

The Public Meeting of the Mount Olive Township Council was called to order at 7:07pm by President Nicastro.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT

President Nicastro: According to the Open Public Meetings Act, adequate notice of this meeting date and conversion of the in-person meeting to a Zoom meeting has been given to the Daily Record, posted on the Mount Olive Township website, posted on the outside front door of the Municipal Building, 204 Flanders-Drakestown Road, Mount Olive Township, New Jersey and sent to those requesting the same.

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

Absent: Mr. Amianda

Also Present: Michelle Masser, Township Clerk; Sue Sharpe, Township Attorney; Robert Greenbaum, Mayor (arrived at 7:15pm); Andrew Tatarenko, Business Administrator; Claudia Tomasello, Assistant Business Administrator; and Sherry Kolody, CFO

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

President Nicastro: Approval of the Minutes. Mr. Ferrante, would you approve the Minutes for May 26, 2020 Workshop and Public Meeting, please?

May 26, 2020 WS & PM (Absent: D. Amianda)

Mr. Ferrante: Sure. I make a motion to move the May 26, 2020 Workshop and Public Meeting Minutes.

Mr. Stewart: Second.

Mrs. Labow: Second.

President Nicastro: All in favor?

Mr. Mania: Aye.

Mrs. Labow: Aye.

Mr. Roman: Aye.

President Nicastro: Any opposed? Oh, that’s Roll Call. Oh, no. Yeah. We need a Roll Call on that. I’m sorry.

ROLL CALL: Passed unanimously

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/ OTHER TOWNS

- 1. Email received May 26, 2020 from NOFA-NJ regarding NOFA-NJ Upcoming Events May 26, 2020.

RESOLUTIONS / ORDINANCES OTHER TOWNS

- 2. Email received May 22, 2020 from the Town of Boonton regarding Coronavirus Relief Fund, Resolution 20-137.
- 3. Email received May 22, 2020 from Township of Randolph regarding Randolph Twp. Re-introduction of Ord. #03-20.
- 4. Email received May 22, 2020 from Township of Randolph regarding R-143-20 Re-Opening of Morris County/ Randolph Township and R-144-20 COVID-19 Pandemic Impact.
- 5. Email received May 26, 2020 from Township of Mine Hill regarding Coronavirus Relief Fund, Resolution 075-20.

6. Email received May 29, 2020 from Borough of Riverdale regarding Coronavirus Relief Fund, Resolution 100-2020.
7. Email received June 3, 2020 from Borough of Butler regarding Borough of Butler Resolution No. 2020-57 Urging the State of New Jersey to Provide direct Stabilization Funding to Morris County from the Coronavirus Relief Fund.

STATE AGENCIES

8. No Further Action letter received May 21, 2020 from NJDEP regarding Area of Concern: -550 gallon#2 Heating Oil Underground Storage Tank System. Unrestricted Use – No Further Action Letter and Covenant Not to Sue, Block 1503, Lot 7, 21 South Hillside Ave, Mount Olive Twp., Morris County. Program Interest #545067, Activity Number: CSP100001. Communications Center Number: 08-11-25-1057-54, File 14-27-296.
9. Letter received May 21, 2020 from NJDEP regarding Application for the Renewal of a Letter of Authorization. Veolia ES Technical Solutions, LLC. Regulated Medical Waste (RMW) Commercial Collection Facility, Mount Olive Twp., Morris County. Preferred ID 494362, RMC140001.
10. Email received May 22, 2020 from NJDEP regarding NJDEP Weekly Update.
11. Email received May 29, 2020 from NJDEP regarding NJDEP Weekly Update.
12. Email received June 1, 2020 from NJDEP regarding DEP-PFOA-PFOS Rule Adoption.

MORRIS COUNTY

13. Email received May 27, 2020 from Morris County regarding This Week in Morris County: COVID Scams, Unemployment, Trash Disposal.
14. Email received June 3, 2020 from Morris County regarding This Week in Morris County: George Floyd Statement. COVID-Childcare, Dining, Tax Appeals.

President Nicastro: We have 14 pieces of Correspondence. Does anyone have anything on those Correspondence? Seeing none.

Mrs. Labow: Wait, one second. John had a question on number eight, didn't he?

President Nicastro: Did you have a question on number eight, John? Of the . . .

Mr. Mania: Yeah, I had a . . . I wanted to know if the State's allowing 550-gallon tanks in the ground. Oil tanks. Number two oil.

Miss Masser: That's like a . . . this is a standard No Further Action Letter. From what I can recall, I think it's always 550, no?

Mrs. Labow: Not in the ground.

Miss Masser: Oh, underground storage, okay.

Mr. Mania: It says underground storage tank system.

President Nicastro: Right. Unrestricted Use, No Further Action Letter and . . .

Mr. Roman: Right. I read those . . . these letters all the time. Basically, you would have to pull up the Correspondence on it because more than likely the DEP just closed out the case, so, either the homeowner mitigated the issue or some other thing that the DEP found reasonable. But you would have to pull . . . pull that file and see what the whole case is about. Those No Further Action Letters, you know, you know, come by all the time.

Mrs. Labow: Yeah . . .

Mr. Roman: So, unfortunately, we . . .

Mrs. Labow: . . . that means they finished everything.

Mr. Roman: . . . you would have to pull the file. Yeah.

Mr. Mania: My biggest concern is underground 550-gallon tank, underground. I have a concern.

Mr. Roman: I agree wholeheartedly but just from this alone, it doesn't indicate that whether the State is allowing the resident to leave that tank in the ground, so, you would have to, unfortunately, pull the case file. It's available on the State website. I think we should probably even have . . . they sometimes send us a copy, I believe. I don't know, Michelle, if you could correct me on that.

Mrs. Labow: We do. We get all the paperwork for that, Alex.

Mr. Roman: Yeah.

Mrs. Labow: But when . . . the way it's said, John . . . No Further Action . . . I think what they're . . . the approval from the State was that they approved of the remediation. The removal of the tank. That's usually how it's . . . it's written out. So, I don't think they're approving to have a tank underground, just approving how it was, you know, decommissioned.

Mr. Mania: The removal of the tanks has to be done by somebody who's licensed to do that.

Mrs. Labow: Oh, yeah.

Mr. Mania: Okay.

Mr. Tatarenko: I'll follow up with it tomorrow.

Mr. Mania: Thank you.

Mrs. Labow: Thank you.

President Nicastro: Thank you. Anyone else on those? We have no . . . let me see. Mrs. Labow, would you move to table Resolution . . . we have to make a motion to table Resolution 13-2020.

ORDINANCES FOR FIRST READING: (2nd reading June 23, 2020)

Ord.#13-2020 An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Amending Chapter 169, Dogs and Other Animals, of the Township Code to Modify Certain Provisions. ***REVISED 6/9/20**

Mrs. Labow: Thank you, Mr. President. I make a motion to table Ordinance #13-2020.

Mr. Roman: Second.

President Nicastro: Any discussion?

Mrs. Sharpe: I believe if you are going to table it, you need to provide a date that you're tabling to.

Mrs. Labow: Oh, okay.

Mrs. Sharpe: It can't just sort of hang out there.

President Nicastro: It would be . . .

Mrs. Labow: All right . . .

President Nicastro: . . . what's our next meeting?

Mrs. Labow: That'll be June . . . June 23, 2020 is the date we're aiming for?

President Nicastro: June 23, 2020.

Mrs. Labow: Yeah, June 23, 2020.

President Nicastro: Correct. Thank you.

Mrs. Sharpe: And if you would do a Roll Call vote for that, please.

President Nicastro: Yeah. Roll Call, please.

Mrs. Labow: We have . . .

President Nicastro: Oh, go ahead. I'm sorry.

Mrs. Labow: We have to second my amendment.

President Nicastro: I think . . .

Mrs. Labow: Putting the date.

Miss Masser: Alex. He seconded it.

Mrs. Labow: Okay.

Mr. Roman: Yup.

Miss Masser: Yup.

President Nicastro: Everybody's okay? No conversation? No questions? We'll . . . 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.

PUBLIC PORTION ON CONSENT RESOLUTIONS

1. Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Approving and Authorizing the Execution of a Temporary License Letter Agreement Between the Township of Mount Olive and Katie Cox.
2. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Authorizing a First Amendment to Structure Lease Agreement Between the Township and New Cingular Wireless PCS, LLC For Relocation of Cellular Equipment Located on the Sutton Place Water Tower.
3. Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Temporarily Waiving Fees for Outdoor Dining Applications Within the Township. ***REVISED 6/9/2020**
4. Resolution of the **Township** of Mount Olive, in the County of Morris and State of New Jersey, Temporarily Waiving Fees and Extending the 14-day Time Limit for Certain Temporary Signs Within the Township.
5. Resolution of the Township Council of the Township of Mount Olive Authorizing the Township to Abate Certain Nuisance Properties Located at Block 1001, Lot 21. (33 Karen Place)
6. Resolution of the Township Council of the Township of Mount Olive Authorizing the Township to Abate Certain Nuisance Properties Located at Block 440, Lot 57. (195 Route 46)

7. Resolution of the Township Council of the Township of Mount Olive Authorizing the Township to Abate Certain Nuisance Properties Located at Block 3403, Lot 12. (18 Outlook Avenue)
8. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of a Professional Services Agreement for Green Acres Land Surveying Services to DMC Associates, Inc. Land Surveyors.
9. Resolution of the Township Council of the Township of Mount Olive Authorizing the Award of a Professional Services Agreement for Pediatric Medical Director – Board of Health to Susheela Thomas, MD LLC.
10. A Resolution of the Township of Mount Olive, in the County of Morris and State of New Jersey, Approving and Authorizing a Developer’s agreement between the Township of Mount Olive and Waterloo Road Development, LLC. ***ADDED 6/9/2020**

President Nicastro: We have 10 Consent Resolutions. Does anyone wish to move any to Non-Consent? Seeing none. Mr. Mania, would you move Resolutions one through ten, please?

Mr. Mania: Yes, I move for approval of Resolutions one through ten.

Mrs. Labow: Second.

