

The Public Meeting of the Mount Olive Township Council was called to order at 7:03 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, Mr. Mania, Mr. Stewart, Mr. Roman and Mr. Nicastro

Absent: Mrs. Labow

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

May 17, 2016 WS & PM

President Nicastro: Mr. Amianda, would you make a motion to approve the Minutes for May 17, 2016 for the Workshop and Public Meeting please?

Mr. Amianda: Yes Mr. President. I make a motion for approval of the Minutes of previous meetings, Work Session and Public Meeting on May 17, 2016.

President Nicastro: Thank you.

Mr. Mania: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: **Passed unanimously**

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received May 16, 2016, from Sustainable Raritan River regarding Sustainable Raritan Conference Early Registration is Closing.
2. Letter received May 17, 2016, from McGaha Consulting, Inc. regarding Response Action Outcome for the remediation of the BP Gas Station, 113 Route 46, Mount Olive, Block 4100 Lot 70.
3. Email received May 18, 2016, from Jack Gerard, API regarding Energy Infrastructure Delivers Jobs, Affordable Energy.
4. Email received May 19, 2016, from Sustainable Raritan River regarding Call for Nominations.
5. Email received May 23, 2016, from Sustainable Jersey regarding Two Weeks Until the Certification Application Deadline!
6. Legal Notice received May 23, 2016, from Heritage Senior Living Corp. regarding the Applicant seeks use variance approval to permit the construction of a 2 story structure that will house a 36 bed assisted living facility.
7. Email received May 25, 2016, from Downtown New Jersey regarding Upcoming Training and Networking Events.
8. Email received May 25, 2016, from Jack Gerard, API regarding Congress: Protect Consumers, Take Action on the RFS.

9. Email received May 26, 2016, from Raritan Headwaters Newsletter regarding It's June, Time to Get with the Programs!
10. Email received May 26, 2016, from TransOptions regarding Go Smart! May 2016.

RESOLUTIONS / ORDINANCES OTHER TOWNS

11. Memorandum received May 16, 2016, from Borough of Stanhope regarding Resolution of Memorialization Master Plan Re-examination Report.
12. Letter received May 16, 2016, from Township of Roxbury regarding Ordinance No. 07-16, An Ordinance to Amend Chapter XIII of the Revised General Ordinances of the Township of Roxbury Land Development Ordinance and Adding Affordable Housing as an Additional Permitted Use in the GU Government Use District.
13. Letter received May 17, 2016, from Washington Township regarding An Ordinance to Amend Chapter 217, Zoning of the Code of the Township of Washington regarding Section 217-38 Ridgeline, Mountainside, Hillside and View shed Protection Areas Requirements.
14. Email received May 18, 2016, from Township of Byram regarding An Ordinance Amending Chapter 240 Zoning of the Township of Byram Code.

STATE AGENCIES

15. Email received May 16, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Blue Acre Buyout Program Purchases First Properties in Rahway.
16. Email received May 16, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Camden's Collaborative Initiative Program Earns Environmental Champion Award.
17. Email received May 16, 2016, from Department of Community Affairs regarding GovConnect Update: May 16, 2016.
18. Email received May 16, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – DEP Proposes Rule Close Diamondback Terrapin Harvestion.
19. Notice received May 16, 2016, from New Jersey Transit Corporation regarding Fiscal Year 2016 Request for Federal Financial Assistance.
20. Email received May 17, 2016, from State of New Jersey Department of Environmental Protection regarding 2016 National Trails Day – June 4, 2016 – Events.
21. Receptor Evaluation Form received May 17, 2016, from State of New Jersey Department of Environmental Protection regarding BP Gas Station, 113 Route 46, Budd Lake.
22. Email received May 17, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Ocean Fun Day – Saturday May 21st.
23. Email received May 17, 2016, from FEMA regarding FEMA Bulletin Week of May 16, 2016.
24. Letter received May 19, 2016, from Wander Ecological Consultants regarding Application for Letter of Interpretation, line verification, Block 5800 Lots 29, 30, 31 & 31 Mount Olive.
25. Email received May 20, 2016, from FEMA regarding Updated NFIP Reform Fact Sheet May 20, 2016.
26. Email received May 23, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – National Trails Day Activities.
27. Email received May 26, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Unveils Interactive Public Access Map During Annual State of the Shore Event.

