

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
NOVEMBER 30, 2011
7:30 P.M. AT TOWN HALL**

CALL MEETING TO ORDER

SALUTE TO THE FLAG

“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 8, 2010 STATING THAT A MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON NOVEMBER 30, 2011 AT 7:30 P.M., TOWN HALL. THE NOTICE REQUIREMENTS HAVE BEEN POSTED ON THE TOWNSHIP BULLETIN BOARD, AND A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK.”

THOSE MATTERS MARKED WITH AN ASTERISK (*) ARE CONSIDERED ROUTINE IN NATURE AND WILL BE CONSIDERED IN ONE MOTION BY THE TOWNSHIP COMMITTEE AS A CONSENT AGENDA PURSUANT TO LOCAL ORDINANCE.

ROLL CALL

1. APPROVAL OF MINUTES OF NOVEMBER 9, 2011

- 2. BOND ORDINANCE 2011-9: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT APPROPRIATING \$3,121,255 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,772,441 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH NEW JERSEY**

2ND READING BY TITLE

COMMENTS

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

MOTION TO APPROVE

ROLL CALL

- 3. ORDINANCE 2011-10: AN ORDINANCE AMENDING CHAPTER 102, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

2ND READING BY TITLE

COMMENTS

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

MOTION TO APPROVE

ROLL CALL

4. **ORDINANCE 2011-11:** AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF COLTS NECK, NEW JERSEY TO CABLEVISION OF MONMOUTH COUNTY, LLC

2ND READING BY TITLE

COMMENTS

MOTION TO APPROVE

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

ROLL CALL

5. **ORDINANCE 2011-12:** AN ORDINANCE AMENDING CHAPTER 41, MISCELLANEOUS FEES, OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

2ND READING BY TITLE

COMMENTS

MOTION TO APPROVE

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

ROLL CALL

6. **ORDINANCE 2011-13:** AN ORDINANCE AMENDING CHAPTER 73, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

2ND READING BY TITLE

COMMENTS

MOTION TO APPROVE

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

ROLL CALL

7. **ORDINANCE 2011-15:** AN ORDINANCE REPEALING CHAPTER § 177-42.B., OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REGARDING FIXED FEES FOR THE RECREATION PROGRAMS IN THE TOWNSHIP OF COLTS NECK

2ND READING BY TITLE

COMMENTS

MOTION TO APPROVE

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

ROLL CALL

8. **ORDINANCE 2011-16:** AN ORDINANCE AMENDING CHAPTER 198, STREETS AND SIDEWALKS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

2ND READING BY TITLE

COMMENTS

MOTION TO APPROVE

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

ROLL CALL

9. **RESOLUTION 2011-142:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2011 MUNICIPAL BUDGET

COMMENTS

MOTION TO APPROVE

ROLL CALL

10. **MOTION TO ADOPT CONSENT AGENDA**

11. ***RESOLUTION 2011-143:** RESOLUTION APPROVING INSERTION OF SPECIAL ITEM OF REVENUE, DIVISION OF CRIMINAL JUSTICE, BODY ARMOR GRANT

12. ***RESOLUTION 2011-144:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT FOR 2011

13. ***RESOLUTION 2011-145:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 673A (SPENCER)

14. ***RESOLUTION 2011-146:** RESOLUTION AUTHORIZING RELEASE OF APPLICATION AND INSPECTION FEES, PLANNING BOARD APPLICATION NO. 343 (KG PROPERTIES)

15. ***RESOLUTION 2011-147:** RESOLUTION AUTHORIZING RELEASE OF APPLICATION FEES, PLANNING BOARD APPLICATION NO. 513 AND ZONING BOARD APPLICATION NO. 510 (PEGASUS)

16. ***RESOLUTION 2011-148:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 696 (ST. MARY'S CHURCH)

