

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
JUNE 8, 2016, 7:30 P.M.
TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Orgo followed by a salute to the flag led by Vince Domidion. 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 News Release to the Asbury Park Press on December 17, 2015 stating that the regular meeting of the Colts Neck Township Committee would be held June 8, 2016 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, 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."

Roll call by Ms. Kara indicated the following:

Present: Mayor Thomas Orgo, Deputy Mayor Michael Fitzgerald, Committeemen Russell Macnow, and J.P. Bartolomeo

Also Present: Township Administrator Kathleen Capristo; Municipal Clerk Beth Kara; Township Counsel John O. Bennett, III, Esq.

Absent: Committeeman Edward Eastman, Jr.

1. APPROVAL OF MINUTES:

MEETING OF MAY 25, 2016. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

MEETING OF JUNE 6, 2016. Mr. Fitzgerald made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

2. DISCUSSION:

A. STREET OPENING PERMIT ORDINANCE (POSSIBLE INTRODUCTION)

Mr. Timothy Anfusio discussed the proposed ordinance prepared by the Long Range Planning Committee to update the Township's street opening permit policies. The proposed major changes include establishing a five-year moratorium on excavating or opening a street paved, reconstructed or resurfaced; requiring a Certificate of Insurance naming the Township as "additional insured"; requiring the posting of performance guarantees and inspection fees for street opening permits involving excavation and/or modification to any pavement, curb, driveway apron, drainage structure or other

Township improvement; transferring the administration from the Township Clerk to the Township Planner; and establishing a street permit application form as well as requiring minimum construction plans and detail. Discussion ensued. Mr. Anfuso was requested to speak with Glenn Gerken to add language and to build in an emergency relief appeal process.

- B. ENGINE BRAKING ORDINANCE (POSSIBLE INTRODUCTION)** Mr. Timothy Anfuso presented a draft ordinance on engine braking, making it unlawful for the driver of any motor vehicle to use or operate any mechanical exhaust or decompression device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in loud or unusual noise from such vehicle and includes engine compression brakes. Exceptions include brake failure or emergency equipment used for emergency purposes. Mr. Fitzgerald noted Chief Sauter has raised the issue of enforcement and stated he will have the Chief speak with Freehold and Hopewell Townships on their experience with enforcement, as language from their ordinances were utilized for the proposed ordinance, which was introduced as follows:

ORDINANCE 2106-12: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 222, VEHICLES AND TRAFFIC, ARTICLE I, GENERAL PROVISIONS OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY was read by title by Mayor Orgo. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing June 22, 2016.

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

Mr. Anfuso left the meeting.

- C. POSSIBLE REFERENDUM AUTHORIZING THE INCREASE OF THE ANNUAL LEVY FOR OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION:** Mayor Orgo advised a proposed referendum on the ballot was being explored. The referendum asks the question if the Township should increase the annual levy for Open Space, Farmland and Historic Preservation from \$0.012 per \$100 to \$0.025 per \$100 of assessed valuation; an increase from \$96 to \$200 per year on an \$800,000 home. Revenues from this dedicated open space tax will be used for farmland, open space and historic preservation, including debt service. By placing the referendum on the next general election ballot, the voters would decide.
- D. WILDLIFE COMMITTEE REPORT:** Mr. Michael Viola, Chair of Wildlife Committee, advised County management met this week and included Dorbrook Park and Hominy Hill in their deer management program. Dates will be set when the parks will be closed for regulated hunting. Mayor Orgo advised several recommendations made by the Wildlife Committee are being reviewed. Discussion ensued.
- E. REQUEST TO ATTEND NJ STATE ASSOCIATION OF CHIEFS CONFERENCE, ATLANTIC CITY, JUNE 27-30, 2016:** Mr. Fitzgerald advised Chief Kevin Sauter requested to attend the subject conference, and after being given a "Rice" notice, Chief Sauter chose to have this issue discussed in public and he chose not to attend. Mr. Fitzgerald advised the Chief of Police determines the usage of annual budgeted training funds and also the usage of forfeiture funds (with the approval of the County Prosecutor). Mr. Fitzgerald

spoke of the absence of a Township-wide policy setting limits on all employee training, and while there is no evidence of employee abuse, it would be proactive to establish a policy. Today's issue was the expenditure of \$345 for the Chief's registration fee to attend the subject conference. Mr. Macnow spoke of the limitation placed on the Chief to attend training conferences, as well as the disproportionate amount of forfeiture funds and training budget used by the Chief for his personal training for the period 2010 through 2014. Mr. Fitzgerald commented the subject conference is more an expo and social event than training. Ms. Capristo advised because the approval authority is the Governing Body, a decision cannot be made without a quorum. Mr. Fitzgerald noted the Chief advised he would not take vacation time to attend the conference, but would use overtime; Mr. Fitzgerald questioned the Chief's earning overtime as his is a 24/7 position. Mr. Bartolomeo noted he is "ok" with approving the \$345 conference registration fee this time, but would expect some type of certification credits earned from attending. Discussion ensued. Counsel Bennett polled consensus of Governing Body as follows:

- Should the Township pay \$345 registration fee for the Chief to attend the subject conference? Mr. Bartolomeo made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Orgo, Fitzgerald and Bartolomeo; opposed by Mr. Macnow.
- Length of paid salary attendance at conference: two days. Mr. Bartolomeo made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Orgo, Fitzgerald and Bartolomeo; opposed by Mr. Macnow. Chief Sauter to select which two days to attend based on agenda; if attending remainder of conference, additional days would be personal leave or unpaid absence.

