

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 8, 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 May 8, 2013, 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 and Thomas Orgo

Also Present: Administrator/Municipal Clerk, Robert Bowden and Deputy Municipal Clerk, Beth Kara

Absent: Committeeman Jarrett Engel

Mr. Bowden stated Mr. Engel is out of town on business this evening, and Township Counsel is not anticipated to attend this evening due to conflicts in scheduling. (Counsel Bennett did arrive later.)

- 1. APPROVAL OF MEETING MINUTES - APRIL 24, 2013:** Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

- 2. MAYOR'S PROCLAMATION: POLICE WEEK,**
MAY 12 THROUGH MAY 18, 2013. Mayor Fitzgerald read the proclamation in full. The week of May 12 through May 18, 2013 was proclaimed Police Week within the Township of Colts Neck as part of National Police Week.

- 3. PRESENTATION: TRUMP NATIONAL GOLF CLUB EASEMENT MODIFICATIONS.** Mr. Salvatore Alfieri, Esq., represented his client and requested Township Committee consideration and approval of a resolution granting preliminary and final major site plan approval with variances and design standard waivers. Mr. Alfieri noted the easements have been recorded by way of the filed map of the original development of the golf club and adjoining residential community, and a revised map must be recorded in the Monmouth County Clerk's Office. Mr. Alfieri noted Governing Body approval is required for the modifications to the existing easement locations. Mr. Macnow noted this request has been reviewed and approved by the Planning Board. Mr. Anfuso advised the deadline for final approval by the Governing Body is December 2013. Mr. Alfieri advised an ordinance is required to vacate existing easements, accept proposed easements and file the map with the County Clerk's Office. Discussion

ensued. Based on the consensus of Messrs. Fitzgerald, Macnow and Orgo (Mr. Schatzle recused), Mr. Alfieri was asked to prepare the necessary ordinance for review by Township Attorney Bennett, which will be included on a future Township Committee meeting agenda.

4. **CAPITAL ORDINANCE 2013-7: CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE PURCHASE OF VARIOUS CAPITAL EQUIPMENT, AND APPROPRIATING \$296,100.00 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** was read by title at second reading by Mayor Fitzgerald. Mr. Bowden stated the items listed were included in the 2013 municipal budget.

With no comments from the Township Committee, Mayor Fitzgerald opened the public hearing.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the purpose of the \$20,000 allocated to Recreation and Park Improvements. Mayor Fitzgerald advised these funds would be used to improve the Township-owned softball/baseball fields throughout Town (Cedar Drive Park Bucks Mill Park, and Laird Road). Mayor Fitzgerald noted the Sports Foundation is also contributing funds for infield improvements. Ms. Amend questioned the cost for pond dredging. Mr. Bowden responded dredging costs to the Township are estimated to be \$125,000 with \$100,000 paid to the County.

Mr. Fulton Wilcox, a resident, asked how much of the \$296,100 has already been spent. Mr. Bowden stated the expenditures were approved with the 2013 Municipal Budget approval; some funds have been committed, but none have been spent as yet.

Hearing no further comments, Mayor Fitzgerald closed the public hearing.

Mr. Schatzle made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

5. **ORDINANCE 2013-8: AN ORDINANCE ENTITLED A 2013 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK** was read by title at second reading by Mayor Fitzgerald.

Hearing no comments from the Governing Body, Mayor Fitzgerald opened the public hearing.

Ms. Elaine Mann, a resident, asked if the salaries are posted on line. Mr. Bowden responded the ordinance listing the salaries is posted on-line. Mayor Fitzgerald stated salaries of all State employees are posted in the Data Universe section of the site APP.com.

Ms. Amend questioned the percentage increases. Mr. Bowden stated the increases range from one to two percent. Ms. Amend questioned the salary increases for bargaining unit employees. Mayor Fitzgerald stated those

increases are per union contract and are not part of this ordinance. This ordinance pertains to non-union personnel.

Hearing no further comments, Mayor Fitzgerald closed the public hearing.

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

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

6.

PRESENTATION: AMENDMENT TO DEVELOPMENT

REGULATIONS ORDINANCE, TELECOMMUNICATION ANTENNAS.

