

**The Public Meeting of the Mount Olive Township Council was called to order at 7:08 pm by Council President Nicastro.**

**OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT**

**Miss Masser:** According to the Open Public Meetings Act, adequate notice of this meeting has been given to the Daily Record. Notice has been posted in 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. Mania, Mr. Stewart, Mr. Roman and Mr. Nicastro

**Absent:** Mr. Amianda, Mr. Ferrante and Mrs. Labow

**Also Present:** Michelle Masser, Township Clerk; Dawn Sullivan, Township Attorney; Robert Greenbaum, Mayor; Laura Harris, Business Administrator and Sherry Kolody, CFO

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**July 12, 2016 WS, PM & CLOSED SESSION (absent: D. Amianda)**

**President Nicastro:** Mr. Roman, would you...please move the July 12, 2016 Workshop, Public Meeting and Closed Session?

**Mr. Roman:** I move for approval the Minutes of July 12, 2016 Workshop, Public Meeting and Closed Session.

**Mr. Mania:** Second.

**President Nicastro:** Any discussion? None. Roll Call please.

**Roll Call:** **Passed unanimously**

**CORRESPONDENCE**

**LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS**

1. Email received July 12, 2016, from Sustainable Jersey regarding Become a Statewide Leader in Solar Power!
2. Email received July 12, 2016, from Sustainable Raritan River regarding NEWS from the Sustainable Raritan River Initiative--July 2016.
3. Email received July 14, 2016, from Mount Olive Township Administration regarding Early Warning Lightning Detection System at Turkey Brook Park.
4. Email received July 18, 2016, from Raritan Headwaters regarding Join Us on the River This Summer!
5. Email received July 18, 2016, from Sustainable Jersey regarding July Sustainability Hero Announced.

**RESOLUTIONS / ORDINANCES OTHER TOWNS**

6. Email received July 14, 2016, from Township of West Milford regarding Resolution 2016-245 Resolution of the Township of West Milford, County of Passaic, State of New Jersey Supporting Senate Bill S2440 that Exempts Construction, Expansion or Renovation of Building or Structure Owned and Used by Municipality or Volunteer Fire Department from "Highlands Water Protection and Planning Act."

7. Email received July 15, 2016, from Township of Hanover regarding A Resolution of the Township Committee of the Township of Hanover Endorsing and Supporting the Passage of Assembly, No. 3686, Designated as “Ralph and David’s Law,” which would establish the Third-Degree Crime of Strict Liability Vehicular Homicide for Driving a Vehicle while Intoxicated in Violation of N.J.S.A. 39:4-50 or for Operating a Vessel Under the Influence of Alcohol or Drugs in Violation of N.J.S.A. 12:7-46, and Amend Various Sections of Statutory Law to Strengthen Penalties for Vehicular Homicide Caused by Drunk or Drugged Drivers.

#### **STATE AGENCIES**

8. Email received July 8, 2016, from New Jersey Department of Environmental Protection regarding Discover DEP Podcast: Red Knots.
9. Letter received July 11, 2016, from State of New Jersey Department of Transportation regarding an Immediate and Orderly Shutdown of all Ongoing Work that is Funded by the Transportation Trust Fund Authority (TTFA).
10. Email received July 12, 2016, from FEMA regarding Help Teach Your Kids How to Prepare for and Cope with Disasters.
11. Email received July 14, 2016, from FEMA regarding FEMA Region II Hurricane Tip of the Week #1 – Hurricane Watch vs. Hurricane Warning.
12. Email received July 15, 2016, from FEMA regarding Training and other Preparedness Information: Webinars, FEMA Classes, ZIKA and Much More!
13. Email received July 15, 2016, from FEMA regarding Do I Evacuate or Stay Put?
14. Email received July 18, 2016, from New Jersey Department of Environmental Protection regarding Discover DEP Podcast: New Jersey Environmental Infrastructure Trust.
15. Letter received July 18, 2016, from DIG Engineering Co., regarding 85 Flanders-Drakestown Road, Mount Olive, Block 5201 Lot 9 for a GP 25 permit required due to malfunction septic.
16. Email received July 20, 2016, from FEMA regarding Spanish Version Hurricane Tip #1 and Spanish Version ZIKA Preparedness Slide Deck.
17. Email received July 21, 2016, from FEMA regarding FEMA Urges Americans to Be Prepared for Extreme Heat, Download FEMA Smartphone App.
18. Letter of Interpretation received July 22, 2016, from PK Environmental regarding Block 4400 Lot 110 (162 Flanders-Netcong Road).

#### **MORRIS COUNTY**

19. Email received July 14, 2016, from County of Morris regarding DWI. Zika Tourism. (sadly) Judge Reginald Stanton.
20. Email received July 21, 2016, from County of Morris regarding Sussex Tpke Dogs. Morris View. 4H Fair, too!
21. Email received July 21, 2016, from Morris County Economic Development Corporation regarding Save the Date: MCEDC Annual Business Growth Forum – September 21.

#### **UTILITIES**

22. Letter received July 18, 2016, from Pinilis Halpern, LLP regarding In the matter of the Petition of Mount Olive Villages Water Company, Inc. for Approval of an Increase in Rates for Service; BPU Docket No. WR16050390 // OAL Docket No. PUC 07416-2016N.
23. Letter received July 18, 2016, from Pinilis Halpern, LLP, Regarding In the matter of the Petition of Mount Olive Villages Sewer Company, Inc. for Approval of an Increase in Rates for Service; BPU Docket No. WR16050391.

24. Letter received July 20, 2016, from JCP&L regarding Annual Universal Service Fund Compliance Filing Jersey Central Power & Light Company BPU Docket No. ER16060536.

25. Email received July 20, 2016, from JCP&L regarding JCP&L Prepared to Handle July Heat Wave.

**ORDINANCES FOR PUBLIC HEARING**

**President Nicastro:** We have 25 pieces of Correspondence. Anyone have anything on Correspondence? Let me get rid of this one. Seeing none. I open the hearing to the public on Ordinance #15-2016,

**Ord.#15-2016** An Ordinance of the Township Council of the Township of Mount Olive Amending Ordinance #29-2015 Entitled Salaries of Certain Non-Union Personnel.

**President Nicastro:** Mr. Stewart.

**Mr. Stewart:** I move that Ordinance...which one am I on...

**Mr. Mania:** 15-2016.

**Mr. Stewart:** I missed...I missed something. Thank you. Sorry...I move that...I move for adoption and final passage of Ordinance #15-2016.

**Mr. Mania:** Second.

**Mr. Roman:** Second.

**President Nicastro:** Anyone from the public wish to be heard on that? Seeing none. Closed to the public. Any Council discussion?

**Mr. Stewart:** Thank you.

**President Nicastro:** Seeing none. Roll Call please.

**Roll Call:** **Passed unanimously**

**President Nicastro:** Ordinance #2015...Ordinance #15-2016 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law.

**ORDINANCES FOR FIRST READING – 2<sup>nd</sup> reading August 9, 2016**

**President Nicastro:** See what we got here...next item on the Agenda for first reading is Ordinance #2016-...

**Miss Masser:** Sixteen.

**President Nicastro:** 16-2016,

**Ord.#16-2016** An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, to Amend the Township Code Chapter 224. "Hazardous Materials"

**President Nicastro:** Mr. Mania.

**Mr. Mania:** Thank you Mr. President. I move that Ordinance #16-2016 be introduced by title and passed on first reading and that a meeting be held on August 9, 2016 at 7:00 pm at the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey for a public hearing, consideration of second reading, and passage of said Ordinance and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of the law.

**Mr. Roman:** Second.

**President Nicastro:** Any discussion? Anyone from the public? Seeing none. Roll Call please.

**Roll Call:** **Passed unanimously**

**CONSENT RESOLUTIONS AGENDA:**

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

**CONSENT RESOLUTIONS**

1. Resolution of the Township Council of the Township of Mount Olive Promoting Captain Stephen Beecher to Chief in the Mount Olive Township Police Department.
2. Resolution of the Township Council of the Township of Mount Olive Promoting Corporal Eric Anthony to Sergeant in the Mount Olive Township Police Department.
3. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Pegasus Electric Motors, Inc.).
4. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Mall Chevrolet)
5. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Solitude Lake Management)
6. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of Taxes on Block 2801, Lot 91 (162 Sandshore Road) for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of Taxes on Block 8000, Lot 15 (340 Drakestown Road) for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Omission from Tax Sale Properties with Delinquent Balances of \$10.00 or Less.
9. Resolution of the Township Council of the Township of Mount Olive Requesting Approval from the Director of the Division of Local Government Services for Insertion of a Specific Item of Revenue into the 2016 Municipal Budget (\$5,000.00 for Drive Sober or Get Pulled Over – Labor Day Crackdown)
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of the 2016 Drive Sober or Get Pulled Over Labor Day Crackdown Grant Funds.
11. Resolution of the Township Council of the Township of Mount Olive Authorizing the Closure of Victoria Drive on Saturday, July 30<sup>th</sup> (Rain Date of Sunday, July 31<sup>st</sup>) Between the Hours of 3:00pm and 10:00pm for the Purpose of Holding a Block Party.
12. Resolution of the Township Council of the Township of Mount Olive Approving a Revised Contract with Solitude Lake Management.
13. Resolution of the Township Council of the Township of Mount Olive Rejecting all Bids for the Phase IIA Interior Restoration and Rehabilitation of the Mt. Olive Baptist Church.
14. Resolution of the Township Council of the Township of Mount Olive Honoring Michael Pocquat for his years of Service, Commitment, and Dedication to the Township of Mount Olive.
15. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Release of Performance Bond and Cash Bond, with Conditions, for the Work Performed at Block 4400, Lots 86 and 108, known as Morris Hunt Phase II and Phase III.
16. Resolution of the Township Council of the Township of Mount Olive Authorizing the Renewal of Alcoholic Beverage Licenses for the 2016-2017 Licensing Period.

17. Resolution of the Township Council of the Township of Mount Olive Authorizing the Expenditure of \$2000 in Furtherance of the Purposes of the Municipal Shared Services Defense Agreement. *Received 7/26/2016*

18. Resolution of the Township Council of the Township of Mount Olive Authorizing a Professional Services Agreement with Van Cleef Engineering Associates in Connection with the Engineering Services for the Water Main Extension – Combe Fill North Landfill Contamination. *ADDED 7/25/2016*

**President Nicastro:** We have 18 Consent Resolutions. Does anyone wish to move any to Non-Consent? Mr. Roman.

**Mr. Roman:** I wish to move Resolutions one and two to the Non-Consent list.

**President Nicastro:** Anyone else? Move those to Non-Consent. Mr. Stewart, would you move any...would you move Resolutions three...

**Mr. Roman:** Three...

**President Nicastro:** ...through eighteen.

**Mr. Stewart:** Yes, I would like to move for adoption and passage Consent Resolutions three through eighteen.

**Mr. Roman:** Second.

**President Nicastro:** Any discussion on those? Seeing none. Roll Call please.

**Roll Call:** **Passed unanimously**

#### **RESOLUTIONS NON-CONSENT**

**President Nicastro:** Mr. Roman, would you move Resolution number one...you want them separately I guess?

**Mr. Roman:** Yes, I'd like to...I'd like to move Non-Consent Resolution number one for approval.

**Mr. Mania:** Second.

**President Nicastro:** Discussion? Mr. Roman.

**Mr. Roman:** The reason I decided to separate these...this Resolution from the rest of them is just...to one congratulate Captain Stephen Beecher on his promotion to Chief of Police. It is a testament of our Police force that we have so many qualified personnel within our ranks that can very quickly rise to the level...to Chief. I look forward to seeing the efforts of the Mount Olive Police Department and Chief Stephen Beecher as he serves the community especially considering his past years of service, if it's any indication, Mount Olive will be proudly served.

**Mr. Stewart:** Second that.

**President Nicastro:** Any other discussion? Roll Call please.

**Roll Call:** **Passed unanimously**

**President Nicastro:** Mr. Roman, would you move Non-Consent Resolution number two?

**Mr. Roman:** I wish to...I wish to approve Non-Consent Resolution number two.

**Mr. Mania:** Second.

**President Nicastro:** Any discussion? Mr. Roman.

**Mr. Roman:** Same as before. I'd like to congratulate Corporal Eric Anthony to the level of Sergeant. He's definitely one of the hardest working Policemen in our ranks. He is citing...he's been cited numerous times by residents that have approached me on his outstanding work and I look forward to his continued service as Sergeant.

**President Nicastro:** Thank you. Anyone from the public wish to say anything on that? Seeing none. Closed to the public. Anyone else? Roll Call please.

**Roll Call:** **Passed unanimously**

## MOTIONS

1. Bill List.

**President Nicastro:** I'll switch it up. Mr. Mania, would you move the Bill List please?

**Mr. Mania:** Absolutely Mr. President. I move for approval the Bill List.

**Mr. Mania:** Second.

**President Nicastro:** Discussion? Roll Call please.

**Roll Call:** **Passed unanimously**

## ADMINISTRATIVE REPORTS

**President Nicastro:** Administrative Reports. Laura, Mayor. Anything?

**Miss Harris:** I don't have anything.

**Mayor Greenbaum:** I have. Last night, unfortunately, we were subject of another bad thunderstorm in Town and it's very odd that certain sections of Town get hit in certain storms as opposed to the entire Town getting hit. Yesterday it was the Netcong Road area. There were a number of trees that were down, electric poles that were snapped in half and power outages. Up through at least 6:00 pm there were still a number of residents who had not had their power restored. I did speak directly with JCP&L and they hope that it would've...would have only been another hour or two to get everybody back on line. There was one house that...on Netcong Road that I was at where... it looked like every tree on the front yard came down and just barely missed the house. I had to go to the back of the house to make sure that the people were okay. Fortunately, it didn't look like there was a tremendous amount of property damage other than the down trees and power lines. I do know that Matt Jones actually suffered a significant amount of tree loss and property damage, he's one of the few. If you have a chance to stop by and see Matt, and he still has that incredible attitude, even in the face of a natural disaster that affected him individually. Many of you have heard about the issues that we've had at Turkey Brook with the Splash Pad. I've posted about it, but let me give you an update. You know that we were ready to open the Splash Pad and we had that horrific storm on that Friday before July 4<sup>th</sup> weekend. What happened during that storm is a number of different things because the ground had been so disturbed during the construction, the lack of grass, the re-seeding, we ended up getting...and the torrent of rain that came through on that storm, it was so bad I couldn't drive up to Turkey Brook. I barely could find the baseball parking lot to get off the main road. There was a tremendous amount of debris, I'm talking about dirt, seeding, mulch that ended up in the Splash Pad. The Splash Pad is such that when it's not operating, there are a number of features that are actually ground level and so all of that material ultimately has to either be cleaned out or run through the system. We also believe that the Splash Pad may have been struck by lightning because there were certain aspects of the mechanical electrical system that were not operating properly. In fact, we thought that we were going to have to replace certain aspects, but ultimately we got it up and running. From that point on we were getting system faults as we operated and we were able to run basically for an hour and a half before we'd hit a fault and it would shut down the entire park. We ultimately were able to get it to a situation where we'd run for an hour and a half, it would hit the fault, we'd shut it down for 15 minutes, turn it back on, get another hour and a half. Unfortunately, it was so hot that we...we had to man it with our Buildings and Grounds people to just keep it operate...I didn't want to shut it down completely. Yesterday we got the system...we finally were able to get in touch with Siemens and the manufacturer of Vortex and we were able to change some of the tolerances in terms of the way that the motor operates, so that it didn't trip the system and it worked properly the entire day. It was great. We think that...we worked out all of the kinks that we were having. Last night again, we had a torrent of rain fall. We're looking at different options in terms of stabilizing the ground that surrounds the Splash Pad. I made the decision last night to not open the Splash Pad today because I wanted to give the guys a chance to clean out the system without having to run all of that material again through the system and cause additional issues. That's all been done, we expect to be up and running full time tomorrow and going forward, while at the same time we're looking at issues in terms of stabilizing including some sod perhaps. There's no irrigation in that area so the sod is not going to take most likely. We're looking at different ways to keep the materials until...until the grass grows in to keep the materials off the Splash Pad. If you've been up there, you see that we generally are running between 70 and 100 kids and it's just been a tremendous, tremendous

outpouring in terms of...you know...the kids are just having a fantastic time up there. That's what's going on with the Splash Pad. I've tried to keep everyone advised through Facebook in terms of what we've been doing and we did get through the weekend, I was very happy about that. We should be good to go from this point forward, but the success of the Splash Pad has actually caused other issues, for instance one is do we need to change our policy in terms of the rental of the gazebo which is a shaded area where people want to go eat, but we rent it out to different groups and families and the like and it kind of...we have to look at that and see how that's actually going to work in light of the fact that the Splash Pad has been so successful. I actually have asked a log to be kept up there so we can track, not necessarily to know who's there, but we can track where people are coming from because I have an interest in knowing. I'd like to have their email addresses so that we can include them in the things that are happening in Town. I think it's a great thing that people are coming from outside Town. I can tell you when my kids were growing up, Imagination Station was the place. Imagine if Roxbury said you know what, we only want our...our swing set to be used by local residents. It helps the businesses, it helps sell the Town and ultimately it's going to be a huge benefit to people who are looking to sell their properties because people will already have known what kind of facilities we have here in Mount Olive. I can tell you that the crowds have not been anywhere near a situation where anyone who has wanted to use the Splash Pad hasn't been able to get onto it. The fact that people are coming in actually adds to the vibe of the place that they're...you know...it's got this great vibe of kids who they run around and then they wait until the three and a half minutes when the bucket's going to drop and they all kind of gather right in the middle and the bucket drops, they scream and they move on to the next...have any of you guys been there? It's incredible, isn't it?

**Miss Harris:** It is.

**Mayor Greenbaum:** It's a great addition. It's...as exciting as I thought it would be. Lastly, I just got an email from Fred Detoro that they're moving another 14 butane rail cars. It's not unexpected and we continue on with our fight. I don't know exactly where we are in terms of the fight, I know that the order to show cause aspect of the case was resolved by way of the Judge's order which allowed the rail cars to stay, but also required additional safety measures to be put in place. I know that Fred is following through with those safety measures and we are going to continue to put pressure on the County when that lease expires with M&E to...that's really where the fight is now, is to make sure that the next time that the lease comes up which is either March or April, that this type of storage is not allowed. We're going to have to deal with this situation for a little while. It's unfortunate, but railroads have federal exemption type rights where you can't infringe on...on what they do by way of State or local laws. We're going to do what we can by way of...of adoption of local Ordinances and use of State statutes to protect the residents of Mount Olive as best we can. I think that's pretty much it for Administrative Matters.

**President Nicastro:** Thank you. Mr. Mania.

**Mr. Mania:** Mayor just some input for what it's worth. I think it's going to be very difficult to grow grass and stabilize that area around the Splash Pad with compost and not top soil. That's compost, that's not top soil.

**Mayor Greenbaum:** I can tell you interestingly that's what I heard, but the area where were getting run off from the Splash Pad...when the bucket, when the bucket drops it actually has like a back wash which we didn't expect and the Splash Pad isn't sloped appropriately so we're getting water runoff. In the areas where the water has run off the grass is growing.

**Mr. Mania:** Maybe I'm wrong.

**Mayor Greenbaum:** So was everybody else who said the same thing that...you know...we're looking into perhaps grass blankets...you know...just to stabilize the area.

**Mr. Mania:** Right.

**Mayor Greenbaum:** We'll look at all of the different...

**Mr. Mania:** Sod would be great, you could tinct it.

**Mayor Greenbaum:** It is, but you know you got to keep it alive.

**President Nicastro:** Yes.

**Mr. Mania:** Yes. You have to water it.

**President Nicastro:** Yes, especially with this heat.

**Mayor Greenbaum:** Yes, we'll look at the options...we'll get it done.

**President Nicastro:** I'm sure.

**Mr. Mania:** Thank you.

**Mayor Greenbaum:** Yes.

**President Nicastro:** Thank you. Any Old Business? Seeing none. Any New Business? Seeing none. Any Legal Matters, Dawn?

**OLD BUSINESS** - none

**NEW BUSINESS** - none

## **LEGAL MATTERS**

**Ms. Sullivan:** Yes just to piggyback on what the Mayor was discussing regarding M&E. We had a case management conference and we were advised that the matter is going to proceed. The litigation is going to proceed, we have 60 days to do any discovery that needs to be done before we go back for another conference. We are pursuing and investigating as many aggressive ways to fight this as possible. I know that Fred is keeping you apprised of everything there. Without going to much more into it since it is pending litigation, we...we are pursuing all possible avenues to fight those tank cars being on the tracks.

**Mayor Greenbaum:** Did Judge Hansbury retain jurisdiction over the case or did he send it to law division?

**Ms. Sullivan:** He...as of right now he is retaining jurisdiction.

**Mayor Greenbaum:** Okay.

**Ms. Sullivan:** It is a contract dispute, so it really should go to law division and that's one of the avenues we're...we're looking at pursuing is getting it out of chancery and into law division.

**Mayor Greenbaum:** I think that would be a good move. It's my own personal experience.

**Ms. Sullivan:** Right.

**President Nicastro:** That's it?

**Ms. Sullivan:** Yes, that's it Mr. President.

## **COUNCIL REPORTS**

Board of Education Liaison Report

**President Nicastro:** Alright. Thank you very much. Council Reports. Mr. Amianda is not here, but I did attend the Board of Education meeting last night. They are holding the Election for the full day...I guess...full day kindergarten is going to be September 27, 2016 from 8:00 am to 9:00 pm, it's a Tuesday. That was really the only bit of information I got out of it, there wasn't much last night discussed. Mr. Ferrante's not here and Mrs. Labow's not here. Mr. Mania, anything on Legislative or Planning?

Senior Citizen Liaison - none

Environmental Committee - none

Lake Issues - none

Library Board Liaison - none

Economic Development Committee Report - none

TNR Program - none

Legislative Committee Report

**Mr. Mania:** I will be attending a meeting tomorrow evening about the increase in the gas tax and give some input. I will make a report to the Council after the meeting at our next Council meeting.

Board of Health Report

**President Nicaastro:** Thank you. Health Department, our meeting is August 17, 2016, we do not have a meeting in July. August 17, 2016, 6:30 pm here. Mr. Roman, anything on Open Space or Recreation?

**Mr. Mania:** We forgot Planning Board.

**President Nicaastro:** Planning Board. I thought you didn't have anything, I'm sorry.

Planning Board Report

**Mr. Mania:** We had a meeting...last week at the...about the 7-Eleven. A lot of input, we didn't finish it. It's postponed until September.

**Mayor Greenbaum:** There's a lot of community opposition.

**Mr. Mania:** Yes there is. Very much so.

**Mayor Greenbaum:** Including Colleen.

**Mr. Mania:** Yes, Colleen got up and spoke...

**Mayor Greenbaum:** I know.

**Mr. Mania:** ...a number of times.

**President Nicaastro:** Anything else Mr. Mania?

**Mr. Mania:** That's it.

**President Nicaastro:** Alright. Thank you. Mr. Roman, anything on Open Space and Recreation?

Open Space Committee Report - none

Recreation Liaison Report - none

**Mr. Roman:** Nothing on Recreation. We don't meet in July and on Open Space nothing either.

**Mayor Greenbaum:** John...can I cut in for a second?

**President Nicaastro:** Yes.

**Mayor Greenbaum:** Mavis Tire Center where the Exxon Station is on Route 206, right?

**Mr. Mania:** That's been approved.

**Mayor Greenbaum:** That Exxon Station...

**Mr. Mania:** Mavis...Mavis bought all STS Tire Centers.

**President Nicaastro:** I see they converted the one in Hackettstown.

**Mayor Greenbaum:** Yes, but the...the abandoned Exxon Station right after you go.

**Mr. Stewart:** Yes.

**Mayor Greenbaum:** Coming north...

**President Nicaastro:** Yes.

**Mayor Greenbaum:** ...after the trestle is now going to be a Tire Center.

**Mr. Mania:** They're going to build an eight bay building.

**President Nicaastro:** It'll be nice. Yes.

**Mr. Roman:** Good on that side of Town.

**President Nicaastro:** On the other side.

**Mayor Greenbaum:** Wow.

**Mr. Stewart:** ...run down.

**Mr. Mania:** It's going to take a lot of business from Mr. Roman.

**Mr. Roman:** Never worry.

**President Nicaastro:** Mr. Stewart, any MOTV?

MOTV Committee Liaison - none

**Mr. Stewart:** Not this week.

**President Nicaastro:** Nothing else. Okay. Anyone from the public wish to be heard?

**Mayor Greenbaum:** Now's your chance.

**President Nicaastro:** If you do you could just go to the podium, state your name and address for the record please.

**Mayor Greenbaum:** Where's your bear button? I'm a fan of hers.

#### **PUBLIC PORTION**

**Mrs. LaRocco:** Good evening everybody, my name is Barbara LaRocco. I live at 96 Crease Road, Budd Lake. I'd like to thank you all for giving me this opportunity to speak to you all. As a local resident, I'm here today to briefly speak about the drastic expansion of the Trophy Bear Hunt and to respectfully ask that the Town of Budd Lake do what Pequannock, Butler and Oakland have done and make its borders off limit to bear hunting. Last year the Division of Fish and Wildlife drastically expanded the Trophy Bear Hunt to include killing more than one bear, raised the number of bear hunting permits to 11,000, added more regions throughout New Jersey, added a week which includes bow hunting and muzzleloaders in October and increased the hunt to ten days in December. When the overwhelming amount of comments received which was 92.4 percent was opposed to bear hunting, the Division of Fish and Wildlife went ahead with the entire policy without making one single change that reflects public opinion. In 2000, the Division wanted a 37 day bear hunt and as a result 31 Towns and Environmental Commissions passed Resolutions against the bear hunt. This allowed then Governor Whitman to cancel the bear hunt. In fact three Governors have stopped eight bear hunts because the public is overwhelmingly against them. It is well established that bear hunting does nothing to reduce conflicts. There are simple and effective solutions that not only keep bears away, but also reduce their population. By simply keeping bears away from unnatural food sources, the number one solution, we can do that. I am asking you and pleading to please introduce and pass a Resolution or Ordinance that closes all public lands in Budd Lake to bear hunting. Thank you very much.

**President Nicaastro:** Thank you. Did you have something Mr. Mania?

**Mr. Mania:** Question. Can we legally do that?

**Mr. Roman:** Yes.

**Ms. Sullivan:** You can legally do it if it's owned by the Township. If its State owned or County owned property obviously...

**Mr. Mania:** Then you can't, obviously you can't.

**Ms. Sullivan:** ...you can't restrict.

**Mayor Greenbaum:** I'm pretty certain, Michelle you can tell me if...I'm wrong, but we don't allow hunting on any public property in Mount Olive.

**Miss Masser:** Right now, no.

**President Nicaastro:** No.

**Mr. Mania:** Because of liability, right, Mayor?

**Mayor Greenbaum:** No, we just made the decision not to allow...Mount Olive already has an Ordinance which prohibits any type of hunting on public property.

**Mr. Roman:** Public...

**Mayor Greenbaum:** Any property owned by Mount Olive. Did you hear what the Lawyer said? The Lawyer said that there...we can't stop people from hunting on State property or County property. Otherwise, we don't allow hunting in Mount Olive already. You may want to...this is a Council issue it's not a Mayor...it's a legislative issue. You can, I think pass something, a Resolution which...

**President Nicastro:** Okay.

**Mayor Greenbaum:** ...which...

**President Nicastro:** More clarified.

**Mayor Greenbaum:** ...not only more clarifies, but takes a position with respect to either opposition for or...or not do it.

**President Nicastro:** Well can we get the Ordinance we have as well. We'll look at the Ordinance and take that into account and see if we...

**Ms Sullivan:** Sure.

**Mr. Stewart:** ...towards the County.

**Mr. Mania:** Yes.

**President Nicastro:** Yes. We'll check that out with the Ordinance we have. Mr. Roman.

**Mr. Roman:** Are we moving with the...like the impression that we're against bear hunting? Is that...

**President Nicastro:** I think it states that we don't allow hunting in general.

**Mr. Roman:** I couldn't understand why we wouldn't allow hunting on Township owned properties...

**President Nicastro:** Correct.

**Mr. Roman:** ...and it wouldn't be...it would not be because of any opposition to hunting per say, but just of the possible liability...

**President Nicastro:** Right.

**Mr. Roman:** ...that we may incur.

**Mr. Mania:** True.

**Mr. Roman:** Is this Council trying to move forward in telling the State that we are anti-bear hunting? I think that's something we should discuss.

**Mayor Greenbaum:** I agree 100 percent.

**Mr. Roman:** Right.

**Mayor Greenbaum:** That's a decision you guys have to make.

**Mr. Roman:** I for one...without having a discussion as to the merits...you know...on bear hunting per say I think it would...would not want to even move in that direction to start making Mount Olive a anti-bear hunting just...you know...because its right now sounds good.

**President Nicastro:** Correct...that's why I wanted to see...just to get the Ordinance to know what we have on the books.

**Mr. Mania:** Right. Let's look at the Ordinance and see...

**President Nicastro:** On the books.

**Mr. Mania:** ...what it entails and...

**President Nicastro:** Not make any decisions.

**Mr. Mania:** ...vote from there.

**President Nicastro:** I just want to see the Ordinance we have.

**Ms. Sullivan:** Okay.

**Mr. Roman:** I just wanted to clarify. I don't want to make it seem like...you know...

**President Nicastro:** Yes. Understand.

**Mr. Roman:** ...that the...at least...I for one I have not...have no position either way, as of yet.

**President Nicastro:** Understood. Just state your name and address please.

**Mr. LaRocco:** My name is Peter LaRocco. I live at 96 Crease Road, Budd Lake, New Jersey. I'm a resident there going on 50 years. I came up here when it was dirt roads and four, five police in the force. I've watched this Town grow. I never really paid too much mind to...you know...bears and this and that, but the last few years I've been...I walk through these woods, there's about 600 acres back there of State land and I come across sometimes...a couple of days ago there was a female with two little ones about yo big walking. That bear didn't bother me and she was maybe from here to that door away and I looked, she just looked at me and I said why is she standing there. I looked and the little ones were up in the tree already. She kind of walked away, like away from there, she didn't get up and grunt or anything. I said...you know...when I do see a bear they're not a danger to anybody, I don't see any problems with a black bear. If I did I'd have brought it to your attention a long time ago. I live...my property adjoins the State land and last year...you know...I was back there in my garage and I see this guy there and I say...can I help you? I'm hunting. I said you're hunting on my land. Well I have people posted along the power line, which is about 200 yards up. I said...okay...I said, but you shouldn't be this close to our house, you should be 450 feet or whatever away and that gun should be unloaded, I said I don't see that happening. He says...he talked a little bit. I said where you from? I thought he was a resident. He said I'm from Paterson. I said what do you do for a living? I'm a barber. I said how did you find this? He said when you buy a hunting license it's in the compendium. It has Mount Olive with all this...you know...this track of land and all. You know...we want to be friendly to people and fair, but...you know...just coming up there to go, you don't know where you're going, you walking back there without a compass on 600 acres you can get yourself in trouble. Plus these bears are not a problem. If they were a problem you guys would know about it. I appreciate the stands your taking, but you said you're neutral one way or another, if you've seen what I've seen you wouldn't think like that because there's nobody...when you see these bears all they're doing is living like you. They're black, does that mean something? What if they were white, would you take...I mean that sounds kind of stupid, but you know...I think people, a lot of people are afraid because he's big and he's black and black is a color that scares people. Just a fact.

**President Nicastro:** Mr. Roman.

**Mr. LaRocco:** Just to plant that, I think that you understand where I'm coming from. You could say that's not true, but it is true.

**Mr. Roman:** Well...

**Mr. LaRocco:** Thank you for your time.

**Mr. Roman:** The same opposition that I hear to the bear hunt I hear from people that are against fishing, that it's inhumane and all that stuff, so I for one don't think that the color of the bear is the reason why people actually hunt it, I think if that was the case deer would not be hunted because they're actually more adorable than anything.

**Mr. LaRocco:** I'm not saying they hunt because of that...

**Miss Masser:** You have to speak at the podium. You have to speak at the podium. Sorry.

**Mr. LaRocco:** My point is because it's a large animal and it's... you know...the color kind of frightens people. I think...say for instance it was pink with white polka dots, I think people wouldn't be that...wouldn't fear them as much, that's my point. It has nothing to do with...you know...like I'm...prejudice.

**Mr. Roman:** I don't think people are hunting bear because they're...

**Mr. LaRocco:** No, they hunt them because they just like to kill them and take pictures and then their wives say that's disgusting. I'm macho, that's why they hunt them, they don't eat them.

**Mr. Roman:** I've never hunted an animal in my life,...

**Mr. LaRocco:** Good for you.

**Mr. Roman:** ...but I can appreciate those that do engage in hunting and eat and actually do something productive with the meat.

**Mr. LaRocco:** That's fine with deer, but that's...they don't eat bear meat. From what I hear from a few people way Upstate New York they don't eat that stuff, no one eats it.

**Mr. Roman:** I beg to differ, but...you know...having not engaged in any bear steaks recently I can't say per say, but of many hunters that I have met they hunt not for just for the sport kill and leaving it there, they actually harvest the meat.

**Mr. LaRocco:** Well they're not hunting bears for food.

**Mayor Greenbaum:** No they don't hunt bears for food, they hunt bears according to the State, they have the hunt because there are too many bears and they need to cull, that's what I've heard. I don't hunt myself.

**Mr. LaRocco:** That's what the State.

**Mayor Greenbaum:** I don't...it's only what I've heard. I don't hunt. I could care...I'm not scared of bears, I know that bears are scared of people. You just don't want to get in their way; they don't want to get in your way.

**Mr. LaRocco:** That's it.

**Mayor Greenbaum:** That's just the way it is. When they have their kids you need to stay further away because a mother bear will protect her cubs. That's just the...that's nature. As I've said, we already don't allow hunting in Mount Olive in our public areas.

**Mr. LaRocco:** Great.

**Mayor Greenbaum:** As Counsel has already told us the State property and that's where it ends up in there. We have...we're exempt...we cannot override the State. Everything flows down hill and we're at the bottom of the pile. We can pass laws and Ordinances, but we can't interfere with what the State does on their own property. What it came down to from my prospective is, is this Council going to make a statement that they're against the bear hunt? It seems to me that that's what you're really looking for from this Council.

**Mr. LaRocco:** Right.

**Mayor Greenbaum:** What I'm hearing from Alex is we need to give that some thought and some more debate before we're going to take the position on it and Alex's position right now seems to me to be I'm not sure that I'm opposed to a bear hunt and he has his right to take that position as you guys do. I think that's where it's left Joe...

**President Nicastro:** Yes it is.

**Mayor Greenbaum:** I think you need to set it down and have it at a conference hearing, maybe next meeting and say okay do we want to have...take a position with respect to the bear hunt.

**President Nicastro:** Correct. That's what we'll do.

**Mr. LaRocco:** That's great. Thanks.

**Mayor Greenbaum:** You pass a Resolution that says...or you won't that says that Mount Olive Township is not in favor of the bear hunt. Can we get from Mrs. LaRocco the Towns that she's identified that have passed something with respect to the bear hunt so it can be considered? I heard Pequannock is one.

**President Nicastro:** Yes.

**Mrs. LaRocco:** Yes.

**Mayor Greenbaum:** If you give us the names...after the meeting...okay, you can hand it to Michelle, the Town Clerk, and she will get from all of those Towns what they've passed so that we can have a better discussion next time when you come back. Next meeting is on the August 9, 2016?

**Miss Masser:** Yes.

**Mr. Mania:** Right.

**Mayor Greenbaum:** By then...by then we'll have...we'll see what they've done. I'm not...I don't know what they're going to do. I don't know if I was voting that I would vote in favor of opposing the bear hunt or maybe I would...I don't know. At least we'll have the information. We'll see what other Towns have done.

**Mr. LaRocco:** Thank you. I'm not against hunting...you know...if you hunt, like deer hunting, fine you eat it, fine, but you know...I think you know...where I'm coming from. I just want to make a point during that...what was it Sandy, the storm...my...we live up there, the trees came down, we didn't have power for like four or five days so we used a generator. Police...you know...came...11 o'clock at night at curfew, so my wife called your office got the answering machine, left a message for you saying whatever about that. You called her back within a half an hour personally and you said to her I don't want to quote your words, but to the effect that...you run that generator all night as long as you have to and if the police have a problem with that you tell them the Mayor said to come and see him. We never had a problem after that, but you know what, that's leadership you know I'm not tooting your horn, but that's leadership.

**Mayor Greenbaum:** I appreciate that.

**Mr. LaRocco:** Thank you.

**President Nicastro:** Thank you. Thank you very much. Anyone else from the public wish to be heard? Yes, please state your name and address.

**Ms. Frega:** Doreen Frega, Saddle Brook, New Jersey.

**Miss Masser:** Could you just repeat your name again please?

**Ms. Frega:** Doreen Frega.

**President Nicastro:** Doreen.

**Miss Masser:** Doreen.

**Ms. Frega:** Saddle Brook, New Jersey. I'm with the League of Humane Voters. I'm just here tonight to...that's basically what we wanted to do, ask you to consider introducing a Resolution and to put the issue on the Agenda for next month's meeting. I do have the Resolutions from the other Towns that have done this already and they basically have closed their borders, nothing to do with the State, but their borders to hunting because now you're going to be able to hunt 150 feet from somebody's door step, so that's what they do not want. That's what these Resolutions are for and I can leave them. That's what we're asking that it be put on the Agenda for next month's meeting. Thank you.

