

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 29, 2014
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 Macnow followed by the Pledge of Allegiance. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Open Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on December 12, 2013 stating a regular meeting of the Colts Neck Township Committee would be held October 29, 2014, 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 Russell Macnow; Deputy Mayor James Schatzle; Committeemen Thomas Orgo and Michael Fitzgerald

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

Absent: Committeeman Jarrett Engel (Out of Town on a work-related emergency)

1. **APPROVAL OF MEETING MINUTES:** Meeting of October 8, 2014. 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 Macnow			X			
Deputy Mayor Schatzle		S	X			
Orgo			X			
Engel						X
Fitzgerald	M		X			

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

2. **MAYOR'S PROCLAMATION: PANCREATIC CANCER AWARENESS MONTH, NOVEMBER 2014.** Mayor Macnow read the Proclamation in full, which states Pancreatic Cancer is one of the deadliest cancers and the only major cancer with a five-year relative survival rate at six percent. Mayor Macnow proclaimed November 2014 as Pancreatic Cancer Awareness Month within the Township of Colts Neck, and noted the good health and well-being of the residents of Colts Neck are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments. Mayor Macnow presented the Proclamation to Ms. Jill Rothstein, who spoke of her family's experience with pancreatic cancer and stated by the year 2020, this will be the second most deadly cancer. Ms. Rothstein announced Pancreatic Cancer Walks on November 1st in Neptune and November 9th in Parsippany, and she urged all to visit the Pancreatic Cancer website, pancan.org, to learn more about this cancer. Ms. Rothstein presented Mayor Macnow with purple ribbons in support of Pancreatic Cancer Awareness and a flyer on the upcoming walk.

3. **ORDINANCE 2014-18: AN ORDINANCE AMENDING AND REVISING CHAPTER 137, HOTELS AND MOTELS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK** was read by title at second reading by Mayor Macnow. Mayor Macnow stated this ordinance makes changes to existing code and addresses the registering of guests and recording information. The revisions were made at the request of the Police Department and the Code Enforcement Officer. Mr. Fitzgerald noted the

requested changes were incorporated in the ordinance (the words “bound or secure electronic” were added after “standard” and before the word “hotel register”, a clause to waive the occupancy time limit during declared emergencies was added to Subsection 137-2.B., and the notice provision to hotel/motel owners within the Township was added). Hearing no further comments, Mayor Macnow opened the public hearing.

Mr. Vince Domidion, a resident and Chair of the Monmouth County Planning Board, stated this is a good ordinance and will be helpful with the monitoring of registered guests. Mr. Domidion stated he applauds its passage.

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

4. **ORDINANCE 2014-19:** AN ORDINANCE ESTABLISHING CHAPTER 172, PROPERTY ABANDONMENT, OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Macnow. Mayor Macnow stated a new State statute permits municipalities to adopt ordinances to regulate the care, maintenance, security and upkeep of vacant residential properties on which a summons and complaint in an action to foreclose has been filed. The new law also requires out-of-State creditors, after being served a summons and complaint in an action to foreclose on a residential property, to designate an in-State person or entity to be responsible for the care, maintenance, security and upkeep of the property. Hearing no comments from the Governing Body, Mayor Macnow opened the public hearing.

Mr. Vince Domidion, a resident, stated this ordinance is timely and appropriate and he thanked the Governing Body for addressing this issue.

Hearing no further comments, Mayor Macnow closed the public hearing. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

5. **PRESENTATION:** MERCER MANAGEMENT, LLC, VACATION OF DEED RESTRICTION, MERCER ROAD SUBDIVISION. Mr. Salvatore Alfieri, Esq., stated he was just advised by his client that they did not want to proceed this evening. Mr. Alfieri stated he will defer his presentation to a later date and will speak with Mr. Bowden to confirm his presentation during a future Township Committee meeting.

6. **DISCUSSION:** Mr. Anfuso, P.P., Township Planner, presented the following:

- **AMEND DEVELOPMENT REGULATIONS ORDINANCE – AG LOT SIZE AVERAGING.** Mr. Anfuso presented a draft ordinance recommended by Long Range Planning. Mr. Anfuso advised the Planning Board Attorney, Mr. Steib, has opined the current requirement for site plan approval for residential ponds and tennis courts is in conflict with the Municipal Land Use Law, which exempts one and two family dwellings from site plan review and approval. The proposed ordinance eliminates this requirement.

The area and yard requirements for lots less than ten acres in size created through the Lot Size Averaging provision of the AG Zone follow the A-1, Agricultural/Residential District except for building coverage and total lot coverage. The Lot Size Averaging provisions have a higher building coverage, which allows for larger homes and a lower total lot coverage, which allows less impervious surfaces. Long Range Planning believes Lot Size Averaging developments should have larger buildings due to the character of the district; however, since the area and yard requirements are the same as the A-1 Zone, Long Range Planning believes the underlying planning principals of lot average should be applied in a uniform manner and be consistent at 20% between the two types of developments. This change only affects Lot Size Averaging developments and no other form of development. The proposed ordinance addresses this issue.

