

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 13, 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, at which time Acting Mayor Schatzle reminded all present of our great Country and urged everyone to vote on Election Day. 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 September 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 Kenneth Florek (arriving late), Acting Mayor/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

Mr. Bowden stated Mayor Florek was affected by New Jersey Transit delays and would be arriving shortly.

1. **APPROVAL OF MINUTES OF SEPTEMBER 29, 2010:** Acting Mayor Schatzle tabled the approval of the meeting minutes to the following meeting.

2. **PRESENTATION:** BLACKBRIAR DRIVE ENTRANCE BEAUTIFICATION PROJECT. Residents Lisa Jones, Diane Pastor and Barbara Finn discussed a beautification project proposed for the entrance of Blackbriar Drive at Route 34. The Governing Body was provided with a sketch showing a small polyurethane picket fence and low maintenance landscaping. The residents stated they envision homeowners of Blackbriar Drive paying for the fencing and maintaining the entryway landscaping themselves. They are seeking Governing Body approval before speaking with all homeowners on Blackbriar Drive about this project. Acting Mayor Schatzle stated the proposed project is located on the Township right of way, and stated utility companies should be asked to mark out below surface lines in the designated area. Mr. Bowden stated he met with this group earlier, and determined there are no site triangle problems, no trees to cut, and this appears to be a relatively simple homeowner-sponsored project, which is not unprecedented, e.g., Wellington Court. Acting Mayor Schatzle stated this is a great idea to be adopted throughout the Town. Mr. Fitzgerald stated this may be considered a Clean Communities project, which may lend itself to clean up dollars or community service hours. Mr. Domidion, a resident, suggested the group contact the Shade Tree Commission to discuss how they handle the "adopt a cul-de-sac" program, noting this project may fall within those parameters. Acting Mayor Schatzle stated Mr. Bowden could act as the point person between the residents and the Township groups. After verbal consensus of the Governing Body, as polled by Mr. Bowden, Mr. Engel commended the residents for exploring this issue, wished them well with the project and requested they advise the Governing Body of the ribbon cutting date.

Mayor Florek arrived at 7:45 p.m.

3. **PRESENTATION:** THIRD QUARTER FINANCIAL REVIEW. Mr. Antonides, Township Chief Financial Officer, provided a line-by-line review of the Tax Collector's Report for the three quarters of 2010. Mr. Antonides noted revenue shortfalls in the Municipal Court (60%) and Interest on Investments, noting lower interest rates and less money to invest leaves the Township 50% lower than it was last year at this point in time. Mr. Schatzle questioned if the number of foreclosures in Town affected the revenues, to which Mr. Antonides replied 99% of foreclosures are picked up by banks, and the banks are paying the taxes. The tax sale for properties with unpaid 2009 taxes is scheduled for 10:00 a.m., December 7th, and will result in 18% interest on outstanding balances paid to the Township. Mr. Antonides noted \$500,000 in tax appeals have been granted for 2010 taxes, and there was a \$234,000 increase in tax appeals granted from 2009 to 2010. Mr. Eastman questioned our current status, to which Mr. Antonides stated we have a projected \$500,000 to \$650,000 shortfall resulting from tax appeals. Discussion ensued regarding the spreading of the tax appeals cost over five years, similar to what was done for the revaluation costs. Counsel Bennett stated he would research and advise, noting Local Finance Board approval may be required, and an ordinance would need to be prepared prior to the end of 2010. Counsel Bennett stated many municipalities are facing the same scenarios this year, as this is a State-wide problem. Mr. Eastman questioned if another \$800,000 can be deferred to the schools this year, to which Mr. Antonides replied in the affirmative. Counsel Bennett stated he prefers to request Local Finance Board approval in December. Mayor Florek questioned the need for this, to which Mr. Antonides replied the spreading of tax appeals cost will offset revenue next year. Counsel Bennett added if this action is not taken, the Township will have \$581,000 less in 2011, which won't be offset by a 2% tax increase. Mayor Florek questioned if \$581,000 was a firm number, to which Mr. Antonides responded there may be another \$50,000 in appeals still outstanding. Counsel Bennett stated a resolution to the Local Finance Board would be required to bond. When polled by Mr. Bowden on whether to proceed, the consensus of the Governing Body was to proceed.

