

**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-31**

**APPOINT TOWNSHIP ATTORNEY FOR THE YEAR 2025**

WHEREAS, the Township of Maple Shade published a notice for the solicitation of proposals for a professional service agreement for Township Attorney to be appointed by the Township Council; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, prior to awarding the professional service agreement herein, the Township Council considered six criteria that included the applicant’s qualifications; general experience; specific experience with the Township of Maple Shade, if any; quantified achievements within the scope and nature of the services required; compensation; and references; and

WHEREAS, after receiving said proposals, the Township Council desires to award the professional services agreement to McDowell Law, PC as the Township Attorney for the year 2025.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes				x		
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

# TOWNSHIP OF MAPLE SHADE

## RESOLUTION 2025-R-32

### A RESOLUTION TO AFFIRM THE TOWNSHIP OF MAPLE SHADE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

**WHEREAS**, it is the policy of the Township of Maple Shade to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Township of Maple Shade has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Township Council of the Township of Maple Shade that:

**Section 1:** No official, employee, appointee or volunteer of the Township of Maple Shade by whatever title known, or any entity that is in any way a part of the Township of Maple Shade shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Maple Shade's business or using the facilities or property of the Township of Maple Shade.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Maple Shade to provide services that otherwise could be performed by the Township of Maple Shade.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Manager shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Township Manager shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Maple Shade as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-32**

**Section 7:** The Township Manager shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Township Manager shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Maple Shade. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Maple Shade’s web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Maple Shade in order for the public to be made aware of this policy and the Township of Maple Shade’s commitment to the implementation and enforcement of this policy.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Maple Shade Township Council at a meeting held on January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

# **TOWNSHIP OF MAPLE SHADE**

## **RESOLUTION 2025-R-33**

### **RESOLUTION ADOPTING RULES OF DECORUM FOR TOWNSHIP COUNCIL AND BOARD MEETINGS**

**WHEREAS**, The public are encouraged to speak at all open meetings of the (public entity type) in accordance with the provisions of this resolution (ordinance).

**WHEREAS**, In New Jersey, a citizen's right to speak is established by the Open Public Meetings Act.<sup>1</sup>

**WHEREAS**, In the 2010 decision in Besler v West Windsor-Plainsboro Regional BOE,<sup>2</sup> the New Jersey Supreme Court ruled that governing bodies should adopt their decorum rules sufficiently in advance so that the public has reasonable notice and governing bodies must apply these rules in a content neutral fashion without regard to the viewpoint being expressed.<sup>3</sup>

**NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF MAPLE SHADE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY**, that:

A. Decorum. Meetings of the Township Council of Maple Shade shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. This also includes meetings of all boards and other bodies of the Township. The presiding officer shall be responsible for maintaining the order and decorum of meetings.

B. Rules of Decorum: While any meeting is in session, the following rules of order and decorum shall be observed:

1. Rules of Order: Unless otherwise provided by law, Robert's Rules of Order shall govern the conduct of all meetings when necessary. The attorney for the body or the attorney's designee shall act as Parliamentarian.
2. Members: The members of the governing body and members of all boards and other bodies shall preserve order and decorum, and a member shall make best efforts not to interrupt or disrupt the proceedings or disturb any other member while speaking.
3. Matters Discussed in Closed Session: No person shall disclose in open session the matters discussed in closed session without the expressed authorization of the Township Attorney or in accordance with the law.

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<sup>1</sup> N.J.S.A. 40A 10:4-12-a provides "...a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district."

<sup>2</sup> A-81-08

<sup>3</sup> The Besler court wrote: "A public body may control its proceedings in a content-neutral manner by stopping a speaker who is disruptive or who fails to keep to the subject matter on the agenda. The government or a school board, however, has the burden of showing that its restriction of speech in a public forum was done in a constitutionally permissible purpose."

# **TOWNSHIP OF MAPLE SHADE**

## **RESOLUTION 2025-R-33**

4. **Persons Addressing the Meeting:** Each person who addresses the meeting shall do so in an orderly manner. Any person who utters physically threatening, patently offensive or abusive language,<sup>4</sup> or engages in any other conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the presiding officer or a majority of the members, be asked to refrain from such conduct.

