

Holmdel Township Committee – Public Session Minutes - January 29, 2019

The Regular Meeting of Holmdel Township Committee was called to order by Township Clerk Wendy L Patrovich at 7:00 PM in the Second Floor Conference Room.

Statement Read by Wendy L Patrovich Deputy Township Clerk:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press, and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office on January 8, 2019.

Present on Roll Call:

Eric Hinds, Mayor  
Mike Nikolis, Deputy Mayor  
Tom Critelli, Township Committeeman  
Rocco Pascucci, Township Committeeman

Absent:

Greg Buontempo, Township Committeeman

The Township Committee entered into Executive Session at 7:00 PM, pursuant to its adoption of the following resolution:

**WHEREAS**, the Open Public Meetings Act provides that the Township Committee may enter into Executive Session to discuss matters that are of a confidential nature, pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, it is recommended by the Township Attorney and Township Administrator that the Township Committee enter into Executive Session to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey, that the Township Committee shall enter into Executive Session to discuss the following matters:

Legal Issues, Litigation, Potential Litigation, Contract Negotiation, Attorney-Client Privilege – N.J.S.A. 10:4-12(b)(7)

New Jersey Natural Gas v. Township of Holmdel

Collective Bargaining – N.J.S.A. 10:4-12(b)(4)

PBA Local

**BE IT FURTHER RESOLVED** that the minutes of the Executive Session shall be released to the public when the need for confidentiality no longer exists.

The resolution was adopted by acclamation, and the Township Committee entered into executive session.

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The Public Meeting reconvened at 7:30 PM in the First Floor Meeting Room.

Mayor Hinds led the Pledge of Allegiance and a Moment of Silent Prayer.

Present on Roll Call:

Eric Hinds, Mayor  
Mike Nikolis, Deputy Mayor  
Greg Buontempo, Township Committeeman  
Tom Critelli, Township Committeeman  
Rocco Pascucci, Township Committeeman

Absent:

None

Also Present:

Donna Vieiro, Township Administrator  
Jeanette Larrison, Chief Financial Officer  
Michael Collins, Township Attorney  
Fran Mullen, Township Engineer  
Bonnie Heard, Township Engineer  
Wendy L. Patrovich, Township Clerk

Approval of Minutes

December 18, 2018 Executive & Public

Mayor Hinds requested a motion to approve the executive and public session minutes from the December 18, 2018 meeting, copies of which are attached hereto. A motion was made by Mr. Nikolis, seconded by Mr. Critelli, and approved on the following roll call vote:

Ayes: Buontempo, Critelli, Nikolis, Pascucci and Mayor Hinds

Nays: None

Abstentions: None

Absent: None

Consent Agenda

Mayor Hinds requested a motion to adopt the consent agenda including Resolutions 2019-54 to 2019-67, copies of which are attached hereto.

It was moved by Mr. Buontempo, seconded by Dr. Pascucci, and adopted on the following roll call vote:

Ayes: Buontempo, Critelli, Nikolis, Pascucci and Mayor Hinds

Nays: None

Abstentions: None

Absent: None

Introduction of Ordinances

Township Clerk Wendy L Patrovich read the following ordinance by title:

Ordinance 2019-01 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKS IN, BY AND FOR THE TOWNSHIP OF HOLMDEL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

A copy of this ordinance is attached hereto.

Ms. Patrovich requested a motion to adopt on first reading, publish in the Asbury Park Press, and set public hearing for Tuesday February 12, 2019. A motion was made by Mr. Hinds, seconded by Mr. Critelli, and approved on the following roll call vote:

Ayes: Buontempo, Critelli, Nikolis, Pascucci and Mayor Hinds

Nays: None

Abstentions: None

Absent: None

Township Clerk Wendy L Patrovich read the following ordinance by title:

Ordinance 2019-02 ORDINANCE APPROVING MINOR DIVERSION OF LAND LOCATED IN BLOCK 22, LOT 20.06 (3 SOUTH PARK COURT) IN ACCORDANCE WITH GREEN ACRES REGULATIONS

A copy of this ordinance is attached hereto.