Mr. Anfuso, Township Planner, discussed an ordinance drafted to bring the Township into compliance with the Federal Telecommunications Act of 1996, establish guidelines for the siting of wireless communication towers and antennas that protect residential areas and environmentally sensitive areas as well as enhance the ability of telecommunication carriers to provide service throughout the Township without substantial gaps in coverage. Mr. Anfuso advised this ordinance adds one option to site new towers on farms (Class 4B) with a minimum 30 acres (minimum front setback of 200 feet and minimum side and rear setback equal to 100% of tower height). Maximum tower height is 150 feet. Minimum separation distance of 300% of the tower height is required from the lot line of an adjoining residential property. Minimum separation distances between towers ranging from 2,600 feet for monopoles less than 75 feet in height and up to 5,000 feet for lattice or guyed towers is being established. In accordance with the 2012 amendment to the Municipal Land Use Law, the co-location of new wireless communications equipment and antennas from site plan approval has been added. To coordinate towers and avoid proliferation of new towers, telecommunication carriers must demonstrate that no existing tower or alternative technology is available prior to installing a new tower. Mr. Macnow stated this has been under consideration by Long Range Planning for the past two plus years, and the resultant ordinance is proposed to withstand judicial scrutiny. The consensus of the Governing Body is to proceed; Mr. Bowden advised the ordinance will be placed on a future Township Committee meeting agenda for introduction.

7.

RESOLUTION 2013-58: RESOLUTION OF REQUEST FOR REVIEW AND APPROVAL OF AFFORDABLE HOUSING TRUST FUND SPENDING PLAN, AS AMENDED was read by title by Mayor Fitzgerald.

Mayor Fitzgerald stated the Township received notice from COAH that development fees or payment-in-lieu monies remaining in its affordable housing trust fund at the end of the fourth year of date of collection must be transferred to the NJ Affordable Housing Trust Fund. Mayor Fitzgerald stated by this resolution, the Township is seeking review and approval of its Affordable Housing Trust Fund Spending Plan to allow for the transfer of \$72,000 to the existing agreement in place with the Western Monmouth Habitat for Humanity \$225,000, for a total of \$297,000. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

8. **RESOLUTION 2013-59:** RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND WESTERN MONMOUTH HABITAT FOR HUMANITY, A TITLE 15, NOT FOR PROFIT CORPORATION OF THE STATE OF NEW JERSEY, TO ASSIST THE TOWNSHIP IN MEETING ITS OBLIGATION TO PROVIDE AFFORDABLE HOUSING IN ACCORDANCE WITH THE FAIR HOUSING ACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWNSHIP'S AFFORDABLE HOUSING TRUST FUND was read by title by Mayor Fitzgerald. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

9. **MOTION TO ADOPT A CONSENT AGENDA:**
10. **RESOLUTION 2013-60:** RESOLUTION AUTHORIZING RETURN OF INSPECTION FEES, ZONING BOARD APPLICATION NO. 896 (DIETRICH) was read by title by Mayor Fitzgerald. Mayor Fitzgerald noted this resolution involves the return of Inspection Fees in the amount of \$140. Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
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

11. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to add to his report this evening.
- Mr. Bowden stated two organizations are seeking Governing Body approval for serving beer and wine at their events to be held in Bucks Mill Park as follows:
- Central New Jersey Mensa, June 1, 2013; and
 - Colts Neck PTO, June 14, 2013.
- Mr. Macnow made a motion to approve both events, seconded by Mr. Orgo and unanimously carried.

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

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

Animal Control	\$111.61
Capital Fund	\$21,338.74
Construction Trust	\$11,122.26
Current Fund	\$2,712,698.50
Eserow	\$11,104.01
Farmland Preservation Trust	\$29,325.00
Grant Fund	\$4,009.87
Trust Fund	\$7,178.68
TOTAL:	<u>\$2,796,888.67</u>

Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried; *Mr. Macnow abstained from approving all bills for Mazzara Trucking and Excavation; **Mr. Schatzle abstained from approving all bills for T&M Associates.

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

13. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported the Colts Neck Business Association met today. A Subway restaurant is hoping to open in The Orchards mid-May.

Mr. Schatzle had no report this evening.

Mr. Macnow advised the Alliance meeting was attended by representatives from the local as well as the regional school systems. The requirement to increase Alliance spending to qualify for funding was discussed. Both school systems do have beneficial programs that could use increased Alliance funding, thereby keeping the monies directed toward Township youth. This was thought to be a wiser choice than joining with another municipality and co-mingling funding and programs.

