

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JUNE 29, 2011  
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 Schatzle followed by a salute to the flag. 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 8, 2010 stating the meeting of the Colts Neck Township Committee would be held on June 29, 2011 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 James Schatzle, Deputy Mayor Jarrett Engel, Committeemen Edward Eastman, Jr., Michael Fitzgerald, and Russell Macnow.

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

Absent: None

1. **ANNOUNCEMENT: SUMMER TOWNSHIP COMMITTEE MEETING SCHEDULE.** Mayor Schatzle announced two Township Committee meetings would be held during the summer months on July 13, and August 10, at 7:30 p.m. The two meetings per month schedule resumes in September.
2. **APPROVAL OF MINUTES OF JUNE 8, 2011:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

Mr. Eastman recused himself and left the building at 7:32 p.m.

3. **PRESENTATION: AFFORDABLE HOUSING ORDINANCE AMENDMENTS.** Mr. John Guinco, Esq., represents clients to develop Overbrook Farm, and is requesting the Township Committee consider amending the Affordable Housing Ordinance to meet the affordable housing obligation by providing a group home for developmentally disabled individuals. In lieu of providing eight affordable housing units, the developer is agreeable to dedicate a lot of not less than ten acres for future development of a group home. Mr. Guinco stated preliminary discussions with neighbors have resulted in favorable reviews for the group home, as opposed to the eight affordable housing units. Mr. Guinco's clients met with Mr. Anfuso, who believes this is a suitable means to achieve COAH compliance, provided the Governing Body is willing to amend the existing ordinance. Mr. Guinco stated the developer would donate a 12.1 acre lot for the group home, the United Way would raise funds to develop and build the group home, and New Horizon would operate the group home. Counsel Bennett stated the current ordinance would need to be revised since it does not reflect the credits that

would be granted the municipality for the provision and development of a group home under COAH guidelines. Mr. Fitzgerald questioned why this couldn't be done through a developer's agreement. Mr. Guinco stated Mr. Tom Thomas thought the developer's agreement could be suitable. Mr. Macnow questioned the potential impact on the plan presented this evening if COAH regulations are revised. Mr. Guinco stated he was unsure but thinks there will always be an affordable housing obligation. Counsel Bennett stated if the ordinance is revised and the land is donated for the group home, only a group home would be permitted. Mr. Guinco stated any change in pending plans would need concurrence of the Governing Body. Mr. Vince Scanelli, a resident and local business owner, provided his perspective, the need for this type housing in the area, and his knowledge of both the United Way funding and New Horizon programming. Mr. Tom Toronto, United Way, and Ms. Shari DePalma, Madeline Corporation, were present this evening. Mr. Bowden questioned if there were not enough residents or the funding couldn't be sustained, what happens to the property. Mr. Toronto stated the property is deed restricted for 30 years. Mr. Kenneth Pape was present and represented the neighboring homeowners this evening. Mr. Anfuso stated changing the growth share ordinance would be a simple process. Mr. Anfuso questioned when the developer's obligation ends, at donation of land or at completion of project? Mr. Anfuso stated if the ordinance is not changed, the Planning Board would have no jurisdiction; the Zoning Board would have jurisdiction. Counsel Bennett questioned if an ordinance revision can be superseded by a developer's agreement. Mr. Anfuso was unsure. Counsel Bennett stated if the consensus is to have this done by developer's agreement, go that route; if not, have an ordinance revision ready for a future meeting. Mr. Fitzgerald stated he is not in favor of an ordinance change and favors a developer's agreement, noting he does not want to change life as we know it in Colts Neck. Mr. Guinco requested that the Governing Body request the Township Engineer prepare the plot plan and septic plan. Counsel Bennett and Mr. Anfuso will meet and make a recommendation to the Governing Body on the decision to revise the ordinance or proceed with the developer's agreement.

Mayor Schatzle called a five minute recess at 8:35 p.m.

Mr. Eastman returned to the building and the meeting.

Mayor Schatzle reconvened the meeting at 8:40 p.m.

