

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
AUGUST 14, 2013  
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 Fitzgerald 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, 2012 stating a regular meeting of the Colts Neck Township Committee would be held August 14, 2013, 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, Michael Fitzgerald; Deputy Mayor, Russell Macnow;  
Committeemen James Schatzle, Thomas Orgo and Jarrett Engel

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

Absent: None

1. **ANNOUNCEMENT:** Mayor Fitzgerald announced the Township Committee has scheduled a regular Township Committee meeting August 28, 2013, and cancelled the September 11, 2013 meeting.

2. **APPROVAL OF MINUTES:**

**JULY 10, 2013 and JULY 14, 2013:** Mr. Macnow made a motion to approve both sets of minutes, seconded by Mr. Engel and unanimously carried.

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

3. **ORDINANCE 2013-12:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-84D6 OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Fitzgerald. Mr. Bowden advised this ordinance pertains to accessory structures in the A-1, A-2 and A-3 zones and creates a flexible standard wherein size, mass and volume have a relationship to lot size. Mayor Fitzgerald stated this ordinance will keep accessory structures in proportion to the primary structure and has been approved by both Long Range Planning and the Planning Board. Mayor Fitzgerald opened the public hearing.

Mr. Vince Domidion, County Planning Board Chair and a resident, stated this is a good ordinance that will keep structures consistent with the characteristics of the neighborhood.

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

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

4. **ORDINANCE 2013-13:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-86 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "AG AGRICULTURAL DISTRICT" was read by title at second reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance pertains to lot size averaging and restricts churches, libraries, public and private schools from the large tract dedication when lot size averaging. Mayor Fitzgerald opened the public hearing.

Mr. Vince Domidion stated he was in favor of this ordinance. He commented State development and redevelopment should not place regional facilities in Planning Areas 4 and 5, and noted Colts Neck does not have a center of town.

Mr. Fulton Wilcox, a resident, questioned if farm stands were included as agricultural purposes. Mr. Orgo responded farm stands are limited to 600 square feet and are only opened nine months of the year. Mayor Fitzgerald stated the ordinance restricts mega church structures from being built within residential subdivisions.

Ms. Elaine Mann, a resident, questioned if this ordinance would apply to the group home discussed during last year's meetings. Mayor Fitzgerald noted the proposed group home was a COAH fulfillment and is planned for placement in a lot, not the open space parcel.

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

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

5. **ORDINANCE 2013-14:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 26 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "FARMLAND AND OPEN SPACE COMMITTEE" was read by title at second reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance creates a sub-committee within the Farmland and Open Space Committee, as per SADC requirements and is necessary to close the Cicalese property with 60% State funding for this purpose. Mayor Fitzgerald opened the public hearing.

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

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

6. **ORDINANCE 2013-15:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY, VACATING A CERTAIN CONSERVATION, DRAINAGE AND UTILITY EASEMENT CONVEYED TO THE TOWNSHIP IN EXCHANGE FOR AN ALTERNATIVE CONSERVATION, OPEN SPACE, DRAINANGE AND UTILITY EASEMENT AND AUTHORIZING THE ACCEPTANCE BY THE TOWNSHIP OF SAID ALTERNATIVE EASEMENT FROM ANTHONY AND JOANNE FRASSETTI was read by title by Mayor Fitzgerald. Mr. Orgo stated the current easement is a long and narrow strip through the center of the rear of the property and the proposed easement, which is a larger parcel, borders the rear of the property. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Fitzgerald set the public hearing September 25, 2013.

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

7. **MOTION TO ADOPT CONSENT AGENDA:**
8. **\*RESOLUTION 2013-83:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS
9. **\*RESOLUTIONS 2013-84:** RESOLUTION APPROVING THE AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FROM MORRIS FLANCABAUM AND SUSAN RIZZUTO-FLANCABAUM FOR THE CAMELOT SUBDIVISION
10. **\*RESOLUTION 2013-85:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL WETLAND PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 672 (TRUMP NATIONAL GOLF COURSE)
11. **\*RESOLUTION 2013-86:** RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE, BLOCK 33, LOT 30, 56 CREAMERY ROAD (\$300.00)
12. **\*RESOLUTION 2013-87:** RESOLUTION AUTHORIZING FIRE SAFETY INSPECTION PERMIT REFUND (\$42.00)

Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried, with the exception of \*Resolution 2013-84, for which Mr. Macnow abstained.

