

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
JUNE 22, 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 22, 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, 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: None

- 1. APPROVAL OF MINUTES:** MEETING OF JUNE 8, 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						

- 2. PRESENTATION:** COLTS NECK COMMUNITY ENERGY AGGREGATION (CNCEA) PROGRAM. Mr. Robert Chilton, Executive Vice-President of Gabel Associates, provided an overview of the CNCEA Program, and advised the current 21-month contract awarded to Con Edison Solutions at a contract price of \$.0928/kwh started in March 2015 and will end December 31, 2016. The JCP&L price to compare rate at the contract inception was \$.1025/kwh, which was estimated to result in an approximate savings for an average customer of \$300 for the contract term. JCP&L tariffs were adjusted twice during the contract (June 2015, modest increase; and June 2016, modest decrease); however, these tariff adjustments did not materially alter the estimated total savings of approximately \$300 per average customer (net result actual savings 9.44% as compared to the original estimate of 9.5%). Colts Neck residences exceed average usage, resulting in greater savings for participating residents. Mr. Chilton spoke of what would be required to continue this program within Colts Neck, advising the many steps required take approximately six months. Mr. Fitzgerald advised to renew, the Township would authorize Gabel Associates to bid on its behalf, with Gabel receiving a portion of one cent from the supplier. The Township was in the forefront and insisted the contract include a provision for Township-wide opting out in the event the contract rate exceeded the JCP&L rate. Approximately 2,500 residences are enrolled, which results in an estimated \$750,000 savings Township-wide. Mr. Chilton advised the relatively few problems that occurred were quickly corrected. Discussion ensued regarding the need to educate Seniors about slamming scams, and Mr. Chilton agreed to return for a presentation to the Township's Seniors. Discussion ensued regarding Colts Neck becoming a Master

Supplier, with Mr. Chilton noting the Township's usage is 50 percent higher than other municipalities. Mr. Fitzgerald requested this option be kept open.

Mr. Eastman arrived at 7:50 p.m.

Mr. Chilton advised the timing of the bid may impact the cost savings, noting there is high usage in the winter months. Mr. Fitzgerald stated he wants to continue with this program, and Messrs. Orgo, Macnow and Bartolomeo concurred; Mr. Eastman abstained. Mr. Fitzgerald called for a point of order requesting the meeting be opened to the public to hear of the residents experience with the program.

Mr. Jeffrey Sauter, a resident, questioned if Gabel Associates payment, a fraction of one cent per customer, was from the customer's bill; to which Mr. Chilton advised it is part of the bid spec and built into the provider's bid. Mr. Sauter questioned if the next contract would be 21 months, to which Mr. Chilton advised it would be bid with several term lengths, depending on the start date.

Mr. Vince Domidion, a resident, commented with other municipalities being on different aggregation program schedules would it be worth it to wait to sync with them and make one larger contract or to go through the NJ League of Municipalities for interested municipalities. Mr. Chilton advised small groups that have previously worked together are best and larger groups through shared services have not worked well.

Mr. Hugo Curtis, a resident, questioned if larger groups are saving more money than Colts Neck. Mr. Chilton responded, Toms River is a large town; however, the Colts Neck rate is better as the electric consumption is higher per residence in Colts Neck.

Hearing no further public comments, the meeting was closed to public comment on Energy Aggregation.

Mr. Fitzgerald recommended the bid include the global opt out provision again. Mr. Macnow stated he would like it bid both ways, as was done previously. Hearing consensus of the Governing Body, the package to BPU and Rate Counsel will be prepared by Gabel Associates and submitted by June 30, 2016. The ordinance will be prepared for first reading at the July 13, 2016 Township Committee meeting with second reading and public hearing at the August 10, 2016 Township Committee meeting.

3. **DISCUSSION:** PROPOSED FOUR TON VEHICLE WEIGHT LIMIT ON BRAY STREET. Mayor Orgo advised there has been an increase in heavy equipment traffic on Bray Street with the Bell Labs construction site now active. Mr. Macnow commented the width of the relatively short roadway is an issue. Alternate heavy equipment vehicle routes are South Street to Route 34 or Route 520 to Route 34. Mr. Eastman commented Bray Street is not wide. Mayor Orgo requested comments from Bray Street residents present this evening.

