

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

The January 9, 2019 Regular and Reorganization Meeting of the Greenwich Township Land Use Board was called to order by board secretary, Zuzana Karas at 7:30 p.m.

Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act in that a notice was published in the “Star Ledger” and “Express Times” newspapers. Notice was posted on the municipal bulletin board in the Township Administration Building in Greenwich Township, New Jersey and notice was filed with the Township Clerk.

Flag Salute

Board members Mr. Paul Beam (Class I), Mr. Joseph Cicchiello (Class II), Mr. Frank Marchetta (Class III), Ms. Cathie Cullen (Class IV) and Mr. Gary Hill (Class IV) were sworn in.

Roll Call

Members present: Frank Marchetta, Bruce Williams, Ray Buckwalter, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Joseph Fiamma, and Jeremy Blunt, Gary Hill, Bill Kanyuck and Pam Peslis

Absent: None

Others present: Board Attorney Jon Drill, Board Planner Elizabeth McManus and Board Secretary Zuzana Karas

Excused Professional: Board Engineer Michael Finelli

REORGANIZATION

a. Chairman

A motion was made by Dawn Marie Kondas and seconded by Gary Hill to appoint Mr. Ray Buckwalter as Chairman for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

The meeting was turned over to Chairman Ray Buckwalter.

b. Vice Chairman

A motion was made by Mark Scuderi and seconded by Gary Hill to appoint Mr. Bruce Williams as Vice Chairman for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

c. Attorney

A motion was made by Ray Buckwalter and seconded by Bruce Williams to appoint Mr. Jonathan Drill as the Board’s Attorney for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

d. Engineer

A motion was made by Ray Buckwalter and seconded by Bruce Williams to appoint Mr. Michael Finelli as the Board's Engineer for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

e. Planner

A motion was made by Ray Buckwalter and seconded by Frank Marchetta to appoint Ms. Elizabeth McManus as the Board's Planner for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

f. Secretary

A motion was made by Ray Buckwalter and seconded by Mark Scuderi to appoint Mrs. Zuzana Karas as secretary for 2019.

A roll call vote was taken on the motion and it was approved by the following votes:

Ayes: Frank Marchetta, Bruce Williams, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Ray Buckwalter and Gary Hill

Nays: None

g. Selection of newspapers for publication of legal notice for 2019

A motion was made by Gary Hill and seconded by Bill Kanyuck to designate the Express Times and the Star Ledger as the official newspapers for publication of legal notices for the board in 2019.

A voice vote was taken and the motion was approved unanimously.

h. Approval of Meeting Calendar for 2019. (With the change of meetings moved to the second Thursday of the month from the second Wednesday of the month)

A motion was made by Ray Buckwalter and seconded by Bruce Williams to approve the calendar of meetings for 2019.

Ayes: Bruce Williams, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, and Ray Buckwalter

Nays: Gary Hill, Joseph Cicchiello, Frank Marchetta and Paul Beam

i. Authorization to charge for meeting minutes, agendas, and meeting notices.

A motion was made by Gary Hill and seconded by Joseph Fiamma to authorize the charging for minutes and agendas and meeting notices for 2019. A voice vote was taken and the motion was approved unanimously.

j. Adoption of Rules of Procedure for 2019

It was noted that no changes in the rules as proposed for 2019 were made from the rules for 2018.

A motion was made by Gary Hill and seconded by Jeremy Blunt to adopt the rules for 2019.

A voice vote was taken and the motion was approved unanimously.

MINUTES

October 10, 2018 Regular Meeting

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

A motion was made by Jeremy Blunt and seconded by Bruce Williams to approve the Planning Board's October 10, 2018 regular meeting minutes.

A roll call vote was taken and the motion was approved on the following vote:

Ayes: Bruce Williams, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen,

Joseph Cicchiello, Bill Kanyuck, Pam Peslis and Joseph Fiamma

Abstain: Frank Marchetta, Paul Beam and Jeremy Blunt

Nays: None

Absent: Gary Hill, Mark Scuderi and Ray Buckwalter

NEW BUSINESS

Discussion of long term impact of statutorily mandated affordable housing on the character of the residential development in Greenwich.

After a brief discussion it was decided that the appropriate way to address this issue is through the master plan revision process. Due to the timing of required master plan revision, it was also decided that master plan review is an imminent project for the Land Use Board. Board members, Dawn Marie Kondas, Frank Marchetta, Mark Scuderi and Joseph Fiamma volunteered to be part of the 'Master Plan Sub-Committee'

CLOSED SESSIONS

A motion was made by Dawn Marie Kondas and seconded by Mark Scuderi to adopt the following resolution to go into closed session.

Ayes: Paul Beam, Frank Marchetta, Bruce Williams, Dawn Marie Kondas, Joseph Cicchiello, Cathie Cullen, Mark Scuderi, Ray Buckwalter and Gary Hill.

