

The Public Meeting of the Mount Olive Township Council was called to order at 7:07 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.

President Nicastro: Roll Call please, I was just waiting for Mr. Amianda.

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; Robert Greenbaum, Mayor; Laura Harris, Business Administrator and Taylor Heinemann, Mayor for a Day

Mayor Greenbaum: Joe...

President Nicastro: Yes.

Mayor Greenbaum: If I may, I hate to interrupt.

President Nicastro: That's okay.

Mayor Greenbaum: Gary Lindsey is here, I understand he has another obligation and I'm wondering if you can...

President Nicastro: Okay.

Mayor Greenbaum: ...get to him early on in the Agenda.

President Nicastro: Yes, we can...we'll approve the Minutes and then we'll get to Gary.

Mayor Greenbaum: Thank you.

President Nicastro: Mr. Amianda, would you approve the Minutes from the April 19, 2016 Workshop and Public Meeting please.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

April 19, 2016 WS & PM (Absent: Mr. Roman)

Mr. Amianda: Yes. I make a motion for approval of the Minutes of the previous meetings on April 19, 2016, Work Session and Public Meeting.

Mrs. Labow: Second.

President Nicastro: Discussion? Roll Call please.

Roll Call: **Passed with the exception of Mr. Roman abstained**

President Nicastro: Gary, you can come up now. If you want to come up...I believe...is it about the house update?

Miss Harris: Yes. I asked Gary to be here because...we have very limited options when it comes to this property and also the property on Route 46. I'm hoping between Gary and myself we can explain to Council what it is because there will be policy decisions and expense decisions depending on what direction Council chooses to go. I guess I'll start, I know Gary has been out to check the house and I believe that...you know...I did speak at length with the County Adult Protective Services Department as well, I believe that our only

options at this point are to do nothing or to move forward and designate it as an unsafe structure and then condemn it. That would basically leave us on the hook to find the gentleman who lives there another place to live and probably be on the hook for his living expenses for quite some time.

President Nicastro: Is this the house we were talking about with the roof that's...right?

Mr. Mania: The one on Mount Olive Road.

Mr. Lindsey: 26 Mount Olive Road.

Mrs. Labow: Yes.

Mr. Mania: The blue house.

Mr. Lindsey: Yes, 26 Mount Olive Road.

Mayor Greenbaum: Is it an unsafe structure?

Mr. Lindsey: I haven't been able to get in. He won't let us in. I've been there with Scott VanNess a number of times. He stops two or three times a day, knocks on the door, leaves notes, he won't let us get in, so we don't know. The front porch obviously has got issues, but I don't think it's really falling down at this point, but we don't know what the rest of the house looks like. He's in and out of there and we know he's there when we're there, we're pounding on the door; he just won't let us in, so we don't know really what our options are at this point. We're trying to get Social Services to go there and meet with him and maybe we can get something done that way, but we're kind of at a loss right now. Everybody's complaining we got this piece of property and we just don't know what to do with it.

Miss Harris: The County has offered to have a representative from Adult Protective Services accompany us on a visit since they're...I guess...very experienced at this and they have...you know...they're able to...I don't know, make somebody comfortable in that situation. Their only role at that point is to determine whether or not the person living there is competent. Not sure what happens at that point if they do declare him incompetent and...you know...possibly Dawn Sullivan or Fred Semrau can help us because she did...because the woman I spoke with at the County didn't even really know what we would do from that point forward.

Mayor Greenbaum: Are there zoning violations that are occurring, property maintenance violations?

Mr. Lindsey: Yes, Scott's been...has issued for probably about a year now, I think. He's been dealing with it, but the guys not easy to deal with and you can't get him on the phone and it's been a real issue. He's got probably a good chronology of a year on this thing, its constant looking at it. It's something that I don't know that we can handle.

Miss Sullivan: Is the gentleman that's in there the owner of the house? Or...

Mr. Lindsey: As far as we know.

Miss Sullivan: ...is he just...

Miss Harris: His taxes are up to date.

Miss Sullivan: Okay.

Miss Harris: I did check to see if he's...you know...keeping all his expenses current.

Miss Sullivan: Right.

Miss Harris: There doesn't seem to be a financial issue there.

President Nicastro: Mr. Roman.

Mr. Roman: What are the natures of the zoning violations as of yet?

Mr. Lindsey: I don't know zoning...it's just property maintenance. Obviously you ride by, you see it in disrepair and so much of that is property maintenance, but how far do we go. We don't have a whole lot of

teeth in, we probably should have a Maintenance Officer...Property Maintenance Officer and give him some teeth to be able to do more than we can do. We do it amongst our jobs trying to get these things taken care of, but this one's an issue and I don't think we can handle it.

Mr. Roman: Is there anything that as of yet that you've seen that makes you think that this structure is unsafe or might be detrimental to him?

Mr. Lindsey: There's water getting in the house, now is there mold inside? What kind of...we thought maybe the Health Department would talk to him and they said well, unless there's some other type of issues, they can't get involved. We're all kind of...alright who's going to take care of it?

President Nicastro: Mayor. Mayor, you have something?

Mayor Greenbaum: Yes I think...it seems like we're in a quagmire in terms of three different departments, none of which have the ability to adequately deal with this situation. My recommendation actually is that we adopt an Ordinance that will clarify this situation and the Ordinance should reflect the fact that in a situation where there are outward appearances of either the building being in disrepair or that the health of the resident maybe at stake that we have some ability to get into the house and inspect it. Obviously we don't have that at this point in time and I think that we actually need to put something in place...I'm sure that other Municipalities have dealt with a similar type situation. The last thing that we want to have happen is for the roof to collapse on this individual, which creates health hazards for not only our First Responders, but also for adjacent properties that are going to be dealing with or could be dealing with issues related to the failure to maintain the property. I can't imagine that Scott has any ability to enforce property maintenance codes because the individual is just going to ignore whatever comes down the road and it's really beyond the property maintenance issue that we're looking at, it's a health and safety issue.

Miss Harris: Yes.

Mayor Greenbaum: My recommendation under those circumstances is let's get an Ordinance which will allow us to get into the house to do an inspection from the health and safety perspective. Then it should go further in terms of if a health and safety issue is found, what are the rights of the Municipality to deal with private property under those circumstances.

President Nicastro: Mrs. Labow?

Mrs. Labow: Thank you Mr. President. The front porch is...falling down, so I would think that, that might indicate that there's...

Mr. Lindsey: Not really, the roof is caving in but the sides are fine.

Mrs. Labow: The sides are fine?

Mr. Lindsey: It's all within...so it's not going to hurt anybody outside. He's got it blocked off with plywood so he can't get to it. Obviously it's in disrepair, but I don't think it's doing anybody any harm at this point, maybe in another six months or a year from now, but do we want to wait that long?

Mrs. Labow: No...that's the whole thing. If the porch roof collapsed, who knows if the roof on top...he seems to be on the second floor. When you go by you see the lights on up there. I know I had shown a property, a rental property, at the corner of Colonial Road and Mt. Olive Road and the people are like "Oh my God", and you worry about what's living in all of that rubbish too.

Mr. Lindsey: Right.

Mrs. Labow: That's a concern as well. You don't know, but most important it's you worry if he does need to call for assistance, a medical emergency, how is anybody going to get to him?

Mr. Lindsey: He has a side door that he gets in and out of. We keep leaving notes on that door and he takes them off so we know he gets the notes, we know he's going in and out.

Mrs. Labow: Yes.

President Nicastro: Mr. Mania?

Mr. Mania: Do we know how old of a gentleman that lives there?

Mr. Lindsey: Maybe Scott knows. Scott's talked to him.

Mr. Mania: Yes, I know because I brought it to Scott's attention a couple of months ago.

Mr. Lindsey: Right. He's talked to him, but I don't know. He just said he doesn't think he's a very stable individual. I keep sending him notices, he doesn't know if he's going to understand them or not.

Mrs. Labow: He drives...

Mr. Ferrante: Yes, he definitely drives.

Mrs. Labow: He drives.

Mr. Ferrante: He has a boat.

Mr. Mania: Mr. President, I would suggest maybe we get some model Ordinances from different Municipalities to see if we can come up with an Ordinance.

President Nicaastro: I believe Dawn wrote that when the Mayor was speaking and we'll get something to look at. Is it worth it to...do we get the County involved yet at all to go and try to assess him?

Mr. Lindsey: We're trying to get in to meet him first. I think if we somehow get a meeting with him and then we could probably set up with the County from there, but not talking to this individual...Scott put another note on his door today to please call us, we want to help you and maybe he will and we can work from there.

