

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JULY 13, 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 July 13, 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., and Russell Macnow.

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

Absent: Committeeman Michael Fitzgerald

Mr. Bowden stated Committeeman Fitzgerald was out of town on business this evening.

1. **APPROVAL OF MINUTES OF JUNE 29, 2011:** Mr. Eastman clarified this approval includes minutes of both public and closed session meetings. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

<b>RECORD OF VOTE</b>						
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

2. **PRESENTATION: EASEMENT RELOCATION, 38 DEPUTY MINISTER DRIVE (DE SAYE).** Ms. Jennifer Krimko, Esq., addressed the Governing Body, stating that in 2008 this issue was brought before the Governing Body when her client purchased the residence and learned the pool house and fence was within the Township easement. As requested by the Governing Body, the NJDEP was contacted, and on April 15, 2011 the NJDEP issued a Wetlands Letter of Interpretation/Verification (LOI), which accepted the Freshwater Wetlands Modification Plan, dated September 15, 2010. The Governing Body was provided with a copy of the Transition Area Waiver-Averaging Plan as well as the surveyor's exhibit showing the existing conservation easement, the proposed deed restriction and the two overlaid together on the property. Ms. Krimko noted the documents provided to the Governing Body indicate the proposed deed restriction specifically coincides with the wetlands and associated buffers now in existence along with the transition area waiver-averaging plan currently pending before the NJDEP. Ms. Krimko's client is seeking the Township vacate that portion of the existing conservation easement, which is no longer encumbered by freshwater wetlands or its associated buffers. Mr. Bowden stated Ms. Krimko's client has done what the Governing Body requested three years ago, and he recommends approval by the Governing Body. The Governing Body had no comment. Mayor Schatzle

opened the meeting to public comment. Hearing none, Mayor Schatzle closed the meeting. Mr. Engel made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Schatzle, Engel and Eastman; Mr. Eastman abstained. Ms. Krimko will submit a draft ordinance relocating the boundaries of the conservation easement with no transfer of land to Counsel Bennett.

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						

3. **PRESENTATION: ENTRANCE PIERS, 15 MOCKINGBIRD LANE (NANDIWADA).** Mr. Salvatore Alfieri, Esq. stated he addressed the Governing Body in February 2011 regarding this issue and was requested to provide additional information. Mr. Alfieri stated the piers were installed without a building permit by MOSC Enterprises, Toms River, New Jersey, and his client has attempted to reach the contractor with no success. Mr. Alfieri provided the “as built” survey dated January 7, 2003, revised April 13, 2011, showing the actual location of the piers. Mr. Alfieri provided the pier dimensions. Mr. Alfieri provided USPS mail receipts for notification of this presentation to his client’s neighbor, Dr. Effenberger. Dr. Nandiwada was present and requested permission to leave the piers in their current location, noting it would cost approximately \$14,000 to relocate. It was noted Code Enforcement issued a violation, which is scheduled to be heard in Municipal Court this Friday. The piers exceed five feet in height and would require a variance from the Zoning Board, which can only be sought if the Governing Body approves the request to leave the piers in their current location. One of the piers is located in the right of way in front of Dr. Effenberger’s property. Counsel Bennett questioned this placement, and Mr. Alfieri stated this property was part of the initial group subdividing the street. Discussion ensued. Dr. Effenberger addressed the Governing Body and stated his piers were installed with a building permit and inspections; these were not. Dr. Effenberger stated a variance for the three piers would be fine; however, he is strongly opposed to leaving the pier in front of his property. Mr. Alfieri stated his client wants to retain the two northernmost piers and would be willing to relocate the southernmost piers. Mr. Macnow stated there is no reason the neighbor has to endure the location of a pier in front of his property. Mr. Eastman stated a six to seven foot encroachment over the boundary line is not a minor one. Mr. Engel concurred. Mayor Schatzle stated this is the same problem experienced repeatedly when work is performed without permits and inspections and variances are sought afterwards. The Governing Body is in agreement not to approve this request. Counsel Bennett stated the Municipal Court only has authority to fine. Mr. Eastman stated it is hoped this issue will be handled in Municipal Court and the piers are removed; however, Township Counsel should be ready to bring action in Superior Court on behalf of the Township if they are not.
  
