

The Public Meeting of the Mount Olive Township Council was called to order at 7:23 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, Mr. Ferrante, Mrs. Labow, Mr. Mania, Mr. Stewart, Mr. Roman and Mr. Nicastro

Absent: None

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

Mr. Nicastro: Mr. Amianda, would you approve the Minutes from the Work Shop and Public Meeting from March 22, 2016.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

March 22, 2016 WS & PM

Mr. Amianda: I make a motion for approval of the Minutes of previous meetings on March 22, 2016, Work Session and Public Meeting.

Mrs. Labow: Second.

Mr. Mania: Second.

President Nicastro: Is there any discussion? Roll Call please.

Roll Call: **Passed unanimously**

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Letter received March 22, 2016, from Borough of Netcong addressed to Assemblyman Bucco regarding Concern with Bills A326 and A1475 currently working their way through the legislative process.
2. Letter received March 22, 2016, from Borough of Netcong addressed to Assemblyman Carroll regarding Concern with Bills A326 and A1475 currently working their way through the legislative process.
3. Email received March 23, 2016, from Jack Gerard, API regarding Offshore Energy Access Vital to Manufacturing, Energy Security.
4. Email received March 24, 2016, from Sustainable Jersey regarding Registration Now Open for the Sustainability Summit.
5. Email received March 25, 2016, from Raritan Headwaters Association regarding Celebrate Earth Day with Us!
6. Letter received March 29, 2016, from Borough of Stanhope regarding Stanhope Borough Notice of Public Hearing Land Use Board.
7. Email received March 29, 2016, from TransOptions regarding Go Smart! March 2016.
8. Email received March 30, 2016, from Raritan Headwaters regarding Spring Association is Bustin' Out All Over!

9. Email received March 30, 2016, from Jack Gerard, API regarding Methane Regulations Not Based on Science.
10. Email received March 30, 2016, from Sustainable Jersey regarding We're making PIE, and we need your help.
11. Email received April 1, 2016, from Raritan Headwaters Association regarding Attend Our River Runs Through It.

LEAGUE OF MUNICIPALITIES

12. Legislative Bulletin received March, 30 2016, from New Jersey State League of Municipalities regarding Bills that were Enacted as the Public Laws of 2015.

STATE AGENCIES

13. Email received March 22, 2016, from the New Jersey Department of Community Affairs regarding Proposed Amendments to N.J.A.C. 5:30-17.1 through 17.6.
14. Email received March 23, 2016, from FEMA regarding SBA press release – SBA Disaster Loan Deadline is April 22 for New Jersey Severe Winter Snow Storm.
15. Email received March 23, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Wharton State Forest Protection Plan.
16. Email received March 25, 2016, from FEMA regarding Updated NFIP Reform Fact Sheet.
17. Email received March 28, 2016, from State of New Jersey Department of Environmental Protection regarding NJSLOM Webinar – The Preliminary Draft of the MS4 Stormwater Permits: What you Need to Know.
18. Letter received March 28, 2016, from Equity Environmental Engineering regarding New York Folding Box Company – Wetlands Delineation.
19. Email received March 29, 2016, from State of New Jersey Department of Environmental Protection regarding DEP Release: Division of Fish and Wildlife to Host Open House at Pequest Trout Hatchery in Warren County April 2 and April 3; Trout Season Opening is April 9.
20. Email received March 30, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP 2016 Recycling Poetry Contest.
21. Email received March 31, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – DEP and the Dept of Ag Team Up to Allow the Protection of Flowering Crops.

MSA/MUA

22. Email received March 25, 2016, from Musconetcong Sewerage Authority regarding MSA Approved Meeting Minutes for February 25, 2016.

MORRIS COUNTY

23. Email received March 24, 2016, from County of Morris regarding 2016 Budget. Morris View. Salmon. SteamPunk, too!
24. Email received March 31, 2016, from County of Morris regarding Motown Streets. Rte 46. Old Tires. Poetry-Opera, too!