President Nicaastro: Mr. Roman.

Mr. Roman: Right now I'm kind of a little taken aback that we're proposing an Ordinance to go in and invade somebody's property and take him against his will and I guess, put him under physiological evaluation when as of yet I don't think there's been any determination whether he's a harm to himself or anybody else. The fact that he's violating property maintenance agreements is one thing, we can cite him for that and if he doesn't appear in Court then I'm assuming the normal procedure, there is a warrant issued. It just right now I'm just kind of a little taken aback on proposing it.

Miss Harris: I don't want to speak for the Mayor but I don't think that the proposition is to remove somebody from their home...

President Nicaastro: I don't think so either...

Miss Harris: ...against their will.

Mr. Roman: We're proposing to go in...

President Nicaastro: To examine the home, I believe.

Miss Harris: To make sure he's okay, basically.

President Nicaastro: I believe it was the home to examine, right?

Miss Harris: To make sure he's not living in a...

Mr. Mania: He may be doing harm to himself.

Mayor Greenbaum: I don't see this any different than a DYFS situation childhood protective. When you get at the other end of the spectrum with somebody who may not be mentally competent, I think it's our responsibility on a number of different levels to go in and make sure. I'm not talking about removing him, what I'm talking about is going in and making sure that there is an adequate safety and health issue with respect to this particular individual, otherwise one day we're going to come and he will have been...he will have expired in his house and no one will have known about it for two years or three years or whatever the case may be. I think as a Township, we have an obligation where the outward appearances of what we're seeing indicates that there is an issue that needs to be addressed by the Municipality. I don't think that citing him with property

maintenance violations and then having him arrested because he ignores them is a better proposition than going in and checking on the health and safety of the individual, making sure that his needs are taken care of as best as the Municipality can. Seems to me that is a much better option than simply having him arrested and then dealing with it after he's been arrested because he hasn't been able to deal with what he's required to do as a resident in the Township.

President Nicastro: Another thing Dawn you're going to look into other...I'm sure like the Mayor said, there's other Towns that have other Ordinances that we have...something similar. We can check that out. I don't think that anybody's advocating to go in and pull the guy out of the house, I think it was more to see safety and like the Mayor said to check on it and see what the rules are.

Miss Sullivan: Absolutely I'll check with the surrounding Municipalities, I'll dig as far as I need to dig to see what options this Township can put into place to make sure that its residents are safe and living in safe and healthy conditions.

President Nicastro: Mr. Roman, you're finished?

Mr. Roman: How would this work? Let's say we pass a law saying we're allowing ourselves into his home. If he decides not to allow us in, do we knock the door down?

President Nicastro: We'll find out...

Mr. Roman: Luckily we have the Police Department here. On the normal welfare check, how do you...how is this thing handled? If somebody calls in and says their...I believe my relative is in danger in their house, how is that handled?

Captain Beecher: For the record I'm Steve Beecher, I'm a Captain with the Police Department. My suggestion would be to reach out for Adult Protective Services and have them do a welfare check before you do anything else. Make sure or get information from those people that are the subject experts as to the competency of the man that's, or woman that's living at that residence.

Miss Harris: That's who I spoke to and she did offer, like I said, to next time we were planning on...she said just to give them two to three days' notice...you know...they'll come out with us and they do...I guess, they have training on how to deal with people like this so...you know... they might have a softer touch or know a better way to get him to...I mean, I don't know how you can get somebody to answer the door if you can't talk to them, but hopefully she would at least know some kind of tactic or strategies, I don't know if that's the right word, to...to get him to at least communicate with people. I don't know if we can really address how we would enter the home yet until we do a little more research and see...

President Nicastro: Right.

Miss Harris: ...how other people are dealing with it. We're just kind of sort of beginning or embarking on the process and hopefully we can get some good information on how other Towns have dealt with it.

President Nicastro: Great. Mrs. Labow.

Mrs. Labow: Thank you Mr. President. Gary, I don't think that you would know the answer to this, but maybe Scott would, there's got to...he's been there decades, there's got to be people in the neighborhood who know him. Somebody must be able to communicate with him. Have we checked door to door, see if any of the neighbors...?

Mr. Lindsey: No, that's not what we do.

Mrs. Labow: No, it's just an option. I'm thinking somebody's got to know this person. He drives so we know he goes out of the house.

Mr. Lindsey: He goes out because I rode by a couple of times today and the car wasn't there.

Mrs. Labow: The cars gone, right?

Mr. Ferrante: I think he fishes too, I've seen the boat come in and out.

Mrs. Labow: Yes the boat, his boat comes in and out too.

Mr. Lindsey: That thing leaves there?

Mr. Ferrante: I think so, I've seen...

Mrs. Labow: That's what he was saying. I know the car leaves there because I've seen the car go.

Mr. Mania: He has a boat?

President Nicaastro: Do you have something?

Mrs. Labow: I'm thinking I would maybe like to visit some of the neighbors first.

Miss Harris: Councilman Ferrante, correct me if I'm wrong, you sent me an email that the neighbors have been in touch with you and they...

Mr. Ferrante: No, no. They were asking if they would be allowed to see if he...

Miss Harris: They're interested in helping him.

Mr. Ferrante: Yes, absolutely.

Mrs. Labow: Was it your neighbors or his neighbors?

Mr. Ferrante: Yes.

Mrs. Labow: Yes, his neighbors in his development.

Mr. Ferrante: In Pershing Estates.

Mrs. Labow: In Pershing Estates and that's the thing that were getting, I'm getting a lot of people asking me about it as well and John has too and John Mania has so it's like it's...

Mr. Lindsey: Alright, why don't you refer it to Scott because Scott's been the lead person on this?

Mrs. Labow: Yes because the residents, there's people...a lot of people drive by and they're...they don't think too much of it during the day, but then at night when you go by and you see there's a light on and somebody's actually living there, it kind of scares you. So...

Mr. Mania: I believe Scott's been there at least twice.

Mrs. Labow: More than that.

Miss Harris: He was out...he was out again today, I think.

Mr. Lindsey: A couple of times today. Everyday we're...he's sending me an email every time he goes there so we have a record of it.

Mrs. Labow: Good.

Mayor Greenbaum: The problem here from my prospective is that there's indicia that it's an unsafe structure. We can't make that determination unless you're given access to the house.

Mr. Lindsey: Right, I have to be able to get inside.

Mayor Greenbaum: If it wasn't an unsafe structure I think it puts it in a different category along the lines of what Mr. Roman was talking about. There has to be an ability of a Municipality to do an inspection of a building which at its first glance appears to be an unsafe structure.

Mr. Ferrante: Which was the other property that's in question?

Miss Harris: There's one on Route 46.

Mr. Lindsey: The other one is 231 Route 46, one of the abandoned houses there. Let me just give you a little history of it. Mary Gladish bought it at a tax sale and bought the wrong piece of property she told me, so she didn't want anything to do with it. We've been after her to do something about it. We had Mr. Dorsey's Law Firm send letters, finally what she did is she tried to give it to the Town. We said we're not taking it you got to take care of the buildings first. Then she ended up finding someone to buy it from her, Champion Enterprises, their address was Beaver Lane. Nobody lives at Beaver Lane, 3 Beaver Lane. We've been chasing her around. Detective Dunn found them up in Jefferson, served them, actually served them in a restaurant, went to his, where he supposedly lived, he didn't live there anymore. On his way back to Town he stopped to get a cup of coffee in the Jefferson Diner and sees him there, served him there. We don't know where he lives, so he's in the process of trying to find him, but in the mean time we've got a piece of property with a house we want to take down. I got an estimate from Timmy to take it down of almost \$15,000.00. I mean, I have \$15,000.00 in my budget, but its \$15,000.00 that you're not going to get back if we take it down.

Mrs. Labow: Right.

Mr. Lindsey: We've got...you have other properties around Town that have the same issues, so do we just keep pushing and keep forcing him to do something or they just seem to be going in circles. He goes from place to place to place so how do we deal with it, do we just keep going or do I take it down and use the money we have budgeted.

Mr. Nicastro: Mrs. Labow and then Mr. Roman.

Mrs. Labow: That house its...half of it is already down and there's people who live right there...

Mr. Ferrante: Right next door.

Mrs. Labow: ...right next door. It's really a dangerous situation, but could we possibly see if the Fire Department would want to do a fire drill there. I mean...

Mr. Lindsey: There's not enough left of the house.

Mrs. Labow: I'm just thinking of terms of...

Mr. Lindsey: I think Timmy had a couple of his guys go in there and knock a couple of walls down for me because they were leaning.