4. **ORDINANCE 2011-7: AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, “DEVELOPMENT REGULATIONS”** was read by title at first reading by Mayor Schatzle. Mr. Bowden stated this ordinance was prepared by Long Range Planning in response to a recent Municipal Land Use Law amendment. Mr. Bowden summarized the major provisions noting small wind energy systems will be a permitted accessory use in the A-1 Agricultural Residential, AG, Agricultural, Business and Industrial Zones. The minimum lot area for a small wind energy system is 30 acres. The maximum system height is 55 feet.

The minimum setback is 150% of the system height. There is a maximum of one wind energy system per lot. Sound from the wind energy system shall not exceed 55 decibels, as measured from the property line. All transmission/power lines from the wind energy system shall be underground. In addition, Mr. Bowden stated this ordinance contains a provision for ground level solar panel installations to be screened from view and neighboring properties by screening planting, fencing or a combination of both. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Schatzle set the public hearing August 10, 2011.

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						

5. **RESOLUTION 2011-90:** RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2010 FOR COLTS NECK FIRST AID SQUAD was read by title by Mayor Schatzle. Mr. Eastman made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Eastman and Macnow; Messrs. Schatzle and Engel abstained.

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

6. **RESOLUTION 2011-91:** RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2010 FOR COLTS NECK FIRE COMPANY NO. 1 AND NO. 2 was read by title by Mayor Schatzle. Mr. Eastman made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Engel, Eastman and Macnow; Mayor Schatzle abstained.

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

7. **RESOLUTION 2011-92:** RESOLUTION AUTHORIZING AWARD OF BID IMPROVEMENTS TO HEYERS MILL ROAD (ROUTE 537 TO FLOCK ROAD) was read by title by Mayor Schatzle. Mayor Schatzle stated the Township received a grant of \$175,000 from NJDOT for the paving of Heyers Mill Road between CR 537 and Flock Road. This resolution awards the bid to Earle Asphalt, Farmingdale, NJ in the amount of \$211,013.13. Mr. Bowden stated of five bids received, Earle Asphalt's was the lowest. 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						

8. **RESOLUTION 2011-93:** RESOLUTION EXTENDING THE GRACE PERIOD FOR PAYMENT OF THIRD QUARTER PROPERTY TAXES was read by title by Mayor Schatzle. Mr. Bowden stated the County is in the process of certifying the tax rate, and bills cannot be sent until this rate is certified. This resolution extends the grace period of 2011 third quarter property taxes to August 26, 2011. Counsel Bennett noted additional State Aid is being released to schools, and School Boards will determine whether to spend this aid or use it for tax relief. 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						

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

10. **\*RESOLUTION 2011-94:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS.

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						

11. **DISCUSSION:** DRAFT REFERENDUM QUESTION FOR NOVEMBER BALLOT PERTAINING TO USE OF DEDICATED OPEN SPACE FUND. Mayor Schatzle stated this issue needs to be finalized at the next meeting noting the question has been changed slightly. Mr. Engel stated he is in agreement with the question and explanatory statement and wants to e-mail it to all parties providing feedback including the Farmland and Open Space Committee members. Mr. Bowden stated he would like to turn this draft into a resolution for inclusion in the August 10<sup>th</sup> agenda, noting he will gladly forward this resolution. Revisions can be made on the spot during the August meeting. Mr. Bowden was instructed to do so for the August meeting.

**DISCUSSION:** PROPOSED 2011 CAPITAL PROJECTS. Mr. Bowden stated the Police Chief requested 23 portable radios at a cost of \$120,000 to be compatible with the current and future (18 months away) County system,

