

The Public Meeting of the Mount Olive Township Council was called to order at 7:09 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. Ferrante, Mrs. Labow, Mr. Mania, Mr. Stewart, Mr. Roman and Mr. Nicastro

Absent: Mr. Amianda

Also Present: Michelle Masser, Township Clerk; Susan Sharpe, Township Attorney; Gary Higgins, Auditor; Robert Greenbaum, Mayor and Sherry Kolody, CFO

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

June 14, 2016 WS & PM (absent: C. Labow)

President Nicastro: Mr. Ferrante, would you move for approval of the Minutes from the June 14, 2016 Workshop and Public Meeting please?

Mr. Ferrante: Sure, I make a motion to approve the June 14, 2016 Work Shop and Public Meeting Minutes.

Mr. Mania: I'll second it.

Mrs. Labow: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed with the exception of Mrs. Labow abstained

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received June 14, 2016, from Raritan Headwaters regarding Open Space Funds in Danger of Being Diverted!
2. Email received June 14, 2016, from Great Swamp Watershed Association regarding Reminder – Municipal Alliance Meeting – Thursday 6/23.
3. Email received June 14, 2016, from Downtown New Jersey regarding Register today for ICSC New Jersey P3 Retail Program.
4. Email received June 15, 2016, from Raritan Headwaters regarding We Cannot Afford Dirtier Water and More Flooding.
5. Email received June 20, 2016, from Great Swamp Watershed Association regarding Summer Program Info Session – Municipal Alliance // Thursday 6/23.
6. Email received June 22, 2016, from Sustainable Jersey regarding Sustainability Summit Highlights & Announcements.
7. Email received June 23, 2016, from TransOptions regarding Go Smart! June 2016.

RESOLUTIONS / ORDINANCES OTHER TOWNS

8. Email received June 16, 2016, from Township of Pequannock regarding Resolution No. R2016-123, Supporting A-536/S-2107 to Clarify Volunteer Position Do Not Impact Retirement Benefits for Public Employees.
9. Email received June 21, 2016, from Washington Township regarding Ordinance No. RO-09-16, An Ordinance of the Township of Washington, County of Morris, and State of New Jersey to Amend Chapter 217, Zoning, of the Code of Township of Washington Regarding Section 217-38 Ridgeline, Mountainside, Hillside and Viewshed Protection Areas Requirements.

STATE AGENCIES

10. Email received June 9, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – DEP Podcasts.
11. Email received June 10, 2016, from FEMA regarding Hurricane, ZIKA, Youth, Continuity, Summer Safety information, Webinars and more!
12. Email received June 14, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – NJDEP Announces \$60 Million in Competitive Grants for Public Access Improvements for the Lower Passaic River.
13. Email received June 14, 2016, from New Jersey Department of Environmental Protection regarding DEP Press Release: Monmouth Battlefield State Park Celebrates 238th Anniversary of Continental Army Victory During June 18-19 Festivities.
14. Email received June 14, 2016, from FEMA regarding FEMA Bulletin Week of June 13, 2016.
15. Email received June 15, 2016, from New Jersey Department of Environmental Protection regarding Controlling Mosquitoes in your Municipality.
16. Email received June 15, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Christie Administration Announces Electric Vehicle Grant Opportunity.
17. Email received June 15, 2016, from New Jersey Department of Environmental Protection regarding The Latest NJDEP Podcast – Flag Day and Twin Lights Historic Site.
18. Email received June 20, 2016, from New Jersey Department of Environmental Protection regarding Announcing the Applications for the 2016 Governor’s Environmental Excellence Awards.
19. Email received June 20, 2016, from New Jersey Department of Environmental Protection regarding DEP Press Release: Christie Administration Dedicates Site of Former Golf Course as Tall Pines State Park, First in Gloucester County. PDF Correspondence
20. Email received June 21, 2016, from New Jersey Department of Environmental Protection regarding NJDEP and BPU Announce the Availability of Funding for Electric Vehicle Charging Stations.
21. Email received June 22, 2016, from Department of Community Affairs regarding Pre-proposed Amendments regarding Certification of Available Funds.
22. Email received June 22, 2016, from New Jersey Department of Environmental Protection regarding Discover DEP Podcast.
23. Email received June 22, 2016, from New Jersey Department of Environmental Protection regarding DEP Release: Christie Administration Celebrates Official Reopening of Iconic Terminal Building at Liberty State Park.
24. Email received June 23, 2016, from FEMA regarding Tools and Resources to Help Businesses Plan, Prepare, and Protect from an Attack.
25. Email received June 24, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Clinging Jellyfish Study.

