

Township Committee Meeting February 27, 2018

The Regular Meeting of the Holmdel Township Committee was called to order by Mayor Critelli at 7:00 PM.

Statement read by Mayor:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press, the Courier, the Independent and the Two River Times and posted on the bulletin board in the lobby at Town Hall, and a copy filed in the Township Clerk's Office on January 5, 2018.

Present on Roll Call:

Mayor Thomas Critelli
Gregory Buontempo, Township Committeeman
Michael Nikolis, Township Committeeman

Absent:

Deputy Mayor Rocco Pascucci
Eric Hinds, Township Committeeman

Also Present:

Donna Vieiro, Township Administrator
Jeanette Larrison, Chief Financial Officer
Francis W. Mullan, Township Engineer
Michael Collins, Township Attorney
Wendy Patrovich, Deputy Township Clerk

Resolution to Enter into Executive Session

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)

Township Committee Meeting February 27, 2018

FUND DISTRIBUTION	C-08	SEWER CAP	\$ 45,707.50
		Year Total	\$ 65,091.80
FUND DISTRIBUTION	D-02	DOG TRUST	\$ 707.40
FUND DISTRIBUTION	G-02	ST/FED GRANT	\$ 1,005.00
FUND DISTRIBUTION	T-24	FAIR HOUSING	\$ 7,747.09
Total Of All Funds:			\$ 193,873.47
Total of all Projects:			\$ 24,178.47

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Bills Payable Resolution #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 February 27, 2018 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	C-04	GENERAL CAP	\$ 1,340.00
Total Of All Funds:			\$ 1,340.00

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Refunding Unused Escrow CBS Outdoor, LLC

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:
CBS Outdoor, LLC \$2,677.50

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Refunding Unused Escrow AAYS Enterprises, LLC

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:

AAYS Enterprises, LLC	\$501.05
-----------------------	----------

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Awarding Contract for Communications Counsel to Thomas/Boyd Communications

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to table this item. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Refunding Unused Escrow to Kimisis Tis Theotokou Greek Orthodox Church

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:

Kimisis Tis Theotolou Greek Orthodox Church \$2,031.68

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Refunding Unused Escrow to Kimco Realty Corporation

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:

Kimco Realty Corporation \$330.00

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Refunding Unused Escrow to Cruz Associates, LLC

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:

Cruz Associates, LLC \$1,839.80

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Township Committee Meeting February 27, 2018

Resolution Approving Change Orders Number 1 and Number 2 for the Sanitary Sewer Cleaning and Television Inspection Program

WHEREAS, the Township of Holmdel awarded a contract to North American Pipeline Services, LLC for the 2017 Sanitary Sewer Cleaning and Television Inspection in the amount of \$191,957.60; and

WHEREAS, the work relating to this contract is part of an ongoing process required by the BRSA Agreement; and

WHEREAS, the Township Engineer is requesting approval of Change Order #1 dated January 2, 2018, and Change Order #2 dated February 6, 2018; and

WHEREAS, both Change Orders will reduce the contract quantity for the Holmdel Township Police Officers and add supplemental items for the police officers from other towns; and

WHEREAS, there will be no change to the contract amount as a result of these Change Orders.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that Change Order #1 and Change Order #2 be approved to the referenced contract.

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Resolution Awarding Contract for Installation of a Modular Tile Sports Floor at Phillips Park

WHEREAS, on February 15, 2018 bids were received at the Municipal Building, 4 Crawford's Corner Road, Holmdel, New Jersey, for the installation of a Modular Tile Sports Floor at Phillips Park in Holmdel; and

WHEREAS, Holmdel Township was awarded a matching grant through the Monmouth County Board of Chosen Freeholders 2017 Open Space Grant Program in the amount of \$43,000; and

WHEREAS, the following bids were received:

<u>Contractor</u>	<u>Amount</u>
Halecon, Inc.	\$64,500.00
Thor Performance Products	\$60,732.21

Township Committee Meeting February 27, 2018

WHEREAS, the proposal submitted by Thor Performance Products was deemed unresponsive, therefore, rejected; 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 the Township of Holmdel hereby awards a contract to Halecon, Inc. in the amount of \$64,600.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Halecon, Inc. and other vendor indicated above and the Township's Qualified Purchasing Agent.

