

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
OCTOBER 8, 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 led by Boy Scout Troop 290. 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 8, 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, Jarrett Engel and Michael Fitzgerald

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

Absent: None

- 1. APPROVAL OF MEETING MINUTES:** Meeting of September 23, 2014. Mr. Fitzgerald requested the minutes be amended on Page 2, Agenda Item 6, line 4, to include the word "for" after the word "Court" and requested Mr. Oppegaard be sent a copy of the minutes. Mr. Fitzgerald made a motion to approve, as amended, seconded by Mr. Schatzle and unanimously carried.

<b>RECORD OF VOTE</b>						
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						

Counsel Bennett arrived.

- 2. PUBLIC WELCOME:** COLTS NECK BOY SCOUT TROOP 290, PUBLIC SERVICE EDUCATION, MS. ANU AHUWALIA. Mayor Macnow welcomed the Boy Scouts of Troop 290 (Robert Borgia, Joshua Sass, Caleb Sass, Joseph Rinaldi, Coleby Mariner, Robin Hendrickson, Aurovind Ahuwalia, Jana Sass, and Kiki Sass) and parents (Anu Ahuwalia, Diane Rinaldi, Caroline Sass, Christine Aiese, and Heather Mulhern) this evening. Ms. Ahuwalia advised she is the Communications Merit Badge Counselor for Scout Troop 290, and one of the badge requirements is to attend a public meeting, take notes and advise what was learned. Mayor Macnow advised the Scouts may ask questions about the issues discussed tonight during the Public Comment portion of the meeting.
- 3. PRESENTATION:** TELEPHONE AND CABLEVISION LINE MAINTENANCE, MR. JOHN SZELIGA, VERIZON, AND MR. DON VIAPREE, CABLEVISION. Mr. Szeliga advised that at the request of Committeeman Orgo and Mr. Bowden, he is here this evening to discuss Verizon's vegetative management policy in light of the JCP&L directed tree trimming occurring throughout the town. Mr. Szeliga; Mr. Roth, Verizon's State Manager for Operations; Mr. Pierson, Area Supervisor for

Construction; and a Cablevision representative accompanied Mr. Bowden on a drive through Town to view Committeeman Orgo's concerns. Since Mr. Orgo was unavailable, Mr. Szeliga returned to Colts Neck on October 7 with Mr. Shivers, Verizon Area Construction Manager; and Mr. LaMarsh, Verizon Area Construction Supervisor; and accompanied Mr. Orgo on a drive through Town.

Mr. Szeliga stated tree trimming is performed by local government personnel and electric companies; however, Verizon will assist tree removal crews by relieving tension on cables and poles caused by fallen trees and limbs, where necessary. Verizon will also trim branches, limbs and other vegetation, as needed, to protect the safety of its employees when placing new cable and fiber facilities or to otherwise safeguard its plant. Mr. Szeliga stated Verizon diligently responds to calls regarding cables lying on the ground posing a safety risk and/or preventing safe removal of fallen trees or branches. Mr. Szeliga concluded tree trimming maintenance requests are the responsibility of the construction organization determining the appropriate action based on individual case review within Verizon. Mr. Szeliga stated Verizon's property in Colts Neck consists of telephone poles, copper and fiber lines and other equipment; Verizon does not own any trees within the Township. Mr. Szeliga stated it is of no cost benefit for Verizon or the consumer to maintain trees it doesn't own.

Mr. Don Viapree, stated Cablevision agrees with Verizon's policy. Mr. Viapree stated five areas within Town requiring attention that were noted during the drive through were resolved within two days. Mr. Viapree indicated Cablevision does not trim trees. If there is an issue reported, Cablevision technicians will assess the issue and correct it if it is a Cablevision responsibility.

