COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
JANUARY 8, 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 2, 2025, stating that a regular meeting of the Township Committee would be held on January 8, 2025, at 6:30 p.m., 1 Veterans Way, Colts Neck, NJ 07722, Town Hall. A copy is on file in the office of the Township Clerk."

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 2025-31:** Executive Session – Potential Litigation and Contract Negotiations

Mayor Buss called for comments. Hearing none, 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					

After closed session, Mayor Buss called for a motion to return to open session. On a motion by Committeeman Rizzuto, seconded by Deputy Mayor Viola and a unanimous voice vote, the Township Committee returned to open session at 7:01 p.m.

6. **Discussion Item/Public Hearing:**

   a. 7 Yearling Path – Partial Easement Release

Attorney Russell Macnow was present representing the owner of 7 Yearling Path. Mr. Macnow stated that the owner is seeking relief from the governing body to erect a deer fence in a Colts Neck conservation easement. Mr. Macnow explained that the property is 127 acres and is used for agricultural purposes farming hay. Mr. Macnow stated that the farmer who cares for the property has expressed concern about the deer in this section of the property.

AJ Garito, Two River Engineering, presented to the Governing Body stating that the deer fence is an 8 ft high fence that will be 15 ft from the property line and approximately 25 ft from the road.

Township Attorney, Meghan Bennett, stated that this easement is not an easement that has been dedicated and filed with the County and the State, this is a Colts Neck easement.

Tara – only looking to fence two areas?
Russ – farmers expressed concern about deer coming onto the property in those locations so those are the only locations to address at the moment. Only looking for relief in the conservation easement.

Meghan – conservation easement not under DEP, under Colts Neck.

Russ – gone through all of the procedural process and now need Governing Body approval.

Meghan – it's not an easement that has been dedicated and filed with the County and the state.

Mayor Buss called for a motion to open the public hearing. On a motion by Deputy Mayor Viola, seconded by Committeewoman Fitzpatrick and a unanimous voice vote, the public hearing was opened.

Public Comment:

Ebelyss Khrod, resident, asked if the deer fence will have trees in front of it. Mr.Garito responded, stating that there will not be any additional trees planted, the trees that exist in that area are the only trees that will be there.

Ms. Khrod stated that the fence is unattractive, and the deer will still be able to access the property from either side of the fence since the fence is not going around the entire property.

Kevin O'Brien, resident, stated that Colts Neck and the prior owner agreed to an easement that has worked for 26 years. Mr. O'Brien asked why it is so critical now that only a portion of the area is closed. Mr. O'Brien stated that by putting up the deer fence it is closing off the wildlife habitat, which is the exact reason for the easement. Mr. O'Brien read pieces from several other towns ordinances such as Hillsborough, Millstone and Manalapan. Mr. O'Brien submitted that paperwork to the Municipal Clerk. Mr. O'Brien stated that he does not see any crops in the area that the fence is being requested, and he doesn't see any reason to breech the conservation easement. Mr. O'Brien suggested allowing the easement area to grow in its natural form for wildlife.

Attorney Macnow responded stating that the easement is not a statutory easement, it is an easement under the Colts Neck Township ordinance. Mr. Macnow stated that the township specifically gave the property owner the right to mow and maintain the area of the easement. Mr. Macnow stated that Colts Neck has a deer problem and fences are very common on properties in Colts Neck. Mr. Macnow stated that under the Colts Neck Township ordinance the owner of the property could erect a fence enclosing the entire property, except for the two areas that require relief in the conservation easement.

Frank Pugliese, resident, stated that he has lived in the area of this property for several years and has never seen any crops or hay being farmed on the property. Mr. Pugliese stated that the fence is an eye sore for all of the neighbors.

The Governing Body briefly discussed the request and some of their concerns. Committeeman Rizzuto stated that he would request a conditional approval that the standpipe on the property that is used by the Fire Department if needed is maintained. Deputy Mayor Viola asked if the property owner would consider fencing the areas requested minus the conservation easement.

