COLTS NECK TOWNSHIP
TOWNSHIP COMMITTEE REGULAR MEETING MINUTES
FEBRUARY 8, 2023, 6:00 P.M.
TOWN HALL

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1. Mayor Fitzpatrick called the meeting to order at 6:00 p.m.

2. Mayor Fitzpatrick asked everyone to join her in the salute to the flag.

3. Municipal Clerk, Trina Lindsey, 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 4, 2023, stating that a regular meeting of the Township Committee would be held on February 8, 2023, 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 January 26, 2023, noting the meeting time change from 7:00 p.m. to 6:00 p.m. A copy is on file in the office of the Township Clerk.

4. Roll call by Municipal Clerk, Trina Lindsey indicated the following:

Present:	Mayor Sue Fitzpatrick, Committeewoman Tara Torchia Buss, Committeeman Michael Viola, and Committeeman J.P. Bartolomeo
Also Present:	Kathleen Capristo, Township Administrator, Trina Lindsey, Municipal Clerk and Meghan Bennett, Township Counsel
Absent:	Deputy Mayor Frank Rizzuto

5. **Resolution 2023-44:** Executive Session

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

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

   Mayor Fitzpatrick called for a motion to return to open session at 7:10 p.m. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a majority voice vote, the Township Committee returned to open session.

   Mayor Fitzpatrick asked everyone to join in a moment of silence for Councilwoman Eunice Dwumfour of Sayreville, NJ who was murdered.

6. **Discussion Item(s):**

   a. Laird Road Baseball fields project – Sports Foundation

   Committeeman Bartolomeo stated that members of the Sports Foundation were present to discuss improvements to the baseball fields at Laird Road Park. Committeeman Bartolomeo introduced Jarrett Sues who was present to present the project to the Township Committee.

Jarrett Sues stated that the Sports Foundation is seeking approval to improve the baseball fields at Laird Road Park. Mr. Sues stated that he and his family moved to Colts Neck in 2020, he has been a resident of Monmouth County for many years and is currently a part of the Sports Foundation. Mr. Sues stated that he is an ex professional baseball player. Mr. Sues went on to explain the proposed project in detail noting the various proposed upgrades to each field at Laird Road park. Mr. Sues stated that the Sports Foundation will fund the project 100% with no impact to the taxpayers of Colts Neck.

Field 1: Will be a dedicated Little League field with a new mound, new sod and completely regraded.

Field 2: Skin the field and completely upgrade it. Will be converted to all uses, baseball and softball.

Fields 3 &4: Completely regarded and improved.

Committeeman Viola asked what will happen if the project goes over budget. Mr. Sues responded stating that the Sports Foundation will fund whatever the project costs. There will be no request for funds from the township.

Attorney Bennett explained that the township will need to enter into a Right of Entry agreement with the Sports Foundation and the Sports Foundation will provide a Certificate of Insurance naming the township as an additional insured and indemnifying the township for any damages or losses. Attorney Bennett will provide a resolution for consideration of the Township Committee at the February 22, 2023, meeting.

The Township Committee thanked the Sports Foundation for their time and generous donation to one of the town's parks.

7. Approval of minutes

a. January 11, 2023 – Regular meeting
b. January 25, 2023 – Regular meeting

Mayor Fitzpatrick called for comments. Hearing none, Mayor Fitzpatrick called for a motion to approve all sets of minutes presented above. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a majority roll call vote, the minutes were approved.

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

8. Old business

a. Ordinance 2023-3: An ordinance of Colts Neck Township in the County of Monmouth and the State of New Jersey amending and supplementing Chapter 102 of the code of Colts Neck Township entitled "Development Regulations"

Mayor Fitzpatrick read the ordinance by title for second reading/public hearing. Mayor Fitzpatrick called for comments from the Township Committee. Hearing none, Mayor Fitzpatrick called for a motion to open the public hearing. On a motion by Committee Bartolomeo, seconded by Committeeman Viola and a majority voice vote, the public hearing was opened.

