

The Public Meeting of the Mount Olive Township Council was called to order at 7:56 pm by Council President Nicastro.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

Miss Masser: According to the Open Public Meetings Act, adequate notice of this meeting has been given to the Daily Record. Notice has been posted in the Municipal Building, 204 Flanders-Drakestown Road, Mount Olive Township, New Jersey and notices were sent to those requesting the same.

ROLL CALL

Present: Mr. Amianda, Mr. Ferrante, Mrs. Labow, Mr. Mania, Mr. Stewart, Mr. Roman and Mr. Nicastro

Absent: none

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

August 9, 2016 WS & PM (absent: D. Amianda)

President Nicastro: Mr. Amianda, would you approve the Minutes and Work...from the Workshop and Public Meeting for August 9, 2016, please?

Mr. Amianda: Yes Mr. President. I make a motion for approval of Minutes of previous meetings on August 9, 2016, Work Session and Public Meeting.

Mrs. Mania: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed with the exception of Mr. Amianda abstained

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received August 11, 2016, from Millennium Strategies regarding SPECIAL ANNOUNCEMENT: NJDOT TAP Grants.
2. Email received August 15, 2016, from Sustainable Jersey regarding Wanted: Innovative NJ Sustainable Energy Projects.
3. Publication received August 15, 2016, from The Land Conservancy of New Jersey Outdoor Issues regarding Summer 2016 Edition.
4. Email received August 16, 2016, from ANJEC Local Environmental Matters regarding Environmental Congress, Friday, September 30.
5. Email received August 17, 2016, from Sustainable Raritan River regarding NEWS from the Sustainable Raritan River Initiative --August 2016.
6. Email received August 18, 2016, from National League of Cities regarding Why you need to be at City Summit.
7. Publication received August 19, 2016, from Arc Morris regarding Touchstone Issue 25 Summer 2016.

RESOLUTIONS / ORDINANCES OTHER TOWNS

8. Letter received August 8, 2016, from Township of East Hanover regarding Resolution No. 111-2016; A Resolution of the Township Council of the Township of East Hanover Endorsing and Supporting the Passage of Assembly, No. 3686, Designated as “Ralph and David’s Law,” which would Establish the Third-Degree Crime of Strict Liability Vehicular Homicide for Driving a Vehicle while Intoxicated in Violation of N.J.S.A. 39:4-50 or for Operating a Vessel Under the Influence of Alcohol or Drugs in Violation of N.J.S.A. 12:7-46, and Amend Various Sections of Statutory Law to Strengthen Penalties for Vehicular Homicide caused by Drunk or Drugged Drivers.
9. Email received August 18, 2016, from Washington Township regarding Washington Township Resolution R-146-16, Resolution of the Township Committee of the Township of Washington Endorsing and Supporting the Passage of Assembly, No. 3686, Designated as “Ralph and David’s Law.”
10. Email received August 19, 2016, from Jefferson Township regarding Resolution 16-155, Resolution Supporting the Morris County Fire Mutual Aid Plan in the Township of Jefferson, County of Morris, State of New Jersey.
11. Email received August 19, 2016, from Borough of Lincoln Park regarding Resolution R16-203, Resolution Supporting the Morris County Fire Mutual Aid Plan in the Borough of Lincoln Park, County of Morris, State of New Jersey.

STATE AGENCIES

12. Email received August 7, 2016, from FEMA regarding Get Active – September is National Preparedness Month – Webinars, Training Information, ZIKA Updates and More!!!
13. Email received August 7, 2016, from FEMA regarding Moving Forward – Recovering from Disasters.
14. Letter received August 8, 2016, from New Jersey Department of Environmental Protection Engineering & Construction regarding the 2016 Inspection Reports for Mine Hill Reservoir Dam and Hackettstown Reservoir Dam.
15. Email received August 9, 2016, from FEMA regarding FEMA Bulletin Week of August 8, 2016.
16. Email received August 9, 2016, from New Jersey Department of Environmental Protection regarding Artificial Reef Program.
17. Email received August 9, 2016, from New Jersey Department of Environmental Protection regarding DEP Podcast: AmeriCorps Watershed Ambassadors.
18. Email received August 10, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release – Harvest the Bay Returns to Island Beach State Park.
19. Letter received August 11, 2016, from JK Environmental Professional Environmental Engineering regarding Response Action Outcome for Sunrise Cleaners, 100 Route 46, Mount Olive, Block 102 Lot 4.
20. Email received August 15, 2016, from New Jersey Department of Environmental Protection regarding DEP Podcast: Hooked on Fishing – Not on Drugs.
21. Email received August 15, 2016, from New Jersey Department of Environmental Protection regarding NJDEP Press Release: Christie Administration Announces More Than \$1.5 Million in State Urban and Community Forestry Grants.
22. Email received August 15, 2016, from FEMA regarding FEMA Region II Hurricane Preparedness Tip #5.
23. Email received August 16, 2016, from FEMA regarding FEMA Region II Extreme Heat Tip #1.
24. Email received August 17, 2016, from FEMA regarding FEMA Bulletin Week of August 15, 2016.

