

**MINUTES OF REORGANIZATION ZONING BOARD OF  
ADJUSTMENT MEETING HELD ON TUESDAY, JANUARY 9, 2018**

The clerk called to order the reorganization meeting and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated January 2<sup>nd</sup>, 2018 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: BYRNE, ERICKSON, FOREMAN, KUBISKY, WOLFSON, ZAPF, DUBOWSKY (ALT. #1) AND ZALEWSKI (ALT. #2)**

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

**ABSENT: BRACCHITTA**

Ms. Ward stated the first order of business is the acknowledgment of council appointments. We have one this year, Bruce Dubowsky has been reappointed as Alternate #1. He was sworn in tonight by Craig so he is now legal. Welcome back.

Mrs. Kubisky congratulated Bruce.

Ms. Ward stated the next item on the agenda is election of officers for 2018. The first officer is chairman. I'll open up the nominations. Any nominees?

Mr. Zapf nominated Pat Byrne for chairman.

Ms. Ward asked is there a second.

Mr. Erickson seconds.

**Roll call: (voice vote)**

**Yes: Zapf, Erickson, Byrne, Foreman, Kubisky, Wolfson and Dubowsky (Alt. #1)**

**No: None**

**Abstain: None**

Ms. Ward stated okay done. You are now chairman, welcome back.

Chairman Byrne mentioned I appreciate it.

The next order of business is the vice chair. I nominate Tom.

Mrs. Kubisky seconds.

**Roll call: (voice vote)**

**Yes: Byrne, Kubisky, Erickson, Foreman, Wolfson, Zapf and Dubowsky (Alt. #1)**

**No: None**

**Abstain: None**

Chairman Byrne stated the next order of business is secretary.

Mr. Zapf nominated Joan Ward.

Mr. Dubowsky seconds.

**Roll call: (voice vote)**

**Yes: Zapf, Dubowsky (Alt. #1), Byrne, Erickson, Foreman, Kubisky and Wolfson**

**No: None**

**Abstain: None**

Ms. Ward thanked the Board. Nobody wants that position?

Chairman Byrne stated no. Next order of business is assistant secretary.

Mr. Zapf nominated Mary Kubisky.

Chairman Byrne seconds. All in favor?

**Roll call: (voice vote)**

**Yes: Zapf, Byrne, Erickson, Foreman, Kubisky, Wolfson and Dubowsky (Alt. #1)**

**No: None**

**Abstain: None**

Chairman Byrne stated it passed.

Next order of business is the resolutions.

Ms. Ward mentioned the resolution for the meeting schedule is the same that was in your packet. The other three resolution have been modified and the changes highlighted. If they are not acceptable to administration, we may have to do the resolutions over again to tweak them a little more.

Chairman Byrne stated so these are just the changes from what was in the packet.

Ms. Ward mentioned yes. The resolutions have been kind of going back and forth and I hope this is acceptable, and the contracts will be attached to the resolutions.

Chairman Byrne stated the first one is the meeting schedule. What is it the second Tuesday at 7 P.M.?

Ms. Ward mentioned yes. The newspapers to receive the agendas and the official newspaper has stayed the same, the Daily Record and Suburban Trends.

### **RESOLUTION**

#### **ZONING BOARD OF ADJUSTMENT**

**BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park that the following annual schedule of meetings be designated and notice thereof delivered in accordance with provisions of the Open Public Meetings Act.

#### **PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a regular meeting will be held by the Lincoln Park Zoning Board of Adjustment on the second Tuesday of each month for calendar year 2018 commencing at 7:00 P.M. Should the regular meeting fall on a holiday, the meeting will then be scheduled for the following Tuesday.

The regular meetings will be held in the Municipal Building, Council Chambers, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035.

**BE IT RESOLVED**, that the within notice may be mailed, faxed, or emailed to the Daily

Record, the Official Designed Newspaper of the Board of Adjustment. The Suburban Trends has been designated the Alternate Official newspaper.

**FURTHER**, all meeting agendas will be sent to the Daily Record and Suburban Trends as required under the Open public Meetings Act.

Mr. Zapf made the motion.

Mr. Dubowsky seconds.

**Roll call: (voice vote)**

**Yes:** Zapf, Dubowsky (Alt. #1), Byrne, Erickson, Foreman, Kubisky and Wolfson

**No:** None

**Abstain:** None

Chairman Byrne stated the next is the appointment of the Board Attorney.

