

This agenda reflects the agenda to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d), and is tentative, subject to amendment, additions or deletions prior to the meeting.

**COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING
DECEMBER 12, 2018
7:30 P.M. AT TOWN HALL**

CALL MEETING TO ORDER

SALUTE TO THE FLAG

“THE NOTICE REQUIREMENTS OF THE NEW JERSEY PUBLIC MEETINGS LAW HAVE BEEN SATISFIED BY NOTICING THE NEWS TRANSCRIPT ON JANUARY 10, 2018 STATING THAT A REGULAR MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON DECEMBER 12, 2018 AT 7:30 P.M., TOWN HALL. 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

1. ANNOUNCEMENTS:

- THE DECEMBER 19, 2018 REGULAR MEETING OF THE TOWNSHIP COMMITTEE IS CANCELLED
- THE 2019 REORGANIZATION MEETING OF THE TOWNSHIP COMMITTEE WILL BE HELD ON SUNDAY, JANUARY 6, 2019, 1:00 P.M. IN THE COURT HOUSE

2. APPROVAL OF MINUTES: NOVEMBER 7, 26, 28 AND DECEMBER 3, 2018

3. MAYOR'S PROCLAMATIONS: RECOGNITION OF COLTS NECK GIRLS MOSA CHAMPIONS:

- U13 THUNDERING HERD
- U12 STAMPEDE
- U10 PRIDE

4. POLICE RECOGNITION: SPECIAL RECOGNITION TO COLTS NECK POLICE DEPARTMENT STAFF, ACTING CHIEF FRANK LECCESE

5. PRESENTATION: COLTS NECK SPORTS FOUNDATION REQUEST TO MODIFY BATTING CAGES AND INSTALL WATER LINE AT LAIRD ROAD PARK FIELDS 3 AND 4, JEFF REISINGER

6. MAYOR'S YEAR END COMMENTS

7. DISCUSSION

- CHANGES TO RECYCLING – MR. VIOLA
- MEMORIAL PROGRAM – MAYOR BARTOLOMEO

8. ORDINANCE 2018-19: ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102, ARTICLE IV, § 102-16, “GUARANTEES AND INSPECTIONS” OF THE CODE OF COLTS NECK TOWNSHIP

2ND READING BY TITLE
COMMENTS
MOTION TO OPEN PUBLIC HEARING
MOTION TO CLOSE PUBLIC HEARING
MOTION TO APPROVE
ROLL CALL

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9. **RESOLUTION 2018-162:** RESOLUTION CONFIRMING 2019 TOWNSHIP COMMITTEE MEETING SCHEDULE

COMMENTS
MOTION TO APPROVE
ROLL CALL

10. **RESOLUTION 2018-163:** RESOLUTION AUTHORIZING PURCHASE OF 2018 CHEVROLET TAHOE 4WD TRUCK, STATE CONTRACT NO. A89938 – T-2776 (\$38,281.44)

COMMENTS
MOTION TO APPROVE
ROLL CALL

11. **RESOLUTION 2018-164:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2018 BUDGET

COMMENTS
MOTION TO APPROVE
ROLL CALL

12. **RESOLUTION 2018-165:** RESOLUTION TO APPROVE AND ENDORSE THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE MONMOUTH COUNTY CONSERVATION FOUNDATION FOR CERTAIN REAL PROPERTY KNOWN AS THE "DRUESNE FARM" (BLOCK 39, LOTS 8 & 9)

COMMENTS
MOTION TO APPROVE
ROLL CALL

13. **MOTION TO APPROVE 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 2018-166:** RESOLUTION AUTHORIZING CANCELLATION OF 2018 TAX DEBIT AND CREDIT BALANCES OF LESS THAN \$5.00

***RESOLUTION 2018-167:** RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEE, ZONING BOARD APPLICATION NO. 954, GK DISTILLING, INC., BLOCK 46, LOT 17

