

Regular meeting of the Planning Board of the Borough of Victory Gardens held on Wednesday, May 20, 2015.

Diane Feola called the meeting to order and declared a quorum present. Meeting started at 7:00 P.M.

Pledge of Allegiance to the Flag of our Country.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Meeting Act.

IN ATTENDANCE:	Mayor Dave Holeman	Jim Glass	Diane Feola
	Avis Byfield	Weusi Chapman	Ken Diehl
	Jim Janone	Valerie Williams	Barrie Palumbo

Attorney: Ann Marie Rizzuto
 Engineer: Leon Hall

ABSENT: John Cegelka
 Dave Zimmerman, Planner

MINUTES: No minutes to approve because there are none.

APPLICATIONS: 786 Dover Enterprises LLC dba Royal Chicken and Biscuits
 330-350 South Salem Street (Salem Plaza)
 Block 1 Lot 5
 Change of use/waiver of site plan

In attendance for this business were George Johnson, attorney and Mr. Abdul W. Rasuli, Principal owner of new business.

Owner was questioned by Mr. Johnson about what kind of business, do you have other locations and are they all called the with the same name. What kind of food will he be selling? Deep fried foods, chicken and some side order foods. There will be no grill. More discussion on the location and what he knew about the old business there and how he found this location. It will mostly be take -out orders, replace existing sign outside, renovate interior, counter change, and new hood. Looking to open in about a month. Currently owns another location in Trenton, NJ. Oil will be exchanged every 2 to 3 days and placed in a separate container. This will be picked up 2 to 3 times a week. Depending on how busy the business is. The oil company will bring their own container for this oil. Questions about location of container and if there is enough room for another container.

Salem Plaza owner Elya Shlakman spoke about location of containers and room for containers. He said he consents to the application for this business. He explained the current containers and who uses them and how often they are emptied. Also, what is going to happen in the future with the new business and the containers?

The hours of operation will be 7 days a week and 11 a.m. to 12 midnight. Mr. Rasuli, anticipates having some tables based on the need. He will need to check with building and fire to determine how many tables he can have. He will make sure the outside area is clean free of his restaurant items, boxes and napkins, etc.

Parking spaces are based on size of units and there is plenty of parking.
 Employees, there will be two shifts.

Motion made on waiver of site plan and approve application. Jim Janone made this motion and Avis Byfield seconded it.

Approved on roll call:

Mayor Dave Holeman	yes
Jim Glass	yes
Diane Feola	yes
Avis Byfield	yes
Weusi Chapman	yes
Ken Diehl	yes
Jim Janone	yes
Valerie Williams	yes
Barrie Palumbo	yes

CORRESPONDENCES: Township of Denville ordinance #4-15

BILLS: Eric Bernstein: \$420.00

Jim Janone would like a more detailed breakdown of bill. Attorney said it may be a possibility but the time spent on some items is minimal, also some items are on a confidential status, the attorney will bring this request back to the office. There was more discussion on this.

Barrie Palumbo made a motion to pay the attorney’s bill. Mayor Dave Holeman seconded it.

Approved on roll call for payment of the attorney’s, Eric Bernstein, bill.

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
Avis Byfield	Yes
Weusi Chapman	Yes
Ken Diehl	Yes
Jim Janone	Yes
Valerie Williams	Abstain
Barrie Palumbo	Yes

OLD BUSINESS: Recording Secretary

Discussion to rescind previous approval and hire new secretary. Barrie Palumbo clarified why there is a motion to rescind the previous approval of hiring a recording secretary. After research this was discovered to be a major conflict because there is compensation involved and he voted for this. She states this was done improperly. We need to rescind that action of making Joan Cegelka as the temporary recording secretary and then start fresh. Jim Janone made a motion to rescind the previous approval of the recording secretary. Ken Diehl seconded it.

Approved on roll call to rescind the temporary appointment of Joan Cegelka as the recording secretary.