Ms. Patrovich requested a motion to adopt on first reading, publish in the Asbury Park Press, and set public hearing for Tuesday February 12, 2019. A motion was made by Mr. Nikolis, seconded by Mr. Critelli, and approved on the following roll call Mayor Hinds

Nays: None

Abstentions: None

Absent: None

Departments

a. Administrator

None

b. Chief Financial Officer

CFO Jeanette Larrison stated that in December, the Township took advantage of low interest rates in the bond market, and has been working with Phoenix Financial Advisors for long term debt planning strategies. Mayor Hinds added that this is a huge financial win, and that Ms. Larrison did a great job.

Professional Reports

a. Attorney

None

b. Engineer

None

Boards/Committees

Committeeman Rocco Pascucci said that they are still waiting for the official fire study report, but in the meantime, he and Mayor Hinds have been meeting with other towns and their firefighters to discuss solutions. Dr. Pascucci added that he believes everyone will be very happy with the report. Part of the study report that has been completed added new standard operating procedures, and the need for another centralized station. The Township is also actively seeking volunteers. In addition to these efforts, the fire department will be hosting events to educate residents on fire prevention and what they can do to help.

Deputy Mayor Mike Nikolis stated that the Environmental Commission has been busy addressing flooding issues on Palmer Avenue and Route 35, and recently sent a letter to the Department of Transportation asking them to look into this. The Environmental Commission is also working with a new map program to see what other farms and properties can be preserved and protected before the next round of Affordable Housing in 2025. Lastly, he stated that by the end of February, the Rutgers study should have a completed digital report available.

Committeeman Tom Critelli said that he met again with recreation user groups and HYAA to discuss the final plans for the recreation improvement project. He also stated that he met with Township Administrator Donna Vieiro to discuss renovations and repairs that needed to be done at the swim club, and that some of the recreation bond funds will go towards those improvements as well. Mr. Critelli added that they should have a final list of projects and upgrades within the next 10 days.

Mayor Eric Hinds stated that the Township was hosting a Tech Day at Bell Works on February 25<sup>th</sup>. There will be a presentation on the See, Click, Fix app and the Code Red emergency alert system. Lastly he added that the Community Clean-Up Day is March 23<sup>rd</sup>.

Public Comment

Jay Yanello, Ladwood Drive- Mr. Yanello asked what improvements were being made at the swim club, and if all of the recreation improvements were going out to bid. Township Administrator Donna Vieiro said the old tennis courts at the pool club were going to be removed, and that some projects would be done with state contracts, some would be done in house, and the rest would go out to bid. Mr. Yanello also added that although he's not against the recreation improvements, he believes the money should be used to pay for a new fire station, new trucks

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and new equipment instead. Committeeman Rocco Pascucci stated that safety is always a priority for the town, and that he believes they can do both.

Scott Goldstein, East Lawn Drive- Mr. Goldstein asked if the agenda could be uploaded to the website as a pdf. Township Administrator Donna Vieiro stated that the Clerk's office is currently implementing paperless agendas that will be in pdf form.

Cathy Weber, Duncan Drive- Ms. Weber said she is glad that the flooding on Palmer Avenue is being addressed, but asks that the flooding on McCampbell Road be looked into as well. Ms. Weber also stated that the fitness court being installed at Cross Farm Park is ugly, and also wants to know how much turf is being installed with the recreation projects. Lastly she asked how much revenue was brought in in 2018 from Bell Works and Toll Brothers. CFO Jeanette Larrison stated that the town received \$620,000 in revenue in 2018.

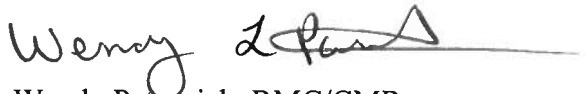
Tom Wood, Heather Hill Way- Mr. Wood asked if an itemized list of projects will be included in the recreation bond ordinance. Township Attorney Michael Collins stated that this is a question for the bond counsel.

