COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
OCTOBER 30, 2024, 6:30 P.M.
TOWN HALL

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

2. Mayor Rizzuto asked everyone to join him in 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 8, 2024, stating that a regular meeting of the Township Committee would be held on October 30, 2024, 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 October 24, 2024, 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 Frank Rizzuto, Deputy Mayor Tara Torchia Buss, Committeeman Michael Viola, Committeeman J.P. Bartolomeo and Committeewoman Sue Fitzpatrick
Also Present:	Kathleen Capristo, Township Administrator, Trina Lindsey, Municipal Clerk, and Meghan Bennett, Township Counsel
Absent:	Deputy Mayor Tara Torchia Buss was absent for roll call and joined the meeting at 6:35 p.m.

5. Resolution 2024-166: Executive Session – Potential Litigation

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

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

   On a motion by Committeeman Viola, seconded by Committeeman Bartolomeo, the Governing Body went back to open session at 7:11 p.m.

6. **Discussion Item**

   a. Street Opening permit – 89 Heyers Mill Road – Administrator Capristo

      Administrator Capristo stated the residents at 89 Heyers Mills Road are bringing forth a request to have the restrictions of the ordinance waived in regard to a street opening permit. Administrator Capristo stated that the ordinance restriction for Governing Body approval to waive the condition is set to expire on December 31, 2024. Administrator Capristo stated that Township Planner, Tim Anfuso and Township Engineer Glenn Gerken have reviewed the request and have no objections. Upon brief discussion the Governing Body had no objection to waiving the condition of the ordinance.

b. Best Practices Inventory – Administrator Capristo

Administrator Capristo stated that the Best Practices Inventory is an annual requirement by the State of New Jersey. Administrator Capristo stated that the municipality must score a minimum of 35 or the township would risk losing a portion of State Aid which amounts to $97,834.03 in energy receipts. Administrator Capristo stated that the township received a score of 45 out of a possible 46.5.

The Governing Body commended the Chief Financial Officer, John Antonides and his staff for a job always well resulting in the high score the township received.

c. Affordable Housing – Committeeman Viola

Committeeman Viola stated that Round 3 obligations are soon coming to an end and Round 4 obligations will commence on July 1, 2025. Committeeman Viola stated that the township received the Round 4 obligation last week which has utilized the same methodology as Round 3. Committeeman Viola explained that the Governing Body of all municipalities must adopt a binding resolution by January 31, 2025. Committeeman Viola stated that the Round 4 obligation for Colts Neck Township is 101 affordable housing units, along with the unfulfilled 138 units from Round 3 therefore the real obligation is 239 units. Committeeman Viola stated that on January 14, 2025, the Planning Board will hold a public information session explaining the Round 4 obligation. Committeeman Viola urged the public to attend.

7. Discussion Item/Public Hearing

a. Aiello – 8 Blackbriar Drive – Fence in Drainage Easement public hearing

Administrator Capristo explained that this request is for a partial easement release to erect a fence. Administrator Capristo stated that Township Planner, Tim Anfuso and Township Engineer, Glenn Gerken have reviewed the plans and have no objection and suggest a conditional approval. Administrator Capristo stated that the conditional approval would state that if the drainage pipe underground should ever need maintenance or repair, any removal of the fence to access the drainage pipe would be at the homeowner's cost.

John Aiello, homeowner, stated that he submitted the appropriate paperwork to the Municipal Clerk for public notice to the neighbors and noticed the same to newspaper of the municipality. Mr. Aiello stated that he has been a resident of Colts Neck for eight years. Mr. Aiello stated that he and his family commit to remove the fence if needed at their expense.

Township Attorney, Meghan Bennett stated that the township should have something filed such as a maintenance agreement that will stay with the property should there be new owners of the property in the future.

After a brief discussion of the Governing Body, Mayor Rizzuto called for a motion to open the public hearing. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a unanimous voice vote, the public hearing was open.

As there were no members of the public who wished to speak, Mayor Rizzuto called for a motion to close the public hearing. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a unanimous voice vote, the public hearing was closed.

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

8. Minutes

a. October 9, 2024 – Regular meeting

Mayor Rizzuto called for comments or changes to the minutes. Hearing none, Mayor Rizzuto called for a motion to approve. On a motion by Committeeman Bartolomeo, seconded by Deputy Mayor Buss and a unanimous roll call vote, the minutes were approved as presented.

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

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

a. Ordinance 2024-26: An ordinance of Colts Neck Township in the County of Monmouth and the State of New Jersey amending and supplementing Chapter 213 of the code of Colts Neck Township entitled "Towing"

Mayor Rizzuto read the ordinance by title for first reading/introduction. Mayor Rizzuto called for comments from the committee. Administrator Capristo stated that this ordinance was advanced by the Police Department to increase the radius of mileage for the department to request a tow company's assistance. Administrator Capristo stated that the ordinance amendment increases the mileage from two miles to five miles. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Committeeman Viola, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the ordinance was approved for introduction. Mayor Rizzuto stated that the public hearing is scheduled for November 13, 2024.