5. **Audience:** No person at a meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, physically threatening or abusive language, or other acts which disturb, disrupt or otherwise impede the orderly conduct of any meeting and the ability of the public to hear or participate. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the body, be requested to refrain from such conduct.

6. **Personal Comments:** All statements are part of the public record and cannot be redacted.

C. **Public Participation:** The public is encouraged to address the members or ask questions during the following portions of the meeting:

1. **Hearings:** The meeting shall be opened for public comment at the appropriate point on the agenda for any hearing with respect to an ordinance or other specific matter required by law. The maximum that any individual speaker shall be allotted is five (5) minutes unless otherwise determined by Council.

2. **Open Public Session:** During this period of the agenda, the public is encouraged to comment on any matter of concern. The maximum that any individual speaker shall be allotted is five (5) minutes unless otherwise determined by Council.

D. **Addressing the Meeting.** No person shall address the meeting without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the members:

1. Each person shall step to the podium provided for the use of the public and shall state his or her name and address; the organization, if any, which he or she represents; and, if during the open public session of the meeting, the subject he or she wishes to discuss. Children under 18 shall not be required to give their last name or address.

2. During any hearing with respect to an ordinance or other specific matter required by law, speakers shall limit comments to the specific ordinance or matter on the agenda. Speakers may be requested not to be repetitious.<sup>5</sup>

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<sup>4</sup> Robert's Rules of Order provides that: "In debate a member must confine himself to the question before the assembly, and avoid personalities . . . . It is not allowable to arraign the motives of a member, but the nature or the consequences of a measure may be condemned in strong terms. It is not the man, but the measure, that is the subject of debate."

<sup>5</sup> In the often cited decision in White v Norwalk, California, a Federal Appeals court wrote: "In dealing with agenda items, the Council does not violate the first amendment when it restricts speakers to the subject at hand" . . . . While a

# TOWNSHIP OF MAPLE SHADE

## RESOLUTION 2025-R-33

3. All remarks shall be addressed to the body as a whole.

E. (Optional) Curfew: All meetings shall be adjourned by the presiding officer not later than 11:30pm except the meeting may be extended by a vote of two-thirds of the members present.

E. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. The presiding officer shall request that a person who is breaching the rules of decorum to be orderly.

2. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer may order a temporary recess.

3. If the person repeatedly continues to disturb the meeting, the presiding officer may request that person to leave the meeting.

4. If such person does not leave the meeting and continues disruptive conduct, the presiding officer may order any law enforcement officer to remove that person from the chambers.<sup>6</sup>

5. If a meeting is disturbed or disrupted in such a manner as to make the restoration of order infeasible or improbable, the meeting may be adjourned or continued by the presiding officer or a majority of the members, and any remaining business may be considered at the next meeting.

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Maple Shade Township Council at a meeting held on January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

\_\_\_\_\_  
speaker may not be stopped from speaking because the moderator disagrees with the viewpoint the speaker is expressing, it certainly may stop him if his speech becomes irrelevant or repetitious.”

<sup>6</sup> In a 2002 decision (*State v Charzewski*: 356 N.J. Super 151) a New Jersey Appellate Court ruled that merely being disorderly at a Council meeting was not per se a criminal offense. The court ruled that the speaker’s “conduct may have been rude and excessive, but it was not criminal. Not every interruption constitutes a criminal disruption.”

# **TOWNSHIP OF MAPLE SHADE** **RESOLUTION 2025-R-34**



## **A RESOLUTION ADOPTING AN AGENDA POLICY FOR MEETINGS OF THE TOWNSHIP COUNCIL**

**WHEREAS**, the Township of Maple Shade (the “Township”) is committed to the principles of transparency and good governance; and

**WHEREAS**, it is necessary and appropriate to adopt a formal policy for the crafting of agendas for regular meetings of the Township Council to provide procedural guidance for staff, professionals and elected officials; and

**WHEREAS**, the Township Council desires to ratify existing practices and procedures with respect to crafting meeting agendas to ensure that abuse of those practices and procedures are avoided.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Maple Shade, County of Burlington, New Jersey, that:

