

Minutes
PLANNING BOARD REORGANIZATION MEETING
Minutes of the Special Meeting held Tuesday, **January 11th 2022** ~ 7:00 p.m.
In the Meeting Room in Town Hall

The meeting was called to order at 7:00 p.m. by Ms. DiMaso, who then read the following statement: "I hereby announce, pursuant to Section 5 of the Open Public Meetings Act, that adequate notice of this meeting has been transmitted on January 7th 2022 and February 11th 2022 by the Secretary to the Asbury Park Press, Independent, The Two River Times, the Township Clerk, and has been posted on the bulletin board, on the main access door to Township Hall, and posted on the Township's website~ www.holmdeltownship.com"

Pledge of Allegiance

Moment of Silence to Honor Military Personnel Who Have Been Wounded or Killed in Action and for the First Responders Who Keep Us Safe Every Day

Roll Call

Present: Mr. Ackerson (Class II)
Ms. Melissa Alfieri-Collins (Mayor's Designee ~ Class I)
Ms. DiMaso
Mr. Emma
Dr. Gilstein ~ Environmental Commission Liaison
Mr. King
Mr. Luccarelli (Class III)
Ms. Ploussas
Mr. Nikolis ~ Alternate #1 (seated for Mr. Kastning)
Ms. O'Connor ~ Alternate #2

Absent: Mr. Kastning

Also present: Mr. Pflieger, Esq.
Ms. Keller, PP/AICP
Mr. Mullin, PE
Bonnie Imposimato ~ Planning Board Secretary/Administrative Officer

Election of Chairperson and Vice Chairperson for 2022

Motion made by Ms. Ploussas, seconded by Mr. Emma, to appoint Serena DiMaso as Planning Board Chairperson for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Motion made by Ms. DiMaso, seconded by Dr. Gilstein, to appoint Joyce Ploussas as Planning Board Vice Chairperson for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Planning Board Secretary and Assistant Planning Board Secretary for 2022

Motion made by Ms. Ploussas, seconded by Mr. Ackerson, to appoint Bonnie Imposimato as Planning Board Secretary for 2022. Motion carried on voice vote.

Motion made by Mr. King, seconded by Mr. Emma, to appoint Loretta Coscia as Assistant Planning Board Secretary for 2022. Motion carried on voice vote.

Planning Board Attorney for 2022

Motion made by Mr. Luccarelli, seconded by Dr. Gilstein, to appoint Martin F. Pflieger, Esq. as Planning Board Attorney for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Special Consulting Attorney for 2022

Motion made by Mr. Luccarelli, seconded by Dr. Gilstein, to table discussion of this item for the time being. Motion carried on voice vote.

Planning Board Planner for 2022

Motion made by Dr. Gilstein, seconded by Mr. Emma, to appoint Kate Keller, PP/AICP as Planning Board Planner for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Special Consulting Planner for 2022

Motion made by Mr. Emma, seconded by Ms. Ploussas, to appoint Jennifer Beahm, PP/AICP as Special Consulting Planner for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Planning Board Engineer for 2022

Motion made by Mr. King, seconded by Dr. Gilstein, to appoint Robert Mullin, PE/CME/CPWM as Planning Board Engineer for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Adjournment

There being no further business at 7:30 p.m., motion made by Mr. Luccarelli, seconded by Mr. Ackerson, to adjourn. Motion carried on voice vote.

Respectfully submitted,
HOLMDEL TOWNSHIP PLANNING BOARD



Bonnie Imposimato
Planning Board Secretary/Administrative Officer

*Summary minutes prepared by Bonnie Imposimato. Proceedings recorded.
Minutes approved at the Planning Board meeting held February 15th 2022.*

**RESOLUTION
HOLMDEL TOWNSHIP PLANNING BOARD**

**RESOLUTION APPROVING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC
COMMENT DURING REMOTE PUBLIC MEETINGS**

WHEREAS, public meetings of the Planning Board are subject to the provisions of the Open Public Meetings Act ("OPMA"), N.J.S.A. 10:4-6 et seq.; and

WHEREAS, due to the ongoing COVID-19 public health emergency, the Planning Board of the Township of Holmdel has been conducting remote electronic meetings, which are expressly authorized under OPMA by P.L. 2020, c.11; and