Mrs. Labow: It's really bad.

Mr. Lindsey: It's not that it's really unsafe, there's not much there, but it's got to go. It's got to get out of there. The property is not buildable and we've been chasing this guy around. I'll keep chasing him, but you know it's been six months or so now.

Mayor Greenbaum: I think you've got to take the structure down, personally.

Mr. Roman: Definitely.

President Nicastro: Mr. Roman...is that what he said. Mr. Roman.

Mr. Lindsey: Then we'll fight him over the money.

Mayor Greenbaum: Put a lien on the property and just take the structure down, clean it up and...I recognize that we're never going to get the money back, but eventually we'll own the property and it'll just be an open lot.

Mrs. Labow: I would have to think too, the police could correct me if I'm wrong here, people driving by, all of a sudden you see something like that; it startles you for a second, you're like "Oh my God" look at that building. That's a very dangerous section of Route 46 there.

Mr. Lindsey: Right, right. It is a bad spot, it needs to come down and...we keep...unfortunately we, this is not a full time job for me or for Scott taking care of these things so you do it amongst the rest of what you're doing. You just keep after them and after them, the Police Department tried to help us, especially since Scott was a former Police Officer, he's got the connections, but there's only so far we can go and I think at this point we take it down and put a lien on it then it's out of there, we don't have that issue any more and we fight them over the money.

Mayor Greenbaum: That's my position.

President Nicastro: Mr. Roman.

Mr. Roman: This seems like a no brainer, let's take it down.

Mr. Lindsey: Okay.

Mr. Roman: To me, whether it comes out of your budget or another line item is...I think the point is mute.

Mr. Lindsey: Okay.

Mr. Roman: I mean we're...to me this is something if we didn't want to take it out of Gary's budget is...the proceeds from the property that we were going...the sale that we just had in order to improve business, I mean that's something that we can variably use for that just to improve the area.

Mr. Lindsey: When I've used that money in the past, I've used it and I've gotten it back. That's the only thing. When we use money out of there, other than for 4 Patlyn, which we put a roof on the place, that came out of mine too, we didn't get that back, but I always thought it was there that we would do it and get our money back, but this is one I don't think we're getting our money back.

Mayor Greenbaum: I would agree with you, but I still...it's still my position that the building needs to come down.

Mr. Roman: Yes.

Mr. Lindsey: Okay.

Miss Heinemann: Where would, where would he live if he...

Mayor Greenbaum: There's no one that lives there right now. Not in that building.

Mr. Lindsey: No, there's not floor, there's no nothing but three walls standing on that.

Mr. Roman: This is something that has to come down because if somebody gets hurt...

Mayor Greenbaum: We were talking about two different buildings.

Mr. Lindsey: Right.

Mr. Roman: ...a kid going in there...and we are aware of an unsafe structure, I think it puts us at...a liability.

Mr. Lindsey: He's still a liability because he's gotten notices that he's got an unsafe structure, we've sent him penalty notices, \$2,000.00 a week. He's ignored all of them. We can't even find...his location changes we don't know where he really lives, every time we go send somebody to where he lives, he's not there anymore. We're just chasing a ghost at this point.

Mayor Greenbaum: Do you have the money in your budget?

Mr. Lindsey: Yes, I have enough.

Mayor Greenbaum: Take it down.

Mr. Lindsey: Okay. Alright, I'll have it Timmy do it, we'll discuss it in the morning.

Mrs. Labow: Joe.

President Nicastro: Anything else? Yes.

Mrs. Labow: Did Mary actually...the guys definitely the owner, he's on the deed and everything?

Mr. Lindsey: Yes. I have a copy of the deed...

Mrs. Labow: They did all that...

Mr. Lindsey: The deed says Beaver, 3 Beaver Lane in Flanders...

Mrs. Labow: There's no...

Mr. Lindsey: ...and nobody lives at that house, it's a foreclosure.

Mayor Greenbaum: Isn't that where Art Adams lives? I'm just kidding.

Mr. Lindsay: He lives across the street, I think.

President Nicastro: Anything else?

Mrs. Labow: Okay great.

President Nicastro: Anything else anyone? No. Thank you Gary.

Miss Harris: Thanks Gary.

Mr. Lindsey: Thank you.

Mrs. Labow: Thank you.

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received April 15, 2016, from Raritan Headwaters regarding Get in on the Action at RHA's Earth Day Celebration.
2. Letter received April 18, 2016, from Morris Habitat for Humanity regarding Hammer for Heroes event.
3. Email received April 18, 2016, from Raritan Headwaters Association regarding Our Earth Day Celebration Is Just Days Away!
4. Email received April 19, 2016, from Sustainable Jersey regarding Learn about Funding Opportunities for Walkable and Bikeable Communities.
5. Email received April 20, 2016, from Jack Gerard, API regarding U.S. Leads World in Emissions Reductions.
6. Email received April 20, 2016, from TransOptions regarding Registration Opens Today for the 2016 Bike to Work Challenge!!!
7. Email received April 21, 2016, from Raritan Headwaters Association regarding Last chance to Register for Tomorrow's Earth Day Party!
8. Email received April 21, 2016, from Great Swamp Passaic Municipal Alliance regarding Municipal Alliance, 4/28.
9. Email received April 21, 2016, from TransOptions regarding Registration is now open for the 2016 Bike to Work challenge!!!
10. Email received April 22, 2016, from Jim McGreevey regarding Sunday, April 24 Marks Start of "National Reentry Week".
11. Newsletter received April 22, 2016, from Advancing Opportunities regarding Enroll Today for Summer College Prep Program.
12. Email received April 25, 2016, from Sustainable Jersey regarding New Report: Statewide Change, One Community at a Time.

13. Email received April 28, 2016, from Jim McGreevey regarding National Reentry Week Invitation.
14. Email received April 28, 2016, from TransOptions regarding Go Smart! April 2016.
15. Email received April 29, 2016, from Raritan Headwaters regarding May Days.
16. Email received April 29, 2016, from NJRA Redevelopment Training Institute regarding May 19-20, 2016: New Construction Workshop & Case Study/Project Tour.

RESOLUTIONS / ORDINANCES OTHER TOWNS

17. Email received April 20, 2016, from Netcong Borough regarding Netcong Resolution.

STATE AGENCIES

18. Email received April 15, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – DEP Partners with Groundwork Elizabeth for Community Based Sustainable Agricultural Initiatives.
19. Letter received April 18, 2016, from State of New Jersey Department of Environmental Protection regarding Morris County YMCA Dam, NJ DEP File No. 25-67.
20. Email received April 19, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Earth Day Message.
21. Email received April 20, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Christie Administration Urges Caution During Wildlife Season.
22. Email received April 21, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – DEP to Propose Science-Based Rule Changes to the Highlands Septic Density Rules.
23. Email received April 27, 2016, from FEMA regarding FEMA Bulletin Week of April 25, 2016.
24. Letter received April 28, 2016, from State of New Jersey Department of Environmental Protection regarding One 550-gallon #2 Heating Oil Underground Storage Tank System at 250 Sand Shore Road, Block 1504 Lot 7.
25. Letter received April 28, 2016, from State of New Jersey Department of Environmental Protection regarding One 550-gallon #2 Heating Oil Underground Storage Tank System at 46 Gold Mine Road, Block 4400 Lot 76.
26. Email received April 28, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Media Advisory – NJ State History Fair.
27. Email received April 28, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Air Quality Awareness Week – May 2nd thru May 6th.
28. Email received April 28, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Tips to Reduce Encounters with Bears this Spring.
29. Email received April 29, 2016, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release Allaire BBQ and Beerfest.

MSA/MUA

30. Email received April 29, 2016, from Musconetcong Sewerage Authority regarding MSA March 24, 2016 Approved Meeting Minutes.

MORRIS COUNTY

31. Email received April 21, 2016, from County of Morris regarding Heroin. Abuse. Budget. Vets. Lacrosse & Roller Derby!

- 32. Email received April 22, 2016, from Morris County Planning Board regarding MCPB minutes.
- 33. Email received April 25, 2016, from Morris County Economic Development Corporation regarding Reminder! April 27, 5 pm-7 pm – Network with other MCEDC members at our Land Use and Development Focused Networking Event.
- 34. Email received April 28, 2016, from County of Morris regarding Solar. Bridges. Golf. Budget. Drugs. Alton Brown, too!

UTILITIES

- 35. Notice of Public Hearings received April 18, 2016, from Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas.
- 36. Email received April 22, 2016, from First Energy regarding JCP&L Topic of the Month.
- 37. Email received April 28, 2016, from First Energy Corp regarding JCP&L Submits Rate Filing – New Release April 28, 2016.

