

RESOLUTION 2019-185

**CONFIRMING 2020 TOWNSHIP COMMITTEE
MEETING SCHEDULE**

BE IT RESOLVED by the Township Committee of Colts Neck Township that it hereby approves and confirms the 2020 Township Committee meeting schedule as follows:

Reorganization: January 4, 2020, 4:00 P.M., Court House	Must Be Within First 7 Days Of 2020
January 8, 2020	January 29, 2020
February 12, 2020	February 26, 2020
March 11, 2020	March 25, 2020
April 8, 2020	April 29, 2020
May 13, 2020	May 27, 2020
June 10, 2020	June 24, 2020
July 8, 2020	July (No Meeting)
August 12, 2020	August (No Meeting)
September 9, 2020	September 30, 2020
October 14, 2020	October 28, 2020
Thursday, November 12, 2020	November (No Meeting)
December 16, 2020	December (No Meeting)

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, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, 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 2019-186
 Authorizing Formal Transfer of Funds -
 2019 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.

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 2019 budget transfers be made a permanent part of this resolution, are hereby made and approved.

2019 BUDGET TRANSFERS

TRANSFERS TO(INSIDE "CAPS"):

Administration:		
Other Expenses	\$ 1,500.00	To cover additional expenses.
Municipal Clerk:		
Salaries and Wages	3,000.00	To cover additional expenses.
Telephone	6,000.00	To cover additional expenses.
Social Security	13,000.00	To cover additional expenses.
	<u>\$ 23,500.00</u>	

TRANSFERS FROM(INSIDE "CAPS"):

Legal Services and Costs:	
Other Expenses	<u>\$ 23,500.00</u>
	<u>\$ 23,500.00</u>

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of Colts Neck Township on the 11th day of December, 2019.

 Trina Lindsey, 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 2019-187

**AUTHORIZING THE EXECUTION OF A
SHARED SERVICES AGREEMENT FOR
MUNICIPAL COURT FACILITIES AND EQUIPMENT**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as this Municipality to enter into shared service agreements with other local units; and

WHEREAS, the Borough of Freehold, a local unit, has offered to provide shared services for municipal court facilities and equipment to this Municipality; and

WHEREAS, it is in the best interest of this Municipality to enter into the proposed Shared Services Agreement with the Borough of Freehold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that the Mayor and Municipal Clerk are hereby authorized to execute the attached Shared Services Agreement with the Borough of Freehold.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Shared Services Agreement to the following:

1. Joseph Bellina, Business Administrator, Borough of Freehold;
2. John Antonides, Chief Financial Officer;
3. Department of Community Affairs, DLGS;
4. Meghan Bennett, Township Attorney.

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, Municipal Clerk

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

RESOLUTION 2019-188

**CONFIRMING APPOINTMENT OF TOWNSHIP PROFESSIONAL
PURSUANT TO N.J.S.A. 40A:11-5 AND
AUTHORIZING AWARD OF CONTRACT 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 legal services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, an appointment in this regard can be made without the need of competitive bidding and public advertising pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, an appointment in this regard and a contract with the professional so named by this resolution may now be executed now that all provisions of N.J.S.A. 19:44A-20.8 are fully complied with; and

WHEREAS, proposed contract for said services for the year 2019 was received by the Township and is on file and available for public inspection in the Office of the Township Clerk; and

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

WHEREAS, funds for said services are provided in the 2019 Municipal Budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that it hereby appoints the following for the year 2019:

Stephen Dnistrian, STEVE brand + strategic communication, LLC;
Communications Consultant;

BE IT FURTHER RESOLVED by the Township Committee of Colts Neck Township that the Mayor and Clerk are hereby authorized to execute the contract with the aforesaid.

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

1. Stephen Dnistrian;
2. Meghan Bennett, Township Attorney; and
3. John Antonides, Chief Financial Officer.

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, 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 AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED
MUHAMMAD ALI ABBAS v. NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, et als., Docket No. MON-C-9-19 AND
AUTHORIZING THE MAYOR, TOWNSHIP ATTORNEY AND THEIR
DESIGNEES TO SIGN SETTLEMENT AGREEMENT, CONSENT JUDGMENT,
DEED OF EASEMENT, AND ANY OTHER DOCUMENTS NECESSARY TO
IMPLEMENT THIS SETTLEMENT**

WHEREAS, Muhammad Ali Abbas (the “Plaintiff”) filed a Complaint against the New Jersey Department of Environmental Protection (the “DEP”) and the Township of Colts Neck (the “Township”) in a case entitled Muhammad Ali Abbas v. New Jersey Department of Environmental Protection, et als, Docket No. MON-C-9-19 (the “Litigation”); and

WHEREAS, the Plaintiff is seeking the entry of an Order in the Litigation compelling the Township to provide the Plaintiff with an easement over Township-owned land in order to provide access to the Plaintiff’s residentially-zoned parcel; and

WHEREAS, the Plaintiff recently acquired title to real property zoned for residential use which is identified in the Township tax records as Block 3, Lot 7 (the “Plaintiff’s Property”); and

WHEREAS, the Plaintiff’s Property was the former site of a house which is now abandoned and unused; and

WHEREAS, the Plaintiff demolished the abandoned house on the Plaintiff’s Property at the request of the Township and has indicated that he intends to construct a new home on the Plaintiff’s Property; and

WHEREAS, the Plaintiff contends that the Plaintiff’s Property is landlocked and that the only way to access it is by means of a driveway which goes over property owned by the Township which is identified on the Township tax records as Block 3, Lot 8.01 (the “Township Property”) and which connects the Plaintiff’s Property to Route 34; and

