

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
BOARD OF ADJUSTMENT MINUTES
January 26, 2010

Prior to the Roll Call, the Oath of Office was administered to Chris Vitalos. Chairman Eller noted that James Chloros has resigned from the Board.

Roll Call: Eller, Mangiacotti, Truman, Vitalos – 4 Present.

Absent: Durfee, Post – 2 Absent

Vacancy: 3 Vacancies

Also Present: Steven Gruenberg, Esq., Board Attorney
Ann Kilduff, Clerk

Chairman Eller led the members of the Board in the flag salute and read the Open Public Meetings Act into the Record.

NOMINATIONS OF OFFICERS FOR 2010

It was moved by Mangiacotti, seconded by Vitalos, that Don Eller be appointed Temporary Chair to conduct the nominations of Officers for 2010.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Nominations were entertained from the floor for Chairman. It was moved by Mangiacotti, seconded by Vitalos, that Don Eller be nominated as Chairman.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Nominations were entertained from the floor for Vice-Chairman. It was moved by Truman, seconded by Vitalos, that Charlie Post be nominated as Vice-Chairman.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Nominations were entertained from the floor for Secretary. It was moved by Truman, seconded by Vitalos, that Frank Mangiacotti be nominated as Secretary.

Roll Call: Truman, Vitalos and Eller –
Ayes: 3, Nays: 0, Abstained: 1 (Mangiacotti)
Motion carried.

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Appointment of the Clerk for the Calendar Year 2010

It was moved by Truman, seconded by Mangiacotti, that Ann Kilduff be appointed as Clerk of the Board for the Calendar Year of 2010.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Appointment of the Board Attorney

It was moved by Truman, seconded by Vitalos, that Steven Gruenberg, Esq. be appointed as Board Attorney:

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

RESOLUTION 2010:1
AUTHORIZING 2010 PROFESSIONAL SERVICES CONTRACT WITH
STEVEN P. GRUENBERG, ESQ. FOR ATTORNEY SERVICES

WHEREAS, the Board of Adjustment of the Borough of Washington has a need to contract the services of an Attorney; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the Board of Adjustment of the Borough of Washington is awarding this contract under a “fair and open process” that has included public solicitation of qualifications; and

WHEREAS, publicly advertised requests for qualifications were posted on the Borough’s website; and

WHEREAS, on December 2, 2009 proposals for this professional services were publicly opened; and

WHEREAS, Steven P. Gruenberg, Esq. has submitted a proposal, and the Borough Council has determined that said proposal best serves the needs of the Borough; and

WHEREAS, the Chief Financial Officer will certify to the availability of funds on an as-needed basis should the Borough need the services provided by this professional.

NOW THEREFORE, BE IT RESOLVED that the Board of Adjustment of the Borough of Washington authorizes a contract with Steven P. Gruenberg, Esq. pursuant to the proposal and agreement on file with the Borough Clerk’s Office.

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Steven P. Gruenberg, Esq., Purchasing Agent and Chief Financial Officer.

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Appointment of Board Engineer

It was moved by Truman, seconded by Mangiacotti, that William Gleba of Finelli Consulting Engineers, Inc. be appointed as Board Engineer:

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

RESOLUTION 2010:2
AUTHORIZING 2010 PROFESSIONAL SERVICES CONTRACT WITH
FINELLI CONSULTING ENGINEERS, INC FOR BOARD ENGINEER SERVICES

WHEREAS, the Board of Adjustment of the Borough of Washington has a need to contract the services of an engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Finelli Consulting Engineers, Inc. has submitted a proposal dated December 16, 2009 - indicating they will provide the above-referenced services at the rates listed in their fee schedule for 2010; and

WHEREAS, Finelli Consulting Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Finelli Consulting Engineers, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Finelli Consulting Engineers, Inc.

NOW THEREFORE, BE IT RESOLVED that the Board of Adjustment of the Borough of Washington to enter into a contract with Finelli Consulting Engineers, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers, Inc.

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Open Public Meetings Act

After a discussion concerning the newspaper used for publications of notice, it was moved by Truman, seconded by Mangiacotti, to amend and adopt resolution 2010:3 to include the Easton Express-Times as an alternate newspaper for publications of notice.

RESOLUTION – 2010:3

OPEN PUBLIC MEETINGS ACT

WHEREAS, pursuant to the Open Public Meetings Act, P.L. 1975, C.231, the Borough of Washington is required to file and post certain notices of public meetings of the Board of Adjustment of the Borough of Washington; and

WHEREAS, among the obligations imposed upon the Board of Adjustment is the obligation to file the said notices with the newspaper of general circulation in the Borough of Washington.

