

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
FEBRUARY 24, 2010
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 Florek 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, 2009 stating that the meeting of the Colts Neck Township Committee would be held on February 24, 2010 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 Florek, Deputy Mayor Schatzle, Committeemen Engel, Eastman and Fitzgerald

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; and Township Counsel, John O. Bennett, III, Esq.

Absent: None

- 1. APPROVAL OF MINUTES OF JANUARY 27, 2010.** Mr. Fitzgerald noted the title should have "Reorganization" removed. Mr. Fitzgerald made a motion to approve, as amended, seconded by Mr. Engel and carried by Messrs. Florek, Schatzle, Engel and Fitzgerald; Mr. Eastman abstained.

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

- 2. MAYOR'S PROCLAMATION: ARC AWARENESS MONTH, MARCH 2010.** Mayor Florek read the Proclamation in full. March 2010 was proclaimed ARC Awareness Month in the Township of Colts Neck. All citizens of Colts Neck were urged to give full support towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.
- 3. MAYOR'S PROCLAMATION: READ ACROSS AMERICA DAY, MARCH 2, 2010 -** Mayor Florek read the Proclamation in full, which recognizes what would have been the 106th birthday of Theodor Seuss Geisel (Dr. Seuss), and noting this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.
- 4. MAYOR'S APPOINTMENT: BOARD OF ADJUSTMENT, ALTERNATE 2, MR. BRYAN LEWIS (TERM EXPIRES 12/31/10).** Mayor Florek stated he has known Mr. Lewis in excess of ten years. Mayor Florek stated Mr. Lewis has a knowledge of the Township, and he is confident Mr. Lewis will carry on the tradition of the Zoning Board of Adjustment. Mayor Florek then stated he is

pleased to appoint Mr. Bryan Lewis to the position of Alternate 2, Zoning Board of Adjustment, with a term expiring December 31, 2010.

Mr. Bowden swore in Mr. Lewis, who was accompanied by his wife, Susan. Mr. Lewis received a round of applause and photographs were taken.

5. **REVALUATION UPDATE:** Mayor Florek turned the floor over to Mr. Fitzgerald, who provided the following information: On February 3, letters were mailed to all property owners advising them of their new assessment. Since that time, Realty Appraisal staff met with 341 residents and the Tax Assessor met with 150 residents who requested a meeting to discuss their assessment. These meetings will conclude this week, and all assessments will be certified by the Tax Assessor shortly thereafter. Once certified, all assessments will be on line at the Monmouth County website, (www.visitmonmouth.com) – select “searchable records”, then select “Colts Neck”. Property owners can still appeal their assessment after certification through the formal appeal process up to May 1, 2010. The new total valuation of all Colts Neck properties is \$3.1 billion compared to just under \$1.5 billion prior to revaluation. The new tax rate is projected to be 1.550 compared to 3.212 last year. There are 3,256 taxable line items. Of 3,063 residential line items, taxes on 1,383 properties will increase, while 1,680 decreased.

6. **RESOLUTIONS 2010-31:** RESOLUTION SUPPORTING SENATE NO. 762 AND ASSEMBLY NO. 2014, EARLE NAVAL BASE, was read in full by Mayor Florek. The resolution states . . . “said legislation would require the State Treasurer to prepare a comprehensive report relative to various impacts of the proposal of the U. S. Navy to privatize some 300 housing units within Earle Naval Base and further places a moratorium on the issuance of any State permits or plan approvals until such report has been prepared . . .” Mayor Florek stated he is in full support of the passage of this legislation, noting during the last legislative session, it was passed in the Assembly, but time ran out on the session before passage in the Senate. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

7. **RESOLUTION 2010-32:** RESOLUTION OPPOSING SENATE No. 82 AND ASSEMBLY NO. 437, TIME OF DECISION RULE was read by title by Mayor Florek. Mr. Florek stated the legislation introduced would eliminate the current ability of municipalities to modify their zoning ordinances during the pendency of a development application. The “time of decision rule” allows municipalities to change and correct deficiencies in local zoning ordinances once an application has been submitted, a principal he is in favor of retaining at the local level. Mr. Eastman made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

8. **RESOLUTION 2010-33:** RESOLUTION APPROVING SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND MONMOUTH COUNTY HEALTH DEPARTMENT FOR PUBLIC HEALTH PREPAREDNESS, RESPONSE TO BIOTERRORISM, RESPONSE TO INFECTIOUS DISEASE AND OTHER PUBLIC HEALTH THREATS AND EMERGENCIES was read by title by Mayor Florek. Mr. Schatzle stated this agreement formalizes the process of shared services at no cost to the local Health Department in the event of a public health threat and/or emergency. Mayor Florek noted Page 4, Section 3.f., and suggested revising to read “ensure the availability of the Local Health Department’s Health Officer and other key staff on a 24/7 basis **in an emergency situation** to exchange data and information . . .” (**bolded** to be added). Mr. Schatzle agreed to discuss this addition with the appropriate parties. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

9. **RESOLUTION 2010-34:** AUTHORIZING FORMAL TRANSFER OF FUNDS – 2009 BUDGET was read by title by Mayor Florek. This resolution transfers a total of \$13,000 from Revenue Administration (Tax Collection), Salaries and Wages (\$4,000) and Gasoline (\$9,000) to cover additional expenses in Legal Services, Other Expenses (\$3,000) and Snow Removal, Other Expenses (\$10,000). Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

10. **MOTION TO ADOPT A CONSENT AGENDA:**
11. ***RESOLUTION 2010-35:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2010.
12. ***RESOLUTION 2010-36:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS.

Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

13. **DISCUSSION:** LOSAP REQUIREMENTS – COLTS NECK FIRE COMPANY NOS. 1 AND 2. Mr. Bowden stated the LOSAP approval is a two-step process. The Governing Body was asked to review the material provided and advise if additional information is needed. Once satisfied, the lists are posted for 30 days at the respective Fire Houses and at Town Hall, then approved and a maximum \$1,150 deposited in each individual's LOSAP account based on their 2009 level of participation. Discussion ensued. Mr. Engel requested Fire Company 2 provide back-up information showing member statistics for 2009 similar to what was provided by Fire Company 1. Once the additional information is received, Mr. Bowden will discuss the additional information provided at a Township Committee meeting, either as a separate agenda item or as part of his Administrative Report.

14. **DISCUSSION:** PERSONNEL – PUBLIC WORKS POSITION. Mr. Bowden advised the individual involved received his Rice Notice, and has requested this issue be discussed in public session. Mayor Florek stated the employee was hired November 30, 2009, at which time the employee was informed 2010 may be a difficult budget year that may affect his employment. The employee is a probationary employee, with the initial probation period to end February 26, 2010. The Township can extend the probation period an additional three, thirty-day periods at its discretion. Mayor Florek spoke of the negative factors affecting the 2010 budget, which necessitates the Governing Body's review of every appropriation in great detail. Mayor Florek stated the reason to discontinue employment of this employee is solely economic, not job performance, and Mayor Florek noted this employee is an excellent worker. At this point in time, the Governing Body has the option of terminating the appointment, extending the appointment an additional 30 days, with a maximum of three, thirty day period extensions. Discussion ensued and all Governing Body members spoke of the dire 2010 budget situation and snow removal costs resulting from several significant storms this winter, while recognizing the positive impact this employee has in accomplishing the Public Works mission. Mr. Eastman requested the meeting be opened to public comment. Mayor Florek then opened the meeting to public comment.

Mr. Tom Orgo, a resident, stated the employee is a life-long resident of Colts Neck and is a volunteer Firefighter in Fire House 1. Mr. Orgo requested the Governing Body thoroughly research possible ways of retaining this employee, especially given the aging of staff within the DPW.

Hearing no other comments, Mayor Florek closed the meeting to public comment. Discussion ensued. By extending the initial probationary period another 30 days, the Governing Body stated they do not want to give false hope to the employee and recommended the employee explore other opportunities for employment. The Governing Body agreed to go through the budget process before making a final decision. Mr. Bowden stated the employee may be extended a total of 90 days from this Friday, (February 26, 2010); however, a two-week notice should be issued to the employee 76 days from February 26, 2010, if the 2010 budget warrants this action. With the concurrence of Counsel, Mr. Bowden advised the employee to continue working.

15. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report.

Mr. Bowden advised the 2010 Budget workshop meeting is scheduled for Saturday, February 27, 2010, weather permitting. Mr. Bowden noted the budget workbooks are being given to the Township Committee this evening. This year's book was done in loose leaf binder format, at a savings of approximately \$1,500 from the bound version.

Mr. Bowden stated Mr. Longobardi is in negotiation with the Township for zoning ordinance changes to allow the adaptive reuse of the abandoned Monmouth Ocean Educational Services School into a mixed use, inclusionary development containing a restaurant, professional offices, and ten affordable housing units. The negotiations are on hold presently because Mr. Longobardi does not know the volume of wastewater discharge the County will include in its 208 Wastewater Management Plan, which is needed to ensure sufficient non-residential uses are allowed to subsidize the cost of the affordable housing units. Mr. Bowden advised a draft letter was prepared by Mr. Anfuso for his signature to the Monmouth County Planning Board, noting the Township's support of 14,529 gpd of wastewater discharge in the County's 208 Wastewater Management Plan, subject to Mr. Longobardi obtaining final major site plan approval for a mixed use inclusionary development containing ten affordable housing units from the Colts Neck Planning Board. Mr. Bowden is requesting Governing Body approval to send the letter to the County. Counsel Bennett advised this action is not unprecedented, noting the Trump golf facility, Laird's and the Primary School. Mayor Florek noted Mr. Longobardi showed commitment to the Township in meeting its COAH obligation and he has received the blessing of the Township Planner; therefore, he has no problem sending the letter. Counsel Bennett requested Mr. Bowden speak with Mr. Anfuso to determine if the consent form needs to accompany this letter. Mr. Bowden stated he will work out the particulars with Mr. Anfuso. Mr. Bowden then asked for a motion to approve sending the letter with the consent form, subject to the approval of the Township Planner pertaining to the property located at Route 537 East, Block 48, Lot 19. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote.

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

Mr. Bowden stated Mr. O'Scanlon, Township wireless consultant, advised the cell tower behind the First Aid Station has one additional position vacant. AT&T has approached Mr. O'Scanlon regarding the lease of that space. Since bidding is required by prospective tenants, Mr. Bowden questioned if Mr. O'Scanlon should proceed with bidding the space. The Governing Body agreed Mr. O'Scanlon should open the bid process.

16. **MOTION TO APPROVE VOUCHERS:** Mr. Schatzle reported this evening's two sets of vouchers are subject to approval due to the cancellation of the February 10, 2010 Township Committee meeting due to a snow storm.

Mr. Schatzle reviewed the vouchers for the **February 10, 2010** Township Committee meeting, noting all were in order, and are as follows:

Animal Control	\$1,398.72
Construction Trust	\$12,022.18
Current Fund	\$343,362.38
Escrow	\$5,645.00
Grant Fund	\$1,583.03
Trust Fund	\$10,294.47
TOTAL APPROVED:	\$374,305.78

Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald, and unanimously carried, with Mr. Eastman noted he approves but *abstains from approving those involving Police matters.

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

Mr. Schatzle reviewed the vouchers for the **February 24, 2010** Township Committee meeting, noting all were in order, and are as follows:

Animal Control	\$82.77
Capital Fund	\$378.00
Construction Trust	\$14,302.47
Current Fund	\$2,657,701.04
Escrow	\$3,586.00
Farmland Preservation Trust	\$240,142.65
Grant Fund	\$120.48
Trust Fund	\$10,174.95
TOTAL APPROVED:	\$2,926,488.36

Mr. Schatzle made a motion to approve, seconded by Mr. Engel, and unanimously carried, with Mr. Eastman noted he approves but *abstains from approving those involving Police matters.

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

Mr. Eastman questioned the charges paid to American Wear for uniform maintenance. Mr. Bowden responded noting this charge is for DPW uniforms, the cost of which is contractual with DPW employees. Discussion ensued regarding the cost of cleaning DPW and Police uniforms. Mr. Schatzle asked Mr. Bowden if we can seek pricing from other vendors. Mr. Bowden responded he will do due diligence to find additional vendors for price comparisons.

17. TOWNSHIP COMMITTEE REPORTS

Mayor Florek noted his deep regret on the passing of Mr. Mario Sessa. Mayor Florek noted Mr. Sessa's contribution to the community was great, and his love of Colts Neck was readily apparent. Mr. Sessa was an active member of the Township's Farmland Preservation and Open Space Committee. Mayor Florek stated Mr. Sessa was a valuable member of the community who will be sorely missed.

Mr. Fitzgerald reported the Recreation Committee's fossil program was cancelled due to the snow storm; however, plans are to re-schedule later this year.

Mr. Fitzgerald reported the Recreation Committee's plans are underway to hold the 5k/10k Harold J. Nolan, Jr. race this spring.

Mr. Engel gave kudos to the emergency services volunteers for their support during the recent snow storms. Mr. Engel noted several volunteers slept in primitive conditions at the First Aid Building to ensure response to emergency calls.

Mr. Engel also thanked the DPW staff and the emergency services volunteers for their expeditious handling of the overturned tanker on Route 34.

Mr. Engel attended meetings of the Board of Health and Pop Warner. At the Senior Citizens meeting, Mr. Engel provided a "State of Colts Neck" address. On Friday, Mr. Engel is looking forward to standing in for Deputy Mayor Schatzle at the Read Across America event scheduled at Conover Road School.

Mr. Schatzle reported a public H1N1 Flu Shot Clinic will be scheduled in Colts Neck, with the particulars posted on the website calendar. Recent attendance at H1N1 clinics is dropping off.

Mr. Schatzle reported the link to the Nixle emergency notification system for West Long Branch was sent to the Governing Body for their consideration. Mr. Schatzle wants to proceed with this text notification system. With the Governing Body's concurrence, he will sit with Mr. Bowden to work out implementation particulars.

Mr. Schatzle reported he will be looking at the usage of the Swiftreach 911 System and ascertain how many households have signed up for this voice notification system. Mr. Schatzle wants to conduct a test notification on the system to determine how many successfully received it.

Mr. Schatzle spoke of a curfew ordinance for those under 18 between the hours of 12:00 midnight and 6:00 a.m. Mr. Schatzle noted Community Police Officer Kevin Walsh has 16 sample ordinances from other municipalities. Mr. Eastman stated he wants to hear from both sides in those communities with curfew ordinances in effect. Mr. Engel questioned if exemptions for volunteers or employees are factored in to the ordinances. Mayor Florek stated certain exemptions would be necessary if an ordinance were to be adopted. Mayor Florek requested a briefing by the Police.

Mr. Eastman stated the Drug and Alcohol Alliance programs targeted for the Elementary and High Schools is well thought out, and he is enjoying his liaison appointment to this committee.

Mr. Eastman reported he attended the Historic Preservation Committee meeting. At present, the Committee is planning a Spring Tea on April 25th, which will be held at Mr. Eastman's home. Thomas Jefferson is scheduled to attend.

Mayor Florek reported Governor Christie has placed COAH on hold for 90 days for an extensive review.

Mayor Florek reported the Fire Department fundraising is down, and he urges community support for this vital volunteer organization.

Mayor Florek praised the emergency services workers of the Fire Department and First Aid Squad in the handling of the overturned tanker.

Mayor Florek noted Firefighter volunteers, like First Aid volunteers, manned the Fire Houses during recent snow storms. Mayor Florek reminded all about the dangers of carbon monoxide.

Mayor Florek applauded the Governor's review of all boards and commissions, noting this is a positive step towards the cutting the cost of State government.

Mr. Schatzle noted the selection of Colts Neck resident, Diane Scavelli, as the Youth Volunteer of the Year Hometown Hero Award by the American Red Cross. On March 26th the Jersey Coast Chapter of the Red Cross in Tinton Falls will be honoring Ms. Scavelli at their Hometown Heroes event. Mr. Schatzle noted the American Red Cross has recognized her work within the community, and this award recognizes her extraordinary contributions. Mr. Schatzle requested a resolution be passed by the Governing Body and the media be notified.

18. COMMENTS FROM THE PUBLIC:

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

Mr. Vince Domidion, a resident, stated he is attending the Freeholder budget meetings, which are being held throughout the County, and he urged all to do so.

Mr. Domidion attended a Freeholder meeting during which Director Burry read a statement on the horse industry and re-activated the "Save a Horse" Committee in an effort to focus the State's attention on the ailing horse racing industry that is vital to Monmouth County. Mr. Domidion urged the Governing Body to pass a resolution in support of Director Burry's efforts. Discussion ensued. Mr. Engel made a motion, seconded by Mr. Schatzle and unanimously carried by voice vote to support the efforts of the Monmouth County Freeholders in support of the horse racing industry, which is vital to the economies of Monmouth County and Colts Neck. This resolution is was subsequently assigned RESOLUTION NO. 2010-36A and is entitled, RESOLUTION SUPPORTING NEW JERSEY'S HORSE RACING AND EQUINE INDUSTRY, HORSE FARMS AND OPEN SPACE PRESERVATION.

Mr. Domidion stated he grew up in Colts Neck and as a youth, enjoyed a midnight stroll, which he feels is a perfectly innocent enjoyment of the town at night. Mr. Domidion questioned the cost of a Town-wide curfew and questioned the number of police calls answered. Mr. Domidion also questioned the overtime costs as well as consideration of other liabilities.

Mr. Thomas Orgo commented that it is a State law that those under 18 cannot be driving after a certain hour. He also stated groups congregating in front of local stores and shopping malls create a problem for potential shoppers and lost revenue for store owners.

Ms. Judy Laufer, a resident, questioned the brush pick up date. Mr. Bowden advised no date has been established. Mr. Bowden urged that all brush remain on the property and not in the street.

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

- 19. RESOLUTION 2010-37:** EXECUTIVE SESSION was made read by title by Mayor Florek at 8:55 p.m. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote. Mr. Bowden stated the Township Committee does not anticipate reconvening in public session to take formal action after Executive Session.

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

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

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

Motion by Mr. Schatzle, seconded by Mr. Fitzgerald, and unanimously carried to adjourn meeting.

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

Meeting adjourned at 9:45 p.m.

Robert Bowden
Township Administrator/Municipal Clerk