MOUNT OLIVE TOWNSHIP COUNCIL MINUTES

The Public Meeting of the Mount Olive Township Council was called to order at 7:11 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; Susan Sharpe, Township Attorney; Robert Greenbaum, Mayor; Claudia Tomasello, Assistant Business Administrator; Laura Harris, Business Administrator and Sherry Kolody, CFO

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

January 31, 2017 WS & PM

President Nicastro: Mr. Amianda, would you approve the Minutes from the previous meeting, January 31, 2017, Workshop and Public Meeting please?

Mr. Amianda: Yes Mr. President. I make a motion for approval of the Minutes of the previous meetings on January 31, 2017, Work Session and Public Meeting.

Mrs. Labow: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed unanimously

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

1. Email received January 31, 2017, from Raritan Headwaters Newsletter regarding Think Spring!

2. Email received February 1, 2017, from Sustainable Jersey regarding February Sustainability Hero Announced.


4. Email received February 8, 2017, from NLC Service Line Warranty Program regarding Will your homeowners be ready for the spring thaw?

5. Email received February 8, 2017, from Sustainable Raritan River regarding NEWS from the Sustainable Raritan River Initiative--February 2017.

RESOLUTIONS / ORDINANCES OTHER TOWNS

7. Email received February 2, 2017, from Township of Montville regarding Resolution No 2017-,
Resolution of the Township of Montville, County of Morris and State of New Jersey to Urge Both Local
and State Representatives to Support Legislation Requiring School Districts, Charter Schools, and
Contracted Service Providers Holding a Contract with a School District or Charter School to Review the
Employment History of Applicants Regarding Child Abuse and Sexual Misconduct Allegations.

8. Email received February 7, 2017, from Borough of Madison regarding R 57-2017, Resolution of the
Borough of Madison Expressing Madison’s Commitment to Equal, Respectful and Dignified Treatment
of all People, regardless of their Immigration Status and to Remain a Welcoming Community.

STATE AGENCIES

9. Email received January 27, 2017, from New Jersey Department of Environmental Protection regarding
NJDEP Commissioner Joins Rally Opposing Proposed Flounder Cuts.

10. Email received January 27, 2017, from New Jersey Department of Environmental Protection regarding
NJDEP Podcast: Bald Eagle Population Recovery.

11. Email received January 27, 2017, from FEMA regarding FEMA Region II Health Tip.

12. Email received February 1, 2017, from New Jersey Department of Environmental Protection regarding
NJDEP: Wetlands Preservation in Cumberland County.

13. Email received February 2, 2017, from New Jersey Department of Community Affairs regarding
Protected Tenancy Figures and Qualifying County Protected Tenancy Figures for 2017.

14. Email received February 2, 2017, from New Jersey Department of Community Affairs regarding (#2)
Protected Tenancy and Qualifying County Protected Tenancy (Income Figures Attached)

15. Email received February 6, 2017, from New Jersey Department of Environmental Protection regarding
NJDEP: Environmental App and Brownfield Redevelopment.

16. Email received February 6, 2017, from FEMA regarding FEMA Region II – Individual and Community
Preparedness March Webinar.

17. Email received February 8, 2017, from FEMA regarding FEMA Region II Winter Weather Preparedness
Tips.

18. Letter received February 8, 2017, from New Jersey Department of Environmental Protection regarding
Request for NJDEP Freshwater Wetlands General Permit Nos. 10A, 11 and 21 / Waterloo Road Bridge
over the Musconetcong River.

19. Letter received February 8, 2017, from New Jersey Department of Environmental Protection regarding
Application for Flood Hazard Area Individual Permit / Waterloo Road Bridge over the Musconetcong
River.

20. Email received February 9, 2017, from FEMA regarding FEMA Region II Individual and Community
Preparedness Bulletin.

MORRIS COUNTY

21. Email received January 27, 2017, from Morris County Prevention is Key regarding February 28
conference invitation.

22. Email received February 2, 2017, from County of Morris regarding Hats off to CCM--Cyber Security,
NASA, Student-Athletes. CONGRATS!!

23. Preliminary Equalization Table received February 6, 2016 from the County of Morris for the Year 2017.

Document Scams. Sledding, too!!
UTILITIES

25. Email received February 9, 2017, from JCP&L regarding JCP&L Storm Information.

President Nicastro: We have 25 pieces of Correspondence. Does anyone have anything on Correspondence? Seeing none. I open the hearing to the public on Ordinance #6-2017.

