

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MARCH 13, 2013
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 Fitzgerald followed by a salute to the flag. 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, 2012 stating a regular meeting of the Colts Neck Township Committee would be held March 13, 2013 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, Michael Fitzgerald; Deputy Mayor, Russell Macnow; Committeemen, James Schatzle, Thomas Orgo and Jarrett Engel

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

Absent: None

- APPROVAL OF MEETING MINUTES:** FEBRUARY 27, 2013. Mayor Fitzgerald commented the spelling of Mr. Wolf's name needs correction (Pages 2 and 3). Mr. Orgo made a motion to approve, as amended, seconded by Mr. Macnow and carried by Messrs. Fitzgerald, Macnow, Schatzle and Orgo. Mr. Engel approved the minutes for the portion of the meeting he attended*.

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

Mr. Macnow excused himself and left the meeting room.

- PRESENTATION: EASEMENT VACATION, 12 DOWNING HILL LANE** (Block 12, Lot 3.10). Mr. A.J. Garito, P.E., presented on behalf of his client, Mr. Anthony Frasetti. Mr. Garito stated the property currently contains a 50' wide by 270' long conservation easement that encumbers much of the rear usable property. This issue was referred to the Environmental Commission, who proposed relocating the easement to the southwestern corner of the property, following the 89' contour. Mr. Garito requested the Township abandon the existing easement (13,502.16 sq. ft.) and accepts the new easement (13,612.90 sq. ft.), which would increase the Township's conservation easement while allowing the homeowner to have a usable rear yard for amenities such as a swimming pool. Mayor Fitzgerald stated approximately one year ago, the Township Committee asked the Environmental Commission to provide input on these types of requests. Mr. Orgo stated the metes and bounds and any other costs associated with this change should be borne by the resident, and he concurs with the Environmental Commission. Mr. Schatzle recommended the homeowner clearly mark out the conservation easement so that future owners of this

property are aware of the existing easement, and the area should not be mowed. Mr. Garito stated his client will place monuments and lolly columns and file the change with the County Clerk. Mr. Garito advised there is no other easement on the property other than that of the Township of Colts Neck. Mr. Bowden stated a motion is before the Governing Body to grant the abandoning of the existing conservation easement and accepting the new conservation easement, pursuant to the recommendations of the Environmental Commission. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Fitzgerald, Schatzle, Orgo and Engel; Mr. Macnow recused. Mayor Fitzgerald thanked Mr. David Kostka, Environmental Commission Chair, and Mr. Vince Domidion, Environmental Commission Member, for their participation in this process.

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

Mr. Macnow returned to the meeting room.

3. **PRESENTATION: EASEMENT, 84 CEDAR DRIVE (Block 16, Lot 56).** Mr. and Mrs. Walter Andryca purchased the property in 1982 and did not know the pool was in the conservation easement until they started the process to sell their home. The Andryca's stated they complied with the Township Landscape Architect's request and planted suggested trees, shrubs and ornamental grasses delineating the conservation easement. Mr. Kostka stated the entire conservation easement is being used as a lawn and is being mowed. Mr. Kostka stated the Environmental Commission is concerned that the conservation easement has been ignored for the past 30 years and the new owner may want to continue this practice. Mr. Kostka stated the Environmental Commission recommends:
- The pool fence and other items within the conservation area should remain (approximately 700 sq. ft.); however, if these items are ever removed, the area will revert to the conservation easement and no activity is allowed in this area;
 - All activity, including lawn mowing, is to cease within the conservation easement, and two nine-foot split rail fences should be placed between the pool fence and the two trees on both sides of the pool, as well as placing four foot lolly columns on each side of the pool fence and on both sides of the side property line to delineate the conservation easement line; and
 - At least five appropriate native specimen trees or shrubs should be planted in the conservation easement.

Discussion ensued regarding the value of trees versus split rail fencing in maintaining conservation easement delineations. Mr. Kostka stated while trees were planted, they were planted within the conservation easement, not delineating the conservation easement line. Mr. Andryca advised the buyers are aware of the easement based on the recent plantings. Mr. Engel expressed concern about actions that may be taken 15 years from now with the property owners. Mayor Fitzgerald asked Mr. & Mrs. Andryca to meet now with Mr. Kostka in another room and work out the issues.

This matter is concluded after the Public Comment portion of these minutes.