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

b. Resolution 2024-167: Establishing fees for township police special assignments

Mayor Rizzuto called for comments. Administrator Capristo stated that this request was advanced by the Police Department and involves this resolution and Resolution 2024-168 which is for Stone Hill Manor. Administrator Capristo stated that the rates for special assignments was last reviewed in 2021, this resolution will increase the hourly rate for special assignments. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Committeewoman Fitzpatrick, seconded by Committeeman Viola and a unanimous roll call vote, the resolution was adopted.

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

c. Resolution 2024-168: Establishing fees for township police special assignments long-term non-seasonal services, Stone Hill Trust

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

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

d. Resolution 2024-169: Authorizing the removal and installation of storage unit for Police Firearms Range, Konya's Mobile Home Services & Repair, Inc., $25,000

Mayor Rizzuto called for comments. Administrator Capristo stated that this is to relocate the trailer that temporarily housed the Police Department to the Police Firing Range at the Department of Public Works yard. Committeeman Bartolomeo stated that the trailer was received at no cost to the township and the township also received a donation from a resident who donated paving the fire range and created a concrete pad for the trailer. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a unanimous roll call vote, the resolution was adopted.

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

e. 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 2024-170: Authorizing acceptance of a performance guarantee for a street opening permit, Block 5, Lot 1.06, 11 Eaglenest Road

b. Resolution 2024-171: Resolution supporting the submission of Colts Neck Township Farmland Preservation Program Municipal Planning Incentive Grant Program 2026 Planning Round application

c. Resolution 2024-172: Resolution authorizing execution of N.J.D.E.P. "Treatment Works Approval Statement of Consent" for Orchards Shopping Center (Block 46, Lots 13 & 14)

d. Resolution 2024-173: Authorizing the mayor and municipal clerk to execute Shared Services Agreements between Colts Neck Township and the Township of Marlboro for the use of Colts Neck Township's firing range by the Township of Marlboro's Police Department and for decontamination services provided by the Township of Marlboro to the Colts Neck Township Police, Fire Department and First Aid Squad

Mayor Rizzuto called for a motion to approve. On a motion by Deputy Mayor Buss, seconded by Committeewoman Fitzpatrick and a unanimous roll call vote, the resolution was adopted.

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

f. Approval of Vouchers

Committeeman Viola stated that he reviewed all of the vouchers and found all to be in order. Committeeman Viola stated that there were a few large items on this bills list such as payment for the road projects, the library roof replacement, the relocation of the trailer and a refund for a performance guarantee.

Committeeman Viola made a motion to approve the bill list.

Mayor Rizzuto 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 Rizzuto		X			
Deputy Mayor Buss		X			
Viola	M	X			
Bartolomeo		X			
Fitzpatrick	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

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

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

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

g. Administrator's Report
None

h. Township Committee Reports

Committeeman Bartolomeo

- Committeeman Bartolomeo stated that he did not have any report this meeting and urged people to get out and vote in the upcoming election.

Committeewoman Fitzpatrick

- Committeewoman Fitzpatrick stated that the Green Team Advisory Committee and the Environmental Commission were scheduled to meet last Tuesday, however the Chairman Thom Hennessy was unexpectedly unable to attend therefore the Environmental Commission did not have a quorum to meet. Committeewoman Fitzpatrick stated that the Green Team Advisory Committee was brought up to date on the status of the ERI which continues to be reviewed. Committeewoman Fitzpatrick stated that they also discussed the status of the interest of the membership to Sustainable Jersey. Ms. Teresa Danile agreed to determine the items needed to maintain the township's bronze level.
- Committeewoman Fitzpatrick stated that the Colts Neck Business Association supported the PTO's Trunk or Treat event with a table to and also gave donation checks to first responders. Committeewoman Fitzpatrick stated that the CNBA will have a general meeting on November 6, 2024, at 5:30 p.m. at Huddy's Inn which will also be the election of the Executive Board. Committeewoman Fitzpatrick stated that the CNBA is again sponsoring the window painting contest with the Colts Neck High School art students who will decorate the windows of local businesses on December 6, 2024. Committeewoman Fitzpatrick stated that the winners will be announced at the tree lighting ceremony on December 7, 2024.
- Committeewoman Fitzpatrick stated that the Women's Club will be honoring our Veterans on Veteran's Day, November 11, 2024, at 11:00 a.m. at Cedar Drive School.
- Committeewoman Fitzpatrick stated that she was honored to attend the ceremony for Colin Pinguelo who achieved the level of Eagle Scout. Committeewoman Fitzpatrick stated that she is always amazed at the creative service projects and their donation to the community. Committeewoman Fitzpatrick congratulated Colin.

