COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
SEPTEMBER 25, 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 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 8, 2024, stating that a regular meeting of the Township Committee would be held on September 25, 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 on September 17, 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:	None

5. Resolution 2024-147: 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 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					

   On a motion by Deputy Mayor Buss, seconded by Committeewoman Fitzpatrick the Governing Body returned to open session at 7:25 p.m.

6. **Discussion**

   a. Street Opening permit – 93 Heyers Mill Road

   Mr. Dmitry Kardonsky was present and stated that he is building a home for his family at 93 Heyers Mill Road. Mr. Kardonsky explained that he needs to apply for a street opening permit to have the gas connected to his single-family home.

   Administrator Capristo explained that the township's ordinance restricts opening new, reconstructed or resurfaced streets. No street opening permit shall be issued by the Township Planner to any person allowing an excavation or opening in a paved, reconstructed or resurfaced street less than five years old, unless an emergency

condition exists. The Township Committee reserves the right to waive or relax this restriction for cause.

Administrator Capristo explained that this restriction on Heyers Mill Road expires December 31, 2024. Administrator Capristo stated that Township Planner, Tim Anfuso and Township Engineer, Glenn Gerken have no objections to a waiver being granted.

Mr. Kardonsky explained that if his family has to wait until after December 31, 2024 the gas company has stated that if the ground is frozen at that time they will not run the gas line until approximately March or April of next year which will result in his family being unable to move into their new home.

The Governing Body unanimously agreed to grant the waiver of restrictions contingent upon the proper permit from the Township Planner along with any required fees and/or guarantees.

7. Proclamation(s)

a. Knock Out Opioid Abuse Day, October 6, 2024

b. Mental Illness Awareness Week, October 6 – 12, 2024

Mayor Rizzuto read the proclamations and presented them to Anita Dedalis, Prevention Alliance.

8. Minutes

a. September 11, 2024 – Regular meeting

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

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

9. <u>Old Business:</u>

a. Ordinance 2024-24: Ordinance amending Chapter 222 "Vehicles and traffic" of the code of Colts Neck Township, County of Monmouth, and State of New Jersey to include Article XIII "Traffic controls for street and highway construction and maintenance operations"

Mayor Rizzuto read the ordinance by title for second reading/public hearing. Mayor Rizzuto called for comments. Hearing none, 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 opened.

Hearing no comments from the public, 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 Deputy Mayor Buss and a unanimous roll call vote, the ordinance was adopted.

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					

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

a. Resolution 2024-148: Resolution authorizing Change Order No. 2 to the contract to the contract awarded to S. Brothers, Inc. for the FY 2023 NJDOT Municipal Aid Program – Improvements to Cedar Drive from Bucks Mill Road to Dutch Lane

Mayor Rizzuto called for comments. Administrator Capristo stated that this is the final change order for this project. Hearing no further comments, 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					

b. Resolution 2024-149: Authorizing the installation of a paver walkway at the Municipal complex, On-Site Landscape Management, $39,000

Mayor Rizzuto called for comments. Mayor Rizzuto stated that this is the last component to the work that is being performed to Town Hall Annex. Mayor Rizzuto stated that the renovation work continues to the interior of Town Hall Annex in preparation to move those employees who are currently housed downstairs, to upstairs. Mayor Rizzuto stated this is the area between Town Hall Annex and the Library, where the previous gazebo stood. Mayor Rizzuto stated that a new walkway will be installed along with a new gazebo. Committeeman Bartolomeo stated that in the past when something was donated to the township such as the previous gazebo that stood in this location, maintenance of the donated item was not taken care of. Committeeman Bartolomeo stated that the township operates differently now, and when an item is donated to the township, the township has ownership of the item and accepts responsibility of maintaining it. Hearing no further comments, 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

c. Resolution 2024-150: Confirming hiring Colts Neck Township Mechanic for the Department of Public Works, John Connell

Mayor Rizzuto called for comments. Administrator Capristo commented that this is a budgeted position. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Deputy Mayor Buss, 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	M	X			
Viola	S	X			
Bartolomeo		X			
Fitzpatrick		X			

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

d. Resolution 2024-151: Authorizing the purchase of a 2025 Chevy Tahoe for the Colts Neck Township Police Department, ESCNJ Contract #23/24-11, $52,891.15

Mayor Rizzuto called for comments. Mayor Rizzuto stated that there has been discussion in town from some residents in regard to the size of the police fleet. Mayor Rizzuto explained that the Police Department is rotating older vehicles within the department and explained how some vehicles are used for Special Law Enforcement officers, etc. Committeeman Viola stated the township was minus one vehicle in the fleet due to an accident that occurred last year so the purchase of this vehicle brings the fleet back to its proper total. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Deputy Mayor Buss, 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	M	X			
Viola	S	X			
Bartolomeo		X			
Fitzpatrick		X			

