

## **BOROUGH OF ALPHA LAND USE BOARD -**

January 18, 2023 Reorganization Meeting

Municipal Building 1001 East Blvd., Alpha, New Jersey

The regular meeting of the Borough of Alpha Land Use Board was called to order at 7:00 PM, by Chairman Fey.

### NOTICE

Pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975, adequate notice of this meeting has been provided by mail to the Star Ledger and the Hunterdon County Democrat; a notice of this meeting and all other regular meeting of the Land Use Board of the Borough of Alpha, which notice sets forth the time, date and location of this meeting by posting said notice on the bulletin board outside the municipal clerk's office.

Attorney Gruenberg administered Oaths of Office to the following:

John Fritts – Class 2

Charles Bodogh, Jr. – Class 4 as a 4-year term ending 2026

Mayor Dunwell corrected the record, stating that the appointment of Charles Bodogh, Jr. is a full 4-year term ending in 2026.

### Roll Call:

Present: Mr. Bodogh, Ms. Dalrymple, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Absent: Mr. Schwar, Mr. Seiss.

### Election of Board Chairman:

Attorney Gruenberg opened up the floor to accept nominations for Board Chairman. Mayor Dunwell nominated Tom Fey. Mr. Dragotta seconded the nomination. As there were no other nominations, Mayor Dunwell motioned to close the nomination. Mr. Dragotta seconded the motion. All were in favor.

Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, and Fritts. Nays: None. Abstentions: Fey. Absent: Schwar, and Seiss.

Attorney Gruenberg opened up the floor to accept nominations for Board Vice Chairman. Mr. Fey nominated Chris Dragotta. Mayor Dunwell seconded the nomination. As there were no other nominations, Mayor Dunwell motioned to close the nomination. Mr. Fey seconded the motion. All were in favor.

Roll Call: Ayes: Bodogh, Dalrymple, Dunwell, Fey, and Fritts. Nays: None. Abstentions: Dragotta. Absent: Schwar, and Seiss.

Resolutions:

Motion made by Mr. Fritts to approve Resolution 2023-01. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey, and Fritts. Nays: None. Absent: Schwar, and Seiss.

**BOROUGH OF ALPHA  
RESOLUTION 2023-01  
RESOLUTION BY THE LAND USE CHAIRPERSON AND LAND USE BOARD OF THE BOROUGH OF  
ALPHA, WARREN COUNTY, STATE OF NEW JERSEY, IN REGARD TO REGULAR MEETINGS**

**WHEREAS**, Section 13 of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that at least once a year not later than January 10th of such year shall post and mail to newspapers designated by said body the Regular Meeting dates during the succeeding year.

**NOW, THEREFORE BE IT RESOLVED** by the Land Use Chairperson and Land Use Board of the Borough of Alpha, County of Warren, State of New Jersey that Regular Meetings of the Alpha Borough Council shall be held at 7:00 pm prevailing time, or otherwise as indicated below for the year 2023 and for January 2024, meetings shall be duly advertised according to Section 13 of the Open Public Meetings Act, Chapter 231. The dates of said meetings are as follows:

|  |  |
|--|--|
| February 15  | August 16                              |
| March 15   | September 20                           |
| April 19   | October 18                             |
| May 17   | November 8 (2 <sup>nd</sup> Wednesday) |
| June 21  | December 20                            |
| July 19  |  |
| January 17, 2024 (Re-organization) & Regular Meeting |  |

**BE IT FURTHER RESOLVED** that all meetings shall be held at the Borough Municipal Building, 1001 East Boulevard, Alpha, NJ 08865 and are open to the public.

**BE IT FURTHER RESOLVED** that the Star Ledger and the Hunterdon County Democrat be designated as the official newspapers and should be authorized for all legal publications and notices required for publication according to law.

**BE IT FURTHER RESOLVED** that the format for regular meetings of the Land Use Board be as follows:

Regular Meeting Agenda  
Call to Order  
Roll Call  
Resolutions

Approval of Minutes  
Engineer Reports  
Old Business  
New Business  
Correspondence  
Public Comment  
Executive Session (*As Needed*)  
Adjournment

This resolution is available for public inspection in the office of the Land Use Board at the Municipal building, 1001 East Boulevard, Alpha, New Jersey.

Motion made by Mr. Dragotta to approve Resolution 2023-02. Motion seconded by Mr. Fritts.  
Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey and Fritts. Nays: None. Absent: Schwar, and Seiss.

**RESOLUTION 2023-02**

**RESOLUTION BY THE LAND USE BOARD OF THE BOROUGH OF ALPHA, WARREN COUNTY, NEW JERSEY FOR PURPOSE OF APPOINTING A SECRETARY FOR THE CALENDAR YEAR 2023**

**WHEREAS**, per N.J.S.A. 40:55D-24 “Organization of Planning Board” the Land Use Board has the statutory authority to select professionals such as an attorney, a secretary or create or fill any other offices it deems necessary.

**BE IT RESOLVED**, by the Land Use Board of the Borough of Alpha, Warren County, New Jersey as follows:

Donna Messina is hereby hired as Secretary for the Land Use Board for the calendar year 2023 at an annual salary of \$15,200.00. Said salary shall be paid on a bi-weekly basis.

This resolution is available for public inspection in the office of the Land Use Board at the Municipal building, 1001 East Boulevard, Alpha, New Jersey.

Motion made by Mayor Dunwell to approve Resolution 2023-03. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey, and Fritts. Nays: None. Absent: Schwar, and Seiss.

