

The Public Meeting of the Mount Olive Township Council was called to order at 7:06 p.m. by Council President Nicastro.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

Mrs. Lashway: 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, Mrs. Labow, Mr. Roman and Mr. Nicastro

Absent: Mr. Mania, Mr. Perkins and Mr. Ferrante

Also Present: Lisa Lashway, Township Clerk; Fred Semrau, Township Attorney (arrived at 7:25 pm); Sean Canning, Business Administrator; Sherry Kolody, CFO and Robert Greenbaum, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Feb 20, 2015 WS, PM & CS (Mr. Mania and Mr. Perkins absent)

President Nicastro: Mr. Amianda, would you move for the approval of the Minutes from the previous meeting for February 20th?

Mr. Amianda: I make a motion for approval of Minutes of previous meetings.

Mrs. Labow: Second.

President Nicastro: Roll Call, please.

Roll Call: **Passed unanimously**

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received February 17, 2015, from National League of Cities regarding The keynote speaker line-up for DC is complete: Register today! PDF Correspondence
2. Email received February 20, 2015, from MCANJ IT regarding Resolution Supporting Assembly Bill A-1109. PDF Correspondence
3. Email received February 23, 2015, from Jersey City Employment and Training Program regarding JCETP – 2014 Year End Prisoner Reentry Report. PDF Correspondence

STATE AGENCIES

4. Email received February 18, 2015, from State of New Jersey Department of Environmental Protection regarding NJDEP Press Release – Illegal Dumping on State Lands – February 2015. PDF Correspondence
5. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp W D Goldmine System, PWSID No NJ1427002, Inadequate Water Supply. PDF Correspondence
6. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp W D Main, PWSID No NJ1427005, Inadequate Water Supply. PDF Correspondence
7. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp W D Sand, PWSID No NJ1427006, Inadequate Water Supply. PDF Correspondence

8. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp W D Village, PWSID No NJ1427007, Inadequate Water Supply. PDF Correspondence
9. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp W D Pinecrest, PWSID No NJ1427008, Inadequate Water Supply. PDF Correspondence
10. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp Water Dept Carlton Hills, PWSID No NJ1427014, Inadequate Water Supply. PDF Correspondence
11. Letter received February 27, 2015, from State of New Jersey Department of Environmental Protection regarding Mount Olive Twp Water Dept Tinc Farm, PWSID No NJ1427015, Inadequate Water Supply. PDF Correspondence

MORRIS COUNTY

12. Letter received February 19, 2015, from Morris County Board of Taxation regarding Preliminary Equalization Table for the County of Morris for the Year 2015. PDF Correspondence
13. Email received February 23, 2015, from County of Morris regarding News from County of Morris. PDF Correspondence

President Nicastro: We have 13 pieces of Correspondence. Any questions or anything on the Correspondence? Seeing none, we're on the second reading, Ordinances for Public Hearing. Ordinance #2-2015...I open the hearing to the public on Ordinance #2-2015,

ORDINANCES FOR PUBLIC HEARING

Ord. #2-2015 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Authorizing the Conveyance of a Deed of Historic Preservation Easement to the Morris County Board of Chosen Freeholders for the Property Currently Known as Block 7801, Lot 14 as the Mt. Olive Baptist Church. PDF Ord.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you, Mr. President. Did you say 2013 or 2015?

President Nicastro: 2015. Did I say 2013? If I did, I'm sorry.

Mrs. Labow: I wasn't sure if I thought I heard 2013, I just want to make sure. Thank you. I move for adoption and final passage of Ordinance #2-2015.

Mr. Roman: Second.

President Nicastro: Roll Call, please. Any discussion? No. Roll Call, please.

Roll Call: **Passed unanimously**

Mrs. Lashway: Who seconded that?

President Nicastro: Was it...

Mrs. Lashway: Mr. Roman.

President Nicastro: Ordinance #2-2015 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #3-2015,

Ord. #3-2015 Ordinance Reappropriating \$82,728.09 Proceeds of Obligations not Needed for Their Original Purposes in Order to Provide for Various Recreation Improvements and by the Township of Mount Olive, in the County of Morris, New Jersey. PDF Ord.

President Nicastro: Mr. Mania is not here. Mr. Roman.

Mr. Roman: I move for adoption and final passage of Ordinance #3-2015.

Mrs. Labow: Second.

President Nicastro: Any discussion?

Mr. Roman: On my sheet it says 3015.

President Nicastro: It's says three here...it does say 3015. Correction. Thank you. Roll Call, please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #3-2015 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #4-2015,

Ord. #4-2015 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, to Amend Chapter 211, Article II, Section 211-15 Entitled "Placement of Material for Collection." PDF Ord.

President Nicastro: Mr. Amianda.

Mr. Amianda: I make a motion for approval of...I make a motion for approval of...for adoption and final passage of Ordinance #4-2015.

Mrs. Labow: Second.

President Nicastro: Thank you. Any discussion? Roll Call, please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #4-2015 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #6-2015,

Ord. #6-2015 Refunding Bond Ordinance of the Township of Mount Olive, in the County of Morris, New Jersey, Providing for the Refunding of all or a Portion of General Improvement Refunding Bonds, Series 2005, Sewer Utility Refunding Bonds, Series 2005 and General Improvements Bonds, Series 2006, Appropriating \$4,244,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$4,244,000 for Financing the Cost Thereof. PDF Ord.

President Nicastro: Mr. Roman.

Mr. Roman: I move for adoption and final passage of Ordinance #6-2015.

President Nicastro: Can everyone please speak into the microphones, we're not picking it up.