President Nicaastro: We have 37 pieces of Correspondence. Does anyone have anything on those? Seeing none. I open the hearing to the public on Ordinance #9-2016,

ORDINANCES FOR PUBLIC HEARING

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.

Miss Sullivan: Mr. President.

President Nicaastro: Yes.

Miss Sullivan: Before we start any discussion on this, I've been notified that there has to be an amendment to the Ordinance as its been introduced. On the second to last page, section eight under fees; period of license validity. There is a price for the non-refundable fee for initial application and license, it's listed as \$300.00, it needs to be amended to read \$250.00.

President Nicaastro: We can pass it with the amended...

Miss Sullivan: You can.

Mr. Roman: Yes.

President Nicaastro: We'll pass with the amended, add that. Does anyone from the public wish to be heard on this? Seeing none. Closed to the public. Someone...I'm confused...that's true before we get...does anyone have any questions for Captain Beecher? Mr. Roman.

Mr. Roman: I was not here when Mr. Beecher gave his explanation on this Ordinance, but as I see the Ordinance in front of me, I still have the issue with the definition of dealer being somebody who is either wholly or in part and though I recognize that this is a tool that the Police Department could well use in order to assure the property of our residents and to deter criminals from engaging in selling of stolen property. At this moment I cannot support this Ordinance and I will be voting to abstain because I just worry that even though the Police Department has indicated that they will not be...that their sole intent purposes of going after businesses that engage in this, I worry about in the future if somebody else just accident...falling through the cracks and being...falling under this Ordinance and being penalized. Those are my comments.

Mayor Greenbaum: Did you say you were going to abstain or you're going to vote against?

Mr. Roman: I'm going to abstain. Just because...I need to at least voice my opposition, I do...I'm pro Law Enforcement, everyone knows that, and I want to give the Police Department as many tools as possible and I don't want to prevent you from having the tools necessary, but I at least need to voice my concerns.

President Nicaastro: Anyone else? Seeing none. Thank you.

Mayor Greenbaum: I'm sorry.

President Nicastro: Yes Mayor.

Mayor Greenbaum: I applaud the efforts of the Police Department.

Captain Beecher: Thank you.

Mayor Greenbaum: I see this as a very good step that you guys have taken bringing it to our attention, in terms of improving the efforts that you guys can have on behalf of all the residents of the Township of Mount Olive. If I had to vote I would certainly vote in favor of it. I appreciate the fact that on your own you brought this to our attention and I look forward to the Police Department looking over all of the things that you do and improving how we can help you do your job.

Captain Beecher: Thank you.

President Nicastro: Thank you. Mrs. Labow.

Mrs. Labow: I just want to ask Mr. Roman, did you have a chance to review Captain Beecher's explanation from the last meeting? When he was going through the whole thing, a lot of the stuff that you had brought up as concerns really were addressed and if you had...you can vote whichever way you want, but some of things you brought up I was in agreement with you, but Captain Beecher really explained it and it's actually a very good Ordinance.

Captain Beecher: Do you want me to just give another summary...

President Nicastro: Yes.

Mrs. Labow: Yes.

Captain Beecher: ...of the program?

President Nicastro: If you'd like, that's fine.

Captain Beecher: What happens is there's a company called Business Watch International and Business Watch International has the proprietary rights to a software called RAPID, which is an acronym for Regional Automated Property Information Database Entry. What happens is as the second hand and precious metal dealers purchase items, they're suppose to enter the data into a software program, which is also linked with the NCIC network. What will happen is it'll give our Detectives and Officers the tool to search...do a computer search for missing items by serial number or by photo or description. What we have found is that our heroin epidemic throughout the country has really fueled a lot of burglaries, a lot of thefts. In speaking with the Detectives earlier today, unfortunately we have the best and cheapest heroin in the country right here in New Jersey. You can get a bag of heroin for \$3.00, you can get a bundle, which is ten for about less than \$30.00 and you can get a brick which is 50 for less than \$150.00. What happens is these individuals that are addicted want to steal and flip the money really quick, they want to feed their habit. That's one of the reasons we want to institute this program so that the pawn shops are required to hold on to second hand goods for a period of seven days and they're also required to hold on to precious metals for ten days giving our Detectives the opportunity to retrieve items that victims may have lost. That's really the intent and the purpose of this Ordinance, is to be able to assist victims of crimes in recovering their stolen property. I know also, Councilman, you have an issue with the dealer description, but in the Ordinance as well, it addresses the issue of those that are considered engaging in business in the community and those are people that advertise either in print or electronically that they're available to purchase these items and in giving the people the opportunity to flip items very quickly for cash. We're not looking for necessarily people that are doing things independently on the internet to go after them or companies for that matter that are doing small...small exchanges and exchanges that take time, we're looking at going after the people that are typically taking the metals and what we've seen in the past is they'll take metals and they'll boil it down to...they'll take all the gold and they'll boil it down real quick so its unrecognizable, this Ordinance will prevent them from doing that.

President Nicastro: Mr. Roman.

Mr. Roman: Captain, I again...I applaud your efforts, especially in trying to at least somehow fight this war of heroin...on heroin and I have no doubt whatsoever that, that this current Police Department will not use this for anything other than its stated purpose. My concern is still even though later on in language the definition is still

there and I just...my concern is again somewhere down the line someone can fall under this Ordinance even though they are not a licensed dealer because by definition you don't have to be licensed, you don't have to be a registered business, you don't have to be a brick and mortar to fall under this Ordinance, but again I applaud the effort to protect our citizens and their property.

Captain Beecher: Thank you. Just as an aside, this is already either proposed or existing in 76 Municipalities in the State, it's mandated by law in Delaware and Maryland and it's in existence on the Northeast Coast from Florida to Maine. If you were to pass this Ordinance tonight, we would be the first Municipality in Morris County to implement this system and we're hoping that there's going to be a cascade of other Towns that will do this as well and this will assist our Detectives in their investigations in recovering property.

President Nicastro: That's it? Thank you very much.

Captain Beecher: Thank you.

President Nicastro: Mr. Ferrante, can you move?

Mr. Ferrante: I make a motion to move Ordinance #9-2016 with the amended language.

Mr. Mania: I'll second it.

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

Roll Call: **Passed with the exception of Mr. Roman abstained**

President Nicastro: Ordinance # 9-2016 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. There are no readings...first readings.

ORDINANCES FOR FIRST READING – None

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. (Fibar Group, LLC)
2. Resolution of the Township Council of the Township of Mount Olive Authorizing the use of a Purchasing Contract. (National Joint Powers Alliance)
3. Resolution of the Township Council of the Township of Mount Olive Authorizing the use of a Purchasing Contract. (Witmer Public Safety Group)
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 – Revised (Warren County Trucking)
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 – Revised (Gray Supply)
6. 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 – Revised (Robert Half)

7. 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 – Revised (Crown Equipment Corp. d/b/s Crown Lift Trucks)
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of an Ordinance Balance (Ordinance #27-2013 Baptist Church Improvements)
9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Extension of the Contract for Emergency medical Transportation Services with Atlantic Ambulance Services, Formerly Known as HRMC Emergency Medical Services.
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of the Contract for Carnival Services to McCafferty Enterprises Co., Inc. for 2016.
11. Resolution of the Township Council of the Township of Mount Olive Authorizing the Rejection of Proposals for the Lease Vehicles.
12. Resolution of the Township Council of the Township of Mount Olive Approving and Authorizing the Execution of a Facility Use Agreement Between the Township of Mount Olive and New Jersey Vasa Home.
13. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of an Amendment to the Shared Services Agreement Between the Township of Mount Olive and the Township of Washington for the Provision of Animal Control Services.
14. 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. **REMOVED 5/2/2016**
CONTINUE to MAY 17, 2016 Meeting
15. 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. **REMOVED 5/3/2016**
16. Resolution of the Township Council of the Township of Mount Olive Authorizing the Expenditure of Municipal Funds for the Litigation Known as In the Matter of the Application of the Township of Mount Olive, Docket No. MRS-L-1634-15.
17. Resolution of the Township Council of the Township of Mount Olive Authorizing the Settlement of Various Tax Appeals. **ADDED 5/3/2016**

President Nicastro: We have 17 Resolutions. Does anyone wish to move any to Non-Consent? Seeing none. Does anyone from the public wish to be heard on those? Seeing none. Closed to the public. Do we have a motion to...

Mrs. Labow: Joe.

Mr. Mania: Wait a minute, you have some that were removed.

