

2/7/2017 - Minutes

1. SALUTE TO THE AMERICAN FLAG

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

2. STATEMENT

"Pursuant to Section 5, 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 commonly 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. Tonight we will be appointing the new Seniors Advisory Committee members and before that there will be a proclamation read by Mrs. Larrier recognizing Black History Month. The Township Committee will then open the floor for public comment, then have the monthly Board of Health meeting, one ordinance on final passage that deals with heating requirements; the level of heat that you will be required to have in a housing unit. There are four discussion items; one is to talk about amending the table of organization in the Maplewood Police Department, to increase the department by one captain and one officer, second to talk about the 1st Annual Chili Cookoff, third the resolution for the Affordable Care Act Support and then fourth a report on leaf blower ban.

Then there are a number of resolutions that the Township Committee will be considering on the consent agenda including applying for a Municipal Alliance Grant, appointing the Township's Auditors through 2017, approving a labor contract with the Township's police dispatchers, other contracts for 911 communications system, another grant application for the Township's Transportation Program for road work on Parker Avenue, contracts to buy tires, auto parts and road salt, and automobile and diesel fuel. Then we will approve bills and claims, accept bids for flue pipe replacement at the police and municipal court building, authorize the cancellation of unredeemed checks, extending negotiations with Charles Larkin for redevelopment of block 31.05 - Lot 10, authorized bids for HVAC contract, and severance liabilities for a retiring employee. There are three (3) minutes of the meetings of January 1st, 3rd and 17th, 2017 that will be considered for approval and closed minutes from January 17, 2017.

There will be another public comment session, will have administrative reports and reports from elected officials and then will adjourn.

Mayor De Luca, began by reporting about the fire on Saturday morning. There was a fire at the Avalon Bay Apartment Complex on the corner of Boyden Avenue and Springfield Avenue. The rear portions of the building and building two and building three of the site were on fire and were burnt down to the ground. This was a construction site and was not complete. The owner of the property Avalon Bay has come in today and has taken out a demolition permit and has informed the Township Committee that Avalon Bay is planning to rebuild the units that have been lost in the fire. There was a meeting this morning of the Township's Engineer, Building Official, Fire Officials, Legal Officials, Development Officials to discuss the matter. The Township is going to insist that if Avalon Bay does build and we want them to build, because it is an important part of the Township's redevelopment effort for the Eastern portion of Springfield Avenue that stronger precautions be taken as discussed in the meeting this morning.

The Township will require a higher level of fire safety plan and will be negotiating with Avalon Bay on the means and methods on which Avalon Bay can do the construction going forward. The Township will hire a Structural Engineer that Avalon will pay for and the Structural Engineer will work with the Township to assure the Township that any plans will be approved and up to all codes. The Township is going to move forward with Avalon Bay and is assured that the demolition and clean up will probably take place during the rest of February. Construction should reconvene in March.

Mayor De Luca, stated that three other major development projects in town, the former post office, the site on Burnett next to the Maplewood Community Center and the site on Boyden and Tuscan where the church was located are all progressing. The Township will be meeting with each of those developer's to better understand any plans that they might have to use gas powered heaters. Mayor De Luca wanted to let residents know that the Township is on it and will be negotiating with Avalon Bay to make sure that they meet the Township's standards.

Mayor De Luca, stated that he will say it again; that this was a construction site accident and no one was living on the site. There were approximately 4 leases that were signed and people were going to move in there in March, and that is not going to happen now of course. There is no timetable as to when people will be moving in there but it will be months before that happens. The Essex County Prosecutors Office has not determined yet or has not released any information as to the cause of the fire. There is speculations but until the Prosecutor issues its report the Township is not able to comment on it. The Township is moving forward, nevertheless, to make sure that nothing like this will ever happen again.

Mrs. Larrier, stated that even before this happened and before Avalon Bay started building Avalon Bay had agreed to an increase in the standard of fire safety standards. Had those standards not been in place there might have been a worse outcome with all the buildings affected.

5. PROCLAMATION - Black History Month

Proclamation - Black History Month

Mrs. Larrier reads the proclamation for Black History Month.

Mayor De Luca, added that there will be a number of Black History Month events happening in town; at the Branch Library on Springfield Avenue and at the 1978 Arts Center also on Springfield Avenue. Please come out during Black History Month to one of those events.

6. BOARDS AND COMMITTEES - Seniors Advisory Committee

Board and Committee - Seniors Advisory Committee

Mrs. Larrier read appointments for the new Seniors Advisory Committee:

1. Sandra Bartlett - 3 year term
2. Joan Crystal - 3 year term
3. Irene Dunsavage - 3 year term
4. Ian Grodman - 1 year term
5. Kurt Kiley - 3 year term
6. Gideon Romann - 2 year term
7. Michael Summersgill - 1 year term
8. Laura Whitmire - 2 year term
9. Lucy Wilkerson - 2 year term
10. Robert Wise - 2 year term

Each potential appointee introduced themselves to the Mayor and Governing Body and explained briefly why they desired to be appointed to the new Maplewood committee.

