

The Public Meeting of the Mount Olive Township Council was called to Order at 8:42 pm by Vice President Labow with the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

According to the Open Public Meetings Act, adequate notice of this meeting has been given to the Mount Olive Chronicle. Notice has been posted at the Municipal Building, 204 Flanders-Drakestown Road, Mount Olive Township, New Jersey and notices were sent to those requesting the same.

ROLL CALL

Present: Mr. Roman, Mrs. Labow, Mr. Greenbaum, Mr. Rattner, Mr. Perkins, Mr. Tobey

Absent: Mr. Tepper

Also Present: David Scapicchio, Mayor; John Dorsey, Township Attorney; Sherry Maniscalco, CFO; Lisa Lashway, Township Clerk; Bill Sohl, Business Administrator

Vice President Labow: Okay, before we go onto Questions on the Bill List. I have two announcements I'd like to make. Number one, I'd like to welcome Catherine from Saint Michael's School. She's in the audience this evening for her class requirement. Just a little brief history. What we do here in the Council meetings is we are the legislative branch of the government. You'll see we'll be approving ordinances and resolutions this evening, which the Administration will do whatever is necessary to implement those documents. Also, we have our judicial branch of our government, and we have, like I said, the Administrative branch. So if you have any questions, if you'd like to come up at the public portion and ask them, we'd be happy to answer them. We also have Mr. Dorsey that has requested some moments. He'd like to make some presentations.

Mr. Dorsey: Yes, I asked the Mayor to have this put this on the Agenda. I have now had the privilege of representing Mount Olive for the last 25 years, and in all of the litigation I've been involved in, I have always had the greatest amount of support and cooperation from the various department heads, in particular, that I had to depend upon in any particular piece of litigation. One of the classics is when Toys 'R Us sued to get \$400,000 in construction fees back. Somehow Sonny Wolski, then the Construction Code Official, two days before the trial delivers to me a memorandum, an interoffice memorandum, between management at Toys 'R Us and the local operation essentially explaining how they were doing nothing but playing a game with the Township, and wiping out any thought that they had acted in good faith from day one. That memorandum caused their entire petition to be simply dismissed. I said he intercepted it. I'll never know how Sonny got that but it was very affective. Now, as you all know, we have been involved for almost six years now in connection with litigation of one name or the other in connection with the Budd Lake Sanitary Sewer System. Generally in litigation, the municipal attorney never gets to do anything except to defend the municipality. About a year and a half ago this particular litigation that had been going on since 2001 presented a new opportunity, and that was to collect money for the Township. That is a rare role for the municipal attorney to play. I think I can say that I really took advantage of the opportunity, because when you all approve the resolutions resolving the last two pieces of litigation tonight, the Township will have taken in over the last year and a half over \$500,000 in sewer service fees. There are three people who have played an enormous cooperative role with me in connection with this effort. Unfortunately, Rose is on vacation and could not be here, but Rose was like the front line. I would send out my usual harassing, dunning letters threatening anything less than death, and the first line of defense was Rose. They would all come in and they would complain to Rose, no doubt about me, about the letter, etc. Of course, Rose was very diplomatic. She immediately agreed that I was a very unreasonable person, and would listen to more of the complaints and then suggest, well, maybe you better pay up now rather than be harassed and sued longer by the unreasonable attorney. Rose played a great roll in this. There are constant and continuous negotiations, constant recalculations as to things that had to be calculated. So I thought that I wish to present to Rose and to two others tonight this certificate, a certificate of appreciation from Dorsey & Semrau, Attorneys for the Township of Mount Olive, to Rose Barsanti, with this certificate of appreciation for her tireless efforts and collection abilities relative to sewer service fees in connection with the Budd Lake Sanitary

Mr. Dorsey (cont'd): Sewer Project, all of which services were performed by Rose Barsanti with style and grace as she took their money. The second one who played an outstanding role, and of course he always thought in the beginning when he told me, "I can be reached at 5:30 in the morning but then I'm out until the afternoon," he never thought he'd get a call from the Township Attorney at 5:30 in the morning and he did, was Tim Quinn. Tim, of course, is head of the department that oversees this operation. He is the one that essentially has the greatest roll in applying the EDU system, which Mr. Rattner has tonight condemned by statements of how totally theoretical it was and overcharged people, and Tim was constantly, at my direction, having to go out and check toilets, check seats in restaurants, check every type of use, and of course in doing that he had to interface with the actual users. I was always surprised that there was not some charge of harassment against Tim as he went around either secretly or openly to do all this work on my behalf, which was absolutely necessary in order to bring this matter to a conclusion. So once again, this is a certificate of appreciation to Tim Quinn, Director of the Department of Public Works, with this certificate of appreciation for his tireless efforts in counting seats, spaces and square footage of buildings while being tactful with business owners in order to bring everyone up to speed relative to the EDU system, gratefully presented by John Dorsey.

Mr. Quinn: All I have to say is that the first time he called me at 5:30 in the morning, I thought I really did something wrong.

Mayor Scapicchio: That's the only time I talk to him, Tim.

