COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
SEPTEMBER 11, 2024, 7:00 P.M.
TOWN HALL

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1. Mayor Rizzuto called the meeting to order at 7:00 p.m.

2. Mayor Rizzuto asked everyone to join him in the salute to the flag. Mayor Rizzuto asked for a brief moment of silence for those who lost their lives on September 11, 2001.

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 11, 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."

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. **Minutes**

   a. August 14, 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 Deputy Mayor Buss, seconded by Committeeman Bartolomeo 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	M	X			
Viola		X			
Bartolomeo	S	X			
Fitzpatrick		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

6. **<u>Old Business:</u>**

   a. Ordinance 2024-21: Ordinance amending Chapter 177, Article VII, "Big Brook Preserve" of the code of Colts Neck Township, County of Monmouth

Mayor Rizzuto read the ordinance by title for second reading/public hearing. Mayor Rizzuto called for comments. Administrator Capristo stated that this ordinance amends and updates the current ordinance to remove the requirement to obtain a permit for those visiting the park to fossil hunt. Hearing no further comments, 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 Committeewoman Fitzpatrick 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		X			
Viola		X			
Bartolomeo	M	X			
Fitzpatrick	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

b. Ordinance 2024-23: An ordinance of Colts Neck Township in the County of Monmouth, State of New Jersey, amending ordinance 2024-13 an ordinance setting the salary and wage ranges for township employees

Mayor Rizzuto read the ordinance by title for second reading/public hearing. Mayor Rizzuto called for comments. Administrator Capristo stated this ordinance is to amend the salary ordinance minimum and maximum wage range for the mechanic position in the Department of Public Works. Hearing no further comments, Mayor Rizzuto called for a motion to open the public hearing. On a motion by Committeeman Viola, seconded by Committeeman Bartolomeo 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 Committeewoman Fitzpatrick 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					

7. **New business:**

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 first reading/introduction. Mayor Rizzuto called for comments. Administrator Capristo stated that this ordinance is being introduced at the request of the Chief of Police. Administrator Capristo stated that this ordinance outlines the do's and don'ts for contractors and utility companies in regard to road work jobs. Hearing no further comments, 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 approved for introduction/first reading. Mayor Rizzuto stated that the public hearing is scheduled for September 25, 2024.

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					

b. Ordinance 2024-25: Refunding bond ordinance authorizing the issuance of not to exceed $2,200,000 principal amount of general obligation refunding bonds by Colts Neck Township (The "Township"), in the County of Monmouth, State of New Jersey, to the Monmouth County Improvement Authority (The "MCIA") for the purpose of refunding certain bonds heretofore issued by the township to the MCIA

Mayor Rizzuto read the ordinance by title for first reading/introduction. Mayor Rizzuto called for comments. Committeeman Viola stated that this ordinance is to refinance old debt that the township has with the Improvement Authority. Committeeman Viola stated that the township will refinance with a new rate over a four-year period of time and will save approximately $20,000 per year, $80,000 over the four-year term. 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 ordinance was approved for introduction/first reading. Mayor Rizzuto stated that the public hearing is scheduled for October 9, 2024.

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 2024-137: Confirming hiring Colts Neck Township Special Law Enforcement Officer II (SLEO II), Robert P. Santoro

Mayor Rizzuto called for comments. Administrator Capristo commented that this is a budgeted hire. Hearing no further comments, 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					

d. Resolution 2024-138: Resolution authorizing change order No. 1 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 change order reflects an increase to the contract of approximately 6% for additional curbing,

additional police presence and additional milling and paving. Hearing no further comments, 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 resolution 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					

e. Resolution 2024-139: Confirming appointment of Department of Public Works Facility Maintenance Worker, Thomas Fischer

Mayor Rizzuto called for comments. Administrator Capristo stated that she is happy to advance this resolution approving a promotion for Thomas Fischer to Facility Maintenance Worker. Administrator Capristo stated that Mr. Fischer has been a wonderful asset to the Department of Public Works and the township. 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					

f. Resolution 2024-140: Authorizing the purchase of a truck lift (TP-16-3SA 16,000lb Cap 2-Post 3 Stage-arms) for the Department of Public Works, N.J. State Contract# 22-FLEET-01983

Mayor Rizzuto called for comments. Administrator Capristo stated that this is a capital purchase that was budgeted for in the 2024 budget. Hearing no further comments, Mayor Rizzuto called for a motion to approve. On a motion by Committeeman Viola, seconded by Deputy Mayor Buss 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	S	X			
Viola	M	X			
Bartolomeo		X			
Fitzpatrick		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

g. Resolution 2024-141: Authorizing award of contract, FY2024 Capital Road Improvement Program Phase II

