

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JANUARY 11, 2012  
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 Engel. The following statement was read by Township Clerk Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press on December 14, 2011 stating the meeting of the Colts Neck Township Committee would be held January 11, 2012 at 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 Jarrett Engel; Deputy Mayor Michael Fitzgerald; Committeemen Russell Macnow, James Schatzle and Thomas Orgo

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

Absent: None

1. **ANNOUNCEMENT:** Mayor Engel announced the next Township Committee meeting is Tuesday, January 31, 2012, 7:30 p.m. at Town Hall.
2. **APPROVAL OF MINUTES OF DECEMBER 14, 2011:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Engel, Fitzgerald, Macnow and Schatzle; Mr. Orgo abstained.

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

3. **APPROVAL OF MINUTES OF JANUARY 7, 2012:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

4. **ORDINANCE 2012-1:** AN ORDINANCE ENTITLED THE 2012 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (POLICE CONTRACT) was read by title at first reading by Mayor Engel. Mr. Bowden stated in 2011, the Police agreed to a salary freeze, which saved the Township \$90,000. This ordinance implements the 2011 contract salary in 2012, as they did have one year left on their contract. Mr. Fitzgerald commented the Police

stepped up and agreed to a salary freeze last year to help the Township during difficult times even though they did not have to, as per their union contract. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Engel set the public hearing January 31, 2012.

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

5. **ORDINANCE 2012-2:** AN ORDINANCE AMENDING ORDINANCE NO. 2011-11, GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF COLTS NECK, NEW JERSEY, TO CABLEVISION OF MONMOUTH, LLC was read by title at first reading by Mayor Engel. Mr. Bowden stated there were a few minor revisions required in the previous ordinance to correct Cablevision's name and include the Township address. Mr. Fitzgerald noted a minor revision in Section 21, second line, to correct the spelling of "School". Mr. Fitzgerald made a motion to approve, as amended; seconded by Mr. Macnow and unanimously carried. Mayor Engel set the public hearing January 31, 2012.

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

6. **RESOLUTION 2012-20:** RESOLUTION TO AFFIRM THE TOWNSHIP OF COLTS NECK'S CIVIL RIGHTS POLICY WITH RESPECT TO OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS was read by title by Mayor Engel. Mr. Bowden stated the Joint Insurance Fund (JIF) has advised the passage of this resolution and its compliance will result in lower insurance rates to the Township. Mr. Fitzgerald questioned if the JIF was providing free employee training, to which Mr. Bowden responded in the affirmative. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

7. **MOTION TO ADOPT A CONSENT AGENDA:**
8. **\*RESOLUTION 2012-21:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2011
9. **\*RESOLUTION 2012-22:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE FOR STREET OPENING PERMIT (6 SQUAN SONG LANE)

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

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

Mr. Macnow recused himself and left the building.

10. **DISCUSSION:** ORCHARDS SHOPPING CENTER. Mr. Salvatore Alfieri, Esq. spoke on behalf of the property owner, advising as tenants moved out, vacant properties were unable to be filled due to parking space limitations, as set forth by Township ordinance. Mr. Alfieri's client inadvertently removed one parking island, which violated Township ordinance and requires site plan approval by the Planning Board. The March meeting of the Planning Board is the earliest this issue can be heard. Without temporary relief from the Township Committee, the property owner may lose new tenants. Mr. A.J. Garito spoke on behalf his client, the property owner, about the existing number of parking spaces; the re-striping of the parking lot, which increased the number of employee parking spaces; and the re-striping of three parking spaces still needed. Mr. Garito stated without Governing Body temporary relief, permits and certificates of occupancy cannot be issued. Discussion ensued. Messrs. Fitzgerald and Schatzle were in favor of granting temporary relief. Mr. Alfieri questioned the status of the Governing Body approval to reduce the Letter of Credit to \$54,406.20 and a reduction to the cash guarantee to \$6,045 for his client's performance guarantee, noting the Township Engineer recommended this reduction. Counsel Bennett noted the removal of a landscape island to create an additional off-street parking space violates the site plan and occurred after the issuance of the Township Engineer's recommendation for reduction in the Letter of Credit. Counsel Bennett advised approval would be postponed until the violation is resolved. Mr. Bowden stated the Governing Body would not be taking action on the performance guarantee reduction tonight, and stated the only motion presented would be to grant temporary relief to the property owner to enable building permits and certificates of occupancy issued for new tenants. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Engel, Fitzgerald, Schatzle and Orgo; Mr. Macnow was absent.

