

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
FEBRUARY 29, 2012
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 Engel 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 14, 2011 stating the meeting of the Colts Neck Township Committee would be held February 29, 2012 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 Jarrett Engel; Deputy Mayor Michael Fitzgerald; Committeemen Russell Macnow, James Schatzle and Thomas Orgo

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

Absent: None

1. **A. APPROVAL OF MINUTES OF JANUARY 31, 2012:** 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 Engel			X			
Fitzgerald	M		X			
Macnow		S	X			
Schatzle			X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

- B. **APPROVAL OF MINUTES OF FEBRUARY 6, 2012:** 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 Engel			X			
Fitzgerald	M		X			
Macnow		S	X			
Schatzle			X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

- C. **APPROVAL OF MINUTES OF FEBRUARY 8, 2012:** 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 Engel			X			
Fitzgerald	M		X			
Macnow	S		X			
Schatzle			X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

2. **PUBLIC RECOGNITION: HONORING RETIREMENT OF DETECTIVE SERGEANT JOSEPH WHITEHEAD.** Mayor Engel presented Detective Sergeant Whitehead with a plaque inscribed "In Grateful Appreciation and Gratitude for 23 Years of Public Service to the Residents and Community of Colts Neck. Thank You For Keeping Us Safe." Chief Kevin Sauter noted Det. Sgt. Whitehead began his career in the Township on August 21, 1989 as a Patrolman coming from the Monmouth County Police Academy, promoted to Corporal in 2000, to Sergeant in 2001, and moved to the newly established Detective Bureau afterwards. Detective Sergeant Whitehead received a round of applause from all attendees, including his wife and two sons, and photographs were taken.

3. **RESOLUTION 2012-37: RESOLUTION APPOINTING COMMITTEEMAN JAMES C. SCHATZLE ACTING MAYOR OF FEBRUARY 19, 2012** was read by title by Mayor Engel. Mayor Engel stated Mr. Schatzle was appointed Mayor for the day, as both he and Deputy Mayor Fitzgerald were out of town. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

4. **ORDINANCE 2012-3: AN ORDINANCE AMENDING CHAPTER 16, PEDDLERS, CANVASSERS AND SOLICITORS** was read by title at second reading by Mayor Engel. Mr. Bowden stated the ordinance sets the cost of an application fee at \$100, updates the existing ordinance to reflect the Police Department review in the approval process, and includes a "no knock" process for solicitations at residences and businesses. Hearing no comments from the Governing Body, Mayor Engel opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated this ordinance is timely and a necessary step, and he applauds the Governing Body for taking this action.

Ms. Elaine Mann, a resident, stated she concurs with Mr. Domidion's comments.

Hearing no further comments, Mayor Engel closed the meeting. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

5. **REFUNDING BOND ORDINANCE NO. 2012-4:** REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2002, DATED MAY 1, 2002, AND GENERAL OBLIGATION BONDS, SERIES 2005, DATED DECEMBER 29, 2005, APPROPRIATING AN AMOUNT NOT EXCEEDING \$6,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$6,500,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF COLTS NECK FOR FINANCING THE COST THEREOF was read by title at first reading by Mayor Engel. Mr. Fitzgerald stated this ordinance provides for the remaining balances in the 2002 and 2005 General Obligation Bonds to be paid off and the bonds re-cast with the same repayment period at a lower interest rate, resulting in savings of \$43,343 and \$235,744.05, respectively. Mr. Fitzgerald stated this is a great story, and the Governing Body concurred. Hearing no further comments, Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Engel set the public hearing March 14, 2012.

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

6. **RESOLUTION 2012-38:** RESOLUTION OF THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 AND 40A:2-55 was read by title by Mayor Engel. Mr. Bowden stated this resolution authorizes Township professionals to go to Trenton and submit an application on behalf of the Township to the Local Finance Board for its review and approval of a proposed refunding issue through the Monmouth County Improvement Authority (MCIA) consisting of not to exceed \$6,500,000 aggregate principal amount of the Township's general improvement refunding bonds. Mr. Fitzgerald stated he wanted to thank Mr. Schatzle for the amount of time he spent reviewing this issue. 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 Engel			X			
Fitzgerald	M		X			
Macnow			X			
Schatzle		S	X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

7. **ORDINANCE 2012-5:** 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 Engel. Mr. Bowden stated this ordinance was discussed at the last Township Committee meeting during Mr. Anfuso's presentation. The ordinance reflects four changes, which are as follows: (1) Clarifies when an application for development is deemed complete for review; (2) Clarifies and defines the term "change of use" in relation to site plan approval for interior building alterations as a movement to any activity that can be classified as a lower category on the following: single family residential; two family residential; multi-family residential; business, office, professional office or retail; medical office; industrial; (3) Clarifies the procedure of performing a Zoning review on an application for a building permit; and (4) Updates the completeness checklist to include all items and procedures currently required but not specified by ordinance. Mr. Orgo made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Engel set the public hearing March 28, 2012.

