COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
MARCH 26, 2025, 6:30 P.M.
TOWN HALL

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1. Mayor Buss called the meeting to order at 6:30 p.m.

2. Mayor Buss asked everyone to join her in the salute to the flag.

3. Administrator Capristo read the following Sunshine Statement: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by noticing the Asbury Park Press and the Two River Times on January 3, 2025, stating that a regular meeting of the Township Committee would be held on March 26, 2025, at 7:00 p.m., 1 Veterans Way, Colts Neck, NJ 07722, Town Hall. A copy is on file in the office of the Township Clerk."

   "Further notice was provided to the Asbury Park Press and the Two River Times on March 21, 2025, noting the meeting time change from 7:00 p.m. to 6:30 p.m."

4. Roll call by Municipal Clerk Lindsey indicated the following:

Present:	Mayor Tara Torchia Buss, Deputy Mayor Michael Viola, Committeeman Dan Buzzetta, Committeewoman Sue Fitzpatrick, Committeeman Frank Rizzuto
Also Present:	Kathleen Capristo, Township Administrator, Trina Lindsey, Municipal Clerk, and Meghan Bennett, Township Counsel
Absent:	None

5. **Resolution 2025-79:** Executive session – Potential Litigation and Personnel

   Mayor Buss called for comments. Hearing none, Mayor Buss called for a motion to approve. On a motion by Committeeman Buzzetta, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the resolution was adopted.

   The Governing Body went into closed session at 6:33 p.m.

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

   Mayor Buss called for a motion to return to open session at 7:27 p.m. On a motion by Committeeman Rizzuto, seconded by Committeewoman Fitzpatrick and a unanimous voice vote, the meeting returned to open session.

   Mayor Buss asked the audience to join in another salute to the flag and asked resident Fulton Wilcox to lead the salute to the flag.

6. **Minutes**

   a. March 12, 2025 – Executive session
   b. March 12, 2025 – Regular meeting

   Mayor Buss called for comments or changes to the minutes. Deputy Mayor Viola noted a change to the minutes on page 7 where he mistakenly stated that the township would

have 90 days to appeal the court's decision. Deputy Mayor Viola corrected this statement and stated the township will have 45 days to appeal. Hearing no further comments, Mayor Buss called for a motion to approve. On a motion by Committeeman Rizzuto, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the minutes were approved as presented.

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

Mayor Buss briefly turned the meeting over to Administrator Capristo who provided several updates to the public.

Administrator Capristo reported on three separate issues in connection with the new Town Hall building.

First, she gave an update on an outstanding faulty sewer pipe. Ms. Capristo stated that employees first moved into the building in May of 2023 and since that time have experience three (3) separate sewer backups in the building. She explained that the first one, after investigation, it was discovered there was an excessive amount of "C" towels (paper hand towels) and baby wipes found in the pipes and it was believed this was the source of the clog in the system. Ms. Capristo advised that immediately the paper towel dispensers were replaced with hand dryers in all the restrooms and signs were erected advising the staff and the public against disposing of things other than toilet paper in the toilets. Roughly a year later, Ms. Capristo reported, there was another clog. This time the Township engaged a professional to video camera the pipes in an effort to pinpoint the location and source of the problem. During this time, Ms. Capristo stated, the Township was in constant contact with the contractor as the performance bond was still in place and it was the Township's belief that there may be an error in the design and/or installation of the sewer pipes that was causing the clogs and as such the problem was ultimately the responsibility of the contractor. The contractor, not surprisingly, was hesitant to take ownership of the problem, stated Ms. Capristo, and they too conducted their own independent investigation. Ms. Capristo advised that the repair is no easy task advising that the pipes in question are under a 24" heavily reinforced structural concrete slab. Needless to say, she stated, the thought of having to cut through 2 feet of concrete to fix a pipe was daunting to say the least; not to mention the disruption to our police, court, and administrative functions. Ms. Capristo advised that the contractor has formally taken ownership of the problem and has developed a plan to fix the problem. She further emphasized that there will be no cost to the Township or the taxpayers for the repair.

