

BOROUGH OF SURF CITY LAND USE BOARD AGENDA
813 Long Beach Blvd
January 24, 2018
7:00pm
Reorganization Meeting

The meeting was called to order, followed by a salute to the flag.

The following Land Use Board Members were sworn in: Mr. Hodgson, Mrs. Klose, and Mr. Russell.

Roll call reflected the following members to be present: Peter Hartney, Gavin Hodgson, Sandra Klose, Alan Mannherz, John McMEnamin, Fred Peters, James Russell, & Emil TumSuden.
Absent: Maurice Logue, Barbara Sedlacek, & David Wright.

Also, present: Board Engineer, Frank Little, Jr. and Board Attorney, Kevin Quinlan.

The Open Public Meeting Statement was read by Chairman Hartney as follows: in compliance with the "Open Public Meetings Act" of the State of New Jersey, adequate notice of this meeting of the Borough of Surf City Land Use Board has been provided to three newspapers & published in the February 2, 2017 edition of the Beach Haven Times.

Counselor Quinlan opened the nominations of Chairman, Vice Chairman and Secretary.

Mr. Russell moved to nominate Mr. Hartney as Chairman. Mrs. Klose seconded that motion, with a vote in the affirmative. Mr. Hartney was elected as Chairman of the Board.

Roll call vote reflected the following in favor: Mr. Hodgson, Mrs. Klose, Mr. Mannherz, Mr. McMEnamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: Mr. Hartney.
Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

Mr. Russell moved to nominate Mr. Mannherz as Vice Chairman of the Board. Mrs. Klose seconded that nomination, with a vote in the affirmative. Mr. Mannherz was elected as the Vice Chairman of the Board.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. McMEnamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: Mr. Mannherz.
Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

Mr. Russell moved to nominate Mrs. Klose as Secretary of the Board. Mr. Peters seconded that nomination, with a vote in the affirmative. Mrs. Klose was elected as the Secretary of the Board.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mr. Mannherz, Mr. McMEnamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: Mrs. Klose.
Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

Mrs. Klose moved to approve Resolution 18-02. Mr. Russell seconded that motion, with a vote in the affirmative. Resolution 18-02 was approved as presented.

Resolution 18-02

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.5 the Borough of Surf City Land Use Board will need the following professional services as non-fair and open contracts:

Land Use Board Attorney

Alternate Land Use Board Attorney
Land Use Board Engineer; and

WHEREAS, the Land Use Board of the Borough of Surf City is authorized to contract the services of the following professionals to fill said corresponding positions:

Kevin Quinlan as Land Use Board Attorney
Robert Shinn and Firm as Woodland, McCoy & Shinn as Alternate Land Use Board Attorney
Frank Little, Jr and the Firm of Owen, Little and Associates as the Board Engineer

WHEREAS, the Chief Financial Officer has determined and certified that the value of the acquisition may exceed \$17,500, the maximum amount of the contract to be awarded under this Resolution is set forth in the 2018 Municipal Budget; and

WHEREAS, funds are available for this purpose as certified by the Chief Financial Officer; and

WHEREAS, the listed individuals have submitted a proposal indicating they will provide the related services per their schedule of rates as attached or included in the agreement; and

WHEREAS, the listed individuals have completed and submitted a Business Entity Disclosure Certification. This certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Surf City in the previous one year. Also, that the contract will prohibit the them from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for "Professional Services without competitive bids and requires that the Resolution and contracts for each professional be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the following professionals be appointed for the Land Use Board of the Borough of Surf City for a term of one (1) year, commencing January 1, 2018 and ending December 31, 2018.

Kevin Quinlan, Esq. - Land Use Board Attorney
Robert Shinn and the firm of Woodland, McCoy & Shinn - Alternate Land Use Attorney
Frank Little and the firm of Owen Little - Land Use Board Engineer; and

2. The Board Chair and the Board Secretary are hereby authorized and directed to execute the attached agreements with said professionals

3. These contracts are without competitive bidding and are awarded as a professional service in accordance with N.J.S.A. 40A:11-5(1) (a) (i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized to practice a recognized profession.

4. A notice of this action shall be printed once in the official newspaper of the Borough of Surf City.

5. This resolution takes effect January 1, 2018.

6. A certified copy of this Resolution shall be provided by the Clerk of the Board to the Chief Financial Officer and to each professional.

7. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value have been received and will be placed on file with this resolution.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: none. Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

A motion was made by Mr. Russell to approve Resolution 18-01. Mrs. Klose seconded that motion, with a vote in the affirmative. Resolution 18-01 was approved as presented.

Resolution 2018-01

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey. It provides for public notice to be given pursuant to certain requirements concerning meetings of the Land Use Board of the Borough of Surf City; and

WHEREAS, the Board is required to adopt a resolution to schedule regular meetings. Such meetings may be necessary to carry out the business of the Land Use Board. The Board wishes to adopt, without limitation, its basic rules and regulations by this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the following schedule is hereby adopted for the Land Use Board of the Borough of Surf City.

