The Public Meeting of the Mount Olive Township Council was called to order at 7:23 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. Stewart, Mr. Roman and Mr. Nicastro

Absent: Mr. Mania

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

RESOLUTIONS NON-CONSENT

1. Resolution of the Mayor and Council of Mount Olive Township Commending Communications Officer Nicholas Levitas on His Service.

President Nicastro: First item up is…we have a Non-Consent Resolution. Mr. Amianda, would you move the Non-Consent Resolution number one?

Mr. Amianda: Mr. President, I move for adoption and final approval of Non-Consent Resolution of the Mayor and Council of Mount Olive Township Commending Communications Officer Nicholas Levitas on His Service.

Mr. Roman: Second.


Roll Call: Passed unanimously

President Nicastro: I have a Resolution to read. Nicholas, want to come up?

(President Nicastro reads the Resolution)

PRESENTATION OF RESOLUTION TO NICHOLAS LEVITAS

Chief Beecher: In closing, I’d just like to add that for me I’ve been a Selection Recruitment Coordinator for Mount Olive Township Police for over 24 years. I’ve seen a lot of Officers test for various Police Departments, in particular ours and it’s like I said, when you have 450 people sitting for a written test and you’re looking to hire three people, the chances of you making it to the end are very, very slim. That’s not just Mount Olive, that’s a lot of other Towns, that’s Port Authority as well. I’ve seen Nick since he’s come on as a dispatcher, his goal has been…since he’s come on as a dispatcher, his goal has been to be a Police Officer and I’ve seen him continue to pursue his dream. I would be driving home at night and I would pass him running on Main Street. When you do this, when you put yourself out there time and time again, that takes a lot of courage and Nicholas has no shortage of that. He’s got a lot of courage, he’s got a lot of tenacity and I know Bernadette and Allen, you’re very, very proud of him. If you would please come on up here and get a picture with him and Council President. Why don’t you come over here with Nick?

President Nicastro: I think they’re done. Thank you again everyone and congratulations to everyone again. Thank you for coming. If you want to stay, you’re welcome to stay if not…

Mr. Roman: Yes, the exciting part is coming up.

President Nicastro: Yes this is the exciting part, I’m sure.

Mr. Stewart: That’s our stories.
APPROVAL OF MINUTES OF PREVIOUS MEETINGS

January 17, 2017 WS & PM

Miss Masser: We’re up to the approval of the Minutes.

President Nicastro: Yes we are. Mr. Ferrante, would you approve the Minutes from the previous meeting from the Workshop and Public Session, January 17, 2017?

Mr. Ferrante: Sure, I move to approve the January 17…is that what it was?

Mr. Roman: Yes.

President Nicastro: Yes.

Mr. Ferrante: 2017, Workshop and Public Meeting Minutes.

Mrs. Labow: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed unanimously

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS


2. Email received January 17, 2017, from, Sustainable Jersey regarding January Sustainability Hero & Funding Opportunities.

3. Email received January 19, 2017, from Laddey, Clark & Ryan, LLP regarding Client Alert: Municipalities Can’t Demand Off-Site Electrical Improvements as a Condition of Approval.

4. Email received January 20, 2017, from Sustainable Jersey regarding E-News: Hooray for the 78%.

5. Notice received January 23, 2017, from Mount Olive Township Planning Board regarding Site Plan Approval Application for 15 Route 46, Mount Olive, Block 4104, Lot 1, on February 16, 2017.


7. Email received January 24, 2017, from Rutgers regarding Registration now open for 2017 Work Zone Safety Conference.

8. Email received January 26, 2017, from TransOptions regarding Go Smart! With TransOptions January 2017.

RESOLUTIONS / ORDINANCES OTHER TOWNS

9. Email received January 17, 2017, from Township of Kingwood regarding Ordinance No. 19-01-2017, An Ordinance of the Township of Kingwood, County of Hunterdon, State of New Jersey Amending and Supplementing the Township Code to Add Article II to Chapter 96 “Residential Maintenance” to Establish Standards for the Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure by Creditors.

11. Email received January 17, 2017, from Borough of Mendham regarding Resolution #28-17, Resolution Authorizing a Fire Mutual Aid Agreement Among Participating Morris County Municipalities & Fire Districts.