Boris Volshteyn of Evergreen Lane stepped forward to comment. Mr. Volshteyn stated that he has lived in Colts Neck for ten years, is a physician in town and is also in real estate. Mr. Volshteyn stated that he has been investigating bringing different businesses to the township such as another grocery store, multiuse sports facility, a national gas station, etc. Mr. Volshteyn stated that his main concern is that the regulations in the ordinance now are restrictive. Mr. Volshteyn asked the Governing Body to consider postponing the vote on this ordinance and allowing him to discuss the different possibilities with the Governing Body.

As there was no comment from the public, Mayor Fitzpatrick called for a motion to close the public hearing. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a majority voice vote, the public hearing was closed. Mayor Fitzpatrick called for a motion to approve. On a motion by Committeeman Bartolomeo, who approved the motion and also addressed Mr. Volshteyn and explained that he is moving this motion to approve the ordinance because the ordinance was introduced in January, and he apologized to Mr. Volshteyn that he missed the introduction of the ordinance and explained that he stands by why things were put into place a long time ago. Committeeman Bartolomeo stated that he has sat on the Planning Board as well as the Township Committee for several years. Committeeman Bartolomeo's motion was seconded by Committeeman Viola, who also addressed Mr. Volshteyn stating that the ordinance has been reviewed and worked on for over a year by the Long-Range Planning Committee who reviews ordinances in the township. Committee Viola also stated that the Planning Board reviewed the ordinance at their meeting last evening and deemed the proposed ordinance consistent with the Master Plan. After a majority roll call vote, the ordinance was adopted.

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

9. <u>New business</u>

a. Resolution 2023-45: Resolution confirming and certifying length of service award program (LOSAP) credits for 2022 for the Colts Neck Fire Department

Mayor Fitzpatrick called for comments. Committeewoman Buss asked if the LOSAP credits have to be approved on an annual basis. Administrator Capristo responded, yes. Hearing no further comments, Mayor Fitzpatrick called for a motion to approve. On a motion by Committeeman Viola, seconded by Committeewoman Buss and a majority roll call vote, the resolution was adopted.

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

b. Resolution 2023-46: Resolution confirming and certifying length of service award program (LOSAP) credits for 2022 for the Colts Neck First Aid Squad

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

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

c. Resolution 2023-47: State of New Jersey, Department of Environmental Protection Green Acres Program, Enabling Resolution for Supplemental Funding request

Mayor Fitzpatrick called for comments. Attorney Bennett stated that the Township was contacted by Green Acres who stated that the Township is eligible for $50,000 additional funding in connection with the DeAngelis property. Attorney Bennett stated that the Township is looking into buying additional space in that area. Committeeman Bartolomeo stated that this means more acquired land for Colts Neck Township that will be for open space recreational use. Hearing no further comments, Mayor Fitzpatrick called for a motion to approve. On a motion by Committeeman Bartolomeo, seconded by Committeewoman Buss and a majority roll call vote, the resolution was adopted.

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

d. Resolution 2023-48: Governing Body certification of compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964

Mayor Fitzpatrick called for comments. Administrator Capristo stated that this resolution is an annual requirement of the state to certify that the township is adhering to the applicable laws in relation to equal opportunity employment. Hearing no further comments, Mayor Fitzpatrick called for a motion to approve. On a motion by Committeewoman Buss, seconded by Committeeman Viola, and a majority roll call vote, the resolution was adopted.

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

e. Consent Agenda

i. Resolution 2023-49: SSA Public Safety Answering Point agreement

ii. Resolution 2023-50: Confirming hiring Colts Neck Township Department of Public Works seasonal employee, Timothy Mayer

iii. Resolution 2023-51: Authorizing the release of a Special Performance Guarantee, Block 9, Lot 46, 7 Pilgrim Way – Mazza

iv. Resolution 2023-52: Authorizing the acceptance of an inspection fee, ZB1046, Block 46, Lot 17.13, 300 Route 34 – Source Brewery

v. Resolution 2023-53: Authorizing the County of Monmouth Mosquito Control Division to conduct aerial mosquito control operations within Colts Neck Township

Mayor Fitzpatrick called for a motion to approve. On a motion by Committeeman Viola, seconded by Committeewoman Buss and a majority roll call vote, the resolutions on the consent agenda were approved.

