TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 29, 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 January 29, 2014, 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, New Jersey. The notice requirements have been posted on the Township bulletin board and a copy is on file in the office of the Township Clerk."

Roll call by Mr. Bowden indicated the following:

Present: Mayor, Russell Macnow; Deputy Mayor, James Schatzle; Committeemen, Thomas Orgo, Jarrett Engel and Michael Fitzgerald

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; and Township Attorney, Chris Ackerman, Esq.

Absent: None

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1. **APPROVAL OF MINUTES:** MEETINGS OF DECEMBER 18, 2013, JANUARY 4, 2014 AND JANUARY 8, 2014. Mayor Macnow asked for comments/revisions to the three sets of minutes; hearing none, Mayor Macnow asked for a motion to approve. Mr. Schatzle made a motion to approve all minutes, 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	

2. **MAYOR'S PROCLAMATION:** SUPPORTING 2014 NATIONAL WEAR RED DAY FOR WOMEN WITHIN THE TOWNSHIP OF COLTS NECK. Friday, February 7, 2014 is the 11th anniversary of National Wear Red Day for Women, and all citizens were urged to show their support for women and the fight against heart disease by commemorating this day by wearing the color red. By increasing awareness, speaking about heart disease, and empowering women to reduce their risk for cardiovascular disease, thousands of lives can be saved each year.

3. **ORDINANCE 2014-1:** AN ORDINANCE ENTITLED THE 2014 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (WHITE COLLAR UNIT) was read by title at second reading by Mayor Macnow. Mayor Macnow stated this ordinance confirms a one-year extension of the white collar contract through December 31, 2014, and includes a two percent salary increase to base salary for 2014. Hearing no comment from the Governing Body, Mayor Macnow opened the public hearing. Hearing no comments from the public, 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		

4. **ORDINANCE 2014-2:** AN ORDINANCE AMENDING CHAPTER 41, SECTION L, FILM PERMIT was read by title at second reading by Mayor Macnow. Mayor Macnow stated this ordinance extends the current six day annual limitation for a major motion picture or television series. In addition, the application fee increases from $50 to $100 to cover permit processing costs, and while the per day fee is set at the discretion of the Township Administrator, it will be increased to $1,750. In addition, the ordinance changes the issuing authority to the Municipal Clerk, the position responsible for licensing within the Township. Hearing no comments from the Governing Body, Mayor Macnow opened the public hearing.

Mr. Steven Belli, a resident, voiced his opposition to the proposed change in the number of days permitted to film annually within the Township. Mr. Belli relayed an incident occurring on January 22nd when a production crew exceeded the current filming curfew in his neighborhood. Mr. Belli stated the Township should not change the existing ordinance without significant study and input from affected residents, noting the new ordinance will benefit few residents to the disruption of many. Mr. Belli expressed concern about the safety and security of all Township residents.

Ms. Susan Wilcox, a resident, stated she agreed with Mr. Belli and stated children need to go to bed without disturbance. Ms. Wilcox stated Colts Neck was known as one of the top 12 places to live; she fears a decline in property values.

Mr. Vince Domidion, Monmouth County Planning Board Chair and a resident, questioned if there are options available to the Township in determining each application on a case-by-case basis. Mayor Macnow stated the Township must comply with the First Amendment, and noted while program content may not be consistent with personal values, it is not within the Township's authority to police program content. Mayor Macnow stated the Township Administrator has been in close contact with the show's producer about the January 22nd incident, and filming and curfew times were reinforced.

Mr. Fitzgerald stated the Governing Body struggles with the First Amendment issue. Mr. Fitzgerald stated the Governing Body has zero interest in the current program, and he has advised one Township cast member the show is an embarrassment to the residents of Colts Neck. Mr. Fitzgerald noted two years ago there was no film ordinance and filming could have taken place unrestricted.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, stated residents should call the Police if there is a code violation.

Mr. Jeff Sauter, a resident, questioned why the ordinance was being changed and noted if there is no constitutional reason for change, the ordinance should be tabled and neighbors' sentiments should be sought.

Ms. Susan Belon, a resident, stated on the evening of January 22nd, the filming location had exterior bright lights on until 11:30 p.m. Mayor Macnow stated based on conversations with the program staff, this should not occur again.

Ms. Judith Laufer, a resident, questioned why the original ordinance was being amended to make filming more flexible for the television series filming in town. Mayor Macnow stated the current program exceeded film curfew one night. This same program was filming within the Township on other dates with no problems.

Hearing no further comments from the public, Mayor Macnow closed the public hearing.

