RESOLUTION 2023-94

RESOLUTION AUTHORIZING CONVEYANCE OF THE RIGHT TO PERFORM CERTAIN PRE-EXISTING AGRICULTURAL ACTIVITIES ON THE PROPERTY LOCATED AT BLOCK 50, LOT 4.01 BACK TO PATRICIA KING BAILEY, INC.

WHEREAS, Patricia King Bailey, Inc. conveyed a Deed of Conservation, Open Space, Drainage and Utility Right-of-Way Easement for the property located at Block 50, Lot 4.01 (the "Property") to Colts Neck Township dated December 28, 2012 which was recorded in the Monmouth County Clerk's Office on January 10, 2013 in Deed Book 8990, Page 7112 (the "2012 Deed of Easement"); and

WHEREAS, the 2012 Deed of Easement erroneously failed to reflect the fact that the farm on the Property is a pre-existing use that is being preserved and that pre-existing agricultural activities may continue to be performed on the Property; and

WHEREAS, Colts Neck Township therefore wants to enter into a corrective Deed of Easement, in substantially the form attached hereto, in order to correct this error and to convey back to Patricia King Bailey, Inc. the right to perform these pre-existing agricultural activities.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that the Mayor and the Clerk are hereby authorized to execute the attached corrective Deed of Easement on behalf of Colts Neck Township in order to correct the error in the 2012 Deed of Easement and to convey back to Patricia King Bailey, Inc. the right to perform pre-existing agricultural activities on the Property as described more fully within the Deed of Easement.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 31st of May, 2023.

_____

Trina Lindsey, Municipal Clerk

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

RESOLUTION 2023-95

CONFIRMING HIRING
COLTS NECK TOWNSHIP
CODE ENFORCEMENT MANAGER
ANTONIO CARDOSO

WHEREAS, the Township wishes to hire Antonio Cardoso, as Code Enforcement Manager; and

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township in the County of Monmouth, State of New Jersey, that it hereby confirms the hiring of Antonio Cardoso as Code Enforcement Manager for Colts Neck Township at $75,000/annum, effective May 22, 2023; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Antonio Cardoso, Code Enforcement Manager;
2. Kathleen Capristo, Township Administrator; and
3. John Antonides, Chief Financial Officer.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 31st day of May 2023.

Trina Lindsey, Municipal Clerk

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

RESOLUTION 2023-96

RESOLUTION OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING MUNICIPAL CONSENT FOR VEOLIA WATER NEW JERSEY TO PROVIDE WATER AND SEWER SERVICE PREVIOUSLY PROVIDED BY SUEZ WATER TOMS RIVER, INC.

WHEREAS, on the 14th day of May, 1987, the Township granted municipal consents and franchises (the "**Franchises**") to S.B. Water Company, Inc. and S.B. Sewer Company, Inc. (collectively "S.B.") to provide water and sewer services within that portion of the Township described as Lot two (2) of Block 41.01 of the Colts Neck Tax Map, and to own, operate, construct, maintain and repair a water supply and distribution system and a sewer supply and distribution systems and such other and related capital facilities including mains, service lines, storage facilities, pipes, valves and appurtenances thereto as are necessary to enable it do so; and

WHEREAS, S.B. and Suez Water Toms River Inc. ("Suez")(formerly known as United Water Toms River Inc.) entered into an Asset Purchase Agreement dated August 19, 2015 pursuant to which S.B. agreed to sell to Suez all of the assets owned by S.B. and used in the S.B.'s water and sewer businesses, including the assignment of all approvals, consents and franchises to operate such businesses (the "Asset Sale"); and

WHEREAS, on the 9th day of March, 2016, Colts Neck Township granted municipal consents to assign the Franchises to Suez Water Toms River Inc. (formerly known as United Water Toms River Inc.) as part of the Asset Sale from S.B.; and

WHEREAS, Suez Water Toms River Inc. was merged into and became a part of Suez Water New Jersey Inc. in 2018; and

WHEREAS, Suez Water New Jersey Inc. was rebranded to Veolia Water New Jersey, Inc. ("VWNJ") on March 28, 2022, after a change in the control of ownership of its main parent company, SUEZ S.A., which was acquired by Veolia Environnement S.A., in January 2022;

WHEREAS, certain properties located in that area which was shown on the Tax Maps of the Town of Colts Neck as Block 41.01, Lot 2 within Colts Neck Township ("Township") have historically received sewer service from Suez, and the continued provision of sewer services to such properties is in the best interest of the Township and its citizens; and

WHEREAS, by Resolution 2018-142, the Township expanded the Franchises to include the property known as Block 42, Lot 4 on the Tax Maps of the Township; and

WHEREAS, VWNJ seeks the Township's consent to transfer the Franchises to VWNJ; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Colts Neck Township does consent and agree to the assignment of the Franchises from Suez to VWNJ subject to the following conditions:

1. The Township's consent herein shall be effective upon the approval of the transfer of Suez's assets to VWNJ by the New Jersey Board of Public Utilities; and

2. There shall be no expansion by VWNJ of the number of properties currently served by the Franchises granted to Suez without the express permission of the Township and any other necessary governmental agency or authority; and

3. VWNJ shall comply with all terms and conditions set forth in the Franchises, which are incorporated herein by reference; and

4. Nothing herein shall have any effect whatsoever on the rights of private property owners regarding the laying of water and sewer pipes beneath private property, and VWNJ is required to obtain any and all necessary consents, approvals, rights of way, easements or any other right or interest from private property owners prior to undertaking any work on private property contemplated or permitted by the Franchises; and

5. VWNJ shall abide by the Ordinance established by Colts Neck Township regarding road openings or municipal permits necessary to perform any maintenance, repair or replacement work on its water utility infrastructure. Said work performed by VWNJ shall be subject to inspection by the appropriate construction official or municipal engineer as designated by the Ordinance and/or the New Jersey Uniform Construction Code; and

6. VWNJ shall comply with all requirements and outside approvals as may be required from Colts Neck Township or any other governmental authority prior to undertaking any work contemplated or permitted by the Franchises.

I, Trina Lindsey, do hereby certify the foregoing resolution was passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 31st day of May, 2023.

_____

Trina Lindsey, Municipal Clerk

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Mayor Fitzpatrick						
Deputy Mayor Rizzuto						
Torchia Buss						
Viola						
Bartolomeo						

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

RESOLUTION 2023-97

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MEGHAN ANN BENNETT OF DILWORTH PAXSON LLP, AS TOWNSHIP ATTORNEY AND ALTERNATE BOND COUNSEL FOR COLTS NECK TOWNSHIP

WHEREAS on January 6, 2023 Meghan Ann Bennett of GluckWalrath LLP was appointed as Township Attorney and Alternate Bond Counsel; and

WHEREAS on June 1 2023, Meghan Ann Bennett, Esq. of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Township Attorney and Alternate Bond Counsel, and to enter into an agreement to reflect the affiliation of Meghan Ann Bennett with Dilworth Paxson LLP.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey, as follows:

1. Effective June 1, 2023, Meghan Ann Bennett of the law firm Dilworth Paxson LLP is hereby retained for the provision of township attorney services and alternate bond counsel services for the balance of the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 6th, 2023 for the calendar year 2023.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to, respectively, the execution of said agreement with Meghan Ann Bennett of the law firm of Dilworth Paxson LLP.

3. This resolution shall take effect June 1, 2023.

4. That a certified copy of this resolution shall be forwarded by the Township Clerk to the Chief Financial Officer and to Meghan Ann Bennett.

I, Trina Lindsey, do hereby certify the foregoing resolution was passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 31st day of May, 2023.

_____
Trina Lindsey, Municipal Clerk

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

RESOLUTION 2023-98

RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 22 – JUNE 4, 2023

WHEREAS, there were 694 motor vehicle fatalities in New Jersey in 2022; and

WHEREAS, approximately 40% of the motor vehicle occupants killed in those traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 – June 4, 2023 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of further increasing the seat belt usage rate in the state from the current level of 93%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE BE IT RESOLVED, be it resolved that the Township Committee of Colts Neck Township declares it's support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 – June 4, 2023 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

I, Trina Lindsey, do hereby certify the foregoing resolution was passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 31st day of May, 2023.

