

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 9, 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. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey 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 January 9, 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 Thomas Orgo and Jarrett Engel

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

Absent: Committeeman James Schatzle

Mr. Bowden advised Mr. Schatzle is out of town on business this evening.

- 1. APPROVAL OF MINUTES:** Mayor Fitzgerald stated the draft minutes of the following meetings are being considered for approval: November 28, 2012; November 29, 2012, December 21, 2012 and January 3, 2013. Hearing no comments, Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

Mr. Macnow recused himself and left the meeting room.

- 2. PRESENTATION:** A presentation on a conservation easement located within Block 48, Lot 21 (Yearling Path), was made by Mr. A.J. Garito on behalf of his client. Mr. Garito discussed the proposal to install an eight foot deer fence around the property, which includes several areas around a conservation easement. The deer fence would be constructed of temporary wire fencing (not chain link) connected to eight foot posts. Since there are no concrete structures, DEP approval is not required. Mr. Orgo commented a split rail fence is already there, as well as fencing bordering Route 18. Mayor Fitzgerald questioned if there were any property owners affected, to which Mr. Garito responded there is one adjacent lot along the rear yard. Mr. Fitzgerald noted the Environmental Commission reviewed this proposal first and concurred, and he then read a portion of the Environmental Commission's approval letter to the Governing Body. Hearing no further comments, Mr. Bowden stated the Governing Body was voting on a motion to approve deer fencing along the conservation easement of the property. Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote.

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

Mr. Macnow returned to the meeting at 7:40 p.m..

3. **ORDINANCE 2013-1:** ORDINANCE MAKING THE PROVISION OF SUBTITLE 1 OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE ORCHARDS SHOPPING CENTER (BLOCK 46, LOTS 13 AND 14) was read by title at first reading by Mayor Fitzgerald. Mayor Fitzgerald stated the passage of this ordinance will enable the Police Department to enforce traffic regulations (parking, speed limits, etc.) within the Orchards Shopping Center. The submission of this ordinance for Governing Body approval fulfills a condition of the Planning Board's approval for granting preliminary and final major site plan approval with variances to 24 Realty, LLC pertaining to Application No. PB-703. Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Fitzgerald set the public hearing January 30, 2013.

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

4. **ORDINANCE 2013-2:** 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" (pertaining to building height) was read by title at first reading by Mayor Fitzgerald. This ordinance amends the building height for estate homes in the AG Zone with a minimum lot area of ten acres, and would increase the front, side and rear setbacks by five feet for each foot the structure exceeds 35 feet in height. This ordinance and the following two ordinances were discussed with the Township Committee by Mr. Anfuso during the presentation of his annual report in 2012. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Fitzgerald set the public hearing February 13, 2013.

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

5. **ORDINANCE 2013-3:** 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" (pertaining to drive-thru retail stores) was read by title at first reading by Mayor Fitzgerald. The Master Plan promotes shared parking within the business zone to facilitate pedestrian travel between retail establishments. The Township's Long Range Planning Committee believes drive-in and drive-thru retail establishments are at odds with the Master Plan and would increase the use of and dependence on automobiles within the business zone. This ordinance will add prohibited drive-in and drive-thru retail stores at convenience stores, dry cleaners, pharmacies, donut/coffee stores to the current list of restaurants, tea rooms and taverns. The five banks within the Township with drive-thru services are unaffected by this proposed change and will remain a permitted use. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Fitzgerald set the public hearing February 13, 2013.

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

6. **ORDINANCE 2013-4:** 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" (pertaining to performance guarantees) was read by title at first reading by Mayor Fitzgerald. This ordinance would protect the Township from a developer abandoning a project with unsafe site conditions by requiring final approval and the posting of performance guarantees prior to the start of construction. Mr. Fitzgerald noted the changes in this ordinance are consistent with State regulations. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Fitzgerald set the public hearing February 13, 2013.