MORRIS COUNTY

- 28. Email received May 16, 2016, from Morris County Economic Development Corporation regarding MCEDC Newsletter – May 2016.
- 29. Email received May 18, 2016, from County of Morris regarding Pot. Seat Belts. Peace. Art. Food. Alice Cooper, too!
- 30. Email received May 23, 2016, from Morris County Economic Development Corporation regarding Technology Panel, Digital Strategy, and Clay Shooting: Join us at upcoming MCEDC events.
- 31. Email received May 27, 2016, from County of Morris regarding Parades. Veterans. Medals, Happy Memorial Day!

UTILITIES

- 32. Email received May 25, 2016, from New Jersey American Water regarding Water Quality Reports Available Online for New Jersey American Water Customers.

President Nicastro: We have 32 pieces of Correspondence. Anyone have anything of any of those? Seeing none. I open the hearing to the public on Ordinance #11-2016,

ORDINANCES FOR PUBLIC HEARING

Ord.#11-2016 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Amending and Supplementing Township Code Chapter 318. “Sewers and Water”, Part I. “General Provisions”, Article IV. “Water Service”, Section 15, “Connection Required: Waivers” to add Subsection E.

President Nicastro: Mr. Ferrante. Yes.

Mr. Ferrante: Sure, I move for adoption and final passage Ordinance #11-2016.

Mr. Roman: Second.

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

Mr. Roman: Laura, did you get an opportunity yet to find out why this Ordinance was required?

Miss Harris: Yes, this Ordinance is...it’s part of the requirements for the contract for DEP to install the new water lines for the contamination that came from the Combe Fill. We actually did two Resolutions at the last meeting. One was authorizing execution of the contract, the other was accepting ownership of the waterlines and then we did the first reading of this as well. As soon as this is passed we can send the whole package to DEP and hopefully they’ll move quickly and we’ll be able to get the project going.

Mr. Roman: The DEP won’t contribute to anything without passage of this Ordinance?

Miss Harris: They won’t contribute to anything until the contract is fully executed, so we can’t do any work until we have that contract.

Mr. Roman: Part of that is this Ordinance?

Miss Harris: Correct.

Mr. Roman: Do we know what the expended...the cost for residents involved would be if they’re forced to cap their wells?

Miss Harris: I don’t know what the cost is off hand. I can tell you for this particular project it’s going to be done at the cost of the State, so they will not be...they will not have to pay for it.

Mr. Roman: Alright. Thank you very much.

President Nicastro: Anyone else? Seeing none. Roll Call please.

Roll Call: **Passed unanimously**

President Nicastro: I open the hearing to the public on Ordinance #12...wait a minute, I'm sorry, I was jumping the gun. Ordinance #11-2016 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. I open the hearing to the public on Ordinance #12-2016,

Ord.#12-2016 Bond Ordinance Amending Sections 3(g) and 6(b) of Bond Ordinance Numbered 11-2014 of the Township of Mount Olive, in the County of Morris, New Jersey Finally Adopted April 22, 2014, as Amended by Bond Ordinances #14-2014 and #25-2014, Finally Adopted July 8, 2014 and October 28, 2014, in Order to Include an Additional Project and to Amend the Average Useful Life.

President Nicastro: Does anyone from the public wish to be heard? Seeing none. Closed to the public. Mr. Roman.

Mr. Roman: I move for adoption and final passage of Ordinance #12-2016.

Mr. Mania: I'll second it.

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

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #12-2016 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. Let's see...next item on the Agenda is Ordinance for first reading, second reading scheduled for June 14, 2016. Ordinance #13-2016,

ORDINANCES FOR FIRST READING – 2nd reading June 14, 2016

Ord.#13-2016 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Amending and Supplementing Township Code Chapter 294. "Peddling and Soliciting", Article I. "General Provisions" to Add a Code of Conduct Section and Methods for Resident Complaints.