COMMENTS

MOTION TO APPROVE

ROLL CALL

17. **ADMINISTRATIVE REPORT**

18. MOTION TO APPROVE VOUCHERS

COMMENTS

MOTION TO APPROVE

ROLL CALL

19. TOWNSHIP COMMITTEE REPORTS

20. COMMENTS FROM THE PUBLIC

21. RESOLUTION 2011-149: EXECUTIVE SESSION

COMMENTS

MOTION TO APPROVE

ROLL CALL

*THE NEXT TOWNSHIP COMMITTEE MEETING IS
WEDNESDAY, DECEMBER 14, 2011, 7:30 P.M.,
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ 07722*

BOND ORDINANCE NO. 2011-9

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT APPROPRIATING \$3,121,255 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,772,441 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Colts Neck, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$3,121,255, said sum being inclusive of all appropriations heretofore made therefore including the total sum of \$348,814 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., \$94,000 of the down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets, \$34,814 of the down payment is now available by virtue of the Capital Fund Balance, and \$220,000 is of the down payment is available by virtue of the Capital Improvement Reserve Fund for the purchase of a fire truck.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$2,772,441, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

- i) Various Road Improvements, including Glenwood Road, Blackbriar Drive, Colts Neck Boulevard, Manor Drive, the Town Hall Parking Lot, and curb improvements throughout the Township with a total appropriation and estimated cost of \$2,056,505, estimated maximum amount of bonds or notes therefor of \$1,953,679, and an average period of usefulness of 10 years
- ii) The acquisition of a Fire Pumper, with a total appropriation and estimated cost of \$545,000, estimated maximum amount of bonds or notes therefor of \$325,000, and an average period of usefulness of 10 years;
- iii) Acquisition of front end loader, mason size dump truck with plow, and four-wheel drive pick up truck with plow, with a total appropriation and estimated cost of \$299,250, estimated maximum amount of bonds or notes therefor of \$284,287, and an average period of usefulness of 5 years;
- iv) Various Buildings and Grounds Improvements, including the replacement of a slate roof at Town Hall, dredge upper pond, and the acquisition and installation of a generator at Town Hall, with a total appropriation and estimated cost of \$199,500, estimated maximum amount of bonds or notes therefor of \$189,525, and an average period of usefulness of 15 years
- v) Acquisition and Installation of a Base Station for the Police Department, with a total appropriation and estimated cost of \$21,000, estimated

maximum amount of bonds or notes therefor of \$19,950, and an average period of usefulness of 5 years

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$2,772,441, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$3,121,255, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$3,121,255 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$348,814 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 9.77 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,772,441 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$315,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-9, was introduced at a duly convened meeting of the Township Committee on October 26, 2011, and adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
Committeeman	First Reading					Second Reading						
	October 26, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Schatzle			X									
Deputy Mayor Engel			X									
Eastman			X									
Fitzgerald	M		X									
Macnow		X	X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

ORDINANCE 2011-10

AN ORDINANCE AMENDING CHAPTER 102, DEVELOPMENT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth and State of New Jersey as follows:

I

PURPOSE: The purpose of this Ordinance is to amend §102-46.6, Affordable Housing Growth Share, to provide for a Group Home alternative to the residential growth share provision. The "growth share" approach to affordable housing production requires affordable housing to be produced in conjunction with market-rate residential growth and development within the Township of Colts Neck.

NOTE: Deletions are shown with ~~[strikethroughs in brackets]~~ and additions are underlined.

II

Section 102-46.6, "Affordable Housing Growth Share," is amended to provide for a Group Home alternative to the residential growth share provision to read as follows:

§ 102-46.6 Affordable Housing Growth Share

A. & B. No Change.

C. Residential Growth Share Provisions

(1) No Change.

(2) Alternatives.

(a) Off-Site Affordable Unit(s). As an alternative to fulfilling the affordable housing requirement on-site set forth in §102-46.6 C(1), developers of residential units required to construct an affordable housing unit may elect to construct an affordable housing unit elsewhere in Colts Neck or purchase an existing residential unit elsewhere in Colts Neck which shall comply with applicable COAH Rules at N.J.A.C. 5:97-1 et seq. Under this alternative, if the required number of affordable lots is provided off site those affordable lots are to be deducted from the total maximum number of lots after the 40% density increase is applied.

