

The Public Meeting of the Mount Olive Township Council was called to Order at 8:25 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, Mr. Rattner

Absent: none

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

Questions on Bill List?

President Tepper: Any questions on the Bill List from Council or Mr. Russell? No questions on the Bill List.

Mrs. Labow: Ned has one.

Mr. Greenbaum: Mr. McDonnell has one.

President Tepper: Mr. McDonnell, I did not see you back there. If you would come up to the podium, name and address, please.

Ned McDonnell, Budd Lake: Page 8, I would just like a little explanation of the third line down, Tai Chi for seniors. What is that?

President Tepper: I will defer to Administration.

Mr. Roman: Seniors or Tai Chi?

Mrs. Maniscalco: They are programs that are run for the seniors that come out of our senior services budget, and that's one of the programs. We have a senior services budget and it's been charged to that.

Mr. McDonnell: Okay, thank you.

Mrs. Maniscalco: You're welcome.

President Tepper: Any other questions? Seeing none, we're going to add one item. At this point I'd like Mr. Dorsey to join me over at the podium. John, in appreciation of all the service and all of the effort that you have provided to the Town, and the help and assistance you've provided to us, we have a resolution entitled,

Resolution of the Township Council of the Township of Mount Olive in Appreciation of John H. Dorsey, Esq., Township Attorney for the Township of Mount Olive.

WHEREAS, 2009 marks the 25th year that John H. Dorsey, Esq. has represented the Township of Mount Olive as Township Attorney; and

WHEREAS, Senator John H. Dorsey, Esq. was appointed as the attorney for the Mount Olive Township Planning Board on November 16, 1972; and

WHEREAS, due to his legal expertise, tenacious personality and political acumen, the Mayor and Township Council decided it would be in the Township's best interest to appoint him as the Township Attorney; and

WHEREAS, at the January 1, 1984, Reorganization Meeting of the Township Council, Mayor Charles Johnson nominated Senator John H. Dorsey, Esq. for the position of Township Attorney and said nomination was approved by the Township Council; and

WHEREAS, due to Senator John H. Dorsey's political status in the State legislature, over the years Mount Olive Township has benefited in more ways than can be enumerated; and

WHEREAS, since January 1, 1984, Senator John H. Dorsey, Esq. has represented the Township before various Boards, Commissions and State agencies; and

WHEREAS, Senator John H. Dorsey, Esq. was instrumental in the establishment of the Morris County Joint Insurance Fund and Municipal Excess Liability as well as helping Mount Olive Township become a member of same, saving the residents of the Township of Mount Olive hundreds of thousands of dollars over the years in insurance costs; and

WHEREAS, over the past 25 years Senator John H. Dorsey, Esq. has represented the Township's legal interests in hundreds of matters of litigation with a higher than average success rating.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Mount Olive that they do hereby wish to extend their appreciation for the excellent legal services provided by John H. Dorsey, Esq. for the past 25th years and congratulate him on his legal tenure in the position of Township Attorney.

President Tepper: John, thank you very much.

Mr. Dorsey: Thank you very much. It was very unanticipated, but I do appreciate it and I do appreciate all of those Councils and Mayors before you, and all of the other department heads who have had to suffer through those 25 years. It's always been challenging but it's always been a great experience representing Mount Olive, and I've always tried to do the best for Mount Olive. So thank you very much for this recognition. Thank you.

Mr. Rattner: I'll make the motion to approve the resolution.

Mrs. Labow: So moved, or second.

President Tepper: Thank you. All in favor?

AYE

Mr. Greenbaum: I just have one comment.

President Tepper: Yes, Mr. Greenbaum.

Mr. Greenbaum: In addition to the superb legal services that John has provided to us, John has also been incredibly generous in terms of supporting different organizations and sporting groups throughout the years that he has been involved. Although the resolution didn't talk about his generosity to the Township, I think it should be recognized as well.

President Tepper: I would certainly second that.

Mrs. Labow: I agree.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

President Tepper: Thank you. With that, approval of the Minutes of previous meetings. Mrs. Labow, would you move the Minutes?

Mrs. Labow: So moved.

President Tepper: No, you, specific ones.

Mrs. Labow: Right, I'm sorry. Hold on. I'd like to move the approval of Minutes for:

Feb. 14, 2009 CS

Feb. 17, 2009 WS, PM & CS

Mr. Rattner: Second.

President Tepper: All in favor?

AYE**CORRESPONDENCE****LETTERS FROM RESIDENTS/ORGANIZATIONS**

1. Letter received February 17, 2009, from the Mount Olive Middle School regarding a breakfast honoring Good Citizenship Honorees.
2. Letter received February 18, 2009, from Zeitz & Stein, LLC regarding 175 Flanders Road.

RESOLUTIONS / ORDINANCES / CORRESPONDENCE OTHER TOWNS

3. Letter received February 17, 2009, from Rockaway Township regarding a Resolution in Support of Assembly Bill A-3570.
4. Notice received February 23, 2009, from the Township of Roxbury, Zoning Board of Adjustment regarding an application for development for Block 7601, Lot 2.01 (178 Route 206.)

DOT/DEP / LOI / HIGHLANDS

5. Letter received February 18, 2009, from the State of New Jersey, Department of Environmental Protection regarding Wicklow & Laurano Landscape & Excavating Co.
6. Letter received February 19, 2009, from the State of New Jersey, Department of Transportation regarding Flanders Bartley Road, Phase I & II.
7. Letter received February 20, 2009, from C&H Environmental regarding an Application for LOI Presence/Absence for Block 7600, Lot 3 (93 Flanders Drakestown Road).
8. Letter received February 20, 2009, from C&H Environmental regarding an Application for LOI Presence/Absence for Block 7600, Lot 19 (95 Flanders Drakestown Road).
9. E-mail received February 20, 2009, from Eileen Swan regarding Highlands Module 1 Build Out.
10. Letter received February 25, 2009, from the State of New Jersey Department of Transportation regarding Flanders Bartley Road Phase 2.
11. Letter received February 26, 2009, from the State of New Jersey, Department of Transportation regarding Flanders Gulf, 14 Park Place.
12. Letter received February 27, 2009, from the State of New Jersey, Department of Environmental Protection regarding a letter of deficiency for New Jersey Foreign Trade Zone Venture, LLC, Rock Morris, Inc. Block 103 Lot 2.04 (400 International Drive).

LEAGUE OF MUNICIPALITIES

13. E-mail received February 13, 2009, from the New Jersey State League of Municipalities regarding a Federal Stimulus Package, Presidents' Weekend Update.
14. E-mail received February 19, 2009, from the New Jersey State League of Municipalities regarding Legislative Alert, A-3688 (Cryan)/S-14 (Codey) Reduces Required Local Employer Contributions to PERS and PFRS for State Fiscal Years 2008 through 2011, Federal Funding Availability (Energy Efficiency and Conservation Block Grants, and New Jersey Clean Air Council Public Hearing, April 1, 2009.
15. E-mail received February 20, 2009, from the New Jersey State League of Municipalities regarding Housing Summit.
16. E-mail received February 23, 2009, from the New Jersey State League of Municipalities regarding Site Remediation Reform Act, Non Age Restricted Communities, and Recovery Funding News.
17. E-mail received February 23, 2009, from the New Jersey State League of Municipalities regarding a Legislative Recap.

18. E-mail received February 23, 2009, from the New Jersey State League of Municipalities regarding LAD and EEOC Seminar.
19. E-mail received February 25, 2009, from the New Jersey State League of Municipalities regarding Sustainable Jersey Goes Live.
20. E-mail received February 26, 2009, from the New Jersey State League of Municipalities regarding a Health Insurance Seminar.
21. E-mail received February 26, 2009, from the New Jersey State League of Municipalities regarding a Health Insurance Seminar – Day and Date Correction.
22. E-mail received February 26, 2009, from the New Jersey State League of Municipalities regarding U.S. Supreme Court Rules on Standards for Acceptance of Permanent Monuments for Display in Municipal Parks, and Federal Stimulus Funding Information Update.

MISC.

23. Letter received February 23, 2009, from Professional Accountants Institute, LLC regarding a Municipal Budget Review Seminar.
24. Letter received February 23, 2009, from Max Spann Real Estate & Auction Co. regarding an Auction Program.

UTILITIES

25. Letter received February 16, 2009, from the New Jersey Cable Telecommunications Association (NJCTA) regarding Cable's Economic Impact on New Jersey.
26. Letter received February 17, 2009, from Pivotal Utility Holdings, Inc. D/B/A Elizabethtown Gas regarding a notice of public hearing.
27. Letter received February 23, 2009, from Jersey Central Power and Light regarding Proposed Economic Stimulus Infrastructure Investment Program.

MSA

28. Letter received February 17, 2009, from the Musconetcong Sewerage Authority regarding the MSA Budget and breakdown of municipal charges for 2009.

MUA

29. Letter received February 17, 2009, from the Morris County Municipal Utilities Authority regarding an existing Class B & C Recycling Center General Approval for the Morris County MUA – Mount Olive Recycling Center.

DCA

30. E-mail received February 17, 2009, from the State of New Jersey Department of Community Affairs regarding Two New Events of Interest.

LETTER FROM LEGISLATIVE REPRESENTATIVES

31. E-mail received February 13, 2009, from Congressman Rodney Frelinghuysen regarding Frelinghuysen Opposed Massive Economic Stimulus Plan, Still No Plan for TARP, Frelinghuysen Introduces Legislation to Suspend IRA and 401(k) 2008 Withdrawal Requirements, Politicizing the Census, New Jersey Representatives on Guantanamo Bay Closing, Valentines for Veterans, and Spread the eNews.
32. E-mail received February 19, 2009, from Congressman Rodney Frelinghuysen regarding Frelinghuysen Letter on Economic Stimulus Plan, House Republican Leaders Ask President Obama for Housing Details, Spread the eNews.

MORRIS COUNTY

33. Resolution received February 19, 2009, from the Morris County Board of Chosen Freeholders regarding proposed significant revisions to the Water Quality Management Planning Rules.
34. Letter received February 19, 2009, from the Morris County Economic Development Corporation regarding the 6th Annual Morris County Municipal Summit.
35. Minutes received February 23, 2009, from the Morris County Planning Board regarding the January 15, 2009 meeting.
36. E-mail received February 23, 2009, from the Morris County regarding the 6th Annual Morris County Municipal Summit.
37. Letter received February 26, 2009, from the Morris County Board of Taxation regarding a Preliminary Equalization Table for the County of Morris for the Year 2009.

ORDINANCES FOR PUBLIC HEARING

President Tepper: There are 37 pieces of Correspondence. Does anyone have any comments or questions or remarks about them? Alright, seeing none we'll move to Ordinances for Public Hearing. I open the hearing to the public on 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).

President Tepper: Mr. Rattner, would you move that, please?

Mr. Rattner: Thank you, Mr. President. I move that Ord. #4-2009 be approved.

Mr. Tobey: Second.

President Tepper: Roll Call, please.

Mrs. Labow: You have to have discussion.

President Tepper: Actually, I'm going to open it up to the public and no one is, seeing no public hearing, now we'll have Roll Call.

Mrs. Labow: No, no, Council. Council comments.

President Tepper: Council? We're going to listen to Mr. Rattner on this?

Mr. Roman: 15 minutes.

Mr. Rattner: I'd just like to make a motion to continue the public hearing. We have a meeting. It was scheduled for yesterday with the Auditor, the Attorney and everything else just to review all of the different rates and costs that we used in there. Since the meeting got cancelled due to the weather, it's been rescheduled for a week from tomorrow. I'd like to just continue the public hearing for final approval.

Mrs. Lashway: Continue to March 17th meeting?

President Tepper: March 17th meeting?

Mr. Rattner: That's the next meeting we have?

Mr. Sohl: Yes.

Mr. Dorsey: You do all understand as we went through, and Mr. Perkins pointed out two weeks ago, this ordinance does not set the rate. You always reserve the right to set the rate.

President Tepper: Right. We can revise the rate at any given time. What this does is allows us the authority to do so.

Mr. Rattner: Yes, but as I said, the rate is in it and if there's any tweaking, I don't want to change the rate right away.

Mr. Dorsey: The rate is not in it, Mr. Rattner.

Mr. Roman: It's an example.

Mr. Dorsey: It's an example.

Mr. Rattner: Okay.

Mr. Roman: I believe the motion is on the table.

Mr. Rattner: It didn't get a second.

President Tepper: It didn't get seconded yet. There's a motion on the table. It has not been seconded.

Mr. Rattner: I'll withdraw the motion. I'll just vote the way I see fit.

President Tepper: Is there a second for this? Seeing none, it will fail, no second.

Mr. Greenbaum: No second for what?

President Tepper: To continue.

Mr. Greenbaum: No motion to continue the public hearing.

President Tepper: Right.

Mr. Greenbaum: Right, so then the motion is on the table.

Mrs. Labow: He withdrew it.

President Tepper: Now there is a motion and now we can have a Roll Call on this.

Mrs. Lashway: Motion to adopt.

ROLL CALL – Passed with the exception Mr. Rattner and Mrs. Labow voted no

President Tepper: Ord. #4-2009 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.

ORDINANCES FOR FIRST READING – (Second Reading 3/17/09)

President Tepper: The next is an ordinance for first reading. It is Ord. # 5-2009, entitled:

Ord. #5-2009 An Ordinance of the Township of Mount Olive, County of Morris, and State of New Jersey Amending Chapter 400, Land Use, Article III, General Administration; Building Construction; Permits, Section 400-18, Fees, of the Revised General Ordinances.

President Tepper: Mr. Roman, would you move that?

Mr. Roman: Yes, Mr. President. I move that I move that Ord. #5-2009 be introduced by title and passed on first reading and that a meeting be held on March 17th, 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.

President Tepper: Thank you. Roll Call, please.

ROLL CALL – Passed with the exception Mr. Greenbaum and Mr. Rattner voted no

President Tepper: Okay, ordinance passes.

Mrs. Lashway: Yes.

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 102nd Birthday of William G. Pursell.
2. Resolution of the Township Council of the Township of Mount Olive Authorizing the Institution of an In Rem Tax Reforeclosure on Block 2912 Lot 2.
3. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of a Developer's Agreement Between the Township of Mount Olive and Mount Olive Community Bible Church.
4. 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.
5. Resolution of the Township Council of the Township of Mount Olive Authorizing the Mayor to Execute Professional Services Contracts.
6. Resolution of the Township Council of the Township of Mount Olive Authorizing a Professional Services Agreement with Civil Engineering, Inc. for Services in Connection with the Surveying of the Western Lot Line of the Budd Lake Beach Area (Block 2700 Lot 4).
7. Resolution of the Township Council of the Township of Mount Olive Amending the 2009 Temporary Budget for the Current Fund and the Sewer Utility.
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Acceptance of Credit Card Payments for Recreation Programs in Accordance with the Provisions of NJAC 5:30-9.1 et. seq.
9. Resolution of the Township Council of the Township of Mount Olive Providing for the Transfer of 2008 Budget Appropriations for the Current Fund Budget (To: Street Lighting/From: Police).
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Amendment of a Previously Adopted Resolution of December 23, 2008 to Increase the Fleet Maintenance Contract with the Penske Group for the Year 2009.
11. Resolution of the Township Council of the Township of Mount Olive Awarding a contract to Golub Animal Hospital for Animal Control Services.

President Tepper: There are 11 items and we are going to be removing item number 10. Mr. Perkins, would you move 1 through 9 and number 11, unless there are comments or questions. Does anyone want any removed at this point? Seeing none, would you move 1 through 9 and number 11, Mr. Perkins?

Mr. Perkins: Thank you, Mr. President. I move Consent Resolutions numbers 1 through 9 and 11.

President Tepper: Second?

Mr. Rattner: Second.

President Tepper: Mr. Rattner. Roll Call. I'm sorry. We'll open this up to the public on resolutions. Mr. Russell.

PUBLIC PORTION ON CONSENT RESOLUTIONS

Nelson Russell, Budd Lake: Resolution number 4 is just another tax on the people.

President Tepper: I looked at this. It is not a tax on the people. What happens is right now there is a tax in place through the telephone companies. That is not necessarily going to be reduced. What's happening is if and when there is competition that reflects that there is not one carrier providing 50% or more of the services, we are not going to be able to charge the phone company that money to have those funds come back to the community. It does not say that the phone company is going to reduce your bills. So what's being proposed is a resolution by the State to recover for other electronic data that is currently being carried, and recover the fees through that data.

Mayor Scapicchio: It's a tax.

Mr. Russell: Does this include cell phones?

President Tepper: I believe that it is not cell phones, but they're looking at the data services that are currently being provided like FIOS with Verizon.

Mr. Russell: How about phone service over internet?

Mr. Perkins: That too.

President Tepper: Phone service right now, as soon as any carrier goes below 50% they are exempt from paying this charge. So it is primarily directed at Verizon, to be very blunt about it, in this area.

Mr. Sohl: In our area.

President Tepper: Right. So what would happen is the communities would not receive any of the franchise fee, or any of the reimbursements. What this is intended to do at the State level is that it would recover comparable fees for the community.

Mr. Russell: Which would just be passed on to the consumer.

President Tepper: What you'll have, like everything else, is the market pressures that you're seeing now with cable where they're being pushed by FIOS for the rates. I don't anticipate that either party is going to be raising their rates with the competition as they're losing market share. Cable has been reducing their rates because they're trying to compete, and I think that you'll see the phone company will continue to offer a reduced rate due to the increased competition.

Mr. Russell: Thank you.

President Tepper: My opinion. Mr. McDonnell?

Ned McDonnell, Budd Lake: I'm surprised this isn't a bit more controversial, but I can see why. The title, "Municipal Revenue Restoration Act," sounds rather benign. If it was called the "Expanding Sales Tax Act of 2008," I think a lot more people would be concerned. First of all, at this time does Verizon provide 51% or more of the services in this community?

President Tepper: I believe they do, but I'll certainly defer to the Administration.

Mr. Sohl: We have no information on that.

Mr. McDonnell: But as far as we know it probably does.

President Tepper: So I'm going to say probably yes right now.

Mr. McDonnell: The estimate projects that at least 50 New Jersey Municipalities will lose their personal property... Where did that estimate come from? Who made that estimate?

President Tepper: The estimate was made by the Board of Public Utilities is my understanding, and provided to the Legislators that were preparing the ordinance at the State level.

Mr. McDonnell: Is Mount Olive, at this time, anticipating losing this revenue?

President Tepper: I will defer to my financial...

Mr. Sohl: Again, we don't know where it is at this point.

Mr. McDonnell: Okay.

Mayor Scapicchio: The Administration does not support this resolution.

Mr. McDonnell: Thank you. This is just another way of going in the back door and picking the pocket...

President Tepper: So, Mr. Mayor, you'd be in favor then of losing those funds to the community?

Mayor Scapicchio: I am not in favor of charging taxpayers an additional surcharge.

President Tepper: It's not an additional. It's replacing the one that's currently there. So if it's taken away you'll have to increase taxes is what you're saying to make up for the shortfall, since your budget doesn't include this money. Is that what your intent is, to increase taxes?

Mr. McDonnell: Excuse me, I was trying to speak. I think this is just another way of going in the back door and picking the pocket of the public another way by expanding the sales tax. In these times there's a lot of talk of reducing taxes to stimulate the economy, not to increase the taxes on the general population. This isn't taxing the rich. This is an across the board tax. If these companies do lose this personal property tax, so be it. I think that'd be good. I'm all in favor of reducing taxes, and I think the Towns that lose this tax will find a way to live without this tax because whether it comes from local taxes, State taxes, it comes out of our pockets, the residents of this Town and every other town in New Jersey. By taxing video services, it's only going to be passed through to the residents of the Town. We don't know how much of the personal property tax comes through. I'm sure that there's no way to gauge that at the moment, but we know darn well if they have a sales tax on video services, it will be passed right on through. Obviously, any tax gets passed right on through, but I see no reason you should support an increased sales tax of any kind on the residents of this community without even having a glimmer of an idea of will this really affect us at the moment or not. We're looking to do something where, you know, if it's not broke we shouldn't be fixing it. I'm totally against this. There's just no reason you should support an increased sales tax on the residents.

President Tepper: Mr. McDonnell, I respectfully disagree. There has been a franchise fee that's been collected for numerous years that's currently in existence. You're not necessarily going to get a reduction in your telephone rates as a result of this going away. It would be increased profit to the phone company. What we're doing is looking to support the State in continuing to feed the revenue back to the community in the rate equivalent to what we're currently receiving, as we don't have plans right now for how to make up for that should it ever go away. Mr. Greenbaum?

Mr. Greenbaum: I have a motion to amend the Consent Agenda motion to have number 4 moved to the Non Consent Agenda list.

Mr. Roman: Second.

Mr. McDonnell: One other point is I realize there is a franchise fee at this time, and if it is an expanded sales tax, we have no guarantee that that money will even come back to us. We don't know where that money will go if it goes into the State's general fund. It could be funding a helicopter for the Governor. We don't know. This isn't something that is targeted to us. Also, I disagree where you say we've already got a franchise fee and this will be more profit for the phone companies.

President Tepper: I believe it's just strictly... I'm looking at it as the fact that if we receive income now as a community because of this, if it goes away it's income that we would not receive. I'm looking to maintain the fact that this community receives the same amount from the State. We're already having cuts in aid. I don't want to increase taxes on the community.

Mr. McDonnell: Yet, you want to maintain the present taxes and this is an expanded sales tax. I don't know how you can justify it by supporting this kind of a resolution. It just doesn't seem that you're looking out for the best interests of the residents. You like to have money come in. You call it income. I call it tax money.

President Tepper: I understand what you're saying Mr. McDonnell. Also, part of that fee went around to providing universal service for many years. There's been motions to provide internet service, etc. to the Schools. That's what's funded through this is universal service. You're entitled to that. I believe it's money that I would not like to see this community lose. If the Council feels differently, that's their prerogative. So it's been motioned and seconded. Roll Call.

Mr. McDonnell: Thank you.

COUNCIL COMMENTS ON CONSENT RESOLUTIONS

Mr. Greenbaum: What is it that you're voting on?

Mr. DiYanni: There's an amended motion on the table.

Mr. Greenbaum: To move it to the Non Consent.

Mrs. Labow: Remove it and put it on Non Consent.

Mr. Perkins: We already have a motion on the floor that's been seconded.

Mr. Roman: I seconded it to move it to Non Consent, so I'm assuming we have to vote.

President Tepper: I didn't think we needed a motion, a second to move to Non Consent. It's just...

Mr. DiYanni: You don't need, you can move...

President Tepper: Mr. Greenbaum's asking...

Mr. Greenbaum: But the motion was already made...

President Tepper: Thank you.

Mr. Greenbaum: ...with regard to 1 through 9 and 11.

President Tepper: Right, so he's asked for reconsideration of that.

Mr. Greenbaum: And that was seconded. So you do need a motion at this point to change the original motion which is to move number 4 to Non Consent, in my opinion, although I'm not the Township Attorney.

Mr. DiYanni: No, if you want it removed you can remove it, not by motion. You can just, you need an amended on Consent for 1 through 3, 5 through 9 and 11.

Mr. Greenbaum: That's fine too.

President Tepper: Mr. Perkins, would you make the amended motion, please?

Mr. Perkins: I make an amended motion that we accept Consent Resolutions 1 through 3, 5 through 9 and 11.

President Tepper: Is there a motion to second?

Mr. Rattner: Second.

President Tepper: Thank you. All in favor?

AYE

President Tepper: Can we have a Roll Call on 1 through 3, 5 through 9 and number 11?

ROLL CALL – Passed Unanimously

RESOLUTIONS NON CONSENT

President Tepper: Mr. Greenbaum, would you move Non Consent Resolution number 4?

Mr. Greenbaum: So moved.

4. 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.

Mr. Tobey: Second.

President Tepper: Mr. Roman?

PUBLIC PORTION ON INDIVIDUAL RESOLUTIONS – none**COUNCIL COMMENTS ON INDIVIDUAL RESOLUTIONS**

Mr. Roman: I have a question as far as what is the current revenue that we receive from this fee? Do we know?

President Tepper: I will defer to the Administration as to what revenue we receive as part of the franchise fee.

Mr. Sohl: We'll have to see what if anything.

Mrs. Maniscalco: I think you're...

Mr. Sohl: I expect it's not very much because Verizon doesn't have very much infrastructure in the area. There's no central office.

Mrs. Maniscalco: You're talking about, you want to know what the taxes are that we're receiving from Verizon, correct? I will confirm with Jack tomorrow what that number is.

President Tepper: Thank you. Mr. Greenbaum?

Mr. Greenbaum: Yes, this is a resolution which asks us to support a State movement to either adopt or not adopt a position with respect to cable and other like service providers. There seems to be a lot of misinformation in terms of what it does and what it doesn't do. I've heard two different stories. One from the public who obviously isn't as in the know as perhaps you are, Mr. Tepper, but it still leaves me in a position where I'm not prepared to support this particular resolution. I think by not supporting it and not opposing it, we're just taking a position that the State is going to do whatever they are going to do. However, I think that there are valid points which have been made by members of the public with respect to taking additional funds that may or may not ultimately be passed along to the residents of Mount Olive. Now, the downside to that obviously is that if we in fact receive a stream of revenue now, and this particular governmental activity does not pass and we end up losing a stream of revenue, then that particular loss in stream of revenue will then be passed along to the taxpayers of Mount Olive, because we will still need to fund those projects that we need to fund. So that, to me, is the difference between the two positions. One expressed by Mr. Tepper and obviously one expressed by Mr. Russell and Mr. McDonnell. However, having said that I don't know whether or not this is something that I want to support, or I want to oppose. Therefore, I am going to vote against it and take no action with respect to this particular resolution. It seems to me that there are a lot of people sitting up here who have similar questions about what this really entails. That's why I ask to have it not included in the Consent Resolutions Agenda.

President Tepper: Thank you, Mr. Greenbaum. Mr. Perkins?

Mr. Perkins: Thank you, Mr. President. Sherry, is Sherry still here? Hi Sherry.

Mrs. Maniscalco: Yes, I'm here.

Mr. Perkins: Sherry, on the gross receipts and franchise taxes that we get back, that gets funneled through the State now doesn't it?

Mrs. Maniscalco: Yes, it's part of our State Aid.

Mr. Perkins: So whenever...

Mr. Sohl: That's not what this is.

President Tepper: If it's gross receipts and franchise that's exactly what it is.

Mr. Perkins: If it's gross receipts and franchise tax, yes it is. So everything got funneled through the State a couple of years ago, and then the State started administering through the municipalities that money, whereas I think years ago it used to go directly to the municipalities. So we've taken a hit on the loss of that anyway. I agree with Mr. McDonnell in the fact that that was one of the primary advantages of going to somebody like an Optimum where you get that Triple Play or whatever it was, because you paid the \$19.95 or the \$29.95. They didn't have all the taxes that were added onto that. Since historically Mount Olive Township, at least in the past year, and I'm right next to definite that this year is going to be losing more in the form of State Aid. I don't see half of this money ever coming back to us. So I'm going to be voting no on this resolution also, and I would be

Mr. Perkins (cont'd): interested to know, Sherry, just what do we get back through the State if there's a way of knowing a dollar value from like Cablevision, from Time Warner...

Mr. Sohl: Those are franchise fees. It's a different thing. We know what those are very clearly.

President Tepper: I believe what Mr. Perkins is saying is that there is the potential for those fees to be removed as well when those players go under a State dominated service provider's list.

Mrs. Maniscalco: Ray, I can actually give you those amounts now if you want.

Mr. Perkins: Could you?

Mrs. Maniscalco: It's about \$82,000 we get from Cablevision. We get about \$2,300 from Comcast and this year we got about \$11,000 from Verizon. That's franchise fee.

President Tepper: That's roughly \$100,000.

Mr. Sohl: Those are cable TV franchise fees. They're not the telecommunications.

Mr. Perkins: I understand that, but what this would have happen is that, the fee now if you have your phone through...

Mr. Sohl: I don't believe this applies to that particular franchise fee.

President Tepper: It has to...

Mr. Perkins: It has to.

President Tepper: Providing enhanced services through the cable provider or through FIOS with ways now that it is not taxed, that they're going to look to restore the fees by taxing the enhanced services, whether it be video on demand, internet, voiceover, IP, all of which are now tax free will then have a tax incurred. What we're looking to do is restore the fact that if revenues are lost to communities, my understanding of what this act does is if revenues are lost to communities, this will restore that revenue based on past history.

Mr. Sohl: But revenues are not being lost by franchises.

President Tepper: We don't need to argue. Mr. Greenbaum has pointed out his position on this. Let's take a vote on it and if Council doesn't deem it that they wish to support the State's actions, they can choose not to.

Mr. Perkins: Exactly.

ROLL CALL – Defeated with only Mr. Tepper voting yes

President Tepper: The motion is defeated on Non Consent number 4. We probably had most of the Council comments on Consent Resolutions. Does anyone have any further comments on the Consent Resolutions?

MOTIONS

Mr. Perkins: Too late now, we already voted on it.

President Perkins: We'll move over to Motions. Mr. Tobey, would you move Motion number 1?

Mr. Tobey: Yes, I move Motion number 1 as presented.

1. Approval of a Taxi Permit for Sohail Anjum/Budd Lake Taxi.

Mr. Greenbaum: Second.

Mr. Roman: I have a question.

Mrs. Labow: I have a question too.

President Tepper: Mr. Roman?

Mr. Roman: How many taxi permits do we have in the Township?

President Tepper: I think you should ask the Administration.

Mayor Scapicchio: Lisa's in charge of that.

President Tepper: I thought it's an Administrative issue.

Mr. Perkins: That was a good answer.

Mrs. Lashway: Right now I believe there's only one.

Mr. Roman: Only one taxi permit? So in order to operate a taxi business out of Mount Olive you would need to have a permit for it?

Mrs. Lashway: Absolutely. You have to be fingerprinted. You have to go through a Police investigation and background check, and then be approved by Council for a taxi, not for a limo. Taxi and limo are different.

Mr. Rattner: Proof of insurance too.

Mrs. Lashway: Not for a limo. Taxi and limo are two different...

Mr. Roman: Okay, so if somebody wanted to do a livery business that's totally separate?

Mrs. Lashway: It's still a permit that's issued through me. There is no background investigation. I'm right now working with the Police department in revamping our taxi/limo ordinance.

Mr. Roman: The only reason it comes to my mind is because in the last six months I've come across, what I believe, like three taxi businesses being operated out of the apartments with vehicles that have suspect inspection stickers. I personally would also like to speak to the Attorney about this as to whether it's possible that we can enforce the maintenance and repair of these vehicles. Some of them don't look safe at all even though they've been passed by the State every two years.

Mrs. Lashway: We are putting together, I have John Geiger who is in Buildings and Grounds and who is a past Port Authority Police Officer. He's very familiar with the taxis and limos at the airports and he's giving me a lot of input. I've got Dover and Hackettstown who have big taxi companies. So we're right now working on trying to put a better ordinance into place.

Mr. Roman: Right, because I mean, I just wanted at least to go on the record and...

Mrs. Lashway: We're also looking at possibly limiting to a Commercial Zone as far as taxis at least.

Mr. Roman: Because I personally do not want to have the perceived notion that I am trying to impose any more regulations on a business, but when I see these vehicles that, frankly, are unsafe to the point of extremely unsafe, I'd rather make sure that the residents have a safe mode of transportation.

Mrs. Lashway: Well, we're more looking at the people who are driving.

Mr. Roman: I agree.

President Tepper: Any other comments or questions?

Mrs. Labow: I have one.

President Tepper: Mrs. Labow?

Mrs. Labow: Lisa, is this the same, is this a renewal on an existing?

Mrs. Lashway: Yes.

Mrs. Labow: Is this the one that lives in the apartments?

Mrs. Lashway: Yes.

Mrs. Labow: Because what I wanted to say was I've had complaints from several people. They say they have two taxi cabs and they park in the parking lot, and they're operating a business out of an apartment.

Mrs. Lashway: He has moved his business out of the apartment. He still lives there. There's a lot of personal issues. The landlord has been up. King's Village does not allow businesses being operated out of the apartments, but the municipality is not involved. That's between tenant and landlord, but we are looking at talking to Catherine about limiting taxis to a commercial zone.

Mrs. Labow: Okay, that was my question.

Mr. Roman: What would happen if this permit was not approved tonight?

Mr. Tobey: Can't operate.

Mrs. Labow: Why...?

President Tepper: Is it the annual renewal?

Mrs. Lashway: If you took it off it would be in neverland. If you vote no then he ceases and desists.

President Tepper: I just think we expose ourselves.

Mr. DiYanni: He has provided you with everything right now that is consistent with our...

Mrs. Labow: ...that we currently have.

Mrs. Lashway: It has been recommended by the Police department.

Mr. Roman: Okay, no problem.

Mrs. Lashway: And it is the only taxi service in Town. The Police department depends on him.

President Tepper: On that note, may we have a Roll Call?

ROLL CALL – Passed Unanimously

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

Mr. Greenbaum: So moved.

2. Bill List.

Mr. Perkins: Second.

President Tepper: Thank you. Roll Call.

ROLL CALL – Passed with the exception Mr. Tobey voted no

ADMINISTRATIVE MATTERS

President Tepper: Administrative Matters, Mr. Mayor, Mr. Sohl?

Mr. Sohl: Nothing else to add tonight.

OLD BUSINESS – none

NEW BUSINESS – none

LEGAL MATTERS – none

President Tepper: Any Old Business? Seeing none, any New Business? Seeing none, Legal Matters? Dominic, any legal matters?

Mr. DiYanni: Nothing to report.

President Tepper: Alright, we'll move on to Council Reports. Mr. Roman, Recreation Liaison.

COUNCIL REPORTS**Recreation Liaison Report**

Mr. Roman: We meet tomorrow.

President Tepper: Mr. Perkins, Board of Health?

Board of Health Report

Mr. Perkins: Thank you, Mr. President. The March 18th meeting for the Board of Health was cancelled. We have people that will be out. We are trying to set up a Special Public meeting for the trap, neuter, and release to be held March 30th. We're just looking at confirmation from the Board of Health members.

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

Planning Board Report

Mr. Greenbaum: We did have a meeting and there were two development matters that were on. One of them was an extension for Morris Hunt. We got an update on Morris Hunt and Morris Chase. They're really entitled to the extension and the Planning Board gave a one year extension. I expect that Morris Chase is going to be coming back in September, at which point Morris Hunt and Morris Chase probably will both be back for a one year extension at that point in time. The second development matter which was on was a minor subdivision on Falcon up in Country Club Estates. It really involved the division of an existing lot that has a house on it which has two nonconforming issues. The new lot has no nonconforming issues and the minor subdivision was approved.

President Tepper: Thank you.

Mr. Greenbaum: There was also some discussion with regard to two ordinances that may be coming. One is on COAH fees and one with respect to fences and walls.

President Tepper: Board of Adjustment Liaison Report, Mr. Greenbaum?

Board of Adjustment Liaison Report

Mr. Greenbaum: I've been told that it was routine business.

President Tepper: Alright, thank you. Open Space Committee, Mrs. Labow?

Open Space Committee Report

Mrs. Labow: We meet next week.

President Tepper: Legislative Committee, Mr. Perkins?

Legislative Committee Report

Mr. Perkins: Yes, they are having another open house meeting, I believe March 11th. I'm not sure if anybody from the Administration will be attending. I'll be there.

President Tepper: Pride Committee Report, Mrs. Labow?

Pride Committee Report

Mrs. Labow: Yes, we met last week to discuss potential plans for the Beach. A very long meeting, a lot of discussion, a lot of good ideas. Right now, the main problem that we're going to have to address is how do we get potable water to the site. That's where we're at right now.

President Tepper: You're working with the Township on that, I presume?

Mrs. Labow: Yes, Jim Lynch was there. Jill Daggon was there. We had a couple of members from the public. So it was a very interesting meeting.

Mrs. Lashway: Mr. Perkins? Ray?

Mrs. Labow: Mr. Perkins stopped in to see us too.

Mrs. Lashway: Ray, didn't they bring water across from Lakeview over to the old municipal building site?

Mr. Sohl: Is that a question for me?

Mrs. Labow: Ray.

Mr. Perkins: My understanding is that there was a service line that had been run across the highway. However, it does not have sufficient cover on it to support potable water, thereby it is useless.

President Tepper: So it's not deep enough is what you're saying?

Mr. Sohl: It's not deep enough.

Mr. Perkins: Yes, sir.

Mrs. Labow: So the very first thing, we have to plan how we're going to get water to the area, potable water. That's our first assignment.

President Tepper: Mr. Perkins?

Mr. Perkins: Excuse me, Vice President Labow. I just, as part of, I think, the water master plan we ought to have that discussed with Gene Buczynski and Tim Quinn. Obviously, hooking something into Rachel Estates, being able to come across Route 46 and thereby providing fire protection as well as potable water to places like DTA, the Mattress Factory and quite possibly even the bank would help offset the cost to run that across, but that's really something that should go on a long range plan from the water utility.

Mrs. Labow: Right.

President Tepper: Thank you.

Mrs. Labow: Like we're at the first stop.

President Tepper: Thank you. Board of Education Report, Mr. Roman?

Board of Education Liaison Report

Mr. Roman: The Board of Education candidates list was announced today, or at least sent out. I was impressed to see that there were ten candidates so far. From what I understand because of the snow yesterday, the deadline was moved to Wednesday at 4:00. I was also pleased to see that one of the candidates on the list was Elizabeth Ouimet. She is a member of the Open Space Committee, the Recreation Committee and the Pride Committee.

Mrs. Labow: Not Open Space.

Mr. Roman: It's a very lengthy list and hopefully maybe we can get some more in by 4:00 tomorrow. Thank you.

President Tepper: Thank you. Lake and Environmental Issues, Mr. Rattner?

Lake/Environment Issues Committee

Mr. Rattner: Nothing to report.

President Tepper: Safety Committee, Mr. Perkins?

Safety Committee Liaison

Mr. Perkins: Yes, thank you, Mr. President. We had a meeting this month. We reviewed the responses from the two ambulance, hospital based ambulance services. We have made some small modification to the contract. Mr. Sohl is now working on getting together, I guess, an RFP for this.

Mr. Sohl: It's going to take some time based on what we just learned going the RFP route.

Mr. Perkins: I understand. So Mr. Sohl will be working on an RFP. That appears to be our best way to bring in this type of a service for the Township. There'll be some time extension on that. I don't know exactly how long and I don't think Mr. Sohl is prepared to give us an exact date of when he thinks that will happen.

Mr. Sohl: It falls on several people.

President Tepper: Do you anticipate that this will happen this year?

Mr. Perkins: Yes.

Mr. Sohl: Yes, absolutely.

Mr. Perkins: I would assume, Mr. President, that we could have this hopefully wrapped up by mid year at the latest.

President Tepper: Economic Development Committee, Mr. Rattner?

Economic Development Committee Report

Mr. Rattner: Nothing to report.

President Tepper: Solid Waste Advisory, Mr. Perkins?

Solid Waste Advisory Committee Report

Mr. Perkins: We haven't had a meeting yet but we did have, I think everybody got the interesting email today about the company that would like to purchase the plastic, the PTFE. I did get a chance to speak to our DPW Director on that. He did inform me about some of the equipment that he has spoken about over the years that he would need to be getting if we looked that way. With the market fluctuation the way it is right now, it's Mr. Quinn's opinion that we stay with the status quo, having the MUA. That does give us some comfort factor as far as the cost. We're not sure if the commingling would be allowed with this other company or not. So at this time he doesn't recommend us moving forward, Mr. President.

President Tepper: Thank you. Library Report, Mr. Tobey?

Library Board Liaison

Mr. Tobey: The only item to report on is the Bill that was pending regarding the reductions in Library funding. It's been tabled for now.

President Tepper: Thank you. Senior Citizens, Mrs. Labow?

Senior Citizen Liaison

Mrs. Labow: Everything is still going well as we had Mr....

Mrs. Lashway: Cartright.

Mrs. Labow: Cartright, thank you. I was thinking... Mr. Cartright was here two weeks ago and everything's still going quite well. They are concerned with taking care of the cleaning of the building, and so we're looking for some revenue for that.

President Tepper: Thank you. Ray?

Mr. Perkins: Yes, just in addition, I believe the 24th Legislative representatives were there today giving a presentation to the seniors, Colleen, on the...?

Mrs. Labow: They were there. I was not able to make it because I had to work. I asked Mr. Rattner. He didn't go either. Did anyone else attend?

President Tepper: No, but now I know why the parking lot was so full when I came in.

Mr. Perkins: So that was on the senior tax freeze. So they made a presentation there this afternoon. I don't think anyone from here was able to attend.

Mrs. Labow: But I'll find out from Mr. Cartright how it went and report next time.

Mr. Perkins: Thank you, Colleen.

Mrs. Labow: You're welcome.

President Tepper: Thank you. I'd like to open it up to the public for their comments. Yes, sir. Name and address for the record, please.

PUBLIC PORTION

Nelson Russell, Budd Lake: I have some questions on Ord. #5-2009 under first reading this evening. What benefits will the homeowner gain from it? Will there be inspections the way we have on building permits or electrical permits?

Mr. Greenbaum: There are already inspections.

Mr. Russell: What?

Mr. Greenbaum: There are already inspections. They're just going to pay for something that they're now getting for free.

President Tepper: Mr. Sohl, would you like to clarify that?

Mr. Sohl: Yes, well I think Mr. Greenbaum pointed it out, but again, there was an anomaly in the whole permitting process. Somebody putting in a, as a counter example, a landscaped area with paving blocks, theoretically has to file for a Zoning permit for \$25.

President Tepper: Okay.

Mr. Russell: So if you resurface the driveway that's maintenance of a driveway, right?

Mr. Sohl: What it doesn't apply to, you know that liquid stuff that you put on in terms of resurfacing...?

Mr. Russell: If I got the plumber in the house to maintain my pipes, I don't have to get a plumbing permit for that, but to maintain my driveway I have to...

President Tepper: It's new construction...

Mr. Greenbaum: We're going to charge a fee for that next.

President Tepper: Yes, it's new construction, not resurfacing of your existing...

Mr. Sohl: Or remodeled construction.

Mr. Russell: No, it says resurfacing of existing driveways.

Mr. Rattner: It says so. It's right in there, resurfacing.

President Tepper: My understanding when we went through this was that it was only for new driveways, new construction, or replacement.

Mr. Russell: Modifications made to existing driveways including resurfacing of same.

Mr. Sohl: Or modification.

Mayor Scapicchio: Modification, not change the design.

Mr. Russell: It says including resurfacing of same.

Mr. Sohl: Yes, it does.

Mrs. Labow: But resurfacing is when you add more macadam on top not fluid.

Mr. Sohl: We still have to inspect them.

Mr. Russell: This is where a guy is doing a neighbor's driveway and he gives you a bargain on it. It's a spur of the moment decision.

President Tepper: No, Mr. Russell, with regard to the inspection, if you were to resurface it in such a way as to cause runoff or excess runoff. So the purpose of the inspection and the fee is to insure that what's being planned for is being done per what was submitted and not causing additional or incremental runoff on someone else's property.

Mr. Russell: If you resurface your driveway there are no plans or anything. You just get the paving contractor who is in the neighborhood who resurfaces your driveway.

President Tepper: I haven't had mine resurfaced here. Where I did live previously, I had to get a building permit to resurface my driveway.

Mr. Russell: I think this is just another nuisance. If a person resurfaces the driveway and does not get a permit, what action does the Town take? They have to remove the resurface?

President Tepper: I'll defer to the Administration.

Mr. Sohl: If we know about it which we probably don't, then the reality is probably some of that goes on and we never hear about it.

Mr. Russell: Right.

Mr. Sohl: What we would actually do is probably come out and if a neighbor got annoyed, and especially if it was probably triggered by a change in runoff, then there might be some other action that has to be taken. It would be a case by case basis.

Mr. Greenbaum: Tar and feathers.

Mr. Russell: Can we remove the resurfacing, the thing on resurfacing? For new driveways going in I have no problem. If my driveway had been permitted I wouldn't have the driveway I have now which is...

Mrs. Labow: Can I make a suggestion?

President Tepper: Mr. Greenbaum?

Mr. Greenbaum: See, Nelson, the purpose of the ordinance which I obviously don't agree with is that any time you do something to your driveway, even resurfacing, you may change the slope, the pitch, you may do something which will then require runoff. It doesn't change when you need to get a permit. It simply charges you now for something which you needed to get a permit for before. So if you need it, right now, even without this ordinance it is my understanding that you need to get a permit with respect to anything that you do with your driveway including resurfacing. The only difference being now is that you're going to be charged for it.

Mr. Russell: I didn't realize that there was a requirement for... It's like putting a garden in the front lawn. Do you need a permit for that too?

Mr. Greenbaum: Yes, well, we're going to charge for that soon too.

Mr. Russell: Alright, I think this is just a nuisance thing. I don't see any benefit to the homeowner by implementing this.

Mr. Greenbaum: It's not a benefit to the homeowner that's intended. It's a benefit to the community that's intended because, in other words, you're protecting the community. What this ordinance does is it attempts to recoup some of the costs of the Zoning Officer who now has to go out, and now even without this ordinance has to go out and inspect it. So what the Council is saying, and what the Administration is saying is that we're going to charge for this permit as we do for every other required permit related to this type of activity to help recoup the costs of the Zoning Officer for having to go out and say, yes, that's a driveway.

Mr. Russell: He hasn't inspected my resurfacing.

Mr. Greenbaum: Did you get a permit?

Mr. Russell: I got an electrical permit. I put in an electric driveway.

President Tepper: And electric driveway?

Mrs. Labow: With his driveway it makes sense.

Mr. Greenbaum: You know, we'll get him out there tomorrow to take a look.

Mr. Russell: The Electrical Inspector came out and inspected it. I'm just wondering if the Zoning Officer has too.

Mr. Rattner: For what?

Mayor Scapicchio: Not if you didn't get a permit.

Mr. Sohl: How would he know?

Mr. Russell: I went to the Building department to get a permit for an electric driveway. They gave me an electrical permit.

Mr. Sohl: An electric driveway?

Mr. Russell: It took six weeks to get it because they've never given an electric driveway permit before. Part of that is they resurface after they put the wires in, part and parcel to the process. Nobody ever told me that I needed a separate permit to put the tar back on top of the driveway.

Mr. Sohl: It may well have been inspected and you don't even realize it.

President Tepper: As there was no fee right now.

Mr. Russell: Okay.

President Tepper: Any other questions or comments from the public? Ms. Kennedy. Name and address for the record, please.

Lisa Kennedy, 57 Stedwick Village: How much is this fee?

Mrs. Labow: \$25.

Mr. Sohl: \$25.

Ms. Kennedy: That's it?

Mr. Sohl: That's it.

Ms. Kennedy: And it's not for when you put the new sealing on top of it or anything? It's when you actually pick up some gravel and you put in a new layer?

Mr. Sohl: No.

Ms. Kennedy: Thank you very much.

President Tepper: Mr. McDonnell, name and address for the record, please.

Ned McDonnell, Budd Lake: A lot of times residents come up here with a complaint. I don't have a complaint. The last snowfall, I'd just like to have the Administration pass on to the Road department what a nice job they did on the plowing. It was a well appreciated job.

President Tepper: Thank you.

Mr. Sohl: Thank you. Just for the record, it was literally almost a 24 hour straight process. We had crews out Sunday night on or about midnight working through into the next day which was the Monday. It only stopped snowing late afternoon around here on Monday afternoon.

President Tepper: Thank you. Council comments, Mr. Greenbaum?

COUNCIL COMMENTS

Mr. Greenbaum: None.

President Tepper: Mr. Mayor, sorry we passed on the Administration.

Mayor Scapicchio: I would just like to follow up. I saw on the news the other day that Mayor Bloomberg had to suspend sanitation pickup so the New York DPW could remove snow. Mount Olive DPW workers not only removed snow that day, but they also picked up our garbage.

President Tepper: My garbage was picked up right on time.

Mayor Scapicchio: I'm going to tell you, that gives a lot of credit to the management of that department and to the employees of that department. It was pretty much a 24 hour storm and to their credit, they cleaned the roads and they picked the garbage up at the same time. So I wanted to make that known and, Bill, pass that on to Tim and the boys.

President Tepper: Bill, did you have any comments?

Mr. Tobey: Nothing, thank you.

President Tepper: Phil?

Mr. Tobey: Nothing.

President Tepper: Ray?

Mr. Perkins: Bill? Phil? That's what I thought. Not to belabor the point but I was very satisfied. Councilman Rattner and myself last evening attended Sheriff Rockford's Annual Saint Patrick's Day dinner. I found the roads to be in exceptionally good shape. It was just, quite frankly, just enough snow cover on there not to result in a tremendous amount of icing. I noticed a couple of other municipalities that I drove through that had the streets "cleared" down to blacktop. They had a whole lot of black ice on them this morning. We didn't seem to have that big of an issue. Kudos to the guys and gals, and everybody that put that together yesterday, Bill, under trying circumstances.

Mr. Sohl: Thanks again.

Mr. Russell: My driveway, on the other hand, was perfectly cleared.

Mr. Perkins: You know, that's why we want the permit the next time so you bring the wires down into the road a little bit.

President Tepper: Yes, you can electrify our roads. Mr. Roman?

Mr. Roman: First off, I'd like to appreciate Dr. Reynolds coming in today to make his presentation, but in hearing everything he had to say, I think the 800 pound elephant in the room was ignored which are teacher salaries. If that is not brought under control, especially during a recessionary period, I don't see how we'll ever, ever be able to keep property taxes from escalating higher and higher. He made a note about saying that people move into Mount Olive for the School system. I agree with that, but people are leaving Mount Olive because of the property taxes imposed by the School system. People are leaving New Jersey because of those property taxes. He made a note of saying the average pupil is charged, it costs about \$5,900 to educate. He made the comparison with the private School. I think the comparison should be made not on that point per household, but per student which is, according to his figure \$12,300, which I think is exceedingly high. I am grateful to see the number of candidates that have applied to run for the School Board. Hopefully at least 50% of those candidates will be able to negotiate the teacher's contract, and will not need to exempt themselves or be barred from negotiating. That's it.

President Tepper: Mr. Rattner?

Mr. Rattner: Just with the snowplowing. They always do a good job. As you saw tonight with one of the resolutions, keeping the roads clear doesn't come cheap. Hopefully that's something that everybody sees. That's just one area where you're getting your money's worth with your tax dollars. Thank you.

President Tepper: Mrs. Labow?

Mrs. Labow: Nothing, thank you.

President Tepper: I'd just like to reiterate Mr. Roman's comments that I am very happy that Dr. Reynolds came to us first. I think he missed the point by saying his expenses are due to contractually mandated items. The fact is that he had a Board of Education that negotiated a contract that, if I remember the quote, "We settled it early with absolutely no adversarial discussion." It provided for no contribution for health care, a very large increase over three years, and that will feed the cost increase in taxes that he's generated for the Town. So I think he's doing the right thing by eliminating Administrative positions, but I believe he's going to have to address his costs that he says are contractually bound. As Mr. Roman pointed out, it would be nice to have people on the Board that are not NJEA members so they can negotiate in good faith. With that, we're going to move into executive session. Mr. Perkins, if you would move us into executive session to discuss some contract negotiation issues. There will be no public business conducted thereafter.

Mr. Perkins: Yes, Mr. President. According to Sections 7 & 8 of the Open Public Meetings Act, I make a motion that we move into executive session to discuss contract negotiations.

President Tepper: Is there a second?

Mr. Tobey: Second.

President Tepper: All in favor?

AYE

Motion was made and seconded, all in favor and none opposed, the meeting went into executive session at 9:19 pm.

Executive Session – Union Contract Negotiations

ADJOURNMENT

Motion was made and seconded, all in favor and none opposed, the meeting was adjourned at 9:34 pm.

Russell J. Tepper, Council 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 March 17, 2009.

Lisa Lashway, Township Clerk

jr