

4/4/2017 - Minutes

1. SALUTE TO THE AMERICAN FLAG

The Chair led all assembled in a Salute to the American flag.

Mayor De Luca, asked everyone to remain standing for a moment of silence for Bruce Connelly, Maplewood Volunteer, Former member of the Planning Board, Maplewood Civic Association and Maplewood 4th of July Committee.

2. STATEMENT

"Pursuant to Section , Chapter 231. P.L. 1975 this is to state for the record that adequate notice of this meeting has been provided to the public by posting and maintaining the annual notice of regular meetings on the Bulletin Board of the Municipal Building, by mailing the annual notice of regular meeting for 2017 to the News-Record and Star Ledger in December 2016 and by filing said notice in the office of the Township Clerk.

3. ROLL CALL

Mr. Victor De Luca, Ms. Nancy J. Adams, Deputy Chair, Mrs. India Larrier, Mr. Greg Lembrich, Mr. Frank McGehee.

ALSO PRESENT: Elizabeth J. Fritzen, Township Clerk, Joseph Manning, Township Administrator, Roger J. Desiderio, Township Attorney and Sonia Alves-Viveiros, Assistant Township Administrator.

ABSENT: None.

The Township Clerk read the following:

**WHEREAS**, Chapter 231. P.L. 1975 common known as the "Open Public Meeting Act," requires that all meetings of Public Bodies be open to the public; and

**WHEREAS**, Section 7.a. provides that the Governing Body has the discretion to permit, prohibit or regulate the active participation of the public at any meeting; and

**WHEREAS**, it is the desire of the Governing Body to comply with the provisions of this act and at the same time conduct its business in an orderly and expeditious manner.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Maplewood that does hereby prohibit, except as set forth in the formal agenda, active participation in the deliberations of the Governing Body by the public and except as otherwise prescribed by law, does limit the public to observation of the actions and discussions of the Governing Body at all its regular and special meetings.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None

4. MAYORS INTRODUCTION

Mayor De Luca, gave an overview of the evening's agenda. Starting off with a public comment session and these are public comments that do not have to deal with the ordinances. Monthly Board of Health meeting, after that the Township Committee will begin dealing with ordinances on final passage. When ordinances

are on final passage the Township Committee will ask at that time frame for each of those ordinances if there is anyone who wants to speak on that particular ordinance. Mayor De Luca, stated that item number 13 is in error and that the Township Committee will not be dealing with that on final at this meeting as Redevelopment Area 2 that is not until April 18th meeting for final. Discussion item: there are five (5) and one is amending a resolution dealing with the residential sources of recyclable materials, two is recommendation from the Open Space Trust Fund Advisory Committee, three is a revised fee schedule for the Woodland and Burgdorff, four deals with State legislation regarding liquor licenses and fifth is the Mayors National Climate Action Agenda.

There is a consent agenda, and there are thirteen items on the consent agenda; will be approving the award of contract for road improvements on Parker Avenue, adopting an anti-harassment and bullying policy for the Maplewood Recreation Department, a resolution participating in a Safe and Secure Communities Program, bills and claims, approving a contract for planting trees, awarding contract for HVAC maintenance service, mowing of large turf areas, contract for tree removal services, also retaining a consultant to aid in securing candidates for the Maplewood Fire Department, awarding a contract for pool chemicals, contract for the Police Building flue pipe replacement and then approval of minutes of March 21st. There will be a second public comment, then will have administrative reports, reports from elected officials and then will adjourn.

Mayor De Luca stated that there may be a possibility depending on the hour that the Township would go into closed session to deal with personal matters and it depends on what time that is.

#### 5. PUBLIC COMMENT - AGENDA ITEMS ONLY

Gideon Roman, 32 Headley Place, Maplewood, stated that he has a friend who owns part of the parking lot behind the Village Coffee Shop and there was a suggestion that maybe doing a study about a multi-level parking garage back there to elevate some of the parking problems that we have in town. Mr. Roman, stated that it is worth while looking into doing the study and maybe someone has some ideas on how to utilize that space and make it become more efficient.

Mark Slate, Realtor, stated that he has been a realtor for 8 years and recently has had several conversations with a variety of people including an employee from the Building Department that told Mr. Slate that he will be ticketed for his sign. Mr. Slate is curious as to why all of a sudden there is this over emphasis on signage when all the realtors are trying to do is help one of the Township's largest parts of the economy which is real estate. Mr. Slate, stated that he has been threatened three times with violations and with tickets.

Mr. Lembrich asked by whom?

Mark Slate, Realtor, stated by Tom Glenn, Maplewood Building Inspector yesterday because Mr. Slate had a banner in front of a open house. Mr. Slate stated that he was told he couldn't have two (2) riders and then was told he could have two (2) riders and was told that he could not have a "coming soon" rider. Mr. Slate stated that real estate has changed as it is all about the online world and all about marketing properly for our perspective Maplewood residents. Mr. Slate stated that he just wanted to have a voice and be given the opportunity to consult with or have some of the realtor's come to the Township and talk with the Township Committee specifically on how the ordinances are currently being executed and what the purpose is and how the Township and the realtors can work together to properly promote Maplewood resident's listings.

Mayor De Luca, stated that the people Mr. Slate is mentioning that "threatened you"..... these are people who work for the Township and they are Code Enforcement and Property Maintenance Enforcement Officers.

Mark Slate, Realtor, stated that it was not a personal threat and wanted to clarify that.

Mayor De Luca, stated to Mr. Slate that the Code Enforcement and Property Maintenance people were informing Mr. Slate that he was in violation of an ordinance.

Mr. Slate, Realtor, stated because there was so much confusion Mr. Slate went to the Maplewood Building Department office to speak with people and it was fine but then when Mr. Slate got the follow-up phone call the tone was not nice.

Mayor De Luca stated to Mr. Slate that he apologizes for the tone from the Maplewood Building Department's follow-up phone call if it was not nice. Mayor De Luca, stated that what the Township Committee conveyed to the Building Department is to inform the realtor's that currently the law allows two things; one is to only have one rider in addition to the sign. The Township Committee is going to introduce an ordinance with change based on a request from the realtor's to allow two (2) riders and that is what is being proposed tonight. The second is that Mr. Slate and other realtor's has asked the Township Committee to look at is the ordinance that now that says that you can have three (3) terms for sale, for rent and under contract and open house is another items that is considered separately. The under contract has to come off three (3) days after the closing and that has been the law, then the realtor's took it upon themselves to add another term "coming soon" and didn't come to the Township Committee or Township for approval before that was done and just did that. The Township Committee saw that and responded to it. After talking about it the Township Committee thought that we have a very difficult time defining what soon is and now Mr. Slate and other realtor's are putting signage out there, maybe its three (3) weeks or two (2) weeks. What the Township Committee is trying to understand is what is the difference between putting signs out there and how long is coming soon?