(b) Group Home. As an alternative to fulfilling the affordable housing requirement on-site set forth in §102-46.6 C(1), developers of residential units that are required to provide affordable housing units within an inclusionary development may elect to construct a Group Home for individuals with a developmental disability on the subject property in accordance with the following standards and requirements:

[1] "Group Home" means a living arrangement within a residential structure leased or owned and operated by a licensee, which provides the opportunity for individuals with developmental disabilities to live together in a residence within a home environment, sharing in chores and the overall management of the residence. Staff in a Group Home provide supervision, training, and/or assistance in a variety of forms and intensity as required to assist the individuals as they move toward independence. (N.J.A.C. 10:44A-1.3)

- [2] “Developmental disability” means a severe, chronic disability of a person which:
- a. Is attributable to a mental or physical impairment or combination of mental or physical impairments;
 - b. Is manifest before age 22;
 - c. Is likely to continue indefinitely;
 - d. Results in substantial functional limitations in three or more of the following areas of major activity; self-care; receptive and/or expressive language; learning; mobility; self-direction; and capacity for independent living or economic self-sufficiency;
 - e. Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of life-long or extended duration and are individually planned or coordinated; and
 - f. Drug, alcohol or substance abuse shall not be considered a developmental disability.
- [3] The minimum gross tract area of the development shall be 100 acres.
- [4] The minimum lot area for the Group Home shall be 7 acres.
- [5] The Group Home shall meet the zoning requirements of the underlying zone district.
- [6] The Group Home shall conform to the current New Jersey Department of Community Affairs (or successor agency) requirements for certification of affordable housing crediting.
- [7] Use of the Group Home shall be governed by the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq. the “Uniform Controls”)
- [8] Group Homes shall be licensed by the New Jersey Department of Human Services (DHS) Office of Licensing (OOL) annually or as needed, and shall meet applicable state requirements. (N.J.A.C. 10:44A)
- [9] Occupancy of the Group Home shall be restricted to persons 18 years of age and older.
- [10] Group Homes housing five or fewer individuals shall meet the requirements of Use Group R-3 of the Uniform Construction Code, provided all individuals are either ambulatory or mobile non-ambulatory (See N.J.A.C. 5:23)
- [11] The Group Home shall have an agricultural component in which a portion of the Group Home property will be devoted to agricultural purposes as defined in §102-4, Agricultural Purposes; “The use of land for growing and harvesting crops and/or the raising, training and breeding of animals.”
- [12] The developer and operator and/or sponsor of the Group Home shall enter into a three way developer’s agreement with the Township which shall include a 30 year affordable housing deed restriction; a performance guarantee to ensue the operation of the Group Home for a 30 year affordable housing period; a requirement that the group home operate in accordance with provisions of the Standards for Community Residences for Individuals with Developmental Disabilities (N.J.A.C. 10:44A) issued by the N.J. Department of Human Services or other agency of the State of New Jersey issuing a license for and monitoring of the Group Home; and a Payment in Lieu of Taxes (PILOT). The developer’s obligation under the agreement shall terminate upon the issuance of the Certificate of Occupancy (C.O) for the Group Home. The operator and/or sponsor of

the Group Home shall be obligated for the remaining 30 year term of the deed restriction in accordance with applicable affordable housing regulations.

[13] Visual Compatibility: No structural alterations shall be permitted that will cause the Group Home to be substantially distinguishable from other surrounding residential properties. To the greatest extent possible, the Group Home being provided within an inclusionary development shall be located within a building designed to be architecturally similar to the market-rate units otherwise being constructed within the development. To that end, architectural detailing (such as the selection of exterior materials, doors, windows, roof pitch, etc.) of the buildings containing the Group Home shall be similar to and compatible with that of the market-rate units.

[14] Signs – No signs shall be permitted.

[15] The Group Home shall be completed and issued a Certificate of Occupancy (C.O) prior to the completion and the issuance of a C.O. to 75 percent of the market rate units within the development.

(3) – (9) No Change.

D. General provisions for constructing affordable units in inclusionary developments.

(1) - (4) No Change.

(5) In developments where a density bonus lot is permitted per §102-46.6C(1) and affordable housing units are constructed on site and/or off-site, the minimum lot size, ~~[and]~~ lot frontage and lot width may be reduced as follows:

(a) - (b) No Change.

An example is as follows:

Zone	Required Minimum Lot Area (square feet)	Reduced Minimum Lot Area (square feet)	Required Minimum Lot <u>Frontage and Lot Width</u> (feet)	Reduced Minimum Lot <u>Frontage and Lot Width</u> (feet)
A-1 - Affordable Lot	88,000	44,000	300	150
A-1 - Market Rate and Bonus Lots	88,000	66,000	300	225

Conventional Subdivision (A-1 Zone – 88,000 square feet in area / 300 feet of frontage and width)

No Change to Diagram

Affordable, Market Rate And Bonus Lot Subdivision (A-1 Zone)

No Change to Diagram

(6) In developments where a density bonus lot is permitted per § 102-46.6C(1) and affordable housing units are constructed onsite and/or off-site, the minimum sideyard shall be 40’.

E. No Change.

V

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

VI

If any section, subparagraph, sentence, clause, or phase of this Ordinance shall be held to be invalid, such decision shall not invalidate any remaining portion of this Ordinance.

VII

This Ordinance shall take effect immediately upon passage, publication according to law and filing with the Monmouth County Planning Board.

VIII

A copy of this Ordinance shall be filed with the Monmouth County Planning Board in accordance with N.J.S.A. 40:55D-16.

A copy of this Ordinance shall be filed with the Township of Colts Neck Tax Assessor, Zoning Officer, Construction Official, Planning Board, Board of Adjustment, Planner and Engineer.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-10, was introduced at a duly convened meeting of the Township Committee on October 26, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	October 26, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Schatzle			X									
Deputy Mayor Engel			X									
Eastman					X*	X*						
Fitzgerald	M		X									
Macnow		S	X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

*X Mr. Eastman recused himself from the discussion, left the meeting and did not vote.

ORDINANCE NO. 2011-11

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF COLTS NECK, NEW JERSEY TO CABLEVISION OF MONMOUTH COUNTY, LLC.

WHEREAS, the governing body of the Township of Colts Neck (hereinafter referred to as the "Township") determined that Cablevision of Monmouth County, LLC., (hereinafter referred to as "the Company" or "Cablevision") had the technical competence and general fitness to operate a cable television system in the Township, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise for the placement of facilities and the establishment of a cable television system in the Township; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about August 2, 2010, Cablevision has sought a renewal of the franchise; and

WHEREAS, the Township having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and has committed to certain undertakings responsive to the Township's future cable-related needs and interests; and

WHEREAS, the governing body of the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Township's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other franchised competitors by the Township is a basic assumption of the parties;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Colts Neck, County of Monmouth, and State of New Jersey, as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Township's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township of Colts Neck in the County of Monmouth and the State of New Jersey.
- (e) "Company" shall mean Cablevision of Monmouth County, LLC. ("Cablevision") the grantee of rights under this Ordinance.

- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 *et seq.* and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 *et seq.* (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 *et seq.* and N.J.A.C. 14:18-1 *et seq.* or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Township hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Township of a cable television system, and for the provision of any communication service over the such system as may be authorized by federal or State regulatory agencies. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-11 and N.J.S.A. 48:5A-16, and applicable state and federal rules and regulations. The Company shall also seek approval from the Board authorizing continued operation during the period following expiration of the consent granted herein, and until such a time that a decision is made by the Township and the Board relative to the renewal of said consent.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Township and any property hereafter annexed.

