

4/18/2017 - Minutes

1. SALUTE TO THE AMERICAN FLAG

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

2. STATEMENT

"Pursuant to Section, 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.

ABSENT: Sonia Alves-Viveiros, Assistant Township Administrator.

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. Starting the meeting off with a couple of proclamations; and the first is Autism Awareness Month and the second is Earth Day. The first public comment session, two ordinances on final passage; the first is dealing with for sale signs to allow two (2) sign riders, currently the Township only allows one (1) and this will be two (2) riders on a for sale sign. The second ordinance is to amend Redevelopment Plan Area 2 to allow for assisted living. There is an introduction of a new ordinance and that deals with user fees at The Woodland and Burgdorff Center for the Performing Arts. Then will be getting to the Municipal Budget, read the Budget by Title and have a Budget hearing and will consider to adopt the Budget. There are two (2) discussion items: One is New Jersey Transit and the second is New Jersey Department of Community Affairs Local Planning Services. There are five resolutions on the consent agenda: The first is passage of Assembly Bill 2452 which is the changes to

alcoholic beverage license availability, authorizing estimated property tax bills, bills and claims, and then minutes of April 4th. There will be a second public comment period, administrative reports, reports from elected officials and then we will adjourn. Mayor De Luca stated that before the Township Committee presents the proclamations that he is happy to announce that the Township has been notified by the State that the Township will be receiving Planning Assistance from the New Jersey Department of Transportation for Prospect Street to study pedestrian safety and traffic flow and a bicycle path. The Township Committee approved the resolutions a couple of meetings ago to apply and implement a recommendation and the Township is now going to have a firm called MV5 that is going to come in and will be paid for by the State of New Jersey who will work with the Township, our Maplewood residents, and Township Planners to develop some measures to advance pedestrian safety up on Prospect Street.

5. PROCLAMATION - Autism Awareness Month 2017

Proclamation - Autism Awareness Month 2017

Mr. McGehee read the proclamation for Autism Awareness. On behalf of Jonah, Daniel, Elizabeth, and I Jonah, Words Book Store and the entire Town I want to thank the Township Committee very much and thank everybody here for their leadership, for their support and for the tolerance and acceptance for the people with autism in Maplewood. It is a very open town to everybody frankly and is one of the reasons why our family has spent their lives in Maplewood. We belong to this town and believe in this town and have invested in this town. Our family would like to thank you all for supporting our Family and supporting Dan and people like Dan who when Dan walks down the street everybody knows him, people say hello to Dan, people are warm to Dan. Dan can go into any store to any place in Maplewood and is accepted for whom Dan is.

6. PROCLAMATION - Earth Day 2017

Proclamation - Earth Day 2017

Mr. Lembrich, read the proclamation for Earth Day 2017.

Robert McCoy, 17 Ball Terrace, Maplewood, and Chairman of the Township's Environmental Advisory Committee, stated that a couple of things that they are doing to celebrate this year are the annual river clean-up which is occurring on Earth Day itself and we will be expanding it a little bit to include a free picnic for people who are participating. In Memorial Park there will also be the new Memorial Park Conservancy who will be planting a replacement tree for one of the old Elm's tree and hope that as many people in Town as possible will come and participate. Robert McCoy stated that they are in their 10th year of planning what they can do for the climate in the world and their impact on the climate and how we all can do that. This is a long term thing and Maplewood has been involved in it and is actually a leader in the State.

Tracey Woods, 253 Burnett Avenue, Maplewood, and Chair of the Maplewood Green Team, wanted to add to what Mr. McCoy stated and that she is so proud to be the Chair of the Maplewood Green Team. Maplewood has one of the largest and most active Green Teams in the State and has such support and the Green Team gets stronger every year, and has a great relationship with the Township Committee and with the Environmental Advisory Committee and they have won several awards this year.

Tracey Woods 253 Burnett Avenue, Maplewood, Chair of the Green Team, stated that she has a button on that says "I'm going to the Climate March" which Ms. Woods will be attending in Washington D.C. May Maplewood residents will be going as well. There will be a bus living from South Orange and the information is on the maplewoodisgreen page and website.

7. PUBLIC COMMENT - AGENDA ITEMS ONLY

Jeanette Page-Hawkins, Essex County Liaison, stated that with regards to environmental friendly activities the County is going to be having a Household Hazardous Waste Collection on May 6, 2017 and will have as well a computer and electronics collection recycling day May 20, 2017. Ms. Page-Hawkins would like to express the County Executive's appreciation for the Township's partnership in the Drug Take Back

Day which is scheduled for April 29, 2017 and he really appreciates the partnership.

Ms. Adams asked Ms. Page-Hawkins a question with regards to the Hazardous Waste Collection which is Saturday May 6, 2017; is that once a year or a couple of times a year and is there any reason that the County doesn't have the ability to have the program more frequently.

Jeanette Page-Hawkins, Essex County Liaison, stated that she could and would find out for Ms. Adams.

Gideon Roman, 32 Headley Place, Maplewood, stated that there was some discussion about Orchard Park at DeHart Park that there are a lot of kids running across the street and a lot of cars pass by relatively quickly that causes some problems with safety. It has been suggested by a few people to put a speed bump in front of that Park so that people don't just shoot down the street. Mr. Roman wants the Township Committee when they get a chance to review this suggestion. Mr. Roman is prepared to get signatures if necessary.

