

**TOWNSHIP OF COLTS NECK
SPECIAL TOWNSHIP COMMITTEE MEETING
APRIL 19, 2016, 7:00 P.M.
COLTS NECK PRIMARY SCHOOL CAFETORIUM**

The special meeting of the Colts Neck Township Committee was called to order at 7:05 p.m. by Mayor Orgo followed by a salute to the flag led Captain Jay Steingold. The following statement was read by Municipal Clerk, Ms. Kara: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by forwarding a notice to the Asbury Park Press on March 14, 2016 stating that a special meeting of the Colts Neck Township Committee would be held April 19, 2016 at 7:00 p.m., Colts Neck Primary School Cafetorium, 56 Conover Road, Colts Neck, New Jersey. The notice requirements have been posted on the Township website and a copy is on file in the Office of the Township Clerk."

1. **WELCOME AND INTRODUCTION:** Mayor Orgo welcomed all attendees and thanked them for coming out this evening. Mayor Orgo then turned the meeting over to Committeeman Macnow.

Committeeman Macnow introduced those at the dias tonight:

- Deputy Mayor Michael Fitzgerald;
- Committeeman J.P. Bartolomeo;
- Committeeman Edward C. Eastman, Jr.;
- Senator Jennifer Beck;
- Ronald Israel, Esq.;
- Thomas Trautner, Esq.;
- Joseph Powell, COAH Subcommittee Member;
- Robert Lutkewitte, COAH Subcommittee Member;
- Timothy Anfuso, Township Planner/Zoning Officer;
- Kathleen Capristo, Township Administrator; and
- Beth Kara, Municipal Clerk.

Committeeman Macnow recognized Freeholder Lillian Burry, Captain Jay Steingold, Base Commander at NWS Earle, and School Board members, Kathy Gizzo and Kevin O'Connor.

Committeeman Macnow introduced Committeeman Eastman, noting the Township was fortunate to have Committeeman Eastman as a member of the Township Committee, as he represented the Township in COAH Litigation back in the early 1980s.

2. **PRESENTATIONS**

Mr. Eastman provided great detail on the background of the Mt. Laurel litigation, how the Township met its obligations in Rounds 1 and 2, what it anticipated for the Round 3 obligation, what actually occurred in Round 3 thus far, and the affordable housing unit numbers the Township has been assigned.

Mr. Macnow noted there are three sets of affordable housing unit numbers the Township is now dealing with: 553 affordable housing units is the number the Fair Share Housing is proposing Colts Neck build, which with a 20% set-aside translates to a total of approximately 3,300 units, which basically doubles the number of housing units currently in Colts Neck; 277 affordable housing units, which translates into approximately 1,600 units, and 21 affordable housing units, which is the eConsult number. Mr. Macnow clarified that there is a 20% set aside for affordable housing units (for every 100 units, 20 are to be affordable housing units). Age restricted housing has a 25% credit.

Mr. Macnow commented every municipality is in the same situation as Colts Neck and must go through the court system to dispute its Third Round allocation. To date, two cases in Middlesex County out of a total of 556 municipalities State-wide have been resolved.

Mr. Macnow advised there are two intervenors, one on the west side of Town on Route 537 across from the High School, and one on the east side of Town on Obre Road, a very rural area. Mr. Macnow commented the intervenors are hoping to bypass the well and

septic issues by tying into public water and sewer of surrounding municipalities; zoning laws would not apply. No building permits have been taken out to-date.

Mr. Macnow spoke of the impact on existing schools, emergency services (police, fire, first aid), and the road department (DPW). Mr. Macnow advised the affordable housing legislation is targeting younger people, two adults/one child households with combined incomes of \$42,000 to \$67,000. Mr. Macnow clearly stated that the Governing Body is not opposed to affordable housing, it is opposed to high density housing.

Committeeman Macnow advised the Township has assumed an aggressive approach and has hired experts to address the impact of the current Round 3 affordable housing allocation within the Township. Mr. Macnow noted details cannot be provided this evening, as the Township is involved in active litigation. Mr. Macnow stated the Township is taking an aggressive approach and is working with Senator Jennifer Beck.

