

**TOWNSHIP OF COLTS NECK  
COMMITTEE MEETING  
JULY 13, 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 July 13, 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, Committeemen Russell Macnow, J.P. Bartolomeo, and Edward Eastman, Jr. (arriving late)
- Also Present: Township Administrator Kathleen Capristo; Municipal Clerk Beth Kara; Township Counsel Meghan Bennett Clark, Esq.
- Absent: Deputy Mayor Michael Fitzgerald

1. **APPROVAL OF MINUTES:** MEETING OF JUNE 22, 2016. Mr. Bartolomeo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

2. **PRESENTATION:** 2015 AUDIT REPORT. Mr. John Antonides, Chief Financial Officer, provided a summary of the past year noting a decrease in the fund balance resulting from the decrease in fees and permits. The tax collection rate was 99.092%, the highest since 2011 (99.09%), and Mr. Antonides praised his staff for their efforts. Mr. Antonides reported there were no audit findings for the second year in a row.

**RESOLUTION 2016-88:** GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT was read by title by Mayor Orgo. Mr. Bartolomeo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

**GOVERNING BODY SIGNING OF THE ANNUAL GROUP AFFIDAVIT FORM** – The Township Committee members then signed the group affidavit, as required by State statute.

The Governing Body thanked Mr. Antonides for his presentation, and he left the meeting at 7:35 p.m.

3. **DISCUSSION**

- **PROPOSED ORDINANCE, AMENDING AND SUPPLEMENTING CHAPTER 102, ARTICLE VI, §102-46.5 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "WIRELESS TELECOMMUNICATIONS, TOWERS AND ANTENNAS.** Mr. Timothy Anfuso, Township Planner, advised the proposed ordinance was prepared by Long Range Planning to comply with the relaxed and expanded collocation exemption requirements developed by the Federal Communications Commission (FCC) and establishes new provisions to encourage the use of small network nodes to service small target areas. Major changes in the ordinance include: allowing the placement of small network nodes antennas on structure less than 35 feet in height, would require new wireless communication facilities to reserve areas for emergency generators as well as provide access and clear work areas for large scale vehicles and equipment required to maintain the tower and antennas. New wireless carriers on existing facilities would be allowed without Board approval as long as the height of the tower is not increased by more than 10 feet or 10%, the increase in equipment shelter is not greater than 20 feet from the base of the tower, not more than four equipment cabinets are proposed, the new facility does not result in the creation of a variance or modify a condition of previous approval. The ordinance change establishes an application procedure and the fee of \$500 for a determination of a collocation exemption and establishes the Zoning Officer as the Administrative Officer to make collocation exemption determinations.

Mr. Eastman arrived at 7:40 p.m.

Mr. Macnow noted this ordinance was vetted through Long Range Planning and reflects the realities of existing technology and additional users. The consensus of the Governing Body was to introduce this ordinance at the August meeting.

- **WILDLIFE COMMITTEE RECOMMENDATIONS:** Mr. Macnow spoke of the Wildlife Committee report and recommendations made to the Township Committee previously and suggested the need to revise the existing ordinance. Chairperson Michael Viola advised year to date, deer related motor vehicle incidents are up 32 percent. Counsel Bennett was requested to prepare an ordinance for introduction at the August 10 meeting with second reading and public hearing September 14 to amend the ordinance as follows: reduce the lot size from five to three acres for hunting; include aggregated lots of three acres for hunting; and allow hunting by farmers of leased property.
- **SMITH FARM SHED:** Mr. John Grabowski advised former Mayor Schatzle suggested the Lions Club refurbish and utilize the old Smith farm roadside stand as a "Welcome to Colts Neck" information center. Mr. Grabowski advised the current state of the structure is not salvageable. Mr. Grabowski stated the shed should be demolished, and noted Sakoutis Brothers has agreed to demolish it. Consensus of the Township Committee is that if the structure is not salvageable, it should be demolished. Mayor Orgo stated he will visit the location and report back to the Township Committee. The Governing Body thanked Mr. Grabowski for his presentation.
- **NAVESINK-SWIMMING RIVER WATERSHED** – Mr. Vince Domidion, resident, presented a report based on the Clean Ocean Action's 77-page report regarding the water quality in the watershed, which includes the Navesink River and Swimming River Reservoir. Mr. Domidion stressed the challenges facing Colts Neck in land use and the need for land use policies and plans to protect these waters while reflecting current and evolving standards. Mr.