Mayor De Luca told Mr. Roman to hold off on getting signatures and that he has spoken to a resident who is there on DeHart Road and he has been asking for a cross-walk and that they have a meeting tomorrow morning. There will be a meeting and the Maplewood Engineer will take a look at that because it is a mid wide cross walk and that it has to meet certain criteria. Mayor De Luca will ask the Maplewood Engineer to take a look at the volume.

Mark Slade, 25 Yale Street, Maplewood, stated that the last time he was at Town Hall they put together a petition which was a recommendation that he took away from the meeting and that the petition did request that Mr. Slade would have some amendments to the sign ordinance. Mr. Slade, stated that they appreciate the fact that the town has already endorsed one (1) additional rider but in view of how they have been marketing homes for the past several years, Mr. Slade feels that it's in all fairness to the seller's when they are selling in town that they should be duly represented with the type of advertisement that they have been putting forth. The examples can be a URL sign, an open house sign. The last suggestion was the coming soon and the Township Committee felt it was uncertain and not sure of what it was. It is a way for realtor's to allow the online world to thoroughly populate so that they can do justice to selling people's homes. Mr. Slade stated that he has a 105 signature petition that was sent over to the Township Committee today. Mr. Slade, wanted to know if the Township Committee had any additional questions.

Mayor De Luca stated in Mr. Slade's comments last meeting that he spoke about the coming soon being on for 10 days and now today its 14 to 30 days.

Mark Slade, 25 Yale Street, Maplewood, stated that he was not in control of the full petition that was submitted and would appreciate any consideration of the Township. Mr. Slade, stated that the realtor's are not trying to be difficult and are trying to work together to really put forth the best efforts that they can and for their clients.

Mayor De Luca asked Mr. Slade to explain the process of when you can put a for sale sign up?

Mark Slade, 25 Yale Street, Maplewood, stated a for sale sign usually in Maplewood Township means that the realtor actually put it on the multiple listing service and all the area agents like several that are here tonight would get notice of that and then the realtor would be available to start showing the property.

Ms. Adams asked Mr. Slade that is it not related to when you sign a contract with your client?

Mark Slade, 25 Yale Street, Maplewood, stated yes and no and that when you sign a contract further advancing to set the date for later and technically speaking no when you are signing the contract it is when you agree to start the listing.

Mayor De Luca stated to Mr. Slade, lets talk about the coming soon, would you be able to put a coming soon if you didn't have a contract signed?

Mark Slade, 25 Yale Street, Maplewood, stated that they have a separate sign contract that they usually would sign simultaneously and that allows the realtors to put the sign on the property as coming soon. They have to let the MLS know that the realtor can't show it during that timeframe because they are waiting for certain finishing repairs and what that actually allows the realtor to do is allow the online world to fully populate because it can take up to 10 days for all of the various websites and that there are new websites springing up everyday to use what they call IDX to then redistribute their listings and show to their clientele.

Mayor De Luca, stated to Mr. Slade that part of this is dealing with the proliferation of signs out there and then also Mayor De Luca has looked at a couple other municipalities and they don't even deal with riders they just deal with the main sign. Mayor De Luca, stated that riding around today he saw one sign that had four (4) riders one on top and three on the bottom. Mr. Slade has presented to the Township Committee a bunch of phrases, coming soon, for rent, for sale, by appointment but Mr. Slade's office has a house on Oakland right across from Maplecrest Park that has SOMA's number one team as a rider. Mayor De Luca then asked does the Township Committee really want to get into allowing realtor's to do more advertising or does the Township Committee want to restrict it to certain phrases.

Mark Slade, 25 Yale Street, Maplewood, stated that personally the signs that validate proposition of what that property is about are important. Mr. Slade stated that this is interactive and wants to do right by his seller's and anything related to an advertising term as it describes the property is important and thinks that the seller would be unhappy to find out that he can't put a for sale and open Sunday if its a two (2) family on for example Lee Court.

Mayor De Luca asked if Mr. Slade could send an email just with a list of those signs and just some of the comment signs that he would like to see.

Mr. Lembrich stated to Mr. Slade that they were talking about riders but also a main sign and is it 24 X 36?

Mark Slade, 25 Yale Street, Maplewood, stated to Mr. Lembrich that there are two types and the main sign has certain restrictions that are governed by the State of New Jersey Realtor's and Banking Commission and they must include the telephone number of the office, the office name and actual legal name. It is a franchise it has a different language on the bottom of it to say each franchise is differently owned and operated so on and so forth and that it usually includes an agents name. The signage can be 24 inches wide which is both versions and some are 18 inches down and some of them are 30 inches down.

Michael Pennisi, Coldwell Banker, 145 Maplewood Avenue, Maplewood, replied to Ms. Adams point that yes that the Real Estate Commission dictates that there are certain things that have to be larger than others and for instance the brokerage name or the logo Keller Williams in this case Coldwell Banker would have to be large than any recognition of the actual agent and is one of the reasons why two (2) riders is to ensure that the main sign is in keeping with the Real Estate Commission guidelines. Mr. Pennisi, wanted to touch upon one other thing that he feels is important is in terms of coming soon signs and he does recognize what the Township Committee is saying about recognizing agents but coming soon is actually a marketing strategy and taking that away actually it hurts the sellers ability to market the home.

Mr. Lembrich, stated to Mr. Pennisi that the Township is not taking it away they never had it.