WHEREAS, pursuant to its regulatory authority under OPMA, the Department of Community Affairs has promulgated regulations establishing the "Emergency Remote Meetings Protocol for Local Public Entities," as set forth at N.J.A.C. 5:39-1.1 et seq; and

WHEREAS, N.J.A.C. 5:39-1.4 (h) requires the Planning Board of the Township of Holmdel to "adopt, by resolution, standard, procedures and requirements for public comment made during a remote public meeting, as well as for public comments submitted in writing ahead of the remote public meeting; and

WHEREAS, N.J.A.C. 5:39-1.7 sets forth specific regulations that are applicable to land use boards, which by definition at N.J.A.C. 5:39-1.2 includes Planning Board of the Township of Holmdel

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Holmdel, that the following public comment procedures and requirements shall be applicable to the public meetings of the Planning Board of the Township of Holmdel conducted on a remote electronic basis:

1. Before holding a public hearing on an application for development during a remote public meeting, the Planning Board shall determine whether electronic communication technology can sufficiently facilitate due process of the applicant and any interested party, including the ability to examine exhibits, transcribe testimony, and cross-examine witnesses, as well as the ability of the public to comment upon the application. Factors in making this determination shall include, at a minimum, the scale of the project, the number of approvals requested, the degree of public interest, and the number of potential objectors. The Planning Board shall adopt a motion or resolution setting forth the foregoing findings prior to proceeding with any application for development through a remote electronic meeting.
2. The Planning Board shall conduct all remote electronic meetings on a platform using both audio and video.

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Special Consulting Engineer for 2022

Motion made by Mr. Emma, seconded by Mr. Luccarelli, to appoint Robert Yuro, PE as Special Consulting Engineer for 2022. Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Ms. Alfieri-Collins
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. Ploussas
Mr. Nikolis (Alternate #1)
Ms. DiMaso

Absent: Mr. Kastning
Not Seated: Ms. O'Connor

Resolution Approving Standard Procedures/Requirements for Public Comment During Remote Public Meeting

Motion made by Dr. Gilstein, seconded by Ms. Ploussas, to approve the proposed procedures. Motion carried on roll call vote.

Resolution Awarding Contracts for Professional Services 2022

Motion made by Mr. King, seconded by Ms. Ploussas, to approve the proposed resolution. Motion carried on voice vote.

Resolution Providing for "Annual Notice" of Meetings 2022

Motion made by Mr. Luccarelli, seconded by Mr. Emma, to approve the proposed Annual Notice. Motion carried on voice vote.

Adoption of Planning Board Rules and Regulations 2022

Motion made by Dr. Gilstein, seconded by Ms. Ploussas, approve the adoption of the proposed Rules and Regulations. Motion carried on voice vote.

Adoption of Official Newspaper 2022

Motion made by Mr. Luccarelli, seconded by Mr. Emma, to adopt the Asbury Park Press as the Official Newspaper for 2021, along with the Two River Times and Independent. Motion carried on voice vote.

RESOLUTION ~ HOLMDEL TOWNSHIP PLANNING BOARD

PROFESSIONAL SERVICES 2022

WHEREAS, there exists a need for professional services, and

WHEREAS, funds are available for these purposes, and

WHEREAS, the local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) requires that a notice of this resolution awarding contracts for professional services without competitive bids must be publicly advertised.

WHEREAS, the Township of Holmdel Planning Board has a need to acquire the following services as professional contracts, awarded pursuant to a fair and open process, in accordance with the provisions of N.J.S.A. 19:44A-20.2 et seq.

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Holmdel as follows:

- The Chairperson and Secretary of the Planning Board are hereby authorized and directed to execute agreements for 2022 with:

Planning Board Attorney ~ Martin Pflieger, Esq. ~ Harter & Pflieger

Planning Board Engineer ~ Robert Mullin, PE/CME/CPWM ~ Collier Engineering & Design

Planning Board Planner ~ Kate Keller, PP/AICP ~ Phillips, Preiss, Grygiel, Leheny, Hughes

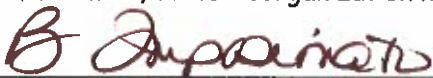
- These contracts are awarded pursuant to the fair and open process, and in accordance with the provisions of N.J.S.A. 19:44A-20.2 et seq.; these contracts are awarded without competitive bidding as "professional services" under provisions of the Local Public Contracts Law because the persons hereby appointed are attorneys, licensed professional engineers, and licensed planners, respectively recognized professions licensed and regulated by law, and it is not possible to obtain competitive bids; and the rates for the various professional services are specified in said contracts and will be approved upon acceptance by the Planning Board,

BE IT FURTHER RESOLVED that award of the aforesaid contracts is contingent upon an appropriation by the Holmdel Township Committee in the 2022 budget.