SECTION 7. PRIMARY SERVICE AREA

Cablevision shall be required to proffer service along any public right-of-way to any person's residence located in the portion of the franchise territory, as described in the map attached to the Application at tariffed rates for standard and nonstandard installation. Such area designated shall constitute the primary service area.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Township, as an annual franchise fee, a sum equal to two (2%) percent of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Township. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, then the Township and Cablevision shall negotiate in good faith with respect to the amount thereof.

SECTION 10. FREE SERVICE

Upon written request from the Township, the Company shall provide, free of charge, one (1) standard installation and monthly basic cable television service to all State or locally accredited public schools and all municipal buildings used for governmental purposes within the Township.

Upon written request from the Township, the Company shall provide to a municipal building, without charge, the following: (1) one standard installation; (2) one cable modem; and (3) basic cable modem service for the term of this Ordinance. The Township shall be permitted to network, at its own cost, four personal computers terminals to the cable modem provided by the Cablevision. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

Upon written request from the Township, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. Each school and library shall be permitted, at its own cost, to network up to 25 computers to the cable modem provided by Cablevision. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time."

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its plant and facilities in the Township:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Ordinance, a bond to the municipality in the amount of twenty-five

thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,
- (v) The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

- A. In the event that the Township approves or permits a cable system to operate in the community on terms more favorable or less burdensome than those contained in this Ordinance, such more favorable or less burdensome terms shall be applicable in this consent, subject to a petition to the Board of Public Utilities as provided for in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7.
- B. In the event that a non-franchised multi-channel video programmer provides service to residents of the Township, Cablevision shall have a right to request franchise amendments to this Ordinance that relieve Cablevision of regulatory

burdens that create a competitive disadvantage to the Company. In requesting amendments, Cablevision shall file with the Board of Public Utilities a petition for approval in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7 seeking to amend the Ordinance. Such petition shall: i) indicate the presence of a non-franchised competitor(s); ii) identify the basis for Cablevision's belief that certain provisions of this franchise place it at a competitive disadvantage; and iii) identify the regulatory burdens to be amended or repealed in order to eliminate the competitive disadvantage. The Township shall not unreasonably withhold or object to granting the Company's petition and so amending the Ordinance, subject to a petition to the Board of Public Utilities as provided for in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7.

- C. In any subsequent municipal consent, the Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access as described in the Application for municipal consent.

The Township agrees that the Company shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township provision of PEG access programming on such channel.

Upon written request, Cablevision shall provide and maintain one fiber optic access return line at the following location, for use by the Township in the production of non-commercial educational and governmental access programming on the cable system. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

In consideration for the rights granted by this Ordinance, Cablevision shall provide the Township with an initial grant in the amount of two thousand and five hundred dollars (\$2,500.00). Such amount shall be paid within ninety (90) days following the grant of the Certificate from the Board. In addition, beginning in the second year of the municipal consent and annually thereafter through the ten year term of the franchise, Cablevision shall pay a grant to the Township in the amount of one thousand dollars (\$1,000.00) in each of the following years of the term of the Ordinance (the "Annual Grant"). The Annual Grant may be used by the Township for any cable and/or other telecommunications related purpose as the Township, in its discretion, may deem appropriate. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise. The Annual Grant shall be payable to the Township within

sixty (60) days from receipt of the Township's written request. Notwithstanding the foregoing, should Cablevision apply for a system-wide certification or otherwise convert its municipal consent to a system-wide certification in accordance with applicable law, it shall be relieved of any payments due and owing after the date of such conversion or award of a system-wide franchise.

The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) Board approval of a certification of another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), that the provider is capable of serving sixty percent (60%) or more of the households within the Township

All PEG access support provided by the Cablevision shall be for the exclusive use and benefit of Company's customers within the Township.

SECTION 22. PROGRAMMING

Although nothing herein shall require Cablevision to carry or transmit any particular programming source, Cablevision shall provide subscribers in the Township with a similar mix, and, at a minimum, the same level of video programming as is now provided to Township of Colts Neck subscribers and which appears in the Company's Application. The Company shall provide Township of Colts Neck subscribers with at least the same broad categories of programming in approximately the same quantity, as are now provided, and which appear in the Company's Application.