***RESOLUTION 2018-168:** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 486, PEGASUS PROPERTIES LLC

***RESOLUTION 2018-169:** RESOLUTION CANCELLATION OF MISCELLANEOUS CHARGES AND OUTSTANDING CHECKS

COMMENTS
MOTION TO APPROVE
ROLL CALL

14. **ADMINISTRATOR'S REPORT**

15. **MOTION TO APPROVE VOUCHERS**

COMMENTS
MOTION TO APPROVE
ROLL CALL

16. **TOWNSHIP COMMITTEE REPORTS**

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17. COMMENTS FROM THE PUBLIC

MOTION TO OPEN PUBLIC HEARING
MOTION TO CLOSE PUBLIC HEARING

18. RESOLUTION 2018-170: EXECUTIVE SESSION

COMMENTS
MOTION TO APPROVE
ROLL CALL

***THE NEXT REGULAR TOWNSHIP COMMITTEE MEETING IS
WEDNESDAY, JANUARY 9, 2018, 7:30 P.M.
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ***

ORDINANCE NO. 2018-19

**AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 102, ARTICLE IV, SUBSECTION 102-16 "GUARANTEES AND INSPECTIONS"
OF THE CODE OF COLTS NECK TOWNSHIP**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, on January 15, 2018 the Governor signed into law Assembly Bill 1425/Senate Bill 3233, which implements major reforms for the posting of performance and maintenance guarantees under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq; and

WHEREAS, the new law was effective immediately and constrains municipalities from requiring performance guarantees for private improvements which will not be dedicated to the public; and

WHEREAS, the Township Committee of Colts Neck Township finds it is in the best interest of the public to amend Section 102-16 Guarantees and inspections consistent with the new law.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey that Section 102-16 "Guarantees and inspections" is hereby amended and supplemented in the following parts only (additions to text indicated by underline deletions to text indicated by ~~strikeout~~).

§ 102-16. Guarantees and inspections.

- A. No final plat shall be approved by the approving authority until all items required to be secured by a performance guarantee (certain on-site, off-site, on-tract and off tract improvements) in the public interest have been installed, inspected, certified and approved by the Township Engineer and accepted by the governing body and a maintenance guarantee has been filed and accepted by the governing body in accordance with the requirements of this section or their installation shall have been provided for by a performance guaranty~~ee~~ accepted and approved by the governing body in accordance with the requirements of this section. No maintenance guaranty~~ee~~ shall be accepted, nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or reworked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat application that do not meet the standards of this chapter or other regulations shall be added to the performance guarantee
- B. Upon request by the applicant or the approving authority, a performance guarantee estimate and safety and stabilizing guarantee estimate shall be prepared by the Township Engineer, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth hereinafter, and submitted to the approving authority completely detailing the material and work required for the improvements and an estimated cost of providing them. The approving authority may adjust the estimate before forwarding it to the developer. The approving authority may request the Township Engineer to review and update this estimate from time to time as required. The final itemized cost estimate shall be appended to each performance guaranty~~ee~~ posted by the developer.
- C. The proposed performance guaranty~~ee~~ and safety and stabilization guarantee shall be submitted to the appropriate authority by the developer. The approving authority shall review the proposed performance guarantee for accuracy and form and then submit it to the governing body for approval and acceptance by resolution. Pursuant to N.J.S.A. 40:55D-53, a

performance guarantee is required as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65. No final subdivision plat minor subdivision deed shall be released for recording until a performance guarantyee has been accepted and approved by the governing body in accordance with the standards set forth hereinbelow.