President Nicastro: Does anyone have any . . . anyone from the public wish to be heard on these? If you see anyone on that, Andrew, let me know.

Mr. Stewart: There is a hand raised.

Mr. Tatarenko: Yeah, that was from a previous, I think, public session. So, I think they’ll . . . they should speak at the last public session.

President Nicastro: The last portion.

Mr. Tatarenko: Yeah.

President Nicastro: Okay. Seeing none, then. We will close to the public. Anyone from Council have anything?

Mrs. Labow: I . . .

President Nicastro: Yup.

Mrs. Labow: I just have a question about number 10.

President Nicastro: Yes.

Mrs. Labow: Andrew, what’s going on with that? The Waterloo . . . is that . . . ?

Mr. Tatarenko: Yes, that was a development that’s a property across the street from the Stanhope Cemetery there.

Mrs. Labow: Oh, okay.

Mr. Tatarenko: The owner made some slight modifications to the building and he’s also expanding a larger parking lot in the new piece of property that he owns.

Mrs. Labow: Okay, so it’s not KDS.

Mr. Tatarenko: No.

Mrs. Labow: No. Okay. I just wanted to make sure. Okay. I’m good.

President Nicastro: Okay. Thank you. Let’s see what we have . . .

Miss Masser: Anybody . . . okay, wait.

President Nicastro: Go ahead, please. Yup.

Miss Masser: Colleen seconded it. I'm going to do Roll Call.

President Nicastro: Roll Call.

ROLL CALL: Passed unanimously

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

MOTIONS

1. Bill List.

Mr. Stewart: Thank you, Mr. President. I move the Bill List for adoption and final passage.

Mrs. Labow: Second.

Mr. Mania: Second.

President Nicastro: Does anyone from the public have any questions on the Bill List?

Mr. Tatarenko: No questions on the Bill List and just as a reminder, if you're using your phone, to press nine to raise your hand.

President Nicastro: Seeing none. Closed to the public. Council, any questions?

Mrs. Labow: There's nobody from the public?

President Nicastro: Nobody from the public.

Mrs. Labow: Okay.

Mr. Tatarenko: Not on the Bill List.

Mrs. Labow: Oh, not on the Bill List. Okay.

President Nicastro: Roll Call please.

Miss Masser: I . . . who . . .? That's . . .

Mr. Tatarenko: We have to come back around to her. Yeah.

Miss Masser: Okay, okay. Just checking.

ROLL CALL: Passed unanimously

President Nicastro: We . . . Administrative Reports. The Mayor's on and Andrew.

ADMINISTRATIVE REPORTS

Mr. Tatarenko: Rob?

Mayor Greenbaum: Yeah. I'm here.

President Nicastro: We can hear you.

Mayor Greenbaum: I don't have anything.

Mr. Tatarenko: Neither do I, Council President.

President Nicastro: Okay. Do we have any Old Business? Seeing none. Do we have any New Business? Seeing none. Any Legal Matters?

OLD BUSINESS - none

NEW BUSINESS - none

LEGAL MATTERS - none

Mrs. Sharpe: Nothing tonight, Council President. Thank you.

President Nicastro: Thank you. Council Reports. Mr. Ferrante, is there anything on Environmental, Lake, or Library issues?

COUNCIL REPORTS

Environmental Committee – none

Lake Issues – none

Library Board Liaison

Mr. Ferrante: No. Library got cancelled today and rescheduled for next week.

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

Senior Citizen Liaison – none

Open Space Committee Report – none

Board of Health Report – none

Stigma Committee – none

Mrs. Labow: Not at this time.

President Nicastro: Thank you. Mr. Mania, anything on Legislative or Planning?

Legislative Committee Report – none

Planning Board Report

Mr. Mania: Planning meeting coming up.

President Nicastro: Thank you.

Mr. Mania: Last meeting was cancelled.

President Nicastro: Mr. Stewart, anything on Economic Development or Community Action Panel?

Economic Development Committee Report

Community Action Panel Report

Mr. Stewart: Yes. The Economic Development Committee has been working in conjunction with Andrew and the Township, as well as with the Mount Olive Area Chamber for the preparation to support the businesses for a . . . to help them reopen and advertise the fact that they're open. So, a lot of those things, including the waving of the sign fees, a lot of work by Andrew and Lisa. Thanking both of them for all the work they put in that supports everything we're up to.

President Nicastro: Thank you.

Mrs. Labow: Joe.

President Nicastro: Yes.

Mrs. Labow: Can I add something?

President Nicastro: Yes.

Mrs. Labow: I just want to ask Greg; did you hear we have a new business in Town at the old Seiko building?

Mr. Stewart: Ah, yes.

Mrs. Labow: Breaking Games.

Mr. Stewart: Yes.

Mrs. Labow: Nice big business. My husband works there, actually.

Mr. Stewart: Oh, that's where he ended up.

Mrs. Labow: Yeah. That's how come I know.

Mr. Stewart: Oh, got it.

Mrs. Labow: It's a very, very good company. I'm real excited about it.

Mr. Stewart: Yeah, we also have a lot of activity coming down the road with this good news.

Mrs. Labow: Yeah.

