

The Public Meeting of the Mount Olive Township Council was called to Order at 8:14 pm by President Tepper 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. Tepper, Mr. Greenbaum, Mr. Perkins, Mr. Tobey

**Absent:** Mr. Rattner

**Also Present:** David Scapicchio, Mayor; Dominic DiYanni, Township Attorney; Sherry Maniscalco, CFO; Michelle Masser, Deputy Township Clerk; Bill Sohl, Business Administrator

**Questions on Bill List?**

**President Tepper:** Let the record reflect, again, Mr. Rattner is away on a family medical emergency. Mr. Greenbaum, before we do that, any questions on the Bill List for the Administration? Mr. Roman.

**Mr. Roman:** Page 6, Brown & Brown, Recreation accident insurance. I'm assuming that's for the year.

**Mrs. Maniscalco:** Yes, that's a yearly fee.

**President Tepper:** Mr. Russell, being proactive, did you have any as well? Any questions? Alright, seeing none, Mr. Greenbaum, would you approve the Minutes of our previous meeting?

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**Mr. Greenbaum:** Do you want me to move them or approve them?

**President Tepper:** Move them for approval.

**Mr. Greenbaum:** I'll move:

**January 20, 2009 CS, WS & PM – All present**

**Mrs. Labow:** Second.

**President Tepper:** Roll Call.

**ROLL CALL – Passed Unanimously with the exception Mr. Perkins replied, "Here."**

**CORRESPONDENCE**

**LETTERS FROM RESIDENTS/ORGANIZATIONS**

1. Letter received January 20, 2009, from the Land Conservancy of New Jersey regarding the Highlands Regional Master Plan.
2. Letter received January 27, 2009, from the BMW Group regarding the BMW Parts Distribution Center, Mt. Olive, NJ.

**RESOLUTIONS / ORDINANCES / CORRESPONDENCE OTHER TOWNS**

3. Resolutions received January 22, 2009, from the Town of Morris town regarding support for the municipal Revenue Restoration Act of 2008, and support of the Court Security Enhancement Fund.
4. Resolution received January 23, 2009, from the Township of Randolph regarding Assembly Bill A-3570.
5. Ordinance received January 26, 2009, from the Township of Washington regarding #RO-01-09 to Amend Chapter 217, Zoning, of the Code of the Township of Washington with Regard to Changes in Grade.

**DOT / DEP / LOI / HIGHLANDS**

6. Letter received January 20, 2009, from the State of New Jersey Department of Environmental Protection regarding a One-Year Extension of Time, Treatment Works Approval for Active Adult Community.
7. Letter received January 20, 2009, from the State of New Jersey Department of Environmental Protection regarding Bennington Chase at Mount Olive, 4 Donna Lane.
8. Letter received January 20, 2009, from the State of New Jersey Department of Environmental Protection regarding Cholish Single Family Home, 28-1 Bartley Road.
9. Letter received January 22, 2009 from Civil Engineering, Inc. regarding a Highlands Exemption Application for Block 11.01 Block 8300 (438 Sandshore Road.)
10. Letter received January 23, 2009, from the State of New Jersey Department of Environmental Protection regarding CVS Pharmacy, NJSH 46 and Woodsedge Ave.
11. Letter received January 23, 2009, from the State of New Jersey Department of Environmental Protection regarding 497 Drakestown Road.
12. Letter received January 26, 2009, from the State of New Jersey Department of Environmental Protection regarding Whispering Woods and/or Bennington Chase, 2 Donna Lane.
13. Letter received January 26, 2009, from the State of New Jersey Department of Environmental Protection regarding George Blasko, Preliminary and Final Site Plan for 484 Route 46.
14. Letter received January 26, 2009, from Civil Engineering, Inc. regarding a Highlands Exemption Application for Lot 11, Block 8300 (440 Sandshore Road).
15. Letter received January 28, 2009, from the State of New Jersey Department of Environmental Protection regarding 26 Richard Drive.
16. Letter received January 29, 2009, from the State of New Jersey Department of Environmental Protection regarding a Remedial Action Report Addendum for 29 Fire Tower Road.

**LEAGUE OF MUNICIPALITIES**

17. E-mail received January 20, 2009, from the New Jersey State League of Municipalities regarding Affordable Housing/COAH Update, Stimulus Bill Details, 2009 New Jersey Local Government Deskbook Available, and Charitable Clothing Bins - Chapter 209.
18. E-mail received January 20, 2009, from the New Jersey State League of Municipalities regarding NJLM Education Foundation, Inc. Presents "2009 Housing Summit."

19. E-mail received January 21, 2009, from the New Jersey State League of Municipalities regarding League Web Site, and Pension Payment Deferral Background.
20. E-mail received January 22, 2009, from the New Jersey State League of Municipalities regarding Governor Signs Energy Savings Improvement Bill, League Professional Development Seminar: Fraud and Forensic Accounting, and Governor's "Consolidation Commission" Issues Annual Report.
21. E-mail received January 23, 2009, from the New Jersey State League of Municipalities regarding Sustainable Jersey Update.
22. E-mail received January 24, 2009, from the New Jersey State League of Municipalities regarding an Important Seminar.
23. E-mail received January 27, 2009, from the New Jersey State League of Municipalities regarding New Jersey Future's 2009 Redevelopment Forum, Important New Information from the Division of Local Government Services, and S-2485, Commercial Development Fee, Affordable Housing.
24. E-mail received January 28, 2009, from the New Jersey State League of Municipalities regarding H.R. 1 (the American Recovery and Reinvestment Act of 2009-Energy and Environment and Housing components).
25. E-mail received January 28, 2009, from the New Jersey State League of Municipalities regarding Pension Payment Deferral S-7/A-3688.
26. Letter received January 29, 2009, from the New Jersey State League of Municipalities regarding NJLM Educational Foundation's 2009 Housing Summit.
27. Letter received January 29, 2009, from the New Jersey State League of Municipalities regarding a League Professional Development Seminar, New Development in Law, Ethics, and Management.
28. E-mail received January 29, 2009, from the New Jersey State League of Municipalities regarding House Passes HR 1, Senate Advances S.336 (Economic Recovery Package), 2009 Brownfield Development Area (BDA) Application, and REGISTER TODAY - February League Offerings.
29. E-mail received January 29, 2009, from the New Jersey State League of Municipalities regarding the NJLM Foundation Housing Summit.

**UTILITIES**

30. Letter received January 21, 2009, from Comcast regarding Channel Changes.

**DCA**

31. Letter received January 27, 2009, from the State of New Jersey Department of Community Affairs regarding a GovConnect Update: January 27, 2009.
32. Letter received January 27, 2009, from the State of New Jersey Department of Community Affairs, Local Unit Alignment, Reorganization and Consolidation Commission regarding a 2008 Progress Report.

**TORT**

33. Summons received January 27, 2009, from Failla & Banks, LLC regarding Zachary Petonak, James Petonak, Wesley Petonak and Nicolas Petonak vs. Flanders Fire Co. #1, Heather Detoro, Fred Detoro, Jr., Fred Detoro, Sr., Joseph Abrusci, Sr. and Mount Olive Township.

**LETTERS FROM LEGISLATIVE REPRESENTATIVES**

J:\Common\min2009\2.3.2009 .doc

34. Email received January 16, 2009, from Congressman Rodney Frelinghuysen regarding House Reauthorizes SCHIP Program, Economic Stimulus, Digital Television Transition, and Spread the eNews.
35. Letter received January 20, 2009, from the New Jersey Legislature regarding Route 206 & Main Street Traffic / Flanders-Netcong Road Traffic Signal.
36. Letter received January 23, 2009, from Congressman Rodney Frelinghuysen regarding An Historic Inauguration, House Appropriations Committee Considers Economic Stimulus, Frelinghuysen Opposes TARP Expansion, Speaks to the Retired Military Officers Association, Visits Secret Service Offices with Youth Advisory Council, Tours Employment Horizons and Spread the eNews.

**MORRIS COUNTY**

37. Minutes received January 23, 2009, from the Morris County Planning Board regarding their November 6, 2008 Regular Meeting.
38. Letter received January 28, 2009, from the Morris County League of Municipalities regarding the State of the State Program.

**President Tepper:** There are 38 pieces of Correspondence. Does anyone have any questions or comments on any? Yes, Mr. Greenbaum.

**Mr. Greenbaum:** I'd like to address number 33, which is the summons and complaint that we received from the Petonak matter. Specifically, with respect to our ordinance that I believe we passed requiring the Rescue Squads to purchase insurance that would then indemnify, and I think, I'm not certain whether or not the Rescue Squads came back and said that they thought they were covered for that type of loss under our insurance policy.

**President Tepper:** I will defer to our Counsel. I know we had asked John to look at the response and say if that was compliant, or are you asking the Administration have they provided a response?

**Mr. Greenbaum:** No, what I'm saying is that even if that is true, that they are covered under our insurance policy, I believe that the ordinance that we have passed should require them to purchase insurance which goes beyond our coverage. The reason I say that is that the Township is responsible for a deductible and a co-pay which is substantial under our policy. Having them insured under our policy doesn't change anything with respect to the current status. In other words, we were sued in litigation involving a particular fire company, as was the fire company. Without the fire company purchasing their own insurance, we were defended under our particular, whether it was the JIF policy or coverage through the MEL, and we were responsible for the deductible and the co-pay, which I don't generally have a problem with so long as we are the people who are ultimately making the personnel decisions, which obviously the fire departments and the rescue squads do not want us to do, which is fine. If they're not going to want us to do that, then we should also not be responsible, monetarily, for any of the decisions that they make which ultimately end up in litigation. That's why they should purchase third party policies to cover themselves against this particular type of loss which then indemnifies the Township in the event that we are sued as a result of their actions.

**President Tepper:** Was that not the intent of the ordinance that we proposed to begin with?

**Mr. Greenbaum:** That was the intent of the ordinance and to simply come back and say, you know what, we already have such coverage under the Township's JIF policy doesn't...

**President Tepper:** It's irrelevant.

**Mr. Greenbaum:** Correct. It doesn't, it's irrelevant. That's not what we were looking to do.

**President Tepper:** Right, and we need to point that out to them through Mr. Dorsey's office that that's an irrelevant decision or presentation to them, because it doesn't address the issue at hand that you were obligated to provide an additional policy indemnifying the Township.

**Mr. Greenbaum:** Correct.

**President Tepper:** Mr. Sohl?

**Mr. Sohl:** Yes, just as an additional update, Budd Lake Fire Department did send us information regarding D & O, Director's and Officer's insurance, which is through a third party, Bolinger. They believe...

**President Tepper:** Did we set a minimum dollar amount?

**Mr. Sohl:** ... and I've sent that information that they provided to John asking him if that is concurrent with what John labeled as employee practices. I forget the exact language, but I have not heard back from John as to whether he's reviewed that yet. If the answer from John is that it's exactly what we want, then we'll go back because it may well be that the others already have similar insurance.

**Mr. Greenbaum:** Speaking to Phil, I don't know that that's going to cover us, but Phil being in the industry would be in a better position to answer that.

**President Tepper:** I would say that we should set the minimal amount. I mean, we provided, in the ordinance we said they had to have a policy.

**Mr. Tobey:** Well, do we want a D & O or an EPLI, for example?

**Mr. Sohl:** You didn't do an ordinance, by the way, a resolution.

**Mr. Greenbaum:** I think what we want is an EPLI...

**President Tepper:** Right.

**Mr. Greenbaum:** ...which is going to cover us from employment practice liability.

**Mr. Tobey:** Exactly.

**President Tepper:** I agree and I think that we need to make that clear to each of the volunteer companies that that's what we require given the current circumstances, that they are not obligated to comply at this time with Township personnel policies.

**Mr. Greenbaum:** I have no interest, whatsoever, in getting involved in the personnel issues of the fire and rescue squads.

**President Tepper:** But if we have a liability because of our relationship, we're looking to protect the Township and its residents from that liability.

**Mr. Greenbaum:** Absolutely.

**President Tepper:** Right, I don't think anyone disagrees with you, Mr. Greenbaum.

**Mr. Greenbaum:** So I think that, Dominic, you need to go back and at least, I have to agree with Phil. I mean, I'm not going to tell Mr. Dorsey what covers us and what doesn't cover us, but to the extent that we're ultimately going to get into our deductible and our co pay and having to defend a suit, we don't have what we need.

**President Tepper:** And we should be recovering for that from their policies.

**Mr. Greenbaum:** No, they should step up to the plate and be defending us. We shouldn't have to lay out anything.

**Mr. Sohl:** We should be named, as you said in the resolution, as an additional insured.

**Mr. Greenbaum:** Additional insured under an EPLI policy.

**Mr. Sohl:** And Bolinger indicated when I spoke to the lady from there that they gave me a contact for, she didn't see that as a big problem at all if the D & O meets the requirements.

**Mr. Greenbaum:** You know, I'm not going to sit here to be an expert between a D & O and EPLI policy, but we need to make sure that what we are getting is going to step up to the plate, and defend and indemnify us for claims of this very kind.

**ORDINANCES FOR PUBLIC HEARING**

**President Tepper:** So we'll look to Mr. Dorsey's office to come back with a recommendation on what's required, and whether Mr. Tobey can assist with that, it would be appreciated. Any other comments or questions on the Correspondence? Seeing none, Ordinances for Public Hearing. The first Ord. #1-2009, entitled:

**Ord. #1-2009** An Ordinance of the Township of Mount Olive Repealing Section 178-4 Entitled "Loitering; Loud, Offensive or Indecent Language" of the Township Code.

**President Tepper:** Mr. Tobey, would you move that ordinance?

**Mr. Tobey:** Yes, Mr. President. I move Ord. #1-2009 for final passage.

**Mr. Roman:** Second.

**President Tepper:** You're a second. Comments or questions?

**Mr. Greenbaum:** Did you open it to the public first?

**President Tepper:** We'll open it to the public if anyone has any comments or questions. Thank you, Mr. Greenbaum.

**Mr. Greenbaum:** You're welcome.

**President Tepper:** Seeing none, Roll Call.

**ROLL CALL – Passed Unanimously**

**President Tepper:** And I'm supposed to read something after this wonderful thing which... I declare, yes, ordinance, which one do you want here? Thank you. Ord. #1-2009 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. Ord. # 2-2009, entitled:

**Ord. #2-2009** Refunding Bond Ordinance of the Township of Mount Olive, in the County of Morris, New Jersey Providing for the Refunding of Certain General Improvement Bonds, Series 2002, Appropriating \$4,400,000 Therefor and Authorizing the Issuance of \$4,400,000 General Improvement Refunding Bonds of the Township for Financing the Cost Thereof.

**President Tepper:** Mr. Perkins, would you move that?

**Mr. Perkins:** Do you want to open that to the public?

**President Tepper:** We'll open that to the public also. There's no one in the public at this time that can comment.

**Mr. Greenbaum:** Mr. Nelson is still here.

**President Tepper:** Mr. Nelson is still here. I apologize.

**Mrs. Labow:** He's hiding over there.

**President Tepper:** Mr. Russell. It's not Mr. Nelson.

**Mrs. Labow:** It's Mr. Russell.

**Mr. Russell:** Thank you.

**President Tepper:** You're welcome. Seeing no public comment...

**Mr. Greenbaum:** And we also have a lot of Boy Scouts here who may want to comment on the particular...

**President Tepper:** That is true. They might.

**Mr. Roman:** They're smart. They're staying quiet.

**President Tepper:** Mr. Perkins, could you move that ordinance, please?

**Mr. Perkins:** Yes, Mr. President. I move for adoption and final passage of Ord. #2-2009.

**President Tepper:** Thank you. Second, please?

**Mrs. Labow:** Second.

**President Tepper:** Thank you. Roll Call?

**ROLL CALL – Passed Unanimously**

**ORDINANCES FOR FIRST READING – (Second Reading 2/17/09)**

**President Tepper:** Ord. #2-2009 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. We have an ordinance for First Reading. The Second Reading will be on February 17, 2009. Ord. #3-2009, entitled:

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

**President Tepper:** Does anyone from the public have any comments? Don't have to do that on this one, right? It's first reading.

**Mrs. Labow:** It's first reading.

**President Tepper:** Yes, alright. Mr. Roman, would you move that, please?

**Mr. Roman:** Yes, Mr. President. I move that Ord. #3-2009 be introduced by title and passed on first reading and that a meeting be held on February 17<sup>th</sup>, 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.

**Mr. Perkins:** Second.

**Mr. DiYanni:** Wait, before you move it I want to note, I know it's first reading, but typographically it should be changed for second reading, a minor change. It says, "Now therefore be it resolved." It's not a resolution, it's an ordinance. The wording should be, "Now therefore be it ordained," in the draft copy right now. So just a note for the future meeting when it's adopted.

**President Tepper:** Thank you.

**Mr. Greenbaum:** I would also note that on the Agenda it says 3-3009. I know I've been sitting here for a long time...

**Mr. Perkins:** A long time. A hundred years.

**Mrs. Masser:** The ordinance is correct, though.

**President Tepper:** I did correct that in the... It has been corrected, but thank you. Could you Call the Roll, 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 Recognizing the 100<sup>TH</sup> Birthday of Rose Anne Madsen.
2. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of an Agreement with New Bridge Services Relative to Disbursement of Funds from the Housing Trust Fund and Deed Restriction.
3. Resolution Determining the Form and Other Details of Not to Exceed \$4,400,000 of General Improvement Refunding Bonds of the Township of Mount Olive, in the County of Morris, New Jersey or Such Other Amount as Determined by the Chief Financial Officer to Accomplish the Refunding on the Terms Approved by the Local Finance Board Consistent with the Refunding Provisions of the Internal Revenue Code and Providing for the Sale and the Delivery of Such Bonds to RBC Capital Markets.
4. Resolution of the Township Council of the Township of Mount Olive Authorizing the Reduction in Performance Guarantees in Connection with Morris Hunt Phases II and III.
5. Resolution of the Township Council of the Township of Mount Olive Authorizing a Dedication by Rider for Donations to Support the Municipal Beach.
6. Resolution of the Township Council of the Township of Mount Olive Supporting the Participation in the 2009 Fair Share Assessment with the Morris County Chapter's McARP.
7. Resolution of the Township Council of the Township of Mount Olive Amending the 2009 Temporary Budget for the Current Fund (Streets and Roads).

**President Tepper:** Does anyone have any of the Consent Resolutions they would like moved to Non Consent? Mrs. Labow?

**Mrs. Labow:** Number five.

**PUBLIC PORTION ON CONSENT RESOLUTIONS**

**President Tepper:** Number five. Okay. Any others? Anyone from the public have anything on the Consent Resolutions? Seeing none, Mr. Perkins, would you move Consent Resolutions 1 though 4 and 6 and 7?

**Mr. Perkins:** So moved.

**Mr. Greenbaum:** Second.

**President Tepper:** Thank you. Any Council comments on Consent Resolutions? Mr. Perkins.

**COUNCIL COMMENTS ON CONSENT RESOLUTIONS**

**Mr. Perkins:** Thank you, Mr. President. Just a brief clarifying statement on Consent Resolution number 1 for Rose Ann Safino. Congratulations on her 100<sup>th</sup> birthday. It's remarkable that we have someone here in the Township that has lived that long.

**President Tepper:** You said Rose Ann Safino. Mrs. Madsen, or Ms. Madsen is Safino?

**Mr. Perkins:** She was born Rose Ann Safino.

**President Tepper:** Is that Paul's, any relation to Paul?

**Mr. Perkins:** No.

**Mrs. Labow:** No, it's a different spelling.

**President Tepper:** Thank you. It is a pretty remarkable accomplishment to reach 100 years, absolutely. I agree wholeheartedly.

**Mr. Roman:** I have another 60 to go.

**President Tepper:** Can we have a Roll Call on Consent Resolutions 1 through 4 and 6 and 7.

**ROLL CALL – Passed Unanimously**

**RESOLUTIONS NON CONSENT**

**President Tepper:** Mrs. Labow, would you move Non Consent Resolution 5?

**Mrs. Labow:** Yes, I'd like to move for passage of Non Consent Resolution number 5.

- 5. Resolution of the Township Council of the Township of Mount Olive Authorizing a Dedication by Rider for Donations to Support the Municipal Beach.

**President Tepper:** Is there a second?

**Mr. Perkins:** Second.

**President Tepper:** Thank you. Your comment, please.

**Mrs. Labow:** I just want to say in the second "whereas" it says, "The Township has received a donation to be set aside for support of the Municipal Beach." I'm assuming this is the donation. I wanted to pass this check J:\Common\min2009\2.3.2009 .doc

**Mrs. Labow (cont'd):** down to Sherry Jenkins (Maniscalco) for \$34,054 to pay for the Municipal Beach fees for the Mount Olive Township residents for the year 2009.

**President Tepper:** I think it's pretty amazing that we have residents in Town that are willing to step up when things are tight, and make such a magnanimous gesture as to pay the equivalent of what the beach fees would have been within the budget.

**Mr. Greenbaum:** Maybe they'll pay for the driveway permits as well.

**President Tepper:** It's always plausible but I think I'd rather stick with the fact that someone has chosen to do this, and I think it's quite admirable.

**Mr. Perkins:** Or a booster pump.

**Mrs. Labow:** Yes, and they told me today on the phone that the fee will be coming next year for 2010 and 2011. So that's wonderful. Rob's got his hand out already. He wants the check.

**COUNCIL COMMENTS ON INDIVIDUAL RESOLUTIONS**

**President Tepper:** Mr. Greenbaum, you have a comment on this?

**Mr. Greenbaum:** Yes, although I joked about the driveway fee, I mean, one should not, one cannot take for granted the generosity of this family and the benefit to the community that this donation has. With all sincerity, I know I speak for all of us, it's quite, quite a great thing that they're doing for the Town.

**PUBLIC PORTION ON INDIVIDUAL RESOLUTIONS**

**President Tepper:** It's a very magnanimous gesture. Does anyone from the public have any comments on the Non Consent resolution? Seeing none, Roll Call.

**ROLL CALL – Passed Unanimously**

**MOTIONS**

**President Tepper:** We now have Motions. Mrs. Labow, would you move for approval of the Raffle Application?

**Mrs. Labow:** Yes, I move for approval of:

1. Approval of Raffle Application #2297 for the Deer Path Montessori School.

**Mr. Perkins:** Second.

**President Tepper:** Roll Call.

**ROLL CALL – Passed Unanimously**

**Mrs. Labow:** Council President, I have a question on the next motion.

**President Tepper:** You can ask when we go for it. Mr. Greenbaum, would you move for approval of the solicitor's permits?

**Mr. Greenbaum:** I move for approval of:

2. Approval of Solicitor's Permits for Russell Tepper for door-to-door solicitation & Avshalom Gibli for mobile food vending.

**President Tepper:** Is there a second?

**Mrs. Labow:** Second.

**President Tepper:** Any comments, questions? Yes, Mrs. Labow.

**Mrs. Labow:** Mr. Tepper, is this a part-time job?

**President Tepper:** It is not a part-time job, although if the economy continues the way it is I might do newspaper deliveries door to door and magazine subscriptions, but that's really not its intent.

**Mrs. Sohl:** It's called multitasking.

**President Tepper:** Mr. Roman?

**Mr. Roman:** I noticed the Police department is waiting for a criminal background check.

**President Tepper:** That is my understanding as well and being that they, let's see, they've done a gun permit and several other things. I'd be surprised but they have to follow the law and the rules for me just as much as anybody else. If there's no other comments can we have the Roll Call?

**Mrs. Masser:** Mr. Greenbaum?

**Mr. Greenbaum:** Well, definitely yes for Gibli. Yes.

**ROLL CALL – Passed with the exception Mr. Tepper abstained from the permit for himself**

**President Tepper:** Mr. Tobey, would you move the Bill List?

**Mr. Tobey:** I move the Bill List.

3. Bill List.

**Mrs. Labow:** Second.

**President Tepper:** Thank you. Roll Call.

**ROLL CALL – Passed Unanimously**

**ADMINISTRATIVE MATTERS**

**President Tepper:** Administrative Matters. Mr. Sohl, any new Administrative Matters?

**Mr. Sohl:** Nothing right now.

**President Tepper:** Alright, is there any Old Business from Council? Seeing none, any New Business? Seeing none, Legal Matters, Dominic?

**OLD BUSINESS - none**

**NEW BUSINESS - none**

**LEGAL MATTERS**

**Mr. DiYanni:** Sorry, except that I would ask for a budget appropriation for a name plaque for myself.

**Mrs. Masser:** There's not enough money in the budget for that.

**Mr. DiYanni:** Oh, okay. Maybe next year.

**Mr. Roman:** I think Sherry cut the Legal...

**President Tepper:** I think you could order one and just include it in the...

**Mr. Greenbaum:** We'll have the money once someone puts in a driveway.

**Mr. Sohl:** Boy, is he a sore sport or what?

**President Tepper:** He's good on that. Council Reports. Mr. Roman, Recreation Liaison.

## COUNCIL REPORTS

### Recreation Liaison Report

**Mr. Roman:** We meet tomorrow.

**President Tepper:** Mr. Perkins, on Board of Health.

### Board of Health Report

**Mr. Perkins:** Yes, thank you, Mr. President. The Board reorganized. It was a little shaky there for a bit. We didn't think we were going to have a quorum, but we finally did get one. Council Vice President, Mrs. Labow, did attend. She handed the gavel over to me and was also awarded a nice plaque in recognition from the Board of Health. There were no other matters taken before the Board.

**President Tepper:** Thank you. Mr. Greenbaum, Planning Board?

### Planning Board Report

**Mr. Greenbaum:** The meeting for February 12<sup>th</sup> has been cancelled. The next meeting is February 19<sup>th</sup>.

**President Tepper:** Thank you. I don't believe the Board of Adjustment has yet met.

### Board of Adjustment Liaison Report

**Mr. Greenbaum:** The Board of Adjustment met on January 26<sup>th</sup> according to the documents that Mr. Perkins handed to me as the new liaison. It gives me another opportunity to speak.

**President Tepper:** That's truly scary.

**Mrs. Labow:** Can we rethink that?

**Mr. Perkins:** You had to give it to him.

**President Tepper:** You're right.

**Mr. Greenbaum:** We met on the 26<sup>th</sup> and reorganized. Mr. Donald Hill is the Chairman. Mr. John Cavanaugh is the Vice Chair. Lauren Perkins is Secretary and Michael Patrick Carroll is attorney. Chuck McGroarty and Gene Buczynski have also been retained in their professional capacities. The usual issues were dealt with in terms of reorganization, newspaper, meeting dates, so on and so forth. According to the documents which Mr. Perkins gave to me this evening, there is going to be a request that Council adopt an ordinance to change one of the bulk variance requirements to include a swimming pool, something that I'm going to have to look into and work with the Planning department to get it to us as per the wishes of the Board of Adjustment.

**President Tepper:** Thank you. Mrs. Labow, Open Space.

**Open Space Committee Report**

**Mrs. Labow:** Open Space meets next week.

**President Tepper:** Thank you. Legislative Committee, Mr. Perkins.

**Legislative Committee Report**

**Mr. Perkins:** Meeting later this week, Mr. President.

**President Tepper:** Pride Committee, Mrs. Labow.

**Pride Committee Liaison Report**

**Mrs. Labow:** We actually were going to have a brief meeting this evening before the Council meeting. When I walked by the cafeteria only Liz was there. So nothing too important at this time other than they are looking to have banners produced as a fundraiser along the Lake, and that's one of the things we're working on right now.

**President Tepper:** Okay, Board of Education, Mr. Roman.

**Board of Education Liaison Report**

**Mr. Roman:** Yes, a resolution was approved accepting the settlement over the sewer fees with the Township. Just as an interesting note, one grandparent stepped up to complain about playing time for his freshman basketball player. It was the last meeting for acting Superintendent Johnson.

**Mr. Greenbaum:** I've gotten three personal calls from Larrie Reynolds this week on my cell phone and on my e-mail.

**President Tepper:** I believe we all did as a result of the weather, Mr. Greenbaum, but thank you for pointing that out.

**Mr. Greenbaum:** Oh, they weren't personal?

**President Tepper:** Lake/Environmental, Mr. Rattner is not here. Mr. Perkins, Safety Committee.

**Lake/Environment Issues Committee - none**

**Economic Development Committee Report - none**

**Safety Committee Liaison**

**Mr. Perkins:** Yes, Mr. President. The latest from the Safety Committee is they have sent through suggested draft specifications for the bidding of the hospital based services. That has already been forwarded by our Administrator up to the attorney's offices and it is up for review.

**President Tepper:** Mr. Roman?

**Mr. Roman:** Ray, earlier today I emailed the Police department to get figures on accidents at Old Wolfe Road and Route 46. The statistic I got back was that there is an average of six to nine accidents at that intersection a year. I don't know if that's something that maybe you can address with them as far as any recommendations if any is required as to whether anything should be improved at that intersection. I'm within earshot and frankly, I was expecting to hear back that it's anywhere from ten to twelve a year and not six to nine. I don't know if

**Mr. Roman (cont'd):** that's more than any other intersection, or if that's below average. I don't know if that's something you want to bring up to them.

**Mr. Sohl:** Alex?

**President Tepper:** Mr. Sohl.

**Mr. Sohl:** I'm not sure, I don't want to cut you off, Ray.

**Mr. Perkins:** Go ahead.

**Mr. Sohl:** I'm not sure that the fire department and EMS folks are the logical place. The real place is Scott...

**Mr. Roman:** No, the call I got back from Scott... No, Scott called me and left me a message and told me that last year he had reported six, and that they average six to nine at that intersection. So I don't know if there was ever any discussion about that intersection.

**Mr. Sohl:** Oh, there's been, in the history of the Council I can tell you that there's been discussion every so many years.

