

Regular meeting of the Planning Board of the Borough of Victory Gardens held on Wednesday, October 21, 2015.

Chairman, John Cegelka, 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
	John Cegelka	Avis Byfield	Ken Diehl
	Jim Janone	Valerie Williams	

Attorney:	Ann Marie Rizzuto
Engineer:	Leon Hall

ABSENT:	Weusi Chapman	Barrie Palumbo
	Planner: Dave Zimmerman	

APPLICATIONS:	02-2015: Tore Electric Company, 85 Franklin Road, Block 1 Lots 1.04 & 1.05 Waiver of Site Plan
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Robert Gassione, Attorney, 524 Union Avenue, Bellville, NJ. Represents the applicant, Tore Electric Company, INC. His client is seeking a waiver of site plan. Location: 4A & 5A in Hamilton Business Park, 85 Franklin Road, Victory Gardens, NJ.

Attorney Ann Marie Rizzuto swears in Carmine Torella, Electrical Contractor, President of Tore Electric Company, INC., 452 Washington Avenue, Bellville, NJ. He is looking to occupy 4A & 5A in Hamilton Business Park, 85 Franklin Road, Victory Gardens, NJ. The company is Commercial Electrical Contractors. They install lighting fixtures into commercial buildings. The company is looking to move their operations from Belleville to Victory Gardens. Hours of operation will be 7 AM to 5 PM. The unit covers approximately 15, 000 square feet. The office of the company will occupy 5,000 square feet and the warehouse will occupy 10,000 square feet. Total number of employees about 19; 15 in the office and 4 in the warehouse. There are no walls separating the two units. There will be four trucks parked there overnight. Items stored in the warehouse will be general electrical materials, nothing combustible, pipe, wire, and pipe fixtures. This will be the company's only location. There is sufficient parking for this company. There will be no changes to unit. He will be leasing the unit.

There was a question as to why they had to come before this board if there will be no changes made. The Planning Board Attorney stated there is an ordinance that requires this when there is a change of permitted use they must come before this board.

There was more discussion on what the company does and how they do what they do. Mr. Torella, explained in further detail what type of commercial properties they service and the type of electrical fixtures they install. He also said he has many more employees who work outside of the warehouse and they would rarely be coming into the office at the same time.

Jim Glass made the motion to accept the site plan application. Jim Janone seconded it.

Approved on roll call:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Yes
	Avis Byfield	Yes
	Weusi Chapman	Absent
	Ken Diehl	Yes
	Jim Janone	Yes
	Valerie Williams	Yes
	Barrie Palumbo	Absent

The motion passes with 8 yes' and no nay's.

MINUTES: Revised minutes from September 17, 2014 discussed. A suggestion that the minutes need to be more comprehensive. A correction to page 4, the motion to closed the meeting to needs to be corrected with the correct names.

Jim Janone made a motion to reject these minutes and have the recording secretary re-listen to the tapes to correct the corrections and make the minutes so they are comprehensive. John Cegelka seconded the motion.

Approved on roll call:	Mayor Dave Holeman	Abstain – He was not present as this meeting.
	Jim Glass	Abstain – He was not present at this meeting.
	Diane Feola	No
	John Cegelka	Yes
	Avis Byfield	Abstain – She was not present at this meeting.
	Weusi Chapman	Absent
	Ken Diehl	Yes
	Jim Janone	Yes
	Valerie Williams	Yes
	Barrie Palumbo	Absent

The motion passes with 4 yes' and 1 no. The minutes are rejected and the recording secretary will re-listen to the tapes to correct the corrections. The corrections are: to add the date that the minutes are revised and make the minutes so they are more comprehensive.

The Engineer- Mr. Hall has left this meeting.