UTILITIES

25. Email received March 30, 2016, from New Jersey American Water regarding Fact Sheet on Lead in Drinking Water.

26. Letter received April 1, 2016, from New Jersey Natural Gas regarding In the Matter of the Petition of New Jersey Natural Gas Company for Approval of an Increase in Gas Base Rates and for Changes in its Tariff for Gas Service.

President Nicaastro: We have 26 Correspondences...pieces of Correspondence...does anyone have anything on those? Seeing none. Moving onto Ordinances. We have, let me see where we are...we...I open the hearing to the public on Ordinance #8-2016 entitled,

ORDINANCES FOR PUBLIC HEARING

Ord. #8-2016 An Ordinance of the Township Council of the Township of Mount Olive Authorizing the Township to Take Certain Dormant Bonds and/or Funds into the Township's General Fund if Not Claimed After Notice and Publication.

President Nicaastro: Mr. Ferrante.

Mr. Ferrante: Sure, I move for adoption and final passage, Ordinance #8-2016.

Mrs. Labow: Second.

President Nicaastro: Any discussion? Alright...okay, anyone from the public wish to be heard? Seeing none. Closed to the public. Roll Call please.

Roll Call: **Passed unanimously**

ORDINANCES FOR FIRST READING – 2nd reading April 19, 2016

Ord.#9-2016 An Ordinance of the Township of Mount Olive Creating a Unified Electronic Reporting System For Dealers in Precious Metals and Other Secondhand Goods. **(Tabled)**

President Nicaastro: I believe we're going to table and move Ordinance #9-2016. Remove from...

Mr. Roman: I make a motion to table...

Mrs. Labow: Do we...

Mr. Roman: ...#9-2016.

Mr. Mania: I'll second it.

Mrs. Labow: Second.

President Nicaastro: All in...Roll Call please.

Roll Call: **Passed unanimously**

President Nicaastro: I never did the other one though...should I go back, okay...I just forgot to do this part.

Miss Masser: I know, you should do it all over.

President Nicaastro: Okay, so I have to do...okay, I just have to go back to Ordinance #8-2016 because I forgot to do the final passage on that, so Michelle wants me to redo that again.

Mrs. Labow: Okay.

President Nicaastro: So I will just ask the...open the hearing for the public on Ordinance #8-2016,

Ord. #8-2016 An Ordinance of the Township Council of the Township of Mount Olive Authorizing the Township to Take Certain Dormant Bonds and/or Funds into the Township's General Fund if Not Claimed After Notice and Publication.

President Nicaastro: Mr. Ferrante.

Mr. Ferrante: Sure, I move for adoption and final passage of Ordinance #8-2016.

Mrs. Labow: Second.

President Nicastro: Anyone from the public wish to be heard? Seeing none. Closed to the public. Any discussion? None. Roll Call please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #8...Ordinance #8-2016 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. Sorry about that.

Miss Sullivan: Mr. President.

President Nicastro: Yes.

Miss Sullivan: I have a correction to Ordinance #10-2016 before you start.

President Nicastro: Okay.

Miss Sullivan: It should be Lot 5.300.

President Nicastro: Lot point zero zero.

Miss Sullivan: Yes.

President Nicastro: Thank you. I open the hearing to the public on Ordinance #10-2016...wrong side...entitled,

Ord.#10-2016 An Ordinance of the Township Council of the Township of Mount Olive Authorizing the Execution and Acceptance of a Deed and Restriction for the Purposes of Imposing Green Acres Restrictions on the Property, Block 6000 Lot 5.300.

President Nicastro: Mr. Mania.