- 26. Email received June 24, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Emerald Ash Borer Preparation Checklist.
- 27. Letter of Interpretation received June 24, 2016, from EcolSciences, Inc. regarding 28 Continental Drive (Block 106, Lot 2).

MSA/MUA

- 28. Email received June 24, 2016, from Musconetcong Sewerage Authority regarding MSA Approved Meeting Minutes – May 26, 2016.

MORRIS COUNTY

- 29. Email received June 10, 2016, from County of Morris regarding Rail Issue. Wharton. Butler Museum. Comedy, too!
- 30. Email received June 10, 2016, from County of Morris regarding Cottage Garden Correction.
- 31. Email received June 16, 2016, from County of Morris regarding Greystone. Flood Maps. Rte 510. Rail. Red Skelton too!
- 32. Email received June 17, 2016, from County of Morris regarding MCPB Minutes.
- 33. Email received June 23, 2016, from County of Morris regarding Morris View. Fourth. ISIS. Waterloo. Kevin James, too!

UTILITIES

- 34. Publication received June 13, 2016, from Comcast Cable Communications, Inc. regarding Comcast Connections: Looking Forward, Giving Back, New Jersey Edition, Q1 2016.
- 35. Letter received June 24, 2016, from Jersey Central Power & Light regarding Notice of Proposed Increase in Non-Utility Generation Charge and Notice of Public Hearing Thereon.

President Nicastro: We have 35 pieces of Correspondence, anyone have anything on those? Seeing none. I open the hearing to the public on Ordinance #14-2016,

ORDINANCES FOR PUBLIC HEARING

Ord.#14-2016 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Amending and Supplementing Township Code to Amend Chapter 224. “Hazardous Materials” to Add a New Sections, 224-10 Through 224-15. “Rail Storage of Hazardous Materials.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you Mr. President. I move for adoption and final passage of Ordinance #14-2016.

Mr. Roman: Second.

Mr. Mania: Second it.

President Nicastro: Does anyone from the public wish to be heard? Seeing none. Closed to the public. Does anyone from Council have any comments? Seeing none. Roll Call please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #14-2016 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law.

ORDINANCES FOR FIRST READING – 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 Acceptance of the 2015 Audit.
2. 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 (Finne Building and Investment – REVISED).
3. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Life Savers Inc.)
4. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of the Sidebar Agreement Between Township of Mount Olive and the Mount Olive Public Employee Association.
5. Resolution of the Township Council of the Township of Mount Olive Rejecting all Bids for the Maintenance Building at Turkey Brook Park. PDF Res
6. Resolution of the Township Council of the Township of Mount Olive Authorizing Parking Restrictions for Mount Olive Travel Softball Tournament (7/13/16-7/17/16) at Turkey Brook Park and Dan Jordan Field.
7. Resolution of the Township Council of the Township of Mount Olive Relative to Mount Olive Week Carnival July 6th Through July 10th.
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of Contracts for Landscaping Services to JS Morgen Building and Design, LLC for Category A Landscaping Services and to LTI, Inc. for Categories B, C and D Landscaping Services for the Years 2015-2016. REVISED
9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Execution of an Agreement Between the Township and Mountain Ridge Estates.
10. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Execution and Acceptance of the Indemnification Agreement Regarding Block 4400, Lots 86 and 108, Known as Morris Hunt.
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.

President Nicastro: We have 11 Resolutions with number nine being amended in front of you. Does anyone wish to move any to Non-Consent? Seeing none. Does anyone from the public wish to be heard on any of the Resolutions? Seeing none. Closed to the public. Do we...where am I...I'm sorry...Mr. Mania, would you move Resolutions one through eleven, please?

Mr. Mania: Thank you Mr. President. I move the adoption of the Consent Resolutions one through eleven.

Mrs. Labow: Second.

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

Roll Call: Passed unanimously

MOTIONS

1. Bill List.

President Nicasro: Thank you. Mr. Stewart, would you move the Bill List, please?

Mr. Stewart: I move the...I move that the Bill List be...

Mayor Greenbaum: Approved.

Mr. Stewart: ...approved and for...accepted.

Mr. Mania: Thank you Rob.

Mrs. Labow: Second.

President Nicasro: Any discussion, questions? Roll Call please.

Roll Call: **Passed unanimously**

ADMINISTRATIVE REPORTS

President Nicasro: Mayor, any Administrative...Administrative Reports?

