

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
FEBRUARY 11, 2009
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Forester followed by a salute to the flag. The following statement was read by Township Clerk Bowden: "The notice of the requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a "News Release" to the Asbury Park Press on December 10, 2008 stating that the meeting of the Colts Neck Township Committee would be held on February 11, 2009 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck. The notice requirements have been posted on the Township Bulletin Board and a copy is on file in the office of the Township Clerk."

Roll call by Mr. Bowden indicated the following:

Present: Mayor Forester, Deputy Mayor Florek, Committeemembers Schatzle, Eastman and Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara, Legal Counsels, Chris Ackerman, Esq., and John O. Bennett, III, Esq. (arriving late)

Absent: None

1. **ANNOUNCEMENT:** Mayor Forester announced the February 25th Township Committee meeting will be held in the Court House in celebration of the Colts Neck Pop Warner Cheerleaders and Football Team.
2. **PRESENTATION:** COLTS NECK POLO CHARITABLE AWARDS. Prior to presenting the Colts Neck Polo charitable awards, Mr. Vince Cerullo thanked Art Goodwin for all he did to "make Polo happen" within Colts Neck. Mr. Goodwin was given a round of applause. The Recreation Department and Dr. Nolan were recognized for supporting the Polo organization over the years. Messrs. Mike Prisobski and Max Gerberding, star polo players, were recognized this evening, as were all the volunteers that made the 2008 season a success. The Colts Neck Polo organization presented awards to the First Aid Squad Cadets, Someone Special Needs You (a group for autistic youth), and the Youth Groups at the Dutch Reformed Church and St. Mary's Church. Mr. Schatzle thanked everyone for their participation in 2008, and stated all are looking forward to a successful 2009 season. Mr. Schatzle urged anyone interested in volunteering to visit the Polo website for additional information. In closing, Mr. Schatzle reported Colts Neck Polo has donated \$31,500 to community youth organizations.
3. **PRESENTATION:** FENCE ACROSS EASEMENT, MOCKINGBIRD LANE. Mr. Garito was not available for this evening's meeting; however, after the Township Committee reviewed the revised maps for fence placement provided, the Township Committee approved the plans. Mr. Bowden will advise Mr. Garito of the Governing Body's approval.
4. **PUBLIC HEARING:** 2009 STATE AND COUNTY GYPSY MOTH SUPPRESSION PROGRAM. Mr. Bowden advised both the State and the County have outlined areas in need of gypsy moth spraying generally along Route 18. The aerial spraying would be scheduled during May, and individual notification by mail would be made to affected property owners. Mayor Forester opened the meeting to public comment.

Mr. Chuck Cammarata, a resident, asked if the application will be all aerial. Mr. Bowden responded in the affirmative, noting either a helicopter or light aircraft will be used.

With no further comments, Mayor Forester closed the meeting to public comment.

5. **RESOLUTION 2009-29:** DECLARING THE GYPSY MOTH A PUBLIC NUISANCE AND APPOINTING A GYPSY MOTH COORDINATOR was read by title by Mayor Forester. Mr. Bowden stated both he and Ms. Eileen Stivala, Chair of the Shade Tree Commission, would be appointed as Gypsy Moth Coordinators, while the entire Shade Tree Commission shall serve as the Gypsy Moth Committee. Mr. Schatzle made a motion to approve, seconded by Mr. Florek and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	S	X			
Schatzle	M	X			
Eastman		X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

6. **ORDINANCE 2009-1:** AN ORDINANCE ENTITLED THE 2009 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Forester. Mr. Bowden explained the salaries included in this ordinance were contractual and included the White Collar, Police and Public Works Union positions. Mr. Eastman questioned the timing of this ordinance introduction occurring before the 2009 budget is set. Mr. Bowden reported that these salaries were pursuant to contractual obligations and have already be implemented. The 2009 salaries of non-union employees will be determined at a later date. Mr. Florek made a motion to approve, seconded by Mr. Engel and carried by Messrs. Forester, Florek, Schatzle and Engel; Mr. Eastman opposed. Mayor Forester set the public hearing for February 25, 2009.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman			X		
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

