

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

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

President Nicastro: In accordance with the Open Public Meetings Act and the Emergency Remote Meeting Protocol for Local Public Bodies, adequate and electronic notice of this remote meeting has been provided by sending notice to the Daily Record and Mount Olive Chronicle, posting notice on the Township website and Facebook page, posting notice on the outside front door & bulletin board of the Municipal Building, 204 Flanders-Drakestown Road, Budd Lake, NJ, and sending notice to those individuals requesting same.

Members of the public will be kept on mute during the meeting. If you would like to speak during the designated public comment portion, press 9 on your telephone or the “raise hand” icon on the Zoom app and wait to be recognized by the host, who will unmute you to speak. When you are done commenting, you will be muted again. There is a 5-minute limit on all public comments.

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

Absent: None

Also Present: Susan Gouveia, Deputy Township Clerk; Fred Semrau, Township Attorney; Sue Sharpe, Township Attorney; Jonathan Testa, Township Attorney; Robert Greenbaum, Mayor; Andrew Tatarenko, Business Administrator; Claudia Tomasello-Quinn, Assistant Business Administrator; and Sherry Kolody, CFO

President Nicastro: Mr. Ferrante, would you please approve the Minutes from July 12, 2022, Workshop and Public Meeting, please?

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

July 12, 2022 WS & PM (C. Labow-absent)

Mr. Ferrante: Sure, I make a motion to approve the July 12, 2022, Workshop and Public Meeting Minutes.

Mr. Mania: Second.

President Nicastro: Any comments, questions on that from the Council? Seeing none. Roll Call, please.

ROLL CALL: Passed with the exception of Mrs. Labow, who abstained on the July 12, 2022, WS & PM Minutes

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/OTHER TOWNS

1. Email received July 11, 2022, from NOFA NJ regarding NOFA NJ Mid-Year Report.
2. Email received July 15, 2022, from Statewide Hispanic Chamber of Commerce of New Jersey regarding Register with your #familia and attend these events together!
3. Email received July 18, 2022, from NOFA NJ Weekly Email: July 18, 2022.
4. Email received July 21, 2022, from Sustainable Jersey regarding Find Your Path to Energy Efficiency and Cost Savings on August 3.

STATE AGENCIES

5. Letter received July 11, 2022, from State of New Jersey, Department of Environmental Protection regarding Morris County YMCA Dam, NJDEP File No. 25-67 Mt. Olive Township, Morris County.
6. Email received July 15, 2022, from NJDEP regarding NJDEP Weekly Update.

MORRIS COUNTY

- 7. Email received July 11, 2022, from Morris County regarding This Week in Morris County: The Moving Wall Is Here!
- 8. Email received July 11, 2022, from Morris County regarding Hundreds Visit “The Moving Wall” Before Opening Ceremony.
- 9. Publication received July 11, 2022, from Morris County regarding Explanation of Computed Tax Rates for Mt. Olive Township – Amended Tax Rate Year on 7/6/2022.
- 10. Email received July 12, 2022, from Morris County regarding Nearly 5,000 Visited “The Moving Wall” by the Closing Ceremony Today.
- 11. Email received July 14, 2022, from Morris County regarding Morris County Approves 30 Historic Preservation Grants.
- 12. Email received July 15, 2022, from Morris County regarding Morris Museum Receives \$186,939 Historic Preservation Grant & \$15,000 Pandemic Grant.
- 13. Email received July 15, 2022, from Morris County regarding This Week in Morris County: Over 5,000 Visited The Moving Wall.
- 14. Email received July 21, 2022, from Morris County regarding 500 Small Businesses Benefit Under Morris County Grant Program.
- 15. Email received July 22, 2022, from Morris County regarding This Week in Morris County: 500 Small Businesses Already Approved for Grants. Apply for Your Business Today!

UTILITIES

- 16. Publication received July 20, 2022, from Williams regarding Important Safety Information for Public Officials 2022.

President Nicastro: We have 16 pieces of Correspondence. Does anyone have any questions on this Correspondence? Seeing none. We have Resolutions for second reading to the public. We have Ordinance #20-2022,

ORDINANCES FOR PUBLIC HEARING:

Ord.#20-2022 An Ordinance of the Township of Mount Olive, In the County of Morris and State of New Jersey, Amending Section 550-23 of the Township Code to Update and Clarify Zoning Permit and Certificate of Occupancy Requirements.

President Nicastro: Mrs. Labow.

Mrs. Labow: Thank you, Mr. President. I move for adoption and final passage of Ordinance #20-2022.

President Nicastro: Do we have a second?

Mr. Roman: Second.

President Nicastro: Okay. Anyone from the public wish to be heard on this Ordinance, raise your hand please. Seeing none. Closed to the public and we’ll have a Roll Call, please. Reminder: this is going to be redone so we’re focused on that.