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

7. **RESOLUTION 2013-22:** RESOLUTION AUTHORIZING APPLICATION FOR COLTS NECK ALLIANCE FOR THE PREVENTION OF ALCOHOLISM AND DRUG ABUSE 2013 GRANT FUNDING was read by title by Mayor Fitzgerald. Mr. Macnow stated the application facilitates the matching of Township monies with State funding. The total Alliance budget projected for 2013 is \$21,732.00. Mr. Engel 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			
Macnow			X			
Schatzle						X
Orgo		S	X			
Engel		M	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

8. **RESOLUTION 2013-23:** RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE BILL S-1923 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT was read by title by Mayor Fitzgerald. Mr. Bowden stated the Township Committee is aware all energy tax receipts are currently paid to the State for distribution to local governments; however, the State is taking a disproportionate share of these receipts. The passage of this legislation would restore the \$331 million in lost Energy Tax and Consolidated Municipal Property Tax Relief Aid funding and would require certain energy tax receipts to be paid directly to municipalities. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

9. **MOTION TO ADOPT CONSENT AGENDA:**
10. ***RESOLUTION 2013-24:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND
11. ***RESOLUTION 2013-25:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 51, LOT 2.09 (27 DEPUTY MINISTER DRIVE)
12. ***RESOLUTION 2013-26:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 474 (CAMBRIDGE MANOR)

Mr. Engel 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			
Macnow		S	X			
Schatzle						X
Orgo			X			
Engel		M	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

13. **DISCUSSION:** WILDLIFE COMMITTEE: DEER MANAGEMENT AND CONTROL. Mayor Fitzgerald stated this continues the discussion of the Special Meeting of the Township Committee on November 29, 2012. Mr. Orgo noted our Code is illegal in that it is in conflict with State regulations. To comply with revised State regulations, the Township must adopt a revised ordinance and the No Discharge map adjusted to exclude the applicable

private property from the No Discharge zones. Counsel Ackerman stated the Township Code needs to be consistent with State regulations. Mr. Bowden stated if the Governing Body reached consensus, a motion would be in order directing Township Counsel to draft an ordinance consistent with State law and to delete non-conforming portions of existing Township Code. Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote. Mr. Bowden stated the ordinance would be placed on the next meeting agenda.

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

Mr. Orgo stated the Township Committee is looking to establish a Wildlife Committee to address wildlife issues within the Township such as deer, geese, and any other wildlife issues that arise. Mr. Bowden stated an ordinance would be required to establish the Wildlife Committee, which would include a mission statement, type of appointment of members (Mayor appointment or Township Committee appointment), membership, terms of office (3 years?), and this committee would require a budget, published meeting dates, and the keeping of minutes. Mr. Orgo noted the State has more stringent laws pertaining to gun discharge. Mr. Engel stated he wants to continue the partnership with the State. Mayor Fitzgerald stated he envisions the Wildlife Committee should include a member of the Police Department, the Health Officer, and the Recreation Director, as well as between seven and nine concerned citizens serving terms of three years, with initial staggered appointments (3/2/1 year appointments). Mr. Bowden stated if the Governing Body reached consensus, a motion is in order to draft an ordinance establishing the Wildlife Advisory Committee. Mr. Orgo made a motion to approve, seconded by Mr. Engel and unanimously carried. Mr. Bowden stated he would draft the ordinance for discussion at the next Township Committee meeting.

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

Mayor Fitzgerald stated the Long Range Planning studies land use on a long-term basis. He envisions the Strategic Planning Committee as a committee with a long-term macro view of all other areas of the Township including budgeting three plus years out, disaster planning, power planning, etc. Mayor Fitzgerald stated the results of this committee would be to provide a macro view of planning and run this municipality as a business. Terms of office would initially be staggered, with 3/2/1 year appointments. Mr. Bowden stated if the Governing Body reached consensus, a motion is in order to draft an ordinance establishing the Strategic Planning Advisory Committee. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unimously carried by voice vote. Mr. Bowden stated he would prepare a draft ordinance for further discussion at the next Township Committee meeting.