Ms. Lilyan Gassaway, resident, noted she enters Bray Street from a blind driveway, and it has become difficult to enter the Bray Street roadway safely during the approximate hours of 6:30 a.m. to 4:30 p.m. when large trucks are present. Ms. Gassaway noted there is no posted speed limit and has been advised it is the speed limit of Route 34 (50 mph) or South Street (45 mph), both of which seem fast to her for this very small residential street.

Mr. Robert Gassaway, resident, noted Bray Street is used as a race track and trucks exiting Bray Street on either end make it difficult for other vehicles to safely enter Bray Street.

Mr. Macnow suggested having an ordinance prepared placing a four ton vehicle weight limit on Bray Street and questioned if there is a posted speed limit for this street. Mr. Fitzgerald asked to have the Police Department perform a traffic study on Bray Street and to ascertain what the speed limit is for Bray Street prior to the crafting and introduction of an ordinance.

4. **DISCUSSION: BUCKS MILL PARK – FOR PROFIT EVENTS.** Administrator Capristo requested guidance from the Township Committee on accommodating for profit entities requesting the use of the Park for non-sporting events going forward. Discussion ensued. Ms. Capristo advised the ordinance is very loose on these type of events. Mr. Macnow suggested referring this to Long Range Planning, and reviewing how other municipalities handle with this issue. Counsel Bennett Clark commented usually ordinances are general and policies are specific. Counsel Bennett Clark stated she will provide Ms. Capristo with policies from other municipalities. Mr. Eastman advised this property may be on the ROSI, and if so, the Township should look to DEP too determine what the limitations are before sending to Long Range Planning. Mr. Fitzgerald commented it may be time to scale back Rockfest, and suggested Long Range Planning consider the rental of the Community Center, Bucks Mill Park and other recreational facilities in its review. Mr. Eastman requested he be advised of the Rockfest/July 3rd planning sessions when scheduled.

5. **ORDINANCE 2016-12: 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 at second reading by Mayor Orgo. This ordinance prohibits the use or operation of any mechanical exhaust or decompression device also known as “engine braking” on any road within the Township of Colts Neck. Mr. Fitzgerald made a motion to open the public hearing, seconded by Mr. Bartolomeo, and unanimously carried by voice vote.

Mr. Robert Gassaway commented it [engine braking] is noisy.

Hearing no further comments, Mr. Fitzgerald made a motion to close the public hearing, seconded by Mr. Bartolomeo and unanimously carried by voice vote.

Mr. Fitzgerald stated when the ordinance was introduced, the Chief of Police was asked about enforcement and to reach out to other municipalities on their experience. Chief Sauter did reach out and found State statute may supersede the proposed local ordinance and additional information is now being sought.

Mr. Fitzgerald made a motion to table the vote on the ordinance until the additional information is reviewed, seconded by Mr. Macnow and unanimously carried.

RECORD OF VOTE-TO TABLE THE ORDINANCE						
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						

Due to Mayor Orgo losing his voice, Deputy Mayor Fitzgerald read the remainder of the meeting agenda on behalf of Mayor Orgo.

6. **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 first reading by Deputy Mayor Fitzgerald. Mr. Fitzgerald noted the exclusion of lateral tunneling (under §198.3.A.) for roads under the five year moratorium, and questioned if that was the intent. Mr. Macnow noted the ordinance now has an appeal process for the authority of the Township Committee to waive or relax regulations when emergency conditions on streets paved under five years exist. Mr. Fitzgerald made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing July 13, 2016.