Michael Pennisi, Coldwell Banker, 145 Maplewood Avenue, Maplewood, stated that he does believe that the Township Committee should consider it if possible because Mr. Pennisi does believe that it is really helpful to the town and that the township is such a desirable place to live, rated number one downtown and all these great things. One of the things that Mr. Pennisi believes is really helping this town is the desirability factor of people fighting to get into town. The coming signs are a crucial tool and it is to get that momentum in terms of the marketing efforts and really does help homes sell.

Mayor De Luca, stated to be clear about one thing and that is right now the law is that you can have one (1) main sign and one (1) rider. Tonight the Township Committee is going to change that to allow you to have two (2) riders and that the Township Committee is not taking anything away and that tonight is increasing by 100 percent the amount of riders that you can legally have on there. Coming soon is not permitted and all of you should go back to your offices and have your agents take down the coming soon if and until the

Township Committee changes the law. The Township is moving in the direction that Mr. Pennisi asked the rider and now you are asking the Township Committee to consider some other things and there is a process that the Township Committee has to go through here. The other thing that Mayor De Luca is understanding is marketing from Mr. Pennisi's end but Mayor De Luca stated that he sees more signs in his neighborhood and some are for sale and some are for coming soon and Mayor De Luca is concerned because now there are so many signs in the neighborhood and maybe someone doesn't want to look in that neighborhood for whatever reason and they see everybody moving, selling, and saying what's wrong with the neighborhood? The second is maybe my selling advantage is going to go away because there are so many signs and maybe half of those signs are coming soon and not even on the market yet. There are two sides to this that we all have to figure out.

Mrs. Larrier stated to Mr. Pennisi that it seems like the inventory is up because there are so many signs and then the signs stay up so long. Mrs. Larrier's other comment is there are phone numbers on the main sign. A sign on a yard it would seem to Mrs. Larrier would generate the call that Mr. Pennisi is saying coming soon generates. If there is a phone number and i'm looking for a house, i'm going to call that number whether it says coming soon or not. Mrs. Larrier doesn't know that there is a need for the coming soon because the phone number is right there.

Ms. Adams stated with regard to the variety of signs and to Mayor De Luca's point Mr. Pennisi has been here five (5) years and the Township Committee has been here a lot longer and the origination of the limitations that were put on realtor signs in particular were back in the early 90's when there were accusations of racial steering and there were regulations put down because of exactly pretty much what Mayor De Luca was saying. But to Mayor De Luca's point if you are not only having a for sale for rent you are having coming soon and you are essentially doubling the number of signs that are out there at any one time and it gives that same perception. Ms. Adams stated that the coming soon signs might be difficult to regulate as to when the coming soon sign blade went up and when it is going to switch over to for sale. Ms. Adams would agree she would be in favor of passing the existing ordinance now, but if you realtors don't want the Township Committee to do that and want the Township Committee to include other things like coming soon signs, that will delay this ordinance from passing as opposed to going back to it. Ms. Adams is asking the Township Committee would they rather the Township Committee change the existing ordinance and will ditch this one and start over and add these other conversations to coming soon or would the Township Committee rather allow for the second (2) rider?

Mrs. Larrier, stated that she would point out if the Township Committee does go back to one (1) rider and coming soon is not one of them.

Mr. McGehee stated to Mr. Slade that he thinks that Mr. Slade has a compelling argument and wants to know is it more to his advantage and the organizations advantages to pass this ordinance tonight or for the Township Committee to vote it down and then regroup.

Mayor De Luca, stated that if it doesn't pass tonight then it will go back to Code Enforcement as one (1) rider.

Mark Slade, 25 Yale Street, Maplewood Realtor asked that if he was able to present to the Township Committee what signs were being considered what is the timeline, what is the procedure that is excepted.

Mayor De Luca stated to Mr. Slade that there is no loss if the Township Committee passes this tonight because the realtors just get a second (2) sign and then we start having Mr. Slade's conversation of the other request. The next meeting of the Township's Code Committee is Monday, May 8th and Mayor De Luca will be taking this information and they are going to have a conversation. Don't know if that conversation will be finished at that meeting and it could take until June. Whatever the Township Committee adopts because it is part of our development ordinance it has to go to the Planning Board so this is a two (2) month bill. Mayor De Luca's suggestion is if the Township Committee is inclined to pass this tonight so that Mr. Slade can get at least two (2) riders permitted and that you won't get any hassle there and then the Township Committee can start working on Mr. Slades other request.

Octavio Mendes, Keller Williams Realtor, 181 Maplewood Avenue, Maplewood, stated that he tends to

agree with what the Township Committee is proposing because its better than having the moratorium and starting to get fines and what Mr. Mendes would like to do is to make sure that signs that he gave the Township Committee are conforming with the Real Estate rules and regulations which are supervised by the Banking Commission. Mr. Mendes, suggested that allowing the 24 X 30 with two (2) riders for now would at least give the realtors a little more ley way until the next meeting. One of the things that Mr. Mendes can promise the Township Committee in the next meeting is that he can bring the Committee numbers that can really prove to the Township Committee that the signs out there may be an impression because now you are looking more at the signs and that the inventory is so low that he can guarantee the Township Committee that four (4) years ago the Towship had 2/3 more of signs then today.

Mayor De Luca, stated that the Township Committee is going get Mr. Mendes information and present it at the Code Committee meeting on May 8th.

Michael Pennisi, Coldwell Banker, 145 Maplewood Avenue, Maplewood asked in terms of what is allowed on the actual riders?

Mayor De Luca, stated that there are four (4) signs that are allowed and they are "for sale", "for rent", "open house", and "under contract".