Miss Masser: Okay, this…

President Nicastro: We’re going to continue…I just saw that.

Miss Masser: This Ordinance is going to be continued because Planning Board had to cancel their meeting the other night and the Ordinance needs Planning Board review before we can put it on for the public hearing.

President Nicastro: Got it. Thank you.

ORDINANCES FOR PUBLIC HEARING

Ord.#6-2017 An Ordinance of the Township of Mount Olive to Amend and Supplement Various Sections of the Code of the Township of Mount Olive. (CONTINUE TO February 28, 2017 Meeting)

OPTIONAL PUBLIC PORTION ON ORDINANCES FOR FIRST READING

ORDINANCES FOR FIRST READING – 2nd reading February 28, 2017

President Nicastro: Next item on the Agenda for first reading is Ordinance #7-2017,

Ord.#7-2017 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 $210,000 Therefor and Authorizing the Issuance of $199,500 Bonds or Notes of the Township to Finance Part of the Cost Thereof.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you Mr. President. I move that Ordinance #7-2017 be introduced by title and passed on first reading and that a meeting be held on February 28, 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.

President Nicastro: Thank you.

Mr. Amianda: Second.

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

Roll Call: Passed unanimously

President Nicastro: Next item on the Agenda for first reading is Ordinance #8-2017,

Ord.#8-2017 Bond Ordinance Providing for Various Capital Improvements in and by the Township of Mount Olive, in the County of Morris, New Jersey, Appropriating $5,003,108 Therefor and Authorizing the Issuance of $4,518,748 Bonds or Notes of the Township to Finance part of the Cost Thereof.

President Nicastro: Mr. Stewart.

Mr. Stewart: Thank you Mr. President. I move that Ordinance #8-2017 be introduced by title and passed on first reading and that a meeting be held on February 28, 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.
Mrs. Labow: Second.

President Nicastro: Any discussion? Anyone from the public? Roll Call please.

Roll Call: Passed unanimously

President Nicastro: Next item on the Agenda for first reading is Ordnance #9-2017,

Ord.#9-2017 An Ordinance of the Township of Mount Olive Amending Ordinance #27-2016 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 that Ordinance #9-2017 be introduced by title and passed on first reading and that a meeting be held on February 28, 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.

Mrs. Labow: Second.

President Nicastro: Any discussion? Anyone from the public? Roll Call please.

Roll Call: Passed unanimously

President Nicastro: Next item on the Agenda for first reading is Ordinance #10-2017,

Ord.#10-2017 Township of Mount Olive, Morris County, New Jersey Calendar Year 2017 Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a Cap Bank. (N.J.S.A. 40A-4-45.14)

President Nicastro: Mr. Amianda.

Mr. Amianda: I move that Ordinance #10-2017 be introduced by title and passed on first reading and that a meeting be held on February 28, 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.

Mrs. Labow: Second.

President Nicastro: Thank you. Any discussion? Anyone from the public? Roll Call please.

Roll Call: Passed unanimously

CONSENT RESOLUTIONS AGENDA:

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


4. Resolution of the mayor and Council of Mount Olive Township Supporting national Police Week and Affording the Full protections of the Collective Bargaining Agreement During Police Unity Tour Riding Hours for participating Officers.


11. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (SAMR).

12. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (Triad Security Systems).

13. Resolution of the Township Council of the Township of Mount Olive Approving a Vendor Service Contract on a “Non-Fair and Open” Basis Pursuant to the “Pay-to-Play” Law (MAACO Collision and Repairs).

14. Resolution of the Township Council of the Township of Mount Olive Awarding Professional Service Agreements Under the Non-Fair and Open Contracts in Accordance with the pay-to Play Law for the Year 2017 (McManimon, Scotland 7 Bauman, LLC).


President Nicastro: We have 16 Consent Resolutions. Does anyone wish to move any to Non-Consent? Seeing none. Mr. Ferrante, would you move Resolutions one through sixteen?

Mr. Ferrante: Sure, I make a motion to move Consent Resolutions one through sixteen.

Mrs. Labow: Second.

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

Roll Call: Passed unanimously

MOTIONS
1. Bill List.