President Nicastro: I'm sorry there're two...I took them off the first...I forgot this one.

Mrs. Labow: I wanted to remove one also.

President Nicastro: Resolution 14 has been removed and 15 and 17 was added and Mrs. Labow you want to move one to Non-Consent.

Mrs. Labow: Nine. Nine.

President Nicastro: Nine to Non-Consent?

Miss Masser: Non-Consent?

Mrs. Labow: To Non-Consent, only because I have some questions.

President Nicastro: Mrs. Labow then, would you move motions one through eight, ten through thirteen and sixteen.

Mrs. Labow: One through...I move Resolutions one through eight. Was it ten through thirteen...

President Nicastro: Ten through thirteen.

Mr. Mania: Right.

Mrs. Labow: ...and sixteen.

Mr. Mania: ...and sixteen.

Mr. Amianda: Second.

Mr. Mania: ...and seventeen.

Mrs. Labow: ...and seventeen.

President Nicastro: That was added.

Mr. Roman: Sixteen and Seventeen.

President Nicastro: Sixteen and Seventeen.

Mrs. Labow: Sixteen and Seventeen.

Mr. Mania: Right.

President Nicastro: Yes.

Mr. Roman: Who seconded it?

Mrs. Labow: Yes, Daniel seconded it.

Miss Masser: Who seconded?

Mrs. Labow: Daniel.

Mr. Roman: Daniel.

President Nicastro: Daniel seconded. Any discussion on these? Roll Call please.

Roll Call: **Passed unanimously**

RESOLUTIONS NON-CONSENT

- 9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Extension of the Contract for Emergency medical Transportation Services with Atlantic Ambulance Services, Formerly Known as HRMC Emergency Medical Services.

President Nicastro: Mrs. Labow, would you move motion number nine?

Mrs. Labow: I move motion number nine.

President Nicastro: Do we have...

Mr. Roman: Second.

President Nicastro: Discussion please.

Mrs. Labow: Yes, I would just want a little bit more details, I understand that there was a...Atlantic bought the ambulance services for Hackettstown, so I just thought maybe we just could have a little bit of detail about

that because it does of course affect our public...did they change their ambulances now or is it still going to be the Hackettstown ambulances or is it going to be...

Miss Harris: I don't know if the logo is going to be the same. I can check on that for you. They're going to basically operate under the same terms and...

Mrs. Labow: The same, that's...

Miss Harris: ...it is a pretty good deal for us because...

Mrs. Labow: Right.

Miss Harris: ...they rent the Blue Atlas Building and we use that rent to cover any expenses that the residents can't afford.

Mrs. Labow: That's what I wanted to clarify, if...make sure we were the same and so it says here that we've extended the contract, right? Have we...just...does that mean extended it to Atlantic or extended the time frame or both?

Miss Harris: The way it works is our original contract with Hackettstown was a two year contract with an option for a one year renewal, so this is basically that one year renewal.

Mrs. Labow: That one...okay.

Miss Harris: We thought it was a good idea because we could kind of...

Mrs. Labow: Oh yeah...

Miss Harris: ...try them out for a year and if we're not satisfied do an RFP.

Mrs. Labow: Right, well we had them prior to Hackettstown and it seemed to work out pretty well, so it's probably the same.

Miss Harris: Yes we met with them.

Mrs. Labow: Yes.

Miss Harris: They seemed to have a pretty good grasp...

Mrs. Labow: Great.

Miss Harris: ...on what they need to do for us.

Mrs. Labow: Good. Thank you. Thank you.

President Nicastro: You're welcome. Any other discussion?

Mayor Greenbaum: I have a note on that though. I was recently hooked into the response system that the Budd Lake and Flanders Squads use so I get...every time that there's a call I get a text message on my phone. It is absolutely amazing how many calls there are...

Mrs. Labow: Yes.

Mayor Greenbaum: ...on any given day.

Mrs. Labow: Absolutely.

Mayor Greenbaum: It's amazing. I suggest if you have an interest, you could speak to Fred, OEM and he could probably...Fred Detoro...he could probably hook you up into the system as well. You could really see what everybody is doing in Town on a daily basis.

Mrs. Labow: It's a lot going on.

President Nicaastro: Thank you. Roll Call please.

Mr. Roman: Yes on all except number 17, I'm abstaining on 17.

Mrs. Labow: We already voted on that.

President Nicaastro: Just number nine.

Miss Masser: For Non-Consent.

Mr. Roman: Then yes...I didn't want to bore anyone.

Roll Call: **Passed unanimously**

MOTIONS

1. Bill List.

President Nicaastro: Mr. Mania, would you move the Bill List, please?

Mr. Mania: Yes Mr. President, I move the Bill List.

Mrs. Labow: Second.

President Nicaastro: Any discussion? Roll Call please.

Roll Call: **Passed unanimously**

ADMINISTRATIVE REPORTS

President Nicaastro: Administrative Reports. Mayor, Laura.

Mayor Greenbaum: Yes I have a couple of announcements. Monday, May 9, 2016, there will be a Republican Debate at Chandelier of Flanders, that's the old Flanders Valley. Hopefully everyone can attend. Tuesday, May 10, 2016, we'll be welcoming the new Librarian for the Mount Olive Library and I believe that there is a reception, light food and...

Mr. Ferrante: Cake.

Mayor Greenbaum: ...cake. Saturday, May 14, 2016, 9:00 am to 2:00 pm will be the Fairy and Pirate Festival. Monday, May 16, 2016 is the Mount Olive Child Care Golf Outing. That's all I have.

President Nicaastro: The Library was looking for RSVP from everyone, that's what we got today in the mail, just so we're all aware of it. Anything else?

Miss Harris: I have one thing, just a heads up for Council, we had the public hearing for the Ringenbach Water Lines last Thursday night. I think it was a good meeting, I think the residents left reassured that we're moving forward. There will be a couple of Resolutions and an Ordinance on the next Agenda to...you know, authorize the contract with the DEP and get that all wrapped up and...you know...I just wanted you all to be aware that the Township is moving forward as quickly as we can on this. It's really the DEP process that we have to go through, so that we're hoping...we're hoping that the permitting and all that moves quickly enough that we could get this finished before the fall. We have the capabilities of completing it before the fall, as long as the DEP approves everything.

President Nicaastro: Very good. Mrs. Labow.

Mrs. Labow: I hate to keep asking so many questions tonight, but...

Mayor Greenbaum: No you don't.

Mrs. Labow: I was waiting for that. The Simoff Property, how does this water situation affect that development that hasn't even started yet?

Miss Harris: How does it affect...

Mrs. Labow: Yes...like the water...

Miss Harris: ...how does the Ringenbach water lines?

Mrs. Labow: Yes all that water from there, from the...

Miss Harris: It doesn't.

Mrs. Labow: It's not going to...it doesn't leak over into that area.

Miss Harris: No and they're, actually doing...they're going to continue to do testing and they basically stop where they find, you know, all clean results.

Mrs. Labow: That's what I wanted to know.

Miss Harris: As far as we know, they're fine.

Mrs. Labow: They are taking it under consideration and...great. Thank you.

President Nicastro: Thank you.

Miss Harris: Thank you.

OLD BUSINESS - none

NEW BUSINESS

President Nicastro: Any Old Business? Seeing none. Any New Business? I do have one thing to bring up, to bring the Council up to date on. We had a meeting last week, Laura, Rose, Sherry, Lisa and I. As a program I had brought to the Council back about four years ago, the tax rebate program, a property tax rebate program. You might've heard of it, you might not have. Back then it was only one city that was doing it, Marlboro, New Jersey. It's a program that it's really for shop local, it's to get the incentives for the local businesses for people to shop local. What happens is we get the businesses to sign up and participate and they offer certain discounts, 10 percent, 15 percent, whatever they want. When the person goes in to shop at that store, they present the card. The card automatically applies the discount to their property taxes. They get a...at the end of the year it shows on their statement how much they've saved on taxes. If they live in apartments they get a check back. If they work in other Towns they can sign up...work here rather and live in other Towns, they can sign up to shop here and receive a check at the end of the year. It's a win win program. It's in 17 communities now. We met the other day, I'm bringing it to the Councils attention because they'll probably be a Resolution that'll have to come up for us to bring it to them, they're estimating that the average person saves about \$200.00 a year, average, which is okay on taxes. It generates through that card, he estimates in Mount Olive \$500,000.00 to \$600,000.00 a year would be used based on a Town our size. The goal is to get people to stay in Town, shop local and do more in the community they live in, so we wouldn't be going outside to other businesses that, compete, but we want to build up the business. I just wanted to bring it to your attention, they're all on board right now with the...Finance is all on board with it, in the beginning it was a little different because it was the first one but now there're so many communities using it. I just think it's a great program, it was written up in the Municipality magazine years ago as a very unique idea and it really is. It's something that we hope to be getting off the ground and getting businesses involved and then we'll bring it back to Council when we're close to it and get the Chamber involved as well.

