

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
NOVEMBER 9, 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 November 9, 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 J.P. Bartolomeo, and Edward Eastman, Jr.
 Also Present: Administrator/Deputy Clerk Kathleen Capristo, Municipal Clerk Beth Kara; Township Counsel Meghan Bennett Clark, Esq.
 Absent: Deputy Mayor Michael Fitzgerald and Committeeman Russell Macnow

1. **SWEARING IN OF EDWARD C. EASTMAN, JR.:** Mr. Eastman was sworn in by Ms. Capristo to fulfill the unexpired term of office of Township Committee member with the term ending December 31, 2017. He received a round of applause and photographs were taken.
2. **APPROVAL OF MINUTES:** OCTOBER 26, 2016. Mr. Bartolomeo 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						X
Bartolomeo	M		X			
Eastman		S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

3. **MAYOR'S PROCLAMATION:** DECLARING NOVEMBER 27, 2016 AS WORLD PANCREATIC CANCER DAY IN THE TOWNSHIP OF COLTS NECK. Mr. Bartolomeo read the Proclamation in full on behalf of Mayor Orgo. Mr. Bartolomeo noted Pancreatic Cancer is the only major cancer with a five-year relative survival rate in the single digits at eight percent, and is the third leading cause of cancer death in the United States with projections to be the second deadliest cancer by 2020. Mr. Bartolomeo stated good health and well-being of Township residents are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments, then declared November 27, 2016 as World Pancreatic Cancer Day within the Township of Colts Neck. This Proclamation will be on display at the Library.

Mayor Orgo then announced the order of agenda would be modified this evening, and Ordinance 2016-20 would now be addressed:

7. **ORDINANCE 2016-20:** AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF COLTS NECK WITHIN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO ESTABLISH CHAPTER 20, ECONOMIC DEVELOPMENT COMMITTEE. OF THE TOWNSHIP OF COLTS NECK. Mayor Orgo advised the second reading and public hearing on this ordinance would not be held this evening and called for a motion to carry to the meeting scheduled November 30, 2016. Mr. Bartolomeo made a motion to carry, seconded by Mr. Eastman and unanimously carried. The second reading and public hearing will be placed on the November 30, 2016 meeting agenda.

RECORD OF VOTE TO CARRY TO NOVEMBER 30, 2016 MEETING					
Committeeman	M S	Yes	No	NV	Ab
Mayor Orgo		X			
Deputy Mayor Fitzgerald					X
Macnow					X
Bartolomeo	M	X			
Eastman	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

Mayor Orgo then returned to the order of agenda.

4. **DISCUSSION:** (AND POSSIBLE ORDINANCE INTRODUCTION): AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102-71.1 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "SITE INVESTIGATION AND SOIL SAMPLING". Mr. Tim Anfuso, P.P, Township Planner advised the substantial change proposed in this draft ordinance is a new requirement to obtain a Response Action Outcome as a precondition to signing the Final Maps if contamination is found. All other amendments update citations and references to the NJDEP Technical Requirements for Site Remediation (Technical Rules), the Residential Direct Contact Remediation Standards and make grammatical revisions. A preliminary assessment will now be required for all applications requiring major subdivision or site plan approval, whether residential or nonresidential, and must be prepared in accordance with NJDEP standards. If contamination is found, the ordinance also requires the developer to obtain a Response Action Outcome prior to signing the final maps. The preliminary assessment is not required for minor subdivisions or minor site plan applications. Mr. Eastman questioned if there is a differentiation between naturally occurring and applied arsenic. Mr. Anfuso stated naturally occurring arsenic would be evident deep within the ground, for which there is no cleanup standard while applied arsenic is close to the surface and requires cleanup. Mr. Eastman then asked if both were evident in town, to which Mr. Anfuso responded yes. Given the consensus of the Township Committee, Mayor Orgo then read the following:

ORDINANCE 2016-22: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102-71.1 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "SITE INVESTIGATION AND SOIL SAMPLING" was read by title at first reading by Mayor Orgo. Mr. Eastman made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing December 14, 2016.

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					

5. **DISCUSSION:** (AND POSSIBLE ORDINANCE INTRODUCTION): AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, DEVELOPMENT REGULATIONS, ARTICLE V, DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS. Mr. Anfuso advised this proposed ordinance requires electronic PDF files for all forms, plans, reports and documents submitted with subdivision and site plan applications. This ordinance promotes paperless processing of subdivision and site plan applications, reduces the cost of mailing Planning and Zoning Board meeting packets and improves records retention and retrieval of old applications. Mr. Anfuso advised the documents received electronically would then be uploaded to the County RIM System for electronic storage and retrieval. Given the consensus of the Township Committee, Mayor Orgo then read the following:

ORDINANCE 2016-23: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, DEVELOPMENT REGULATIONS, ARTICLE V, DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS was read by title at first reading by Mayor Orgo. Mr. Bartolomeo made a motion to approve, seconded by Mr. Eastman and unanimously carried. Mayor Orgo set the public hearing December 14, 2016.

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

6. **ORDINANCE 2016-21:** ORDINANCE AMENDING AND REVISING CHAPTER 137, HOTELS AND MOTELS, §137-2, "PROHIBITIONS" was read by title by Mayor Orgo at first reading. Ms. Capristo advised the proposed ordinance would tighten up a few loopholes in the current Code. Mr. Anfuso noted the revisions respond to issues from the Municipal Court to include renting and/or occupying of rooms or units to a person on premises for a period of time. Hearing no comments from the Governing Body, Mr. Bartolomeo made a motion to approve, seconded by Mr. Eastman and unanimously carried. Mayor Orgo set the public hearing December 14, 2016.