- (1) The performance guarantyee and safety and stabilization guarantee shall consist of the performance guarantee estimate and either an irrevocable standby letter of credit, a certified check, a cashier's check, cash, a surety bond, a bid bond or any combination thereof, covering 90% of the total performance guarantyee in a form acceptable to the governing body and in conformance with applicable provision of P.L. 1975, c. 291, (N.J.S.A. 40: 55D-1 et. seq.) and 10% cash in the form of either a certified check or bank check. At the option of the developer, additional cash in the form of a certified or bank check up to the amount of the total performance guarantyee may be provided. The Township Treasurer shall cause the certified check(s) to be deposited in a bank approved by the governing body in the name of Colts Neck Township. The letter of credit or certified check are to be retained as security for completion of all requirements and are to be used by Colts Neck Township to pay the cost and expense of obtaining completion of all requirements. If the required improvements have not been installed or constructed in accordance with the standards of the Township or within the stipulated time, the obligor and/or co-obligor, as provided by law, for the performance guarantyee, shall be liable thereon to the Township for the reasonable costs of the bonded improvements or of the uncompleted portion thereof, including engineering, legal and administration costs, and upon authorization by the governing body, the Township Attorney or Township Clerk shall take the necessary steps to obtain such funds to cover the costs from the obligor and/or co-obligor.
- (2) Notwithstanding the foregoing, the governing body may accept a letter of credit as a performance guarantee for up to 90% of the cost estimate provided for in Subsection C(3) of this section, where the governing body has found that said letter of credit meets the standards set forth in N.J.S.A. 40:55D-53.5 and set forth with particularity in § 102-16O, infra.
- (3) Performance guarantee and safety and stabilization guarantee.
 - (i) ~~The total performance guarantyee shall equal 120% of the performance guarantee engineer's cost estimate plus an amount equal to 15% of the cost of any facilities installed prior to submission for final development approval as a guarantee to assure upkeep of these facilities until accepted by the governing body and covered by a maintenance guarantee. of installation of only those improvements required by an approval or developers agreement, ordinance or regulation to be dedicated to a public entity and have not yet been installed for the following improvements as shown on the approved plan or plats; streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyors monuments as shown on the Final Plat, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space and any grading necessitated by the preceding improvements to assure upkeep of these facilities until accepted by the governing body and covered by a maintenance guarantee. The performance guarantee shall include, within an approved phase or section of a development privately owned perimeter buffer landscaping as shown on an approved plan or plat. At the developers option a separate performance guarantee may be posted for this privately owned perimeter buffer landscaping.~~
 - (ii) In the event that the developer seeks a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate "temporary certificate of occupancy guarantee" in the amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy and which are not covered by an existing performance guarantee. The scope and amount of the "temporary certificate of occupancy shall be determined by the Township Engineer and accepted by

resolution from the governing body. At no time shall more than one guarantee be held by the Township for the same improvement. The “temporary certificate of occupancy guarantee” shall be released by the governing body upon the issuance of a permanent certificate of occupancy with regard to the unit, lot, building or phase as to which the “temporary certificate of occupancy guarantee” relates.

(iii) In addition to the performance guarantee pursuant to subparagraph (i) above the developer shall also post a separate “safety and stabilization guarantee” in favor of the Township to be available solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

- a) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
- b) Work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The Township shall not serve notice of its intent to claim payment under a “safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reason other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing proof of receipt.

The amount of the “safety and stabilization guarantee” for a development with bonded improvements in the amount not exceeding \$100,000 shall be \$5,000. The amount of the “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvements costs of the development or phase of development as follows:

- a) \$5,000 for the first \$100,000 of bonded improvements, plus
- b) Two and one half percent of bonded improvements costs in excess of \$100,000 up to \$1,000,000; plus
- c) One percent of bonded improvement cost in excess of \$1,000,000

(4) In the event of default, the 10% cash fund herein mentioned shall be first applied to the completion of the requirements, and the cash, certified check or irrevocable standby letter of credit shall thereafter be restored to, if necessary, for the completion of the requirements. The cash performance guarantee or letter of credit may recite the foregoing provisions. The Township Engineer’s certification that the principal/obligor has satisfactorily installed or has defaulted in meeting the required standards of construction and/or in providing all the required bonded improvements shall be the basis for governing body action which accepts or rejects the bonded improvements, withholds approval, institutes appropriate action to obtain cost and expenses from the obligor and/or co-obligor in cases of default or extends the time allowed for installation of the bonded improvements. The performance guarantee shall stay in full force and effect until released by resolution of the governing body. The initial term of this guarantee shall be for one year. At the end of the initial or any subsequent guarantee term, upon request of the governing body, in writing, by certified mail, with copies to the Planning Board and Township Engineer, the applicant may request an extension of the guarantee interval.