Mr. Orgo questioned Mr. Szeliga about the status of correcting low hanging wires observed in the drive through Town. Mr. Szeliga responded while this issue was reported as corrected, if it was not he will follow up on it. Mr. Fitzgerald asked if there is a plan to replace the older poles in Town and would metal poles be used here as they are used in other sections of the Country. Mr. Szeliga responded he does not know about using metal poles here, but all poles are periodically inspected and metal tags with the inspection date are affixed to the pole.

Mr. Schatzle spoke of aesthetics when tree trimming, noting the Township now has mis-shaped trees resulting from JCP&L certified experienced crews trimming the trees to a certain point. Mr. Schatzle questioned if there were any discussions for shared services between the three companies. Mr. Szeliga responded although he does not disagree with Mr. Schatzle, vegetation does not have an adverse effect on Verizon's service, and stated this is a discussion for JCP&L. Mr. Schatzle stated there are lines left behind and the Township has spent hours and money preparing reports requesting clean-up of the discarded lines. Mr. Schatzle suggested the crew clean up the wires as the work is being done. Mr. Szeliga stated the technicians are supposed to leave the job site tidy. The aerial coils (FIOS) should be neat. Mr. Schatzle stated calls will continue to be made on locations that need to be addressed. Mr. Szeliga stated Verizon has been responsive and will continue to be responsive to the Township.

Mr. Orgo commented that yesterday's drive through Town showed where JCP&L's tree trimming included leaving a stump with a single branch below the power line instead of dropping the entire tree.

Mr. Engel stated both representatives tonight were very forthright and receptive reacting to Superstorm Sandy. Mr. Engel is looking for proactive measures to be taken. Mr. Engel questioned if the people of Colts Neck and the Township Committee should be confident that the poles throughout the community, including the poles marked "SC" for Scobeyville and "AT" for

Atlantic Township will not fall based on the weight of the equipment now installed on them. Mr. Szeliga responded the poles are inspected on a periodic basis and his response to Mr. Engel is yes. Mayor Macnow stated it is the expectation of the Township that Verizon is diligent in replacing the poles when needed. Mr. Orgo stated the weight placed on the poles, which were first installed for electricity, then small telephone equipment, and now the weight of more wiring and equipment may be causing the poles to lean. Mr. Szeliga responded it was important to view the issues together riding through Town, and there are factors that can occur: JCP&L can place additional transformers on top of a Bell Telephone pole and it is incumbent upon JCP&L to replace the pole with a large pole. Discussion ensued regarding a BT pole on Laird Road with a can on the top that was tied to a tree across the road with a JCP&L guide wire. Mr. Orgo provided the information to Mr. Bowden, who had called in the problem. Mr. Orgo was concerned the pole is at such an angle that it is killing the tree.

Mr. Schatzle commented the customers are enjoying the hotspots throughout Town and urged the parks be included for hotspot locations.

Mayor Macnow thanked Mr Szeliga and Mr. Viapree for coming this evening. Mr. Szeliga and Mr. Viapree left the meeting at 7:58 p.m.

4. **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 first reading by Mayor Macnow. Mayor Macnow stated this ordinance makes changes to existing code as far as registering guests and recording information. The revisions were made at the request of the Police Department and the Code Enforcement Officer. Discussion ensued. Mr. Fitzgerald requested the words “bound or secure electronic” be added after “standard” and before the word “hotel register”. In addition, Mr. Fitzgerald requested a clause to waive the occupancy time limit during declared emergencies be added to Subsection 137-2.B., noting this situation occurred during Superstorm Sandy when repair technicians were housed within Colts Neck facilities. Mr. Engel made a motion to approve, as amended, seconded by Mr. Fitzgerald and unanimously carried. Mayor Macnow set the public hearing October 29, 2014.

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

5. **ORDINANCE 2014-19:** AN ORDINANCE ESTABLISHING CHAPTER 172, PROPERTY ABANDONMENT, OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Macnow. PL 2014, c. 35, 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. Discussion ensued. Counsel Bennett advised this legislation provides municipalities with more options in dealing with abandoned properties. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Macnow set the public hearing October 29, 2014.