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

Mr. Macnow returned to the building and the meeting.

11. **DISCUSSION: ESTABLISH 2012 BUDGET REVIEW SESSIONS.** Mr. Bowden stated the 2012 budget worksheets are 50% completed. He advised the Governing Body normally takes four sessions to complete the review process. Discussion ensued, and the following budget workshop dates and times were agreed upon:

- Wednesday, February 15, 7:00 p.m. to 9:30 p.m.
- Wednesday, February 22, 7:00 p.m. to 9:30 p.m.
- Saturday, February 25, 8:30 a.m. to 12:00 noon
- Saturday, March 3, 8:30 a.m. to 12:00 noon

Mr. Bowden stated all workshop meetings will be held in the Town Hall meeting room, and the public is invited and encouraged to attend. All meeting dates will be published in the Asbury Park Press and posted on the Township website as well as on the official bulletin board at Town Hall.

12. **DISCUSSION: SECTION 125 PLANS, FLEXIBLE SPENDING ACCOUNT.** Mr. Bowden stated with the change in legislation requiring increases in employee contributions toward health insurance, local governments are required to establish Section 125 Plans. The Section 125 Plan provides the mechanism for employees to place pre-tax dollars in a special account to offset certain medical, dependent care, and insurance premium expenses. This is a voluntary benefit to employees. Mr. Bowden provided a sample from one vendor and noted the Finance Officer will be shopping around for vendors. Mr. Bowden stated administrative costs to the Township are approximately \$1,500 per year. Mr. Fitzgerald stated he is in favor of bidding for this service. Mayor Engel stated training is essential, and he wants to ensure employees are adequately trained by the vendor on usage.

13. **DISCUSSION: FILM PERMIT ORDINANCE.** Mr. Bowden stated the Governing Body discussed this at the end of 2011 as a result of filming in Town. Counsel Bennett stated the definition of filmmaking was omitted from the last version and is now included in the draft ordinance. Discussion ensued. Mr. Fitzgerald questioned the definition of "educational use". Mr. Fitzgerald noted this does not address larger scale productions. Counsel Bennett was asked to revise the ordinance to give the Administrator more discretion in setting fees based on the direct cost to the Township, and a range of fees should be included. Mr. Bowden stated this will be placed on a future agenda for further discussion.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his Administrative Report. Mr. Bowden noted the recording system in the Municipal Court has been in operation in the Court for many years and needs to be replaced. An alternative to purchasing a new system (estimated cost \$5,000 - \$7,000) is the purchase of Atlantic Highland's system for a cost of \$1,500. By unanimous agreement of the Government Body, Mr. Bowden was requested to proceed with the acquisition of the Atlantic Highlands recording system.

Mr. Bowden stated the Monmouth County Park System (MCPS) is planning the 36<sup>th</sup> Annual E. Murray Todd Half Marathon for Sunday, March 4, 2012. A portion of the event passes through Colts Neck (Willowbrook Road, Cross Road, Laird Road, and Longbridge Road), and the MCPS is seeking approval to stage this running event, noting they will coordinate with local police and first aid. Mr. Macnow 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 Engel			X			
Fitzgerald			X			
Macnow	M		X			
Schatzle			X			
Orgo		S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

15. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald reviewed the vouchers and stated he recommends approval as follows:

Animal Control	\$430.78
Capital Fund	\$1,908.50
Construction Trust	\$10,809.12
Current Fund	\$222,582.95
Escrow	\$8,900.00
Grant Fund	\$289.16
Trust Fund	\$7,582.95
<b>TOTAL APPROVED:</b>	<b>\$252,503.46</b>

Mr. Schatzle made a motion to approve, seconded by Mr. Orgo, and unanimously carried. Mr. Macnow abstained from approving any T&M Associates bills.

