

Regular meeting of the Planning Board of the Borough of Victory Gardens held on Wednesday, August 19, 2015.

Chairman, John Cegelka, called the meeting to order and declared a quorum present. Meeting started at 7:04 P.M.

Pledge of Allegiance to the Flag of our Country.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Meeting Act.

IN ATTENDANCE: Mayor Dave Holeman Jim Glass Diane Feola  
 John Cegelka Avis Byfield Jim Janone  
 Valerie Williams Barrie Palumbo

Attorney: Ann Marie Rizzuto

ABSENT: Weusi Chapman Ken Diehl  
 Engineer: Leon Hall  
 Planner: Dave Zimmerman

Minutes: August 20, 2014

Jim Janone expressed his concern about the minutes being very hard to follow. He stated the acting chairman was absent and the vice chairman was running the meeting however, this was not stated in the minutes. Therefore the public does not who is running the meeting. He also pointed out a sentence on the second page, second paragraph, which makes no sense.

Avis Byfield made a motion to approve the minutes of August 20, 2014 Planning Board meeting. Diane Feola seconded the motion.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Jim Glass	Abstain – He was not present at this meeting
Diane Feola	Yes
John Cegelka	Abstain – He was not present at this meeting
Avis Byfield	Abstain – She was not present at this meeting
Weusi Chapman	Absent
Ken Diehl	Absent
Jim Janone	No
Valerie Williams	No
Barrie Palumbo	Yes

There are 3 yes' and 2 no's, the motion to approve the minutes of August 20, 2014, was approved.

Minutes: September 17, 2014

*Weusi Chapman arrived for this meeting at 7:12 pm.*

Jim Janone said he believes these minutes need to be looked at further because the actions taken at this meeting are not reflected correctly and there are other errors.

Barrie Palumbo made the motion to approve the minutes of September 17, 2014 Planning Board meeting. Mayor Dave Holeman seconded the motion.

A roll call was taken:	Mayor Dave Holeman	Abstain- He was not present at this meeting
	Jim Glass	Abstain – He was not present at this meeting
	Diane Feola	Yes
	John Cegelka	No
	Avis Byfield	Abstain – She was not present at this meeting
	Weusi Chapman	Abstain- He was not present at this meeting
	Ken Diehl	Absent
	Jim Janone	No
	Valerie Williams	No
	Barrie Palumbo	Yes

There are 2 yes' and 3 no's. The motion to approve the minutes of September 17, 2014 was not approved. Therefore this is a failed motion.

The attorney, Ann Marie Rizzuto stated there must be minutes and she suggested that the "no votes" review and advise on changes that would make them acceptable. She said "if you could do it now you do it now, otherwise you put back on the agenda for the next meeting." Jim Janone said to put it back on the next meeting. John Cegelka asked if she (the "she" he is referring to is Debbie Devery, recording secretary. Please note Debbie Devery's name was not mentioned, she was only referred to as "she".) was told how to type these minutes up and what information needs to be typed? The attorney asked what information is missing. John Cegelka said it was the way she's typing these things, half the time you don't know what she's saying. Jim Janone gave an example where the minutes stated "much discussion took place." He asked what discussion took place, what happened? Barrie Palumbo explained that there is much discussion that goes on during these minutes and sometimes we are discussing five different things and never come to a conclusion. Jim Janone stated this is not true.

The attorney again repeated her suggestion from earlier about what to do with these minutes. She said if there is not going to be any direction to the recording secretary on how to do these minutes then she does not know how the Board is ever going to pass any minutes.

Ann Marie Rizzuto, the attorney, explained that she has said this before and will say it again, these minutes are not supposed to be a verbatim of what was discussed. She then said each section is supposed to have a motion, a second motion, and a vote. She said she did not see any area where this is not done in the minutes.

There is much more discussion on how she needs to listen to the tape and type what is going on in the meeting. Mayor Dave Holeman said at times there are two or three different conversations going on. It was suggested that the recording secretary be at the meetings to get to know who is there, what is being discussed and how the process works.

