

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JUNE 9, 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 Acting Mayor Schatzle followed by a salute to the flag. The following statement was read by Township Clerk Bowden: “The notice requirements of the New Jersey Public Meetings Law have 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 June 9, 2010 at 7:30 p.m., 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 (arriving late), Deputy Mayor Schatzle, Committeemen Eastman and Fitzgerald

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

Absent: Committeeman Engel

- 1. APPROVAL OF MINUTES OF MAY 12, 2010:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and carried by Messrs Schatzle, Eastman and Fitzgerald.

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					

Mayor Florek arrived at 7:35 p.m.

- 2. COLTS NECK CLEAN COMMUNITIES AWARDS:** Ms. Elaine Mann, Colts Neck Clean Communities Coordinator, stated this year 4th grade students at Conover Road School participated in a poster contest in support of the State-wide “Slam Dunk the Junk” campaign. Ms. Mann stated this year’s posters show the importance of reducing, reusing and recycling in our community. Ms. Mann recognized the following winners: First Place: Stephanie Fragoulias, Nichole Elizabeth Basile, Lily Bryan, Isabel O’Hara, Melody Tso, Taylor Niedzielski, Caroline Osborne. Second Place: Genevieve Maiello, Lauren Ragusa, Tristan Nguyen, Amy Flood, Tessa Fieramosca, Anthony Koumoutsos, Joseph Mauriello and Jackie Vicksman. Third Place: Angela Grizzaffi, Alec Molloy, Robert Hill, Vincent Kiechlin, Kyle Foly, Dorentina Ramovic, Cioran McNelis and Mackenzie Murrin. Award recipients wanting to send their posters to the Governor gave them to Ms. Mann. Ms. Mann thanked all who participated. Awardees present received a round of applause and photographs were taken.

Mayor Florek called a five-minute recess at 7:45 p.m.

At 7:50 p.m., Mayor Florek reconvened the meeting.

3. **ORDINANCE 2010-4:** AN ORDINANCE RESCINDING SECTION 98-3 IN ITS ENTIRETY AND SETTING FORTH NEW FEES FOR CONSTRUCTION PERMITS IN THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Florek. With no comments from the Governing Body, Mayor Florek opened the meeting to public comment. Hearing none, Mayor Florek closed the meeting. 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					

4. **ORDINANCE 2010-5:** CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE PURCHASE OF VARIOUS CAPITAL EQUIPMENT, AND APPROPRIATING \$151,250.00 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH, NEW JERSEY, was read by title at first reading by Mayor Florek. Mayor Florek stated the capital improvements fall far short of capital expenditures in past years. The following improvements are to be funded from the Township's Capital Improvement Fund:

Road improvements	\$15,000.00
Monitoring underground storage tanks	\$7,500.00
Purchase Police 4WD vehicle	\$32,000.00
Fire Department safety equipment	\$25,000.00
Police equipment (radios, computers, cameras)	\$28,000.00
Recreation (playgrounds, vehicles, bldgs.)	\$11,050.00
Computers and office equipment	\$7,700.00
General improvements to all public buildings	\$25,000.00

Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Florek set the public hearing June 30, 2010.

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					

5. **RESOLUTION 2010-82:** RESOLUTION CONFIRMING APPOINTMENT TO COLTS NECK BOARD OF HEALTH was read by title by Mayor Florek. Mr. Schatzle stated he was pleased to nominate Ms. Annemarie Delle Donne to the Board of Health, with a term expiring December 31, 2010. Mr. Schatzle stated Ms. Delle Donne is a school nurse at Conover Road Primary School, who has dealt effectively with the Board of Health on the H1N1 immunization clinics. Mr. Schatzle stated he was proud to make 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					

Ms. Delle Donne was sworn in by Mr. Bowden, while her daughter, Lauren, held the bible.

