

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 27, 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 led by Assemblywoman Caroline Casagrande. The following statement was read by Township Clerk, Mr. 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 a meeting of the Colts Neck Township Committee would be held September 27, 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

Mayor Engel addressed the public, noting yesterday a revised agenda was posted on the website removing the presentation on the findings and recommendations of the Deer Sub-Committee. Mayor Engel advised additional conversations with Trenton are necessary prior to finalizing an ordinance that is appropriate and in the best interest of the Township, and the Sub-Committee Chair advised additional time is needed. Mayor Engel apologized to anyone inconvenienced hoping to hear the findings and recommendations this evening and encouraged those present to remain engaged. Mayor Engel requested questions or comments on this topic be held until after this evening's meeting or until the Sub-Committee presents its findings at a later date.

1. **APPROVAL OF MINUTES OF SEPTEMBER 12, 2012:** Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Engel, Fitzgerald, Macnow and Orgo; Mr. Schatzle abstained.

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

2. **PRESENTATION: STATE HIGHWAY 34 PAVING PROJECT – ASSEMBLYWOMAN CAROLINE CASAGRANDE, MAYOR JARRETT ENGEL.** Assemblywoman Casagrande spoke of the diligence of the Township Committee in advising the State and her office of the deteriorating road surface of Route 34. As a result, Assemblywoman Casagrande had several conversations with State DOT representatives, and the DOT has placed the paving of Highway 34 north of County Road 537 on an expedited list for paving in 2014, as opposed to its originally scheduled date in 2016. Assemblywoman Casagrande also negotiated that the State cease using the automatic pothole filler on Route 34 and return to manually filling potholes. Mayor Engel thanked Assemblywoman Casagrande for her support on this issue for the Township. Mayor Engel thanked Mr. Bowden for providing Police statistics relating to this issue.

Assemblywoman Casagrande left the meeting.

3. **ORDINANCE 2012-12:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED A 2012 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK (PUBLIC WORKS) was read at first reading by title by Mayor Engel. Mayor Engel stated this ordinance provides flexibility to the Township in handling its snow removal. Mr. Bowden stated due to attrition and layoffs, the Township has more snow plows than drivers. This ordinance establishes a rate of pay of up to \$30 per hour for drivers recruited to drive the plows. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Engel set the public hearing October 10, 2012.

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

4. **RESOLUTION 2012-113:** RESOLUTION CONFIRMING AN AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND FSD ENTERPRISES, LLC, AND AUTHORIZING THE EXECUTION THEREOF, FOR THE PROVISION OF WIRELESS TELECOMMUNICATIONS CONSULTING SERVICES was read by title by Mayor Engel. Mr. Fitzgerald noted the Township is not required to bid a professional services contract; however, three bids were received based on the Township Administrator's outreach. After thoroughly reviewing the bids, it was determined FSD Enterprises was the most favorable based on the bid price and prior experience within the Township. It was noted that FSD Enterprises places towers throughout the State. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Engel, Fitzgerald and Macnow and opposed by Messrs. Schatzle and Orgo.

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

5. **RESOLUTION 2012-114:** RESOLUTION CONFIRMING SECOND YEAR OPTION FOR PRIVATE SNOW PLOWING (2012-2013) was read by title by Mayor Engel. Mr. Bowden stated the Township is exercising its option to contract a second year (12/15/12-4/15/13) with Tri-County Turf, LLC, of Cranbury, New Jersey. The second year hourly rate for 13 vehicles remains at \$3,075 with a \$15,000 annual set up fee for 13 vehicles. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Engel, Fitzgerald, Macnow and Schatzle; Mr. Orgo abstained.