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

13. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden advised the NJ Department of Transportation (NJDOT) is accepting applications for the FY 2014 State Aid Programs. The Township Engineer's estimates to pave Laird Road between Phalanx Road and Muhlenbrink Road is \$500,000, while paving Five Point Road from CR 537 to the Colts Neck border is \$800,000. Discussion ensued. The Governing Body selected Laird Road for the FY 2014 NJDOT application. Mr. Bowden will work with the Township Engineer to prepare the application, which must be submitted on-line through SAGE by September 20, 2013.

14. **MOTION TO APPROVE VOUCHERS:** Mayor Fitzgerald stated he reviewed the vouchers and recommends approval, as follows:

Animal Control	\$207.03
Capital Fund	\$78,250.92
Construction Trust	\$26,655.43
Current Fund	\$4,025,383.25
Escrow	\$11,784.49
Grant Fund	\$2,915.08
Trust Fund	\$13,158.03
<b>TOTAL:</b>	<b><u>\$4,158,354.23</u></b>

Mr. Orgo questioned the payment to Growing Concern, Inc. and will speak with Mr. Bowden tomorrow about the line items within this purchase order. Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried. \*Mr. Schatzle abstained from approving payment to T&M Associates and Mr. Macnow abstained from approving payment to Sakoutis Brothers Disposal, Inc.

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

15. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel had no report this evening.

Mr. Macnow had no report this evening.

Mr. Schatzle had no report this evening.

Mr. Orgo reported the Colts Neck Business Association is sponsoring a Pig Roast in Bucks Mill Park September 16<sup>th</sup>.

Mr. Orgo reported the Wildlife Committee residents' survey received 36 responses to date. The survey is sited on the home page of the Township's website ([www-colts-neck.nj.us](http://www-colts-neck.nj.us)) and paper copies are available at Town Hall.

Mr. Orgo reported he attended meetings of the Architectural Review Committee and Planning Board.

Mayor Fitzgerald had no report this evening.

**16. PUBLIC COMMENT**

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

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the funding received from the State for the Phase 1 funding of Laird Road (from CR 537 to Phalanx Road). Mr. Orgo stated the total cost of the project is \$750,000, of which the State provided \$250,000 and the Township will pay \$500,000.

Ms. Elaine Mann, questioned the payment to Colonial Florist on the June 28, 2013 bills list and was advised this was for the Memorial Day Wreath used during the Memorial Day Ceremony. Ms. Mann questioned if the Craft Fair provides its own insurance for this event, to which Mr. Bowden responded in the affirmative. Ms. Mann stated the Colts Neck Fair should reimburse the Township for the total cost of Public Works support during their Fair. Ms. Mann stated she is seeking the attendance figures of the Colts Neck Fair.

Ms. Susan Wilcox, a resident, stated there should be a central place for posting of Township news and events. Mayor Fitzgerald noted the Township website serves that function.

Mr. Charles Camarata, a resident, noted the Township's surplus in 2011 and deficit in 2012 and questioned if that is a critical audit matter. Mayor Fitzgerald responded further detailed review of the numbers would be required to respond. Mr. Camarata requested future Mayors advise the public of the date of audit advertisement in the Asbury Park Press to provide an opportunity to review prior to the public hearing.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

**17.**

**RESOLUTION 2013-88:** EXECUTIVE SESSION was read by title by Mayor Fitzgerald. Mayor Fitzgerald stated the Governing Body is not anticipating returning in Public Session this evening. Mr. Engel made a motion to adjourn to enter into Executive Session, seconded by Mr. Orgo and unanimously carried by voice vote.

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

The public meeting adjourned at 8:05 p.m.

Motion by Mr. Schatzle, seconded by Mr. Engel and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 9:05 p.m.

  
 Robert Bowden, Administrator/Municipal Clerk