12. Email received January 25, 2017, from Borough of Mountain Lakes regarding Resolution 55-17, Resolution Supporting the Morris County Fire Mutual Aid Plan in the Borough of Mountain Lakes, County of Morris, State of New Jersey.

STATE AGENCIES

13. Email received January 13, 2017, from New Jersey Department of Environmental Protection regarding DEP Podcast: Oh Freedom! Blacks on the Battlefront and in the Aftermath of the American Revolutionary War in New Jersey.


15. Email received January 17, 2017, from Department of Community Affairs regarding GovConnect Update: January 17, 2017.


17. Email received January 20, 2017, from FEMA regarding FEMA REGION II February Preparedness Webinar.

18. Email received January 20, 2017, from FEMA regarding Changes to FEMA Region II Leadership.

19. Local Finance Notice received January 20, 2017, from New Jersey Department of Community Affairs regarding LOSAP CY 2016 Annual CPI Adjustment (For Use in CY 2017).


22. Email received January 24, 2017, from FEMA regarding FEMA Region II Individual and Community Preparedness Bulletin.

23. Email received January 24, 2017, from New Jersey Department of Environmental Protection regarding DEP Podcast: Jean & Ric Edelman Fossil Park.

24. Email received January 25, 2017, from FEMA regarding Shelter-in-Place Workshops.

25. Email received January 25, 2017, from Department of Community Affairs regarding New Jersey Board of Public Utilities “Clean Energy” Program.

MSA/MUA

26. Email received January 27, 2017, from Musconetcong Sewerage Authority regarding MSA December 15, 2106 Approved Minutes & 2017 Adopted Budget.

MORRIS COUNTY


29. Email received January 23, 2017, from Morris County Planning Board regarding MCPB Minutes.
President Nicastro: We have 30 pieces of Correspondence. Does anyone wish to discuss anything under Correspondence?

Mr. Roman: Nope.

ORDINANCES FOR PUBLIC HEARING

President Nicastro: Seeing none. I open the hearing to the public on Ordinance #1-2017,


President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you Mr. President. This is it…hold on, one second…I move for adoption and final passage of Ordinance #1-2017.

Mr. Roman: Second.

Mr. Stewart: Second.

President Nicastro: Anyone from the public wish to be heard? Seeing none. Any discussion? Roll Call please.

Roll Call: Passed unanimously

President Nicastro: Ordinance #1-2017 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. Next item open to the public…hearing…next item, I open the hearing to the public on Ordinance #2-2017…

Miss Masser: Seventeen.

President Nicastro: Seventeen. I’m sorry.

Miss Masser: It’s okay.

President Nicastro: I’m living in the past.


President Nicastro: Mr. Stewart.

Mr. Stewart: Yes. I…thank you President. I move that Ordinance #2-2017 be moved for adoption and final passage.

Mrs. Labow: Second.

President Nicastro: Anyone from the public wish to be heard? Seeing none. Closed to the public. Any Council discussion? Roll Call please.

Roll Call: Passed unanimously

President Nicastro: Ordinance #2-2017 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 #3-2017,
Ord.#3-2017  An Ordinance of the Township of Mount Olive Amending Ordinance #27-16 Which Established Salaries for the Mayor, Council, Department Heads, Supervisory Personnel and Employees of the Township Clerk’s Office.

President Nicastro:  Mr. Roman.

Mr. Roman:  I move for adoption and final passage of Ordinance #3-2017.

Mrs. Labow:  Second.

President Nicastro:  Anyone from the public wish to be heard?  Seeing none.  Closed to the public.  Any discussions?  Roll Call please.

Roll Call:  Passed unanimously

President Nicastro:  Ordinance #3-2017 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 #4-2017,

Ord.#4-2017  An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Amending Chapter 63, “Personnel Policies,” of the Township Code to Permit Elected Officials to Accept Health Benefits so Long as There is No Cost to the Township.

Mrs. Labow:  Sec…

President Nicastro:  Mr. Amianda.

Mr. Amianda:  I move for adoption and final passage of Ordinance #4-2017.