4. **PRESENTATION:** WIND ENERGY ORDINANCE. Mr. Anfuso advised Long Range Planning developed a draft Wind Energy Ordinance in response to a Municipal Land Use Law amendment that provides municipalities shall not unreasonably limit installations of small wind energy systems. Since the Township does not have regulations controlling small wind generating systems, the State's law is controlling, and there is currently no height limits for windmills in the Township. The draft ordinance promotes renewable energy sources while balancing provisions to ensure the safe operation of small wind energy systems. The draft ordinance has a solar component for business and industrial zones, and mirrors the residential zone wording. The draft ordinance is recommended by the Environmental Commission. Mr. Fitzgerald stated the Business Association saw this as an issue, and this is a great place to start. Mr. Bowden stated with tonight's consensus, the ordinance will be on the next agenda.
  
5. **PRESENTATION:** AMENDMENTS TO LIGHT INDUSTRIAL DISTRICT ZONE. Mr. Anfuso stated the Master Plan Re-examination Report of February 2010 reviewed the listing of permitted principal uses in the D, Light Industrial District and concluded the zone permits several more intense activities than is what is currently occurring. The new and more intense uses are not consistent with the Township's long term plan for the D Zone. The Master Plan Re-examination Report recommends the listing of

permitted principal uses and schedule of yard, area and building requirements be reviewed to eliminate these more intensive uses. The D Zone is limited to Laird & Company, which was established in 1717. The intent of the proposed amendment is to maintain Laird & Company as a conforming use, would not affect Laird & Company's day-to-day operations, and would prevent the property from being converted into a different and more intense land use. Mr. Anfuso stated he met with Mr. Laird, who is concerned with reducing lot coverage/floor area ratio. The survey is being reviewed to determine if revisions need to be made. Counsel Bennett questioned if language could be added to address existing use, and facilities are grandfathered in the event of casualty loss. Mr. Larry Laird and Mr. Pete Sokol were present this evening. Mr. Sokol stated while the ordinance seems very constraining, they are not prepared to discuss it in detail this evening. Mr. Anfuso stated there is no rush in moving forward. Review and discussion will continue with Mr. Anfuso and Laird & Company.

Mr. Anfuso left the meeting at 8:55 p.m.

6. **RESOLUTION 2011-85:** RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES was read by title by Mayor Schatzle. Mr. Bowden stated this resolution is the annual renewal of all Township liquor licenses for the 2011 to 2012 term as well as the renewal of a license for the 2010 to 2011 term for the A.M. Rose, Inc. license. Mr. Bowden stated all paperwork is in order and tax clearance certificates were received for all license renewals. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

7. **RESOLUTION 2011-72:** RESOLUTION APPROVING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 1309-33-005-002, TRADING AS GREEN MEADOWS RESTAURANT AND BAR, FROM EUGENE M. AND FERN L. SZALANKIEWICZ TO MY FIZZ, LLC was read by title by Mayor Schatzle. Mr. Bowden stated all paperwork is in order and the Tax Clearance Certificate was received. The principals are moving from individual ownership to an LLC ownership of this license. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

8. **RESOLUTION 2011-86:** RESOLUTION SUPPORTING SENATE BILL NO. 2444 AND ASSEMBLY BILL NO. 3537 PERTAINING TO FORECLOSED PROPERTY was read by title by Mayor Schatzle. Mayor Schatzle stated this legislation requires owners of property acquired through foreclosure or Sheriff's sale to notify the Township with contact information. Mr. Eastman commented a three-day notification requirement places more

burden on the foreclosing parties, but does have benefit to the municipality. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and carried by Messrs. Schatzle, Engel, Fitzgerald and Macnow; Mr. Eastman opposed.

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

9. **MOTION TO APPROVE CONSENT AGENDA:**

10. **\*RESOLUTION 2011-87:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS.

11. **\*RESOLUTION 2011-88:** RESOLUTION AUTHORIZING REFUND OF PERMIT FEE – MONMOUTH COUNTY PARK SYSTEM.

