

**MINUTES OF REORGANIZATION PLANNING BOARD  
MEETING HELD ON THURSDAY, JANUARY 18, 2018**

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 10<sup>th</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: BLEWETT, KAUFMAN, KOLDYK, MARINO, MORREALE AND BRIGHTMAN (ALT. #2)**

**ALSO PRESENT: DARMOFALSKI, ENGINEER**

**ABSENT: RUNFELDT, TAORMINA, TERRERO, WILD AND REHFUSS (ALT. #1)**

The first order of business is Acknowledgment of Mayoral/Council Appointments. Class II member, municipal official, Sal Marino has been reappointed. Class III member, member of governing body, James Wild has been reappointed. Class IV members, we have three regular members; Jonathan Terrero, Josh Kaufman, and David Koldyk. We have one alternate member Donna Brightman (Alternate #2) has been reappointed. Welcome back everyone. Everybody has been sworn in so you're all legal.

The next item on the agenda is Nomination and Election of Board Officers. The first officer is chairman. I'll open the nominations, any nominees?

Mr. Koldyk nominated Chuck Blewett.

Mr. Kaufman seconds.

**Roll call:**

**Yes: Koldyk, Kaufman, Blewett, Marino, Morreale and Brightman (Alt. #2)**

**No: None**

**Abstain: None**

Ms. Ward stated I'll turn the meeting over to you.

Chairman Blewett stated okay. The second item is the election of vice chairman and I'll open the floor for nominations.

Mr. Kaufman nominated David Koldyk.

Mr. Morreale seconds.

**Roll call:**

**Yes: Kaufman, Morreale, Blewett, Koldyk, Marino and Brightman (Alt. #2)**

**No: None**

**Abstain: None**

Chairman Blewett stated the next item is the election of the Board secretary. I'll open the floor for nominations.

Mr. Marino nominated Joan.

Chairman Blewett is there a second.

Mr. Koldyk seconds.

**Roll call:**

**Yes: Marino, Koldyk, Blewett, Kaufman, Morreale, and Brightman (Alt. #2)**

**No: None**

**Abstain: None**

Ms. Ward thanked the Board.

Chairman Blewett stated the next item on the agenda is Item IV the Appointment of Professional Consultants. There were resolutions in your packet.

Ms. Ward mentioned the first one is the engineer.

Chairman Blewett stated let's do the schedule first. The resolution acknowledges that the meetings will happen here at 34 Chapel Hill Road and they will commence at 7:30 P.M. Does anybody disagree with that?

Mr. Koldyk asked is there usually a time limit on them.

Ms. Ward stated yes 10:30 P.M. It goes from 7:30 to 10:30 now.

Mr. Koldyk asked do we need that on here or no.

Chairman Blewett stated I don't think we've ever had it there.

Ms. Ward mentioned when you do your by-law you can put that in. We need to update the by-laws anyway. The previous by-laws I believe stated 8 to 11 so now it is cut off at 10:30 P.M. because of the change as we start at 7:30 P.M. so we get out earlier.

Mr. Koldyk stated just making sure.

Chairman Blewett asked for a motion to approve.

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**MEETING SCHEDULE**  
**CALENDAR YEAR 2018**

**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 7:30 P.M.

Mr. Koldyk made the motion to approve.

Mr. Morreale asked if we can move it to 7 is that a problem.

Ms. Ward mentioned the mayor couldn't make it for 7 that's why it was changed to 7:30.

Chairman Blewett stated 7 would be a little tuff for me too.

Ms. Ward mentioned Dave made the motion do I have a second?

Mr. Morreale seconds.

**Roll call:**

**Yes: Koldyk, Morreale, Blewett, Kaufman, Marino and Brightman (Alt. #2)**

**No: None**

**Abstain: None**

Chairman Blewett stated okay let's get back to the professionals. The next appointment is the appointment of the engineer and you had a resolution in your packet appointing Darmofalski Engineering Associates, Inc. as our professional engineer for the calendar year 2018. Any discussion, motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL ENGINEER FOR 2018 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 2018 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 Twelve Thousand Eight Hundred (\$12,800) 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 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 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, 2018 THROUGH DECEMBER 31, 2018**

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, 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 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 Council. 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. Koldyk seconds.

**Roll call:**

**Yes: Brightman (Alt. #2), Koldyk, Blewett, Kaufman, Marino and Morreale**

**No: None**

**Abstain: None**

Mr. Darmofalski thanked the Board.

Chairman Blewett stated the next item on the agenda is to appoint the planner. There was a resolution in your packet also to appoint/award the contract for professional planner for the calendar year 2018 to Paul N. Ricci, Ricciplanning, LLC. Any discussion?

Ms. Ward mentioned it will be on an as-needed basis for the Planning Board just like it is for the Board of Adjustment.

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**PROFESSIONAL PLANNER FOR 2018 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 2018 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 2018 commencing January 1, 2018 and continuing through December 31, 2018 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 November 1, 2017 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, 2018 THROUGH DECEMBER 31, 2018**

The Planning Board Professional Planner shall render services to the Lincoln Park Planning Board (the “Board”) at the rate of \$135 per hour during the period January 1, 2018 through December 31, 2018 or until a subsequent appointment is made.

