present:

Excused:

E. Thomas Behr, Chairman
Edwin F. Gerecht, Jr., Vice-Chairman
Jerry Aroneo, Member
Richard Keegan, Member
Michael O'Mullan, Member
Thomas Sims, 1st Alternate
Jeffrey Wills, 2nd Alternate

Michael Pesce, Member
Michael Pudlak, Member

Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Bd. Planner
Cyndi Kiefer, Bd. Secretary

Dan Bernstein, Bd. Atty.

ELECTION OF CHAIRMAN

Ms. Kiefer opened the Nominations for Board of Adjustment Chairman for the year 2015. Vice Chairman Gerecht nominated Dr. Behr. Mr. Keegan seconded the nomination. There were no further nominations and by Voice Vote, the Board unanimously reappointed Dr. Behr to the Chairmanship. Ms. Kiefer congratulated Chairman Behr and handed the gavel to him.

ELECTION OF VICE CHAIRMAN

Chairman Behr opened the Nominations for the Board of Adjustment Vice Chairman for the year 2015. Mr. O'Mullan nominated Mr. Gerecht. Mr. Aroneo seconded the nomination. There were no further nominations and by Voice Vote, the Board unanimously reappointed Vice Chairman Gerecht as Vice Chairman of the Board of Adjustment.

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8. PREPARATION OF THE ANNUAL REPORT ON VARIANCES HEARD BY THE ZONING BOARD OF ADJUSTMENT

The Planning and Zoning Administrator will prepare the Annual Report on Variances heard by the Zoning Board of Adjustment as required by NJSA 40:55D-70.1. Copies of the report and resolution, when adopted by the Board shall be forwarded to the Township Committee and Planning.

9. PLANNING AND ZONING ADMINISTRATOR'S APPOINTMENT

Vice Chairman Gerecht motioned and Mr. O'Mullan seconded the motion. By Voice Vote, the Board unanimously approved the reappointment of Dawn V. Wolfe to the position of Planning and Zoning Administrator for the Zoning Board of Adjustment until the Organizational Meeting of January 2016. The Planning and Zoning Administrator will hold office hours at Town Hall,

915 Valley Road, Gillette, N.J., Mondays, Tuesdays and Thursday 8:30 a.m. to 4:30 p.m.,
Wednesdays 8:30 a.m. to 6:30 p.m. and Fridays 8:30 a.m. to 2:30 p.m.

10. BOARD OF ADJUSTMENT SECRETARY’S APPOINTMENT

Vice Chairman Gerecht motioned and Mr. Keegan seconded the motion. By Voice Vote, the Board unanimously approved the reappointment of Cyndi Kiefer to the position of Secretary to the Board of Adjustment until the Organizational Meeting of January 2016. The Board of Adjustment Secretary will work 27.5 hours per week including all night meetings of the Board of Adjustment.

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11. ATTORNEY’S APPOINTMENT

WHEREAS, the Long Hill Township Board of Adjustment requires professional legal services which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, legal research, consultation with the Board Members, Administrator, and other municipal personnel, as well as with legal representatives of applicants, and miscellaneous other legal services (except for litigation and certain other types of services such as (a) Any litigation handled for the Board; (Board) Any extensive or major redrafting of Township ordinances; (c) Drafting of resolutions on applications for development and for other matters coming before the Board; and (d) Review of easements, deeds, agreements or documentation pertaining to formation of a planned development, condominium, homeowners’ association, or the like; (e) Other matters requiring attendance at conferences, work sessions, etc., out of the office. Other types of legal services would also include the preparation of administrative documents and correspondence, miscellaneous legal research, consultation with the Board Members, the Board Administrator and other municipal personnel; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, the Law Firm of Bernstein & Hoffman has submitted a proposal dated October 10, 2014 indicating that it provides the legal services at a rate of Five Hundred Fifty (\$550.00) Dollars (or \$183.33 per hour) for attendance at meetings and an hourly rate of \$162.00 for other types of legal services including those embraced hereinabove and those set forth above in Items (a) – (e);

WHEREAS, the Law Firm of Bernstein & Hoffman has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Firm of Bernstein & Hoffman has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Law Firm of Bernstein & Hoffman from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5.1, has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Bernstein & Hoffman, Attorneys at Law, 2253 South Avenue, Suite 8, Scotch Plains, N.J. 07076 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Bernstein & Hoffman, in accordance with the following terms and conditions:

- A. Term: A period not to exceed 12 months
 - B. Rate: \$550.00 (or \$183.33 per hour) per meeting attendance, and \$162.00 per hour for other legal services as stated above and in Items (a) – (e) above
 - C. Services: The firm shall provide professional legal services
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5 (1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
 4. The Planning & Zoning Administrator shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey, during regular business hours.
 5. This contract shall be charged to 01-2015-0020-0185-2-00236. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
 6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. Aroneo motioned to approve. Vice Chairman Gerecht seconded the motion and by Voice Vote, the board members unanimously approved the reappointment of Daniel Bernstein as Board Attorney for 2015.