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

6. **RESOLUTION 2012-115:** APPROVAL TO SUBMIT A GRANT APPLICATION TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2013 NJDOT MUNICIPAL AID ROAD PROGRAM, IMPROVEMENTS TO LAIRD ROAD was read by title by Mayor Engel. Mayor Engel stated Stone Hill Road was the first choice, however, it was proposed twice before and has little chance of grant approval. The next best choice is Laird Road between County Road 537 and Phalanx Road, which is a connector road of two County roads. Mr. Fitzgerald questioned advancing Boundary Road, to which Mr. Bowden replied he is planning to use a change order to complete a portion of Boundary Road's paving. 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 | | | |
| Deputy Mayor Fitzgerald | M | | X | | | |
| Macnow | | | X | | | |
| Schatzle | | | X | | | |
| Orgo | | S | X | | | |
| M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent | | | | | | |

7. **MOTION TO ADOPT CONSENT AGENDA:**
8. ***RESOLUTION 2012-116:** RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL GRANT APPROPRIATION RESERVES AGAINST GRANTS RECEIVABLE

Mr. Bowden stated this resolution would return miscellaneous funds to surplus. 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 | | | |
| Deputy Mayor Fitzgerald | | S | X | | | |
| Macnow | M | | X | | | |
| Schatzle | | | X | | | |
| Orgo | | | X | | | |
| M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent | | | | | | |

9. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing further to add to his Administrative Report.
10. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald reviewed the vouchers, noting a large portion was payable to the schools, and recommended approval as follows:

| | |
|--------------------|----------------|
| Animal Control | \$82.90 |
| Capital Fund | \$28,785.68 |
| Construction Trust | \$10,066.64 |
| Current Fund | \$2,302,095.63 |
| Escrow | \$22,484.50 |
| Grant Fund | \$784.49 |
| Law | \$1,590.00 |
| Trust Fund | \$6,405.16 |
| TOTAL: | \$2,372,295.00 |

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 | | | |
| Deputy Mayor Fitzgerald | | S | X | | | |
| Macnow | M | | X | | | |
| Schatzle | | | X | | | |
| Orgo | | | X | | | |
| M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent | | | | | | |

11. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo stated Town Hall is now electrically connected to the Police Department generator and panel labeling tomorrow will finish the job.

Mr. Schatzle had no report this evening.

Mr. Macnow reported the Alliance is sponsoring Operation Take Back, during which un-needed and expired prescription drugs are collected and disposed of properly. Mr. Macnow indicated the collection is scheduled for Saturday, September 29, from 10:00 a.m. to 2:00 p.m. at the Court House.

Mr. Macnow reported the Alliance is seeking three volunteers from the community to work on its application to the State during January, February and March 2013. Interested residents should contact Ms. Anita Dedalis.

Mr. Macnow reported the Fire Department responded to 269 calls this past year. Mr. Macnow indicated October is Fire Prevention Month. Mr. Macnow noted the Fire Department's annual fund drive letter was mailed recently, and he urged residents to respond.

Mr. Fitzgerald reported the Architectural Review Committee received an application for approval of a bump out front porch that was already completed without permits. Mr. Fitzgerald noted both Architectural Review and the Environmental Commission experience requests for after the fact approvals regularly and questioned how does the Township keep contractors from building without permits, which result in homeowners seeking forgiveness rather than permission. Mayor Engel questioned if this could be added to Mr. Anfuso's upcoming report to the Township Committee. Mr. Bowden will speak with Mr. Anfuso. Counsel Bennett noted the Township can file a complaint with the Division of Community Affairs, where the complaint could be viewed by potential clients. Mr. Fitzgerald stated he prefers changing the ordinance.

Mr. Fitzgerald questioned the status of a request to sub-divide a parcel of land into three lots. Mr. Orgo stated this issue has not been reviewed or approved by the Planning Board.

Mayor Engel stated the Department of Environmental Protection and the Garden State Preservation Trust approved the Township's application for a Green Acres matching grant of \$325,000.

Mayor Engel reported the Town Hall pond dredging is on schedule and should commence October 1.

Mayor Engel stated volunteers are needed for the Colts Neck Fair Committee. Mayor Engel indicated those interested should contact Ms. Anita Dedalis.