Mrs. Labow: Second.

President Nicastro: Second. Any discussion? Roll Call, please.

Roll Call: **Passed unanimously**

President Nicastro: Ordinance #6-2015 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #7-2015,

Ord. #7-2015 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Repealing Chapter 15 of the Mount Olive Township Code. PDF Ord.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you, Mr. President. I move for adoption and final passage of Ordinance #7-2015.

Mr. Roman: Second.

President Nicastro: Any discussion? Roll Call, please.

Roll Call: **Passed unanimously**

ORDINANCES FOR FIRST READING – 2nd reading March 17, 2015

President Nicastro: We have three Ordinances for first reading with a second reading of March 17, 2015. The next item on the Agenda is Ordinance #8-2015 entitled,

Ord. #8-2015 Township of Mount Olive Morris County, New Jersey Calendar Year 2015 Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a CAP Bank (N.J.S.A. 40A-4-45.14). PDF Ord.

President Nicastro: Mr. Amianda.

Mr. Amianda: Yes, Mr. President. I move that Ordinance #8-2015 be introduced by title and passed on first reading and that a meeting be held on March 17, 2015 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.

Roll Call: **Passed unanimously**

President Nicastro: Next item on the Agenda for first reading is Ordinance #9-2015,

Ord. #9-2015 Bond Ordinance Providing for Various Capital Improvements in and by the Township of Mount Olive, in the County of Morris, New Jersey, Appropriating \$3,965,993 Therefor and Authorizing the Issuance of \$3,723,898 Bond or Notes of the Township to Finance Part of the Cost Thereof. PDF Ord.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you, Mr. President. I move that Ordinance #9-2015 be introduced by title and passed on first reading and that a meeting be held on March 17, 2015 at 7:00 pm at the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey for a public hearing, consideration of second reading, and passage of said Ordinance and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of the law.

Mr. Roman: Second.

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

Roll Call: **Passed unanimously**

President Nicastro: Next item on the Agenda is Ordinance #10-2015,

Ord.#10-2015 Bond Ordinance Providing for Various Improvements to the Water Utility in and by the Township of Mount Olive, in the County of Morris, New Jersey, Appropriating \$930,000 Therefor and Authorizing the Issuance of \$883,500 Bonds or Note of the Township to Finance the Cost Thereof. PDF Ord.

President Nicastro: Mr. Roman.

Mr. Roman: Thank you. I move that Ordinance #10-2015 be introduced by title and passed on first reading and that a meeting be held on March 17, 2015 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: Thank you. Roll Call, please. Any discussion? Seeing none. 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 Determining the Form and Other Details of Not to Exceed \$4,244,000 of Two Series of Refunding Bonds of the Township of Mount Olive, in the County of Morris, New Jersey or Such Other Amount as Determined by the Chief Financial Officer to Accomplish the Refunding on the Terms Required by the Local Finance Board Pursuant to NJAC 5:30-2.5 and Consistent with the Refunding Provisions of the Internal Revenue Code and Provide for the Sale and Delivery of Such Bonds to RBC Capital Markets, LLC. PDF Res
2. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of a Purchasing Contract (Commercial Recreation Specialists) PDF Res
3. Resolution of the Township Council of the Township of Mount Olive Amending the 2015 Temporary Budget for the Current Fund and Water Utility. PDF Res
4. Resolution of the Township Council of the Township of Mount Olive Authorizing the Cancellation of a Grant Balance. PDF Res
5. Resolution to Amend the Temporary Capital Budget for Various Water Improvements. PDF Res
6. Resolution to Amend the Temporary Capital Budget for Various General Improvements. PDF Res
7. Resolution of the Township Council of the Township of Mount Olive Authorizing a One Year Contract Extension to McCafferty Enterprises for Food Vendor Services for 2015 Mt. Olive Carnival & Community Week. PDF Res
8. Resolution of the Township Council of the Township of Mount Olive Authorizing a One Year Contract Extension to the Budd Lake Fire Department for 2015 Mt. Olive Carnival & Community Week Parking Service. PDF Res
9. Resolution of the Township Council of the Township of Mount Olive Authorizing a One Year Contract Extension to McCafferty Enterprises for Carnival Services for the 2015 Mt. Olive Carnival & Community Week. PDF Res
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of Contract for Construction of the Houdaille Road Bridge to R&R Construction. PDF Res
11. Resolution of the Township Council of the Township of Mount Olive Awarding Various Professional Service Agreements Under the “Non-Fair and Open” Contracts in Accordance with the Pay-to-Play Law for the Year 2015 (Habitat By Design, LLC). PDF Res

- 12. Resolution of the Township Council of the Township of Mount Olive Rejecting All Bids for the Stabilization of Seward Mansion Historic Grant. PDF Res
- 13. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Release of Cash and Performance Bonds and Inspection Fees to Siemens Healthcare Diagnostics Inc. for Site Improvements at 62 Flanders-Bartley Road, Block 5400, Lots 25 & 26 and for Road Improvements to Flanders-Bartley Road. PDF Res
- 14. Resolution to Introduce the 2015 Municipal Budget. PDF Res
- 15. Resolution to Introduce the 2015 Solid Waste Collection District Budget. PDF Res
- 16. Resolution authorizing the award of contract for the Mount Olive Library Water Damage Reconstruction **(will not be received until 3/3/15)**

President Nicastro: We have 15 Resolutions. Does anyone wish to move any to Non-Consent? Any discussion on that? No. Public Portion, anyone from the public have anything on these? Seeing none.

Mrs. Lashway: You have to get somebody to make a motion.