Minutes from July 15, 2015. A suggestion was made to have the minutes stapled and printed to they are all going in the same direction. There is a sentence on the first page that reads, I made a number of corrections that he felt needed to be done. It was suggested that the corrections that were done be spelled out in the minutes. A discussion about the minutes being comprehensive enough was discussed. Jim Janone believes that is someone from the public were to read these minutes they would not be able to understand what was going on because there is not enough information that is being typed into the minutes of what was discussed.

Diane Feola made a motion to accept the minutes from July 15, 2015. Mayor Dave Holeman seconded it.

Approved on roll call:	Mayor Dave Holeman	Yes
	Jim Glass	Abstain – He was not present at this meeting.
	Diane Feola	Yes
	John Cegelka	No
	Avis Byfield	Abstain – She was not present at this meeting.
	Weusi Chapman	Absent
	Ken Diehl	Abstain – He was not present at this meeting.
	Jim Janone	No
	Valerie Williams	No
	Barrie Palumbo	Absent

The motion to accept the minutes of July 15, 2015 does not pass with a vote of 3 no's and 2 yes'. The minutes of July 15 are not approved. It was asked of the attorney what the board does now with these minutes being they are not approved. The attorney, Ann Marie Rizzuto, said they should provide their specific comments to Barrie Palumbo.

Minutes from August 19, 2015. It was stated these minutes were a bit better, they were done fairly well. Mayor Dave Holeman made the motion to accept these minutes from August 19, 2015. Jim Glass seconded the motion.

Approved on roll call:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Yes
	Avis Byfield	Yes
	Weusi Chapman	Abstain – He was not present at this meeting.
	Ken Diehl	Abstain – He was not present at this meeting.
	Jim Janone	Yes
	Valerie Williams	No
	Barrie Palumbo	Absent

The motion passes to accept the minutes from August 19, 2015 with a vote of 6 yes' and 1 no.

CORRESPONDENCES: a. Email regarding 2015 Financial Disclosure Statements. This is for information purposes only and there is no vote required. This email states that Mr. Chapman has not filed his financial disclosure yet. The attorney states that he is in violation and the attorney has made the suggestion that she will reach out to Barrie Palumbo to follow up with Mr. Chapman with regards to the filing of this information. There was a discussion as to what may and could happen if he does not file. The attorney said she was not a hundred percent sure as to what and when something occurs if this statement is not filed. She did state this is a requirement to serve on this board. The attorney suggested that this be taken up with the Borough Clerk and the Mayor and Council. Mayor Dave Holeman said he will contact the Borough Clerk with regards to Mr. Chapman and the filing of his financial disclosure statement.

b. Letter from Jim Janone dated September 28, 2015. The attorney stated that discussion is not required unless someone wishes to discuss it. Valerie Williams asked if this is on file in the Clerk's office. Documents should be on file in the Clerk's office so the public can inspect at any time.

c. Email from Valerie Williams dated September 11, 2015 + There are a number of emails received from Valerie Williams. The attorney stated that these are not required to be read into the meeting nor do they require discussion. One email had questioned the vote taken on the writing and creation of bylaws for this board at a recent planning board meeting. The attorney stated that this board has a set of bylaws as seen in the May 18, 2011 resolution. Valerie Williams also asked if Bernstein and Associates billed the board for any recent work on bylaws. The attorney stated she did not do any recent work that was related to bylaws and does not know if her office billed for any such work. She suggested they take a look at recent bills to see if any billing occurred for this matter.

d. Email from Valerie Williams dated August 26, 2015 + There was no discussion on this email because the board does not have all the information.

BILLS: Eric Bernstein & Associates: \$372.00. Jim Janone questioned what this bill is for? He did request itemized bills from the Borough Clerk and she gave them to him. He stated he did not see any billing for work on bylaws but he is still confused as to what this bill for \$372.00 is for. The attorney stated it is a statement bill for invoice # 37046 July 2015 and invoice # 37406 August 2015. To see what the \$372.00 is you need to have those two invoices. Jim Janone agreed and stated no one has these two invoices. She suggested you table this until everyone has the two invoices referenced above. Jim Janone made the motion to table this until everyone has received these two invoices. Valerie Williams seconded it.