(4) After a review by the Township Engineer of the cost of uncompleted bonded improvements and the potential cost to repair defective installed improvements, the governing body may increase or decrease the amount of the original performance guarantee, may require a new or modified performance guarantee to be provided by the applicant, may extend the guarantee interval or may deny the request for an extension if the subdivision or site plan approval resolution did not specifically grant a

longer interval for completion of all bonded improvements. Notwithstanding the terms of any performance guarantee then in force, all bonded improvements in a total or portion of a major subdivision or site development as covered by the performance guarantee in question shall be completed by the applicant in a manner acceptable to the governing body within two years of issuance of the first certificate of occupancy in a major subdivision and within one year for a major site development, unless extended by the governing body for good cause.

- (5) Notwithstanding the foregoing, the governing body may accept a certificate of deposit as a performance guarantee and safety and stabilization guarantee for up to 90% of the amount of performance guarantee provided for in Subsection C(3) of this section, subject to the following terms and conditions:
- (a) [existing text to remain]
 - (b) Except as is provided for in Subsection (5)(d) of this section, the governing body shall not accept any certificate of deposit which shall have a present value as of posting in an amount of less than \$100,000 90% of the engineer's estimate. In addition, the Chief Financial Officer shall approve the depository bank which shall have issued such certificate of deposit.
 - (c) The term of any such certificate of deposit shall be for a period of one year and shall provide, either on its face or on the assignment provided for herein, for automatic renewal of such certificate by the depository bank, unless the depository bank shall forward notice of nonrenewal of such certificate to the Township by certified mail, return receipt request, not less than 60 days prior to the anniversary date of such certificate of deposit. In the event that the Township shall receive notice of intent not to renew the certificate of deposit from the depository bank, then the Township shall be entitled to draw upon such certificate of deposit in an amount equal to 120% of the costs of those bonded improvements which have not been completed by the developer in accordance with the Township's standards.
 - (d) In the event that the developer shall apply for a partial release of any such certificate of deposit, it shall be a requirement of such partial release that the developer shall post a certificate of deposit or a letter of credit with a present value at the time of the posting of the same equal to 120% of the remaining balance of the cost of the bonded improvements which have not been completed in accordance with the Township's standards. Any such certificate of deposit or letter of credit shall otherwise conform to the requirements of this section or to the Colts Neck Township development regulations, except that any such certificate of deposit posted in connection with an application for partial release may be in an amount less than \$100,000. In no event shall the Township release more than ~~30%~~ 70% of the amount of the original performance guarantee posted with the Township until completion and acceptance of all improvements and posting of maintenance guarantees.
 - (e) [existing text to remain]
 - (f) [existing text to remain]
 - (g) [existing text to remain]
- D. The Township Clerk shall immediately notify the approving authority when the performance guarantee has been approved and accepted by the governing body.
- E. Preconstruction conference; billing; reports
- (1) [existing text to remain]
 - (2) ~~The developer is required to pay over to the Township prior to the preconstruction conference an initial construction inspection fee equal to the greater of \$500 or 5% of the total cost of the improvements, which shall be deposited by the Township in an account with other similar fees. This fee shall be in addition to the amount of the performance~~

~~guarantee and all other fees covered by this chapter. The monies shall be deposited in this manner so that the Township shall have funds available to reimburse it for Township Engineer or other agent, servant or employee fees it will incur regarding the developer's project. The developer shall reimburse the Township for reasonable inspection fees paid to the Township engineer for inspection of improvements. The inspection fee posted by the developer in escrow shall be in an amount:~~