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

6. **RESOLUTION 2014-109:** APPROVAL TO SUBMIT A GRANT APPLICATION TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2015 NJDOT MUNICIPAL AID ROAD PROGRAM, IMPROVEMENTS TO LAIRD ROAD, PHASE II, was read by title by Mayor Macnow. Mayor Macnow stated the paving of Laird Road from County Road 537 to Phalanx Road was partially funded by a State grant. This resolution approves the submission of a grant application requesting State funding for paving Laird Road from Phalanx Road to Cross Road under the New Jersey Department of Transportation FY 2015 Municipal Trust Fund Program. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

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

\***RESOLUTION 2014-110:** RESOLUTION APPROVING INSERTION OF SPECIAL ITEM OF REVENUE, DRUNK DRIVING ENFORCEMENT FUND GRANT (\$4,967.87)

\***RESOLUTION 2014-111:** RESOLUTION ESTABLISHING HALLOWEEN CURFEW HOURS

\***RESOLUTION 2014-112:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS

\***RESOLUTION 2014-113:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 702, GANA TENNIS COURT, EAGLE NEST ROAD (\$4,125.00)

\***RESOLUTION 2014-114:** RESOLUTION AUTHORIZING REDUCTION OF CASH PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NOS. 701 AND 709, COLTS NECK GOLF COURSE

Mayor Macnow noted the Halloween curfew is established every year for those age 17 and under. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

8. **DISCUSSION:** 2014 BEST PRACTICES INVENTORY. Mr. Bowden stated every municipality must file this annually and must have the equivalent of 41 yes answers or risk losing a portion of State Aid. This year's inventory consisted of 50 questions relating to general management, finance, budget preparation, health insurance and personnel. The response to this year's inventory resulted in 38 yes answers, 5 no answers, 5 not applicable answers (count as yes answers), and 2 prospective answers, which equate to 45 yes answers. Counsel Bennett noted there were 16 new questions added to the Inventory. Mr. Bowden stated he is required to certify the Inventory was discussed at a Township Committee meeting. Mayor Macnow noted the Township receives no State Aid and thanked Mr. Bowden for the work done to complete the 2014 Best Practices Inventory.

9. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening.

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

Animal Control	\$82.89
Capital Fund	\$70,398.68
Construction Trust	\$10,956.41
Current Fund	\$311,130.49
Escrow	\$2,476.00
Law	\$354.90
Trust Fund	\$12,665.03
TOTAL:	\$408,064.40

Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mr. Schatzle abstained from approving payment to T&M Associates \*.

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

11. **TOWNSHIP COMMITTEE REPORTS**

Mr. Orgo reported the Wildlife Committee will meet next week to discuss the recent deer accidents. Mr. Orgo noted more reports of tree stands on Township property are being made and addressed.

Mayor Macnow urged all to be vigilant when on Township roadways as there is heightened deer activity. With the daylight ending earlier, the chance of accidents increase. Mayor Macnow asked all to be alert.

Mr. Orgo reported the windmill is now operational pond side at the Town Hall core site. Mr. Orgo explained the workings of the windmill, which has an air pump on top that is connected to hoses in the ponds, which helps to keep the water cleaner, reduces the amount of algae, and should work to keep the water from freezing.

Mr. Fitzgerald noted resident Frank VanNote was at the last Township Committee meeting requesting two cemeteries in Town be restored. Mr. Fitzgerald asked Mr. Orgo to reach out to Mr. VanNote and advise him the Historic Preservation Committee will be looking into this issue. Mayor Macnow explained there is a cemetery dating back to the 1800s that is in need of care. Mayor Macnow stated Mr. VanNote, a resident, spoke at the last Township Committee meeting about the need for restoration and maintenance of this cemetery and others in Town. Mr. VanNote suggested the Boy Scouts restore and maintain these sites, as had been done in the past. Mayor Macnow stated if the Scouts are interested, the locations of the sites can be provided at Town Hall.