Stacey Gregg, 6 Boyden Avenue, Maplewood, stated that she wanted to thank the Township Committee for doing the Atism proclamation because Ms. Gregg has a child on that spectrum. Ms. Gregg is concerned with the real estate coming soon signs and wants to differ with the Township Committee with regard that the sample was made and yes it was from the 90's, yes it was an issue of urban flight and there is going to be a lot of signs out there that would be a concern. Right now the Township has inflight and is number two (2) on the most desirable places to live in New Jersey. The home that Ms. Gregg has had no problems going through and she has worked in other towns and had renovated two homes in the other towns. Ms. Gregg then went on to elaborate about a fence she installed on her property following renovation of the property. Ms. Gregg had gone through the paperwork and renovated the entire kitchen and worked great with the Maplewood Building Department. There was a discrepancy with this fence that Ms. Gregg had put up. Ms. Gregg stated that there was a fence that was put up at 6 feet and everthing was approved and then she was told from the Maplewood Building Department that the fence had to be cut down by 2 feet.

Mayor De Luca indicated to Ms. Gregg that she was informed by the Maplewood Building Official that the fence is out of compliance and it is a Building Code Officials decision to make. The Township Committee will look at the ordinance and the form that Ms. Gregg talks about.

Dave Helmkamp, 571 Prospect Street, Maplewood, stated that he wanted to speak about the land use decision and that there are a couple of items on tonight's agenda that touch on land use in particular the proposed changes in area 2 and if we put our minds back two (2) weeks when the process went from a discussion item to a resolution to hire the planner to do a report getting a special board meeting that was held two (2) days before this was orginally dated. Indeed there have been no public comments on this substantial land-use decision that I am aware of. Mr. Helmkamp is feeling that all land use decisions should be announced more directly than whatever is the minimum statutory requirements. Information is accessed differently today and that we can and should operate above the minimum bar. The plan for this area is over 10 years old and has not recieved a public review since its original drafting. Mr. Helmkamp went on and read further comments from a prepared statement.

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

8. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

IL/NA ORDINANCE ON FINAL
PASSAGE
2859-17

ORDINANCE NUMBER

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.)

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 if anyone wanted to speak on this ordinance? None.

Mayor De Luca asked Mr. Desiderio, Township Attorney, if he had a report from the Planning Board?

Mr. Desiderio, Township Attorney, stated that he did receive a memo from Ms. Lewis, Board Secretary, advising that the Planning Board had reviewed it and finds that the ordinance was consistent with the Master Plan.

Mrs. Larrier, seconded by Ms. Adam, 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.

Mr. McGehee stated that Mr. Slade's comments again were good and that they brought some light and awareness and education to the overall industry and what the signage means from a marketing perspective and he hopes to see Mr. Slade and his team continue this conversation in May. There is more opportunity for conversation.

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

Nays: None.

Motion carries.

9. ORDINANCE ON FINAL PASSAGE

The Township Clerk read by title.

IL/NA ORDINANCE ON FINAL
PASSAGE
2856-17

ORDINANCE NUMBER

AN ORDINANCE ADOPTING AND AMENDING REDEVELOPMENT PLAN FOR DESIGNATED REDEVELOPMENT AREA 2"

"Interpretive Statement"

(This ordinance will further amend and supplement the Redevelopment Plan for Redevelopment Area 2)

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 if anyone wanted to speak on this ordinance?

Dave Helmkamp, 571 Prospect Street, Maplewood, stated about the process and aspiration to create more

transparent and better informed process and not just the public. Mr. Helmkamp, stated that he did not have a solution in hand in general but does think that if it was discussed would be helpful. Mr. Helmkamp stated that what might be missing in the end product. If we as a community set out to do this kind of facility and offer up some sentences of what the Township might want to do with it. A multi use care facility that provides quality housing, health resources verses other recrusialments that intergrates well with the community and supports the intergration of its residents with the community and Mr. Helmkamp thinks that is highly desireable and thinks that the facilities are a desireable thing and do know that it is sorely needed. And has a societal matter is often discussed as lacking in Maplewood and a big challenge. It speaks to our values with the senior community what are the features to this thing as stipulated in the zoning, what do we know about it and what rights are we giving to the developer. It fails to interest anything for the actual structure and it doesn't address anything like shadowing affects, the siting of the structures and the restrictions doesn't appear to be sufficient to protecting and counting property owners from negative impact to the project.

Mr. Desiderio, Township Attorney, stated that they received a memo from Adele Lewis the Planning Board Secretary advising that the Planning Board had reviewed it and finds that it is consistent with the Master Plan.

Mayor De Luca, 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 were there any discussion?

Mayor De Luca stated that this proposal is for an assisted living facility for roughly 180 individuals, 50 percent must be medicaid eligible and it is a fairly low threshold as far as income and most of the people will eat in a congregate setting and will get health care, get socialization there and in addition a day care center that would allow individuals to be brought in to receive medical care, socialization, a health education. This is a developer who came to Maplewood and asked the Township if they had land that would be suitable for this and this land is available and right now sits as a vacant industrial land. It was a building supply company and a metal shop and the Township has had a number of people look at it and had proposed very high density housing there. There is someone who owns the adjacent piece of property in the developement area that would like to build 60 units to an acre. The Township has told them no that is not what the Township is doing and that the ordinance allows for 15 to 25 units in acre. It is not a piece of property that has moved and a year ago the Township changed the commercial uses to hopefully attract more interest in that area. This is going to be a low use and is a better and less intensity use then to have the industrial activity there as far as the neighbors on Tuscan and Boyden and it does meet the goals and plans which talks about a mix of housing. Some of the other comments that were made about having drive through and public spaces and that is just not possible because there are still other property owners that are not part of this and will not be part of this and the Township cannot just take their property for a road. As far as public spaces there is no reason to create parking spaces and there will be outdoor spaces for the residents and for their families there.