ROLL CALL: Not passed

President Nicastro: So, Ordinance #20-2022, is not passed. Next item on the Agenda is Ordinance #21-2022,

Ord.#21-2022 Ordinance Amending Section 3(a) of Bond Ordinance #4-2016 of the Township of Mount Olive, in the County of Morris, New Jersey, Finally Adopted March 9, 2016 in Ordinance to Include Additional Projects.

President Nicastro: Mr. Mania.

Mr. Mania: Thank you, Mr. President. I move for adoption and final passage of Ordinance #21-2022.

Mr. Stewart: Second.

Mr. Roman: Second.

President Nicastro: Anyone from the public wish to be heard on this Ordinance, please raise your hand. Closed to the public. Seeing no one. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Next item on the Agenda is . . .

Miss Gouveia: You have to . . . Joe.

President Nicastro: We'll carry that . . . I'm sorry.

Miss Gouveia: You have to read the declaration.

President Nicastro: Where is this one? I'm sorry.

Miss Gouveia: For second reading.

President Nicastro: Oh, I have to read it anyway. Okay, I'm sorry. I'm moving ahead, I'm sorry. Ordinance #21-2022 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. Sorry, Susan. Thank you.

Miss Gouveia: That's okay. Thank you.

Ord.#22-2022 An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Amending Chapter 302 Property Maintenance to Establish Article IV Vacant and Abandoned Properties, Property Registration Program, of the Township Code. – **CONTINUE TO THE AUGUST 9, 2022, Council Meeting**

President Nicastro: Ordinance #22-2022 is going to be continued to the August 9, 2022, Council Meeting. Do we need to vote on that?

Miss Gouveia: We need somebody to make the motion to carry.

President Nicastro: So . . .

Mr. Roman: I make a motion . . . I make a motion that we carry Ordinance #20-2022 . . .

President Nicastro: Twenty-two.

Mr. Roman: . . . to the August 9, 2022, meeting.

Miss Gouveia: 22-2022 . . .

President Nicastro: Correct.

Miss Gouveia: Okay.

Mr. Roman: Yeah.

Mrs. Labow: Second.

President Nicastro: Okay. Roll Call, please.

ROLL CALL: Passed unanimously

Mrs. Labow: I think we all had a plane to catch tonight. We're rushing right along.

President Nicastro: Yeah, I don't know what happened with that one. I just was missing that. Sorry. We have Ordinances for first reading with a second reading on August 9, 2022. So, the next item is Ordinance #23-2022,

ORDINANCES FOR FIRST READING: (2nd reading August 9, 2022)

Ord.#23-2022 Ordinance Amending Section 3(f)(iv) of Bond Ordinance #6-2019 of the Township of Mount Olive, In the County of Morris, New Jersey, Finally Adopted March 6, 2019, as Amended by Ordinance #12-2022, Adopted April 19, 2022 In Order to Include an Additional Project, Decrease the Useful Live and Revise the Average Useful Life.

President Nicastro: Mr. Roman.

Mr. Roman: I make a motion that we . . .hold on, I just lost the sheet here. Here we go. I move that Ordinance #23-2022 be introduced by title and passed on first reading and that a meeting be held on August 9, 2022, at 7:00pm via Zoom 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.

Mr. Mania: Second.

President Nicastro: Any discussion? Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Next item on the Agenda is Ordinance #24-2022,

Ord.#24-2022 Ordinance of the Township of Mount Olive, County of Morris, State of New Jersey, Amending Chapter 347, Streets and Sidewalks, of the Township Code to Establish a Limited Reimbursement Program For Shade Tree Removal and Sidewalk Repair In the Clover Hill Development.

President Nicastro: Mr. Ferrante.

Mr. Ferrante: Sure, I move that Ordinance #24-2022 be introduced by title and passed on first reading and that a meeting will be held on August 9, 2022, at 7:00pm via Zoom 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. Mania: Second.

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

ROLL CALL: Passed unanimously

President Nicastro: We have 25 Resolutions. I'll make the motion to move Resolution number one . . . to Non-Consent. Do we need a second on that?

Mr. Roman: Second.

President Nicastro: Yeah. Or no. We just need to move it to Non-Consent, correct?

Miss Gouveia: Correct.

President Nicastro: Okay. Does anyone else wish to move any Resolutions to Non-Consent? Seeing none. Mrs. Labow, would you move Resolutions two through twenty-five, please?