Mr. Macnow responded to Deputy Mayor Viola stating that the property would not consider that as it doesn't accomplish what they are seeking.

Administrator Capristo stated that the Township Engineer, Glenn Gerken and the Township Planner, Tim Anfuso, have both reviewed the request and do not have any objections.

After further discussion amongst the Township Committee, Mayor Buss called for a motion to close the public hearing. On a motion by Deputy Mayor Viola, seconded by Committeeman Rizzuto and a unanimous voice vote, the public hearing was closed.

Mayor Buss called for a motion to approve. On a motion by Mayor Buss, seconded by Committeeman Rizzuto and a majority roll call vote the request was approved.

Ayes: Buss, Fitzpatrick, Rizzuto
Nays: Viola, Buzzetta

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

7. Minutes

a. December 11, 2024 – Regular meeting
b. December 11, 2024 – Executive session

Mayor Buss called for comments or changes to the minutes. Hearing none, Mayor Buss called for a motion to approve. On a motion by Deputy Mayor Viola, seconded by Committeeman Rizzuto and a majority 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	M	X			
Buzzetta				X	
Fitzpatrick		X			
Rizzuto	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

8. <u>New business:</u>

a. Ordinance 2025-1: Ordinance amending § 51-9 "Outside employment and Special Assignments" of Chapter 51 "Police Department" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey

Mayor Buss called for comments. Administrator Capristo stated that this ordinance amendment allows the Police Department to use an outside source to manage off duty assignments and special assignments. 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 ordinance was approved for first reading/introduction. The public hearing is scheduled for January 29, 2025.

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					

b. Ordinance 2025-2: Ordinance amending Chapter 62 "Shade Tree Commission" and Chapter 102 "Development Regulations" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey to abolish the township Shade Tree Commission and place powers of said commission within the authority of the township environmental commission

Mayor Buss called for comments. Mayor Buss stated that volunteerism is down, this is not to get rid of the duties of the Shade Tree Commission, it is to bring it together with the Environmental Commission. Committeeman Rizzuto stated that he thinks it's a good idea as sometimes responsibilities of the volunteer boards are duplicated. Hearing no further comments, Mayor Buss called for a motion to approve. On a motion by Committeewoman Fitzpatrick, seconded by Committeeman Buzzetta and a unanimous roll call vote, the ordinance was approved for first reading/introduction. The public hearing is scheduled for January 29, 2025.

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

c. Ordinance 2025-3: Ordinance repealing Chapter 2 "Architectural Review Committee" and amending Chapter 102 "Development Regulations" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey

Mayor Buss called for comments. Mayor Buss stated the duties of the Architectural Review Committee have been vague and the group was looking for ways to be of value to the township and the residents. Mayor Buss stated that the township is exploring ideas such as a technical review committee. Deputy Mayor Viola stated that the review conducted by the Architectural Review Committee was not a mandatory review, and the committee was an advisory committee. 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 ordinance was approved for first reading/introduction. The public hearing is scheduled for January 29, 2025.

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					

d. Ordinance 2025-4: Ordinance amending Chapter 24 "Environmental Commission" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey to increase commission membership

Mayor Buss called for comments. Mayor Buss stated that this ordinance is to amend/increase the number of members on the Environmental Commission due to the expansion of duties from the Shade Tree Commission. Hearing no further comments, Mayor Buss called for a motion to approve. On a motion by Committeewoman Fitzpatrick, seconded by Committeeman Buzzetta and a unanimous roll call vote, the ordinance was approved for first reading/introduction. The public hearing is scheduled for January 29, 2025.

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

e. Ordinance 2025-5: Ordinance amending § 222-31 of Chapter 222 "Vehicles and Traffic" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey to increase stop intersections in the township

Mayor Buss called for comments. Administrator Capristo stated that this ordinance amendment has been advanced by the Chief of Police. Administrator Capristo stated that there are several sections in township that are not identified by stop signs and the placement of stop signs in these areas is taking place. 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 ordinance was approved for first reading/introduction. The public hearing is scheduled for January 29, 2025.

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					

f. Resolution 2025-32: Resolution authorizing the Mayor to execute the affordable housing developers agreement with Countryside Developers, Inc. Governing Block 42, Lot 4

Mayor Buss called for comments. Hearing none, Mayor Buss called for a motion to approve. On a motion by Committeeman Rizzuto, seconded by Deputy Mayor Viola 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	S	X			
Buzzetta		X			
Fitzpatrick		X			
Rizzuto	M	X			

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

g. 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 2025-33: Accepting the resignation of township employee, Joni VanNest

b. Resolution 2025-34: Confirming hiring part-time/temporary uniform construction code (UCC) inspector Ralph Rosamilia

c. Resolution 2025-35: Confirming hiring of part-time/temporary uniform construction code (UCC) inspector Jeffrey LoSacco

d. Resolution 2025-36: Authorizing a salary increase for Matthew Young, Building Inspector, Colts Neck Township

e. Resolution 2025-37: Authorizing a salary increase for Paul Vitale, Construction Official, Colts Neck Township

f. Resolution 2025-38: Confirming hiring part-time receptionist for the Colts Neck Police Department, Cassie Halpin

g. Resolution 2025-39: Resolution extending the sergeant's promotional eligibility list through the 2026 calendar year

h. Resolution 2025-40: Confirming appointments to the Historic Preservation Committee

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 consent agenda resolutions were 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					

h. Approval of Vouchers

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

Committeeman Viola made a motion to approve the bill list.

Mayor Buss called for a second to Committeeman 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.

i. Administrator's Report
None

j. Township Committee Reports

Committeewoman Fitzpatrick:

- Committeewoman Fitzpatrick stated that she attended the Colts Neck Business Association board meeting at which members planned the dates for events and meetings for 2025. Committeewoman Fitzpatrick stated that several events are booked, and others are waiting on confirmation from businesses. Committeewoman Fitzpatrick stated that the first networking event is potentially scheduled for January 28, 2025, and is free to attend for members. Committeewoman Fitzpatrick stated that the CNBA annual luncheon at Trump National Golf is scheduled for Friday, March 21, 2025.
- Committeewoman Fitzpatrick stated that she will be attending the County's meeting for the planning of our country's 250th anniversary. Committeewoman Fitzpatrick stated that she is excited to hear about the plans and she is excited for Colts Neck's participation.
- Committeewoman Fitzpatrick stated that she attended the Monmouth County Board of County Commissioner's reorganization meeting along with Mayor Buss. Tom Arnone was elected to continue as Commissioner Director and Sue Kiley as Deputy Director.

Committeeman Buzzetta: 2

- Committeeman Buzzetta stated that he does not have anything to report and is looking forward to attending some meetings that he is liaison of and reporting at te next meeting.

Deputy Mayor Viola:

- Deputy Mayor Viola stated that he swore in Ray Shebell as President and Nancy Walton as Vice President of the Senior Citizen's Club.
- Deputy Mayor Viola stated that the township will be releasing a survey on the township website in connection with affordable housing. Deputy Mayor Viola urged the public to participate in the survey and provide their feedback.

Committeeman Rizzuto:

- Committeeman Rizzuto stated that the five-year plan from the Office of Emergency Management (OEM) has been completed and submitted to the County.
- Committeeman Rizzuto stated that the First Aid Squad is having an installation dinner this Saturday and he will be attending.

- Committeeman Rizzuto stated that he is looking forward to serving as liaison to the Long-Range Planning Committee again this year.
- Committeeman Rizzuto stated that he attended the 175th anniversary of the General Store in Colts Neck and congratulated Mary Pahira and the General Store.