Mayor Greenbaum: Raiders of the Lost Park Mud Run was a huge success, over 600 participants.

Mrs. Labow: Wow.

Mayor Greenbaum: Carnival's July 6 through 10, 2016, all presale tickets have been sold out. Fireworks on July 9, 2016. We opened a new business in Town, it's another Dollar Store, it's in Budd Lake. The Splash Pad is moving forward. I'd hoped to have it open for the Fourth of July weekend, I think probably the week following is more realistic, based upon where we are.

President Nicasro: That was my question.

Mayor Greenbaum: We've been up there, it looks fantastic.

President Nicasro: Thank you very much.

Mayor Greenbaum: Yes.

President Nicasro: Any Old Business? Mrs. Labow.

OLD BUSINESS

Mrs. Labow: I guess this is sort of Old Business. I just really have a question. I saw in the Mount Olive Chronicle that they had made an article about people swimming at their own risk at the beach and that there's a sign up there that still makes it...are we going to take that sign off?

Mayor Greenbaum: There is no sign at the beach.

Mrs. Labow: It's gone?

Mayor Greenbaum: No there never was a sign. We had made the decision at the time that we decided to stop running the beach program that it was not in our interest to have "swim at your own risk" from liability prospective. I spoke to Fred about it today. "Swim at your own risk" seems to assume or...

Mrs. Labow: Right.

Mayor Greenbaum: ...give the message that swimming is...is allowed.

Mrs. Labow: Right.

Mayor Greenbaum: We take no position with regards to the lake. The only position that we may take going forward is "do not swim"...

Mrs. Labow: Right.

Mayor Greenbaum: ...when we are actually putting chemicals in the lake. We don't test the lake waters. If someone swims they are doing so at their own risk, but not at any direction from the Township.

Mrs. Labow: I thought there was a picture on one of the sheds and it was in the Chronicle, the sign that used to be there when the beach was opened and it's still there. I was just going to suggest that if it's still there we should really take it down.

Mayor Greenbaum: I'll take a look at it.

Mrs. Labow: That would...and if we do possibly maybe...we do want to put a sign up and just say the water is no longer being tested, but again its probably better to do nothing, but get that sign down.

Mayor Greenbaum: I will make sure that the sign comes down, if there is such a sign. I didn't see the picture.

Mrs. Labow: There was a picture and I was surprise that that was still up. It makes it look as if the beach is still in business, but no lifeguards there. That's why I just wanted to cover...cover our butts on that.

Mayor Greenbaum: We'll make sure it comes down.

Mrs. Labow: Thank you.

President Nicaastro: Thank you. Mr. Roman.

Mr. Roman: Why don't we just...why don't we test the beach?

Mayor Greenbaum: We don't...we don't test because we don't run a swim program there. We don't encourage swimming in the lake. If we were to test, putting out the information would then probably create some kind of liability on our part that we are encouraging swimming in the lake.

Mr. Roman: If...if we get an opinion from Counsel that testing does not imply that we are allowing swimming, would that be something...because I would be...just edification...you know...we tested the water, just because you know it's our lake. Not that we're saying you should swim in it, but I think it...it's kind of...something behooves us to at least know that...if the lake is extremely unhealthy and it would definitely be incumbent upon us to say DO NOT swim.

Mayor Greenbaum: Is it your intention to then test every body of water that's in Mount Olive including the PAL Pond, Maier's Pond and all of the other ponds where we don't encourage swimming or is it just Budd Lake where you're going to encourage...

Mr. Roman: I think...for starters we just at least do Budd Lake. It's something that we've done in the past. I mean...that's...I don't know how the rest of the Council feels...

Mrs. Labow: I disagree.

Mayor Greenbaum: The only time...

Mr. Mania: I disagree. Only because then we...like you said Mayor, we're going to encourage people to swim there.

Mayor Greenbaum: No, not...

Mr. Mania: If they're not swimming there, we're not allowing it, why would we want to test it?

Mayor Greenbaum: John, I...

Mr. Roman: They are swimming in there.

Mayor Greenbaum: I don't...look, you also have people that are in Maier's Pond, you have people that eat the fish out of Maier's Pond, you have people who are fishing out of the PAL Pond that's near the Tinc Road School. The bottom line is that we don't...we don't encourage any type of activity that is actually in the water at this point in time because we're not running a program so that any action that we take which I think lends to the idea that it's okay to swim in the lake or not swim in the lake, I think that's a bad idea from a liability prospective.

Mr. Roman: We also allow people to jet ski and water ski and they will go into the water so...