President Nicastro: Mrs. Labow, would you move the Bill List please?

Mrs. Labow: Yes, thank you Mr. President. I move the Bill List.

President Nicastro: Do we have a second?
Mr. Amianda: Second.

Mr. Roman: Second.

President Nicastro: Any discussion? Roll Call please.

Roll Call: Passed unanimously

ADMINISTRATIVE REPORTS

President Nicastro: Administrative Reports. Mayor, Laura?

Mayor Greenbaum: I have a couple. This past weekend was Cabin Fever Reliever. Did any of you guys make it to it?

President Nicastro: I forgot about it.

Mayor Greenbaum: Well I was there and well attended as always. I could only stay for so long because it was so loud in there. The kids were just having a really good time. I want to thank the First Responders, Police Department, DPW, Buildings and Grounds and everyone else that worked through this horrific weather week that we had. Very difficult…I know a lot of you may end up getting complaints about people’s roads. There are many factors that are involved in terms of getting down to black top, such as what time the storm starts, the nature of the storm, the changing nature of the storm. Two other factors that came into play this week, the extreme drop in temperatures, also the lack of daylight after the snow fall. The two biggest factors that I have found in terms of dealing with ice on the roadway are daylight and temperature. If you don’t have either of those, if you have a cloudy day and a very cold day, you’re going to have precipitation remaining on the road surface. If you ever go to Vermont where it’s really cold, they have snow on most of their roads through the season. We deal with the complaints as they come in. Tim has been very responsive in terms of going to check out the roads. When I do get complaints and…I’m very appreciative of the efforts of everybody who managed through the storms this week. It was difficult storms.

President Nicastro: Yes it was tough. Anything else?

Mayor Greenbaum: No, that’s all I have.

President Nicastro: Laura, anything from you?

Miss Harris: Just two things. The bike, pedestrian, path plan public input session has been scheduled in partnership with the Board of Ed’s Robotics Competition on March 11, 2017. We’re going to be doing that from 11:00 am to 3:00 pm, that Saturday. Also, we got a response today from the DEP regarding our proposal for the Combe Fill Project. It was a surprisingly positive non-controversial, non-confrontational response. It’s already been reviewed by the consultant. Basically, they’re giving us almost everything that we asked for, so it looks like we’re going to be moving forward with that and I’ll keep you apprised of what the next steps are going to be.

President Nicastro: Thank you.

Mrs. Labow: Very good.

OLD BUSINESS - none

President Nicastro: Any Old Business?

Mrs. Labow: No.

President Nicastro: Old or New?

Mrs. Labow: New.

President Nicastro: New Business?
NEW BUSINESS

Mrs. Labow: Yes, I just wanted to ask about the fire yesterday with the transformer and the tree falling. How did everything work out and the power outage?

Miss Harris: We did have to close in the afternoon. We had no heat and nobody could really get any work done, but...and the power was restored at about eight o’clock last night and we were able to open this morning. Doesn’t appear that we’ve had any damage or anything like that.

Mrs. Labow: Oh good and everybody…nobody got hurt, right?

Miss Harris: No.

Mrs. Labow: Good.

Miss Harris: JCP&L was very responsive.

Mrs. Labow: I just also wanted to comment. Mayor Greenbaum, it was really nice…the videos that you did and put on Facebook where you showed the roads and explaining the different conditions. I thought it was…you know…kind of hopefully would…not encourage…it wouldn’t…it would stop people from wanting to call and complain when you’re explaining why the conditions are the way they are. I thought it was excellent.

Mayor Greenbaum: Unfortunately, I didn’t take my own advice and I went out on an ice day and got into an accident.

Mrs. Labow: Oh you had an accident?

Mayor Greenbaum: Yes.

Mrs. Labow: Oh no.

Mayor Greenbaum: Thanks for bringing that up Colleen.

Mrs. Labow: You’re welcome. Are you okay?

President Nicastro: Keep bringing it back. Thank you, any other New Business? Seeing none. Any Legal Matters?

LEGAL MATTERS

Ms. Sharpe: Just a couple of things. Fred provided Council with a pretty extensive update last meeting on Affordable Housing and Cobblestone. Mr. Simoff appeared at the last meeting and as Fred had mentioned then, there’s a meeting that will be coming up with him, I believe next week that’s been scheduled. We’re working with the Administration on a potential lease for the land adjacent to Drakestown Park. Laura had already brought up Combe Land Fill, as she said we’re reviewing the DEP response and things are cautiously optimistic, I believe. That’s it.

