

**THE BOROUGH OF WATCHUNG**  
**Planning Board**  
**Regular Meeting**  
**October 17, 2023**  
**Adopted November 14, 2023**

Tracee Schaefer called the Regular Meeting to order at 7:30 pm

**ROLL CALL**

Ms. Tracee Schaefer, Chairwoman	Mr. Paul Fiorilla
Mr. Donald Speeney, Vice Chairman	Mr. Troy Sims
Mr. Ronald Jubin, Mayor	Ms. Jackie Bodnar
Mr. Robert Gibbs, Councilman ( <b>Late Arrival – 7:08 pm</b> )	Mr. Francis P. Linnus, Esq.
Ms. Ellen Spingler, Secretary	Mr. Mark Healey, PP
Mr. Al Ellis	Mr. Richard Calbi Jr., Board Engineer ( <b>Absent</b> )
Ms. Karen Pennett ( <b>Absent</b> )	Mr. John Jahr, Board Traffic Engineer
Mr. Steve Pote ( <b>Absent</b> )	Ms. Tammy Vetuschi, Board Clerk
	Mr. Joseph Fishinger, Engineer

Chairwoman Schaefer read the statement indicating the meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. She then led the flag salute to the American flag. Roll call was taken and indicated a quorum to conduct business.

**MINUTES**

Chairwoman Schaefer sought motion to waive the reading and approve minutes from the September 19, 2023 Regular Meeting. Mr. Ellis motions, Mr. Speeney seconds, minutes are approved on voice vote with Ms. Spingler not voting due to her absence at the previous meeting.

Chairwoman Schaefer sought motion to waive reading and approve minutes from the September 19, 2023 Executive Session meeting. Mr. Speeney motions, seconded by Mr. Ellis, the Executive Session minutes were approved and carried on voice vote with Ms. Spingler not voting due to her absence at the last meeting.

Madame Chair advises that we will be entering into Executive Session. Ms. Spingler read into the records PB23-R11.

**ROLL CALL:**

Ayes: Mayor Jubin, Mr. Fiorilla, Mr. Speeney, Ms. Spingler, Madam Chair, Ms. Bodnar, Mr. Sims

Nays:

Not Voting:

Not Eligible:

Absent:

Ms. Pennett, Councilman Gibbs, Mr. Pote

### **BOARD ENTERS INTO EXECUTIVE SESSION PB23-R11**

Upon return from Executive Session, Mr. Linnus advised that he discussed with the Board The Appellate Division Court Order that was received yesterday, October 16, 2023, and that it is the Board's decision that they will go forward tonight. Attorney's wishing to place information on the record regarding the order are free to do so.

Mr. Butler approached the Board to discuss Rule 2:9-1 and his interpretation of this rule. Mr. Butler believes the Appellate Division would like to address everything all at once. He believes the Planning Board does not have jurisdiction, and he believes this meeting and the October 10, 2023 meeting is nullity.

Ms. Dory stated that she has never seen anything like Mr. Butler's motion in her 20 years. Ms. Dory believes that what the Appellate Division is really saying is that the motion is denied, we can file a motion if we would like the court to enter the consent order. She would like to move forward with this application.

Madame Chair announced that "Drift Road" is not being heard tonight, it will be heard at the November 14, 2023 meeting. Last week some people were missing reports so the meeting came to a close until everyone was brought up to speed.

Councilman Gibbs joined the meeting at 7:08 pm.

Please see transcript for **FULL** testimony.

Chairwoman Schaefer moves to adjourn at 10:08 pm.

Next Regular Meeting is Tuesday, November 14, 2023, 7:30 pm. The next Bonnie Burn Special meeting will be November 1, 2023 at 6:30 pm.