WHEREAS, despite the fact that this driveway was historically used by prior owners of the Plaintiff’s Property as a means of access to the Plaintiff’s Property and also as a means of connecting underground utilities to the Plaintiff’s Property, there were never any formal easement rights granted by the Township to any of the prior owners of the Plaintiff’s Property regarding their use of the Township Property; and

WHEREAS, some time in the 1980’s, the Township accepted Green Acres funding from the DEP and consequently Green Acres restrictions were imposed upon the Township Property due to its use by the Township for recreation and open space purposes; and

WHEREAS, since that time, the Township has listed the Township Property on the Township’s recreation and open space inventory (the “ROSI”) and has continued to use the Township Property for recreation and open space purposes; and

WHEREAS, the Plaintiff provided documents to the DEP and to the Township during the course of this Litigation showing that the driveway over the Township Property providing access to the Plaintiff’s Property and allowing underground utilities to connect to the Plaintiff’s Property pre-existed the imposition of any Green Acres restrictions on the Township Property; and

WHEREAS, based upon the provision of this documentation showing that the use of driveway on the Township Property pre-existed the Green Acres restrictions, the DEP has indicated that it is willing to allow the Township to provide the Plaintiff with a deed of easement allowing the Plaintiff to use the Township Property for access and for connection of its underground utilities without requiring the filing of a diversion application and

without requiring any compensation, either in land or money, from the Township or from the Plaintiff for the conveyance of these easement rights; and

WHEREAS, the Township is likewise willing to convey these easement rights to the Plaintiff so long as doing so does not impact the Green Acres restrictions on the Township Property and does not impose any obligation on the Township to file a diversion application or to provide compensation, either in land or money, to the DEP for the conveyance of these rights; and

WHEREAS, the Plaintiff is willing to settle the Litigation on these terms and to be responsible to record the deed of easement to be conveyed by the Township to the Plaintiff for the use of the Township Property; and

WHEREAS, the parties have agreed upon the form of a Settlement Agreement and Release and a Consent Judgment to settle the claims in this Litigation; and

WHEREAS, these settlement documents require, among other things, that the Plaintiff will prepare a metes and bounds description and map showing these easement rights at its own cost and expense and shall provide the description and map to the DEP and to the Township for their review and approval and that, once the description and map are approved by the DEP and the Township, then the Township will sign the deed of easement and will provide it to the Plaintiff for recording; and

WHEREAS, the Township has determined that it is in the best interest of the Township to settle this Litigation rather than incurring additional costs to litigate this matter.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Colts Neck, County of Monmouth, New Jersey that the settlement described herein is hereby approved; and

BE IT FURTHER RESOLVED that the Township Attorney and/or the Mayor or their designees are hereby authorized to sign any documents necessary to implement and effectuate this settlement, including but not limited to the Settlement Agreement and Release, the Final Judgment on Consent, and the Deed of Easement; and

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

1. David A. Clark, Esq., the Township's counsel in this Litigation; and
2. Meghan Ann Bennett, Township Attorney.

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, 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 2019-190

**AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE AND
ACCEPTING A TWO YEAR MAINTENANCE GUARANTEE FOR
GK DISTILLING, BLOCK 46, LOT 17.14, 304 ROUTE 34, ZB954**

BE IT RESOLVED by the Township Committee of Colts Neck Township that pursuant to the recommendation of the Township Planner and Township Engineer, that it hereby authorizes the following for Block 46, Lot 17.14:

1. Release of a performance guarantee in the amount of \$9,250
2. Accepting a two year maintenance guarantee of \$38,546

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

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

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, 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 2019-191

**AUTHORIZING CANCELLATION OF 2019 TAX DEBIT AND CREDIT
BALANCES OF LESS THAN \$5.00**

WHEREAS, properties reflect 2019 tax and credit balances of less than \$5.00, and

WHEREAS, it is deemed unfeasible 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 the Tax Collector, pursuant to N.J.S.A. 40A:5-17.1a, is
authorized and directed to cancel any 2019 tax and credit balances of less than \$5.00.

I, Trina Lindsey hereby certify the foregoing to
be a true copy of a Resolution adopted by the
Township Committee of Colts Neck Township
on the 11th day of December, 2019.

Trina Lindsey, 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 2019-192

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 cancel any miscellaneous debits and credits older than six months from the Township's bank accounts to Operations.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of the Colts Neck Township during a regular meeting held on the 11th day of December 2019.

Trina Lindsey, 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 2019-193

**ACCEPTING THE RESIGNATION OF
TOWNSHIP EMPLOYEE
STEPHANIE MANCINO**

BE IT RESOLVED by the Township Committee of Colts Neck Township that it hereby acknowledges the receipt of and accepts the resignation of Stephanie Mancino, effective November 19, 2019.

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

1. Stephanie Mancino;
2. John Antonides, Chief Financial Officer; and
3. Paul Santucci, Chief of Police

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, 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 2019-194

**AUTHORIZING CANCELLATION OF 2019 TAXES
ASSESSED TO COLTS NECK TOWNSHIP**

BE IT RESOLVED by the Township Committee of Colts Neck Township that upon the recommendation of the Tax Assessor, the 2019 taxes be canceled on the following property assessed to Colts Neck Township.

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>
41	3	Colts Neck Township	2019	\$ 2,836.54

I, Trina Lindsey, 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 11th day of December 2019.

Trina Lindsey, Municipal Clerk

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