Mayor Greenbaum: It looks like from my review of the emails that we’re…we have a hearing scheduled for Mount Olive with respect to our next round Affordable Housing…

Ms. Sharpe: Yes.

Mayor Greenbaum: …which was part of the discussion that I had with Fred and with Chuck McGroarty in terms of how to deal with the litigation that we have currently. We’re pushing it; we’re being aggressive in terms of our response at this point. I’m sure everyone saw the opinion that related to the gap year which was not favorable to Municipalities in terms of the calculation of everyone’s Affordable Housing obligation. Notwithstanding, Mount Olive remains in good stead in terms of where we’re coming from and where we’re likely going. The people who are pushing the Affordable Housing, were looking to extort money from the Township in terms of recouping some of their legal fees and basically we took the position that we’re prepared to litigate this matter and let’s get it going. We have the hearing in March and hopefully we’ll see what happens.
President Nicastro: Anything else?

Ms. Sharpe: That’s it.

COUNCIL REPORTS

President Nicastro: Thank you. Council Reports. Mr. Amianda, anything on Board of Education or Seniors?

Board of Education Liaison Report
Senior Citizen Liaison - none

Mr. Amianda: I have something on Board of Education. The Board of Education held its Work Session meeting at the Administration Building on February 13, 2017 at 6:30 pm. After Reports and Discussions, the Board took actions on Personnel, Curriculum and Instruction, Business, Policy and Administrative items. The Board approved the 2017/2018 school calendar. The Board also approved Mount Olive High School and Middle School spring coaches. The Board approved a Resolution to purchase from Rockaway Township Board of Education, three buses at the cost of $37,000.00 each which the Board considered a bargain because these buses are not older than five years old and that was a good purchase for the district. After that we had their lawyer Mr. Mark Zitomer, Board Attorney, gave an Ethics Presentation. There was a lot of discussion…there was a discussion about appointing a coach for the woman’s sports. The Board was trying to replace the coach with another person, so they had a discussion about that on the floor. Also there was a discussion about the school calendar for the year 2018 forward. There is a pending Resolution whether the district should shorten the school year…school opening and closing. There were a lot of irate people with different opinions. Some don’t want to shorten the school year, they say open early and close late. That is also pending, it was not resolved. Also on the floor, the one that we had to move, nonresident parents who enroll their children in our school district, there was one discussion on that. There was also a second discussion on school buses which go half empty.

Mr. Ferrante: Or half full depending on how you look at it.

Mr. Amianda: Those were…I was the only one defending this…pushing this. The Board came up with different answers to those and also the Superintendent. For nonresident parents who enroll their children in our school district, the Superintendent seemed to feel that it is up to the Council to come up with a better…a good Ordinance governing rent…especially people who are in the apartments in the district. If one person rents/leases an apartment, a one bedroom and then they have three families living in the same room and most of those were living in there like that…they don’t pay tax in Town, but the district is educating their children. The Superintendent seems to feel that if…of course probably at a future date…maybe the Mayor would have to sit down and talk about it. They tried to push that issue to the Council, they say because we have been very lax in enforcing; especially the landlords who own these apartments who are not being…the penalty for violation is not strong enough to discourage this. Right now they don’t have a solution to that problem. On the issue of buses going around half empty, the Board and the Superintendent’s response was that it is something which they can’t control. I think they have a law, whether it’s a Federal or a State law concerning school buses for the children. The law says that each child who takes the bus is guaranteed a seat. Let’s say if some kids are out, the Board can’t just now take other children to fill the space on the bus. That’s why the public sees a situation like that and they made a thing that it’s lax in management, but the Superintendent says it has been very effective. The management of the Town, the district is very good as far as he’s concerned. It’s not something that we seem to have any control, but the public doesn’t understand when there’s a bus coming down Mount Olive Road and they see they don’t have kids in it, they don’t understand that it’s a Federal law which is stopping the district to let’s say if they have space to move these kids in the buses. The Superintendent said that if there are any concerns about the Town, the Council can appoint someone to go and sit down with them and then they can explain that, but that is their position.

President Nicastro: Anything else? Thank you.

Mr. Amianda: No I think that’s it.

