

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
FEBRUARY 10, 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. 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 February 10, 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 Edward Eastman, Jr.

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

Absent: Committeeman Bartolomeo

1. **APPROVAL OF MINUTES:** MEETING OF JANUARY 27, 2016. 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					

2. **RESOLUTION 2016-33:** RESOLUTION CONFIRMING APPOINTMENTS TO THE FARMLAND AND OPEN SPACE COMMITTEE was read by title by Mayor Orgo. This resolution appoints Janine Pinguelo, Alternate 1, term expiring December 31, 2017; and Jena Cosimo, Alternate 2, term expiring December 31, 2016. 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					

3. **ORDINANCE 2016-5:** ORDINANCE AMENDING AND REVISING CHAPTER 29, FIRE PREVENTION BUREAU, §29.7, PERMITS AND FEES was read by title at first reading by Mayor Orgo. Mayor Orgo advised this ordinance would permit the granting of a fee waiver for nonprofit and government bodies and organizations by the designee of the Township Committee. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Orgo set the public hearing February 24, 2016.

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					

4. **PRESENTATION:** REZONING A-1 TO A-5, BLOCK 6, LOTS 10, 10.02, 10.03 AND 10.04, NANTONE COURT (FOR POSSIBLE ORDINANCE INTRODUCTION). Mr. Anfuso presented a proposed ordinance to rezone the subdivision informally known as Nantone Court from A-1 Zone to the A-5 Zone, which had been approved under the Rural Residential Development regulations for A-5 zoning, and would make it consistent with three other parcels rezoned to A-5 at the same time. Under A-5, developments with minimum lot area of five acres could re-subdivide into two acre lots without any street or drainage improvements. Mr. Anfuso advised a Master Plan amendment is not required; however, notice to the affected property owners and owners within 200' would be required prior to public hearing. The Township Committee concurred and Mayor Orgo introduced the following:

ORDINANCE 2016-6: AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "DEVELOPMENT REGULATIONS", ARTICLE VI, "ZONING REQUIREMENTS COMMON TO ALL DISTRICTS", §41, "ZONING MAP" was read by title at first reading by Mayor Orgo. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Orgo set the public hearing March 9, 2016, and notices will be sent in accordance with State statute.

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. **SWEARING IN:** Ms. Capristo administered the Oath of Office to Ms. Janine Pinguelo as Alternate 1, Farmland and Open Space Committee, while Mayor Orgo held the bible. Ms. Pinguelo received a round of applause and photographs were taken.

6. **RESOLUTION 2016-34:** RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JEFFREY SAUTER was read by title by Mayor Orgo. This resolution authorizes execution of a Settlement Agreement and Mutual Release with Mr. Sauter, which memorializes the resolution of the issues set forth in the communications with the ACLU. 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	M	X			
Macnow	S	X			
Bartolomeo					X
Eastman		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

7. **RESOLUTION 2016-35:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS-2015 BUDGET was read by title by Mayor Orgo. This resolution authorizes the transfer of \$8,700.00 from Gasoline to Legal Services, Other Expenses (\$6,700.00); and Recycling, Other Expenses (\$2,000.00). Mr. Fitzgerald made a motion, seconded by Mr. Macnow and unanimously carried.

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

8. **ADMINISTRATIVE REPORT:**

Ms. Capristo reported the County has notified the Township that effective February 9, 2016, Monmouth County Structure A-4 on Hillsdale Road over Big Brook will be down posted and all trucks in excess of 5 tons will not be permitted to cross the structure. Detour signs will be posted by the County.

Ms. Capristo advised the County is seeking persons to be Monmouth County Poll Workers. To qualify, you must be a registered voter in Monmouth County and attend a poll worker training class. Poll Workers will be paid \$200 for working a Primary or General Election, and those interested should contact the County Board of Elections (732-431-7802, x 7150) to register for a training class.

Ms. Capristo researched the possible placement of a traffic light at Artisan Way and Route 34 and advised the traffic light is included in the Route 34 Access Management Plan to begin construction in 2020. (Mr. Art Becker raised this issue during the previous Township Committee meeting.)

9. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald noted he reviewed the vouchers and with the exception of two vouchers noted below, recommends approval as follows:

Animal Control	\$746.35
Capital Fund	\$1,759.00
Construction Trust	\$10,051.12
Current Fund	\$539,157.52
Escrow	\$14,819.48
Grant Fund	\$32,350.10
Tax Collector's Trust	\$33,623.65
Trust Fund	\$11,721.48
TOTAL	<u>\$644,228.70</u>

Mr. Fitzgerald questioned the purchase of the Lawyer's Diary (\$109.00) as well as the purpose of payment to Marilyn Sain, VMD (\$225.00). The two payments were set aside for further research by Ms. Capristo. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Orgo abstained from approving payment to Pine Tree Landscaping* and Mr. Macnow abstained from approving payment to Sakoutis Brothers Disposal Inc.*

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

10. **TOWNSHIP COMMITTEE REPORTS**

Mr. Eastman reported Monmouth County is providing free flu vaccines at its location on Route 9 in Freehold, and noted the information on the specifics is at Town Hall.