WHEREAS, the Star Gazette is designated as such newspaper; and

WHEREAS, the Easton Express-Times is designated as the alternate newspaper for publications of notice, and

WHEREAS, the Schedule of Regular Meetings must be prepared, posted and filed within seven (7) days of the date of the Annual Reorganization Meeting of the Board of Adjustment, **NOW, THEREFORE**,

BE IT RESOLVED, by the Authority aforesaid, that the attached Schedule of Regular Meetings be furnished to any member of the public requesting the same, upon the payment of such person of the sum of \$1.00 to the Borough of Washington, said charge to cover the cost of duplicating the sum and the administrative expense of compliance with the request, all as required by the **OPEN PUBLIC MEETINGS ACT**.

A copy of this Resolution shall be published in the Star Gazette as required by law within ten (10) days of its passage.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0

Motion carried.

2010 Meeting Schedule

It was moved by Truman, seconded by Vitalos, to accept the 2010 Meeting Schedule as presented.

BOARD OF ADJUSTMENT

SCHEDULE OF REGULAR MEETINGS

WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY.

(4th Tuesday of Each Month)

January 26, 2010	July 27, 2010
February 23, 2010	August 24, 2010
March 23, 2010	September 28, 2010
April 27, 2010	October 26, 2010
May 25, 2010	November 23, 2010
June 22, 2010	December 28, 2010

Re-organizational Meeting: January 25, 2011

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All meetings will be held at 8:00 p.m. on the dates listed in the Council Chambers, 2nd Floor, Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, NJ 07882.

Copies of this Schedule are available to the public from the Borough Clerk upon payment of the sum of \$1.00 to the Borough of Washington.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

MINUTES:

Regular Meeting – November 24, 2009

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Truman, seconded by Mangiacotti, that the minutes of the regular meeting held November 24, 2009 be approved as submitted.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Special Meeting – December 14, 2009

Chairman Eller entertained additions or corrections to the minutes. Hearing none, it was moved by Truman, seconded by Mangiacotti, that the minutes of the special meeting held December 14, 2009 be approved as submitted.

Roll Call: Mangiacotti, Truman, and Vitalos –
Ayes: 3, Nays: 0, Abstained: 1 (Eller)
Motion carried.

RESOLUTIONS:

Case #2004:13 – Sam Hicks – Harrison Street / Garfield Street

It was moved by Mangiacotti, seconded by Truman, that the resolution be adopted as approved at the November meeting granting a 90 day extension to the variance.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

Case #2009:11 – Patrick Mack – 44 Alvin Sloan Avenue

It was moved by Mangiacotti, seconded by Vitalos, that the resolution be adopted as approved at the November meeting granting the construction of a deck.

Roll Call: Mangiacotti, Vitalos and Eller –
Ayes: 3, Nays: 0, Abstained: 1 (Truman)
Motion carried.

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Case #2009:16 – Robert Howering – 21 E. Stewart Street

It was moved by Truman, seconded by Vitalos, that the resolution be adopted as approved at the November meeting denying the installation of a driveway and apron.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

APPLICATIONS:

There were no applications at this meeting.

COMMUNICATIONS:

A memo from Mr. Ours re: escrow accounts was received and discussed. Mr. Gruenberg stated most towns have some type of process to collect escrow to pay for their professionals. He recommends making a recommendation to council to have an ordinance prepared. The Board discussed this with Mr. Gruenberg and all members were in favor. A motion was made by Truman, seconded by Mangiacotti, to address Council asking them to consider putting in place an ordinance to establish escrow accounts for Board of Adjustment applicants.

Roll Call: Mangiacotti, Truman, Vitalos and Eller –
Ayes: 4, Nays: 0, Abstained: 0
Motion carried.

The clerk will send a letter to council in support of Mr. Ours letter to us asking them to entertain the adoption of an ordinance to provide for escrow accounts for Board of Adjustment applicants.

The December 2009/January 2010 NJ Planner was received and discussed.

The 2009 Case Listing was received and discussed.

REPORTS:

There were no reports at this meeting.

REMARKS:

Chairman Eller welcomed Mr. Gruenberg to the Board.

Hearing no further business to come before the Board, a motion was made by Mangiacotti, seconded by Truman, that the meeting be adjourned at 8:50 pm.

Ayes: 4, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary