

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 12, 2010
7:30 P.M. AT COURT HOUSE**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Acting Mayor Schatzle, who asked each word during the salute to the flag be stated proudly in thanks to past, present and future men and women serving in the Military that have truly protected our Freedom. 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 May 12, 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." This evening's meeting was moved to the Court House to accommodate the number of persons attending.

Roll call by Mr. Bowden indicated the following:

Present: Acting 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: Mayor Florek

Mr. Bowden advised Mayor Florek has a family commitment this evening and would not be in attendance.

1. **APPROVAL OF MINUTES OF APRIL 14 AND APRIL 28, 2010.** The approval of the minutes were tabled to the next meeting.
2. **PRESENTATION:** PARTIAL VACATION OF EASEMENT, BL. 44.01, L. 9.13. Judge Susan Wigenton addressed the Governing Body requesting approval to install an in-ground swimming pool, pool patio and fence that would encroach within a 25' access easement. The pool will encroach into the easement by three feet, the patio will encroach by five feet and the fence will encroach by ten feet. Upon project completion, 15 feet of the access easement at the rear of the property will remain undisturbed. Discussion ensued. If approved, the applicant will be responsible for the expense of preparing the metes and bounds description and then the ultimate ordinance. Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

3. **RESOLUTION 2010-72:** RESOLUTION URGING THE NEW JERSEY LEGISLATURE AND STATE OFFICIALS TO RESTORE IN FULL ALL ENERGY TAX RECEIPT FUNDING was read by title by Acting Mayor Schatzle. Acting Mayor Schatzle stated in the 1980s, the State became the collection agent for the Public Utility Gross Receipts and Franchise Tax, which was a tax on regulated public utilities originally assessed and collected at the municipal level. The law enacting the change making the State the collection agent promised the proceeds would be distributed to the municipalities

providing services to utility facilities and are the source of utility profits. The State diverted these funds to the General Fund. In the past three years, the Township has lost \$493,639.00 in State Aid. This resolution petitions the Governor and State Legislature to restore in full all Energy Tax Receipt funding. Mr. Bowden stated the Township does not believe this money is State Aid; rather, it is tax paid to the State by the utilities that should be returned to the local municipalities. Mr. Engel 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
Acting Mayor Schatzle		X			
Engel	M	X			
Eastman		X			
Fitzgerald	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

4. **RESOLUTION 2010-73:** RESOLUTION AUTHORIZING AWARD OF BID, 30-YARD ROLL-OFF CONTAINERS FOR CLEAN-UP DAY (\$17,600.00) was read by title by Acting Mayor Schatzle. Mr. Eastman advised that although we normally have two clean up days scheduled, due to budget limitations, there will be one day, which is scheduled May 22, 2010. Mr. Bowden advised this resolution awards the bid to Sakoutis Brothers of Farmingdale in the amount of \$17,600.00, based on an estimated 200 tons and 40 pulls. 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
Acting Mayor Schatzle		X			
Engel	S	X			
Eastman		X			
Fitzgerald	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **RESOLUTION 2010-74:** RESOLUTION CONFIRMING EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND COUNTY OF MONMOUTH PERTAINING TO EMERGENCY TELECOMMUNICATIONS SERVICES THROUGH DECEMBER 31, 2014 was read by title by Acting Mayor Schatzle. Acting Mayor Schatzle advised this shared service agreement has been in effect with the County for Police 911 dispatching since the State Police patrolled the Township. The cost of this agreement is \$112,000.00 per year, and the agreement may be cancelled at any time prior to term expiration. 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					

6. **MOTION TO ADOPT A CONSENT AGENDA:**
7. ***RESOLUTION 2010-75:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING,

BLOCK 46, LOT 1.52 (TRUMP NATIONAL BOULEVARD). Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

8. **DISCUSSION:** EMPLOYEE HANDBOOKS, TWO-YEAR REVIEW, CHANGES AND MODIFICATIONS, POSSIBLE RESOLUTION. Mr. Bowden stated the Township is required to review the handbook every two years, and revise, where necessary, to be in keeping with current law and business practices. This update now applies to independent contractors, and revises the following: Americans with Disabilities Policy; Contagious or Life-threatening Illness Policy; Drugs and Alcohol Policy; e-mail, voice mail and internet use Policy; and adds language to comply with the Federal Family and Medical Leave Act. Mr. Bowden stated if the revisions satisfactory to the Township Committee, a resolution will be required. Mr. Fitzgerald spoke of a recent news story, reporting newer copiers contain memory of all documents copied. The report showed copiers re-sold with personal and sensitive information retained in the machine memory. Mr. Fitzgerald wants to ensure all memory is deleted prior to disposing of Township copiers. Mr. Bowden requested comments be forwarded to him, and the issue will be placed on a future agenda.

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

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

Animal Control	\$82.77
Capital Fund	\$7,790.00
Construction Trust	\$10,601.52
Current Fund	\$297,582.33
Escrow	\$4,820.25
Grant Fund	\$2,858.57
Trust Fund	\$8,969.93
TOTAL APPROVED:	\$332,705.37

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

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

11. TOWNSHIP COMMITTEE REPORTS

Mr. Fitzgerald reported he has been working with the regional budget sub-committee to address the defeated regional school district budget. The Superintendent has made recommendations to cut \$2.65 million, which is concurred by Mayor Florek and Mr. Fitzgerald. Other participating municipalities are opting to cut \$4.8 million, which equates to the teachers' contractual salary raise. If agreement is not reached by the eight participating municipalities, the issue will be sent to the Commissioner of Education for final decision.

Mr. Engel reported the Colts Neck Community Band will be performing in the Colts Neck High School Auditorium on May 27, at 7:30 p.m.

Mr. Eastman reported he is working with the local budget sub-committee to address the defeated local school district budget. The next meeting is scheduled Monday, and the Township is required by law to adopt its school budget resolutions by May 19, 2010. Mr. Engel stated the local budget review meetings between the Township and the local School Board have included very positive discussions.

Acting Mayor Schatzle stated no final decisions on the two school budgets have been reached; however, by law, the Township Committee must complete the process by May 19th.

12. COMMENTS FROM THE PUBLIC:

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

Ms. Tracy Murch, a resident, questioned if the Township Committee is in favor of a \$2.65 million reduction to the regional budget, will they discuss their position with the other municipalities leaning towards the \$4.5 million reduction? Acting Mayor Schatzle replied in the affirmative.

Mr. Gary Hoagland, a resident, stated the local budget included a cut of 17 teachers based on a population decrease of 120 students; however, six teachers should have been cut. Mr. Hoagland stated the local school budget included deeper cuts than asked for by the Governor, and stated the teachers are being punished twice for turning down the request for a salary freeze. Mr. Hoagland stated he heard rumors of a proposal to close one school due to declining enrollment. Mr. Hoagland stated in 2003, the same number of students were enrolled, classes were being held in trailers, and a referendum passed to build the new school. Mr. Hoagland stated cutting administration is short-sited and may result in costly errors. Mr. Hoagland stated no one in this room is part of the ad hoc committee to review the budget, and he is disappointed between the discourse between the Township Committee and the local School Board.

Mr. Rick Orriss, a resident of 27 years whose children went through the school system, stated he reviewed the budget carefully. Mr. Orriss stated there is a 9% enrollment decline, and gave the administration credit for cutting 11% of the teaching staff, while noting no real cuts in Administration were included. Mr. Orriss noted the claims history is not good and questioned if this could be improved. Mr. Orriss stated as the size of the district decreases, the size of the administrative staff should be reviewed. Mr. Orriss stated no one wants to have the school system dismantled. People are responding emotionally without looking at the data.

Ms. Jackie Hoagland, a resident, questioned the composition of the School Board review committees. Discussion ensued pertaining to the selection process and credentials. Mr. Eastman noted the regional budget sub-

committee is comprised of Committeemen Schatzle and Fitzgerald and former Mayor Forester. The local budget sub-committee is comprised of Committeemen Eastman and Engel, Administrator Bowden and former School Board President Kostka. Ms. Hoagland stated the local schools are operating efficiently and the enrollment numbers are historically lower in the early grades and increase in the upper grades.