Mayor De Luca thinks that this is a home run for Maplewood and thinks that this would allow people who need assisted care to stay here, people who have family members who are not able to live in their homes because most of the Township's homes have stairs and bathrooms on different levels and you have to climb up and down. Mayor De Luca stated that he thinks this is a place where people can stay in their house and have a family member live here and be close to them and be able to participate in their lives a lot more. Mayor De Luca thinks that this is a very good project and thinks that there are developments that the Planning Board will be able to work with and that this is a redevelopment area and it is by the nature of the beast something that does get changed as circumstances change. The Township did want a development in that area and thinks that this is a very good project.

Ms. Adams, stated that she has been at a lot of meetings on this all of which are publically advertised and all those rules were followed. Ms. Adam's also mentioned at those Economic Development meetings her concern about it being a little to specific to that developement and those concerns were delayed as most part and mostly because Ms. Adams thinks that this is an important need that we have in the community as Mayor De Luca stated. Ms. Adams thinks that this is a use that is less dense for this area and much

better than the dense housing ideas that was coming to us and thinks that it is a general feeling at the Planning Board level and at the Economic Development Committee that we are coming to the end of needed housing. Ms. Adams does support this project and in this case supports this ordinance.

Mr. McGehee stated that the project is important for Maplewood in terms of keeping some of our Maplewoodian's here into the foreseeable future as they progress in age. Mr. McGehee does want to recognize Mr. Helmkamp's comments and thinks that they do have merit in some ways and thinks that this is a challenging situation and thinks that this is an important project. But the overall comments that were made do hold weight and Mr. McGehee does appreciate Mr. Helmkamp's time, energy and efforts. Mr. McGehee does think if residents were like Mr. Helmkamp and very engaged that we would be stronger as a community.

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

Nays: None.

Motion carries.

10. INTRODUCTION OF NEW ORDINANCE

The Township Clerk read by title.

FM/VD INTRODUCTION OF A NEW ORDINANCE
ORDINANCE NUMBER 2860-17

AN ORDINANCE TO AMEND CERTAIN FEES WITHIN THE TOWNSHIP OF MAPLEWOOD

"Interpretive Statement"

(This ordinance will amend the fees for use of The Woodland and Burgdorff Center for Performing Arts within the Township of Maplewood.)

Mr. McGehee, seconded by Mayor De Luca, 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 May 2, 2017.

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

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

Nays: None.

Motion carries.

11. 2017 MUNICIPAL BUDGET

The Township Clerk read by title.

2017 Municipal Budget

Ms. Fritzen, Township Clerk, stated that this is the time fixed for the public hearing on the 2017 Municipal Budget. The Budget was approved by the Governing Body on March 21, 2017 and was advertised as required by law on March 30, 2017 together with notice of hearing for this time. Printed copies have been made available to the public during the past week and a supply is here for anyone to desiring a copy.

Mayor De Luca stated that if anyone wants a copy they are available tonight if you would like to come up to the Township Clerk's desk and pick them up.

12. RESOLUTION NUMBER 77-17

The Township Clerk read by title.

IL/FM RESOLUTION NUMBER - Resolution 77-17
READ BUDGET BY TITLE

Mrs. Larrier, seconded Mr. McGehee, offer the foregoing resolution and move its adoption.

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

Nays: None.

Motion carries.

Mayor De Luca, stated that the Resolution to Read the Budget by Title is Adopted.

13. 2017 MUNICIPAL BUDGET HEARING

The Township Clerk read by title.

2017 MUNICIPAL BUDGET HEARING

Mayor De Luca, stated that this is the 2017 Municipal Budget hearing now and if you would like to address the Township Committee on the Budget please come up and give the Township Committee your name and your address and if you have any questions you can ask those questions. We have the Township's experts here and again this is the 2017 Municipal Budget and the Township is not dealing with the County Budget or the School Budget at this time as those are other entities that deal with that and if anyone would like speak about the Municipal Budget the hearing is open.

Mayor De Luca, stated that seeing no one will entertain a motion to close the hearing.

Mr. Lembrich, seconded by Mrs. Larrier, has closed the Municipal Budget hearing.

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

Nays: None.

Motion carries.

14. RESOLUTION NUMBER 74-17

The Township Clerk ready by title.

IL/FM RESOLUTION NUMBER 74-17
RESOLUTION NUMBER 74-17

SECTION 2 - ADOPTION OF THE MUNICIPAL BUDGET FOR YEAR 2017

Mrs. Larrier, seconded by Mr. McGehee, offer the foregoing Resolution and move its adoption.

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

Nays: None.

Motion carries.

Mayor De Luca stated that the 2017 Municipal Budget is adopted.

Mayor De Luca wanted to thank Mr. Manning, Township Administrator, Mr. Uribe, Chief Financial Officer for putting together the Budget as well as the cooperation from all the Township Department Heads.

15. DISCUSSION ITEMS

1. New Jersey Transit/GL

Mr. Lembrich, stated as we all know, over the past few weeks, hundreds of thousands of New Jersey commuters, including thousands from our community, have been adversely impacted due to train derailments in and around New York Penn Station. Following the fatal accident at Hoboken Terminal last year, which left one dead and over 100 injured, there now have been two separate derailments in the past month that have caused major service disruptions, leading to delays, limited service, and pervasive confusion that lasted several days.