25. Email received August 18, 2016, from New Jersey Department of Environmental Protection regarding Important Information – Local Government Assistance.
26. Email received August 18, 2016, from Department of Community Affairs regarding Bid Qualification under Local Public Contracts Law.
27. Email received August 19, 2016, from FEMA regarding September Preparedness Month – Training, Webinars, Zika and More!!!
28. Email received August 19, 2016, from FEMA regarding Celebrate National Preparedness month with “The Prep Step!”
29. Email received August 19, 2016, from FEMA regarding FEMA Region II Hurricane Tip #6.
30. Email received August 19, 2016, from FEMA regarding ORGANIZATIONS CARE ABOUT INLAND FLOODING RISK – Inland Flooding Toolkit.

MORRIS COUNTY

31. Email received August 11, 2016, from County of Morris regarding MAPS Annual Public Hearing Notice.
32. Email received August 11, 2016, from County of Morris regarding Chatham Arrests. Mt. Tabor. Motown Blues. YES, too!
33. Email received August 18, 2016, from County of Morris regarding Butler Shooting. Youth Academy. CCM. Jazz Fest, too!

UTILITIES

34. Letter received August 11, 2016, from New Jersey Natural Gas regarding In the Matter of the Petition of New Jersey Natural Gas Company 2016/2017 Annual Compliance Filing for the Universal Service Fund Program Factor within the Societal Benefits Charge Rate.
35. Email received August 11, 2016, from Municipal Sewer & Water Magazine regarding Montreal Increases Spending to Replace Lead Laterals.
36. Email received August 16, 2016, from Municipal Sewer & Water Magazine regarding Texas Water Utility Joins Fight Against Zika Virus.
37. Email received August 18, 2016, from Municipal Sewer & Water Magazine regarding Watch: How an Earthquake Affected Napa’s Water Mains.

ORDINANCES FOR PUBLIC HEARING

President Nicastro: We have 37 pieces of Correspondence. Does anyone have anything on those? Seeing none. Next item on the Agenda is first reading Ordinance #17-2016,

Ord.#17-2016 An Ordinance of the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey, to Amend the Township Code Chapter 318. “Sewers and Water”, Article VIII. “Sewers”, Section 318-53. “Use Restrictions; Prohibited Discharges” to Add a New Subsection L.

President Nicastro: Mr. Ferrante.

Mr. Ferrante: Sure I make a motion for adoption and final passage of Ordinance #17-2016.

Mr. Amianda: Second.

President Nicastro: Does anyone from the public wish to be heard on this? Please just go up to the microphone, state your name and address for the record please.

Miss Masser: Who seconded that?

President Nicasro: Who seconded that?

Mr. Roman: Who second that?

Mr. Ferrante: Daniel did.

President Nicasro: I heard him, but I wasn't sure.

Miss Masser: Daniel.

Mr. Halbur: Tim Halbur, Saunders Lane. What is the penalty for Section L going to be?

President Nicasro: What's it...

Mrs. Labow: For the sewer...

Miss Harris: I believe that we have in our code a general penalty of up to \$1,000.00. That's at the Judge's discretion.

Mr. Halbur: Then I would like to know when Mr. Mania will be paying that fee.

President Nicasro: He was in prior to the Ordinance, I believe. We had discussed that at the last meeting.

Mr. Halbur: The Ordinance says...going forward...

President Nicasro: Right.

Mr. Halbur: Twenty days after it's passed, any discharge into the system is in violation. That means that every person with a garbage disposal has a...up to \$1,000.00 fine. I'm just curious when Mr. Mania...just be...and I apologize, I'm not picking on you per say, but since he's on record of having a garbage disposal. You have a policy on record, you have an Ordinance on record that says that this is in violation, than I would like to know when you are planning on going around...and its actually sort of similar to what the Mayor was talking about if you're going to codify the BYOB and yet you're not going to assign a penalty to it then what's the point of it. That's my concern about this.

Miss Harris: I think...I can explain to you from our Water and Sewer Foreman's perspective. There is a content of something called BOD's and I can't...

Mr. Halbur: Up to a number six.

Miss Harris: Pardon.

Mr. Halbur: Up to a number six.

Miss Harris: Exactly.

Mr. Halbur: Yes.

Miss Harris: I believe that the intent is to prevent additional BOD's entering into the system and...you know...according to our Water and Sewer Foreman we're...our level is okay at this point.

Mr. Halbur: Correct.

Miss Harris: We're not looking to go out and penalize people who've already installed garbage disposals.

Mr. Halbur: If I was the developer, by the way I have no garbage disposal, I have no desire to have a garbage disposal, I don't know anybody who does other than Mr. Mania.

Mr. Mania: Other than me.

Mr. Halbur: Other then you, I don't know anybody who does.

Mr. Mania: Other than me.