The Township, in order to protect the taxpayer's interest, was also taking the necessary legal steps to put the bonding company "on notice", stated Ms. Capristo. This basically means, she stated, that the Township was advising the contractor's insurance company that the Township may take legal steps to recoup any costs incurred by the Township as a result of this issue should the contractor not correct the problem. Only until this time has the Township and the Governing Body been in a position to openly speak about this matter, Ms. Capristo stated, due to the potential for litigation against the contractor. Because of this pending legal action, and at the advice of our Township Attorney, we could not speak publicly about this matter.

Administrator Capristo welcomed questions from the public on this matter.

Fulton Wilcox, resident asked if pouring the concrete crushed the pipe. Administrator Capristo responded the concrete did not crush the pipe. Administrator Capristo stated that it is believed that the sub-contractor possibly installed the pipe incorrectly, but we still don't know because we are still working to expose the pipe. Administrator

Capristo stated that the camera work shows that there are a few sections where things are getting stuck in the pipe.

Joyce Costa, resident asked if any money is coming out of pocket for the township. Administrator Capristo responded stating yes, however, all of those funds are being tracked by the Finance Department. Administrator Capristo stated that Hall Building Corporation is aware that the expenses are being itemized and that they will reimburse the township.

Elaine Mann, resident, asked if the township will issue a statement as to how much each item costs and how much the town was reimbursed. Administrator Capristo stated she could not speak to that at this time, but she expected any expenses associated with the repair would be subject to OPRA.

Kevin O'Brien, resident thanked Administrator Capristo for clarification on these issues. Mr. O'Brien stated that in the past when questions were raised concerning these issues the residents felt as though they were being insulted as if the clogging issues were the residents faults. Administrator Capristo responded and explained that until such time that the contractor took ownership for the issues, the township was in potential litigation and unable to share information with the public.

Angelique Volpe, resident, asked who was policing the job when it was being done, and who passed the inspection when it was originally being built. Administrator Capristo stated that inspections were conducted every step of the way. Administrator Capristo stated that the plumbing inspector does spot checks, and did their job according to the law. Administrator Capristo stated that it is unfortunate that the spot checks did not discover any issues, however, there is no liability on the inspector.

Elaine Mann, resident, asked in regard to the septic system itself, was Hall Building Corporation responsible for hiring the contractors and will they be responsible for the new seepage pit and the DEP fine. Administrator Capristo stated that those are separate items completely unrelated to the sewer pipe issue.

The second topic Administrator Capristo spoke of was the roof. Ms. Capristo reported that shortly after staff moved into the building, they experienced roof leaks in a few locations throughout the building. Like with the sewer problem, Ms. Capristo advised, the Township worked with the contractor to investigate the matter to determine the cause and corrective measures required. Also, like with the sewer problem she added, the contractor was hesitant to take ownership and as such the Township pursued a claim with the bonding company should the contractor not make the necessary repairs. As of today, she further reported, all but one of the issues has been identified and corrected. The last remaining issue is in connection with one of the RTUs (Roof Top Units) and the contractor is awaiting some final details from the RTU manufacturer to appropriately fix the problem. Ms. Capristo reported that she fully expects this last remaining roof issue to be resolved shortly. Ms. Capristo also explained that the comments by some members of the public connecting the roof leaks to the flashing on the roof of the building is not the case. The flashing is vinyl capping, she explained, that directs rainwater to the gutters and is not in any way connected to the roof leaks. She further advised that the flashing has not been removed and reinstalled multiple times causing holes in the roof as it was reported in the public. Ms. Capristo stated that the roof leaks are occurring around the RTUs which are located in the depressed portion of the roof.

Administrator Capristo welcomed questions from the public on this matter.

Kevin O'Brien, resident, commented that the communication style from Administrator Capristo is different tonight than what the public has received in the past.

The third issue, Ms. Capristo reported on is the effluent limitation DEP violation and the settlement agreement related to it. Ms. Capristo reported that there is nothing wrong with the septic system, as it's been reported by some in the public, emphasizing that the system is not broken or in need of being altered or repaired and that it works perfectly fine and always has. Ms. Capristo went on to state that unlike a septic system in a residential home, the septic system in the Town Hall building is a commercial