Mr. Fitzgerald stated the Township Administrator has done a good job in advising the current program staff and all program staff filming within the Township of what they can and cannot do, and stated film permits can be revoked at any time. Hearing no further comment from the Governing Body, Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and carried by Messrs. Macnow, Engel and Fitzgerald; Messrs Schatzle and Orgo opposed. The ordinance was adopted by majority 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		

5. **ORDINANCE 2014-3:** AN ORDINANCE VACATING CONSERVATION, OPEN SPACE, DRAINAGE AND UTILITY RIGHT-OF-WAY EASEMENTS OVER A PORTION OF BLOCK 46, LOT 1.52 AND ACCEPTING CONSERVATION, OPEN SPACE, DRAINAGE AND UTILITY RIGHT-OF-WAY EASEMENTS OVER A PORTION OF BLOCK 46, LOT 1.52 (TRUMP NATIONAL GOLF CLUB) was read by title at second reading by Mayor Macnow. Mr. Bowden stated this ordinance corrects encroachments made by the prior developer and fulfills the Planning Board approval removing 639,815 sq. ft. of encroachments from the conservations easements and encumbering an additional 741,580 sq. ft. as new conservation easements. The State of New Jersey has also approved the conservation easement modifications and authorized the encroachments and new easement boundaries. Hearing no comment from the Governing Body, Mayor Macnow opened the public hearing. Hearing no comments, Mayor Macnow closed the public hearing and called for a motion. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and carried by Messrs. Macnow, Engel and Fitzgerald; Messrs. Schatzle and Orgo abstained. The ordinance was adopted by majority 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		

6. **RESOLUTION 2014-26:** RESOLUTION CONFIRMING APPOINTMENT OF TOWNSHIP PROFESSIONAL PURSUANT TO N.J.S.A. 40A:11-5 was read by title by Mayor Macnow. Mayor Macnow advised this resolution appoints Meghan Bennett Clark as Township Prosecutor. 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		

7. **RESOLUTION 2014-27:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS, 2013 BUDGET was read by title by Mayor Macnow. This resolution transfers $13,900 from Street and Roads Maintenance, Salaries and Wages ($1,000); Snow Removal, Other Expenses ($5,000); and Social Security System ($7,900) to Legal Services, Other Expenses ($10,100) and Street and Roads Maintenance, Other Expenses ($2,000) to cover additional expenses and Police Department, Salaries and Wages ($1,800) to cover additional salaries. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

8. **RESOLUTION 2014-28:** RESOLUTION APPROVING CHANGE ORDER NO. 1, CAPITAL ROAD IMPROVEMENTS, PHASE I (+$98,544.37) was read by title by Mayor Macnow. Mr. Bowden stated the increase resulted from the addition of paving West Larchmont and the drainage improvements to Kathleen Drive. Mr. Schatzle noted his dissatisfaction with a portion of paving done by the contractor within the Township, and Mr. Bowden advised funds are being held in reserve to ensure correction by the contractor. 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		

9. **RESOLUTION 2014-29:** RESOLUTION SUPPORTING "NO PASSING ZONE" ON ROUTE 34 IN VICINITY OF MILE POST 11.5 (ASBURY AVENUE) was read by title by Mayor Macnow. Mayor Macnow stated this resolution supports the changing of the passing zone to a no passing zone from the NWS Earle entrance to Route 18. 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	

10. **RESOLUTION 2014-30:** RESOLUTION SUPPORTING SENATE 2324 AND ASSEMBLY 3393, BUSINESS PERSONAL PROPERTY TAXES was read by title by Mayor Macnow. Mayor Macnow stated Verizon notified some 65 municipalities that it will no longer pay the business personal property taxes when it does not provide 51 percent or more of landline services to residents. Unilateral decisions made by telecommunications providers regarding the 51 percent threshold have serious tax revenue implications to all municipalities. (In 2013, Colts Neck received $60,248 from Verizon.) This resolution supports the re-introduction and adoption of S-2324/A-3393 to bring legislative clarity to the business personal property tax base, which dates back to 1997. Mr. Fitzgerald noted Township residential land lines have dropped to 60 percent. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

11. **RESOLUTION 2014-31:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 7.07, LOT 7; 22 MAPLE DRIVE (KOLEAS) was read by title by Mayor Macnow. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

12. **DISCUSSION:** ESTABLISH 2014 BUDGET REVIEW DATES. Discussion ensued regarding the proposed dates and the following dates were selected: February 24, 7:00 p.m.; March 1, 8:30 a.m.; March 8, 8:30 a.m. All meetings will be held in the main meeting room at Town Hall. Mr. Bowden stated the three dates would be published in the Asbury Park Press, included on the Township website and posted at Town Hall. All are invited and encouraged to attend.

13. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden stated the Monmouth County Parks System (MCPS) has requested approval for the use of Colts Neck roadways (Route 4/Holmdel Road, Willowbrook Road, Cross Road, Laird Road, and Longbridge Road) for the 38th Annual E. Murray Todd Half Marathon on Sunday March 2, 2014. As in the past, the MCPS plans to work closely with the Township's Police and First Aid officials and will provide reimbursement for the use of Police and First Aid personnel. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote. Mr. Bowden will advise the MCPS of the approval.

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		

Mr. Bowden advised the Local Board of Education has requested the Township's support to move Election Districts 4 and 5 from the Administration Building and Election District 7 from the Cedar Drive School. Mr. Bowden stated Election District 7 had been temporarily relocated to Fire House 1 during the Superstorm Sandy power outage, and the Fire House location provides more space and is fully generated. The County Board of Elections and the Executive Fire Council fully support this move. Mr. Bowden stated all District 7 voters will receive a mailing notifying them of the election district change, and the Police Department electronic signage will be placed at the location on Primary and General Election Days reminding voters of the change in voting location. Mr. Bowden stated he is not supporting a change of location for Districts 4 and 5 from the Administration Building since this is not a school building and there is no other place with adequate space. Mayor Macnow stated this is a fair compromise, and with the consensus of the Governing Body, Election District 7 will be relocated from Cedar Drive School to Fire House 1 effective June 3, 2014 (Primary Election Day). This change of location will also be printed on District 7 sample ballots.

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

Animal Control	$165.62
Capital Fund	$5,274,151.53
COAH	$562.50
Construction Trust	$19,654.03
Current Fund	$802,940.14
Escrow	$9,273.33
Farmland Preservation Trust	$136,214.20
Grant Fund	$1,115.51
Trust Fund	$15,322.56
TOTAL:	$6,259,399.42

Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mr. Schatzle* recused himself from approving T&M Associates vouchers and Mr. Orgo** recused himself from approving Pine Tree Landscape Systems vouchers.

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

15. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported the Colts Neck Business Association (CNBA) held a business card exchange January 28th (snow date) at Orlando's restaurant, which was successful. Mr. Orgo stated the annual CNBA luncheon will be held March 25, 11:30 a.m. to 2:30 p.m., at Trump National Golf Club. Mr. Orgo urged all interested to purchase their tickets soon, as only 200 tickets will be sold.

Mr. Fitzgerald reported the Energy Aggregation Program awaits approval of the bid documents from the Board of Public Utilities and Rate Council. If the bid is successful, a June 2014 implementation date is anticipated.

Mr. Fitzgerald spoke of the number of cars stolen in Colts Neck and noted he had two vehicles stolen from his driveway recently. Mr. Fitzgerald urged all residents to take their keys and lock their vehicles and advised the film footage of his vehicles showed experts at work at 10:30 p.m.

Mr. Engel thanked Mr. Thompson, DPW and contractor staff for the phenomenal job done with snow removal.

Mr. Schatzle reported the Fair Committee is starting to plan this year's event and needs additional volunteers. Mr. Schatzle urged those interested to speak with him, Anita Dedalis, or to call Ms. Kara at Town Hall.

Mayor Macnow reported the Colts Neck Community Church is holding its annual pancake breakfast on February 22. All donations support the Colts Neck First Aid Squad and Fire Department. Mayor Macnow stated this is a great community event and urged all to attend.

Mayor Macnow reported he plans to attend the Freehold Regional School District's "State of the Schools" meeting scheduled March 19.

16. PUBLIC COMMENT

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

Ms. Susan Wilcox stated she has no bars on her T-Mobile phone in the vicinity of Clover Hill Road and Dutch Lane. Mr. Engel suggested they speak after the meeting, as she may need to update her cell roaming capabilities by dialing *228 monthly. Mr. Engel noted there is no lack of cell strength; she may need to be re-routed to another cell tower accomplished through the roaming update.

Mr. Vince Domidion thanked the Township Committee on supporting the re-introduction of State legislation for business personal property taxes. Mr. Domidion requested the Monmouth County Planning Board be included on the distribution for this resolution, as this issue should be raised by them as well on behalf of all municipalities within the County.

Ms. Judith Laufer reported the Cabanaman pool business left its Colts Neck location due to a mold problem. Mr. Schatzle commented a report should be made with the Health Officer.

Mr. Fulton Wilcox, a resident, noted while most vouchers listed on the bills list include a description of charges, not all do. Mr. Wilcox noted an $870 charge to agricultural by Recreation on a prior bills list and noted a description of this charge would have been informative.

Hearing no further comments, Mayor Macnow closed the public comment portion of tonight's meeting.

17. **MOTION TO ADJOURN:** Mr. Fitzgerald made a motion to adjourn, 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 8:45 p.m.

Robert Bowden, Administrator/Municipal Clerk