

**MAYWOOD PLANNING BOARD
MINUTES
November 2, 2017 Closed Session #2017-13**

Councilman Rick DeHeer made a motion to go into Closed Session. Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2017-13**

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Personnel matters

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood
(X) Will return to open session after this meeting.

() Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 11/2/17 Time: 8:57pm

Chairman Frank Lichtenberger believes that now is the time to discuss 2018 Board professional appointments. He recommends reappointing the Board Attorney, Board Planner and Board Recording Secretary. At the June 1, 2017 closed session #2017-09, the Board discussed the Board Engineer appointment when Tom Lemanowicz left Remington & Vernick. At that time, the Board preferred to stay with Remington & Vernick and would reassess at the end of the year. Chairman Lichtenberger would like Board input on whether to stay with Remington & Vernick or publish a request for proposals which would allow for a submission by Tom Lemanowicz's new firm and any other interested party.

John Montel asked what the cost difference was between the two professionals. Chairman Lichtenberger replied that we don't know that information since we have not yet requested qualifications/proposals. Gary Neumann was happy with Remington & Vernick. Harry Hillenius agreed that Remington & Vernick are good engineers and appreciated David Gleassey's conciseness. Secretary Charlotte Panny asked if the Board can reconsider the Board Planner. Chairman Lichtenberger believes that it would be best to have Michael Kauker finish the two projects (Master Plan and COAH) that he has already completed so much work on. John Montel and Councilman Rick DeHeer appreciated Tom Lemanowicz's thoroughness.

Chairman Lichtenberger suggested issuing a request for proposals so that both firms could respond, along with any other interested party and include an hourly rate so that the Board could compare. Secretary Panny concurred with this course of action as did several other Board members.

With that decided, Chairman Lichtenberger wanted to update the Board on the status of the COAH litigation project. He spoke with Michael Kauker and was concerned that the situation was dragging out. Mr. Kauker told him some of the requests Special Master Mary Beth Lonergan:

- The Maine Evergreen property should be only residential with no RC Restricted Commercial development
- The TH Townhouse zone density should increase from 8 units/acre to 12 units/acre

Chairman Lichtenberger felt the requests were restrictive and asked Mr. Kauker to come in to discuss with the Borough Administrator. The meeting was held last week with Mr. Kauker,

Chairman Lichtenberger and Borough Administrator Stern. Mr. Kauker repeated Special Master Lonergan's requests. Both Chairman Lichtenberger and Borough Administrator Stern feel the requests are not in line with the Borough's zoning goals. They have requested a meeting with COAH Attorney Patrick McNamara, Mayor Febre and Board Planner Kauker. Chairman Lichtenberger specifically wants to discuss why Mr. McNamara does not think that the 58 Section 8 units will not apply to the Borough credits.

John Montel said that several other towns are fighting the low and moderate income housing unit requirements. Chairman Lichtenberger believes that Assemblywoman Holly Schepisi is pursuing legislation to reduce the fair share housing need numbers. Chairman Lichtenberger believes that the Borough has passed a resolution supporting her bill. Board Attorney Kaczynski asked what the harm would be if the Borough rejects the Special Master's requests. The number of units per acre in the TH zone would not exceed 12 units if the Borough pushes back. Several months ago, Councilman DeHeer believed that settlement of the fair share requirements was imminent and now it feels that the process is starting from the beginning again. Chairman Lichtenberger asked if Board Attorney Kaczynski can attend the meeting with COAH Attorney McNamara. Several members of the Board believe that the Special Master's requests are too much. John Montel hopes that as more towns push back on the fair share need numbers, the Court will reconsider. Chairman Lichtenberger believes that the Borough must go to court and settle the issue.

Chairman Lichtenberger made a motion to return to the regular order of business. Secretary Panny seconded the motion. All eligible members present voted in favor of the motion.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary