

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
FEBRUARY 23, 2011
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 Schatzle. At Mayor Schatzle's request, Chief Sauter and retired Sgt. Richard Maxwell and Patrolman Robert Halmi led all present in the salute to the flag. The following statement was read by Township Clerk Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press on December 9, 2010 stating the meeting of the Colts Neck Township Committee would be held on February 23, 2011 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, New Jersey. 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 James Schatzle; Deputy Mayor Jarrett Engel, Committeemen Edward Eastman, Jr., Michael Fitzgerald, and Russell Macnow.

Also Present: Administrator/Municipal Clerk Robert Bowden; Deputy Municipal Clerk Beth Kara, and Township Attorney Kerry Morgan.

Absent: None.

Mayor Schatzle welcomed Ms. Elise Backman, a student intern who is present to observe the legal process.

1. **APPROVAL OF MINUTES OF FEBRUARY 9, 2011.** 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 Schatzle			X			
Deputy Mayor Engel	M		X			
Eastman			X			
Fitzgerald		S	X			
Macnow			X			

X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded

2. **PRESENTATION:** HONORING RETIRED POLICE OFFICERS SERGEANT RICHARD MAXWELL AND PATROLMAN ROBERT HALMI. Chief Sauter stated Sergeant Maxwell began his career in Colts Neck in 1986 and retired after 25 years (3.5 years as a Patrolman and 21.5 years as a Sergeant). Chief Sauter noted Sergeant Maxwell was the second Police Officer to achieve full retirement from the Township, and he presented Sergeant Maxwell with a badge and thanked him and his family for his service to the community. Mayor Schatzle presented Sergeant Maxwell with a plaque on behalf of the Township Committee, commemorating his 25 years of public service to the residents and community of Colts Neck and thanked him for keeping us safe. Sergeant Maxwell received a round of applause and photographs were taken.

Chief Sauter stated Officer Robert Halmi joined the Colts Neck Police Department in 1988 after completing the Monmouth County Police Academy and retired after 23 years of service to the community. Chief Sauter noted Officer Halmi was the third person to achieve full retirement from the Township. Officer Halmi was joined by his wife, Karen Ann, and his family, and Chief Sauter presented Officer Halmi with a badge and thanked him and his family for his service to the community. Mayor Schatzle presented

Officer Halmi with a plaque on behalf of the Township Committee, commemorating his 23 years of public service to the residents and community of Colts Neck and thanked him for keeping us safe. Officer Halmi received a round of applause and photographs were taken.

3. **MAYOR'S PROCLAMATION:** READ ACROSS AMERICA DAY.
Mayor Schatzle read the proclamation noting the celebration of what would have been the 107th birthday of Theodor Seuss Geisel, Dr. Seuss, on March 2, 2011 and proclaimed it to be Read Across America Day in Colts Neck Township. Mayor Schatzle noted the Governing Body enthusiastically endorses Read Across America and Read Across America-NJ, and recommitments our community to engage in programs and activities to make America's children the best readers in the world.

4. **PRESENTATION:** BLOCK 11, LOT 3.07, 15 MOCKINGBIRD LANE.
Mr. Salvatore Alfieri, Esq., addressed the Governing Body on behalf of his client, Dr. Nandiwada, who had driveway piers installed by his contractor that are located within the Township right of way. Dr. Nandiwada is seeking permission to leave the piers in their current location, stating if Mockingbird Drive is widened, the piers will be relocated so as not to interfere with any road widening. In addition, no permits or approvals were obtained for installing the driveway piers; however, all necessary permits will be obtained if the request to leave the piers in their current location is granted. Discussion ensued. Mr. Fitzgerald spoke of an apparent cavalier attitude with pools, piers, etc., being built by contractors without permits and in erroneous locations noting it has become easier to ask for forgiveness after the fact than to follow Township code. Mr. Fitzgerald wants to move toward banning contractors violating the code from building in the Township. Mayor Schatzle noted there are reasons we have requirements and ordinances, noting emergency vehicles require a certain turning radius, which could be compromised by the placement of unauthorized structures. Mr. Alfieri stated he will speak with the Building Department to obtain the name of the contractor who built these piers, and he will also notify neighbors of the date and time of the next presentation to the Governing Body. Mr. Eastman stated he wants a survey showing the location of the piers on the right of way, the adjacent neighbor's property line and the width of the street. Mr. Bowden stated it will cost approximately \$20,000 to relocate the driveway piers. Mr. Macnow stated this is a fixable issue, the piers can be knocked down, and he raised the issue of the homeowner paying to relocate the piers. Mayor Schatzle questioned why the homeowner isn't going back to the builder to remedy this issue. The Governing Body agreed to table this issue and requested additional information be provided so that Township action may be taken against the builder. Mr. Alfieri stated he will provide the information to the Governing Body and may return in the future to discuss this issue further.

5. **ORDINANCE 2011-1:** AN ORDINANCE ESTABLISHING CHAPER 27, ENTITLED "OPEN SPACE TRUST FUND" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Schatzle. Mr. Bowden stated during the November 2010 election, voters approved the decrease of the annual levy for Open Space, Farmland and Historic Preservation purposes from \$0.025 per \$100 to \$0.012 per \$100 of assessed valuation. The Township Attorney advised this ordinance is required, and this will become effective when the new tax rate is in effect, August 1, 2011. Hearing no comment from the Governing Body, Mayor Schatzle opened the meeting to public comment.

Mr. Fulton Wilcox, a resident, questioned the uses of these funds and questioned if the money would be used to reduce debt. Mayor Schatzle responded noting it would depend on the property available. In the meantime, the funds could be used for debt reduction.

Ms. Virginia Amend, editor of the Colts Neck Calendar and a resident, questioned the amount of debt currently held. Mr. Bowden stated it is between \$3 million and \$3.5 million. Mr. Bowden noted last year \$600,000 of debt principal was paid down and the two years prior, \$500,000 debt principal was paid down each year.

Ms. Susan Wilcox, a resident, commented it sounds as if there is no planning. Mayor Schatzle responded stating close to 1,000 acres were preserved within Colts Neck, and there are very strict guidelines that must be followed in order to preserve this land. Mayor Schatzle stated the Township will continue to follow the guidelines for preservation when land becomes available.

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

6. **ORDINANCE 2011-2:** AN ORDINANCE ENTITLED THE 2011 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK PUBLIC WORKS UNION was read by title at second reading by Mayor Schatzle. This ordinance provides for the 2011 contractual increases for D.P.W. employees covered by the C.W.A. agreement. Hearing no comments from the Governing Body, Mayor Schatzle opened the meeting to public comment. Hearing none, Mayor Schatzle closed the meeting. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

7. **RESOLUTION 2011-34:** RESOLUTION AUTHORIZING EXECUTION OF 2011 PROFESSIONAL CONTRACTS WITH TOWNSHIP PROFESSIONALS was read by title by Mayor Schatzle. Mayor Schatzle stated these contracts reflect \$0 increase from past year rates and a number of professionals reduced their previous year's rate. In particular, the Auditor has reduced his annual rate by 20%; the number of days Court will be held has been reduced and the Township Prosecutor has reduced his annual rate by 25% effective March 1, 2011. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

8. **RESOLUTION 2011-35:** RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL CONTRACT BETWEEN THE TOWNSHIP OF COLTS NECK AND VALLEY HEALTH MEDICAL GROUP (RANDOM DRUG AND ALCOHOL TESTING) was read by title by Mayor Schatzle. Mayor Schatzle stated certain employees hold positions that require random drug testing, which is provided through this contract at an annual cost below \$1,000. Discussion ensued and Mr. Bowden was requested to have drug testing performed immediately after accidents/incidents. Mr. Bowden stated he will speak with Department Heads to advise. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

9. **MOTION TO ADOPT A CONSENT AGENDA:**

10. ***RESOLUTION 2011-37:** RESOLUTION AUTHORIZING RECREATION REFUND.
11. ***RESOLUTION 2011-38:** RESOLUTION AMENDING TEMPORARY BUDGET FOR 2011.
12. ***RESOLUTION 2011-39:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT FOR 2010.

Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried for all but Resolution 2011-37, for which Mr. Engel abstained.

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

At this point, Mr. Eastman recused himself and left the building (8:05 p.m.).