12. PLANNING CONSULTANT'S APPOINTMENT

WHEREAS, the Long Hill Township Board of Adjustment requires professional planning services which shall include but not be limited to attendance at Board Meetings; field work, research and writing; and any other task assigned by the Board of Adjustment; and providing advice as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, the Firm of Shamrock Enterprises, Ltd. has submitted a proposal dated October 21, 2014 indicating they will provide the planning services at a rate of Five Hundred and Fifty (\$550.00) Dollars per meeting; and an hourly rate of \$125.00 for all other planning services, including field work, research and writing; and any other task assigned by the Board; and

WHEREAS, the firm of Shamrock Enterprises, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm of Shamrock Enterprises, Ltd. has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Firm of Shamrock Enterprises, Ltd. from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer, in accordance with N.J.A.C. 5:34-5.1, has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Long Hill, in the County of Morris, State of New Jersey, as follows:

1. A professional services contract with Shamrock Enterprises, Ltd., Madison House, 866 Madison Ave., Rahway, N.J. 07065 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Shamrock Enterprises, Ltd., in accordance with the following terms and conditions:

- A. Term: A period not to exceed 12 months
- B. Rate: Meeting rate of \$550.00; and \$125.00 per hour for all other work including field work, research and writing and any other task assigned by the Board
- C. Services: The firm shall provide professional planning services.
3. The Planning & Zoning Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 01-2015-0020-0185-2-00221. This certification of available funds by the Township Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Mr. O'Mullan motioned approval and Vice Chairman Gerecht seconded the motion. By Voice Vote, the board members unanimously approved the reappointment of Kevin O'Brien as Board Planner for 2015.

13. ENGINEER'S APPOINTMENT

WHEREAS, the Long Hill Township Board of Adjustment requires certain technical and/or professional services hereinafter described as Engineering Consulting Services which shall include but not be limited to the following: serve as the general engineering consultant to the Board of Adjustment; attend all meetings of the Board of Adjustment as requested; advise the Board of Adjustment on all engineering matters under their jurisdiction; the Consultant shall be available for consultation by telephone at all reasonable times; represent the Board of Adjustment as its Professional Engineer pursuant to N.J.S.A. 40:55D-24; review site and subdivision plans, as requested; prepare special reports, plans, studies, applications, and similar work, as requested; testify on behalf of the Board of Adjustment before Commissions, Agencies, or Courts of the State of New Jersey, as requested; and perform any other related engineering work, as requested; and

WHEREAS, the anticipated term of this contract is (1) one year; and

WHEREAS, Remington, Vernick, & Arango Engineers has submitted a proposal dated October 23, 2014 indicating they will provide engineering services at a rate of One Hundred Eight Three Dollars and Thirty Three Cents (\$183.33) per hour to attend night meetings. An hourly rate of \$125.00 will be billed for engineering services for all other work including field work, research writing, and any other task assigned by the Board; and

WHEREAS, the firm of Remington, Vernick & Arango Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm of Remington, Vernick & Arango Engineers has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the Firm of Remington, Vernick & Arango Engineers, from making any reportable contributions throughout the term of the contract; and

WHEREAS, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Long Hill, in the County of Morris, State of New Jersey as follows:

1. A professional services contract with Remington, Vernick & Arango Engineers, 300 Penhorn Avenue, 3rds Floor, Secaucus, NJ 07094 is hereby authorized.
2. The Board Chairman and Planning & Zoning Administrator are authorized to sign a professional service contract with Remington, Vernick & Arango Engineers, in accordance with the following terms and conditions:
 - A. Term: A period not to exceed 12 months
 - B. Rate: \$183.33 per hour to attend night meetings; and \$125 per hour for other engineering services as stated above.
 - C. Services: The Firm shall provide professional engineering services.
3. The Planning & Zoning Administrator in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes-Sentinel stating the nature, duration, service and amount of this contract.
4. The Planning & Zoning Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
5. This contract shall be charged to 01-2015-0020-0185-2-00237. The certification of available funds by the Township Chief Financial Officer shall be attached to the original Resolution and shall be maintained in the files of the Planning & Zoning Administrator.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

Vice Chairman Gerecht motioned approval and Mr. Keegan seconded the motion. By Voice Vote, the board members unanimously approved the reappointment of Thomas Lemanowicz as Board Engineer for 2015.