CONSENT RESOLUTIONS AGENDA:

PUBLIC PORTION ON CONSENT RESOLUTIONS

2. Resolution of the Township Council of the Township of Mount Olive Authorizing a Grant Agreement with the Division of Local Government Services for a Local Efficiency Achievement Program (LEAP) Implementation Grant to Support the Mount Olive Township/Washington Township Senior Transportation Bus.
3. Resolution of the Township Council of the Township of Mount Olive Authorizing the Budd Lake Volunteer Fire Department to Hold a “Coin Drop” Fundraiser on Various Dates in 2022.
4. Resolution of the Township Council of the Township of Mount Olive Closing Woodland Ave Between 3rd St and Birchwood Dr August 6th, 2022, Between 2 PM and 8 PM for the Purpose of Holding a Block Party (Rain Date – None).
5. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of a Professional Services Agreement for Board of Health Physician/Medical Director to Meghan K. Pillai August 1, 2022 – December 31, 2022.
6. Resolution of the Township of Mont Olive, County of Morris, State of New Jersey, Approving and Authorizing a Developer’s Agreement with Hunkele Equities, LLC for the Property Located at Block 4400, Lot 85.02 (Phase 3).
7. Resolution of the Township Council of the Township of Mount Olive Approving Emergency Repairs at the Carlton Water System.
8. Resolution of the Township Council of the Township of Mount Olive Authorizing Emergency Repairs to Rescue 97 for Flanders Fire and Rescue Squad.
9. Resolution Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46 – Current Fund – Fleet Maintenance – O/E.
10. Resolution of the Township Council of the Township of Mount Olive Authorizing the Withholding from Tax Sale Special Assessment Installments Not Yet Due.
11. Resolution of the Township Council of the Township of Mount Olive Authorizing the Omission from Tax Sale Properties with Delinquent Balances of \$10.00 or Less.
12. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on 20 Lenape Trl, Also Known as Black 1607, Lot 6.
13. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on 204-1 Waterloo Valley Road Also Known as Block 403, Lot 3.
14. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on Block 6100, Lot 9 for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
15. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on Block 8602, Lot 19 for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
16. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on Block 1503, Lot 1 for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
17. Resolution of the Township Council of the Township of Mount Olive to Cancel Taxes on Block 1607, Lot 1 for Disabled Veteran Declared 100% Totally & Permanently Disabled by the Tax Assessor.
18. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of Morris County Cooperative Pricing Council Contract for 2022 (Grass Roots Turf Products).

- 19. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of Contract for the Purchase of Two (2) 2022 Small Utility Vehicles Off Morris County Coop (Route 23 Automall).
- 20. Resolution of the Township Council of the Township of Mount Olive Authorizing the Purchase of a Type 1 Ambulance Unit off the Houston-Galveston Area Council Cooperative (VCI Emergency Vehicle Specialists).
- 21. Resolution of the Township Council of the Township of Mount Olive Authorizing the Use of ESCNJ Cooperative Pricing Council Contract for 2022 (Foveonics Document Solutions).
- 22. Resolution of the Township Council of the Township of Mount Olive Authorizing Purchases Off New Jersey State Contracts Pursuant to N.J.S.A. 40A:11-12 for Calendar Year 2022 (Procomm Systems).
- 23. Resolution of the Township Council of the Township of Mount Olive Authorizing the Purchase of a Single Axel Dump Body with Plow and Salter Off the Sourcewell National Cooperative (Henderson Products).
- 24. Resolution of the Township Council of the Township of Mount Olive Authorizing a Contract Increase for Peterson and Sons Tree Service for Bid #15-2019 Tree Removal, Tree Trimming & Stump Grinding.
- 25. Resolution of the Township Council of the Township of Mount Olive Authorizing the Renewal of Alcoholic Beverage Licenses for the 2022-2023 Licensing Period.

Mrs. Labow: Yes. Thank you, Mr. President. I move Resolutions two through twenty-five for approval.

Mr. Mania: Second.

President Nicastro: Any discussion? Anyone from the public wish to be heard on these Resolutions, two through twenty-five? Seeing none. Closed to the public. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Do we have a motion . . . someone make a motion to move Resolution number one, please. Or I guess I will make the motion to move Resolution number one . . . I move Resolution number one.

RESOLUTIONS NON-CONSENT

- 1. Resolution of the Township Council of the Township of Mount Olive Opposing of New Jersey Division of Alcoholic Beverage Control’s Special Conditions on Limited Brewery Licensees.

Mrs. Labow: Second.

President Nicastro: Okay. Anyone from the public want to wish to be heard on this right now? I know Chuck is on, so, Chuck we’re going to move the . . . you’ll be permitted to talk. Please state your name and address for the record, please.

Mr. Aaron: My name is Chuck Aaron. My address is 9 Victoria Drive, Flanders, New Jersey.

President Nicastro: Thank you. Go ahead.

Mr. Aaron: Am I good?

President Nicastro: Yup, you’re good.