Committeeman Viola:

- Committeeman Viola congratulated Colin Pinguelo for earning Eagle Scout and stated that Drew Taeschler also earned the level of Eagle Scout and has a Court of Honor coming up this weekend.
- Committeeman Viola stated that Flag Football Superbowl is scheduled for November 16, 2024 at 8:00 a.m. at Five Points Park.
- Committeeman Viola stated that the Recreation Department continues to plan the township's holiday activities for December.
- Committeeman Viola stated that the Senior Citizen's Club is temporarily holding meetings at Fire House #2 on Conover Road while the Colts Neck Inn undergoes renovations.
- Committeeman Viola stated that the DPW Saturday recycling convenience center hours are over until April and brush collection is over until Spring. The department is currently doing leaf pick up now.

Deputy Mayor Buss:

- Deputy Mayor Buss stated that at tonight's Board of Education meeting Dr. Reynolds will be giving her annual presentation on the State Assessment results from last year. Deputy Mayor Buss reminded residents that the BOE meetings are streamed live, and records are posted online.
- Deputy Mayor Buss stated that a free rabies clinic will take place on November 9, 2024, from 9:00 a.m. – 10:30 a.m. at Bucks Mill Park for dogs six months and older and must be on a leash and cats must be in a carrier.

- Deputy Mayor Buss stated that the Colts Neck Prevention Alliance has a new brochure which can be found at the Colts Neck Library. Deputy Mayor Buss stated that there are some great speakers scheduled to speak at the schools.

Mayor Rizzuto:

- Mayor Rizzuto thanked the CNBA for donating to PTO's Trunk or Treat event.
- Mayor Rizzuto stated that he has never missed a Trunk or Treat since the event started.
- Mayor Rizzuto stated that the Historic Preservation Committee hosted the Halloween event at Fire Company #1. Unfortunately, couldn't have a bon fire due to the state ban on open fires. Mayor Rizzuto thanked all of the volunteers, ROTC members, boy scouts, First Reformed Church and many more for their contributions in making the event a successful one.

Public Comment:

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

Susan Davis, resident, commented that she listens to Committeeman Viola's and Committeeman Bartolomeo's Sunday walk, and decided to attend a meeting because she is tired of reading things on Next Door that may or may not be true. Ms. Davis asked about affordable housing units in The Grande that are expiring and will be market value. Ms. Davis asked if those units are being purchased.

Fulton Wilcox, resident, spoke about the Public Works convenience center being closed on Saturday's and stated that is not as convenient for people who work. Mr. Wilcox spoke about the acquisition of the DeAngelis property and stated that the township is still paying bills for this property and stated apparently the township does not have a title to the property. Mr. Wilcox spoke about the bills list stating that anyone trying to obtain good AI data cannot because this Committee has ensured that the data released has very little actual data. Mr. Wilcox stated that Builders Remedy is coming back to haunt us even though we never had a decent study done because we are chasing our own tail, the more non affordable housing that is built means the more affordable housing that will be built.

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

10. **Discussion of Public Comment:**

Committeeman Viola responded to Ms. Davis stating, yes, the units were sold, and it was a private transaction. Committeeman Viola urged Ms. Davis to come to the meetings to get accurate information and thanked her for being there. Committeeman Viola stated that the township is working with the new owner to keep the affordability controls on those units and stated that the township would get credit for 22 affordable rental units.

Deputy Mayor Buss responded to Ms. Davis stating those units were privately owned for the past 33 years. It's not the owner that has to qualify for affordable housing, it's the tenant that has to qualify.

Committeeman Viola stated that there is another tenant landlord issue with those units which the town is not involved in.

Committeeman Viola responded to Mr. Wilcox stating that the township is indemnified and there are no builders remedy lawsuits in Colts Neck. Committeeman Viola stated that the township discussed in Round 3 the possibility of building all affordable housing units and gave an example of another municipality who is building all affordable housing units, and the project is still not complete since 2012. Committeeman Viola stated that Colts Neck is not in favor of building all affordable.

Deputy Mayor Buss stated that current legislation actually limits building 100% affordable units. Deputy Mayor Buss stated that 100% affordable housing projects are archaic and problematic stating that the children who grow up in those developments have targets on their backs when the ultimate goal of affordable housing is to be inclusionary.
Committeeman Viola stated that another option that was presented was building a carriage house on private properties. Committeeman Viola stated that too is limited. They want a diverse type of property in the community. That is the goal of the program.

Administrator Capristo responded to Mr. Wilcox in regards to the DeAngelis property, stating that the township has owned the property for some time now, and explained that any cost on the bills list is for attorney fees to help us acquire the grant funds.

Committeeman Bartolomeo stated that Mr. Wilcox insinuated that the Township Committee overlooked various options in regard to affordable housing. Committeeman Bartolomeo stated that is not true and that is unfortunately the way it will be vetted on Next Door. Committeeman Bartolomeo reminded residents that they can contact the Township Planner, Tim Anfuso and ask questions regarding the affordable housing projects in town.

11. <u>Adjournment</u>:

As there was no further business, Mayor Rizzuto called for a motion to adjourn. On a motion by Deputy Mayor Buss seconded by Committeeman Viola and a unanimous voice vote, the meeting adjourned at 8:04 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 11/13/24