Mr. Slate, Realtor, stated that it is a good question and that he was glad Mayor De Luca asked it because the situation is that for example Mr. Slate puts a "for sale" sign out that indicates that people driving by that are coming from Brooklyn or New York or where ever that the house is actively on the market and can be shown. A "coming soon" sign is that the realtor's are waiting for the finishing touches on interior whether it is painting or staging and is letting the listing populate out of the online world because it can take up to ten (10) days when Mr. Slate puts a listing in the MLS for it to get out to the appropriate sites to build the traffic.

Mayor De Luca, stated that what he would suggest is if Mr. Slate could get some agreement from the Realtor community of what exactly a "coming soon" sign means. Then come back to the Township Committee and there can be conversation about that. Mayor De Luca stated lastly about the feather sign at the Prospect Street house and that it is not allowed. The Township of Maplewood does not allow feather signs anywhere, even on business districts. The Township takes the feather signs down. Mayor De Luca, stated that he thinks it would unfair to say that the Township Committee hasn't listened to the Real Estate community many times. If you remember about the "open house" signs the Township did make an exception and this is talking about equal treatment and the Township Committee and the Township have made an exception for realtor's to allow signs to be on corners with directional signs. The Township Committee is sensitive to the community and if Mr. Slate comes back with a "coming soon" definition then the Township Committee will have that conversation.

Mayor De Luca, stated seeing no one further, closed the first public comment session.

6. BOARD OF HEALTH MEETING

Held and adjourned.

7. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

IL/NA ORDINANCE ON FINAL  
PASSAGE  
2850-17

ORDINANCE NUMBER

AN ORDINANCE TO REGULATE TEMPORARY TRAILERS WITHIN THE TOWNSHIP OF MAPLEWOOD

*"Interpretive Statement"*

(This ordinance will regulate temporary trailers within the Township of Maplewood.)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca asked was there anyone who wanted to speak on this ordinance which regulates the storage containers known as pods?

None.

Mrs. Larrier, seconded by Ms. Adams, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca asked was there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

8. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

FM/GL ORDINANCE ON FINAL  
PASSAGE  
2851-17

ORDINANCE NUMBER

AN ORDINANCE TO AMEND CHAPTER 123 OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD ENTITLED "FEES" (Municipal Pool)

*"Interpretive Statement"*

(This ordinance will eliminate the College Student Category and add a Weekend Only (Saturday and Sunday) category.)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance which allows Saturday and Sunday Weekend Membership Category.

Mr. McGehee, seconded by Mr. Lembrich, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca, asked does anyone from the public want to speak on this matter? None.

Any discussion? None

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee.

Nays: Mayor De Luca.

Ordinance passes.

9. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

VD/FM ORDINANCE ON FINAL  
PASSAGE  
2852-17

ORDINANCE NUMBER

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING AND DEFINING USER CHARGES IN CONNECTION WITH THE COLLECTION AND TREATMENT OF WASTE WATER (Sanitary Sewer)

*"Interpretive Statement"*

(This ordinance will confirm the annual dwelling unit rate for sanitary sewer charges at \$184.00 and will impose a \$10.00 deferred maintenance charge in 2017 for a total of \$194.00.)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance? None.

Mayor De Luca, seconded by Mr. McGehee, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca, stated that this ordinance as said would retain the \$185.00 sewer charge for 2017 and there will be additional \$10.00 maintenance charge to deal with what is called infiltration and that this is rain water getting into the sewer lines and will be replacing manholes and doing some other work to try and limit the infiltration of this water so that the Township is not charged an additional fee in the future by the Joint Meeting Sewer Authority.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

10. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

NA/GL ORDINANCE ON FINAL  
PASSAGE  
2853-17

ORDINANCE NUMBER

AN ORDINANCE ESTABLISHING PARKING REGULATIONS FOR MAPLEWOOD TOWNSHIP PARKING LOT #11

*"Interpretive Statement"*

(This ordinance will establish parking regulations for Maplewood Parking Lot Number 11 located on Springfield Avenue.)

Mayor De Luca stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance? None.

Ms. Adams, seconded by Mr. Lembrich, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca, asked were there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

#### 11. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

VD/FM ORDINANCE ON FINAL  
PASSAGE  
2854-17

ORDINANCE NUMBER

AN ORDINANCE LIMITING USE OF GAS POWERED LEAF BLOWERS WITHIN THE TOWNSHIP OF MAPLEWOOD

*"Interpretive Statement"*

(This ordinance will regulate the use of gas powered leaf blowers within the Township of Maplewood.)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance?

Gideon Roman, 32 Headley Terrace, Maplewood, stated that one of the things that Mr. Roman does not think is in the ordinance is that the Township might have amended it at one time is that the people who are working with the leaf blowers have some sort of understanding that they are making a lot of noise in a particular neighborhood and he has noticed at a lot of times there are workers walking around with leaf blowers and sometimes there are as many as three (3) of them together. Mr. Roman thinks that the owners of that leaf blower company should tell their workers and to advise them to use those leaf blowers judiciously and that if they are allowed to use the leaf blower they should not abuse it.

Victor Gallo, 121 Maplewood Avenue, Maplewood, stated that he worked at home today and was trying to work at home and there was an annoying buzzing noise that Mr. Gallo did not know what it was at first and looked around and did not see any leaf blowers in the area. He then went to pick up his child at Jefferson School and walked half down the block and then a whole block in the other direction and saw three (3) landscaping companies with three (3) leaf blowers each running at the same time, and then one push leaf blower, and this was the noise that Mr. Gallo was hearing so clearly from his house a block and a half away. Mr. Gallo stated that is certainly a problem when he can clearly hear a noise a block and a half away with four (4) leaf blowers running which is above the decibel limit and that this is a problem that we have to deal with. Mr. Gallo thinks that this ban makes sense and thinks the Township Committee should vote yes to the final passage of the leaf blowers ordinance.