Mrs. Labow:  Second.

President Nicastro:  Anyone from the public wish to be heard?  Seeing none.  Closed to the public.  Any Council discussion?  Roll Call please.  Mr. Roman, I didn’t see…I’m sorry.

Mr. Roman:  Fred, actually this question is for you. In section 63-5, right at the end where it says “said benefits is being borne by the Elected Official who chooses to obtain said benefits.” Is there a difference between those expenses being borne and those expenses being paid?

Mr. Semrau:  No. I look at it as the same.

Mr. Roman:  Okay.

Mr. Semrau:  It’s no cost to the Township and when we use that is…that is what’s been initiated or that’s been arrived at. I understand your question.

Mr. Roman:  Thank you.

President Nicastro:  Roll Call please.

Roll Call:  Passed unanimously

President Nicastro:  Ordinance #4-2017 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 #5-2017,

Ord.#5-2017  An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Accepting a Deed of Right-Of-Way Dedication for the Property Designated as Block 5800, Lots 15 & 16, on the Official Tax Map of the Township of Mount Olive.

President Nicastro:  Mr. Ferrante.

Mr. Ferrante:  Sure, I move for adoption and final passage of Ordinance #5-2017.
President Nicastro: Anyone from the public wish to be heard? Seeing none. Closed to the public. Any Council discussion? Roll Call please.

Roll Call: Passed unanimously

President Nicastro: Ordinance #5-2017 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.

OPTIONAL PUBLIC PORTION ON ORDINANCES FOR FIRST READING

ORDINANCES FOR FIRST READING – 2nd reading February 14, 2017

President Nicastro: Next item on the Agenda for first reading is Ordinance #6-2016…

Mr. Roman: Seventeen.

President Nicastro: Seventeen. I keep going back some time. Thank you.


President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you Mr. President. I move that Ordinance # 6-2017 be introduced by title and passed on first reading and that a meeting be held on February 14, 2017 at 7:00 pm at the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, New Jersey for a public hearing, consideration of second reading, and passage of said Ordinance and that the Clerk be directed to publish, post and make available said Ordinance in accordance with the requirements of the law.

Mr. Stewart: Second.

President Nicastro: Any Council discussion? Anyone from the public wish to be heard? Seeing none. Closed to the public. Roll Call please.

Roll Call: Passed unanimously

CONSENT RESOLUTIONS AGENDA:

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

2. Resolution of the Township Council of the Township of Mount Olive Amending the 2017 Temporary Budget for All Funds.

3. Resolution to Clarify and Confirm Retiree Health Benefits Coverage for Exempt Employees.


5. Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing the Execution of a Contract of Sale with Waseem Malek Regarding the Property Known as Block 5401, Lot 2.01, 8 Main Street. *RECEIVED 1/31/2017

President Nicastro: We have four Consent Resolutions. Does anyone wish to move any to Non-Consent? Seeing none. Does anyone from the public have any questions on the four Resolutions? Seeing none. Closed to the public. Mr. Stewart, would you move Resolutions one through four please?

Mr. Stewart: Thank you Mr. President. I would like…
Mr. Roman: Two through five.

Mrs. Labow: Two through five.

Mr. Stewart: Two through five.

President Nicastro: Two through five.

Miss Masser: Yes.

President Nicastro: I’m sorry, two through five. Yes.

Mr. Stewart: I’d like to move for adoption and final passage Ordinance…Consent Resolutions two through five.

Mrs. Labow: Second.

Mr. Roman: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed unanimously

MOTIONS

1. Bill List.

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

Mr. Roman: I move for adoption and passage of the Bill List.

Mr. Ferrante: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed with the exception of President Nicastro abstained on check #73541

Miss Masser: What number was that?

President Nicastro: 73541.

ADMINISTRATIVE REPORTS

President Nicastro: Administrative Reports. Anything going on?

Miss Harris: I don’t have anything this evening.

OLD BUSINESS


Mrs. Labow: Thank you Mr. President. I asked Michelle to give us all a copy of Ordinance #17-2015, which was our Stacking Ordinance.

President Nicastro: Right.