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

8. **ORDINANCE 2012-6:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING THE SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "DEVELOPMENT REGULATIONS", TO ESTABLISH NEW SECTION 71.1, "SITE INVESTIGATION AND SOIL SAMPLING" was read by title and first reading by Mayor Engel. Mr. Bowden stated this ordinance was discussed by Mr. Anfuso during his presentation at the last meeting. The major requirements of the ordinance include soil sampling for residential developments with three or more lots (commercial developments and minor subdivisions exempt), evenly dispersed soil samples except for areas containing freshwater wetlands or floodplains, a survey for underground drums and tanks must be performed, all samples must be tested for all contaminants contained in the NJDEP Soil Cleanup Criteria, contamination exceeding established NJDEP levels require a remediation plan and complete remediation must be accomplished before the start of development, and the developer may choose to perform a Phase I Environmental Assessment as an alternative to soil sampling. Mr. Macnow stated this ordinance as well as Ordinance 2012-5 was vetted by Long Range Planning and the Township Planner. Mr. Orgo stated soil sampling is done by many communities, and given Colts Neck's proximity to the reservoir, it is time to do this. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Engel set the public hearing March 28, 2012.

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

9. **ORDINANCE 2012-7:** AN ORDINANCE AMENDING CHAPTER 41, MISCELLANEOUS FEES was read by title at first reading by Mayor Engel. Mr. Bowden stated this ordinance has been discussed during several Township Committee meetings and this latest version provides discretion to the Township

Administrator in setting per day permit fees for filming, as requested by the Governing Body. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Engel set the public hearing March 28, 2012.

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

10. **RESOLUTION 2012-39:** RESOLUTION CONFIRMING EMPLOYMENT AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND TEAMSTERS UNION NO. 11 (WHITE COLLAR UNIT) was read by title by Mayor Engel. Mr. Bowden stated the White Collar Union was most cooperative in their contract negotiations. They have agreed to the following salary increases: 2011, 0%; 2012, 2%; 2013, 2%. There are no other changes in the contract with the exception of the health benefits clause, which was revised pursuant to State law. Mayor Engel thanked Mr. Bowden for his work in negotiating this three-year contract with the White Collar Union. 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 Engel			X			
Fitzgerald			X			
Macnow	M		X			
Schatzle			X			
Orgo		S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

11. **ORDINANCE 2012-8:** AN ORDINANCE ENTITLED THE 2012 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (UNION CONTRACTS) was read by title at first reading by Mayor Engel. Mr. Bowden stated this ordinance reflects salaries included in the three year union contract approved by Resolution 2012-39 this evening. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Engel set the public hearing March 14, 2012.

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

12. **RESOLUTION 2012-40:** RESOLUTION AUTHORIZING SELF EXAMINATION OF 2012 MUNICIPAL BUDGET was read by title by Mayor Engel. Mr. Bowden stated the Division of Local Government Services and the Township's Chief Financial Officer have determined the Township of Colts Neck meets the necessary conditions to participate in a self-examination for the 2012 budget year. Mr. Bowden stated as a municipality in sound fiscal condition, the Township is eligible to perform this self-review every other year. 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 Engel			X			
Fitzgerald	M		X			
Macnow			X			
Schatzle	S		X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

13. **MOTION TO ADOPT A CONSENT AGENDA:**
14. ***RESOLUTION 2012-41:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, PLANNING BOARD APPLICATION NO. 644 (COLTS NECK GOLF COURSE/PEGASUS PROPERTIES)
15. **RESOLUTION 2012-42:** RESOLUTION AUTHORIZING TAX OVERPAYMENTS FOR 2012

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

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

16. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his Administrative Report.
17. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald reviewed the vouchers and stated he recommends approval as follows:

Alliance Against Abuse	\$500.00
Animal Control	\$82.78
Construction Trust	\$11,828.89
Current Fund	\$383,795.29
Escrow	\$8,523.72
Grant Fund	\$4,114.48
Trust Fund	<u>\$11,130.47</u>
TOTAL APPROVED:	\$419,975.63

Mr. Macnow made a motion to approve, seconded by Mr. Orgo, and unanimously carried. Mr. Macnow abstained from approving any T&M Associates bills.