Mr. Mania: Thank you Mr. President. I move that Ordinance #10-2016 be introduced by title and passed on first reading and that a meeting be held on April 19, 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 disc...any 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 Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (PTS Data Center Services) Revised

2. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Triad Security Systems)
3. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Datalux)
4. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Foley Incorporated)
5. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Atlantic Tactical)
6. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Eagle Point Guns)
7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Ditschman/Flemington Ford)
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Beyer Ford)
9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of Contract to Lewis-Graham, Inc. for the Re-bid of the Stabilization of the Seward House.
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of the Green Acres Release and Compensation Agreement and Deed Restriction.
11. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of Open Space Trust Funds for a Contract with Solitude Lake Management in Connection with the Survey and Water Quality Monitoring of the Weeds in Budd Lake.
12. Resolution of the Township Council of the Township of Mount Olive Authorizing a Professional Services Agreement with PTS Data Center Solutions Inc. in Connection with the Engineering Services for the 400kW Diesel Generator Project.
13. Resolution of the Township Council of the Township of Mount Olive Regulating the Flow of Traffic Egress Relating to a Service Station to be Built at Block 8301, Lots 17 and 18 in Mount Olive Township.
14. Resolution of the Township Council of the Township of Mount Olive Authorizing the Donation of the Flanders First Aid Squad’s “1996 E-One Rescue Truck” to the Somerset Fire Academy.
15. A Resolution of the Township Mount Olive, In the County of Morris and State of New Jersey, Authorizing the Release of Performance Guarantees and Cash Bonds Posted by AIG Baker for the ITC Crossing Shopping Center Project. **REVISED**
16. Resolution of the Township Council of the Township of Mount Olive Cancelling and Declaring Void Any Agreement Between the Township and Building Restoration Contractors, LLC for the Stabilization of the Seward House. **ADDED 4/4/16**

President Nicastro: We have 16 Consent Resolutions. Does anybody wish to have any moved to Non-Consent? Does anyone from the public wish to be heard? Seeing none. Closed to the public. Mr. Stewart, would you move Resolutions...Consent Resolutions one through sixteen.

Mr. Stewart: Thank you Mr. President. I move that Consent Resolutions one through sixteen be moved for final passage.

Mr. Mania: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed unanimously

President Nicaastro: We have one Resolution, Non-Consent that Dawn Sullivan will read.

RESOLUTIONS NON-CONSENT

Miss Sullivan: Yes, thank you Mr. President. Title is:

A RESOLUTION OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING CONNELL FOLEY LLP TO EXECUTE A STIPULATION OF DISMISSAL ON BEHALF MOUNT OLIVE TOWNSHIP IN CONNECTION WITH LITIGATIONS FILED BY VOLLERS AGAINST MOUNT OLIVE TOWNSHIP

WHEREAS, on July 23, 2002, Vollers Excavating & Construction, Inc. (“Vollers”) filed an action against the Township of Mount Olive in the Superior Court of New Jersey, Morris County, Law Division, docket no. MRS-L-2454-02 (the “Action”), alleging, *inter alia*, lien and trust fund claims relating to the ITC Crossings Shopping Center Project (the “ITC Project”); and

WHEREAS, the Action was subsequently consolidated with a previously filed litigation, captioned *Vollers Excavating & Construction, Inc. v. AIG Baker Mount Olive, LLC et al. v. Northeast Mesa et al.*, docket no. MRS-L-2203-02; and

WHEREAS, AIG Baker Mount Olive, LLC, in accordance with the Developer’s Agreements with the Township of Mount Olive dated September 28, 2000, agreed to defend and indemnify the Township with respect to claims arising out of the ITC Project; and

WHEREAS, AIG Baker Mount Olive, LLC, pursuant to the terms of the Developer’s Agreements, designated Connell Foley LLP to represent the Township of Mount Olive in the Action, which the Township approved; and WHEREAS, Connell Foley LLP has reported to the Township of Mount Olive that the Action has been amicably settled by way of a Confidential Settlement Term Sheet entered into between Vollers and AIG Baker Mount Olive, LLC, and other affiliated entities, insurers and sureties of the parties, and that Vollers has agreed to dismiss the Action against the Township with prejudice and without cost and expense; and

WHEREAS, pursuant to the Confidential Settlement Term Sheet, Connell Foley LLP requests authorization to execute a Stipulation of Dismissal of the Action with prejudice, and without cost or expense, on behalf of the Township.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Mount Olive, County of Morris, State of New Jersey, as follows:

- I. Connell Foley LLP is hereby authorized to execute a Stipulation of Dismissal of the Action with prejudice and without cost or expense on behalf of the Township.