Jim Janone made the motion that the recording secretary re-listen to the tapes and review these minutes so they can be accurately typed so that we can approve them at the next meeting. Valerie Williams seconded this motion.

A roll call was taken:	Mayor Dave Holeman	Abstain – He was not present at this meeting
	Jim Glass	Abstain – He was not present at this meeting
	Diane Feola	No
	John Cegelka	Yes
	Avis Byfield	Abstain – She was not present at this meeting
	Weusi Chapman	Abstain – He was not present at this meeting
	Ken Diehl	Absent
	Jim Janone	Yes
	Valerie Williams	Yes
	Barrie Palumbo	No

There are 3 yes' and 2 no's. The motion to have the recording secretary re-listens and reviews the tapes and re-type the minutes of September 17, 2014 has been approved.

It was asked if the recording secretary was getting paid again to re-type these minutes. There was a lengthy discussion on having a contract written up and signed by the recording secretary. Barrie said if we feel we need to have a written description then let's do that. It was discussed that the attorney writes something up but the attorney questioned if she should be the one to do that? There was a question if the board can write up a contract for the recording secretary? The attorney said you can't write up a contract if you are not the one paying or appointing authority.

Therefore there was no final decision on who can or will write up a contract for the recording secretary or if the recording secretary will get paid for re-typing the minutes.

There was a discussion on what kind of training Debbie Devery needs to type up the minutes to satisfy the board. The attorney stated there is no certification for a recording/typist secretary.

Minutes: November 19, 2014

There was a question on why the attorney representing the applicant was not written into the minutes? The attorney said there should be a notation in the minutes. Mrs. Palumbo said we can add that to the minutes. She also said that when a witness is sworn in that a notation should be made in the minutes, as well as the name of the attorney and the listing of any exhibits presented be noted as well. Mrs. Palumbo said she will make the recording secretary aware of this for future minutes that are typed. The minutes will be change to reflect the swearing in of the witness and the attorney who represented them. Also if there were any exhibits.

Jim Glass makes the motion to approve the minutes of November 19, 2014 with the changes noted above. Mayor Dave Holeman seconded the motion.

A roll call was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Yes
	Avis Byfield	Abstain – She was not present at this meeting
	Weusi Chapman	Abstain – He was not present at this meeting
	Ken Diehl	Absent
	Jim Janone	Yes
	Valerie Williams	No
	Barrie Palumbo	Abstain – She was not present at this meeting

There are 5 yes' and 1 no. The motion to approve the minutes of the November 19, 2014 meeting was passed with the noted changes being made.

It was discussed if the board can receive copies of minutes that were amended? Yes

The board was given copies of the July 15, 2015 minutes at this meeting and therefore did not have time to read through them. The Board Chairman, John Cegelka, stated they will be tabled until the next meeting.

The minutes for September 17, 2014 and May 20, 2015 will be discussed at the next meeting as well.

APPICATIONS: None

CORRESPONDENCES:

- a. GRC Complaint #2015-210 Cegelka Vs. Borough of Victory Gardens  
There was a discussion on why this was brought forth to the Planning Board? The complaint is against the Borough. Ann Marie Rizzuto, was asked to ask Mr. Bernstein why this was placed on this agenda? Ann Marie Rizzuto explained briefly what the subject matter of the complaint is about.

BILLS: A bill was received from Eric Bernstein's office; it reflects a balance of \$420, with the total bill at \$744.00. It was noted by Barrie Palumbo that the \$420 was paid in June of 2015. A motion was made to pay the \$324 of this bill by Barrie Palumbo. Jim Glass seconded it.

A roll call was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Yes
Avis Byfield	Yes
Weusi Chapman	Yes
Ken Diehl	Absent
Jim Janone	Yes
Valerie Williams	No
Barrie Palumbo	Yes

There are 8 yes' and 1 no. The motion to pay \$324 of Eric Bernstein's bill was approved.