RECORD OF VOTE-TO TABLE THE ORDINANCE					
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					

7. **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 Deputy Mayor Fitzgerald. This resolution would place the question on the 2016 November General Election ballot to increase the annual levy from the amount of \$0.012 per \$100 to the amount of \$0.025 per \$100 of assessed valuation of real property. The increase is being proposed to provide additional funds to afford the Township the ability to acquire additional land dedicated for farmland, open space and/or historic preservation, in furtherance of the Township's commitment to the preservation of open space. Mr. Macnow noted Township Counsel did an excellent job in revising the draft question. Mr. Eastman concurred. Mr. Macnow noted the public it is important to educate the public about this question to be placed on the November ballot. Mr. Eastman 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		X			
Bartolomeo	S	X			
Eastman	M	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

8. **RESOLUTION 2016-86:** RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2016/2017 LICENSE YEAR was read by title by Deputy Mayor Fitzgerald. Deputy Mayor Fitzgerald advised the licenses to be renewed by this resolution are as follows: Due Process Golf Association, Huddy's Inn, Colts Neck Inn Steak & Chop House, Green Meadows Restaurant & Bar, Five Kids Venture LLC (inactive license sited at the former Maryanns Inn), Colts Neck Wine & Liquor and A&J Twin Realty (pocket license, unsited—former I Cavallini license). Deputy Mayor Fitzgerald noted all license requirements have been met for renewal and all active licenses have been investigated and sites inspected by the Police. Mr. Bartolomeo made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried; Mr. Macnow abstained from approving renewal of the Five Kids Venture, LLC license.*

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

9. **ADMINISTRATIVE REPORT:**

Ms. Capristo advised the Phase I road improvement work would begin the week of July 4. The contractor, Earle Asphalt, estimates the mill work will take seven days and paving work will take approximately six days. The Administrator will be notified of the order in which the roads will be worked on, and updates will be provided on the Township's website. Residents directly affected will receive notices in their mailboxes.

Ms. Capristo reported a pre-construction meeting on the 2016 Road Improvement Program, Phase II, was held. The bid notice advertisement will be placed June 17, with a bid opening July 8, and award at the July 13, 2016 Township Committee meeting. Phase II paving includes Stonehill Road, Twin Lakes Drive, Deborah Lane and Lindy Lane.

Mr. Fitzgerald noted there was an addition to the agenda after issuance, which is as follows:

10. **RESOLUTION 2016-86A:** RESOLUTION TO AUTHORIZE PAYMENT IN SUPPORT OF MUNICIPAL SHARED SERVICE DEFENSE AGREEMENT WITH ECONSULT RELATING TO MUNICIPAL THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS was read by title by Deputy Mayor Fitzgerald. Mr. Macnow advised the consortium was formed to represent the municipalities interests in addressing COAH third round obligations. Mr. Macnow noted the Township has made two \$2,000 payments thus far and this resolution would authorize payment of an additional \$2,000 payment to continue representation on behalf of the Township under the Shared Service Defense Agreement. Mr. Macnow made 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					

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

Animal Control	\$82.78
Capital Fund	\$22,536.39
Construction Trust	\$9,576.78
Current Fund	\$2,724,182.59
Escrow	\$6,926.94
Farmland Preservation Trust	\$1,500.00
Grant Fund	\$3,805.25
Trust Fund	\$7,844.99
TOTAL	<u>\$2,776,455.72</u>

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

RECORD OF VOTE						
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						

12. TOWNSHIP COMMITTEE REPORTS

Mr. Eastman had no report this evening.

Mr. Macnow provided a COAH update noting all arguments in the Appellate Division regarding the GAP period were completed June 6 with an anticipated decision by the end of the month. There does not appear anything will be decided on COAH during this legislative session.

Mr. Macnow reported he and Mayor Orgo attended the 40th anniversary celebration of the Colts Neck Community Church. Senator Beck, Freeholders Burry and DiMaso were also present at this well attended event. Mr. Macnow commented the event was a good one to celebrate this milestone, and this church is growing.

Mr. Fitzgerald had no report this evening.

Mr. Bartolomeo reported he attended this year's final meeting of the Board of Education. Many repairs to school buildings were done this year, and work will continue over the summer months. Mr. Bartolomeo noted the PTO presented \$65,000 to the three schools. Mr. Bartolomeo reported the PTO is in need of volunteers, as Board members have resigned and left the lower school system.

Mr. Bartolomeo reported the Senior Citizens Club also needs volunteers.

