ORDINANCE NO. 2024-21

ORDINANCE AMENDING CHAPTER 177, ARTICLE VII, "BIG BROOK PRESERVE" OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH

WHEREAS, Chapter 177, Article VII, details certain rules and regulations related to Big Brook Preserve in Colts Neck Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the public who visit Big Brook Preserve to update these rules and regulations; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by strikeout):

§ 177-43 Purpose; authority to promulgate additional regulations.

A. The Township Committee of ~~the Township of Colts Neck~~ Colts Neck Township has determined that there is an increasing need for the preservation of the many natural resources located within Big Brook Preserve. It has been observed that natural resources such as fossils have been taken from the park in large quantities. It has also been observed that certain other dangerous conditions continue to threaten the natural beauty, assets and environmental resources within Big Brook Park. Therefore, for the purposes of safeguarding and preserving Big Brook Park and its natural resources so that it may continue to serve as a recreation facility, regulations are hereby enacted as follows.

B. The Department of Recreation and Parks, subject to the approval of the Township Committee of ~~the Township of Colts Neck~~ Colts Neck Township, may promulgate additional policies consistent with the purposes set forth above.

§ 177-44 Prohibited actions.

While in the public parks and/or recreation areas regulated by this article in ~~the Township of Colts Neck~~, Colts Neck Township all persons shall conduct themselves in a proper and orderly manner. Except to the extent provided for in this article, the actions enumerated in § 177-21 of the Colts Neck Code shall be proscribed within the Big Brook Preserve.

§ 177-45 Fossils.

All fossils located within Big Brook Park are the property of ~~the Township of Colts Neck~~, Colts Neck Township the County of Monmouth and the State of New Jersey. Therefore, no fossils may be removed from Big Brook Park except in accordance with the regulations set forth in this article.

§ 177-46 Collection of fossils; additional regulations, rules and policies.

A. The following rules are in effect regarding the collection of fossils and such activity within the Big Brook Preserve:

~~(1) A formal permit for the use of the preserve for fossils collection and other such activities by all groups of 15 or more is required. Permits are to be obtained from the Department of Recreation and Parks at the Colts Neck Town Hall. The group permit fee is $25.~~

~~(2) Permits for fossil collection are issued on a daily basis and are in effect from 6:00 a.m. to dusk.~~

~~(3) Permits must be kept with the person in charge of the group and must be presented to enforcement officials upon request.~~

~~(4)~~ (1) Group buses are restricted to the formal preserve parking area located on Hillsdale Road.

~~(5)~~ (2) The collection of fossils within the preserve is limited to those fossils found within the actual stream waterline. Fossil extraction is prohibited from the walls of streambed above the stream waterline.

~~(6)~~ (3) The use of equipment for the collection of fossils is restricted to trowels with a maximum blade of six inches, and small screens with an eighteen-inch-square maximum at all times.

~~(7)~~ (4) No person may harvest more than five fossils per day.

B. The Department of Recreation and Parks, subject to the approval of the Township Committee of ~~the Township of Colts Neck~~ Colts Neck Township, may amend or supplement the rules and regulations of this article. These rules shall have the full force and effect of law as if set forth herein at length. These regulations shall be posted prominently at all entrance(s) to the preserve and shall remain on file in the Township Clerk's office and in the offices of the Department of Recreation and Parks. Additionally, appropriate signs shall be posted.

§ 177-47 Issuance of permits; enforcement.

~~A. The Department of Recreation and Parks is hereby authorized to issue permits for the collection of fossils within the Big Brook Preserve in accordance with the rules and policies set forth above.~~

~~B.~~ A. All duly adopted rules and regulations pertaining to conduct within Big Brook Preserve shall be enforced by any duly constituted law enforcement officer who is otherwise authorized to enforce the laws of the State of New Jersey, and any of its political subdivisions within the geographical boundaries of the township.

§ 177-48 Violations and penalties.