6. **RESOLUTION 2010-75A:** RESOLUTION ADOPTING THE TOWNSHIP OF COLTS NECK PERSONNEL POLICIES AND PROCEDURES MANUAL was read by title by Mayor Florek. Mr. Bowden stated the Handbook is reviewed and revised every two years to comply with current law, and this is due to be revised in June. Mr. Fitzgerald 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		X			
Fitzgerald	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

7. **MOTION TO ADOPT A CONSENT AGENDA:**
8. **RESOLUTION 2010-83:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2009 was read by title by Mayor Florek. 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. **DISCUSSION:** DEDICATED OPEN SPACE TAX – REFERENDUM FOR NOVEMBER. Mr. Bowden stated the deadline for submitting a referendum for November’s election is August 20th. Mayor Florek stated he would like to include a statement of explanation noting the rate was 2.5¢ per hundred. As a result of the recent the revaluation, the rate would be 1.25¢ per hundred. Mr. Bowden stated with the reduction in rate, an estimated \$360,000 will be raised. Mr. Bowden stated the Open Space Tax was originally geared to Farmland and Open Space. Two years later it was enhanced to Farmland, Open Space and Historic Preservation. Mr. Bowden stated the law allows the acquisition, development and maintenance of lands for recreation purposes and questioned if the Governing Body wanted to include recreation in the referendum. Under the current resolution, land cannot be improved or maintained using open space tax. Discussion ensued. Given the impending future 2.5% cap next year, expanding the referendum to include recreation would provide funds for capital projects. Mayor Florek questioned the prioritization of uses for this fund. Counsel Bennett stated that an example of fixing tennis courts over acquiring land would

be determined by the sitting Governing Body. Mr. Fitzgerald stated this is a slippery slope, especially if local interest groups have capital improvement plans in progress spanning multiple years, it would take the prioritizing of projects out of future Governing Body's hands. Mayor Florek stated this issue will be discussed further at the next meeting.

- 10. ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated Judge Wiggenton is requesting approval to apply for necessary permits to proceed with construction while the final ordinance reflecting the modifications to the access easement are pending. Mr. Bowden stated Judge Wiggenton is aware she would be proceeding at her own peril, and the ordinance will proceed during the summer. The Governing Body approved the issuing of permits and construction at the owner's own peril.

Mr. Bowden stated the Sports Foundation and Pop Warner are having a fund raiser with a band and alcohol at Bucks Mill Park on June 12th from 7:00 p.m. to 12:00 midnight. Mr. Bowden stated the Park closes at 11:00 p.m. Messrs. Florek, Eastman and Fitzgerald approved the serving of alcohol, Mr. Schatzle opposed. Counsel Bennett advised the Township Committee has no authority to grant a waiver for the Park to remain open until 12:00 midnight. Mr. Bowden will advise Mr. Hennessy and Chief Sauter the event must end at 11:00 p.m., and the serving of alcohol is approved for this event.

Mr. Bowden spoke about the library diversion to correct the placement of a portion of the library inadvertently placed on Green Acres land when built in 2001. The proposed remedy would legalize the error and would preserve an additional five acres of walking trail. The Governing Body informally concurred. Mr. Bowden stated the Township Committee may see this on the next agenda for public hearing.

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

Animal Control	\$82.77
Construction Trust	\$10,745.17
Current Fund	\$213,905.78
Escrow	\$3,334.75
Grant Fund	\$1,253.92
Trust Fund	\$8,106.03
TOTAL APPROVED:	\$237,428.42

Mr. Schatzle 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			
Schatzle	M		X			
Engel						X
Eastman			X		X*	
Fitzgerald		S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

12. TOWNSHIP COMMITTEE REPORTS

Mr. Fitzgerald reported he attended the Colts Neck Business Association meeting, and they are requesting the Township Administrator attend meetings on a quarterly basis.

Mr. Fitzgerald reported he attended the Recreation Committee meeting, where it was reported one-half the soccer field was not mowed. Mr. Fitzgerald asked Mr. Bowden to research and ascertain how this error occurred and how to prevent a recurrence.

Mr. Fitzgerald reported he represented the Township at a meeting with Education Commissioner Schundler and member towns within the Freehold Regional School District in Trenton June 7th. Mr. Fitzgerald gave kudos to Assembly members Caroline Casagrande and Declan O'Scanlon for their oversight in the Regional budget issue. Commissioner Schundler did not advise whether he was in favor of \$2.65 million or \$4.5 million in cuts, but his decision will be reached shortly.