Ms. Ward mentioned there are two changes which are highlighted.

Chairman Byrne stated right. Does anyone have any questions or objections on the changes on the resolution itself?

**RESOLUTION**  
**LINCOLN PARK ZONING BOARD OF ADJUSTMENT**  
**LEGAL COUNSEL**  
**CALENDAR YEAR 201**

**BE IT RESOLVED** by the Lincoln Park Zoning Board of Adjustment and pursuant to Article II, Section 17-32 of the Development Review Ordinance that the firm of **Mandelbaum Salsburg, P.C., 3 Becker Farm Road, Suite 105, Roseland, NJ 07068**, is hereby awarded the position of Board Attorney for the calendar year 2018 in accordance with its proposal dated November 14, 2017, attached and made a part of this Resolution. The appointment is made without necessity of public bid pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5 and is available for public inspection.

**BE IT FURTHER RESOLVED** that the compensation of the Zoning Board of Adjustment Attorney for the calendar year 2018 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 Board of Adjustment, 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 decisions of the Board of Adjustment and/or ordinance revisions, shall be billed at the litigation rate of One Hundred Fifty (\$135.00) 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 advice on matters relating to administration of ongoing construction relating to development approvals, but excluding such items as litigation and ordinance revisions, shall be billed at the rate of One Hundred Fifty (\$135.00) Dollars per hour.
- F. Legal services and process fees relating to applications processing and chargeable against application escrow accounts pursuant to Borough Ordinance, to be billed at the rate of One Hundred Fifty (\$135.00) Dollars per hour.
- G. The Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purpose in the 2018 Zoning Board of Adjustment Budget, and not to exceed \$7,000.

Mr. Zapf made the motion to accept it.

Ms. Kubisky seconds.

Chairman Byrne stated perfect.

**Roll call: (voice vote)**

**Yes: Zapf, Kubisky, Byrne, Erickson, Foreman, Wolfson and Dubowsky Alt. #1)**

**No: None**

**Abstain: None**

Chairman Byrne asked why is that language in here.

Ms. Ward mentioned administration mentioned the auditors required certain language be put in the resolutions, but most of the fees for the attorney comes out of the applicants' escrow

accounts with the exception of the meeting fees. I believe \$7,000 will be put in our budget and we put a cap in the resolution with reference to the budget. The meeting fees are \$475 and that comes out of the account plus some of my legals. We should have sufficient funds unless we have litigation which we don't anticipate.

Chairman Byrne stated so this is adopted.

Ms. Ward mentioned yes.

Chairman Byrne stated the next resolution is for the Board Engineer.

Ms. Ward mentioned Tom is just going to be the engineer for the Board. I have engineer/planner on the agenda but it is just for Board Engineer.

**RESOLUTION**  
**LINCON PARK ZONING BOARD OF ADJUSTMENT**  
**BOARD ENGINEER**  
**CALENDAR YEAR 2018**

**IT IS HEREBY RESOLVED** by the Zoning Board of Adjustment of the Borough of Lincoln Park (the "Board") that the firm of **Darmofalski Engineering Associates, Inc.** ("Board Engineer"), **86 Newark-Pompton Turnpike, Riverdale, New Jersey 07457-1429**, is hereby awarded the position of the Zoning Board of Adjustment for the calendar year 2018 commencing January 1, 2018 and continuing through December 31, 2018 or until the appointment of a successor, to provide engineering services to the Board in accordance with its proposal dated December 1, 2017 and the attached Schedule, both of which are attached and made a part of this Resolution; and

**WHEREAS, Darmofalski Engineering Associates, Inc.** has more than 26 years of experience in municipal engineering and has successfully and professionally provided engineering services to the Zoning Board of Adjustment for nine years; and

**WEHREAS, Darmofalski Engineering Associates, Inc.** has completed and submitted a Political Contribution Disclosure Form, Stockholder Disclosure Certificate and a Business Entity Disclosure Certification in accordance with P.L.2004, Chapter 19 (as amended by P.L.2005;c51), N.J.S.A. 19:44A-20-4 *et seq.*, and/or Lincoln Park Borough Ordinance 9-15: and

**WHEREAS,** the Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purposes in the 2018 Zoning Board of Adjustment Budget, and not to exceed \$7,000; and

**WHEREAS,** this award is made without necessity for public bidding pursuant to the Local Public Contracts Law: (N.J.S.A. 40A:11-1 *et seq.*) as a non-fair open contract, pursuant to the provisions of N.J.S.A. 19:44A-20:4 and/or N.J.S.A. 19:44-20:5 and is available for public inspection.