Ms. Elaine Mann, a resident, noted the Township Committeemembers have taken an oath of office. Ms. Mann stated the population of Colts Neck voted “no” to the school budgets and the Township Committee must now do its job. Ms. Mann stated the public must have confidence in each member of the Township Committee to carry out the wish of the people.

Mr. Eric Goldring, a resident and member of the local School Board, stated since the budget was voted down, by law, the Township Committee has the authority to increase, decrease or leave the budget status quo. Mr. Goldring stated the closing of a school is something to be planned. Mr. Goldring stated the Administrators have done a phenomenal job cutting costs. Mr. Goldring stated he understands something must be done.

Mr. Robert Sayko, a resident, stated the budget defeat was a vote to raise the budget. Mr. Sayko stated the children and parents of the PTO are present; however, the larger community is not present and the majority voted down the budget. Mr. Sayko stated all in the community want a good school system. Mr. Sayko stated former Mayor Scotti provided a list of proposed cuts, none of which would affect programs.

Ms. Elaine Hempstead, a resident, stated she read Ms. Scotti’s list; however, she is relying on the opinions of the School Board she voted for.

Mr. Pranav Shah suggested the sub-committee visit each school. Mr. Engel stated he is meeting with Mr. Kasun and will see the schools first-hand. Mr. Shah stated we see what works in our schools, we are happy and we don’t want the children to suffer.

Mr. Fitzgerald stated he has a daughter in Cedar Drive and a nephew in Colts Neck High School. Mr. Fitzgerald asked those attending to keep in mind the rumors aren’t coming from the Township Committee. The Township Committee’s intent here is to review without preconceived ideas and determine how to remedy the situations. Mr. Fitzgerald stated the regional Superintendent sent his budget recommendations, which are being considered by the sub-committee. Mr. Fitzgerald stated the Township Committee is willing to listen and asked residents to e-mail the Committee.

Mr. Engel stated the Township Committee is not starting with a number to back into. The sub-committee is still in the fact finding, review process, and all are open to comment.

Ms. Andrea Giannopoulos, a resident and School Board President, representative, read a prepared statement, as appended.

Ms. Nancy LoCasio, a resident, stated the proposed cuts to the Regional School budget are devastating and would result in 30-35 children in a classroom and cutting labs. Ms. Locasio questioned how these students will compete with others nationally, and noted the next 18 months will be difficult for the students to adjust.

Mr. Peter Vill, a resident, stated this budget was dead on arrival, noting the substantial funding cuts made by the Governor and the increase in taxes.

Mr. Fitzgerald stated he has spent much of his time in April and May reviewing the budgets. Mr. Fitzgerald stated the Regional School District is more aggressive in their budget reductions, and he noted the Township pays a

larger share for the children to attend the Regional Schools. Mr. Fitzgerald stated there is a recognition the voters have spoken.

Mr. Garber, a resident, stated there were extenuating circumstances that lead to the budget defeat in town, which was motivated by the press. Mr. Garber stated if the vote were to happen today, things would be different.

Ms. Victoria Amplo and Carly Paredes, residents and students, questioned if there would be Spanish and band next year. Acting Mayor Schatzle stated that's a question for your Board of Education.

An unidentified male questioned if the school budget has to be separate from the municipal budget. Acting Mayor Schatzle responded this is the system as it stands now. Mr. Fitzgerald noted the school portion of every tax dollar collected is 60cents, and the municipal portion is 10 cents.

Ms. Madeline Holland, a resident, stated no one wants to see taxes increase. Ms. Holland stated she does not believe there should be waste. Ms. Holland stated if schools suffer, real estate values decline.

Ms. Jeannie Heck, a resident, stated a lot of hard decisions have to be made. Ms. Heck stated the people did speak through the election; however, be kind and deal rationally and responsibly when the changes are made.

Mr. John Satter, questioned the status of the curfew ordinance. Acting Mayor Schatzle stated the issue was tabled for discussion at a later date.