President Nicastro: Always good news. That's for sure. Mr. Roman, anything on Recreation?

Recreation Liaison Report – none

Mr. Roman: Nothing exactly on Recreation. I just want to report that last night, the 150th Anniversary Committee met for the first time and we started outlining some of the planning to celebrate Mount Olive's 150th next year. So, we're looking forward to being able to report on more . . . more things to follow with that.

Board of Education Liaison Report – none

President Nicastro: Thank you. Okay. We're up to the public portion. So . . .

Mr. Tatarenko: So, I do see that Louisa Melendez raised her hand. I'm going to unmute her mic and see if she has any comment or if that was a mistake.

President Nicastro: Just . . . yeah, state your name and address for the record, whoever does want to speak public.

PUBLIC PORTION

Ms. Melendez: Yes, my name is Louisa Melendez. I'm a resident here in Mount Olive. I don't know if this is the correct forum, but maybe I will get some orientation where to go. With the Governor's announcement today to lift the restrictions, is there any orientation for the seniors? Because they are already planning parties . . . indoor parties, so, I'm not sure what is the restriction for indoor parties and how many people but they are planning to have it here in Mount Olive. My daughter received an invitation. I said "No." So, what kind of orientation is going to be given to the kids or the police? What is the regulation from the police on the gatherings? Indoor gatherings here for graduations.

President Nicastro: Excuse me, could you just state your address, please? For the record.

Ms. Melendez: Yes, 6 Green Hill Road, Hackettstown, New Jersey.

President Nicastro: Thank you. Andrew, have you heard anything? Or Colleen, with the seniors at all?

Mrs. Labow: She's talking about senior high school kids, I think.

Mr. Tatarenko: Senior graduation parties.

President Nicastro: Oh, okay. Okay. I got you.

Mr. Tatarenko: My understanding of the new Executive Orders that he announced today was that indoor gatherings, he is lifting to 50 percent of your capacity or 50 people, whatever is less, and that 100 people are now allowed to gather outside and that's going to be raised to 250 next week and then 500, come July 4, 2020. So, I want to review that with the Chief and, you know, see how that pertains to parties, but, it seems like, you know, outdoor gatherings of 100 or more that are organized, would be able to congregate, again, with social distancing restrictions.

Ms. Melendez: Okay.

Mayor Greenbaum: Except . . .

Mrs. Melendez: Thank you.

Mayor Greenbaum: . . . except that . . . this is Rob. Except that to the extent that there's going to be alcohol, which is served to minors, they're going to have a problem.

Ms. Melendez: Yeah, but . . .

Mayor Greenbaum: So . . .

Ms. Melendez: . . . I think it's . . .

Mayor Greenbaum: . . . while . . .

Ms. Melendez: . . . it's not for commercial . . . it's in the house. They're not going to serve alcohol, well, that I know. But it's my concern because . . .

Mayor Greenbaum: Yes . . .

Ms. Melendez: . . . you know, it's just the beginning and, you know, it's hard to . . . for you to try to keep the kids in the line if other parents are not doing it.

Mayor Greenbaum: Yes, but what's going to happen is the same as before COVID-19 was an issue. If parents allow minors to drink, they're subject to arrest and prosecution.

Ms. Melendez: Yes.

Mayor Greenbaum: Whether or not the police department is going to strictly enforce that, how they're going to find out about it, that's a different story. So, while we can't do anything about the fact that there may be gatherings of high school seniors celebrating their freedom; their graduation, the bottom line is the prohibition against the service of alcohol to minors is still in place and may subject any resident to, as I said, arrest and prosecution for service of alcohol to minors.

President Nicastro: So, Andrew, you're just saying that the hundred gathering, like we all read today, it's 100 people outside are okay, barring the alcohol situation, according to the Governor.

Mr. Tatarenko: I haven't read the entire Executive Order, so, I would like to take Louisa's information and I could follow up with her.

President Nicastro: Okay. That will work. We'll get back to you on that as well, Louisa.

Ms. Melendez: Thank you.

President Nicastro: Thank you.

Mr. Roman: Joe.

President Nicastro: Yes.

Mr. Roman: And Andrew . . . based on the Health Department's contact tracing, has there been any indication that any of the positive results within the Township have been sourced back to gatherings inside? Because, you know, I too have witnessed more people gathering in homes . . . not in huge, large numbers, but, you know,

parties of, you know, 10-15 adults and I'm just wondering if that . . . if there's been any uptick in cases and if they have been led back to such gatherings.

Mr. Tatarenko: I'll follow up with them and I'll see if there's any way that that's . . . that they could tell from the data.

Mr. Roman: All right. Appreciate it.

President Nicastro: Thank you. Does anyone else from the public wish to be heard at this time?

Miss Masser: Gayle has her hand raised.

President Nicastro: Yup.

Miss Masser: Cheryl has her hand raised.

Mr. Tatarenko: All right. Gayle . . . you should be allowed to talk now.

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

Ms. Furbert: Yes, can you hear me?

President Nicastro: Yup.

