

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
JANUARY 30, 2019, 7:30 P.M.
MOVED TO COURT HOUSE**

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 AND THE ASBURY PARK PRESS ON DECEMBER 13, 2018 STATING THAT A REGULAR MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON JANUARY 30, 2019 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. **APPROVAL OF MINUTES:** MEETINGS OF JANUARY 6, AND 9, 2019

2. **RESOLUTION 2019-32:** RESOLUTION CONFIRMING THE PROMOTION AND APPOINTMENT OF PAUL J. SANTUCCI TO THE RANK OF CHIEF OF POLICE, COLTS NECK POLICE DEPARTMENT

COMMENTS
MOTION TO APPROVE
ROLL CALL

OATH OF OFFICE – PAUL J. SANTUCCI, CHIEF OF POLICE

3. **MAYOR’S PROCLAMATION SUPPORTING 2019 NATIONAL WEAR RED DAY FOR WOMEN WITHIN COLTS NECK TOWNSHIP, FEBRUARY 1, 2019**

4. **DISCUSSION:** TIMOTHY ANFUSO, P.P.
 - DRAFT ORDINANCE – ARCHITECTURAL REVIEW COMMITTEE
 - DRAFT ORDINANCE – FARM STANDS
 - FEE SIMPLE DONATION OF PROPERTY TO COLTS NECK TOWNSHIP

5. **RESOLUTION 2019-33:** RESOLUTION OF COLTS NECK TOWNSHIP TO APPROVE AND ENDORSE THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD, BLOCK 20, LOT 2.01

COMMENTS
MOTION TO APPROVE
ROLL CALL

6. **RESOLUTION 2019-34:** RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500

COMMENTS
MOTION TO APPROVE
ROLL CALL

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.

7. **RESOLUTION 2019-35:** RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE LESS THAN \$17,500

COMMENTS
MOTION TO APPROVE
ROLL CALL

8. **RESOLUTION 2019-36:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2018 BUDGET

COMMENTS
MOTION TO APPROVE
ROLL CALL

9. **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 2019-37:** RESOLUTION AUTHORIZING THE SALE OF EXCESS PROPERTY TO THE MUNICIPALITY OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

***RESOLUTION 2019-38:** RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN COLTS NECK TOWNSHIP

***RESOLUTION 2019-39:** RESOLUTION APPROVING CHANGE ORDER NO. 1, FINAL (-\$12,661), AUTHORIZING PAYMENT OF FINAL INVOICE, RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE FOR IMPROVEMENTS TO FIVE POINT PARK ALL-PURPOSE FIELD, COLTS NECK TOWNSHIP

***RESOLUTION 2019-40:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 41.01, LOT 5.07 (3 MESSINGER DRIVE)

COMMENTS
MOTION TO APPROVE
ROLL CALL

10. **ADMINISTRATOR'S REPORT**

- REQUEST FOR APPROVAL FOR JULY 3, 2019 FIREWORKS SPONSORED BY THE CNBA
- REQUEST FOR APPROVAL FOR MARCH 10, 2019, MONMOUTH COUNTY PARKS SYSTEM 43RD ANNUAL E. MURRAY TODD HALF MARATHON

11. **MOTION TO APPROVE VOUCHERS**

COMMENTS
MOTION TO APPROVE
ROLL CALL

12. **TOWNSHIP COMMITTEE REPORTS**

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.

13. COMMENTS FROM THE PUBLIC

MOTION TO OPEN PUBLIC HEARING

MOTION TO CLOSE PUBLIC HEARING

14. RESOLUTION 2019-41: EXECUTIVE SESSION

COMMENTS

MOTION TO APPROVE

ROLL CALL

***THE NEXT REGULAR TOWNSHIP COMMITTEE MEETING IS
WEDNESDAY, FEBRUARY 13, 2019, 7:30 P.M.
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ***

RESOLUTION 2019-32

**CONFIRMING THE PROMOTION AND APPOINTMENT OF
PAUL J. SANTUCCI
TO THE POSITION OF CHIEF OF POLICE
COLTS NECK POLICE DEPARTMENT**

