TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
APRIL 9, 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 April 9, 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 (arriving late) and Jarrett Engel

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

Absent: None

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1. **APPROVAL OF MINUTES:** MEETING OF MARCH 26, 2014. Mayor Macnow asked for comments; hearing none, Mayor Macnow asked for a motion to approve. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and carried by Mayor Macnow, Messrs. Schatzle and Engel; Mr. Fitzgerald abstained.

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

Mr. Orgo arrived at 7:32 p.m.

2. **MAYOR'S PROCLAMATION:** WEEK OF THE YOUNG CHILD™ Mayor Macnow read the proclamation in full. April 13 to 19, 2014 is proclaimed as the Week of the Young Child within the Township of Colts Neck, which recognizes and thanks teachers and others who make a difference in the lives of young children in Colts Neck. Reverent Scott Brown and Ms. Stacy Savage from the Colts Neck Reformed Church, teachers, parents and students were present to witness this proclamation, and photographs were taken. All present received a round of applause.

3. **INTRODUCTION OF BOARD OF EDUCATION PRESIDENT, FRED GARBER.** Mayor Macnow introduced Mr. Garber, Schools Superintendent Dr. Fredrik Oberkehr, and Board Members Ms. Kimberly Eydelman and Mr. Joseph Cammarata. Mayor Macnow spoke of the close working relationship between the Local School Board and the Township. Mr. Garber thanked Mayor Macnow, the Township Committee, and the Police Department for working together with the Local School Board over the past years, and most recentlywith the school safety initiative. Mayor Macnow thanked all present this evening for taking time out of their busy lives to be here this evening and also for their volunteer service to the community.

4. **PRESENTATION:** APPOINTMENT – EMPLOYMENT OF NEW COLTS NECK POLICE OFFICER, MR. JOSEPH L. MASON. Mayor Macnow turned the presentation over to Police Chief Kevin Sauter. Chief Sauter provided Mr. Mason's background and noted he is currently working as a Class II Police Officer in Aberdeen Township. Chief Sauter noted the hiring of Mr. Mason, a life-long resident of Monmouth County, would fill the vacancy left by Officer Wetzel's retirement after 25 years of service to the Township. Pending Township Committee approval, Mr. Mason is scheduled to begin full-time employment with the Field Training Officer shortly. Mayor Macnow welcomed Mr. Joseph Mason noting Colts Neck is a great place to live and a great place to work.

5. **RESOLUTION 2014-53:** RESOLUTION CONFIRMING APPOINTMENT OF COLTS NECK POLICE OFFICER, MR. JOSEPH L. MASON was read by title by Mayor Macnow, which confirms the appointment as a Patrolman, effective April 14, 2014. 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	

6. **SWEARING IN OF OFFICER MASON:** Mayor Macnow swore in Mr. Joseph L. Mason while his mother, Mary Mason, held the bible. Ms. Samantha McWilliams pinned his badge. Officer Mason received a round of applause from all present and photographs were taken.

Mayor Macnow called a short recess; then resumed the meeting at 7:50 p.m.

7. **ORDINANCE 2014-7:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173 PROPERTY MAINTENANCE, SUBSECTION 17 REMOVAL OF BRANCHES AND TREES, OF THE CODE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY was read by title at second reading by Mayor Macnow. Mr. Schatzle questioned §173-17.I., which addresses approval by the property owner for placement of brush on an adjoining property. Mayor Macnow noted this section should eliminate placement of brush on properties other than one's own without approval. Hearing no further comments, Mayor Macnow opened the public hearing.

Mr. Paul Daniele, a resident, questioned the rationale for this ordinance. Mayor Macnow stated current code lacks enforceability, and this ordinance provides a penalty provision. Mayor Macnow noted the Township does not seek to be punitive; however, in recent years, there have been increasing abuses of the volume and timing of brush and leaves placed curbside. Mr. Daniele questioned if property owners with many trees would have a problem with brush collection. Mayor Macnow responded Long Range Planning reviewed the codes of other municipalities in formulating this ordinance. The Township is seeking to correct the practice of placing brush curbside and in the roadways year-round when no collections are scheduled. Mayor Macnow advised the intent is not to punish residents, but there are abuses evidenced over the last couple of years. Mr. Engel stated the past abuses have caused brush collection delays to all residents throughout the Township.