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt the above Resolution. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Hearings on Ordinances

HOLMDEL TOWNSHIP
ORDINANCE NO. 2018 -02
TOWNSHIP OF HOLMDEL

AN ORDINANCE ESTABLISHING SECTION 5-7 OF THE CODE OF THE TOWNSHIP OF HOLMDEL, RESTRICTING THE SALE OF CATS AND DOGS

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively); and

WHEREAS, according to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter, lack of socialization, lack of adequate space, and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases; and

WHEREAS, these health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on the consumer; and

WHEREAS, current federal and state laws and regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2016 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 15,000 dogs and cats are euthanized in New Jersey animal shelters annually; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; and

WHEREAS, many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs and cats are bred; and

WHEREAS, pursuant to N.J.S.A. 40:48-1 and N.J.S.A. 40:48-2, municipalities are afforded broad powers to adopt ordinances reasonably related to the public health, safety, and welfare; and

WHEREAS, the Township Committee believes it is in the best interests of this Township to adopt reasonable regulation to reduce costs to the Township and its residents, protect the citizens of the Township who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey that the Code of the Township of Holmdel be and is hereby amended as follows:

SECTION 1. The following new sections are adopted:

5-7 RESTRICTIONS ON SALE OF CATS AND DOGS.

5-7.1 Definitions:

Animal rescue organization means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

Animal rescue facility means the home or other facility in which an animal rescue organization houses or cares for animals.

Cats means a member of a species of domestic cat, Felis catus.

Dogs means a member of a species of domestic dog, Canis familiaris.

Offer for Sale means to sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or otherwise transfer or dispose of a dog or cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

5-7.2 Restrictions on the Sale of Animals.

No pet shop may offer for sale any cats or dogs. Nothing in this section shall prohibit pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase dogs and cats in their custody or control for adoption.

Section 2. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date.

This ordinance shall become effective 90 days after passage.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on February 13, 2018 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on February 27, 2018 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Township Committee Meeting February 27, 2018

The Deputy Township Clerk announced that this Ordinance has been published in the Asbury Park Press, posted on the bulletin board, forwarded to the Monmouth County Clerk, Township Planning Board, contiguous municipalities, and copies have been made available to the public from the Clerk's office and at the rear of the room.

Mayor Critelli opened the Public Hearing.

Carole Balmer, Middletown Road, thanked the Committee for adopting this Ordinance. She thinks it will help adopters and fosters of animals greatly. She asked what the policy was regarding animal control. Ms. Vieiro stated that the Township has had a Shared Services Agreement with Middletown Township for the past four years.

Randy Raucher, Blue Hills Drive, stated that he has asked that the Ordinance be broadened to include other animals including domestic rabbits. He is in favor of this Ordinance and wants it to pass but he will be requesting, in the future, to add rabbits to the Ordinance.

Larry Cohen, Representative of the Humane Society of the United States, thanked the Committee for considering this Ordinance. He stated that there are approximately 218 communities that have passed this type of Ordinance.

Janice Fischer, Coordinator of the Puppy Mill Awareness Campaign, thanked the Committee for this Ordinance.

No one wished to be heard and the Public Hearing was closed.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt Ordinance 2018-02 on final reading and publish in the Asbury Park Press according to law. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Township Committee Meeting February 27, 2018

TOWNSHIP OF HOLMDEL

AN ORDINANCE AMENDING CHAPTER 13 PARKS AND RECREATION-AL FACILITIES, SECTION 13-3 SWIM CENTER, SECTION 13-3.2, FEES AND CHARGES OF THE CODE OF THE TOWNSHIP OF HOLMDEL 2018-03

BE IT ORDAINED by the Township Committee of the Township of Holmdel, County of Monmouth and State of New Jersey as follows: (additions are underlined, and deletions are in [brackets]):

Section 1. Section 13-3.2 is hereby amended as to the amount of fees as follows:

a. Memberships. The classes of membership and fees for the year are as follows. All fees shall be paid in full.