President Nicastro: Thank you. Mayor was first and then…

Mrs. Labow: Okay.

Mayor Greenbaum: Let me address two issues. First of all, the issue with respect to the change in the calendar is going to become pretty heated.

President Nicastro: Yes it is.
Mayor Greenbaum: I’m reading from Facebook where one individual wrote, “Mount Olive Teachers Union has approved the school start date of August 24, 2018,” that’s well before Labor Day, “with an end date of June 8, 2019 or June 14, 2019.” We’re not talking about next school year; we’re talking about the following school year 2018 into 2019. “The calendar change is to accommodate the High School student’s assessments and seniors getting ready for college. Parents are encouraged to join their school calendar committee if you have concerns as this will not go out for a public vote.” There is already a lot of banter on Facebook in terms of how it will affect different families in terms of being able to take vacations and also on the positive side in terms of how this will benefit the kids who will see a benefit from the earlier start date or the earlier end date to the school year. I expect that that’s going to be a relatively heated issue that some of you may hear about. Getting back to the issue in terms of students who really don’t live in Mount Olive using the Mount Olive school system, as you may recall this was an issue that the Council struggled with…stacking…that we struggled with either last year or the year before to come up with an Ordinance which we felt would be able to be enforced. It is one of those grey areas that’s very difficult to define a family. Obviously, if you have a one bedroom apartment and three families are claiming that they live there, it’s a different story. Most of the time we don’t find out about it, so my suggestion if possible and this goes to legal Counsel, is that we adopt an Ordinance, which allows the School Board to file a complaint that’s against an individual student/family that they don’t live in Town and let the Municipal Court Judge decide based upon the facts that are presented as to whether or not…you put a hefty fine, however you want to deem it as a local Ordinance violation. That way each set of facts will be dealt with…it’ll give the School Board the ammunition to prosecute because I don’t know how we would prosecute, we don’t know about it and it would give the Municipal Court Judge the ability to decide the issue based upon any certain given facts that are presented to him. I haven’t thought it through I just came up with it as I sat here. I think it’s probably a good workable…it if we could do it that way and that would give the School Board the ammunition that they need to regulate…providing education to Mount Olive students.

President Nicastro: Thank you. Laura.

Miss Harris: Yes if I could just add to that and I apologize Mayor because at the last meeting I was directed to kind of do some follow-up on this. I do have a draft memo prepared and we were going to have it on as a discussion item for February 28, 2017. The one thing that I don’t have and the reason I haven’t sent the memo out is I’ve asked Scott VanNess to reach out to other school districts to see how they’re handling it, if there are any other Resolutions to it. I should have that out to you hopefully by the end of the week so that we can discuss it on February 28, 2017.

President Nicastro: Thank you. Mr. Roman…Alex.

Mr. Roman: I’m trying to understand…is it the School Board is asking us to give them ammunition, so that they can forbid because one thing I’m all for the anti-stacking Ordinance in as much that it’s a Health violation when you have too many people living in a residence. I’m kind of leery of using our resources and our Police Department to go after residents that might be violating residency rules.

Mayor Greenbaum: It’s theft of tax dollars my friend.

Mrs. Labow: Yes.

Mr. Roman: I under…

Mayor Greenbaum: Somebody who is driving into Mount Olive and dropping their kids off at a bus stop…

Mr. Stewart: Yes.

Mayor Greenbaum: …and claiming to live at an apartment when they live in…

President Nicastro: A lot of money.

Mayor Greenbaum: …Rockaway…

Mr. Stewart: Yes.

Mayor Greenbaum: …or Mendham or Newark or wherever the case may be.

Mr. Roman: I agree that is something that should be definitely pursued, but do we want our Police Department…
Mrs. Labow: Alex…

Mr. Roman: …to be proactive or do we want to have the school identify who that is and then, so…I’m not saying its…I’m not leaning…

Mrs. Labow: I just…

Mr. Roman: …one way, but I think that’s something that we should at least discuss and also with the input from the Police Department, whether they…if they….in the course of their investigation, if they suspect that somebody is doing that, do we have them ask…are…

Mayor Greenbaum: I don’t …

Mr. Roman: …what school system you’re going to.

Mayor Greenbaum: I don’t suggest that the Police Department should be involved in that at all. I think that the Board of Education, who believes that there is a stacking problem, should have the right to file a complaint in Municipal Court.