Mr. Dorsey: Anyway, there is one office in this building who, because of this litigation, was put upon. I just can't express it any other way, simply put upon, and that of course is the office of the Township Clerk. In the violence of legal battle, all kinds of wild assertions were made as to the Township Clerk. I think in the end they were later withdrawn, but this litigation has certainly put an enormous burden upon Lisa and her Deputy, Michelle. The burden was almost innumerable. OPRA requests, because what some people couldn't get through the normal channels of legal discovery, they simply utilized OPRA over and over again. Of course, it has become my practice to put upon Lisa the burden of doing some good legal research for me, and she certainly did some great legislative research in terms of the action brought by the Board of Education, which was unbelievably good, and ended their suit, at least in the federal court. So, a certificate of appreciation from Dorsey & Semrau, Attorneys for the Township of Mount Olive, in grateful recognition of your continuing service and support, we hereby present to Lisa M. Lashway, Township Clerk, and Michelle Masser, Deputy Clerk, with this certificate of appreciation for their tireless and exhaustive legislative and legal research and patience in responding to the innumerable OPRA requests. Thank you very much, Lisa.

Questions on Bill List?

Vice President Labow: Thank you, Mr. Dorsey, and congratulations to all of the recipients. Thank you for a job well done. Next on our Agenda are Questions on the Bill List. I'd like to first open it to the public. Mr. Roman, one second. Let's see if Mr. Nelson (Russell) or Mr. McDonnell have any questions this evening. Okay, Mr. Roman.

Mr. Roman: Tim, this is also for you. On page 23 we have that Ford F550 truck. For what department is that, or what's it being used for?

Vice President Labow: Page 23.

Mr. Roman: Oh, it's two of them for \$31,000?

Mr. Quinn: That's a replacement of a 1984 Chevy. This is what we call the crash truck for the Water & Sewer Department. This truck is outfitted with a generator, air compressor, and all repair tools.

Mr. Roman: But that price is stripped down, right? That's without the updates to the truck?

Mr. Quinn: Actually, what we did is we took the old equipment out of the old truck and reutilized it. Basically, it was a truck and body and then we outfitted it with our existing equipment.

Mrs. Maniscalco: Part of it is going to water and part of it is going to sewer. So the piece that you picked up is half, okay?

Mr. Roman: Okay, so the truck is actually \$62,000?

Mrs. Maniscalco: Yes, I believe so, right?

Mr. Quinn: Yes, \$64,000, yes.

Mr. Roman: There were no discounts?

Mr. Quinn: Co-op.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Vice President Labow: Any other questions from the Bill List? Seeing none at this time, we're going to move on to the Approval of Minutes of Previous Meetings. Mr. Greenbaum, can you please move the Minutes for Approval for February 3rd Workshop and Public Meeting?

Mr. Greenbaum: So moved.

Feb. 3, 2009 WS & PM – Mr. Rattner absent

Mr. Perkins: Second.

Vice President Labow: Roll Call.

ROLL CALL – Passed with the exception Mr. Rattner abstained

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS

1. E-mail received February 3, 2009, from Henry Gugliemi regarding loss of water pressure on Camelot Drive, Budd Lake.
2. Letter received February 6, 2009, from Government Process Solutions, LLC regarding the Municipal Revenue Restoration Act.
3. Letter received February 10, 2009, from the Mount Olive Area Chamber of Commerce regarding the February Business Meeting, *Tax Changes for Small Business*.
4. Letter received February 11, 2009, from the Rutgers Edward J. Bloustein School of Planning and Public Policy regarding the 2007 New Jersey Legislative District Data Book.
5. Letter received February 11, 2009, from the Humane Society of the United States, regarding Trap-Neuter-Return project.

DOT / DEP / LOI / HIGHLANDS

6. Letter received February 2, 2009, from the State of New Jersey Department of Environmental Protection regarding Muhammad Farooq, 4 Thirty First Street.
7. Letter received February 2, 2009, from the State of New Jersey Department of Environmental Protection regarding 7 Lakeview Avenue.

8. Letter received February 2, 2009, from the State of New Jersey Department of Environmental Protection regarding 15 Budd Lake Heights Road.
9. Letter received February 4, 2009, from the State of New Jersey Department of Environmental Protection regarding 39 Clinton Avenue.
10. Letter received February 4, 2009, from Day Pitney regarding New Jersey CVS Pharmacy, LLC.
11. Letter received February 5, 2009, from the State of New Jersey Department of Environmental Protection regarding Takashi & Beth Blakely and Block 7600, Lot 66 (101 Mount Olive Road).
12. Letter received February 5, 2009, from the State of New Jersey Department of Environmental Protection regarding Flanders Valley Well 2.
13. Letter received February 5, 2009, from the State of New Jersey Department of Environmental Protection regarding the Morris County MUA.
14. Letter received February 9, 2009, from the State of New Jersey Department of Environmental Protection regarding Goldmine-Morris Chase Interconnection, Dyrham Road & Woodbine Avenue, Road Right-of-Way near Lots 14 & 25.
15. Letter received February 9, 2009, from the State of New Jersey Department of Environmental Protection regarding the Duplissis residence, 17 Tinc Road.
16. Letter received February 9, 2009, from the State of New Jersey, Department of Transportation regarding Harrison Township, Gloucester County, Block 62, Lot 8 (Planning Board Application PB-08-17, Mount Olive, 362 Route 206).
17. Letter received February 11, 2009, from the State of New Jersey, Department of Transportation regarding Township of Mount Olive, Morris County Block 4100, Lot 62 (135 Route 46).
18. Letter received February 12, 2009, from the State of New Jersey, Department of Environmental Protection regarding a One Year Extension of Time for International Trade Center West.