This Resolution will take effect immediately upon its passage.

President Nicaastro: Thank you. Will someone...will someone...Mrs. Labow, will you move Resolution #17.

Mrs. Labow: I move for approval of Resolution #17...

Mr. Mania: Resolution #17...

President Nicaastro: Correct.

Mr. Mania: Second it.

President Nicaastro: Any discussion?

Mrs. Labow: Yes.

President Nicaastro: Mrs. Labow.

Mrs. Labow: That’s what I was...Can you give us the...abridged version of what all this means at this point. The cliff notes.

Mr. Roman: No read that all over again.

Mr. Mania: Backwards.

Miss Sullivan: Cliff notes is, there is litigation relating to the...the project on the ATC, I’m sorry...

Mrs. Labow: ITC.

Mr. Mania: ITC.

Miss Sullivan: ...ITC Shopping Center. As a result, Vollers not only filed mechanic liens against the funds that AIG had deposited, but also instituted a suit against the Township under the developer’s agreement. AIG retained Council and defended the Township in that litigation after several years. My understanding is...

Mrs. Labow: Yes.

Miss Sullivan: ...it has reached a settlement. We have a Consent Order for Settlement in hand and the mechanics liens are going to be released, the funds are going to be released back to AIG. The project is going to recommence. This Resolution is simply to authorize Connell Foley’s Attorney to execute the stipulation of dismissal on behalf...

Mrs. Labow: Okay.

Miss Sullivan: ...of the Township, since they do not...they’re not Township Attorney.

Mrs. Labow: Okay.

Miss Sullivan: If you have any more in-depth questions, Mr. McBride, who is AIG Baker’s Attorney, is in...in the audience tonight.

Mrs. Labow: No, I’m good. I just wanted to make sure that I was understanding it because a couple of us have been here....

Miss Sullivan: Okay.

Mrs. Labow: ...for the whole process. Alright, thank you.

Miss Sullivan: You’re welcome.

Mrs. Labow: Thank you.

President Nicastro: Anyone else? Anyone from the public wish to be heard? Seeing none. Closed to the public. Roll Call please.

Roll Call: **Passed unanimously**

MOTIONS

- 1. Bill List.

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

Mr. Roman: I move for adoption and approval of the Bill List.

Mrs. Labow: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: **Passed unanimously**

ADMINISTRATIVE REPORTS

President Nicastro: Any Administrative Reports?

Mayor Greenbaum: Tomorrow evening at 7:00 pm, at the Mount Olive High School, the Harlem Wizards will be playing a number of different teachers and representatives from the Township at...the teachers are from Chester M. Stephens and it’s to benefit Chester M. Stephens, like the same thing either last year or the year before. I played in the last game, I was going to play in this game but I’m actually out of Town, but it’s a fun event and its worthwhile going. On Saturday, the Mount Olive FOP 122 will be hosting a benefit for the Unity Tour at Gold’s Gym, Flanders. The spin events are I think at 9:00 am to 10:30 am and 11:00 am to 12:30 pm. The cost is \$25.00 per rider and I will be riding in the earlier event. Jersey Girl Brewery, will be having a private grand opening on Thursday, April 14, 2016 at 5:30 pm. It’s by invitation only. If you wanted to go and hadn’t gotten an invitation, I don’t know who they were sent to, contact Lisa Brett, I’m sure that she can get you an invitation to the event. The Jersey Girl Brewery will be open to the public starting Friday, April 15, 2016,

the next day. On April 18, 2016 from 6:30 pm to 8:30 pm I will be hosting a meet and greet for Jim Gannon, a candidate for Morris County Sheriff's Office. That will be at the Corner Pub. Again, that's Monday, April 18, 2016 from 6:30 pm to 8:30 pm and also, I think it's in a couple weeks, is the Pajama 5K Fun Run. I just purchased my pajamas for that event today. You'll all be surprised. You'll have to come and see how I'm going to be dressed. A little hint, it has a red cape.