President Nicastro: Do we have a motion to accept the Resolutions? Mr. Roman.

Mr. Roman: I move for approval of Consent Resolutions one through fifteen.

Mrs. Labow: Second.

President Nicastro: Roll Call, please.

Roll Call: **Passed unanimously**

MOTIONS

- 1. Bill List. PDF Bill List

President Nicastro: Motions. Mr. Roman.

Mr. Roman: I move that we pass the Bill List.

Mrs. Labow: Second.

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

Roll Call: **Passed with the exception Mr. Nicastro abstained on check #69594**

ADMINISTRATIVE REPORTS - Reappointment of Kay Serebrakian to the Environmental Commission, Alt. I, 2 year term to expire 12/31/2016

President Nicastro: Administrative Reports.

Mayor Greenbaum: I have several. First, is reappointment of Kay Serebrakian to the Environmental Commission, Alternate I, 2 year term to expire 12/31/2016. This Saturday, March 7th and 8th, Mount Olive District Robotics Competition will be starting at 10:00 am at Mount Olive High School. If you've never been to a robotics competition, I suggest you go. It's actually pretty amazing what they do and the number of schools that participate. Also, this Thursday, March 12th, at 7:00 pm, the Harlem Wizards will be playing a number of different people from Mount Olive at the High School. Doors open at 6:30 pm. It's a fundraiser for CMS and I will be participating in the game representing Mount Olive Town Government in the event.

Mrs. Labow: Alex, are you?

Mr. Roman: No.

Mayor Greenbaum: No. They don't want people to be injured. What do you have?

President Nicaastro: Sean.

Mr. Canning: Just two things. As per the memo I sent two days ago, the recent auction just finished up. First round for this year, we'll do another one probably by June. Just under \$20,000.00 in MERNA Municipal Revenue not anticipated. That lapses to surplus in the following year. We're making the best use of the surplus equipment and there is a market for it, so ever since we put it on GovDeals and we put it on Facebook, we get a very good response. The only other item is the bus has finally met its end a couple of months earlier than I really wanted it to. From our budget hearings, we were scheduled to get two mini buses this year, one with an ADA compliant lift. The current one we had was kind of held together by bubble gum and elastic bands. It finally gave way this week. The Board of Education has been kind enough to supply us with an ADA compliant bus, so we're going to be using that for at least six weeks, if not ten weeks. We anticipate doing a bid, as well as a possible a national co-operative. They anticipate about April 14th or 15th presenting Council with a viable option and hopefully be able to purchase in short order. That's all I have.

President Nicaastro: Thank you. Any Old Business? Any New Business? Seeing none. Legal matters, we can't, we have to defer until Fred gets here. Council Reports. Mr. Amianda, anything on Board of Ed?

OLD BUSINESS - None

NEW BUSINESS - None

COUNCIL REPORTS

Board of Education Liaison Report - none

Mr. Amianda: No report.

President Nicaastro: Mr. Ferrante is still on the road.

Environmental Committee - none

Lake Issues - none

Library Board Liaison - none

President Nicaastro: Mrs. Labow, anything on Seniors and Economic and TNR?

Senior Citizen Liaison - none

Economic Development Committee

TNR Program

Mrs. Labow: For Economic Development Committee, we're going to meet Monday, I think. We're trying for this coming Monday. Nothing for Seniors. For TNR, we just have one issue, Sean, with the TNR. We had one incident on a weekend, on a Sunday a cat had been hit by a car, two broken legs, broken pelvis, was brought to Golub's and left there. Nobody was there. The next day, they worked on getting some treatment for the cat, so TNR is requesting in a situation like that, if a dog or a cat is wounded they should be brought to Newton Animal Hospital. We are kind of discussing that and Sean has more details on how the whole procedure works. That's where that stemmed from.

Mr. Canning: If I can add in on that. It brings a larger philosophical legal issue and policy issue. What happened was a stray animal was hit. It then becomes...different legal avenues of opinions on this. From the Township's standpoint, do we spend 4-5-6 thousand dollars on an unowned animal and what's our obligation legally. I love animals too, but at what point do we...my old Economics courses and college Macroeconomics of it is better decisions you had to make. On one hand we have that stance saying that it's our obligation, on the other hand I derived a legal opinion from Peter King, the Board of Health Attorney who had a different opinion on the matter and absent the Board of Health changing policy and telling our Animal Control Officer that we have to pursue that route, again it's a highly emotional, highly charged issue. I think the best venue and I heard TNR's opinion on the matter and I don't necessarily disagree with what they are proposing, I'm very much a fan and ally and on the other hand we have taxpayer obligations. At what point is too much? Our stance has been to get the legal opinion and absent the Board of Health changing policy and telling the Animal Control Officer that they have to adhere to policy in a certain way that the guidance that he receives currently from the attorney is what he should follow. I know TNR disagrees with that sentiment, but I think the proper forum for that is a rather robust debate the Board of Health perhaps even in front of this body even know in the end I think it's the Board of Health policy which is going to carry the day.

Mrs. Labow: I had...Michelle Lerner as we all know, is an attorney and she does work with the State a lot and her opinion is that the law is very clear on what you have to provide for. Mr. King disagreed. I asked Jeff if he

would just review it because we sort of have a tie right now, we have one on one side, one on the other, let's get a third opinion kind...but I agree with you also on the money part of it, how much...how far do you go.

Mr. Canning: I would not agree to the premise of a tie. We have a duly appointed attorney for the Board of Health...

Mrs. Labow: I see.