OLD BUSINESS: There was a question if anyone reached out to Brenda Kersey as to how she was doing? The board was reminded that her appointment was rescinded. Brenda did contact Barrie Palumbo the day after the board rescinded her appointment and at this time Brenda was informed of the board's decision to rescind her appointment.

NEW BUSINESS: There was a question regarding the Board seeing the Planning Board Recording Secretary's vouchers for payment. She is getting paid for the minutes she completes, why is it necessary to see the vouchers. Her rate does not change, is it the same rate of \$90 per set of minutes she types up.

Planning Board Bylaws. Board Chairman asked if anyone had any questions. Barrie Palumbo had a question on Article 4, Section 4; she questioned the job description of the Board Secretary and the term limits. There was discussion on these terms limits.

Jim Glass made a motion to remove Article 4, Section 4 from this set of Bylaws. Mayor Dave Holeman seconded it.

A roll call was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Yes
Avis Byfield	Yes
Weusi Chapman	No
Ken Diehl	Absent
Jim Janone	No
Valerie Williams	No
Barrie Palumbo	Yes

There are 6 yes's and 3 no's. The motion to remove Article 4, Section 4 from this set of Bylaws was passed.

Jim Glass wanted to discuss Article 8, Section 4. This section is confusing when read to fully understand it. The change to this section should read "Questions may be asked by any planning board member for board professionals, planner, engineer or attorney or by any of those present when open to the public."

Jim Glass made a motion to change the wording as stated above. Barrie Palumbo seconded it.

A roll call was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Yes
Avis Byfield	Yes
Weusi Chapman	Yes
Ken Diehl	Absent
Jim Janone	Yes
Valerie Williams	No
Barrie Palumbo	Yes

There are 8 yes's and 1 no. The motion to change the wording, as stated above, on Article 8, Section 4 from this set of Bylaws was passed.

Barrie Palumbo made the suggestion to take out Section 11. There was discussion if the Planning Board Secretary should be referred to as this or Planning Board Clerk. These by laws were taken from the County's Planning Board and there is some question on if the town Secretary's job requirements are the same at the County's job requirements. Some of what is written is viewed as a job description by Barrie Palumbo and not the by-laws of the job.

Barrie Palumbo made a motion that the attorney review the job descriptions in the ordinances and recommend changes that the staff section goes along with the board's practices. The attorney said there will be a rewrite with the changes. Jim Glass seconded this motion.

A roll call was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Yes
	Avis Byfield	Yes
	Weusi Chapman	Abstain
	Ken Diehl	Absent
	Jim Janone	No
	Valerie Williams	No
	Barrie Palumbo	Yes

There are 6 yes' and 2 no's. The motion to have the board attorney review the ordinances and the board's job descriptions as it pertains to Section 11 and recommend changes to the board for their approval was passed.

Jim Glass made a motion for the attorney to review and make corrections. Avis Byfield seconded this motion.

A roll call was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Abstain
	John Cegelka	Yes
	Avis Byfield	Yes
	Weusi Chapman	Abstain
	Ken Diehl	Absent
	Jim Janone	Yes
	Valerie Williams	Abstain
	Barrie Palumbo	Yes

There are 6 yes' and no no's. The motion to have the attorney review these by-laws and make corrections was passed.

Motion to open meeting to the public was made by Jim Glass and seconded by Mayor Dave Holeman. Public had no questions or comment.

Joan Cegelka stated the Recording Secretary may have difficult typing these minutes up because some people are not speaking loud enough or into the microphone to be fully heard. Also, as they finish off a sentence their voices drop in volume and she may not fully hear what is being said. She also suggested that there should be a topic when it reads there was a discussion. With a topic then the reader will know what was being discussed.

Motion to close meeting to the public was made by Weusi Chapman and seconded by Barrie Palumbo.

Motion to adjourn meeting by board member Jim Janone and seconded by Avis Byfield.

Meeting adjourned at 8:58 pm.

Respectfully submitted by Barrie Palumbo, Planning Board Secretary  
Typed by Deborah Devery, Recording Secretary, 7/2015