- ~~(i) Not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under Section C3 above; and~~
- ~~(ii) Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee~~

~~For those developments for which inspection fees total less than \$10,000, fees may, at the option of a developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.~~

~~For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by an amount paid to the Township engineer for inspections, the developer shall make an additional deposit of 25% of the inspection fee.~~

~~If the Township determines that the amount in escrow for the payment of inspection fees is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request signed by the Township engineer, which informs the developer of the need for additional inspections; details the items or undertakings that require inspections; estimates the time required for those inspections and estimates the cost of performing those inspections.~~

(3) [existing text to remain]

(4) [existing text to remain]

(5) [existing text to remain]

F. [existing text to remain]

G. [existing text to remain]

H. [existing text to remain]

I. [existing text to remain]

J. Request for performance guarantee and safety and stabilization guarantee reduction or release.

- (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements and the connection of the same to the public system, the obligor may request of the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, that the Municipal Engineer prepare, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsections B and C of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the developer shall send a copy of the request to the approving authority and the Municipal Engineer. The request shall indicate which bonded improvements have been completed and which improvements remain uncompleted in the judgement of the developer. Thereupon the Municipal Engineer shall inspect all bonded improvements covered by the developer's request and shall file a detailed list and report, in writing,

with the Township Committee and shall simultaneously send a copy thereof to the developer not later than 45 days after receipt of the developer's request.

- (2) The list prepared by the Municipal Engineer shall state, in detail with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Municipal Engineer shall identify each bonded improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsections B and C of this section. Payment of all outstanding construction inspection fees is a condition precedent to release of and/or reduction of performance guarantees. Attached to the approving authority's and Township Engineer's copies of final inspection request by the developer shall be provided two copies of a Final As-Built Survey of the improvements grading and utility plans and profiles installed amended to read and show "as constructed and/or installed", unless the Township Engineer determines that the approved plats are adequate.

K. Processing requests for performance guarantee and safety and stabilization guarantee reduction or release.

- (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Municipal Engineer or reject any or all of these improvements upon the establishment in the resolution of cause for rejection and shall approve and authorize the amount of reduction to be made in the performance guarantee and safety stabilizing guarantee relating to the improvements accepted in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsections B and C of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Municipal Engineer. Upon adoption of the resolution by the governing body, the developer shall be release from all liability pursuant to its performance guarantee and safety stabilizing guarantee with respect to those approved bonded improvements, except that an amount equal to 15% of the cost of completed improvements to assure upkeep of these improvements until all improvements are completed and covered by a maintenance guarantee shall be withheld and except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that 30% of the amount of the performance guarantee and safety stabilizing guarantee posted may be retained to ensure completion and acceptability of all improvements except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30%.
- (2) If the Municipal Engineer fails to send or provide the list and report as requested by the obligor pursuant to Subsection K(1) of this section within 45 days from the receipt of the request, the developer may apply to the court in a summary manner for an order compelling the Municipal Engineer to provide the list and report within a stated time, and the cost of applying to the court, including reasonable attorneys' fees, may be awarded to the prevailing party. If the governing body fails to approve or reject the bonded improvements determined by the Municipal Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Municipal Engineer's list and report, the developer may apply to the court in a summary manner for an order compelling, within a stated time, approval of a reduction in the performance guarantee for the approval of complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsection K(1) of this section; and the cost of applying to the court, including reasonable attorneys' fees, may be awarded to the prevailing party.