Chairman Behr noted that the Evaluation Committee of the Board was completely pleased with the service that the Board had received from its professionals.

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Chairman Behr asked that the next series of items from the Agenda, #14 though #19 – Calendar Order of Business, Notice of Publication, Minutes, Membership, Meeting Cut-Off, Meetings – Executive and Regular and 2015 Board of Adjustment Calendar – be given blanket approval. He asked that the Board consider adding one date to #19 – January 5, 2016 as the Reorganizational Meeting. By approving this additional date on the calendar, it would make noticing of that meeting in December unnecessary.

14. CALENDAR ORDER OF BUSINESS

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that the Calendar Order of Business shall be mailed or given to each member of the Board on or before the Friday before each designated meeting.

Pursuant to the requirements of Section 13 of the Open Public Meetings Act agendas for Regular and Special Meetings of the Board of Adjustment will be posted at Town Hall as required.

15. NOTICE OF PUBLICATION

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that the following newspapers are designated to receive Notices as required by the Open Public Meetings Law:

1. Courier News
2. Echoes-Sentinel

All notices required by the provisions of the Open Public Meetings Law shall be furnished the newspapers designated for such purposes.

16. MINUTES

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township:

1. The minutes of the regular public meetings shall be sent to the Board of Adjustment members and that a copy of said minutes be posted at the Town Hall. By this procedure and/or unanimous agreement of the Board Members, the reading of said minutes shall be waived. Copies will be sent to the Board of Adjustment Attorney, the Township Engineer, the Township Planning Consultant, and the Township Library. Copies will also be made available to the public upon request. The charge for such copies of Minutes will be as determined by Township Ordinance.
2. A recording will be made of all Public Meetings and will be retained for two years or until after the conclusion of the appeal time or the conclusion of any litigation, whichever is later. Members of the public may listen to any recording by contacting the Planning & Zoning Administrator and establishing a mutually convenient time and place for the review. Arrangements for transcripts can be made through the Planning & Zoning Administrator or the Board of Adjustment Secretary.
3. The cost of providing copies of audio recordings of meetings to any person desiring the same will be as determined by Township Ordinance.

17. MEMBERSHIP

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that the Board approves the application for membership for 2015 in the New Jersey Planning Officials at the established annual fee for 2015.

18. MEETING CUT-OFF

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that, as a matter of procedure, it is the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any regular or special meeting of the Board unless a motion is passed by the members then present to extend the meeting to a later specified cut-off time. Further, that this notice shall be made part of published operating procedures for applications to this Board and shall be announced at the opening of each meeting.

19. MEETINGS – EXECUTIVE AND REGULAR

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that meetings, in general, will be held on the first and third Tuesday of each month with the following exceptions: in July, August and December, the Board will only meet on the first Tuesdays. Unless otherwise scheduled, all regular meetings will begin at 8:00 P.M.(or immediately following an executive session if deemed necessary) in Town Hall, 915 Valley Rd., Gillette, N.J. Following is the Regular Meeting Schedule. If deemed necessary, Executive Session meetings of the Zoning Board of Adjustment will be held in Town Hall, 915 Valley Rd., Gillette, N.J. on the same dates as listed below at 8:00 P.M. *prior* to the regular meeting.

2015 Board OF ADJUSTMENT CALENDAR

January 6, 2015 – Organizational Meeting – 8:00 PM *added

| | |
|-------------|---------------------------------|
| January 20 | July 7 |
| February 3 | August 4 |
| February 17 | September 1 |
| March 3 | September 15 |
| March 17 | October 6 |
| April 7 | October 20 |
| April 21 | November 3 |
| May 5 | November 17 |
| May 19 | December 1 |
| June 2 | *January 5, 2016 Reorganization |
| June 16 | |

Chairman Behr asked for a motion to adopt Items #14 though #19 with the addition of the date of January 5, 2016 to the 2015 Board of Adjustment Calendar (Item #19). Vice Chairman Gerecht motioned and Mr. O’Mullan seconded. By Voice Vote, the board members unanimously approved acceptance of Items #14 through Item #19 with the modification to Item #19 as noted.