Andy Zeitlin, 3 Woodland Road, Maplewood, stated that he finds that the ordinances was written to be not fair and does not think it is based upon the facts and does understand the intent. There may be an issue with this noise and perhaps it could be written where there is a timeframe during the week when commercial landscaping companies can use blowers, but does not think it is fair for homeowners to employ commercial landscaping companies and to be forced to pay more money just because their methods are perceived to be loud and doesn't believe that the data is there. Mr. Zeitlin thinks that if you compare different people's homes in different times of the day you see five or six people working on lawn at the same time and you probably get the same decibal affect of accumulative machines all at once. Mr. Zeitlin, stated just to rephrase he thinks that it is unfair and seriously doubts that there is a safety issue and doesn't think there is any data on that. Mr. Zeitlin stated to the Township Committee to reconsider perhaps looking at either a timeframe so that we can all deal with the fairness issue or perhaps something to do with the numbers at the same time. Mr. Zeitlin does not know how the Township would find compliance on that and is sure that it is very difficult to enforce the decibal level as it is and questions how the Township is ever going to enforce this as written as well as the existing laws.

Paul Mendelson, National Association of Landscaper Professionals stated he is here to speak against the proposed ordinance. The way that it is drafted it seems like it is proposing a solution to a problem in a manner that is not going to address the problem at hand. Mr. Mendelson would really recommend that instead of implimenting a ban that could have a significant impact on those who use leaf blowers commercially to work with the impacted industries like Landscaper's Professional's and others to try and come up with a solution that is amenable to the community but that also takes into consideration the many ways that leaf blowers are of use to those that use them professionally. Mr. Mendelson stated that he thinks one of the issues is that some times people have been mentioned who are excessively using leaf blowers and that there has been a lot of observations about leaf blowers being used in an inefficient manner where people are walking around and using the leaf blower's at multiple times and thinks that education is a really a great component along with training. What Mr. Mendelson would recommend for the community is to work with the professionals to look at some of the solutions that other communities have used such as having a certification program within the community in which leaf blowers have to be registered so that the Township is assured that the machines that are used by and for commercial properties or by commercial entities meet that 65 decibal threshold. Mr. Mendelson also would recommend that in order for someone to work within the community the Township might consider that they have to be commercially approved through a training program. There are a number of different ways that we can address this situation that has been tested by communities throughout the Country that really gets to the nature of this problem as opposed to taking a conpreious stand that has an impact on professionals that probably won't end up with the results that the Township Committee is looking for, and thank you for the time.

David Mairo, Lawyer with Chiesa, Shahninian & Giatomasi, PC, stated that his law firm was retained by the New Jersey Landscape Contractors Association and was given a signed letter from 50 residents opposing the ban. Mr. Mairo, Attorney, left the signed letter with Mr. Desiderio, Township Attorney. Mr. Mairo thinks that there is a reasonable way to implement reasonable restrictions upon the use of gas powered leaf blowers within the Township. The Landscaper's Contractor's Association believes that their position is that this ordinance does not do that and that it goes far beyond what is premisable and it would not achieve the goal that the committee is looking to achieve on behalf of the residents. In order for any ordinance to be legal and enforced it must spare some rational relation to further a legitimate interest and the stated interest here is that gas powered leaf blowers create a health hazard and annoyance to the area residents. Simply put there is a way that Mr. Mairo believes to achieve the goal of the Township and Mr. Mairo's position is that this is not it and would welcome the opportunity to continue the discussion with respect to this and he is urging the Township Committee not to adopt this ordinance with it's current language this evening.

Jane Conrad, 35 Roosevelt Road, Maplewood, stated that she would like to say to the landscapers and the representatives who are here tonight..... where were you guys fourteen (14) years ago and where have you been since then when we have had this ordinance on the books restricting leaf blower use to 65 decibals. This was an ordinance that was a total compromise and Ms. Conrad was involved in the initial effort in the past and Ms. Conrad wanted a total ban and it drove Ms. Conrad crazy that the Township went to extreme lengths to consult then with the landscapers in arriving at that compromise. There was a fourteen year period of extreme efforts to enforce this ordinance and Ms. Conrad was involved in it. Ms. Conrad stated

that if the landscapers and representatives came out to rally and complain about going back to that then where have you been? Lets have some consideration for the number of people in this Township. Ms. Conrad further stated that she felt that the landscapers and representatives didn't follow the rules then and now now they have no creditability.

Nelson Lee, President, New Jersey Landscapers Association, stated that he wanted to recall a story that was said from the Township Committee about a month ago about Mayor De Luca's tree contractor coming to his property and how Mayor De Luca couldn't foresee how he could possibly clean Mayor De Luca's property properly without the use of a backpack blower. Mr. Lee wishes that Mayor De Luca would dwell on that story a little and understand where the landscaper's come from and why the landscaper's need the tools to provide their services to the Maplewood residents. Thinking about this particular ban and who's to say that a road contractor that is using jack hammers or heavy equipment around neighborhoods that do road repair that it doesn't annoy people. Will the Township then be banning that type of equipment? Mr. Lee thinks that it is really unfair that the Township is basically targeting all the contractor's who need these tools to operate their business and earn a living.

Carrie Gordon, 34 Girard Place, Maplewood, stated that there is a major focus on the noise level but another major concern for leaf blowers is the air pollution they blow, the dust, the feces, the pesticides, the pollen, the fertilizer into the air and people have to breath them and not to mention the emissions from two stroke engines. That is Ms. Gordon's major issues with the leaf blowers. Ms. Gordon stated that you guys need to regulate and develop more environmentally friendly practices and you will grow your businesses here in Maplewood guaranteed.

Charlie Bravoco, P&P Lawnmower, stated that he has been here for the entire fourteen years since talking about this and has been talking with a lot of people in the past couple of weeks and they have been coming into Mr. Bravoco's shop and talking about how people are so far against having blowers.

Tom Castronovo, Executive Editor Publisher of Gardener News, stated that he spoke a couple of weeks ago and since he has been listening to the proceedings of this Committee he has decided to run a story in the Gardener News and this topic is on the cover of this months edition. One thing that Mr. Castronovo would like to suggest to the Township Committee is about if you do go forward with this ordinance he has researched pricing of the battery operated blowers and to replace the gasoline operated blower which cost roughly \$550.00 for the landscaper's to go out and replace them they are looking at a cost of \$1400.00 per blower to replace. Mr. Castronovo thinks that is a little extreme to ask the landscaper's right off the bat to go out and spend that kind of money immediately when it has been a really rough winter and the guys don't have a lot of money because it was lack of snow and to ask the landscapers to go out and try and spend that kind of money when they might be replacing 5, 6 or 7 blower's depending upon the size of the company, that it is a large amount of money to expend. Mr. Castronovo indicated to the Township Committee that if you do go along with this ordinance is it possible to put an added time into it so it will give the guys enough time and gals to go out and find the money, or borrow the money to buy electric or battery operated blowers to ease the hardship that they are going to have to go through to do this financially.

