

**COLTS NECK TOWNSHIP  
TOWNSHIP COMMITTEE MEETING  
OCTOBER 23, 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 lead the Salute to the Flag. The following statement was read by Municipal Clerk, Trina Lindsey: "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 October 23, 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. Lindsey indicated the following:

Present: Mayor Thomas Orgo, Deputy Mayor Frank Rizzuto; Committeemen Michael Viola, Russell Macnow and J.P. Bartolomeo

Also Present: Municipal Clerk Trina Lindsey; and Township Counsel Meghan Ann Bennett, Esq.

Absent: Kathleen Capristo, Administrator

- 1. APPROVAL OF MINUTES:** MEETING OF OCTOBER 9, 2019. Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. Committeeman Macnow made a motion to approve, seconded by Committeeman Bartolomeo and unanimously carried.

| <b>RECORD OF VOTE</b>   |   |   |     |    |    |    |
|---|---|---|-----|----|----|----|
| 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. RESOLUTION 2019-163:** CONFIRMING CHANGE OF POSITION FOR NICOLAS TOMAIO TO THE RANK OF PROBATIONARY POLICE OFFICER, COLTS NECK TOWNSHIP POLICE DEPARTMENT

The Committee welcomed Officer Tomaio. Police Chief, Paul Santucci, said a few words about Mr. Tomaio stating that Mr. Tomaio joined the police department over the summer as a Special Officer. Chief Santucci stated that Mr. Tomaio has helped move the department forward and will make the department proud.

Mayor Orgo called for a motion to approve. On a motion by Committeeman Macnow, seconded by Deputy Mayor Rizzuto and a unanimous roll call vote, the resolution was approved.

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

3. **OATH OF OFFICE: NICOLAS TOMAIO**

Committeeman Macnow read Mr. Tomaio's oath of office.

4. **ORDINANCE 2019-19: AN ORDINANCE AMENDING SECTIONS 120-1 AND 120-2 OF CHAPTER 120 "FIREARMS" OF THE CODE OF COLTS NECK TOWNSHIP**

Mayor Orgo asked for comments. Committeeman Macnow asked if the Chief of Police had reviewed and approved the proposed ordinance. Chief Santucci stated that the Police Department has reviewed the proposed ordinance and has no objections. As there were no further comments, Mayor Orgo called for a motion to approve. On a motion by Committeeman Viola, seconded by Committeeman Macnow and a majority vote, the ordinance was approved for introduction. Mayor Orgo announced that the public hearing for this ordinance is scheduled for November 13, 2019.

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

5. **ORDINANCE 2019-20: AN ORDINANCE AMENDING SECTIONS 79-22 AND 79-24 OF ARTICLE IV, "WILDLIFE FEEDING", OF THE CODE OF COLTS NECK TOWNSHIP**

Mayor Orgo asked for comments. Township Attorney, Meghan Bennett explained that this ordinance amendment prohibits feeding of white tail deer on private property. Committeeman Macnow commented stating that he feels this ordinance falls under the category of "impossible to enforce" which he stated he is not in favor of. Committeeman Macnow urged residents to understand that feeding the deer helps propagate the species, spread Lyme disease, causes more motor vehicle accidents, etc. Committeeman Bartolomeo commented stating that he is unsure how this ordinance will be enforced; however if it stops one person from feeding the deer it's worth a try. Committeeman Viola commented that it could be a challenge to enforce the ordinance but feels it's a step in the right direction.

As there were no further comments, Mayor Orgo called for a motion to approve. On a motion by Committeeman Viola, seconded by Committeeman Bartolomeo and a unanimous roll call vote the ordinance was approved for introduction. Mayor Orgo announced that the public hearing for this ordinance is scheduled for November 13, 2019.

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

**6. PRESENTATION: POLO EXPEDITION MATCH – SUE FITZPATRICK**

Ms. Fitzpatrick stated that she is a member of the Recreation Committee and is proposing bringing Polo back to the town to inspire interest in the Equestrian community. Ms. Fitzpatrick stated that the idea was met with great approval from the Recreation Committee. Ms. Fitzpatrick stated that she is seeking approval from the Township Committee to use the Polo field. Ms. Fitzpatrick explained that she is looking to orchestrate the Polo game for next fall where two teams will play. Ms. Fitzpatrick stated that she has a group that will come in to fix the ruts to make it safe for the horses.

The Committee had a brief discussion regarding the group providing insurance, which Attorney Meghan Bennett will investigate and provide information to Ms. Fitzpatrick on how much insurance coverage they must provide. The Committee also discussed entering into an agreement with the group to cover the field being returned to the condition it was in before the Polo match.

The Committee approved the use of the field.

**7. DISCUSSION: CRINE ROAD CELL TOWER**

Attorney Bennett explained to the Committee that JCP&L needs approval from the Township Committee to apply to the Zoning Board of Adjustment to remove the existing lattice transmission structure and replace it with a steel pole transmission tower. This will allow Verizon and AT&T to update their equipment for better service in the area. Ms. Bennett explained to the Committee that this approval does not affect the Township’s agreement with JCP&L. The Committee had no objections.