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

18. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported he attended the Colts Neck Business Association card exchange at the Countryside Café. Mr. Orgo stated the event was well attended with 70 persons exchanging cards, 20 of whom were new members.

Mr. Orgo reported the Deer Control Committee now has one female committee member. The first meeting will be held the first week of April.

Mr. Schatzle reported the First Aid Squad always performed one drill per month to keep their skills sharp. They have now started to perform two drills per month to further enhance their skills.

Mr. Macnow reported the Alliance met on Monday. The greatest concern is the increase of heroin circulating in all regional high schools, which must be addressed by all communities. Mr. Macnow stated heroin is now dirt cheap and is being inhaled and injected by students. Mr. Macnow stressed the need to get the word out in the community to parents and make them aware that Colts Neck students are involved. Mr. Fitzgerald commented that in his role as a Municipal Prosecutor for 20+ years in other towns, heroin is here in local communities. Mr. Fitzgerald stated a bag of heroin cost \$10, and lunch money is being used to purchase it by youths as young as 15 to 20 years of age. Mr. Macnow and Mr. Fitzgerald urged families to be aware.

Mr. Fitzgerald reported the Architectural Review Committee is reviewing a home on Deputy Minister Drive. Mr. Fitzgerald noted a representative from the Architectural Review and Historic Preservation Committees were not present at the 2012 Budget workshop; however, their presentations are being rescheduled.

Mayor Engel thanked Mr. Bowden for all the meetings he held this week at the Mayor's request.

Mayor Engel reported the Colts Neck Business Association has worked together with Town Hall and strengthened its partnership for new business outreach and alerts. Mayor Engel noted the lines of communication are open.

Mayor Engel reported he has spoken with Sandy Huber of the State's Clean Communities Program. Ms. Huber complemented the Township for efficiently and effectively implementing the Clean Communities Program. Mayor Engel thanked Ms. Elaine Mann, Township Clean Communities Program Coordinator, for her dedication and volunteerism.

Mayor Engel reported in his capacity as Mayor, he performed a wedding ceremony and judged a chili contest and enjoyed both events.

19. COMMENTS FROM THE PUBLIC

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

Mr. Vince Domidion, stated he attends many meetings throughout the County, and he appreciates the level of civility at the Colts Neck meetings. Mr. Domidion stated he is proud of how business is conducted by the Colts Neck Governing Body.

Ms. Elaine Mann, a resident, questioned if Ordinance 2012-6 would remedy potential problems of residential underground storage tanks leaking after an owner has moved. Mr. Macnow responded an inspection of an underground storage tank is required by law for sale of the property, and most insurance

carriers are no longer writing policies for underground storage tanks. Mr. Orgo concurred noting farms also have to have above ground storage tanks for insurance purposes. Mr. Bowden stated the ordinance is for new subdivisions. Ms. Mann stated she provided information regarding senior programs at the recent 2012 Budget workshop, and noted Holmdel does not pay for senior trips, and Marlboro requires senior program participants to register as a resident with the Township. Mr. Schatzle questioned if Ms. Mann met with staff at neighboring municipalities, to which Ms. Mann responded she telephoned. Ms. Mann stated there are 244 senior program members and 41 go on trips. Ms. Mann stated this should be reviewed and trip participants should be charged more. Ms. Mann stated it cost \$750 for each Senior meeting/luncheon held at the Conover Road School.

Hearing no further comments, Mayor Engel closed the meeting.

20. **RESOLUTION 2012-43: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote. Mr. Bowden stated the Governing Body was not anticipated to return in public session for formal action this evening.

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

The public meeting adjourned at 8:07 p.m.

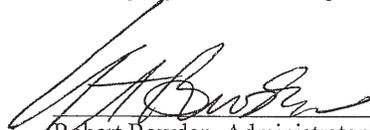
Motion by Mr. Macnow, seconded by Mr. Schatzle, and unanimously carried to adjourn Closed Session.

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

Motion by Mr. Macnow, seconded by Mr. Fitzgerald, and unanimously carried to reconvene in public session and adjourn meeting.

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

Meeting adjourned at 9:15 p.m.


 Robert Bowden, Administrator/Municipal Clerk