**SCHEDULE OF SERVICES**  
**ZONING BOARD OF ADJUSTMENT ENGINEER**  
**JANUARY 1, 2018 THROUGH DECEMBER 31, 2018**

The Zoning Board Engineer (“Board Engineer”) shall render the following services to the Lincoln Park Zoning Board of Adjustment (the “Board”) at the rate of \$125 per hour during the period January 1, 2018 through December 31, 2018 or until a subsequent appointment is made, and with reference to the Darmofalski Engineering Associates, Inc. proposal dated December 1, 2017, 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 limitations, 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. **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.

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

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

5. **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 interest 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.

6. **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 is 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 Council. This insurance shall be kept in full force at all times during the period of this appointment and until a successor Board Engineer is appointed.

7. **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.

8. **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.

9. **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. Zapf made the motion to pass the resolution.

Mr. Dubowsky seconds.

**Roll call: (voice vote)**

**Yes:** Zapf, Dubowsky (Alt. #1), Byrne, Erickson, Foreman, Kubisky and Wolfson

**No:** None

**Abstain:** None

Chairman Byrne stated it's approved.

Ms. Ward mentioned they hired Ricciplanning to assist the Borough in planning matters as Betsy McKenzie is retiring and it will be on an as needed basis for us. If we have a use variance with a planner's report and we need him, he would be paid out of the applicant's escrow account not out of our budget. Betsy was paid from the applicants' escrow accounts.

Chairman Byrne asked okay anybody.

**RESOLUTION**  
**LINCOLN PARK BOARD OF ADJUSTMENT**  
**PLANNER**  
**CALENDAR YEAR 2018**

**IT IS HEREBY RESOLVED**, by the **Lincoln Park Zoning Board of Adjustment** (the "Board") that **RICCIPLANNING, LLC, 10 Georgian Drive, Clark, New Jersey 07066** is hereby awarded the position of **Board Planner** for the calendar year 2018, specifically commencing January 1, 2018 and continuing through December 31, 2018, to provide planning services to the Board **on an as needed basis**, in accordance with its proposal dated November 21, 2017, attached and made a part of this resolution. The appointment is made without necessity of public bid pursuant to the "Local Public Contracts Law" (N.J.S.A. 40A:11-1 *et seq.*); and as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20:4 and/or N.J.S.A. 19:44-20.5 and is available for public inspection; and

**WHEREAS, Ricciplanning, LLC** has more than 17 years of experience in assisting municipal Zoning Boards of Adjustments and has assisted the Borough of Lincoln Park in planning endeavors in 2016 and 2017.

**BE IT FURTHER RESOLVED** that the compensation for the planner for the calendar year 2018 shall be as follows:

1. **Ricciplanning, LLC**, shall be paid for its services based upon the proposed rate set forth in his proposal of **November 21<sup>st</sup>, 2017**, at an hourly rate of One Hundred Thirty-Five (\$135.00) and subject to all rules, regulations and procedures, of the Zoning Board of Adjustment and Borough of Lincoln Park. All services rendered in connection with any development application **on an as needed basis**, shall be

charged to and payable from applicant's escrow accounts. All charges, vouchers, and invoices shall conform to N.J.S.A. 40:55D-53.2.

2. The Chief Financial Officer of the Borough of Lincoln Park has certified, in accordance with N.J.A.C.5:30(a)(1), that sufficient funds will be available for said purposes in the 2018 Zoning Board of Adjustment Budget not to exceed \$3,000.

Mr. Zapf made the motion to pass it.

Mr. Erickson seconds.

**Roll call: (voice vote)**

**Yes:** Zapf, Erickson, Byrne, Foreman, Kubisky, Wolfson and Dubowsky (Alt. #1)

**No:** None

**Abstain:** None

Chairman Byrne stated okay so that's the reorg. Any other business to come before the Board?

Ms. Ward mentioned no.

Mr. Zapf moved to adjourn.

Ms. Kubisky seconds.

Reorganization meeting adjourned 7:29 P.M.

Respectfully submitted

---

Joan Ward, Secretary

---

Patrick Byrne, Chairman