Mr. Stewart: Sounds exciting.

President Nicastro: Yes. Colleen.

Mrs. Labow: Where does the refund come from?

President Nicastro: The refund comes from...or what happens, the bottom line is and we'll get more details...the simple way to put it is the money goes into that account where it is through this company that manages it all and at the end of the year they send the file to the Township just like they would with anything else. It automatically updates every account based on their lot and block number, so it would apply a discount and it shows up on their tax bill as a \$200.00 credit or \$300.00, whatever the number is. There are a lot of incentives for it, they said a lot of people, larger dealerships, even autos are even signing up so you can save hundreds on a car, makes a big difference.

Mrs. Labow: Oh sure.

President Nicastro: It's a good program, a solid program, you know, we have to find sponsors and all once we get this. Good luck getting that Lisa and we'll get programmed and then we'll, it doesn't cost the Town any money so that's the good part about it. I just wanted to make you aware of it so you know its coming.

Mrs. Labow: Great, thank you.

President Nicastro: Any other New Business? Seeing none. Any Legal Matters?

LEGAL MATTERS

Miss Sullivan: Yes Mr. President. Thank you. You all have a copy of a confidential memo. Basically, what happens is from time to time, there are tax appeals that occur and the assessments of the property have actually increased in value. At this time there are several appeals that are coming up in which it appears that the assessment have gone up in value and they may be able to be settled. What we'd like is for the Governing Body to permit our office to execute settlements for any tax appeals where the value has gone up without having to come back to this body for approval. At this time we can't release to much information, it's still ongoing, but it will be very beneficial to the Township and any settlements will have been vetted by the Tax Assessor and as I said, once they are settled they'll will be full disclosure to the body.

President Nicastro: Mr. Mayor.

Mayor Greenbaum: Yes, I've had lengthy discussions with Fred Semrau about this particular issue. The checks and balances here really is a couple, number one it's a tax benefit to the Township, we're going to be taking in money and secondly it's all going to either go through Krauzer or through Jack Marchione, depending upon whether it's commercial or residential, which is the guidance that we would take anyway in terms of voting. The difference being is that it's very time sensitive in terms of getting these things accomplished. I'm very confident that Fred, who has always had the interest of Mount Olive at heart, is going to do a spectacular job for us in terms of the Resolution of these appeals. I'm very hopeful based upon my discussions with Fred that it's going to put us in good stag moving forward in years 2017 and 2018.

President Nicastro: Thank you. What do we need to do, anything? Do I have to introduce it...

Miss Sullivan: Yes Mr. President. I ask that a motion be made to authorize our office to settle any and all tax appeals in which the assessment value has increased.

President Nicastro: Do we have...

Mr. Roman: Would you be opposed to putting a time frame on that that it only applies for a certain of number of calendar years?

Miss Sullivan: Yes...for 2016. For any tax appeals in 2016, would just be this...

Mayor Greenbaum: I don't know that that's accurate based upon my discussions with Fred. There may be instances where some of the tax appeals are structured, so that it would affect taxes going forward in 2016, 2017.

Mrs. Labow: ...and 2018.

Miss Sullivan: Okay.

Mayor Greenbaum: I'm not 100 percent sure that putting it on just as 2016...

Miss Sullivan: Understood.

Mayor Greenbaum: I think Alex that if you wanted to put a time limitation, those settlements would be entered into in this year...

Mr. Roman: Right.

Mayor Greenbaum: ...for going forward.

Mr. Roman: Right, it's settlements that occur this year, even though they could affect subsequent years.

Mayor Greenbaum: That I think is a fair way to put it.

Miss Sullivan: Agree.

President Nicaastro: Mr. Roman, would you like to move that motion?

Mr. Roman: I make a motion that we authorize the Municipal Attorney to resolve any pending tax appeals that result an increase in value, for actions that are negotiated in 2016.

Mr. Mania: Second.

President Nicaastro: Discussion? None. Roll Call please.

Roll Call: **Passed unanimously**

President Nicaastro: That's it Dawn?

Miss Sullivan: That is it Mr. President.

President Nicaastro: Thank you. Council Reports. Mr. Amianda, anything on Board of Education or Senior Citizens?

COUNCIL REPORTS

Board of Education Liaison Report

Senior Citizen Liaison

Mr. Amianda: Yes. I have a report on the Board of Education. The Board of Education held its Regular Meeting on April 25, 2016, 6:30 pm at Mount Olive Middle School. There was a reception for students, teachers and support staff who made the Mount Olive School Districts great. The Board of Education presented 2015-2016 Recognition Awards to students, teachers and staff. The Board of Education approved a Resolution to enter into Agreement of Sale for that sale of property, the former Board of Education Building at 89 Route 46, Budd Lake, New Jersey 07828 for \$725,000.00. The Board also approved the resignation of the Business Administrator, effective August 1, 2016. There is an opening for a New Business Administrator in Mount Olive School District. You can apply. The next Board Meeting is May 9, 2016 at 6:30 pm at the Administration Building in Flanders.

President Nicaastro: Mr. Roman.

Mr. Roman: Yes, do you know who the purchaser was?

Mr. Amianda: Yes, but I didn't bring the name. I left it at home.

Mr. Roman: Okay.

Mr. Amianda: It's an individual and after the meeting I spoke to the Attorney, the Board Attorney and he told me that it's sold because the buyer has handed the check to them.

Mr. Roman: Yes, done deal.

Mr. Amianda: Yes. Done deal.

President Nicaastro: Mayor.

Mayor Greenbaum: That obviously affects us because we're going to lose the Budd Lake field as a result of the sale of the property. I've already been in contact with baseball in terms of a resolution to the loss of that field. I had explored building a new field up at Turkey Brook and we came to a better resolution which is to light one of the existing fields, which they feel will more than compensate for the loss of the Budd Lake field. In next year's budget I'm going to be asking for the Council to approve lighting up at Turkey Brook, which will include lighting of that baseball field. I think we get away a lot cheaper than having to build a whole new field and it will enhance Turkey Brook even further. It seems to be a very good Resolution.

President Nicaastro: Very good idea. Anything else Daniel?

Mr. Amianda: Okay, hold on, on the Seniors Citizens, Senior Citizens Club, I have a report too. Mount Olive Senior Citizen Club held its monthly business meeting today, May 3, 2016 at 11:30 am. The Club acknowledged a grant of \$7,200.00 they received from Mount Olive Township. The Club is very thankful for the grant. The Club discussed the roaster of events and casino trips for the month of May 2016. Next Senior Club meeting will be May 17, 2016 and that's the end of my report.

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

Environmental Committee - none

Lake Issues - none

Library Board Liaison

Mr. Ferrante: No. The Mayor already mentioned about the introduction of the new Library Director next week.

Economic Development Committee Report – none

TNR Program

President Nicaastro: Thank you. Mrs. Labow, anything on Economic Development or TNR?

Mrs. Labow: Nothing on Economic Development Committee, but the TNR is having another fund raiser at Ron's Hair Salon in Enzo's...what's it, Equity Plaza there, on May 22, 2016. A donation of \$10.00 will get you a haircut and \$10.00 goes to the Mount Olive TNR. I just wanted to...only because I forgot to bring it up for Old Business, that Laura had sent us out the email for the some of the corrections that we're going to do...or enhancements at Turkey Brook Park for Sunset...

President Nicaastro: Correct.

Mrs. Labow: I think that was an excellent idea right away, Jim Lynch and John Geiger...

President Nicaastro: They did a great job.

Mrs. Labow: They did a great job...

President Nicaastro: They worked really quickly on that.

Mrs. Labow: ...working through that, so that was excellent. Thank you very much Laura.

Miss Harris: You're welcome.

President Nicaastro: ...and Laura.

Miss Harris: It's Jim.

President Nicaastro: Mr. Mania, anything on Legislative or Planning Board?

Legislative Committee Report - none

Planning Board Report

Mr. Mania: Planning Board. The Planning Board, on their meeting of April 21, 2016, approved Mountain Ridge Estates, which was final approval, which is Route 46 and Chamberlain Road, 215 townhouses, 54 single affordable units. It's going to be a seven year phase...four year phase...seven phases, four years. That's about it.

Mayor Greenbaum: That's the Simoff Property?