Mayor Rizzuto called for comments. Committeeman Viola stated that this is to award the contract for Phase II of the Capital Road Improvement Project which includes

White Oak, Acorn, Muhlenbrink and Rimwood. 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 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					

h. 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 2024-142: Authorizing cancellation and refund of taxes 2024, Stephen Anest

b. Resolution 2024-143: Authorizing sale of municipal personal property through on-line auction

c. Resolution 2024-144: Resolution authorizing the acceptance of the donation from the Colts Neck Sports Foundation for the donation of storage sheds and bleachers

d. Resolution 2024-145: Authorizing summer camp trip refund, Jennifer Stattel

e. Resolution 2024-146: Accepting the resignation of township employee, Shawna Garcia

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					

i. Approval of Vouchers

Committeeman Viola stated that he reviewed all of the vouchers and found all to be in order. Committeeman Viola noted a few bills on the bills list.

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.

j. Administrator's Report
Administrator Capristo stated that the Township is in receipt of a request to host a portion of the Bike NY Twin Lights Charity Ride in Colts Neck. Administrator Capristo stated that the event will take place on Sunday, September 29, 2024 between the hours of 10:30am – 4:30pm. Administrator Capristo stated that the organization has provided a Certificate of Insurance and has received approval from the Police Department, and will continue to work with the police department to ensure safety for all during the event.

The Governing Body unanimously approved the event.

k. Township Committee Reports

Committeeman Bartolomeo

- Committeeman Bartolomeo stated that Sports is off and running to a great start. Committeeman Bartolomeo stated that the Sports Foundation has had the kickoff for flag football, travel soccer, 9U Soccer, and a few other teams. Committeeman Bartolomeo complimented Lou Bader, the Department of Public Works Director for coming up with a solution for the road into Bucks Mill Park and Five Points Park. Committeeman Bartolomeo stated that the township will use blue stone, which will eliminate the current pothole issues, dust issue, etc. Committeeman Bartolomeo stated that it will cost roughly $15,000 for both parks and will be discussed at next year's budget session.
- Committeeman Bartolomeo stated that the Shade Tree Commission met and had 3 applications to review.

Committeewoman Fitzpatrick

- Committeewoman Fitzpatrick stated that today is September 11th, a very sad day in our history and one that we remember where we were an what it was like that tragic day twenty-three years later. Committeewoman Fitzpatrick stated that her heart goes out to those many families, especially the Colts Neck families who were honored here today: John F. Casazza, Dennis Michael Cook, Paul James Furmato, James Patrick Ladley and John Joseph "Jack" Murray.
- Committeewoman Fitzpatrick stated that the Environmental Commission and Green Team Advisory Council meetings were cancelled for August.
- Committeewoman Fitzpatrick stated that the Colts Neck Business Association held their 5th annual Polo Classic this past Sunday. Committeewoman Fitzpatrick stated it was a very well attended event and a beautiful day for horses and spectators. Committeewoman Fitzpatrick stated that a lot of work goes into planning for this event and the CNBA thanks our Department of

Public Works Director, Lou Bader and his staff for their care and maintenance of Bucks Mill Park and the polo field, which also serves as a lacrosse and soccer field.

- Committeewoman Fitzpatrick stated that the CNBA annual networking event at Trump National Golf was held last month and was a fabulous night with a good crowd in attendance.
- Committeewoman Fitzpatrick stated that the Long-Range Planning Committee met last night and discussed setting guidelines for new builds in the business district in regard to esthetic design and materials.
- Committeewoman Fitzpatrick stated that the final two concerts in the Summer Concert Series events were wonderful and both bands were great musicians.

Committeeman Viola:

- Committeeman Viola reported that he attended the Colts Neck welcome back to school event which was a nice breakfast meeting.
- Committeeman Viola stated that he attended the CNBA Polo event which was a great event and well attended.
- Committeeman Viola stated that he attended this morning the Monmouth County September 11th Remembrance Ceremony.
- Committeeman Viola stated that he will be attending Naval Weapons Station Earle commission of USS NJ SSN796 on their pier on September 14, 2024.
- Committeeman Viola stated that the summer concert series last two concert were fabulous with great music and well attended nights.
- Committeeman Viola advised residents to be on the lookout for more information in regard to Family Camp Out Night which will be combined with National Night Out, on September 28, 2024. Committeeman Viola stated that there will not be a rain date for this event.
- Committeeman Viola stated that brush collection in zone 3 is wrapping up this week. Committeeman Viola stated that leaf pick up does not begin until late October and urged residents to not place their leaves out before it is time.
- Committeeman Viola stated that the Senior Citizen's Club did not hold a September luncheon, they will reconvene on October 2, 2024, at the Colts Neck Inn. Committeeman Viola stated that at the October 2nd meeting, the Department of Health will be administering flu shots.
- Committeeman Viola stated that the township has not received a decision from court on affordable housing.
- Committeeman Viola spoke about a lawsuit that has been filed on behalf of 9 communities in Mercer County against the affordable housing administration . Committeeman Viola stated that the township is reviewing the lawsuit currently. Committeeman Viola stated that the lawsuit contends that round 4 rules are unconstitutional.

