

November 3, 2021
Wednesday

The Holland Township Committee met on the above date at the Holland Township Municipal Building, 61 Church Road, Milford, N.J. at 7:00 p.m.

Roll Call: Present were:

Mayor Dan Bush-**absent**
Deputy Mayor Ray Krov
Committeeman Robert Thurgarland
Committeeman Scott Wilhelm
Committeewomen Lisa Mickey
Attorney Matthew Lyons-**absent**
Municipal Clerk Cathy Miller

There being a quorum this meeting was called to order by Deputy Mayor Krov at 7:03 p.m. Mr. Krov asked that all electronic equipment be turned off or silenced.

FLAG SALUTE

Mr. Krov invited the audience to join the Committee in reciting the “Pledge of Allegiance”.

OPEN PUBLIC MEETINGS STATEMENT

Clerk Miller announced publicly at the commencement of this meeting the following statement: Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Township Clerk on **December 10, 2020** by:

1. Posting such notice on the bulletin board at the municipal building and the Holland Township website.
2. Mailing the same to the Hunterdon County Democrat and the Express-Times.

APPROVAL OF MINUTES

Mr. Wilhelm moved and Ms. Mickey seconded the motion to approve the minutes of the :October 19, 2021 Regular Meeting.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

APPROVAL OF BILLS AS SUBMITTED

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to approve the bills as submitted:

Check#	Vendor	Description	Payment	Check Total
31054	Affordable Housing P	Affordable Housing Webinar November	\$ 20.00	\$ 20.00
31055	ALLEGRO ENTERPRISES,	Water Deliver RRCC October	\$ 42.72	\$ 42.72
31056	Amazon.com RRCC	Lightbulbs	\$ 43.90	\$ 43.90
31057	AQUA NEW JERSEY	910 Milford Warren Glen Rd Seasonal Lawn Irrigation (9078) Pool (8796)	\$ 16.50 \$ 22.95 \$ 183.62	
		RRCC Pool 8797	\$ 41.25	\$ 264.32
31058	AT&T MOBILITY	OEM New Cell Phones	\$ 1,112.15	\$ 1,112.15
31059	Chris's Lawn Mowing	2021 Lawn mowing services Pool Area July & August Pool Area September	\$ 6,614.20 \$ 1,000.00 \$ 500.00	\$ 8,114.20
31060	CLEMENS UNIFORM	Mats for Municipal Building October Cleaning Service for Floor Mats / R Mats for RRCC October	\$ 79.80 \$ 22.75 \$ 63.50	\$ 166.05
31061	Colliers Engineering	HLT082 Library Roof Improvements	\$ 3,181.23	