13. **DISCUSSION:** RE-ZONING OF AREA IN VICINITY OF OBRE ROAD AND SQUANKUM ROAD. The Long Range Planning Committee could not reach agreement on re-zoning recommended by the February 9, 2010 Master Plan Re-examination Report and forwarded it to the Township Committee for discussion.

The Master Plan Re-examination Report recommends the expansion of the A-5, Rural Residential Zone, in the southeast portion of the Township, which is currently zoned A-1 (two acre), and is bound to the north by Hockhockson Road, to the east by the Borough of Tinton Falls, to the south by State Highway 18 and the west by Obre Road. The area consists of eight lots owned by four separate parties, one of which is the Township. If the area was consolidated and developed as a single tract, it could yield 17 new lots. If developed individually by owners, 10 lots would be created. The re-zoning will change the density of this area from two acre to five acre lots and will

provide a transition zone between the AG and A-1 Zones. If the area is re-zoned, it is anticipated to yield between 7 and 11 new lots, depending on how it is developed.

The second re-zoning is the expansion of the AG Zone, which is approximately 32 acres along Squankum Road near the intersection of Obre Road. The area contains parts of six lots owned by two parties. If the area is developed under the A-1 zoning, it could yield roughly 7 to 12 lots. The re-zoning will expand the existing AG zone, which lies immediately to the west. If the area is re-zoned, it is anticipated to yield three ten-acre farmettes.

Mr. Macnow noted one property owner wants to construct eight to ten residences on his property; however, based on new legislation that is effective May 1, 2011, he will not be able to re-zone. Mr. Macnow stated building larger homes on larger parcels will be more difficult to sell. Mr. Macnow does not want to change the zoning based on an application received, and he is opposed to re-zoning. Mr. Macnow stated this area was zoned 2 acres not to make that portion of Town exclusionary. Mr. Fitzgerald stated a street would have to be created, paved and plowed. Mr. Fitzgerald stated every house constructed is estimated to yield two children in the school system at \$9,000 each. Mr. Fitzgerald noted the \$10 million in ratables would provide 11% to the Township in taxes. Mr. Engel questioned why Long Range Planning did not reach agreement. Mr. Macnow responded all Long Range Planning members were not in agreement on this issue. Mayor Schatzle noted the DEP speaks of how many homes a portion of Town can absorb, and he stated the Governing Body needs more clarification on the number of homes, as this impacts their decision. Mayor Schatzle stated no residents were in attendance at the Long Range Planning meeting, and he wants to hear from the property owners affected. Mr. Bowden stated there is no legal requirement to notice and this is a policy decision. Mr. Bowden stated on May 1, 2011, the time of decision rule is in effect, and after that, the Governing Body cannot cure. The discussion ended.

At 8:18 p.m., Mr. Eastman returned to the building and the meeting continued.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated the Certification of State Aid for Calendar Year 2011 was received today, and Colts Neck would be receiving \$1,952,550 in Energy Tax Receipts and \$28,388 in Watershed Aid for a total of \$1,980,938 in Formula Aid. For 2011.
15. **MOTION TO APPROVE VOUCHERS:** Mayor Schatzle reviewed the vouchers and set aside one voucher in the amount of \$75.00 for an annual membership in the International Association of Arson Investigators, the remainder recommended for approval as follows:

Animal Control	\$100.84
Capital Fund	\$7,746.00
Construction Trust	\$10,006.58
Current Fund	\$2,453,160.11
Escrow	\$19,917.81
Grant Fund	\$82.87
Trust Fund	\$7,344.87* (less \$75.00)
TOTAL APPROVED:	\$2,498,359.08*

Mr. Fitzgerald made a motion to approve all but the voucher noted above, seconded, as amended, by Mr. Engel, and unanimously carried. Mr. Macnow abstained from approving any T&M Associates bills.

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

16. TOWNSHIP COMMITTEE REPORTS

Mr. Fitzgerald stated he missed this month's Senior Citizens meeting.

Mr. Fitzgerald stated he is planning meetings with the Township's insurance carriers to discuss the policies for general liability, health, prescription drugs and dental and will provide information at the next meeting.

Mr. Eastman stated the Historic Preservation Committee is making plans for the Spring Tea. Information will be forthcoming.

Mr. Engel had no report this evening.

Mr. Macnow had no report this evening.