Ralph Blumenthal, Stoneybrook Road- Mr. Blumenthal said that fire has been an issue in town for a long time and that it precedes the recreation project.

Adjournment

Hearing no further comment from the public, a motion was made by Mayor Eric Hinds to adjourn the meeting at 8:10 PM. It was carried by acclamation.

Respectfully Submitted,



Wendy Patrovich, RMC/CMR  
Township Clerk

2019-54. Bills Payable #1

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on January 29, 2019 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	9-01	CURRENT FUND	\$ 60.00
FUND DISTRIBUTION	9-01	CURRENT FUND	\$ 60.00
FUND DISTRIBUTION	9-07	CURRENT FUND	\$294,364.35
Total of All Funds:			\$294,484.35

2019-55. Bills Payable #2

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on December 18, 2018 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	8-01	CURRENT FUND	\$ 94,826.07
FUND DISTRIBUTION	8-07	SEWER	\$ 19,698.66
FUND DISTRIBUTION	8-12		\$ 2,871.73
FUND DISTRIBUTION	8-26	POOL	\$ 231.80
YEAR TOTAL			\$ 117,628.26
FUND DISTRIBUTION	9-01	CURRENT FUND	\$ 258,538.73

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FUND DISTRIBUTION	9-07	SEWER OPER	\$	3,181.71
FUND DISTRIBUTION	9-12		\$	49,810.05
FUND DISTRIBUTION	9-26	POOL	\$	68.02
		YEAR TOTAL	\$	311,598.51
FUND DISTRIBUTION	C-04	GENERAL CAPT	\$	155,268.70
FUND DISTRIBUTION	C-08	SEWER CAPT	\$	1,569.45
		YEAR TOTAL	\$	156,838.15
FUND DISTRIBUTION	G-02	STATE/FED GRANT	\$	1,010.27
FUND DISTRIBUTION	T-12	OTHER TRUSTS	\$	43,792.67
FUND DISTRIBUTION	T-24	FAIR HOUSING	\$	20,552.20
		YEAR TOTAL	\$	64,344.87
		Total of All Funds:	\$	651,420.06
		Total of all Projects:	\$	49,810.05

2019-56. Resolution Endorsing the Grant Application to National Fitness Campaign for the Construction of an Outdoor Fitness Court at Cross Farm Park

**WHEREAS**, the Township of Holmdel has submitted a Grant Application to National Fitness Campaign for the construction of an outdoor Fitness Court, which will be free for public use; and

**WHEREAS**, the Township of Holmdel will accept a \$30,000 National Grant from National Fitness Campaign to promote and implement an outdoor Fitness Court; and

**WHEREAS**, the Township of Holmdel will secure funding, which will be available and committed to this program, including partnerships between the Township of Holmdel, National Fitness Campaign, and community sponsors to construct and maintain the outdoor Fitness Court, and;

**WHEREAS**, the Township of Holmdel will commit to construction and launch of the outdoors Fitness Court by the end of the 2019 calendar year; and

**WHEREAS**, the Township of Holmdel believes the outdoor Fitness Court is an important recreation facility to support the health of the community by making “world-class” fitness free on Cross Farm Park, to fund an outdoor bodyweight circuit training Fitness Court, and to earn local and national recognition as a leader in providing affordable health and wellness.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the Township of Holmdel will collaborate with National Fitness Campaign to implement the construction of an outdoor Fitness Court and make fitness free to community residents and visitors.

2019-57. Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Township of Holdmel

**WHEREAS**, the Monmouth County Board of Chosen Freeholders (the “County”), pursuant to N.J.S.A 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51) to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Township of Holmdel is dedicated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee as follows:

1. The Township Committee hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designed by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and



- b. Such operations will be performed in compliance with applicable Federal and State regulations; and
- c. The County will notify the Police Department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

2019-58. Resolution Refunding Overpayment of Taxes for Block 49, Lot 12.02 (5 Winchester Lane)

**WHEREAS**, property owner, Jason Sparkes, Block 49 Lot 12.02 also known as 5 Winchester Lane, made his 4<sup>th</sup> quarter tax payment on November 1, 2018 in the amount \$4,381.84; and,

**WHEREAS**, Lereta Real Estate Tax Services also made a 4<sup>th</sup> quarter tax payment in the amount of \$4,381.84 November 8<sup>th</sup> on behalf of Mr. Sparkes causing an overpayment of taxes; and,

**WHEREAS**, Mr. Sparkes has requested the overpayment be refunded to him in the amount of \$4,381.84.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the Tax Collector is hereby authorized to refund the tax overpayment in the amount of \$4,381.84.