[Amended 3-8-2006]

Any person being found to have violated any of the rules, regulations or any other established policies related to the general operation of the Big Brook Preserve set out herein shall be subject to the replacement, repair or restoration of any damaged property and shall be punishable as provided in § 1-9 of this Code.

I hereby certify the foregoing to be
a true copy of an Ordinance by
the Township Committee of Colts Neck Township
adopted on the 11th day of September, 2024

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	August 14, 2024					September 11, 2024				
	M	S	Yes	No	NV	Ab	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												

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

BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to set the salary and wage ranges paid within the Township as follows:

SECTION ONE: The minimum and maximum salary range for employees employed in the following positions within Colts Neck Township, in the County of Monmouth, are hereby fixed as follows:

Title	Department	Minimum	Maximum
Mechanic	Department of Public Works	$45,000	$85,000

SECTION TWO: The Township reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such position and not necessarily the minimum salary.

SECTION THREE: The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any employee of Colts Neck Township, and the salaries and compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Committee may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance.

SECTION FOUR: A resolution of the Township Committee establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted or may establish a date on which the salary shall take effect.

SECTION FIVE: All ordinances or parts of ordinances, which may be inconsistent with the terms of this ordinance, are to the extent of such inconsistency hereby repealed.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the foregoing to be
a true copy of an Ordinance by
the Township Committee of Colts Neck
Township adopted on the 11th day of
September, 2024

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	August 14, 2024					September 11, 2024				
	M	S	Yes	No	NV	Ab	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

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"

WHEREAS, inclusion of a roadway construction and maintenance ordinance in a municipal code is beneficial to a municipality in providing clarity and order for residents and construction professionals; and

WHEREAS, numerous municipalities in New Jersey have adopted ordinances for roadway construction and maintenance activities, many of which include fundamental similarities; and

WHEREAS, the Township Code for Colts Neck Township (the "Township") does not have a comprehensive road construction ordinance; and

WHEREAS, the Colts Neck Police Department has reviewed roadway construction and maintenance ordinances across the state and has proposed adoption of such an ordinance for the Township.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION 1. Chapter 222 of the Code of Colts Neck Township is hereby amended as follows:

Article XIII Traffic Controls for Street and Highway Construction and Maintenance Operations

§ 222-102 Adoption of Manual on Uniform Traffic Control Devices for Streets and Highways

The Township Council hereby finds and declares that problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations, and utility work, above and below ground which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations. Colts Neck Township in the County of Monmouth, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices, hereafter known as M.U.T.C.D., except as hereby supplemented and amended, as it controls and regulates whenever construction maintenance operations of utility work obstructs the normal flow of traffic. Any person, contractor, or utility who fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this section.

§ 222-103 Pre-Construction Meetings

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the public utility agreement, wishing to conduct work on, under or above the roadway to contact the Traffic Safety Unit of the Colts Neck Police Department, or their designee in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction or work. Any person, contractor or utility who fails to comply with this section prior to their start of such work or whose plans are not approved by the Traffic Safety Unit of the Colts Neck Police Department, or their designee is in violation of this section.

Prior to the start of construction operations, the, contractor shall assign a supervisory-level employee to be the Traffic Control Coordinator. The Traffic Safety Unit of the Colts Neck Police Department or their designee shall be notified as to the name of this individual at the pre-construction meeting, along with a method of contacting the individual on a twenty-four-hour, seven-day a week basis.

§ 222-104 Hazardous Conditions

The person, contractor, or utility shall provide the Colts Neck Police Department's Traffic Safety Unit or designee with at least one emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct a hazardous condition, the Township may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor, or utility responsible for such conditions.

§ 222-105 Road Closings and Detours

Road closings and/or traffic detours shall not be permitted unless approved by the Colts Neck Police Department's Traffic Safety Unit or their designee.