Approved on roll call:	Mayor Dave Holeman	Abstain – stepped out of the meeting
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Yes
	Avis Byfield	Yes
	Weusi Chapman	Absent
	Ken Diehl	Yes
	Jim Janone	Yes
	Valerie Williams	Yes
	Barrie Palumbo	Absent

The motion passes to table this bill until the board receives copies of the two invoices referenced above. 7 yes' and no nay's.

\$299 refund for class that was cancelled for Weusi Chapman. There was a discussion as to why he was scheduled to go to Rutgers for the class when it is more expensive than taking the class from NJPO. Taking a class from NJPO is now \$115.

Jim Janone questioned a \$24 bill for nameplates. A name plate was ordered and received for Weusi Chapman. He questioned that the invoice reads for two nameplates, one for Barrie Palumbo also. He wanted to know how Barrie Palumbo received another name plate and when did the board give her permission to order one. He questioned why bills are just being paid and why they are not being presented to the board first.

OLD BUSINESS: a. Planning Board budget thru September 15, 2015. The board received a year to date of bills spent. Jim Janone questioned that on bills from Eric Bernstein and Associates it only states, phone conversations with Barrie Palumbo. He would like to know what those discussions were about. The attorney said she did not have her notes and therefore could not tell what the discussions were about. Jim asked if she would bring them to the next meeting and she said she will check with her boss. She went on to say attorneys do hold some attorney-client confidentiality when discussions take place. He feels that the invoice should state what the discussions are when billed. She believes that the conversations were about the writing of bylaws.

b. May 18, 2011 resolution approving Planning Board Rules & Regulations. There is a question are these bylaws because it does not say it. The attorney stated these rules and regulations can be viewed as bylaws according to the land use board book. There was a question as to why this board did not know they had bylaws and no one had an answer for it. There is no action to take on this unless this board decides to revoke this resolution. Some members of the board feel that these are not bylaws because they do not represent ones they have viewed nor do they state that they are bylaws. A motion by was made to table this. Mayor Dave Holeman seconded it. A vote was taken, all in favor to table this motion. The attorney, Ann Marie Rizzuto, does not recommend revoking this resolution.

NEW BUSINESS: Jim Janone made a statement that vouchers for these bills are not being certified by the Claimant and they are supposed to be done but are not.

Jim Janone also said that in the minutes he is reading where it says Planning Board clerk and there is no clerk there is a Planning Board Secretary and that is how it should be stated.

Jim Janone made reference to the resolution regarding appointing Barrie Palumbo as the Land Use Administrator and it states in the resolution that this board is seen a need for one and this board never said it was in need of one. This reference was made on a legal document and we never had a discussion about it.

Jim Janone ask if the attorney if she was participating in the litigation of the OPRA that was brought to the last meeting. His concern was that the board does not have any money left and asked if the attorney knew if her office would be participating in this meeting, she replied, no. She suggested he address his concerns with the Council.

Jim Janone asked what they were going to do about a recording secretary and a contract for this position. It has been discussed but nothing has been finalized. Also, he said no ordinance has been written to create the position. Also, he questioned when Deborah Devery is typing up the minutes. He said he has done some investigating and he believes she is typing the minutes while on Borough time. He said if this is the case she needs to stop doing that.

Chairman Cegelka asks if everyone wanted to open the meeting to the public and all were in favor of doing so. There was no motion to open the meeting to the public.

No one in the public had anything to say.

There was no motion to close the meeting to the public. John Cegelka said, "Can I get a motion to close the meeting to the public, there was a brief pause, and then John seconded it". He asked all in favor and everyone said aye.

A motion was made to close the meeting.

Valerie Williams seconded the motion to close the meeting. The chairman asked all in favor and everyone said aye.

Meeting ended 8:45 pm.

Typed by Deborah Devery, Recording Secretary, 11/2015