BE IT FURTHER RESOLVED that notice of the adoption of this resolution shall be published in the *Asbury Park Press* as required by law within ten days of its passage.

CERTIFICATION

I do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Planning Board of the Township of Holmdel, at its Reorganization Meeting held Tuesday, January 11th 2022.



Bonnie Imposimato, Planning Board Secretary/Administrative Officer



Date

RESOLUTION
HOLMDEL TOWNSHIP PLANNING BOARD
RESOLUTION PROVIDING FOR "ANNUAL NOTICE" OF PLANNING BOARD MEETINGS FOR 2021
PURSUANT TO SECTION 13 OF THE OPEN PUBLIC MEETINGS ACT
JANUARY 11, 2022

WHEREAS, the Open Public Meetings Act requires that all public bodies at the time of their annual organization meeting, or within seven days thereof, shall post, mail to newspapers, and give notice to certain other persons, the schedule of meetings for the succeeding year.

NOW, THEREFORE BE IT RESOLVED that this Public Body, the Planning Board of the Township of Holmdel, hereby re-promulgates its schedule of meetings for the year 2022, amended to conduct in-person meetings at Town Hall:

2022 RE-ORGANIZATION MEETING

Time: 7:00 pm
Date: Tuesday, January 11

2021 REGULAR MEETINGS

Time: 7:00 p.m. ~ First and Third Tuesdays (*subject to change*)

Dates:	February 1	April 5	June 21	August 16	October 18
	February 15	May 3	July 5	September 6	November 1
	March 1	May 17	July 19	September 20	December 6
	March 15	June 7	August 2	October 4	January 10, 2023

BE IT FURTHER RESOLVED that the Secretary is hereby directed to post and maintain posted a copy of this Resolution in the place designated for the posting of notices at Town Hall, on the Township's website, and forward a copy of this Resolution to the Asbury Park Press, Independent, The Two River Times, as well as in the office of any other designated official, pursuant to Section 3(D) of the Act, and

BE IT FURTHER RESOLVED that this Resolution and the schedule contained herein may be amended from time to time provided the terms of the Act are fully followed, and

BE IT FURTHER RESOLVED that Special Meetings shall be called in conformance with the provisions of Section 3(D) of the Act.

BE IT FURTHER RESOLVED that formal action may be taken at any Planning Board meeting.

CERTIFICATION

I, Bonnie Imposimato, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Planning Board of the Township of Holmdel at its Reorganization Meeting held Tuesday, January 11th 2022.

B Imposimato
Bonnie Imposimato, Planning Board Secretary/Administrative Officer

Jan 12, 2022
Date

Rules and Regulations
Holmdel Township Planning Board - 2022

Article I – Annual Reorganization Meeting

- 1.01 At the first meeting of the year, the Planning Board (the “Board”) shall elect from among its Class IV members a Chair and Vice-Chair. These officers shall serve for the calendar year.
- 1.02 The Board shall also appoint a Secretary, Assistant Secretary, Attorney, Professional Engineer, Professional Planner, and such other experts or staff as it may deem necessary. The contracts for engagement of any professional who is expected to provide testimony at any hearing may require the execution of an Affidavit certifying that all such testimony is given under oath and shall be truthful and complete.
- 1.03 The Board may establish and adopt Rules and Regulations from time to time, setting forth its policies and procedures for considering applications, conducting public hearings, resolving conflict issues, and addressing other matters the Board shall deem appropriate. Unless new Rules and Regulations are adopted, the most recently adopted Rules and Regulations shall control.
- 1.04 The Board may establish sub-committees of Board Members to report to the Board on specific matters. Such committees may include an Affordable Housing Committee and a Master Plan Advisory Review Committee. All committees established pursuant to this section are authorized to meet as the Members deem prudent. No such committee shall have any decision-making authority, however.
- 1.05 The Board may appoint individual members to serve as liaison to any other agency it deems appropriate.
- 1.06 The Board may determine the order of roll call vote for the year.
- 1.07 The Board shall determine the calendar on which the regular meetings of the Board shall be held. The Board shall then approve an Annual Notice setting forth its meeting schedule, to be published in accordance with the Municipal Land Use Law (the “MLUL”).