Mrs. Labow: They just…I was speaking with Liz Ouimet who is President of the Board of Education, yesterday and I understand that Dr. Reynolds had had a conversation a couple…two weeks ago I think…

Miss Harris: About two weeks ago.

Mrs. Labow: …with Laura and our Zoning Officer and it seems to…in one respect it appears like this has not been enforced at all for various reasons. Also, I had requested at the time that we send out notification to all the landlords that this was coming about and the landlord would be responsible and I don’t think that ever happened
President Nicastro: Right.

Mrs. Labow: …in our school system and have legal addresses here in Town. It’s about $18,000.00 per student and what’ll happen is if it’s not a legal address, then they will go back to their…their last legal address…School District and get reimbursement for that education. As taxpayers, I think that’s really great that they’re looking…they’re not picking on the kids it’s just…

President Nicastro: No.

Mrs. Labow: …what’s right is right.

President Nicastro: I agree.

Mrs. Labow: Other districts do the same thing to us. I want to know basically what’s going on with this. Are we enforcing a law that we put into…in place or not because I really don’t like making laws that don’t get…nothing happens with them. They’re just sitting there with…Fred?

Mr. Semrau: Yes, I think under the circumstances and myself and Sue and the Administrator have had conversations with Dr. Reynolds about this Ordinance. I think the best thing to do would be at this point perhaps ask the Administration for a report as to some feedback from staff, how it’s working, the enforcement issues, so that you can…you can really then evaluate where you are with it. That’d be my suggestion at this point in time.

Mrs. Labow: Legally, what can we do to enforce it though? We can’t just go knocking on people’s doors and get a head count.

Mr. Semrau: Remember…to your point and I think you raise a very important question because we’ve already seen that there’s issues that come up and you read about it. Let’s find out exactly if there are enforcement issues and then we could discuss any…

Mrs. Labow: Okay.

Mr. Semrau: I’ll also look and work with the Administration and come up with any recommendations if staff says that they need some changes.

Mrs. Labow: We’ve discussed this…many of us have been up here for years…you don’t want to put a law into place and not have enforcement of it.

Mr. Semrau: Right.

Mrs. Labow: It just doesn’t make any sense to do that.

Mr. Semrau: We’re not saying at this point that we are…

Mrs. Labow: No, no, no. I know. I’m just saying that’s why…

Mr. Semrau: …because there are certain restrictions.

Mrs. Labow: That’s what we need to understand.

Mr. Semrau: For example the DCA may have some jurisdiction over larger apartment complexes and things like that. We can certainly get back to you and let you know.

Mrs. Labow: That’s great, yes, because I wanted to…if it’s not working, we can’t use it then…

President Nicastro: It’s a good point. It’s a valid point.

Mrs. Labow: Alright, great.
President Nicastro: Definitely we should look into that.

Mrs. Labow: We’re going to ask the Administration to…okay.

President Nicastro: They’ll put a report together and get back to us.

Mrs. Labow: How long Laura you think, a month?

Miss Harris: No, I don’t think it will take that long. As long as the Zoning Officer is in Town then it should be quicker…I would say a week or two.

Mrs. Labow: Maybe…could we put it back on the Agenda on February 14, 2017.

President Nicastro: We should be able to.

Mrs. Labow: Thank you.

Miss Masser: I think Scott VanNess is away on vacation. I don’t know when he returns. I think he was going away for two weeks.

President Nicastro: Let’s find that out and if worse case we’ll put it on…

Mrs. Labow: Then we’ll put it on…

President Nicastro: …we’ll put it on for the February 28, 2017, worse case if he’s not back.

Mrs. Labow: Okay, great.

President Nicastro: Whenever Scott’s back we’ll add it.

Miss Masser: I’m not sure, I know he just left and I think he’s going for two weeks.

President Nicastro: We could find out and we’ll put it on for sure then. Thank you. That’s a good point Mrs. Labow. Mr. Roman?

Mr. Roman: Is the Board of Education…are they the ones that end up…I guess, for lack of a better phrase, tipping off the Zoning Officer that there might be a problem. I would not want resources of the Township to be used to just randomly going around checking. There should be at least some cause to have suspicion.