Mr. Halbur: If I was the developer what would...what's stopping me from doing this. I mean...

Miss Harris: Because we now have an Ordinance that would prevent you from doing it. As I said, the intent is to prevent additional...

Mr. Mania: Remember I'm the only one admitting to it.

Mr. Halbur: Exactly. I...

Mr. Mania: Okay.

Mr. Halbur: I fully agree, I'm not. Again I'm not...again I have no dog in this fight at all and I actually mentioned this to Mr. Nicastro and Mr. Roman earlier in the week. If we're going to pass an Ordinance that you're not going to follow up on or you're going to selectively follow up on, I...you're going to penalize somebody who's new on the system because you don't want somebody new, God forbid, we got to close the door now that...there, but you're not going to penalize the people that are already in vio...then therefore are in violation, I have a problem with that. That's my problem. Again I have no dog in this fight, I could care less, but it seems to me you are over legislating without penalty then what is the point. If you're telling me that you're going to selectively penalize, well that's actually almost worse, because if I were the developer right now, I would go forth I would put them in, if he wanted to or sold them or whatever...you know whatever...and I would dare you to come out and penalize me for this because I would take you to a Judge and say okay then why aren't you penalizing anyone else. I can point to people, unfortunately for you I apologize on record of having this and unless he's telling me that he's never going to turn it on from this point forward he's going to disconnect it and not get his \$600.00 back that he paid for this then I want to know what's going on. That's my problem.

Miss Harris: Well...I mean...it's not uncommon for any Governmental Organization to pass an Ordinance, Statue, Law however you want to term it and grandfather in.

Mrs. Labow: Yes.

Mr. Halbur: But you're not.

Miss Harris: I think that's exactly what we're doing.

Mr. Halbur: No.

Miss Harris: Moving forward we're not permitting garbage disposals to come in. I don't know that it would logistically be possible for us to go out to every resident to check and see if they have a garbage disposal.

Mr. Halbur: I agree.

Miss Harris: The concern is...you know...it's an environmental concern, it's a concern about our sewer system...you know...our Water and Sewer Foreman spoke very specifically about what his concerns were and it was actually an Ordinance that was supposed to be passed back in 2009.

Mr. Halbur: My question to that was, in 2009 people with much more knowledge than I ever would, decided, discussed it, brazed the issue on numerous occasions and for some reason didn't pass it. My question to both Mr. Nicastro and Mr. Roman was, why was that. As far as the judging, the question was raised at the last meeting about it's a six. How much would take to go from a two, three to a six. There was no known answer. It was...it was, well how many homes have it today, well we obviously don't know but according to the sewer gentleman they never...they see it rarely. How many homes within Mount Olive are there, so if you have 200 more that are added, is that going to send us over the...and I don't know the answer to this, but my quest...my statement to both Mr. Nicastro and Mr. Roman was that if, if somebody came to me with that little of information as to what it would take to go from a three to a six and I have no idea what that even means other than it goes from a three to a six then I don't know that how you can use that as justification. The Ordinance states any discharge it doesn't say grandfathered in discharge, any discharge as of 20 days after this is passed is in violation. If you wanted to grandfather them and you write the Ordinance that way then we'd...absolutely be having a different discussion.

Miss Harris: I don't know that any Ordinance that's grandfathered in prior practices had...has had that written into the Ordinance.

Mr. Halbur: Then what you're telling me is every Ordinance we pass that conflicts with past behavior automatically is...not being applied.

Miss Harris: Well I...

Mr. Halbur: Unless you...

Miss Harris: I'm not of the inclination to say never before...

Mr. Halbur: Okay.

Miss Harris: ...you know...ever. It's just I believe we have take...go on the advice of our professionals here and Mike Lata is our professional and he has serious concerns about increasing the BOD's in our water system.

Mrs. Labow: Can I...

Miss Harris: I don't know what the alternative is. Is the alternative that we not prevent them and take the risk that...

President Nicastro: Laura...Laura if I could. I'm going to recommend that we, we...

Mr. Mania: Table.

President Nicastro: ...go back and table this and go back because looking through that, we had discuss this at last meeting, but the question was and I understand Tim's concern, the question is from this day forward it says no one will which means implies...

Mrs. Labow: No additional...

President Nicastro: ...that everyone can't. It either is as of this day...you know...

Mrs. Labow: No additional...

President Nicastro: ...new installation or something has to be...we have to revisit this and reword it.

Miss Harris: I guess it would be a more palpable Ordinance if it said garbage disposals are prevented rather than discharges are prevented.

President Nicastro: Probably, I don't know. We have to discuss that I think with the Council and see that...

Mrs. Labow: I also wanted to add something.

President Nicastro: Yes, Mrs. Labow and then Mr. Roman.