7. **ORDINANCE 2009-2:** AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) was read by title at first reading by Mayor Forester. Mr. Bowden explained by law, municipalities cannot exceed 2.5% of the prior year budget; however, the passage of this ordinance would provide the flexibility to increase this year's budget to 3.5% of the prior year budget. Mr. Bowden stated the CAP has never been exceeded, and the passage of this ordinance functions as insurance against unanticipated expenditures. If unneeded, the 3.5% increase can be banked for two years (heretofore banking was indefinite). The 1% increase equates to approximately \$74,000. Mr. Florek noted this has never been used in the past and it keeps the options open. Mr. Bowden noted the CFO and Township Auditor recommend its passage. Mr. Florek made a motion to approve, seconded by Mr. Schatzle and unanimously approved. Mayor Forester set the public hearing February 25, 2009.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle	S	X			
Eastman		X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

8. **RESOLUTION 2009-30:** CONFIRMING APPOINTMENT TO ARCHITECTURAL REVIEW COMMITTEE, MS. LISA B. MC INERNY, was read by title by Mayor Forester. Mr.Florek stated he was glad to have Ms. McInerny join the Architectural Review Committee. Mr. Florek made a motion to approve, seconded by Mr. Eastman and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman	S	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

9. **RESOLUTION 2009-31:** CONFIRMING APPOINTMENT TO HISTORIC PRESERVATION COMMITTEE, MS. MAGGIE OSMULSKI, was read by title by Mayor Forester. Mr.Eastman commented Ms. Osmulski is a history major, as is he, and she is a welcome addition. Mr. Florek made a motion to approve, seconded by Mr. Eastman and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman	S	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

10. **RESOLUTION 2009-32:** CONFIRMING APPOINTMENT TO FARMLAND AND OPEN SPACE COMMITTEE, MR. BRYAN GRANT, was read by title by Mayor Forester. Mr.Engel stated he is pleased to welcome Mr. Grant to the Committee. Mr. Florek made a motion to approve, seconded by Mr. Eastman and unanimously carried. Mr. Grant was then sworn in by Mr. Bowden and received a round of applause.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman	S	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

11. **RESOLUTION 2009-33:** AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44a-20.5 WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500 was read by title by Mayor Forester. Mr. Bowden stated the governing body appointed the professionals at the reorganization meeting of January 4, 2009. The contracts have now been reviewed and no one will receive a monetary increase this year. In his capacity as Municipal Clerk, Mr. Bowden has made the determination which contracts will exceed \$17,500 and which will not. This resolution and the following resolution give the Muncipal Clerk the authority to sign the contracts. Mr. Florek made a motion to approve, seconded by Mr. Engel and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman		X			
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

12. **RESOLUTION 2009-34:** AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44a-20.5 WITH AN ESTIMATED VALUE LESS THAN \$17,500 was read by title by Mayor Forester. Mr. Florek made a motion to approve, seconded by Mr. Engel and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman		X			
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

13. **RESOLUTION 2009-35:** CONFIRMING PROMOTION OF POLICE CORPORAL KEVIN WALSH TO THE RANK OF POLICE SERGEANT was read by title by Mayor Forester. Mr. Schatzle stated the reason for the promotions noted in this resolution and the following two resolutions relate to the change in the organizational structure of the Department, which will now provide supervisors for each of the divisions. The patrol shifts are also changing from 8.5 hours to 12 hours. These changes should result in reduced overtime, eliminate any sick time abuse, better morale and higher productivity. Also, the Corporals will not receive any pay increase (\$5,600 each) until next year. Mayor Forester stated this program was tried in other municipalities with tremendous success. Mr. Schatzle made a motion to approve, seconded by Mr. Engle and carried by Messrs. Forester, Florek, Schatzle and Engel; Mr. Eastman abstained.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek		X			
Schatzle	M	X			
Eastman				X	
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

14. **RESOLUTION 2009-36:** CONFIRMING PROMOTION OF POLICE CORPORAL TODD MAYER TO THE RANK OF POLICE SERGEANT was read by title by Mayor Forester. Mr. Schatzle made a motion to approve, seconded by Mr. Engle and carried by Messrs. Forester, Florek, Schatzle and Engel; Mr. Eastman abstained.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek		X			
Schatzle	M	X			
Eastman				X	
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

