

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MARCH 31, 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 March 31, 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 Eastman and Fitzgerald

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

Absent: Committeeman Engel

Mr. Bowden noted Mr. Engel was out of town and would not attend this evening's meeting.

Mayor Florek noted the unfortunate passing of Ms. Gloria Pamm, a former member of the Township Committee in 1974. Mayor Florek noted Ms. Pamm was a long-standing member of the Colts Neck community. After a brief moment, Mayor Florek began the meeting.

- 1. APPROVAL OF MINUTES OF MARCH 10, 2010.** Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

- 2. ORDINANCE 2010-3: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** was read by title at first reading by Mayor Florek. Mr. Bowden advised by law, municipalities cannot exceed 2.5% of the prior year budget; however, the passage of this ordinance would provide the flexibility to increase this year's budget to 3.5% of the prior year budget. Mayor Florek stated the CAP has never been exceeded, and the passage of this ordinance functions as insurance against unanticipated expenditures. If unneeded, the 3.5% increase can be banked for two years (heretofore banking was indefinite). Mayor Florek stated this ordinance is passed each year and has not been used, nor is it anticipated to be used; however it is passed as a safety measure. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Florek set the public hearing April 14, 2010.

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

3. **RESOLUTION 2010-40:** SUPPORTING NEW JERSEY DEPARTMENT OF TRANSPORTATION REVISION TO CENTERLINE MARKINGS ALONG A PORTION OF ROUTE 34 (FROM MILE POST 11.1 TO 12.0) TO A NO PASSING ZONE was read by title by Mayor Florek. Mayor Florek advised he personally visited the site, which spans Route 34 near the DPW entrance to approximately 100 feet past the NWS Earle entrance. Discussion ensued. Counsel suggested sending the request to the Police to determine any traffic safety issues for the proposed no passing zone. This resolution was tabled for a future meeting after Police review.

4. **RESOLUTION 2010-47:** AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND THE COUNTY OF MONMOUTH FOR AN ALCOHOLISM AND DRUG ABUSE PREVENTION GRANT (\$10,663.00) was read by title by Mayor Florek. Mr. Eastman commented this grant provides many worthwhile programs for the youth of this community. Mr. Eastman noted the Alliance is working towards gaining more parental support and participation at programs geared toward dual participation. Mayor Florek commented this is a matching grant. Mr. Eastman made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

5. **RESOLUTION 2010-48:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS - 2009 BUDGET was read by title by Mayor Florek. Mayor Florek stated this resolution transfers \$5,000 from the Board of Health, Other Expenses, to Snow Removal, Other Expenses, to cover additional expenses. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

6. **RESOLUTIONS 2010-49:** RESOLUTION AUTHORIZING SUBMISSION OF TONNAGE GRANT APPLICATION, CALENDAR YEAR 2009, was read by title by Mayor Florek. Mr. Bowden advised tonnage grants are used encourage local source separation and recycling programs, and the Township is about to recoup approximately \$30,000 with this grant to offset recycling costs.

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

RECORD OF VOTE								
	M	S	Yes	No	NV	Ab		
Committeeman		M	S					
Mayor Florek			X					
Deputy Mayor 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 2010-50:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2009.

9. ***RESOLUTION 2010-51:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND.

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

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

10. **DISCUSSION:** P.B. APPLICATION NO. 546, MOCKINGBIRD LANE, (POSSIBLE DEFAULT). Mr. Bowden advised Mr. Gerken has provided a punch list of outstanding items to be completed as of December 28, 2009. As of February 2010, the Township holds a cash performance guarantee of \$44,158; available inspection fees of \$10,860, and an available surety bond of \$861,156. Mr. Alferi advised his client is proposing rather than have the Township foreclose on the performance guarantee, his client would agree to perform all work contained in Mr. Gerken's aforesaid letter from the cash bond currently posted with the Town, and upon completion, the performance bond would be released without a maintenance bond. Mayor Florek asked Ms. McGowan, Township Landscape Architect, to speak. Ms. McGowan discussed the dying of plants, noting the berm is sandy and lack of irrigation prior occupancy of the adjacent home caused the shrubs to die. Mr. Kureti was provided with a new list of acceptable plants for the site. Mayor Florek then asked Ms. Sharma, the affected homeowner, to speak. Ms. Sharma stated they bought the home three years ago and the plants were dead at the time of occupancy. The Sharma's installed a sprinkler system 2+ years ago, and they have spent thousands of dollars to restore the property; however, there is still much to do. Mayor Florek closed the meeting to public comment. Discussion ensued. It was agreed that the cash on hand held by the Township should be used to satisfy the punch list. If additional monies are needed to complete the punch list, the Township should then default the developer. Counsel Bennett was instructed to prepare a resolution for the next meeting to this effect.

11. **DISCUSSION:** LOSAP REQUIREMENTS – COLTS NECK FIRST AID SQUAD AND FIRE COMPANY NOS. 1 AND 2. Mayor Florek advised the additional information requested from Fire Company 2 was received and reviewed, and all agreed it was to their satisfaction. Mr. Bowden stated the next step is to pass a resolution confirming and certifying the 2009 LOSAP credits and post the lists for 30 days at the respective First Aid Station, Fire

Houses and at Town Hall. If no challenges are received after 30 days posting, the lists will be approved and a maximum \$1,150 deposited in each individual's LOSAP account based on their 2009 level of participation.

