

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES**

**DATE:** Regular Meeting Thursday, December 20, 2012 - 7:30 p.m.  
FREEHOLDER PUBLIC MEETING ROOM

Chairman Theodore Maglione called the meeting to order  
Pledge of Allegiance  
Open Public Meeting Statement  
Chairman Maglione requested a roll call.

**PRESENT:** Chairman Ted Maglione, Vice Chairman Edward Bucceri, Bruce Alatary, (9)  
William Asdal, Jeffrey Betz, Harold Endean, Kimberly Hurley,  
Keith Lynch, Craig Villa

**ALSO PRESENT:**  
Martin F. Barbato, Esq., Board Attorney  
Evelyn Tierney, Board Secretary

**APPROVAL OF MINUTES:**

Minutes of the meeting held October 25, 2012 were previously distributed. Vice Chairman Edward Bucceri moved the approval of the minutes as submitted. Bruce Alatary seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

**YES:** Chairman Ted Maglione, Vice Chairman Edward Bucceri, Bruce Alatary, (8)  
Jeffrey Betz, Harold Endean, Kimberly Hurley, Keith Lynch, Craig Villa

**NO:** None (0)

**NOT VOTING:** William Asdal (1)

**CASE TO BE HEARD – NONE-**

**CASES WITHDRAWN** (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)  
**MC#2011-28** Galaxy Diner (Location: 1277 Route 23 South) v. Borough of Butler/ Fire Prevention Bureau. **Court decision issued 12/12/2012 and received by the CBA 12/20/2012.**

**MC#2012-12** Timothy D. Oswald (Block 1502, Lot 9) v. Town of Morristown. The appellant requested the refund of the appeal fee. Edward Bucceri made a motion to deny the refund of the appeal fee. The motion was seconded by Chairman Ted Maglione. Discussion followed. The motion to deny the refund of the appeal fee was approved by the following roll call vote:

**YES:** Chairman Ted Maglione, Vice Chairman Edward Bucceri, Bruce Alatary, (5)  
Jeffrey Betz, Harold Endean

**NO:** None

**NOT VOTING:** William Asdal, Kimberly Hurley, Keith Lynch, Craig Villa (4)

### **CASES STAYED**

**MC#2006-34/1** Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway (1/24/2013 Final hearing date)

**MC#2012-13** David Chiarolanzio (Block 1105, Lot 28 worksite: 85 Park Avenue) v. Borough of Madison (1/24/2013 – 2<sup>nd</sup> Mtg.)

### **CORRESPONDENCE**

CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST - Township of Hanover, (Appeal was received by the Morris County CBA on 12/12/12, and forwarded to Somerset County CBA on 12/14/12 copying all parties). Appeal settled by parties on 12/20/2012.

CBA Dedicated Account Budget Balance as of 12/20/2012 = \$505.18

### **OLD BUSINESS**

### **NEW BUSINESS**

- Renewal processed for the yearly ICC membership dues 11/12 – 11/13

The Chairman thanked former Chairman Bruce Alatary for his exceptional service over the past twenty one years in serving and leading the Board with professionalism, integrity and being open minded in hearing appeals brought before the Board.

The Chairman thanked Special Counsel Martin Barbato, for guiding the Board in legal matters, especially his extensive legal knowledge and expertise which helped in providing the Board and the parties to appeals in deciding a correct plan of action.

**NEXT MEETINGS: Thursday January 24, 2013 Re-Org Meeting (4<sup>th</sup> Thursday)**

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 8:00 p.m.

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Evelyn Tierney, Board Secretary