

BOROUGH OF ALPHA LAND USE BOARD -

January 17, 2024 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 7:01 p.m., by Attorney John Gallina.

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.

Oaths of office were given to the following persons:

John Fritts – Class 2

Mike Schwar – Class 3

Chris Dragotta – Class 4 to a four-year term expiring 12/31/27

Gene Boyle – Class 4 to an unexpired term ending 12/31/25

Renee Schocko – Class 4 to an unexpired term ending 12/31/25

Roll Call:

Present: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss.

Election of Board Chairman:

Motion made by Mr. Seiss to elect Mr. Dragotta to the position of Board Chairman. Motion seconded by Mr. Schwar. Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, Mr. Seiss. Nays: None. Abstention: Mr. Dragotta.

Election of Vice Chairman:

Motion made by Mr. Schwar to elect Mr. Seiss to the position of Board Vice Chairman.

Motion seconded by Mr. Dragotta. Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, Mr. Seiss. Nays: None.

At this time, Chairman Dragotta thanked everyone for his appointment as Chairman of the Board. He also recognized the many years of work and dedication that Chairman Fey, who recently passed, did during his tenure on the board. This was followed by moment of silence in memory of Chairman Fey.

Resolutions:

Motion made by Mr. Seiss to approve Resolution 2024-01. Motion seconded by Mr. Boyle.
Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

**BOROUGH OF ALPHA
RESOLUTION 2024-01**

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 2024 and for January 2025, 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 21	August 21
March 20	September 18
April 17	October 16
May 15	November 13 (2 nd Wednesday)
June 19	December 18
July 17	
January 15, 2025 (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. Schwar to approve Resolution 2024-02. Motion seconded by Mr. Boyle.
Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

RESOLUTION 2024-02
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 2024

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 2024 at an annual salary of \$15,504.00. 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 Mr. Schwar to approve Resolution 2024-03. Motion seconded by Mr. Dragotta.
Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

RESOLUTION 2024-03
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 2024 at a rate of \$170.00 per hour, minimum charge if no meeting is held; \$90.00 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. Schwar to approve Resolution 2024-04. Motion seconded by Mr. Dragotta.
Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

RESOLUTION 2024-04
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 Mr. Schwar to approve Resolution 2024-05. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

RESOLUTION 2024-05
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.

Old Business:

Motion made by Mr. Schwar to approve the request for extension of final site plan for WIP Alpha, LLC. Motion seconded by Mr. Dragotta.

Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

This extension will run through 12/15/24.

New Business:

Motion made by Mr. Schwar to approve a preliminary investigation as reference in Resolution 2023-151 as approved by the Alpha Borough Council on November 28, 2023. Motion seconded by Mr. Dragotta.

Roll Call: Ayes: Mr. Boyle, Mr. Castro, Ms. Dalrymple, Mr. Dragotta, Mr. Fritts, Mayor Schocko, Ms. Schocko, Mr. Schwar, and Mr. Seiss. Nays: None.

RESOLUTION 2023-151

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE BOROUGH OF ALPHA TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE BOROUGH IS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Alpha ("Borough") is authorized to direct the Land Use Board of the Borough of Alpha ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Borough of Alpha does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough of Alpha will not use eminent domain; and

WHEREAS, the Borough Council desires the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 54.02, Lot 2 and Block 55, Lot 1, as shown on the Official Tax Map of the Borough of Alpha (the "Property"); and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Alpha, they being the Governing Body thereof, as follows:

1. *The Land Use Board of the Borough of Alpha is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in N.J.S.A. 40A:12A-5;*
2. *The Land Use Board of the Borough of Alpha is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and*
3. *After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.*

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Donna L. Messina, Registered Municipal Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on November 28, 2023, and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.

*Donna L. Messina, Registered Municipal Clerk
Witness my hand and seal of the Borough of Alpha
this 28th day of November 2023.*

Next meeting:

February 21, 2024

Adjourn:

There being no other business on the agenda, Mr. Boyle moved to adjourn the meeting at 7:55 PM. Ms. Dalrymple seconded the motion. The motion carried unanimously,

Respectfully submitted,

Donna L. Messina,

Land Use Board Secretary

Approved: 2/21/24