SECTION 23. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 24. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws.

SECTION 25. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 26. EFFECTIVE DATE

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-11, was introduced at a duly convened meeting of the Township Committee on November 9, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
Committeeman	First Reading					Second Reading						
	November 9, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Schatzle			X									
Deputy Mayor Engel	M		X									
Eastman						X						
Fitzgerald		S	X									
Macnow			X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

ORDINANCE 2011-12

**AN ORDINANCE AMENDING CHAPTER 41,
MISCELLANEOUS FEES
OF THE CODE OF THE TOWNSHIP OF COLTS NECK
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend §41-2 (A), (G), (I), (H) and (L) regarding fees. This ordinance also seeks to add a new sections (K) regarding the copying of formal bid packages. The Amendments contained below are highlighted in bold and underlined.

Chapter 41-2 Establishment of Fees.

A. Photocopy costs. Pursuant to N.J.S.A. 47:1A-2, the following rates are to be charged for person or entities seeking photocopies of municipal records:

- (1) Photocopying charges: **.05c/pg for 8 1/2 x 11; .07c/pg for Legal Size**
- (2) **Delete**
- (3) **Delete**

G. Preparation and certification of a list of property owners from the current tax duplicates: **.50c per name or \$20, whichever is greater.**

H. Photocopy of engineering or architectural drawings.

- (1) Twenty-four inch by thirty-six inch size sheets: **\$12 per sheet**
- (2) Thirty-inch by forty-two inch size sheets: **\$12 per sheet.**

I. Registrar of Vital Statistic Documents and Services:

- (1) Marriage License: \$28
- (2) Certified copies of marriage, birth and death certificates: **\$20**
- (5) Vital statistic search fee: **\$10**

K. Copy of any formal bid packages: \$50

L. Film Permit

(1) Permit required.

- a) **No person or organization shall film or permit filming on public or private land within the township of Colts Neck without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three consecutive days in any one location and in no event shall filming at one location within the Township exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Said permit must be readily available for inspection by the Township officials at all times at the site of the filming.**
- b) **All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form**

approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this Chapter.

- c) If a permit is issued and, due to inclement weather or other food cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

(2) Issuance of permits

- a) No permits will be issued by the Municipal Clerk unless applied for prior to five days before the requested shooting; provided, however, that the Township Administrator may waive the five-day period if, in his or her judgment, the applicant has obtained all related approval and adjacent property owners or tenants do not need to be notified.
- b) Proof of insurance coverage must be provided for filming on public lands prior to issuance of any permit in the following amounts
 - i. For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000
 - ii. For property damage for each occurrence in the aggregate amount of \$300,000
- c) No permit shall be issued without an agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township of Colts Neck from any liability, expense, claim or damages resulting from the use of public lands.

(3) Filming in Residential Zones

- a) Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with §140-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

(4) Refusal to Issue Permit

- a) The Township Administrator may refuse to issue a permit whenever he determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department, that the filming would pose either an undue hardship on the public by interference with the use and enjoyment of their property or by presenting a possibility of endangering the health, safety and well being of the public.

(5) Appeal

- a) Any person aggrieved by a decision of the Township Administrator denying or revoking a permit may appeal to the Township Committee. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator within 10 days from the Administrator's decision. A hearing date shall be provided within 30 days from the receipt of the appeal. The decision of the Township Committee shall be in the form of a Resolution.

(6) Fees

- a) Application Fee: \$50
- b) Filming Permit: \$250/Day

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-12, which was introduced at a duly convened meeting of the Township Committee on November 9, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	November 9, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Schatzle			X									
Deputy Mayor Engel			X									
Eastman					X							
Fitzgerald	M		X									
Macnow		S	X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

ORDINANCE 2011-13

**AN ORDINANCE AMENDING CHAPTER 73,
ALCOHOLIC BEVERAGES
OF THE CODE OF THE TOWNSHIP OF COLTS NECK
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend §73-5 A and B regarding fees. The Amendments contained below are highlighted in bold and underlined.