Mrs. Labow: We don't allow them. We don't own the lake. We don't own the lake; they're allowed to go on there. It's a State...

Mr. Roman: Yes, they're allowed to go...

Mrs. Labow: ...we don't...

Mr. Roman: Right, but they're allowed to. I think it's...

Mrs. Labow: We don't regulate it.

Mr. Roman: ...at least test it. If it's a case that we get back opinion from our Attorney that testing it would put us in greater liability then I would definitely...I would decline my point, but if it doesn't expose us to any further liability then why not test it.

Mayor Greenbaum: Why test it at all? Why not just put up a sign that "swimming is prohibited in the lake."

Mr. Roman: I would be against that, but if...

Mayor Greenbaum: If you're putting out information that the lake is safe to swim in, which is what you're going to do with your information, then you're creating a liability situation as opposed to "we don't test, don't swim in the lake."

Mrs. Labow: What if it doesn't...

President Nicastro: Mr. Ferrante, you had a quest...

Mayor Greenbaum: What do you plan to do with the information once you get it, that the lake is safe to swim in?

Mr. Roman: We could just keep it for our own...our own edification.

Mayor Greenbaum: What happens when the sign comes and says that the lake is not safe to swim in?

Mr. Roman: If we got back that the lake is ridden with whatever...E. coli and bacteria and it's a public health risk, then we would HAVE to put a sign saying "Do Not Swim."

Mayor Greenbaum: Only to the extent that we test it, to the extent that we put up such a sign and someone goes swimming in it, we might have liability from that perspective for not treating the lake once we know that there is a health risk associated. I would be in favor of a sign that says "do not swim in the lake, it's not tested, we don't have a lifeguard" as opposed to actually testing. Personally, I...that's the second position that's compared to where we are now, which is we don't do anything. It's not our...we don't own the lake, we don't test the lake, we don't encourage swimming in the lake, we don't tell people to swim at their own risk, we don't tell people what to do at all in terms of the lake. The only thing that we do there is treat for weeds.

Mr. Roman: I completely understand the not..."swim at your own risk" sign. I completely understand our liability, I just don't understand why...it's not that it's a huge expense to just test it and we keep it and...you know...have the Health Department keep it on our records and if it ever comes to be a case where we have some serious health issue in there, we alert the public, hey, we don't encourage you to swim in there and now definitely do not go in there, don't water ski, don't whatever you do, don't even bother fishing in there because you're going to get something.

President Nicastro: Okay.

Mr. Roman: That would...that's...but obviously I'm in the minority in that position.

President Nicastro: Mr. Ferrante did you have...

Mr. Ferrante: Do we...how often would we test the beach when it was open? Was it every day?

Mrs. Labow: Every day. Every day.

Mr. Ferrante: Every day.

Mrs. Labow: Every day.

Mr. Ferrante: Do we know for sure that when they treat the lake now that they don't do any testing? I would imagine they probably do some sort of test.

Mrs. Labow: They test.

Mayor Greenbaum: I would imagine that the only thing that they're looking to do is to kill the weeds to be quite honest with you.

Mr. Mania: Right.

Mrs. Labow: I think the State tests. I think the State...

Mayor Greenbaum: All I know is...

Mr. Ferrante: It's not like it's not being tested.

Mr. Mania: Right.

Mayor Greenbaum: That I don't know.

Mr. Ferrante: The test you may be looking for may be done by the State.

Mayor Greenbaum: How often are you proposing testing it, every day?

Mr. Roman: No. I don't know. I'm not the expert, but the fact that we used to test it and now we're just going, you know what, we're not even going to bother testing, we're just going to close our eyes and if there's some major health threat in the lake...you know...we're just going...you know...pretend that nothing could ever be...that's just...you know...again, I'm astonished that I'm the only one that is thinking in this way, but I...and if it exposed us to a huge liability then I would definitely back down from it. If it does not expose us to any liability or any further liability, then what is so wrong periodically...whatever the Health Department or whatever and experts says, hey lets test.

Mayor Greenbaum: What are you going to do with the testing information once it comes back? I go back to that question. What's...

Mr. Roman: We could just put it on the website, don't even say nothing, it's on there.

Mayor Greenbaum: On the website it's going to say that the lake is fine for swimming and there's no health issue?

Mr. Roman: No, whatever it is...latest testing of the water.

Mayor Greenbaum: Is what?

Mr. Roman: Is whatever it is. Latest testing.

Mayor Greenbaum: Now we're taking responsibility for the activities that occur at the lake.