William J. Steinbrunn, 141 Jacoby Street, Maplewood, spoke to urge the Township Committee to pass this ban and put this in place and that this is very important. It is not just about noise, noise is a big factor but there is a lot more that goes with the use of these leaf blower's, it is a detrimental impact on health. Many times Mr. Steinbrunn is driving down the street and the landscaper's don't care about blowing the leaves into the street and they are blowing the leaves around and these things are not good for pedestrians whether walking on the same side of the street or the opposite side of the street and that there is a detrimental health issue here. Mr. Steinbrunn urges the Township Committee, and that what they are doing is the right thing, and to impliment this ordinance.

Ryan Carew, Family Business in Town, stated for the past 60 years his family has had a business in Town. Mr. Carew could understand a little bit about the leaf blower ban but he is also on the side with the landscaper's and does not see any point in this ban.

Jonathan Tranker, A & J Landscaping Design, Springfield, stated that the complete ban is an overkill and the reality is that Maplewood is the suburbs and you will hear noise. Mr. Tranker thinks that there is a compromise with the ban and there is a way to enforce the 65 decibals if the municipality gets a certain

type of tag that goes on the blower. Then it is easy for anybody in the municipality to stop by and see the blower with the tag then it is okay. Mr. Tranker thinks that it is overkill to the other services besides lawn maintenance.

Lillian Hawkins, Maplewood resident, stated that she is a registered nurse currently at home full-time and a mom at home with children who are 10 months old and three (3) years old and the noise is a problem for she and her family during nap time when its annoying. She indicated that she wants to keep their windows open with the nice weather and they have to close the windows and run the air conditioning because its too hot because of the noise of constant leaf blowers. Additionally, as a nurse and a mom Ms. Hawkins is concerned about the health effects because she does walk around with her kids and even if the guys are respectful, and they usually are, when the landscapers see a woman and little babies coming the cloud of toxic stuff hovers in the air. Ms. Hawkins is also worried about the gas emissions.

Joe Strupp, 7 Yale Street, Maplewood, Editor of Maplewoodian.com, stated that if one of the problems is that the 65 decibal level is not being enforced what is to make people think that this ban would be more enforced? And if is will it be enforced in a way that would work?

Mr. Lembrich responded to Mr. Strupp that the analogy would be if we say you can't drive on Valley Street on certain hours then any car that is on Valley Street during those hours is in violation. But if we have speed limits and have to have someone with a radar gun enforce speeds, if they are not there then drivers may not respect the speed limits. The other thing is the prior ordinances just were no being followed it was being flaunted, ignored with widespread disregard and violation.

Joe Strupp, 7 Yale Street, Maplewood, Editor of the Maplewoodian.com, stated but it could be flaunted.

Mr. Lembrich, stated yes it could. It is part of the reason why the Township is also increasing the fines which is a suggestion which actually came from some of the landscapers who met with the Sub-Committee that the ordinance not only was difficult to enforce but also had no teeth and people would take their chances. There was certainly enforcement last year during the pilot program and there were definitely citations issued more than in prior years. The response the Township Committee got from the public about the pilot program was that there was a substantial reduction in the use of leaf blowers and noise. The quality of life and the air quality in their neighborhoods was improved.

Joe Strupp, 7 Yale Street, Maplewood, Editor of the Maplewoodian.com, stated that it was thought that the ban last year was better because the initial decibal limitation had done that before.

Mr. Lembrich stated to Mr. Strupp that the Township doesn't have the specific air quality data in Maplewood with respect to that ban. What the Township does have is decades and decades of dozen and dozens of studies of professional studies that back-up the fact that these two stoke gas powered leaf blowers do present a health hazard, and do create environmental problems and declines in air quality.

Tom Venezia, Springfield, NJ, asked is the Maplewood golf course exempt from this?

Mr. Lembrich responded to Mr. Venezia that the answer is if you read the ordinance it applies to commercial entities who are doing the leaf blowing. If the Board of Education, if the schools, if Winchester Gardens, if the golf course is having a third party commercial entity perform the leaf blowing on their property and they violate this ordinance they are getting summons and getting a \$500.00 fine.

Tom Venezia, Springfield, NJ, stated that the people who work at the golf course are employed by the golf course but they don't live at the golf course and its not their property they are for hire just like the landscaper's are for hire and it is kind of questionable that the Township is giving them a free pass, and yet the Township is holding the landscapers to a much higher standard. So the Township can give them a free pass to do what they want and they use leaf blowers all day long, all summer long, they blow off the greens, they blow off fairways and these are tractor driven blowers. Mr. Venezia, does not think it is fair and beyond the fact that the home owner can still use them.

Travis Parone, Stone Ices Consultants of New Jersey, stated that the Township Committee said earlier that

the Township has not been enforcing the previous ordinance and stated shouldn't that be on the Township and not the landscapers? It should be on the Township's part to enforce that ordinance.

Mr. McGehee stated to Mr. Parone that it should be the landscaper who should obey the law.

Travis Parone, Stone Ices Consultants of New Jersey, stated but the point being the Township needs to hire more people or do whatever the Township needs to do to enforce the ordinance.

Gideon Roman, 32 Headley Place, Maplewood, stated one of the things that occurred to him when talking about all these things is rakes and nobody has talked about rakes. Mr. Roman has used rakes for as long as he has been in Maplewood. The landscapers need to consider using rakes.

Paul Mendelson, National Landscapers Association Professionals, stated that one reason why leaf blowers are used in preference to rakes is because a rake is not efficient on a driveway or pervious surface and that is an important thing when it comes to environmental safety because if the granules from fertilizers get on to that surface the leaf blower allows the service provider to blow those granules from fertilizer back onto the lawn. If they aren't blown back onto the lawn they often will run off the driveway into the gutter and with the first rain that comes along you have run-off of the fertilizer. When you try to clean that up with a broom or try to clean that up with a rake you just spread the pellets all over the place as opposed to putting them back into the lawn. Mr. Mendelson thinks that is something that should be taken into consideration. The other thing is that they keep on hearing about environmental air quality and the EPA precludes local communities and States from creating their own causes related to air quality and the same thing goes with OSHA as worker's safety provision.