Article II - Meetings and Hearings

- 2.01 The Chair shall preside at all meetings and hearings of the Board and shall decide all points of order/matters of procedure governing meetings or hearings, and perform all the duties normally appertaining to the office and as required by law, ordinance, or these Rules of the Board. The Vice-Chair shall preside at all Board meetings and hearings in the absence of or disqualification of the Chair.
- 2.02 Special meetings and executive sessions as permitted by law, may be scheduled at the Board's discretion, called by the Chair or in his/her absence by the Vice-Chair at any time, or called upon the written request of three Members, provided that notice be provided as required by law.
- 2.03 Public participation is not permitted at administrative meetings, except with the permission of the Board.
- 2.04 In the absence of a quorum, time limits that may expire or any prior extensions granted by applicants that are to expire prior to the next meeting of the Board shall be automatically extended to such meeting.
- 2.05 The two alternate Members appointed by the Mayor shall be designated by the appointing authority as "Alternate 1" and "Alternate 2" respectively; each shall retain said designation during the term for which he/she was appointed. The Alternates shall participate in Board affairs subject to the following provisions:
- a. An Alternate Member may participate in any Board business or hearings being held by the Board, but may not vote except as designated by the Chair to serve in the place of a Regular Member who is absent or disqualified.
 - b. In the event a choice must be made as to which Alternate is to vote, Alternate 1 shall vote over Alternate 2.
- 2.06 If a motion to approve an application for development does not receive the required votes, such failure shall be deemed an action denying the application.
- 2.07 At each public hearing on an application, the Chair may designate one Member of the Board or the Planning Board staff to record specific commitments made by the Applicant. In the absence of such designation, it shall be the duty of the Board Secretary or a Board-appointed court reporter.

Article III - Procedures for Consideration of Applications

- 3.01 An Application for approval, or other relief over which the Board has jurisdiction, shall be commenced by its filing with the Administrative Officer.
- 3.02 The Applicant shall comply with all Checklist/Ordinance requirements or request waivers/exception/variances therefrom. An explanation supporting each such request should be submitted with the Checklist. If completeness waivers are requested, no Application shall be Deemed Complete until they are granted by the Board or subsequently complied with by the Applicant if the request is denied. All statutory time periods for actions by the Board commence upon the filing of a complete Application.
- 3.03 Upon receipt of an Application by the Administrative Officer, the Application will be reviewed for Completeness in accordance with the Municipal Land Use Law and the Ordinance. When the Application is Deemed Complete, the Administrative Officer shall set forth the day it was so certified for the purposes of commencement of time periods for Board action.
- 3.04 In the event a completeness hearing is requested, the date the Board votes to deem an application complete (whether by granting certain waivers or otherwise), shall be the date of completion. Any waivers granted at such completeness hearing shall not act as waiver of the Board's right to require the applicant to submit such information for purposes of consideration during a public hearing.
- 3.05 If available, an Applicant may seek to begin an Application before the Board by first requesting a conceptual review or a TRC meeting. These are non-binding, informal meetings that provide information exchange only.
- 3.06 An Application may be assigned a hearing date upon request of the Applicant after the Application is Deemed Complete. If public notice is required, the Applicant shall file an affidavit of Proof of Service by the Friday prior to the hearing, together with a copy of the certified list of the property owners entitled to notice and copies of postal receipts evidencing mailing to each such person.
- 3.07 The Board may dismiss any action without prejudice if the Applicant fails to appear at the time set for the hearing. An Applicant may withdraw an Application, in which case the Application shall be dismissed without prejudice.
- 3.08 Plan revisions/supplements should be received by the Administrative Officer at least 3 weeks prior to the scheduled meeting, and shall constitute an automatic extension of the time for the Board to act. This will provide ample time for review letters to be put on file at least 10 days prior to the hearing.

- 3.09 No action will be taken if the escrow is below the minimum required, other than the consideration of a motion to dismiss the Application without prejudice.
- 3.10 Prior to the signing of any final plans, the issuance of any construction permits and the start of any construction, the applicant shall submit one (1) standard Autocad .DWG or .DXF file copy (on 3½ " diskette or CD) of the final layout plan and/or final plat.