Mr. Mania: That's the Simoff Property. Correct.

Board of Health Report

President Nicaastro: Thank you. Board of Health, our meeting is May 18, 2016, 6:30 pm here. Mr. Roman, anything on Open Space or Recreation?

Open Space Committee Report

Recreation Liaison Report

Mr. Roman: Open Space meets next week, Recreation tomorrow.

President Nicaastro: Mr. Stewart, anything on MOTV?

MOTV Committee Liaison - none

Mr. Stewart: Nothing new up on the site.

PUBLIC PORTION

President Nicaastro: Thank you all. Anyone from the public wish to be heard? Up to the podium, just state your name and address for the record please.

Mr. Duarte: Steve Duarte, 17 Chamberlain Avenue, Budd Lake. I'm actually here for that Simoff Property, in reference to that Planning Board hearing on April 21, 2016. I'm here tonight to address the matter involving the Planning Board Administrator and their letter that I received dated April 29, 2016. Before discussing that recent letter that I received from the Planning Board, I would like first discuss the reason why I'm here tonight appearing before the Council. My family and I received a certified letter which identifies a notice to property owners and newspaper of record. We received this notice on or about April 9, 2016, regarding that a revised preliminary plan shall be presented before the Planning Board scheduled April 21, 2016. In this letter there are details describing changes within the previous preliminary approval that was approved, I believe in 2011. Since receiving this notice I decided to attend the scheduled Planning Board hearing on April 21, 2016. During that meeting I discovered at that time, that night, the proposed market dwelling units have increased in height. I was not aware of any architectural building changes, of the height changes prior to this applicants notice or prior to this hearing. Therefore, I did not have an opportunity to discuss these changes with my colleagues and experts prior to this meeting to fully understand the outcome of this project. When discovering there was architectural height changes during the night of the meeting, I was surprised because I was unaware of those changes. When it was time for the public to speak or ask questions, I first asked a question to Mr. Simoff about the height of the building. He answered and said it increased. I asked him how much he said approximately 12 feet. I then began addressing a series of questions with concerns to landscaping and screening. While the applicant appeared to answer my questions, I was not comfortable in accepting their response because I couldn't fully understand it without having an opportunity to conduct research for myself and also discussing the changes with my colleagues and experts. I immediately prepared a letter to the Planning Board the very next day. It was dated April 22, 2016 and the Board stamped it and received it on April 25, 2016 which was on a Monday. In that letter I was addressing my concerns about the night of that meeting. A copy of that letter to the Board I have here with me and I have provided copies for the Council. I know it's going to take time for everyone to read it, so I'm just going to kind of outline what it says. In my letter I described that I was unaware of the architectural changes and addressed concerns in reference to landscaping, screening, structural building unit changes and proposed grading elevations. Also in my letter, I requested that the Planning Board professionals and Board members receive my copy so that they're aware of my concerns. I'm not sure if they received it, as far as the other Board members and professionals. It is important to point out that in my letter I specifically outlined in conclusion that I would appreciate it serving on record because I wanted to take advantage of the opportunity to address this matter prior to Resolution. Since addressing my concerns to the Planning Board, I recently received a letter of response from the Planning Board Administrator, which I got last...which I received last night, late last night. Basically the letter is declining my concern and denying any involvement in the letter. Here's a copy of their response that I have with me for copies.

Mayor Greenbaum: I have a question for you, did the Planning Board take action the night that...did they vote on the approval the night that it was presented?

Mr. Duarte: Yes, here's the thing and I'll get more to my statement, but it was surprising to me that an application like that, especially in that size, would be...when that night it was being proposed as a preliminary revised preliminary proposal plan/final approval, final plan I should say and its confusing how an application can go through a revised preliminary hearing and also ask for a final. It doesn't allow the public to fully understand the revisions on the preliminary changes from the ones that was prior in 2011 for us to stand...understand the changes now. I really believe that the hearing should've been focused more on the preliminary changes as opposed to...here's a preliminary changes, here's what we're doing and we want the final. That's basically the issue that I have.

Mayor Greenbaum: Although I do a lot of Land Use work, although it's called preliminary and final they're actually separate approvals. One has nothing to do with the other in terms of you get your preliminary approval which vests you with certain rights. It doesn't that mean when you get your final it changes your preliminary. The final vests you with additional rights in terms of zoning changes and things like that. Unfortunately what

happens in zoning law and it's very specific, once the Board acts to give the approval the Resolution that's adopted from that approval that night has to be consistent with the terms and conditions which were adopted at the hearing. To the extent that, that meeting and I wasn't there, I don't sit on the Planning Board, I've given up my seat because God knows I do enough, once that those decisions were made, it is final as between the Township and the applicant who comes in. If they were to change the terms of approval and I'm not saying your points are not valid or they're invalid, I'm not passing on that at all, but what I'm saying is that my understanding of Land Use and the Attorney can jump in, that the approval that's ultimately given, the Resolutions which is ultimately adopted has to be consistent with the approval which is given the night that the vote is taken and that the...your rights actually to challenge that approval are by way of what's called the prerogative writ action, which is filed in Morristown within 45 days of the Resolution being adopted. Do you understand what I'm saying? I'm not passing on your concerns, I'm not...

Mr. Duarte: No, I understand.

Mayor Greenbaum: I'm not addressing them, I'm just trying to get at the process itself.

Mr. Duarte: Again, I did discuss this information with Legal Counsel and this is what was recommended for me to do in the next step.

Mayor Greenbaum: I don't mean to cut you off.

Mr. Duarte: No that's fine. I'm just trying to go by the appropriate steps that I was advised of what I need to do to protect our best interest.

Mayor Greenbaum: I just tell you that it's...you need to keep track of 45 days from the date that the Resolution is adopted ultimately or you will have foregone your rights to challenge it legally.

Mr. Duarte: Is that like an...is that an appeal process through the...is it through the Town or...

Mayor Greenbaum: It's an appeal process that actually goes to the court in Morristown. It goes to the presiding Civil Judge who hears prerogative writ actions and basically you have to argue that the Planning Board acted...you actually sue the Township, not that I'm suggesting you do this and I am giving you legal advice, but you...it's a 45 day window, you should keep that in mind and if that's what you decide to do you have to go in and argue and prove that the Planning Board acted arbitrarily and capricious in terms of the approvals which they granted. The court is going to look at the record which was prepared at the time that the Board voted. I don't know that anything which comes in afterwards would be considered by the Court if you were to go with a prerogative writ action.

Mr. Duarte: Is there no time frame once after the Board approves, like through the Town or through an Ordinance or anything? Once they...once it's approved its final?

Mayor Greenbaum: Once the Planning Board takes action in terms of the approval its final. The finality actually occurs at the time that the Resolution, I think, is published in the newspaper after it's been adopted. The Planning Board doesn't have the right to go back in and take additional testimony or facts that weren't before them at the time and include them in the ultimate Resolution. The Planning Board is required to pass a Resolution which is consistent with the testimony and the actions which the Planning Board took on the night that they voted. It's a weird thing to try and explain to somebody who doesn't practice law but that's...

Mr. Duarte: Right.

Mayor Greenbaum: ...that's the law.

Mrs. Labow: Rob.

Mayor Greenbaum: Yes.

Mrs. Labow: I just want to say. Steven, I think what happened was that night, because I was checking into...they...the changes that they made for making it higher was still within the...

Mr. Duarte: The letter that I received from the Planning Board Administrator, it states that it was within the Ordinance.

Mrs. Labow: Right.

Mayor Greenbaum: Which means that they didn't need a variance.

Mrs. Labow: They didn't need a variance, so therefore to take action, Rob can correct me if I'm wrong here, if they did something else that was beyond what was allowed...

Mayor Greenbaum: They would've needed a variance.

Mrs. Labow: ...they would've needed a variance and then they probably couldn't have asked for a final approval that night, could they?

Mayor Greenbaum: Yes they could of.

Mrs. Labow: They could of still? Okay.

Mayor Greenbaum: Sure.

Mrs. Labow: That's...so that was my question. They kind of just...increasing it didn't change.

President Nicastro: We didn't...

Mrs. Labow: Didn't require a variance.