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

14. **DISCUSSION: BRUSH COLLECTION AND REMOVAL.** Mr. Bowden reported brush collection is completed throughout the Township. Those present gave a round of applause. Mr. Bowden stated private contractors and Public Works staff deserve kudos for their hard work to remove brush from the Township streets after Superstorm Sandy. Mr. Bowden stated Public Works staff are now concentrating on leaf removal, which should take approximately three weeks to complete. To assist in leaf and Christmas tree collection, additional help will be hired temporarily. Mr. Bowden provided the following figures pertaining to vegetative debris removal: 2,300 truck loads of brush were removed; of that total, 1,200 truck loads were done by super trucks; 120,000 cubic yards of brush were removed at a cost of \$1.3 million for vegetative debris collection. The brush is now being ground into mulch at the Public Works yard, which will cost an estimated \$700,000 to remove. The Township projects 75 percent of funds expended will be reimbursed by the Federal government, leaving a cost of approximately \$600,000 to Township taxpayers to be spread over a maximum of five years. Since brush collection has ceased until spring 2013, Mr. Bowden urged all residents not to place brush curbside; it will remain there until spring. Mr. Bowden stated the few remaining stumps around town will be removed, as will Christmas trees.

Mayor Fitzgerald stated two-thirds of the brush collected has been ground. Mayor Fitzgerald noted the Township received tremendous cooperation from the Local School Board during this clean up. The Township is grateful for the use of the Local School Board's space at the Public Works yard to process the vegetative debris, and will be returning this space shortly. Mayor Fitzgerald was pleased at the negotiations by the Township Administrator and Township Committee for vegetative debris removal noting no other municipality is paying less for these services, but some municipalities are paying two to three times more. Mr. Macnow stated Mayor Engel and Committeeman Schatzle did a good job and thanked them for their involvement.

Mayor Fitzgerald reported he is looking into ways to save money by changes in recycling methods. Mayor Fitzgerald noted the option of having odd/even brush and leaf collections on one side of the street in odd/even numbered years may result in cost savings by having one pass of a collection truck on any given street. In addition, the cost feasibility of having Saturday recycling appointments made by the Public Works Secretary will be explored.

15. **DISCUSSION: TRUMP WATER ALLOCATION PERMIT.** Mr. Fitzgerald advised the Township requested an administrative hearing challenging the modification of a water allocation permit issued by the New Jersey Department of Environmental Protection's (NJDEP) Bureau of Water Allocation. The NJDEP has denied the hearing. Mayor Fitzgerald stated the Township has gone as far as it can opposing this permit, and has asked Mr. Bowden to instruct Township Counsel to send a letter to NJDEP requesting zealous enforcement of the limitations of this permit.

16. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his Administrator Report. Mr. Bowden stated the Monmouth County Parks System is seeking approval to hold the 37th annual E. Murray Todd Half Marathon on Sunday, March 3, 2013. The race route begins at Brookdale Community College and travels through the Township streets of Willowbrook Road, Cross Road, Laird Road and Longbridge Road. All costs pertaining to the use of Township Police and First Aid personnel will be reimbursed. Mr. Macnow made a motion to approve, seconded by Mr. Orgo, and unanimously carried by voice vote.

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

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

Capital Fund	\$8,678.50
Current Fund	\$31,973.07
Grant Fund	\$182.20
TOTAL:	\$40,833.77

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			
Macnow	M		X			
Schatzle						X
Orgo	S		X			
Engel			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

18. **TOWNSHIP COMMITTEE REPORTS**

Mr. Orgo had no report this evening.

Mr. Engel had no report this evening.

Mr. Macnow had no report this evening.

Mayor Fitzgerald reported he attended the Planning Board meeting last evening. The 2013 Chair is Joe Powell and Brook Crossan is the Vice Chair.

19. **PUBLIC COMMENT**

Ms. Marilyn Piperno, a resident, questioned the reasoning behind Ordinance 2013-1. Mayor Fitzgerald responded the Township must adopt an ordinance to permit the Police to enforce traffic laws within the Orchards Shopping Center.