INSURANCE

19. Letter received February 12, 2009, from the Municipal Excess Liability Joint Insurance Fund regarding the 2009 Mel Coverage Bulletins.

LEAGUE OF MUNICIPALITIES

20. E-mail received January 30, 2009, from the New Jersey State League of Municipalities regarding February Grant Page Posted Pension Deferral Plan (Clarifications to Jan. 28 letter).
21. E-mail received February 1, 2009 from the New Jersey State League of Municipalities regarding February Seminars.
22. E-mail received February 2, 2009 from the New Jersey State League of Municipalities regarding Support our troops, League Labor Counsel Update, and Federal Stimulus Package NJ Local Needs Survey Results.
23. E-mail received February 3, 2009 from the New Jersey State League of Municipalities regarding League Professional Development Seminar: New Developments in Law, Ethics and Management.
24. E-mail received February 3, 2009, from the New Jersey State League of Municipalities regarding Helping Hand in Time of Need.

25. E-mail received February 5, 2009, from the New Jersey State League of Municipalities regarding Foreclosure Mediation Program and Proposed Floor Amendment to S-7/A-3688 – Pension Payment Deferral.
26. E-mail received February 6, 2009, from the New Jersey State League of Municipalities regarding NJLM Education Foundation, Inc. Presents “2009 Housing Summit,” Editorial on Our Perspective Regarding Municipal Consolidation, and Legislative Update (Three Issues).
27. E-mail received February 8, 2009, from the New Jersey State League of Municipalities regarding NJLM Fight Fraud - Seminar Reminder.
28. E-mail received February 9, 2009, from the New Jersey State League of Municipalities regarding Redevelopment Training Opportunities (NJRA), and Important Information from the Division of Local Government Services on New Budget Forms and Fire District Budgets.
29. E-mail received February 10, 2009, from the New Jersey State League of Municipalities regarding Legislative Update (Four Issues), COAH—Affordable Housing Update, Seminar and Exhibit: Managing Government E-Mail Risks - OPRA, and E-Discovery and Retention.
30. E-mail received February 11, 2009, from the New Jersey State League of Municipalities regarding Housing Summit Registration.
31. E-mail received February 11, 2009, from the New Jersey State League of Municipalities regarding Senate Action on Stimulus Divergent Bills go to Conference Committee.
32. E-mail received February 12, 2009, from the New Jersey State League of Municipalities regarding A-3753 Municipal Library Funding Flexibility, Update on System wide Cable Franchises Public Access Stations and Federal Stimulus Funding Alert.

UTILITIES

33. Letter received February 9, 2009, from New Jersey Natural Gas regarding Petition for Approval of An Accelerated Energy Infrastructure Investment Program, Petition for Approval of Necessary Changes to Gas Rates and Changes in the Company’s Tariff for Gas Service, and Petition for Approval of Energy Efficiency Programs with an Associated Cost Recovery Mechanism.
34. Letter received February 12, 2009, from New Jersey Natural Gas regarding Notice of Public Hearing for Docket # GO09010052 and # GO09010057.

MSA

35. Minutes received February 5, 2009, from the Musconetcong Sewerage Authority regarding their January 7, 2009 Regular Meeting.

DCA

36. E-mail received January 30, 2009, from the State of New Jersey Department of Community Affairs regarding a Public Finance Issues Conference entitled, “Thinking Inside the Box.”
37. E-mail received February 9, 2009, from the State of New Jersey Department of Community Affairs regarding Gov Connect Update for February 9, 2009.
38. Email received February 11, 2009, from the State of New Jersey Department of Community Affairs regarding the NJRA RTI Workshop: Financing Tools for Redevelopment.

FSA

39. Letter received February 3, 2009, from the Farm Service Agency regarding North Jersey News.

LETTERS FROM LEGISLATIVE REPRESENTATIVES

40. Letter received January 30, 2009, from Congressman Rodney Frelinghuysen regarding Frelinghuysen Opposes Massive Economic Stimulus Package, Attends 88th Chamber of Commerce Meeting, Picatinny Arsenal Bids Farewell to General William Phillips, Spread the eNews.
41. Letter received February 2, 2009, from the Board of Chosen Freeholders, Morris County regarding opposition to proposed legislation that would require deferral of half a billion dollars in pension payment.
42. E-mail received February 2, 2009, from Congressman Rodney Frelinghuysen regarding Rep. Frelinghuysen's Op-ed on the Stimulus Package in the *Morris County Daily Record*, and Spread the eNews.
43. E-mail received February 6, 2009, from Congressman Rodney Frelinghuysen regarding The Economic Stimulus Bill Misses the Mark but Grows Larger and Larger, House to Finally Consider 2009 Appropriations Bills in Omnibus Appropriations Act, and Homeland Security Bill Passed, Op-ed on Trade and Spread the eNews.
44. E-mail received February 11, 2009, from Congressman Frelinghuysen regarding Economic Stimulus.