**RESOLUTION 2023-03**

**BOROUGH OF ALPHA**

**A RESOLUTION AUTHORIZING THE  
HIRING OF A NON-FAIR AND OPEN CONTRACT FOR  
LAND USE BOARD COUNSEL**

**WHEREAS**, the Borough of Alpha Land Use Board, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5, as applicable; and,

**WHEREAS**, it has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the Land Use Board of the Borough of Alpha deems the hiring of a Land Use Board lawyer to be in the best interests of the Borough of Alpha; and

**WHEREAS**, certain contracts may be awarded without competitive bidding as a “Professional Service” under provisions of the Local Public Contracts Law as provided by *NJSA 40A:11-5* because such services are required to be performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.

**NOW THEREFORE BE IT RESOLVED**, by the Land Use Board of the Borough of Alpha that Steven P. Gruenberg, Esq., a New Jersey licensed attorney, be hired or retained as Land Use Board counsel for the Borough of Alpha for the calendar year 2023 at a rate of \$165.00 per hour, minimum charge if no meeting is held; \$75.00 per hour for paralegal.

**BE IT FURTHER RESOLVED**, that the Land Use Board Chairman and Land Use Board Secretary are hereby authorized to execute the contract and any related documents.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall publish such notice as required under the law. This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in *N.J.S.A. 40A:11-5*, because said office requires services performed by person or persons qualified to practice recognized professions, and it is not possible to obtain competitive bids, and according to other applicable statutes.

This resolution is available for public inspection in the office of the Land Use Board at the Municipal building, 1001 East Boulevard, Alpha, New Jersey.

Motion made by Mr. Dragotta to approve Resolution 2023-04. Motion seconded by Mr. Fritts.

Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey, and Fritts. Nays: None. Absent: Schwar, and Seiss.

**RESOLUTION 2023-04**  
**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR LAND USE BOARD ENGINEER**

**WHEREAS**, the Borough of Alpha Land Use Board, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4* or *20.5*, as applicable; and,

**WHEREAS**, it has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

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

**WHEREAS**, Van Cleef Engineering Associates. has submitted a proposal or request indicating they will provide the services of Land Use Board Engineer per their municipal qualifications package for engineering services to the Borough of Alpha Land Use Board; and

**WHEREAS**, Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that they or any of their employees have not made any reportable contributions to a political or candidate committee in the Borough of Alpha in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**NOW THEREFORE, BE IT RESOLVED**, that the Land Use Board Chairman and Land Use Board Secretary are hereby authorized to execute the contract and any related documents.

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

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall publish such notice as required under the law. This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in *N.J.S.A. 40A:11-5* because said office requires services performed by person or persons qualified to practice recognized professions, and it is not possible to obtain competitive bids, and according to other applicable statutes.

This resolution is available for public inspection in the office of the Land Use Board at the Municipal building, 1001 East Boulevard, Alpha, New Jersey.

Motion made by Mayor Dunwell to approve Resolution 2023-05. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey, and Fritts. Nays: None. Absent: Schwar, and Seiss.

#### **RESOLUTION 2023-05**

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR LAND USE BOARD CONFLICT ENGINEER**

**WHEREAS**, the Borough of Alpha Land Use Board, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4* or *20.5*, as applicable; and,

**WHEREAS**, it has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

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

**WHEREAS**, Finelli Consulting Engineers, Inc. has submitted a proposal or request indicating they will provide the services of Land Use Board Engineer per their municipal qualifications package for engineering services to the Borough of Alpha Land Use Board; and

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

**NOW THEREFORE, BE IT RESOLVED**, that the Land Use Board Chairman and Land Use Board Secretary are hereby authorized to execute the contract and any related documents.

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

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall publish such notice as required under the law. This appointment is made without competitive bidding as professional services under the provisions

of the Local Public Contracts Law, as provided in *N.J.S.A. 40A:11-5* because said office requires services performed by person or persons qualified to practice recognized professions, and it is not possible to obtain competitive bids, and according to other applicable statutes.

This resolution is available for public inspection in the office of the Land Use Board at the Municipal building, 1001 East Boulevard, Alpha, New Jersey.

At this time Chairman Fey moved on to the regular meeting agenda.

New: Business:

Ordinance 2023-01 is an ordinance to amend chapter 410 of the code of the borough of Alpha, changing the front and rear yard setbacks for conditional use 410-20D (3).

Tim O'Brien, prepared a consistency review report on this topic. He finds the ordinance consistent with the master plan and zone intent. He recommends that when the board returns any findings back to council that they recommend that the conditional use bulk schedule applies only to the conditional use 20D (3), which is for the water tower.

There was a recommendation to remove the last line of the chart to be merged with the 'Industrial Zone Conditional Use' to reflect the following: 'Industrial Zone Conditional Use 410-20D (3)'.

Next Meeting: February 15, 2023

Motion made by Ms. Dalrymple, finding that the ordinance is not inconsistent with the master plan and making a recommendation that the chart be clarified to be consistent with the body of the ordinance and to direct Attorney Gruenberg to work with the board secretary to author a letter to the Alpha Borough Council stating the same. Motion seconded by Mr. Dragotta.

Roll Call: Ayes: Bodogh, Dalrymple, Dragotta, Dunwell, Fey, and Fritts. Nays: None. Absent: Schwar, and Seiss.

At this time Mayor Dunwell thanked everyone for serving the board. He also is recommending Alberto Castro to the board. He will be appointed at the 1/24/23 council meeting.

Adjournment:

There being no other business on the agenda, Mayor Dunwell moved to adjourn the meeting at 7:18 PM. Mr. Dragotta seconded the motion. The motion carried unanimously,

Respectfully submitted,

Donna L. Messina,

Land Use Board Secretary

Approved: \_\_/\_\_/\_\_