

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JUNE 26, 2019, 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, who requested Ms. Sue Fitzpatrick lead the 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 noticing the News Transcript on December 13, 2018 stating that a regular meeting of the Colts Neck Township Committee would be held on June 26, 2019 at 7:30 p.m., Town Hall. The notice was 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 Frank Rizzuto; Committeemen Michael Viola, Russell Macnow and J.P. Bartolomeo

Also Present: Township Administrator Kathleen Capristo; Municipal Clerk Beth Kara; and Township Counsel Meghan Ann Bennett, Esq.

Absent: None

- 1. APPROVAL OF MINUTES:** MEETING OF JUNE 12, 2019. Mayor Orgo called for comments. Hearing none, Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

- 2. PRESENTATION:** REQUEST TOWNSHIP COMMITTEE APPROVAL FOR MODIFICATION OF PARALELL ACCESS ROAD EASEMENT – HUDDY’S INN RESTAURANT (AMERICAN HERITAGE REALTY LLC), BLOCK 48, LOT 19. The property owner is seeking Township Committee approval to modify the southerly portion of the easement lands to construct a stormwater management rain garden and six parking spaces, while not impacting the northerly portion of the easement where the paved access driveway exists, which will remain open and non-obstructed. The Township Planning Board has unanimously approved the site plan application presented tonight conditioned upon the consent of the Governing Body relative to the improvements in the southerly portion of the easement. Discussion ensued regarding the unknown timing of the building of the parallel access road. Applicant assured Township Committee the rain garden and the six parking spaces would be removed from the easement in the event of the development of the property to the south, so as to permit the future unobstructed use of the easement area for the parallel access road. The applicant provided a "Banked Parking Exhibit Plan" to the Planning Board, which demonstrates the site can accommodate adequate parking facilities outside the easement area. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried by voice vote.

3. **PRESENTATION:** ZONING BOARD APPLICATION 1008, REQUEST FOR TOWNSHIP COMMITTEE APPROVAL, 26 WESTMINSTER DRIVE, BLOCK 13, LOT 76, (CONTINUATION OF DISCUSSION FROM MAY 8, 2019 TOWNSHIP COMMITTEE MEETING). The applicant is seeking to install a deck in the back yard, which is approximately 10-15 feet into the easement. Mr. Macnow noted the applicant was asked to provide an Engineer's report addressing the potential for flooding into adjacent properties. Mr. Gaglio has provided his Engineer's report noting no adverse impact on adjacent properties. Counsel Bennett stated she is uncomfortable having the Township proceed and requested the Township's Engineer review and opinion. Ms. Capristo directed to arrange for Township Engineer's review and comments and this issue be revisited during the July 10, 2019 Township Committee meeting.

4. **ORDINANCE 2019-15:** AN ORDINANCE REPEALING CHAPTER 93, "CERTIFICATES OF CONTINUED OCCUPANCY", IN THE TOWNSHIP CODE OF COLTS NECK TOWNSHIP was read by title at first reading by Mayor Orgo. Hearing no comments, Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo set the public hearing July 10, 2019.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Orgo			X			
Deputy Mayor Rizzuto			X			
Viola			X			
Macnow	M		X			
Bartolomeo		S	X			

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

5. **ORDINANCE 2019-14:** AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "SMOKING PROHIBITED" was read by title at second reading. Mr. Bartolomeo advised this ordinance will prohibit smoking on all Township property including vehicles, except in designated spaces. Hearing no further comments, Mayor Orgo called for a motion to open the public hearing. Mr. Macnow made a motion, seconded by Mr. Viola and unanimously carried by voice vote.

Ms. Elaine Mann, resident, questioned if there were fines included in this ordinance. Counsel Bennett commented the fines are not less than \$250 for a first offense, not less than \$500 for the second offense, and not less than \$1,000 for the third and each subsequent violation.

Mr. Emory Dedalis, resident, questioned if there is a big problem with people smoking. Mayor Orgo commented kids are smoking e-cigarettes all over, and this will curtail this activity.

Mr. Kevin O'Connor, CN Board of Education member, stated he is not a smoker and has no problem with prohibiting smoking; however, he suggested having a designated area for smokers at public events.

Ms. Sue Fitzpatrick, resident, stated that while she is not a smoker, designating a smoking area doesn't punish the adults that do.

Discussion ensued, and it was determined that a smoking area could be designated temporarily for the duration of a specific event. Mr. Macnow suggested carving out a space with "except in designated areas". Counsel Bennett directed Ordinance

No. 2019-14, Paragraph A., "Municipal Grounds" be amended and "except in designated areas." added to the end of the last sentence within that paragraph.