MORRIS COUNTY

45. Letter received February 2, 2009, from the County of Morris, Department of Human Services, Division on Aging, Disabilities & Veterans regarding February – March 2009 Calendar of Events.
46. Letter received February 5, 2009, from the County of Morris, Department of Planning & Development, Division of Community Development regarding Fencing.
47. Letter received February 5, 2009, from the ARC Morris regarding Annual Awards and Recognition 2009.
48. E-mail received February 9, 2009, from Morris County regarding Morris County Connections.
49. E-mail received February 11, 2009, from the Morris County Economic Development Corporation regarding the 6th Annual Morris County Municipal Summit.

CENSUS

50. Letter received February 10, 2009, from the U.S. Census Bureau regarding the 2010 Census.

ORDINANCES FOR PUBLIC HEARING

Vice President Labow: We have 50 pieces of Correspondence. Does anyone want to discuss any of the Correspondence we received? Alright, seeing none, we're going to move on to Ordinances for Public Reading. The first one we have is, I'm going to open the hearing to public Ord. #3-2009, entitled:

Ord. #3-2009 An Ordinance of the Township of Mount Olive Establishing Fees or Rates for Off-Duty Police Officers.

Vice President Labow: I'm going to open that to the public for any comment. Seeing none, Mr. Tobey, would you please move that?

Mr. Tobey: Yes, I move Ord. #3-2009.

Mr. Perkins: Second.

Vice President Labow: Thank you, any Council discussion? Roll Call, please.

ROLL CALL – Passed Unanimously

ORDINANCES FOR FIRST READING – (Second Reading 3/3/09)

Vice President Labow: Ord. #3-2009 has passed on second reading, and I hereby direct the Clerk to forward a copy of same to the Mayor and publish a notice of adoption as required by law. Next on our Agenda we have Ordinances for First Reading. We have Ord. #4-2009, entitled:

Ord. #4-2009 An Ordinance of the Township of Mount Olive to Amend and Supplement Chapter 196 Entitled “Sewers and Water,” Part 5 Entitled “Allocation Charges” (Sewer Service Fees), Article XIII Entitled “Budd Lake Sanitary Sewer System and Clover Hill Sanitary Sewer System,” Section 196-73 Entitled “Charges” of the Mount Olive Township Code (Ordinance No. 51-08). PDF Ordinance

Vice President Labow: I just want to ask Mr. Dorsey a question. Do we want to move this with the change in the time for the calibration?

Mr. Dorsey: It's going to be per Mr. Perkins suggestion per AWWA standards.

Vice President Labow: Okay, very good. Mr. Perkins, can you move that, please, for first reading?

Mr. Perkins: I move that Ord. #4-2009 be introduced by title and passed on first reading and that a meeting be held on March 3rd, 2009 at 7:30 p.m. at the Municipal Building, 204 Flanders-Drakestown Road, Mount Olive, NJ for a public hearing consideration of said reading and passage of said ordinance and that the Clerk be directed to publish, post and make available such ordinance in accordance with the requirements of law.

Vice President Labow: Thank you, do I have a second.

Mr. Roman: Second.

Mr. Dorsey: Just for the record, that change is absolutely minor. So we're simply going to include it in the final draft.

Vice President Labow: Okay, Roll Call, please.

ROLL CALL – Passed Unanimously

CONSENT RESOLUTIONS AGENDA:

Resolutions on the Consent Agenda List are considered to be routine and non-controversial by the Township Council and will be approved by one motion (one vote). There will be no separate discussion or debate on each of these resolutions except for the possibility of brief clarifying statements that may be offered. If one or more Council member requests, any individual resolution on the Consent Agenda may be removed from the Consent Agenda List and acted on separately.

CONSENT RESOLUTIONS

1. Resolution of the Township Council of the Township of Mount Olive Urging the New Jersey Legislature to Support the Municipal Revenue Restoration Act of 2008.
2. Resolution of the Township Council of the Township of Mount Olive Authorizing Resolution of the Dattolo Properties Litigation.
3. Resolution of the Township Council of the Township of Mount Olive regarding the Municipal Excess Joint Liability Insurance Fund / Dattolo Litigation.
4. Resolution of the Township Council of the Township of Mount Olive Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 of the Public Laws of 1997.
5. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of a Grant Balance. (Holiday over the limit under arrest)
6. Resolution of the Township Council of the Township of Mount Olive Adopting the List of Eligible LOSAP Emergency Service Volunteers for 2008.
7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Budd Lake Fire Department to sell the 1984 CF Mack Fire Apparatus.
8. Resolution of the Township of Mount Olive, in the County of Morris, State of New Jersey, Authorizing an Application of a Grant and/or Low-Interest Loan from the New Jersey Environmental Infrastructure Financing Program for the Tinc Farm – Lynnwood – Goldmine Interconnection.
9. Resolution of the Township Council of the Township of Mount Olive Awarding a Contract to Aqua Protech Labs for Water Testing Services.
10. Resolution of the Township Council of the Township of Mount Olive Authorizing a Lease Agreement with the County of Morris for the Rental Space Known as the Nutrition Site at the Mount Olive Senior Center.

Vice President Labow: Does anyone want any of the resolutions removed? Seeing none, we have resolutions 1 through 10 this evening. Mr. Roman, could you please move those?