15. **RESOLUTION 2009-37: CONFIRMING PROMOTION OF POLICE CORPORAL PAUL SANTUCCI TO THE RANK OF POLICE SERGEANT** was read by title by Mayor Forester. Mr. Schatzle made a motion to approve, seconded by Mr. Engle and carried by Messrs. Forester, Florek, Schatzle and Engel; Mr. Eastman abstained.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek		X			
Schatzle	M	X			
Eastman				X	
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

16. **RESOLUTION 2009-38: AUTHORIZING FORMAL TRANSFER OF FUNDS, 2008 MUNICIPAL BUDGET** was read by title by Mayor Forester. Mr. Bowden stated \$19,450 was proposed for transfer from the Snow Removal budget to the following to cover additional expenses: Engineering Services, \$600; Buildings and Grounds, \$500; Streets and Road Maintenance, \$4,850; Recreation Services and Programs, \$1,000; Fuel Oil, \$2,500, and Gasoline, \$10,000. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek		X			
Schatzle	S	X			
Eastman		X			
Engel	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

17. **MOTION TO ADOPT A CONSENT AGENDA:** The following resolution was read by title by Mayor Forester:

18. ***RESOLUTION 2009-39: APPROVING RECREATION PROGRAM REFUNDS.**

19. *** RESOLUTION 2009-40: AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 48, LOT 23.10, (PATEL), SHADE TREES AND GRADING.**

20. ***RESOLUTION 2009-41: ACCEPTING SPECIAL PERFORMANCE GUARANTEE; BLOCK 38, LOT 15.02, PACHECO DWELLING (HOUSE DEMOLITION).**

21. ***RESOLUTION 2009-42: AUTHORIZING ADJUSTMENT OF 2009 PRELIMINARY ADDED ASSESSMENT TAX.**

Mr. Eastman questioned the particulars of Resolution 2009-42. Discussion ensued and Mr. Bowden was asked to have the Assessor provide the Township Committee with details at the next Township Committee meeting. Mr. Eastman made a motion to approve Resolutions 2009-39 through 2009-41, tabling 2009-42, seconded by Mr. Florek and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	S	X			
Schatzle		X			
Eastman	M	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

22. **ADMINISTRATIVE REPORT:** Mr. Bowden stated more time was needed to meet with Department heads prior to the budget meetings scheduled during the last Township Committee meeting. Mr. Bowden requested the meeting scheduled February 21st be cancelled and a meeting scheduled for March 7th. Mr. Bowden then stated the budget meeting dates proposed are: February 23, 2009, 7:00 p.m. to 9:30 p.m.; February 28, 2009, 9:00 a.m. to 12:30 p.m.; and March 7, 2009, 9:00 a.m. to completion. All Township Committee members concurred.

Mr. Bowden advised local regulation of charitable bins is now State mandated. Each municipality must license the bins, which may require an ordinance. Several municipalities have been canvassed and none have addressed this issue thus far. Mr. Bowden questioned if the Governing Body wants to limit the bins to the business zone, which would preclude them from being at the fire house and high school. Discussion ensued. Sen. Bennett arrived at 8:10 p.m. and was asked if he has prepared an ordinance for any municipality he represents, to which he replied, no. Mr. Bowden stated this issue will be brought up at a future Township Committee meeting sooner than later.

23. **MOTION TO APPROVE VOUCHERS:** Mr. Schatzle reported he reviewed the vouchers, noting all were in order, and are as follows:

Animal Control	\$293.25
Capital Fund	\$17,139.51
COAH	\$168.00
Construction Trust	\$29,815.03
Current Fund	\$5,071,800.79
Farmland Preservation Trust	\$75.00
Grant Fund	\$2,807.01
Tax Collectors Trust	\$4,080.95
Trust Fund	\$26,716.69
TOTAL APPROVED:	\$5,152,941.23

Mr. Schatzle made a motion to approve all vouchers, seconded by Mr. Florek and unanimously carried.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Forester			X			
Deputy Mayor Florek		S	X			
Schatzle		M	X			
Eastman			X			
Engel			X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

24. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel reported he completed his first full month of attending meetings, and he is impressed by the attendance, enthusiasm and dedication exhibited by each group's members.