Mr. Fitzgerald had no report this evening.

Mayor Orgo reported Farmland did not have a quorum and no meeting was held Monday evening.

Mayor Orgo reported the Planning Board met last night and granted extensions of time for the two applications before the Board.

Mayor Orgo reported the Business Association met this morning and the branding of the business district is a work in progress. The Business Association meets the second Wednesday of each month, 8:00 a.m., in the large meeting room of the Library. The Business Association will be having its annual luncheon at Trump National March 15, and tickets are on sale on the CNBA website.

Mayor Orgo reported Mr. Michael Viola has been made Chair of the Wildlife Committee. The Wildlife Committee is awaiting new numbers from the State. Mayor Orgo noted the next meeting of the Wildlife Committee is February 22, and all are welcome to attend and participate.

Mayor Orgo stated he was glad motorists stayed off the streets during the latest snow storm, which facilitated the quick clearing of streets. Mayor Orgo noted there were instances of snow being pushed into the streets and referenced New Street. Mayor Orgo stated that pushing snow into the streets, the run off does not drain properly. Mayor Orgo noted there were drifts five to seven feet high, with drifting next to buildings as high as nine feet. Mayor Orgo stated JCP&L was on top of the issues, and having no leaves on the trees during the storm helped.

Mayor Orgo reported Mark Leininger, a Colts Neck High School graduate and son of Ruth at the Township, qualified to compete at the Olympic marathon trials. Mark has been running 100 plus miles per week to qualify and will be competing in the trials in Los Angeles this weekend.

Mr. Macnow reported Colts Neck High School Girls Soccer Team Forward Frankie Tagliaferri was named the 2015-2016 Gatorade New Jersey Girls Soccer Player of the Year.

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

Mr. Jeffrey Sauter, a resident, read a prepared two-page letter, dated February 6, 2016, expressing his thoughts about public hearings, the public hearing on Bond Ordinance No. 2016-2 held January 27, 2016, the Open Public Meeting Act, and accepting challenges to improve the community. A copy of this letter was provided to Ms. Kara and has been placed on file in the Township's Office of the Municipal Clerk.

Ms. Elaine Mann, a resident, asked for clarification on the ordinance introduced this evening rezoning the A-1 zone to the A-5 zone. Mr. Orgo provided clarification. Ms. Mann questioned the Township's agreement with Mr. Sauter and was advised the agreement will be available for public viewing once signed.

Ms. Susan Wilcox, a resident, stated the person owning the Colts Neck Shopping Center is not repairing the stores and spoke of the interior of the old Huddy's location. Counsel Bennett spoke of the legal steps in the process of corrective action. Ms. Wilcox was urged to provide her issues to Administrator Capristo, who will have Code Enforcement inspect.

Ms. Judy Laufer, a resident, noted \$8,700.00 was transferred by resolution tonight; however, she was not clear on the accounts involved. Mr. Fitzgerald provided that information by reading the transfer categories contained in Resolution 2016-35.

Ms. Alison Antenucci, a resident, questioned the process of Code Enforcement, resolution and the Court system. Counsel Bennett provided an explanation of the process to correct issues and the maximum fine of \$2,000 for a single incident.

Ms. Susan Wilcox questioned who writes the law and Counsel Bennett advised local law must mirror State law.

Ms. Elaine Mann noted at a recent Senior meeting, someone fell at the meeting location and had to be transported to a medical facility. Ms. Mann asked that the issue be corrected.

Ms. Diana Piotrowski, a resident, questioned the timeframe between notice of incident and corrective action taken. Mayor Orgo responded that is worked out between Code Enforcement and the individual or the Judge based on what is needed to remedy the issue. Counsel Bennett commented, if you see something, report it to the Township Administrator.

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

12. **RESOLUTION 2016-36: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to approve, as amended, seconded by Mr. Macnow, and unanimously carried by voice vote.

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

Mayor Orgo stated the Township Committee may return in public session this evening to take action.

The meeting adjourned at 8:25 p.m.

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

13. **RESOLUTION 2016-37: RESOLUTION CONFIRMING APPOINTMENT OF HEARING OFFICER, ROBERT W. O'HAGAN, JSC (RET.)** was read by title by Mayor Orgo. 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					

14. **RESOLUTION 2016-38:** RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE LESS THAN \$17,500 was read by title by Mayor Orgo. This resolution appoints James L. Plosia, Plosia Cohen LLC, as Township Labor Counsel. Mr. Eastman 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			X			
Bartolomeo						X
Eastman	M		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 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 11:00 p.m.



Beth Kara, RMC, CMC
Municipal Clerk