Mrs. Labow: Tim, with real estate I go on a lot of home inspections all the time and they're very lengthy, very detailed especially when you get...I like the really detailed inspectors and what'll happen is a lot of times they'll say according to local code, this would not be allowed now, but because its already there. I think that's sort of like the same kind of thing because it's already there, but going forward they can't put it in and if someone...their garbage disposal breaks, they would need to be notified you need a permit. Then you'd find out that you can't put them in. Its...I think it's going to go along those kind of lines. You don't go through and tell everybody you have to change out your foundation, change this out, change that out. I understand what you're saying that how do we define the date from what's okay from this date prior. Also just so you know the MSA, Musconetcong Sewer Authority, who we have our...the Budd Lake sewer system through...

Mr. Halbur: Feeds into.

Mrs. Labow: They do not allow it.

Mr. Halbur: Which again...

Mrs. Labow: Yes.

Mr. Halbur: Mr. Mania I believe you live on First Street.

Mrs. Labow: Well...

Mr. Halbur: My guess would be you feed into the Budd Lake sewer system.

Mrs. Labow: The first time...

Mr. Halbur: I don't know that.

Mrs. Labow: ...not to pick on Mr. Mania, the first time I came across this it was somebody just down the street from me...

Mr. Mania: Shame on me.

Mrs. Labow: Yes, shame on you.

Mr. Mania: Yes.

Mr. Halbur: Again I'm not trying to pick on him.

Mrs. Labow: You spent a lot of money for that too.

Mr. Mania: Six...twelve hundred bucks.

Mr. Halbur: Your statement is, is that they don't allow it.

Mrs. Labow: The other thing that I...when this came...

Mr. Halbur: They do allow it.

Mrs. Labow: ...this first came up when I found out about it several years ago, really annoyed me to no end. Like Home Depot and Lowes, like they sell them and they don't even have a notification that check with your Town to see if its allowed.

Mr. Halbur: Right.

Mrs. Labow: It just so happen somebody down the street from me, they said we were going to have this installed and our plumber said you better check to make sure I don't think you can at your location.

Mr. Halbur: Right.

Mrs. Labow: They couldn't.

Mr. Halbur: Again I appreciate the tabling, that's...I believe the right

President Nicastro: Mr. Roman.

Mr. Halbur: ...I believe the right...

Mr. Mania: I think I was ahead of Mr. Roman.

President Nicastro: I'm sorry.

Mr. Mania: Excuse me.

President Nicastro: Mr. Mania I didn't, I thought...

Mr. Mania: Thank you.

President Nicastro: I'm sorry. I do apologize.

Mr. Mania: Thank you. First of all I don't believe developers arbitrarily just put...put them in.

Mr. Halbur: It's probably...

Mr. Mania: They're looking to make a buck.

Mr. Halbur: Exactly.

Mr. Mania: They're not going to spend a buck. Believe me when I tell you. I've dealt with a lot of them. Secondly, I think when we discussed it at the last meeting was the fact that going forward they didn't want them because it would increase and it would cost money. Okay and I forget what the term was that they're going...

President Nicastro: It was a discussion we were trying to figure out by saying...you know...going forward then that means that anybody else...how do we know anyway if anybody puts them in.

Mr. Mania: Right.

President Nicastro: Let's say new construction. We weren't just going to eliminate new construction...

Mr. Mania: There isn't going to be too many honest people like me that admit they have one.

Mr. Halbur: Agreed.

Mr. Mania: Trust me. I thought you'd get a chuckle out of that. That's what was presented to us. Going forward we couldn't continue to put them in because it would raise the numbers and it would cost the Township money.

Mr. Halbur: The question was asked. How many would it take and the answer was, I don't know. In other words you're telling me it's...I totally agree that it's going to go up, its vegetative matter or what not else that needs to decompose.

Mrs. Labow: Cumulative effect.

Mr. Halbur: It's going to affect things, I'm not questioning that. How much...you just mentioned it...it's going to go up. How much? It's going to go up, it's going to take and again I know nothing about sewerage, is it going to take an extra day to process? Is that...I don't know...my problem with this is that it seemed like there isn't a lot of information known and yet...rightfully so the feeling was that it was going to increase things. Obviously it's going to increase things. If it only increases it a little bit, if it increases...expends lots of money to do this, it was mentioned that it would take additional people to do this, I don't know why. It didn't seem to me that there weren't enough facts on it to pass this Ordinance. That's my problem with it, let alone the fact that you have no penalty associated with it. Obviously we've gone on and on about garbage, I don't need to keep going on but that's...this is just again, I have no dog in this fight, I could care less if it does or not.

President Nicastro: Understand. Mr. Roman.

Mr. Mania: My other question is.

President Nicastro: I'm sorry. Go ahead.

Mr. Mania: How do you police this, how do you find out who's got them and who don't have them.

Mrs. Labow: Just communication.

Mr. Mania: Do we have...do we have that kind of power to go in people's houses...

Mrs. Labow: No.

Miss Harris: No.

Mr. Mania: ...to check to see if they have.

Mr. Halbur: No.

Mr. Mania: Come on. Let's be honest.