Vanessa DaBonna, Landscape Contractor, stated that she has one (1) client that they do use rakes for and her property is about the size of this area here and she is charged \$50.00 per man hour to do her property so it does not impact her greatly as a businessperson. Ms. DaBonna, thinks that there are very few towns and a big huge group of people here tonight who cannot rake their lawns nor would they be able to financially pay for someone to rake their lawn because it is going to be three, or four or five times greater than the normal rate that a company charges. And to be honest with the Township Committee the competition is great and Ms. DaBonna's Contracting Company is trying to keep their prices as low as they can and it is at a very low profit margin. Ms. DaBonna thinks the end point would be that the Township would see fewer companies here in Maplewood servicing those in the community that would really need their help.

Andy Zeitlin, 3 Woodland Road, Maplewood, stated that he really thinks that this is an issue of fairness and the way it is written and though Mr. Zeitlin understands it is the prohibition of home owners vs. commercial and does not see how the Township can enforce for commercial only. Mr. Zeitlin thinks that this is incredibly unfair unless the Township does it based upon a schedule. That is what home owners are expected to do for issues associated with sound and perhaps that is the best way to do it for commercial contractors and landscapers of any equipment based upon noise.

Seeing no one further, Mayor De Luca closed the hearing.

Ms. Adams, seconded by Mr. Lembrich, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca asked was there any discussion?

Ms. Adams stated that this has been a long process going through a lot of research and there was a article posted up on the Village Green that was written by a member of the sub-committee who did some research on this. Much of the article was untrue especially the parts where some of the conversations we had up here and the discussion about health effects, environmental impact to water, impact to land, impact to wild life, impact to pets, impact to children, to seniors are infact documented across the Country and other places in the World. We do need to take some control and Ms. Adams is sad that the Township has to go through this and she did not run for office with the plan on spending countless hours or months of her life

learning about two (2) stroke engines, about getting frustrated and literally stopping landscaping companies and workers on the streets of Maplewood last summer from breaking the law and then finding them two (2) blocks away, taking the same equipment out and doing it again.

Ms. Adams, stated the better practices and heard comments from knowledgeable people in this business saying a broom is less effective in removing fertilizer and the reality is that so much of the top soil is being blown off all of these properties to the point where the ground is hard, the fertilizer is not even getting into the ground any more because its so hard and that is why so much is on the sidewalks and frankly, by the landscaping workers blowing into the street into our catch basins and making its way into the water supply which by the way does not just stop in Maplewood. The water supply is the water supply and all leads to the same places and this to Ms. Adams is a very scary way we are affecting our earth and for what, we are affecting our air, affecting for trimmed grass and perfectly cleaned sidewalks and driveways when those grass clipping sort of go back into the grass to feed it and we are removing natural components off of the lawns and then buying chemicals to put back on the lawn to feed them instead of just leaving them with natural feed on the lawns and then the landscape beds for the winter. There are so many issues and Ms. Adams does know that we have gone over it over and over again.

Ms. Adams, stated that she worries about a lot of this and when we talk about EPA and talk about the Federal Government at the moment Ms. Adams has no confidence at all that we won' be and have already start allowing certain pesticides to be used again that have already been proven by science and does know that science is actually real. We are on a local level doing what we can to insure that the residents in this community don't suffer from quality of life issues on a daily and hourly basis, health issues, hearing, breathing, drinking clean water, having clean property. If it were up to Ms. Adams than it would be an annual year round ban for residents or commercial landscapers or for all on the gas powered leaf blowers and would urge many of you to start divesting your equipment and start investing in what a good portion of this community would like to see that being a green way of maintaining their lawn. A lot of people know that they can't do it themselves and that doesn't mean you have to pollute the air and the water and the property. Ms. Adams, stated to Mayor De Luca, that she would like to see this pass and looks forward to hearing from her colleagues.

Mr. Lembrich, stated as a matter of policy well not year around Mr. Lembrich's preference would be for the ban to apply to individuals as well as commercial entities. This ordinance is the product of roughly ten (10) or eleven (11) months of significant work by the Township Committee, of months of work by a sub-committee that included Deputy Mayor Adams and Mr. Lembrich and many township residents some with whom have spoken here tonight and at prior meetings and it also included the consultation with several landscapers. We also considered significant environmental research and consider the experience of residents and landscapers who have come to speak at these meetings who have written to the Township Committee emails and letters. Mr. Lembrich thinks that the Township Committee's role here is to promote health and welfare of the Maplewood community and there is substantial justification for the adoption of this ordinance.

Mr. Lembrich thinks that the distinction that the ordinance draws and reason why Mr. Lembrich is going to vote on this ordinance even though it may not go as far as it is going to and it is not only because he believes the perfect is often the enemy of the good but also because Mr. Lembrich thinks the distinction draws a rational and they are just. There are ample reasons for this ordinance and as referred earlier to the success of the pilot program that the Township had last summer and also the frequency and volume of use by the landscapers and other commercial users of leaf blowers is so substantially beyond that of individual homeowners that Mr. Lembrich thinks there is a rational distinction between the two groups. Mr. Lembrich referred earlier to the widespread disregard; the violation of the prior ordinance as well as the difficulty of enforcing that ordinance that is currently on the books which is 65 decibals. This committee has debated and considered as did the sub-committee for it, alternatives to this ordinance and they do not achieve the purpose that the Township Committee is looking to achieve or will not offer the ability to enforce that this one does. We have a responsibility and we certainly have the legal entitlement to use our judgment to protect the quality of life and public health of people here in Maplewood. That is a legitimate interest and it is furthered by this ordinance. This ordinance rationally furthers all of these purposes and Mr. Lembrich plans to vote in favor.

Mr. McGehee stated he thinks that the comments of Mr. Lembrich as well as Ms. Adams was kind of all

that needs to be said and thinks that the bottom line is that in order to protect our people in our environment that this is the right ordinance and he will be voting yes tonight.

Mrs. Larrier, stated that everything that she wanted to say has already been stated.

Mayor De Luca stated that the Township Committee needs to be clear that what we are talking about tonight is a prohibition of gas powered leaf blowers between May 15th thru September 30th. The Township Committee is talking about gas powered leaf blowers and the Township Committee is not talking about any restrictions on leaf blowers outside of that time. And other than the hours that the Township Committee has prescribed here in the ordinance but as far as the equipment there is no restriction. Mayor De Luca stated that he was the Mayor fourteen (14) years ago when this compromise was put together and he remembers a number of landscapers who may or may not have been in the room and as Ms. Conrad said that was not the initial goal of the residents coming in and that they wanted to ban it and the Township stated that they had a responsibility to balance the desires of the residents and the needs of the landscapers in the community. The Township came up with a compromise of the 65 decibals and everyone was pretty happy that night when the Township Committee voted for that and when people left here they were patting the people on their backs saying that we are going to work together to make this happen. Honestly Mayor De Luca thought that the landscaping companies were going to live up to their agreement and sadly the landscaping companies did not. The Township tried to enforce it and it was difficult to do that. The Township did train people and assigned additional folks other than the Township's property maintenance people to go out there and it was just not possible to enforce it because the premise was that there was going to be voluntary compliance on the part of the landscaping community and there wasn't.