Mr. Mania: Right.

Mr. Roman: If that is the legal...if that is the legal opinion, then...I withdraw.

Mayor Greenbaum: I'm telling you...I'm telling you I had a discussion with Fred today about the signs. The signs that say "swim at your own risk" is the same thing as publishing information about the health quality of the water in the lake. It encourages people to swim in the lake, that's not something that we're prepared to do at this point, but based upon...this is the whole discussion we had at the time that we decided to discontinue the beach program and not use the lake for swimming. It's the same thing.

Mr. Mania: Rob, whats it cost to test? What's the cost? Do you have any idea?

Mayor Greenbaum: It depends. It depends if you're going to test, you probably have to do it on a daily basis because I imagine that it's a...it's a continuing obligation once you go down that road. The one test on one day may be completely different than a test on the other day. Then are we talking about only testing at the area where the beach is or we talking about testing at different locations around the lake? If you're talking about water skiing in the lake, what happens at the beach may be completely different as to what happens at the other end of the lake. There are so many different variables that would be involved that I don't think you'd ever truly get a response that would be satisfactory, and again it comes back to the fact that we're not encouraging people to swim in the lake currently. We don't have lifeguards, we don't maintain the beach, we're not maintaining the water quality. Once we take on that responsibility we've opened our self up to liability, no different than if we put signs up that says "you know what, swim at your own risk." It just doesn't make any sense from my prospective and there are too many variables that are involved in terms of a testing process that you just couldn't do it economically and it would have to be done on a daily basis. Doesn't make any sense to me.

President Nicastro: Mrs. Labow.

Mrs. Labow: I was going to say when the beach was open, they tested it every day. First thing they had to do was rake all of the goose droppings off of the sand because that affected the water and that was actually pretty dangerous. It really did a number on the water there. The other thing too, is every time it rains all the runoff from the street goes right down into the lake. From one day to the next your tests are going to be totally different, they always were and always will be and I wouldn't want that kind of liability to turn around and say, this morning the water tested fine but then they...just say for arguments sake they test it that night after it rained and all of a sudden it's no longer any good. Now you tell them you've got to get out. I would prefer that we not test the water because that's a no win situation. There's too many variables.

Mayor Greenbaum: I'd be more in favor putting up a sign that says "swimming is prohibited."

Mrs. Labow: Yes.

Mr. Mania: I agree.

Mrs. Labow: That's where I would be at too.

President Nicastro: Mr. Ferrante, did you have something?

Mr. Ferrante: I just did a quick Google search and doesn't look like the State is monitoring Budd Lake.

Mrs. Labow: Budd Lake.

Mayor Greenbaum: I'm sure they're not.

Mr. Ferrante: Right.

President Nicastro: They don't want to spend the money. Mr. Roman.

Mr. Roman: I would request from Fred Semrau's office to at least render an opinion as to whether testing would increase our liability. I'd at least like that information sent out. If it does then that's it. I'm...

President Nicastro: That's fine.

Ms. Sharpe: Sure, I'd be happy to.

President Nicastro: Mr. Mania.

Mr. Mania: In all due respect to the Mayor, he is an attorney and I think he's giving a legal opinion even though he's not the Township Attorney. I understand that.

Mayor Greenbaum: John, there is no problem with Fred's office giving us an opinion in terms of testing the water and whether or not that would open up liability. I have no problem revisiting that issue. If Alex wants that opinion then we'll get an opinion from Fred's office. Alex, I'd like to know from you what type of testing so that you can...

Mr. Roman: I am not an expert in water testing its just, it just seems that if we are seeing people and we're not enforcing them not to swim and if they are swimming in there and we're not taking aggressive action to remove

them from there then I think its incumbent upon us to maybe at least not do the kind of testing we used to do, but test it.

Mayor Greenbaum: What about the people who are catching fish out of Maier's Pond, do you want Maier's Pond tested as well?

Mr. Roman: We've never done that before and the...it's a different kind of risk. That's like saying just because...now we're going to test the puddle over there, people are swimming.

Mayor Greenbaum: People are catching fish and eating the fish out of Maier's Pond.

Mr. Roman: I don't know anybody that catches and eats anything out of that pond.

Mayor Greenbaum: I don't know anybody who swims in Budd Lake.

Mrs. Labow: Yes there...there is.

Mr. Roman: Well there are.

Mrs. Labow: There's another beach down by Pax Amicus Castle, there's a private beach that the...

President Nicastro: We'll get a legal opinion...we'll look into that...Fred's office and see if it...