Ms. Furbert: My name is Gayle Furbert, 187 Mine Hill Road, Hackettstown, New Jersey. I've been in contact many, many times with Public Works concerning a tree that is in front of our home that's on Town property. At this point it is dead and I have really serious concerns about violent weather, high winds, and if this were to go down, it would cause damage to my property. How can I get some resolution from the Town to come out and examine this tree so we can take care of it?

President Nicastro: Andrew, can you have Tim Quinn look at that?

Mr. Tatarenko: Yup, if I have the address . . .

Mayor Greenbaum: This is Rob. Yeah, this is Rob. If you give the address to Andrew Tatarenko, I'll make sure that somebody is out there this week to take a look at the tree. I'm not guaranteeing that somebody's going to take it down but I am guaranteeing that somebody will be out there this week to look at the tree and to speak to you.

Ms. Furbert: I appreciate that. Thank you, very much.

President Nicastro: Thank you.

Mr. Tatarenko: Michelle, do you have . . .

Mayor Greenbaum: Yup.

Mr. Tatarenko: . . . her address?

Miss Masser: No, she . . . I have 187 Mine Hill Road?

Ms. Furbert: That's correct.

President Nicastro: . . . tree? Okay. In front of that area?

Ms. Furbert: Yes.

President Nicastro: Okay. Thank you for bringing that up.

Ms. Furbert: Thank you.

Mayor Greenbaum: You should also give your telephone number to the Clerk after . . . contact the Clerk this week so that we make sure we have your telephone number so that when Tim Quinn or whoever comes out from DPW, they can make sure that they're in touch with you.

Ms. Furbert: Okay.

President Nicastro: Anyone else from the public?

Mr. Tatarenko: Cheryl, you've been unmuted.

President Nicastro: Yup. Just name and address for the record, please.

Mrs. Conway: Unmute. Hello?

President Nicastro: Yes, you're there.

Mrs. Conway: Okay. Hi, Cheryl Conway, 3 Willow Court, Flanders. So, this is a question from my kids who love to play soccer. They know that the fields are open but they want to know when the nets will be open. I think they're locked and they can't . . . I guess they can't kick the ball through the nets, so, they wanted me to ask that question.

President Nicastro: Okay.

Mayor Greenbaum: The nets actually belong to the Mount Olive Soccer Club.

Mrs. Conway: Yeah.

Mayor Greenbaum: So, when the Mount Olive Soccer Club decides to unlock them, that's when they'll be unlocked. We don't own the goals.

Mrs. Conway: Okay, so they could just go on the field but they can't, I guess, really play soccer without the nets.

Mayor Greenbaum: We don't own . . . we don't own the goals.

Mrs. Conway: What about the . . .

Mayor Greenbaum: Mount Olive Soccer Club does.

Mrs. Conway: . . . the goals at the schools or Flanders Park? Are those open?

Mayor Greenbaum: Again, the goal . . . the schools, you'd have to contact the Board of Education and I know that the nets at Flanders Park are also owned by the Mount Olive Soccer Club.

Mrs. Conway: Okay.

President Nicastro: They own that. Yup. Okay. Does anyone else from the public wish to be heard at this time?

Mr. Tatarenko: Please either raise your hand or if you have a phone, press nine. Council President, I do have a handful of emails that were sent in within the last couple of days. I don't know if I need to read them into the record. They all pertain to the Ordinance. Even though we're tabling it, I think I have to still read the emails into the record.

President Nicastro: Okay.

Mr. Tatarenko: Okay. The first one is from Jill Kohrs. I don't have an address. "Regarding the above, which is the No Kill Ordinance meeting, I wanted to reach out to you to let you know that back in December, we adopted our cat Blue. I actually saw a picture of him on the Mayor's Facebook page, which prompted me to contact Mount Olive TNR to find out more information about him. Six months later, Blue is a lap cat, and young and healthy and part of our family, however, when at the pound, he was so scared that the vet thought that he was feral and ear tipped him for TNR. I am a long-time Flanders resident and oppose the Council passing an Ordinance saying it's okay to kill impounded cats like Blue based on the temperament at the pound. I believe

such cats should be sent to rescues or if truly suspected to being feral, trap, neutered, and returned, rather than killed at the end of seven days. We cannot imagine not having Blue as part of our family. I hope by sending this, it will cause you to reconsider your stance and perhaps will help other cats have the same chance at finding a family as Blue.”

The next email is from Annmarie Kruszka from 8 Brewster Place. “Good morning, I am unable to make tonight’s Council meeting but wanted to submit a comment for the meeting record. I formally request that my email be forwarded to all Council members. I hereby request an Ordinance that protects impounded feral cats, senior cats and dogs, and animals with treatable health conditions. A ‘No-Kill’ Ordinance should mean animal life is preserved.”

An email from Ariel Hahn . . . Ariel and Steve Hahn-Rhinesmith. I am . . . I need to mute somebody.

President Nicastro: Yeah, thank you.