Mayor De Luca stated that he has to tell everyone that it is an insult and now for the third meeting in a row for somebody to come up to the podium and say it is the Township's fault for not enforcing it when the deal the Township made with you or your predecessor's was that the Township was going to have the 65 decibal limit and that we were going to make a good fair effort on both sides to live up to that; so it didn't work and it doesn't work. Last year the Township did a pilot program and the results were pretty good and now the Township is moving into an ordinance phase and the Township Committee believes that they have the right to enact this ordinance and believes the Township Committee has the right to enact laws and implement regulations that protect the public health, advance the quality of life of all of our residents and that is what the Township Committee is doing; exercising the Township Committee's rights here. Mayor De Luca appreciates the comments and requests even your attorney asking for more time to see if we can come up with a compromise but honestly the Township had the same comments for the last six (6) weeks or plus two (2) months that the Township Committee has had these hearings. The Township Committee has moved initially if you look at the initial proposal it was more stringent than it is right now. The Township Committee heard some of the consideration and moved the dates a bit, there was a proposal to ban equipment on the other times of the year and the Township Committee didn't do that and thinks that the Township Committee has come a long way with this ordinance and we are talking about it again being in effect May 15th thru September 30th where you will be prohibited from using the gas powered leaf blowers. You can use electric leaf blowers and the battery operated leaf blowers.

Mayor De Luca just does not think that some one has the right to contract for your services to have you come in with the intensity of service that it does and then have that be a detriment to the public good. The Township Committee is unable to measure the external health and economic impact of your activity, you come in- there is noise, there is dust, and the Township Committee has heard it all. The Township Committee heard people say that they are unable to do work, they have disruption in their family life and these are balancing contributories that the Township Committee has been unable to solve using the old standard of the 65 decibals and having the voluntary compliance with you all, so now we are moving to another stage. Mayor De Luca does think that there is a rational basis for this and the reason not to include residents in this. Mayor De Luca thinks that residents are in a different category because there is a different relationship between that resident and the neighbors on their blocks. Mayor De Luca thinks when there is a situation or behavior that pushes the limits of the norms of that block or that neighborhood there is generally some conversation that happens. There is an identification of two (2) different parties trying to work towards a common solution because they have a common goal because they are going to be living there. The difference is when landscaping companies come in quite honestly it is to get the most bang for the buck and to get out of there and the intensity of the use is quite different and the responsibility for the owner is one step removed from the person who is being aggrieved. Mayor De Luca does not support

residents being included other than outside of the time that the Township Committee has imposed but does include the commercial landscapers. Mayor De Luca then indicated that he will be voting yes.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

12. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

NA/GL ORDINANCE ON FINAL  
PASSAGE  
2855-17

ORDINANCE NUMBER

AN ORDINANCE TO AMEND THE REGULATIONS ON LAWN MAINTENANCE BUSINESSES

*"Interpretive Statement"*

(This ordinance will amend certain provisions of the regulations regarding Lawn Maintenance Businesses.)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance? None.

Ms. Adams, seconded by Mr. Lembrich, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca asked was there any discussion?

Mr. Desiderio, Township Attorney, stated that this is affectively a clean up because the 65 decibals ordinance was still on the books and so this continues the registration requirement.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None

Motion carries.

13. ORDINANCE ON FINAL PASSAGE

Ordinance Number 2856-17. On final on April 18, 2017.

Mr. Desiderio, Township Attorney, stated for the record the reason why this Ordinance was put on final for April 18, 2017 was because it first had to be reviewed by the Planning Board. It was mislisted and will have no vote tonight.

14. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

FM/GL ORDINANCE ON FINAL  
PASSAGE  
2857-17

ORDINANCE NUMBER

BOND ORDINANCE NUMBER 2857-17 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF MAPLEWOOD, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF 3,914,328 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,350,410 BONDS OR NOTES OF THE TOWNSHIP OF FINANCE PART OF THE COST THEREOF.

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca asked was there anyone who wanted to speak on this bond ordinance?

Dave HelmKamp, 571 Prospect Street, Maplewood, indicated that he came to speak about the previous ordinance and will come to the next Township Committee meeting on April 18th.

Mayor De Luca, seconded by Mr. McGehee, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

15. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

FM/GL ORDINANCE ON FINAL  
PASSAGE  
2858-17

ORDINANCE NUMBER

EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK PURSUANT TO (N.J.S.A 40A:4-45.14)

Mayor De Luca, stated that the Ordinance has been published, copies posted on Bulletin Board in the Municipal Building and copies made available to the general public in accordance with the law.

Mayor De Luca, asked was there anyone who wanted to speak on this ordinance? None.

Mayor De Luca, seconded by Mr. McGehee, move that this ordinance be adopted as a whole and the Clerk be directed to publish the same as a passed ordinance in the Maplewood/South Orange News-Record according to law.

Mayor De Luca asked were there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

16. INTRODUCTION OF NEW ORDINANCE

The Township Clerk read by title.

IL/GL INTRODUCTION OF A NEW ORDINANCE  
ORDINANCE NUMBER 2859-17

AN ORDINANCE TO AMEND CHAPTER 271 OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD ENTITLED "ZONING AND DEVELOPMENT REGULATIONS"

*"Interpretive Statement"*

(This ordinance will amend the provision regarding "For Sale Signs", etc., to allow up to two (2) sign riders each of which shall be no more than six (6) inches, to be placed on any permitted sign.)

Mrs. Larrier, seconded by Mr. Lembrich, move the passage of this ordinance on first reading its publication according to law in the Maplewood/South Orange News-Record and a hearing to be held on April 18, 2017.

Mr. Desiderio, Township Attorney, stated that he wanted to bring to everyone's attention that there were some typo's in the Ordinance for the word riders which was originally written as writers. The ordinance will be republished in in corrected form.

Mayor De Luca, stated to Mr. Desiderio, Township Attorney that this will be going to the Planning Board for their meeting on the 13th?