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

16. **TOWNSHIP COMMITTEE REPORTS**

Mr. Orgo reported he and Mr. Fitzgerald attended the Senior Citizens meeting and heard their concerns.

Mr. Orgo stated he attended the scheduled Farmland and Open Space meeting; however, due to lack of a quorum, the meeting was re-scheduled to Monday, January 30, 2012.

Mr. Orgo reported the Colts Neck Business Association (CNBA) luncheon is scheduled for January 24, 2012 at the Colts Neck Inn. Mr. Orgo stated tickets are available at Township businesses and on the CNBA website.

Mr. Schatzle reported there were 843 First Aid calls in 2011, and calls are increasing over the years.

Mr. Schatzle reported the State bill to restructure EMS was conditionally vetoed by the Governor. Mr. Schatzle stated this will not affect Colts Neck, as it is already at the standards set in the vetoed bill.

Mr. Schatzle stated the Board of Health did not meet in January.

Mr. Schatzle stated without snow storms, the Public Works staff is continuing to collect leaves. Temporary workers have been hired to work with Township staff and expedite leaf collection by having more vehicles involved with the leaf collection.

Mr. Schatzle reported Detective Sergeant Joseph Whitehead will be retiring from the Colts Neck Police Department next Tuesday. The Township Committee will be acknowledging his years of service to the Township at a future meeting.

Mr. Macnow had no report this evening.

Mr. Fitzgerald had no report this evening.

Mayor Engel stated the Township Committee reorganization meeting was well attended by Township volunteers and the public. Mayor Engel thanked the public for attending meeting after meeting of the Township Committee.

#### 17. COMMENTS FROM THE PUBLIC

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

Ms. Elaine Mann, a resident, questioned the need for a film permit. Counsel Bennett responded if the production is shown in a public theatre, a film permit is required. Ms. Mann stated the Clean Communities Program can fund the making of "no littering" signs, which must cite the two Township ordinances pertaining to littering and fines. Ms. Mann suggested placing signs on Five Point Road and on the main roads entering the Township. Ms. Mann stated Public Works is equipped to make the signs and should bill the costs to Clean Communities. Mr. Bowden stated to continue to receive Clean Communities grant funding, two Township clean up days may be required. Ms. Mann questioned the policies for Senior Citizens program funding. Ms. Mann stated she attends Senior Citizens meetings and stated the participating Seniors are paying 20% toward trips and questioned who was paying the 80%. Ms. Mann stated the Seniors are planning a trip to Cape Cod for 41 seniors while there are 211 seniors in the Senior Citizens club. Ms. Mann then gave a personal check to the Governing Body for the balance of the cost of a luncheon she attended estimated to cost \$35 per person, for which \$15 was collected per attendee.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the Office of Emergency Management order to open Colts Neck High School (CNHS) during the Hurricane Irene emergency. Counsel Bennett responded the Freehold Regional Board of Education has jurisdiction over CNHS, and they would have the answer; he did not know. Ms. Amend suggested more than two people be placed on the Township's Emergency Management Committee. Mr. Schatzle responded stating by law, only two people could represent Colts Neck in the County/State/Federal OEM System. Mr. Schatzle stated each municipality is required to have an Emergency Management Plan, and each plan needs periodic updating, which is approved by the County. Ms. Amend questioned if the First Aid Building was used in accordance with the Plan. Mr. Schatzle responded there is local flexibility. Ms. Amend stated she spoke with someone who expressed how well run the First Aid Station was during the hurricane emergency. Mr. Schatzle stated that the comfort stations were operational within four hours of idea conception. He thanked Ms. Amend for relaying this information and noted the Township's Emergency Preparedness Committee is comprised of five residents. Table top exercises are conducted routinely to keep emergency response skills sharp.