Mr. Tatarenko: “I am not able to attend the Town Council meeting tomorrow, so please consider my following comments as a Mount Olive resident, and add it as a record for the meeting. It has come to my attention that the Town’s stance on no-kill may be up for a vote or review in the near future. I am imploring you and the Town Council members to keep our animal friends safe. I am respectfully requesting an Ordinance that protects impounded feral cats by mandating that they be ‘TNR’d.’ Cats should not be killed simply for being feral and ‘unadoptable.’ Cats also shouldn’t be killed for being senior or having treatable health conditions. I am proud to be part of this Town, but this sort of treatment of cats would break my heart. Thank you for your consideration.” That is all.

The following comments were also received and are part of the meeting record.

“Dear Rob, Andrew, and Council,

It just now came to Mt. Olive TNR Project's attention that there is an animal control ordinance up for first reading tomorrow, intended to supplant the ballot initiative we're working on. We were not informed of this ordinance. I'm writing to ask that you table it for now, because it contravenes the main points of the ordinance on the ballot initiative-- an ordinance that we drafted with Andrew, the Health Officer, Assistant Health Officer, and Councilwoman Labow over a period of many months last year. The Faulkner Act, which provides the right of ballot initiative in Mt. Olive is very clear that if the petition has sufficient signatures (which we almost do already) and is certified by the clerk, "the municipal clerk shall submit the ordinance to the voters" unless the council passes "an ordinance requested by an initiative petition in substantially the form requested." NJS 40:69A-191. New Jersey Courts, including the NJ Supreme Court, have interpreted "substantially the form requested" to not allow anything other than technical changes, strongly supporting the right to initiative and saying that, as long as the ordinance is not substantively invalid on its face by violating one or more state statutes, it is not the court's or a municipal governing body's decision to decide which parts of an ordinance petitioners were requesting when they signed the ordinance. The Appellate Division has stated:

"Indisputably, in Faulkner Act municipalities there is a “strong public policy favoring the right of the voters to exercise their power of initiative.” Clean Capital, supra, 228 N.J.Super. at 510, 550 A.2d 494 (examining an initiative ordinance under the Optional County Charter Law). That policy derives from the Faulkner Act's goal “to confer upon municipalities the greatest possible power of local self-government consistent with the Constitution of this State.” Mun. Council of Newark, supra, 183 N.J. at 363, 873 A.2d 544 (citation and internal quotation marks omitted). For that reason, “[s]tatutory provisions for initiative ... [should] be liberally construed to effect the salutary objective of popular participation in local government.” Concerned Citizens of Wildwood Crest v. Pantalone, 185 N.J.Super. 37, 43, 447 A.2d 200 (App.Div.1982). ...The Act provides that if, within twenty days of an initiative petition's submission to the municipal clerk, the municipal council “shall fail to pass an ordinance requested by an initiative petition in substantially the form requested ... the municipal clerk shall submit the ordinance to the voters unless” the Committee of Petitioners withdraws it. N.J.S.A.40:69A–191 (emphasis added). We agree with respondents that this language requires that initiative petitions under the Faulkner Act reach the voters in substantially the same form as presented to the petitioners.... Moreover, in view of the strong policies underlying the Faulkner Act, courts should not be making what are often subjective decisions about the intent of voters who have signed initiative petitions. ... If a voter signs a petition in a certain form, he or she should expect to see the proposed ordinance in substantially that same form on the ballot. A court cannot discern with any certainty which provisions of an initiative ordinance induced each voter to sign it. It is not the role of the courts to interfere with the legislative powers granted to citizens of Faulkner Act municipalities.” In the Matter of an Initiative Petition for the Adoption of an Ordinance to Amend the Jackson Township Administrative Code, 437 N.J.Super. 203 (2014)

The ordinance that is on the agenda for tomorrow is clearly not in the same substantial form as the ordinance on the petition that already has almost enough signatures to be put on the ballot. In fact, it completely contradicts one of the main provisions of the ordinance. The main impetus for the ballot initiative ordinance is to ensure that impounded feral cats are Trap-Neutered-Returned, and that the town only contract to provide animal control to other towns that allow TNR. That is what prompted the ordinance in the first place, that Mt. Olive contracted with towns that required euthanasia of feral cats. And that is what has been presented to the voters signing the petition as the main point of it, in the ordinance itself, in the preamble to the ordinance, in the media, and in the social media posts linking to the petition. Indeed, the provision requiring TNR of impounded cats is one of only 3 substantive sections in the whole ordinance, and the provision prohibiting the town from contracting with towns that do not allow TNR is one of the other 2 substantive provisions. The ordinance that you are proposing says nothing at all about feral cats or TNR and instead allows euthanasia of cats for behavioral reasons-- the exact opposite of a TNR provision, since feral cats all have behavior problems if humans try to handle them --because they're feral.

Moreover, old age or chronic health problems are not a reason to euthanize impounded animals. The town has not been doing so, and we have found placements for impounded cats as old as 17 and for cats with autoimmune conditions, diabetes, tumors, etc. Other towns care for and place such animals as well, like Randolph and Denville and Roxbury, and the residents signing the petition want that to continue happening. Part of what is frustrating and confusing about the proposed ordinance on tomorrow's agenda is that the very language on our ordinance was written-- with many, many revisions and after much discussion-- with and for the administration. It is not what we wanted-- we started out with a very long and comprehensive no-kill ordinance based on a model that other municipalities around the country have adopted. The administration did not want that and kept asking for revisions and expressing concerns, until we reached the language that is on the ballot initiative petition, which Andrew and the health department said met their concerns and that the administration itself would introduce. We have not changed it; it is still that ordinance that was worked out with the administration.