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

Mr. Anfuso excused himself and left the meeting at 7:55 p.m.

8. **RESOLUTION 2016-136:** RESOLUTION AUTHORIZING REJECTION OF BID, RECYCLING SERVICES 2017-2018 WITH ONE-YEAR OPTION TO RENEW was read by title by Mayor Orgo. Ms. Capristo advised two bid packages were picked up, one bid was received and opened and was substantially higher than the last contract awarded (\$67,000 per year awarded previously; \$125,000 per year bid). Under contract law with the concurrence of Mr. Gerken, Ms. Capristo is recommending the bid received be rejected and re-advertised for recycling services. Mr. Bartolomeo commented on a recent survey done by Holmdel residents as to whether the Township or individual contract carriers collect household trash, and

the response was individual contract carriers, not the Township. Mr. Bartolomeo 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					X
Bartolomeo	M	X			
Eastman	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

9. **RESOLUTION 2016-137:** RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND (JANUARY 1, 2017 THROUGH JANUARY 1, 2020) was read by title by Mayor Orgo. Ms. Capristo advised this is a routine three-year renewal in the JIF. Mr. Bartolomeo 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					X
Bartolomeo	M	X			
Eastman	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

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10. **RESOLUTION 2016-138:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2016 BUDGET was read by title by Mayor Orgo. Ms. Capristo advised this is the time of year when municipalities are able to transfer funds between line items. This resolution transfers a total of \$76,700 from Streets and Road Maintenance, Salaries and Wages (\$50,700); and Snow Removal, Other Expenses (\$26,000); to Zoning Board of Adjustment, Other Expenses (\$500); Legal Services (Legal Department), Other Expenses (\$67,000); Engineering Services, Other Expenses (\$7,500); Shade Tree Commission, Other Expenses (\$700); and Street Lighting (\$1,000) to cover additional expenses. 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					

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11. **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 2016-139:** RESOLUTION ACCEPTING SPECIAL PERFORMANCE GUARANTEE AND INSPECTION FEE, STREET OPENING PERMIT, BLOCK 33, LOT 31.09, 14 HIDDEN PINE DRIVE was read by title by Mayor Orgo.

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					

12. ADMINISTRATIVE REPORT:

Ms. Capristo had no report this evening.

13. MOTION TO APPROVE VOUCHERS: In Mr. Fitzgerald's absence, Committeemen Bartolomeo reviewed tonight's vouchers and recommends the following for approval:

Animal Control	\$90.57
Capital Fund	\$28,857.10
COAH	\$1,000.00
Construction Trust	\$10,694.97
Current Fund	\$6,121,139.82
Escrow	\$4,947.80
Grant Fund	\$3,506.67
Trust Fund	\$14,676.43
TOTAL	<u>\$6,184,913.36</u>

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					

14. TOWNSHIP COMMITTEE REPORTS

Mr. Bartolomeo reported the Senior Club had three candidates running, and he thanked Ms. Judy Laufer for volunteering to run for office.

Mr. Bartolomeo advised the Senior Club luncheon is scheduled for December 19 at the Molly Pitcher Inn.

Mr. Bartolomeo reported he is working with The Grande to tighten the agreement.

Mr. Bartolomeo reported the Sports Foundation has made new appointments.

Mr. Eastman reported the Board of Health meeting included a presentation on arsenic, noting naturally occurring arsenic is approximately five to six feet below ground and does not require remediation, whereas the applied arsenic occurring four to seven inches below ground does require remediation for amounts exceeding State standards. Mayor Orgo noted Long Range Planning and the Planning Board developed the latest ordinance presented tonight to reflect the change in State

standards. Mayor Orgo advised when potential buyers are selecting properties, they should ask about the arsenic content on the property.

Mayor Orgo reported the Farmland and Open Space referendum did not pass at the General Election, which would have raised property taxes from \$96 to \$200 per year for a home assessed at \$800,000. The additional funds would have been used to purchase and preserve more land within the Township.

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

Mr. Vince Domidion, resident, commented there is still work to be done to remedy the Library exterior front steps. Mr. Domidion was advised the Township is working this into the schedule to be addressed. Mr. Domidion requested the paved surface of New Street be viewed as there are several uneven surfaces in need of repair before winter.

Ms. Elaine Mann, resident, advised she read Congressman Smith's recent letter regarding civilian housing at NWS Earle. Ms. Mann commented Congress holds the purse strings on this issue, which is to rent out the units or buy them out, as was done previously.

Mr. Jack Zumba, resident, requested the transfer of funds within Resolution 2016-138 be read in full. All transfers were then read. Mr. Zumba stated he voted against the referendum this year and it was the first time he did so. He commented that the increase was too much. Mayor Orgo commented several years ago the open space tax was cut in half, and the increase would have restored the previous level of funding for farmland and open space purchases.

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

16. MOTION TO ADJOURN: Mr. Eastman made a motion to adjourn, seconded by Mr. Bartolomeo and unanimously carried by voice vote. Mayor Orgo stated the next meeting of the Township Committee would be held Wednesday, November 30, 2016, 7:30 p.m.

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						

Meeting adjourned at 8:12 p.m.


Beth Kara, RMC, CMC
Municipal Clerk