#### INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – January 11, 2016

The Independence Township Land Use Board met for a reorganization/regular meeting on Monday, January 11, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:35 p.m. and he stated that the meeting is being held in accordance to the Open Public Meetings Act by posting said notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star Gazette of Hackettstown, NJ and sent to the Express Times of Easton, PA.

**OATH OF OFFICE:** Attorney William Gold administered the oath of office to: Carmen Feula, George Ulmer, Glen Cougle, Ricardo Fernandez, and Geoffrey Cullen.

# **ROLL CALL**:

Present: Muriel Walter Carmen Feula

Ricardo Fernandez George Ulmer
Donald Engels James Kelsey
Glen Cougle Robert Best
Geoffrey Cullen Mark Rafalko

Melissa Milano

Absent: Tim Norton Kevin Ginsberg

Also Present: William Gold, Esq. Kevin Smith, P.E.

#### **REORGANIZATION:**

#### **Nominations for Chairman**

Mrs. Walter made the motion to nominate Ricardo Fernandez as Chairman. Motion seconded by Mr. Ulmer. With there being no other nominations, Mr. Best made the motion to close the nominations. Motion seconded by Mrs. Walter. Roll call vote, in favor of nominating Mr. Fernandez as Chairman:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Engels, Mr. Kelsey, Mr. Feula, Mr. Best, Mr.

Cullen, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Fernandez. Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote

this evening.

Chairman Fernandez thanked the Board stating it is an honor and privilege to serve the Board.

## **Nominations for Vice Chairman**

Mr. Ulmer made the motion to nominate Don Engels as Vice Chairman. Motion seconded by Mrs. Walter. With there being no other nominations, Roll call vote, in favor of nominating Mr. Engels as Vice Chairman:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best,

Mr. Cullen, and Mr. Ulmer

Nays: None recorded

Abstain: Mr. Engels. Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote

this evening.

#### **Appointment of Board Professionals:**

Mr. Best made the motion to appoint William Gold as the Board Attorney, Kevin Smith as the Board Engineer, and David Banisch as the Board Planner. Motion seconded by Mr. Ulmer. Roll call vote: Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best,

Mr. Cullen, Mr. Engles, and Mr. Ulmer

Nays: None recorded

Abstain: Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

### **Appointment of Board Secretary:**

Mr. Feula made the motion to appoint Alfia Schemm as the Board Secretary. Motion seconded by Mrs. Walter. Roll call vote:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, and Mr. Ulmer

Navs: None recorded

Abstain: Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

### **Annual Meeting Resolution:**

Mrs. Walter made the motion to adopt the Annual Meeting Resolution. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, and Mr. Ulmer

Nays: None recorded

Abstain: Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

### **Adoption of the Board Professional's Resolution:**

Mr. Feula made the motion to adopt the Resolution appointing the Board Professionals. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, and Mr. Ulmer

Nays: None recorded

Abstain: Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

### **Rules and Regulations:**

Mr. Best made the motion to adopt the Rules and Regulations. Motion seconded by Mr. Cougle. Roll call vote:

Ayes: Mrs. Walter, Mr. Cougle, Mr. Fernandez, Mr. Kelsey, Mr. Feula, Mr. Best,

Mr. Cullen, Mr. Engles, and Mr. Ulmer

Nays: None recorded

Abstain: Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

# **MINUTES:**

The minutes from the November 16, 2015 meeting were distributed prior to the meeting.

Mrs. Walter made the motion to adopt the minutes. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, Mr.

Rafalko, and Mr. Ulmer

Nays: None recorded

Abstain: Ms. Milano. Mr. Cougle and Mr. Fernandez who were not present at the November meeting and are not eligible to vote on the Minutes.

#### **OPEN TO THE PUBLIC:**

Chairman Fernandez opened the meeting to the public, for non-agenda items. With there being no public comment, the meeting was closed to the public.

### **OTHER BUSINESS:**

### Land Use Committee-Highlands/COAH Compliance Project

Mr. Feula stated that it was recommended that there be a joint meeting with the Township Committee and the Land Use Board to get an update on Affordable Housing. It was agreed that the Township Committee will meet with the Land Use Board at the next Land Use Board meeting on February 8th.

## **MEMORIALIZING RESOLUTION:**

## #13-003 Pio Costa Enterprises, Block 21, Lot 38

Board Attorney reviewed the draft Resolution.

Mr. Feula made the motion to adopt the Resolution. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, Mr.

Rafalko, and Mr. Ulmer

Nays: None recorded

Abstain: Ms. Milano who was an Alternate at the November meeting and is not eligible

to vote on the mater. Mr. Cougle and Mr. Fernandez who were not present at

the November meeting and are not eligible to vote on the matter.

#### **OLD BUSINESS:**

# #11-001 Woodmont Independence LLC (formerly Bilby Estates) Block 3, Lot 6.02

Chairman Fernandez updated the Board on the status of the Re-Development Plan. He stated that the Board may be able to take this off their agenda shortly. This matter continues to be carried.

#### **DISCUSSION:**

#### **Master Plan Subcommittee**

Mr. Feula recommended that the Board continue its work and that a subcommittee be set up to review the Master Plan and prepare an Agricultural Element. Mr. Cullen, Mr. Feula, and Mr. .... agreed to sit on the subcommittee.