Mr. Jack Zumba, a resident, stated the community should be notified leaves are still being picked up. Mr. Bowden stated the Public Works staff are returning to the Clover Hill section since their first collection was early in October and many of the leaves had not fallen. Mr. Zumba expressed concern regarding Senior Citizens Club funding based on an article appearing in the

Colts Neck Calendar, and suggested using zero based budgeting during the budget allocation process.

Mr. Chuck Camarata, a resident, questioned the overall transfer of funds into the legal services budget category and requested details for each of the transfers. Mr. Bowden stated he can provide Mr. Camarata with the details and suggested Mr. Camarata visit him during the work day.

Mr. Vince Domidion, a resident, commented that the film ordinance should include charges for specific locations, similar to the Recreation fees. Mr. Domidion agreed with the Governing Body approval of temporary relief for the Orchards Shopping Center tonight. Mr. Domidion noted he is opposed to the deregulation of basic telephone service, since most basic land line users are seniors. Mr. Domidion will be researching this issue further and is seeking Governing Body support opposing deregulation.

Mr. John Walsh, President of Colts Neck Senior Citizens Club and a resident, stated Ms. Mann was incorrect in her statements pertaining to the Seniors Cape Cod trip. Mr. Walsh stated 85% of the trip costs were paid by the attendees. Mr. Walsh spoke of the recent comments in the Colts Neck Calendar and noted participants routinely pay 85% of trip costs. Mr. Walsh noted Ms. Mann took part in computer classes, which are funded by the Senior Citizens Club for its members. Mr. Walsh stated recreation may be expensive to some; however over 300 persons in the Senior Citizens Club are taxpayers. Mr. Walsh stated the Township Committee made a platform to support the Seniors. Mr. Schatzle stated surrounding municipalities have senior centers, Colts Neck does not and the Senior Club must pay for use of its meeting space at the local school. Ms. Mann stated the cost at the school is \$750 per month for Senior meeting space.

Ms. Amend stated it is difficult to determine what bills are being paid since they are not listed on the meeting agenda. Mr. Bowden responded the agenda as well as all ordinances, resolutions and a complete bill list are posted on the Township's website days prior to the meeting. In addition, all documents are posted on the official bulletin board at Town Hall for the entire day of the Township Committee meeting. Mr. Bowden stated the full postings have been shown on the website since the website format was revised (well over one year), and the Town Hall bulletin board postings have been done for many years.

Mr. Camarata questioned who in Town Hall had the oversight that the minor violations occurring at the Orchards Shopping Center don't happen. Mr. Fitzgerald stated Mr. Anfusio saw the violations and stopped it. Mr. Camarata stated the "no left turn" sign formerly located at the corner of Heyers Mill Road and Route 537 is missing as well as a stop sign that was formerly in the Orchards Shopping Center.

Dr. Jeffrey Marvin, a resident, questioned if a resident can introduce an ordinance. Counsel Bennett responded the Township's form of government does not permit initiative.

Hearing no further comments, Mayor Engel closed the meeting.

18. **RESOLUTION 2012-23: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote. Mr. Bowden stated the Governing Body was not anticipated to return in public session for formal action this evening.

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

The public meeting adjourned at 8:55 p.m.

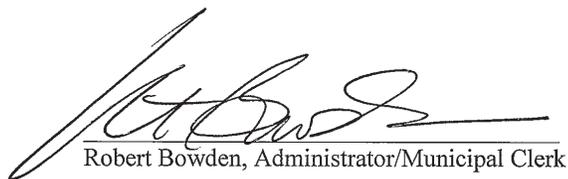
Motion by Mr. Schatzle, seconded by Mr. Macnow, and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 10:20 p.m.



Robert Bowden, Administrator/Municipal Clerk