Mr. Roman: Yes, I'd like to move consent resolutions 1 through 10 for approval.

Mr. Rattner: Second.

Vice President Labow: Okay, any discussion? Seeing none, Mrs. Lashway, could I have a Roll Call, please?

Mr. Perkins: Public.

Vice President Labow: Oh, I'm sorry. I knew I was going to miss it. Anybody from the public? Mr. McDonnell, would you please come up to the podium and state your name and address for the record? I apologize for forgetting to open it to the public.

PUBLIC PORTION ON CONSENT RESOLUTIONS

Ned McDonnell, Budd Lake: Resolution number 1, why are we supporting this? This is a tax on basically, is this on cable TV, things like that? A proposed sales tax or an expanded sales tax. You're taxing the companies but you know they're just going to pass it on to the users. So the residents of this Town are just going to get hit with another fee.

Mrs. Lashway: This resolution came from another municipality and Mr. Tepper, who is not here, asked for it to be put on.

Mr. McDonnell: I'm sorry?

Mrs. Lashway: Mr. Tepper, who is not here, asked for this resolution to be put on.

Vice President Labow: Mr. Sohl?

Mr. Sohl: Yes, my recollection is that there was a tax, and I don't recall the exact name of it, excise tax and such, wherein the carrier, major carrier, has 51% of the plan, or service. They pay that fee but because of dilution of percentages of market share, because of things like cable access, etc. there are areas that that tax is essentially going away.

Mr. McDonnell: Yes, I understand that and I'm all...

Mr. Sohl: This is an effort, I believe, from what I read to revisit that situation.

Mr. McDonnell: I'm all in favor of taxes going away. I just think you should not support something that's just going to end up falling on the residents of this community sooner or later. Cable TV fees are going up enough as it is. It sounds nice and convenient to tax the companies but they're not paying it. They're just going to pass it on through.

Vice President Labow: Mr. McDonnell, since Mr. Tepper had requested to have this resolution put on the Agenda, why don't we, we'll remove it this evening and we'll put it on for the next meeting of March 3rd, and Mr. Tepper could give his explanation on why he felt it was something we wanted to support at this time.

Mr. McDonnell: Very good. Also resolution number 7, you're selling a piece of municipal property for \$6,000. Has that gone out to bid?

Vice President Labow: Mr. Sohl...?

Mr. Sohl: No, it doesn't.

Vice President Labow: They can bid that on their own, the Fire Department. They look for a purchaser for that product and once they find one, they handle all of the sale and they will present it to the...

Mr. McDonnell: Well, is that the normal way of doing business, though, just somebody goes out and looks for a purchaser without going...

Vice President Labow: We've done that in the past with both fire companies when they've had equipment that they are no longer using. They have the connections and know different people throughout the country who are looking for various equipment, and they will find a price that they feel is fair. They come to the Council and ask for permission to sell that.

Mr. McDonnell: I still think that they may have the connections and all that but if it doesn't go out to bid, we don't have any record. These are the kind of things that sooner or later can be questioned by people as to favoritism or whatever. I'm not suggesting that. It may be a very good price, but I think just to protect the Town and the residents, I think this type of stuff should be sent out to bid. We should have some documentation of what kind of a deal we're really getting for this piece of equipment.

Vice President Labow: Mr. McDonnell we have Mr. Kral in the audience, in the room this evening. Would you like to explain to Mr. McDonnell what the procedure is? You have to come up to the podium.

Rick Kral 1st Asst. Chief, Budd Lake Fire: The procedure is exactly as Mrs. Labow stated. There's magazines throughout the volunteer fire service, throughout the country that we advertise in to get a buyer for the truck. As far as bidding, you're not going to get anybody to bid on a used piece of apparatus, especially from 1984. So this is the way it's been done. This is what we did with the old '56 as well, same process. That

Mr. Kral (cont'd): truck sat out there for, I believe, a year and a half before we had a buyer to take it. This one we got a hit on it within three weeks of advertisement. We're very pleased with the price.

Mr. Dorsey: You have to understand that there is a special statute that permits the fire company to sell this to another fire company.

Mr. Kral: Correct.

Mr. Dorsey: A truck that is 25 years old has no current value and that's why the statute permits almost a gift, and it could be a gift, to another fire department, which they apparently found.

Vice President Labow: Mr. Roman?

Mr. Roman: I'm assuming that when you guys decided to sell the truck you were looking in the department's best interest.

Mr. Kral: Absolutely, sir.

Mr. Roman: Okay.

Vice President Labow: Mr. Greenbaum?

Mr. Greenbaum: I seem to recall an instance where, I forget whether it was Flanders. I think it was Flanders that actually donated a truck to, I think it was Morris County for training. They received training. I don't have a problem with this and we should just move it forward.

Vice President Labow: Yes, thank you. Any other questions?

Mr. Rattner: There's also the issue that when you go out to bid, there's certain expenses and sometimes they can be, because you have legal expenses, you have the advertising expenses, and so you have to have the expectation that it's going to cover more than that, because once you go to bid it becomes then a statutory process that takes a lot. On something like this we know where it's going. They came to ask us. This is what they wanted to do and we felt that it was the most efficient way of doing it.