And it would not, in fact, cost the town more money. TNR'ing impounded feral cats is not expensive (and the town in most cases does not even pay for the spay/neuter). In terms of animals with illnesses, the ordinance on the petition, which was worked out with the administration, does not in fact require any more vet care than the town has been providing. It simply says the town can't kill an animal unless the animal is suffering irremediably and the suffering can't be controlled with veterinary care. The state already requires the town to stabilize and keep comfortable injured and ill impounded animals for 7 days to allow them to be claimed. This does not mean curing or addressing long-term problems beyond stabilization and pain relief (which is normally pain medications or something like fluids or steroids). Whoever takes the animal afterwards, which is almost always us initially for cats, or the rescues that we partner with, provides the long-term care. This is what the town has been doing for the past decade, and even with this care the town has been spending less than 25% of the money on cat impoundments than it spent before becoming no-kill. It is not expensive, and any emergency veterinary care that is needed upfront to stabilize the animal is required by state regulations already, not by our ordinance which does not in itself actually require any vet care but simply regulates when animals can be euthanized. And in specifying who can be euthanized, it uses the exact language of the NJ Assembly no-kill resolution-- and the reason it uses that language is that Andrew requested we replace our original definition with the one from the state resolution. That is why it says what it says.

The petition ordinance as drafted also would not prevent shared services contracts. In fact, two of the towns Mt. Olive used to serve already qualified under the terms of the petition ordinance (Washington and Byram) and Mine Hill apparently also was willing to agree to it. The only towns that were not, Mt. Arlington and Wharton, were not willing to allow TNR. Those towns, because of their opposition to TNR, are swarming with feral cats and kittens and contracting with them required killing feral cats. The ordinance on your agenda would allow this very thing-- contracting with towns that do not allow TNR and expect their feral cats to be killed. Our ordinance would not-- and it's why it was drafted as it was, but would allow contracting with any of the multiple no-kill towns in the area or other towns willing to allow no-kill practices.

Because your proposed ordinance would still allow killing of feral cats, as well as tame cats who are simply old or have treatable health conditions, and that is exactly what the ordinance on the petition prevents, it does not in any way preempt or change the conditions for the petition ordinance. The petition will therefore proceed as before, and if the ordinance is passed by voters would further limit euthanasia beyond what you have proposed. Given all of this, it would be unwise to pass the ordinance on your agenda for tomorrow, both substantively and because it is not what residents want and because it will still be subject to the provisions of the ordinance on the petition once the petition is certified if it is voted into effect in November. Because the township's version does not address much of what our ordinance addresses, and the township even states on tomorrow's agenda that the ordinance was written to try to preclude what our ordinance says, it is clearly not in substantially the same form as our initiative. The council will therefore have to put our ordinance on the ballot anyway if it has enough signatures. APLNJ, our parent nonprofit, is willing to challenge in court any refusal of the council to send the ordinance to the county to be put on the ballot, because the ordinance you are looking to pass does not address the main concerns of the petition ordinance and is likely to condemn feral cats to death, which our ordinance was drafted specifically to prevent. Their attorney, Doris Lin, has already agreed to file something if necessary,

though we certainly hope such adversarial action would never be needed as we have worked very hard to be partners with the town and provide services to the town for over a decade now.

APLNJ's attorney, Doris Lin, is working on a legal letter to send you, though due to the short notice I do not know if she will be able to send it to you before tomorrow's meeting (I asked her to, but she has meetings tomorrow). In the meantime, I hope you will consider the information in this email and table the ordinance for now. If you do not, the petition will still go forward, and we will explain in every way we can to the public why the ordinance you are considering does nothing to protect the animals they and we have been most concerned about being killed in the future.

I will sign up for the zoom for tomorrow's meeting and am happy to answer any questions and engage in discussions. We will also try to publicize the meeting to our supporters, though it is very short notice. Thank you for your attention to this important matter,

Michelle Lerner, Esq.
Coordinator, Mt. Olive TNR Project
66 River Rd.
Flanders

Hello,

I am writing you all today to ensure you hear from Mt Olive residents. Many of us do care about the treatment of feral and senior cats as well as cats with treatable health conditions. My fellow residents have expressed their support for Mt Olive TNR's initiative by signing their petition. Numerous Mt Olive residents have cats as pets because of the work done by our town's TNR team. Their work has made a significant impact in our feral cat population in town. They deserve to be acknowledged as the experts and their ideas should be allowed to be voted on. Hear them out and let Mt Olive residents have the final say. We want an ordinance that protects impounded cats. Let these cats be TNR'd instead of killed because they are feral. Senior cats and those that need vet care are worthy of our compassion and help as well. Your ordinance does not truly address the concerns. Let their initiative stand. Complete the process begun with the TNR team and our animal control officer.

Please consider your own furry family members as you address this matter. Mt Olive citizens care and want to be compassionate to these cats.