which should eliminate the transmission dead spots in Town. The Police Chief has requested a redesign of the Court House to make the atrium the entrance to Police headquarters, which will provide the Prosecutor with needed space (estimated cost \$250,000). Discussion ensued. With regard to the Police request, the decision on the radios is deferred pending results of a grant application. While the idea for re-purposing the atrium is an excellent one, given the current economic climate, this year is not ideal for this project. The estimate for pond dredging of \$125,000 would cover the partial cost of dredging one pond utilizing the Mosquito Commission dredgers. Mr. Domidion suggested installing a silt trap to stop the silt filtration. Mr. Domidion suggested contacting NJ American Water to see if monies are available since this is a Category 1 part of their reservoir system. Mr. Bowden stated the Township has a two-year DEP permit to dredge, and six months have already passed. Mayor Schatzle stated the slate roof on Town Hall is beautiful, but it has reached the end of its 50-year life span and needs to be replaced. Mayor Schatzle stated the Township is fortunate to have an experienced resident who has offered to replace the current roof with slate that will last 200 years at cost (\$55,000). The installation of more traditional roofing materials with a 25 year lifespan is estimated at \$50,000. Counsel Bennett stated the Township still needs to bid the project. The DPW equipment (front end loader, dump truck with plow and 4 wheel drive pick-up with plow) are replacements for well worn existing equipment and all are to be replaced this year. Mayor Schatzle noted there are 120 miles of road within the Township with an estimated life span of 20 years. Paving has not been done in the last four years, and a schedule must now be established to pave each year. Discussion ensued regarding the roads in most need of paving, and initial roads targeted include Colts Neck Boulevard, Manor Road, Glenwood Road, Mt. Vernon Court, Ashland Court, Monticello Court, Gaitway Drive, Birch Lane, Cherry Drive and Dogwood Court. It was agreed that Stone Hill Road would be an excellent candidate for a grant. Ms. Marilyn Piperno, a resident, suggested repaving Hockhockson Road near the Earle Road, noting spot patching is not working. Ms. Mann commented the State has mandated storm drains be retrofitted before a set deadline or we will be fined. Mayor Schatzle stated the Core Site parking lot and miscellaneous curbing Township-wide must start. Mr. Eastman questioned the impact of a \$2.5 million bond on the tax rate, especially with the increase in debt service next year. Mr. Bowden stated once a dollar figure is finalized on the bond amount, a financial analysis will be worked up. Mayor Schatzle and Mr. Macnow will meet with the Fire Department Officers before the next meeting to discuss their capital needs. Mr. Orgo noted the Township was going to request additional information regarding the type of fire trucks and their relation to the ISO rating. Mr. Bowden stated he was directed to send a request to the Fire Department regarding ISO and 501C3 status; however he has received no response to date. Mayor Schatzle stated discussion on this issue will continue at the next meeting.

12. **ADMINISTRATIVE REPORT:** Mr. Bowden had no report this evening. Mr. Bowden stated the Affordable Housing ordinance is being amended and work is being done by the Township Attorney and Township Planner. The amended ordinance may be on a future agenda in August or September. Mr. Bowden stated the Guinco application is on the August agenda of the Planning Board, noting there are no time constraints. Mr. Bowden stated approval for use of alcohol by both Polo organizations at Bucks Mill Park is sought. Both organizations have provided the required Certificates of Insurance. Mr. Eastman made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Eastman and Macnow; Messrs. Schatzle and Engel abstained..

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

Mr. Bowden advised a boxing event was being planned for members and guests only at Trump National Golf Club. Discussion ensued. Mr. Bowden was instructed to advise Trump staff this event does not require Governing Body approval.

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

Animal Control	\$101.97
Capital Fund	\$13,267.00
Construction Trust	\$10,758.56
Current Fund	\$7,569,136.08
Grant Fund	\$2,550.81
Tax Collectors Trust	\$53,605.78
Trust Fund	<u>\$8,804.77</u>
TOTAL APPROVED:	\$7,658,224.97

Mr. Macnow made a motion to approve seconded Mr. Engel, and carried by Messrs. Schatzle, Engel, and Macnow; Mr. Eastman abstained..

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						

14. **TOWNSHIP COMMITTEE REPORTS**

Mr. Eastman had no report this evening.

Mr. Engel stated he spent the weekend at the Colts Neck Fair. Mr. Engel noted the fireworks drew attendance of 2,500 to 3,000 persons. Mr. Engel stated a full report from the Fair Committee will be forthcoming at a future meeting.

Mr. Macnow reported he attended the Business Association meeting. The Association is getting closer to adopting a tag line. Events planned are a local business card exchange and a pig roast at Bucks Mill Park on September 20<sup>th</sup>.

Mayor Schatzle stated he and Mr. Macnow met with the local PBA. Mayor Schatzle stated their meeting was very productive and there was great communication.

Mayor Schatzle stated the Health Department does an excellent job. He noted the First Aid call volume has increased.

Mayor Schatzle stated he is re-forming the September 11<sup>th</sup> Committee for planning this year's ceremony. Mayor Schatzle stated the area around Town

Hall is in need of landscaping, tree trimming, painting and masonry work. He will be working with local news media to seek professionals and volunteers for this initiative.

15. COMMENTS FROM THE PUBLIC

Mayor Schatzle opened the meeting to public comment.

Ms. Elaine Mann, a resident, stated the Farmland Committee wants to purchase two properties. Ms. Mann stated we have to cut back and it is not the time to resurface fields. Ms. Mann stated we need a plan before we divert any money for recreation. Ms. Mann stated the Trump boxing event may be gaming. Ms. Mann questioned the status of the \$300,000 recovery and questioned disclosure. Mayor Schatzle responded Ms. Mann should speak with the Fire Company President and noted the day the information was received, it was released.

