

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

January 6, 2011

REORGANIZATION

Tonya Cubby, Secretary to Boards and Commissions, opened the meeting at 7:35 p.m. with the reading of the Legal Notice followed by the Pledge of Allegiance.

ADMINISTER OATHS TO NEW/REAPPOINTED MEMBERS

The Oaths of Office were administered by Thomas Germinario, Esq. to Councilman Philip Weisbecker, Class III Council Member; Andrew Gargano, Class IV Citizen Member; Robert Nolan, Class IV Citizen Member; and Steven Castronova, Class IV Citizen Member- Alternate #2.

The Class II Township Official position remains vacant.

ROLL CALL

Present: Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Alternate Michael Siesta, Alternate Steven Castronova, Secretary Tonya Cubby.

Absent: None.

Also Present: Thomas Germinario, Esq., John Hansen, P.E., Charles McGroarty, P.P.

Michael Siesta was asked to sit on the Board in the vacant position.

REORGANIZATION

The following appointments were made for the period ending December 31, 2011 or until the next Reorganization Meeting of the Planning Board:

APPOINTMENT OF CHAIRMAN

Motion by Councilman Philip Weisbecker to nominate **Robert Nolan** for the position of Chairman of the Planning Board. Mr. Nolan thanked Councilman Weisbecker for the consideration, but respectfully declined the nomination.

Motion by Robert Nolan to nominate **Andrew Gargano** for the position of Chairman of the Planning Board, with a **second** by Mayor Bettina Bieri.

There being no other nominations, Robert Nolan made a **motion** to Close and Confirm the nomination for Andrew Gargano as Chairman of the Planning Board, with a **second** by Mayor Bettina Bieri.

The Secretary proceeded with a roll call vote on the nomination of **Andrew Gargano** for the position of Chairman of the Planning Board.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert

Nolan, Douglas Ott, Geoffrey Syme, Steven Castronova.

No - Councilman Philip Weisbecker, Michael Siesta.

APPOINTMENT OF VICE CHAIRMAN

Motion by Robert Nolan to nominate **Geoffrey Syme** for the position of Vice Chairman of the Planning Board, with a **second** by Christopher Garcia.

There being no other nominations, a **motion** by Robert Nolan to Close and Confirm the nomination for the position of Vice Chairman of the Planning Board, with a **second** by Mayor Bettina Bieri.

The Secretary proceeded with a roll call vote on the nomination of **Geoffrey Syme** for the position of Vice Chairman of the Planning Board.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

Chairman Andrew Gargano assumed the Chair for the remainder of the meeting.

APPOINTMENT OF SECRETARY

Motion by Mayor Bettina Bieri to nominate **Tonya Cubby** for the position of Secretary of the Planning Board, **seconded** by Robert Nolan.

There being no other nominations, Chairman Andrew Gargano **moved** to Close and Confirm, with a **second** by Mayor Bettina Bieri followed by a roll call vote.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

APPOINTMENT OF SUBCOMMITTEES

Chairman Gargano advised that he was not making any appointments to the Site Plan Committee at this time, adding that the Board professionals provide review of the applications and plans. The Board concurred with this decision. He then asked members to indicate their interest in serving on the various subcommittees, and the following members were appointed for 2011:

Ordinance Committee: Mayor Bettina Bieri, Robert Nolan, Michael Siesta, and Chairman Andrew Gargano.

Master Plan Committee: Christopher Garcia, Douglas Ott, Geoffrey Syme, and Chairman Andrew Gargano.

Design Standards Committee: Steven Castronova, Linda Connolly, Councilman Philip Weisbecker, and Chairman Andrew Gargano.

Site Plan Committee: N/A.

PLANNING BOARD ATTORNEY

The Chairman announced the appointment of Planning Board Attorney:

Motion by Chairman Gargano to appoint **Thomas Germinario, Esq.** for Planning Board Attorney, **seconded** by Mayor Bettina Bieri.

Motion to Close and Confirm the nomination for **Thomas Germinario, Esq.** made by Robert Nolan, with a **second** by Chairman Andrew Gargano.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

The Chairman announced the following resolution approving the appointment:

Resolution 2010-1

Ratifying And Authorizing The Award Of A Contract For Professional Services To Thomas J. Germinario, Esq., For Planning Board Attorney In The Amount Of \$13,000.00 For Non-Escrow, Non-Litigation Matters, Excluding Amounts Charged To Escrow Accounts, Without Further Action By The Board; And An Amount Not To Exceed \$14,000.00 For Litigation Matters, Without Further Action By The Board

Motion by Robert Nolan to approve Resolution No. 2011-1, **seconded** by Mayor Bettina Bieri.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

PLANNING BOARD ENGINEER

The Chairman announced the appointment of Planning Board Engineer:

Motion made by Mayor Bettina Bieri to appoint **Paul Ferriero, P.E. of Ferriero Engineering** for the position of Planning Board Engineer, **seconded** by Douglas Ott.

Motion to Close and Confirm the nomination for Paul Ferriero of Ferriero Engineering made by Robert Nolan, with a **second** by Christopher Garcia.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

The Chairman announced the following resolution approving the appointment:

Resolution 2011-2

A Resolution Authorizing The Award Of A Non-Fair And Open Contract For The Position Of Planning Board Engineer To Paul W. Ferriero, P.E., Ferriero Engineering In The Amount Of \$7,200.

A discussion followed regarding the charges to the professional contract and charges to the Highlands grant. Board Attorney Thomas Germinario advised that the resolution should be amended at the 4th "Whereas" to state that the contract will not exceed \$7,200.00 for non-escrow, non-Highlands related work, and Highlands related work shall be charged to the Highlands grant funds.