- **AMEND SHADE TREE COMMISSION ORDINANCE – STREET TREES.** Mr. Anfuso presented a draft ordinance that clarifies responsibility for removal of dead or dying street trees planted in the Township right-of-way or on private property. The ordinance retains Shade Tree Commission approval prior to removing trees in the Township right-of-way and clarifies an adjoining property owner may remove a tree in the Township right-of way. The ordinance eliminates Shade Tree Commission approval prior to removing street trees planted on private property while clarifying that the property owner may remove street trees planted on their property at any time after the developer's maintenance guarantee has been released. In addition, the ordinance repeals the section authorizing the Shade Tree Commission to promulgate ordinances, rules and regulations. Discussion ensued regarding the responsibility for decision making in approving the removal of street trees and the current health of existing street trees within the Township.

With the concurrence of the Governing Body, Mr. Bowden stated he will be placing both ordinances on the next Township Committee meeting agenda for introduction. The Township Committee thanked Mr. Anfuso for his presentation this evening.

7. **RESOLUTION 2014-116:** ENABLING RESOLUTION, STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM. Mr. Bowden requested this resolution be held over based on a discussion he and Mr. Anfuso had with the State. Mr. Bowden stated he needs to re-craft the resolution and will place it on the next Township Committee meeting agenda.

Mr. Anfuso left the meeting.

8. **RESOLUTION 2014-117:** RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2013 FOR COLTS NECK FIRST AID SQUAD was read by title by Mayor Macnow. Mr. Schatzle stated he is not participating in the discussion and is abstaining from this resolution. Mr. Fitzgerald stated although Mr. Schatzle is an active member of the First Aid Squad, he does not participate in the LOSAP Program. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and carried by Messrs. Macnow, Orgo and Fitzgerald; Mr. Schatzle abstained.

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

9. **RESOLUTION 2014-118:** RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2013 FOR COLTS NECK FIRE COMPANY NO. 1 AND NO. 2 was read by title by Mayor Macnow. Mr. Schatzle stated he is not participating in the discussion and is abstaining from this resolution as he is a Lifetime Member of the Fire Department. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and carried by Messrs. Macnow, Orgo and Fitzgerald; Mr. Schatzle abstained.

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

Mr. Bowden stated these resolutions will be posted in Town Hall and at their respective locations for the next 30 days.

10. **MOTION TO ADOPT CONSENT AGENDA:**

***RESOLUTION 2014-119:** RESOLUTION APPROVING CHANGE ORDER NO. 1, LAIRD ROAD IMPROVEMENTS (+\$58,228.81)

***RESOLUTION 2014-120:** RESOLUTION AUTHORIZING RETURN OF APPLICATION FEES, PLANNING BOARD APPLICATION NO. 702, GANA – EAGLE NEST ROAD (\$1,328.00)

***RESOLUTION 2014-121:** RESOLUTION AUTHORIZING RETURN OF APPLICATION FEES, PLANNING BOARD APPLICATION NO. 710, MILLAN – NANTONE COURT (\$809.00)

***RESOLUTION 2014-122:** RESOLUTION AUTHORIZING RETURN OF APPLICATION FEES, PLANNING BOARD APPLICATION NO. 632, COLTS NECK SHOPPING CENTER (\$3,188.91)

***RESOLUTION 2014-123:** RESOLUTION APPROVING INSERTION OF SPECIAL ITEM OF REVENUE, DIVISION OF CRIMINAL JUSTICE, BODY ARMOR GRANT (\$2,187.03)

Mr. Fitzgerald questioned the payment of two different vouchers issued under Planning Board Application No. 702. Mr. Bowden stated one refund was approved by resolution at the last Township Committee Meeting and the timing of voucher issuance was such that both payments appear on this meeting's bills list. 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 Macnow		X			
Deputy Mayor Schatzle	S	X			
Orgo		X			
Engel					X
Fitzgerald	M	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

11. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden stated the Colts Neck PTO is holding its annual Fall Parent Social at Bucks Mill Park in November, and they are seeking Township Committee approval for alcoholic beverages at the tasting event. Mayor Macnow stated attendees would be sampling small quantities of alcoholic beverages, all of which are donated for this event. A certificate of insurance has been provided naming the Township as Additional Insured. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote.

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

12. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald stated he reviewed the vouchers for this evening's meeting, and recommends approval of the following:

Animal Control	\$168.18
Capital Fund	\$94,646.06
Construction Trust	\$23,012.94
Current Fund	\$4,896,870.81
Escrow	\$22,821.10
Farmland Preservation Trust	\$9,810.00
Grant Fund	\$3,550.00
Trust Fund	\$25,067.14
TOTAL:	\$5,075,946.23

Mr. Fitzgerald noted approximately \$4.5 million on this bills list is forwarded to the School Boards; the Township operates with ten percent of the annual budget.