### **Budget for 2016**

The Board discussed the budgetary figures for 2016 and the work that may need to be done. The Board noted that a re-examination report was adopted in 2008. The Board discussed the cost and budgeting of the Agricultural Element and whether grant funds could be used. The Board discussed requesting \$3500.00 for Litigation and \$3500.00 for General Professional Services.

Mr. Best made the motion recommend the \$3500.00 for General Professional Services. Motion seconded by Mr. Ulmer. Roll call vote: .

Ayes: Mrs. Walter, Mr. Best, Mr. Cullen, Mr. Engles, and Mr. Ulmer

Nays: Mr. Kelsey

Abstain: Mr. Feula, Mr. Cougle, and Chairman Fernandez. Alt #3 Mr. Rafalko and Alt #4 Ms. Milano-not eligible to vote this evening.

The Board then discussed recommending the same Budget as last year, with the exception of recommending \$3500.00 for Litigation.

Mr. Feula made the motion to recommend the same Budget as last year and recommend \$3500.00 for Litigation. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Fernandez, Mr. Kelsey, Mr. Engles, Mr. Feula,

and Mr. Best.

Nays: None recorded

Abstain: Mr. Cougle and Mr. Cullen. Alt #3 Mr. Rafalko and Alt

#4 Ms. Milano-not eligible to vote this evening.

## **Site Plan Committee Report**

None

The Board took a brief recess at 8:38 p.m. The meeting resumed at 8:48 p.m. will all Board Members present: Mrs. Walter, Mr. Feula, Mr. Fernandez, Mr. Ulmer, Mr. Engels, Mr. Kelsey, Mr. Cougle, Mr. Best, Mr. Cullen, Mr. Rafalko, and Ms. Milano

#### **EXECUTIVE SESSION:**

Mr. Ulmer made the motion to go into Executive Session at 8:50 p.m. to discuss litigation and client/attorney privilege. Motion seconded by Mrs. Walter. Roll call vote:

Ayes: Mr. Feula, Mrs. Walter, Mr. Cullen, Mr. Ulmer, Mr. Engels, Mr.

Kelsey, Mr. Cougle, Mr. Best, and Chairman Fernandez

Nays: None Recorded

Abstain: Not eligible to vote Alternate #3 Mr. Rafalko and Alternate #4 Ms.

Milano

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; **NOW**, **THEREFORE**, **BE IT RESOLVED** by the Land Use Board of Independence, Warren County, State of New Jersey, as follows:

- 1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
- 2. The general nature of the subject matter to be discussed is as follows: Pending Litigation.
- 3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
- 4. This Resolution shall take effect immediately.

Date adopted: January 11, 2016

Mr. Ulmer made the motion to come out of Executive Session at 9:35 p.m. with no action taken. Motion seconded by Mr. Cullen. Voice vote:

Ayes: Mr. Feula, Mrs. Walter, Mr. Cullen, Mr. Ulmer, Mr. Engels, Mr.

Kelsey, Mr. Cougle, Mr. Best, and Chairman Fernandez

Nays: None Recorded

Abstain: Not eligible to vote Alternate #3 Mr. Rafalko and Alternate #4 Ms.

Milano

#### **MINUTES:**

The Executive Session Minutes of November 16, 2015, were distributed. It was noted that there is an error, where Chairman Fernandez and Mr. Cougle are listed as present, when they were absent and Mr. Best was listed as absent, when he was present.

Mr. Engels made the motion to adopt the Executive Session Minutes of November 16, 2015, as amended. Motion seconded by Mr. Ulmer: Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Best, Mr. Cullen, Mr. Engles, Mr.

Rafalko, and Mr. Ulmer

Nays: None recorded

Abstain: Ms. Milano. Mr. Cougle and Mr. Fernandez who were not present at the

November meeting and are not eligible to vote on the Minutes.

BILLS: NJPO

Re: Dues	325.00
Finelli Consultants	
Re: Roes Island	258.75
Re: General	172.00
Re: General	115.00
<u>William Gold</u>	

Re: General 1082.50

Re: General

Mr. Cougle made the motion to approve the vouchers. Motion seconded by Mr. Ulmer. Roll

call vote: Ayes: Mr. Feula, Mrs. Walter, Mr. Cullen, Mr. Ulmer, Mr. Engels, Mr.

Kelsey, Mr. Cougle, Mr. Best, and Chairman Fernandez

Nays: None Recorded

Abstain: Not eligible to vote Alternate #3 Mr. Rafalko and Alternate #4 Ms.

Milano

### **ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 9:44 p.m. Voice vote:

Ayes: Mr. Feula, Mrs. Walter, Mr. Cullen, Mr. Ulmer, Mr. Engels, Mr.

Kelsey, Mr. Cougle, Mr. Best, and Chairman Fernandez

Nays: None Recorded

Abstain: Not eligible to vote Alternate #3 Mr. Rafalko and Alternate #4 Ms.

Milano

Respectfully submitted,

Alfia Schemm Board Secretary 2/4/16