Mr. Canning: ...and while I very much sympathize with Miss Lerner and in no way disparage her legal acumen, she's not the appointed attorney. That's no way disparaging her, but I think that opinion and that debate really needs to go before the Board of Health and I think a policy has to come out of that. We do a non-fair and open, we appoint our attorney's and we follow their advice until they're changed or we change policy.

Mrs. Labow: I think the one thing that was disturbing about the whole thing was that an animal that was obviously injured was left at a facility that was closed for the night and left there in pain. I think that's the trigger for most of us, it's sort of like...but then what do you do, it's a stray, I know, it's such a...

Mr. Canning: I'll disagree. Our Animal Control Officer said that cat was stabilized and had attention, it didn't have an operation, but it had attention.

Mrs. Labow: Who...

Mr. Canning: If I recall, Frank Nelson, the ACO had said that that animal had gotten stabilized, was taken out of pain. I'll also review my notes and maybe I'm speaking out of turn, but from what I recall Frank Nelson, our ACO had a different take than what TNR did.

Mrs. Labow: I thought that in the report that Dale said that he just left it there until the morning then it could get checked out, but...

Mr. Canning: There are emotional issues and I find...

Mrs. Labow: That's the whole thing, it's emotional. Anyway, that's what's going on with TNR right now, we're trying to see if we can have a policy where if there is a situation like that instead of just bringing the animal to Dr. Golub and leaving it there, perhaps we could bring it to the hospital, Newton Animal Hospital, so that's what's going on with that right now, trying to determine which way to go. I think this is the first time this ever happened, so it's not like we have it happening all of the time either.

Mr. Canning: It's rare.

Mrs. Labow: It's very, very rare and it's just unfortunate. That's what's going on with TNR right now. Hello, Mr. Semrau, welcome.

Mr. Semrau: Good evening.

Mrs. Labow: Welcome.

Mr. Semrau: Thank you.

President Nicastro: Please let the record show that Mr. Semrau is here. Mr. Perkins is not here. Mr. Roman, anything on Open Space or Recreation?

MOTV Committee Liaison - none

Open Space Committee Report
Recreation Liaison Report

Mr. Roman: I have nothing on Open Space other than all the lovely trails are still covered in snow. I expect all the trails to be visible by mid-June. On Recreation, last February 23rd we had our Second Annual Sports Summit headed by Paul Licitra, our former Mayor and our current Sports Ombudsman. Once again, the various sports organizations highlighted some of their accomplishments and some of their areas where they need some help in. Most important to note, it looks like most are in agreement, most of the sports organizations are going to participate in a shared calendar, so that a lot of the stresses that occur from one sport that's starting, about to start scheduling a tryout in the middle of another sport that still in the midst of competition, there's going to

be a lot of shared information going on to make it easier on the children that are participating and obviously the parents.

Mrs. Labow: Alex.

Mr. Roman: Yes.

Mrs. Labow: I thought they did that already.

Mr. Roman: The calendar you're thinking of is the one for scheduling fields. This is going to be like a google calendar of sorts so that if basketball wants to do tryouts, they know not to do it when the football kids have...

Mrs. Labow: Tryouts.

Mr. Roman: ...well have a game going on.

Mrs. Labow: So the kids can make it.

Mr. Roman: It makes it a whole lot easier. That is all I have.

Legislative Committee Report - none

Planning Board Report - none

Board of Health Report

President Nicaastro: Thank you. Board of Health has a meeting coming up on March 18th. Mr. Mania is not here, so we will move on with the Agenda...Fred, was there any other Legal Matters.

LEGAL MATTERS

Mr. Semrau: No. No.

Mayor Greenbaum: Joe, if I could...

President Nicaastro: Yes.

Mayor Greenbaum: I just wanted to address the crowd that's here before we get into the issue itself. I have previously represented both Tom and Nicole in different matters and I am also a JIF attorney, so I'm really going to step down off the Dias, not because I don't think that it's an important issue or because my input wouldn't be helpful towards the resolution or not helpful towards the resolution, but because I have a conflict. Having said that, I've heard various people say that I'm not in favor of what is happening with respect to the Shields issue and the resolution of the Shields issue and that's not really the case. I've taken no position and some may view that as a negative, but that's not the case, I've neither come out in favor or against because of where I sit and because of the legal advice that we get and I'm sure Fred is going to go through that. I think it's unfair for anybody who is sitting in the audience to suggest that anyone sitting up here doesn't support the volunteers, especially the people who run into harm's way and everybody sitting in the audience, whether you're from Mount Olive or elsewhere does that on our behalf. Having said that, we sitting up here have an obligation that goes beyond just the people who are in the room, it goes to the general taxpayers, it goes to where we stand in terms of our obligations overall and I'm going to leave it to legal counsel in terms of the position that we've been given and allow everybody to speak, but I think it's unfair to say that I've been against anything or for anything and you can criticize me for not being for something, I'll take that criticism, I think that's a fair criticism, it's just where I stand in terms of my own situation, but I've never been against anything, I've only taken the legal advice of Counsel. Having said that, I'm going to step down, I know that Fred will express the position, the legal position.

President Nicaastro: We'll move back up to the original...Mrs. Shield's, I know you wanted...if you want to come up and speak you can come up here. Just state your name and address for the record, please.