Mr. Halbur: Same thing with going enforcing the BYOB, I agree.

President Nicastro: I think it was something...whether we're looking at it whether we want to do it for new construction or whatever. It was for the masses.

Mr. Mania: Right.

President Nicastro: In other words we know if people are going to go in, like if I go put one in tomorrow and I'm not saying I am because I'm on record, but if I was no one is going to know about it. It's really not going to make a difference. When a contractor comes in and we're building 300 homes and they ask can we put them in, well they're going to offer 300 maybe to all those plus another developer at 200 that's really were the issue came up. It wasn't the fact that somebody came in and said...

Mr. Mania: Right, exactly.

President Nicastro: ...can I put one in, it was a developer asking. We need to tighten this up and figure it out I guess just a little bit more on this. My opinion is we take it back and can it...put it off until next meeting, whatever, and re work it and discuss it and figure a better way so we don't have these types of questions.

Mrs. Labow: Technically you're supposed to get a permit because it is electrical.

President Nicastro: Technically you're supposed to get a permit...

Mrs. Labow: I know...technically.

President Nicastro: ...but we know a lot of things people don't...

Mrs. Labow: Technically...technically.

President Nicastro: ...the way it is. Mr. Roman did you have...

Mr. Roman: I see the intent of this Ordinance as guidance because it is understood that garbage disposals are not good for sewer systems. That is well documented which was a surprise to me, I thought that was better than dumping it in a plant...land fill. Being as such that is not good for a sewer system we should at least codify and say look you should not be putting that in a sewer system. Are we going to fine you, are we going to arrest you, no that's not my intent at all. When somebody...a developer building a home and he's looking for guidance what am I allowed to do. It's like almost anything in building...you know...your outlets are suppose to 12" off the ground. Okay, do you get arrested, no? You're told put that outlet at 12" above the ground. I see this and I don't even have any problem with the wordage, with the verbiage and I don't want any fine, I don't want prison or anything like. It is guidance, you should not have a garbage disposal or dispose into our sewer system X, Y and Z. There is multiple sewer systems here so when a developer is going to put in a 300 home unit he's not dispersing his...that sewerage into one...into all the sewer systems, but it's going into a particular...it could have an impact on that system itself and I think the developers need...they probably want that kind of guidance because they don't know it, am I allowed or am I not allowed. I don't know. The MUA says you're not allowed, but there's nothing on the Town code, the State...discourages against...the DEP discourages against it so who am I...what am I suppose to go. Now by giving developers this Ordinance, they go look, we're not putting them in.

Mr. Mania: We're not allowed.

Mr. Roman: We're not allowed, we're not putting them in.

Mr. Halbur: Here's a question...and this is...I don't know the answer to this. Are Ordinances guidelines or are they laws?

Mr. Mania: They're laws.

Mr. Amianda: Laws.

Mr. Halbur: I hear what you're saying, I agree.

Mrs. Labow: They're policy.

Mr. Halbur: That's why you have a building code. A building code indicates that you must be inspected and then alleviate to the code...I just didn't...I wouldn't have considered an Ordinance.

Mr. Roman: The Ordinance is to change the code. Unfortunately, when we...you can't just change a building code or add a line on its own, it has to be codified via Ordinance.

Mr. Halbur: Okay.

Mr. Roman: That's why an Ordinance is required.

Mrs. Labow: It's a law and it's a policy too.

Mr. Roman: I think...

Mr. Mania: Its law.

Mrs. Labow: Policy.

Mr. Roman: I think the policy should be you should not have, not that I...it's like many things in life; you should not do this and what happens if I do, nothing. You should not X, it's something that's required. I don't see a problem the way it's worded. If we start going down to minutia like...you know... removing this removing that. Everything that I saw in there, well you're not allow to discharge, okay its good. Are we going to go around and checking peoples waste and say hey look you put a Q-tip in there? I'm sure I've violated that a couple of times.

President Nicastro: Mr. Roman...

Mr. Mania: That's on record by the way.

President Nicastro: ...is it that bad. I understand what Tim's saying, is it that bad if we were just putting in there. We had this discussion, I'm trying to remember it was a few weeks back and I forget. I understand everything Mr. Romans saying and he's right, but how simple is it for us to put in no new garbage disposals? We're not going to go after anybody old anyway.

Mrs. Labow: Right.

President Nicastro: We did discuss this.

Mr. Roman: Yes I know and again I think still that's discriminatory.

President Nicastro: It just clarifies that what you're saying that...

Mr. Roman: It's still discriminatory...and the fact this is like...

President Nicastro: Its new today, it's not...

Mr. Roman: ...you know...hey I'm not allowed to put a garbage disposal up because that guy he's allowed. I mean...if this...if that's how everybody wants to go at it, going forward as of this date you're not allowed you can because technically then you can say now that things been there for a while.

President Nicastro: Yes, you could.