Mr. Grodman was thanked for all of his work in making this committee a possibility.

Mrs. Larrier, seconded by Mr. McGehee, moved that the ten people: Sandra, Joan, Irene, Ian, Kurt, Gideon, Michael, Laura, Lucy and Robert all be appointed to the Seniors Advisory Committee with the terms that Mrs. Larrier mentioned.

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

Nays: None

Motion carries.

Mrs. Larrier, congratulated Mr. Summersgill on the new edition to his family; a baby girl.

7. PUBLIC COMMENT - AGENDA ITEMS ONLY

Irene Dunsavage, 14 St. Lawrence Avenue, Maplewood, stated that she just wanted to mention that on February 18th the President of the New Jersey Chapter of AARP will be holding a meeting for seniors basically about what the possibilities of medicare changes are in the near future and in the next four years. Ms. Dunsavage, stated that they are opening this up to anyone who wants to attend and it is being held at the Library at 10 am on February 18, 2017.

Claire Roberts, 78 Woodside Road, Maplewood, stated that when she spoke to the Township Committee in late December, 2016 about the Livingston Animal Shelter one of her main criticisms was that the shelter had no isolation room or area as required by New Jersey State Regulations. Livingston's officials responded to Ms. Roberts' criticisms in a article published by the Village Green on January 4, 2017. Ms. Roberts goes on to read parts of the article where a Livingston Police Captain responded by saying that the shelter does not need an isolation room because "sick and contagious animals are brought to the Vet". Ms. Roberts called Linda Freeze, the Supervising Animal Facility Inspector for New Jersey in Trenton to ask Ms. Freeze about the issue. Ms. Freeze, said that taking sick animals to the Vet is absolutely not an acceptable alternative and the lack of a isolation area or room is a major violation and not a minor one. Ms. Freeze, further said, that a shelter without a isolation area or room should never have been licensed.

Claire Roberts, 78 Woodside Road, Maplewood, goes on to state that the Livingston Shelter would be going under a number of improvements and has no time table for when these improvements will be made. Livingston has a poor record of attending to the Shelter in a timely way. Ms. Roberts' question is how many years will it take Livingston to correct a major violation in its Shelter? In Ms. Roberts' view there is no comparison between Saint Hubert's and the Livingston Animal Shelter. Ms. Roberts thinks that no town including Maplewood should consider a contract with Livingston when its Shelter has been improperly licensed and when the promised improvements have not been complete. Ms. Roberts does ask that the members of the Maplewood Township Committee please continue Maplewood's arrangement with Saint Hubert's for our shelter and thinks it the right thing to do for our town and for our animals.

Virginia Canino, 42 Blancher Road, South Orange, stated that she wanted to clarify the issue with the isolation room because it has been back and forth with the volunteers in Livingston and with what Linda Freeze, Supervising Animal Facility Inspector for New Jersey in Trenton is saying. Ms. Canino worked with Furry Hearts and has her own 501C3 and has done fostering for Saint Huberts in Mount Pleasant. The reason that the isolation room is there per Ms. Canino is because it is difficult to identify these diseases in kittens or dogs until they are isolated for typically two weeks. Plus if you had animals with certain illness like ringworms; and the healing time is three to six weeks, and is the Vet going to keep them that long. Ms. Canino just wanted to explain why the isolation room is two weeks before and not when the animals are sick.

Jeanette Paige Hawkins, Essex County Liaison, stated that the County is ready to help and assist the Township of Maplewood with the snow that is predicted. Ms. Hawkins did send a notice early today letting the Township know about the help that is offered.

Mayor De Luca, stated to Ms. Hawkins that the Township has some issues with the Essex County Engineer but will talk with Ms. Hawkins soon, and not during this meeting. The Township needs to arrange another face to face meeting because some things are being lost in communications.

Lynn Bailey, 58 Salter Place, Maplewood, stated that she and her husband both think that the Township should stay with Saint Hubert's, and that Saint Hubert's is a good shelter. The Livingston Shelter according to Ms. Bailey is nothing more than a pound, a one room pound. How can you put both cats and dogs together in a one room pound? Ms. Bailey thinks that Saint Hubert's which really has a good system in place is the way to go.

Mr. Lembrich, also wanted to say thank you to Ms. Bailey as he did receive her email about 10 days ago to the Township Committee.

AJ Albrett, 123 Prospect Place, South Orange, stated that she also sent the Township Committee a email a couple of days ago. Ms. Albrett is part of the Legislation Advocacy Team with Best Friends Animal Society which is the only National large scale operation and their mission is to reduce shelter killing. Ms. Albrett, stated that the animals of SOMA are on their radar and they are here to help. Ms. Albrett is a local resident and has many resources available to Maplewood and South Orange to help guide Maplewood with the decision to stick with Saint Hubert's. She is more than happy to help the Mayor and Township Committee.