Mr. Schatzle reported he attended the Board of Health meeting, and they are seeking to add alternates to maintain a quorum for meetings. Mr. Schatzle noted while there has not been a quorum problem yet, the Board of Health would like alternates similar to Shade Tree Commission. Mayor Florek questioned the number of absences before a member position can be deemed vacant; Mr. Bowden will research. Counsel Bennett will advise if Board of Health can have alternate members and prepare the required ordinance.

Mr. Schatzle reported the Colts Neck Business Association's Old Town Colts Neck Day on June 5th was a success. The weather for this year's event was hot, as it was last year, and the Association may look to change the event date to the fall prior to pumpkin picking season.

Mr. Schatzle reported he will be working with Bob Sayko, a resident, on the Nixel notification system.

Mr. Eastman had no report this evening.

Mayor Florek reported he and Committeeman Engel met with four eighth grade students from Cedar Drive School to discuss their recommendations for installing sidewalks from the schools to the shopping center. They discussed the grant funding available, and Mayor Florek invited the students to attend the Township Committee meeting if they wanted to pursue this issue further.

Mayor Florek reported the Memorial Day parade was a success. Mayor Florek commented on the increased number of Veterans attending this year's parade, and stated Recreation did an excellent job organizing this year's event.

Mayor Florek stated he is receiving questions on the brush pick up. Mayor Florek stated the DPW staff are doing all they can to clean up the brush in an expeditious manner. The DPW Director has advised this year's brush collection is larger than total collections made in 2008 and 2009 combined.

13. COMMENTS FROM THE PUBLIC:

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

Mr. Robert Sayko, a resident, stated in terms of the Open Space Tax referendum including recreation improvements would deplete the entire fund. Mayor Florek stated this would help with funding capital improvements since things eventually break. Mayor Florek stated the Governing Body has been judicious in the use of Open Space Funds. Mr. Fitzgerald stated all agree careful consideration must be taken.

Mr. Ray Carbone, a resident, stated including recreation in the open space tax referendum will probably pass, but he believes it is tied to too many issues. Mr. Carbone stated "capital improvements" is a broad term. Mr. Carbone suggested leaving the issue as is on the referendum and using money from

budget line items for improvements. Mr. Carbone stated if we look at other needs in the Town, funding recreation improvements may not be a good choice.

Ms. Elaine Mann, a resident, stated the voters voted for open space. Ms. Mann stated to use open space money for recreation when you have a Parks and Recreation budget is just another way to move money around and have taxpayers pay for it. Mayor Florek stated this is in the discussion stage and the Governing Body is attempting to determine what should be placed on the November ballot.

Ms. Diana Piotrowski, a resident, stated a newsletter should be sent to all residents requesting feedback on the referendum issue.

Mr. Vince Domidion, a resident, stated he recommends the referendum be simplified to reducing the open space tax rate from 2.5¢ to 1.25¢, and deal with the composition of the open space tax later. Mr. Domidion stated all voters would recognize this as a clean act.

Mr. Domidion suggested two parcels for acquisition consideration: One on Obre Road and the other at the end of Iroquois. Discussion ensued.

Ms. Mann stated last year's Clean Communities poster contest winners donated \$4,000 to retrofitting storm drains. Ms. Mann questioned if the storm drain covers were purchased as the participants want to see the results of their efforts. Mayor Florek stated the storm drain retrofitting at the school will proceed, as planned. Mr. Bowden will speak with Mr. Thompson.

14. **RESOLUTION 2010-84:** EXECUTIVE SESSION was read by title by Mayor Florek at 8:58 p.m. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald 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	M	X			
Engel					X
Eastman		X			
Fitzgerald	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Motion by Mr. Schatzle, seconded by Mr. Eastman, 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	M	X			
Engel					X
Eastman	S	X			
Fitzgerald		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 9:40 p.m.

Robert Bowden
Township Administrator/Municipal Clerk