12. **DISCUSSION: OPEN PUBLIC RECORDS/RECORDS INFORMATION MANAGEMENT (RIM) – SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY.** Ms. Kara provided the Governing Body with the Township's history of involvement in the PARIS Grant funding and use of the County's shared services RIM System. Ms. Kara outlined the RIM System benefits, including records inventory management, records retention management and records disposition management. With the State budget crisis, all PARIS funds are being diverted to fill budget gaps. To continue with the RIM System, each participating municipality must pass a resolution to authorize entering into a ten-year agreement with the County for service provision and to commit \$3,000 for the year 9/1/2010 to 8/31/2011 for maintenance and support (\$1800 to vendor), hosting fees (\$640 to Monmouth County) and reserve for future system/server upgrades (\$560 held by Monmouth County). Discussion ensued. Counsel Bennett stated he was unsure if the Township was legally able to enter into a ten-year agreement of any kind. Mayor Florek supports continuing the program on a year-to-year basis. Mr. Eastman noted he was pleased we were participating in the RIM System; however he struggles with utilizing a system where we do not own the software and have little control over the vendor's price setting. Mr. Eastman suggested seeking open architecture software that could utilize the data currently stored on the RIM System if the Township withdraws due to funding. A discussion on the annual fee resulted in a request for Ms. Kara to speak with those involved to determine if the \$3,000 annual charge could be reduced.

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

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

Animal Control	\$685.16
Capital Fund	\$5,551.50
Construction Trust	\$12,843.66
Current Fund	\$438,320.45
Escrow	\$6,931.65
Farnland Preservation Trust	\$585.00
Grant Fund	\$1,370.18
Trust Fund	\$6,627.69
TOTAL APPROVED:	\$472,915.29

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

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

15. TOWNSHIP COMMITTEE REPORTS

Mr. Eastman reported the Alliance is currently discussing their programs and seeking ways to raise funds to match dollars, including roadside trash removal through the Clean Communities Program.

Mr. Eastman reported the Historic Preservation Committee is having their Spring Tea at his home.

Mr. Schatzle had no report this evening.

Mr. Fitzgerald reported the Environmental Commission meeting was cancelled this month. Mr. Fitzgerald has no report this evening.

Mayor Florek expressed his congratulations to Christopher Bisogna for attaining the status of Eagle Scout in Colts Neck Troop 290.

Mayor Florek reported he participated on a conference call with Senator Beck, Assemblyman O'Scanlon, Commissioner Griffa, and other Monmouth County Mayors to discuss the impact of the projected State budget cuts. Mayor Florek noted they understand the financially conservative municipalities are receiving the largest State budget cuts. Mayor Florek stated the energy tax receipts should not be considered part of State Aid and subject to reduction; however, this issue will not be considered in Trenton. Mayor Florek stated municipalities are struggling with the budget cuts. Mayor Florek noted the call lasted 1.5 hours and had 16 participants.

Mr. Schatzle noted Ocean County, among others, was receiving Federal Aid for snow storms; however, Monmouth County is not, and there is no financial relief forthcoming for the Township's snow expenses.

16. COMMENTS FROM THE PUBLIC:

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

Mr. Vince Domidion, a resident, spoke of multi-year (3-year) budgeting, and noted Moody's five-year budgeting looks favorable. Mr. Domidion stated if a 2.5% tax cap goes into effect, it may hurt bond ratings in New Jersey. Mr. Eastman stated there is a move afoot to make a hard cap that doesn't include bonds. Counsel Bennett stated the 2.5% hard cap will be put on a referendum on the ballot pertaining to school boards.

Ms. Nancy LoCasio, a resident and School Board representative, questioned if the Township Committee received the 2010/2011 School Budget. She was advised in the affirmative. Ms. LoCasio questioned Ordinance 2010-3. Mayor Florek advised this is done each year and has never been used. Ms. LoCasio questioned if any Alliance programs would involve the schools. Mr. Schatzle responded the Alliance programs almost always involve the schools. Mr. Schatzle noted School Board representatives have not always attended Alliance meetings. Mr. Schatzle suggested having the Cedar Drive school and other local schools involved with Alliance meetings. Ms. LoCasio invited all to attend School Board meetings.

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

17. **RESOLUTION 2010-52:** EXECUTIVE SESSION was made read by title by Mayor Florek at 8:48 p.m. Mr. Fitzgerald 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			
Deputy Mayor Schatzle		S	X			
Engel						X
Eastman			X			
Fitzgerald		M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

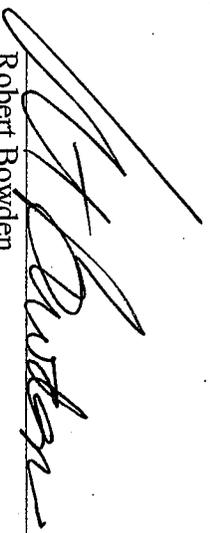
Motion by Mr. Schatzle, seconded by Mr. Fitzgerald, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Florek			X			
Deputy Mayor 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. Fitzgerald, and unanimously carried to adjourn meeting.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Florek			X			
Deputy Mayor 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 9:30 p.m.


 Robert Bowden
 Township Administrator/Municipal Clerk