**President Tepper:** Mr. Perkins?

**Mr. Perkins:** Yes, thank you, Mr. President. I might recommend that we contact, that you contact the Chief, Bill, and get another update, a report. I know they did, Scott had provided us, I think two years ago with the report...

**Mr. Sohl:** Well, Alex requested that today.

**Mr. Perkins:** Did you request a written report?

**Mr. Roman:** No, I didn't. I wanted to at least get some figures at least back to find out whether this is a problematic intersection or if it's just one of ten.

**Mr. Perkins:** It's one of a lot. I know that Scott had done, I believe that Chief Katona was still here when the last report was given on the number of accidents both along Route 206 and along Route 46 as we were looking for where those hot elements were.

**Mr. Sohl:** Hot spots.

**Mr. Perkins:** So just an update to that report could be sufficient.

**Mr. Greenbaum:** Perkins.

**Mr. Perkins:** They used to be.

**President Tepper:** No other comments or questions on that matter? Mr. Tobey, Library Board.

#### **Solid Waste Advisory Committee Report - none**

#### **Library Board Liaison**

**Mr. Tobey:** Yes, it appears as though the League of Municipalities has drafted a resolution to reduce the Library's funding by 50%. The Library Board is drafting their own resolution not supporting such and looking to keep the spending level where it is. They have asked this governing body to draft a resolution supporting them and maintaining the current funding levels. I spoke with Suzanne Jeska yesterday and I made a recommendation to her that they make a presentation to this Council. While we support the Library and the Library Board, what would the financial impact be on a 50% reduction? As we all know, we're looking to save

**Mr. Tobey (cont'd):** money everywhere possible, so I think it's only prudent that they make a presentation to us before we jump into a resolution like that.

**President Tepper:** The Library is actually going to present to us on their budget next Saturday on the 14<sup>th</sup>. They have switched places with Sherry's office if I remember it correctly so that they will present to us prior to our next public meeting. I do know from having been the liaison in the past that at one point they had several hundred thousand dollars in surplus because of the three mil State mandated financing. They were one of the few organizations whose budgets had gone up substantially. So I'd be very interested in understanding this year what their proposed budget is as well as what additional funding they're looking for. Mrs. Labow, Senior Citizen.

#### **Senior Citizen Liaison**

**Mrs. Labow:** Yes, everything is going well with the Senior Citizens building. They are just a little bit concerned. They did get word that there is a party coming up with 76 teenagers after they had a party of less than 20 eight year olds a couple of weeks ago, and the place was left trashed. So a little bit concerned about what the condition will be after a party of 76.

**President Tepper:** That is something that the Administration has worked for and they collect funds and we need to stand by the ordinance that we have in place.

**Mrs. Labow:** The other thing, too, is that Mr. Cartwright, the Senior Citizen President had also told me that he received word, he was at a meeting last night and someone had told him that the Senior Citizen's budget had been redlined. I called Sherry and I thank Sherry for taking the time to speak with me. That was in fact not true, and I did call him back and tell him no, that is not true. The Senior Citizen's budget was not redlined. So those are the issues and that's where we're at right now.

#### **PUBLIC PORTION**

**President Tepper:** Thank you. Does anyone from the public have any comments they'd like to make? Seeing none, we'll go to Council Comments. Mr. Greenbaum?

#### **COUNCIL COMMENTS**

**Mr. Greenbaum:** I think I've commented enough this evening, thank you.

**President Tepper:** Thank you, Mr. Greenbaum. Mr. Tobey?

**Mr. Tobey:** Nothing, thank you.

**President Tepper:** Mr. Perkins?

**Mr. Perkins:** Nothing.

**President Tepper:** Mr. Roman?

**Mr. Roman:** Nothing.

**President Tepper:** Mrs. Labow?

**Mrs. Labow:** Nothing.

**President Tepper:** And I have none other to congratulate the Boy Scouts on their 99<sup>th</sup> Birthday, and thank you all for joining us for our meeting tonight.

**Mr. Greenbaum:** Motion to adjourn.

**President Tepper:** Can I have a motion to adjourn?

**ADJOURNMENT**

Motion was made and seconded, all in favor and none opposed, the meeting was adjourned at 8:41 pm.

\_\_\_\_\_  
Colleen Labow, Council Vice President

I, Lisa M. 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 February 17, 2009.

\_\_\_\_\_  
Lisa Lashway, Township Clerk

jr