President Nicastro: Mr. Mania.

Mr. Mania: Thank you Mr. President. I move that Ordinance #13-2016 be introduced by title and passed on first reading and that a meeting be held on June 14, 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. Stewart: Second.

President Nicastro: Any Council discussion? Anyone from the public wish to be heard? Seeing none. Closed to the public. 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 Authorizing the Use of a Purchasing Contract. (United Rentals)
2. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract. (Foley Cat)
3. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract. (Cifelli and Son General Contracting Inc. & Grafco Inc.)
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. (Koczan & Associates, LLC)
5. 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. (\$75,293.48 for Clean Communities Program)
6. Resolution of the Township Council of the Township of Mount Olive Awarding a Professional Service Agreement to Professional Consulting Inc. Under the Non-Fair and Open Contracts in Accordance with the Pay-to-Play Law for Engineering Services in Connection with the Rehabilitation of Two Oakwood Village Water Storage Tanks.
7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Filing of a 2016 Grant Application to NJDOT Safe Routes to Schools Program. *REVISED
8. Resolution of the Township Council of the Township of Mount Olive Awarding a Contract for parking Services to NJFFS Fire Fighters Association Section 4 & 6 for the Mount Olive Carnival & Community Week Parking and Budd Lake Fire Department for the Food Trucks & Fire Fireworks Festival.
9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of a Professional Services Contract Without Competitive Bidding to Koczan & Associates LLC, For Professional Services Associated with the Combe Fill North Landfill, 149 Gold Mine Road, Mount Olive Township, New Jersey, Block 4100, Lot 10.
10. Resolution of the Township Council of the Township of Mount Appointing D & M Property Management LLC as the Administrative Agent Affordable Housing Administrator for Bridgepoint Condo & Townshouses LLC.
11. Resolution of the Township Council of the Township of Mount Olive Authorizing the Renewal of Alcoholic Beverage Licenses for the 2016-2017 Licensing Period.
12. A Resolution of the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey Authorizing the Execution of an Addendum to the Developer’s Agreement Between the Township and Toll N.J. XII, L.P.

President Nicastro: We have 12 Consent Resolutions. Does anyone wish to move any to Non-Consent? Seeing none. Does anyone from the public wish to be heard on these? Seeing none. Closed to the public. Mr. Stewart would you move motions...Consent Motions one through twelve?

Mr. Stewart: I would like to move for adopt...

Miss Masser: Resolutions.

President Nicastro: Resolutions. I’m sorry.

Mr. Stewart: ...for adoption and passage the 12 Consent Resolutions.

Mr. Roman: Second.

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

Roll Call: Passed with the exception of Mr. Mania abstained on Resolution three

MOTIONS

- 1. Bill List.

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

Mr. Roman: I move for approval the Bill List.

Mrs. Mania: Second.

President Nicastro: Any questions? Roll Call please.

Roll Call: Passed unanimously

ADMINISTRATIVE REPORTS

President Nicastro: Laura, Administrative Reports?

Miss Harris: We have the Mud Run scheduled for June 18, 2016. The deadline for the free T-Shirt when you register is tomorrow. I just want to let you all know in case you want your shirt. As of today, over 350 have registered for the Mud Run. The Mayor is actually not here this evening because he's at a Bridging Ceremony for the Girl Scouts, I'm not quite sure what that is, but I'm sure it's fun. Raiders of the Lost Park is Saturday, June 18, 2016, also same day as the Mud Run. A special thanks to Sam's Club for being the presenting sponsor for the past three years. We are having a Hard Hat Tour of the Seward Mansion on Tuesday, June 14, 2016 at 10:00 am. We're going to have light refreshments, donuts and coffee. I've made a list of our local Legislators, that are going to be there and of course we would love to have all...everybody on Council attend that as well and anybody else who think might be interested.