Mayor Buss:

- Mayor Buss reminded residents that the Planning Board meeting and information session on affordable housing is scheduled for January 14, 2025, at the Conover Road Primary School.
- Mayor Buss spoke about the annual rabies clinic that was held in November stating that the clinic had 17 dogs and 1 cat. Mayor Buss stated that the turnout is typically greater than that. Mayor Buss stated that the clinic will be held in November every year moving forward.
- Mayor Buss stated that the Board of Health had three confirmed rabies cases last year, two were raccoons and one fox. No domesticated animals were impacted. Mayor Buss stated that the Board of Health reported that the Senior flu clinic held back in October vaccinated 49 seniors. Mayor Buss stated that the state is still under a drought warning. Mayor Buss reported that the township's health director, Tom Frank, has inspected all 33 brick and mortar businesses, 31 were approved and two have conditional approvals.
- Mayor Buss thanked everyone who attended the reorganization meeting and thanked the committee for trusting her to be Mayor.
- Mayor Buss stated that she and her fellow committee members attended the grand re-opening of the Colts Neck Inn, which looks fabulous.

9. <u>Public Comment:</u>

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

<u>Public:</u>
Melinda Martin, resident, stated that Colts Neck is usually referred to as small town and not a city. Ms. Martin stated that she was shocked at the stop sign ordinance stating that she has never pulled up to an intersection and wondered if she has the right of way. Ms. Martin asked why this is necessary.

Kevin O'Brien, resident, stated that he spoke about the property 7 The Enclosure, which has a new owner, and spoke about a truck on the property that is in violation of the ordinance. Mr. O'Brien stated that the initial violation was sent to the previous owners and not the new owner. Mr. O'Brien stated that compliance was due on December 23, 2025, but the truck is still on the property. Mr. O'Brien stated that the Department of Public Works put up new stop signs on The Enclosure and the signs look great. Mr. O'Brien stated that it is still unclear if public comment will be permitted at the January 14, 2025, Planning Board meeting.

Robert Sayko, resident. Stated that he attended the last Township Committee meeting to ask crucial questions about the stop signs. Mr. Sayko stated that the response from the Governing Body was dismissive. Mr. Sayko stated that he did have an opportunity to speak with Deputy Mayor Viola who was kind enough to give him more information. Mr. Sayko asked if the Traffic Bureau of the Police Department gave the recommendations to put up the additional stop signs, what credentials do they have to determine this. Mr. Sayko stated that the Police Academy does not teach traffic engineering as part of their curriculum. Mr. Sayko spoke about a manual that he read which speaks about traffic control devices. Mr. Sayko stated that the manual states they should never be used to control traffic speed, yet this is what they are being used for in Colts Neck. Mr. Sayko submitted paperwork regarding the manual that he read to the Municipal Clerk.

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. Discussion of Public Comment:

Mayor Buss responded to Mr. Sayko stating that as Governing Body members it is their job to legislate. Mayor Buss apologized that Mr. Sayko felt the committee was dismissive, stating that he was heard. Mayor Buss stated that the Governing Body felt that the information received from our professionals warrants an increase in safety measures, which is an important issue.

Committeeman Rizzuto responded to Mr. Sayko apologizing also that Mr. Sayko felt dismissed at the last meeting. Committeeman Rizzuto stated that the officers who are in the Traffic Bureau attend mandatory classes. Committeeman Rizzuto spoke about being a police officer as well as a member of the fire department and firsthand witnessing tragic accidents. Committeeman Rizzuto stated safety measures is a serious issue.

Committeeman Buzzetta echoed the sentiment of Committeeman Rizzuto stating that he has been a member of the Colts Neck Fire Department for many years, and he endorses safety. Committeeman Buzzetta stated that Mr. Sayko mentioned intersections that don't have stop signs that need them and asked Mr. Sayko if he could speak after the meeting to review those intersections so Committeeman Buzzetta could investigate that.

Mayor Buss responded to Mr. O'Brien stating that public comment will be permitted at the Planning Board meeting on January 14, 2025.

11. Adjournment:

As there was no further business, Mayor Buss called for a motion to adjourn. On a motion by Committeewoman Fitzpatrick seconded by Committeeman Rizzuto and a unanimous voice vote, the meeting adjourned at 8:24 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 01/29/25