Mr. Lembrich, stated, these derailments threatened the safety of our residents and lead to numerous professional and personal difficulties for commuters, including problems with employers, customers, clients and childcare, among other things. The public transit system between NJ and NYC is a crucial part of our state's economy, and is particularly critical to Maplewood, South Orange, and all of Essex County. The lack of reliable public transportation between our towns and NYC threatens devastating harm, economic and otherwise, to our communities. The recent incidents cast serious doubt on the state of maintenance and repair of the area's tracks and signaling system. Moreover, the inadequacy of Amtrak's and NJ Transit's contingency planning shows the crippling impact that such events can have. New Jersey residents also have a right to expect better communication and customer service from NJ Transit when accidents occur, no matter which agenc is at fault.

Mr. Lembrich, stated, the poor condition of the tracks, signals, electrical systems, train cars and other equipment of both NJ Transit and Amtrak can be traced to insufficient State and Federal funding for infrastructure and public transportation. These recent incidents also highlight the need for the State and Federal Governments to make the Gateway Project, including the construction of new rail tunnels under the Hudson River, and the expansion of Penn Station and the Northeast Corridor Line, an immediate State and National priority. During his tenure, Governor Christie has diverted nearly \$3 Billion in NJ Transit capital funding to day-to-day operations, resulting in increasingly unreliable service and overcrowded conditions. State funding for NJ Transit in the Governor's proposed Fiscal Year 2018 Budget is now down to less than half of the amount allocated for the State's Transportation System prior to the start of the Christie administration. Governor Christie's seven plus years of neglect have taken its toll on New Jersey rail system.

Mr. Lembrich, stated had it not been for Governor Christie's short-sighted and politically motivated decision to abandon the ARC Project, we would now be only a year away from the opening of a new Trans-Hudson tunnel, which woul dhave substantially relieved the congestion going into and out of Penn Station, decreased wear and tear on existing tracks and tunnels, and provided additional capacity to ease overcrowding of trains and mitigate the impact of incidents such as those we have recently endured. Meanwhile, as NJ Transit has been severely underfunded for the last seven years, commuters have been saddled with historic rate increases and declines in service quality. The state of NJ Transit is so troubling that it is now under federal investigation, suffering the most accidents among the nation's majo commuter railroads. As our Assemblyman John McKeon has stated, "The Governor needs to assume responsibility. He inherited one of the best rail systems in the Country and is leaving us with one of the worst." Commuters, taxpayers, and New Jersey's economy all deserve better.

Mr. Lembrich, stated the Federal Government has similarly failed to provide adequate funding in its budgets for Amtrak's capital needs. NJ Transit makes payments to Amtrak for use of the Northeast Corridor tracks and Hudson River tunnels, and New Jersey has a right to expect a state of maintenance that keeps our passengers safe and running on-time. Despite promises to focus on improving our nation's infrastructure, President Trump's budget plan proposes the elimination of the New Starts Program, which was to be a principal source of funding for the Gateway Project.

Mr. Lembrich, stated I ask my colleagues on this Committee to join me via a resolution in calling upon:

- NJ Transit to work, in conjunction with Amtrak, to develop better contingency logistical, communication, and customer service planning to prepare for any future accidents to avoid the mass confusion, loss of service, and economic harm that resulted from the recent derailments;
- Governor Christie to revise his proposed 2018 Budget to restore NJ Transit funding to the levels that existed before his tenure and to make the capital investments required to provide the safety and reliability that New Jersey residents deserve; and
- Congress and President Trump to commit the federal resources, budgetary and otherwise, necessary to maintain, expand, and improve the public rail system in the NY/NJ metropolitan area, including adequate capital funding for Amtrak and its tracks and facilities and the New Starts Program and Gateway Project.

Mr. Lembrich, seconded Mr. McGehee, motion to have a resolution on NJ Transit.

Mayor De Luca, stated that the one thing to add is the Township Committee ought to ask somebody from NJ Transit to come to Maplewood and give the Township Committee a status report. We have a lot of people who depend on NJ Transit from here and just thinking about the Budget one of the largest abatements that exist in Maplewood is for the NJ Transit properties. The bus garage and for the office building and the parking garage on Boyden and of course the Maplewood Train Station and the tracks. In a lot of ways the Township is subsidizing NJ Transit pretty significantly. Mayor De Luca, stated that they will be talking about making some parking spaces for NJ Transit employees the Township wants them to stay here but but the Township also needs to make sure as we talk about sales of homes that the easy access to New York has to be maintained.

Mr. Lembrich, stated that he will certainly agree to amend the draft resolution and will work with Mr. Desiderio, Township Attorney to include that as well.

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

Nays: None

Motion carries.

2. NJ Department of Community Affairs Local Planning Services - Submission of a proposal for Maplewood Village Planning Initiative/VD

Mayor De Luca, stated that he received a letter with a brochure from the DCA Local Planning Service and the Director is Sean Thompson. Mayor De Luca called Mr. Thompson and explained that the Township had some interest both on the part of the Township and the Maplewood Village Alliance in putting together a plan for the future of the Alliance given that the Township has talked about Historic Preservation and formal based businesses, developments that are occurring at the former Post Office, the Baker Street Development, other properties that are for sale now. The Township Committee has been asked by the Maplewood Village Alliance to put together a plan for the future and Mayor De Luca thought this might be a way to get those services initially to do what the Township is getting for Prospect Street and that they assign a Planner to work with Mr. Lembrich in doing that.

