

**Bradley Beach Planning Board
Regular Meeting Minutes
Thursday, September 26, 2019, 2019 at 6:30 PM**

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Robert Mehnert, Amy Russo (arrived at 7:08 PM), Alan Gubitosi, Meredith DeMarco, Douglas Jung, Marc Rosenthal, George Waterman, John Weber, William Psiuk

Absent: Rafael Albanir, Norman Goldfarb

Also Present: Monica Kowalski, Esq. – Attorney to the Board

Approval of Minutes:

Regular Meetings of April 25, 2019, May 23, 2019, and June 27, 2019

Resolutions Memorialized: None.

Applications Under Consideration: None.

Work Session:

The Board conducted their initial review and discussion of the draft bylaws created/prepared by the Subcommittee appointed by the Planning Board.

Chair Psiuk had an initial question regarding the last paragraph under “What We Do”...indicates he does not feel this is the duty of the Planning Board.

Monica Kowalski, Esq. thanks the subcommittee and proceeds to explain the difference between bylaws and ordinances and the Model Rules. The Council is responsible for adopting ordinances. What has been put together essentially rewrites what is already an ordinance and it cannot be adopted as a “bylaw”. It completely renovates Chapter 60 of the Ordinance.

Monica Kowalski, Esq. explains the duties of the Planning Board and the order of the meeting and how it is conducted including subcommittees. Those are the types of bylaws that can be recommended for adoption.

Mr. Gubitosi indicates he was part of the subcommittee and he does not believe any of the subcommittee members’ intentions were to rewrite the ordinance. In other instances we were trying to cover the broad duties and responsibilities of the Board.

Mr. Weber thanks Ms. DeMarco and Mr. Gubitosi for taking the time to create this draft of the proposed bylaws. Mr. Weber indicates he feels we could have heard this back in June and had been hearing this in July and August; however, there was a timing issue.

Mr. Jung questions if this comes down to a matter of scope? This is confirmed by Monica Kowalski, Esq.

Monica proceeds to question, was it the intention to provide something to the council to say we think this would be a better ordinance or is it really let's look and create bylaws to set our procedures down for what we can accomplish. Maybe this is where the miscommunication was because, when she received the draft we had already missed the deadline and we had to schedule the workshop for tonight, so there was really no other opportunity to discuss. Frankly from our original discussions it was more along the lines of subcommittees and how to select subcommittees.

Chair Psiuk recommends everyone read Chapter 60 to see where it stands and if ordinance revisions should be suggested.

Monica Kowalski, Esq. indicates a lot of Chapter 60 is pulled directly from the Model Rules and then some of it is quite narrow because a lot of towns just take and strike out what they don't use, some of it we can supplement but some of it is set by the Municipal Land Use Law.

Monica indicates bylaws are really to set the procedures of the Planning Board without going into the statutory obligations. "Who we are and what we do..." that is more of a public statement, but not really appropriate for bylaws when you are talking about procedure.

Meredith Demarco indicates she had a heavy hand in this draft and really the intent was to start a conversation. She would ask that the Board take a look at everything to see if there are things that we can do to have stronger ordinances and does not think we should dismiss things. It is agreed by Chair Psiuk, we are not going to dismiss this document.

Mr. Jung indicates the he agrees and just wants to make sure everything goes into the right "bucket" whether it be ordinance or bylaw. We need to strategize as to what needs to go to Council and what is for us to adopt as a bylaw.

Monica indicates if doing a bylaw presentation, then you need to actually focus on the procedure for the Planning Board, some of which is in here.

Items 1:1-1 through 1:1-6 are typically codified, but if you want to talk about the procedure for how they occur, that is a bylaw. The only correction suggested is under 1:1-2 if you wanted to change that, but typically that is a paid person through the Municipality, so not sure you have an election option there so much. The way the current ordinance reads, Monica indicates she does not believe there is an option other than if the secretary cannot serve. A discussion takes place with regard to correcting both the ordinance and this document.

Monica indicates that one of the things that was not mentioned and the Board had an issue with before would be that while a number of duties have been placed on the Secretary of the Board there is no process mentioned for RFP's which is what really started this whole issue to begin with; therefore, are we going to be making a determination that they would like the Secretary to take care of the process of the RFP's or is that something you would like to see kicked back to the Clerk or Administrator by Ordinance? Because the ordinance is silent as to who is actually performing the task of the RFP's.

Chair Psiuk indicates the RFP's should be reviewed by a subcommittee formed by the Board. The subcommittee could give its report and recommendation to the Board.

Monica indicates she is not talking about the review of the responses, but rather the process of starting them.

John Weber feels this Board is perfectly capable of putting out an RFP, we are not relying on the Borough to do this maybe through the Board Secretary, but it just seems we should spell that out. Monica indicates if we are going to make it a procedure under the bylaws. If you wanted to say it is a function of the Business Administrator, then I would recommend it for the Ordinance.

It is indicated that if the Board decides they are going out for RFP it should be provided for review and approval of the Board in August/September. Once the draft is approved it should be provide to the Clerk for publication in October for responses to be received in November so the subcommittee can review and make their recommendations in December so the professionals can be appointed in January.

John Weber asks if this means we will be going out for Engineer, Planner, and Attorney because traditionally we didn't specifically have a Planner. Monica suggests to keep it as professionals as necessary. Language should indicate "Professionals as decided by the Board"

Monica Kowalski, Esq. agreed to take the draft as discussed and redraft to separate those items that are ordinance related or that pertain to MLUL references. Language will also be added to discuss the procedural issues for a Special and/or Emergency meeting. "Special Meetings" are requested by the Applicant as they are paid for; therefore, the Chair cannot call a Special Meeting. However, the Board would like to see language for an emergency type meeting if there were a Sandy situation without having to make them pay for the meeting.

The Board proceeds to go through the draft provided by the Subcommittee to separate ordinance items, municipal land use law items, and elaborate on bylaw/procedural items which should be contained in the new draft document.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, OCTOBER 24, 2019 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY ALAN GUBITOSI, ALL IN FAVOR. MEETING CLOSED AT 8:49 PM.

Minutes submitted by Kristie Dickert, Board Secretary