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		HLT075 2021 Municipal Aid	\$ 82.70	
		HLT001 General	\$ 165.00	
		HLT065 Valve Replacement	\$ 553.28	
		HTL076 Sycamore Drainage	\$ 213.13	
		PB HK B24 L 3 13 review thru 093021	\$ 38.75	\$ 4,234.09
31062	Colliers Engineering	HLD0002 Driveway Reviews HUTCHINS	\$ 112.50	
		BOA Thompson B25 L45 services thru	\$ 1,287.50	
		PB Hunterdon County Econ Ordinance	\$ 1,300.00	
		Planner Services thru 022221	\$ 525.00	\$ 3,225.00
31063	COOPER ELECTRICAL SU	Misc. Items for Building and Maintenance	\$ 93.42	
		Misc. Items for Building and Maintenance	\$ 105.08	
		Misc. Items for Building and Maintenance	\$ 176.59	\$ 375.09
31064	Department of Finance	4Q2021 Open Space	\$ 53,044.47	\$ 53,044.47
31065	Department of Finance	4Q2021 County	\$ 533,365.79	\$ 533,365.79
31066	Department of Finance	4Q2021 Library	\$ 53,302.02	\$ 53,302.02
31067	Direct Energy	Propane	\$ 136.45	\$ 136.45
31068	Direct Energy Business	129 Spring Mills Rd Account 1294415	\$ 6.06	
		Electric Service 129 Spring Mills	\$ 8.59	
		Account 1294535	\$ 120.95	\$ 135.60
31069	DONNA MACKEY	BOA 102721 meeting court reporter	\$ 225.00	\$ 225.00
31070	EASTERN CONCRETE MAT	Stone Materials	\$ 2,672.91	
		Stone Materials	\$ 1,248.24	
		Stone Materials	\$ 1,425.45	
		Stone Materials	\$ 2,134.10	
		Stone Materials	\$ 5,394.03	\$ 12,874.73
31071	ELIZABETHTOWN GAS	Meter 01061655 Account 93404665351	\$ 284.70	
		Meter 14Y735578 Account 9890459292	\$ 32.35	\$ 317.05
31072	Gall's	Officer Equipment	\$ 150.06	
		Officer Equipment	\$ 14.53	
		Police Equipment and Uniforms	\$ 227.69	\$ 392.28
31073	GEBHARDT & KIEFER, P	September	\$ 4,093.00	\$ 4,093.00
31074	GEBHARDT & KIEFER, P	Tax Appeals	\$ 33.00	\$ 33.00
31075	Griffith-Allied Truck	DULSD - Diesel DPW	\$ 1,093.79	
		DULSD - Diesel DPW	\$ 1,164.00	\$ 2,257.79
31076	H.J. OPDYKE LUMBER C	Misc. Items for Building and Maintenance	\$ 253.75	
		Misc. Items for Building and Maintenance	\$ 101.35	
		Misc. Items for Building and Maintenance	\$ 35.98	
		Misc. Items for Building and Maintenance	\$ 1,197.48	
		Misc. Items for Building and Maintenance	\$ 185.22	\$ 1,773.78
31077	Home Depot Credit Se	Misc. Items for Building and Maintenance	\$ 421.38	\$ 421.38
31078	HUNTERDON LOCK AND S	Duplicate Key - Firearms Applicants	\$ 12.76	\$ 12.76
31079	Jeff Modica	Clothing Allowance per Union Contra	\$ 259.95	\$ 259.95
31080	JERSEY CENTRAL POWER	Account 100 004 272 595 Street Lights	\$ 21.37	\$ 21.37
31081	JERSEY CENTRAL POWER	Account 100 060 952 585 Street Lights	\$ 56.01	\$ 56.01
31082	JERSEY CENTRAL POWER	Account 100 004 272 652 Street Lights	\$ 1,255.77	\$ 1,255.77
31083	JERSEY CENTRAL POWER	Account 100 004 555 932 Case Field	\$ 182.47	\$ 182.47
31084	JERSEY CENTRAL POWER	100 070 503 212 Pool Storage Garage	\$ 2.78	\$ 2.78
31085	JERSEY CENTRAL POWER	Account 100 105 886 640 914 Milford	\$ 56.27	\$ 56.27
31086	JERSEY CENTRAL POWER	Account 100 003 579 271 Library 9/	\$ 80.83	\$ 80.83
31087	JERSEY CENTRAL POWER	Account 100 077 061 016 7/21-10/19/	\$ 121.65	\$ 121.65
31088	JERSEY CENTRAL POWER	Account 100 004 555 858 Baseball 7	\$ 160.38	\$ 160.38
31089	JESCO INC	Equipment Repair / Maintenance	\$ 3,093.15	\$ 3,093.15
31090	Johnson Controls Fir	Service Calls	\$ 444.48	\$ 444.48
31091	Kleen & Fresh Company	October 18, 21 & 23	\$ 330.00	
		October 25, 28 & 30	\$ 330.00	\$ 660.00
31092	KOLLMER EQUIPMENT	Misc. Items for Roadside Trimming/P	\$ 25.80	\$ 25.80
31093	Levitt's LLC	Calcium Pellets RRCC & Municipal B	\$ 2,424.00	\$ 2,424.00

