

BOROUGH OF SURF CITY LAND USE BOARD

813 Long Beach Boulevard

January 24, 2024

7:00 pm

The meeting was called to order. Kevin Quinlan, Esq. administered the oath of office to Peter Hartney, Gavin Hodgson, Sandra Klose, James Russell & John Franzoni.

All present joined Chairman Hartney in saluting the Flag.

The following members were present: Peter Hartney, Gavin Hodgson, Paul Hoover, Sandra Klose, Alan Mannherz, James Russell, David Wright, John Franzoni. Absent: Richard Savianeso, George Wachter & Jaime Ryan

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 Board of Surf City Land Use Board has been provided to three newspapers & published in the January 11, 2024 edition of the Beach Haven Times.

Chairman Hartney also read the following statement: this meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Borough of Surf City Land Use Board may legally consider in reaching a decision. Decorum appropriate to a judicial hearing must be maintained all the time.

Counselor Quinlan opened the nomination for the position of Chairman. Mr. Russell nominated Mr. Hartney. Mr. Wright seconded the motion. With a vote in the affirmative, Mr. Hartney was nominated for Chairman.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Chairman Hartney opened the nomination for the position of Vice Chairman. Mr. Russell nominated Mr. Mannherz. Mrs. Klose seconded motion. With a vote in the affirmative, Mr. Mannherz was nominated for Vice Chairman.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Chairman Hartney opened the nomination for the position of Board Secretary. Mr. Mannherz nominated Mrs. Klose. Mr. Russell seconded the motion. With a vote in the affirmative, Mrs. Klose was elected to be the Board Secretary.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Mrs. Klose moved to approve Resolution 2024-02. Mr. Mannherz seconded that motion. With a vote in the affirmative, the following resolution was approved.

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

Land Use Board Engineer; and

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 2024 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, 2024 and ending December 31, 2024.

Kevin Quinlan, Esq. - Land Use Board 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, 2024.

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.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Mr. Russell moved to approve Resolution 2024-01. Mr. Mannherz seconded that motion. With a vote in the affirmative, the following resolution was approved.

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey. It provides for adequate public notice to be given for 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. the Board wishes to adopt, without limitation, its basic rules and regulations by this Resolution.

NOW, THEREFORE, BE IT RESOLVED the regular 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. The public may only participate at such times as set forth in the agenda of the meeting or at the discretion of the presiding officer or chairperson.

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

Wednesday, February 28, 2024 Wednesday, March 27, 2024

Wednesday, April 24, 2024 Wednesday, May 22, 2024

Wednesday, June 26, 2024 Wednesday, July 24, 2024

Wednesday, August 28, 2024 Wednesday, September 25, 2024

Wednesday, October 23, 2024 Wednesday, November 27, 2024

Wednesday, December 25, 2024

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 ordered at 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.

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. The Board Clerk will forward all completed applications prior to the hearing date.

BE IT FURTHER RESOLVED that an 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.

BE IT FURTHER RESOLVED Beach Haven Times, The Asbury Park Press and Atlantic City Press are hereby designated as the official newspapers to provide notice on matters of the Board.

This Resolution shall be published & posted not later than seven (7) days after its adoption, as required by law.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Mr. Russell moved to approve the November 22, 2023 regular meeting minutes. Mrs. Klose seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call reflected the following in the affirmative: Mr. Hartney, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Franzoni. Abstained: Mr. Hodgson & Mr. Wright. Absent: Mr. Savianeso, Mr. Wachter, & Mr. Ryan

Mrs. Klose moved to approve the bills. Mr. Russell seconded the motion. Roll call reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Mrs. Klose moved to adjourn the meeting. Mr. Mannherz seconded the motion. With a vote in the affirmative, the meeting was adjourned. Roll call reflected the following in favor: Mr. Hartney, Mr. Hodgson, Mr. Hoover, Mr. Mannherz, Mrs. Klose, Mr. Russell, Mr. Wright, Mr. Franzoni. Absent: Mr. Hoover. Mr. Savianeso, Mr. Wachter & Mr. Ryan.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jenna Letts".

Jenna Letts

Land Use Board Clerk