Mr. Philip Shepel, a resident, stated he has a lot of trees and was directed by the Shade Tree Commission to plant more trees. Mr. Shepel stated he has more limbs and brush to dispose of than others and questioned if a drop off location could be established within the Township. Mr. Fitzgerald responded the ordinance is a combination of many towns' ordinances. Mayor Macnow stated there are no plans for a drop off location due to space limitations and the potential for abuse of an unmanned facility. Mr. Schatzle noted the maximum brush limitation of 20 cubic yards is the size of one large roll off container. Mr. Orgo stated last year, seven brush filled containers at one location were collected in one day. Mr. Orgo clarified brush collection is not intended for land clearing. Brush collection is to collect what has fallen, not an adjunct to landscaping.

Ms. Elaine Mann, a resident and Clean Communities Coordinator, stated the ordinance clarifies what to do and addresses how far to place brush from storm drains. Ms. Mann stated this is a good ordinance.

Mr. Daniele questioned if residents would be given a warning prior to summons issuance. Mayor Macnow stated the ordinance would be effective July 1, 2014, and a newsletter and website posting will be made prior to July 1 to educate the public. Mr. Engel noted landscapers need to be educated also.

Mr. Vince Domidion, a resident and Monmouth County Planning Board Chair, commented the Township is dealing with residents blocking streets and storm drains and placing large volumes of brush out after collection.

Mr. Shepel noted only one week is allowed to place leaves for collection, which might be difficult for residents doing the task themselves. Mr. Orgo responded while only one week is scheduled for leaf collection in the spring, there are multiple weeks for leaf collection in the fall.

Mr. Jeff Sauter, a resident, commented one week may pose a problem and may be difficult for someone to place leaves out one week before collection.

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

8. **ORDINANCE 2014-8:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 173, PROPERTY MAINTENANCE, SUBSECTION 16, REMOVAL OF LEAVES, OF THE CODE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY was read by title at second reading by Mayor Macnow. Hearing no comments from the Governing Body, Mayor Macnow opened the public hearing.

Mr. Vince Domidion stated this is a good ordinance and it is very timely.

Mr. Philip Shepel stated one week is not enough time to put out leaves.

Mr. Jeff Sauter stated one week may be tough to put out leaves.

Mr. Daniele stated he agrees leaves cannot be left on the curb.

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

9. **ORDINANCE 2014-10:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 222, ARTICLE I, SECTION 36, SCHEDULE XII ENTITLED "LEFT TURN PROHIBITIONS" was read by title at first reading by Mayor Macnow. Mr. Bowden advised the conditional approval of Huddy's Inn by the Monmouth County Planning Board (MCPB) requires the Township Committee to adopt an ordinance prohibiting left turns onto the westerly driveway for the new restaurant. The MCPB will not grant final approval to the project or allow installation of road improvements along Route 537 until it receives the adopted ordinance. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Macnow set the public hearing May 14, 2014.

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		

10. **ORDINANCE 2014-11:** AN ORDINANCE AMENDING AND REVISING CHAPTER 51-2, POLICE DEPARTMENT APPROPRIATE AUTHORITY, OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Macnow. Mayor Macnow advised the ordinance changes the "appropriate authority" from the Township Administrator to the Township Committee. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Macnow set the public hearing May 14, 2014.

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		

11. **RESOLUTION 2014-54:** RESOLUTION AUTHORIZING THE AWARD OF CONTRACT WITH REALTY DATA SYSTEMS, LLC TO IMPLEMENT THE ASSESSMENT DEMONSTRATION PROGRAM AND PERFORM 20 PERCENT REASESSMENT INSPECTIONS FOR FIVE YEARS (2014 THROUGH 2018) was read by title by Mayor Macnow. Mr. Bowden stated the contract amount is $83,832 and is awarded without

competitive bidding as a professional services contract. Competitive proposals were requested, and the quote from Realty Data Systems, LLC was the only one received. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Macnow, Schatzle, Orgo and Engel; Mr. Fitzgerald abstained.