Mr. Aaron: Okay. So, I’d like to say thank you to the Town Council members and Mayor Greenbaum. I’d like to start off and say thank you to the Town Council, everyone in the Township involved in creating this Resolution. Jersey Girl Brewing is proud to be part of the local Mount Olive Community for the past six years and words cannot express my gratitude for the ongoing support of the Mount Olive Community, it continues to show our business. Just for clarity, on July 1, 2022, the New Jersey Division of Alcoholic Beverage Control (ABC) imposed 18 regulations on craft breweries that negatively impact our business. Some examples would include the fact that we can only host 25 onsite activities per year. That includes events such as trivia, live music, etc. We can only attend 12 off premise events per year. We have to provide a mandatory brewery tour,

whether a consumer is sampling or sitting down and consuming. We're not allowed to host food trucks and we can no longer offer discounted drinks, and this will include our first responders and veteran discount or any consumer teacher discount that we would provide. That's no longer allowed. So, these regulations negatively affect not only the craft breweries, but also other local businesses like the local restaurants, the local food trucks, the local musicians to name a few. In addition, the regulations will hurt our ability to support the local community by limiting our events and limiting our ability to host charity and fundraising events, as well as special projects and community events at the brewery. Just as concerning is now the consumer choice is being heavily regulated. By opposing these regulations, consumers are no longer allowed to make choices as to how they want to spend their time at the brewery. Many choose to visit a brewery due to a special event or live music or trivia. These regulations reduce and eliminate the ability for the breweries to meet the needs of the consumer. So, again, in closing, I applaud and thank the Mount Olive leadership and Town Council for its support of New Jersey craft beer and more personally, for supporting a local business that happens to be owned by someone who lives in . . . has raised their family right here in the community.

President Nicastro: Thank you, Chuck. I want to thank Administration for getting this on quickly as well because we sent it over to them immediately and you know, we support the local businesses, you know, and it affects a lot of businesses. Not just yours. So, thank you for bringing that to our attention and I know we're all happy to keep this on here. Mr. Roman.

Mr. Roman: Yeah. I, too, when I found out that this law had been passed . . . it's reprehensible how in New Jersey, we keep finding more and more ways to make it difficult to own and operate a business in New Jersey. Chuck, would you be able to comment as to what the motive for this is? And I see Chuck has been . . .

Mr. Aaron: Sure. So, this has been regulation that started pre-Covid. The ABC felt that there was ambiguity in the original issuing of the license process 10 years ago. The regulations were halted due to Covid, and we used the last two years to negotiate with the ABC to come up with a better solution versus harsh regulations and we proposed many legislative solutions to this challenge. Heavily focused on restricting breweries are the restaurant and hospitality lobbyists who have been pushing the ABC to impose these regulations as they feel breweries are taking business away from bars and restaurants in local communities. So, that's where the direct influence is.

Mr. Roman: Is there anything else this governing body can do . . . endorse any legislation that's currently moving through our legislature that would aid you?

Mr. Aaron: Absolutely. There are several items that are on the Agenda list. One of the challenges of this particular timing is, it came out right at the July 1st holiday weekend. It went in the senate and the assembly went into recess. It went at a point where the Governor's out of the State. So, there's really nobody to talk to about this. It was imposed and heavily levied on the breweries. So far, you know, things like this Resolution, Senator Oroho and our local assemblymen have already issued letters in support of redacting these regulations and coming up with a stronger legislative solution. I sit on a committee representing New Jersey breweries, no longer as a board member but active in the legislative committee and we're working on . . . with local legislators, to come up with legislation to present in September when they take session again.

Mr. Roman: Thank you, Chuck, for bringing this to our attention. Let's hope we can, you know, get this out of the way.

Mr. Aaron: Thank you, Alex.

President Nicastro: Anyone else from the public wish to be heard at this time? Seeing none. Closed to the public. Anyone else from Council? Seeing none.

Mr. Stewart: One other one also . . . Senator Bucco is also pushing to get this overturned.

President Nicastro: Thank you. Susan, can we get a Roll Call again, please?

ROLL CALL: Passed unanimously

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

MOTIONS

- 1. Bill List

Mr. Mania: Thank you, Mr. President. I move the Bill List.

Mr. Amianda: Second.

President Nicaastro: Anyone from the public wish to be heard on the Bill List? Raise your hand. Seeing none. Anyone from Council have any questions/comments? Seeing none. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicaastro: Administration Reports. Mayor? Andrew?

ADMINISTRATIVE REPORTS

Mayor Greenbaum: Yeah, I'll start. First of all, Andrew, I'd like for you to give two updates. One with respect to the two water systems in Town, Pinecrest and the Carlton Water Systems where we have issues that we need to address and I'd like for you also to give a very quick update in terms of where we stand with the proposed increase to the State Health Benefits premiums that we're currently looking to possibly be imposed going forward.