3. **ORDINANCE 2016-11: AN ORDINANCE AMENDING 2016 SALARY ORDINANCE NO. 2016-10 OF THE TOWNSHIP OF COLTS NECK** was read by title at second reading by Mayor Orgo. This ordinance amends the 2016 salary ordinance for the Court Administrator position for an annual salary of up to \$37,000 per year. Hearing no comments from the Governing Body, Mayor Orgo opened the public hearing.

Mr. Alan Ryan, resident, questioned the revision and was advised that the position went from part time to full time as there were more hours required to perform the position than originally anticipated.

Hearing no further comments, Mayor Orgo closed the public hearing. Mr. Fitzgerald made a motion to approve, seconded by Mr. Bartolomeo, and unanimously carried.

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

4. **RESOLUTION 2016-82: RESOLUTION APPROVING CHANGE ORDER NO. 1, FY 2016 NJDOT CAPITAL ROAD IMPROVEMENT PROGRAM, PHASE 1 (\$147,989.85)** was read by title by Mayor Orgo. Since the original bid was lower than anticipated, two additional streets in the proximity of the current work performed by contractor, Liberty Knoll and Bowling Green, could be proposed for approval under Phase 1. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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					

5. **RESOLUTION 2016-83:** RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821, WHICH AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT was read by title by Mayor Orgo. Mr. Macnow provided background on this COAH-related “gap issue” which resulted from the inability of COAH to promulgate third round regulations from 1999 to present or make any final determination as to state and regional housing needs. The “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development. By this resolution, the Township urges NJ Legislators to reaffirm legislative intent of the Fair Housing Act immediately and clarify that affordable housing need is the sum of present and prospective need for a ten year period, and confirms it support the subject legislation. This resolution was received from the League of Municipalities and support was urged. Counsel Bennett recommended the Legislators of Colts Neck be added to the distribution list; Governing Body concurred. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

6. **RESOLUTION 2016-84:** RESOLUTION REQUESTING THE PLACEMENT OF A REFERENDUM ON THE OFFICIAL BALLOT FOR THE NEXT GENERAL ELECTION OF NOVEMBER 8, 2016 AUTHORIZING THE INCREASE OF THE ANNUAL LEVY FOR OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION WITHIN THE TOWNSHIP OF COLTS NECK was read by title by Mayor Orgo. (This issue was previously discussed during the “discussion” portion of this meeting earlier.) Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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					

7. **ADMINISTRATIVE REPORT:** Ms. Capristo advised resident James Sfayer has is requesting approval to serve beer and wine at a first birthday party to be held in the Bucks Mill Community Center on June 18. The required Certificate of Insurance has been provided. Mr. Macnow made a motion to approve, 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					

8. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald reviewed the vouchers and recommended approval, as follows

Animal Control	\$94.16
Capital Fund	\$44,813.31
COAH	\$197.66
Construction Trust	\$9,847.38
Current Fund	\$235,710.34
Escrow	\$41,055.72
Farmland Preservation Trust	\$528.00
Grant Fund	\$5,589.66
Trust Fund	\$21,790.65
TOTAL	<u>\$359,626.88</u>

Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

9. **TOWNSHIP COMMITTEE REPORTS**

Mr. Macnow reported the Library scheduled the mini horses program on June 22 from 3:30 p.m. to 5:00 p.m. in the parking lot at Town Hall. The Fire Police will be providing assistance with traffic control.

Mr. Bartolomeo reported the Seniors are still looking for replacements for President and Vice President. Mr. Bartolomeo noted the Senior trips are open to others at an additional cost. Mr. Bartolomeo advised the flag reported missing at Memorial Park was taken down due to inclement weather and has been returned to the pole.

Mr. Bartolomeo advised The Grande is requesting removable speed bumps on the main road. Mr. Macnow advised although you cannot place bumps on Colts Neck Boulevard, strips may be utilized and suggested they should consult with their legal counsel. Discussion ensued. Counsel Bennett advised speed bumps are traditionally not installed as they are detrimental to snow removal. They could place speed signs to slow down or request increased patrols.

Mr. Bartolomeo reported the AJ Garito Home Run Derby is scheduled this Saturday at Larid Road. Mr. Bartolomeo advised the last meeting of the Board of Education is scheduled for June 15, which includes a review of the past year.