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	

12. **RESOLUTION 2014-55:** RESOLUTION URGING THE NEW JERSEY LEGISLATURE AND THE GOVERNOR TO ACCEPT THE INVITATION OF THE SUPREME COURT TO ENACT LEGISLATION TO ESTABLISH A NEW APPROACH TO AFFORDABLE HOUSING IN OUR STATE was read by title by Mayor Macnow. Mayor Macnow advised the State Supreme Court decision gave COAH until May 1, 2014 to propose new regulations and until October 22, 2014 to adopt them before COAH's deadline to adopt the new regulations for compliance by all municipalities. Mayor Macnow stated Counsel Steib provided this resolution adopted by Rumson, urging the Governor and Legislature to ease the previously unrealistic affordable housing burdens on municipalities. 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	

13. **RESOLUTION 2014-56:** RESOLUTION URGING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING TO PROMULGATE REGULATIONS IN ACCORDANCE WITH THE SCHEDULE THE NEW JERSEY SUPREME COURT ESTABLISHED ON MARCH 14, 2014 was read by title by Mayor Macnow. This is the companion resolution to Resolution 2014-55. Mayor Macnow stated if COAH misses the deadlines established by the Supreme Court opinion of March 14, 2014, the Supreme Court made it clear it would entertain applications on a case-by-case basis to permit developers to bring builder's remedy suits against any of the 315 municipalities that fail to comply voluntarily under the protective umbrella of COAH's jurisdiction. By complying with the deadlines COAH can eliminate the risk of builder's remedy lawsuits. 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	

14. **RESOLUTION 2014-57:** RESOLUTION SUPPORTING SENATE NO. 1613, SURPLUS STATE POLICE VEHICLES was read by title by Mayor Macnow. Mayor Macnow stated this legislation would require the State to offer surplus State Police vehicles to volunteer fire companies, fire police and first aid squads at no cost to these organizations. 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		

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

16. ***RESOLUTION 2014-58:** RESOLUTION AUTHORIZING RELEASE OF APPLICATION ESCROW FEES, PLANNING BOARD APPLICATION NO. 565 (ABBATIELLO – STONE HILL ROAD)

Mr. Fitzgerald noted the amount to be released is $574.10. 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		

17. **DISCUSSION:** DRAFT ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 DEVELOPMENT REGULATIONS, ARTICLE IV, SECTION 102-8, ENTITLED "ZONING BOARD OF ADJUSTMENT". Mr. Bowden advised this ordinance would limit the number of variance extensions granted for good cause not to exceed three one-year extensions, effective July 1, 2014. The Governing Body concurred, and Mr. Bowden advised this ordinance will be placed on the April 30, 2014 agenda for introduction.

18. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden advised the Lions Club is holding their annual Derby Day wine tasting event and has requested Governing Body approval for this event at the Bucks Mill Park Community Center. Mr. Bowden stated a Certificate of Insurance naming the Township as additional insured will be provided. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote.

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		

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

Animal Control	$124.28
Capital Fund	$25,628.18
Construction Trust	$11,657.67
Current Fund	$2,657,079.82
Grant Fund	$960.71
Tax Collectors Trust	$57,149.14
Trust Fund	$10,247.07
TOTAL:	$2,762,846.87

Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Macnow abstained from approving payment to Mazzara Trucking & Excavation*; 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		

20. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel reported the Alliance for Drug and Alcohol Abuse is teaming up with the Police Department on Saturday, April 26, as part of the National "Operation Take Back" initiative to collect unwanted/expired prescription and over-the-counter medications at the Colts Neck Court House, between the hours of 10:00 a.m. and 2:00 p.m. Mr. Engel advised the medications collected will be disposed of safely.