Mr. Tatarenko: Sure. So, I'll start with the Carlton Water System. If you recall, this is the water system that is high in iron, and we've been trying to work on solutions to get that particulate out of the water system because some residents are finding that particulate in their water. So, we recently scoped the water tank, and we did find debris build up at the bottom of the tank and unfortunately, when we go to flush the tank, the debris is not being flushed due to where the outflow is, and the debris just sits there. So, our engineer is working with a contractor to develop a plan to robotically vacuum out the material. A proposal should be forthcoming this week. On this Agenda, there was another Resolution declaring an emergency so that we can move forward once that proposal is received. So, I'm hoping to have that tank cleaned out within the next two weeks. Pinecrest, I don't have anything . . . any new update to report other than what was already reported at the last meeting. Our engineer is working on a filtration system as well, to filter out the PFOAs, which are now required to be filtered out of public water systems as per the DEP. So, that'll be . . . most likely be done in next year's Budget. The health insurance that was going to be on my update . . . so, the Township participates in the State Health Benefits Program for our health insurance and prescription needs for all of our active and retired employees. It's governed by the State Health Benefits Commission. They're the ones that imposed the rates. We were recently notified that they were considering a 24 percent increase of a premium. What that translates to as far as a financial number based on our premiums and our employees, we're looking at about an \$800,000.00 increase in health insurance costs. This topic was on the Monday Agenda, however, due to the . . . I would say the outcry of legislators and administrators and CFOs throughout the State, that item was pulled from the Commissioner's Agenda. So, I don't know when they will further discuss it. They usually approve the rates between September and July so that come October for the enrollment period, all the rates have been established. I don't think it'll be high as 24 percent but I'm still assuming a significant increase. There was an article today about, you know, why that increase occurred. You know, they're saying it's due to Covid and the increase in the health insurance system, which is why the premiums need to go up because more people are using their health plans. So, you know, there are some legislators that are petitioning for a study or an investigation into how these premiums are increasing so drastically. So, I'm not sure where that's going to go but if that's where the rates are then, you know, we're currently contractually obligated to offer the State Health Benefit Plan, so, we're going to need to figure it out.

Mayor Greenbaum: All right. Let me follow up with that for a second. With respect to the Health Benefits Plan increase, while it's a big number, you know, we certainly have enough money in our cash balance fund going forward to handle that. That's not where the problem's going to come in. Without some . . . if such an increase is passed along to us, without relief from the Local Finance Board, it's going to push us up against our spending cap, which means that unless there's some kind of cap waiver, an \$800,000.00 increase to our Budget is going to create significant problems in terms of where our Budget will come in next year. We're not talking about a tax increase for the residents. What we're talking about is cutting our Budget to the point where we can include that without going over the cap and that's where I see the problem. It's premature, really, right now, to do anything about it because we don't know where it's going to come in, we don't know what action the Local Finance Board is going to take. I just wanted everyone to understand that that increase is going to create significant issues for the Township without relief. Getting on with the rest of my report, right now, if you've been up at Turkey Brook, obviously you've seen some of the improvements that are going forward in terms of our Capital program. Soccer field number three is currently in the process of being transitioned to a turf field. I believe that the mobilization is likely to happen this week. I know that our guys were up there taking down the fencing and the irrigation system. So, that's going to move forward. I also was advised by Andrew that the large pavilion that we're putting in close to the garage and the field where we hold most of our events is also likely to

begin within the next couple of weeks. Obviously, the basketball courts were done, and some significant work was done to the memory garden in terms of cleaning it up and looking to actually fence it in with some kind of nice, you know, low, white picket fence which is what I've requested. And also, a fountain in the retention basin that's over near Flanders Road to both add an additional aesthetic to the Township and also to deal with the algae that forms in that park. In terms of our events, Recreation's been very active. Obviously, we just finished up our carnival and my understanding, although I haven't seen the final numbers, that it was very successful, as it always is. Our Recreation Department is second to none. They also had a night where there was Music in the Park and I understand that was very successful as well. So, overall, Mount Olive Township is moving forward both fixing our problems and also improving our facilities and we've been able to do this, all of us together, without a tax increase for 10 years, which is pretty fantastic. Andrew? Anything you have to say?