The regularly scheduled meetings of the Land Use Board of the Borough of Surf City shall be held at 7:00 p.m. on the fourth Wednesday of each month except in cases of legal holidays or for other reasons when the meeting date may be hereinafter set forth. All meetings will be held at the Borough Hall Council Chambers located at 813 Long Beach Boulevard in Surf City, New Jersey.

Pursuant to this Resolution, the following dates for meetings shall be:

Wednesday, February 28, 2018	Wednesday, March 28, 2018
Wednesday, April 25, 2018	Wednesday, May 23, 2018
Wednesday, June 27, 2018	Wednesday, July 25, 2018
Wednesday, August 22, 2018	Wednesday, September 26, 2018
Wednesday, October 24, 2018	Wednesday, November 28, 2018
Wednesday, December 26, 2018	
Wednesday, January 23, 2019 for both Regular and Reorganization Meetings	

The public may, at public business meetings, participate only at such times as set forth in the agenda of the meeting or at the discretion of the presiding officer or chairperson.

BE IT FURTHER RESOLVED that the Land Use Board meetings shall adjourn no later than 10:30 p.m. with no further testimony being taken or other business conducted unless otherwise ordered in the discretion of the Board.

BE IT FURTHER RESOLVED that in the event regular public meetings and/or additional meetings must be held at a date, time and place other than as set forth herein due to unforeseen circumstances; the same shall be held at a date, time and place as set by the Chairperson or

according to law with the appropriate notice being posted, mailed and submitted pursuant to law.

BE IT FURTHER RESOLVED that each applicant on the agenda that is scheduled shall have a maximum amount of time available to present testimony, witnesses and other proofs in support of its case. This shall include the comments of objectors or supporters. The maximum amount of time is of one (1) hour for each meeting the applicant appears on the agenda. The one (1) hour rule shall be enforced by the Board with any deviation allowed being solely in the discretion of the Board.

BE IT FURTHER RESOLVED that notice is hereby given that all forms in relation to the Initial Submission Checklist are available to the public for use in making application to the Board. Said related forms and sheets are offered as an aid to the applicant with the understanding that same do not represent the ordinances of the Borough in entirety. The complete legal burden is of the applicant; that it is still incumbent upon the applicant and/or his or her representatives to apply for and present their case appropriately pursuant to the rules and applicable ordinances and law.

BE IT FURTHER RESOLVED that the Board requires that all applications and appropriate plans in support thereof be filed with the Board Clerk as set forth in the Land Development Ordinance prior to any regular Board meeting and hearing. The Board Clerk has the discretion and authority to advise the applicant of a specific hearing date to appear before the Board provided there has been a determination by the Board Engineer and Board Attorney that the application and plans are deemed complete.

Informal review of concepts of plans for development as permitted by law may be requested by a developer and may be scheduled by the Board Clerk for a Board meeting at a date and time at the discretion of the Chairperson.

Beach Haven Times, The Asbury Park Press and Atlantic City Press are hereby designated as the official newspapers for notices and for matters as may be necessary according to law.

This resolution shall be posted, mailed and submitted not later than seven (7) days after its adoption as required by law.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Mannherz, Mr. McMenamain, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: none. Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

Mr. Russell moved to approve the October 25, 2017 minutes. Mr. TumSuden seconded that motion, with a vote in the affirmative. The minutes were approved as presented.

Roll call vote reflected the following in favor: Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Mannherz & Mr. McMenamain. Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

There was no action required for the following correspondence:

- Letter from Kevin Quinlan, Esq. regarding Pavese v. Surf City (see attached Consent Order).
- Letter from Christopher Dasti, Esq. regarding Pavese v. Surf City.
- Email from Megan Gally regarding the LBI Cons. School District student breakdown.

- Documents from Ocean County Planning Board reflecting amendments to their 2011 Master Plan.
- Resolution of Memorialization adopting the 2017 Long Beach Township Master Plan update.

Chairman Hartney had reminded the Board that they would be updating the Borough Master Plan this year.

Mr. Little stated that all site plans requiring an engineer's seal must have the same for an application to be considered complete. Discussion ensued.

Counselor Quinlan had advised the Board about the need to review and update the Zoning and Land Use Ordinances. It was his recommendation that the Board consider a resolution to request permission and funding from the Governing Body. Mr. McMenamin & Mr. Hodgson had asked the professionals questions regarding the cost. Mr. Little & Counselor Quinlan agreed to put a proposal together for the Governing Body.

Mrs. Klose moved to pass Resolution 18-04, attached hereto, to request permission and funding from the Governing Body to review and update the Zoning & Land Use Ordinances. This was seconded by Mr. Mannherz, with a vote in the affirmative. Resolution 18-04 was approved.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: none. Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

Mr. Russell made a motion to pay the bills. Mrs. Klose seconded this motion with a vote in the affirmative. The bills were approved to be paid.

Roll call vote reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mrs. Klose, Mr. Mannherz, Mr. McMenamin, Mr. Peters, Mr. Russell & Mr. TumSuden. Nays: none. Abstained: none. Absent: Mr. Logue, Mrs. Sedlacek, and Mr. Wright.

A motion to adjourn was made by Mr. Russell, seconded by Mrs. Klose. With a vote in the affirmative, the meeting was adjourned.

Respectfully submitted,

Christine Hannemann, RMC/CMR
Land Use Board Clerk