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Fitzpatrick		X			
Deputy Mayor Rizzuto					X
Torchia Buss	S	X			
Viola	M	X			
Bartolomeo		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 noted that a few stand out charges such as furniture in connection with the new municipal building, and body worn cameras for the police department.

Mayor Fitzpatrick called for a second to Committeeman Viola's motion, seconded by Committeeman Bartolomeo and a majority roll call vote, the bills list was approved.

Committeewoman 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.

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

g. Administrator's report

Administrator Capristo stated that the Lion's Club is planning for the annual Kentucky Derby at Bucks Mill Park. Administrator Capristo stated that the Lion's Club has submitted a Special Events permit to the Recreation department and all is in order.

Administrator Capristo stated that the Lion's Club is seeking approval from the Governing Body to have alcohol at Buck's Mill Park for the event.

The Governing Body unanimously approved.

h. Township Committee reports

Committeeman Bartolomeo

- Committeeman Bartolomeo reported that the Sports Foundation is doing a wonderful job. Saturday, April 1, 2023, is opening day for baseball and softball.
- Committeeman Bartolomeo reported that the Home Run Derby will take place again this year and will notify everyone of the date once he has it.
- Committeeman Bartolomeo stated that the PTO Gala is on March 30, 2023, and the theme is Miami Vice. Committeeman Bartolomeo stated that if any businesses in town want to donate a basket, they are welcome to.
- Committeeman Bartolomeo stated that the Long-Range Planning Committee met last night and will be focusing on reviewing right of ways and greenways. Committeeman Bartolomeo stated that the goal is to come up with a long term, multi-year strategy. Committeeman Bartolomeo stated that the Long-Range Planning Committee will involve the Shade Tree Commission in these discussions as well.
- Committeeman Bartolomeo reported that the Shade Tree Commission met for the first time in February as there was scheduling difficulties in January. Committeeman Bartolomeo stated that he is filling in as the interim chair until the commission meets again in April and will choose a Chair. The commission will not meet in March due to not having a quorum.
- Committeeman Bartolomeo stated that the subject matter of Heritage Lane came up at the Shade Tree Commission meeting. Committeeman Bartolomeo stated that the project will continue on Heritage Lane, however, the Department of Public Works is redirecting resources at the moment to clean up township owned right of ways, and they will look into tying in Heritage Lane as well.

Committeeman Viola

- Committeeman Viola reported that the Seniors met last week and have a total of 289 members.
- Committeeman Viola reminded residents that the former Homestead rebate is now the Anchor Tax rebate, and the state has extended the time to apply for the Anchor Tax rebate until February 28, 2023.
- Committeeman Viola stated that the township received a letter from a resident extending their gratitude to the Colts Neck Fire Department for their response to an emergency situation that the family experienced. Committeeman Viola read the letter.
- Committeeman Viola stated that there is nothing to report at this time for Affordable Housing as no decision has been received from the court.

Committeewoman Buss

- Committeewoman Buss stated that the Board of Education is meeting tonight therefore she could not attend. The Board of Education is meeting tonight to hear an ethics presentation.
- Committeewoman Buss stated that the Prevention Alliance held their two-day mental health training program for teachers and school educators. Committeewoman Buss stated that the program was very successful and the people who attended said the training provided valuable information.
- Committeewoman Buss stated that National Night Out is scheduled for Tuesday, August 1, 2023, at Bucks Mill Park.
- Committeewoman Buss warned residents of a new and upcoming drug called Nitazenes. Committeewoman Buss stated that this new drug is often laced with something else and is said to be forty (40) times more potent than fentanyl. Committeewoman Buss stated that reports show that the drug started out west and is moving further east. Committeewoman Buss stated that another hot topic is Delta 8 which is a legal form of marijuana that kids are using. Committeewoman Buss stated that this is currently being addressed in legislation at the state level.

- Committeewoman Buss reported that book donations are being accepted in the lower level of the library foyer until February 28, 2023. Committeewoman Buss stated that the books must be in good condition.