Miss Harris: I don’t think we can randomly check. I believe the Ordinance states that it has…we have to be reacting to some kind of a complaint. The Board of Education has called us about two incidents, but they weren’t incidents that violated the Ordinance so we weren’t able to do anything about it.

Mr. Stewart: Also local residents can do it too.

Mr. Semrau: Right.

Miss Harris: Right. It has to be a complaint. It doesn’t have to be from the Board of Education. How do you get entry to the apartment if they say no you can’t come in? There are a lot of…

President Nicastro: There are other issues.

Miss Harris: Yes.

Mrs. Labow: To be honest…to be honest with you, it could even be a landlord that has an issue. I rented a townhouse on Stedwick Drive a couple months back and the landlord had evicted people who…actually this case the neighbors had called and had said look the people moved in and then they moved all these other people in too. If the landlord happens to come across and see all these people there he could…you know…

President Nicastro: He could report it.

Mrs. Labow: He has something to go back on too. Say “hey look, I’m not going to pay the fine. This is not allowed.”
President Nicastro: No I agree. We’ll look into that and that’s a good point. We’ll get the information for the next meeting and have Scott come as well.

Miss Masser: Joe…

President Nicastro: Mr. Roman? Go ahead.

Miss Masser: I just want to make Administration aware if you’re not aware, my office keeps a list of landlord registration on file. If you were…happen in the future, I don’t know you said something about…

President Nicastro: Notifying.

Miss Masser: …notifying or something.

Mrs. Labow: Yes, they’re supposed to notify.

Miss Masser: I do have a list, so I can give that to you.

Miss Harris: Okay. Thank you.

President Nicastro: We could find that out too, were they notified I guess or not, that’s…

Miss Masser: All landlords are supposed to register, but for one and two unit dwellings, everybody else more than two units goes to the State. At least those people, they would be more like single-family homes. They’re not apartment complexes.

President Nicastro: Thank you.

Mrs. Labow: Single…excuse me…single-family landlords are supposed to register?

Miss Masser: They are, but…

Mrs. Labow: That’s in every Town?

Miss Masser: You know, I can’t…I don’t know who’s…

President Nicastro: Right, its hard…

Mrs. Labow: I know you never know who’s doing and who’s not doing this.

Miss Masser: We do have a lot of people come in.

Mrs. Labow: They have to do a fire extinguisher, smoke and carbon monoxide inspection, right…

Miss Masser: They have to go to the Building Department. That’s separate from me.

Mrs. Labow: …and get a certification.

Miss Masser: We direct them down there and then they do…

Mrs. Labow: Do you keep that cert on file too or just there?

Miss Masser: I don’t.

Mrs. Labow: Okay. They do.

Miss Masser: They do.

Mrs. Labow: Thank you.

President Nicastro: Thank you. Mr. Roman?
Mr. Roman:  Fred, as I’m reading this Ordinance, there’s mention of Enforcement Officers.  There is…do we need to outline in this Ordinance, who is an Enforcement Officer for legal purposes or is that something that just could be left up to the Administration?  As I’m reading it, it says all Enforcement Officers shall be supplied with official identification, but I don’t see anywhere in the Ordinance where it identifies.

Mr. Semrau:  Yes, in the beginning it says the Enforcement Officer is the Zoning Officer, Construction Code Official, Fire Inspector…

Mr. Roman:  There we go.

Mr. Semrau:  …or Health Officer.

Mr. Roman:  Helps to read the beginning.

President Nicastro:  Thank you.  Thank you again Mrs. Labow for bringing that up.

Mrs. Labow:  Thank you.

President Nicastro:  We’ll get the information you requested for the following meeting.  Anyone else have any Old Business?  Any New Business?  Seeing none.  Any Legal Matters?

NEW BUSINESS - none

LEGAL MATTERS

Mr. Semrau:  Thank you Council President.  I would have two Legal Matters that I’ve asked to be scheduled and one additional one under contract negotiations.  Mr. McGroarty’s here as we’d like to speak about an update on the affording housing matter that a lot of Municipalities are dealing with and also the ongoing Cobblestone Matter when we get to the Resolution to go into Executive Session.  I’ll just…I’ll add if I may just a short briefing on a contract matter.  Thank you very much.