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

e. Resolution 2024-152: Authorizing the purchase of a vehicle installation package for a 2025 Chevy Tahoe for the Colts Neck Police Department, N.J. State Contract #17-FLEET-00749, $26,993.66

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

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

f. 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 2024-153: Authorizing the release of two surety performance guarantees, two cash performance guarantees, inspection fees and unexpended escrow funds for Block 44, Lots 11 & 12 – PB556 – Eyres

b. Resolution 2024-154: Authorizing execution of a shared services agreement for the provision of a communicable disease control program and other specialized public health services between the Jersey Shore Regional Health Commission (formally Monmouth County Regional Health Commission) and Colts Neck Township

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					

g. Approval of Vouchers

Committeeman Viola stated that he reviewed all of the vouchers and found all to be in order. Committeeman Viola noted several payments such as Jungle Lasers, the software used for the Construction Department, GovPilot, the software used for mercantile licenses and OPRA requests, as well as affordable housing invoices.

Committeeman Viola made a motion to approve the bill list.

Mayor Rizzuto called for a second to Committeeman Viola's motion, seconded by Committeeman Bartolomeo 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	S	X			
Fitzpatrick		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.

h. Administrator's Report
None

i. Township Committee Reports

Committeeman Bartolomeo

- Committeeman Bartolomeo stated that Sports Foundation is in full swing. Committeeman Bartolomeo commented that the Sports Foundation has such a robust sports program with Five Points, the Recreation Director, Colby Marques has suggested to use other areas for parking due to parking issues at the park. Committeeman Bartolomeo stated that we are no using the DeAngelis field for additional parking and the police are constantly working on traffic control at the park.

Committeewoman Fitzpatrick

- Committeewoman Fitzpatrick stated that the Green Team Advisory Committee and the Environmental Commission met last Tuesday at 6:30 p.m. and 7:30 p.m. respectively. Committeewoman Fitzpatrick stated that the boards had to meet at the Recreation building due to repairs on the Library and Town Hall Annex. Committeewoman Fitzpatrick stated that the Chairman, Thom Hennessy was not in attendance so as liaison she ran the meeting. Committeewoman Fitzpatrick stated that the commission is still in the process of reviewing the ERI report, which will be sent to the Long-Range Planning Committee in time for their next meeting on October 8, 2024. Committeewoman Fitzpatrick stated that once the Long-Range Planning Committee reviews and approves the report, it will then be sent to the Planning Board for final review and approval. Committeewoman Fitzpatrick stated that once the Planning Board has reviewed and approved the ERI, it will then be included in the Master Plan and will be sent to Sustainable NJ for credits in renewing the township's bronze level. Committeewoman Fitzpatrick stated that the commission also discussed plans for the remainder of the year and discussion items that were brought forth by the Chair, Thom Hennessy, who also serves on the Monmouth County board. Committeewoman Fitzpatrick stated that these discussion items include, beech leaf disease affects and proposals for treatment including planting hardwoods under the current beech trees, sprays, fertilizer, etc. Committeewoman Fitzpatrick stated that Chairman Hennessy is suggesting the commission work with the Shade Tree Commission and the Department of Public Works about problem solving, community outreach an education. Committeewoman Fitzpatrick stated that the Environmental Commission had members of the public present at the last meeting who were interested in the role of the commission, and who also had questions regarding issues around the community. Committeewoman Fitzpatrick stated that some of their questions were beyond the purview of the commission or have already been brought to the attention of Administration. Committeewoman Fitzpatrick stated that there was confusion about the agenda and stated that the items listed under new business and discussion items are merely ideas to research for the reminder of the year. Committeewoman Fitzpatrick stated that the next Environmental Commission meeting will be on October 15, 2024 at the Colts Neck Library.
- Committeewoman Fitzpatrick stated that the Colts Neck Business Association is hosting their annual pig roast at Huddy's Inn on October 1, 2024 at 5:30 p.m. Committeewoman Fitzpatrick stated that this event is always well attended and a lot of fun with live music. All are welcome.

Committeeman Viola:

- Committeeman Viola stated that he was proud to attend Naval Weapons Station Earle commission of USS NJ SSN796 on their pier on September 14, 2024.