Domidion recommends annual stream testing of Hockhockson Brook at the Hockhockson Road bridge crossing; requesting water quality data from NWS Earle, which contains the headwater areas of both the Hockhockson Brook and Pine Brook streams; and comparing municipal regulations with State standards and evolving water quality science to assure appropriate protective measures are in place.

4. **ORDINANCE 2016-13:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 198, STREETS AND SIDEWALKS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY was read by title at second reading by Mayor Orgo. This ordinance addresses lateral tunneling (under §198.3.A.) for roads under the five year moratorium, authorizes the Township Planner to issue Street Opening permits, and provides an appeal process to the Township Committee for waiver or relaxing regulations when emergency conditions on streets paved under five years exist. Hearing no comments from the Governing Body, Mayor Orgo opened the meeting to public comment.

Ms. Judy Laufer, resident, questioned if there was a penalty associated with opening the road surface without a permit. Mayor Orgo advised road openings require a permit and opening a road without one would be a violation of the ordinance.

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

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

5. **RESOLUTION 2016-89:** RESOLUTION REQUESTING THE OPTIONAL TWO-YEAR EXTENSION TO THE AGREEMENT WITH GABEL ASSOCIATES, INC., FOR ENERGY AGENT SERVICES (AUGUST 28, 2016 TO AUGUST 27, 2018) was read by title by Mayor Orgo. This resolution authorizes exercising the optional two-year extension with Gabel Associates delineated in Resolution 2013-91, passed August 28, 2013. 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. **ORDINANCE 2016-14:** AN ORDINANCE AUTHORIZING THE CONTINUATION OF THE GOVERNMENT ENERGY AGGREGATION PROGRAM WITHIN THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Orgo. Effective December 31, 2016, the Township's agreement with ConEdison Solutions for the provision of electric generation services will terminate. This ordinance authorizes the Township to renew and continue the Energy Aggregation Program established under Ordinance No.

2013-16; and as Lead Agency of the Program, provides for the renewal of the Electric Distribution Aggregation Agreement with JCP&L, and provides the Township with the ability to solicit proposals from interested Third Party Suppliers (TPS), and award and enter into a master performance agreement for electric generation service and energy aggregation services with the most qualified TPS providing savings to participants based on reasonable forecasts. This ordinance will be effective for a two-year period from the date of publication (ordinance effective date) and may be renewed at the discretion of the Township Committee. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing August 10, 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						

7. **RESOLUTION 2016-90:** A RESOLUTION AUTHORIZING THE FORMATION OF A COOPERATIVE PURCHASING SYSTEM NAMED THE COLTS NECK ENERGY PROCUREMENT COOPERATIVE (CNPEC), WITH THE TOWNSHIP OF COLTS NECK AS LEAD AGENCY, FOR THE PURPOSE OF PURCHASING ELECTRIC GENERATION SERVICES FOR RESIDENTS OF THE TOWNSHIP OF COLTS NECK AND OTHER PARTICIPATING MUNICIPALITIES OF MONMOUTH COUNTY VIA A GOVERNMENT ENERGY AGGREGATION PROGRAM was read by title by Mayor Orgo. Mr. Macnow commented this will provide the Township with the authority to form a cooperative pricing system named the Colts Neck Energy Procurement Cooperative (CNEPC) for the purpose of purchasing electric generation services and energy aggregation services on behalf of Township residents and other participating municipalities, to submit an application to the Division of Local Government Services for registration of the CNEPC, and for the designation of the Township of Colts Neck as Lead Agency of the CNEPC, immediately upon passage until December 31, 2018. 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						