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

Mr. Bartolomeo reported he met with the ad hoc long range planning recreation fields committee prior to tonight's meeting. Mr. Bartolomeo noted interesting things are happening, and consolidations and field maintenance issues are being discussed.

Mayor Orgo reported Ed Thompson, Public Works Director, is retiring effective October 1, after 37 years of service to the Township.

Mayor Orgo noted the map of the approved realignment of Routes 34 and 537 is on display in the Town Hall meeting room for viewing. Work is anticipated to begin in January.

Mayor Orgo reported Fireworks sponsored by the Colts Neck Business Association are planned for July 3, at Bucks Mill Park.

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

Mr. Hugo Kurtz, resident, commented on brush pick up, and noted his pick up was done on time. Mr. Kurtz provided the Administrator with a list of locations where tree stumps, dirt, grass, and long limbs had been located and were picked up, even though these piles should not have been removed under municipal code. Mr. Kurtz stated brush piles are back in the street, and he will provide the Administrator with another list and questioned what is being done for enforcement. Mayor Orgo commented brush collection is one month behind and there will be one more brush pick up Township-wide before collection stops in the summer. Ms. Capristo commented Mr. Kurtz is concerned about what is being picked up. Mayor Orgo noted Code Enforcement is to be notified to address the issue. Mr. Macnow advised the Code Enforcement Officer is a part-time position, and the Township is considering adding a second position during the next budget year. In addition, a new DPW Director will be hired in the fall, and will be sure that individual is well-versed in brush collection. Mr. Macnow noted the Township Committee took quite a time to develop the brush collection ordinance. In the meantime, Mr. Macnow requested Mr. Kurtz provide a list of locations to the Administrator that will be addressed. Mr. Fitzgerald commented there is an educational component to brush collection, and residents need to be aware there are limitations on what will be collected by the Township. Mr. Fitzgerald noted there is no prohibition on a resident filing a complaint and going to court to testify on non-conforming brush piles. Mr. Bartolomeo commented the new, younger residents don't know the rules, and forget about brush piles once they are gone. Mr. Bartolomeo noted incidents of leaving garbage pails curbside until noticed by Code Enforcement. Mr. Bartolomeo recommended calling in the issues, as the newer, younger people do not read flyers or the website.

Ms. Judy Laufer, resident, stated she received a letter for having brush out at the wrong time, two weeks prior to collection or be fined \$200. She stated she was in the wrong.

Ms. Elaine Mann, resident, stated ignorance is no excuse, and if they are taken to Court, it is their problem. Ms. Mann spoke of the use of Bucks Mill Park related to Polo, and suggested a price be set to cover the use of the Park; residents should not have to supplement the use of the Park. Ms. Mann questioned farming the two farms owned by the Township that were farmland preserved, and suggested placing the money received for farming (approximately \$1,200 per year) in the Farmland Preservation program.

Mr. Jeffrey Sauter, resident, spoke of comments during past meetings about Ms. Elaine Mann and commended Ms. Mann for the great job she does in keeping the community clean. Mr. Sauter questioned if he could be Mayor for a Day, to which he was advised he is not an elected official. Mr. Sauter thanked the Township for correcting the minutes related to his comments as part of the ACLU agreement with the Township and questioned if they need to be approved prior to posting on the website. Counsel Bennett Clark stated minutes need to be approved by the Township Committee, and the minutes in question will be put on the next meeting agenda for approval if they have not been approved by the Township Committee as

yet. As part of the ACLU agreement, Mr. Sauter then read his letter of June 7, 2015 to Mayor James Schatzle. Counsel Bennett Clark requested the record reflect the Township Administrator, Township Clerk, Township Committee and seven members of the public are present.

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

14. **RESOLUTION 2016-87: EXECUTIVE SESSION** was read by title by Deputy Mayor Fitzgerald. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow 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	M	X			
Macnow	S	X			
Bartolomeo		X			
Eastman		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

Meeting adjourned at 9:02 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. 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 10:00 p.m.


 Beth Kara, RMC, CMC
 Municipal Clerk