Mr. Tatarenko: Thank you, Mayor. I do have a handful of items that I'll continue with some more good news. On the Agenda today, you approved the Resolution authorizing the grant agreement with the State for what's called the LEAP Implementation Grant, which assists with our shared service grants. So, we were awarded \$112,000.00 to purchase a new senior transportation bus and this was all due because we entered into a shared service with Washington Township this year to provide transportation for their seniors. So, again, not only do the shared services offset our Operating Budget, we're starting to utilize these agreements to purchase Capital items. Next year will be the bus and last year, we just purchased the sanitation truck. So, that's a good grant that we've been able to utilize. Also, Morris County Historical Preservation Commission also approved two of our projects for next year's funding. Roughly \$50,000.00 to start construction documents for the interior of the Seward House as well as a \$286,000.00 grant to continue with the exterior work at the Seward House. Those will be put into next year's Budget. Unfortunately, I did hear back from the DEP on a water quality restoration grant. This was a grant that I put in to continue the HAB mitigation at Budd Lake. Unfortunately, that application was denied. I'll continue to work for other opportunities but if there's no other significant funding then we'll just resort to using Open Space Funds as we have in the past. Also, you may recall, we entered into a settlement, or we joined a settlement in regards to the National Opioid Settlement. Mount Olive was anticipated to recover roughly \$325,000.00 so we went through the process of joining that settlement and the checks are slowly starting to be distributed. This week we'll get about \$10,000.00 as our first batch and there are specific programs that need to be implemented so I asked the Police Department and Health Department to come up with some ideas on ways we could use the funds to combat the opioids in Mount Olive. Also, I met with the County. They are still replacing some old bridges throughout Morris, or throughout Mount Olive. The next bridge that they have slated to replace is Stephen's Mill. It's an old bridge that was built in the seventies, so they're going to completely replace that. They're going to make it wider. They're going to change the approach to make it safer. So, that'll be done, hopefully next spring. They still need to replace the two bridges on Pleasant Hill but again, they're at least moving forward with these projects, and you may recall, we were going to purchase 67 Crease Road for Open Space. That transaction has been finalized, so, that's going to be added to our Open Space inventory. That's all that I have.

President Nicastro: Boy, that's a lot of stuff. Thank you, Andrew. Thank you, Mayor. Do we have any Old Business at this time? Mrs. Labow.

OLD BUSINESS

Mrs. Labow: I have a question. Not to rain on Andrew's parade, however, I have a question about the Pinecrest Water System for the . . . I have . . . it's sort of . . . it's real estate related in terms of purchases and sales when somebody tries to sell their house. As you know, if it was well water, they need to have a well test. Now it's a water system. How does that affect the sale of the house? The water's not exactly potable?

Mr. Tatarenko: I'll defer to Legal on that.

Mrs. Labow: Yeah, what do they do? Because it can be corrected if a system is put in. You know, and it is because it's not a cheap system, but it could be for each individual house until it's corrected. So, I'm very concerned for the homeowner. What's going to happen? How do we handle this?

Mr. Semrau: I would say, Colleen, let us take a look and work with the Administration and see if we can give you an answer that we can also give the residents as well.

Mrs. Labow: Mhm.

Mr. Semrau: You know, I don't want . . . I don't want to speculate right now. It's a good question and then have residents concerned. Let's see what we can do to get you the information you're requesting.

Mrs. Labow: Yes. Obviously, I've been asked the question by . . .

Mr. Semrau: Right.

Mrs. Labow: . . . several residents because they know I'm in real estate.

Mr. Semrau: Right.

Mrs. Labow: My thoughts were a possibility to look at, water, if we can do business with a water company in Town that would be willing to work with the residents and provide a . . . either a rental or something until the Town corrects the system, whatever. Just so that they aren't held liable, you know. I don't know. Whatever you guys come up with, it'll . . . I'm just concerned. I don't want anybody . . . I don't want us to get sued, for one thing. I don't want our residents to get sued. I don't want our new residents to feel they got screwed over or anything like that. So, that's where I'm at and you know me by now, Fred. You know how I feel about these things.

Mr. Semrau: Understood.

Mrs. Labow: Thank you, very much.

Mr. Semrau: You're welcome.

Mayor Greenbaum: Colleen. Colleen, if I could jump in here for a second.

Mrs. Labow: Okay.

Mayor Greenbaum: Obviously, if you're on a well, there's an obligation to provide a well test, which passes primary contaminate levels. There's no obligation with respect to secondary contaminate levels. When you do, when you sell a house with respect to . . . that's on a public system, there is obviously no such testing. It's similar, the way I view it, and obviously I defer to Legal at the end of the day, but the way that I view it is no different than any other due diligence standard that would be applied that the seller is not making any representations other than the fact that the house is on potable water and that the buyer, you know, is required to do their due diligence with respect to all the other factors that are involved and you know, again, I would defer to Legal Counsel at the end of the day, but that's the way that I see it. That they're . . . I don't know that there's any legal standard with respect to public water systems that you need to . . .

Mrs. Labow: Yeah.

Mayor Greenbaum: . . . to make representations to.