Mrs. Nicole Shields: I reside at 13 Brewster Place. I come before the Council today regarding the line of duty death of my late husband, Thomas Shields. Tom was a firefighter for 24 years, of which almost six of those he proudly served the Town of Mount Olive before his life was taken away too soon. I personally have spoken with a few of you regarding matters that are outstanding, but I wanted the whole Council to be aware of what is currently going on and what I'm asking of them today. First, I want the Council to know that I do have an outstanding workman's comp claim that has been filed. I'm not at liberty to discuss the particulars of the open

case at hand, however I do want you to know that my claim for dependency benefits for the death that occurred on May 31, 2011 for a call at 11:48 am is being denied by this Board. Secondly, and more importantly, I am here to discuss the Resolution that I have asked the Council to pass in May 2013. At that time, I was notified via email that the town lawyer is against it and as I have an open workman's compensation claim. At that time, I tried to explain that one has nothing to do with the other, I felt shut down, I was denied again and there was no further discussion. That's when I did a little bit of research. I actually have been in touch with another widow of a line of duty death in Hopewell, New Jersey. Her Council has passed a Resolution, which I have here in my hands today. She actually had Senator Vitale assist with the wording of the Resolution, so once it went to Trenton, it would be passed. She does still have an outstanding workman's comp claim of her own, so clearly one has nothing to do with the other. Just so you know, this is money that is funded through the State, this is called the VESP, it's a Volunteer Emergency Worker's Survivor Pension. It's for those volunteer emergency workers who were killed in the performance of their volunteer duties. Tom was honored in 2012 at Emmitsburg, Maryland for being a line of duty death. I'm asking today that the Council support both myself and my family and pass the Resolution at the next Council Meeting. I look forward to speaking with you further and I thank you very much for your time and I hope that Mount Olive will do what's right so we can set standards in case this ever happens again to someone in Mount Olive.

President Nicastro: Thank you, Nicole. I thank you and I thank Tom. I knew Tom only for a brief period before I got on Council and I thank you and I thank him and everyone here who volunteers. As the Mayor said and we've had you at my home unfortunately a couple of times with things that happened and the volunteers are so important to us. Unfortunately, a lot of times we have to go through legal counsel, which I am going to let Fred speak right now on the subject and take it from that point with Fred right now.

Mr. Semrau: Mrs. Shields, this is where being a lawyer is...you find yourself getting in the way of things and it's unfortunate that these things happen in this manner. What I want to tell you is first, there's no one up here that's ever expressed that they are against the Resolution and even from a legal perspective, I've been asked to look at ways that the Resolution could be considered by the governing body. I'll start first with the Mayor's position. That was my advice because I don't want someone to take a position where they'd be conflicted and then just create other issues in this process, so I asked the Mayor to step aside from this particular issue so that it could continue to go forward. Now, with respect to the Resolution, the problem that we're having is the Township is being defended in a worker's comp petition that you mentioned earlier and that's through our insurance carrier. The insurance carrier, through the attorney that's handling the matter has said, you cannot consider this Resolution at this point in time until such time that the underlying worker's compensation case is over because an opinion expressed on the Resolution, whether it be for or against would wind up making its way into the worker's compensation case. With that being said, I've been asked by the Administration a number of times, well what could be done so that this governing body could consider this Resolution and I've been asked by members of the governing body the same question. It's very limited because what happens is if we don't take the advice of the insurance carrier, then the responsibility for the underlying case becomes the Townships. In other words, that part of the policy of the coverage that you have, you have to...if you do something adverse to the carrier, then you step in your own shoes and have to defend such an action. With that being said, what I've tried to do and I'll say this to you from a standpoint of just trying to resolve this and get you the relief that you're asking, is to take the position up with the attorney who's handling this case by saying what if, and I don't want you to answer it because you do have litigation going on from a standpoint whether you say I agree with this or I don't, but what if we were to somehow keep whatever this governing body decides outside of your worker's compensation case, that your attorney and the attorney that's defending or handling the worker's compensation matter through the insurance company enter into an agreement that says, look no matter what is decided here, it's not going to be used for or against you in your other case because really when I listen to everything that you've brought forward and the comments of the governing body, is you clearly have expressed with a sincerity that you're entitled to this and what the governing body is saying, they very much would like to consider it. You're saying that I'd really like to get these benefits and I'm entitled to those benefits. I'm saying if that be the case, I'm going back to the carrier and saying, then why can't you enter into an agreement with your attorney that says one has nothing to do with the other so that this governing body can in fact consider the Resolution. I don't have an absolute green light on this because number one, we're going to need to present that to your attorney and your attorney will have to discuss that with you and two, I'm going to have to convince the panel attorney that whatever is agreed upon is satisfactory so that this governing body can go forward. I just hope that gives you an understanding as to where we are. I'll try to answer any questions that you may have about it, but no means...I have to follow really what the Mayor said, whatever thus far has not been acted upon, it's not because anybody is against this, it's because from a legal standpoint, if we don't adhere to what the attorney is saying to us in the worker's compensation case, we could breach our own responsibilities in our insurance obligation and that would be a cost to the Township. That's really where we are at this point and that's what we're trying to do and I think you're going to hear about this in the next few days as we've tried to make those end roads.

Mrs. Shields: I guess my question would be is why did it have to take me to come here today to do this for then you to say that that's the reason why and that would be the consideration and I also have clearly shown you proof that there's also a workman's comp claim that my girlfriend has open and she had her Resolution passed. One has nothing to do with the other and hers also is not being used against her, she's fighting her workman's comp claim like I am mine and like I said, I can't give the particulars because of me being in litigation, but how is one person in New Jersey able to pass their Resolution with an outstanding workman's comp claim and yet I cannot have that.

Mr. Semrau: I mentioned to you, we're not saying no, we're trying a little bit of a different course and I have to be honest with you, I've had this request come from the Administration and we've been trying to monitor the case because what we had hoped originally and this is...what we had hoped is that this case would have been over by now, but you know, the courts don't always...