Mr. Roman: It's like same thing, when you do your own electrical work or hire somebody to come in...you know...is it allowed. No. Are you going to get arrested? No. It's on...at least you have guidance as to your not allowed to do this.

President Nicastro: Which makes...I do understand that...

Mrs. Labow: Yes.

President Nicastro: ...I think it makes sense. I don't think anybody's coming to us anyway, usually we haven't had...

Mrs. Labow: Right.

President Nicastro: John didn't come and say should I put one in or not...we don't know...

Miss Harris: It's more an issue...

President Nicastro: ...because you didn't know, nobody knew.

Miss Harris: ...of getting or not getting a permit.

Mrs. Labow: Yes.

Mr. Mania: Mines only been in 30 years.

Miss Harris: As opposed being fined.

Mrs. Labow: Right.

President Nicastro: You've been great grandfathered in anyway. Not to bring you...

Mr. Mania: Tim in all the years that I've been on the Planning Board, I have never heard a developer come and ask for a garbage disposal.

President Nicastro: I think they assume they probably could of.

Mrs. Labow: Yes, they probably think...except...

Mr. Mania: It's never even been discussed. Never.

President Nicastro: It wasn't a big issue until...and that's why...Michelle's explaining that's why it came up to begin with. Developer called her and asked...they wanted...

Mr. Halbur: Right.

President Nicastro: ...is there...

Mr. Halbur: He wanted to, right.

President Nicastro: ...there was no answer to it because there was nothing on the books that said yes or no and that started the whole process of where we are now.

Mrs. Labow: The other thing too, is when you have any kind of disposal system, if you're flushing things down or putting things down the drain that you really shouldn't be. You're going to end up paying in the end because you're going to clog it all up.

President Nicastro: That's the homeowner...

Mr. Mania: You can mess up the unit. You got to watch what you put in there.

President Nicastro: I agree with the Council either way, I understand both points so it's not a question of...

Mrs. Labow: You're going to get...

Mr. Mania: I have a screen on top of mine because I'm afraid my wife's going to let a fork or a knife go down there and then the units shot.

Mr. Stewart: Then you're going to have to spend another 600 bucks.

Mr. Mania: Pardon.

Mr. Stewart: Then you'll have to spend another 600 bucks.

President Nicastro: It's not...

Mr. Mania: No, no. I'll get rid of her.

President Nicastro: Mr. Mania it's not a...it's not a rush that we have do it tonight anyway.

Mr. Stewart: It's on the record.

Mrs. Labow: That's right.

President Nicastro: It's not a rush that it has to be done tonight. You could discuss it and see if there's any other alternatives to it and we could bring it up in another meeting.

Mrs. Labow: From our legal stand point what...how far...what are we allowed to...what's okay verbiage to put in there.

Ms. Sharpe: I think I'd have to...we have to...

Mrs. Labow: Research it and let us know. Good.

Ms. Sharpe: ...look at this a little bit more because I really need to know what Council wants to do.

Mr. Mania: I think we ought to table it Joe.

President Nicastro: That's what I figured. We could table it until the next...

Mr. Mania: Until our next meeting.

President Nicastro: In between we come up with some...

Mr. Mania: Come up with some verbiage.

President Nicastro: ...something to go back and forth with and see what we would be happy with.

Mr. Roman: There's been a...

Mr. Mania: How's that Tim, we're tabling it.

Mr. Roman: ...motion and a second, so...

President Nicastro: We need a vote.

Miss Masser: A motion to table.

Mr. Roman: I motion to table Ordinance...

President Nicastro: Or do we vote no and...

Mrs. Labow: No you just motion...

Mr. Roman: Can't vote now.

President Nicastro: We just do a motion to table it?

Mr. Roman: Yes, motion to table Ordinance #17-2016.

Mr. Mania: Second.

President Nicastro: Mr. Mania seconded. Roll Call.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #17-2016, will be tabled until the next meeting. I open the hearing to the public on Ordinance #18-2016,

Ord.#18-2016 An Ordinance of the Township of Mount Olive Amending Ordinance #26-2015 Which Established Salaries for the Mayor, Council, Department Heads, Supervisory Personnel and Employees of the Township Clerk’s Office.

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

Mrs. Labow: Thank you Mr. President. I move for adoption and final passage of Ordinance #18-2016.

Mr. Roman: Second.

Mr. Ferrante: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #18-2016 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 – 2nd reading September 6, 2016

President Nicastro: Next item on the Agenda for first reading is Ordinance #19-2016, with a second reading of September 6, 2016,

Ord.#19-2016 An Ordinance of the Township Council of the Township of Mount Olive to Accept a Deed of Easement and Right-of-Way for Purposes of Operating and Maintaining a Wastewater Treatment Plant, Located on Property Designated as Block 4411, Lot 144 on the Official Tax map of the Township of Mount Olive.

President Nicastro: Mr. Mania.

Mr. Mania: Thank you Mr. President. I move that Ordinance #19-2016 be introduced by title and passed on first reading and that a meeting be held on September 6, 2016 at 7:00 pm at the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey for a public hearing, consideration of second reading, and passage of said Ordinance and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of the law.