8. **ORDINANCE 2016-15:** AN ORDINANCE AMENDING 2016 SALARY ORDINANCE NO. 2016-10 OF THE TOWNSHIP OF COLTS NECK was read by title by Mayor Orgo. This ordinance amends the salary of the Deputy Court Administrator to an hourly rate not to exceed \$16 per hour; the Court Sound Recorder to an hourly rate not to exceed \$25 per hour; and Clerical Part-Time for permanent part-time clerical employees to an hourly rate not to exceed \$20 per hour. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing August 10, 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					

9. **RESOLUTION 2016-91:** RESOLUTION AUTHORIZING MR. ROGER MCLAUGHLIN, ESQ., SPECIAL COUNSEL, TO APPEAL MONMOUTH COUNTY AGRICULTURAL DEVELOPMENT BOARD RESOLUTION NOS. 2016-4-1 AND 2016-5-1 was read by title by Mayor Orgo. Mayor Orgo and Ms. Capristo advised the Township is still working with the parties involved and would continue to do so. This appeal is necessary to preserve the Township's rights. Mr. Macnow made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

10. **RESOLUTION 2016-92:** RESOLUTION AUTHORIZING AWARD OF BID, FY 2016 CAPITAL ROAD IMPROVEMENTS, PHASE II (\$821,149.62) was read by title by Mayor Orgo. Ms. Capristo advised the roads included in this bid are Deborah Drive, Lindy Lane, Mulberry Lane, Heritage Lane, Stone Hill Road and Twin Lakes Drive. 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					

11. **RESOLUTION 2016-93:** RESOLUTION CONFIRMING APPOINTMENT OF TOWNSHIP PROFESSIONALS AND AUTHORIZING THE EXECUTION OF AGREEMENT WITH SAID PROFESSIONALS was read by title by Mayor Orgo. Mayor Orgo advised John Bennett, Township Counsel, and Meghan Bennett Clark, Township Prosecutor and Bond Counsel, were leaving the firm of Dilworth Paxson, LLP, to join the firm of GluckWalrath, LLP, effective September 1, 2016. This resolution is effective September 1, 2016 through December 31, 2016, and all terms of the current agreements would remain in effect through December 31, 2016, with new agreements executed September 1, 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					

12. **MOTION TO ADOPT A CONSENT AGENDA:**

All items listed on the "Consent Agenda" are considered routine by the Township and are adopted or approved collectively by a single motion and roll-call vote of a majority of the Township Committee. If discussion is desired on any item, it is considered separately.

**\*RESOLUTION 2016-94:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES FOR STREET OPENING PERMIT, BLOCK 11, LOT 33 (24 FAIRWAY WEST)

**\*RESOLUTION 2016-95:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES FOR STREET OPENING PERMIT, BLOCK 23, LOT 13.12 (3 FOREST WAY)

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					

13. **ADMINISTRATIVE REPORT:**

Ms. Capristo reported the replenishment of the Transportation Trust Fund Account has been delayed. Under the Governor's Executive Order No. 210, a State of Emergency was declared and all work funded by the Transportation Trust Fund Authority would be shut down for at least seven days beginning 11:59 p.m., July 8, 2016. Ms. Capristo stated the Phase I road work would continue, as that is being funded by the municipality, and road construction alerts would continue to be posted on the Township website.

Ms. Capristo reported the Bray Street traffic study is underway and she was advised that absent a posted speed limit sign, the speed for that street is 35 m.p.h.

Ms. Capristo reported Bucks Mill Park is on the ROSI and as such, there can be a separate fee schedule for profit and not-for-profit groups utilizing the Park. This issue has been referred to Long Range Planning.

Ms. Capristo advised the Township has committed to hosting MEL Safety Training Classes in the Library during 2017.