4. **ORDINANCE 2013-6:** AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF COLTS NECK, MONMOUTH COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF was read by title at first reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance allows Verizon access to Township streets to maintain its lines. Mayor Fitzgerald stated on January 30, 2013, this ordinance was on the agenda for first reading with Verizon representatives Mark Bocchieri and John Szeliga present; and based on discussions that evening, the ordinance was tabled. Mr. Engel stated Verizon was asked to provide the Township with information about the number of Verizon utility poles, inspection dates and replacements, which was provided by Verizon tonight. Mr. Engel stated the Township is concerned the poles inspected by Township volunteers and found unsafe were repaired by Verizon. Discussion ensued. Mr. Schatzle stated Verizon is replacing lines in homes whether the homeowner wants it or not. Mr. Szeliga stated most residents today are looking for the Triple Play Verizon package. If the homeowner wants to retain copper wiring, the homeowner should go through normal channels, and if not resolved, should contact Mr. Szeliga. Mr. Engel spoke of four utility poles significantly leaning at the intersection of Route 34 and Willow Brook Road, which are Verizon poles with JCP&L lighting on it. Mr. Bocchieri stated he will look into this issue, and he is continuing to work with JCP&L. Mr. Orgo questioned how long it takes to restore power under normal circumstances and was advised there is an 800 number for reporting downed poles 24/7. Mr. Orgo stated near the intersection of Laird and Long Bridge Roads, a Verizon wire is dangling and a pole was sawed in pieces and left at the side of the road. Counsel Bennett raised the issue of installing underground wiring, noting it is required in new developments. Mr. Szeliga stated underground wiring is very expensive to install, to which Counsel Bennett stated underground wiring could be done. Mr. Engel stated Clover Hill Road experiences many power outages, and he estimates a cost of \$500,000 to bury lines along one-third of the heavily treed road. Mr. Bocchieri stated a subway would need to be built to run the lines, to which Mr. Engel stated he wants to continue to research this issue. Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Fitzgerald set the public hearing for April 10, 2013.

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

5. **MOTION TO ADOPT A CONSENT AGENDA:**
6. ***RESOLUTION 2013-40:** RESOLUTION AUTHORIZING RELEASE OF APPLICATION AND ESCROW FEES, PLANNING BOARD APPLICATION NO. 474 (CAMBRIDGE MANOR)
7. ***RESOLUTION 2013-41:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 691 (FEILER)

Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

8. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to add to his report this evening. Mr. Bowden stated the Colts Neck Board of Education has requested its website be linked with the Township's website. Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote.

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

9. **MOTION TO APPROVE VOUCHERS:** Mayor Fitzgerald reviewed the vouchers and recommended approval, as follows:

Animal Control	\$173.42
Capital Fund	\$3,062.71
Construction Trust	\$15,143.30
Current Fund	\$7,493,241.00
Eserow	\$32,739.96
Grant Fund	\$22,603.44
Tax Collectors Trust	\$12,817.89
Trust Fund	<u>\$9,419.38</u>
TOTAL:	\$7,589,201.10

Mr. Schatzle questioned the three different vendors pertaining to utilities and questioned if we would receive lower rates if we used one vendor. Mayor Fitzgerald questioned if the Township is shopping for its electricity supplier. Mr. Bowden responded Mr. Antonides, CFO, is continuously shopping the market for the lowest utility rates, and Constellation is now our electric supplier.

Mr. Schatzle excused himself from the Township Committee meeting and joined the meeting in progress with Mr. Kostka and Mr. & Mrs. Andryca.

Mr. Macnow stated with the falling prices of gas, some vendors have negotiated lower prices. Mr. Bowden stated the Township will research the gas market. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

10. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported the Colts Neck Business now has a new map of participating businesses within Colts Neck. Mr. Orgo reported the Business Association Luncheon last week was a sell-out.

Mr. Orgo reported the first meeting of the Wildlife Committee is scheduled for tomorrow evening, 7:00 p.m. at Town Hall. Mayor Fitzgerald indicated he will attend.

Mr. Engel reported the Colts Neck Police Department is one of seven Monmouth County Police Departments that provided accurate information in an ACLU State-wide telephone survey. Mr. Engel commended the Police Department for the job they are doing interacting with the public, and praised the survey results.

Mr. Macnow reported the Fire Department turn out gear was audited by the Fire Chief, and twelve sets are needed for the year 2013. The approximate cost is \$2,400 per person and includes jacket, pants, helmet and boots, for a total cost of \$28,800. In addition, a new compressor system at Station 1 or Station 2 is needed to fill the new bottles. The approximate cost of a compressor is \$22,000 and \$1,500 to \$2,000 trade in for the old compressor. Mr. Macnow noted there are unfunded mandates on the life of turn out gear. Mr. Macnow stated the new sets would be for active members, and the size of members varies greatly making sets difficult to share among members. Mr. Bowden stated the final budget projections did not include the turn out gear, with a final tax rate of .9 (nine tenths) of one cent. Including the gear would result in a one cent tax increase for 2013. Mayor Fitzgerald stated he would like to know the number of usable sets of gear since the Township has purchased eight sets for the past four years.