Mr. Bartolomeo advised he attended the ribbon cutting of Future Generations at St. Mary's today.

Mr. Fitzgerald reported the Shade Tree Commission is trying to develop a protocol for the Tree Management Plan.

Mr. Fitzgerald reported the AG Board did approve a farm sanctuary for protected animals with up to 100 visitors per day. Mr. Fitzgerald will be discussing this further with the Township Committee to determine if the AG Board decision will be appealed.

Mayor Orgo reported the CNBA will be sponsoring fireworks on July 3 in Bucks Mill Park.

Mayor Orgo reported the Executive Fire Council is proposing the acquisition of a new truck to replace the old tanker.

Mayor Orgo reported on Wednesday, June 15, from 2:00 p.m. to 7:00 p.m., the County representatives will be at Town Hall to conduct a Public Information Center Meeting on the Route 34 and 537 Intersection Improvements and Bridge Replacements. For those that are not able to attend, the County Engineer will be accepting written comments through June 15, 2016.

10. PUBLIC COMMENTS: Hearing no further comments from the Township Committee, Mayor Orgo opened the meeting to public comments.

Mr. Vince Domidion, resident, stated he will be voting for the Open Space referendum and supports the preservation of open space to protect potable water. Mr. Domidion noted Colts Neck is being proactive in protecting sensitive habitats.

Mr. Richard Russo, resident, spoke of the County crews cutting back the shrubbery on Laird Road. He noted he had spoken with Mr. Thompson. Discussion ensued. Mayor Orgo advised he will visit the site tomorrow.

Ms. Elaine Mann, resident, thanked the Governing Body for the engine braking ordinance stating she hears this at 4:30 a.m. Ms. Mann spoke of the bills list and of rumors about non-payment of taxes. Counsel Bennett advised the payment of taxes is set by State Statute, and the Governing Body does not have the authority to waive payment. Ms. Mann suggested robo calling on the referendum. Counsel Bennett advised the Governing Body cannot do that.

Mr. Alan Ryan, resident, advised that due to the Memorial Day Parade cancellation, the 1,200 hot dogs have now been donated to the July 3 fireworks event. Mr. Ryan questioned the Change Order this evening; Counsel Bennett advised re-bidding does not have to be done if the change is under 20%; this was under 17%. Mr. Ryan questioned if COAH is looking at NWS Earle property to fill the "gap", to which Mr. Macnow advised the "gap period" is when no activity occurred. NWS Earle housing is for persons cleared to live on the Base, which is unrelated to the "gap".

Ms. Judy Laufer, resident, suggested limiting the number of hours or days of training. Ms. Laufer advised Long Branch utilizes speed bumps and signs "traffic calming area" and suggested these could be used. Mr. Bartolomeo agreed with the use of road calming signs. Ms. Laufer questioned a parsonage. Counsel Bennett stated the parsonage has to have a relationship with a church and does not have to be on church property.

Mr. Jeffrey Sauter, resident, noted Mr. Thomas Antus' passing. Mr. Sauter commented on reading his comments into the record and Mr. Macnow's departure from the meeting room. Mr. Sauter commented on the wonderful job Ms. Mann does with the kids.

Mr. Andrew Naysmith, Alliance Media Group, spoke of his lease of the billboard on the Smith property, his conversations with the Administrator, and receiving a letter advising of the non-renewal of the lease. Discussion ensued. Mr. Orgo noted this is within 300 feet of the riparian buffer and could not be built there today. Mayor Orgo advised the Township Committee has made its decision and wants the billboard removed. Discussion ensued. Mr. Naysmith was advised this was not personal, there was never a pre-determined outcome, (vote 3/2), and there was no advance knowledge to have given warning. Mr. Bartolomeo noted he has never seen him before and noted the Administrator spoke with him in March and he could have been here during the last six meetings before this was put up to vote. Ms. Capristo stated she told Mr. Naysmith specifically the decision was up to the Township Committee and it would be voted. Mr. Bartolomeo noted it was put up to vote and Mr. Naysmith was advised.

Hearing no further comments, Mayor Orgo closed the meeting to public comment.

- 11. RESOLUTION 2016-85:** EXECUTIVE SESSION was read by title by Mayor Orgo. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote. Mayor Orgo stated the Township Committee would not be returning to take action this evening.

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					

Meeting adjourned at 9:32 p.m.

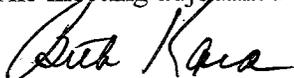
Motion by Mr. Macnow, seconded by Mr. Fitzgerald and unanimously carried to adjourn Closed Session.

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					

Motion by Mr. Macnow seconded by Mr. Fitzgerald and unanimously carried to reconvene in public session and adjourn meeting.

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 10:25 p.m.



Beth Kara, RMC, CMC
Municipal Clerk