President Nicastro:  Thank you.  Alright at this time we are going to go into Executive Session.

Mr. Semrau:  Do you want to do public first and then we can…

President Nicastro:  Do we want to do public first?

Miss Masser:  That’s up to you guys.

President Nicastro:  We could do that, right?

Miss Masser:  If you want to switch it and then do…

Mr. Semrau:  I don’t believe…there won’t be any action after the Executive Session.

President Nicastro:  Why don’t we do that.  Does anyone from the public wish to be heard?  If you do please just go up and state your name and address for the record.

PUBLIC PORTION

Mr. Simoff:  Good evening, my name is Hal Simoff, 2 Shunpike Road, Madison, NJ.  We’ve been trying to get off the mark, so to speak, on getting a water system access and an upgraded well for Village Green.  We were in negotiations with Fred and Laura on the Developer’s Agreement.  We have…we’ve agreed in principal to payment of a substantial amount of money for sewer connection fees.  We’ve already paid for $1.4 million in connection fees.  We’re going to pay additional monies that we’ve agreed to.  The other issue is, we’ve agreed to spend three…it’s going to end up being about $325,000.00 to $350,000.00 for a backup well at Village Green.  We’re willing to spend the money for the well, we just need assurances that we’ll be able to get access to the water system.  We need this to go forward to get our DEP permit.  Those are the issues that I’d like to discuss.  I don’t know whether it’s proper to do it in Executive Session because it’s part of negotiations of a Developer’s Agreement.  The problem is that we need…we need access to the water system; it’s a Town water system.

President Nicastro:  Thank you.  I’ll let Fred…do you want to address that?
Mr. Semrau: Yes. By law you can’t come into Executive Session. With respect to the water system, I think we’re all working diligently to get you that access. Now, by way of history here we…it was last fall the Governing Body adopted a Resolution authorizing an agreement for a very unique partnership with this developer where they were going to drill a well and because we as a Township needed a backup well, we entered into agreement, really a cost-sharing agreement. That agreement has been executed between the parties. My understanding is that there is some issues regarding the access to the well area so they could begin drilling the actual well. The owner of the Village Green, we reached out to them, I know Mr. Simoff’s Attorney did or he did directly. My first request went without a response, but I was away and I came back and the second request they responded promptly and advised last week that as far as drilling the well, there was an easement on the property. They are not in agreement with the fact that access is permitted, but nonetheless it’s for the benefit of Village Green. They’ve written and said they would agree to that access. They’re just trying to clear some issues with their lender which they don’t believe is going to be a problem. The second issue is regarding a… I guess… a ten inch pipe and the actual connection, which myself and Gene Buczynski and the Administrator, Laura Harris were just made aware of maybe ten days ago. With that I know Laura, I believe has contacted the DEP to see if there’s some way we can resolve that issue because its access over what is known as a private road. From my perspective I went back to the Village Green’s representation and their Legal Counsel and provided them with the information we had because the agreement we signed just said we would support the efforts of Mr. Simoff’s company to take on the development of this well. I reached out to them as recently as even yesterday and today and Mr. Buczynski gave me more information, but again that we were just made aware of over the last week or so that we need that access. I’m confident or hopeful… hopefully optimistic that their going say okay to that and see that that’s necessary, but we didn’t know about that. I don’t know if you did as well Mr. Simoff until such time. As far as the Developer’s Agreement goes, it’s rather complicated because you’re right, you’ve made significant contributions, we have Ordinances we have to follow, we’ve gone back and forth. We’re at a point where I believe Mr. Buczynski, myself and the Administrator have told your Attorney that we’re going to recommend the understanding that you… well the settlement or the resolve that you presented to the Governing Body. I was going to do that tonight and discuss it in Executive Session, so that hopefully in two weeks the Governing Body will have the information in form of an agreement that your Attorney and I are working on and we could move forward there. It sounds like the pressing point is the well and the access. We’ve only known about that for a short while and I could tell you even as recently as yesterday and today I think we’ve made some progress to get the information to Village Green’s Attorney. That’s the update more for the Council and to respond to your concerns.

Mr. Simoff: As you know…obviously, time is money.

Mr. Semrau: Right.