Mr. Thomas Papalia, a resident, stated recycling collection on alternate sides of the street does not sound like a good idea. He stated better regulations will keep the Town cleaner.

Mr. Vince Domidion, a resident, questioned if the recreation use of arrows (not hunting) will be addressed under the revised "no discharge" ordinance. Mayor Fitzgerald responded criminal statutes apply, The Township Attorney will look into this.

Mr. Fulton Wilcox, a resident, questioned the deer fencing discussed in Agenda Item No. 2, since it appears to restrict a body of water that deer may need. Mr. Orgo stated there is plenty of water available for wildlife at the adjacent Pebble Creek property. Mayor Fitzgerald concurred with Mr. Orgo noting there are water sources to the east of the property. Mr. Wilcox questioned the website post for bonding. Mr. Bowden responded some bills were paid from surplus; however, the Township is going forward with funding \$2.5 million associated with the Superstorm Sandy restoration expenses, of which 75 percent is anticipated to be reimbursed by FEMA and the remainder repaid over a maximum of five years. Mr. Bowden noted there are still a lot of storm-related bills coming in.

Ms. Elaine Mann, a resident, questioned the amount of available surplus. Mr. Bowden responded that figure will be known at the end of January. Ms. Mann questioned the amount bonded for Superstorm Sandy clean up. Mr. Bowden responded the total amount is \$2.5 million. Ms. Mann asked what is the status of purchasing the fire truck? Mayor Fitzgerald responded Mr. Bowden has asked Mr. Galinski for input and is awaiting a response. Ms. Mann advised the Cedar Drive students will be cleaning Bucks Mill Park.

Ms. Virginia Amend, resident and Editor of the Colts Neck Calendar, questioned if the 2013 budget workshops were scheduled. Mr. Bowden responded the dates will be established at the next meeting and the meetings will probably begin the end of February.

Mr. Joe Venebento, Clover Hill Lane, expressed his concerns about school safety. Mayor Fitzgerald responded he has been in contact with the School Board President and all are concerned about and addressing the issue.

Ms. Donna Edington, a resident, expressed her concerns about school safety. Mayor Fitzgerald responded to her concerns and noted the Township Committee will be working together with the School Board; however, the Township Committee does not intend to tell the School Board how to run its business.

Ms. Mary O'Connor, a resident, questioned the hiring of additional Police Officers. Mayor Fitzgerald stated additional hiring would result in tax increases. Mayor Fitzgerald urged all residents to attend the 2013 budget workshop sessions to see what is involved in formulating the annual budget.

Mayor Fitzgerald urged all residents to contact the Township Committee members to discuss any concerns they may have.

Ms. Marilyn Piperno stated the brush collection was handled well. Ms. Piperno questioned if stumps will be removed by the Township or should they be handled individually. Mr. Bowden responded many residents have handled their own stump removal; however, the Township will be collecting the 24 remaining stumps.

Ms. Nancy Locasio, a resident and School Board President, advised school safety is of the utmost concern to the School Board and Administration. Ms. Locasio spoke in general terms of the safety measures being addressed. Ms. Locasio thanked the Township Committee for their support and continued good relationship between the two organizations.

Mr. Michael O'Brien, a resident, gave kudos to Public Works for their restoration work from Superstorm Sandy. Mr. O'Brien stated he has lived in Colts Neck for 20 years and is very pleased with how Colts Neck makes prudent decisions and handles its business.

Mayor Fitzgerald thanked all present for coming to the meeting this evening. With that, he closed the meeting.

20. **RESOLUTION 2013-27:** EXECUTIVE SESSION was read by title by Mayor Fitzgerald. Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote. Mr. Bowden stated the Township Committee was 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						X
Orgo		S	X			
Engel	M		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

The meeting adjourned at 8:35 p.m.



Robert Bowden, Administrator/Municipal Clerk