Mr. Schatzle reported the Colts Neck Fair is being held July 10 through 13, 2014 at Bucks Mill Park. Mr. Schatzle advised the large rides will be part of this year's Fair. Mr. Schatzle showed the printed information on becoming a Fair volunteer and/or sponsor, which are now available at the front counter at Town Hall and on the Township's website. All are urged to participate to make this year's Fair a success.

Mr. Orgo reported the Colts Neck Business Association met this morning and is planning a business card exchange in the near future.

Mr. Orgo reported the Arbor Day commemoration will be held at Town Hall on Saturday, April 26, at 10:00 a.m. All are invited and encouraged to attend this Shade Tree Commission sponsored event.

Mr. Fitzgerald reported coordination will be sought between the Planning Board and Shade Tree Commission pertaining to the number of parking spaces needed and trees required to be planted at the new Huddy's location.

Mr. Fitzgerald reported he attended a Local School Board meeting recently and good things are happening with regard to cooperation between the Township and the Local School Board. Mr. Fitzgerald noted this is very positive for the community.

Mayor Macnow reported he also attended the Local School Board meeting and mirrored Mr. Fitzgerald's positive report on the cooperation evidenced between the two groups.

Mayor Macnow reported four members of the Governing Body attended Baseball Opening Day, and Ms. Jacqui Lee sang the National Anthem. Mayor Macnow noted Mr. Schatzle is coaching two teams this year, and two Police Officers were on the field. Mayor Macnow announced Ms. Jacqui Lee is planning to sing at the Memorial Day Parade, which is just around the corner. Mayor Macnow gave kudos to all who worked so hard to prepare the fields for this year's game season.

21. PUBLIC COMMENT

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

Ms. Elaine Mann reported she attended the Earth Day Summit, during which she was advised by Ms. Sandy Huber 25 percent of the Clean Communities budget can be made available for snow removal, leaf removal and restoration of Superstorm Sandy damage. Ms. Mann will be requesting written parameters from Ms. Huber. Ms. Mann spoke of a DEP proposal for recycling business and residential food waste, which can result in funds sent to the Township of $2,000 to $10,000 depending on the volume recycled. Mayor Macnow questioned how the Township can qualify. Ms. Mann stated she will gather more information and suggested the schools, major restaurants and golf courses within the Township could be involved. Ms. Mann reported those seeking to recycle hazardous waste in Tinton Falls no longer require appointments. Ms. Mann reported Ms. Huber is seeking to clean up 360 streams within the State. Ms. Mann is working with local schools to join in this initiative and have students clean up streams and the pond behind the Conover Road School.

Mr. Fulton Wilcox, a resident, questioned the 20% reassessment of properties within the Township. Mr. Bowden advised 20% of properties will be inspected each year and in 5 years, 100% of the Township properties will be inspected. The results of the inspections will be provided to the Township Tax Assessor.

Mr. Vince Domidion requested copies of Resolutions 2014-55 and 2014-56 be sent to the Monmouth County Planning Board. Mr. Bowden responded in the affirmative. Mr. Domidion questioned tonight's discussion ordinance pertaining to Zoning Board extensions. Mr. Orgo responded this is more for an individual and would limit the number of variances per application obtained for a residence.

Mr. Jeffrey Sauter, stated the Township Committee minutes do not fully or accurately reflect what he has stated during meetings. Mr. Sauter read a prepared letter, dated April 8, 2014, to Mayor Macnow, a copy of which is on file in the Office of the Municipal Clerk.

Ms. Elaine Mann questioned if the contract awarded under Resolution 2014-54 this evening was $83,832 for a five-year period or $83,832 per year for five years. Mr. Bowden responded it is $83,832 for the five year period of the contract.

Hearing no further comments, Mayor Macnow closed the public comment portion of this meeting.

22. **MOTION TO ADJOURN:** Mayor Macnow advised an Executive Session is not needed this evening. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote.

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	

The meeting adjourned at 8:35 p.m.

Robert Bowden, Administrator/Municipal Clerk