14. **MOTION TO APPROVE VOUCHERS:** Mr. Macnow noted he reviewed tonight's vouchers and the lion's share are pass throughs for the schools. Mr. Macnow recommends approval for all, as follows:

Capital Fund	\$8,473.99
COAH	\$773.00
Construction Trust	\$1,881.47
Current Fund	\$1,305,144.72
Escrow	\$2,651.77
Grant Fund	\$9,844.40
Tax Collectors Trust	\$310,076.80
Trust Fund	\$66.30
<b>TOTAL</b>	<b><u>\$1,638,912.45</u></b>

Mr. Bartolomeo made a motion to approve, seconded by Mr. Macnow and unanimously carried; Mr. Macnow abstained from approving vouchers payable to Sakoutis Brothers.

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

15. **TOWNSHIP COMMITTEE REPORTS**

Mr. Eastman reported the Drug and Alcohol Alliance is very active, and the group is growing as families become aware of the group and the programs it offers within the community.

Mr. Macnow reported the Friends of the Library are considering replacing the Library sign versus re-painting the existing sign. The Friends have re-carpeted the Children's Library and the Main Library and are hoping the meeting room carpets can be replaced using public funds, as they are original and are showing signs of wear. Mr. Macnow reported the 13<sup>th</sup> Annual Spelling Bee for fourth grade students had approximately 25 participants, of which the top four were girls, and Ms. Ariel O'Hana won. Mr. Macnow advised the Annual Art Show and Sale will be held October 14 (preview), October 15, 16, 22 and 23, 2016. Mr. Macnow noted this is a well-attended event. Mr. Macnow thanked the Fire Police for organizing and ensuring the safety of attendees at the Library's Mini Horse Program this year, and noted this program would not have succeeded without the assistance of the Fire Police.

Mr. Macnow provided a COAH update noting the GAP period issue was decided and only the prospective period is to be considered as opposed to the period starting 1997 forward in determining a municipality's COAH obligation. The 53 page opinion is being posted on the Township's website.

Mr. Bartolomeo reported the Senior Citizens Club is seeking volunteers to fill the President and Vice-President positions. In addition, there were recent changes to the Seniors Club by-laws.

Mr. Bartolomeo reported the First Aid Squad successfully participated in a drill with the New Jersey State Police medivac helicopter. Mr. Bartolomeo reported two new senior members joined the Squad (Stephanie O'Horo and Epraim Carlebach), offsetting the loss of resigning members Doug Coppola, Andrew Gilbert and Daniel Santoro.

Mr. Bartolomeo reported he is continuing to work with Ms. Capristo on issues relating to The Grande.

Mayor Orgo reported Fire Company #1 is hosting its annual golf outing July 22, 2016 at Pebble Creek Golf Course.

Mayor Orgo reported Fireworks sponsored by the Colts Neck Business Association July 3 at Bucks Mill Park were successful and the CNBA may be looking to continue with this event next year.

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

Mr. Vince Domidion noted he has a website and writes weekly posts about the Affordable Housing issue.

Ms. Diana Piotrowski, a resident, commented the Department of Public Works and the contractor are doing a great job cleaning drains and addressing pooling of water.

Mr. Jeffrey Sauter, resident, commented great job on the audit report. Mr. Sauter questioned if there was any news in the Police Chief's disciplinary hearing, to which Mayor Orgo responded no. Mr. Sauter expressed his thoughts on the recent decision of his GRC Appeal No. 2015-206. Mr. Sauter then read his letter dated June 7, 2015. Mr. Macnow noted for the record present this evening are 10 members of the public, 4 Township Committee members, Township Counsel John O. Bennett, the Township Administrator and Township Clerk.

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

17. **RESOLUTION 2016-96:** EXECUTIVE SESSION was read by title by Mayor Orgo. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo 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						X
Macnow	M		X			
Bartolomeo		S	X			
Eastman			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

Meeting adjourned at 8:28 p.m.

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

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						

Motion by Mr. Macnow seconded by Mr. Bartolomeo 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						X
Macnow	M		X			
Bartolomeo		S	X			
Eastman			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

The meeting adjourned at 9:55 p.m.



Beth Kara, RMC, CMC  
Municipal Clerk