

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JULY 14, 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, led by Andrew Delle Donne. 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 July 14, 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 Kenneth Florek (arriving late), Deputy Mayor James Schatzle, Committeemen Jarrett Engel, Edward Eastman and Michael Fitzgerald

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

Absent: None

1. **PRESENTATION:** Mr. Schatzle, liaison to the Board of Health and First Aid Squad member, presented Frank Delle Donne with a plaque in recognition and appreciation of his tireless volunteer service to the community. Within one year of arriving in Colts Neck, Mr. Delle Donne joined the First Aid Squad, of which he is now its President. Mr. Delle Donne joined the Board of Health in 1999 and served as its Chair for the past three years. Mr. Schatzle noted he and his wife, Annemarie, have three children who are following in their parents footsteps in service to the community. Mr. Schatzle stated it was an honor to present Mr. Delle Donne with a plaque and to thank him for his spirit of volunteerism, noting he and his family epitomize what helping the community is all about. Mr. Delle Donne received a round of applause and photographs were taken.

2. **APPROVAL OF MINUTES OF JUNE 30, 2010:** Mr. Eastman made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs Schatzle, Eastman and Fitzgerald; Mr. Engel abstained.

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

3. **PRESENTATION:** EXPANDED NUMBER OF NON-GOLF EVENTS – TRUMP NATIONAL GOLF CLUB COLTS NECK. Mr. John Roberts, General Manager of Trump National Golf Club, addressed the Governing Body requesting reconsideration of the Township’s code limiting the number of non-member, non-golf events where alcohol may be served to 12 to increase to the State’s limitation of 25 events within one calendar year. Mr. Roberts noted while the Trump facility is pleased to host various non-profit community events, these events are not revenue generators for the Club. Mr. Roberts raised this issue with the Governing Body several months ago and was asked to poll community sub-committee members on the proposed change. Based on Mr. Roberts discussions

and Mr. Bowden’s subsequent discussions, there was no opposition to the proposal. Discussion ensued regarding the special ruling of the ABC Director regarding the serving of Alcohol at certain golf facilities. Counsel Bennett stated the Governing Body only has jurisdiction over the number of events, not the operation of the license, to which Mr. Roberts stated the ABC staff conducts on-premise visits.

Mayor Florek arrived at 7:45 p.m. Mayor Florek stated he has been involved with this issue for the past four years, and he does not see any correlation between the license and the number of events. Mayor Florek is in favor of increasing the number of events, noting the economic strains on the golf industry. Mayor Florek stated he wants to see golf courses as viable entities. Mr. Fitzgerald stated the Trump facility hosts groups such as the Lions, and he does not want to see those organizations turned away for more lucrative events. Discussion ensued. Mr. Bowden will speak with the business owners involved and this issue will be placed on the August 11th agenda for possible introduction. Counsel Bennett will revise the ordinance for Type A and Type B golf courses. Mayor Florek stated a decision will be reached at the next meeting.

4. **ORDINANCE 2010-6:** AN ORDINANCE AMENDING SECTION 31-3 OF THE CODE OF THE TOWNSHIP OF COLTS NECK (BOARD OF HEALTH ALTERNATES) was read by title at second reading by Mayor Florek. Mr. Schatzle stated this resolution would amend existing Code to include two alternates on the Board of Health. The revision should benefit the Board by having additional talent from the community as members and assist in reaching a quorum. With no further comments from the Governing Body, Mayor Florek opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated it is difficult for other committees and boards to reach quorums, and he would like to see all Township groups have alternate members.

Hearing no further comments, Mayor Florek closed the meeting. Mr. Schatzle 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			
Deputy Mayor Schatzle	M	X			
Engel	S	X			
Eastman		X			
Fitzgerald		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **ORDINANCE 2010-7:** AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF AN ACCESS EASEMENT WITHIN BLOCK 44.01, LOT 9.13 (STONE HILL ROAD – WIGENTON) was read by title at first reading by Mayor Florek. Mayor Florek stated the Township Engineer signed off on the metes and bounds vacating the ten foot portion of the access easement. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Florek set the public hearing for August 11, 2010.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Florek		X			
Deputy Mayor 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 2010-97:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS.
8. **RESOLUTION 2010-98:** RESOLUTION ESTABLISHING A TAX FILE SHARING PROGRAM WITH SIGNATURE INFORMATION SOLUTIONS, LLC.
9. **RESOLUTION 2010-99:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2009.

Mr. Eastman recused himself from Resolution 2010-98, noting his firm represents this firm. 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*		X*	
Fitzgerald		M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

10. **DISCUSSION:** REFERENDUM PERTAINING TO DEDICATED OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TAX LEVY. Mayor Florek opened discussion pertaining to the proposed referendum for the General Election in November to decrease the annual levy for open space, farmland, and historic preservation to equalize the tax rate based on the recent Township revaluation. Based on 2009 values, the 2.5 cents generated \$363,448 in total tax revenues. Based on 2010 values the 1.2 cents will generate \$375,500 in total tax revenues. Mayor Florek stated the fund uses would remain as they were since 1998 when the referendum was passed. Discussion ensued regarding the wording of the referendum. Governing Body is to provide Mr. Bowden with their drafts, and this item will be placed on the August agenda.
11. **DISCUSSION:** REVIEW OF CAPITAL FINANCES; USE OF CAPITAL IMPROVEMENT FUND AND PREVIOUS BOND AUTHORIZATIONS. Mr. Bowden provided a review of the balances in the Capital Improvement Fund and previous bond authorizations. Discussion ensued. With regard to the Capital Improvement Fund balance, it was decided to review options during the 2011 Budget review. With regard to the previous bond authorizations, it was decided to leave the COAH balance alone for future use and expend \$73,339 for the purchase of a 4WD Pick-up Truck (\$30,339) and to refurbish a fire truck (\$43,000). Counsel Bennett advised the Township would not be incurring any additional debt (no supplemental debt statement required). Mr. Bowden will work with Counsel Bennett and ordinance introduction will appear on the August agenda.
12. **RESOLUTION 2010-99B:** RESOLUTION CONSENTING TO THE PROPOSED MONMOUTH COUNTY AREAWIDE WATER QUALITY MANAGEMENT PLAN AMENDMENT TO INCLUDE BLOCK 48, LOT 19 IN COLTS NECK TOWNSHIP AS A FUTURE DISCHARGE TO GROUNDWATER OF 14,950 GALLONS PER DAY. Mr. Bowden added this resolution to the agenda noting Monmouth County approved the request made by Mr. Longobardi to amend the Areawide Water Quality Management Plan and allow for the construction of an Amphidrome Discharge to Groundwater System to accommodate a flow of 14,950 gallons per day on Block 48, Lot 19. By this resolution, the Governing Body consents to this amendment. Counsel

Bennett stated the resolution should be subject to the approval of the Health Officer. Mr. Schatzle noted Mr. Frank, Health Officer, has given a verbal approval. Mr. Fitzgerald made a motion to approve, as amended, 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. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated the \$405,000 allocated to the Revaluation has been expended, and there is an additional \$20,000 needed to pay additional stipends and any additional unknown costs. The funds need to be raised by emergency appropriation, which can be paid back over five years. Discussion ensued regarding the expenditure of funds. Mr. Bowden stated he will provide a printout on what has been charged to this account during the past two years. Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and unanimously carried. Mr. Bowden stated this issue will be placed on the August meeting agenda.

Mr. Bowden stated the DOT is going to pave one mile of Route 34 from Route 18 to Delicious Orchards. When asked why not pave to the intersection of Route 537, Mr. Bowden was told the County is paving that section during the Routes 34/537 intersection project.

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

Animal Control	\$82.77
Construction Trust	\$12,652.83
Current Fund	\$367,887.01
Escrow	\$16,073.95
Grant Fund	\$494.16
Trust Fund	<u>\$9,450.90</u>
TOTAL APPROVED:	\$406,641.62

Mr. Bowden requested a voucher be added payable to Medieval Times for a summer camp trip scheduled for July 20, 2010, in the amount of \$1,090.00. The outlay will be replenished by trip fees. Mr. Schatzle made a motion to approve, as amended, seconded by Mr. Engel, 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	S	X			
Eastman		X*		X*	
Fitzgerald		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

15. **TOWNSHIP COMMITTEE REPORTS**

Mr. Fitzgerald had no report this evening.

Mr. Engel reported the First Aid Squad experienced the busiest month in its history during June 2010.

Mr. Engel reported the Fair Committee is continuing with their plans for this year's event, which promises to be a great fair.

Mr. Engel recognized Lauren Orgo, a certified therapeutic riding instructor. He is very enthusiastic about working with her to explore the possibility of bringing a therapeutic riding program to Colts Neck.

