TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
January 9, 2024 MINUTES

Mr. Tobia called the meeting to order by reading the following statement: "As Chairman and Presiding Officer of this meeting of the Planning Board, I hereby declare that the notice requirements of the law have been satisfied by prominently posting on the Township bulletin board a notice of this meeting, and that there has been transmitted a notice to the Asbury Park Press and the Star Ledger and that a copy is on file in the Office of the Township Clerk. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be always maintained. I further order that this public announcement be placed in the minutes of this meeting."

Salute the Flag

Roll Call:

Present:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, Penczak, Visci, and Sullivan
Absent:	None

Also Present: Glenn Gerken, P.E., Timothy Anfuso, P.P., and Mike Steib, Esq.

Reorganization:

Mr. Steib administered the oath of office to new and returning Board members.

1. Nominations

Chairman – Mr. Tobia
Motion to nominate Board Chairman

OFFER:	Lutkewitte
SECOND:	Lukowitz
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

Vice-Chairman – Mr. Lukowitz
Motion to nominate Board Vice-Chairman

OFFER:	Lutkewitte
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

Secretary – Joni VanNest
Motion to nominate Board Secretary

OFFER:	Rizzuto
SECOND:	Lukowitz
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

2. Approval of Planning Board Meeting Dates

February 13, 2024	August 13, 2024
March 12, 2024	September 10, 2024
April 9, 2024	October 8, 2024
May 14, 2024	November 12, 2024
June 11, 2024	December 10, 2024
July 9, 2024	January 14, 2025 Reorganization/Regular Mtg

Motion to approve meeting dates

OFFER:	Rizzuto
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

3. Approval and Motion to Memorialize a Resolution appointing the Asbury Park Press and Star Ledger as Official Newspapers:

Motion to appoint both newspapers

OFFER:	Corsi
SECOND:	Rizzuto
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

4. Planning Board Chairman Appointments
   a) Street Coordinator – Lou Bader
   b) Long Range Planning Committee – Tobia, Lutkewitte, Corsi, Sullivan
   c) Affordable Housing Subcommittee – Rizzuto, Lukowitz, Taeschler, Visci

5. Appointment and Memorialization of Resolutions for Board Professionals

Township Engineer – Glenn Gerken, P.E.
Motion to appoint and memorialize the vote for Board Engineer

OFFER:	Lutkewitte
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

Board Attorney – Michael B. Steib, Esq.
Motion to appoint and memorialize the vote for Board Attorney

OFFER:	Corsi
SECOND:	Lukowitz
AFFIRMATIVE:	Tobia, Lukowitz, Rizzuto, Buss, Bader, Corsi, Taeschler, Lutkewitte, and Penczak
NEGATIVE:	None

Approval of Minutes:

Motion to approve the December 12, 2023 meeting minutes

OFFER:	Corsi
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Rizzuto, Corsi, Taeschler, Sullivan
NEGATIVE:	None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

DISCUSSION:

Board Contact Information
Each Board member was provided a contact sheet with address and phone numbers of all members. Members were asked to update the office if there were any changes.

OPRA Training
Mr. Anfuso presented a memo from the Township attorney concerning use of personal or work emails when conducting or referencing Township business. He advised that any email or text sent to a public official (goes through Township servers) is discoverable via an Open Public Records Act request. He mentioned the case of Brooks v. Township of Tabernacle, which determined that government transparency outweighs any individual's right to privacy. If an OPRA request was made for electronic communications, they would be evaluated by the Township attorney to determine if they fall within the scope of the request. However, that

means the attorney would be reviewing emails that may not be pertinent to the request and may be personal in nature.

Mr. Anfuso advised it is important not to say anything in an email or text that the member wouldn't say at a public meeting. He also stressed the importance of not providing opinions electronically. The exception to that is if something is still in deliberative status. It had been previously determined that a person should be able to speak freely when deliberating and expect that the conversation will remain confidential. Eventually, the Township will provide ColtsNeck.org email addresses to Board members. It was suggested that, in the meantime, it would be wise to set up a separate email address strictly for Township business and provide the Planning Office with the address. It was noted that electronic conversations which do not pass through Township servers are also discoverable. It was also suggested that Board members keep their emails and texts to very basic information, such as if they will attend a meeting. Mr. Lukowitz reminded the Board that all social media posts are in the public domain and as such are also discoverable through OPRA.

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Corsi at 7:32 p.m., seconded by Mr. Rizzuto, and unanimously carried.

I hereby certify that the above is a true and exact copy of the Planning Board Meeting minutes for the meeting conducted on January 9, 2024, adopted by the Planning Board of the Township of Colts Neck at its meeting held on March 12, 2024.

Joni VanNest

Joni VanNest, Secretary
Planning Board of the
Township of Colts Neck