- Committeeman Viola stated that the Senior Citizen's Group will reconvene next Wednesday at the Colts Neck Inn. Committeeman Viola stated that flu shots will be administered at this meeting for all who are interested.
- Committeeman Viola reported that National Night Out will be held this Saturday, September 28, 2024 at Town Hall from 3:00 p.m. to 7:00 p.m. Committeeman Viola stated that immediately following National Night Out, there will be a movie in the park followed by the family campout. Committeeman Viola extended thanks to the Prevention Alliance for coordinating National Night Out with these events. Committeeman Viola stated that the Fire Department, First Aid Squad, Police Department and the Fire Police will all be present.
- Committeeman Viola stated that the township continues to work on affordable housing Round 4 calculations.
- Committeeman Viola reported that the Library roof has been replaced and all went well with the project.
- Committeeman Viola reported that the Department of Public Works is wrapping up brush collection in Zone 4 this week and will begin the final round of collection in each zone.

Deputy Mayor Buss:

- Deputy Mayor Buss thanked the Prevention Alliance for sponsoring National Night Out, which is this Saturday, September 28, 2024.
- Deputy Mayor Buss stated that she attended Naval Weapons Station Earle commission of USS NJ SSN796 on their pier on September 14, 2024.
- Deputy Mayor Buss stated that she attended Monmouth Conservation Foundation cocktail party at Triple L Farms on Laird Road. Deputy Mayor Buss commented that it was a lovely event where they honored the navy.
- Deputy Mayor Buss stated that the Friends of the Library held their book sale this past weekend, which was a very successful event. Deputy Mayor Buss gifted a book to each member of the Governing Body, as well as Administrator Capristo, Clerk Lindsey and Attorney Bennett.

Mayor Rizzuto:

- Mayor Rizzuto reported that OEM is continuing to work with the County on the five-year plan.
- Mayor Rizzuto read a thank you note that he received from former Police Chief, Paul Santucci.

Attorney, Meghan Bennett stated that it has come to the attention of the Township Committee that in connection to the 22 affordable housing units in The Grande, the affordable housing controls for these units are set to expire in 2025 resulting in some concern for the residents who currently reside here. Attorney Bennett stated that she has been on several conference calls with the township's affordable housing attorney. Attorney Bennett stated that the affordable housing attorney is addressing these concerns with the owner. Attorney Bennett advised that if there are any issues someone is having that relate to a rental and tenant landlord issues, those tenants need to seek legal advice or reach out to their landlords directly.

Public Comment:

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

Kevin O'Brien, resident stated that he shared previously with the Committee that Wall Township and Marlboro Township have community feedback on break ins, as well as do patrol checks on homes for residents who are away. Mr. O'Brien spoke about cars still being parked overnight and on the wrong side of the street and how that violates state law. Mr. O'Brien stated that he spoke with Mayor Rizzuto months ago, who said he would speak with the Chief of Police. Mr. O'Brien stated that it has been several months with no update and asked why violations are being overlooked. Mr. O'Brien stated that he spent most of his summer in Spring Lake and they support the parking laws. Mr. O'Brien spoke about the affordable housing meeting back in May noting that

Mayor Rizzuto made comment that Mr. O'Brien spoke for more than four minutes when the four-minute limitation had been suspended for that meeting. Mr. O'Brien also noted that he attended the Environmental Commission meeting where several residents in the audience had to move closer to hear Committeewoman Fitzpatrick speak. Mr. O'Brien stated that it was apparent that the residents were not welcome at the Environmental Commission meeting and stated that the points that he made during that meeting were not shared with the township committee from Committeewoman Fitzpatrick. Mr. O'Brien alleged that Committeewoman Fitzpatrick made a comment stating that the Colts Neck Manor is not located in this township, and commented that her behavior towards him was rude.

Lester Martin, resident, spoke about he and his wife traveling to see various National Parks throughout the country and suggested that anyone who has an opportunity to visit a national park in the fall season to do so stating that it is beautiful weather and less crowded. Mr. Martin stated that he attended the Friends of the Library book sale this past weekend where he found a cookbook that has items on the menu from various national parks around the country.

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 Viola, seconded by Committeeman Bartolomeo and a unanimous voice vote, public comment was closed.

11. <u>Discussion of Public Comment:</u>

Mayor Rizzuto responded to Mr. O'Brien stating that the Colts Neck Police Department does patrol checks for residents who advise them that they will be away.

Committeewoman Fitzpatrick responded to Mr. O'Brien stating that she does not appreciate his attempt to disparage her. Committeewoman Fitzpatrick stated that she is currently going through a very painful medical issue and apologized that she was not herself. Committeewoman Fitzpatrick stated that she has always had the best interest of Colts Neck at heart and corrected Mr. O'Brien stating that she did not make statement saying that the Colts Neck Manor is not located in Colts Neck.

Committeeman Bartolomeo commented that Committeewoman Fitzpatrick apologizing is something people do not do anymore and commended her for apologizing.

12. <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 8:07 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 10/09/24