Mr. Desiderio, Township Attorney, stated yes right to the Planning Board for its submission.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None

Motion carries.

17. DISCUSSION ITEMS

1. Amending Resolution Number 235-16 placement by residential sources of recyclable materials/FM

Mr. McGehee, stated that currently when recyclables are picked up on Monday mornings or during the day some of us do not use the type of equipment so that it covers or secures the recyclables. And on windy days and days of incliment weather this causes disruption on the block in terms of blowing debris or actual pick-up and as a result some of the items are left on the street. Mr. McGehee, stated that he would like to see the possibility of moving toward changing a particular ordinance maybe that requires that all us have secured recyclables recepticles to secure the contents from blowing all around the street.

Mr. Desiderio, Township Attorney, read from the code section to Mr. McGehee and stated after that it seems to Mr. Desiderio, Township Attorney, that the Township Committee has the power to pass a regulation to what Mr. McGehee suggests.

Mayor De Luca, stated that they need to have more conversation before doing it tonight because he does not know if Mr. McGehee is suggesting the Township prescribe a type of container that people have or is it okay to put a can out there in any type of container with a top or does it have to be an attached top.

Mr. McGehee added that as long as it is secured.

Mr. Manning, Township Administrator, will be talking with the Public Works Committee about the recyclable

cans with tops.

## 2. Open Space Trust Fund Recommendations for 2017 Projects/JM

Mr. Manning, Township Administrator, distributed to the Township Committee the recommendations that were provided by the Open Space Trust Fund Committee and that they seem reasonable and just need a motion from the Township Committee.

Ms. Adams, seconded by Mr. Lembrich, to accept the recommendations from the Open Space Trust Fund and the Administrator, Mr. Manning.

Mayor De Luca, asked was there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

## 3. Revised Fee Schedule for The Woodland and Burgdorff Center/VD

Mayor De Luca reported that he sent around a draft memo and he has been working on these fees and the purpose was to essentially raise non-resident fees up and maintain resident fees and Maplewood non-profit fees as low as possible.

Mr. McGehee stated that he and Mayor De Luca have been having conversation in making the fees right for the Maplewood residents and non-residents public and private and for profit and non-profit as well and thinks that a lot of work has gone into it.

Mayor De Luca directed Mr. Desiderio, Township Attorney, to put into ordinance form for the April 18, 2017 Township Committee meeting.

## 4. State legislation regarding liquor licenses/NA

Ms. Adams, stated that the International Council Shopping Center New Jersey Chapter has been working for several years now to update the liquor license statutes in the State of New Jersey to improve development and redevelopment opportunities particularly in downtown's. The current State liquor license quota statutes date back to the mid 1940's. New Jersey Law limits liquor licenses to one (1) for every 3,000 residents. This system creates a huge obstacle for redeveloper's, developer's and for entrepreneurs; for anyone trying to open a business, to develop property, and the statutes are generally viewed as outdated and restrictive to economic growth. Currently the legislature is considering several proposals which creates new classifications of liquor licenses for restaurants and they are R1 and R2.

Ms. Adams, stated that these licenses are limited to tableside service and prohibit bar service. In addition to offset any devaluing of any current liquor licenses values. The bill proposes a tax credit for those businesses. It is no bar tables only service so that they don't compete with full service consumption licenses with a full bar and it helps to increase by 40 to 60 percent and the income flow to a restaurant doesn't have a bar or it doesn't have the ability to sell alcohol and it makes those current BYOB's for example more financially viable, secure, and more willing to open in redevelopment property and vacant properties throughout the State. This is intended for downtown's, intended for Chef owned restaurants, and one of the other pertinent restrictions is that once the kitchen is closed no alcohol can be served with these licenses for more than an hour after service is ended for food. Ms. Adams, stated that they have been working on this for a really long time and is asking her colleagues to help to support this bill and is asking for a resolution from the Township Committee to the State Legislature to move this bill forward. There is a powerful lobby against it because people are afraid of their existing liquor licenses being devalued.

Mayor De Luca added that some years ago working with Mayor Robert Jackson of Montclair on some of this and Burshia Chelly has been trying to get this passed for sometime and it has been very difficult to move this forward. Many of the people who own liquor licenses are concerned that their assests are going to get stranded and devalue. Mayor De Luca stated that he likes the idea of X's credits to help them with some of that and does think that the Township Committee should pass the resolution and thinks the Township Committee should ask our Assembly people to get on behind the bill.

Ms. Adams, seconded Mr. McGehee, by motion to lend our support to New Jersey 82452 to create two new definitions for restaurant liquor licenses and to encourage our Assembly Representatives to also support this.

Mayor De Luca, asked was there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None.

Motion carries.

The formal Resolution will be on the April 18, 2017 Township Committee agenda. (Resolution Number 73-17)

5. Mayors National Climate Action Agenda/FM

More information to follow. Mayor De Luca will speak with colleagues and report back.

18. CONSENT AGENDA

Mr. Lembrich, seconded by Mr. McGehee, move adoption of the consent agenda in full.

Mayor De Luca, asked were there any discussion? None.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None

Motion carries.

19. PUBLIC COMMENT - ANY SUBJECT MATTER

Mayor De Luca stated seeing no one, closed the second public comment period.

20. REPORTS FROM DEPARTMENTS

No reports.

21. ADMINISTRATIVE REPORTS

Mr. Manning, Township Administrator, stated that the Township was notified recently that the Township is getting continuing funding for the Township's Safe and Secure Community Programs in the amount of \$39,013.00. This is basically for additional operations or types of tasks that are supplemented by the Federal Government through the State of New Jersey.

Mr. Manning, Township Administrator, stated that the Township is receiving \$748,600.00 from the Hazardous Discharge Site Remediation Fund for further investigation of the Fresco's Silver Company, Inc. This is being handled through the Township's Environmental Company TRC and they will be taking care of this.

Mr. Desiderio, Township Attorney, stated to Mr. Manning, Township Administrator, that this is to delineate the stint of the decontamination and is not for clean up.

Mr. Manning, Township Administrator, stated right.

Mr. Lembrich, asked Mr. Manning, Township Administrator, who is the agency funding this?

Mr. Manning, Township Administrator, stated that it is being funded through the New Jersey Economic Development Authority and they are approved by the DEP for that amount but it does come from the Authority.

Mr. Lembrich asked if that is a State Fund?

Mr. Manning, Township Administrator, stated yes. Mr. Manning reported that they did speak to our people that are doing this and did tell them the ultimate goal that the Township wants is to be able to park cars. There should be a limit or some sort of level of cut off with the Township digging it up and all that.

