

**TOWNSHIP OF COLTS NECK  
COMMITTEE SPECIAL MEETING  
AUGUST 24, 2016, 4:00 P.M.  
TOWN HALL**

The special meeting of the Colts Neck Township Committee was called to order at 4:00 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 August 19, 2016 stating that the special meeting of the Colts Neck Township Committee would be held August 24, 2016 at 4:00 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.

Also Present: Township Administrator Kathleen Capristo; Municipal Clerk Beth Kara; and Legal Counsel John O'Bennett, III., Esq. (joining meeting at 6:00 p.m.)

Absent: None

1. **RESOLUTION 2016-107: EXECUTIVE SESSION.** Mr. Fitzgerald 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	M		X			
Macnow		S	X			
Bartolomeo			X			
Eastman			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

Mayor Orgo advised the Township Committee would return at 6:00 p.m. to take action. Clerk Kara left the meeting with those in the audience.

At 6:00 p.m., Mr. Fitzgerald made a motion to adjourn Executive Session and resume the open meeting, seconded by Mr. Bartolomeo and unanimously carried by voice vote. Clerk Kara and Legal Counsel John O. Bennett, III, Esq. joined the open meeting at this time.

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. **RESOLUTION 2016-97: RESOLUTION OF THE TOWNSHIP OF COLTS NECK TO APPROVE AND ENDORSE THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD, BLOCK 10, LOT 8** was read by title by Mayor Orgo. The resolution acknowledges the Monmouth County Agriculture Development Board's consideration to purchase a development easement on the property consisting of approximately 37 acres with one proposed 4.51 acre non-severable exception, 1 single-family residence and 1 agriculture labor housing unit and permits farming on the agricultural easement. This resolution was

tabled for clarification at the August 10, 2016 Township Committee meeting, which was subsequently obtained and reflected in the revised resolution to include the permitting of farming on the agricultural easement. The purchase price of the agricultural easement is \$33,000 per acre, and the Township's anticipated cost share would be 16% of the total consideration or \$5,280 per acre. 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. ADMINISTRATIVE REPORT:**

Ms. Capristo advised Colts Neck Business Association (CNBA) is having pig roast at the Bucks Mill Community Center on September 20, 2016 and has requested the Township Committee's approval to consume wine and beer at this event. Those attending will be members of the CNBA and their guests, ages 35 to 70. If approved, the CNBA will provide the Township with a Certificate of Insurance naming the Township as Certificate Holder and Additional Insured and including a liquor liability addendum. Mr. Bartolomeo made a motion to approve, 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		X			
Macnow	S	X			
Bartolomeo	M	X			
Eastman		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

**4. DISCUSSION:**

- ATTENDANCE AT MONMOUTH COUNTY PROSECUTOR TRAINING – CHIEF KEVIN SAUTER. The unanimous consensus of the Township Committee for Chief Kevin Sauter to attend the training sponsored by the Monmouth County Prosecutor's Office addressing Best Practices for Municipalities to Prevent Crime, Fraud, Waste and Abuse.

At 6:05 p.m., Counsel Bennett requested the Township Committee convene a brief Executive Session. Mr. Fitzgerald made a motion to return to Executive Session, 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					

The Township Committee, Legal Counsel Bennett, Administrator Capristo and Clerk Kara left the meeting room and convened in the Administrator's office.

At 6:25 p.m., Mr. Fitzgerald made a motion to return to open session, seconded by Mr. Macnow and unanimously carried by voice vote.

<b>RECORD OF VOTE</b>					
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					

- **OPINION OF HEARING OFFICER IN THE MATTER OF: COLTS NECK TOWNSHIP COMMITTEE V. CHIEF KEVIN SAUTER, A DISCIPLINARY MATTER (POSSIBLE RESOLUTION)** Mr. Fitzgerald provided a point of clarification that the point of discussion relates to the Police Department, and he is the Township Committee Liaison to the Police Department. Mr. Fitzgerald advised the Township Committee instituted disciplinary charges against Chief of Police, Kevin Sauter, in January 2016. Chief Sauter pleaded not guilty to the charges and requested a public hearing regarding those charges. The Township Committee designated retired Superior Court Judge Robert W. O'Hagan as Hearing Officer and the case was heard April 28, 2016. Judge O'Hagan issued a written decision supporting the Township's penalty of a five-day suspension without pay. Mr. Fitzgerald advised the Township Committee is now going to decide whether to adopt the recommendations of the Hearing Officer or recommend a lesser or greater penalty. Mr. Fitzgerald advised at the request of Chief Sauter, this discussion is being held in a public meeting.

Mr. Macnow expressed his thoughts and concurred with the Hearing Officer. Mr. Macnow noted he was disappointed at the lack of contrition.

Mr. Fitzgerald expressed his thoughts and concurred with the Hearing Officer. Mr. Fitzgerald commented this is not what happens in 2016, and now that it has become common knowledge, each town must make a determination on the use of a Police car. Chief Sauter's use violates Township policy.

Mr. Eastman noted that although this happened before his watch, he trusts in Judge O'Hagan's findings.

Mr. Bartolomeo expressed his thoughts and moved to amend the disciplinary suspension to one to three days without pay; no second to this motion; motion died.

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

Mayor Orgo expressed his thoughts and concurred with the Hearing Officer.

- **RESOLUTION 2016-108:** RESOLUTION AUTHORIZING THE ACCEPTANCE OF OPINION OF HEARING OFFICER IN THE MATTER OF COLTS NECK TOWNSHIP COMMITTEE V. CHIEF KEVIN SAUTER, A DISCIPLINARY MATTER, DECIDED AUGUST 15, 2016. Mr. Macnow made a motion to approve a five day suspension without pay for Chief Kevin Sauter, seconded by Mr. Eastman and carried by Messrs. Orgo, Fitzgerald, Macnow and Eastman; Mr. Bartolomeo abstained.

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					

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

Mr. Charles Sciarra, Legal Counsel to Chief Sauter, began speaking. Mayor Orgo reminded Mr. Sciarra this portion of the meeting is for comments; he is not in court. Mr. Sciarra expressed his thoughts and stated there will be further litigation. Mr. Sciarra stated Chief Sauter will be forwarding correspondence to the Mayor with a "cc" to the Administrator by 11:00 a.m. tomorrow regarding overtime details already scheduled for the upcoming weekend and the timing of the suspension.

Mr. Ray Hayduka, stated he was in charge of legal aid and expressed his thoughts on the use of Police vehicles, training approval, the disciplinary decision and need for mediation.

Mr. Jeffrey Sauter, resident, commented on the cost to taxpayers for his OPRA requests and the hearing conducted by Judge O'Hagan. Mr. Sauter commented on Mr. Bartolomeo's abstention.

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

6. **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					

Meeting adjourned at 6:50 p.m.



Beth Kara, RMC, CMC  
Municipal Clerk