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20. 2015 BUDGET

Chairman Behr noted that Salaries and Wages for both the Planning and Zoning Administrator and Planning and Zoning Secretary were shared items for both Boards. He noted that he and the Vice Chairman would be meeting with the Township Administrator to discuss that compensation.

Chairman Behr added that “Printing” was removed as a budget line item.

In the past, all the departments and boards made contributions to ongoing equipment maintenance however, “Equipment Service Agreements” had been removed for 2015.

Chairman Behr discussed the change in costs for “Legal Advertising” and said that the \$50 increase reflected the actual change in costs. Additional members accounted for the increase in “Dues/Memberships”.

Chairman Behr said that the three (3) line items (“Legal”, “Engineering”, “Planning Consultant”) represented the services of the professionals for educational purposes of board members.

Finally, Chairman Behr noted that “Education/Training” costs were reduced since the Planning and Zoning Secretary completed her training in 2014. The 2015 cost represented the average costs for classes for board members.

BE IT RESOLVED by the Zoning Board of Adjustment of Long Hill Township that the following Budget for 2015 is approved for submission to the Township Committee.

PROPOSED 2015 BUDGET

| <u>ACCT. NO.</u> | <u>ITEM</u> | <u>BUDGETED 2014</u> | <u>BUDGETED 2015</u> |
|---------------------------|---------------------|--------------------------|--------------------------|
| 00-2014-0000-0185-1-00101 | Salary/Wages F/T | \$ 37,950.12 | \$ TBD* |
| 00-2014-0000-0185-1-00105 | Salary/Wages P/T | 15,000.00 | TBD* |
| 01-2014-0020-0185-2-00201 | Miscellaneous | 50.00 | 50.00 |
| 01-2014-0020-0185-2-00203 | Office Supplies | 600.00 | 600.00 |
| 01-2014-0020-0185-2-00206 | Printing | 200.00 | -0- |
| 01-2014-0020-0185-2-00209 | Conventions/Conf’s. | 350.00 | 350.00 |
| 01-2014-0020-0185-2-00211 | Equip./Serv. Agmts. | 200.00 | -0-** |
| 01-2014-0020-0185-2-00213 | Legal Advertising | 150.00 | 200.00 |
| 01-2014-0020-0185-2-00214 | Publications | 300.00 | 300.00 |
| 01-2014-0020-0185-2-00219 | Dues/Memberships | 200.00 | 250.00 |
| 01-2014-0020-0185-2-00236 | Legal | 600.00 | 600.00 |
| 01-2014-0020-0185-2-00237 | Engineering | 500.00 | 500.00 |
| 01-2014-0020-0185-2-00238 | Planning Consultant | 600.00 | 600.00 |
| 01-2014-0020-0185-2-00271 | Education/Training | <u>925.00</u> | <u>600.00</u> |
| TOTAL | | \$ 57,625.12 | TBD |

*To be determined in consultation with the Township Administrator.

** This cost will be charged to 01-2015-0020-0100-2-00211 (Contracts &Agreements).

Chairman Behr asked for a motion to approve the budget with the notes that were just given. Mr. Aroneo moved and Vice Chairman Gerecht seconded. A Roll Call Vote was taken. Those in Favor: Mr. Aroneo, Vice Chairman Gerecht, Mr. Keegan, Mr. O’Mullan, Mr. Sims, Mr. Wills, Chairman Behr. Those Opposed: None. Abstained: None. The 2015 Budget was passed by unanimous vote.

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APPROVAL OF MINUTES

Vice Chairman Gerecht moved approval of the minutes of October 7, 2014. Mr. O’Mullan seconded the motion and by Voice Vote, the minutes were unanimously approved as written. Mr. Aroneo, Mr. Sims, and Mr. Wills were ineligible to vote since they were not present at that meeting.

Vice Chairman Gerecht moved approval of the minutes of October 21, 2014. Mr. Keegan seconded the motion and by Voice Vote, the minutes were unanimously approved as written. Mr. Aroneo, Mr. Sims, and Mr. Wills were ineligible to vote since they were not present at that meeting.

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Chairman Behr said, with the Board’s approval, he would like to invite Sandi Raimer to a board meeting and to present her with a Certificate of Acknowledgement for her service to the Board. Vice Chairman Gerecht motioned and Mr. Keegan seconded the motion to proceed. By Voice Vote, the board members unanimously agreed.

Chairman Behr then discussed the accomplishments of the Board over that last year and goals for 2015.

At 8:45 p.m., Mr. Aroneo moved to adjourn. Vice Chairman Gerecht seconded the motion and by unanimous Voice Vote, the meeting was adjourned.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date