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 Schatzle			X			
Deputy Mayor Engel			X			
Eastman			X			
Fitzgerald		M	X			
Macnow		S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

12. **DISCUSSION:** OPEN SPACE REFERENDUM FOR NOVEMBER BALLOT. Mayor Schatzle stated a referendum question was being proposed for inclusion on the November ballot and then read the draft referendum question. Mayor Schatzle then opened the meeting to public comment.

Ms. Doris Resh, a resident, stated she was very unhappy with the proposed referendum and stated this was not the intended purpose of the Open Space Tax. Mayor Schatzle responded noting based on legislation, this would be a legitimate use of these funds.

Mr. Richard Malinowski, a resident and Chair of the Farmland Preservation Committee, stated the Farmland Committee is overwhelmingly against this proposed change, noting the benefits to the community of land not developed.

Mr. Thomas Morin, a resident and Vice-Chair of the Farmland Preservation Committee, stated the proposed referendum was discussed at the last Farmland meeting, and members felt this was not a good use of the dedicated tax funds going forward. Mr. Morin stated the dedicated tax should be used to purchase open space rather than for recreation maintenance.

Mr. Thomas Orgo, a resident and member of the Farmland Preservation Committee, likened this to a shell game of moving money. Mr. Orgo stated in 2012-2013, the dedicated tax funds should be used to repay debt.

Mr. John Jacoby, a resident and member of the Farmland Preservation Committee, discussed the results of the detailed analysis performed, which highlighted the significant impact on the community by preservation of farmland and open space.

Mr. Macnow stated Colts Neck Soccer is playing on Middletown fields. Mr. Macnow stated it is an important issue for voters to determine how the funds will be used.

Mr. Malinowski stated the Farmland Committee members have expressed their opinions, and each member has put time into the Committee to keep the Township bucolic. Mr. Malinowski stated it is wise not to mortgage the future, noting the final impact of this referendum is not taking this into account. Mr. Malinowski is against dipping into preservation funds.

Mr. Richard Rehm, a resident and member of the Farmland Preservation Committee, stated the Township owes a lot of money and needs to pay its debts. Mr. Rehm questioned if 20% of the dedicated tax were used for recreation, would funds be available if property becomes available.

Ms. Elaine Mann, a resident, stated when the dedicated tax was originally established, it was for farmland preservation. It was then expanded to historic preservation. Now it is proposed for use for recreation. Ms. Mann questioned how many more uses of these funds would be proposed. Ms. Mann stated Middletown has financial issues, and this Township should focus on roads.

Mr. A.J. Garito, a resident and Sports Foundation officer, stated when he was young, the Township's fields were similar to other towns. Now, the Township's fields are terrible compared to surrounding towns. There is no in-ground irrigation, and fields are not graded properly. Mr. Garito stated the Sports Foundation, which serves 1,500 children, is in favor of this referendum.

Mr. Vince Domidion, a resident, stated the referendums passed for farmland, open space and historic preservation. The dedicated tax is used to acquire and preserve resources, and there is no point in having fields if they can't be played on. Mr. Domidion wants to see revenue streams associated with use, wherein maintenance would be self-funded. Mr. Domidion thinks Mr. Hennessey is doing a good job increasing revenues. Mr. Domidion does not believe this is the right way to fund the improvement of recreation fields. Mr. Domidion stated the best way to bring them up to acceptable standards one time may be to bond these projects with the revenue stream paying off the bond. Mr. Domidion wants to see options explored and publicly vetted. Mr. Domidion stated there is a mechanism for acquisition; the Township needs one for maintenance.

Mr. Malinowski stated the Library was built through volunteerism. He stated if you have 1,500 children in the Sports Foundation, a fee of \$50 per child could get the sports facilities up to standard.