President Nicastro: Thank you. 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, just a couple of things, one of the...Resolution number 12 tonight was a Resolution to...it's an addendum to the developers agreement with Toll Brothers. It has to do with the fact they have payment in lieu of tax arrangement, but they haven't started the development yet so technically they were exempt, they were in this gap period of either being exempt or they had to pay on the pilot. I want to thank Rose Barsanti of Sherry's office because she brought it to our attention and therefore we filed a tax appeal in case the exemption was going to be necessarily overturned. After we filed the tax return we came up with this settlement so they have to make a payment in the interim. Along those lines...Rose monitors these agreements and she brought to our attention that we did a deal with the old Paragon Village Senior and there's requirements and they've...they haven't been compliant so far, as far as providing us with audit information and with their second quarter payments, so there too now were taking the necessary actions to enforce that agreement. Also, tonight on Resolution number nine the agreement with the Engineer, the Administration brought to your attention, we'll get to work on that now and keep you posted on the Combe Fill North. The information that the Engineer does in his due diligence, remember he has familiarity, he's spent a lot of time on that actual site. The 57 acres that's always...kind of been out there in negotiation, with the assistance of the Mayor and the Administration we believe we have something that we're going to bring back to you. The last issue was to make sure we have a definitive closing date and I think we're there, so we'll bring that to you for your consideration at the next meeting. Finally, the long running Cobblestone matter is going to go now to the condemnation hearing. We have more information in data and at the same time the property owner made an offer, but it was for \$800,000.00, their last offer was a million. We're getting there, but we're not where...we're at a point...we're not at a point yet were we could bring a recommendation to you for consideration so we're still negotiating on that. That's my report.

President Nicastro: Thank you. Mr. Roman.

Mr. Roman: On the...Fred on the Paragon Village matter.

Mr. Semrau: Yes.

Mr. Roman: Is this an accruing debt that they owe because I remember something a few years ago that...

Mr. Semrau: Right. A few years ago, the prior owner was in default and then the State through...the State New Jersey Housing and Mortgage Authority took over the property and there were issues. When we renegotiated this deal the Township's revenue increased significantly on this new deal and we resolved all the unpayment...the nonpayment's, but this one just started out...they made the first years payment and then they made the first quarter payment, they did not make the second quarter payment due May 1, 2016, so that accrues as if all other taxes are delinquent, you know all the interest and penalties and at the same time it was brought to our attention that we were waiting for their audit. Every year they have to give us an audit...

Mr. Roman: Right.

Mr. Semrau: ...as to what their revenue is and it didn't come in, we wrote them and again that was brought to my attention by Rose Barsanti and they still have not responded. Now we're going to...we're not going to let this one get away from us this early on, so we're drafting a complaint because that's the remedy when you have a pilot agreement for a court to either terminate the agreement, which then you can go ahead and eventually tax them or seek enforcement right away on compliance.

Mr. Stewart: That's Bentley Commons now, right?

Mr. Semrau: I believe that's the technical name, yes.

Mr. Mania: Right.

Mr. Roman: If...the agreement that we went into with the new owner...

Mr. Semrau: Yes.

Mr. Roman: ...were there any like...if I recall correctly...were there like penalties like we go back to the original penalty.

Mr. Semrau: What we would see...it would be a breach, so we'd go back to conventional taxation which would be to them, it would be a negative...

Mr. Roman: Right.

Mr. Semrau: ...because they have overall some favorable treatment as far as how their revenues are generated and to the Township it was favorable too because it was payments made directly to the Municipality. That being said, the Township would then have the option to, if it wanted to, to elect to terminate the agreement. Right now the way pilots are drafted you don't have that option unless there's noncompliance. We entered into this agreement, but I think at this stage what we want to do is make sure that we insist on that compliance and if we have to get a court involved because we've given them about 45 days to comply and they haven't, we want to do it right now and see what the situation is. They did make timely payments in accordance with the agreement through the first quarter of this year. They're much greater than the prior agreement that we had in place.

Mr. Roman: On the Cobblestone property, all the monies expended up until this point in trying to go and take over the property, those are coming out of not Township funds, correct?