Mr. Engel reported the Alliance discussed a liquid substance in electronic cigarettes that is problematic. Ms. Dedalis is discussing this issue with the County.

Mr. Engel reported the Operation Take Back Collection for expired and/or unwanted prescription and over-the-counter drugs recently held at the Court House was very successful.

Mr. Engel reported the Architectural Review Committee is noticing a trend of new homes being built in Town that are a lot smaller in size (averaging approximately 4,000 sq. ft.).

Mr. Schatzle reported the Health Department is going through an accreditation process through the State and Robert Wood Johnson Foundation. Mr. Schatzle gave kudos to our local Health Department for its work, which will make it possible to receive grants through the Robert Wood Johnson Foundation.

Mr. Schatzle advised the Health Officer is working with the Administrator to develop a preventative maintenance program whereby each year one Township building will be addressed with regard to the HVAC systems, septic systems, drainage fields, filters for water supplies, etc.

Mr. Schatzle stated the First Aid Squad is doing a phenomenal job, and he commended all Township Emergency Services workers for the work they do each day on behalf of the Township.

Mr. Schatzle advised the Historic Preservation Committee discussed the cemetery restoration and maintenance project and requested all interested volunteers contact the Township Administrator's Office, who will coordinate with the Historic Preservation Committee. Mr. Schatzle stated the goal is to document and do justice to these sites.

Mr. Schatzle reported the Historic Preservation Committee is discussing restoration of the mill on Bucks Mill Road in the spring.

Mr. Schatzle urged all to save the date of December 14, 12:00 noon to 4:00 p.m., for a special Christmas celebration at the historic Montrose Road School House; details to follow.

Mr. Schatzle reported the most current information available on the Entero and Ebola Viruses is being posted on the Health Department's section of the Township's website, and the State of New Jersey is tracking this closely throughout the State.

Mr. Schatzle reported the flu shot clinic held at the Seniors meeting was well attended. The second clinic is scheduled for October 15, 9:30 a.m. to 10:30 a.m., at the Court House.

Mayor Macnow reported he and Deputy Mayor Schatzle attended the first annual Colts Neck PBA sponsored run walk to benefit breast cancer research on October 5<sup>th</sup> at Bucks Mill Park. Mayor Macnow noted the event was well run and well attended and included a speaker from Memorial Sloan Kettering Research. Mayor Macnow thanked the Colts Neck High School ROTC for their help at this event. Mayor Macnow commended the PBA for doing a great job.

## 12. PUBLIC COMMENT

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

Ms. Diana Piotrowski, a resident, stated she has a book written by Ed Raynor to which her son contributed which includes information on every cemetery within Colts Neck. Ms. Piotrowski offered to share this information with the Boy Scouts.

Mr. Jeffrey Sauter, a resident, thanked the Boy Scouts for attending tonight's meeting. Mr. Sauter asked Mr. Fitzgerald if the report on legal expenses GRC was prepared. Mayor Macnow stated this was not completed as yet and Mr. Fitzgerald responded someone will get back to Mr. Sauter on this issue. Mr. Sauter questioned if the Township Committee knew Mr. Ackerman attended a recent GRC meeting he attended and questioned the purpose of Mr. Ackerman's presence. Mr. Fitzgerald responded the Township Committee requested Mr. Ackerman attend this meeting once it was known Mr. Sauter was attending. Mayor Macnow stated the Township Committee views this as Mr. Sauter costing the Township money to have Mr. Ackerman represent the Township at that meeting. Mr. Sauter presented a brief overview of OPRA and the GRC. Mr. Fitzgerald stated the OPRA request and the GRC issue Mr. Sauter mentions relates to Mr. Sauter voted out of the Fire Department, suing the Fire Department and the Township, and the lawsuit over records kept by the Fire Department is costing the Township money.