GREENWICH TOWNSHIP LAND USE BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such a matter where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely, attorney client privileged legal advice regarding the potential settlement of litigation titled O'Dowd v. Greenwich Township and Greenwich Township Planning Board, Docket No. WRN- L-0075-11;

WHEREAS, this Board believes the public should be excluded from those discussions;

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

NOW, THEREFORE, BE IT RESOLVED by the Greenwich Township Land Use Board on January 9, 2019 that the Board now go into closed session and the public be excluded and, except for the attorney-client privileged advice that is rendered in the closed session which is and will remain privileged and not subject to disclosure, the discussions conducted in the closed session will be disclosed to the public upon the return to open session and will be reported in the minutes of the open portion of the meeting.

A motion was made by Mark Scuderi and seconded by Jeremy Blunt to come out of closed session. The motion was passed unanimously.

In closed session Jon Drill briefed the board on litigation title, O’Dowd Associated and Brian O’Dowd versus Greenwich Township and the Greenwich Township planning board. Once back in open session, Jon Drill acknowledged that the board is in favor of authorizing their chairman, Ray Buckwalter, to sign the settlement agreement. Ray Buckwalter then signed what was already signed by the mayor.

A motion was made by Bruce Williams and seconded by Frank Marchetta following a voice vote taken and the motion was approved unanimously adopting the following resolution:

GREENWICH TOWNSHIP LAND USE BOARD

RESOLUTION AUTHORIZING BOARD CHAIRMAN TO SIGN O’DOWD V. GREENWICH TOWNSHIP AND GREENWICH TOWNSHIP LAND USE BOARD SETTLEMENT AGREEMENT

WHEREAS, O’Dowd Associates and Brian O’Dowd (together referred to as “**O’Dowd**”) asserted certain claims against Greenwich Township and the Greenwich Township Planning Board (the “Greenwich Defendants”) in a lawsuit titled **O’Dowd Associates and Brian O’ Dowd v. Twp. of Greenwich, Greenwich Twp. Committee and the Township Planning Board**, Docket No. WRN-L-0075-11 (the “**Lawsuit**”), which claims arise out of the adoption by the Greenwich Township Planning Board (now the Greenwich Township Land Use Board and referred to as the “**Board**”) of the 2011 Farmland Preservation Plan element of the Township

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

Master Plan, and including the adoption by the Township of Greenwich of a re-zoning ordinance in 2006 which re-zoned O’Dowd’s lands to RCD (Resource Conservation District);

WHEREAS, the Township’s insurance carrier, Indian Harbor (“**Carrier**”), has defended and indemnified the Greenwich Defendants in the Lawsuit, which Lawsuit was dismissed without prejudice;

WHEREAS, the Greenwich Defendants deny any wrongdoing, liability, or improper conduct and wish to obtain a dismissal with prejudice of the Lawsuit, and all Parties desire to resolve any and all outstanding disputes in order to avoid the time, expense and distraction of litigation which could otherwise be re-filed;

WHEREAS, the Carrier has agreed to pay to O’Dowd \$50,000 to settle any and all outstanding disputes in accordance with a proposed Settlement Agreement which provides for a dismissal with prejudice of the Lawsuit;

WHEREAS, the Parties understand and agree that neither the entry into the Settlement Agreement nor anything contained therein shall in any way be construed or considered to be an admission by Greenwich Defendants that O’Dowd has any valid claims against it, or of non-compliance with any federal, state, city or local statute, constitution, rule, ordinance, public policy, tort law, contract law, common law, or of any other wrongdoing, unlawful or improper conduct, liability or breach of any duty whatsoever;

WHEREAS, the Board has determined to authorize its Chairman to sign the Settlement Agreement on January 9, 2019, which was Settlement Agreement was previously signed by Township Mayor Bob Barsony on December 20, 2018;

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

NOW, THEREFORE, BE IT RESOLVED by the Greenwich Township Land Use Board on January 9, 2019 that its Chairman is hereby authorized to sign the Settlement Agreement on January 9, 2019, which was Settlement Agreement was previously signed by Township Mayor Bob Barsony on December 20, 2018

Board member Kondas asked a question regarding the status of the affordable housing litigation. Board attorney Drill then advised the board that if they wanted an update on the status of the affordable housing litigation the board would have to go into closed session due to attorney client privileged information.

A motion was made by Jeremy Blunt and seconded by Bill Kunyuck to adopt the following resolution to go into closed session.

GREENWICH TOWNSHIP LAND USE BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such a matter where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely, attorney client privileged legal advice regarding the remaining options being considered for the Township to meet its third-round affordable housing obligation under the pending Declaratory Judgment action titled In Re: Greenwich Township Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. WRN- L-228-15;

WHEREAS, this Board believes the public should be excluded from those discussions;

Greenwich Township Land Use Board Reorganization Meeting
MEETING MINUTES
JANUARY 9, 2019

NOW, THEREFORE, BE IT RESOLVED by the Greenwich Township Land Use Board on January 9, 2019 that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session may not be disclosed to the public because they will involve attorney-client privileged advice and information.

A motion was made by Ray Buckwalter and seconded by Bruce Williams to come out of closed session. The motion was passed unanimously.

The Land Use Board meeting concluded. A motion was made by Jeremey Blunt and seconded by Bill Kanyuck to adjourn the meeting at 9:25p.m. The motion was passed unanimously.

Zuzana Karas, Land Use Board Secretary.