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31094	Lindabury, McCormick	BOA Misc general Matters thru 09302	\$ 165.00	
		BOA Thompson B25 L45 services thru	\$ 940.50	\$ 1,105.50
31095	LMR Disposal LLC	Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 1,140.00	
		Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 570.00	
		Dumpster Pickup Service Blanket rep	\$ 1,140.00	\$ 5,700.00
31096	MGL PRINTING SOLUTIO	NJ Dog License Tags/Vac-Pak	\$ 387.00	\$ 387.00
31097	MILFORD/FRENCHTOWN A	Tools/ Vehicle Parts	\$ 34.23	\$ 34.23
31098	MUSCONETCONG WATERSH	Musconetcong Cleanup 2021	\$ 500.00	\$ 500.00
31099	NJ Advance Media	Request for Bids	\$ 51.69	
		10132745	\$ 25.55	\$ 77.24
31100	NJ STATE ASSOC. OF C	Training	\$ 385.00	
		Promotional Exam	\$ 2,750.00	\$ 3,135.00
31101	OFFICE DEPOT, INC.	OEM phone supplies	\$ 54.98	
		Computer microphone for desktop CVL	\$ 36.45	
		Cell phone supplies	\$ 7.82	\$ 99.25
31102	PenTeleData	10/24/21-11/24/21	\$ 196.85	\$ 196.85
31103	POWER SYSTEMS, INC.	Step Risers	\$ 365.40	\$ 365.40
31104	POWERCO, INC.	Equipment Repair / Maintenance	\$ 24.08	
		Equipment Repair / Maintenance	\$ 2,100.00	\$ 2,124.08
31105	Princeton Computer S	9/15-9/24/21	\$ 337.50	\$ 337.50
31106	Rackspace US Inc	Cloud Office	\$ 1,582.02	\$ 1,582.02
31107	RAM GRAPHICS	Township Property Signs	\$ 950.00	\$ 950.00
31108	Randal T Doster	Alternator Repair Case 580	\$ 185.00	\$ 185.00
31109	SERVICE ELECTRIC CAB	Internet Service	\$ 88.95	\$ 88.95
31110	St. of NJ/Dept of La	2020 Unemployment Assessment	\$ 442.88	\$ 442.88
31111	STAPLES BUSINESS ADV	Copier Toner	\$ 5.99	\$ 5.99
31112	STAPLES BUSINESS ADV	Case of manila file folders	\$ 239.96	\$ 239.96
31113	STRYKER	Municipal Building	\$ 716.95	\$ 716.95
31114	TOWNSHIP OF RARITAN	Shared Service Agreement Courts	\$ 6,750.00	\$ 6,750.00
31115	Tyrex Resources LLC	Tire Recycling	\$ 216.00	\$ 216.00
31116	U.S. MUNICIPAL SUPPL	On Spot Retrofit TRK 17/15	\$ 4,142.00	\$ 4,142.00
31117	VERIZON	10/18/21 billing	\$ 241.13	\$ 241.13
31118	Wilson Products	Propane Tank Refill Recycling / Ace	\$ 35.25	\$ 35.25
31119	ADT SECURITY SERVICES	Holland Township Bethany Ridge Security	\$ 169.71	\$ 169.71
31120	AQUA NEW JERSEY	001037094 0748928 9/29/21-10/28/21	\$ 321.32	\$ 321.32
31121	AT&T MOBILITY	Cell Phones - 9/22/21-10/21/21	\$ 317.77	\$ 317.77
31122	Jessica Dulin-Soto	Yoga October 2021	\$ 495.00	\$ 495.00
31123	Johnson Controls Fire Protection	Trouble Signal	\$ 42.54	\$ 42.54
31124	Laura Knott	Yoga Classes October 2021	\$ 220.00	\$ 220.00
31125	LMR Disposal LLC	Recycle Dumpster October	\$ 58.11	\$ 58.11
31126	LogMein Communications Inc.	Phone Services RRCC	\$ 200.53	\$ 200.53
31127	MARIA ELENA JENNETTE KOZAK	Parks & Rec 2021 Trunk Treat Fall F	\$ 9.94	\$ 9.94
31128	MELANIE WOROB	Fitness Classes October 2021	\$ 640.00	\$ 640.00
31129	Patrick A Carmona	RRCC Window/Mirror Cleaning	\$ 275.00	\$ 275.00
31130	POWERCO, INC.	Equipment Repair / Maintenance	\$ 138.50	\$ 138.50
31131	Princeton Computer Support Inc	November Managed Services	\$ 425.00	
		Backup & Disaster Recover BDR-Datto	\$ 574.99	\$ 999.99
31132	Promed Office Cleaners LLC	Cleaning of Fitness Center - October	\$ 180.00	\$ 180.00
31133	THERESA VERDI	Cleaning RRCC	\$ 920.00	\$ 920.00
31134	VERIZON	10/25/21billing	\$ 995.96	\$ 995.96
31135	VERIZON	10/25/21 billing 908 995 9188	\$ 91.47	\$ 91.47
31136	VERIZON	10/25/21 billing 908 995 4849	\$ 103.01	\$ 103.01

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	Total	\$ 724,664.56	\$ 724,664.56
10282021 NJ State Health Benefits	November	\$ 33,697.60	\$ 33,697.60
10292021 NJ State Health Benefits	November Retiree	\$ 1,974.93	\$ 1,974.93
10012021 Guardian	November	\$ 2,998.98	\$ 2,998.98
	Total Manuals	\$ 38,671.51	\$ 38,671.51
	Total	\$ 763,336.07	\$ 763,336.07
CURRENT FUND		BUDGET AND APPROPRIATION RESERVES	\$ 711,134.38
GRANT FUND		BUDGET AND APPROPRIATION RESERVES	\$ 7,500.00
GENERAL CAPITAL FUNDS		BUDGET AND APPROPRIATION RESERVES	\$ 3,263.93
ANIMAL CONTROL		BUDGET AND APPROPRIATION RESERVES	\$ 387.00
ESCROW		ESCROW FUNDS	\$ 2,379.25
Checks issued 11/3/21			724,664.56
Manual Totals			38,671.51
Total			763,336.07

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

REMINDER/ANNOUNCEMENT

-The Township Committee has cancelled their November 16, 2021 meeting due to the anticipated lack of a quorum. The next meeting will be December 7, 2021.