- (3) In the event that the developer has made a cash deposit with the municipality or the approving authority as part of the performance guarant~~yee~~ then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarant~~yee~~ provided that if the safety and stabilization guarantee is included as a line item of the performance guarantee the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.
- L. If any portion of the required bonded improvements is not completed and/or is rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in this section shall be followed. If the required improvements are not completed or corrected in accordance with the performance guarant~~yee~~ and/or the requirements in this chapter and/or in the conditions of application approval, the obligor and co-obligor, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and other associated costs, and the municipality may require payment under the performance guarant~~yee~~ and may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- M. [existing text to remain]
- N. No improvement shall be accepted or any performance guarantee, temporary certificate of occupancy or safety and stabilization guarantee be fully released by the governing body unless and until all of the following conditions have been met:
- (1) [existing text to remain]
- (2) The developer has provided a maintenance guarantee ~~as defined hereinabove to the governing body in an amount equal to 15% of the cost of improvements and running for two years.~~ in the amount not to exceed 15% of the cost of the installation of the improvements which are being released. The maintenance guarantee, upon the inspection and issuance of final approval by the Township engineer shall also include an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined in accordance with Section C above. The maintenance guarantee shall be in a form and content acceptable to the governing body and shall stay in full force and effect until released by resolution of the governing body or for a term not to exceed two years whichever occurs first and shall automatically expire at the end of the two years term. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarant~~yee~~ to another governmental agency, no performance or maintenance guarant~~yee~~, as the case may be, shall be required by the Township for such utilities or improvements. A municipality shall not require that a maintenance guarant~~yee~~ required pursuant to this section be in cash or that more than 10% of a performance guarant~~yee~~ pursuant to that section be in cash. A developer may, however, provide at his or her option some or all of a performance guarant~~yee~~ in cash.
- (3) [existing text to remain]
- (4) [existing text to remain]
- (5) [existing text to remain]
- O. [existing text to remain]
- P. [existing text to remain]

BE IT FURTHER ORDAINED, Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED, Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

BE IT FURTHER ORDAINED, This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, Municipal Clerk in Colts Neck Township, County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2018-19, introduced at a duly convened meeting of the Township Committee on the 26th day of September, 2018, and adopted after public hearing at a duly convened meeting of the Township Committee on the 12th day of December 2018.

J.P. Bartolomeo, Mayor

Beth Kara, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 26, 2018					December 12, 2018						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Bartolomeo			X									
Deputy Mayor Orgo			X									
Rizzuto		S	X									
Viola			X									
Macnow		M	X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

RESOLUTION 2018-162

**CONFIRMING 2019 TOWNSHIP COMMITTEE
MEETING SCHEDULE**

BE IT RESOLVED by the Township Committee of Colts Neck Township that it hereby approves and confirms the 2019 Township Committee meeting schedule as follows:

Reorganization: January 6, 2019 1:00 P.M., Court House	
January 9, 2019	January 30, 2019
February 13, 2019	February 27, 2019
March 13, 2019	March 27, 2019
April 10, 2019	April 24, 2019
May 8, 2019	May 29, 2019
June 12, 2019	June 26, 2019
July 10, 2019	July (No Meeting)
August 14, 2019	August (No Meeting)
September 11, 2019	September 25, 2019
October 9, 2019	October 30, 2019
November 13, 2019	November (No Meeting)
December 11, 2019	December 18, 2019

BE IT FURTHER RESOLVED that unless otherwise noted, all meetings will be held in the meeting room at Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, and begin at 7:30 p.m.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-163

**AUTHORIZING PURCHASE OF
2018 CHEVROLET TAHOE 4WD TRUCK
STATE CONTRACT NO. A89938 - T-2776
(\$38,281.44)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the purchase of a 2018 Chevrolet Tahoe 4WD Truck, as follows:

STATE CONTRACT: NO. 79123 - T-2787

VENDOR: Day Chevrolet Inc.
1600 Golden Mile Highway
Monroeville, PA 15146-2010

VEHICLE: 2018 Chevrolet Tahoe 4WD Truck

AMOUNT: \$38,281.44

BE IT FURTHER RESOLVED AND CERTIFIED that funds for this purpose are provided through the Capital Ordinance # 2018-8, Budget Account # C-02—059-212; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any documents in this regard; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Vendor, Day Chevrolet, Inc.;
2. Frank Leccese, Acting Chief of Police;
3. Louis Bader, Public Works Director; and
4. John Antonides, Chief Financial Officer.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-164