Senator Jennifer Beck stated that affordable housing is not a new issue; however, now the Supreme Court is interjecting itself in a legislative issue. Sen. Beck noted the Third Round looked at developable land (not roadway medians, etc.), and she is working to have the Legislature put the issue of affordable housing back into the hands of a newly established Council on Affordable Housing (COAH), to be given one year to develop a fair plan in compliance of the State Statute. Sen. Beck noted the State Statute is very precise and does not ask that you change the character, the culture or the history of the municipality, which is why Fair Share Housing requiring 350,000 housing units across the State of New Jersey is not a real number or possible and makes a farce out of the affordable housing concept. In Colts Neck there is a history of agriculture and that should be respected in the process. In Round 3, Colts Neck's allocation had been 3 units since most of the land is open space and there are not many buildable lots. Under the current situation, 25 municipalities within Monmouth County have filed an injunction. Sen. Beck noted the younger generation is seeking out an urban environment where there is entertainment and transportation and can easily get to work, so building housing in rural environments does not make sense. Housing is to be provided where it's needed, not housing for housing's sake. Sen. Beck advised Sen. Beck thanked the community of Colts Neck for their support of Union Beach in the aftermath of Superstorm Sandy. Sen. Beck is suggesting COAH monies be used to return the almost 4,000 households displaced by Superstorm Sandy back to their homes to fund housing for those that want to return home.

Mr. Macnow commented on the potential impact if the stay is lifted with regard to builders remedy lawsuits, noting if the stay is lifted, the Township will be faced with increasing legal costs.

3. COMMENTS FROM THE PUBLIC

Ms. Marjorie Wold, a resident, questioned what Colts Neck residents can do. Mr. Macnow responded there is not a lot residents can do, as this is a litigated matter being handled through attorneys.

Mr. Paul Daniele, a resident, asked if the Township can work with organizations to build affordable housing units and bypass builders? Mr. Macnow responded the number of units required to be built is great. In the past, the Township has worked with Habitat for Humanity, a group for the visually impaired, and now is working with EVERAS, a group for special needs individuals. Mr. Daniele noted Sen. Beck's discussion about COAH legislation and questioned the chances of passage. Sen. Beck responded the issue of Sandy survivors has universal appeal and low/moderate income households were affected, which gives a high probability of passage. Restructuring COAH would be subject to debate; having the Courts handle COAH is expensive and something the Executive Branch does, not the Courts.

Ms. Mary Sweeney, a resident, reflected on Mr. Eastman's presentation and questioned if the Township would be going through this every 10 years. Mr. Eastman responded in the affirmative, noting if this round is settled, there would be another round in 10 years.

Mr. Robert Sayko, a resident, noted he has been in the Township for the past 28 years, and was here when The Grande was built, which is not so affordable now. Mr. Sayko asked where Senate President Sweeney and Assembly Speaker Prieto stood on this issue. Sen. Beck advised she is a member of the Senate Budget Committee, which has recessed. The focus is now on Atlantic City; however, no one in the Senate thinks the Courts should determine COAH obligations municipality by municipality.

Mr. Bill Perkinson, a resident, stated he was a fan of affordable housing, as he lived in one of the original Habitat for Humanity homes. Affordable housing targets veterans, school teachers, etc., and he would have liked his son to have the opportunity to live in the town in which he grew up. Mr. Perkinson stated he appreciates the Committee working towards having the numbers be reasonable. Mr. Macnow stated the Township is being asked to submit a plan on numbers not agreed upon; however, due to pending litigation, no further information can be provided.

Mr. Tom Papalia, a resident, questioned if those buying affordable housing units would have to absorb the same tax increases? Mr. Eastman noted an increased population will increase costs associated with emergency services (Police, Fire, First Aid) and roads, which would increase taxes for large and small homeowners. Mr. Macnow advised that voters would have to approve a referendum to exceed the 2% CAP.

Ms. Debbie Evankow, a resident, questioned the percentage of Colts Neck in the watershed? Mr. Eastman responded noting NJDEP has promulgated new regulations that would allow water/sewer lines in Colts Neck, an environmentally sensitive area.