Mr. Michael Viola, a resident, questioned the number of properties abandoned in the Township. Mr. Bowden responded approximately 6. Mr. Viola questioned if the new ordinance will result in the Code Enforcement job becoming a full-time job. Mr. Fitzgerald stated this ordinance will work to correct the bigger problem of abandoned properties in the Town. Mr. Viola stated this is a beautiful town and he would like to keep it beautiful. Counsel Bennett commented if a bank is out of State, they must designate a local contact person to receive the notices and address the issues. If the issues are not corrected, the Township will assess fines. Counsel Bennett stated the purpose is to address the issues of abandoned. Mr. Fitzgerald requested persons call in to report abandoned properties.

Ms. Virginia Amend, a resident and Editor of the Colts Neck Calendar, spoke of the problem experienced by Holmdel when gravestones were plowed down by a developer. Ms. Amend spoke of legislation in North Carolina and urged the Township Committee to write a letter to the Legislature to protect individual graves. Mr. Schatzle commented the

cemetery project discussed tonight does not include disturbing the gravesites.

Mr. Caleb Sass, a Scout Troop member, questioned where the cemetery discussed this evening is located. Mr. Orgo responded Mr. Sass should speak with Mr. Anfuso at Town Hall.

Ms. Dottie Maloney, a resident, questioned if the Township Committee had anything to do with a school possibly closing. Mayor Macnow advised under New Jersey government, there are two separate governing bodies within a municipality. The members of the Board of Education govern the schools and the Township Committee members govern the Township. Members of both governing bodies are elected in November. Mayor Macnow stated there is communication between the two governing bodies, however, each governing body has no say in what the other does. Mr. Schatzle advised there are liaisons to the School Board on the Township Committee (Mayor Macnow and Deputy Mayor Schatzle), and he suggested speaking with Ms. Maloney after the meeting.

Mr. Chuck Camarata, a resident, questioned when Boy Scout Troop 90 changed to Troop 290. Mr. Orgo responded in 1970, everyone from Troop 90 was moved into Troop 290.

Ms. Anuwalia questioned the status of energy aggregation. Mr. Fitzgerald responded the Township now has a contract with ConEdison Solutions to begin in March 2015 for residential customers. If your provider is JCP&L, you are automatically in the Energy Aggregation Program. (Detailed information will be provided via USPS mail to all JCP&L residential customers within the next few months.)

Unidentified Boy Scout questioned if there was time to complete a service project at the cemetery site now. Mayor Macnow and Mr. Fitzgerald responded no, as this is better suited for the spring. Ms. Anuwalia will coordinate with the Scout's Service Project Coordinator.

Unidentified female student questioned which school would be closed. Mr. Schatzle responded the issue is still being studied and there are Board of Education meetings being held at the Conover Road Primary School residents may attend. Mr. Schatzle advised the Conover Road Elementary School is being studied, and students would be transferred to the Primary School and to Cedar Drive School. Mr. Schatzle cautioned this is an on-going discussion and no final decisions have been made.

Unidentified Boy Scout questioned if there are any other service projects requiring clean up. Mayor Macnow stated the Scout's Service Project Coordinator should contact Administrator Bowden to discuss further. Mayor Macnow noted there are always clean-up projects in the spring—the Library, 9/11 Memorial, Memorial Park. Mayor Macnow stated the Township appreciates volunteers as they are the backbone of the community.

Ms. Judy Laufer, a resident, stated Mr. Hennessy (Recreation) also has service projects. Mayor Macnow concurred stating the Scout Service Project Coordinator should work with Mr. Bowden.

Hearing no further comments, Mayor Macnow closed the meeting to public comment. Mayor Macnow stated the Township Committee is not expected to return to Public Session this evening.

13. **RESOLUTION 2014-115:** EXECUTIVE SESSION. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote.

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

The meeting adjourned at 9:04 p.m.

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

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

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

Meeting adjourned at 10:30 p.m.

  
Robert Bowden, Administrator/Municipal Clerk