-The Township along with the Holland Township Women’s Club will be hosting a Veterans Day ceremony on November 11th at 11:00 at the monument in front of the Municipal Building. Light refreshments will follow.

OLD BUSINESS FROM TOWNSHIP COMMITTEE

-ORDINANCE-Introduction/First Reading-Amending and supplementing Article III
Introduction of this Ordinance was tabled at the October 19th meeting for more time to review

Consensus was to table until 2022

The Holland Township Planning Board supports the Township Committee introducing this proposed Ordinance. Once adopted on First Reading by the Township Committee, the Ordinance will be sent back to the Planning Board for a consistency review at their November 8th meeting.

ORDINANCE 2021-

AN ORDINANCE OF THE TOWNSHIP OF HOLLAND AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED “LAND USE”, ARTICLE III ENTITLED “TERMINOLOGY” AND ARTICLE V ENTITLED “IND LIMITED INDUSTRIAL PARK DISTRICT” TO AMEND THE LIST OF CONDITIONALLY-PERMITTED AND ACCESSORY USES, AMEND IMPERVIOUS COVERAGE, AND REVISE SIGNAGE STANDARDS

LIAISON REPORTS

Mickey

- Fall festival and Trunk or Treat was well attended
- Tree Lighting December 18 at 6:30

Wilhelm

- worked on the Holland Solar Farm decommissioning Agreement with Attorney Lyons
- working with Land Use Administrator-soil issue

Thurgarland

- Cottages at the Park House are down
- Corey met with roofing contractor for RRCC roof. Contractor recommends total replacement. Will look at budget and work in 2022 (clarification: contractor replacement of the rubber roof over the gym, not the slate roof that was replaced in 2006)
- Corey meeting with contractors for fire alarm upgrade at RRCC and Municipal Building

Krov

- Recycling Flier is being worked on. Specifics will remain the same as last year

NEW BUSINESS FROM TOWNSHIP COMMITTEE

-REVIEW AND APPROVAL-of the 2021 Best Practices Checklist

Mr. Wilhelm moved and Ms. Mickey seconded the motion approve the 2021 Best Practices Checklist

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

-RESOLUTION- Transfer of Escrow Deposits

Explanation: CFO Pasqua needs to transfer escrow funds from one account name to another account name. The escrow needs to be in the account to satisfy conditions of approval and board professional review of the work. This was a unique situation. The applicant received board approval and ended up selling the property prior to satisfying conditions of the resolution.

In short...we are moving money from the Seibel escrow to the new owner named Bailey. The exchange of money for this project was between Seibel and Bailey but for Township purposes we needed the escrow available to satisfy review of conditions of the resolution.

Mr. Wilhelm moved ad Ms. Mickey seconded the motion to adopt the following Resolution:

RESOLUTION

Authorizing the **Transfer** of Escrow Deposits

WHEREAS, the Municipal Land use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest, and

WHEREAS, the Township of Holland has received deposits for Review, Inspection fees and Cash Bonds, and

WHEREAS, the Township of Holland has received a signed letter that the property has been sold and the new owner will be responsible for satisfying conditions of Board of Adjustment signed resolution dated July 29, 2020 with the title and:

**RESOLUTION APPROVING THE APPLICATION
FOR A VARIANCE TO DIRECT THE ISSUANCE OF A BUILDING PERMIT
FOR A LOT NOT ABUTTING A PUBLIC STREET AND FOR VARIANCES
FROM THE FRONTAGE AND THE DRIFTWAY WIDTH AND TRAVELED
WAY WIDTH REQUIREMENTS FOR LOTS ON DRIFTWAYS FOR
BLOCK 13 LOT 23,
LOCATED ON OLD FARM ROAD,
BY APPLICANT, LAWRENCE SEIBEL**

WHEREAS, the Township of Holland has received signed board professional release forms and Board Attorney procedural guidance and

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WHEREAS, the Township of Holland has received Board Attorney and Board Engineer response that conditions of the resolution need to be satisfied which requires funding in the escrow account for professional review and

WHEREAS, it has been determined that the various applications and projects listed below have been withdrawn, or have received approval for **Transfer**:

FROM:Lawrence Seibel
177 Mount Joy Road
Milford NJ 08848
Account # 14299568504810
TO: Craig D Bailey
2 Harvest Hill Drive
Stockton NJ 08559
Account # 14299568504910