BE IT RESOLVED by the Township Committee of Colts Neck Township that pursuant to the consensus of the appropriate authority, the Township Committee, that it hereby confirms the promotion and appointment of Colts Neck Police Officer Paul J. Santucci to the position of Chief of Police, at an annual salary of \$126,000.00, pursuant to the terms and conditions of the Employment Agreement between Paul J. Santucci and Colts Neck Township, effective January 30, 2019; and

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

1. Paul J. Santucci, Chief of Police;
2. Christopher J. Gramiccioni, Monmouth County Prosecutor;
3. Shaun Golden, Monmouth County Sheriff;
4. John Antonides, Chief Financial Officer; 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 a regular meeting held on the 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-33

**RESOLUTION OF COLTS NECK TOWNSHIP TO APPROVE AND ENDORSE
THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
BLOCK 20, LOT 2.01**

WHEREAS, the Monmouth County Agriculture Development Board is considering the purchase of a development easement on a property located in Colts Neck Township, more specifically identified as:

George and Lillian Mosley, Block 20, Lot 2.01 in Colts Neck Township, comprising approximately 26 acres, with one proposed one-acre nonseverable exception, zero single-family residences, and one agriculture labor housing unit

WHEREAS, N.J.A.C. 2:76-6.7 requires the Governing Body to review applications 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 County Agriculture Development Board has established a policy of requiring local cost share commitment for all easement purchases; and

WHEREAS, the purchase price of the agricultural easement is \$35,000 per acre; and

WHEREAS, Colts Neck's anticipated cost share would be 16% of the total consideration, or \$5,600 per acre; and

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

WHEREAS, Colts Neck Township will use its Open Space Trust to fund this acquisition; and

WHEREAS, the use of an Installment Purchase Agreement is not anticipated; and

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

NOW, THEREFORE, BE IT RESOLVED that Colts Neck Township, County of Monmouth, State of New Jersey does hereby approve and endorse the acquisition of the development easement on Block 20 Lot 2.01, comprising 26 acres with one proposed nonseverable exception, 0 single-family residences and one agricultural labor housing unit.

BE IT FURTHER RESOLVED that the tax revenues generated by the Township expressly for the purpose of preserving farmland be made available to assist the County in the purchase of development easements at the rate specified within the Monmouth County Agriculture Development Board's "Procedures Governing the Funding of Easement Purchases" policy adopted August 7, 2002 and recognizes that the estimated cost and Municipal Share is subject to adjustment.

BE IT FURTHER RESOLVED that two certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office and one copy each to the Colts Neck Township Planning Board, Tax Assessor and Tax Collector.

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 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-34

**AUTHORIZING AWARD OF
CONTRACTS FOR PROFESSIONAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.5
WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500**

WHEREAS, the Township of Colts Neck has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of said services may exceed \$17,500 for the year 2019; and

WHEREAS, contract proposals for said professional services have been received by the Township; and

WHEREAS, said professionals have completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions through the term of the contract; and

WHEREAS, funds for these purposes will be appropriated in the 2019 Municipal Budget; and

WHEREAS, said professionals have been duly appointed by the Township Committee of the Township of Colts Neck pursuant to N.J.S.A. 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Colts Neck that the Mayor and Clerk are hereby authorized to execute contracts with the following:

- Meghan Bennett Clark, Esq., GluckWalrath, LLP;
 - Township Attorney;
 - Township Prosecutor;
- John M. Cantalupo, Esq., Archer & Greiner, PC
 - Township Bond Counsel;
- Glenn R. Gerken, P.E., T&M Associates
 - Township Engineer; Planning Board Engineer; Board of Adjustment Engineer;
- Michael B. Steib, Esq., Michael B. Steib, P.A.
 - Special Counsel, Planning Board Attorney, Board of Adjustment Attorney;
- Raymond Sarinelli, Jr., CPA, RMA, PSA, NISIVOCCIA, LLP
 - Township Auditor;
- Matthew J. Giacobbe, Esq., Cleary, Giacobbe, Alfieri, Jacobs, LLC,
 - Labor Counsel;
- Ronald L. Israel, Esq., Chiesa Shahinian & Giantomasi PC,
 - Special Counsel, Affordable Housing;
- Elizabeth McManus, PP, AICP; Kyle+McManus Associates,
 - Planning, Affordable Housing;
- David Puchalski, PE, NewFields Companies, LLC,
 - Professional Engineer, Affordable Housing;
- Provident Design Engineering,
 - Traffic Impact Study, Affordable Housing;
- 4ward Planning, Inc.,
 - Fiscal and Economic Impact Analysis Svcs., Affordable Housing;
- Nassau Capital Advisors, LLC,
 - Real Estate and Financial Advisory Services, Affordable Housing;

- Associated Humane Societies, Inc.
 - Animal Control Services.