Mr. Roman: Well there’s a difference between a stacking problem and what the…the someone who drops off somebody that lives in another Town because they…that’s not stacking…

Mayor Greenbaum: That is stacking.

Mrs. Labow: That is…can I just…

Mayor Greenbaum: …that’s the problem is stacking.

Mrs. Labow: Let me just break in for a second here.

Mayor Greenbaum: Go ahead.

Mrs. Labow: One of the reasons why this came about and why the school asked us to do the stacking Ordinance back in 2015…what they’re doing is…and they’ve done…they had 15 successful cases. When you have children coming and staying in Town with relatives or friends, whatever, technically their last known legal address, wherever that may be, that district has to pay for their tuition, their education, they have to pay Mount Olive. They’ve been successful in finding 15 cases so far, there’s a few more. That’s the whole thing behind it, making sure that the kids that are living at a location, going to our schools, that is their legitimate residence and if it’s not…and other schools are doing the same thing to us. That’s the latest thing, they’re trying to recoup…

President Nicastro: Recoup the money.

Mrs. Labow: …some of the education tax. That was the…and I only know only…

Mayor Greenbaum: Place the burden on the school system.

Miss Harris: That’s what we’re doing.

Mrs. Labow: …because I had a situation and I spoke to Liz Ouimet and to Brian Schaechter about it…

Mayor Greenbaum: Give them the avenue to address it.

Mr. Roman: Right and I agree…

Mrs. Labow: …that’s their whole purpose.

Mr. Roman: …that that’s something that should be done, but…

Mayor Greenbaum: Let the Municipal Judge decide.

Miss Harris: That’s what I’m kind of asking Scott to find out.
Mr. Roman: …I just want to make sure that all we’re doing is giving the Board of Ed the tools necessary for them to do their job.

Mrs. Labow: I think that the Mayor’s suggestion about making a complaint and having it go through Municipal Court…

President Nicastro: Right.

Mr. Roman: Right.

President Nicastro: Yes.

Mrs. Labow: …falls right in line with this because then those people will have to prove the actual residence for that other student, so I think that’s great.

Mr. Roman: I’m in favor of giving the Board of Ed the tools that they need to do their job. I just want to make sure that we don’t… I just feel a little bit uncomfortable on the being the… using Town… Municipal resources to be proactive in searching out.

Mrs. Labow: I understand what you’re saying. I just wanted you to just know that I came across that little bit of history that this has been going on.

Mr. Roman: Right.

President Nicastro: No and that’s good. Yes, that’s what we had discussed and that the Mayor’s suggestion is good because that was the issue we had. We were waiting for reports to figure out how do we even know when someone is there, we don’t know.

Mrs. Labow: What do we do about it?

President Nicastro: If the school knows about it, let them go to the courts and take care of it and that’s the best way to handle… we don’t know…

Mrs. Labow: What it would end up being is the fact they’d have to go in and the first business of order would be prove that that’s the actual legal address.

President Nicastro: Leave it to the Judge to decide.

Mrs. Labow: If it’s in then that’s it, it’s over.

President Nicastro: I agree.

Miss Harris: I think if I could and maybe Sue can look into this because I don’t know, we would need to check with the State, the DCA has some very specific laws about what constitutes a family and how you can enforce that. I think we need to make sure that we can legally place that burden of proof on the family as opposed to it being on the Board of Ed or the Township or…

Mayor Greenbaum: It’s always going to be on the complainant. The burden of proof in the legal system is on the complainant. The complainant, the Board of Education would come in and they would make their case and then the burden would shift to the resident to present their case and special circumstances to the Judge who would then ultimately make the decision as to whether or not he meets the criteria of whatever the DCA determines. That would be the standard, is whatever the DCA or the State Board of Education has determined as the requisite standard for being able to attend public school in a particular school district. I don’t see the downside, you’re giving the Board of Education the ability to go into court and argue their case… they’re not going to be happy about it.

Mrs. Labow: Yes, but it sounds like it’s a really good idea… the best… the legal way to do it.

Mayor Greenbaum: I think so.

President Nicastro: Yes because we’ll never know about these things.

Mrs. Labow: We can’t…
Mayor Greenbaum: The burden...don’t kid yourself...the burden would be on the person making the claim not the other way.