Board of Adjustment Review Escrow \$390.81
Block 13 Lot 23

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Holland, County of Hunterdon, state of New Jersey, that the Finance Officer hereby directed to refund the remaining escrow Deposits, cash bonds and accumulated interest to the above applicants.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

-RESOLUTION-Transfer of Funds

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt the following Resolution:

RESOLUTION
Transfer of Funds

WHEREAS, the Municipal Budget for the year 2021 was approved on March 16, 2021 and adopted on April 20, 2021 and

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers to be made during the last two months of the fiscal year, and reserve appropriation transfers to be made during the first three months of the following fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Holland that the Chief Financial Officer is hereby authorized to make the following budget transfers:

<u>APPROPRIATION</u>	<u>FROM AMOUNT</u>	<u>TO AMOUNT</u>
Mayor O/E	\$ 5,200.00	
Planning Board O/E	\$ 8,000.00	
Riegel Ridge Community Center O/E	\$ 23,300.00	
Clerk O/E	\$ 5,000.00	
Legal O/E	\$ 15,000.00	
Audit O/E	\$ 2,000.00	
Communications/IT O/E		\$ 22,000.00
Snack Hut S/W		\$ 3,300.00
Snack Hut O/E		\$ 3,300.00
Pool S/W		\$ 8,900.00
Riegel Ridge Community Center S/W		\$ 20,000.00
Zoning O/E		\$ 1,000.00

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BE IT FURTHER RESOLVED that a Certified Copy of this Resolution be provided by the Municipal Clerk to the Chief Financial Officer.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

-RESOLUTION- Approving application for Farmland Preservation Grant Fund for FY 2023
Mr. Wilhelm moved and Mr. Thurgarland seconded the motion to adopt the following Resolution:

RESOLUTION

Supporting an Application to the State Agricultural Development Committee for
Farmland Preservation Grant Funds for FY2023

WHEREAS, the State of New Jersey created the Agriculture Retention and Development Act in 1983 (C.4:1C-11 et seq) allowing for the preservation of appropriate farmland; and

WHEREAS, the State of New Jersey established the Planning Incentive Grant Act in 1999 (NJSA 4:1C-43.1) to provide grants to eligible municipalities to purchase agricultural easements. These grants come with certain requirements, such as a Farmland Preservation Plan as part of the municipality's Master Plan, a Right to Farm ordinance, and the establishment of an Agricultural Advisory Committee; and

WHEREAS, the Township of Holland has followed all the requirements as part of the SADC Municipal Planning Incentive Grant Program; and

WHEREAS, the Township of Holland has actively preserved farmland since 2001, preserving over 2,400 acres; and

WHEREAS, there are certain properties within the Township of Holland for which the owners of have expressed an interest to place their properties within the farmland preservation program; and

WHEREAS, the Township of Holland anticipates preserving these properties through the State Farmland Preservation Program and will need to make an application to the State to receive such preservation funds;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Holland, County of Hunterdon in the state of New Jersey, that the Township of Holland endorses and supports the attached annual application being made to the State Agriculture Development Committee for anticipated Farmland Preservation in 2023; and

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

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

-ORDINANCE-2021-17 -Introduction/First Reading, Establishing a Joint Land Use Board

Mr. Wilhelm moved and Mr. Thurgarland seconded the motion to adopt Ordinance 2021-17 on First Reading and set the Public Hearing for December 7, 2021

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ORDINANCE 2021-17

ORDINANCE ESTABLISHING A JOINT PLANNING BOARD / ZONING BOARD OF ADJUSTMENT AND AMENDING CHAPTER 100 ENTITLED “LAND USE” OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:55D-25 (c) authorizes municipalities having a population of 15,000 or less to establish by Ordinance, a single nine-member Land Use Board to exercise all the powers of the Planning Board and Board of Adjustment; and

WHEREAS, the Mayor and Committee find that the Township of Holland has a population of less than 15,000, and that the adoption of an Ordinance establishing a joint Planning and Zoning Board is in the best interest of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holland, County of Hunterdon in the State of New Jersey, that Chapter 100 entitled “Land Use” of the Code of the Township of Holland (“Code”) is hereby amended as follows: (1) to establish the Land Use Board of the Township of Holland, which shall exercise all powers, duties, authority and jurisdiction of the Board of Adjustment of the Township of Holland and the Planning Board of the Township of Holland pursuant to and in accordance with N.J.S.A. 40:55D-45; (2) amending and supplementing related provisions of the Code to effectuate said formation of the Land Use Board; (3) those portions of the Code set forth below are hereby amended as follows; and (4) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Chapter 100, Article XVIII, of the Code of the Township of Holland, entitled “Planning Board.” §100-126 through §100-130, is hereby renamed “Land Use Board.”