Miss Harris: Oh no...

Mayor Greenbaum: Registration is still opened for all those who have not yet signed up.

President Nicastro: Thank you.

Mayor Greenbaum: I don't know if Laura has anything.

President Nicastro: Anything Laura?

Miss Harris: I have nothing.

President Nicastro: Nothing. Thank you. Any Old Business? Any New Business? Any Legal Matters?

OLD BUSINESS - none

NEW BUSINESS - none

LEGAL MATTERS - none

Miss Sullivan: No Mr. President.

Mr. Roman: Did you say illegal matters?

President Nicastro: Illegal matters...Mr. Amianda, anything on Board of Education or Seniors?

COUNCIL REPORTS

Board of Education Liaison Report

Senior Citizen Liaison

Mr. Amianda: Yes. Wait a minute, I'm looking. The Board of Education did not meet. The next Board of Education Meeting is on April 11, 2016. The Senior Citizens report. Mount Olive Senior Citizen Club held its business meeting today April 5, 2016 at 11:00 am. The Agenda for the meeting included citizens transportation and planning summer trips and recreation. Mrs. Dorothy Tull, Club President reminded the Club that May is Senior Citizens month. Town Council will join them in celebrating the month with a special treat to a luncheon and ice cream during May.

Miss Sullivan: Nice.

Mr. Amianda: Thank you.

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

Environmental Committee

Lake Issues

Library Board Liaison - none

Mr. Ferrante: Environmental Committee meets tomorrow at 7:00 pm here, in the Municipal Building and they'll be a representative from the Raritan Headwaters Association to discuss this year's well test event.

Mrs. Labow: Oh nice.

Mr. Ferrante: The Lake, the Budd Lake Association will have their spring cleanup on Saturday, April 28, 2016, 9:00 am, we could meet at the Pavilion Lounge for...they will be cleaning up the shore line at Sandshore and Route 46.

Economic Development Committee Report - none

TNR Program - none

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

Mrs. Labow: Nothing this week.

President Nicastro: Thank you. Mr. Mania, anything on Legislative or Planning Board?

Legislative Committee Report - none

Planning Board Report

Mr. Mania: Planning Board meets on April 14, 2016 and April 21, 2016.

Board of Health Report

President Nicastro: Board of Health meets on April 20, 2016 at 6:30 pm in this room. Mr. Roman, anything on Open Space or Recreation?

Open Space Committee Report

Recreation Liaison Report - none

Mr. Roman: Open Space meets next week and we did...Recreation did not meet last month.

President Nicastro: Thank you. Mr. Stewart, anything on MOTV?

MOTV Committee Liaison

Mr. Stewart: Yes, we actually have some...two main videos that we...that we presented. One on the Mount Olive Area Chamber of Commerce business networking event, as well as Centenary College's degree program for social media, the Vibe. We...so we...we presented two for posting.

PUBLIC PORTION - none

President Nicastro: Nice. Thank you. Anyone from the public wish to be heard? Seeing none. Closed to the public. Council Comments, anything Mr. Amianda?

COUNCIL COMMENTS

Mr. Amianda: No.

President Nicastro: Mr. Ferrante?

Mr. Ferrante: No.

President Nicastro: Mrs. Labow?

Mrs. Labow: No, good tonight.

President Nicastro: Mr. Mania?

Mr. Mania: No.

President Nicastro: Mr. Stewart?

Mr. Stewart: None from me.

President Nicastro: Mr. Roman?

Mr. Roman: No.

President Nicastro: None for me. 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 April 19, 2016.

Michelle Masser, Township Clerk

mvm