Mr. Manning, Township Administrator, read a letter that he received today from the office of the Essex County Prosecutor and it is regarding an Internal Affairs complaint regarding July 5, 2016, an incident which named Chief Robert Cimino and Captain Joshua Cummis. Mr. Manning, Township Administrator, goes on to read the letter. The Essex County Prosecutor's Office will not be taking any further action against Chief Cimino and Captain Joshua Cummis because there was not enough sufficient evidence to build a case against either person and has closed the case.

Mr. Desiderio, Township Attorney, stated that the Township did receive a request from the potential developer of the property of the redevelopment area 2; the assisted living facility, the Hopkins Group wherein they requested permission to go on to a piece of Township property to do an environmental inspection. Mr. Desiderio, Township Attorney, brings this request to the Township Committee for their consideration and whether or not the Township Committee wishes to grant permission. If so will then get an appropriate agreement whereby they agree that they will not do anything detrimental to the property and will restore it. Mr. Desiderio, Township Attorney, would like to have a motion to allow that.

Mr. Lembrich, seconded by Mr. McGehee, motion to allow a environmental inspection on that particular property.

Ayes: Ms. Adams, Mrs. Larrier, Mr. Lembrich, Mr. McGehee and Mayor De Luca.

Nays: None

Motion carries.

Ms. Fritzen, Township Clerk, stated that Monday was the filing deadline for Municipal Office for the June 6, 2017 Primary Election. There were two (2) democrats file for Maplewood Township Committee for the June Primary: Victor De Luca, Dean Dafis and one (1) republican Michael Summersgill.

Ms. Fritzen Township Clerk, stated that she sent the Township Committee an email stating that they were having a professional sound engineer come to the Town Hall and look at the system. We have since then had that day long process and we have received a detailed report and we will be following through on some of the recommendations. One is the replacement of a piece of equipment that is on the rack in the conference room.

Ms. Fritzen, Township Clerk, stated that there are four (4) filmings in the Township this week, one today and two tomorrow and one on Thursday and that they are all residential. One (1) is for Benjamin Moore paint and the other three (3) are for Toys R. Us.

Ms. Fritzen, Township Clerk, did provide for Mr. Lembrich from the last meeting the election dates.

Mr. Lembrich thanked Ms. Fritzen for the information.

## 22. REPORTS FROM ELECTED OFFICIALS

Mr. McGehee just wanted to recognize the members of YouthNet for putting on the Welcoming Community Sanctuary City Forum at The Woodland on Friday. It was a well attended event. There were nearly 300 students and other members of both the South Orange and Maplewood community in attendance. Mr. McGehee thought that it was a great opportunity for our Youth to come out and ask questions.

Mr. McGehee stated that he also wanted to recognize Sarah Lester, Maplewood Library Director and her team for a job well done for the Ideas Festival this year.

Mr. McGehee stated that tomorrow April 5th at 4 pm there is going to be a Youth and Action Night. They will be talking about racial justice, LGBTQ rights, feminism and Environmental Justice.

Mr. McGehee stated finally no office hours this Saturday for him due to the Holiday.

Mrs. Larrier, no report.

Ms. Adams reported about the Public Works & Engineering Committee last meeting and a couple of months ago the Township Committee passed an ordinance on Tuscan Road parking restrictions to limits. We had done stripping for parking spaces as a traffic calming measure to visibly narrow the road. There were requests from residents since then that the current two (2) hour parking restriction is limiting their ability since they have no parking on the north side of the street; it limits their ability to have people over at their own houses and the residents are asking, and we talked about considering a restrictive parking from 6 am until 9 am, to limit the commuter parking and allow those residents to have parking on the street. The two (2) hour parking has caused some issues.

Mayor De Luca stated that we have to talk about that because if the Township does it until 9 and it interfered with the drop off's and the parking for Tuscan School the Township Committee would have to consider that.

Mr. Lembrich stated that he just wanted to publically express on behalf of all the Maplewood residents and other surrounding community members who commute to and from New York City that New Jersey Transit this week continues to demonstrate the profound problems with our State and Region failure to invest in infrastructure. Mr. Lembrich, stated that he had dinner last night with Assemblyman McKeon who has been one of the leading advocates in Trenton for pushing New Jersey Transit to do better and also for getting the State, the Federal Government, and surrounding States to properly fund infrastructure and now has had two derailments in two weeks. This is causing serious problems, causing delays of just a few minutes or occasional break downs, this is causing injuries and a fatality as we know last year in Hoboken and now significant problems in Penn Station. Mr. Lembrich just wants residents to know that both your local elected officials and State Elected Officials are certainly working to make our displeasure known and our desires for this to be a key focus for the next administration in Trenton known and we feel your pain.

Mayor De Luca stated to Mr. Lembrich would you suggest the Township Committee pass a motion expressing our deep concern or something similar to that?

Mr. Lembrich, stated that on April 18th there should be some sort of resolution expressing our concern and that this is a safety issue and it is also a significant economic issue and he thinks that the Township Committee should speak out on this.

Mayor De Luca stated that the Township Committee should demand a meeting with elected officials.

NJT will be listed as a Discussion Item at the next Township Committee meeting; April 18, 2017.

Mayor De Luca, stated that next week because of the Jewish Holiday the Planning Board is meeting on Thursday, April 13th at 8 pm so Mayor De Luca's office hours will be on Thursday, April 13th at 7 pm.

Mayor De Luca wants to congratulate the Maplewood Library on two (2) weeks on the Ideas Festival. It started off with an amazing program at The Woodland and it ended on Saturday with Pamela Erans, Local Maplewood Author, and we made Pamela Erans Day on Saturday and she was very happy and was able to drive home without getting a ticket. It was really a remarkable event for the Maplewood Library and once again the Mayor wanted to thank everybody over at the Maplewood Library.

Regular Meeting of the Maplewood Township Committee adjourned.

The Township Clerk read the following statement:

Executive Session

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Maplewood, in the County of Essex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of any action upon the hereinafer specified subject matter.
2. The General Nature of the subject matter to be discussed is as follows: personnel issues.
3. It is anticipated at this time that the above stated subject matter will be made public.
4. This Resolution shall take effect immediately.

23. **ADJOURNMENT**

Meeting ended at 10:00 P.M. To meet again Tuesday, April 18, 2017 at 7:30 PM at the Maplewood Municipal Building, 574 Valley Street, Maplewood, N.J.