Mr. Orgo questioned the third quarter State training fees. Mr. Bowden responded that is for the Building Department. Mr. Orgo questioned who is Indian Harbor, to which Mr. Fitzgerald responded this has to be paid. Mr. Orgo questioned the amount expended in the Sauter litigation. Mr. Bowden responded the legal fees in the Jeff Sauter matter are roughly \$25,000, and include his litigation with the Fire Department and the Township's involvement with his appeal to the Government Records Council. Mr. Orgo stated he wants a copy of the bill for deer carcass removals. Mr. Orgo noted a bumper was purchased, then sent to Maaco for painting. Mr. Orgo

commented the Johnny on the Spot rates should be closely reviewed, as they are increasing their prices. Mr. Bowden responded he will review the bills and shop around.

Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Macnow abstained from approving all payments to Sakoutis*.

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

13. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported on the difficulty in getting a handle on the number of deer killed. He reported there were three deer killed before 10:00 a.m. today, and there have been deer in the roadway that were involved in unreported automobile accidents.

Mr. Orgo advised the Colts Neck Business Association has scheduled a business card exchange at Trump National Golf Club.

Mr. Fitzgerald commented he saw a photograph of a recent deer-caused automobile accident in which a deer was hit by a pick-up truck and launched into the driver's windshield of an oncoming vehicle, severely injuring the driver.

Mr. Schatzle reported the First Aid Squad continues with its training program. Recently they had another extrication drill and spent hours training its members.

Mr. Schatzle reported Chief Burke is scheduling his first Local Emergency Planning Committee meeting as Chair of this group in November.

Mr. Schatzle noted the Health Officer is receiving updated information on the Ebola virus and that information is shared with the Township's Police Department and First Aid Squad members. Mr. Fitzgerald questioned if there were any confirmed cases in New Jersey, to which Mr. Schatzle responded yes, noting this is an international world we live in. Mr. Schatzle stated there are four cases being monitored within Monmouth County, but none in Colts Neck.

Mayor Macnow reported the last Wildlife Committee meeting was widely publicized; however no one from the general public attended. Mayor Macnow noted he spoke with a resident who recently had a deer accident on Cedar Drive. Mayor Macnow urged all residents to attend and constructively participate in the Wildlife Committee Meetings.

Mr. Orgo reported receiving two different complaints about deer hunters in Big Brook Preserve (near the fossil location). Mr. Orgo wants this land posted and illegal deer stands removed. Mayor Macnow commented hunting on Township property is prohibited.

14. PUBLIC COMMENT

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

Mr. Allan Ryan, a resident and Life Member of the Fire Department, stated the Fire Department should be commended with a letter thanking them for their response to a recent fire at One Provincial Place. Mr. Fitzgerald commented that the Fire Department's quick thinking to move the cars out of the garage helped to save the house and the cars. Mayor Macnow concurred and gave kudos to the Fire Department for that save.

Mr. Vince Domidion, a resident, noted blue tongue can be transmitted from deer to livestock and questioned if it could be transmitted to horses. Mayor Macnow responded the Health Officer will be asked to research this issue. Mr. Domidion stated street trees are planted to provide aesthetic unity in neighborhoods. He stated by allowing property owners to remove the trees, this will adversely impact the unity. Mr. Domidion commented the trees are there for a purpose and a balance needs to be struck.

Mr. Michael Viola, a resident, stated the Fire Department did a great job with the fire on Provincial Place. Mr. Viola commented on the Shade Tree Ordinance introduced this evening and stated removing trees could result in a financial hardship to the Township. Mr. Viola stated it is good to define the responsibilities for each party. Mr. Viola questioned if the Township has stockpiled its rock salt for the upcoming winter. Mr. Bowden responded the Township does have a good supply now and he is cautiously optimistic. Mr. Fitzgerald noted the Township has one storage shed for rock salt. Mayor Macnow stated the shed holds enough product for an average season; however, we have not been having average winters lately. Mr. Fitzgerald noted the Township fared better than most in that the sand/salt mixture was able to stretch the product application, and salt was obtained from various sources. Mr. Viola expressed concern about black ice on Clover Hill Road onto Route 34 and suggested closing the road. Mr. Fitzgerald responded the County was contacted and pre-treatment products are applied.

Mr. Jeffrey Sauter, a resident, commended Mr. Orgo for reviewing the bills. Mr. Sauter stated Mr. Allan Ryan provided a good report tonight that was good to hear. Mr. Sauter stated LOSAP is a great program if managed properly. Mr. Sauter stated he will be attending the Pancreatic Cancer walk event discussed tonight.

15. **RESOLUTION 2014-124:** EXECUTIVE SESSION. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote. Mayor Macnow stated the Township Committee is not expected to return in open session this evening.

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

The meeting adjourned at 8:30 p.m.

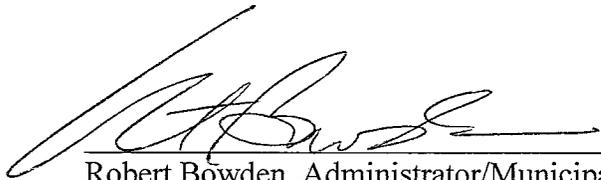
Motion by Mr. Fitzgerald, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

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

Motion by Mr. Fitzgerald, seconded by Mr. Schatzle and unanimously carried to reconvene in public session and adjourn meeting.

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

The meeting adjourned at 9:20 p.m.



Robert Bowden, Administrator/Municipal Clerk