RESOLUTION 2025-102

RESOLUTION OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REMOVING PLANNING BOARD MEMBER PURSUANT TO N.J.S.A. 40:55D-23

WHEREAS, pursuant to N.J.S.A. 40:55D-23, the Township Committee of Colts Neck Township has the authority to remove a member of the Planning Board for cause, after a hearing, if one is requested; and

WHEREAS, upon notification by the Planning Board Chairman of potential improper actions by Mr. Kris Lukowitz, a member of the Planning Board, the Township conducted an investigation into allegations that Mr. Lukowitz, violated the Township's Workplace Violence policy on November 20, 2024; and

WHEREAS, based upon the findings of the Township investigation, the governing body issued a notice to Mr. Kris Lukowitz that his removal would be considered by the governing body; and

WHEREAS, pursuant to N.J.S.A. 40:55D-23, Mr. Kris Lukowitz requested a public hearing before the governing body; and

WHEREAS, due to the fact that multiple governing body members were witnesses to the incident, the governing body appointed a neutral third-party hearing officer, Mr. Steven Secare, Esq. to oversee the hearing and issue a non-binding recommendation; and

WHEREAS, on April 1, 2025, a public hearing before the neutral third-party hearing officer was held at the Colts Neck Township Municipal Building at which Mr. Lukowitz and his legal counsel were given the opportunity to present evidence and/or witnesses, and to cross-examine the Township's witnesses; and

WHEREAS, on May 7, 2025, the Township Hearing Officer issued a decision finding that Mr. Kris Lukowitz violated the Township workplace violence policy with a recommendation for removal from his appointment on the Planning Board; and

WHEREAS, in order to act in this matter, the governing body must invoke the doctrine of necessity since a quorum of the governing body members has a conflict of interest because three governing body members were witnesses to Lukowitz's behavior on November 20, 2024 and testified at the Public Hearing; and

WHEREAS, pursuant to the doctrine of necessity, Mayor Tara Torchia Buss and Committeewoman Sue Fitzpatrick who were witnesses to the incident on November 20, 2024

and testified at the Public Hearing, must vote on the removal of Mr. Kris Lukowitz from the Planning Board to establish a quorum; and

WHEREAS, Deputy Mayor Micheal Viola, the third governing body member, has a more significant conflict than Mayor Buss and Committeewoman Fitzpatrick as he was the victim; therefore, he will not be voting in the matter; and

WHEREAS, pursuant to the recommendation from the Hearing Officer, Steven Secare, the governing body desires to remove Mr. Kris Lukowitz from his appointment as a Class IV member of the Colts Neck Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of COLTS NECK TOWNSHIP, County of Monmouth, State of New Jersey as follows:

1. That pursuant to N.J.S.A. 40:55D-23, Mr. Kris Lukowitz is hereby removed from his appointment as a Class IV member of the Colts Neck Planning Board effective immediately with members of the current governing body, Mayor Tara Torchia Buss and Committeewoman Sue Fitzpatrick voting pursuant to the doctrine of necessity.

2. That a copy of this resolution shall be kept with the Hearing Officer's decision to memorialize the manner of approval.

3. A certified copy of this Resolution shall be provided to Mr. Kris Lukowitz and the Colts Neck Township Planning Board.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of the Resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 28th day of May, 2025

Trina Lindsey, Municipal Clerk

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