Should the contractor begin work prior to the work zone being properly established as described herein, Colts Neck Township shall assume no responsibility for tort liability issues arising from the contractor's premature start. All liability and consequences arising from a premature start are solely the contractor's. It should be noted that at the conclusion of the work day, the detour route will be discontinued and the area under construction reopened to traffic until the start of the following work day.
Therefore, the contractor shall ensure that all of his equipment and materials are removed from the roadway, the road clear of debris and all raised manholes, inlets and other appurtenances have traffic control devices (i.e., drums) placed over them.
In the event that the manhole, inlet or other appurtenance is in the middle of a travel way and the placement of a traffic device would impede the flow of traffic, the manhole, inlet or other appurtenance will be ramped with fresh bituminous material (either cold or hot mix). The use of millings to perform this operation will not be allowed.

§ 222-106 Traffic Directors

Traffic directors shall be certified by the American Traffic Safety Services Association (ATSSA) or an entity of equivalent expertise as determined by the Colts Neck Police Department. Regular police shall be posted at all construction or maintenance sites when determined by the Colts Neck Police Traffic Safety Unit or their designee that it is necessary to provide for the safety and expeditious movement of traffic. All cost connected with such traffic controls shall be at the cost of the applicant.

§ 222-107 Stop Work

The Colts Neck Police Department's Traffic Safety Unit or their designee shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

§ 222-108 Violations and Penalties

A. Any person, contractor or utility who commits a violation of this Part shall, upon conviction thereof for a first offense pay a fine of not less than $100 nor more than $500 and/or be imprisoned in the County jail for a term not exceeding 90 days.

B. For a second offense, upon conviction thereof, pay a fine of not less than $250 and/or be imprisoned in the County jail for a term not exceeding 90 days.

C. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 11th day of September 2024. A public hearing will be held on September 25, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

_____
Frank Rizzuto, Mayor

_____
Trina Lindsey, Municipal Clerk

RECORD OF VOTE											
	First Reading						Second Reading					
	September 11, 2024						September 25, 2024					
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

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

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), Colts Neck Township, in the County of Monmouth, State of New Jersey (the "Township"), had previously issued General Obligation Bonds (the "2013 Bonds") to The Monmouth County Improvement Authority (the "MCIA") in connection with the MCIA's Governmental Pooled Loan Revenue Bonds, Series 2013B dated December 24, 2013; and

WHEREAS, $2,135,000 of such 2013 Bonds are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable (the "Refunded Bonds"); and

WHEREAS, the MCIA and the Township have determined that refunding bonds can be issued to defease or refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a debt service savings to the Township; and

WHEREAS, the Township has determined to provide for the defeasance or refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in a principal amount not to exceed $2,200,000 to the MCIA, as provided in this refunding bond ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF COLTS NECK TOWNSHIP, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Township hereby designated as General Obligation Refunding Bonds (the "Refunding Bonds") are hereby authorized to be issued to the MCIA in a principal amount not to exceed $2,200,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the principal amount of Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed $70,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the Refunded Bonds. Any moneys held in trust by the MCIA may be invested as provided in N.J.S.A. 40A:2-60.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Township adopted prior to the issuance of the Refunding Bonds.

Section 4. The Township Committee hereby delegates to the Chief Financial Officer or Business Administrator of the Township the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The Township Committee hereby authorizes and delegates to the Chief Financial Officer or the Business Administrator, in consultation with Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel") and Nisivoccia LLP, Mt. Arlington, New Jersey (the "Township Auditor"), the authority to negotiate and execute on behalf of the Township any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the Township, or the performance or determination thereof shall be delegated by resolution of the Township to an official or officer of the Township, Bond Counsel or the Township Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Township required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Township Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after

introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the Township Committee, the Township Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to affect a debt service savings to the Township.

Section 13. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law, but not prior to the time that the consent of the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, as provided by N.J.S.A. 40A:2-55.

ADOPTED ON FIRST READING
DATED: September 11, 2024

_____
TRINA LINDSEY,
Municipal Clerk

ADOPTED ON SECOND READING
DATED: October 9, 2024

_____
TRINA LINDSEY,
Municipal Clerk

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 11th day of September 2024. A public hearing will be held on October 9, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	September 11, 2024					October 9, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												