Mayor Engel noted the passing of long-time resident and builder, Walter Zimmerer, Jr. Mayor Engel indicated Mr. Zimmerer, together with his wife, Erma, built more than 1,400 single family homes within Colts Neck and Holmdel, which is a record for home construction in Colts Neck. Mr. Zimmerer served on the Board of Adjustment, and was instrumental in changing the name

of Atlantic Township to Colts Neck Township. Mayor Engel called for a moment of silence in memory of Mr. Walter Zimmerer.

12. COMMENTS FROM THE PUBLIC

Hearing no further comments from the Township Committee, Mayor Engel opened the meeting to public comment.

Mr. Vince Domidion, a resident spoke on this evening's discussion about building without permits. Mr. Domidion suggested the approval process include signatures of both the contractor and the homeowner and include a copy of the original survey showing easements from the tax records as part of the approved application. Mr. Domidion stated this would affix responsibility.

Ms. Elaine Mann, a resident, stated she agrees with Mr. Fitzgerald's thoughts regarding after the fact approvals. Ms. Mann stated there has to be punishments published in the local papers to stop this practice. Ms. Mann questioned the use of multiple telecommunications carriers on the bills list and asked if using one carrier would be more cost effective for the Township. Mr. Bowden responded that the Finance Officer reviews pricing for various carriers and selects the carrier with the lowest rate for that particular service, which results in a combination of carriers providing Township telecommunications services. Mr. Macnow noted bundling services with one carrier does not result in cost savings. Mr. Fitzgerald noted various carriers are not in the same markets. Ms. Mann stated the purchase of the bonded fire truck has been taken off the table. Mr. Macnow, Fire Department Liaison, stated equipment is being surveyed and recommendations will follow. Mr. Orgo stated the Executive Fire Counsel is preparing a new five-year plan for equipment acquisition. Mayor Engel concluded this issue is still on the table and further discussions are anticipated.

Ms. Judy Laufer, a resident, questioned the brush collection schedule. Mr. Bowden stated brush collection is finished this week for the remainder of 2012, noting Township trucks will be tied up with the pond dredging at Town Hall. Ms. Laufer stated she had trees trimmed recently and will work with her landscaper to remove the trimmings.

Mr. Fulton Wilcox, a resident, questioned if the hiring of the wireless consultant is to oppose or encourage cell towers within the Township. Mr. Fitzgerald responded indicating by law, cell towers are considered a beneficial use and as such, are zoned for placement within school and church properties. If the Township is required to have cell towers, a consultant would assist in determining the optimal site from both the Township's and the carriers' perspectives. Mr. Fitzgerald indicated the Township's prior experience with Mr. O'Scanlon has resulted in his finding additional carriers for a tower site, which provides the Township with revenue from co-located carriers.

Mr. Louis Morella, a resident, spoke of the six sink holes developing on Kathleen Drive, noting he was told to wait to pave his driveway until the sink holes are corrected. Mr. Bowden responded Mr. Thompson is aware of the issue on Kathleen Drive and is arranging to use a camera to scope the drains and determine if and where the drain pipes have been compromised. Mr. Bowden will speak with Mr. Thompson tomorrow about this issue. Mayor Engel thanked Mr. Morella for coming to tonight's meeting.

Mr. Ed Piatrowski, a resident, suggested going after the principals as well as the builders' companies, since business names are changed and the same principals continue to work without building permits.

Mr. John Grabowsky, a resident, reported Mr. John Maersky passed this week.

Ms. Elaine Mann questioned if the Township was hosting a Christmas Party this year. Mr. Schatzle responded Mr. Bowden has advised Ms. Mann the Township is not hosting a Christmas party.

Hearing no further comments, Mayor Engel closed the meeting.

13. **RESOLUTION 2012-117: EXECUTIVE SESSION.** Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote.

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

Meeting adjourned 8:22 p.m.

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

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

Motion by Mr. Orgo, 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 Engel | | | X | | | |
| Deputy Mayor Fitzgerald | | | X | | | |
| Macnow | | S | X | | | |
| Schatzle | | | X | | | |
| Orgo | M | | X | | | |
| M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent | | | | | | |

Meeting adjourned at 8:55 p.m.



Robert Bowden, RMC
Administrator/Municipal Clerk