

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday, February 28, 2013 - 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: Regular Members:
Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Edward Bucceri, (5)
Harold Endean, Craig Villa
Alternate Members:
William Asdal, Sean Donlon, Kimberly Hurley, Keith Lynch (4)

ALSO PRESENT:
W. Randall Bush, Esq., Assistant County Counsel
Evelyn Tierney, Board Secretary

APPROVAL OF RESOLUTION:

- Approval of Resolution MC#2006-34/1 Tucker Kelley v. Township of Rockaway. Craig Villa made a motion to approve resolution. Chairman Ted Maglione seconded the motion. The Board approved the resolution by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Edward Bucceri, (5)
Harold Endean, Craig Villa

NO: None (0)

NOT VOTING: William Asdal, Sean Donlon, Kimberly Hurley, Keith Lynch (4)

APPROVAL OF MINUTES:

Minutes of the meeting held January 24, 2013 were previously distributed. Edward Bucceri moved the approval of the minutes as submitted. Harold Endean seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, William Asdal, (9)
Edward Bucceri, Sean Donlon, Harold Endean, Kimberly Hurley, Keith Lynch,
Craig Villa

NO: None (0)

CASE TO BE HEARD

MC#2013-3 Anthony Luzba, A-1 Remodeling LLC, Agent (John & Brenda Crooks, Block 2301,
Lot 12 Worksite: 52 Village Rd.) v. Township of Pequannock

The Chairman stated that the appellant was not in attendance. The Construction Official Robert Grant and the homeowner, Mr. Crooks, of the premises for which the Violations were issued to the Contractor were in attendance. The Board secretary stated that the following documents are part of the file:

- January 17, 2013 - "Notice of Appeal and Hearing Date" issued for a hearing date of January 24, 2013 sent via Certified Mail to all parties to the appeal.
- January 22, 2013 - Letter received from Anthony Luzba, appellant requesting a postponement
- January 22, 2013 - Letter issued to all parties by the Board carrying the matter to be heard at the February 28, 2013 hearing date (Faxed & Mailed).
- February 21, 2013 "Hearing Notice Reminder" sent to all parties by the Board (Faxed).
- February 25, 2013 phone message left with the appellant Mr. Luzba by Secretary advising of the meeting date.

Discussion followed by the Board. Proper notice of the hearing date had been provided to all parties. A motion was made by Chairman Ted Maglione that the total penalty amount should be \$2,000.00; that the Violation Notices should be upheld to bring about compliance, and that the appeal should be dismissed since the appellant did not appear. The motion was seconded by William Asdal. The motion was unanimously approved by the Board.

CASES WITHDRAWN --- NONE

CASE POSTPONED

MC#2013-4 PJ Construction, Inc., Agent (Franklin J. Fink, Block 201 Lot 8 Worksite: 36 Everdale Rd.) v. Township of Randolph (4/24/13 - 3rd meeting date at which time is will be heard or dismissed)

CORRESPONDENCE

- New appeal received on 2/27/13 from Mr. DeJesus (MC#2013-5 DeJesus v. Dover Fire Prevention) – Hearing Notice issued for the March 28, 2013 meeting date. Correspondence dated 2/28/13 issued by the Fire Official addressed to the appellant in regards to the appeal details. Documents were made part of the file.

OLD BUSINESS

- 2013/14 Uniform Fire Code Subscription Service renewal received and being processed for all members.
- Budget Balance as of 2/28/2013 = \$513.18

NEW BUSINESS --- NONE

NEXT MEETINGS: Thursday March 28, 2013

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

Evelyn Tierney, Board Secretary