Mayor Greenbaum: We'll get a legal opinion from Fred's office. I could tell you that the legal opinion that's going to come back from Fred's office is going to say that it will create a liability issue on our part, but we'll get it from Fred's office and then you'll be satisfied.

Mr. Roman: Thank you.

President Nicastro: We'll get it from them. Thank you. Speaking of legal...any Old Business, we did, any New Business? Mr. Mania.

NEW BUSINESS

Mr. Mania: That house on Mount Olive Road, has anything else been done?

Mrs. Labow: Yes.

President Nicastro: We got the email...right?

Mrs. Labow: Yes, we did.

Mayor Greenbaum: There was an email that came through that said that there was contact made between Scott VanNess...

President Nicastro: Right.

Mr. Mania: Right.

Mayor Greenbaum: ...and the resident...

Mrs. Labow: The County.

Mayor Greenbaum: ...there was going to be further discussions involving County personnel to make sure the individual is safe and that the house is, is not going to fall down on him.

Mrs. Labow: They met on Wednesday this past week.

Mr. Roman: What does his water test?

Mr. Mania: Thank you.

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

LEGAL MATTERS

Ms. Sharpe: Thank you Mr. President. I do have two issues that Fred wanted me to convey to everybody. One is that he had an affordable housing conference yesterday in court and he just wanted to let you know that we are putting together a memo that will be forthcoming. He still feels the Township is in a very good position and that its plan should stay as it is. The other issue is the railroads. We were allowed to intervene in the matter by the court, experts have been out to the site and we will have that report probably in the next few days. That was it.

President Nicastro: Perfect. Thank you very much.

Mayor Greenbaum: Michelle, I have a question for you about the railroad Ordinance that was passed tonight, when will that be available for signature? Tonight?

Miss Masser: If you want it tonight.

Mayor Greenbaum: Yes I want it tonight. I want to sign it in.

Miss Masser: Just give me a couple of minutes to prepare the paper work.

Mayor Greenbaum: That's fine. You could take it with you because I know that you're in court tomorrow on the issue. It just gives us another argument. I can tell you having...having been intimately involved in the railroad issue, I think it is likely that we will end up losing the issue in the railroad for the time being, absent the argument from Morris County that it's against their contractual obligation with the railroad to store. I think ultimately Judge Hansbury is going to come back and allow the storage of the cars based upon the draft report of the expert report that I've seen. There are some issues and I've directed Fred's office to continue to pursue it full throttle in terms of protecting the Township. We'll see where it goes.

President Nicastro: Mrs. Labow.

Mrs. Labow: I have a question, when they store or storage, what type of maintenance are they required...like they can't just like store it indefinitely with over...stuff growing all over it or anything like that. Do they have to maintain the area?

Mayor Greenbaum: They will be maintaining the area and they did come in and my understanding is cut back some of the growth to allow better access to the cars in the event of an emergency. They're required to have a certain amount of security with respect to...

Mrs. Labow: Cameras?

Mayor Greenbaum: No, not necessarily cameras, but individual security, police type security. We're going to make an argument that the type of security that they're contemplating is not what we're looking for and not what our expert says should happen. Ultimately the cars that they're using are all relatively new cars up to code in terms of what is required of the maintenance or to be able to store. From that perspective, it's not like we're getting cars that were built in the 1970's that are now storing this gas on our line. They're all relatively new state of the art compliance...

Mrs. Labow: Safety.

Mayor Greenbaum: ...safety vehicles. However, you know, the argument can still be made that these cars are being parked within the blast area of at least West Morris High School, Tinc Road School, Clover Hill Development, Flanders Crossing Development, Bennington Development and it's an inappropriate place to store. Ultimately the problem I think that we have in terms of moving forward is the Rights of Railroads that basically...you know...they're exempt from any local type regulation because of the nature of what they do. I think ultimately, ultimately I think it's an uphill battle that we're fighting, but fight we will. I've given direction to Fred that rather than settle the matter in terms of what we're looking for that we need to go to the end and have the Judge make the call. I don't want to go back and tell the residents of Mount Olive that we settled the matter and that they can store the 60 cars there or the 80 cars there. I just think it's a terrible decision on the part of the railroad and if the Judge tells us that we're wrong at the end of the day, I can go back and tell the residents that we fought the good fight and that we're going to continue to pursue it as long as we can.

Mr. Ferrante: How long are they supposed to be stored there?