**AUTHORIZING FORMAL TRANSFER OF FUNDS
2018 BUDGET**

WHEREAS N.J.S.A. 40A:4-58 states : "Should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient"; and,

WHEREAS the Chief Financial Officer has recommended that the following transfers, being in compliance with N.J.S.A. 40A:4-58, be made:

2018 BUDGET TRANSFERS

TRANSFERS TO(INSIDE "CAPS"):

Gasoline	\$ 20,000.00	To cover additional expenses.
Telephone	1,000.00	To cover additional expenses.
	<u>\$ 21,000.00</u>	

TRANSFERS FROM(INSIDE "CAPS"):

Legal Services(Legal Department):	
Other Expenses	<u>\$ 21,000.00</u>

NOW THEREFORE BE IT RESOLVED by the Township Committee of Colts Neck Township, County of Monmouth, (not less than 2/3 of the full membership concurring affirmatively) that the 2018 budget transfers be made a permanent part of this resolution, are hereby made and approved.

I, Beth Kara, hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of Colts Neck Township during a regular meeting on the 12th day of December, 2018.

Beth Kara, Municipal Clerk

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Bartolomeo					
Deputy Mayor Orgo					
Rizzuto					
Viola					
Macnow					
M - Moved S - Seconded X - Indicates Vote NV - Not Voting Ab - Absent					

RESOLUTION NO. 2018-165

RESOLUTION OF COLTS NECK TOWNSHIP TO APPROVE AND ENDORSE THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE MONMOUTH COUNTY CONSERVATION FOUNDATION FOR CERTAIN REAL PROPERTY KNOWN AS THE “DRUESNE FARM” (BLOCK 39, LOTS 8 & 9).

WHEREAS, the Township Committee of Colts Neck Township has previously established its commitment toward the acquisition and maintenance of vacant lands, easements and development rights for recreation, conservation, historic and/or farmland purposes in an effort to preserve open space; and

WHEREAS, the Township Committee of Colts Neck Township believes that the acquisition of the development rights for the property (defined below) will greatly benefit the citizens of Colts Neck Township for present and future generations to come; and

WHEREAS, the voters of Colts Neck Township have voted to dedicate a portion of their property taxes to an Open Space Trust Fund, the purpose of which includes acquiring development rights; and

WHEREAS, the Monmouth County Conservation Foundation is considering the purchase of a development easement on a property located in Colts Neck Township, more specifically identified as “Druesne Farm”, Block 39, Lots 8 & 9, in Colts Neck Township, comprising of 18.25 acres (“Druesne Farm”); and

WHEREAS, N.J.A.C. 2:76-6.7 requires the governing body to review application for the purchase of development easements as a condition of receiving State Agriculture Development Committee Grant Funds’ and

WHEREAS, the Township Committee of Colts Neck Township is aware of the future restrictions on property protected from development as a result of the purchase of a development easement in accordance with the Right to Farm Act and the Agriculture Retention and Development Act; and

WHEREAS, the Monmouth Conservation Foundation has established a policy of requiring local cost share commitment for all easement purchases; and

WHEREAS, the purchase price of the agricultural easement is \$55,150 per acre; and

WHEREAS, the Township’s anticipated cost share would be 13% of the total consideration of \$1,006,487.50, or \$7,169.50 per acre, with a total cost of approximately \$130,843.38 based on the 18.25 estimated acres; and

WHEREAS, the Township’s anticipated cost may change based upon easement acreage to be obtained from a survey which the Monmouth County Conservation Foundation will commission on the property; and

WHEREAS, funds granted to the County of Monmouth and Monmouth Conservation from the Department of Defense’s Readiness and Environmental Protection Integration (REPI) Program may be available for this project, providing an opportunity to reduce the cost share percentages prior to closing; and

WHEREAS, the Township will use its Open Space Trust Fund to fund this acquisition; and