Mr. Simoff: We’ve agreed to spend $350,000.00 for the backup well and the concern is that we spend the $350,000.00 and don’t get water. That’s a legitimate concern.

Mr. Semrau: Right. Were you aware that you needed this connection and this permission from Village Green for that connect…because we were just made aware of it…

Mr. Simoff: I was under the impression…

Mr. Semrau: …in the last ten days.

Mr. Simoff: I’m sorry… I was under the impression that the easement that the Town has for the water system included connections because they’re…not only do these connections benefit my property, but then there’s properties on the…behind the Trading Post on Old Budd Lake Road that are in need of wells that have well problems and so this is going to solve a lot of the problems that…

Mr. Semrau: I agree with that. Yes.

Mr. Simoff: There’s a significant benefit to everybody.

Mr. Semrau: I didn’t… we were not aware that this was going to be a hurdle to overcome, but we’re doing what we can to support that effort. I’m hopeful that Village Green also sees the benefit to that. That connection is not part of the actual easement, that’s part of what is known as a private roadway and that’s what we’re trying to work with them on. They seem receptive from the fact that they already agreed to permit us to get in the area and drill the well and that’s just… we got resolved late last week. I’m hopeful that they’ll understand the benefit here as well and that we’re going to restore the road to its condition when we’re done and they’ll say okay.
Mr. Simoff: Well you understand our frustration. Our frustration is that we’ve agreed to spend $350,000.00 to drill the backup well with a cost-sharing, but it’s laying out $350,000.00 without it…without having any assurances of getting water.

Mr. Semrau: That I’m not sure I understand.

Mr. Simoff: Getting water to our site and across from Route 46.

Mr. Semrau: We understand that it’s necessary for you to get that access now.

Mr. Simoff: Okay.

Mr. Semrau: We’re working with you on that, but like I said you know I think you had your approval last May. I checked with the Engineer and the first time he became aware that this was a hurdle to overcome was last week and I’m hopeful that by the end of this week we’ll get, hopefully good news that they’re going to cooperate with us.

Mr. Simoff: As the old saying goes, from your lips to God’s ears.

Mr. Semrau: I hope so.

Mr. Simoff: We’re in agreement, it’s just that we’re anxious to start…we’re anxious to sign the Developer’s Agreement, we’re anxious to work it all out. We have an understanding without being memorialized yet.

Mr. Semrau: The understanding can’t be confirmed with respect to the Developer’s Agreement until this Governing Body is briefed…

Mr. Simoff: I apologize.

Mr. Semrau: …and then they vote, then they’re bound by it.

Mr. Simoff: We have an understanding…

Mr. Semrau: We can make recommendations.

Mr. Simoff: We have an understanding with the Professional staff.

Mr. Semrau: You do, yes. We’ve worked hard to kind of…sort this out in the unique situation that exists.

Mr. Simoff: It is a unique situation.

Mr. Semrau: Yes.

Mr. Simoff: Perhaps when these easements were drafted they didn’t contemplate this…this issue. That’s where we stand. We’re here to suggest that…we’re ready to spend the money we just need assurances that we’re going to get water. We’ll be back.

Mr. Semrau: I think we’re all in support of that and working towards that.

President Nicastro: I think we’re all agreement.

Mr. Simoff: We’ll be back in two weeks to discuss this further.

Mr. Semrau: I’m sure we’ll speak between now and then.

Miss Harris: You’re free to call me any time Hal.

Mr. Simoff: I have been bugging you. I’m here just to…to say that we need water and we need access to water and we’re willing to spend the money, we’re willing to…this is a major project, we have 54 affordable units. I see Chuck is here to talk about affordable housing. We have 54 affordable rentals which gives, correct me if I’m wrong Chuck, gives a bonus for rentals. There’s a bonus, it’s in the master plan, it’s in the COAH plan and we want to get going. Again we’ve paid…we’ve already paid $1.4 million in connection fees for the sewer.
President Nicastro: I’m sure Fred’s working hard at the office as he said, I’m sure we’ll get the answers from him shortly on that.

Mr. Simoff: Okay.

President Nicastro: Appreciate that.