Vice President Labow: Thank you, Mr. Kral. Mr. McDonnell, do you have any other questions?

Mr. McDonnell: I see your reasoning but I think at the very least there should be some documentation as to where these advertisements were placed, and what kind of response was received from them. At least we should have something to go on other than hearsay, so to speak, that we got a good deal. Again, it may be a very good deal.

Vice President Labow: The fire company, they have all of that documentation in their records. So if anybody wants it they will be able to get it, because they obviously pay for the advertising and they do have those.

Mr. McDonnell: As long as there are records of where it was advertised and what kind of a response came back...

Vice President Labow: We're getting an affirmative. That is their procedure. They do place the ads and they do keep documentation and records of it. So it is available.

Mr. McDonnell: Okay, thank you.

Vice President Labow: Anything else?

Mr. McDonnell: That's it.

Vice President Labow: Okay, we need to amend a motion, I believe. It's going to be 2 through 10 because we're removing resolution number 1. Can you....?

Mr. Roman: I'd like to move Consent Resolution number 1 to Non Consent. I'm sorry, remove it completely. I apologize.

Vice President Labow: Yes, we're going to move it completely.

Mr. Rattner: Second.

COUNCIL COMMENTS ON CONSENT RESOLUTIONS

Vice President Labow: Any other questions? Seeing none, any Council discussion? Seeing none, can I have a Roll Call, please?

ROLL CALL – Passed Unanimously

RESOLUTIONS NON CONSENT - none

PUBLIC PORTION ON INDIVIDUAL RESOLUTIONS - none

COUNCIL COMMENTS ON INDIVIDUAL RESOLUTIONS - none

MOTIONS

Vice President Labow: Resolution number 1 will be put on the Agenda for the March 3rd meeting when Mr. Tepper will be here to explain it. Now we have, we went through the Public Comments and the Roll Call. Hold on one second, guys. My first meeting...

Mr. Greenbaum: Motions.

Vice President Labow: We're on Motions. Motion number one:

1. Approval of Solicitor's Permit for Christine Zwigard and Frank Gallo for a hotdog cart at Flanders Park.

Vice President Labow: Steve Rattner, could you please move that?

Mr. Rattner: So moved.

Mr. Perkins: Second.

Vice President Labow: Any discussion? Roll Call, please?

ROLL CALL – Passed Unanimously

Vice President Labow: Motion number two:

2. Approval of two amendments to Bingo License #2286 for the K of C #6100 Fr. Joseph A. Cassidy Council.

Vice President Labow: Mr. Greenbaum, could you please move that?

Mr. Greenbaum: So moved.

Mr. Perkins: Second.

Vice President Labow: Any discussion? Seeing none, Roll Call, please.

ROLL CALL – Passed Unanimously

Vice President Labow: The Bill List, Mr. Tobey, could you please move that?

3. Bill List.

Mr. Tobey: I move the Bill List as presented.

Mr. Perkins: Second.

Vice President Labow: Any questions? Seeing none, Roll Call, please.

ROLL CALL – Passed Unanimously

Vice President Labow: We're adding a number four to our Motions for Mayor Scapicchio. We're going to move, we have two appointments to the Economic Development Committee. One is Kathy Lanza filling a three year term which expires 12/31/2011. Do we vote on these separately or...?

Mrs. Lashway: You can do them both together.

Vice President Labow: And a second person for the Economic Development Committee is Reza, and I'm sorry I don't know how to pronounce the last name, Ghassemi?

Mrs. Lashway: Reza Ghassemi, it's a different person.

Vice President Labow: It's G-h-a-s-s-e-m-i.

Mr. Greenbaum: Different than whom?

Vice President Labow: Different than the other Reza we know, and this is also a three year term which expires on 12/31/2011. Can I have a motion to approve these?

- 4. Economic Development Committee, Kathy Lanza, 3 year term, expires 12/31/2011
- Economic Development Committee, Reza Ghassemi, 3 year term, expires 12/31/2011

Mr. Roman: Motion to approve.

Vice President Labow: Second?

Mr. Rattner: Second.

Vice President Labow: Okay, any discussion? Seeing none, can I have a Roll Call, please?

ROLL CALL - Passed Unanimously

ADMINISTRATIVE MATTERS

Vice President Labow: We're up to Administrative Matters. Mr. Sohl, Mayor Scapicchio, do you have anything?

Mr. Sohl: We're fine.

Mayor Scapicchio: Nothing.

OLD BUSINESS - none

NEW BUSINESS - none

LEGAL MATTERS - none

Vice President Labow: All good. Old Business? Seeing none, New Business? Seeing none, Legal Matters, Mr. Dorsey?

Mr. Dorsey: None.

Vice President Labow: Mr. Dorsey has no Legal Matters. Council Reports. Mr. Roman, could you give us your Recreation report?

COUNCIL REPORTS

Recreation Liaison Report

Mr. Roman: Yes, as far as on Recreation the discussion came up about the upcoming budget, ideas coming up with new programs, but the only thing out of there that's of any real meat would be a discussion on charging non-residents a fee for the Beach usage. As of right now there has been no recommendation as to how much that would be and if it was going to be done. That's it.

Vice President Labow: Thank you. Board of Health report, Mr. Perkins.