WHEREAS, no installment purchase is anticipated; and

WHEREAS, certification of the availability of funds is hereby attested to by the Township Chief Financial Officer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Committee of Colts Neck Township, in the County of Monmouth and State of New Jersey, that

the Township hereby approves and endorses the acquisition of the development easement on Block 39, Lots 8 & 9, comprising of approximately 18.25 acres, known as “Druesne Farm; and

BE IT FURTHER RESOLVED that the tax revenues generated by the Township expressly for the purpose of preserving farmland be made available to assist Monmouth Conservation Foundation in the purchase of development easements; and

BE IT FURTHER RESOLVED that any other action to be taken by the Township pursuant to the project agreement and the agreement to purchase are hereby authorized and shall be in a form and content acceptable to the Township Attorney prior to final execution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Jena Cosimo, Director of Acquisitions, Monmouth Conservation Foundation;
- b. Meghan Bennett Clark, Esq., Township Attorney;
- c. Timothy Anfuso, Township Planner; and
- d. John D. Antonides, Chief Financial Officer.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of Resolution 2018-165, adopted by the Township Committee of the Township of Colts Neck during a regular meeting held on the 12th day of December, 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-166

**AUTHORIZING CANCELLATION OF
2018 TAX DEBIT AND CREDIT BALANCES OF LESS THAN \$5.00**

WHEREAS, properties reflect 2018 tax and credit balances of less than \$5.00; and

WHEREAS, it is deemed not feasible to incur the cost of collecting or refunding tax balances of less than \$5.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that pursuant to N.J.S.A. 54-R.S. 54:4-91 and N.J.S.A. 54-R.S. 54:4-91.2, the Tax Collector is hereby authorized and directed to cancel the 2018 tax and credit balances of less than \$5.00 for each of the properties listed, as per attached.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-167

**AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEE
ZONING BOARD APPLICATION NO. 954
GK DISTILLING, INC.
BLOCK 46, LOT 17**

BE IT RESOLVED by the Township Committee of Colts Neck Township that pursuant to the recommendations of the Township Engineer and Township Planner, that it hereby authorizes the following for Block 46, Lot 17:

1. Reduction in the Cash Performance Guarantee from \$30,836.00 to \$9,250.00, plus accrued interest.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, GK Distilling, Inc.;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-168

**AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE
PLANNING BOARD APPLICATION NO. 486
PEGASUS PROPERTIES LLC**

BE IT RESOLVED by the Township Committee of Colts Neck Township that pursuant to the recommendation of the Township Engineer and Township Counsel, that it hereby authorizes the following for Planning Board Application No. 486:

1. Release of the Cash Performance Guarantee of \$23,736.21 plus accrued interest, if any;
2. Release of the Inspection Fee of \$435.62; and
3. Release of the Escrow Fee of \$621.50.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Pegasus Properties LLC;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer;
4. Glenn Gerken, Township Engineer; and
5. Meghan Bennett Clark, Township Attorney.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during the regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-169

**AUTHORIZING CANCELLATION OF MISCELLANEOUS
CHARGES AND OUTSTANDING CHECKS**

WHEREAS, there exists miscellaneous debits and credits older than six months in the Township's bank accounts; and

WHEREAS, cancellation of these miscellaneous debits and credits would provide for a more accurate and efficient means of maintaining the Township's records; and

WHEREAS, the Township's Chief Financial Officer recommends that these items be canceled from the Township records.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that the Chief Financial Officer is hereby authorized to cancel any miscellaneous debits and credits and outstanding checks older than six months from the Township's bank accounts to operations.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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

RESOLUTION 2018-170

EXECUTIVE SESSION

WHEREAS, the Colts Neck Township Committee wishes to go into a closed Executive Session to discuss a subject which should not be discussed in public; and

WHEREAS, the exception to the Open Public Meetings Act which permits the Township Committee to discuss this matter in private about personnel and contracts; and

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss personnel and contracts; and

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter is resolved.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 12th day of December 2018.

Beth Kara, Municipal Clerk

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