Mayor Schatzle stated he attended the opening of "Guys Night Out" today at Cedar Drive School for male students in grades 6, 7, and 8. Mayor Schatzle stated approximately 70 students participated in this event.

Mayor Schatzle stated the Nixle Planning Committee, comprised of the Mayor, Administrator, Deputy Clerk, Police Chief, Police Lieutenant, and DPW Director, met to discuss the Nixle emergency notification protocols. Mayor Schatzle and Intern Ms. Betty Liu, will be visiting various groups within the Community to urge participation in this \$0 cost emergency notification system. Mayor Schatzle stated information on the Nixle System is on the Township website.

17. COMMENTS FROM THE PUBLIC

Mayor Schatzle opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated yesterday the County Planning Board met and authorized a letter to the DEP regarding the Trump Water Diversion Application. Mr. Domidion stated the population component number in the plan is under-reported by 200,000, which impacts the adequate supply of water. Also, there is concern where the storm water is directed, noting DEP offices are in conflict, and the DEP Commissioner has been asked for clarification. Mr. Domidion states the applicant should be required to install whatever is necessary prior to obtaining approval. With regard to re-zoning, Mr. Domidion stated the Hockhockson Brook is a trout stream in Planning Area 5, not a C-1 stream. Mr. Domidion suggests going to ten acre lot size averaging and placing the large lot against the stream. This would give land owners value while protecting the stream.

Ms. Susan Wilcox, a resident, questioned if this was considered clustering. Mr. Domidion responded stating clustering is in a two acre zone.

Ms. Virginia Amend stated the estimate of 2.5 children per household has changed and now estimates are less than one child per household. Ms. Amend questioned if minutes are kept of Executive Sessions and how soon may they be released. Mr. Bowden responded in the affirmative to the keeping of minutes and stated he will speak with legal counsel regarding their release.

Ms. McKittrick, a resident, spoke of the proposed re-zoning. She stated as a farmer, the farm is their retirement fund. Changing from two-acre zoning in the areas of Pennyroyal, Koala and Iroquois to five-acre zoning will hurt the farmers. Ms. McKittrick stated she does not like the idea of downsizing, as it impacts generations of farmers. Ms. McKittrick questioned if the Township reviews soil types when parcels are proposed for farmland preservation noting some farms do not have the best soils for agriculture. Mayor Schatzle responded noting the Township follows State and County requirements, and farms have been turned down for not meeting these requirements. Ms. McKittrick spoke of the Right to Farm, noting agricultural practices being written at the State promote agriculture and makes this town special. Ms. McKittrick thanked the planners to let farms continue to provide agriculture and horticulture. Ms. McKittrick questioned if there was anything being done to reduce the budget. Mayor Schatzle responded inviting her and all attendees to come to the budget session scheduled this Saturday at 8:30 a.m. Mayor Schatzle noted the Governing Body is working with an extremely difficult budget this year.

Mr. Sal Alfieri, Esq., spoke on behalf of his client, the Schlumpf's. They have owned 40 acres for over 50 years and this is their retirement fund. They are planning to retain a professional to do a study pertaining to the subdivision of this property.

Mr. Fulton Wilcox stated the Master Plan and zoning have disconnects and questioned if there is any way to resolve this. Mr. Bowden responded stating Long Range Planning is addressing this issue.

Hearing no further comment from the public, Mayor Schatzle closed the meeting.

Mayor Schatzle stated the next meeting of the Township Committee will be held on Wednesday, March 9, 2011, at 7:30 p.m. in Town Hall.

18. **RESOLUTION 2011-39:** EXECUTIVE SESSION was read by title by Mayor Schatzle. Motion to approve was made by Mr. Fitzgerald, seconded by Mr. Macnow and unanimously carried by voice vote. Mr. Bowden stated the Governing Body is not expected to take further action this evening.

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

Meeting adjourned at 8:45 p.m.

Motion to adjourn Closed Session was made by Mr. Eastman, seconded by Mr. Engel and unanimously carried.

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

Motion to adjourn reconvene in Public Session and adjourn meeting was made by Mr. Eastman, seconded by Mr. Engel and unanimously approved.

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

Meeting adjourned at 10:10 p.m.



Robert Bowden
Administrator/Municipal Clerk