Thank you for your time.

Jennifer Lemongello
Mt Olive Resident

This email is a comment for the meeting record and I would like this forwarded to all council members. There should be an ordinance protecting impounded feral cats, senior cats and dogs and animals with treatable health conditions. In this day and age it is disturbing that it is even thought about to take care of animals this way. These poor creatures were more than likely people's pets at some time or another who could no longer care for them. How many of you has a cat or dog? Could you even imagine that if it was lost or if you could no longer take care of it and misguidedly let it loose to fend for itself that it would end up being killed. It greatly disturbs me that a town like our that I have lived in peacefully for 30+ years would even consider this action when clearly there are other options.

You are aware how cleaned out many shelters are of their animals since covid began? This is because people are looking for companions, love and the right thing to do.

I volunteer at a wildlife sanctuary (Antler Ridge- Newton NJ) and am proud to say that everything humanly possible is always done to save any wildlife that comes thru those doors. From the stinky little skunk to the many fawns, all those adorable raccoons, we even rehab baby mice. These are all Gods creatures and you should not have a hand in "disposing" of any living creature just because it is the easy, quick or most cost effective.

I am truly disgusted and upset over this whole idea.

Sheila walenza-dupee
102 clover hill dr flanders
Sheiladupee@gmail.com

President Nicastro: Okay. Thank you and . . .

Mayor Greenbaum: Can I . . .

President Nicastro: Go ahead.

Mayor Greenbaum: Can I comment here for a second?

President Nicastro: Sure.

Mayor Greenbaum: I think that there's a lot of misinformation being spread by people about what we're looking to do with the . . . with this Ordinance related to animals. We are a no-kill Town, however, there comes a point in time where the medical condition of the animal or the cost to the Township is so great that it doesn't make sense to continue to prolong the life of the cat and that's all that we're looking to do. If there is any possibility of being able to place a cat either with TNR or giving the TNR group notification that there is a particular animal which is subject to euthanasia and if they can find a better option for the cat, then that's what we would be in favor of but, you know, I can tell from the comments and I can tell from the fervor that we're getting that there's misinformation being spread. So, people really have to understand that we've taken a very humane position with regard to animals; that the last thing that we want to do is euthanize any animals and that our Ordinance is really to just go to the last step in terms of an animal which there are no other options for and the Township shouldn't be on the hook to maintain the life of an animal which otherwise should be humanely terminated.

President Nicastro: Thank you, Mayor. I see another hand went up, Andrew.

Mr. Tatarenko: Yes, I will unmute Gwendolyn Jones.

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

Mr. Tatarenko: Let me try that again.

President Nicastro: Okay, yeah. It's still muted.

Ms. Jones: I'm sorry. I didn't mean to raise my hand.

President Nicastro: Okay, no problem.

Ms. Jones: Sorry!

President Nicastro: That's okay, no problem at all. Seeing . . . is no one else from the public? Do I see any other hands? None, Andrew?

Mr. Tatarenko: That is all.

President Nicastro: Okay, so, we will close it to the public and at this point, we have Council Comments going around what I see. Mr. Ferrante.

COUNCIL COMMENTS

Mr. Ferrante: Nothing tonight.

President Nicastro: Mr. Mania, any comments? If you do, unmute your . . . unmute or you can unmute him, Andrew.

Mr. Tatarenko: Yep, hold on.

President Nicastro: Hold on, John.

Mr. Tatarenko: I can't unmute him.

President Nicastro: You've got to unmute it, John. If you want . . . there you go.

Mr. Mania: There you go.

President Nicastro: Yep, we got you. Any comments?

Mr. Mania: Yes. Stay healthy.

President Nicastro: Thank you. Mr. Stewart?

Mr. Stewart: None for me, thank you.

President Nicastro: Thank you. Mrs. Labow.

Mrs. Labow: None for me.

President Nicastro: Thank you . . .

Mrs. Labow: Oh, wait, wait, wait. I have one thing. Happy birthday, Andrew.

President Nicastro: Oh.

Mr. Tatarenko: Thank you.

President Nicastro: Didn't know that.

Mrs. Labow: You're welcome.

President Nicastro: Happy birthday.

Mrs. Labow: Tomorrow.

Mr. Stewart: We'll have to sing.

Mr. Mania: Oh, by . . . by the way . . .

Mr. Tatarenko: Thursday.

Mr. Mania: . . . my wife's birthday's today.

Mrs. Labow: Oh, happy birthday, Lillian.

Mr. Mania: She said "thank you", Colleen.

President Nicastro: You're muted, Alex. Any . . . anything Mr. Roman?

Mr. Roman: Yes. I, too want to wish Andrew a birthday even though he is turning 29. I want to thank the residents of Mount Olive that came out this Sunday to Turkey Brook Park to peacefully protest the . . . I'm grateful that they were able to voice their First Amendment rights and grateful that everything turned out as peacefully as it did and hoping that we never have to experience another tragedy like that again. Thank you.

President Nicastro: Thank you. With that, do we have a motion to adjourn?

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 7:33pm.

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 June 23, 2020.

Michelle Masser, Township Clerk

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