Mr. Garito discussed current fees and noted the Township provided \$10,000 to the Sports Foundation this budget year. Mr. Garito stated the Sports Foundation is working with Recreation, Mr. Hennessey and the Governing Body and are buying soccer goals this year with the \$10,000. Mr. Garito stated the fees have been raised to the maximum. Mr. Garito stated tournaments cannot be held in Colts Neck.

Ms. Susan Wilcox, a resident, stated Matawan/Aberdeen charges \$125 per child for baseball fees and \$100 per child for maintenance fees; maintenance fees are returned if work is performed. Ms. Wilcox stated if you can't get parents to volunteer, fix what you have.

Mr. Fulton Wilcox, a resident, stated the Township is under financial problems. Mr. Wilcox stated open space is the future of the Township, not maintenance, and stated the referendum amount should have been a stated amount of \$50,000 to \$100,000. Mr. Wilcox stated people are voting to preserve the future, and this referendum may confuse the voters. Mr. Wilcox stated part of the problem is no recreation plan has been developed including

costs. Mr. Wilcox stated three people were laid off that could have done maintenance work.

Mr. Fitzgerald stated he read the State law, and the dedicated tax may be used for more than is currently used by the Township. Mr. Fitzgerald spoke of maintaining and moving the School House to the Town Hall core site. Mr. Fitzgerald stated the Sports Foundation members need to think about other people, noting this is a dedicated tax, and the voters are to decide its use.

Mr. Garito stated he agreed with Mr. Fitzgerald's statement in that dedicated tax funds go to historic preservation and elsewhere. Mr. Garito stated the Sports Foundation has taken the responsibility for recreation in the Township, and they have pushed the limits on fees and donations. The Sports Foundation is just trying to do the best they can and is working with the Recreation Department and the Township Committee.

Mr. Fitzgerald stated he was in Wall Township. He stated the reason the Township does not have comparable fields is that there is no cooperation between sports groups. Mr. Fitzgerald stated when the Sports Foundation, Football and Lacrosse pool their financial resources to maintain the same fields, you will see good fields.

Mr. Malinowski thanked the Governing Body for listening to the Farmland Preservation Committee members and urged that their thoughts be considered.

Mayor Schatzle thanked all for their comments and closed the meeting.

Mr. Bowden stated the Governing Body has given tentative authority to proceed, noting the resolution authorizing the referendum and articulating the question and explanatory statement must be adopted by August 19<sup>th</sup>. Mr. Bowden stated the constraints of the 2% property tax levy caused a significant reduction in budgets, noting the budget for the three core fields was reduced \$10,000 to \$15,000 this year.

Mr. Eastman stated the Governing Body has the authority to allocate the dedicated tax funds without a referendum, and a change in allocation would not change the taxes paid. Mr. Eastman stated this referendum gives the Township people the authority to decide the allocation of resources.

Mayor Schatzle urged all comments be provided to Mr. Bowden within one week.

Discussion ensued on the wording of the referendum question. Mr. Bowden will consider the Governing Body comments and will work with Counsel Bennett to revise the question.

13. **DISCUSSION: CAPITAL IMPROVEMENTS AND PROJECTS – POSSIBLE BOND ORDINANCE.** Mayor Schatzle read the master list of potential capital projects for 2011, which included road paving and reconstruction, fire apparatus/trucks, Public Works equipment, and Buildings and Grounds improvements, for a total of \$4,409,100.00. Discussion ensued. Mr. Macnow spoke of replacement of Fire trucks and repaving roads, in particular Colts Neck Boulevard, given the concentrated number of households utilizing that roadway. Mr. Eastman questioned if the Fire apparatus is not replaced, would that adversely impact the Township's ISO rating. Mr. Fitzgerald questioned if the ISO application is made as one Fire Department or two separate Fire Companies. Mr. Fitzgerald questioned if the Fire Department has kept up with their tax requirements to maintain their 501.c.3 status, and questioned the need for two separate Fire Companies. Mayor Schatzle stated he is ready to allocation \$1.5 million to paving roads. Mr. Bowden stated given the timing of the bond ordinance, paving would not commence until next spring. Mr. Bowden spoke of the dredging of the Town