Motion by Robert Nolan to approve Resolution No. 2011 - 2, **seconded** by Mayor Bettina Bieri, **as amended** to include a not to exceed amount of \$7,200. for non-escrow, non-Highlands related work, with Highlands related work to be charged to the Highlands grant funds.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

PLANNING BOARD PLANNER

The Chairman announced the appointment of Planning Board Planner:

Motion by Mayor Bettina Bieri to appoint **Charles McGroarty of Banish Associates** for Planning Board Planner, **seconded** by Douglas Ott.

Motion to Close and Confirm the nomination for Chuck McGroarty and Banisch Associates by Chairman Andrew Gargano, with a **second** by Linda Connolly.

The Chairman announced the following resolution approving the appointment:

Resolution 2011-3

A Resolution Authorizing The Award Of A Professional Services Contract Without Competitive Bidding For The Position Of Planning Board Planner To Charles McGroarty, P.P. Of Bansich Associates Inc.

Chairman Gargano announced that the prior year Planning Board charges exceeded the Planning Board Planner contract amount, but the majority of funds remained unexpended in the Township Planner account. He proposed using the Township account of \$22,000. for the Planning Board account, and the \$15,000. from the Planning Board Planner account as the Township Planner amount, allowing more funds to be available for the Board Planner charges. The Board proceeded with a discussion on the matter. Mr. McGroarty noted that however West Milford allocates their accounts is the Township's decision, and acknowledged that less had been billed to the Township Planner account. Mayor Bieri commented that with the form of government that the Township is under, most of the charges for the Planner are applied to the Planning Board account because the Township Council makes requests of the Planning Board. Chairman Gargano inquired whether Councilman Weisbecker had an opinion on using the Township's allotted amount of \$22,000. for the Planning Board Planner account instead of the \$15,000. Councilman Weisbecker requested that the change of contract amounts be held until the Council completes their review of professional contracts and charges, adding that the contract can always be amended, if additional funds are

required. Geoffrey Syme inquired the amount that was billed for the Board Planner in the prior year and the Secretary advised that the Planning Board charges exceeded the contract amount of \$15,000. The remaining invoices were forwarded to the Township Administrator for payment from the Township Planner account. Mr. McGroarty commented that the Highlands Council has not received some of the Township's billing for last year's grant work, and that they will reimburse the Township for Highland's Master Plan related work. He clarified for the Board the amount of the Highland grant funds and the Board continued to discuss the matter.

Following discussion Chairman Gargano proposed adoption of the resolution with a not-to-exceed amount of \$15,000. Mr. Nolan stated that he did not want to approve a contract amount that the Board knows will be exceeded. Councilman Weisbecker advised the Board that the appointment for Township Planner was tabled by the Council, and suggested the Board do the same. Mr. Syme suggested that, just as Thomas Germinario's contract for Board Attorney is separated into two amounts, one for litigation matters and one for non-litigation matters, the Board could do the same for the Board Planner and Board Engineer. Mayor Bieri proposed amending the language with a separate line for Planning Board business and a separate line for Highlands related work, with a statement that the Highlands related work should not exceed the grant monies awarded. Mr. Germinario advised that the 4th "Whereas" should be amended to state a not to exceed amount of \$15,000., not including escrow, and Highlands related services for Plan Conformance shall be funded through the Highlands grant funds.

Motion by Mayor Bettina Bieri to approve Resolution No. 2011 – 3 **as amended, seconded** by Robert Nolan, with a not to exceed contract amount of \$15,000. for non-escrow, non-Highlands related work, and Highlands related services for Plan Conformance shall be funded through the Highlands grant funds.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

LANDSCAPE ARCHITECT

Chairman Andrew Gargano announced the appointment of Board Landscape Architect and explained to the Board that all fees and charges are applied to the applicants' escrow accounts.

Motion by Mayor Bettina Bieri to appoint **Hakim Associates** as Planning Board Landscape Architect, **seconded** by Douglas Ott.

Motion to Close and Confirm the nomination for Hakim Associates made by Chairman Andrew Gargano, with a **second** by Robert Nolan.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

The Chairman announced the following resolution approving the appointment:

**Resolution 2011-4
Ratifying and Authorizing the Award of a Contract for Professional Services to Hakim Associates.**

Motion by Mayor Bettina Bieri to approve Resolution No. 2011 - 4, **seconded** by Robert Nolan.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

ADOPTION OF 2011 MEETING SCHEDULE

The Chairman announced the adoption of the Planning Board Meeting Schedule for January 1, 2011 to December 31, 2011 that was reviewed and approved in the prior year:

Motion made by Mayor Bettina Bieri, **seconded** by Robert Nolan, to adopt the 2011 Planning Board Meeting Schedule as presented.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

DESIGNATION OF OFFICIAL NEWSPAPERS

Motion made by Robert Nolan, **seconded** by Geoffrey Syme, to designate the Herald News and Suburban Trends as the official newspapers of the Planning Board.

Roll Call:

Yes - Mayor Bettina Bieri, Linda Connolly, Christopher Garcia, Andrew Gargano, Robert Nolan, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Steven Castronova.

No - None.

ADJOURNMENT

The Reorganization meeting was **adjourned** by unanimous consent at **8:20 p.m.** on a **motion** by Councilman Philip Weisbecker with a **second** by Robert Nolan. This meeting was immediately followed by a Planning Board Workshop.

Approved: April 28, 2011

Respectfully submitted,

Tonya E. Cubby
Secretary