1. The proposed agenda for each regular and special meeting of the Township Council shall be completed by the Township Clerk in consultation with the Mayor and Township Manager.
2. During the normal preparation of the agenda for an upcoming meeting, any member of the Council may request additional matters be listed on the upcoming agenda by making such a request to the Mayor and Township Manager, who shall retain sole discretion on whether such item is included.
3. An agenda item may be added or removed at the time of the regular or special meeting if there is a quorum and only with the approval of the majority of the Council members present.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025  
Motion to Table:

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
Kauffman							x
Nunes				x			
Simonsick		x	x				
Zahradnick	x		x				
Talarico			x				

# **TOWNSHIP OF MAPLE SHADE**

## **RESOLUTION 2025-R-35**

### **ESTABLISHING GUIDELINES FOR TOWNSHIP OFFICIALS IN THE USE OF ELECTRONIC COMMUNICATIONS IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Prosecutor of Burlington County has forwarded a memorandum to all Burlington County Municipal Governing Bodies relative to the use of electronic e-mails to discuss municipal business; and

WHEREAS, the Prosecutor of Burlington County has directed that each municipality develop written guidelines in order that there be compliance with the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Maple Shade, County of Burlington, State of New Jersey, that the Members of the Governing Body adhere to the following guidelines relative to electronic mail communications:

1. E-mail communication should, as far as practicable, not include an effective majority of the Governing Body (three or more members) and should never include an effective majority of the Governing Body where discussion of information related to the business of the Township is involved.
2. Where e-mail communications do include an effective majority of the Governing Body, such communication should not include any request for response. In fact, any e-mail communication should indicate that there should be no e-mail reply or other responsive communication.
3. In the rare instance where a response to an e-mail is necessary, such a response must not involve any decision-making or deliberative function of the Governing Body or otherwise address public business as contemplated by the Open Public Meetings Act. Further, the response shall not be made to the entire list of e-mail addresses to avoid even the appearance of impropriety. Utilizing a third party, such as the Municipal Clerk, does not change the requirements of the Open Public Meetings Act.
4. "Rolling" e-mail conversations must also be avoided. A "rolling" e-mail occurs when one (1) member of the Governing Body or a third-party contacts other members by e-mail individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than an effective majority of the Governing Body (two members or less) do not violate the Open Public Meetings Act provided the dialogue does not become a "rolling" discussion that ends up including an effective majority of the Governing Body.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Planning and Zoning Board of the Township of Maple Shade in order that they might establish similar guidelines for their respective Boards with respect to the conduct of their public business in compliance with the Open Public Meetings Act.



**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-35**

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
Kauffman							x
Nunes			x				
Simonsick		x	x				
Zahradnick	x		x				
Talarico			x				

# TOWNSHIP OF MAPLE SHADE

## RESOLUTION 2025-R-36

### ACCEPT RESIGNATIONS AND APPROVE APPOINTMENTS TO PLANNING BOARD

WHEREAS, pursuant to Section 4-36 of the Code of the Township of Maple Shade, the Township Council is authorized to fill vacancies and appoint individuals to serve on the Maple Shade Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Maple Shade, in the County of Burlington and State of New Jersey, as follows:

1. The Township Council hereby accepts the resignations of Joseph Dugan and Marianne Constantine and appoints the following individuals to serve on the Maple Shade Planning Board:

<u>Name</u>	<u>Expiration of Term</u>
Gina Capate, Class IV	12/31/2025
Barbara Rathgeb, Class IV	12/31/2025
Alternate #1	12/31/2026
Alternate #2	12/31/2026

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

# TOWNSHIP OF MAPLE SHADE

## RESOLUTION 2025-R-37

### ACCEPT RESIGNATIONS AND APPROVE APPOINTMENTS TO ZONING BOARD OF ADJUSTMENTS

WHEREAS, pursuant to Section 4-36 of the Code of the Township of Maple Shade, the Township Council is authorized to fill vacancies and appoint individuals to serve on the Maple Shade Zoning Board of Adjustments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Maple Shade, in the County of Burlington and State of New Jersey, as follows:

1. The Township Council hereby accepts the resignation of Edward Loomis and appoints the following individuals to serve on the Maple Shade Zoning Board of Adjustments:

<u>Name</u>	<u>Expiration of Term</u>
Laura Kozierachi, Class IV	12/31/2027
Dan McDonald, Alternate #1	12/31/2025

#### CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

# **TOWNSHIP OF MAPLE SHADE**

## **RESOLUTION 2025-R-38**

### **AMEND CONTRACT WITH BOOTH MECHANICAL FOR COUNTY AVENUE WATER SYSTEM IMPROVEMENTS AND APPROVE CHANGE ORDER NO. 1**

WHEREAS, the Township Council, by previous Resolution, awarded a contract to Booth Mechanical for the County Avenue Water System Improvements; and

WHEREAS, Remington & Vernick Engineers, the Township's agent responsible for supervising the improvements to County Avenue Water System Improvements, has advised the Township Council, by way of a January 8, 2025 change order request and the submission of the appropriate certification that the original contract be increased and that said change does not materially expand upon the size, nature or scope of the original project as described in the specifications, said work being beyond the contemplation of the parties at the time of the execution of the original agreement and not being known until work commenced; and

WHEREAS, N.J.A.C. 5:30-11.1, et seq. provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS, the Township Council has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Maple Shade, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Council hereby amends the subject contract and increases the contract price in the amount of \$32,121.00 to adjust the final contract value to \$323,953.50, in accordance with the terms and conditions as of January 8, 2025 change order request, attached hereto as Exhibit A and made a part hereof.

3. That the Township Council hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution and which are prepared by or reviewed by the Township Attorney.

**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-38**

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Maple Shade Township Council at a meeting held on January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			

**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-38**

**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-39**

**RESOLUTION AUTHORIZING THE AWARD OF  
A NON-FAIR AND OPEN CONTRACT TO JAN-PRO FRANCHISE  
DEVELOPMENT OF SOUTH JERSEY FOR MUNICIPAL BUILDING  
CLEANING**

**WHEREAS**, the Township of Maple Shade has identified a public health and safety need for the regular cleaning and sanitizing of the of the Municipal Building and Library as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Township of Maple Shade has determined and certified in writing that the value of services will exceed \$17,500; and

**WHEREAS**, Jan-Pro Franchise Development of South Jersey, has submitted a proposal, dated December 30, 2024 indicating they will provide the equipment, cleaning products and labor weekly cleaning and sanitizing as indicated by the attached proposal; and

**WHEREAS**, Jan-Pro Franchise Development of South Jersey has completed and submitted a Business Entity Disclosure Certification which certifies that Jan-Pro Franchise Development of South Jersey has not made any reportable contributions to a political or candidate council in the Township of Maple Shade in the previous one year, and that the contract will prohibit Jan-Pro Franchise Development of South Jersey from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer, as required by N.J.A.C. 5:30-5.3 (b), has certified that there are sufficient funds available for the purpose of approving said contract in an amount not to exceed \$18,566.88 to be charged to 5-01-201-26-30-024 identified on the certification, said certification being attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Maple Shade, County of Burlington, to hereby authorize and approve this contract with First Priority Group as a non-fair and open contract in an amount not to exceed \$18,566.88.

**BE IT FURTHER RESOLVED** that the appropriate Township Officials are hereby authorized to execute any and all documents to effectuate said purchase.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Maple Shade Township Council at a meeting held on January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

Date: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes			x			
Simonsick		x	x			
Zahradnick	x		x			
Talarico			x			



**TOWNSHIP OF MAPLE SHADE**  
**RESOLUTION 2025-R-40**

**AUTHORIZING THE SUBMISSION OF A GREEN ACRES APPLICATION FOR IMPROVEMENTS TO BUTTONWOOD PARK FOR AN INCLUSIVE PLAYGROUND**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to non-profit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Maple Shade desires to further the public interest by obtaining total funding in the amount of \$986,908.00 in the form of a \$740,181.00 matching grant and, if available, a \$246,727.00 loan, from the State to fund the Improvements to Buttonwood Park at a cost of \$986,908.00.

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

**NOW, THEREFORE**, the governing body of the Township of Maple Shade resolves that:

1. Remington & Vernick Engineers or the successor to the office of the Township Manager is hereby authorized to:
  - a. Make application for such a loan and/or such a grant,
  - b. Provide additional application information and furnish such documents as may be required, and
  - c. Act as the authorized correspondent for the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$246,727.00;
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state. And local laws, rules and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey at a meeting held January 23, 2025.