SECTION 2. Section 100-126 of the Code of the Township of Holland, entitled “Establishment; classes” is hereby amended to read as follows:

Pursuant to P.L. 1975 c. 291 (N.J.S.A. 40:55D-1, et seq.), the Land Use Board, consisting of nine (9) members is hereby established. The Land Use Board shall exercise, to the same extent and subject to the same restrictions, all of the powers of a Planning Board and a Zoning Board of Adjustment as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.). All applications for development and all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-1, et seq., are hereby granted to the Land Use Board. All authority previously granted to the Planning Board and/or the Board of Adjustment by the Code of the Township of Holland and any Ordinance shall now be vested in the Land Use Board.

Any reference to the Planning Board or Zoning Board of Adjustment in any existing Township of Holland Ordinance shall be deemed to refer to the Land Use Board. The Land Use Board shall consist of four classes of members as follows:

- A. Class I: The Mayor, or the Mayor’s designee on the absence of the Mayor.
- B. Class II: One of the officials of the Township of Holland, other than a member of the governing body, to be appointed by the Mayor, provided that the member of the Environmental Commission, who is also a member of the Land Use Board as required by Section 1 of P.L. 1968, c. 245 (N.J.S.A. 40:56A-1), shall be deemed to be the Class II Land Use Board member for the purposes of this chapter in the event that there is among the Class IV members of the Land Use Board a member of the Board of Education.
- C. Class III: A member of the governing body, to be appointed by it.
- D. Class IV: Six other citizens of the municipality, to be appointed by the Mayor. The members of Class IV shall hold no other Municipal office, position or employment, except that one member may be a member of the Board of Education pursuant to N.J.S.A.40:55D-23. The member of the Environmental Commission who is also a member of the Land Use Board as required by Section 1 of P.L. 1968 c.245 (N.J.S.A. 40:56A-1) shall be a Class IV Land Use Board member, unless there are among the Class IV members of the Land Use Board, a member of the Board of Education, in which case the member common to the Land Use Board and Environmental Commission shall be deemed a Class II member of the Land Use Board.

- E. Alternate Members: There shall be appointed by the Mayor four alternate Class IV members of the Land Use Board, who shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Said alternate members shall be designated by the Chairman of the Land Use Board as “Alternate No. 1;” “Alternate No. 2;” “Alternate No. 3;” and “Alternate No. 4.”

SECTION 3. Section 100-127 of the Code of the Township of Holland entitled “Terms of class members” is hereby deleted in its entirety and amended to read as follows:

- A. The term of the member composing Class I shall correspond to his/her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first.
- B. The term of Class IV member who is also a member of the Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first consistent with N.J.S.A. 40:55D-23.
- C. The terms of all Class IV members first appointed under this ordinance shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years.
- D. Alternate members shall serve for terms of two years; provided, however, that the initial terms of such members shall be for one and two years respectively.
- E. All terms shall run from January 1 of the year in which the appointment was made.

SECTION 4. Section 100-128 of the Code of the Township of Holland entitled “Vacancies” is hereby deleted in its entirety and amended to read as follows:

- A. If a vacancy in any class shall occur otherwise than by expiration of the Land Use Board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the Land Use Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.
- B. Any member other than a Class I member, after a public hearing if one is requested, may be removed by the governing body for cause. "Cause" shall be deemed to include, but not be limited to, absence by a member, without reasonable excuse and prior notice thereof to the Chairman, from three consecutive regular or special meetings, or absence, without reasonable excuse and prior notice thereof to the Chairman, from three regular or special meetings within any six-month period.

SECTION 5. Sections 100-129, entitled “Variance, notice, hearing,” and 100-130, entitled “Powers and duties” are deleted in their entirety.

SECTION 6. The following sections are hereby added to the Code of the Township of Holland:

§ 100-129 Voting.

When any hearing before a Land Use Board shall carry over two or more meetings, a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meeting from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

§ 100-130 Organization.

The Land Use Board is authorized to adopt bylaws and such other rules and regulations governing its procedural operation, which bylaws, rules and regulations shall be consistent with the provisions of this chapter and P.L. 1975, c. 291 (N.J.S.A. 40:55D-1, et seq.). The Land Use Board shall elect a Chairman and Vice Chairman from the members of Class IV, select a Secretary, who may or may not be a member of the Land Use Board or a municipal employee, and create and fill such other offices as established by ordinance.

§ 100-130.1 Land Use Board Attorney; Experts and staff.

- A. The Land Use Board may annually appoint an Attorney and fix the compensation of or agree upon the rate of compensation of the Land Use Board Attorney, who shall be an attorney other than the Municipal Attorney.
- B. The Land Use Board may also contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 100-130.2 Conflicts of Interest.