Mayor Greenbaum: The interesting thing is that the railroads lease with Morris County ends in about a year. They had talked about storing the railroad cars there through the end of this year. I would imagine that if the business of their customer continues to grow that they will look to keep the cars there as long as they're allowed to. Fortunately, Morris County has been fighting the good fight with us. They've made the contractual argument that we don't have, we only have the safety issue and they've committed to the fact that when the lease is expired next year that they will put in a provision which prevents the railroad from doing what they're doing now.

President Nicastro: Mr. Mania.

Mr. Mania: If we lose, can...is there an appeal process that we can...

Mayor Greenbaum: There's always an appeal process, but I can tell you that going to the Appellate Division probably would take a year, they're so backed up in the Appellate Division. To overturn a Chancery Judge's decision would have to be an abusive discretion standard. Based upon what I've seen in terms of the expert report, the draft expert report that I've seen, I don't think that we'd be very likely win an appeal. It's a big expense at that point in time, we'd have to evaluate based upon what Judge Hansbury rules.

Mrs. Labow: If the lease expires, it would be a waste of time and money anyway, right?

Mayor Greenbaum: You can go up on an emergent appeal based upon the health and safety issue and maybe get it heard earlier, but again, you know, at some point we've got to take a look at the...take a look at the issue in terms of what it's going to cost and how long it's going to take and tough...tough issue. Not happy about it.

President Nicastro: Thank you.

Mrs. Labow: Thank you for doing that and going at them.

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

COUNCIL REPORTS

Board of Education Liaison Report - none
Senior Citizen Liaison - none

Environmental Committee - none
Lake Issues - none
Library Board Liaison - none

Mr. Ferrante: Nothing.

President Nicastro: Mrs. Labow, anything Economic or TNR?

Economic Development Committee Report – none
TNR Program – none

Mrs. Labow: Nothing.

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

Legislative Committee Report
Planning Board Report - none

Mr. Mania: Well you and I had a meeting with Senator Oroho in his office about the gas tax that we weren't happy about it and the answer was that if they don't implement a gas tax, somehow, some way we're going to pay anyway because as of July 1, 2016 the trust fund is broke. My question to Senator Oroho was is it going to be used for what it's being designated for or are we going to raid it again?

President Nicastro: There's no answers for that, I said unless they make it constitutionally, where it's mandated, it can go anywhere I guess.

Mrs. Labow: Now they're going to reduce the sales tax by one percent.

President Nicastro: They say they are. No more Estate taxes, out of the picture...retirement tax or something was also put in to reduce retirement tax down the road. Either way you look at it we're paying.

Mrs. Labow: Yes. Just one pocket or the other it seems like, it's silly.

Board of Health Report

President Nicastro: Board of Health report is, we had our meeting, we did come up with the new Ordinance for the volunteers and all for food handling and we will be implementing that in the Health Department. Next meeting is the third...we don't have a meeting July so we're meeting in August, I believe. Mr. Roman, anything on Open Space or Recreation?

Open Space Committee Report - none

Recreation Liaison Report - none

Mr. Roman: Nothing to report.

President Nicastro: Sorry.

Miss Masser: You skipped Colleen?

President Nicastro: No, I talked to Colleen.

Mrs. Labow: Yes, I said no report. I have a question for the Health Department. Is Alex finished?

President Nicastro: He's...

Mr. Roman: I'm done. Finito.

Mrs. Labow: Joe, could you find out if...and I don't know if this is a...I thought it was a law that if you sell any food items in a store that you have to have an expiration date or a sell by date on the packaging.

President Nicastro: Sounds like you're supposed to, but...if you sell...

Mrs. Labow: I don't want say it publicly right now, but I was at an establishment the other day and my...we're like where's the expiration and there was nothing. We looked at a whole bunch of packages and there was nothing. I'll let you know.

President Nicastro: Let me know and I'll...

Mrs. Labow: Find out because...

President Nicastro: ...or I'll call Trevor.

Mrs. Labow: ...I would think that's a huge violation. I think it would have to.

President Nicastro: I would think that it would be based on the laws.

Mrs. Labow: There was no date anywhere.

Mr. Mania: That's important.

President Nicastro: Except at my house, that don't matter.

Mr. Ferrante: To be determined.

President Nicastro: That's how we are.

Mrs. Labow: We looked at several packages on every single possible part, so just curiosity I...you know...

President Nicastro: Yes. We'll get clarification tomorrow. Mr. Stewart, anything on MOTV?

MOTV Committee Liaison

Mr. Stewart: Yes, there's a new film/video that will be put up. It was done in conjunction with the Community Action Panel featuring Captain Beecher doing the Active Shooter Workshop last week at the library.