Mrs. Labow: Second.

President Nicastro: Any discussion? Roll Call please. Or anyone from the public, I’m sorry. Is it on there? No one from the public. Roll Call please.

Roll Call: **Passed unanimously**

CONSENT RESOLUTIONS AGENDA:

Resolutions on the Consent Agenda List are considered to be routine and non-controversial by the Township Council and will be approved by one motion (one vote). There will be no separate discussion or debate on each of these resolutions except for the possibility of brief clarifying statements that may be offered. If one or more Council member requests, any individual resolution on the Consent Agenda may be removed from the Consent Agenda List and acted on separately.

CONSENT RESOLUTIONS

1. Resolution of the Township Council of the Township of Mount Olive Authorizing the use of a Purchasing Contract (Beyer Ford)
2. Resolution of the Township Council of the Township of Mount Olive Requesting Approval from the Director of the Division of Local Government Services for Insertion of a Specific Item of Revenue into the 2016 Municipal Budget (\$16,343.22 for the Drunk Driving Enforcement Fund)
3. Resolution of the Township Council of the Township of Mount Olive Approving a Repurpose of Donation Funds Received by the Township.

4. Resolution of the Township Council of the Township of Mount Olive Authorizing the Sale of Certain Land and Property Which is No Longer Needed for Public Use by the Township (Block 5401 Lot 2.01, 8 Main Street, Flanders)
5. Resolution of the Township Council of the Township of Mount Olive Rejecting all Bids for the Installation of Emergency Doors & Walkways for Mt. Olive Municipal Building
6. Resolution of the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Execution of the Developer's Agreement with Hunkele Equities.
7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of Contract to Manigro Contracting Co., Inc. for the Re-Bid of the Installation of Emergency Doors & Walkways at Mt. Olive Municipal Building.

President Nicastro: Mr. Stewart, would you move Consent Resolutions one through....does anyone, I'm sorry. We have seven Consent Resolutions does anyone wish to move any to Non-Consent? Seeing none. Mr. Stewart would you move Consent Resolutions one through seven.

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

Mr. Mania: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: **Passed unanimously**

MOTIONS

1. Bill List.

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

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

Mr. Mania: Second.

President Nicastro: Discussion? Roll Call please.

Roll Call: **Passed unanimously**

ADMINISTRATIVE REPORTS

President Nicastro: Administrative Reports. Laura, do you have anything?

Miss Harris: Yes. Touch-a-Truck is Saturday from 10:00 am to 2:00 pm and the Food Truck and Fireworks Festival is from 4:00 pm to 10:00 pm. Fireworks will start at approximately at 9:15 pm. The rain date is Sunday. The staff picnic again is September 9, 2016.

Mr. Roman: What's Touch-a-Councilman?

President Nicastro: What was that?

Miss Harris: Touch-a-Truck. I think you know.

President Nicastro: I can't hear too well from here. I'm losing my hearing anyway.

Mr. Roman: Good.

President Nicastro: I didn't hear what you said. Sorry. Thank you. Any Old Business? Seeing none. Any New Business? Seeing none. Any Legal Matters?

OLD BUSINESS - none

NEW BUSINESS - none

LEGAL MATTERS

Ms. Sharpe: Yes just briefly. On M&E, Fred and the Administrator met to discuss the status. Motion was filed and he is working on putting together a letter regarding the renewal by the County of the lease with the railroad. Regarding Affordable Housing, we're continuing to work with Fair Share on a Resolution for that. On Cobblestone, there's a Commissioners hearing for the condemnation scheduled for September 19, 2016. That's it.

COUNCIL REPORTS

President Nicastro: Thank you very much. Council Reports. Mr. Amianda, welcome back. Anything on Seniors or Board of Education yet?

Board of Education Liaison Report

Senior Citizen Liaison - none

Mr. Amianda: Yes I have a report on Board of Education. Board of Education met on Monday, August 22, 2016 at 6:30 pm at the Board office. Dr. Larrie Reynolds, Superintendent of Schools, gave a report on students' progress on standardized test. Our students are doing well. The Board discussed and it took actions on the matters...on other matters. The Board approved Superintendents 2016-2017 Merit Goals for the School District. As noted before, the Board passed a Resolution providing for a Special School Election to be held on September 27, 2016 for the consideration of Bond Proposals of \$6,646,724.00 for Full-Day Kindergarten and a special addition spending of \$807,620.00 to support a Full-Day Kindergarten. This is a two piece referendum when you go in you will vote for the first one...the first bond will be \$6,646,724.00 and the second vote will be on the second one, the proposal to support the addition...to support the staff, the staff salaries and benefits. The condition for this referendum is that both of them must pass, in other words, one and two they must be yes in order to work. Let's say if one of them goes down, then the referendum is not going to count.

President Nicastro: Correct.