Mr. Antonides left the meeting at 8:20 p.m.

4. **MOTION TO ADOPT A CONSENT AGENDA:**
5. **RESOLUTION 2010-130:** RESOLUTION ESTABLISHING HALLOWEEN CURFEW HOURS.
6. **RESOLUTION 2010-131:** RESOLUTION ACCEPTING AND APPROVING SUBSTITUTE LETTER OF CREDIT, P.B. APPLICATION NO. 565 (ABATIELLO).
7. **RESOLUTION 2010-132:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS.
8. **RESOLUTION 2010-133:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2010.

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			
Deputy Mayor Schatzle		S	X			
Engel			X			
Eastman			X			
Fitzgerald		M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

9. **DISCUSSION:** ENERGY BLOCK GRANTS. Mr. Bowden stated the Township Engineer advised grant funding is available through the Energy Efficiency Conservation Block Grant (EECBG) Program and the Direct Install Grant Program. The EECBG Program offers a \$20,000 grant to install energy efficient cost saving measures within Township-owned facilities including upgrades to lighting, heating, cooling and ventilation, refrigeration motors, natural gas and variable frequency drives. The Direct Install Program offers up to a 60% matching grant not to exceed \$50,000 per project or \$250,000 per municipality. Submitting applications for both could result in a \$50,000 combined grant from EECBG and the Direct Install Program with no out of pocket cost to the Township for construction. Once the application is approved, a project could be completed within 90 days by a pre-approved State certified licensed contractor, with no public bidding required. Mr. Bowden noted if the Governing Body wants to proceed, the Township Engineer will complete the necessary paperwork for a fee not to exceed \$500. Mr. Schatzle noted the First Aid Building is in need of an air conditioning system, and he suggested all Township-owned buildings be reviewed. Mayor Florek noted proceeding could save the Township a significant amount of money. All Governing Body members noted their approval to proceed, and Mr. Bowden stated he will proceed with the Township Engineer and will keep the Governing Body apprised.
10. **DISCUSSION:** PLANNING AND ZONING BOARD FEES. Mr. Bowden stated the Long Range Planning Committee reviewed the Planning and Zoning fees and determined they do not adequately cover municipal costs nor are they in keeping with the fees charged by surrounding municipalities. Counsel Bennett discussed the proposed raising of escrow fees, noting it has been a deterrent in other municipalities. Mr. Bowden stated he would speak with Mr. Anfuso and have further discussion with the Governing Body at the next meeting. Mayor Florek requested having the current and proposed fees listed in chart format for comparison, and noted a revision required in Section III.(h) of the draft ordinance. Mr. Bowden stated the Governing Body will see this on next meeting's agenda.
11. **DISCUSSION:** ACCESSORY STRUCTURES IN THE A-1, A-2 AND A-3 ZONES. The Long Range Planning Committee recommends adopting a new building volume requirement in lieu of reducing building height to allow design flexibility while controlling the overall mass of accessory structures to ensure they appear as subordinate to the principal dwelling within the A-1, A-2 and A-3 Zones. Since these zones vary in lot size, the draft ordinance includes a flexible standard so that size, mass and volume of structures bear a relationship to the lot size. Three lot size categories were developed, i.e., 0 - 50,000 sq. ft., 50,000 s.f. - 150,000 s.f., and >150,000 s.f. with accompanying maximum limitations for the first floor, total floor area, total building volume, height and stories. Mayor Florek requested a minor revision to the schedule contained in the ordinance for consistency. With the concurrence of the Governing Body, Mr. Bowden stated the ordinance would be on the next meeting's agenda for introduction.
12. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated two members of the Governing Body would not be attending the next meeting on October 27th, and he questioned if the meeting should be held. Mr. Bowden noted the Legislators from the 12th District may postpone their planned visit to discuss the Governor's Toolkit, originally scheduled for October 27th. Discussion ensued, and Mayor Florek stated if there is a need for the meeting, it should be held

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

Animal Control	\$88.78
Capital Fund	\$421.60
Construction Trust	\$10,884.74
Current Fund	\$279,348.08
Escrow	\$6,952.28
Grant Fund	\$1,570.32
Law	\$1,603.80
Trust Fund	\$10,552.73
TOTAL APPROVED:	\$311,422.33

Mr. Schatzle made a motion to approve, 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			
Deputy Mayor Schatzle	M		X			
Engel		S	X			
Eastman			X*		X*	
Fitzgerald			X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

14. TOWNSHIP COMMITTEE REPORTS

Mr. Fitzgerald reported the Environmental Commission had no agenda items and cancelled their meeting.