Hearing no further comments, Mayor Orgo called for a motion to close the public hearing. Mr. Macnow made a motion, seconded by Mr. Bartolomeo and unanimously carried. Mayor Orgo called for a motion. Mr. Bartolomeo made a motion to approve, as amended, seconded by Mr. Rizzuto and unanimously carried.

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

6. **RESOLUTION 2019-107:** RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2018 FOR COLTS NECK FIRE DEPARTMENT was read by title by Mayor Orgo. Hearing no comments, Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and carried by Messrs. Orgo, Viola, Macnow and Bartolomeo; Mr. Rizzuto abstained.

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

7. **RESOLUTION 2019-108:** RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2019/2020 LICENSE YEAR was read by title by Mayor Orgo. Hearing no comments, Mayor Orgo called for a motion. Mr. Bartolomeo made a motion to approve, seconded by Mr. Rizzuto and carried by Messrs. Orgo, Rizzuto, Viola and Bartolomeo; Mr. Macnow abstained from approval of license for Five Kids Venture, LLC* and approved the remainder.

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

8. **RESOLUTION 2019-109:** RESOLUTION AUTHORIZING EXECUTION OF A DEED OF OPEN SPACE EASEMENT BETWEEN COLTS NECK TOWNSHIP AND THE COUNTY OF MONMOUTH (BLOCK 16, LOT 11) was read by title by Mayor Orgo. Ms. Capristo advised this relates to the Town Hall Walking Trail and is a requirement of the Monmouth County Open Space Grant funding. Hearing no further comments, Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

9. **RESOLUTION 2019-110:** RESOLUTION AUTHORIZING COLTS NECK TOWNSHIP TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH was read by title by Mayor Orgo. Ms. Capristo advised this relates to the mutual aid and assistance provided to and by the Township when needed to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interest of the persons and property of each individual jurisdiction. Hearing no further comments, Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

10. **MOTION TO ADOPT A CONSENT AGENDA:**

Mayor Orgo read the following:

“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 2019-111:** RESOLUTION APPROVING CHANGE ORDER NO. 1, FY 2018 CAPITAL ROAD IMPROVEMENT PROGRAM PHASE II, ROAD IMPROVEMENTS (\$+111,809.31)

***RESOLUTION 2019-112:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 10, LOT 34 (16 PARTRIDGE WAY)

***RESOLUTION 2019-113:** RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT FOR THE WESTERN MONMOUTH COUNTY ACTIVE SHOOTER TRAINING GROUP

Mayor Orgo called for a motion. Mr. Macnow made a motion to approve, seconded by Mr. Bartolomeo and unanimously carried.

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

11. ADMINISTRATOR'S REPORT

Ms. Capristo reported the Municipal Clerk will be leaving soon. There has been a great deal of interest in the position, and the first and second round of interviews has been completed, and a final recommendation will be made shortly.

Ms. Capristo advised the new Police and Court building plans are being reviewed by the AOC and DOC, and if there is no opposition to what is being proposed, the Township will advance the plans in a public forum.

12. MOTION TO APPROVE VOUCHERS: Mr. Viola stated he reviewed the vouchers and recommends approval of the following:

Capital Fund	\$738,455.87
COAH	\$258.34
Construction Trust	\$420.47
Current Fund	\$802,059.02
Escrow	\$3,778.66
Grant Fund	\$2,608.88
Trust Fund	\$380.65

TOTAL \$1,547,961.89

Mr. Viola made a motion to approve, seconded by Mr. Rizzuto and unanimously carried with the following abstentions for approving bills from:

- Mr. Macnow Sakoutis Brothers Disposal; and
- Mr. Rizzuto Fire Department Expenditures.

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

13. TOWNSHIP COMMITTEE REPORTS:

Mr. Rizzuto reported the Architectural Review Committee reviewed two applications without event, and commented the streamlined process is working.

Mr. Rizzuto advised research on the George Washington painting that had been above the fireplace in the Town Hall meeting room has provided the following information: Samuel Parkman commissioned Gilbert Stuart to paint a full length, approximately ten feet by seven feet, oil portrait of U.S. President George Washington, which Samuel later gifted to the Town of Boston on the 30th

anniversary of the signing of The Declaration of Independence on the 4th of July 1806. The painting hung in Faneuil Hall, now a copy, and the original is at the Boston Museum of Fine Arts for safe keeping. The painting by Gilbert Stuart is of George Washington in Dorchester Heights, full-length in uniform, standing by a white horse, holding his bridle in his left hand and his chapeau in his right. Mr. Rizzuto thanked Ms. Elaine Mann for her interest in this painting. Mr. Rizzuto advised the Township is looking into having the painting cleaned and preserved.