Mrs. Larrier, seconded by Mr. Lembrich, motion to apply for a grant of service and put together a proposal

and send to the DCA Local Planning Service.

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

Nays: None.

Motion carries.

16. CONSENT AGENDA

Ms. Adams indicated some corrections/changes to the meeting minutes of April 4, 2017.

The corrections/changes will be sent off to Ms. Fritzen, Township Clerk.

Mr. Lembrich, seconded by Mr. McGehee, motion to approve the minutes of April 4, 2017 with the changes.

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

Nays: None.

Motion carries.

17. PUBLIC COMMENT - ANY SUBJECT MATTER

Dave Helmkamp, 571 Prospect Street, Maplewood, stated some final thoughts that he had presented earlier tonight. Mr. Helmkamp thinks that he likes the use at that location and using it as a model for discussion and tried not to prejudge it or criticize it beyond discussing it as a model.

18. REPORTS FROM DEPARTMENTS

No report.

19. ADMINISTRATIVE REPORTS

Mr. Manning, Township Administrator reported on the Maplewood pool parking lot use by NJ Transit employees. They are currently leasing out almost 200 spots in the pool lot. It is coming to be time for the pool now and the Township needs to relocate the NJ Transit employees until their facility garage is completed. Mr. Manning, Township Administrator, is suggesting that the Township Committee consider additional 50 spaces on Elmwood Avenue.

Mayor De Luca, seconded by Ms. Adams, motion a resolution to allow parking on Elmwood Avenue in a area that currently is a no-stopping or standing zone from May 1st thru September 15th and utilizing the coordinates that were identified by the Engineer's Office.

Mr. Desiderio, Township Attorney, asked was this resolution to be memorialized for tonight's meeting?

Mayor De Luca, stated yes so that the Township can inform NJ Transit tonight so that NJ Transit can get their people ready to do that.

RESOLUTION NUMBER 78-17

RESOLUTION PERMITTING PARKING ON ELMWOOD AVENUE FROM MAY 1st TO SEPTEMBER 15th, 2017

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

Nays: None.

Motion carries.

Mr. Manning, Township Administrator, stated that the Farmer's Market is getting ready to open again. It will be moving to a bigger location and hopes to have an increase of vendors and the types of things that are offered. Mr. Manning will be getting more information as they get closer to the opening date.

Mr. Manning, Township Administrator, stated the Township has a situation that is somewhat emergent and that is that the Township has a pile of leaves at the Public Works facility that the contractor who has a contract with the Township and who removes the leaves is refusing to remove the leaves because he said that the leaves are contaminated with street sweeping material which would be plastic, paper and things that are in the gutter though he has not provided any proof. The bottom line is that neighbors are complaining that it has an odor to it and that it is only going to get worse. Mr. Manning, would like to suggest to the Township Committee to declare it in a state of emergency and find a vendor to remove it as quickly as possible. Mr. Manning reported that would cost the Township additional money.

Mayor De Luca agreed that it is a problem because those leaves are there and they are usually gone six weeks already and the Township is not supposed to even be having those leaves there that long.

Ms. Adams, seconded by Mr. McGehee, motion to declare an emergency.

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

Nays: None.

Motion carries.

Mr. Desiderio, Township Attorney, no report.

Ms. Fritzen, Township Clerk, stated that the Township has the SID Budget Hearings at the next meeting on May 2nd.

Ms. Fritzen, stated that there were four (4) residential filmings in Maplewood and all had no problems and another residential filming next week also in a residential home interior.

Mayor De Luca asked Ms. Fritzen, Township Clerk what is the status of the sound system?

Ms. Fritzen, Township Clerk, stated that the Township has received a report from the professional Sound Engineer and has forwarded it to the Township's vendor and it appears that the recommendation is that the Township replace a piece of equipment. It is the goal to have everything perfect by the May 2, 2017 meeting broadcast.

Ms. Fritzen, Township Clerk, stated that irregardless the second meeting in June will be moved to the Maplewood Police and Court Building, 1618 Springfield Avenue.

20. REPORTS FROM ELECTED OFFICIALS

Mrs. Larrier, no report.

Mr. McGehee stated that he had a few announcements; that there is going to be a River Clean Up at 10 am on April 22, 2017 and for those interested please join us and you can come to 124 Dunnell Road. On Sunday, South Orange/Maplewood Interfaith Holocaust Committee is having a march and a service. The march is from Ricalton Square at 2 pm and 3 pm is the service. Also on April 29th at Columbia High School will be having the Maker's Day which is a great event for kids to come out and learn about all type of inventions and also explore things that they can think about being as an occupation in the future. Mr.

McGehee's office hours are this Sunday, April 23, 2017 at 10:30 am at the Rack on Springfield Avenue.

Ms. Adams, no report.

Mr. Lembrich stated that he was wearing his hat as the Public Safety Committee Chair. Mr. Lembrich would like to report that consistent with the term of the welcoming community resolution that the Township Committee passed earlier this year, the Maplewood Chief of Police has drafted an operational order to implement the policy guidance that the Township Committee mandated through that resolution. The Public Safety Committee has received recently and is currently reviewing that draft and after the Public Safety Committee has completed that review it will be shared with the full Township Committee and then finally the Public Safety Committee will provide feedback to the Maplewood Chief of Police before that order is finalized. The Township will be publishing the summary of the Township order after it is finalized. Mr. Lembrich stated that the Public Safety Committee is coordinating with South Orange to hopefully hold a Joint community forum to discuss these issues. At that forum elected officials, and law enforcement leaders from both Towns will be present to provide information and answer questions and hear public input. And if appropriate the operational order may be revised and amended based on input received from the public. After that forum and the forum has not been scheduled yet, but the public will be notified.

