

Land Use Liability/Municipal JIF

Training

Solicitor Russell continued the meeting by commencing the above listed training. He began by training under Case 2 which dealt with conflicts of interest. He gave examples of conflicts of interest and how a judge would possibly respond to each. He recommended that any Board Member having concerns with a case should talk with the Solicitor regarding same before the hearing. He mentioned that any Board Member having a financial interest should certainly leave a hearing. He asked if anyone had any questions concerning this topic. A discussion was initiated regarding this matter. He also mentioned the "Rule of Necessity."

He proceeded to the next topic in the training. He mentioned the concerns with communicating on a cell phone while in a hearing. He gave examples of the different ways in which communication on a cell phone could be a concern. He explained to the Board Members that many of the rules that apply to a judge would apply to them. He stated that during a hearing, Board Members should not have their phones on, nor speak to an applicant while on the application site. He gave an example of how a hearing was later involved in a lawsuit. A discussion was initiated regarding this matter.

He continued the training by addressing Land Use Board meeting conduct. He gave examples of rude comments and/or conduct made towards an applicant or others at a hearing. He stated that Public Officials could not waive conflicts. He asked if anyone had any questions about what was mentioned in the training. He cautioned that Board Members should not deny applications based on their dislike of the application or the applicants. He stated that denials should be done on sound reason. He mentioned denials involving variances. He gave examples of these types of denials. It was requested of Solicitor Russell to give examples of Case 6 which involved "Selective Enforcement." Solicitor Russell gave examples of same. He commented on a rule of thumb which was the degree of deviation that an applicant was asking for in an application.

Board Member Prettyman questioned regarding execute sessions. Solicitor Russell stated that he does not recommend doing execute sessions regarding applications. He recommended that everything should be done in public for the sake of transparency. He gave more examples regarding conduct. Solicitor Russell asked Board Professional Lewis Conley if he had anything to comment regarding the topics discussed. Both, he and Solicitor Russell commented on a prior case. Mr. Conley commended Solicitor Russell for covering the most important parts of the training. He also commented that any cell phone present in a case may become discovery, and that it would be better to leave the phone outside of the meeting. A discussion was initiated regarding this matter. Mr. Conley also commented on emails and texting.

Solicitor Russell continued the meeting by commenting on how to properly apply on emails. He cautioned that when answering back on an email that the "Reply All" button should not be used. Board Professional Conley gave an example of Case 1 "Board Member Immunity." Solicitor Russell continued speaking on this matter. Solicitor Russell commented on 1983 regarding the violation of civil rights.

Recommendations from the Engineer: Nothing further to report except to say that Solicitor Russell's recommendations regarding the training should be followed.

Recommendations from the Solicitor: None.

There was no correspondence to review before the Board.

Vice-Chair Sherby requested to revisit obtaining copies of the MLUL book. Solicitor Russell mentioned that the information could be obtained online. Mr. Conley recommended the Membership that NJPO offers. Solicitor Russell discussed positive and negative criteria. The Secretary agreed to look into the MLUL situation.

AUDIENCE PARTICIPATION: There was no audience participation.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 8:10 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Councilman Bennett

SECONDED BY: Mr. Hudgins

ROLL CALL: All Present Voted In Favor

Respectfully submitted by:

Monserrate Gallardo

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Board Secretary