grade system and as such, the design and installation must be approved by the state and not at the local level by a local health officer. Because of its size, she elaborated, the Township must also obtain what is known as a NJPDES permit which stands for NJ Pollutant Discharge Elimination System permit. Further, Ms. Capristo reported, in order to be in full compliance with the NJPDES permit the Township must retain a licensed operator to routinely test and report to the DEP on the effluent being discharged from the system. Ms. Capristo went on to report that since the time in which the building was first occupied, the licensed operator has been taking samples and submitting DMRs (Discharge Monitoring Reports) to the DEP. All was fine until August of 2023, she reported, when one of the many parameters required to be sampled exceeded the DEP limitation. It was nitrogen. The operator began to troubleshoot to figure out why the nitrate limits were exceeding the DEP limitation levels, Ms. Capristo advised, and over the next several months the operator, in collaboration with the DEP, was working to get the nitrate levels in line with the acceptable threshold. Ms. Capristo emphasized that at no time did the licensed operator or the DEP representative voice concern that these exceedances were harmful to plants, animals, aquatic life, or humans. Ms. Capristo added that while the exceedances were above the acceptable threshold, they were not going directly into a water source and as such were not harmful to plants, animals, aquatic life, or humans. Eventually, Ms. Capristo stated, it was identified that the culprit was a combination of things. First, there is extremely low flow in the building. Ms. Capristo noted that the system was designed, as required, for maximum occupancy to accommodate 1,882 gallons per day of flow. In actuality, she added, the building is only discharging approximately 250 - 500 gallons per day. The second component, Ms. Capristo informed, is that the water softener conditioning system backwash, by design, goes into the septic system. Normally, she added, this would not be a problem, however, due to the high salt concentration of the backwash combined with the low flow in the building this combination was creating the nitrate exceedances. Once we stopped discharging the softeners into the septic system, Ms. Capristo stated, the nitrate levels fell perfectly in line and all has been good ever since and the Township is now fully in compliance with the DEP. This, Ms. Capristo exclaimed, is what leads to the other project going on on the east side of the building that she wanted to address. Once the conditioning system was disconnected, she advised there was a need to discharge in another direction, hence the installation of the seepage pit.

7. Old Business

a. Ordinance 2025-8: An ordinance of Colts Neck Township in the County of Monmouth, State of New Jersey, setting the salary and wage ranges for township employees

Mayor Buss read the ordinance by title for second reading/public hearing. Mayor Buss called for comments from the committee. Hearing none, Mayor Buss called for a motion to open the public hearing. On a motion by Committeeman Rizzuto seconded by Deputy Mayor Viola and a unanimous voice vote, the public hearing was opened.

Kevin O'Brien, resident, asked if there is an employee for each position listed in the ordinance or in some instances does one employee hold several different titles. Administrator Capristo responded stating that these are positions within the municipality, however, there could be one individual holding more than one title.

As there were no comments and/or questions from the public, Mayor Buss called for a motion to close the public hearing. On a motion by Committeeman Rizzuto, seconded by Deputy Mayor Viola and a unanimous voice vote, the public hearing was closed. Mayor Buss called for a motion to approve. On a motion by Committeeman Buzzetta, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the ordinance was adopted.

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss		X			
Deputy Mayor Viola		X			
Buzzetta	M	X			

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

8. New business:

a. Resolution 2025-74: Confirming appointment of township professional pursuant to N.J.S.A. 40A:11-5, Suasion Communications Group

Mayor Buss called for comments. Mayor Buss spoke about the township putting forth a newsletter several times a year, and spoke about this being a more informational and better way of communicating with the residents. Hearing no further comments, Mayor Buss called for a motion to approve. On a motion by Committeeman Rizzuto, seconded by Committeeman Buzzetta and a unanimous roll call vote, the resolution was adopted.

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

b. Resolution 2025-80: Authorizing introduction of 2025 Municipal Budget

Mayor Buss called for comments. Deputy Mayor Viola thanked Administrator Capristo and Chief Financial Officer, John Antonides for their work in preparing the 2025 municipal budget. Deputy Mayor Viola gave a summary of the budget and stated that this budget has a tax rate at .278 of a penny (0.96% increase) or approximately $33.52 increase on the average home assessed at $1,264,807. Deputy Mayor Viola stated that he hopes the residents recognize the commitment from the town and its professionals. Deputy Mayor Viola reviewed surplus, capital improvements and funds received vis grants. Hearing no further comments, Mayor Buss called for a motion to approve. On a motion by Deputy Mayor Viola, seconded by Committeeman Rizzuto and a unanimous roll call vote, the resolution was adopted.

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

c. 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.

a. Resolution 2025-81: Authorizing formal transfer of funds, 2024 budget

b. Resolution 2025-82: Authorizing execution of a release and assignment agreement with NGM Insurance Company, Amboy Road Associates, LLC, Block 39, Lot 11.01

c. Resolution 2025-83: Confirming hiring full-time Administrative Assistant/Finance Clerk, Lauren Ondrush

Mayor Buss called for a motion to approve. On a motion by Committeeman Buzzetta, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the consent agenda resolutions were adopted.

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

d. Approval of Vouchers

Deputy Mayor Viola stated that he reviewed all of the vouchers and found all to be in order.

Deputy Mayor Viola made a motion to approve the bills list.

Mayor Buss called for a second to Deputy Mayor Viola's motion, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the bills list was approved.

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

Committeeman Rizzuto recuses from any bills/vouchers in connection with the Colts Neck Fire Department.

Committeeman Buzzetta recuses from any bills/vouchers in connection with the Colts Neck Fire Department.

Mayor Buss recuses from any bills/vouchers in connection with the shared municipal court with Holmdel Township.

Deputy Mayor Viola recuses from any bills/vouchers in connection with Best Horticultural and Joleen Landscaping.

e. Administrator's Report

None

f. Township Committee Reports

Committeeman Buzzetta:

- Committeeman Buzzetta stated that he attended the Recreation Committee meeting on March 18, 2025. Committeeman Buzzetta stated that the Recreation Committee spends a lot of time creating programs for our families. Committeeman Buzzetta stated that there are 380 kids who have signed up for flag football, 250 kids for baseball and 150 kids for soccer.

Committeeman Buzzetta stated that Opening Day for baseball is April 5, 2025.

- Committeeman Buzzetta stated that the tennis and pickleball courts are open, and residents can make reservations online.
- Committeeman Buzzetta stated that as of March 18, 2025 100 families have signed up for summer camp and the township expects more.
- Committeeman Buzzetta stated that the annual Easter Egg Hunt is scheduled for April 12, 2025 at Fire Company #1.

Committeewoman Fitzpatrick:

- Committeewoman Fitzpatrick stated that she attended the CNBA annual luncheon at Trump National on March 21, 2025 where the president, Dino Nicoletta was honored for his service to the organization and our community.
- Committeewoman Fitzpatrick stated that the Environmental Commission met last week and is looking forward to a clean-up Town Hall day scheduled for April 15, 2025 in honor of Earth Day.
- Committeewoman Fitzpatrick stated Long-Range Planning Committee met last week and made minor edits to the Environmental Resource Inventory, and the document will be presented again after the edits have been completed.

Committeeman Rizzuto:

- Committeeman Rizzuto stated that he met with the Long-Range Planning Committee. Committeeman Rizzuto stated that the Long-Range Planning Committee reviews ordinances and a lot of it is navigating what the state mandates.
- Committeeman Rizzuto stated that he met with the OEM Coordinator, Tyler Badarracco, and OEM is still finalizing the five-year emergency plan. Committeeman Rizzuto stated that this plan consistently gets updated and things change and better practices are determined.
- Committeeman Rizzuto stated that he met with Police Chief DeVito, who is exploring areas of the website to post police notifications. Committeeman Rizzuto stated that he and the Chief also spoke about recognition of the officers who were involved in taking down a burglary ring.

Deputy Mayor Viola:

- Deputy Mayor Viola stated that the recycling convenience center at the Department of Public Works is open on Saturday's from 8:00 a.m. – 1:30 p.m.
- Deputy Mayor Viola stated that brush pick up starts April 7, 2025 in Zone 1.
- Deputy Mayor Viola stated that Clean Up Day is Saturday, May 3, 2025 at Mazza Recycling, all residents should have received the flyer in the mail. Deputy Mayor Viola stated that senior citizen residents age 62 years or older can make a reservation to have the Department of Public Works pick up their items at the curb, but they must call Public Works to be put on the list.
- Deputy Mayor Viola stated Round 4, planning continues for affordable housing. Deputy Mayor Viola stated that the Planning Board sub-committee will receive the plan soon for review and comment.