Mr. Fitzgerald reported all eyes are on Committeeman Engel, who has convened a meeting of Sports Foundation and Pop Warner members to discuss a comprehensive recreation plan for the community next Wednesday.

Mr. Fitzgerald reported the Friends of the Library website, created by Ms. Luftkewitte, is linked to the Township's website and provides current information on this group's activities. The annual book sale is scheduled to begin October 22nd and plans are underway for the annual Art Show and Sale in December.

Mr. Engel had no report this evening.

Mr. Schatzle reported the Board of Health sponsored two flu clinics for the Senior community and both were very successful. Mr. Schatzle reported Mr. Frank did an excellent job with both clinics.

Mr. Schatzle reported the Women's Club donated a bench to the Township located at the street level entrance to the Library. Mr. Schatzle was pleased to attend the bench dedication ceremony.

Mr. Eastman reported the Historic Preservation Committee is planning a house tour in December.

Mayor Florek reported a three judge panel from the State's Appellate Division determined COAH third round regulations need revision, and COAH has been directed to develop new rules within the next five months. Mr. Eastman stated legislation to abolish COAH is in process, to which Counsel Bennett stated legislation S1 invalidates the COAH third round.

15. COMMENTS FROM THE PUBLIC:

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

Mr. Vince Domidion, a resident, stated housing does not appear in the New Jersey Constitution, and the Supreme Court has no business making any determination, noting this is civic treason with no justification. Mr. Domidion urged all to write to the Governor, Legislators and the Court. Mr. Domidion stated the Monmouth County League of Women Voters expressed concern about the section of Northwestern Holmdel which has been placed in a future service area. Three aquifers recharge local streams feeding the Swimming River Reservoir and provide Colts Neck residents with well water. The recharge potential of this area is essential to the health of the Reservoir and to Colts Neck residents. The League notes the County Wastewater Management Plan mapping in Holmdel is a regional issue, affecting over 250,000 residents and urged as much water as possible be kept in the natural watershed. Mr. Domidion commented about the Trump request for diversion, and he stated New Jersey American Water should be concerned about the requested usage increase. Mr. Domidion stated the Township can request the DEP hold a hearing in Colts Neck to ascertain community sentiment, noting precedent with The Grande. Mr. Domidion questioned why the Fewer carriage house was still standing as originally built given the Superior Court decision that a portion should be taken down. Counsel Bennett stated this should be returned to Superior Court for action, and he will speak with Counsel Steib to have the process started.

Ms. Virginia Amend, a resident and editor of the Colts Neck Calendar, stated she was in contact with two public relations staff at New Jersey American Water, who stated they will investigate and get back to her.

Mr. Bowden stated Messrs. Anfusio and Frank were working on a response to the Trump diversion application, which is due November 4th. Mr. Domidion is part of this group formulating the response. Mayor Florek urged having a DEP hearing in Colts Neck.

Mr. Fulton Wilcox, a resident, questioned if you restrict the size of accessory structures, are you affecting the tax base? Mayor Florek responded stating only the structure sizes in the AG Zone have increased, noting it is prudent to restrict the size of the structures in the three zones.

Ms. Amend questioned if it was fair to say the 2% tax increase was an allusion where instead of cutting spending, the bonding process would be used. Counsel Bennett stated the proposed five year bonding was only for tax appeals, some of which were settled last year, and the majority settled this year. Ms. Amend questioned if residents may appeal their taxes given the success of neighbors. Counsel Bennett replied in the affirmative, noting residents have until October 1st to appeal, but new sales may not support the tax appeal.

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

- 16. RESOLUTION 2010-134: 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 9:02 p.m.

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					

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

Motion by Mr. Eastman, 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		X			
Engel		X			
Eastman	M	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