BE IT FURTHER RESOLVED that contracts for said services and the Business Disclosure Entity Certification and Determination of Value are on file with the Township Clerk and available for public inspection; and

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

1. All professionals so named in this resolution;
2. John Antonides, Chief Finance Officer; and
3. Meghan Bennett Clark, Esq., 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 a regular meeting held on the 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-35

**AUTHORIZING AWARD OF
CONTRACTS FOR PROFESSIONAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.5
WITH AN ESTIMATED VALUE LESS THAN \$17,500**

WHEREAS, Colts Neck Township has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of said services should not exceed \$17,500 for the year 2019; and

WHEREAS, contract proposals for said professional services have been received by the Township; and

WHEREAS, funds for these purposes will be appropriated in the 2019 Municipal Budget; and

WHEREAS, said professionals have been duly appointed by the Township Committee of Colts Neck Township pursuant to N.J.S.A. 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that the Mayor and Clerk are hereby authorized to execute contracts with the following:

- Meghan Bennett Clark, Esq., GluckWalrath, LLP,
 - Alternate Bond Counsel;
- Christopher D. Adams, Esq., Adams Buchan & Palo, LLC,
 - Public Defender;
- Kevin P. Wigenton, Esq., Wigenton Law Firm,
 - Conflict Public Defender;
- Brian J. Molloy, Esq.; Wilentz, Goldman & Spitzer, PA,
 - Special Counsel, NWS Earle;
- Roger J. McLaughlin, Esq., McLaughlin Stauffer & Shaklee, PC,
 - Special Counsel;
- Dominick M. Manco, Esq.,
 - Special Counsel, Affordable Housing;
- Thomas A. Thomas, P.P., Thomas Planning Associates
 - Affordable Housing;
- Visiting Nurse Association Health Group, Inc.
 - Home Health Services; and
- Valley Health Medical Group
 - Random Drug/Alcohol Testing.

BE IT FURTHER RESOLVED that contracts for said services are on file with the Township Clerk and available for public inspection; and

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

1. All professionals so named in this resolution;
2. John Antonides, Chief Finance Officer; and
3. Meghan Bennett Clark, Esq., 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 a regular meeting held on the 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-36

**Authorizing Formal Transfer of Funds -
2018 Budget**

WHEREAS N.J.S.A. 40A:4-58 states : "Should it become necessary, during the first 3 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"):

Planning Board:

Other Expenses	\$ 562.00	To cover additional expenses.
TOTAL TRANSFERS TO	\$ 562.00	

TRANSFERS FROM(INSIDE "CAPS"):

Recreation Services and Programs:

Other Expenses	\$ 562.00
TOTAL TRANSFERS FROM	\$ 562.00

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, 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 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-37

**AUTHORIZING THE SALE OF EXCESS PROPERTY TO THE
MUNICIPALITY OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Township Department of Public Works acquired a 2004 Ford Mason Dump Truck; and

WHEREAS, the Township has determined that the 2004 Ford Mason Dump Truck is excess to the Township's needs and therefore seeks a means of disposition; and

WHEREAS, the Municipality of the Borough of Highlands, County of Monmouth, has agreed to pay \$500.00 to Colts Neck Township for the 2004 Ford Mason Dump Truck.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that it authorizes the sale of the 2004 Ford Mason Dump Truck, VIN #1FDWF37P44EA83952, to the Borough of Highlands in the County of Monmouth.

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

1. Louis Bader, Colts Neck Director of Public Works;
2. John Antonides, Colts Neck Chief Financial Officer;
3. Kim Gonzales, Borough Administrator, Highlands; and
4. Meghan Bennett Clark, Colts Neck 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 a regular meeting held on the 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-38

**AUTHORIZING THE COUNTY OF MONMOUTH
MOSQUITO CONTROL DIVISION
TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS
WITHIN COLTS NECK TOWNSHIP**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et.seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, Colts Neck Township is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
 - c. The County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such 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 30th day of January 2019.