Mayor Fitzpatrick

- Mayor Fitzpatrick stated that on February 2, 2023, she attended the New Jersey Mayor's Conference in Trenton, the topics included the impact of the State's group health insurance increase of 23%, affordable housing, municipalities complaining about the burden of overdevelopment, energy tax receipts collected by Trenton over the past twenty years that should have been given back to the municipalities, and briefly touched on bail reform in regard to car thefts.
- Mayor Fitzpatrick stated that on February 4, 2023, the township committee was graciously invited to attend the Colts Neck Fire Department's installation at the 618 restaurant in Freehold. Mayor Fitzpatrick stated that she, Deputy Mayor Rizzuto, and Committeewoman Buss were in attendance for what was a very lovely event. Mayor Fitzpatrick stated that the Governing Body is ever so grateful for the township's volunteer members of the fire department and fire police for their commitment to the safety of the Colts Neck community.
- Mayor Fitzpatrick stated that the Planning Board met last night and all applications on the agenda were carried to another meeting.
- Mayor Fitzpatrick stated that the township was contacted by the Cecere family who wished to plant three trees in Bucks Mill Park in honor of his mother and father. Mr. Cecere was a former Parks and Recreation Director in his career and Mrs. Cecere who enjoyed Bucks Mill Park very much. Mayor Fitzpatrick stated that the Cecere family was granted permission to plant the trees with the guidance of Lou Bader, Department of Public Works Director and Bruce Bennett who will plant the trees and care for them during their lifespan.
- Mayor Fitzpatrick stated that she will have office hours in the new municipal building once the township receives permanent occupancy clearance. Mayor Fitzpatrick stated that her office hours will be on Tuesday's from 9:00 a.m. – 11:00 a.m. and on Thursday's from 5:00 p.m. – 7:00 p.m. Notice will be posted on the Township website.

10. <u>Public Comment:</u>

Mayor Fitzpatrick called for a motion to open public comment. On a motion by Committeeman Bartolomeo, seconded by Committeeman Viola and a majority voice vote, public comment was opened.

Fulton Wilcox, resident, commented that in respect to the minutes there seems to be a back log and he is hopeful that the minutes from tonight's meeting will be on the agenda for approval at the next Township Committee meeting. Mr. Wilcox stated that it is awkward enough how the committee responds to public comment. Mr. Wilcox commented on a bill on the bills list in connection with the new municipal building stating that the building appears to be pretty much complete besides finishing touches. Mr. Wilcox stated that those finishing touches deserve to be capitalized, but not capitalized with 25-year monies that have been borrowed. Mr. Wilcox commented about storage for the new municipal building and the body worn cameras for the police department stating that these expenses should be paid for and not on borrowed money.

Elaine Mann, resident, commented stating that there is a public safety issue that the Governing Body did not address. Ms. Mann stated that at the Senior Citizen's club meeting last week there was a member who tested positive for COVID-19 after the meeting. Ms. Mann stated that she did not receive a phone call and nor did other members who also tested positive after the meeting. Ms. Mann suggested that a phone call chain be put into place for instances such as these where members who were in attendance should be notified. Ms. Mann also commented that the township receives a temporary certificate of occupancy to host the township committee meetings in the new municipal building, which sets a poor example. Ms. Mann stated that a homeowner cannot receive a temporary certificate of occupancy for a home therefore it sets a poor example that the township receives them. Ms. Mann commented that the minutes of the annual reorganization meeting misquoted her comment in regard to congratulating the Mayor and asked that the minutes be corrected.

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

11. **Discussion of Public Comment:**
Committeeman Viola responded to Ms. Mann stating that the Seniors Club leadership did make phone calls to those members who were in close contact to the member who tested positive for COVID-19. Committeeman Viola stated that he will speak with the leaders of the Seniors Club in regard to Ms. Mann's suggestion for a future call chain in emergency situations.

12. **Adjournment:**
As there was no further business, Mayor Fitzpatrick called for a motion to adjourn. On a motion by Committeeman Bartolomeo, seconded by Committeewoman Buss and a majority voice vote, the meeting adjourned at 7:56 p.m.

Trina Lindsey, RMC
Municipal Clerk

APPROVED: 02/22/23