Mayor Fitzgerald reported the Sports Foundation is trying to put their budget together for the year. The Sports Foundation will be starting a volleyball program, and they are gearing up for the upcoming year. Mayor Fitzgerald stated the seniors were recommended for volunteer positions at the snack shed during games, noting they are a resource within the community and an excellent fit for this opportunity.

Mayor Fitzgerald reported Little League Opening Day is Saturday, April 6, at Laird Road field.

11. PUBLIC COMMENT

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

Ms. Virginia Amend, a resident and Editor of the Colts Neck Calendar, asked the status of the purchase of the fire truck. Mayor Fitzgerald responded he is talking with the Fire Company, and they are working toward providing information to the Township Committee.

Ms. Susan Wilcox, a resident, questioned if easements can be reviewed to avoid the need for future presentations requesting approval of easement encroachments. Mayor Fitzgerald stated it is impossible to keep track of the easements and enforcement is limited.

Mr. Jeff Sauter, a resident, stated the Township Committee recently voted against changing the hunting ordinance. Mr. Sauter stated State law has to be followed, and either the law or the ordinance must change. Mr. Sauter stated he does not care way things turn out. Mr. Sauter suggested residents

lobby State lawmakers for change or the Township Committee can change the ordinance.

Ms. Elaine Mann, a resident, suggested the Township charge hunters possessing written permission to hunt on private property within the Township a \$10 registration fee. In that way, residents would be more at ease since the hunters were registered with the Township. Counsel Bennett responded he is not sure the Township can do this and noted State law requires all hunters possess written consent to hunt on private property. Mr. Orgo stated the Township cannot charge hunters to hunt on private property. Mr. Engel stated a Township fee was one of the early recommendations of the Deer Sub-Committee, and stated this issue will be saved for the Wildlife Committee consideration. Ms. Mann questioned the participation of Emergency Services vehicles at a recent elementary school event.

Ms. Amend stated she would like information on the outstanding bonds and length of debt, etc. in this year's 2013 municipal budget presentation.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

3. PRESENTATION: EASEMENT, 84 CEDAR DRIVE (CONCLUSION)

Mr. Schatzle, Mr. Koska and Mr. & Mrs. Andryca returned. Mr. Koska stated markers should be installed at the end of the property, i.e., lolly columns or some type of permanent marker. Mr. Koska stated it does not matter who has the permanent markers installed, be it the Andrycas or the new homeowner, but someone must. Mr. Schatzle stated the Andrycas have agreed to install the two, nine foot sections of fence on the property line between the homeowner's property and the conservation easement.

A motion was made to grant relief in conjunction with the Environmental Commission recommendations as follows:

- The owners of the property at 84 Cedar Drive (Block 16, Lot 56) do not have to remove anything currently that has been placed within the conservation easement on their property. In the event that any of the mechanical items such as fence or patio are removed in the future, they cannot be replaced without securing a variance from the Governing Body.
- Two sections of split rail fence are to be placed on each side of the property delineating where the boundary line is between the owners property and the conservation easement. All landscaping should be continued where recommended by the Shade Tree Commission.
- The property owner needs to mark each end of the rear of his property to delineate where the conservation easement begins and where his property ends; this may be done by the Surveyor for the buyer.

Mr. Schatzle made the motion to approve, seconded by Mr. Engel and unanimously carried by voice vote. Mr. Schatzle stated he will work with the homeowner on the fence issue.

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

12. **RESOLUTION 2013-42: EXECUTIVE SESSION** was read by title by Mayor Fitzgerald. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote. Mr. Bowden stated the Township Committee is not expected to return to open session this evening.

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

The public meeting adjourned at 8:58 p.m.

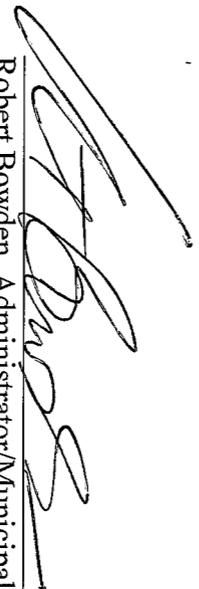
Motion by Mr. Schatzle, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

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

Meeting adjourned at 10:05 p.m.


 Robert Bowden, Administrator/Municipal Clerk