Mr. Viola thanked Chief Santucci and the Colts Neck Police Department for Colts Neck's participation in the National Night Out August 6, 4-8 p.m. in the Colts Neck High School Parking lot. Mr. Viola commented this is a great opportunity to engage the community and thanked Sergeant Caswell and Officer Capriotti for coordinating this event.

Mr. Viola reported the Shade Tree Commission was notified the Township received its 20-year certification as a Tree City USA. Mr. Viola noted there will be formal recognition of this status during the August Township Committee meeting.

Mr. Viola advised the CNBA-sponsored fireworks are scheduled for July 3 at Bucks Mill Park. There will be a full program that evening (details posted on Township website), and all are urged to attend this community event.

Mr. Viola noted the CNBA will be having a card exchange August 20 at Trump National Golf Club and a Day at the Races August 23 at Monmouth Park.

Mr. Viola spoke of the Environmental Commission's post on the Township's website home page, "Water, Water Everywhere: What Residents Need to Know about Colts Neck's Critical Streams" and urged everyone to read it.

Mr. Macnow reported he was privileged to attend the Colts Neck High School graduation together with Committeemen Viola and Bartolomeo and Chief Santucci. Mr. Macnow noted they did a great job, and the graduates were going to many top universities, noting one female graduate is attending the U.S. Naval Academy. Mr. Macnow commended the Valedictorian at his ability to speak from memory without relying on his notes.

Mr. Bartolomeo reported he attended the 8th grade graduation, and noted his son was one of the graduates.

Mr. Bartolomeo advised the Recreation Committee is taking a broader look at recreation and is taking an overview of the parks. Short and long-term plans are being developed. Mr. Bartolomeo noted Sunday morning exercising at Town Hall with the Committeemen will continue throughout the summer months. Mr. Bartolomeo reported "Music in the Park" begins Wednesday, July 10, at 6 p.m. on the pond side of Town Hall, and will continue each Wednesday in July (17, 24, 31).

Mayor Orgo reported the "Do Not Knock" stickers are now available at Town Hall. Mayor Orgo noted religious organizations are exempt by State statute, as are those under 16 years of age.

Mayor Orgo advised a planning meeting for the Bucks Mill Park building was held today.

14. COMMENTS FROM THE PUBLIC

Hearing no further comments, Mayor Orgo called for a motion to open the meeting to public comments. Mr. Macnow made a motion, seconded by Mr. Bartolomeo and unanimously carried by voice vote.

Ms. Elaine Mann, resident, spoke of water on the lower level of the Library during the recent heavy rains, movie night at Town Hall, and questioned the Green Acres land swap ratio if the Police/Court building was located next to the Library.

Mr. Fulton Wilcox, resident, advised his preference to move the Police/Court building next to the Library. Mr. Wilcox was advised the new building will be built on pilings and will be on a slab with no basement. Mr. Wilcox questioned Resolution 2019-110, and Mr. Macnow advised this authorizes Colts Neck to work with other municipalities to give and receive mutual aid, as was done last year for the horrific incident on Willowbrook Road.

Mr. Alan Ryan, resident, gave kudos to the shared services mutual aid, stating God bless it and God bless the responders; it works.

Mr. Kevin O'Connor, resident, spoke of a program whereby Colts Neck students work with students in Neptune and Asbury Park and learn about farming through gardening. Freeholder Director Arnone is the sponsor of this program, and this is the third year Colts Neck students have participated.

Hearing no further comments, Mayor Orgo called for a motion to close the meeting to public comments. Mr. Macnow made a motion, seconded by Mr. Viola and unanimously carried by voice vote.

15. **RESOLUTION 2019-114:** EXECUTIVE SESSION was read by title by Mayor Orgo, who then called for a motion. Mr. Macnow made a motion, seconded by Mr. Bartolomeo and unanimously carried by voice vote. Mayor Orgo advised the next Township Committee Meeting is scheduled for July 10, 2019, 7:30 p.m. in the Courthouse, and the Township Committee would not be returning this evening to take action.

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

Meeting adjourned at 8:25 p.m.

Motion by Mr. Bartolomeo seconded by Mr. Viola and unanimously carried to adjourn Closed Session and reconvene in public session.

Motion by Mr. Viola to adjourn meeting, seconded by Mr. Rizzuto and unanimously carried by voice vote.

Meeting adjourned 9:20 p.m.



Beth Kara, RMC/CMC
Municipal Clerk