Beth Kara, Municipal Clerk

RECORD OF VOTE

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

RESOLUTION 2019-39

**RESOLUTION APPROVING CHANGE ORDER NO. 1, FINAL (-\$12,661),
AUTHORIZING PAYMENT OF FINAL INVOICE,
RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF
MAINTENANCE GUARANTEE FOR IMPROVEMENTS TO FIVE POINT
PARK ALL-PURPOSE FIELD, COLTS NECK TOWNSHIP**

WHEREAS, Colts Neck Township (the "Township"), awarded Precise Construction Incorporated., ("Precise") a bid to undertake improvements to Five Point Park All-Purpose Field in the Township (the "Project"), through Resolution 2017-143; and

WHEREAS, Precise has submitted the final invoice for work performed on the Project to the Township in the amount of \$17,181.28; and

WHEREAS, the Township Council finds that is in the best interest of the Township to authorize the final payment to Precise for the goods and services it provided; and

WHEREAS, the Township Engineer has prepared and certified and Precise has certified the submitted Change Order No. 1 (final) which reflects reductions and extras per the as-built quantities for a net result of -\$12,661.00 for work performed on the Project; and

WHEREAS, Precise previously posted a performance guarantee in the form of a Performance Bond No. PAIFSU0731975, issued by International Fidelity Insurance Company, in the amount of \$812,925.00 in favor of the Township guaranteeing the satisfactory completion of certain improvements to Five Point Park All-Purpose Field in the Township; and

WHEREAS, the Township Engineer has confirmed that Precise has satisfactorily completed all bonded improvements to the Project in accordance with the approved plans, as of July 30 2018, and remains in good condition; and

WHEREAS, the Township Engineer has recommended, pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*), that the Township Committee authorize the release of the Performance Bond No. PAIFSU0731975 in the amount of \$812,925.00, contingent upon Precise posting a two-year maintenance bond with the Township in the amount of \$200,066.00 in a form acceptable to the Township Attorney; and

WHEREAS, the Township Attorney has approved the Maintenance Surety Bond No. PAIFSU0731975, issued by International Fidelity Insurance Company, a surety licensed in the State of New Jersey, in the amount of \$200,066.00; and

WHEREAS, the Township Committee desires to authorize the release of the Performance Bond and accept the Maintenance Bond for the Project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey, that it hereby authorizes the payment of the final invoice to Precise Construction Incorporated in the amount of \$17,181.28; and

BE IT FURTHER RESOLVED, that Colts Neck Township releases Performance Bond No. PAIFSU0731975 in the amount of \$812,925.00 for the Project; and

BE IT FURTHER RESOLVED, that Colts Neck Township accepts the two year Maintenance Surety Bond, No. PAIFSU0731975 issued by International Fidelity Insurance Company, in the amount of \$200,066.00; and

BE IT FURTHER RESOLVED, that the Mayor, the Township Administrator, the Municipal Clerk, the Township Chief Financial Officer, and/or the Township Attorney are hereby authorized to execute any and all documents necessary to effectuate payment of the final invoice, the release performance guarantee, and the acceptance of the

maintenance guarantee, subject to approval of the form of such documents by the Township Attorney.

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

1. Precise Construction, Inc.;
2. John Antonides, Chief Financial Officer;
3. Meghan Bennett Clark, Township Attorney; and
4. Glenn Gerken, Township Engineer.

CERTIFICATION

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 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-40

**AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE
STREET OPENING PERMIT, BLOCK 41.01, LOT 5.07
(3 MESSINGER DRIVE)**

BE IT RESOLVED by the Township Committee of Colts Neck Township that based on the recommendations of the Township Engineer and Township Planner that it hereby accepts the following for Block 41.01, Lot 5.07:

1. Cash Performance Guarantee in the amount of \$1,500.

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

1. Applicant, Kimberly Empire LLC;
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 30th day of January 2019.

Beth Kara, Municipal Clerk

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

RESOLUTION 2019-41

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 matters in private about contracts and potential litigation; and

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss contracts and potential litigation; 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 Colts Neck Township during a regular meeting held on the 30th day of January 2019.

Beth Kara, Municipal Clerk

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