

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
AUGUST 19, 2019**

MINUTES

Chairman Campeas called the meeting to order at 7:30 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Campeas; Vice Chairman Roberts; Mr. DeRochi; Mayor Jaffer; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. Conry, Alternate #2; Mr. Laskey, Advisor

ALSO PRESENT: Francis P. Linnus, Esquire, Board Attorney; Lori Savron, Planning Director

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. RESOLUTION

Case PB-02-19 Applicant: Springpoint at Montgomery, Inc.
Block 23001 Lot 16 – 100 Hollinshead Spring Road
Submission Waiver and Preliminary and Final Major Site Plan

Mr. Laskey noted that Condition #5 on Page 6 should be revised to reflect that the applicant only agreed to some of the comments in the Environmental Commission's memo.

A motion to memorialize the resolution as amended was made by Mr. DeRochi and seconded by Chairman Campeas. The motion carried on the following roll call vote:

Ayes: Campeas, DeRochi, Wilson and Conry

Nays: None

IV. DISCUSSION OF CLASS IV BOARD MEMBER VACANCY

Mr. Linnus explained the relevant law is NJSA 40A:9-12.1 that determines when a vacancy is deemed to be approved. In this case there is an absence of a Class IV Planning Board member. Section G of the Statute says that in the case of a member of the Board without being excused by a majority of the authorized members of the Board fails to attend and participate at meetings of such body for a period of eight consecutive weeks or 4 consecutive meetings whichever is longer, the Board shall determine a vacancy does exist. It then goes to the approving authority which is the Township Committee and Mayor.

Ms. Savron explained that Mr. Cheskis attended the reorganization meeting, called in for the second meeting and has missed the next four meetings. He did send an email for three of the four meetings that he was traveling for work and would be unable to attend.

Chairman Campeas spoke to Mr. Cheskis to inform him he has met the absence limit for being eligible for removal from the Board. He asked Mr. Cheskis to come to the Board meeting to discuss the absences and a plan going forward. Mr. Cheskis declined. He indicated his travel schedule has increased and that he understood the Board's position. Chairman Campeas also asked Mr. Cheskis if he was interested in a different role such as an advisor or alternate but he was not interested.

At the request of Mr. Wilson, Mr. Linnus to read from NJSA 40A:9-12.1 entitled Vacancy Deemed on Resignation, Incapacity, Death, Residence, Absence or Removal. Section G of the statute talks about absence. If a member of a Board fails to attend and participate at the meetings of such body for a period of 8 consecutive weeks or 4 consecutive regular meetings, at the conclusion of that period, providing the Board shall notify the appointing authority in writing of the determination, the seat is vacated.

Mr. Wilson asked who the statute applies to. Mr. Linnus advised it applies to any Board, Committee, Commission, Authority or other agency Township wide.

Mr. Wilson asked if the Township notifies the volunteers of this policy. Mayor Jaffer responded that it is a good policy to work on going forward. In this particular case there doesn't seem to be too much of an ability to attend meetings. There is a handbook for volunteers and this may be included in the handbook. The handbook is available for all volunteers who serve on Committee's in the Township.

Mr. Glockler asked if Mr. Cheskis indicated any interest in wanting to continue to serving on the Board. Chairman Campeas said he didn't.

Mayor Jaffer made a motion to submit a written determination to the Township Committee which was seconded by Vice Chairman Roberts.

Mr. Glockler said clearly Mr. Cheskis hasn't been here for whatever the reasons are but the Township values its volunteers. It is unfortunate to see a situation where somebody who was willing and did contribute to the deliberations who is now unable to fulfill the responsibilities.

Chairman Campeas said if someone is unable to attend the meetings it creates a vacancy on the Board.

Mr. Wilson said there is a reason there are alternates on a Board. There has only been one really substantive application on the Board agenda so far this year. His absence has not impeded the conduct of the activity of the Board. The spirit of the legislation that created the statute was likely to make sure that Boards could function and operate and this one has clearly functioned and operated pretty effectively.

The motion carried on the following roll call vote:

Ayes: Campeas, DeRochi*, Jaffer, Roberts, Glockler* and Conry*

Nays: Wilson

*Mr. DeRochi, Mr. Glockler and Mr. Conry reluctantly voted yes.

V. MINUTES

July 15, 2019 – Regular Meeting

A motion to approve the minutes was made by Mr. Conry and seconded by Chairman Campeas. The motion carried on the following:

Ayes: Campeas, DeRochi, Wilson and Conry

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 7:50 p.m.