Mrs. Shields: You and me both.

Mr. Semrau: ...favor that and that we don't have any control over. When it first came about, we said well we'll follow those instructions, but we said we'll monitor this case, we really hope it comes to a conclusion, most cases resolve or they wind up in the worker's compensation trial courts, but that hasn't happened. Even early on we tried to come up with different ways and even right now I'm still...I can't guarantee you that this would be the outcome, but this is what we're trying to push forward right now seeing that the case right now, just on the courts calendar doesn't seem like it has a conclusion in site. I want you to know that I also made the request that the panel attorney who's handling this worker's compensation matter to please ask for a way that both parties could sit down and see if the matter could be resolved. Whether or not this goes forward or not, there's been a concern by the governing body and the Administration to say where is this case and how much longer. From that standpoint, we have the restraints of having to follow our insurance companies advice, but we're trying to seek ways to still address the concern that you raised.

Mrs. Shields: Thank you. There are others I know that wanted to speak, as well.

Mr. Semrau: I just want to say, Council President, one of the other things that we need to be mindful of is, it's a very difficult situation because you've all expressed to be one way or the other the concern you have here, but it really limits your ability this evening to comment, to say I would be for it or against it, not because of anything besides the fact that our insurance company is saying that in their opinion that this could have an impact unless it's addressed, but perhaps the way that we've suggested. You're limited to respond, but that response what I say to the public doesn't mean that this governing body is against it, it's just means that they're trying to follow that direction to protect the integrity of the entire process.

President Nicastro: Please state your name and address for the record, please.

Michael McDermott, 34 Alden Terrace, Flanders. I'm the Chief of Flanders Fire and Rescue Squad. I'm here obviously to talk on behalf of Nicole and Tom Shields and her family. I had a speech written out and I actually decided to kind of talk from the heart because I heard what the Mayor had said and the lawyer is saying. I was looking at my wrist, I've worn this wristband since the week that Tom Shields died. I know everybody in this room knows what the thin red line is, the police officers know what the thin blue line is. Basically, what that means, it represents...it's how we represent every time we walk out on a call, when we answer a call for any emergency that the Township calls us for, we walk that line. That line means sometimes we come back from it, sometimes we don't make it back, but that's the thin red line that we walk every time we go out on a call. My job as a Chief is to make sure that we can respond and that we respond and are trained well enough to answer all the emergencies that you have in this Township. I ask a lot of my volunteers and the one thing that I can offer to them is that you're a volunteer, the Township doesn't pay your salaries, you have jobs that you work around. You volunteer, but the one thing we can offer to them is if they should lose their life that there would be...there's State funding, there's federal funding that would help their families when they come out to answer their call for the Township. Again, the Resolution just accepts that Tom died in the line of duty. The Resolution shouldn't have anything to do with the worker's comp. I understand what you're saying, I understand the litigation, I understand all of it, but the Resolution alone just identifies that the Township is acknowledging that Tom Shields died in the line of duty in Flanders responding to a call. I know there's a lot of talking back and forth with the worker's comp case on what the call was, where the call was, what it was about, but that has nothing to do with the fact that Tom Shields responded that day to help someone in this Township. When he came home, within I think the timeframe was within a half an hour of the call he started experiencing chest pains. He died in the line of duty in this Township and everybody in this room is here from Mount Olive, from outside towns to support...to make sure that we are protected. We continue to volunteer because that's what we want to do, we want to help everybody, but we expect that if something should happen our families are going to have some kind of protection if we answer our last call. I have a hard time, I understand the

litigation point, I understand you're protecting yourself, but this...again if the Resolution just states that Tom Shields died in the line of duty and that's all we're asking for and we're all here in support of Nicole and we're all supportive of all of us for what's going to happen if this happens to one of us later, we have to go four years, five years. I don't want my family to have to wait five years to get money if I lose my life tomorrow on a call. That's kind of what you're going to hear from everybody else, but unless you have any questions for me, that's what I have to say.

President Nicastro: Thank you.

Scott Faluctico, 7 Timberline Road, Budd Lake. I got the illustrious position of filing all the paperwork for Tom. I'm going to read a letter mainly because I think that's probably the most level headed that I'm going to be. Tom Shields died on the 31st of May in 2011. This Council and community came out in full support of the Shields family at that time and we're very grateful. Time has passed, four years, the Shields family hasn't received New Jersey workman's comp benefits, obviously it's still in litigation, nor have they received line of duty death benefits from the Department of Justice. Nicole has had to take multiple jobs to make ends meet in order to support Tom's two children. Tom Shields was a firefighter and an EMS responder for Mount Olive for five years and many more years in Paterson. Tom died responding to...after a response to an injured child, an EMS call and I guess I'm kind of getting off script, so the hell with it. The bottom line is, last year I responded 188 times. I put my life on the line for this Council, this Township and the people of Mount Olive 188 times. I got in my car, I went to the Fire Department, I got on a truck, I got on an ambulance. Every time that pager goes off, it's stressful, every time I get in a car I'm putting my life on the line, you know tonight's a wonderful night, the roads are nice, clean, plowed, right, I can't tell you how many times I've got out on those streets when there's a structure fire, or kids injured, someone in this town is crying for help. All we're asking for, in the 25 years I've been a firefighter, I've been told if you die in the line of duty your family will be taken care of. Guess what, I've been lied to for 25 years, 15 of those years in Mount Olive. I don't care if I get these benefits, I'm dead, my family cares, my wife and kids shouldn't have to stand up here, get lawyers and fight for benefits that I put my life on the line for, last year 188 times because someone else said help, I need help. All we're asking for is some assistance. We're asking for you guys to question and ask why it's taking so long, why are they fighting when it's clearly, if you read the Department of Labor forms, within 24 hours of a medical response if a person passes away, it's considered line of duty. It's in black and white, you don't need to be a lawyer to figure that one out. What we're asking is one, to pass a Resolution and two, to question workman's comp on what they're doing because if we all have to go get lawyers, why would I want to volunteer, why would I want to put my life on the line when my family is in jeopardy each and every time I go out that door, why would I want to do that. The third thing is we want you to question what DOJ is doing because DOJ is waiting on workman's comp. We have two high priced lawyers against a widow and two children. That's all I have.