Article IV - Procedures for Public Hearings

- 4.01 The regular meetings of the Board shall be held at the Town Hall, 4 Crawfords Corner Rd, Holmdel, NJ at 7:00 p.m., generally on the first and third Tuesdays of each month, or at such other time(s) as the Board shall determine at its Reorganization.
- 4.02 Subject to the Chair's discretion to amend the order of business, all public hearings of the Board will be as follows:
- a. Call to order
 - b. Statement of compliance with Open Public Meetings Act
 - c. Roll call in the order as previously specified by the Chair
 - d. Agenda and calendar review
 - e. Approval of minutes of previous meetings
 - f. Motions for adjournments of any scheduled Applications and other motions
 - g. Unfinished or adjourned hearings
 - h. Hearings
 - i. Action on any other business
 - j. Correspondence and reports
 - k. Memorialization of resolutions
 - l. Adjournment
- 4.03 Generally, no new case will be heard after 10:00 p.m., and for an existing hearing, no additional testimony will be taken after 10:30 p.m. However, the Chair, may modify these time limits at the Chair's discretion.
- 4.04 At the commencement of a hearing, the Applicant, all interested members of the public, and Board Members shall be requested to identify any potential conflict of interest of which they may be aware.
- 4.05 Subject to the discretion of the Board Chair to allow greater time, the time allowed for any interested party shall be limited to three minutes per person, and the Board Chair may elect to disallow any duplicative testimony.

- 4.06 If a member of the public becomes disruptive during a public meeting, including during any period for public comment, the board Chair may request such person to remain quiet. In the event such person continues with a disruption, the Board Chair may have such person removed from the public meeting. Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption and use of profanity.
- 4.07 The burden of proof is on the Applicant (or the objector) and it is their responsibility to supply competent/credible evidence in order for the Board to determine whether the Applicant is entitled to the relief sought (or in the case of an objector, whether an Application should be denied). The Board assumes no obligation to seek independent verification of any testimony granted; therefore, adequate sworn testimony and exhibits are required where appropriate. However, the forgoing shall not act as a waiver of the Board's right, in its discretion, to seek independent expert reports and/or testimony and/or issue subpoenas as deemed necessary.
- 4.08 All witnesses for the Applicant or the public giving testimony at the hearing shall be sworn before giving any testimony.
- 4.09 The order of proceedings shall be at the discretion of the Chair. Unless varied by the Chair, the order for each Application generally will be as follows:
- a. Entry of appearance by all counsel (Applicant and objectors)
 - b. Evidence of proper notice by the Applicant's counsel
 - c. Discussion of potential conflicts
 - d. Opening statement by the Applicant's counsel
 - e. Consideration of completeness waivers, if not already granted
 - f. Direct examination of Applicant's witness by Applicant's counsel
 - g. Cross examination of the Applicant's witness by the Board
 - h. Cross examination of the Applicant's witness by the public

(F through G are then repeated for each of Applicant's witnesses, provided, however, that at the discretion of the Chair, the Applicant may be requested to allow for questions by the public at the conclusion of certain portions of the witness's testimony or to complete the presentation of its entire case prior to cross-examination by the public. In matters involving substantial public participation, the Chair shall also be permitted to require all members of the public who wish to speak to so indicate on a sign-in sheet.)

- i. Opening statement by objector's counsel
- j. Direct examination of objector's witness
- k. Cross examination of the objector's witness by the Board
- l. Cross examination of the objector's witness by the Applicant and the public

(I through L are then repeated for each of objector's witnesses)

- m. Closing statement by objector's counsel
- n. Comments by public
- o. Closing statement by Applicant's counsel

