

The Special Meeting of the North Caldwell Board of Adjustment was held on Friday, April 3, 2020. The meeting started at 1:03pm via teleconference.

Chairman Wangner announced that the meeting was held in accordance with the Open Public Meetings Law and notice of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Board Members Present: Mr. Curcio, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Salan, Mr. Sceppaguercio, and Chairman Wangner. Mr. Rentzis was absent. Also present were Lisa Thompson, Esq., Board Attorney, and Tami Michelotti, Zoning Board Secretary.

Mr. Wangner asked Mr. Sceppaguercio to lead the Pledge of Allegiance.

RESOLUTIONS

Mr. Wangner offered Resolution 5-2020 A Resolution Approving a Professional Services Contract by and between the Borough of North Caldwell Zoning Board of Adjustment and Lisa C. Thompson, Esq. of Mason Thompson, LLC. He stated that two responses were received subsequent to the Board's Request for Qualifications from Mason Thompson, LLC of Dover, New Jersey and Eric Bernstein Associates of Warren Township, New Jersey. Chairman Wangner stated that the responsibility for the choice of legal counsel for the Zoning Board of Adjustment resides with the Board. He noted that the Board solicited RFQs in an open manner to preserve the right of the board to review its professionals periodically. Chairman Wangner verified that all members reviewed both responses to the RFQ.

Chairman Wangner stated that Lisa Thompson, current counsel, has a long track record with the Borough and her qualifications include her knowledge of the town, and the quality and timeliness with which she serves the Board. He observed that Eric Bernstein and Associates is a larger firm with a more complex billing rate structure. Chairman Wangner added that the qualifications of the two firms were rather equally matched with the exception of Ms. Thompson's understanding of the Borough. He noted that recent uncertain times may be best handled by counsel with familiarity with the Borough.

Vice Chairman Salan stated that he finds that Ms. Thompson's communicates her knowledge of the law to the Board to be clear, concise and understandable. He noted the benefit of transparency gained through the RFQ process. He added that uncertain times before us, growing pressures on the Borough and cost consciousness are additional considerations.

Ms. Jenkins stated that both candidates are well-qualified. She noted that Ms. Thompson has proven herself to be qualified counsel and has a record of responding immediately to requests for clarification. She added her concern regarding the cost structure of the other candidate.

Mr. Michelotti stated that Ms. Thompson's service to the Borough coupled with the cost-certainty offered in her proposal is important factors in his support of Ms. Thompson for re-appointment.

Mr. Floria-Callori echoed the sentiments of the other Board members. He noted the importance in recognizing the Board's power to appoint counsel. He noted that Ms. Thompson's familiarity with the Board and the town makes her a superior candidate.

Mr. Roth agreed with previous Board comments. He added that he has been impressed with Ms. Thompson's service to the Board.

Mr. Curcio stated, as an attorney himself, noted that Ms. Thompson is impressive and echoed the sentiments of the other Board members.

Mr. Sceppaguercio stated that Ms. Thompson's record is a positive one and that, as a new alternate member of the Board, he trusts the Board members' opinions.

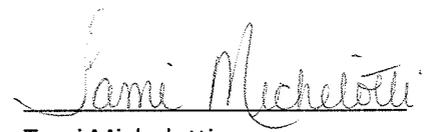
With no further comment from the Board, Chairman Wangner opened the discussion to the public. No one from the public came forward in the teleconference.

Mr. Salan made a motion to appoint Ms. Thompson as Board Attorney to provide Legal Advice and Representation to the Board of Adjustment of the Borough of North Caldwell, seconded by Mr. Floria-Callori. Said motion passed unanimously with seven affirmative votes.

Ms. Michelotti presented the option of video-conference meetings for future hearings to hear testimony from Applicants during the COVID-19 "Stay at Home" order by Governor Murphy. She added that the Department of Community Affairs/Division of Local Government Services provided guidance that all Zoning Boards are expected to continue with monthly meetings. The Board agreed to conduct the April meeting via video conference. Ms. Thompson noted that Applicants can be encouraged to provide electronic documents to share with the public upon request and for viewing during the hearing. Mr. Salan added that document drop-boxes and similar collaboration applications can be used for the download and sharing of files. Mr. Floria-Callori noted his concern with potential objectors of adjourned hearings to receive proper notice of the mechanisms to join virtual meetings. Chairman Wangner added that Applications already in progress should re-notice the public of the meeting. Ms. Michelotti would contact the Applicants scheduled for the previously-cancelled March meeting as well as those scheduled for the April meeting to request electronic documents and offer a video conference hearing. She added that she would provide notice and participation instructions of any future virtual meetings.

There being no further matters to come before the Board, Mr. Salan made a motion to adjourn the meeting, seconded by Ms. Jenkins. Said motion passed unanimously. The meeting was adjourned at 1:39pm.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary