MOUNT OLIVE TOWNSHIP COUNCIL MINUTES December 22, 2015

The Public Meeting of the Mount Olive Township Council was called to order at 7:20 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. Amianda, Mrs. Labow, Mr. Mania, Mr. Roman, Mr. Stewart, Mr. Ferrante and Mr. Nicastro

Also Present: Michelle Masser, Township Clerk; Fred Semrau, Township Attorney and Laura Harris, Business Administrator

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

December 8, 2015 WS & PM

President Nicastro: Mr. Amianda, would you approve the Minutes, the previous Workshop and Public Meeting for December 8, 2015?

Mr. Amianda: Yes, I make a motion for approval of Minutes for previous meetings…

Mr. Mania: December 8th.

Mr. Amianda: …of December 8, 2015, Work Session and Public…

Mr. Mania: Public Meeting.

Mr. Amianda: …Public Meeting.

Mrs. Labow: Second.

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

Roll Call: **Passed unanimously**

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received December 8, 2015, from Sustainable Raritan River regarding NEWS from the Raritan River Initiative-December 2015. PDF Correspondence

2. Email received December 10, 2015, from Network of Care regarding More news on Foster Care innovation from Ventura County Network of Care. PDF Correspondence

3. Email received December 14, 2015, from ANJEC regarding Science and Policy for Clean Water in the Raritan River, December 15. PDF Correspondence

4. Email received December 14, 2015, from Sustainable Raritan River regarding A Special Announcement from the Raritan River Initiative. PDF Correspondence

5. Publication received December 15, 2015, from ARC Morris regarding Issue 24 Fall 2015 Touchstone. PDF Correspondence

6. Email received December 16, 2015, from Raritan Headwaters Association regarding Help us ban fracking waste dumping on December 17! PDF Correspondence

7. Email received December 18, 2015, From Mustconetcong Sewerage Authority regarding MSA approved meeting minutes – November 19, 2015. PDF Correspondence.

RESOLUTIONS / ORDINANCES OTHER TOWNS

8. Letter received December 7, 2015, from Allamuchy Township regarding Proposed amendment to the Land Development Ordinance. PDF Correspondence

STATE AGENCIES

9. Letter received December 7, 2015, from New Jersey Department of Environmental Protection regarding Area of Concern: One 1000-gallon #2 Heating Oil Underground Storage Tank System Block 8500, Lot 21, 2 Route 46, Mount Olive Township, Morris County. PDF Correspondence

10. Email received December 11, 2015, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Season of Service. PDF Correspondence

11. Email received December 14, 2015, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Bear Hunt Extension. PDF Correspondence

12. Email received December 14, 2015, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Wood Burning Tips During the Colder Months. PDF Correspondence

13. Email received December 14, 2015, from FEMA regarding Updated NFIP Reform Fact Sheet. PDF Correspondence

14. Email received December 17, 2015, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – 2015 NJ Governor's Environmental Excellence Awards. PDF Correspondence

MORRIS COUNTY

15. Email received December 17, 2015, from County of Morris, regarding Triple A Rate. First Night. Nutcracker. CCM. Tasty Cakes!! PDF Correspondence

UTILITIES

16. Email received December 17, 2015, from First Energy Corp. regarding Holiday Lighting Safety Reminder from JCP&L. PDF Correspondence

President Nicastro: We have 16 pieces of Correspondence, any questions on those? Seeing none.

ORDINANCES FOR PUBLIC HEARING

President Nicastro: I open the hearing to the public on Ordinance #30-2015,

Ord.#30-2015 An Ordinance of the Township Council of the Township of Mount Olive Amending Ordinance #30-2014 Entitled Fees and Rates for Off-Duty Police Officers. PDF Ord

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you Mr. President. I move for adoption and final passage of Ordinance #30-2015.

Mr. Roman: Second.

President Nicastro: Does anyone from the public wish to be heard? Seeing none. Any discussion? Mrs. Labow.

Mrs. Labow: I just want to ask a quick question, do we know how it's decided on who gets these extra jobs?

Mr. Mania: That's within the Police Department, I would say.

Mr. Semrau: They have their own rotation…

Mrs. Labow: They have their own rotation they go through?

Mr. Semrau: ...that they have to abide by.

Mr. Mania: Yes, yes.

Mr. Roman: I think that's in their police...their union contract.

Mrs. Labow: Okay, so it's not like we can't say please can you use the new guys first?

Mr. Mania: The lower guys, yes, I agree with you Colleen.

Mrs. Labow: I had to ask, thank you.

President Nicastro: Who seconded that? She didn't get it.

Mrs. Labow: Alex did.

Mr. Mania: Alex did.

President Nicastro: Any other discussion? Seeing none. Roll Call, please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #30-2015 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 – 2nd reading January 12, 2016

President Nicastro: Next item on the Agenda for First Reading is Ordinance #1-2016,

Ord.#1-2016 An Ordinance of the Township Council of the Township of Mount Olive to Adjust Water Rates Within the Township for Services Rendered on or After the Second Quarter 2016. PDF Ord

President Nicastro: Mr. Mania.

Mr. Mania: Thank you Mr. President. I move that Ordinance #1-2016 be introduced by title and passed on first reading and that a meeting be held on January 12, 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.

Mrs. Labow: Second.

President Nicastro: Any discussion?

Mr. Semrau: I would just note that I've been working with the Administrator on the Morris Hunt Water transition and what we're doing is, thanks to Rose Barsanti for bringing it to our attention is, we're going to coordinate that transition with this rate change so that there's no confusion or reconciliations necessary. We're moving back that transfer to February 1, 2016, as well.

Mr. Mania: Okay.

Mr. Semrau: We appear to have confirmation to do that, so I want thank Laura for bringing it to our attention, and Rose. I think it's going to be a much smoother transition.

Mr. Mania: Fred, will that apply also to Morris Chase? When it's ready?

Mr. Semrau: When it's ready, yes.

Mr. Mania: Okay.

Mr. Semrau: The rates will, yes.

President Nicastro: Mrs. Labow.

Mrs. Labow: I just want to ask a quick question of Fred, this is going to sound like a crazy question, but we're introducing a 2016 Ordinance tonight. Now, if we're all still going to be the same people in January…if it was going to be different members, would we still be allowed to do that?

Mr. Semrau: Now, I had a feeling when I was asked this question by the Administration, I could hear you ask…

Mrs. Labow: Ask that question.

Mr. Semrau: … it's a good question. Normally, when you have a governing body and you're at the last meeting of the year, you cannot introduce legislation and then adopt it in a subsequent year, everything ends, but because we're going to keep the same seating for the subsequent year, there's no changes, then it would be acceptable, so under the circumstances. If there was one seat that was going to change, we wouldn't be able to do this. This is fine.

Mrs. Labow: I'm just asking just to make sure we get it on the record.

Mr. Semrau: For the record yes, it's fine, yes. Thank you.

Mrs. Labow: Thank you.

President Nicastro: Any other discussion? 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 Providing for the Transfer of the 2015 Budget Appropriations for the Current Fund Budget. PDF Res

2. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of a Contract Balance with Paragon Restoration. PDF Res

3. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of 2015 Appropriations in the Current Fund. PDF Res

4. Resolution of the Township Council of the Township of Mount Olive Approving an Emergency Purchase not to exceed $13,000 for Repairs to Well Pump# 2. PDF Res

5. Resolution of the Township Council of the Township of Mount Olive Authorizing the use of a Purchasing Contract (National Joint Powers Alliance) PDF Res

6. Resolution of the Township Council of the Township of Mount Olive Authorizing Settlement on Behalf of the Township in Connection with Malfunctioning Water Lines at the Property Located at Block 3608 Lot 2. PDF Res

7. Resolution of the Township Council of the Township of Mount Olive Authorizing a Change Order to the Contract with Quality Electric Construction Company for the Baseball Field Lighting Project at Turkey Brook Park. PDF Res

8. Resolution of the Township Council of the Township of Mount Olive Authorizing a Lease Agreement with the County of Morris for the Rental Space Known as the Nutrition Site for the Mount Olive Senior Center for the Year 2016. PDF Res

9. Resolution of the Township Council of the Township of Mount Olive Authorizing Laura Harris, Business Administrator to Execute a New TWA Application for International Trade Center West (450 International Drive, Block 103 Lot 2.05) PDF Res

10. Resolution of the Township Council of the Township of Mount Olive Authorizing an Interlocal Health Services Agreement with the Borough of Wharton for the Provision of Health Services for 2016-2018 Pursuant to the Interlocal Services Act. PDF Res

11. Resolution of the Township Council of the Township of Mount Olive Authorizing an Interlocal Health Services Agreement with the Borough of Madison for the Provision of Health Education Services for 2016-2018 Pursuant to the Interlocal Services Act. PDF Res

12. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Release of Performance and Cash Bonds for the Work Performed at 650 International Drive, Block 107, Lot 3. PDF Res

13. Resolution of the Township Council of the Township of Mount Olive Establishing the Annual Reorganization Meeting for January 5, 2016. PDF Res

President Nicastro: We have 13 Consent Resolutions. Does anyone wish any to be Non-Consent? Seeing none. Mr. Stewart would you move the Consent Resolutions?

Mr. Stewart: I move the Consent Resolutions one through thirteen.

Mr. Mania: I'll second it.

President Nicastro: Anyone from the public? Seeing none. Closed to the public. Any comments? Council, anything on these? Seeing none. Roll Call, please?

Roll Call: **Passed unanimously**

MOTIONS

1. Bill List. PDF Bill List

President Nicastro: Mr. Ferrante, would you move the Bill List, please?

Mr. Ferrante: Sure, I make a motion to move the Bill List.

Mr. Mania: Second.

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

Roll Call: **Passed unanimously**

ADMINISTRATIVE REPORTS – none

President Nicastro: Laura, any reports, Administrative Reports?

Miss Harris: No.

President Nicastro: Nothing. Any Old Business? Seeing none. Any New Business? Seeing none. Any Legal Matters?

OLD BUSINESS - none

NEW BUSINESS - none

LEGAL MATTERS

Mr. Semrau: Council President, the only thing that I would mention is all municipalities that want to have protection from builder's remedy suits, affordable housing type litigation are participating in the courts to have a plan of affordable housing approved by the court, so that you can maintain your own zoning and jurisdiction.

We continue to work with Chuck McGroarty, as well as his assistant Catherine Natatafalusy to put together a housing plan. That'll happen in the first quarter of next year and much of that work will come forward in the form of an amendment to the plan that would be the Planning Board and then come back before you to let you know what the proposed plan is going to be as we try to make the deadlines. We have to meet the deadlines of the Superior Court, which will be in the first quarter of next year all of this will transpire, so you're going to probably hear a lot of that. Many communities are going through this and again, it's to make sure you... the Township has always done very well in maintaining its affordable housing obligation and not being subject to builder's remedy type law suits and things of that nature, so that is going to be a significant effort in the first quarter of next year and it's all in the works as we speak. Chuck McGroarty has done a terrific job over the years and he's just going to put together a revised plan for your consideration. Besides that, Happy Holidays and thank you again for allowing us to represent you this year.

President Nicastro: Thank you Fred.

Mrs. Labow: I was just going to ask Fred if you had an update on Cobblestone for us. Nanette had mentioned something about it.

Mr. Semrau: Yes, we continue on Cobblestone. There's a new owner, the property was actually foreclosed upon. We have some issues with respect to some of the maintenance, they were advised today. We were made aware of some things that need to be addressed there and we are now...it's a bank from California that foreclosed on the property, they have counsel in New York and we have been in communication with them. We need to get back on the property to test to make sure there's a back up well for the property that would support that development before the Township were to go forward with that project. The two steps that we're working on is one, obtaining access, we believe a court would give it to us, we think this lender has already verbally said they would permit us to have access and number two is to have Boswell Engineering go back out, we have to schedule the date for them to go out and I believe it's going to be in the middle of January to test for that second well, the back up well. If it comes back with positive results, then we'll have completed our due diligence and we'll be in a position to speak further to the governing body about the next steps. We are on hold in a condemnation action with the property owner. We always have the right to try to work something out, but in this case, now it's the lender who's taken over, so we'll continue to keep you apprised. Once we receive the information from the testing for the second well, then we'll have all the data collected and be able to identify if it's a suitable site for the Township.

Mr. Roman: Fred, how many water tests have we done? My recollection, we've done numerous.

Mr. Semrau: Well, we did, that was for the site and the first well, but it was the DEP when we went to have a preliminary meeting on the permitting process, the DEP came back and said that's great that you can have one well, but based on the fact that you may have multiple units here, the DEP insisted on us demonstrating as a Township, or whoever develops the property that there's a suitable back up well available. That's why we have to go back, otherwise we're not going to have that permitting and we don't want to take that chance and assume in any way that we'll meet that requirement, so we're doing that due diligence now, that second well test, because you're right, we've already gone through this drill once before.

Mr. Mania: Yes.

Mr. Semrau: We really need to do that in order to be certain that we don't begin to develop a property or have a developer come forward and then tell us that it's not suitable. This is the last step.

Mr. Roman: How does the fact that we're going to be required to have a second well...how is that going to affect our COAH, are we still okay with our COAH because this application was started?

Mr. Semrau: Well, for affordable housing you have to demonstrate that there's a probability that you'll be able to develop this. We think this site, for the last few years has been suitable and desirable to have affordable housing there and so in order to go forward we need to demonstrate even in our plan that this second test does support this development. Otherwise it really won't be part of our plan, and it wouldn't be a property acquisition for the Township.

Mr. Roman: Thank you.

President Nicastro: Mrs. Labow.

Mr. Mania: Yes, that was explained to us at the Planning Board level.

Mr. Semrau: I just want to mention too, about that and this was a good decision by the governing body. You may recall about three years ago the Governor had discussed taking the affordable housing monies that weren't spent…

Mrs. Labow: Right.

Mr. Mania: Right.

Mr. Semrau: …and that's when the Township took the position, well what we're going to do is we're going to look at a site such as this and have affordable housing, not in high density type development, but in a suitable site and go forward, and that's where we're going to put our dollars and now it turned out that that very much could be one of the components that will help in the development of an affordable housing plan. The funds that are being used to, for example, test the wells, are coming from the developer fees that were contributed because this is an affordable housing type project.

President Nicastro: Mrs. Labow.

Mrs. Labow: Fred, this is going to sound like a crazy question, but if this house was foreclosed on, it went up on a Sherriff's sale, how come we didn't grab it on the Sherriff's sale?

Mr. Semrau: No, no, it was foreclosed upon by the lender. The lender took the property.

Mrs. Labow: The lender, but on the Sherriff's sale, the lender they still, they end up buying it, so that's what they did? Or did she do a deed in lieu?

Mr. Semrau: The lender basically, yes.

Mrs. Labow: She did a deed in lieu?

Mr. Semrau: That's correct.

Mrs. Labow: Okay.

Mr. Semrau: We tried negotiating with the lender before they took over, thinking that this would be great.

Mrs. Labow: Okay, that's what I wanted to know.

Mr. Semrau: What we're hoping is that they'll have a much more realistic expectation. Lenders that foreclose on properties don't really want to hang around and hear about maintenance and things like that.

Mrs. Labow: Right.

Mr. Semrau: Once we're done with this phase, I would imagine we would have an Executive Session and talk about what would be the ultimate price if that's the way you were going to proceed.

Mrs. Labow: Is the ambulance company still using the property to park their ambulances? I haven't been over there.

Mr. Mania: No, I don't think so.

Mr. Semrau: I don't believe that…

Mr. Mania: I don't think so Fred.

Mr. Semrau: No, I don't think so.

Mrs. Labow: We had talked about that before and we didn't want to say anything really because we didn't want to make it contentious.

Mr. Semrau: Now there's just some maintenance and upkeep issues that any lender who takes over would be responsible, as we do that for other properties.

Mrs. Labow: Thank you.

President Nicastro: Anyone else? Let's see, thank you Fred.

COUNCIL REPORTS

President Nicastro: Mr. Amianda, anything on Board of Ed?

Board of Education Liaison Report
Mr. Amianda: The Board of Education Liaison Report is to follow in writing. If you need copies, see the Town Clerk tomorrow.

Miss Masser: I can email it to everybody, so check your emails.

President Nicastro: You can get it to Michelle and she can email it out.

Mr. Roman: She was dying to say that.

President Nicastro: Mr. Ferrante, anything on Environmental, Lake or Library?

Environmental Committee - none
Lake Issues - none
Library Board Liaison
Mr. Ferrante: No. I think I had announced at the last meeting that the Library Director had resigned. They're going to start the process of researching replacements in the New Year.

President Nicastro: Thank you, Mrs. Labow anything on Seniors, Economic or TNR?

Senior Citizen Liaison - none
Economic Development Committee Report - none
TNR Program
Mrs. Labow: Nothing on Seniors or Economic. I just have, just something to put out there, not really from the TNR group, however several members of the TNR have been very concerned about the bear hunt and there are some towns that have prohibited bear hunting in their towns, so they were asking what are the possibilities of Mount Olive doing the same. Years ago we had had a Resolution opposing, I know it's too late for this time around, but, I'm kind of putting it out there. Everybody think about it, if it's something we want to move forward with.