Mr. Lembrich stated that also on Public Safety the Township of Maplewood Police Department is hiring school crossing guards and is currently seeking applicants to fill those positions. The crossing guards will be trained and they don't need prior training, and the pay rate is \$12.05 per hour. Interested parties can pick up employment applications at the Maplewood Police Department Headquarters on Springfield Avenue or go to the Maplewood Police Department website at www.maplewoodpd.org.

Mr. Lembrich stated switching over to Recreation he would like to report that registration for the Maplewood Community Pool is now open. The early bird pricing if you want to get a discount runs through May 1st. You have about two (2) more weeks to take advantage of the early bird pricing. Also this year for those people who have not joined in the past because they felt it was not worthwhile if they commute during the week and cannot go to the pool on week nights or during the day on weekdays there is now a Saturday and Sunday only membership for a reduced price.

Mr. Lembrich reported finally on the topic of the pool he would like to take a moment to publically promote the Pool Pals Program where people both members of the pool and non-members can contribute to a fund to off-set the cost of membership for low income members of the community who would like to use the pool but can't afford it. of the Maplewood community individuals and families who want to join the pool but cannot afford it. On a similar note with recreation Mr. Lembrich would like to take a moment to promote the Recreation Assistance Fund which is similar to Pool Pals. It is a fund that accepts contributions from residents and businesses to off-set the registration and program costs for individuals particularly children in Maplewood who want to participate in recreation activities but cannot afford the registration fees and other costs. Mr. Lembrich was told that there is currently less than \$1,000 in that fund so it could really use some public contributions and that information is available through the Recreation Department and also on the website as is the Pool Pals information is available through the new Recdesk Program which recently replaced the community pass as the Township computer program for the pool and recreation.

Mrs. Larrier wanted to make a suggestion to Mr. Lembrich to publize that a little bit more in other ways.

Mr. Lembrich stated that the Recdesk software program is new and has just been implimented and they have been working out a few bugs and also updating. Once Mr. Lembrich has confirmation that the website and the Recdesk Program are updated the plan is to do a press release to the Village Green, Maplewoodian and all the other local media to get the word out and also to get it out on social media.

Mr. Lembrich stated that there is a issue that the Township Committee talked about but still needs to really bring our community together and to bring our voices together and create some change in this State and that has to do with school funding. A recent OPRA request made by a community resident to the State Department of Education shows us the uncapped data figures for 2017 and 2018 and uncapped aid is the term used for what the funding for each district should be under the State Formula. Statewide despite the fact that overall the State Formula is under funded by about 1.4 billion dollars statewide there are 220

school districts that are in the State that are overrated to receive more than what they are suppose to receive under the formula even assuming it was fully funded. Those disticts receive a surplus of \$696 million dollars and there are 369 underrated districts including South Orange and Maplewood in New Jersey with a total deficit of nearly 2.1 billion dollars. So overrated districts receive nearl \$700 million dollars more than they should while under funded districts like ours face severe budget prices that result in teacher layoffs, administration staff productions, curriculum and other service terminations including sports, music and othe after school programs.

Mr. Lembrich, stated the Maplewood district has already made very difficult budgetary choices under cronic funded conditions for the last several years and that we are approaching a fiscal cliff that we cannot tax even if we could or willing to do so. The point is not only does State Formula needs to do better funding to make up for the 1.4 billion dollars short all but we also need contribution of State aid to avoid continuing the status quo of some districts receiving more than their fair share while other receive far less. Right now South Orange/Maplewood's specific numbers is are uncapped aid number is now \$8.5 million but of that we received barely half from the State. We have a deceifit of nearly \$4.2 million dollars this year in terms of what we should be receiving from the State versus what we are receiving and that comes to nearly \$600.00 per student. There have been a number of different things down in Trenton one by Governor Christie and a few by Democratic members of the State Senate and Assembly. The one that has gotten the most traction and at lease in Mr. Lembrich view is the most fair is the one that has been advance by State Senate President Sweeney that passed the State Senate with Broad by-partisian support it was 29 to 6 and that was SCR19 and there is State Assembly counter part to that which is ACR208, that has been sitting before the Assembly Education Committee since last September and it seem destine to die in the committee unless the Assembly Speaker approves it for a committee vote. What this bill will do is it will cause the New Jersey School Funding Reform Act SIFRA to be studied by a Commission that would evaluate the current program including Adjustment Aid and what it would do is affectively redistribute with State Aid over a 5 year time frame so that districts that are currently overaided would not lose all their aid at once but steadily over the course of 5 years the underrated districts would catch up and at least get closer to the aid their owed. Mr. Lembrich plans to bring a resolution to the Township Committee at the next meeting that will be more specific and will ask for the Township Committee to support calling on Speaker Freado and all of our Representatives in New Jersey to bring this to a vote and to support it.

Mayor De Luca, no report.

21. ADJOURNMENT

Meeting ended at 9:45 P.M. To meet again Tuesday, May 2, 2017 at 7:30 PM at the Maplewood Municipal Building, 574 Valley Street, Maplewood, N.J.