

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
FEBRUARY 5, 2014**

A special meeting of the Upper Township Zoning Board of Adjustment was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 6:00 p.m. The purpose of this meeting was to discuss the Professional Service Contract of Dean Marcolongo, Attorney at Law.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Joseph Healy, Ted Klepac, Alistair Lihou, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Matthew Unsworth and Chair Paul Casaccio.

Absent: Jeffrey Pierson, Susan Adelizzi-Schmidt and Jeffrey Stuart.

Also in attendance were Dean Marcolongo, Board Solicitor and Shelley Lea, Board Secretary and Zoning Officer.

Solicitor Marcolongo informed the Board there is a proposal to create a consolidated land use board. Specifically the zoning board would be disbanded and the planning board would take over all the duties of the zoning board. This is a cost cutting measure and has been asserted that it would save approximately \$15,000 a year to the township.

Solicitor Marcolongo appeared before the Township Committee at their last meeting and expressed his opposition to the idea. Specifically if this occurs there would be a consolidation of power within the Mayors position and consolidation of authority with only one board. It would reduce community involvement by losing eleven voices of the zoning board on particular issues. The planning board would be required to hear more meetings and endure longer meetings and would comingle the distinct duties of the planning and zoning board which could result in delays to developers when things pick up. Basically, this is a reduction of services to the community.

Solicitor Marcolongo has informed the Township Committee that he is willing to make certain accommodations to his salary. Since he is hired by the Board and not Township Committee, the Committee wants to know if the Board is willing to restructure his salary.

Solicitor Marcolongo stated that his current salary is \$11,000 and he is an employee of the Township. His proposal includes reducing his salary to \$9,000 for both the planning and zoning boards resulting in a savings of \$4,000. He is also willing to become an i

independent contractor and not an employee of the Township at a savings of \$1,814 per year.

In regards to increasing revenue, Solicitor Marcolongo explained that applicants must submit an application fee and escrow fee when filing their application. The application fee is intended to defray the costs of the boards operations. The Upper Township fee schedule has not changed in eleven years and they are the lowest in the area. Increasing the fees would increase the revenue for the township. In addition, regulations allow Paul Dietrich, Board Engineer and himself to bill for their time at the meetings. Currently they do not bill for their time and he has not had an increase in his hourly rate since 2003.

The Board members were asked if they wanted to go into closed session. The board members agreed to stay on the record.

Chairman Casaccio asked for comments in regards to the proposal by Solicitor Marcolongo.

MR. HEALY – He agrees with the proposal.

MR. PHIFER – He feels the proposal is more than generous.

MS. PETROZZA – She concurs. Solicitor Marcolongo has guided the board in the right way and makes the township his priority.

MR. SHAWL – He accepts the Solicitors proposal. The fees should be reviewed as a cost cutting measure. A separate zoning board provides residents a fair hearing of their zoning issues by a committee of their peers, whereas the planning board with their different classes of members appointed by the governing body wouldn't necessarily provide the same fair hearing. He does not see a way to do away with the zoning board impartially and reconstituting it when applications pick up.

MR. UNSWORTH – He feels there are other ways to make the board cost neutral instead of cutting the Solicitors fees but he would vote in favor of the proposal to save the board. If the zoning board were cost neutral there would be no reason to do away with it.

MR. LIHOU – He agrees that the Solicitor should not have to amend his fees, however if he is willing to reduce his fees he would be in favor. He believes Solicitor Marcolongo has saved the Township money by keeping the boards out of law suits.

When asked how he bills for litigation Solicitor Marcolongo responded that he bills \$150 per hour which is half of what he charges for his regular public work.

A motion was made by Mr. Phifer and seconded by Mr. Shawl to amend the annual report to include a review of the fee schedule. In favor: Healy, Klepac, Lihou, Petrozza, Phifer, Shawl, Unsworth, Casaccio.

A motion was made by Mr. Klepac and seconded by Mr. Unsworth to authorize the Chairman to immediately submit a letter to Township Committee setting forth the boards acceptance of the proposal by Dean Marcolongo and the modification to his contract so

that he is an independent contractor in the future. In favor: Healy, Klepac, Lihou, Petrozza, Phifer, Shawl, Unsworth, Casaccio.

The Board members set forth their opinion on the record regarding the consolidation.

MR. HEALY - He commented that Middle Township has a combined board and it takes a very long time for applicants to be heard because of the amount of applications.

MR. PHIFER – There are efficiencies associated with certain costs. Sometimes when the costs are reduced the efficiencies are reduced. These efficiencies can end up costing a business more money. Reducing the money you spend does not necessarily translate into a savings. The Township Committee needs to find out what the long term prognosis is for saving money. With only one board there is a greater possibility of litigation. He feels this is one area where a reduced efficiency does not exponentially mean any kind of savings.

MS. PETROZZA – She agrees with Mr. Phifer. Both boards are experienced and know how to be efficient. Having the planning board take over the zoning boards duties plus their own would be a burden. She feels taking this service away from the community would be unfair. She feels that combining the boards would be a detriment to the community.

MR. SHAWL – He has had experience with combined boards. He feels Upper Township does a much better job moving the applicants along and providing a fair hearing.

MR. UNSWORTH – He feels this process is accomplishing what Township Committee set out to do. The fee schedule and Dean’s concessions will more than make up for any savings that would be found by eliminating the board.

MR. KLEPAC – A lot of the comments being made now were expressed at the Committee meeting.

MR. LIHOU – He feels combining the boards is not cost affective and is a bad move.

MR. CASACCIO – He concurs.

A motion was made by Mr. Lihou and seconded by Mr. Phifer to amend the prior motion to authorize the Chairman to express to Township Committee that the Zoning Board is strongly opposed to the consolidation of boards for various reasons as set forth on the record. In favor: Healy, Lihou, Petrozza, Phifer, Shawl, Unsworth, Casaccio. Opposed: Klepac.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Phifer and seconded by Mr. Shawl. The meeting was adjourned at 6:49 p.m.

Submitted by,

Shelley Lea