- 4.10 Prior to being recognized as counsel to an objector or group of objectors, the attorney shall present to the Chair a list of the parties he/she represents and such parties shall participate in the proceeding only through counsel.
- 4.11 Any member of the Board may place evidence into the record as to any relevant matter of which he/she has personal or official knowledge, including facts ascertained from a viewing of the premises in question and the general area.
- 4.12 When the Applicant and all interested persons have had an opportunity to be heard, the Chair shall determine whether to close the public hearing. The Applicant, a member of the Board or other interested party may request a continuance of the hearing for the purpose of presenting further evidence. The Board, acting in its discretion, may either grant or deny such a request. In cases where the Board believes that testimony should be received in the public interest from any municipal, county or state official or from any other persons in order to assist the Board in rendering a just decision, the Board may continue the hearing. In the absence of any request to continue the hearing, the Chair shall declare the hearing to be closed and thereafter no further evidence will be received in the action unless the matter is re-opened in accordance with these rules.
- 4.13 The Board, on its own motion at any time, may request a report on any particular matter from any officer, board or agency, or any expert employed or retained by it in connection with the pending Application; provided, however, that a copy of any such report shall be made available to the Applicant if he/she so requests, and the Applicant shall have the right to insist on the attendance at the hearing of the person making the report (or if an agency, a representative of the agency) for purposes of cross-examination. The Board shall not be obligated to honor such request unless the Applicant consents to an extension of time within which it must take action on the Application for at least forty-five (45) days in order to allow the Board time to arrange such attendance. (As a general rule, the Board will only request that its Engineer and Planner attend the hearings, though reports may be received from a variety of sources. If an Applicant anticipates objecting to the Board's consideration of a report unless the Applicant is given the right to cross-examine the preparer, notice should be served on the Board at least five [5] business days prior to the hearing.)
- 4.14 While formal rules of evidence are not observed, no decision shall be based upon any facts not proved or on matters not in the record, unless they are such items of which the Board is entitled to take judicial notice. Documents or exhibits admitted into evidence during a hearing shall be marked and retained by the Board as part of the permanent file. Any evidence presented, whether by testimony or by documents and exhibits presented at the hearing, which are not questioned or controverted by any other person appearing or by any member of the Board, may be deemed to be true by the Board in its decision-making process and findings of fact.

- 4.15 At all hearings for final approval, the Board's Engineer and if applicable, Planner, shall provide a report to the Board on the Applicant's compliance with the preliminary resolution of approval.

Article V - Fees

- 5.01 At the time of filing an Application, the Applicant shall pay escrow fees for the purpose of defraying expenses incidental to the proceedings described in these rules and regulations, including by example only, the Board Engineer, Planner and Counsel, at their respective contractual rate. The fees applicable to each Application shall be determined by reference to the Ordinance.
- 5.02 If available, a transcript shall be furnished to any interested party at his/her expense. When furnishing a transcript of the proceedings to an interested party, the Board shall not charge such interested party more than the maximum permitted under N.J.S.A. 2A:11-15. The transcript shall be certified by the transcriber to be accurate. The actual cost of the transcript shall be paid by the party requesting same. An amount estimated by the Board Secretary shall be deposited immediately after the request for a transcript is made. Any excess shall be returned to the Applicant or any balance owed shall be paid by the Applicant at the time of delivery of the transcript.
- 5.03 Should an Applicant request that the Board consider his/her Application at other than a regular meeting of the Board, the Applicant shall, in addition to the fees hereinbefore provided, pay the costs incurred by the Board in connection with the holding of such special meeting pursuant to the Ordinance.
- 5.04 An Applicant may also request additional review by the Board's professionals, provided the Applicant shall pay any fees as required by the Ordinance.

Article VI - Amendments

- 6.01 The Board may from time to time amend any part or parts of these Rules and Regulations at any regular meeting, provided notice of such amendment has been given, in writing, to each Member of the Board at least three (3) days prior to such meeting, except in exigent circumstances, in which event the Board may lessen or waive such time period. In no case, however, shall any rule as amended be applicable to any action commenced prior to the adoption of such amendment where the application thereof would result in surprise, hardship or injustice to the Applicant or any other interested persons.

Article VII - Procedures for Amending Preliminary Approvals

- 7.01 In the event changes are required to a plan for which an Applicant has received preliminary major site plan/subdivision approval, the following procedures shall be followed:
- a. The Applicant shall submit the revised plan to the Board with a narrative explanation of the nature of and reasons for the changes from the preliminarily approved plan.
 - b. The Board Engineer and Planner shall prepare reports evaluating the Applicant's submission and further offering an opinion on whether the changes affect the integrity of the preliminarily approved plan or any material aspect thereof.
 - c. The Applicant shall then proceed to a hearing before the Board, on notice to all parties who would be entitled to notice of an Application for preliminary approval. The Applicant shall address the following:
 1. All changes to the preliminarily approved plan
 2. The reasons for the changes
 3. The Applicant's case as to why the changes are not substantial
 4. Any additional testimony as may be required by the Board
- 7.02 At the conclusion of the hearing, the Board shall take one of the following actions:
- a. Determine that the changes are not substantial, in which case the Applicant may proceed with an Application for final approval.
 - b. Determine that the changes are not substantial as to the preliminarily approved plan itself, but that the Applicant must submit additional data for review/approval by the Board Engineer prior to proceeding to final.
 - c. Determine that the changes are substantial but not of a nature requiring reconsideration of the entire preliminary approval. The action of the Board shall then be consideration of the plans to the extent changes are required to the preliminarily approved plan. A resolution either denying or approving changes shall be appended to the resolution granting preliminary approval.
 - d. Determine that the changes are substantial and that a resubmission of an Application for preliminary approval is required. In that event, the previous approval shall be disregarded in its entirety and the Applicant shall address all aspects of the plan, irrespective of the prior proceedings.