No member or alternate member of the Land Use Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 100-130.3 Meetings.

- A. Meetings of the Land Use Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- B. No action shall be taken at any meeting without a quorum being present. All actions shall be by majority vote of a quorum except where a specified portion of the full authorized membership is required by statute. (N.J.S.A. 40:55D-34 and 55D-70d.)
- C. All regular meetings and all special meetings shall, as required by law, be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, Chapter 231 of the Laws of New Jersey 1975.

§ 100-130.4 Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

§ 100-130.5 Hearings.

- A. Rules. The Land Use Board may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1, et seq., or of this chapter.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths or issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1, et

seq., shall apply.

- C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- D. Records. The Land Use Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- E. A member of the Land Use Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him the transcript or recording of all of the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

§ 100-130.6 Certified list of owners.

Upon written request of an applicant, the Township Clerk, Tax Assessor or the Township Clerk's designee shall, within seven business days, make and certify a list from the current tax duplicates of the Township of names and addresses of owners to whom the applicant is required to give notice pursuant to N.J.S.A. 40:55D-12b. A fee, as established in Chapter 83, Fees, shall be paid to the Township for such list.

§100-130.7 Powers.

The Land Use Board shall be governed by and shall have such powers as are conferred upon it by P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.). More specifically, the Land Use Board shall have authority to:

- A. Prepare, adopt and from time to time amend or revise a Master Plan.
- B. Exercise control over the review of subdivisions and site plans in accordance with Article VI of this chapter.
- C. Exercise control over the granting of applications for conditional uses.
- D. Whenever the proposed development requires approval of a subdivision, site plan or conditional use (but not a variance pursuant to N.J.S.A. 40:55D-70d), grant to the same extent and subject to the same restrictions as the Land Use Board:
 - (1) By majority vote, a variance from the strict application of the zoning provisions of this chapter where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in the zoning provisions of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; where in an application or appeal relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning provisions of this chapter and the benefits of the deviation would substantially outweigh any detriment. No variance under this Subsection D(1) shall be granted, however, from those departures enumerated in N.J.S.A. 49:55D-70d.
 - (2) Direction, pursuant to N.J.S.A. 40:55D-34, for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on an Official Map.
 - (3) Direction, pursuant to N.J.S.A. 40:55D-36, for issuance of a permit for a building or structure not related to a street.

- E. Exercise such other duties as may be assigned to it by ordinance or resolution of the governing body and perform such other functions as may be authorized by P.L. 1975, c. 291 (N.J.S.A. 40:55D-1, et seq.), and other state statutes and administrative regulations.

§ 100-130.8 Referral powers.

- A. Prior to the adoption of a development regulation or a revision or amendment thereto, the Land Use Board shall make and transmit to the governing body, within 35 days after referral, a report including recommendations concerning the proposed development regulation, revision or amendment. The governing body, when considering the adoption of a development regulation or a revision or amendment thereto, shall review the report of the Land Use Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Land Use Board to transmit its report within the thirty-five-day period provided herein shall relieve the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the Land Use Board.
- B. The governing body may by ordinance provide for the reference of any matter or class of matters to the Land Use Board before final action thereon by a municipal body or municipal officer having final authority thereon. Such reference shall not extend the time for action by the referring body, whether or not the Land Use Board has submitted its report. Whenever the Land Use Board shall have made a recommendation regarding a matter authorized by this chapter to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such other body.

§ 100-130.9 Time limits.

Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to §100-130.1(D) of this chapter, the Land Use Board shall grant or deny approval of the application within 120 days after the submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Land Use Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Land Use Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

§ 100-130.10 Simultaneous review.

The Land Use Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Land Use Board or the Land Use Board being required to hold further hearings. The longest time period for action by the Land Use Board, whether it is for subdivision, conditional use or site plan approval, shall apply; except that where the developer elects to submit separate consecutive applications, the appropriate time periods prescribed by N.J.S.A. 40:55D-61 shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this section, notice of the hearing on the plat shall include reference to the request for such conditional use.

§100-130.11 Referral to Environmental Commission.

Whenever an Environmental Commission has prepared and submitted to the Land Use Board an index of the natural resources of the municipality, the Land Use Board shall make available to the Environmental Commission an informational copy of every application for development submitted to the Land Use Board. Failure of the Land Use Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceedings.

§ 100-130.12 Review of capital projects.

Whenever the Land Use Board shall have adopted any portion of the Master Plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating

the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the Land Use Board for review and recommendation in conjunction with such Master Plan and shall not act thereon without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation. This requirement shall apply to action by a housing, parking, highway, special district or other authority, redevelopment agency, school board or other similar public agency, state, county or municipal.