Deputy Mayor Buss:

- Deputy Mayor Buss stated that the Friends of the Library book sale is on Saturday, September 21st and Sunday, September 22nd.
- Deputy Mayor Buss stated that the Board of Education school year is off to a very great start. Deputy Mayor Buss thanked Committeeman Viola for attending the welcome back breakfast. Deputy Mayor Buss stated that the BOE is holding their first meeting as a whole board tonight and commented that if anyone would like to watch the meetings, they are available on their website.

Mayor Rizzuto:

- Mayor Rizzuto reported that the Police Department has just hired a new Class II officer as everyone heard earlier in the resolution. Mayor Rizzuto stated that the Police Department has a system in place that if the employee works out well, they can be bumped up and become a full time patrolman.
- Mayor Rizzuto stated that OEM will be working on plans with Monmouth County for long term emergency management planning.
- Mayor Rizzuto stated that the Planning Board met last night and discussed construction on Obery and Hockhockson. Mayor Rizzuto stated that there will be several more meetings discussing this topic of Twenty-five 1 plus acre lots.

- Mayor Rizzuto stated that in regard to the First Aid Squad building, he has spoke with Lou, Gus and Kathleen Capristo who have all advised that renovations are moving along nicely.

8. Public Comment:

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

David Houss, resident, thanked Committeeman Viola for looking into the affordable housing lawsuit. Mr. Houss stated that he has researched this lawsuit and spoke about the complaints against affordable housing for failing to consider local resources, etc. Mr. Houss commented that the current mandates prohibit current leaders from planning for future growth of the town. Mr. Houss stated that 62 urban aid municipalities are exempt from having affordable housing obligations. Mr. Houss stated that the ten communities that aren't currently supporting the 9 communities in Mercer County lawsuit, fear repercussion. Mr. Houss asked if we choose not to fight are we not, by default, handing over our right to zone our town. Mr. Houss commented that they will continue to force affordable housing on us until our way of life is completely gone.

Elaine Mann, resident, thanked the Township Committee for the ceremony today, commenting that it was beautiful, and the pastors did well. Ms. Mann stated that some towns in our area are thinking towards our future stating that Middletown's officials are getting ahead of the volunteer emergency and spoke about volunteer incentives such as $500 off property taxes if the volunteer is living in the township. Ms. Mann also spoke about incentives such as the township assisting with home buying expenses of $10,000 and a reduction in permit fees. Ms. Mann commented in regard to affordable housing, stating that Edison Township has an agreement with the developer that in an emergency situation where residents are displaced from their homes the developer is responsible for paying for subsequent temporary housing. Ms. Mann asked if Colts Neck Township has an agreement with the Colts Neck Manor developers. Ms. Mann also asked why the Township is still paying for the acquisition of the DeAngelis property.

Meghan Bennett responded to Ms. Mann stating that we are at the end of trying to finalize the grant from the NJDEP.

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

9. Discussion of Public Comment:

Committeeman Viola responded to Mr. Houss stating that we need to fully understand that litigation before coming to any determination. Committeeman Viola stated that several of the communities involved in the lawsuit have already lost their immunity, so they have nothing to lose.

Meghan Bennett informed Mr. Houss that at the time that this litigation in regard to affordable housing is discussed, it will be discussed in executive session.

Committeeman Viola responded to Ms. Mann stating that there is no agreement with Colts Neck Manor to house residents in a displacement situation.

Committeeman Viola responded to Ms. Mann stating that the township evaluated tax rebates for volunteer first responders several years ago, and did not reach the same conclusion as Middletown. Committeeman Viola stated that he would speak with the Middletown Mayor and see how they are approaching this incentive.

Committeeman Bartolomeo responded to Mr. Houss stating that he asked all of those same questions to the state in regard to affordable housing and the State's reply is that's on you as a Township. Committeeman Bartolomeo stated that Colts Neck has never been afraid of the state. Committeeman Viola and Committeeman Bartolomeo

agreed to speak with Mr. Houss after the meeting to bring him up to speed on the progression of the mandates on affordable housing.

Mayor Rizzuto responded to Ms. Mann stating that it has always been on the property owners to provide housing if something happens to their building. If the town has to step in then the town would to provide things such as warming stations, etc.

10. <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 Committeewoman Fitzpatrick and a unanimous voice vote, the meeting adjourned at 7:40 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 09/25/24