Article VIII - Citizens' Advisory Committee

- 8.01 The Board recognizes and acknowledges that pursuant to N.J.S.A. 40:55D-27, the Mayor has the authority to appoint a Citizens' Advisory Committee to the Board.

Article IX - On-Site Visits

- 9.01 The Board shall schedule on-site visits whenever it deems a site visit desirable to assist them in their review of a pending Application.
- 9.02 The Board Secretary shall provide public notice of such site visits in the manner required for special meetings under the Open Public Meetings Act (N.J.S.A. 10:4-7 *et seq.*).
- 9.03 Prior to such site visit, the Applicant shall mark the location of the centerline of all roads, detention basins, typical building footprint locations, wetlands or buffer boundaries, and significant environmental or developmental features and provide such other markers as the Board may deem appropriate. Furthermore, the Applicants should provide thirty (30) color copies of an 11x17" map of the site showing the staked locations, highlighted in color which correspond to the colors of the stakes. The foregoing is subject to being modified in the Board's discretion.
- 9.04 The on-site visit shall be called to order by the Chairman of the Board or Acting Chairman. All statements and questions should be directed to the Chairman. There shall be no *ex parte* communications between Board Members and non-Members.
- 9.05 The Board Secretary or designee shall record the comments made.
- 9.06 The Board Secretary shall then draft notes of the meeting. These draft notes will be circulated to the Members, the Applicant, and all interested parties and be available for inspection at Board offices.
- 9.07 The notes shall be shall be reviewed by the Board at a Board meeting before the next portion of the public hearing on the Application in question.

Article X - Policy on Professional Services

Purpose: The following procedures are designed to provide for a fair and open process in awarding professional services based on qualifications, merit and cost effectiveness through accessible advertising. Services include annual appointments and day-to-day programs, projects and contracts.

Scope: Any persons or firms interested in providing professional services as defined in the New Jersey Statutes, NJSA 40A:11-2(6), to the Holmdel Township Planning Board (hereinafter "Planning Board").

General Requirements:

1. Once a need is established for professional services anticipated to equal or exceed \$17,500, a Request for Proposal (RFP) for the specific service or contract will be prepared and advertised.
2. Advertising of the RFP will, at a minimum, include the official paper(s) of the Township and any other sources deemed appropriate by the Administrator for the specific professional service, posted on the Township website and Township lobby bulletin board and filed with the Municipal Clerk at least ten (10) days prior to the submission deadline.
3. The advertisement will include a summary of the specific service or activity and who to contact in the Township to receive a copy of the RFP.
4. The RFP will, at a minimum, include:
 - a. A description of the professional service needed, including the scope of activities involved and a statement that the proposal is being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
 - b. Qualification requirements to compete for the needed service or activity.
Qualification requirements include, but shall not be limited to, the following:
 - 1) Names/titles of the individuals who will perform the service and/or activity
 - 2) Description of the individual's or firm's experience with similar services or projects being requested
 - 3) List of references and achievements
 - 4) Description of the individual's or firm's ability to provide the service or complete the activity in a timely fashion or as required by the Planning Board

Article XI - Miscellaneous

- 11.01 The foregoing Rules and Regulations are meant as a guidance to the Board and applicants, and are subject to modification in the discretion of the Board.

- 11.02 Notwithstanding anything to the contrary, in the event of a conflict between these Rules and Regulations and a specific requirement set forth in the MLUL, the terms of the MLUL shall control as to such provision.
- 11.03 In the event of a state of emergency that results in a directive by the State permitting remote public meetings, then the terms of such permitting legislation, or any allowable Resolution setting forth the requirements of remote public meetings as may be adopted by the Board, shall control.