_____
Trina Lindsey, Municipal Clerk

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

RESLOLUTION 2023-99

CONFIRMING APPOINTMENT OF TOWNSHIP PROFESSIONAL PURSUANT TO N.J.S.A. 40A:11-5

WHEREAS, there exists a need for specialized professional services for various services provided to Colts Neck Township; and

WHEREAS, appointments in this regard can be made without the need of competitive bidding and public advertising pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, proposed contracts for said services for the year 2023 are on file and available for public inspection in the office of the Township Clerk; and

WHEREAS, appointments in this regard and contracts with all professionals so named by this resolution are contingent upon and will not be executed unless and until all provisions of N.J.S.A. 19:44A-20.8 are fully complied with; and

WHEREAS, funds for said services will be provided in the 2023 Municipal Budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Colts Neck Township that it hereby appoints the following for the year 2023:

1. Kellenyi Johnson Wagner – Eric Wagner, AIA (Five Points Park Recreation Building)

BE IT FURTHER RESOLVED that a copy of this Resolution be published in full in the Asbury Park Press; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Kellenyi Johnson Wagner, Eric Wagner, AIA.;
2. Kathleen Capristo, Township Administrator; and
3. John Antonides, Chief Financial Officer.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during the Reorganization meeting held on the 31st day of May 2023

_____
Trina Lindsey, Municipal Clerk

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

RESOLUTION 2023-100

RESOLUTION DECLAIRING ROBERT T. DEVINO AND CHESTER JACKIEWICZ IN DEFAULT AND AUTHORIZING WITHDRAWAL OF THE VALLEY NATIONAL BANK IRREVOCABLE STANDBY LETTER OF CREDIT No. OD09001388 FOR THE DEVELOPMENT KNOW AS WHITE CEDAR ESTATES, BLOCK 41, LOT 4, APPICATION No. PB528

WHEREAS, Mr. Robert T. Devino and Mr. Chester Jackiewicz received Final Major Subdivision approval from the Colts Neck Planning Board for a five lot subdivision commonly known as White Cedar Estates on April 10, 2001 (Application No. PB528); and

WHEREAS, Mr. Robert T. Devino and Mr. Chester Jackiewicz posted an Irrevocable Standby Letter of Credit No. 0D09001388 from Valley National Bank dated June 10, 2009 in the amount of $105,698.39; and.

WHEREAS; on July 8, 2009 the Colts Neck Township Committee adopted Resolution No. 2009-106A accepting replacement Irrevocable Standby Letter of Credit No. OD09001388 from Valley National Bank, Little Silver, New Jersey 07739 in the amount of $105,698.39; and

WHEREAS, in a correspondence dated March 28, 2023 Valley National Bank advised that the Irrevocable Standby Letter of Credit No. OD09001388 will not be extended and will expire on June 10, 2023; and

WHEREAS, in a correspondence dated May 1, 2023 the Township Engineer, Mr. Glenn Gerken, P.E., certified that all required site improvements covered by Irrevocable Standby Letter of Credit No. OD9001388 have not been installed and accepted by the Township; and

WHEREAS, the Township Engineer has recommended the Township draw upon Valley National Bank Irrevocable Standby Letter of Credit No. OD09001388 to complete all outstanding site improvements as contained in his May 1, 2023 and May 31, 2023, 2023 correspondences.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Colts Neck Township, in the County of Monmouth, and the State of New Jersey that it hereby declares Mr. Robert T. Devino and Mr. Chester Jackiewic in default and authorizes the withdrawal of Valley National Bank Irrevocable Standby Letter of Credit No. OD09001388 in the amount of $12,090 as contained in the Township Engineer's May 1, 2023 and May 31, 2023 correspondences.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the following:

1. Robert T. Devino and Chester Jackiewcz
2. Timothy Anfuso, P.P., Township Planner
3. Glenn Gerken, P.E., Township Engineer

I Trina Lindsey, do hereby certify the Foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 31st day of May, 2023.

_____

Trina Lindsey, Municipal Clerk

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