Mrs. Labow: Right.

Mayor Greenbaum: It would shift after the School Board made their proofs. Similar to if you had a shoplifter that...Walmart had a shoplifter, they’d have to come in and put their proofs on before the Judge...said here’s what happened, person took something, put it in their pocket, left the store, here’s the video. Then the other person would come back and say you know what, that was mine before I went into the store...whatever arguments they would make and the Judge would then make the decision based upon the law. I don’t think that this is any different. I don’t know that the School Board has the mechanisms to be able to prosecute this kind of stuff though.

Mrs. Labow: Social media might be easier then you think to get the proof. You never know.

Mr. Roman: It’s not all pertinent.

President Nicastro: If they suspect somebody, I’m sure they have some reasons to, so it’s up to them to figure it out.

Mayor Greenbaum: Generally, they’re the ones that have the best knowledge in terms of…

President Nicastro: Right.

Mrs. Labow: Right.

President Nicastro: They’re going to know.

Mayor Greenbaum: …who really shouldn’t be attending the schools.

President Nicastro: Right.

Mrs. Labow: The bottom line is that we’re giving them the tools…

Mr. Stewart: Tools to help.

Mrs. Labow: …that they’re looking for and then…

President Nicastro: That’s what it really comes down to. We don’t have the ability to know who they are...we don’t want...as Alex said we’re not going out to look for them. We just want to know if there’s any problems. That might be the solution and we’ll have the Counsel looking into that.

Ms. Sharpe: Okay.

President Nicastro: Thank you.

Mayor Greenbaum: Gook luck with that one Susan.

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

Environmental Committee - none
Lake Issues - none
Library Board Liaison - none
Mr. Ferrante: Nothing.

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

Economic Development Committee Report - none
TNR Program - none
Open Space Committee Report - none
Mrs. Labow: Nothing.
Legislative Committee Report – none
Planning Board Report - none

Board of Health Report - none
President Nicastro: Mr. Mania’s gone. Board of Health meets tomorrow evening at 6:30 pm here. We’ll have an update at the next meeting. Mr. Roman, anything on Recreation and Pride?

Recreation Liaison Report
Pride Committee Report - none

Mr. Roman: On Recreation, we got updated on, to the ice skating rink is now being…was constructed at Turkey Brook baseball field, I believe it’s baseball field number one, its 5,600 square feet with lighting and its open until about 8:00 pm. Also, there was talk about asking the OEM and Public Works to…asking them if they would donate their drone to be used at various Recreation events for video purposes especially like in the Mudd Run. Also a discussion about moving the Santa house from where it’s currently at, due to the very unsafe nature of being right along the side of Route 46 and putting it at Turkey Brook Park and in constructing it in a way that it could be decorated for multiple uses. Obviously for Christmas it would resemble Santa’s house, but it could be decorated for Easter and what other events we could possibly have. That is it on Recreation. Pride, we’re going to have our first meeting next week and I’ll report back at subsequent.

President Nicastro: Thank you. Any…MOTV…Mr. Stewart, MOTV and Community Action, anything?

MOTV Committee Liaison - none
Community Action Panel Report
Mr. Stewart: Just Community Action Panel’s yearly program is May 16, 2017. It’s a special program, Cyber Protection and Cyber Theft for the business community. That’ll be at the Budd Lake Fire House.

President Nicastro: 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: No.

President Nicastro: Mr. Ferrante?

Mr. Ferrante: Nothing.

President Nicastro: Mrs. Labow?

Mrs. Labow: Nothing.

President Nicastro: Mr. Stewart?

Mr. Stewart: Just Happy Saint Valentine’s Day.

President Nicastro: Mr. Roman?

Mr. Roman: Happy Valentine’s Day to all. I couldn’t think…oh yes I could think of a much better place then to be here. Thank you to all the women in my life. They’re all part of…

Mrs. Labow: All the women in your life?

Mr. Roman: Did I mention I have daughters?

Mr. Stewart: That’s on…that’s documented.

Mrs. Labow: It is.

Mr. Roman: Did I mention I have daughters?

President Nicastro: There you go.
Mrs. Labow: Alex you have…

Mr. Roman: Okay I’m done, next.

President Nicastro: I got nothing else either. Do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:43 pm.

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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 28, 2017.

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Michelle Masser, Township Clerk

mvm