Mayor Buss:

- Mayor Buss stated that she read a nice article in Community Magazine on Martha Leonhardt, President of Colts Neck First Aid Squad.
- Mayor Buss stated that she had an opportunity to present to a few girl scout troops, which she thoroughly enjoyed.
- Mayor Buss stated that she attended the Irish American month celebration held by the County where Heather Tormey, past President of the Colts Neck Board of Education was honored as a community leader in Colts Neck.
- Mayor Buss stated that the Friends of the Library book sale is coming up on Saturday, April 26th and Sunday, April 27th. Mayor Buss stated that the Friends of the Library is accepting donations until March 31st.

- Mayor Buss announced that the Township Committee meetings will begin live streaming at the April 9, 2025, meeting.

9. Public Comment:

Mayor Buss called for a motion to open public comment. On a motion by Committeeman Buzzetta, seconded by Committeewoman Fitzpatrick and a unanimous voice vote, public comment was opened.

Joyce Costa, resident, asked if the newly appointed public relations company will produce a flyer asking how the information will reach the residents. Mayor Buss responded stating that one envision is a newsletter several times a year and press releases on the township website.

Kevin O'Brien, resident, asked if there would be a township meeting where the affordable housing plan is shared with the residents. Mr. O'Brien spoke about the Township Committee going after a Planning Board member to remove that member from the board. Mr. O'Brien stated that there was a past committeeman who went after Elaine Mann and nothing was done and spoke about the Code Enforcement Manager not following protocol to run the license plates of an oversized vehicle on his street and nothing was done. Mr. O'Brien stated that he is curious why the township is spending money to go after one person instead of shaking hands and moving on.
Deputy Mayor Viola responded, stating that the affordable housing plan will be on the June 10, 2025, Planning Board agenda, and then on the June 11, 2025 Township Committee agenda. Mayor Buss responded, stating that the township cannot speak on personnel matters.

Elaine Mann, resident, asked what the Allied Fire Safety replacement batteries were for on the bills list. Ms. Mann shared an article from the Patch about a former Colts Neck Public Works employee, Ed Thompson who was fired from the township. Ms. Mann shared that Mr. Thompson was featured in this article for saving a woman who was badly injured. Ms. Mann stated that several years ago, when Mr. Thompson was the Director of the Department of Public Works several of the men in the department were volunteer firemen and could respond to calls during the day when it is difficult to have enough people responding to an emergency. Ms. Mann stated that the department relies heavily on mutual aid. Ms. Mann stated that newly hired Department of Public Works employees should be trained to be firemen and first responders. Ms. Mann stated that at the last meeting Administrator Capristo responded to her question in regard to a continuous charge for Zoom that Administrator Capristo is reimbursed for, for using her personal credit card. Ms. Mann stated that the township has a credit card and asked why Administrator Capristo does not utilize that credit card for the Zoom license. Mayor Buss stated that Zoom will not accept a purchase order, and municipalities are not allowed to have credit cards. Mayor Buss stated that the Allied Fire Safety invoice was for battery replacements for the Fire Department. Mayor Buss extended a huge congratulations to Hazlet Department of Public Works, Ed Thompson and any other department workers involved in saving a life.

Fulton Wilcox, resident, commented that we live in interesting times where we are all riding the inflation wave. Mr. Wilcox stated that the proposed budget is $26 million dollars, which is $2.4 million higher than the last budget. Mr. Wilcox stated that the budget for open space is mechanically drive. Mr. Wilcox stated that the town's assessed value went up 2.8% and the budget went up 3.3%.
Deputy Mayor Viola responded to Mr. Wilcox and stated that the $881,000 received from the state for the acquisition of the Maida property will come right out and pay against the debt service.

Elizabeth Wilcox, resident, thanked Administrator Capristo for her wonderful presentation. Ms. Wilcox stated that being from Maine she and her husband are environmentally conscious. Ms. Wilcox apologized to the Governing Body for missing the budget workshop and stated that they had a death in the family. Ms. Wilcox stated that she thinks live streaming the meetings is great and spoke about attending virtual meetings for their town in Maine to keep up to date on things that are happening there.

As there were no further comments and/or questions from the public, Mayor Buss called for a motion to close public comment. On a motion by Committeeman Rizzuto seconded by Deputy Mayor Viola and a unanimous voice vote, public comment was closed.

10. <u>Adjournment</u>:

As there was no further business, Mayor Buss called for a motion to adjourn. On a motion by Committeeman Rizzuto seconded by Deputy Mayor Viola and a unanimous voice vote, the meeting adjourned at 8:34 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 04/09/25