Board of Health Report

Mr. Perkins: Meets tomorrow.

Vice President Labow: Thank you. Planning Board report, Mr. Greenbaum.

Planning Board Report

Mr. Greenbaum: Meets Thursday.

Open Space Committee Report

Vice President Labow: Very good, Open Space Committee report. I was not able to attend the meeting. Mrs. Murphy, would you like to...? There was nothing to report. Oh, Board of Adjustment, Mr. Greenbaum?

Board of Adjustment Liaison Report

Mr. Greenbaum: I apologize. I will find out whether there was anything to report. There was nothing to report I'm being told. I was neglectful in my duties and did not have an opportunity to contact the Planning department, but I had been advised by somebody who is in direct contact with the Planning department that there is no report.

Vice President Labow: Thank you, Mr. Greenbaum. Legislative Committee report, Mr. Perkins.

Legislative Committee Report

Mr. Perkins: Nothing to report.

Pride Committee Liaison Report

Vice President Labow: Pride Committee report, we meet next week. Board of Education report, Mr. Roman.

Board of Education Liaison Report

Mr. Roman: Nothing of note to report other than it was the new Superintendent's first meeting.

Vice President Labow: Alright, good. Did you go to the Robotics roll out Sunday?

Mr. Roman: No.

Vice President Labow: Anybody able to attend that?

Mr. Roman: I should have gone because I wouldn't have been in Atlantic City and lost.

Vice President Labow: Oh, there you go.

Mr. Perkins: Moving right along.

Vice President Labow: Lake/Environment Issues Committee, Mr. Rattner.

Lake/Environment Issues Committee

Mr. Rattner: The Lake is still frozen.

Vice President Labow: That's a good thing.

Mr. Greenbaum: How is Manor House Road.

Mr. Sohl: No change.

Mr. Roman: I can report that.

Mr. Greenbaum: It's fine, right?

Mr. Rattner: It's just got a lot of grit on it.

Mr. Sohl: I go by it...

Mr. Greenbaum: Okay, but it's not freezing over at this point?

Mr. Rattner: There's no water on it, yes.

Mr. Greenbaum: I understand. Okay, good.

Mr. Roman: I can give you the Manor House report.

Mr. Rattner: If we get a lane with the ice on top then we just have it and it's normal flooding.

Vice President Labow: Okay, very good. Safety Committee liaison report, Mr. Perkins.

Safety Committee Liaison

Mr. Perkins: There hasn't been any meeting but the two hospital based services did get back with some comments on the proposed bid package, and I'm assuming those are now in our attorney's hands for review until we get the final bid package together.

Mr. Roman: If I may interject...

Vice President Labow: Yes, Mr. Roman.

Mr. Perkins: Sure.

Mr. Roman: At the next Safety Committee if it would be at all possible to discuss, again, regarding the accidents on 46, especially at the intersection of Old Wolfe and 46, just to see if there's been any change and whether that issue should be revisited again.

Mr. Perkins: Got it.

Vice President Labow: Okay, thank you.

Mr. Sohl: Colleen?

Vice President Labow: Yes, Mr. Sohl.

Mr. Sohl: You're talking about Wolfe Road?

Mr. Roman: Old Wolfe.

Mr. Sohl: Yes, that's not the typical thing, I believe, correct me if I'm wrong, that we talk about at the Safety Committee meeting. I saw your e-mail on that some time ago, and I talked to Scott Van Ness, Officer Van Ness, who has been trying, we've been trying for years for that. The actions of the Safety Committee aren't going to take any...

Mr. Roman: That's not something that's within their purview?

Mr. Sohl: I don't believe so.

Mr. Greenbaum: It should be a recommendation from the Police department to the Town Council as to corrective measures at that particular intersection.

Mr. Sohl: We've been trying for years to get some change there.

Mr. Roman: Okay.

Mr. Greenbaum: What's the problem? Is it that it's a...

Mr. Sohl: The State doesn't want, it's Route 46. They don't want to put in another light in close proximity to another light.

Vice President Labow: Isn't there some...

Mr. Greenbaum: What about making that a one way street.

Vice President Labow: We already had a report on that from Mr. Van Ness.

Mr. Greenbaum: And he said he was not in favor?

Vice President Labow: It was not, yes, it wasn't a good idea, but also I believe that somebody's working on getting a pedestrian bridge for that part. Where did we, had we received information on that? Somebody's working on it in one of the committees.

Mr. Roman: Yes, but I think a pedestrian bridge is not at all going to alleviate the possibility of accidents there.

Mr. Rattner: It's people inattention, slowing down to make a turn and people don't slow down, they make a move into the right lane and that becomes a pinball machine.

Vice President Labow: Certainly does. So do we want to get another update from Mr. Van Ness, Sergeant Van Ness on this?

Mr. Sohl: Sure.

Mr. Roman: I mean, I...

Mr. Sohl: We just got in within the last month.

Vice President Labow: He gave a report on that?

Mr. Roman: He gave a report on that?

Mr. Sohl: Well, I think you had asked the question.