Mrs. Labow: Because the State has come forward with this and it affects other Towns besides ours.

Mayor Greenbaum: It affects . . . if you looked at the map as to where these are, it's everywhere within the State of New Jersey.

Mrs. Labow: Exactly, so people are . . . so, I want to know the correct response to give to my clients.

Mayor Greenbaum: I think the correct response is that you're on . . .

Mrs. Labow: Do your own . . .

Mayor Greenbaum: . . . a public water system and you need to do your own due diligence . . .

Mrs. Labow: Due diligence.

Mayor Greenbaum: . . . with respect to all of those issues related. The seller makes no representations other than the fact that the water system is public, and that the buyer should do their own due diligence with respect to all municipal approval systems and the like.

Mrs. Labow: Mhm. Thank you.

President Nicastro: Anyone else from Council have any Old Business? Seeing none. Any New Business? Seeing no New Business. Any Legal Matters? We have three legal team here.

NEW BUSINESS - none

LEGAL MATTERS

Mr. Semrau: Yeah, you do. Well, I do have one tonight, Council President. Good evening, everyone.

Mr. Roman: Good evening.

Mr. Semrau: Last November, this governing body and Administration identified a property over on Pondview. It's a 22-acre site. It's a beautiful site. It has, even, what you'd call a boardwalk going around the pond on the site for, you know, a multitude of potential uses for the Township and the Administration identified the property into foreclosure and a Sheriff's Sale and the governing body took the necessary steps which many Towns don't participate in Sherriff's Sales, and we did, and Andrew went to the Sheriff's Sale. The Township was the successful bidder and that was on November 18, 2021. The concern we had and why, and many communities aren't able to do this is, well, how can we turn this around now and close inside of 30 days, as we're required by law. Fortunately, the Administration and Finance, we were ready to go. The Administration also had an opportunity to undertake some due diligence regarding the property. And again, all set to go. The bank, TD Bank, had a defect in their foreclosure and they represented that they would take care of it. It was just simply to have one of the individuals with an interest in the property be appropriately notified on the foreclosure and either waive their right to the foreclosure or have to re-foreclose again. We've tried to work with TD Bank, and we've given them an opportunity to correct this defect and they failed to do so. We then gave them what's known as a "time is of the essence letter" and told TD Bank on a Sherriff's Sale that we're ready to close on July 22, 2022. We took all of the steps. Finance . . . the Finance Department had the funding available; Andrew was ready to close, TD Bank did not appear. So, now we're in a position where we really want to proceed with this property. We believe TD Bank has not lived up to its terms or has breached its obligation to the Township and the Administration certainly doesn't want to lose this property. So, we're asking for a motion for our office to commence a contractual action, a complaint, in Superior Court, to enforce the closing of this property and in the alternative, damages if TD Bank cannot deliver this closing and this property and all the costs that we've incurred in the meantime. So, if I may just ask for a motion so that's it's on the record, to move. If I may do so now, Council President. If that would be okay.

President Nicastro: That's fine, Fred.

Mr. Semrau: This will be a motion for our office to commence legal action to seek either a breach of contract or to force the transfer of good title to the Township for the property know as 5 . . . is it 5 Pondview, Andrew? I just want to make . . .

Mr. Tatarenko: Yes.

Mr. Semrau: . . . sure . . . 5 Pondview, which is known as Sherriff Sale number 2000462 and I would just ask for a motion, Council President, to authorize us to take that action.

President Nicastro: Do we have a motion?

Mrs. Labow: I have a question.

Mr. Mania: So moved.

President Nicastro: And a second?

Mrs. Labow: No, I have a question.

President Nicastro: Okay. I was going to ask you when we get a second.

Mrs. Labow: Oh. All right. Second. And then I have a question.

President Nicastro: Now you can ask any questions.

Mrs. Labow: I have a question. So, would the problem that they have that they're trying to rectify with that . . .

Mr. Semrau: Yes.

Mrs. Labow: Now, if we make this motion, are we going to be saddled with the . . . problem with the . . .

Mr. Semrau: No. No, Colleen. That's why we're filing. Because we want them to come to closing to convey good title to the Township. Not the . . .

Mrs. Labow: They're still going to have to take care of that?

Mr. Semrau: That's correct.

Mrs. Labow: Okay.

Mr. Semrau: Yes.

Mrs. Labow: No matter what?

Mr. Semrau: Yes.

Mrs. Labow: Oh, good. I have no problem with it.

Mr. Semrau: Okay.

President Nicastro: All right. Any other questions? Seeing none. Then, can we have a Roll Call, please? You're muted.

Mr. Roman: You're muted.

President Nicastro: You're muted.

Miss Gouveia: Muted. I'm muted this time.