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

8. BOARD OF HEALTH MEETING

Held and Adjourned.

9. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

IL/NA ORDINANCE ON FINAL
PASSAGE
2847-17

ORDINANCE NUMBER

AN ORDINANCE TO ESTABLISH COLD WEATHER HEATING REQUIREMENTS WITHIN THE TOWNSHIP OF MAPLEWOOD

"Interpretive Statement"

(This ordinance will establish uniform heating requirements for residential rental properties 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 does anyone wish to speak on this ordinance which will require minimal heat in all rental properties be 68 degrees between 6 am and 11 pm and 65 degrees between 11 pm and 6 am.

Mrs. Larrier, seconded by Ms. Adams, move 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.

10. DISCUSSION ITEMS

1. Amend the table of organization in Maplewood Police Department/VD

Mayor De Luca, stated that the Township Committee received at the Budget meeting on Saturday, January 28, 2017, a request from the Police Chief to add a third Captain to the Maplewood Police Department Table of Organization. Mayor De Luca invited Chief Cimino up to the table to participate in the discussion.

Chief Cimino, Maplewood Chief of Police, stated that the police job has changed tremendously over the last couple of years. The demands that the Police Department have for oversight and various training have really expanded dramatically from what the Police Department had. The structure of the department consequently needs to be changed because of that, the Police Department needs additional oversight and Chief Cimino's recommendation to the Township Committee is to increase the Police Department's Captains by one position; from two Captains to three Captains. This is because the level of a captain and the rank of a captain brings with it the authority to do the proper oversight for the various programs that the department has to maintain and possibly even increase. Chief Cimino, Chief of Police, stated that many of these programs are very well received, they are important to the Township's Agency, important for the community. However, they do require that additional oversight and he believes that the Captain's position is

the one that really needs to be the oversight place for those programs.

Mayor De Luca asked Chief Cimino, Chief of Police, if currently the table of organization is as follows: 1 Chief of Police, 2 Captains, 5 Lieutenants and 10 Sergeants?

Chief Cimino, Chief of Police, stated yes.

Mayor De Luca, stated and the rest are Detectives and Officers.

Chief Cimino, Chief of Police, stated correct.

Mayor De Luca, asked the Chief if he wanted to add a third Captain but still also wants to keep the same complement of Officers; the Township would add another Officer and the total sworn officers will go from 63 to 64?

Chief Cimino, Chief of Police, stated that is correct.

Mayor De Luca, stated that the Township Committee did receive an email today of costs of \$93,000.00 and that is to move the lieutenant into captain and sergeant to lieutenant and sergeant and then a new officer.

Mr. Lembrich, indicated to Chief Cimino, Chief of Police that he didn't know how closely the Chief followed the revision of the table of organization and some of the schedule changes that the South Orange Police Department has gone through in the last couple of years. Mr. Lembrich wanted to ask Chief Cimino, Chief of Police, that South Orange did a data driven study and came back with recommendations and in response South Orange Police Department changed their police duty schedule to more closely correlate with calls for service. In the process they actually reduced in South Orange Police Department their table of organization in the Police Department from their two captains down to one. Obviously, Maplewood has a larger population than South Orange and Mr. Lembrich is curious if Chief Cimino, Chief of Police would address the questions that Mr. Lembrich has been getting from people. Those questions are that in the last couple of years South Orange Police Department went from two captains to one captain and has not seen a significant increase in crime. How does Maplewood justify going from two to three?

Chief Cimino, Chief of Police, stated that he has not seen the South Orange study but Chief Cimino, Chief of Police can tell Mr. Lembrich about Maplewood, and that the Police Department and organization has different composition based upon the number of officers, and the age and experience level of the officers. Chief Cimino, stated that he was not sure of what the distribution duties were among South Orange ranks. Chief Cimino, stated that for Maplewood's Police Department the ranks with the challenges the Maplewood Police Department have currently and based upon where the Maplewood Police Department organization is at today and over the last couple of years and based upon the Police Department's experiences, Chief Cimino feels that the Maplewood Police Department needs the extra rank of Captain. Duties can be modified and take on different rank levels depending upon where an organization is at and what the challenges of that organization are. Chief Cimino, stated that based upon where the Maplewood Police Department sits today and the level of experience and the demands that the Maplewood Police Department have that the Maplewood Police Department needs that third captain position.

Mr. Lembrich asked Chief Cimino, Chief of Police, about one of the issues that the Township Committee hears about from residents is traffic safety, pedestrian safety and was wondering if Chief Cimino could speak to adding this captain and what he would be in charge of; would the addition of the third Captain enhance the Township's traffic safety and pedestrian safety capabilities?

Chief Cimino, Chief of Police, stated certainly. As Chief Cimino, tried to lay out in his proposal the third captain that he is recommending is really going to be a patrol captain function and because of that the oversight traffic enforcement is going to be a direct report to that captain. By focusing with the third captain on the patrol division that captain can have a direct impact on improving the enforcement efforts of the patrol division.