Mr. Roman: The e-mail I sent was asking how many accidents have there been, and if there's been an increase in the accidents at the intersection, and whether that intersection is on par with other accident prone intersections. The quick response was "no." Being the new guy here and not having the history as some of us have up here regarding that intersection, I personally would like to at least either see a more detailed report of like this has been like this for the last 20 years, and the reason it's not a good idea to have a one way intersection is because of this and as such.

Vice President Labow: Maybe you can have Sergeant Van Ness give us the data that he had presented a while ago.

Mr. Sohl: I'll talk to Scott.

Mr. Roman: Yes, I would just like to see, you know, I mean, that's assuming that if everybody else is in agreement of seeing a more detailed, unless everybody else is saying we looked at it and it's not a good idea.

Mr. Greenbaum: Could I make a suggestion? Why don't you contact Scott and tell him what you want and talk to him about potential fixes and then you can come back to us and say this is what I found out.

Mr. Roman: Okay.

Vice President Labow: That's a good idea.

Mr. Sohl: Administration has no problem with that.

Mr. Roman: Okay.

Vice President Labow: Okay, very good.

Mr. Sohl: I'll give you his extension.

Vice President Labow: So Mr. Roman, you're going to either go through the Administration or talk to Sergeant Van Ness directly.

Mr. Greenbaum: Just call Scott.

Mr. Sohl: Just call Scott.

Vice President Labow: Sounds good. Next on the Agenda we have the Economic Development Committee report. Mr. Rattner.

Economic Development Committee Report

Mr. Rattner: The new news was the Mayor's new appointments to the Committee.

Vice President Labow: Very good. Solid Waste Advisory report, Mr. Perkins.

Solid Waste Advisory Committee Report

Mr. Perkins: No meetings.

Vice President Labow: No meetings, and Library Board liaison, Mr. Tobey.

Library Board Liaison

Mr. Tobey: Nothing to report.

Senior Citizen Liaison

Vice President Labow: Nothing to report at this time. It was nice to be able to meet the new Library Director at our budget hearing Saturday. It seems like they're doing a lot of good things over there at the Library. Senior Citizens liaison report, myself. We had Mr. Cartright here at the Conference meeting. Everything is going well with the senior citizens, and with that...

Mr. Dorsey: Ask for a motion to go into executive session.

Vice President Labow: Well, first we have to have a public portion.

Mr. Dorsey: Oh, I'm sorry.

PUBLIC PORTION

Vice President Labow: I'll open up the public portion to Mr. Russell.

Nelson Russell, Budd Lake: I'm sure I was away, but what happened to resolution 11?

Vice President Labow: Resolution 11? We didn't have a resolution 11.

Mr. Greenbaum: Is that the professional services?

Mr. Russell: No, the last, nutrition center in the senior citizen building.

Vice President Labow: Let's see...

Mr. Greenbaum: It was probably renumbered when the professional services got taken off.

Vice President Labow: We removed one.

Mr. Russell: You removed one, okay. The one I have has 11 resolutions. Okay, thank you. That was included?

Vice President Labow: Yes.

Mr. Russell: Okay.

Mr. Roman: A conspiracy, I tell you.

Vice President Labow: We removed the professional services resolution so it bumped everything up a number. Anybody else from the public? Seeing none, Council comments. Mr. Greenbaum.

COUNCIL COMMENTS

Mr. Greenbaum: None.

Vice President Labow: Mr. Tobey?

Mr. Tobey: Nothing, thank you.

Vice President Labow: Mr. Perkins?

Mr. Perkins: None.

Vice President Labow: Mr. Roman?

Mr. Roman: None.

Vice President Labow: Mr. Rattner?

Mr. Rattner: This is just directed towards the press so you're recognized. Tonight we talked about our water systems. As of right now we're not selling the systems. We did not pick a company to sell them to, but what is happening is that there is the period review to see the best way and the most efficient way to provide a high quality of water to our residents. That's what's going on right now, but there was no discussion, at this point, to sell anything.

Mr. Greenbaum: I'll drink to that.

Vice President Labow: Anything else, Mr. Rattner?

Mr. Rattner: No.

Mr. Perkins: Exclamation point. Exclamation point.

Vice President Labow: I have no comments this evening other than to say, Mr. Greenbaum, thank you for not giving me too hard of a time tonight.

Mr. Perkins: We're not done.

Vice President Labow: Uh oh, we're not done. Okay, we're going to go into executive session to discuss Open Space Negotiations. There will be no action taken when we come back. So I'd like to have a motion to move us into executive session, Mr. Perkins?

Mr. Perkins: Thank you, Madam Vice President. According to Sections 7 & 8 of the Open Public Meetings Act, I make a motion that we move into executive session to discuss Open Space Negotiations.

Mr. Roman: Second.

Vice President Labow: Thank you. Roll Call.

ROLL CALL – Passed Unanimously

Motion was made and seconded, all in favor and none opposed, the meeting went into executive session at 9:16 pm.

Executive Session - Open Space Negotiations

Motion was made and seconded, all in favor except Mr. Rattner, the meeting was adjourned at 9:36 pm.

Russell J. Tepper, Council President

I, Lisa Lashway, Township Clerk of the Township of Mount Olive do hereby certify that the foregoing Minutes is a true and correct copy of the Minutes approved at a legally convened meeting of the Mount Olive Township Council duly held on March 3, 2009.

Lisa Lashway, Township Clerk

jr