Mr. Roman: I'm opposed to any opposition to the bear hunt.

Mr. Stewart: I agree

Mr. Ferrante: Same here.

Mrs. Labow: Alright, so the answer, I'll go back and say no, there's no support for it.

President Nicastro: I would leave it to the State.

Mr. Mania: We have residents complaining that their garbage cans are being turned over by bears…

Mrs. Labow: Yes.

Mr. Mania: …and now we want to stop the bear hunt.

Mrs. Labow: That's pretty much what I had told them and they were saying one of the things with the bears that actually get killed out in the woods are the ones that have cubs and then the cubs don't learn how to care for themselves, so that's why they end up going to garbage cans, but I've seen female bears running through Town with three cubs.

Mr. Roman: They're tasty.

Mrs. Labow: I think the ship has already sailed for trying to teach the bear…

Mr. Mania: Good God Alex.

Mrs. Labow: I wanted to ask just to see where we stood.

President Nicastro: Yes, you did what you were asked.

Mrs. Labow: Yes, I asked. Thank you.

President Nicastro: Appreciate that. Mr. Stewart, anything on MOTV?

MOTV Committee Liaison – none
Mr. Stewart: Not right now.

President Nicastro: Mr. Roman, Open Space, Recreation?

Open Space Committee Report – none
Recreation Liaison Report - none
Mr. Roman: Nothing to report.

Board of Health Report
President Nicastro: Board of Health, next meeting is January 20, 2016. Mr. Mania, anything on Legislative or Planning Board?

Legislative Committee Report - none
Planning Board Report
Mr. Mania: Planning Board, the Mayor explained we have an amendment to the Master Plan to allow residential in the Foreign Trade Zone and that's what that last Planning Board Meeting was all about.

Mr. Roman: Will they be residing anything but foreigners too? It's the Foreign Trade Zone.

President Nicastro: Mr. Amianda, did you have a question?

Mr. Amianda: Yes, want to add something to the Board of Education report. I want to mention the Board of Education met December 21, 2015…

President Nicastro: That's the next meeting? Oh, that was yesterday.

Mr. Ferrante: Yesterday.

Mr. Amianda: …yesterday, and the Superintendent of schools gave a report about students' progress in accordance with standardized tests. There was approved field trips for the students, but as I said most of the details of my report…

President Nicastro: In the report. No problem, we'll get that from Michelle. Would anyone from the public wish to be heard? Seeing none. Closed to the public. Any Council Comments? Mr. Amianda.

PUBLIC PORTION - none

COUNCIL COMMENTS

Mr. Amianda: Yes. I wish all a Happy and Healthy New Year. I also wanted to compliment the Chief Financial Officer for her good work as far as the district auditing is concerned for the year ending December 31, 2014. I also wanted to compliment the Mayor and the administrative staff for the good job they're doing for the district, as far as management and keeping down the costs. Thank you.

President Nicastro: Thank you. Mrs. Labow.

Mrs. Labow: Just want to say Happy Holidays, Merry Christmas and Happy New Year to all and looking forward to 2016 being even better than 2015. Thank you.

President Nicastro: Mr. Mania.

Mr. Mania: Merry Christmas, Happy and Healthy New Year. God bless you all.

President Nicastro: Mr. Roman.

Mr. Roman: I guess Merry Christmas, Happy New Year to everybody and I wish that our 2016 will be as well as my 2015 was. I wish nothing but health and happiness to everybody.

President Nicastro: Mr. Stewart.

Mr. Stewart: I want to thank everybody that's on this Council, as well as the Mayor and his staff for helping me through being the newbie on the block and then also wish you Happy Holidays, Merry Christmas to everybody.

President Nicastro: Mr. Ferrante.

Mr. Ferrante: Yes. Just want to wish everybody a Happy and Healthy Holiday and New Year.

President Nicastro: Yes, and same here, Merry Christmas, Happy New Year to everyone and thank you all for making my first year as President very easy. It is always good to have a great Council behind you.

Mr. Roman: I'll make it more difficult next year.

President Nicastro: Do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:40 pm.

Joe Nicastro, 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 January 12, 2016.

Michelle Masser, Township Clerk

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