President Nicastro: Thank you.

Doug Fenichel, 14 Knollwood Road. The first thing I want do is to thank everybody for coming out tonight in support of Nicole and Brandon and Greg on a night that's snowy and awful and well, as cold as an insurance company attorney's heart, I guess. I'm the President of the Flanders Fire Company No. 1 and Rescue Squad. I'm also a firefighter and an emergency medical technician who responded to 208 calls in 2014 and 40 calls so far this year, it's been busy. I'm also a paramedic for a local hospital and I'm also a voter. I've been responding to calls in Mount Olive Township for about two and a half decades and like the others you've already heard from and like others you're going to hear from, I'm under the assumption that if the worst happens, if I die, my family will be taken care of. That may sound dramatic, but those of us who have done this for awhile, most of us in this room can tell you that we know it's a real possibility, we've had our own share of close calls, we've seen other departments gravel with line of duty deaths and each of us knows that what happened to Tom Shields could happen to anyone of us. We didn't become firefighters and EMT's for the money. We did it out of a sense of community. We committed to trading our spare time for your safety and for the safety of the others in Mount Olive. There's a quid pro quo here, if we die in the line of duty, we expect that our families will be taken of, we've done our part, now it's time for you to do your part. I know most of you personally, I know that you support the Fire Department, I know you support the rescue squad, you say all the right things, you come out and support us and I'd like to believe you're sincere. Tonight, or if it's going to be at the next meeting or the next meeting, we need you to support the people who staff those fire engines and those ambulances. We're not talking about budgets tonight, we're not talking about equipment tonight, we're not talking about training and we're not asking for glib political statements or legal statements. We're asking you as Township leaders to lead, we're asking you to stand up and tell us, no stand up and demonstrate to us that you support the Town's emergency first responders. We're asking you to promise tonight that you're going to live up to your end of the most basic bargain that if we die in the line of help, in the line of duty that'll you'll look after our families. The law provides for it, it's clear, it's crystal clear, it's in black and white and all you have to do it make it happen. You can demonstrate your support by passing this Resolution and declaring that

Tom Shields died in the line of duty. You all know he did. You all know the law plainly states it. I'm sure Counsel has shown you the law, it's crystal clear. You all stood with us when we buried Tom, you hugged Nicole, you hugged Greg, you hugged Brandon, now stand with us and support them. Support Nicole, support Brandon and Greg and pass the Resolution. This has nothing to do with worker's comp, it has to do with your compassion and you're willingness to do what the law allows. I know what the legal position is, I've just heard it explained and I've worked around attorney's enough to know that attorney's like to talk in extremes, one will start on the left and one will start on the right and we need to get this to the middle and get Nicole and Brandon and Greg taken care of. Not only will that support the Shields family, it'll let each of us who are your emergency responders know that you'll support us, as well. The second thing is we need to take a look at this worker's comp company. It's been almost four years and they've been trying but haven't been able to find a legitimate way to void Nicole's claim. Isn't it time to pay it already. We need to take a look at the torture that this company is putting the Shields family through and end it. We need to tell the insurance company, however you need to do it, to quit playing and start paying. Then we need to do what we can to...through regulation and through legislation from Trenton to make sure that no other family is subjected to the harassment and ridiculous claims that this insurance company is making, like responding to an unconscious elementary school child isn't stressful. I've been a first responder since high school. I started when fire engines had open cabs and I worked in Cadillac ambulances. I have never felt betrayed by the community I've worked in until this whole thing came about. Many of our other first responders, many of the people in this room feel betrayed. They feel like why should they go through this, why should they subject themselves to that. I'm the President of the Flanders Fire Company and Rescue Squad, what do I tell a first responder who comes to me and asks that question. It's time to decide what's important to Mount Olive. If it's keeping peace with the worker's compensation insurance company or is it providing for the men and women who respond to emergencies in your town, I urge you to do the right thing, to set the right standard. It's not going to be just Mount Olive that you're speaking for because if you can keep Nicole and her family from getting her benefits, other towns will use those same tools to keep other people from doing it. I urge you to do the right thing, to get this Resolution introduced and passed. I thank you.

President Nicastro: Thank you, Doug. Anyone else?

Andy Forst, 15 Kenmar, Budd Lake. I don't have anything prepared, but I would ask the Council, some of you were present some of you were not involved. Almost five years ago, speaking from the heart, I was sued by this Township. How much money did we spend on that? Attorney Semrau, you mentioned it would cost the town, is that incidental? We have to look at the heart here, we have to do the right thing. As Barbara Swasey stood over by the doorway and yelled at former Mayor Scapicchio to do the right thing, we have to look within, if we're paying the Township Attorney to take the advice of the other attorney's, lets implore, explore, challenge them to go back to that worker's comp case and find a resolution. I'm not saying you're not, but we have to work harder at it, is my opinion. That's it. Thank you.