Mr. Duarte: The letter wasn't very specific as to the changes, so when you come to the meeting, it's not...you have...which in my statement I'll finish is there wasn't several experts testifying, you have one applicant testifying as a civil engineer, but also is answering questions as far as the height of the building, but there was no expert basically testifying as an expert for a licensed architect on the changes, describe the unit of the changes so it gives the public an opportunity to ask questions. That wasn't part of the meeting. The builder himself, he or she, I believe is Ryan Holmes, they never came to testify so there's no knowledge about the history of these builders and their reputation and it doesn't allow the public to be given an opportunity to ask questions. There's no landscape architect which is part of my questions that I asked there tonight...that night on April 21, 2016, I was not comfortable getting a response...receiving a response from an applicant who also has a vested interest in the property, which is a big concern to me because he's acting as an expert, also testifying and has a vested interest in the property. It appears to be a conflict for me in my opinion and that's the reason why I prepared a letter the next day.

President Nicastro: Mr. Mania did you have something...

Mr. Mania: Mr. Duarte, I...the letter from Mrs. Natafalusy suggests that maybe you contact Mr. Simoff and see if he would consider raising the height of the Evergreens.

Mr. Duarte: Yes.

Mr. Mania: I think he's a reasonable man. Throughout all the hearings of the Planning Board, you know he's done everything that's been asked of him. I think it might be who of you to do that.

Mr. Duarte: I respect that and I appreciate that, I did during private session when there was a recess and that was part of my statement and I'll finish it, but again I had a discussion with and that's actually that's in my letter to the Planning Board Administrator...I had a private discussion with them in the back and I did address these concerns hoping that they would amend it or make some modification coming back to testify. They did not, so being in that position I felt the need to have to prepare a letter because I did do it privately. Who's to say that if I do it now, they could just reject it. They rejected it that night. I wasn't fully...I didn't feel like I was respected that night.

Mr. Mania: You've come to a lot meetings. That I remember...

Mr. Duarte: Exactly.

Mr. Mania: ...since this application's inception you've been there.

Mr. Duarte: I've been to every single meeting...

Mr. Mania: I know you have.

Mr. Duarte: ...and if I couldn't attend, I've sent a letter that I wasn't able to attend for a reason.

Mayor Greenbaum: What is...certainly I want to hear the rest of what you have to say and I don't want to cut you off, but I want to cut to the chase really...what is it that you're looking for the Governing Body to do on your behalf other than to educate them, which you're certainly are entitled to do in terms of how you felt that you were wronged. What is it that you're looking for the Governing Body to...

Mr. Duarte: It's simple, just heighten the Evergreens that were planted surrounding our property. They're putting plants there, Evergreens to screen it, but I'm looking to get higher ones because to substitute the change in the height.

Mayor Greenbaum: Basically, I can tell you that the Governing Body does not have the ability to tell the Planning Board what to do or what not to do in terms of their approvals. I would dare to say that whatever's in the approvals is what's in the approvals at this point. Are you looking for the Governing Body to actually extend funds to correct the situation that you believe you've been wronged by the Planning Board and by the Developer? I'd heard that you might be coming in to...to seek funds out of our tree bank...

Mrs. Labow: No.

Mayor Greenbaum: ...for us to plant trees. I know that Colleen...

Mrs. Labow: No. No.

Mayor Greenbaum: Not you?

Mrs. Labow: No, no, yes me but not to take funds out of the tree bank. It was to compensate Mr. Simoff if the need arose, to instead of X amount of trees that he has to replace in the tree bank, that...say it's a larger tree, costs more money then he would be responsible for less trees kind of a thing.

Mayor Greenbaum: I don't think that you have the ability as a...

Mrs. Labow: No, I don't.

Mayor Greenbaum: ...as a Councilperson, that's a...

Mrs. Labow: A Planning person.

Mayor Greenbaum: You have the ability as a Councilperson to spend...to expend tree dollars, that's what the Ordinance says.

Mrs. Labow: Right.

Mayor Greenbaum: In terms of the...what goes into the tree bank and what doesn't go into the tree bank...

Mrs. Labow: Is the Planning Board...

Mayor Greenbaum: ...is a Planning Board issue.

Mrs. Labow: Right.

Mayor Greenbaum: I don't think that's really appropriate to take Township money, although I think it's a great idea, I don't know that you really have the ability to take trees out of the tree bank and put them on private property to help another private property owner as compared to where, like at Turkey Brook Park where we've planted trees.

Mrs. Labow: No that's not what the Town...I was just giving him...examples of what was done in the past. It's already passed the Planning Board stage and that's where that would take place.

Mayor Greenbaum: I'll tell you what I'm going to do. I'm going to have Laura, who suggested this issue, actually contact Mr. Simoff.

Mr. Duarte: Okay.

Mayor Greenbaum: We're going to have a meeting with Mr. Simoff.

Mr. Duarte: That's all I was asking for. Basically, the outline of my letter to Catherine Natafalusy was for that...just to basically have a discussion with Mr. Simoff.

Mayor Greenbaum: I don't have any ability to make Mr. Simoff do anything with respect to his property. I can suggest to him that he consider planting some larger trees and some additional screening, I'm happy to do that, it was actually Laura's suggestion. Laura will set it up and you and I and Laura will sit down and have a discussion with Mr. Simoff and I'll suggest to him that it is in his best interest to make you happy with regard to the screen and trees. Let's see how that goes.

Mr. Duarte: Okay.

Mayor Greenbaum: Alright.

Mr. Duarte: Can we have that sooner...it is something that...and I don't know legally...

Mayor Greenbaum: I'm going to...

Mr. Duarte: ...if this is something that can be done before the Resolution. I don't know the whole specifics as you outlined in the...

Mayor Greenbaum: I'm happy to have Laura set it up as quickly as possible.

Mr. Duarte: Okay.

Mayor Greenbaum: Within the next week or two. Next week.

Mr. Duarte: Okay.

Mayor Greenbaum: Next week.

Miss Harris: Yes.

Mayor Greenbaum: We can try and get Mr. Simoff in here and sit down with him and if you want to place the rest of your discussion on the record...

Mr. Duarte: It's pretty much what we've discussed. I mentioned the experts not testifying and so forth.

Mayor Greenbaum: Right.

Mr. Duarte: Just surprised that the difference between a preliminary hearing and a final approval hearing all being the same night doesn't really allow the opportunity for the public to really take in the information, understand it, it's all happening so quick and it's a pretty big project to just in one hour, without other expert testimony to really sit there and fully explain the changes with this development.

Mayor Greenbaum: I can appreciate that as the lay person, but I can tell you that somebody who does this for a living, that 99 percent of the applications that come in are preliminary and final at the same time. That's the way the Land Use is ultimately so that while you may not have felt a level of comfort and certainly those notices which go out, which are required to go out to anybody who's within 200 feet of the post development are very bare boned in terms of what they're seeking to do. It would say something like an amended preliminary plan and it would list the variances which are required, because in this case they didn't need a variance to go up to the additional height, it wouldn't be in the notice that you get. I can understand how you didn't know how it ultimately was going to affect you, but I can tell you that the procedure that was followed from what I understand was appropriate and was common place in terms of getting both preliminary and final. Having said that, Mr. Simoff should step up to the plate for minimal cost to him to appease you in terms of the screening between your property and what he's looking to do. I think that we could probably accomplish that in the meeting. Let's take it up after that, when we see what Mr. Simoff's response is going to be to our concerns.

Mr. Duarte: Okay.

Mayor Greenbaum: Alright.

Mr. Duarte: Alright. Thank you.

Mayor Greenbaum: Thank you.

Mrs. Labow: Thank you.

President Nicastro: Thank you.

Mrs. Labow: That was very educational.

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: No.

President Nicastro: Mrs. Labow?

Mrs. Labow: Yes, I just want to thank the Mayor for that lengthy explanation on the procedures because it's good for us to know these things because we do get calls from people and that's not something we do all the time, it's with the Planning Board. I thank you very much and that's all I have.

President Nicastro: Thank you. Mr. Mania?

Mr. Mania: Yes, I just want to say that the 200 Club of Morris County, the 44th annual Valor and Meritorious Awards Dinner was four of our people of Mount Olive. One was the Assistant...First Assistant Chief, Flanders Fire and Rescue, Tyler Wargo, Patrolmen John Bevacqua, Patrolmen David Hering who went inside an Oakwood Village apartment and saved an elderly gentleman. The other is Patrolmen George Jadue who saved a woman from a burning structure in Flanders. I'm quite proud of these Officers.

Mayor Greenbaum: Yes, in fact I was there the night that George went into the burning house and George was actually injured, smoke inhalation and actually was transported to Dover and...they're all Hero's.

Mrs. Labow: They are.

President Nicastro: Mr. Stewart?

Mr. Stewart: Nothing.

President Nicastro: Mr. Roman?

Mr. Roman: Nothing.

President Nicastro: Nothing for me. Do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 8:17 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 May 17, 2016.

Michelle Masser, Township Clerk

mvm