

**BOROUGH OF WATCHUNG**  
PLANNING BOARD  
TRACEE SCHAEFER, CHAIRWOMAN

**Special Meeting**  
**April 2, 2019**

**OFFICIAL MINUTES**  
**Adopted April 16, 2019**

Chairwoman Schaefer called the Special Meeting to order at 7:30 p.m. Board members present were Mr. Desnoyers, Mr. Ellis, Councilman Sopko, Mayor Balla, Mr. Speeney and Ms. Spingler. Also present were Frank Linnus, Esq., Board Attorney; Mr. Herits, Board Engineer; and Theresa Snyder, Board Clerk. There were 19 members from the public present.

Chairwomen Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting had been made. She then led the flag salute to the American flag, and the Board members identified themselves for the record.

**IMPROVEMENT REVIEW**

Bayberry School Playground  
Watchung Board of Education

Entering his appearance for the Board of Education was Mr. Scott Zucker, Esq., 238 St. Paul Street, Westfield, NJ 07090 and Valery Petrone, Interim Business Administrator, sworn in to give testimony, having a business address of One Dr. Parenty Way, Watchung, NJ 07069.

Mr. Linnus gave a background of why the Board of Education would come before the Planning Board. This was a D-31 Courtesy Review/Capital Review. He explained that Mr. Lee Titus, PE and Mr. Nick Naturile were before the Board at their regularly scheduled March 19, 2019 meeting. It was at this time, that the Board asked for written verification that public funds would be expended. If public funds are expended, then the Board of Education is allowed to have a review. The Board asked them to agree to a special meeting.

Chairwomen Schaefer gave further explanation of holding a special meeting. Every five years the Board receives a five year plan from the Board of Education. Anything

outside of those plans, goes before the Planning Board for review. The Board was not there to approve or disapprove. It was important to move forward following procedure for the safety of the children. The Board's procedure is to have the Site Plan Committee look at the site in advance of the meeting and make recommendations based on their findings. The Board did not see the plans for the playground until the night of their March 19<sup>th</sup> meeting. If there are public funds spent, the plan must go before the Board. They knew this was an important project on a tight time schedule. A woman at the last meeting gave a history of the playground during the public portion of the meeting. The Board needed a letter confirming the expenditure of public funds. Without a letter, their hands would be tied. The Board was not there to hinder or stop anything. They have to follow procedure.

Mr. Linnus stated that Statue 40:55-31 On Capital Review Projects states "Any public funds" which he contended should be read literally. He said the downside was that if they were wrong, then the Board of Education would have to go back to the Planning Board for a site plan application.

Ms. Petrone, under oath, stated that she was the Interim Business Administrator. She was familiar with these plans presented before the Board. She wrote a letter dated April 2, 2019 which was entered as EXHIBIT A-1-Letter of Expenditure of Funds-Dated 4/2/19. She confirmed that she wrote the letter stating the Board of Education will be expending funds for the attorney fees. The Board of Education currently has no plans to expend any additional funds.

Mr. Speeney read into the record the Site Plan Committee Report dated April 2, 2019. The site visit was March 29, 2019.

Mr. Herits read into the record his report dated March 29, 2019.

Mr. Titus, PE, still under oath, gave a brief description of the improvements that will be made to the Bayberry School playground. They will be adding sidewalks. The rubberized surface on top of the concrete ball court will be pervious. They will add 3 drains. The ball field will remain as a ball field for now. It could be converted to a kickball field in the future.

On question of the Board, Mr. Titus said the water would runoff as it presently does.

With there being no additional comments from the Board, Chairwoman Schaefer directed Ms. Snyder to draft a letter to the Mayor & Council and the Board of Education giving their approval of the project and stating that the project is consistent with the Master Plan. The Board recommended that this playground be installed.

**ADJOURN**

The Board unanimously voted to adjourn the meeting at 7:51 p.m.

Respectfully Submitted,

*Theresa Snyder*

Theresa Snyder  
Board Clerk