President Nicastro: Thank you. Anyone else? At this time, I'm going to ask Fred, the attorney to please do everything you can to look into these questions because they are legitimate questions that we do need answers on and everything you can do to get those answers and figure out what we need to do quickly would be appreciated.

Mr. Semrau: I understand. I understand the governing body has already told me individually to do whatever is necessary and based on everything I heard...two weeks may be a very tight schedule to turnaround, but I think what I would ask is to list it for two weeks from tonight so that I'll have answers perhaps before then. Mrs. Shields will also hear if some things have occurred, but I'll be in a position in two weeks from tonight to give everybody an update and perhaps we'll be in a better position and I take very constructively the comments and how they were expressed this evening.

President Nicastro: We appreciate that. Mrs. Labow.

Mrs. Labow: I have two questions. First, I want to know the worker's comp company that we're dealing with, how does that come about, can we switch companies because...

Mr. Semrau: Well, I don't think at this point...you know...I understand the emotion tied to it, but...

Mrs. Labow: I think a question has been raised, I mean if they're not...I mean four years...

Mr. Semrau: I think you need a better position to first have that attorney brief you on the matter before you...I understand exactly what you're question is, but why don't we see what I come back with in two weeks because Mrs. Shields said something, she said "does it have to come to this" and it's unfortunate, but sometimes in these situations when we're dealing with so many different areas, sometimes it actually helps, candidly. A message

has been sent, a lot of points were raised and I'd like to come back in two weeks and be able to answer a lot of the questions.

Mrs. Labow: I would like to say you know as well as I know how many times I've called and complained about this issue as well as other Council members...

Mr. Semrau: I understand.

Mrs. Labow: ...and I do think I agree with everyone here, four years, it's outrageous and this company needs...this has to get moved along. I know you're trying Fred, but we're going to have to really try a lot harder because every time any one of these people in this room leave their home to go on a call, they're risking...their lives are on the line and they do need to know that their family wouldn't have to wait four, five, six, seven, eight, nine years, they're going to be taken care of and it's really outrageous. I understand that we are sort of stuck here because of the situation, but we need to move it along, four years is absolutely unacceptable. Thank you.

President Nicastro: You can go back up.

Mr. Fenichel: I'm just sitting here, I'm listening and the word being held hostage comes to mind. One of the things that concerns me is that the worker's comp company has just been purchased by another company, what guarantees do we have that this isn't going to start from scratch when they take over. You're an attorney, you're representing us, we're the taxpayers, we're the voters and I'm wondering why you're not pushing this company harder.

President Nicastro: Mr. Canning.

Mr. Canning: I'd like to chime in. Again, I wasn't here in 2011 when the tragedy happened and I didn't know Nicole and many of the people in this room. I will say when this first came into my radar, I came here in 2012, I've been in constant contact with Fred's office including up to the last several weeks and sporadically there's been requests for updates from Fred's office and they have...I will defend Fred's office that they have been dutifully contacting the worker's comp attorney so much so that we would hopefully wait for a settlement conference to possibly be broached and that communication just has not happened yet. In working with Jeff and Fred, they've been responsive in this matter and again, all the way going back to last May 2013 through 2014 and again recently...Fred has been trying his best, I get the correspondence on that, when I get that I forward the stuff to Council saying giving status reports on this. In that regard, I know that Fred is not at liberty to say how frustrated he is, but I know he is because he has been trying to exert that pressure and I see some things behind scenes that he has been trying to get a Resolution to this. We're all as frustrated as everybody in this room and certainly would like to go where we think we need to go.

Mr. Semrau: Thank you. I might add, it's really difficult because we really can't comment on the underlying worker's compensation case, all I can do is get an update. There may be a very good reason for the time period, but from a standpoint of trying to address this Resolution, that's really the number one priority first and foremost. Then, at the same time to make sure that this governing body is aware whatever the reason is for the time table that has already been established on the worker's compensation case. I fully expect to give you those answers and actually in many ways what's been said tonight, it helps me to be able to do that. Not only your comments, but the comments I've received along the way from the governing body.

President Nicastro: Anyone else. Okay. We will in a couple of weeks, we'll be back on the Agenda and see what answers we have from there and we appreciate that and we appreciate everyone coming out and your comments are very much appreciated as the attorney said, it will help. We will promise you we will continue to work on this and hopefully in two weeks we'll have a better answer for you, Nicole as well and get some resolution to some items for you, thank you.

Mayor Greenbaum: Can I just comment briefly, not about the...the reason that the meeting wasn't cancelled tonight because the weather is terrible outside, it's not having anything to do with this issue, it really has to do with the fact that we had budget items that were on for tonight that had to be addressed. We didn't want to limit the amount of people that were coming out on this particular issue as some may think, it really had to do with the fact that our timeframe in terms of certain things which had to happen so that we could get our capital purchases on. We would have carried this to next the next Council Meeting if there were other people who would have come to speak on this issue. We appreciate the fact that everyone came out tonight to address this issue under such bad circumstances and...I don't know what else to say. I know that there aren't people who are happy in the audience with the fact that this isn't getting resolved tonight, but that's the Resolution that's going to happen.

PUBLIC PORTION - none

COUNCIL COMMENTS

President Nicastro: Thank you. Do we have any Council Comments on anything? Daniel...Mr. Amianda?

Mr. Amianda: No.

President Nicastro: Mrs. Labow.

Mrs. Labow: Nothing.

President Nicastro: Mr. Roman.

Mr. Roman: No.

President Nicastro: None for me. Motion to adjourn.

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 8:03 p.m.

Joe Nicastro, Council President

I, Lisa Lashway, 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 March 31, 2015.

Lisa Lashway, Township Clerk

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