ROLL CALL: Passed unanimously

President Nicastro: So, that's passed, Fred.

Mr. Semrau: Yes.

President Nicastro: Anything else that you need?

Mr. Semrau: Only to report there's been a power outage over off of Drakestown Road that I can attest to, Council President. Power is to resume I think around 10:30pm tonight. But otherwise, nothing further and thank you, very much.

President Nicastro: Thank you. All right. Council Reports. Mr. Amianda, do you have anything on Board of Education or Senior Citizens, please?

COUNCIL REPORTS

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

Mr. Amianda: No report from Board of Education and no report from Senior Citizens.

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

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

Mr. Ferrante: Nope, nothing until next meeting.

President Nicastro: Thank you. Mrs. Labow, anything on Open Space, Board of Health, or Stigma?

Open Space Committee Report – none
Board of Health Report – none
Stigma Committee – none

Mrs. Labow: No, but before we move on to the next Council member, I just want to mention to you guys that 3 Pondview Lane is for sale now over there. In case anybody's interested.

President Nicastro: Settle down.

Mrs. Labow: If you want. I know it's a beautiful house but yeah, Board of Health does not meet during the summer and unfortunately, I missed the Open Space Meeting. So, yeah.

President Nicastro: No problem. Mr. Mania, anything on Legislative or Planning?

Legislative Committee Report – none
Planning Board Report

Mr. Mania: Planning Board, we had last week, Mr. President. We had three Resolutions we voted on. A development matter, two development matters carried to September.

President Nicastro: Okay. Thank you. Mr. Stewart, anything on Economic Development?

Economic Development Committee Report
Community Action Panel Report – none

Mr. Stewart: Yes, Economic Development, although it hasn't met, I want to make some recognition to Jeff Stadelman who has resigned as a long-term Chairman for his community service over many years as EDC Chair. So, again, thank you, Jeff for all the work.

President Nicastro: Thank you. Mr. Roman, anything on Recreation?

Recreation Liaison Report – none

Mr. Roman: I have nothing on Recreation other than to report that the, once again, our Mount Olive Carnival was a huge success. Thousands attended, creating memories for a lifetime. Thank you.

President Nicastro: Thank you. At this time, I can open it up to the public. If anyone has any questions or comments or concerns, you can raise your hand now on your Zoom . . . on your app and we will recognize you. Seeing no hands at this time, I will close it to the public and I will go around for Council Comments. Mr. Amianda, any comments?

PUBLIC PORTION - none

COUNCIL COMMENTS

Mr. Amianda: No comment.

President Nicastro: Mrs. Labow, anything?

Mrs. Labow: I just want to say, while I could not go to the carnival, from everybody I heard from, it was just absolutely phenomenal event and I want to thank our entire, especially the Recreation Department, putting it all together. All of our staff, all of our employees, just incredible job well done, and I have to say, I saw the most remarkable picture. My son took a picture of my grandson Tyler and it's on my Facebook page and I believe it's going to be on the Recreation page too. The look on his face of utter . . . Joe, I sent it to you, didn't I?

President Nicastro: I've seen it, yup.

Mrs. Labow: Oh, my God, the look on his face. Holding his hands like this, looking at one of the rides was the most incredible picture. I'll have to send it to you guys. It was just amazing, and it just sort of . . . not just because he's my grandson. It was just that childhood wonder, excitement and it just spelled it all right on his face and anyway, it was just . . . even though I couldn't go, that just . . . I sat there crying, looking at the picture, wishing I had been there. So, you guys did a great job. Thank you, so much. Absolutely phenomenal. So, thank you.

President Nicastro: Mr. Mania.

Mr. Mania: Yeah, everybody stay healthy and God bless.

President Nicastro: Mr. Roman.

Mr. Roman: I can't recall if at that last meeting, we congratulated Claudia on her recent nuptials.

Mrs. Labow: Oh, yes.

Mr. Roman: So . . .

Mrs. Labow: That's right.

Mr. Roman: I'd like to take . . .

Mrs. Labow: Congratulations.

Mr. Roman: So, I'd like to take this opportunity to congratulate her and most importantly, to congratulate Mr. Quinn for engaging and finally . . . so, congratulations to both of you.

Mrs. Tomasello-Quinn: Thank you.

Mrs. Labow: Congratulations to Susan, too, for her new position, her . . .

President Nicastro: There we go. It was freezing a little bit. Mr. Ferrante.

Mr. Ferrante: Nothing tonight, thanks.

President Nicastro: Okay. Mr. Stewart.

Mr. Stewart: Just a reminder to everybody. National Night Out is this coming Tuesday.

President Nicastro: Okay. That's it. So, seeing everyone. Does someone have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:48pm.

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 August 9, 2022.

Michelle Masser, Township Clerk

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