Ms. Marilyn Piperno, a resident, noted the two proposals and questioned how do residents sit and wait? Ms. Piperno noted every horse farm along Route 537 is for sale. Mr. Macnow responded the Town should address what the town looks like by zoning. The rules are changing and are not set in stone; however, we can only work with the current laws.

Mr. Frank Lecsese, a resident, stated he is not against affordable housing and questioned if it is feasible to use Township property to build affordable housing units. Mr. Eastman advised it is almost impossible to have farmland preserved land released to meet the affordable housing obligation.

Ms. Jena Cosimo, a resident, noted once property is preserved, it is not to be developed. Ms. Cosimo asked how the community will be kept updated on COAH. Mr. Macnow stated if anyone has questions or comments, Township Committee meetings are held twice a month and the Township Committee members are happy to address questions off-line. Mr. Macnow commented when there are substantive issues to report, a special meeting will be scheduled. In addition, information is posted on websites (Township, Seniors, and Board of Education).

Mr. Rob Wold, a resident, questioned if something could be put on the ballot since the Judiciary usurped Legislative rights. Sen. Beck responded this municipality does not have initiative and referendum available in its form of government.

Mr. Ken Rogers, Jr., a resident, questioned if this was a New Jersey issue? Mr. Macnow responded he heard something similar occurring in Nashville and in Texas recently. Mr. Rogers questioned what can be done? Sen. Beck responded this is a bad proposal; however Governor Corzine's was worse. Sen. Beck stated this doesn't make sense, and she is working on Legislative bi-partisan support for change.

An unidentified female questioned the use of age-restricted housing to meet the COAH obligation without burdening the school system. Mr. Macnow responded noting there is a 25% set aside (25 affordable units out of 100 built) is required for age-restricted housing. While there is no impact on the schools, there is an increase in emergency services (First Aid) calls. In addition, someone has to want to build age restricted housing.

Mr. Greg Calderaro, a resident, questioned available water as the main issue. Mr. Macnow responded noting water is the most precious commodity as most all residents drink from wells. Mr. Macnow advised every aspect is being explored, and tying in to neighboring municipalities requires consent of the affected municipalities.

Ms. Carol Ann Donahue, a resident, questioned joining with other municipalities to avoid spending large amounts of money on legal bills. Mr. Macnow responded the Township is part of a consortium; however, there are other issues unique to Colts Neck, and it is best for the Township to distinguish itself.

Mr. Rob Tendler, a resident, questioned the budget impact of this litigation. Mr. Macnow responded the Township is within budget, and the budget hearing would be held later this month.

An unidentified male questioned the status of the two properties illustrated this evening. Mr. Macnow responded the Obre Road property is still owned by the original property owner, and it is in contract. The property near the high school was sold and has been approved for 48 units.

Mr. A.J. Fowler, a resident, questioned if other municipalities are further along? Mr. Macnow responded only two municipalities in Middlesex County have been settled. Mr. Fowler questioned if the Township has reached out to other municipalities. Mr. Macnow noted there are very few municipalities that are the same as Colts Neck, and this results in having to be unique in what needs to be done.

Mr. Vince Domidion, a resident, commented the State's Master Plan dates back to 1996 and a new Master Plan would show a vastly shorter water supply. Mr. Domidion spoke of the predicted increase in those 65 and older from 800,000 to 900,000. Mr. Domidion stated the demographics should be considered.

Mr. Frank, a Marlboro resident, questioned the current number of affordable units in the Township. Mr. Macnow responded 88.

Inaudible comments made without benefit of microphone from two separate individuals at the rear of the room resulted in a round of applause after comments were made.

Hearing no further comments, Mayor Orgo thanked all present for attending this evening's special meeting and urged attendance at Township Committee meetings held the second and last Wednesday of the month at Town Hall (check the Township's website).

4. **MOTION TO ADJOURN:** Mr. Macnow made a motion to adjourn, seconded by Mr. Fitzgerald, and unanimously carried by voice vote.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Orgo			X			
Deputy Mayor Fitzgerald		S	X			
Macnow	M		X			
Bartolomeo			X			
Eastman			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

The meeting adjourned at 8:55 p.m.



Beth Kara, RMC, CMC
Municipal Clerk