President Nicastro: Anything else?

Mr. Stewart: No that was it.

Miss Masser: I just wanted to ask, I don't know if anyone has an update, but there was a resident who contacted someone who wants to know why the Council meetings are not up to view. The last few meetings are not up to view.

President Nicaastro: I think we resolved that issue somewhat. We did go back and forth with a couple of emails and as long as they get to Scott on a timely manner he told us he would get them up in a timely manner. They were a few months behind. They were a couple months behind.

Mrs. Labow: Our whole websites behind. There's stuff for dates...stuff that happened months ago...how come...

President Nicaastro: It needs to be addressed. Mr. Roman.

Mr. Roman: In order to...until that problem's completely resolved we can always go to Mark Zuckerberg and use his Facebook Live feature.

President Nicaastro: Put it there.

Mr. Roman: We can put a tripod up there, put on...if you want...the Mayor's page, Facebook Live and boom it's there. That's one quick way to fix that.

President Nicaastro: I think we need to address some of those...

Mrs. Labow: Yes, I don't understand that.

Mr. Roman: It won't be...you won't have the zoom in features which means I don't need to shave, but...that's for anybody who wants to see it.

Mr. Stewart: That's very thoughtful.

Mr. Mania: Yes it is.

President Nicaastro: We'll look...we have to check that out and see all of that stuff because some of the things need to be updated and stuff. Anything you see looks...

Mrs. Labow: Like its months behind.

President Nicaastro: ...what we need to do.

Miss Masser: I think it's about three meetings behind, I'm guessing...

President Nicaastro: But still.

Mrs. Labow: Just the events...

Miss Masser: ...from the way she talked.

Mrs. Labow: Even just the events on the website. I was trying to find some information on the website and I looked and I'm like why is this...all this stuff here, it happened months ago. Where's the stuff that's coming up on the summer when you...

Mr. Roman: Which...

Mrs. Labow: ...open that page that stuff should come right up.

Mr. Roman: ...which kind of brings up...I think an issue there...reminds me a few years ago that maybe we need...maybe the IT Department needs a staffer or at least somebody...

Mrs. Labow: That's taken.

Mr. Roman: ...in the department to take on the somewhat janitorial things to update the website. I think during Budget season I think that's something we definitely need to look at. With the Administrations recommendation hopefully add somebody into that department so that...you know...our residents are kept up to date.

President Nicastro: Yes, we have to revisit that. We tried last year and we...we'll try to revisit it for this next one because it is important. Thank you. Does anyone from the public wish to be heard? Yes please, just state your name and address...yes just state name and address for the record.

PUBLIC PORTION .

Mr. Lavery: Good evening Mr. Council President, members of the Council, Mayor. Mike Lavery from the firm of Lavery, Selvaggi, Abromitis and Cohen representing Toll Brothers. First, I want to thank the Council for passing Resolution ten which was Authorizing the Execution and Acceptance of the Indemnification Agreement. We believe that's the last thing remaining before the Performance Bond gets released. I think Mr. Buczynski had written a letter probably six months ago saying that we had done everything else. I think this is the last thing. We would just respectfully request that Council consider getting your reports back from your professionals and considering releasing that Performance Bond at the next meeting. We've already provided the Maintenance Guarantees and I believe Mr. Buczynski already reviewed those and accepted them.

President Nicastro: Okay.

Mr. Lavery: If there was anything else that Council needed from us, but we believe that was the last item.

President Nicastro: Anything else? Thank you.

Mr. Lavery: Thank you very much.

President Nicastro: Thank you very much.

Mrs. Labow: Thank you.

President Nicastro: Anyone else from the public? Seeing none. Closed to the public. Any Council Comments? Mr. Ferrante?

COUNCIL COMMENTS

Mr. Ferrante: None tonight.

President Nicastro: Mrs. Labow?

Mrs. Labow: None. Thank you.

President Nicastro: Mr. Mania?

Mr. Mania: None.

President Nicastro: Mr. Stewart?

Mr. Stewart: Just Happy Fourth to everybody.

Mrs. Labow: Happy Birthday Mayor.

President Nicastro: That's right.

Mr. Mania: Mayors birthday. Happy Birthday Mayor.

President Nicastro: It sounds like...you're going to sing a song.

Mr. Roman: No. Even though the Copyrights been removed...

President Nicastro: Anything Alex?

Mr. Roman: No, I have nothing.

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

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:39 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 July 12, 2016.

Michelle Masser, Township Clerk

mvm