Mr. McGehee, asked Chief Cimino, Chief of Police, so when you talk about patrol that is inclusive of traffic

safety, pedestrian safety, do you mean by the patrol segment or the enforcement?

Chief Cimino, Chief of Police, stated correct and the uniform division does the traffic enforcement and that is where the patrol division captain will have their authority and responsibility.

Ms. Adams, asked Chief Cimino, Chief of Police, what is changed with regard to the work done by the Police Department that Chief Cimino feels that the two existing captains haven't been able to take care of the entire work load? What has increased significantly that Chief Cimino feels another captain is necessary?

Chief Cimino, Chief of Police, stated that one of the things that the Maplewood Police Department wanted to enhance was the traffic enforcement. The emphasis on that and that is rightly so does require a command level officer to directly monitor the activities of patrol, lieutenant's, sergeant's and officer's on all three shifts. Previously, that was one of the captains responsibilities or the two other captains responsibilities but those two captains now have an increase in duties especially the internal affairs function which has expanded in a number of cases that have to be investigated.

Ms. Adams, stated that if the Township Committee were to approve another captain, is there any give or take on Chief Cimino's part?

Chief Cimino stated that the Police Department base their staffing on what their experience has shown them for various shifts and one of those shifts would be one officer shorter than it would be today if the position is not added. The Police Department wants to maintain the right compliment of officers on a regular basis.

Ms. Adams, stated to Chief Cimino, if the Township Committee were to elevate an existing police officer to captain to take over the traffic and maybe see how creative that person would be in improving traffic safety and pedestrian safety and then think about seeing whether or not the Township needs to add another officer next year.

Mayor De Luca, wanted to get this clear with Chief Cimino, Chief of Police that if the Township Committee were to authorize the third captain and not authorize the back fill position would Chief Cimino still want to see a third captain?

Chief Cimino, Chief of Police, stated absolutely.

Mayor De Luca, asked is it Chief Cimino's priority to add this third Captain?

Chief Cimino, Chief of Police, stated it most certainly is.

Mayor De Luca, stated that in Chief Cimino's Budget hearing he mentioned about the new use of the body cameras and would the new captain be involved with that?

Chief Cimino, Chief of Police, stated that part of the oversight responsibilities will be to make sure that those cameras are being used properly and that the reporting and the oversight of the other supervisor's is happening properly in the use of the body worn camera systems and any other recordings.

Mayor De Luca, stated as a practical matter the Township has a list of lieutenants that are eligible to be promoted to Captain?

Chief Cimino, Chief of Police, stated yes.

Mayor De Luca, stated that is there a list of sergeants who would be eligible to be promoted to the rank of lieutenant?

Chief Cimino, Chief of Police, stated yes.

Mayor De Luca, asked is there a list of officer's and would this be just a natural occurrence if the Township would be able to create the third captain seat, and one of those lieutenant's would become a captain, one of the sergeants would become a lieutenant and one of the officer's would become a sergeant. Would there be any tests? No cost incurred at this point?

Chief Cimino, Chief of Police, stated yes and that there will be no test or cost and that the lists are established.

Mrs. Larrier, asked Chief Cimino, Chief of Police is it manitory the Township then move everyone up to upfill?

Chief Cimino, Chief of Police, stated yes, if the position is open you would want to fill it and you would be required to fill the positions from what the ordinance reads.

Mayor De Luca, went on to say that the third captain position is a learning process and that there are some new responsibilities, increase in internal affairs in accountability, there will be some training that will be given. Would it work if the Township Committee creates a third captain and then have a system of measuring this with some bench marks. If there were in the future the ability through attrition to reduce it back to two captains?

Chief Cimino, Chief of Police, stated correct.

Mayor De Luca, stated that he is willing to think about doing this and putting the money into doing this but Mayor De Luca, would like to put in there that there be some measurement along the way, some objective measurement along the way, and also at the point when there is an attrition among those three captains that the Township Committee at that point could review whether or not the table of organization should remain at three captains.

Chief Cimino, Chief of Police, stated that he understood that and is sure there is a mechanism that we can decide upon that would give us some type of comfort in doing that in terms of whether it is a review within the annual report or some other means but that can certainly be done.

Mayor De Luca, asked Chief Cimino to explain the time factor.

Chief Cimino, Chief of Police, stated that the current list which establishes the eligibility for the certain ranks that would be promoted will expire in 90 days. To move the process along the Township would have to amend the ordinance so that the position would be established and would have the ability to have the proper number of readings and then do the interview process and make the promotion within that time frame.

Mayor De Luca, stated that the Township Committee's decision tonight is whether or not to have Mr. Desiderio, Township Attorney, to move forward with drafting an ordinance which will be introduced and voted upon at a public hearing and then a final decision. Any decision now doesn't bind the Township Committee voting in a month from now for that ordinance.