2019-59. Resolution Approving Change Order #5 for the 2018 Maintenance & Operation of the Sanitary Sewerage System in the Amount of \$3,573.43

**WHEREAS**, in 2018 the Township of Holmdel awarded a contract to Maser Consulting for the Maintenance and Operation of the Sanitary Sewerage System in the amount of \$203,320.00 for the 2018 calendar year; and

**WHEREAS**, this contract is based on the necessary work for the operating and servicing of the sanitary sewerage facilities in Holmdel Township consisting of eight sewage pump stations; and

**WHEREAS**, the work relating to this contract is ongoing, and the contract includes a line item for miscellaneous emergencies of \$25,000.00, though the extent of emergencies cannot be foreseen during the preparation of the bid specifications; and

**WHEREAS**, Change Orders #1, #2 #3 and #4 exceeded the miscellaneous phase price by \$11,498.59; and

**WHEREAS**, proposed Change Order #5 exceeds the miscellaneous phase price by \$3,573.43 increasing the 2018 contract price by \$15,072.02; and

**WHEREAS**, the Chief Financial Officer has certified to the Purchasing Agent that funds are available.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that Change Order #5 be approved to the referenced contract.

**BE IT FURTHER RESOLVED** that the referenced billing is hereby incorporated by reference.

2019-60. Resolution Approving Change Order #1 for the 2018 Contract with Breeze Heating & Air Conditioning for the HVAC Maintenance of Township Owned Facilities

**WHEREAS**, the Township of Holmdel awarded a contract to Breeze Heating & Air Conditioning for the maintenance, routine repairs and emergency repairs for HVAC equipment in all Township owned facilities in the amount of \$17,985; and

**WHEREAS**, additional modifications to the original contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid, resulting in significant additional work in the amount of \$8,710.00 which is proposed to be addressed through the adoption of change order #1 in said amount; and

**WHEREAS**, whenever a change order exceeds twenty percent (20%) of the Contract price, the Township of Holmdel is obligated by law to follow the procedures set forth in N.J.A.C. 5:30-11.9; and

**WHEREAS**, this change order reflects additional costs associated with piping repairs to replace the three-way control valve, insulate all new piping work and install glycol in chilled water system; and

**WHEREAS**, the sum of Change Order #1 results in a 48.43% increase to the original Contract amount; and

**WHEREAS**, the basis for this change order was the determination by the Director of Infrastructure & Operations that an unforeseen emergency repair was required for the proper function and maintenance of the Municipal Building's air conditioning unit; and

**WHEREAS**, the Chief Financial Officer has certified to the Purchasing Agent that funds are available.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that Change Order #1 be approved to the referenced contract, consistent with the foregoing.

**BE IT FURTHER RESOLVED** the Clerk and Chief Financial Officer are hereby authorized and directed to follow the procedures set forth in N.J.A.C. 5:30-11.9 to effectuate the foregoing.

2019-61. Resolution Authorizing Holmdel Township Administrator to Sign Amended Treatment Works Approval Application for Meridian at Holmdel Assisted Living & Nursing Home Meridian Quality Care, LLC.