Mr. Semrau: Correct. They're coming out of the Affordable Housing Trust Fund. Now, I don't know even with all the litigation we have with Affordable Housing right now what the exact name would be. It's still out of that trust fund and it's been towards the effort to see if the property can be developed for the Affordable Housing units and the plan that the Township has in place and all of those dollars have come out of there. That's correct.

Mr. Roman: Thank you.

President Nicastro: Thank you. Anyone else? Thank you Fred. Council Reports. Mr. Amianda, anything on Board of Education or Seniors?

COUNCIL REPORTS

Board of Education Liaison Report

Senior Citizen Liaison - none

Mr. Amianda: I have a report on Board of Education. The Board of Education met on May 23, 2016 at 6:30 pm at the Board Office. The Board discussed reports and took actions on Agenda items. The Board voted to approve Administrative Action Item 10.1, first reading on Policy #5330.1, Administration of Medical Marijuana on first reading. The Board passed Administrative Action Item 10.2, Resolution supporting the filing of 2016 Grant Application to New Jersey Department of Transportation Safe Routes to Schools Program. The Resolution reads:

Whereas, the Township of Mount Olive Police Department seeks to improve several crosswalks at local schools; and

Whereas, the New Jersey Department of Transportation Safe Routes Program is designed to fund such safety improvements; and

Whereas, the Mount Olive Board of Education fully and wholeheartedly support Mount Olive Township's initiative to create safe walking and bicycling routes for students;

NOW, THEREFORE BE IT RESOLVED by Mount Olive Board of Education that it endorses the filing of an application for a project to construct a pathway from Mount Olive High School to Turkey Brook Park, with no matching funds required and will also commit the required period of maintenance as well as in kind services of employees for a successful conclusion of the project of the Middle School...of the project...sorry. That is the first part of this report. The Board also continued, the Board announced Business Items 9.9 to award Tennis Court Renovation bid at Middle School. They also approved Business Action 10.10 to award bid on window replacement at Sandshore School. There are many...couple of projects going on in our schools and they're really trying to improve appearance of our schools. The Board also approved the other capital expenditures. They included approval of award bid to purchase diesel fuel through State Contract for the 2016-2017 school year. That's the end of the School Board report.

President Nicastro: Thank you Mr. Amianda. Anything on Seniors?

Mr. Amianda: No, no there was no report on that.

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

Environmental Committee - none

Lake Issues

Library Board Liaison - none

Mr. Ferrante: Just on the lake. The new contractor treated the lake early last week I believe on the rapid growth of the weeds, so we've begun the process.

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

Economic Development Committee Report – none

TNR Program – none

Legislative Committee Report - none

Planning Board Report - none

Mr. Mania: No.

Board of Health Report

President Nicastro: Board of Health, the only thing we had...issue we're having is we're working on a...some sort of a new thing for the ...the organizations non-profits in schools now have to be certified to serve the food. There's certain rules required, but we're trying to...get those...square, we met with them to figure out how we can handle it best for them, but handling the food, they do, they need to go through the process somebody there to understand that. We'll be discussing that at our next meeting. Mr. Roman, anything on Open Space or Recreation?

Open Space Committee Report - none

Recreation Liaison Report

Mr. Roman: Nothing on Open Space. Recreation will not be meeting in June, but I just got the update on the attendance for the Fairy and Pirate Festival that occurred a couple of weeks ago, we had 4,500 attendees...

President Nicastro: Wow.

Mr. Roman: ...which to me is remarkable. In November we're having a 5K and we're going to switch it up a little bit, it's going to be a Hot Chocolate 5K and followed up by later in the day with Chocolate and Wine Festival. You know which event I will be attending. We're planning for September 17 and 18, 2016, a Township Wide Yard Sale. The Recreation Department is going to be putting together a proposal in 2017 for a Renaissance Fair. That is it.

President Nicastro: Thank you. Anything on MOTV Mr. Stewart?

MOTV Committee Liaison - none

Mr. Stewart: Yes, they posted some new stuff from the High School as well as Mount Olive Area Chamber of Congress Event.

Mr. Roman: Lip Dub thing.

Mr. Stewart: Yes.

Mr. Roman: That was awesome.