**8. RESOLUTION 2019-164: RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. On a motion by Committeeman Macnow, seconded by Deputy Mayor Rizzuto and a unanimous roll call vote, the resolution was adopted.

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

**9. RESOLUTION 2019-165: AGREEMENT TO RENEW MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. On a motion by Committeeman Bartolomeo, seconded by Committeeman Macnow and a unanimous roll call vote, the resolution was adopted.

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

**10. RESOLUTION 2019-166: AUTHORIZING TOWNSHIP ENGINEER TO PROCEED WITH THE REMEDIATION OF THE DEANGELIS PROPERTY**

Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. On a motion by Committeeman Macnow, seconded by Deputy Mayor Rizzuto and a unanimous roll call vote, the resolution was adopted.

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

**11. RESOLUTION 2019-167: AUTHORIZING AWARD OF CONTRACT FOR PRIVATE SNOW REMOVAL SERVICES. TWO YEAR AWARD FOR 2019/2020 AND 2020/2021 WITH A THIRD YEAR OPTION FOR 2021/2022**

Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. On a motion by Committeeman Bartolomeo, seconded by Committeeman Macnow and a majority roll call vote, the resolution was adopted.

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

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

All items listed on the "Consent Agenda" are considered routine by the Township and are adopted or approved collectively by a single motion and roll-call vote of a majority of the Township Committee. If discussion is desired on any item, it is considered separately.

**\*RESOLUTION 2019-168:** AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR A STREET OPENING PERMIT FOR BLOCK 39.01, LOT 8 104 GALLOPING HILL ROAD

**\*RESOLUTION 2019-169:** APPROVING INSERTION OF A SPECIAL ITEM OF REVENUE , DRUNK DRIVING ENFORCEMENT FUND GRANT

**\*RESOLUTION 2019-170:** AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2019

Mayor Orgo asked for comments. Hearing none, Mayor Orgo called for a motion to approve. On a motion by Committeeman Macnow, seconded by Committeeman Bartolomeo and a unanimous roll call vote, the resolutions on the consent agenda were approved.

| 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

**13. MOTION TO APPROVE VOUCHERS:**

Committeeman Viola stated that he reviewed all vouchers and invoices and found all to be in order for payment. Committeeman Viola verbally added that an invoice was being added to the bills list for payment. That invoice was for the renovation of the trailer for the Police Department. The vendor is Bay Shore Carpet & Upholstery and the amount of the invoice is \$5,609.77.

Mayor Orgo called for further comments, hearing none, Mayor Orgo called for a motion to approve the bills list. On a motion by Committeeman Viola, seconded by Deputy Mayor Rizzuto and a unanimous roll call vote, the bills list was approved, and all vouchers were approved for payment.

Committeeman Macnow noted that he recuses from any vouchers involving Sakoutis Brothers Disposal, Inc.

Deputy Mayor Rizzuto noted that he recuses from any vouchers involving the Colts Neck Fire Companies.

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

**14. TOWNSHIP COMMITTEE REPORTS:**

COMMITTEEMAN MACNOW – Nothing to report

COMMITTEEMAN VIOLA

- Committeeman Viola reported that the Colts Neck Lions Club pancake breakfast is this Saturday at the Reformed Church.
- Committeeman Viola reported that the Drug and Alcohol Alliance is sponsoring a vaping presentation at the Cedar Drive Middle School on Wednesday, October 30, 2019 at 7:00pm. Committeeman Bartolomeo asked Municipal Clerk Lindsey to have this information on the township website.
- Committeeman Viola reported that the senior citizens flu shot clinic had approximately 35 attendees who received a flu shot. Committeeman Viola stated that the flu shot clinic for first responders will be held on December 12, 2019.

DEPUTY MAYOR RIZZUTO

- Deputy Mayor Rizzuto reported that he attended the Grande Association meeting. Mr. Rizzuto reported that the Grande Association is looking to buy smart speed signs. Mr. Rizzuto stated that Colts Neck Police Department is also looking to purchase smart speed signs therefore he suggested that Colts Neck piggyback with the Grande Association and buy them together under state contract pricing.
- Deputy Mayor Rizzuto reported that the Empty Bowl Fundraiser was held at the library by the Friends of the Library. Mr. Rizzuto stated that he was unfortunately unable to attend but received confirmation that the event was well attended. Committeeman Bartolomeo stated that he visited the fundraiser and it was well attended and a very nice event.
- Deputy Mayor Rizzuto reported that he attended the Economic Development Committee meeting. Mr. Rizzuto stated that the committee is interested in any potential development in Colts Neck and will work closely with the Colts Neck Business Association.

#### COMMITTEEMAN BARTOLOMEO

- Committeeman Bartolomeo commented on the vaping presentation that will be held at the Cedar Drive Middle School, stating that he will post the event on Facebook. Deputy Mayor Rizzuto also stated that he would contact the County to inquire if a sign board could be used to advertise the event.
- Committeeman Bartolomeo reported that Flag Football Superbowl is this Saturday as well Trunk or Treat. Both events will be posted on the township website.
- Committeeman Bartolomeo reported that the new stairs are being installed at the multipurpose field.