Mr. Macnow reported The Grande is requesting the Township Committee consider reimbursing \$9,426.70 to The Grande for the clean-up of Colts Neck Boulevard after Super Storm Sandy. Mr. Macnow advised they proceeded with the clean-up to maintain the paving schedule of the local cul de sacs. Mr. Bowden advised the Township provides The Grande \$1,000 for brush collection and \$1,000 for leaves collection annually, and the contract does not distinguish Colts Neck Boulevard. Discussion ensued. Mr. Schatzle commended Mr. Macnow for representing The Grande community. Mr. Schatzle suggested Chief Sauter be contacted to determine if they could be included in the Township's FEMA claim, and noted if the

Township were notified during the clean-up process, The Grande could have benefitted from the economies of scale in utilizing the Township's contractors. Mr. Bowden will check with other municipalities having condo associations to ascertain how they handled this issue. Mr. Bowden will also check to see if the deadline for filing a FEMA application is closed.

Mayor Fitzgerald indicated he would hold his comments until the next meeting.

14. PUBLIC COMMENT

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

Mr. Vince Domidion, a resident, questioned the timing of the storm debris clean-up and the paving in The Grande after the storm. Mayor Fitzgerald stated The Grande hurried to clean the streets to allow paving to keep to schedule while the Township cancelled paving Colts Neck Boulevard until a later date. Mr. Macnow advised due to cost estimates, The Grande contracted with a different paving company. The Grande removed storm debris from Colts Neck Boulevard

Ms. Virginia Amend, questioned if there was a policy change in using parks for revenue producing events. Mayor Fitzgerald responded the parks are maintained for the use of residents, and they are used to generate revenue if not to the detriment of taxpayers. Mr. Macnow noted in order for the recreation programs to be self-sustaining, Recreation has to be able to rent the facilities.

Mr. Fulton Wilcox, a resident, questioned what happened after Super Storm Sandy with cleaning the trees and brush on the roadways. Mr. Wilcox favors adding The Grande's debris removal costs to the Township's costs for FEMA reimbursement. Mayor Fitzgerald commented on the economies of scale that could have benefitted The Grande through use of the Township's debris removal contractors.

Counsel Bennett arrived at 8:35 p.m.

Mr. Vince Domidion questioned if COAH took action when six out of 12 members were present, is this a legitimate quorum and do we accept the action as valid? Counsel Bennett noted if quorum is present, less than one-half of the membership can pass an action. Mayor Fitzgerald noted if they did not have a quorum, they could not have met.

Ms. Elaine Mann, commented the Township should include The Grande debris removal costs in its FEMA submission. Ms. Mann stated Mr. Bruce Bennett was upset about the trash generated in Bucks Mill Park and suggests a bond be held for clean-up.

Ms. Virginia Amend asked if new specifications were developed for the Fire Truck? Mr. Macnow stated the Fire Chief is researching to reduce the cost of the proposed truck to a more workable figure, and the Township is not refurbishing a truck or buying a used truck. Ms. Amend congratulated the Township Committee for selecting Bergeron for storm debris removal. Mr. Schatzle noted several vendors were interviewed and price was negotiated. Mayor Fitzgerald stated the Township paid less than one-half the amount of the AshBritt State Contract.

Mr. Fulton Wilcox questioned if the Western Monmouth Habitat for Humanity will use the allocated \$272,000 for a down payment for a larger property. Mr. Macnow responded this group has not selected a property. Mr. Macnow noted their goal is to keep costs contained. Mayor Fitzgerald

stated this group will not receive Township funds until a property is selected.

Ms. Amend questioned if the Township can build its COAH units in another municipality (RCAs). Mayor Fitzgerald responded RCAs are no longer available to municipalities to meet COAH obligations. Mr. Macnow noted COAH units are more doable in other towns given the lower cost of land, availability of public transportation and available jobs.

Counsel Bennett commented there were more COAH units constructed under RCAs than not. In a town such as Colts Neck with no public transportation, those without vehicles are not able to get to work or buy groceries easily. Counsel Bennett stated Colts Neck did a substantial amount of RCAs in Long Branch, and noted it was ahead of the curve with affordable units in The Grande and the RCAs.

Ms. Amend commented on Police Week within Colts Neck. Ms. Judith Laufer, a resident, commented the Police do come to all Senior Citizens Club meetings. Messrs. Orgo and Macnow stated Police are present at the Business Association and Alliance meetings. Mr. Macnow noted when two Officers were laid off, the Community Service Officer position was eliminated.

Mr. Chuck Camarata, a resident, questioned how many cell towers are in the Township. Mayor Fitzgerald responded 5. Mr. Camarata questioned if the Township has enough money to pay off the 2014 debt service for the Farmland Open Space bonds. Mayor Fitzgerald responded yes.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

15. **MOTION TO ADJOURN:** Mr. Macnow made a motion to adjourn, seconded by Mr. Orgo and unanimously carried by voice vote.

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

The meeting adjourned at 9:18 p.m.



Robert Bowden, Administrator/Municipal Clerk