Ms. Kathy McNeal, a resident, stated she attended high school on Long Island when there was an austerity budget. She requested the Township Committee think long-term; cutting the Police force and school programs may leave the children with nothing to do.

Mr. Robert Sayko stated house values are also affected by real estate taxes. Mr. Sayko stated he doesn't have a vested interest; however, he works in an academic environment and wants to see American scientists. Mr. Sayko noted there are no planned cuts in Administration. Mr. Sayko stated in the business world, there are low or no raises, and he hopes the teachers' union takes heed.

Mr. Garry Foltz stated when people are searching for a new home, one of the first questions is the rating of the school system. Mr. Foltz stated if we don't fix this problem, the value of all homes will suffer.

Acting Mayor Schatzle stated "the Township Committee is in negotiations on three budgets; municipal, local school and regional school. These talks included a request to the public sector unions to agree to certain concessions that would put them in line with their non-union counterparts and greatly ease the budget shortfall. As of tonight, no final conclusions have been finalized and talks continue. With that said, we are under legal timelines to complete these budgets and look forward to all parties coming to a fair and equitable agreement that will meet our desire to continue our common goal of high standards."

At 9:10 p.m., Acting Mayor Schatzle called a recess.

At 9:25 p.m., Acting Mayor Schatzle reconvened the meeting.

Ms. Elaine Mann stated she attended today's Business Association meeting and was impressed with a speaker who spoke about how to run a more effective business. Ms. Mann reported the Township's business owners are planning to participate in the Clean Communities Program, cleaning Route 34 from A. Hanna Realtors to Route 18. The monies earned through this program will be used for scholarships. Ms. Mann spoke of her dissatisfaction

of recent expenditures of the Historic Preservation Committee, noting \$75 for wine during an event and \$900 to correct information shown on plaques.

Ms. Virginia Amend, a resident and editor of the Colts Neck Calendar, questioned the cost of providing health care to Township employees. Mr. Bowden responded the Township is partially self-insured, and costs remained the same until this year, when the cost increased 5%. Mr. Fitzgerald stated a 5% increase was small when compared to the 20-22% increase in State Health Plans. Mr. Bowden stated approximate annual costs for family coverage is \$16,000; husband/wife is \$12,000; and single is \$6,000. Mr. Fitzgerald stated Colts Neck is doing better than other municipalities, and the Central Jersey Council of Government is now looking to form their own joint insurance fund. Mr. Bowden noted the Township has been part of the Mid-Jersey Joint Insurance Fund for many years and it has worked well.

Mr. Ray Carbone, a resident, stated he attended School Board meetings and can't seem to understand what level of service we are responsible to provide our students. Mr. Carbone was unable to compare what we provide the students versus what the State requires. Mr. Carbone stated before the Township Committee looks at the school budgets, he thinks we should know what we are required to provide. Counsel Bennett suggested looking at the school report cards to analyze. Mr. Carbone stated this may or may not mean anything.

Mr. Sayko questioned when will the brush be picked up. Acting Mayor Schatzle responded noting this year's volume of brush is significant, and the Township has never come close to this accumulation. Mr. Bowden stated it may take three weeks to clear the brush in Clover Hill. Mr. Sayko questioned shared services asking if Police services or a purchasing consortium are feasible. Acting Mayor Schatzle responded noting some services make sense in saving money, e.g., garbage collection and health insurance. The School and Township have shared services, and the Township has a shared service agreement for dispatching services.

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

13. **RESOLUTION 2010-76:** EXECUTIVE SESSION was made read by title by Acting Mayor Schatzle at 9:55 p.m. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel 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
Acting Mayor Schatzle		X			
Engel	S	X			
Eastman		X			
Fitzgerald	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Motion by Mr. Engel, seconded by Mr. Fitzgerald, 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
Acting Mayor Schatzle		X			
Engel	M	X			
Eastman		X			
Fitzgerald	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

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

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Florek					X
Acting Mayor Schatzle		X			
Engel	M	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

Attachment