#### MAYOR ORGO

- Mayor Orgo reported that Long-Range Planning worked on the Master Plan and will continue to work on it.
- Mayor Orgo reported that leaf pick up starts in Zone 1 on Monday, October 28, 2019. Mayor Orgo stated that brush could not be placed curbside, only leaves and urged residents not to miss the pick up in their zones. Mayor Orgo also reminded residents that leaves may not be placed curbside after the pick up in that zone has been completed.
- Mayor Orgo asked Jena Cosimo to speak regarding farmland.
- Jena Cosimo stated that she is the Chair of the Farmland Open Space Committee. Ms. Cosimo reported that they successfully closed on a farm on Route 34 and another 41 acres. Ms. Cosimo stated that they will be closing on 20 acres on Route 537 next week. Ms. Cosimo stated that it is great that these pieces of land were able to be preserved.
- Deputy Mayor Rizzuto publicly commended Ms. Cosimo and the committee for their work. Mr. Rizzuto commented that this is important work for the township.

#### **15. COMMENTS FROM THE PUBLIC:**

Mayor Orgo called for a motion to open comments from the public. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a unanimous voice vote, comments from the public was opened.

Bob Sayko, a resident, commended the Township Committee on taking steps in the right direction by introducing the wildlife feeding ordinance. Mr. Sayko stated that he would like the committee to make it clear to the residents that they can report someone who may be violating the ordinance. Attorney Bennett responded to Mr. Sayko stating that unless a resident had video proof of another resident feeding the deer or were willing to sign a formal complaint, residents will not be able to report another resident feeding the deer if an officer did not witness the action.

Mr. Sayko reminded the committee of the deer issue posts on the site Next Door where 96% of the residents that responded to those posts were in support of a hunt.

Fulton Wilcox, a resident, stated that he is disappointed that there has not been a meeting scheduled to brief the public on affordable housing as well as the police department project. Mr. Wilcox stated that he is concerned that these projects are rapidly passing, and the public has no updates from the committee.

Committeeman Macnow responded stating that the committee thought the affordable housing agreement would be in place by now and the fairness hearing would be scheduled in late November. Mr. Macnow stated that something completely beyond the committee's control has happened which will affect the date of the fairness hearing and the settlement agreement. Mr. Macnow stated that until there is a signed agreement which could trigger additional litigation, it would be unfair to the public to report something that wouldn't be true and would ultimately undermine the Township Committee's position. Mr. Macnow urged the residents to remain patient and bear with the committee until they have something to report.

Fulton Wilcox stated that a major crime was committed in the Public Works yard and the Township did not release any information regarding the incident.

Committeeman Macnow stated that this was a police matter handled by the police

department. Mr. Macnow stated that the police department did make a statement regarding the matter. The suspect was apprehended and placed under arrest. Mr. Macnow stated that residents do not need to be concerned as the suspect had no connection to Colts Neck Township. Mr. Macnow stated that the entire Public Works yard is under video surveillance which resulted in the suspect being apprehended.

Eileen Paulovich, a resident, thanked the Township for paving Maple Drive.

Kyle Reese, a resident, commented stating that the spotted lantern flies are making their way to our area. Mr. Reese stated that this bug is devastating to agriculture. Mr. Reese explained that the bug hosts on an Ailanthus tree.

Elaine Mann, a resident, commented stating that the Polo Club should be charged rent to utilize the field for the Polo matches. Ms. Mann stated that in previous years the Polo Club owed the Township \$33,000 in maintenance fees which was never paid.

Rob Mahoney, a resident, stated that he has a concern to which he reported via the website Report A Concern. Mr. Mahoney stated that the lot next door to his residence is a vacant lot where dumping is occurring. Mr. Mahoney stated that he doesn't believe the owners of the lot have permits to dump on the site and asked if this issue could be investigated. Jena Cosimo also commented stating that the dumping issue has been a problem for several years.

Dave Mann, a resident, commented stating that he noticed the Township entered into a settlement agreement with Sakoutis Brothers Disposal, Inc. for \$90,000. Attorney Bennett replied to Mr. Mann's comment stating that the issue with recycling fees is a worldwide issue that originates with China. Ms. Bennett stated that Sakoutis filed a lawsuit because they were losing money under the contract. As a result of the recycling fees with China the settlement agreement for the contract was \$90,000.

16. **MOTION TO ADJOURN:** As there was no further business, Mayor Orgo called for a motion to adjourn. On a motion by Committeeman Macnow, seconded by Deputy Mayor Rizzuto and a unanimous voice vote, the meeting adjourned at 8:31pm. Mayor Orgo announced that the next Township Committee Meeting will be on Wednesday, November 13, 2019 at 7:30pm, Town Hall.

  
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Trina Lindsey, RMC  
Municipal Clerk

**APPROVED: 11/13/19**