Mr. Koldyk made the motion to approve the resolution.

Mrs. Brightman seconds.

**Roll call:**

**Yes: Koldyk, Brightman (Alt. #2), Blewett, Kaufman, Marino, and Morreale**

**No: None**

**Abstain: None**

Chairman Blewett stated okay. The next item on the agenda is to appoint the Board’s legal counsel for the calendar year 2018. This is to award Beattie Padovano, LLC the contract for counsel for the year. Any discussion or a motion?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**AWARD OF CONTRACT FOR**  
**LEGAL COUNSEL FOR 2018 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 2018 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 2018 commencing January 1, 2018 and continuing through December 31, 2018 or until the appointment of a successor to provide legal services in accordance with its proposal dated December 1, 2017 ; and

**BE IT FURTHER RESOLVED**, that the compensation of the Planning Board Attorney for the calendar year 2018 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. Morreale made the motion to approve.

Mr. Kaufman seconds.

**Roll call:**

**Yes: Morreale, Kaufman, Blewett, Koldyk, Marino, and Brightman (Alt. #2)**

**No: None**

**Abstain: None**

Chairman Blewett stated okay. The fifth item was the adoption of the meeting schedule but we've already done that, so we are going to go to the designation of the official paper. It would be the Daily Record and the Suburban Trends as the alternate paper. Is there a motion to approve?

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**OFFICIAL NEWSPAPER**  
**CALENDAR YEAR 2018**

**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 2018.



Mrs. Brightman made the motion to approve.

Mr. Koldyk seconds.

**Roll call:**

**Yes: Brightman (Alt. #2), Koldyk, Blewett, Kaufman, Marino and Morreale**

**No: None**

**Abstain: None**

Chairman Blewett stated okay. The next item is Item VIII the appointment of our various committees.

Ms. Ward mentioned you need the newspaper to receive the agendas, you skipped over Item VII.

Chairman Blewett asked didn't we just do that.

Ms. Ward stated the one is the appointment of the official newspaper and the other one is the designation of the newspapers to receive the agenda.

Chairman Blewett stated okay.

**RESOLUTION**  
**LINCOLN PARK PLANNING BOARD**  
**NEWSPAPERS TO RECEIVE AGENDAS**  
**CALENDAR YEAR 2018**

**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 2018.

Mrs. Brightman moved it.

Mr. Koldyk seconds.

**Roll call:**

**Yes: Brightman (Alt. #2), Koldyk, Blewett, Kaufman, Marino and Morreale**

**No: None**

**Abstain: None**

Chairman Blewett mentioned okay.

Mr. Koldyk moved the committees as printed.

Ms. Ward stated I'm not sure we need an ordinance committee because of the codification.

Chairman Blewett stated why don't we leave it it doesn't hurt.

Ms. Ward mentioned okay. The only thing we need is a by-law committee because we need to update our by-laws.

Chairman Blewett asked would the ordinance committee be in favor of participating in the by-law committee.

Mr. Kaufman stated yes with Jonathan taking over the chair.

Chairman Blewett stated he is not on that committee.

Mr. Kaufman mentioned I'm sorry, I was looking at the DRO committee.

Mr. Koldyk asked do you want the chair.

Ms. Ward mentioned Sal is the chair on that.

Mr. Koldyk asked so the ordinance committee takes over the by-laws.

Chairman Blewett stated well I'm asking, we can discuss it or we can change it. Well first of all let's decide if we need an ordinance committee. Based on what the council is doing and the professionals there seems to be little purpose to have an ordinance committee, and other ordinances come to the Board for review and comment from council so we can probably disband it if everybody is in agreement.

Mr. Koldyk mentioned sure.

Chairman Blewett stated okay we will do that

Mr. Kaufman asked do we need the DRO committee.

Ms. Ward mentioned the DRO and the Code Book both of them are in the codification process.

Chairman Blewett asked Paul what do you think.

Mr. Darmofalski stated I think you should hang in there a little bit because you might have some need for some comments or modifications. It might not be very active this year but you might have some need for it.

Mr. Koldyk mentioned I think we should leave it then.

Mr. Darmofalski stated it is not going to hurt to leave it.

Ms. Ward mentioned okay so we will leave the DRO committee

Chairman stated so we will leave it. We no longer need the conflict engineering committee right?

Ms. Ward mentioned no that's gone and I didn't list it on the agenda so we just need a by-law committee.

Chairman Blewett asked do we have any volunteers for the by-law committee. I guess I could chair it.

Mr. Kaufman stated I volunteer Jonathan and Nick.

Mr. Morreale volunteered to be on it too.

Chairman Blewett mentioned I'll chair it.

Ms. Ward stated all right we have a full committee.

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Chairman Blewett asked is there any other business which may arise. I have a question on the Collision Center.

Ms. Ward mentioned why don't you hold that for the regular meeting.

Chairman Blewett stated okay.

Mr. Koldyk made the motion to adjourn the reorganization meeting.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor.

Board aye.

Reorganization meeting adjourned 8:07 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Charles Blewett, Jr., Chairman