Mayor De Luca, seconded by Mr. Lembrich, motion is to instruct Mr. Desiderio, Township Attorney, to craft an ordinance to change the table of organization in the Maplewood Police Department to not more than three captains.

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

Nays: Mr. McGehee.

Motion carries.

2. 1st Annual Chili Cookoff - Request to display Cauldron at Town Hall/VD

Mayor De Luca, stated that the Chili Cookoff is at The Woodland and its a benefit for the Rent Party. It is a group of resident's that are seeking to do the Chili Cookoff and there is a \$10.00 tasting charge. The request from the Chili folks is that there is going to be this prize its going to be a Cauldron with the winners name and that will be displayed at Town Hall in the lobby.

3. Affordable Care Act Support and resolution/IL

Mrs. Larrier, stated that in Washington there is a concerted effort to repeal the Affordable Care Act. Due to the Affordable Care Act the number of uninsured in this Country has gone way down. There are 30 million people in the United States who have coverage now who didn't have it. There are over 800,000.00 in New Jersey alone who also have coverage. As a result of the Affordable Care Act also our Governor wants to expand medicaid so that we did have hundred of thousand of people who had coverage who were not eligible for coverage before. Due to the efforts of the Republicans to reprieve it and advocates have been asking for Governing Bodies to pass resolutions urging the Republicans not to reappeal the Affordable Care Act without a suitable and adequate replacement immediately. Mrs. Larrier is asking the Maplewood Township Committee also pass a resolution.

Mrs. Larrier requested that the Township Committee pass a resolution and asked Mr. Desiderio, Township Attorney to look over the Essex County Resolution and adapt that resolution to be Maplewood specific and that the Township Committee pass this resolution at its earliest conveniencem at the next meeting. The Governing Body agreed.

4. Leaf Blower Ban/NA

Ms. Adams made the following report:

Report on Leaf Blowers

Following a pilot program banning the use of gas powered leaf blowers during the summer months, the Township Committee tasked its colleagues Nancy Adams and Greg Lembrich to co-chair a subcommittee to research the issue and interview commercial landscapers who do work in Maplewood. Originally, the subcommittee was looking into pesticide use also, but the subcommittee deemed that, for now, other than educating the public about the negative impacts on using pesticides, the use of specific ones was well-regulated by the state and federal agencies and requirements of users being licensed addressed issues regarding local use to a satisfactory degree; and the leaf blower issue dominated the conversations and discussions leaving little opportunity for pesticide research and discussion. We as chairs decided not to continue that discussion at this time because it was being overwhelmed by the other topic.

There is a LOT of information on leaf blowers we found, most of it about what's wrong with them. This concerned a couple of subcommittee members who don't agree with the ban. However, when asked to find information that supported the use of leaf blowers as being good for anyone other than expediting the work of gathering lawn debris for the contractors who use them, there was nothing positive found nor shared with the committee. There is no environmental reason that leaf blowers are good. There is no support that the leaf blowers are positive in any way other than the ease with which they blow debris and the fact that contractors can do their work more quickly and easily by using them. There are threats that contractors will have to charge more to clients if they are not permitted to use leaf blowers, but there was no evidence gathered to support this premise in places where leaf blowers have been banned. The reality is that there is plenty of competition to keep prices from rising too much if at all, and there is substantial savings in fuel that mitigates extra labor costs involved with sweeping.

Landscaper Interviews:

The subcommittee brought seven landscapers in to meet individually with them to hear their thoughts on leaf blowers and the summer ban as well as the possibility of an annual ban on the use of leaf blowers. We also interviewed the Executive Director of the NJ Landscapers' Association. Overall, the landscapers agreed that the leaf blowers they use are annoyingly loud but, they said, a necessary part of their work. The majority of them also said that they don't really need them in the summer other than the demands of their customers wanting their properties left more clean and neat. Landscapers reported that some of their clients would rather their landscaper use the leaf blowers in defiance of the law banning them in the summer and said they would pay any fine levied on the landscaper. Landscapers asked that we allow the lower-powered (65 dba) leaf blowers in the summer, but admitted others would still use the stronger ones regardless of any law banning them or limiting their use. Overall the landscapers would be in favor of restricting the hours of operation more and not permitting leaf blowers on Sundays, several would favor a ban on them on Saturdays as well.

The main theme amongst the landscapers interviewed was the importance of a level playing field with their competitors. If we were to have an annual ban, they said, they'd prefer stricter enforcement and higher fines for those breaking the law because the cleanliness of properties maintained using blowers was better than where they didn't use them. They also favored a complete ban in the summer to include residents, but if that wasn't possible, at least be consistent in banning them for other professionals such as gutter cleaning companies.

Subcommittee members suggested landscapers offer a menu of services, but most said they only offer a package that includes mowing, trimming and blowing to all their residential customers. Most do the same thing every week even though in the summer all lawns don't need to be mowed every week, but they have employees who need to be paid and some admitted to making work they wouldn't ordinarily do because of this.