SECTION 6. Chapter 100, Article XIX of the Code of the Township of Holland is hereby amended to delete Section 100-131 and to insert in its place the following:

§100-131. Powers, Duties and Responsibilities to be Transferred to Planning Board or Land Use Board.

From and after the effective date of the within Ordinance all powers, duties, responsibilities, fees and application requirements of the Zoning Board of Adjustment shall be transferred to or applied to the Land Use Board of the Township of Holland pursuant to the provisions of N.J.S.A. 40:55d-25c. All references in the within Article XIX of the Code of the Township of Holland and within the Code of the Township of Holland referring to the Zoning Board of Adjustment of the Township of Holland shall hereafter apply to the Land Use Board of the Township.

SECTION 7. Section 100-132 of the Code of the Township of Holland, entitled “Powers and Duties,” and Section 100-135, entitled “Time limit for decision,” shall be amended to delete any reference to the “Board of Adjustment” and replace such references with “Land Use Board.”

SECTION 8. Section 100-134 of the Code of the Township of Holland, entitled “Referral of application,” is amended as follows:

Any application under any subsection of this article may be referred to any appropriate person or agency, ~~including the Planning Board~~, for its report, provided that such reference shall not extend the period of time within which the *Land Use Board* ~~Board of Adjustment~~ shall act.

SECTION 9. Section 100-136.1, entitled Appeals and Application to the Land Use Board” shall be added to the Code of the Township of Holland as follows:

- A. Appeals to the Land Use Board may be taken by any interested party affected by any decision of any municipal building or zoning official based on or made in the enforcement of the zoning regulations or the Official Map. Such appeal shall be taken within 65 days by filing a notice of appeal with the official from whom the appeal is taken, together with the filing of three copies of said notice of appeal with the Secretary of the Land Use Board. Said notice of appeal shall specify the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. A developer may file an application for development with the Land Use Board for action under any of its powers without prior application to any municipal building or zoning official. Applications addressed to the original jurisdiction of the Land Use Board without prior application to an administrative officer shall be filed with the Secretary of the Zoning Land Use Board. Three copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Land Use Board. The applicant shall obtain all necessary forms from the Secretary of the Zoning Land Use Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

SECTION 10. Section 100-136.2, entitled “Expiration of Variance,” shall be added to the Code of the Township of Holland as follows:

Any variance from the terms of this chapter hereafter granted by the Land Use Board permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation, unless such construction or alteration shall have been actually commenced on

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each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year, unless expressly limited to a shorter period by the terms of the variance as originally approved by the Land Use Board, from the date of entry of the judgment or determination of the Land Use Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Land Use Board to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding or unless extended by the Land Use Board upon the showing of good cause.

SECTION 11. Article XX, entitled “Provisions Applicable to Planning Board and Board of Adjustment,” is hereby deleted in its entirety.

SECTION 12. Article XX of the Code of the Township of Holland entitled “General Provisions” is hereby amended to delete any references to the “Planning Board” and/or “Board of Adjustment” and replace such references with “Land Use Board.”

SECTION 13. Chapter 101 of the Code of the Township of Holland, entitled “Land Use, Highlands,” is hereby amended to delete any references to the “Planning Board” and/or “Board of Adjustment” and replace such references with “Land Use Board.”

SECTION 14. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 15. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 16. This Ordinance shall take effect upon final passage and publication according to law.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

BUSINESS FROM TOWNSHIP ATTORNEY

Absent

MEETING OPEN TO PUBLIC-(speakers will be limited to 3 minutes)

No comments

EXECUTIVE SESSION-

-RESOLUTION-to enter into Executive Session-

Mr. Thurgarland moved and Ms. Mickey seconded the motion to adopt the following Resolution at 7:36 p.m.

RESOLUTION

Entering into Executive Session

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Holland, that the public shall be excluded from discussion of the following matter(s):

- Personnel: Salary Negotiations

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BE IT FURTHER RESOLVED, that Minutes will be kept on file in the Municipal Clerk's Office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public. This Resolution will take effect immediately.

Voice Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

The Committee returned to open session at 7:47 p.m.

ADJOURN

Mr. Wilhelm moved and Ms. Mickey seconded the motion to adjourn at 7:47 p.m.

Voice Vote	Ayes	Nays	Abstain	Absent
Lisa Mickey	x			
Scott Wilhelm	x			
Robert Thurgarland	x			
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor				x

Respectfully submitted,

Approved by,

Catherine M. Miller
Municipal Clerk

Dan Bush, Mayor
Krov, Deputy Mayor