Mr. Schatzle reported Mr. Dan Petrillo, a valuable member of the First Aid Squad and the community, has died. Mr. Schatzle noted Mr. Petrillo sponsored the Township's Whispering Pines Art Contest for years. Mr. Schatzle expressed his sympathies and noted Mr. Petrillo will be greatly missed.

Mayor Forester reported he attended the Senior Citizens monthly meeting, which approximately 75 seniors attended. Mr. Hennessy was a guest speaker and advised that a new exercise program for seniors was being developed and would be offered shortly. Musical entertainment was very enjoyable. Mr. Forester noted the next meeting will be held in Manalapan.

Mr. Florek reported the Colts Neck Sports Foundation thanked the Township Committee for allocating time for their presentation at a recent Township Committee meeting.

Mr. Florek reported the Fire Department has been very busy recently. Fire Company 2 responded to a barn fire with no injuries. In addition, the Fire Department has responded to five chimney fires and three house fires and have provided mutual aid to Freehold and Holmdel.

Mr. Florek reported the Recreation Committee is working on the Memorial Day Parade. Mr. Florek asked Mayor Forester suggest a Grand Marshall for this year's parade.

Mr. Florek reported the Colts Neck Community Band would perform tomorrow evening at 7:30 p.m. at Colts Neck High School.

Mr. Florek reported a new bridge is required at Schlesinger preserve.

Mr. Florek reported COAH received the Township's plan and has requested a list of items the Township must address further.

Mr. Eastman reported he attended the Historic Preservation Committee meeting, at which he was given a check in the amount of \$975 from Monmouth County for the 2007 Trust Fund of the Montrose Road School House. Mr. Eastman presented the check to Mr. Bowden, who will turn it over to Mr. Antonides in the morning.

25. COMMENTS FROM THE PUBLIC:

With no further comments, Mayor Forester opened the meeting to public comment.

Ms. Virginia Amend, resident and editor of the Colts Neck Calendar, questioned the Police promotions. Ms. Amend then asked if the Township was selling the Smith farm at a lower price than what was paid. Mr. Florek responded stating with today's market, the Township is in no rush to sell the property. Ms. Amend then volunteered to chair a committee to use the Smith property as a pocket park. Ms. Amend questioned if Colts Neck was going to apply for stimulus money and was advised that once the information is received, Colts Neck will apply.

Mr. Vince Domidion, a resident, commented on last evening's Planning Board Meeting. Mr. Domidion stated that during a public hearing, members of the public were discourteous to a member of the Planning Board, who voiced his opinion and was just doing his job. Mr. Domidion suggested the Governing Body listen to the tape and note the names of the people who acted in a shameful manner. Mr. Domidion urged all to get to know these people for who and what they are. Mayor Forester stated he will make every effort to listen to the tapes, as he was out of town and missed that meeting.

Mr. Chuck Cammarata, a resident, agreed with Mr. Domidion regarding the Planning Board meeting. Mr. Cammarata then questioned the Police Department restructuring, and Mr. Schatzle and Mayor Forester responded. Mr. Cammarata thanked them for the information.

Mr. Tom Clarke, a resident, commented the Smith farm was acquired to preserve open space. Mr. Florek commented the property is in the two-acre zone with six buildable lots. The Township intends to eventually sell the property with a deed restricting building to one home. Currently the land is leased out for farming. Sen. Bennett advised there was an outstanding agreement to farm the property when the land was purchased, which has been honored. The Township will be going out to bid for farming this parcel. Mr. Clarke commented the new recycling collection method is terrific. Mr. Clarke noted money is saved and the schedule is working well.

Hearing no further comments, Mayor Forester closed the meeting to public comment.

17. **RESOLUTION 2009-43:** EXECUTIVE SESSION. At 8:47 p.m., a motion was made by Mr. Engel, seconded by Mr. Florek and unanimously carried by voice vote to go into executive session. Mr. Bowden advised no official action is anticipated this evening.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	S	X			
Schatzle		X			
Eastman		X			
Engel	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Motion by Mr. Florek, seconded by Mr. Engel, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman		X			
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Motion by Mr. Florek, seconded by Mr. Eastman and unanimously carried to adjourn meeting.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek	M	X			
Schatzle		X			
Eastman	S	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Meeting adjourned at 9:35 p.m.

Robert Bowden, Township Administrator/Clerk