Research:

The subcommittee members spent a lot of time on their own gathering information and research about leaf blowers, their effects on people and the environment, other bans, and more. Here is some of what was found:

Several municipalities and even states have considered leaf blower bans across the country. Over 400 towns in California have either partial (usually summer bans) or full bans, several towns in Colorado, Connecticut, Maryland, Massachusetts, Florida, Illinois, New York, Oregon, New Hampshire, and Arizona have full or partial bans. The reasons stated for the bans are mainly that the machines are extremely damaging to topsoil, trees, flowerbeds and vital soil-dwelling organisms; the amount of noise pollution created by these machines is disruptive to the workers as well as people in the surrounding area; the air pollution created the gas-powered blowers emit carbon monoxide and nitrous oxide, which are toxic to humans.

Two-stroke engines were originally manufactured for motorcycles until they were no longer permitted on motorcycles because the engines were too dirty to pass the emissions tests required for road vehicles in the country. So apparently the manufacturers found another way to sell these engines, one that has become much more profitable for them than motorcycles because there is no regular emissions testing on lawn maintenance equipment like there is for motor vehicles. With no annual inspection required, once the piece of equipment is made with the 2-stroke engine, it is not inspected again. That equipment is predominately gas-powered leaf blowers. And it's fair to say that there are far more leaf blowers running everyday than motorcycles.

From the EPA:

Particulate pollution is released from yard equipment during the combustion of gasoline. It can lodge deep in the

lungs and cause respiratory problems, cardiac arrhythmia, & heart attacks. It can impact children, the elderly and people with emphysema, bronchitis, & asthma. Volatile Organic Compound (VOC) emissions are also released during the combustion of gasoline while using yard equipment. The chemicals in VOC can form ground-level ozone (smog) which can cause breathing difficulties especially in children, the elderly and people with existing respiratory problems like asthma.

- Blower engines generate high noise levels. Gasoline-powered leaf blower noise is a danger to the health of the blower operator and an annoyance to the non-consenting citizens in the area of usage.

The two-stroke engine has several attributes that are advantageous for applications such as leaf blowers. Two-stroke engines are lightweight in comparison to the power they generate, and operate in any position, allowing for great flexibility in equipment applications. Multi-positional operation is made possible by mixing the lubricating oil with the fuel; the engine is, thus, properly lubricated when operated at a steep angle or even upside down.

A major disadvantage of two-stroke engines is high exhaust emissions. Typical two-stroke designs feed more of the fuel/oil mixture than is necessary into the combustion chamber. Through a process known as scavenging, the incoming fuel enters the combustion chamber as the exhaust is leaving. This timing overlap of intake and exhaust can result in as much as 30% of the fuel/oil mixture being exhausted unburned. Thus, exhaust emissions consist of both unburned fuel and products of incomplete combustion. The major pollutants from a two-stroke engine are, therefore, oil-based particulates, a mixture of hydrocarbons, and carbon monoxide. A two-stroke engine forms relatively little oxides of nitrogen emissions, because the extra fuel absorbs the heat and keeps peak combustion temperatures low.

A small percentage of blowers utilize four-stroke engines. These blowers are typically "walk-behind" models, used to clean large parking lots and industrial facilities, rather than lawns and driveways. Overall, the engines used in these blowers emit significantly lower emissions than their two-stroke counterparts, with significantly lower levels of hydrocarbons and particulate matter. These four-stroke blower engines have a considerably lower population than the traditional two-stroke blowers and only peripherally fit the definition or commonly-accepted meaning of the term "leaf blower." They are mentioned here only for completeness, but are not otherwise separately addressed in this report.

The effects of sound on the ear are determined by its quality, which consists of the duration, intensity, frequency, and overtone structure, and the psychoacoustic variables of pitch, loudness, and tone quality or timbre, of the sound. Long duration, high intensity sounds are the most damaging and usually perceived as the most annoying. High frequency sounds, up to the limit of hearing, tend to be more annoying and potentially more hazardous than low frequency sounds. Intermittent sounds appear to be less damaging than continuous noise because the ear appears to be able to recover, or heal, during intervening quiet periods. Random, intermittent sounds, however, may be more annoying, although not necessarily hazardous, because of their unpredictability

The nonprofit organization, Quiet Communities states, "Regulation of leaf blowers or other gas-powered equipment by local or regional authorities may be implemented through a general regulation, such as a noise or pollution ordinance, or an equipment-specific regulation, such as a leaf blower ban." They recommend proactive use by municipalities of non-fossil fuel powered maintenance equipment where possible and also encourage regular education to the public.