(1) Resident family membership:	Prior to April 15	[\$575]	\$585
	After April 15	[\$635]	\$645
(2) Resident individual membership 18 years or older, proof Required:	Prior to April 15	[\$325]	\$330
	After April 15	[\$375]	\$385
(3) Resident senior citizen membership 62 years or older, proof required:	Prior to April 15	[\$130]	\$135
	After April 15	[\$150]	\$155
(4) Non-resident family:	Prior to April 15	[\$770]	\$780
	After April 15	[\$815]	\$830
(5) Non-resident individual membership 18 years or older, proof required:	Prior to April 15	[\$415]	\$425
	After April 15	[\$470]	\$475
(6) Non-resident senior citizen membership 62 years or older, proof required:	Prior to April 15	[\$180]	\$185
	After April 15	[\$200]	\$205
(7) August/Labor Day only Family (membership available ONLY after seasonal membership reaches capacity)	Resident family:		\$400
	Non-resident family:		\$445
(8) August/Labor Day only Individual (membership available ONLY after seasonal membership reaches capacity)	Resident:	[\$225]	\$250
	Non-resident:		\$295
9) Swim Lessons	Members:		\$50 class
	Non-Members:		\$75 class
10) Swim Team Fee (member)	First Child:		\$80
	Each Additional Child:		\$65
	Late Fee after 6/20/15:		\$15 each child
Swim Team Individual (membership limited to swim team)	Resident	[\$250]	\$250
	Non-Resident	[\$270]	\$275
Volunteer Work Bond			\$50
(11) Guest Book – Book of 5 Passes			\$40
(12) Daily Guest Pass (Members)			\$10
Twilight Guest Pass (after 5 PM – Members)			\$ 5

(13) Replacement ID Card Fee	\$10
(14) Labor Day Guest Fee – Guest of Member	\$ 5
(15) Family Day Entrance Fee (non-member)	\$ 5

b. No Change

c. No Change

d. No Change

e. No Change

Section 2. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

Section 4. If any section paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Section 5. This ordinance shall take effect upon its passage and publication according to law.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on February 13, 2018 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on February 27, 2018 at Township Hall, 4 Crawford's Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Thomas Critelli, Mayor

Attest:
Wendy L Patrovich, RMC/CMR
Deputy Township Clerk
(\$125.90)

002736313-01

The Deputy Township Clerk announced that this Ordinance has been published in the Asbury Park Press, posted on the bulletin board, forwarded to the Monmouth County Clerk, Township Planning Board, contiguous municipalities, and copies have been made available to the public from the Clerk's office and at the rear of the room.

Mayor Critelli opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion was made by Mr. Buontempo seconded by Mr. Nikolis to adopt Ordinance 2018-03 on final reading and publish in the Asbury Park Press according to law. Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF HOLMDEL 2018-04

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to carry this item until the Regular Meeting of March 13, 2018. . Carried on roll call vote: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: None; Absent: Mr. Hinds, Dr. Pascucci

Professional Reports

Engineer

Mr. Mullan stated that there was an Open House last week regarding the Townships Recreational Needs Assessment. He recommends one last meeting with the Ad Hoc Committee, a second Open House, then prepare the final report.

Boards/Committees

Mr. Nikolis stated that at the Mayor's Retreat there was a full inventory of all the departments, listened to all the Department Heads. He felt it was a very impressive presentation by the employees and thanked the Mayor for putting the presentation together.

Public Comment

Carole Balmer, Middletown Road, asked Mr. Mullan to clarify the recommendations for the Recreational Needs Assessment. Mr. Mullan stated that he hopes to have another Open House whereby there will be an opportunity for interested residents to meet in an open setting.

Jenni Blumenthal, Stoney Brook Road, asked what will be done with the former Library space in the basement. Mayor Critelli stated that the equipment – desks and shelving – was donated to the Union Beach Library. Ms. Vieiro stated that it will be for some programming for the Recreation Department and for some file space.

Barbara Singer, Deerfield Road, asked about the item regarding the PR Firm which was pulled. Ms. Vieiro stated that the Township received a proposal to do some PR work for the Township and the Committee wants to discuss it further. Mayor Critelli stated that one of the topics considered for the PR Firm would be to inform the public about the Affordable Housing issues. Ms. Singer does not want her tax dollars going toward a PR Firm.

Jay Yonello, Ladwood Drive, suggested the Committee put forth a report to the residents showing the incoming revenues and planned expenditures from the PILOT Programs for the next ten years.

Township Committee Meeting February 27, 2018

Joe Crowley, Ely Road, asked for an update on Affordable Housing. Mayor Critelli stated that it currently is in litigation. Mr. Collins stated that the lawsuit is the Township trying to get a Declaratory Judgement so that we will not be subject to "Builder's Remedy Lawsuit".

There being no one else who wished to be heard, Mayor Critelli closed the Public Portion.

Adjournment

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adjourn the meeting at 8:23 PM. Carried by unanimous voice vote.

Respectfully submitted,


Maureen Dolougherty, RMC