PUBLIC PORTION

President Nicastro: Thank you. Anyone from the public wish to be heard? Seeing none. Yes. If you want to...just state your name for the record, name and address, but yes.

Mr. Duarte: Steve Duarte, 17 Chamberlain Avenue, Budd Lake. Since Debbie and I's last visit on the May 3, 2016 Council Meeting, we had a private meeting held, scheduled for May 13, 2016. At first we'd like to thank Laura and the Mayor for setting up that meeting with Mr. Simoff. During that meeting it's our understanding that Mr. Simoff would change the six to eight foot Evergreens that were proposed in the Mount Olive Mews project to 12 to 14 feet trees and also...it's also our understanding that during the time that they construct near our property it would be well over 18 feet. Since that 13th, May 13, 2016 meeting we haven't heard from Mr. Simoff after two email messages and two voice mail messages. I know Laura and I have exchanged some emails back and forth, she spoke to Debbie...we just...we don't know where we stand with this right now and it's been maybe a month now since the Resolution and also...well over a month since the Resolution and now it's well over a month since that Planning Board hearing. We just want to know where we stand with that.

Mr. Stewart: Have they done any work at all?

Mr. Duarte: They haven't started from my understanding. No.

Mr. Mania: They're going to start Thursday. They have to do...in the roadway...for the State, has to be done this coming week.

Mr. Duarte: Is that...

Mrs. Duarte: If I could just say that its concerning to us if it's going to start because...

Mr. Roman: Name and address for the record.

Mrs. Duarte: My name is Deborah Duarte, 17 Chamberlain Avenue. He did tell us in the meeting that we did sit down with Laura and the Mayor that we were going to be part of Phase I, where those trees would be planted first, so that by the time the development was done, they would be as large as we...you know...we spoke about.

Mr. Mania: That's exactly what I...we were told at the Planning Board meeting...

Mrs. Duarte: Right.

Mr. Mania: ...that instead of waiting until Phase III or whatever...

Mrs. Duarte: Right.

Mr. Mania: They were going to plant the trees in Phase I so that they would have a head start in growing. They said that...he said that they would grow at least three feet a year. I mean I don't know, is that what you heard?

Mr. Duarte: That's what we heard, two to three feet a year. I mean I've consulted with some nurseries and experts and you know there's some questioning as to, you know, two to three feet per year and we can debate that back and forth and...

Mr. Mania: We were also told that if they put any taller trees in the chance of them not surviving is greater.

Mrs. Duarte: He did say they might not take.

Mr. Mania: The bigger the tree, the chance of survival is less.

Mr. Duarte: I did speak to Mr. Simoff, I don't remember exactly what date, it was a couple days after that private meeting, I did reach out to him. We spoke once on the phone and he did mention that survival rate, the percentage rate does decrease as the tree's higher, however, I spoke to experts and that's inaccurate. Also, in the plans if you look...in the plans there's also Evergreens that are proposed 20 to 25 feet, so my question would be to him or any landscape architect would be, if that's the case, if the survival rate percentage decreases that it could die then they're 60, 20 to 25 foot White Pine Evergreens that are proposed, which is in the same family that are the Evergreens behind us, so it's a very inaccurate statement that he said...that he made that.

President Nicastro: Laura you would know more because you were in on the meeting.

Miss Harris: Yes. I mean I'm not an arborist and I really can't speak to like tree growth and which tree would be best, but I think the question right now is that we haven't really received confirmation from him about the 12 to 14 and...

Mr. Roman: Right.

Miss Harris: I've reached out to him a couple of times too, so I'm hoping maybe he's out of town. I can...I'll keep trying and I can keep you guys posted on...I emailed him a few times last week only because I wanted a response in writing.

Mr. Duarte: Right. We want this resolved too. I'm sure this is a minor issue compared to what the Town has to deal with on a daily basis. We were under the understanding, we went to the meeting, we were satisfied, we were happy, we left with handshakes, we thought everything was in, you know, we're just hoping that Mr. Simoff would do good on what he said just like I do good with my clients when I say I'm going to do something, I do good on it to make them happy.