**WHEREAS**, the Holmdel Township Committee adopted a Resolution on October 10, 2017 authorizing the Township Administrator to sign the original Treatment Works Application for the Meridian Quality Care, LLC (“Applicant”), relating to the Applicant’s Meridian at Holmdel Assisted Living Facility & Nursing Home Site Plan Application; and

**WHEREAS**, the Applicant obtained NJDEP Treatment Works Approval on March 22, 2018; and

**WHEREAS**, the Applicant is now requesting Amended Treatment Works Approval from the NJDEP to modify the private on-site sewer pump station for both the Assisted Living Facility and Nursing Home; and

**WHEREAS**, the Township is required to sign the Amended Treatment Works Application prior to submitting to the NJDEP; and

**WHEREAS**, this project was approved by the Holmdel Township Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the Township Administrator is hereby authorized as directed to execute the Meridian Quality Care, LLC Amended Treatment Work Application.

2019-62. Resolution Refunding Unexpended Escrow Funds for Zoning Board Application #418 to Rohit Chaudhri

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow for Zoning Board Application #418 be returned:

Rohit Chaudhri	\$110.00
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2019-63. Resolution Entering into an Agreement with the County of Monmouth for Construction Improvements to Palmer Avenue and Reconstruction of County Culvert H-5A

**WHEREAS**, Palmer Avenue is a County Road located, partially within the Township of Holmdel; and

**WHEREAS**, Palmer Avenue has been subject to major flooding throughout the years; and

**WHEREAS**, in April, 2017 the Holmdel Township Committee entered into an Agreement with the County of Monmouth to share costs for Palmer Avenue roadway improvements to reduce overall expenses to the Township and County; and

**WHEREAS**, the next phase of the project is the approval of an agreement between the Township and the County of Monmouth for construction of improvements to Palmer Avenue and reconstruction of County Culvert in the Townships of Holmdel and Middletown, New Jersey

**WHEREAS**, the Township and County agree that County shall act as the lead agency for the construction phase of the project, and as such will be responsible for bidding and award of the construction contract; and

**WHEREAS**, the estimated cost of construction for this Project is \$600,000.00; and

**WHEREAS**, the Township shall be responsible for all costs associated with the installation of the new sidewalk along the west side of Palmer Avenue within the project limits at a cost not to exceed a maximum contribution of \$107,520; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for such cost share participation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the Mayor and Township Administrator be are hereby authorized to enter into an Agreement with the County of Monmouth for construction improvements to Palmer Avenue and Reconstruction of County Culvert H-5A in the Townships of Holmdel and Middletown, New Jersey.

2019-64. Resolution Appointing Nicholas Proto at Full Time Public Safety Tele-Communicator

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the following candidate be appointed as Holmdel Township Full-Time Public Safety Tele-communicator, subject to approval by the New Jersey Civil Service Commission:

Nicholas Proto Public Safety Tele-Communicator Trainee Annual Salary \$28,790.11

2019-65. Resolution Appointing Ryan Maguire and Ali Hungerbuhler as Part Time Public Safety Tele-Communicators

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the following candidate be appointed as Holmdel Township Part-Time Public Safety Tele-Communicator Trainee, subject to approval by the New Jersey Civil Service Commission:

Ryan Maguire	Public Safety Tele-Communicator Trainee	\$13.84 per hour
Ali Hungerbuhler	Public Safety Tele-Communicator Trainee	\$13.84 per hour

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2019-66. Resolution Approving Over \$3,500 List

**BE IT RESOLVED** that the Township Committee of the Township of Holmdel hereby approves the following procurement;

**Project**            Hydraulic Pump Replacement Truck #7

**Vendor:**    **Trius, Inc.**

**Amount:**    \$ 3,988.29

Please see attached proposal for complete description.

***Procurement: NJSA 40A: 11-3 (under bid threshold)***

**Project:**            Various IT Support

**Vendor:**            **ePlus Technology**

**Amount:**            \$ 5000

Please see attached proposal for complete description.

***Procurement: NJSA 40A: 11-3 (under bid threshold)***

2019-67. Resolution Refunding Over Payment of Landlord Registration Fees to Robert Rienzo

**BE IT RESOLVED** by the Mayor and Township Committee of the Township of Holmdel that the following overpayment of Landlord Registration fees be returned:

Robert Rienzo

\$150.00.00