Hall ponds. Mr. Bowden spoke of the need for replacing the slate roof at Town Hall, noting a resident has proposed doing this job for the cost of the materials donating labor costs. Counsel Bennett stated the Governing Body needs a five year plan for updating Fire Company apparatus. Consensus was to carry this agenda item to the next meeting.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had no report this evening. Mr. Bowden stated Central New Jersey Mensa has requested approval for serving beer and wine at their annual picnic at Bucks Mill Park. They have provided a certificate of insurance naming the Township as additional insured. Mr. Eastman 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 Schatzle		X			
Deputy Mayor Engel	S	X			
Eastman	M	X			
Fitzgerald		X			
Macnow		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

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

Animal Control	\$182.35
Capital Fund	\$6,177.50
Construction Trust	\$17,840.68
Current Fund	\$382,599.06
Escrow	\$7,659.67
Grant Fund	\$10,382.64
Trust Fund	\$10,151.31
<b>TOTAL APPROVED:</b>	<b>\$434,993.21</b>

Mr. Fitzgerald made a motion to approve seconded Mr. Eastman, and carried by Messrs. Schatzle, Engel, Eastman and Fitzgerald; Mr. Macnow approved all but payments to T&M Associates, from which he recused himself.

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

16. **TOWNSHIP COMMITTEE REPORTS**

Mr. Macnow reported he and Mr. Engel attended the American Cancer Society Walk of Life event in Bucks Mill Park. Mr. Macnow stated this was a terrific event that raised \$150,000 for the cause, and he hopes this group returns to Colts Neck next year.

Mr. Engel stated he was very impressed with the many volunteers planning the annual Colts Neck Fair, and he thanked Ms. Kara for coordination with the Fair Committee. Mr. Engel urged all to visit the Fair July 1 through 3, 2011.

Mr. Eastman stated he attended the Farmland Preservation Committee meeting and he thanked all attending tonight for their comments.

Mr. Fitzgerald had no report this evening.

Mayor Schatzle had no report this evening.

17. **COMMENTS FROM THE PUBLIC**

Mayor Schatzle opened the meeting to public comment.

Mr. Thomas Orgo commented there was no plan developed to enhance the sports fields, and he suggested developing a plan prioritizing what should be done. Mr. Orgo suggested artificial turf might be the answer to the issue of field irrigation.

Ms. Susan Wilcox questioned what was included in the vouchers approved this evening. Ms. Wilcox was advised the list was posted on the website prior to the meeting and also is posted on the bulletin board at Town Hall.

Mr. Vince Domidion stated the ordinance being considered for windmills within the Township should have an option permitting residentially scaled windmills without the 30 acre requirement. Mr. Domidion stated they were no more obtrusive than solar panels. Mr. Domidion stated the Township should have baseline funding for road paving, then plan other capital improvements up to a set limit. Mr. Domidion suggested developing a business plan and review bonding items without a revenue stream.

Ms. Elaine Mann thanked the Governing Body for looking into the Fire Company status as a non-profit. Ms. Mann stated any group funded by the Township should provide the Township with information on how the funds were spent.

18. **RESOLUTION 2011-89**: EXECUTIVE SESSION was read by title by Mayor Schatzle. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried by voice vote.

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

Mr. Bowden stated the Governing Body was not expected to return to Public Session this evening.

Meeting adjourned at 10:24 p.m.

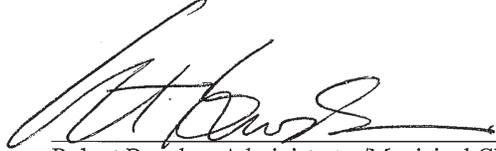
Motion to adjourn Closed Session was made by Mr. Eastman, seconded by Mr. Fitzgerald and unanimously carried.

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

Mr. Eastman made a motion to adjourn, seconded by Mr. Engel and unanimously carried.

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

Meeting adjourned at 11:45 p.m.



Robert Bowden, Administrator/Municipal Clerk