Mr. Simoff: If we could… I mean… alright, we’ll be in contact with Fred and Laura.

President Nicastro: Thank you.

Mrs. Labow: Thank you Mr. Simoff.

President Nicastro: Appreciate it. Thank you very much.

Mr. Roman: Thank you Hal.

Mrs. Labow: Thank you.

President Nicastro: Does anyone else from the public wish to be heard? Seeing none. Closed to the public. Are we going to do Council Reports first or…

Miss Masser: No, we’re going to do Executive Session.

President Nicastro: … Executive Session. We’re going to go into Executive Session now, so we need to ask everyone to leave and…

Mrs. Labow: Which things are we discussing specifically?

Mr. Semrau: There will be no action when we return.

President Nicastro: Yes, there’s no action when we return, just a final… comments. Mrs. Labow.

EXECUTIVE SESSION
- Affordable Housing Litigation – attorney client privilege
- Cobblestone Litigation – attorney client privilege
- Mountain Ridge

Mrs. Labow: Thank you Mr. President. According to section 7 and 8 of the Open Public Meetings Act, I make a motion we move into Executive Session to discuss Affordable Housing Litigation and Cobblestone Litigation both are Attorney client privilege…

Mr. Semrau: Mrs. Labow, may I also add under contract negotiations, Developer’s Agreement with Mountain Ridge Estates.

Mrs. Labow: Yes.

President Nicastro: Thank you.

Mrs. Labow: … with Mountain Ridge Estates and noting that the Minutes will be available upon conclusion of the issue.

Mr. Semrau: Thank you.

Mr. Stewart: Second.

Mr. Roman: Second.

Executive Session began at 7:57 pm and the Public Meeting resumed at 8:26 pm.

Mr. Roman: Motion to move out of Executive Session.

Mrs. Labow: Second.
COUNCIL REPORTS

President Nicastro: We got to open the door. We’re back in session for the Council Meeting. We’re up to Council Reports. Board of Education and Seniors, anything Mr. Amianda?

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

Mr. Amianda: No report.

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

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

Mr. Ferrante: No sir.

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

Economic Development Committee Report - none
TNR Program - none
Open Space Committee Report - none

Mrs. Labow: No.

Legislative Committee Report - none
Planning Board Report - none

Board of Health Report - none

President Nicastro: Mr. Mania’s not here. Nothing on Board of Health. We had our Reorganization Meeting last week. Mr. Roman, anything on Pride, Recreation?

Recreation Liaison Report – none

Mr. Roman: Recreation, we meet tomorrow. On Pride, so far I believe we have three possible members Ralph Ruggiero, Karen McConnell and Tracey Wadhams. I think we’re still waiting on Tracey Wadhams citizen leadership form.

Miss Masser: Yes.

Mr. Roman: I am hoping on having a meeting within the next couple weeks, as soon as I at least get one more member.

President Nicastro: Thank you.

Miss Masser: Then you and I will talk about who…

Mr. Roman: Yes, who’s position…how many years?

Miss Masser: Have to stagger…

Mr. Roman: Yes.

Miss Masser: Okay.

President Nicastro: Mr. Stewart, anything on MOTV or Community Action?

MOTV Committee Liaison - none
Community Action Panel Report

Mr. Stewart: Yes. Community Action Panel has solidified May 23, 2017 for the Township presentation and Workshop, which will be all on Cyber Security for businesses in the community.

President Nicastro: That’s here? You said May?

Mr. Stewart: That will be at…right now it looks like it will be at the Budd Lake Fire House.
President Nicastro: Okay. Thank you. Anyone from the public wish to be heard? Seeing none. Closed to the public. Any Council Comments? Mr. Amianda?

PUBLIC PORTION - none

COUNCIL COMMENTS

Mr. Amianda: None.

President Nicastro: Mr. Ferrante?

Mr. Ferrante: Nothing.

President Nicastro: Mrs. Labow?

Mrs. Labow: Nothing.

President Nicastro: Mr. Stewart?

Mr. Stewart: Nothing.

President Nicastro: Mr. Roman?

Mr. Roman: Nothing.

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

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 8:28 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 February 14, 2017.

Michelle Masser, Township Clerk

mvm