Mr. Amianda: It's a little bit complicated and I hope people will understand that. Voting for one and leaving the other one out means...

President Nicastro: It doesn't pass.

Mr. Amianda: ...it doesn't pass.

President Nicastro: Correct.

Mr. Amianda: That's the end of the School Board Report.

President Nicastro: Thank you.

Mr. Amianda: I have no report for Senior Citizens.

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

Environmental Committee - none

Lake Issues - none

Library Board Liaison - none

Mr. Ferrante: Nothing this evening.

President Nicastro: Mrs. Labow, anything on Economic Development and TNR?

Economic Development Committee Report

TNR Program - none

Mrs. Labow: Nothing on TNR right now. For Economic Development we did get an update email from Jeff Stadelman and we have the...let me, just hold on...the original like I told you last meeting the original contract fell through for the A&P on Route 46, top of Hackettstown Mountain and they're still pursuing, hopefully other grocery options and the next one I thought... there's a lot of stuff going on but the top ones are now we have the...on Route 46 in Budd Lake across from the lake the plumbing supply place, they had gone through the whole Planning Board and got approvals I believe to build a restaurant, but then the owner decided it was too costly to build that there and since then right next door the sandwich shop is now for sale. We're hopeful maybe somebody will buy the two properties.

President Nicaastro: I think there's only four would be available just about the house...

Mrs. Labow: Just...the house that came...yes...

President Nicaastro: ...there's a whole big four properties that...

Mrs. Labow: It will be a nice little stretch there...yes...overlooking the lake it would be a very nice...

Mr. Mania: Ideal.

Mrs. Labow: Yes, very nice property. Let's hope that happens. Crossroads Community Church, it sold. A new Parish is in there. I actually met the wife and their...children...four or five kids...I guess they have and they live next door in the Parish house. Very nice people. We also have that steel skeleton on Sand Shore Road, passed going...between the school and the light, the farm up there. You have the 30,000 is available in that skeleton. They're trying to build that and get that sold. Its interesting a lot of those units, those warehouses now are being rented out...I don't know if the Jersey Girl...

President Nicaastro: The brewery's...

Mrs. Labow: The brewery's bringing more people in...you know...

Mr. Mania: Could be.

Mrs. Labow: ...more interest to that area so that's all good stuff. Always good things. Also, is a lot of this is...you drive by...you probably know that the...just lost my thought, what it's called...The Cherokee Trading Post is now for sale. That's like...I know it's really sad.

Mr. Mania: For sale or rent it says.

Mrs. Labow: Yes for sale or...yes but it's very, very sad. That's something new that'll...hopefully something new will be coming into Town.

Mr. Mania: It's been there many, many years.

Mrs. Labow: I know. When I was a kid, first driving, we used to drive up on Sundays just to go to the Cherokee Trading Post.

President Nicaastro: I was too young, so I don't remember.

Mrs. Labow: That's all I have to report right now. Thank you.

President Nicaastro: Thank you very much. Mr. Mania, anything on Legislative or Planning?

Legislative Committee Report - none

Planning Board Report

Mr. Mania: Planning, we had a meeting last week. Just a short meeting, an extension request and a small developer matter. That was it.

Board of Health Report

President Nicaastro: Thank you. We had Board of Health Meetings last Wednesday. The only item that was up, a couple of residents came in to speak about the Dentist in Town that had the issues. Their children were affected by that and there isn't much...the Board of Health from our standpoint, there's nothing we could've done. It goes through the State and through the Dentistry Committee, not the Board of Health so they did look into it. Obviously everybody knows the story's been around. We'll see what happens, the outcome of that once the Board of Dentistry I guess, New Jersey Dentistry comes in and does that, but that's what we were...the main discussion was. Mr. Roman, anything on Open Space or Recreation?

Open Space Committee Report - none

Recreation Liaison Report - none

Mr. Roman: Nothing on Open Space and Recreation meets next month.

President Nicaastro: Mr. Stewart, anything on TV or I keep forgetting the name of the other one?

Mr. Stewart: CAP, Community Action Panel.

President Nicastro: There you go. I got to add that.

MOTV/CAP Committee Liaison – none

Mr. Stewart: No we postponed the fall session for the fall feature segment for the Community Action Panel. Probably push that into the spring.

PUBLIC PORTION - none

COUNCIL COMMENTS

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

Mr. Amianda: None.

President Nicastro: Mr. Ferrante?

Mr. Ferrante: Nope nothing tonight.

President Nicastro: Mrs. Labow?

Mrs. Labow: I'm good. Thank you.

President Nicastro: Mr. Mania?

Mr. Mania: I'm good too.

President Nicastro: Mr. Stewart?

Mr. Stewart: No.

President Nicastro: Mr. Roman?

Mr. Roman: I just want to say welcome back to Mr. Amianda.

Mr. Amianda: Thank you.

President Nicastro: Thank you very much. Do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 8:30 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 September 6, 2016.

Michelle Masser, Township Clerk

mvm