Ms. Doris Resh, a resident, asked if the funds were tax money or funds raised. Mayor Schatzle responded they were funds raised. Ms. Resh stated when the Farmland Committee members spoke of the general obligation bonds, is the Township responsible for payment of a shortfall if 20% of the dedicated open space tax funds are diverted to recreation? Mr. Eastman responded the general obligation bonds are payable from revenue in a separate account. If more property is purchased and more money is borrowed than can be repaid, the Township would be obligated to repay the debt.

Mr. Chuck Camarata, a resident, questioned if Farmland has a reserve fund. Mr. Bowden stated it has a dedicated fund with a balance of approximately \$906,000.

Mr. Fulton Wilcox, a resident, stated there will be a negative cash flow in future years.

Counsel Bennett stated the referendum question would allow up to 20% to be used for recreation purposes. The Governing Body would determine the amount utilized annually.

Mayor Schatzle commented the open space fund has always borrowed money to purchase property.

Mr. Engel stated unused funds are not carried forward, and funds do not go to the Recreation Department. Mr. Engel stated maintaining the present is investing in the future.

Ms. Susan Wilcox, a resident, stated if you don't have a business plan, this will go awry.

Mr. Frank Lecesse, Sr., a resident, stated this was a tough budget this year. Mr. Lecesse stated the Rockaway Township Seniors Club (80 members) receives an annual contribution of \$3,600, which they returned to the Township this year because of the furloughs and budget cuts. Mr. Lecesse stated whatever is done there is equal to what is being done here. Mr. Lecesse suggested charging \$24 annual dues and a small fee for each trip.

Mr. Vince Domidion, a resident, stated Earle Asphalt was a problem with the paving of the other side of Heyers Mill Road. Mr. Domidion suggested keeping a close eye on the upcoming paving on Heyers Mill Road. Mr. Domidion suggested adding language to the referendum question, "subject to funding of prior encumbrances".

Ms. Carol Donahue, a resident, stated DPW cancelled brush pick up without telling anyone. Ms. Donahue stated there are a number of houses in the Candelwick Way/Tory Court section with brush piles, which are a fire hazard. Ms. Donahue stated you can't bring your brush to DPW, you have to bring it to Monmouth County. Mayor Schatzle stated he is working with the Township Committee, Administrator, and DPW to address the brush problem. Mayor Schatzle brush collection will be expedited with the resources available noting next year all will have a better grasp on resources.

Ms. Mann stated Mr. Fitzgerald promised a copy of the contract with the Sports Foundation regarding the snack shed on Laird Road. Mayor Schatzle responded he was not aware of any contract.

Dr. Jeffrey Marvin, a resident, wants the work schedule of DPW staff. Mr. Bowden responded DPW hours re 7:00 a.m. to 3:30 p.m., and the schedules vary every day, noting it would be a logistical nightmare to post the schedules and edits. Dr. Marvin stated all enjoy polo, but he has not found reimbursements to the Township. Mayor Schatzle responded organizations have spent money maintaining the polo fields. Mr. Bowden stated there have been no reimbursements, as no employees are working for polo organizations. Township employees are doing routine cutting of grass only.

Ms. Doris Resh questioned if there would be a public hearing on the referendum question. Mr. Bowden stated there would be no public hearing, noting if they did have a public hearing, the Governing Body could have revised the use of the dedicated open space fund without a referendum. The Governing Body opted to include a referendum on the November ballot.

Dr. Jeffrey Marvin questioned the final decision on the Trump boxing event. Mayor Schatzle responded the Governing Body did nothing regarding approval.

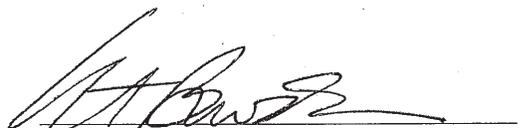
Ms. Debbie Evankow, a resident, stated she wanted to know about the lengthy break schedule of DPW staff during brush collection. Mayor Schatzle stated more money is needed to streamline the brush collection process.

16. **MOTION TO ADJOURN:** Mr. Engel 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	M		X			
Eastman			X			
Fitzgerald						X
Macnow		S	X			

X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded

Meeting adjourned at 9:30 p.m.

  
 Robert Bowden, Administrator/Municipal Clerk