Mr. Schatzle had no report this evening.

Mr. Eastman had no report this evening.

Mayor Florek reported the Board of Chosen Freeholders will be meeting in the Colts Neck Court House on July 22, at 7:00 p.m. Mayor Florek looks forward to welcoming them to the Township.

Mr. Fitzgerald questioned if the electorate can vote to override the 2% cap. Mr. Bowden stated the law is effective January 2011. Mr. Fitzgerald stated the 2010 budget was a "slash and burn" with a 4% cap. Mr. Bowden stated debt service is an exception to the cap. Mayor Florek stated they will keep a close eye on this, but things change rapidly. Counsel Bennett stated the legislators are meeting all summer, and most "toolbox" items are expected to pass. Counsel Bennett stated he doesn't think contracts will be opened, and noted all four unions in Howell agreed to furloughs.

16. COMMENTS FROM THE PUBLIC:

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

Mr. Vince Domidion, a resident, requested the Heyers Mill Road paving near New Street include street grading to handle the water from Yellowbrook. Mr. Bowden advised drainage improvements are part of the paving for that section. Mr. Domidion asked for a drainage pipe in the roadway. Mayor Florek advised the work would be reviewed in the fall 2010 and commence in the spring 2011. Mr. spoke of the Open Space Referendum. Mayor Florek suggested he provide his thoughts to Mr. Bowden.

Mr. Fulton Wilcox, a resident, questioned if the meeting with the Navy occurred. Mr. Bowden stated he met with the Navy regarding 69 non-Laurelwood units being rented solely to Navy/DOD personnel. Those renting must have security clearances and children would attend Tinton Falls schools. Mayor Florek stated approximately 40-50 units are already rented. Mayor Florek stated the Laurelwood homes will be destroyed; they are not being maintained, and are falling into disrepair.

Ms. Elaine Mann, a resident, requested a letter on the collections made on Clean Up Day to be sent to Sandy Huber. Mr. Bowden advised the information is being assembled and will be given to her shortly. Ms. Mann questioned if the Senior Citizens are paying for the trips they attend, and questioned if non-residents attending the events are paying. Mayor Florek suggested Ms. Mann contact the Treasurer of the Senior Citizens Club for this information. Ms. Mann questioned the purpose of a second story on the planned snack shed for Laird Road. Ms. Mann stated that she is not concerned about the cost of the building, which is being paid for by the Sports Foundation, it is the maintenance and utility costs the Township will assume with this additional structure. Mayor Florek stated the Sports Foundation funded the well and septic at the site, there is no water planned for the second floor and it is projected as a low maintenance building. Mayor Florek suggested Ms. Mann speak with the Sports Foundation.

Ms. Susan Wilcox, a resident, stated the Sports Foundation used to meet in the lower floor of the Recreation building, and she does not see a need for a second floor on the snack shed at Laird Road Park. Ms. Wilcox questioned who would run it since volunteers are dwindling. Ms. Wilcox stated it should be maintained by volunteers or participant contributions, not the Township. Mayor Florek stated he does not agree as volunteers are very evident in maintaining the fields and there is a lot of support. Mr. Engel stated he was very impressed with the extent of support within the Sports Foundation. Mr. Fitzgerald stated the Sports Foundation does require volunteer hours at the snack shed or coaching or payment in lieu of volunteering. The second floor room was envisioned as a place to gather during rapidly moving thunder storms for “chalk talk” sessions with the teams. Mr. Engel stated meetings of the 15 Board member Sports Foundation are held in the Court House.

Ms. Sashe Annete, a resident, requested the Township Committee establish an independent energy committee within the Township. Ms. Annete spoke of the energy conservation initiatives within Freiberg, Germany, as well as the solar panels installed at the DPW yard and a solar hydrogen home in Hopewell. Discussion ensued, and the Governing Body is in favor of having the Environmental Commission establish a sub-committee for energy conservation initiatives within the Township. Ms. Annete stated she is doing fundraising events and would like to hold a concert at the Colts Neck Polo Field. Mr. Bowden advised Ms. Annete there is a permit procedure, and she should contact his office.

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

17. **RESOLUTION 2010-100:** EXECUTIVE SESSION was read by title by Mayor Florek. 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. Meeting adjourned at 9:15 p.m.

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					

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

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

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					

Meeting adjourned at 9:40 p.m.

Robert Bowden
Township Administrator/Municipal Clerk