**President Nicastro:** We will. Thank you. Anyone else from the public...

**Mayor Greenbaum:** August 9, 2016.

**President Nicaastro:** ...wish to be heard?

**Mayor Greenbaum:** Seven o'clock.

**President Nicaastro:** Name and address for the record please.

**Mr. Johnson:** My name is Andrew Johnson, I live at 43 Vista Drive in Flanders. I had no intention of saying anything here tonight, but I feel compelled to say a couple of things regarding the hunting issue. I am a hunter, so is my son. We agreed before we ever hunted anything that the only sportsman like approach is to eat anything that we shot and we always have, partly because we're not very good at this so we don't shoot very many things. That's always been true for me and my family which is not a big hunting family, but it's an occasional past time, but I've heard two things tonight that I...compel me to stand up here before this honorable Council considers this motion. First, I'm going to take them in reverse order. Nobody is going to shoot a gun within 150 feet of anybody's door step because under State law you cannot come within 450 feet of any residential property when hunting or carrying a gun for even target practice. The second thing is about the safety of black bears and the over population and the importance of culling the herd, let's not forget that within the last 12 months a young student from Rutgers University was chased down and mauled to death in a State Park as close to us as Mendham if I recall correctly and there is danger there. We don't...it would be irresponsible of us to represent black bears as cuddly animals, they're not. When they're not overly aggressive, but when one is surprised as Mr. Mayor pointed out, particularly a female with cubs can feel threatened very easily and will go to great lengths to protect those cubs and people get hurt and it is a problem. It would be great to find a way to co-exist, but the fact is that our Town is growing in population a lot, and it would be tragic if having passed this motion it leads somehow to physical injury or worse for one of our residents. I'll just leave it at that. Thank you.

**Mr. Roman:** Thank you.

**President Nicaastro:** Thank you. State...you can go up...state your name and address for the record please. I didn't see you there. I'm sorry, I didn't see her.

**Ms. Devine:** Hello, hi. My name is Valerie Devine from Lake Hiawatha. Just...I wasn't really planning on talking tonight either, but I just wanted to mention a few things about the black bear.

**Miss Masser:** Can you just speak up a little bit?

**Ms. Devine:** Sure.

**Miss Masser:** Can you repeat your last name?

**Ms. Devine:** Devine.

**Miss Masser:** Devine. Thank you.

**Ms. Devine:** About...I'm here talking about the black bears. Couple of issues. The incident that happened with that young man from Rutgers or whatever school it was...I forget off hand...there's some missing facts there that I don't think any of us really know the truth to about his hiking, who he was with, all the facts that were involved with that. I know there were some reports that we could not get or tried to get and we never got the full answer on that, so as far as him being mauled there's a possibility that, that gentleman or that young man may have fallen first and there's that possibility out there, so we don't know for sure how and why he was mauled by the bear. I think that should be taken into consideration. The other thing too, I don't know whether it was brought up yet, but in October there's talk about having bow and arrow hunting of the bears, so that is a new thing that I think should be put on the record too that it's not only going to be hunting in December it's also allowing in October a week of bow and arrow which is a little crazy in my mind. It's bad enough you're killing the bear with a gun, but now that they're allowing bow and arrow. The garbage is really an issue. A lot of Towns, a lot of homes people do not dispose of their garbage properly and the bears, like this young gentleman over here said, they're just trying to exist like we are. They want to eat, they want to live, they want to take care of their cubs, their babies. If garbage is not disposed of properly the bear will go into the garbage and certainly...you know...will eat anything from a dirty diaper to anything. Garbage needs to be better addressed with proper garbage proof cans and even putting ammonia in the garbage should deter the bear from tearing your garbage apart and strewing it all over your lawn. Thank you for your time.

**Mr. Roman:** Thank you.

**President Nicaastro:** Thank you. Yes, ma'am just state...

**Ms. Frega:** Sorry I'm Doreen Frega.

**Miss Masser:** That's okay you can leave it, I'll get it later.

**Ms. Frega:** Doreen Frega, Saddle Brook, New Jersey. I would just also like to say that we do presentations about black bear. We have somebody that will come in and tell you everything that you need to know about garbage, about dealing, about coexisting with black bears. We are willing to offer that as well and when I was referring to the 150 feet, that is with bow and arrow. That is something new and that's going to be allowed. That's a whole different hunting technique right now for the black bear. Thank you.

#### **COUNCIL COMMENTS**

**President Nicaastro:** Thank you. Anyone else? Seeing none. Closed to the public. Any Council Comments? Mr. Mania?

**Mr. Mania:** You know, I've done some hunting if you want to call it that. I've shot a few pheasant, I one time had a deer in my sites, it looked at me and I looked at it, I couldn't pull the trigger. I do feel strongly about killing a bear. I'm against it. I must tell you that.

**President Nicaastro:** Mr. Stewart, any comments?

**Mr. Stewart:** None for me.

**President Nicaastro:** Mr. Roman?

**Mr. Roman:** None for me.

**President Nicaastro:** None for me. Just thank you all for coming this evening. Do we have a motion to adjourn?

**ADJOURNMENT** - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:50 pm.

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**Joe Nicaastro, Council President**

I, Michelle Masser, Township Clerk of Mount Olive do hereby certify that the foregoing Minutes are a true and correct copy of the Minutes approved at a legally convened meeting of the Mount Olive Township Council duly held on August 9, 2016.

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**Michelle Masser, Township Clerk**

mvm