\_\_\_\_\_  
Andrea T. McVeigh, Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
Kauffman							x
Nunes			x				
Simonsick		x	x				
Zahradnick	x		x				
Talarico			x				

# **TOWNSHIP OF MAPLE SHADE**

## **RESOLUTION 2025-R-41**

### **RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF MAPLE SHADE COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Township of Maple Shade (hereinafter “Maple Shade” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine”; and

**WHEREAS**, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

**WHEREAS**, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

**WHEREAS**, this means that the regional need equates to 40% of regional household growth; and

**WHEREAS**, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

**WHEREAS**, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

**WHEREAS**, inclusionary zoning most typically requires a 15% or 20% set aside; and

**WHEREAS**, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

**WHEREAS**, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

**WHEREAS**, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

**WHEREAS**, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

**WHEREAS**, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

**WHEREAS**, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

**WHEREAS**, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 73 units and a Prospective Need or New Construction Obligation of 78 units; and

**WHEREAS**, A4 further provides that, irrespective of the DCA’s calculation, municipalities are to determine “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”; and

**WHEREAS**, this resolution satisfies the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

**WHEREAS**, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

**WHEREAS**, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

**WHEREAS**, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful

challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in light of the above, the Mayor and Council finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint “. . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** on this 23rd day of January, 2025, by the Council of the Township of Maple Shade, Burlington County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Council hereby commit to the DCA Round 4 Present Need Obligation of 73 units and the Round 4 Prospective Need Obligation of 78 units as described in this resolution subject to all reservations of rights, which specifically include:

a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;

c) All rights to take any contrary position in the event of a third- party challenge to the obligations.

3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after the adoption this resolution attaching this resolution.

4. The Township hereby directs its Affordable Housing Counsel to file this Resolution with the “Program” pursuant to the requirements on A4.

5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.

6. This resolution shall take effect immediately, according to law.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Council of the Township of Maple Shade at a regular meeting held on the 23rd of January, 2025, a quorum being present and voting in the majority.

\_\_\_\_\_  
Andrea T. McVeigh, Clerk

\_\_\_\_\_  
Heather Talarico, Mayor, Township of Maple Shade

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
Kauffman							x
Nunes			x				
Simonsick		x	x				
Zahradnick	x		x				
Talarico			x				

**TOWNSHIP OF MAPLE SHADE  
RESOLUTION 2025-R-42**

**RESOLUTION TO MEET IN EXECUTIVE SESSION**

BE IT RESOLVED, by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12(b), specifically:

- 1 – MATTERS REQUIRED BY STATE OR FEDERAL LAW OR RULES OF COURT TO BE CONFIDENTIAL
- 2 – MATTERS WHEN THE RELEASE OF INFORMATION WOULD IMPAIR THE RIGHT TO RECEIVE FUNDS FROM THE U.S. GOVERNMENT
- 3 – MATTERS INVOLVING INDIVIDUAL PRIVACY
- 4 – MATTERS RELATING TO COLLECTIVE BARGAINING AGREEMENTS -Contractual
- 5 – MATTERS RELATING TO THE PURCHASE, LEASE OR ACQUISITION OR REAL PROPERTY OR THE INVESTMENT OF PUBLIC FUND
- 6 – MATTERS RELATING TO PUBLIC SAFETY AND PROPERTY
- 7 – MATTERS RELATING TO LITIGATION, NEGOTIATION AND THE ATTORNEY CLIENT PRIVILEGE – Ordinance 2023-12
- 8 – MATTER RELATING TO THE EMPLOYMENT RELATIONSHIP
- 9 – MATTERS RELATING TO THE POTENTIAL IMPOSITION OF A PENALTY

AND BE IT FURTHER RESOLVED, it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality and if not the legally privileged.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Maple Shade, County of Burlington and State of New Jersey, at a meeting held on: January 23, 2025

\_\_\_\_\_  
Andrea T. McVeigh, RMC  
Township Clerk

DATE: January 23, 2025

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
Kauffman							x
Nunes			x				
Simonsick		x	x				
Zahradnick	x		x				
Talarico			x				