Summary:

There were many discussions about whether or not a ban on leaf blowers, whether partial or full, was necessary in Maplewood. Several members spoke about the daily interruption of their days by the regular visits of landscaping companies to their neighborhoods. Most of the complaints were about the noise and the smell and especially about the interruption in the work of at-home workers and the sleep of young children and babies. Others disagreed and stated that while they don't like the sound, the impact was a couple of times/week for 20 minutes or so at a time. The committee decided, after many impassioned discussions, that where one lived and how often they are at home had the most to do with how they were affected or how they perceived the impact on their lives.

Many discussions were also had on how to enforce any law passed on leaf blowers and whether or not it was possible to do so. The conclusion of most was that difficulty of enforcement should not keep Maplewood from developing laws on leaf blowers.

There was extensive discussion on the negative impact the use of leaf blowers has on the quality of soil, water, trees, shrubs, plants; in other words, on a healthy yard. The negative impacts on birds, wildlife and pets were also discussed and have been documented in research.

The subcommittee's majority recommended restrictions on leaf blowers for the good of its residents, for quality of life reasons, and for the health and well-being of residents, our water and our air. The subcommittee recommended the following **Amendments to the existing ordinance to include:**

- Annual Summer ban on gas (not electric) commercial leaf blowers from May 15 – October 15. This would lift the current 65 dba restrictions by simply banning all blowers during the summer; then all decibel blowers are permitted for spring cleanup and fall.
- Restrict the number of commercial blowers being used at one time on one piece of property. Recommendation was maximum of 2 blowers at a time. TC should discuss possibility of limiting all equipment used on one lot at a time to maximum of 2 or 3, or if it just wants to limit the blowers.
- More restrictive hours of operation of commercial leaf blowers: Monday – Friday 8AM – 6 PM; Saturdays 9AM – 5 PM; Sundays no permitted hours.
- Leaves should not be left for more than SEVEN days before regular DPW pickup.
- Require workers to wear safety equipment for both hearing and breathing.
- Increase fines dramatically; suggested minimum of \$500 - \$1,000 for first offense.
- No ban on residential use leaf blowers except outside of the hours permitted above, but possibly permitted on Sundays.
- No ban on electric leaf blowers, commercial or residential.
- Request more regular and comprehensive educational information distributed to the public on a regular basis by the Green Team and Environmental Commission.

Thank you to all who volunteered and worked on research and participated in meetings working on this subcommittee.

Mayor De Luca, stated what he would suggest that the Township Committee get the recommendations and put this on for discussion.

Ms. Adams, stated that the reason for the May 15th to October 15th was in discussion not only amongst

the Committee members but also with the landscapers and that the landscaper's could get their clean up done for Spring clean up in March and April and the beginning of May. And that the landscaper's really don't need since leave don't really start falling in quantity until late October.

Mrs. Larrier asked when Ms. Adams made the recommendations about not banning for residential or commercial electric blower's that's during this ban timeframe?

Ms. Adams, stated yes.

Mrs. Larrier asked what was the response of landscaper's?

Ms. Adams, stated that there are commercial landscapers companies that few and far between that think it would be a growing field but most of the landscapers are not willing to lay out the initial investment to buy the equipment. There is a company in Rochester that has all battery powered commercial grade equipment for landscaping for lawn maintenance and that they have solar panels on their trucks to recharge the batteries. And comparatively speaking they are much more quieter than the gas power and much healthier for everything.

Mr. Lembrich, stated that the Committee proposed the ban apply to commercial people who are using it for business but not to residents. Mr. Lembrich said from the beginning and all along that he is not sure if he is comfortable with the sort of commercial verses residential and that it certainly decreases the use to ban one group and not another for the reasons for the ban. Environmental health etc are the same regardless of who is using the blower and that is an issue that Mr. Lembrich has and is in the minority view on that. Another issues that has been brought is whether this would apply to the gutter cleaners and thinks the recommendation that it should and is something that they would want to consider.

Mr. Lembrich, stated lastly the issue on enforcement and the difficulty of enforcing this and obviously increasing fines may provide enough deterrance and word may spread around. One of the biggest themes that were talked about by landscaper's is a lot of people said i'm responsible and I will follow whatever rules you make but that there are other people who will not and you need to have a level playing field. If it is not well enforced it may as well not exist and enforcement is something that the committee in crafting a new ordinance or amending the ordinance is going to need to give some thought to.

Mr. McGehee, stated that he agreed with Mr. Lembrich and had a question about the fines and enforcement which is very important to have a level playing field. Mr. McGehee totally thinks about maximizing out the fines as well.

Ms. Adams, stated that is the reason why the sub-committee as far as the fines go and one of the volunteers pretty much universally agreed on raising the fines for that very reason so that because word gets around. It was the best way to level the playing field and the landscapers were pretty much all in favor in raising the fines because the landscaper's are following the rules.

11. CONSENT AGENDA

Mr. Lembrich, seconded by Mrs. Larrier, move the adoption of the consent agenda.

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

Nays: None

Motion carries.

12. PUBLIC COMMENT - ANY SUBJECT MATTER

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

13. REPORTS FROM DEPARTMENTS

No reports.

14. ADMINISTRATIVE REPORTS

Mr. Manning, Township Administrator, reported about answers to the questions the Township Committee had at the Budget Hearing and there is also an updated sheet based on the conversation regarding the Capital Request Form. That changes some of the numbers on the spread sheet which is the overview of the budget.

Mr. Desiderio, Township Attorney, stated at the last meeting there was a resolution awarding the contract for the Hauling of Leaves and subsequent to that resolution there was an objection filed by one of the other bidders. Based on Mr. Desiderio's Township Attorney, conversation with Mr. Manning, Township Administrator, and Mr. Bell, Director of Public Works, he believes that there is merit to that challenge and Mr. Desiderio, Township Attorney will be investigating it and will have an recommendation for the Township Committee at the next meeting. The recommendation will include withdrawing the resolution awarding to Mazza Leaf Collection and awarding to a different bidder.

Ms. Fritzen, Township Clerk reminded the Township Committee that at their next Township Committee meeting to be held on Tuesday, February 21, 2017, they will have a presentation from Maplewoodstock coming to make their presentation requesting the sale of alcohol at their Maplewoodstock event.

Mr. Lembrich, asked Ms. Fritzen, Township Clerk, what is the deadline for candidates to pick up and then return petitions?

Mayor De Luca, stated to Mr. Lembrich April 3rd by 4 pm.

15. REPORTS FROM ELECTED OFFICIALS

Mr. Lembrich, stated that the Public Safety Committee will be meeting tomorrow night and in addition to their monthly topics the Public Safety Committee will be talking about a new initiative to implement a special needs id program in town. It provides an opportunity for people living in the Township with special needs, particularly children and this can apply to adults as well to get a special id that can be used and can assist them in interacting with law enforcement and with other township personnel.

Ms. Adams, no report.

Mrs. Larrier, no report.

Mr. McGehee, stated that Mr. McGehee wanted to recognize and thank the Maplewood Fire Department, Chief Dinglestedt and everyone for the wonderful job they did on Saturday morning with the unfortunate Avalon Bay fire.

Mr. McGehee, stated that he would like to mention again Black History Month and the Springfield Avenue events and please go to www.SpringfieldAvenue.com to get more information regarding the schedules.

Mr. McGehee, stated that this Friday at 8 pm is the Rent Party function at The Woodland and for those who don't know that it is a phenomenal program and it raises money to help feed some of the Towns under privileged children. Mr. McGehee encouraged all to come out and hear some good music and great tunes and hang out with some Maplewoodians.

Mr. McGehee, stated that the Environmental Advisory Committee met a week ago and has a tentative date for the Annual River clean up which is on April 22, 2017. Also the Green Team is continuing looking for residents to join in the Maplewood Solar Challenge and you can go on www.maplewoodsolar.org.

Mr. McGehee, stated finally his office hours will be this Saturday, February 11, 2017 at 10:15 am at The Village Coffee.

Mayor De Luca, stated that the Towns Resolution 3-17 regarding equal treatment and a welcoming community has been requested and shared with Livingston, Madison, Highland Park, Roselle, and South Orange all of which are considering adopting similar resolutions. The Senate yesterday took some action condemning the ban and also there is a bill being introduced to help any Municipality that gets attacked because of their designation of a so called sanctuary cities.

Mayor De Luca, stated that his office hours are Tuesday, February 14, 2017 at 7 pm until 8 pm at Town Hall.

Mayor De Luca, stated on the next day February 15, 2017 at 2 pm Mayor De Luca is going to the VA in East Orange which is National Salute Week. They invite city officials, Military Officers, Officers, Celebrities, Athletes to visit the Veteran patients in show of support.

Mayor De Luca, stated that they have been meeting with the North Central Jersey Association of Realtors and they have a Realtors Care Day in which if there is an individual who needs minor structural improvements, site clean up, gutter repair, landscaping and painting the realtors will come and work at someone's house for a day. If the Township Committee knows of anyone who is in a house either because of income or age is not able to keep up the house then the Township can get this application to them and they can be considered. The application deadline is June and so the Township has some time and will also be giving this to the Code Enforcement Inspectors as they go to houses and meet people who may need some volunteer help they would be able to apply.

Mayor De Luca, stated lastly, knows that there has been interest in the location of the dumpsters for the restaurant at the Clarus and Mayor De Luca has been in discussion with the developer's and they have submitted the plan to put that dumpster now behind their building. The dumpster will not be in the Village Coffee spot and they will not need the easement that was approved by the Township Committee. The dumpster will be on their property and considered by the Planning Board. The down side of this is that this will only be for the restaurant at the Clarus and the dumpsters behind the Village Coffee will remain where they are and there will be no consolidation on those garbage areas.

16. ADJOURNMENT

Adjourned at 9:30 pm. To meet again Tuesday, February 21, 2017 at 7:30 PM at the Maplewood Municipal Building, 574 Valley Street, Maplewood, N.J.