Miss Harris: Anything involving the happiness of our residents isn't a minor issue, but like I said I'll keep trying to reach out to him just to get some kind of confirmation just so you can rest easy because I'm sure it's not easy for you going to meetings and things like that in your spare time.

Mr. Duarte: Right.

Miss Harris: Hopefully we'll be able to bring it to a close with something concrete from him.

Mr. Mania: Certainly if Mr. Simoff doesn't live up to his agreement, you certainly can come back to the Planning Board and let us know...

Mr. Duarte: Sure.

Mr. Mania: ...that there's a problem.

Mr. Duarte: I certainly will.

Mr. Mania: If we don't know, we can't do anything.

Mr. Duarte: Right. I didn't know where I should go because I know this started at Council and if I could go...I would like to go to the Planning Board because I know that's how this whole thing began right from the beginning.

Mr. Mania: If he doesn't live up to the agreement, we'll bring him back in.

Mr. Duarte: Sure.

Mr. Mania: He'll want to know why.

President Nicastro: Mr. Roman.

Mr. Roman: If I'm correct, that agreement was a verbal agreement based in a meeting. Am I right?

Mr. Mania: Doesn't matter.

Mr. Duarte: The verbal of an agreement, but it's a handshake, meeting of the minds we all have to...we're all together...

Mr. Mania: It doesn't matter Alex.

Mr. Roman: I know, but...

Mr. Mania: I mean Fred would know better than I.

Mr. Roman: I don't think that's enforceable.

Mr. Duarte: I'm sure there's different ways of contractual agreements, but that to me it's...

Mr. Semrau: I...to everybody's point, I think that there's a number of things that's going to happen now that the approval is in place. One of the things we're working on is an agreement regarding the wells and the water. The other thing is that there would be a developer's agreement coming forward and while this is separate I would just say I would think that our position is going to be...we want to make sure...

Mr. Mania: Yes.

Mr. Semrau: ...this is in order, I think if I put the developers agreement here, everybody's going to ask me if they have resolved with you before...though we can't tie one to the other I think the questions going to be asked...

Mr. Mania: Absolutely.

Mr. Semrau: ...to make sure it's all in place, especially if he made a representation to you that it was going to be in order. We're in the process just today, I received an agreement, a proposed agreement regarding the water. Again we can't tie one to the other, I would expect if they're going to generate those agreements, we'll make sure to look for this as well, that we have some kind of confirmation that this is resolved.

Mr. Mania: I don't think Mr. Simoff would want to have problems.

Mr. Semrau: Right.

Mr. Mania: If he agreed to that I'm sure he's going to do it.

President Nicastro: Laura, you'll update us obviously when you get the information...

Miss Harris: Absolutely.

President Nicastro: ...and we'll see what happens when we get the agreements.

Mr. Roman: We'll see the developer's agreement.

President Nicastro: Yes, we'll see the agreement...done...prior to that so we'll follow up on our end to.

Mr. Duarte: I appreciate it. Again I want to thank Laura and the Mayor for setting up that meeting too. Thank you.

President Nicastro: Thank you.

Mr. Stewart: Thanks for coming in.

President Nicastro: Anyone else from the public? Seeing none. Closed to the public. Any Council comments, Mr. Amianda?

COUNCIL COMMENTS

Mr. Amianda: No.

President Nicastro: Mr. Ferrante?

Mr. Ferrante: None tonight.

President Nicastro: Mr. Mania?

Mr. Mania: No.

President Nicastro: Mr. Stewart?

Mr. Stewart: No.

President Nicastro: Mr. Roman?

Mr. Roman: Just to remind everybody to vote next Tuesday.

President Nicastro: That's right, already.

Mr. Roman: Vote early, vote often.

President Nicastro: Thank you. None for me.

Mr. Stewart: What do you think you're in Bergen County?

President Nicastro: I was going to say something, but we're on the record. Do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:31 pm.

Joe Nicastro, Council President

I, Susan Gouveia, Township Deputy 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 June 14, 2016.

Susan Gouveia, Deputy Township Clerk

mvm