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
Avis Byfield	Yes
Weusi Chapman	Yes
Ken Diehl	Yes
Jim Janone	Yes
Valerie Williams	Yes
Barrie Palumbo	Yes

There was discussion on Brenda Kersey and the minutes she had typed. Because we officially hired her then we need to rescind her appointment. Jim Janone made the motion to rescind Brenda Kersey’s appointment. Ken Diehl seconded it. The reason was unable to perform duty due to her illness.

No vote was needed due to entire board in agreement of this motion.

Discussion of resumes received for the now open position for recording secretary. The attorney said it was in her opinion that Valerie Williams cannot serve as the recording secretary because she is currently an active member of the board, (alternate position) and she is voting on matters and participating in discussions. Some of these discussions pertain to the written minutes. Therefore she said it would be a conflict of interest and she cannot be hired as the recording secretary. Valerie Williams stepped off the dais at 8:10 p.m. because she had an interest in becoming the recording secretary.

The attorney stated that minutes are not a verbatim synopsis of meetings. A one hour meeting should result in maybe two pages of minutes. There was a discussion of whether or not the meeting should go into closed session or not to discuss the resumes that were submitted for the planning board recording secretary position. Ken Diehl brought up the question if Joan Cegelka’s resume is a conflict of interest? The attorney said that “conflict of interest sometimes has blurry lines.

If the person feels there might be a conflict or if the entity feels there might be a conflict but we are not sure, let’s assume there is a conflict of interest and are eliminated. Now the elimination of Joan Cegelka’s resume is before the board.” More discussion took place regarding Joan’s resume and conflict of interest.

Mayor Dave Holeman made a motion for accepting Deborah Devery as the next recording secretary. Jim Glass seconded it. Jim Janone wanted more discussion on this. He read a statement from the Policy and Procedure manual regarding the hiring of someone that lives in the Borough of Victory Gardens. The attorney explained the definition of the word “preference.” It was stated that there was a recording secretary who was hired who lived outside the Borough.

Approved on roll call to hire Deborah Devery as the recording secretary:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
Avis Byfield	Yes
Weusi Chapman	Yes
Ken Diehl	No
Jim Janone	No
Barrie Palumbo	Yes

Valerie Williams was brought back on as a member of the board at 8:20 p.m.

NEW BUSINESS: NJPO certification & money

Jim Janone brought to the board’s attention the fact that the committee had discussed and worked on a templet of planning board by-laws. There was discussion on where to go from here with what he believes is the final product. The decision was for him to submit it during the next meeting and that it make the agenda for the next meeting.

Motioned to open the meeting to the public by board member Avis Byfield and seconded by Mayor Dave Holeman. None opposed.

Joan Cegelka asked if the board notified Brenda Kersey that she was no longer the recording secretary and the reason why? Is there a letter being sent to Brenda Kersey explaining what happen tonight? The attorney informed Joan that the board is not required to answer questions from the public what you’re asking about will be part of the record and if the board does not want to answer your questions they don’t have to and that she does not hear any answers to these two questions.

Next question from Joan was that was a temporary position, are you going to add the title permanent position now? There was some discussion about this. Her next question was when is anything going to be done about the violation of the site plan with the South Salem Plaza? There was discussion about what the violation is and if the board has enforcement capabilities under the law. Also, how to go about moving forward with this violation.

Motioned to close the meeting to the public by board member Mayor Dave Holeman and seconded by Valerie Williams.

Jim Janone asked about what the recording secretary position Deborah Devery was hired for? Barrie explained she will be temporary and we will review her minutes and then decide if we should make her permanent. There was some discussion on this.

Valerie Williams had a question but not audible enough to understand what it was. The attorney clarified with Valerie Williams that she has resigned effected May 20, 2015, resigned herself as a committee person back to November 2014. This was the Administration Committee.

Motioned to adjourn meeting by board member Jim Janone and seconded by Ken Diehl.

Respectfully submitted by Barrie Palumbo, Planning Board Secretary
Typed by Deborah Devery, Temporary Recording Secretary 6/2015