Chapter 73-5 Fees:

- A. Plenary retail consumption license. The license fee for each plenary retail consumption license issued in the Township of Colts neck shall be **\$2,500.**
- B. Plenary retail distribution license fee. The license fee for each plenary retail distribution license issued in the Township of Colts Neck shall be **\$2,500.**

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-13, which was introduced at a duly convened meeting of the Township Committee on November 9, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	November 9, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Schatzle			X									
Deputy Mayor Engel		S	X									
Eastman			X									
Fitzgerald		M	X									
Macnow			X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

ORDINANCE 2011-15

**AN ORDINANCE REPEALING CHAPTER § 177-42.B.
OF THE CODE OF THE TOWNSHIP OF COLTS NECK,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
REGARDING FIXED FEES FOR THE RECREATION PROGRAMS
IN THE TOWNSHIP OF COLTS NECK**

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to repeal in it's entirety, Chapter §177-42B regarding fixed fees for the Township's recreation programs, allowing for annual fee changes through Town Resolution:

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-15 which was introduced at a duly convened meeting of the Township Committee on November 9, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	November 9, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman			X									
Mayor Schatzle			X									
Deputy Mayor Engel			X									
Eastman	M		X									
Fitzgerald		S	X									
Macnow			X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

ORDINANCE 2011-16

**AN ORDINANCE AMENDING CHAPTER 198,
STREETS AND SIDEWALKS,
OF THE CODE OF THE TOWNSHIP OF COLTS NECK
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend §198-3 Streets and Sidewalks regarding fees. The Amendments contained below are highlighted in bold and underlined.

§ 198-3. Permit; application procedure.

A. From and after the adoption of this article, no person or persons, firm or corporation, their agents, servants or employees, shall at any time make or undertake to make any opening or other excavation in any Township road or street or any portion or portions thereof unless they shall have first received a permit therefor from the Township Committee, after having made application to the Township Committee of the Township of Colts Neck by making application to the Clerk of said Township Committee for said permit to make such an opening or excavation. Such application shall be signed by the person, firm or corporation requesting permission to make such opening or excavation and shall state the full name and address of such person, firm or corporation, the purpose for which said opening or excavation is to be used, how long it is to be open and the exact location on said road or street where the same is to be made; said application shall also contain an agreement by the applicant to refill or resurface said opening or excavation so that the street or road surface shall be restored to the same condition and level in which it was before, with the same materials and to the same thickness and hardness; said application shall also contain an agreement that, during the time that the said excavation or opening is present, if permission is granted to make the same, there will be posted adequate and sufficient notice to the general public using said road or street of the presence thereof, as the case may require, by using at least two red-lighted signals at night (from sunset to sunrise) and by a guardrail in the form of a wooden horse or other barrier on either side of said opening or excavation during both night and day; said application shall be accompanied by cash or certified check to the Clerk of the Township Committee in the sum of **\$100.00** to cover the costs of the permit.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2011-16 which was introduced at a duly convened meeting of the Township Committee on November 9, 2011, and was adopted after public hearing at a duly convened meeting of the Township Committee on November 30, 2011.

James C. Schatzle, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	November 9, 2011					November 30, 2011						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Schatzle			X									
Deputy Mayor Engel	M		X									
Eastman			X									
Fitzgerald			X									
Macnow		S	X									
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

RESOLUTION 2011-142

**Authorizing Formal Transfer of Funds -
2011 Budget**

WHEREAS N.J.S.A. 40A:4-58 states : "Should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient"; and,

WHEREAS the Chief Financial Officer has recommended that the following transfers, being in compliance with N.J.S.A. 40A:4-58, be made.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Colts Neck, County of Monmouth, (not less than 2/3 of the full membership concurring affirmatively) that the 2011 budget transfers be made a permanent part of this resolution, are hereby made and approved.

2011 BUDGET TRANSFERS

TRANSFERS TO(INSIDE "CAPS"):

Legal Services:

Other Expenses	\$ 15,000.00	To cover additional expenses.
Employee Group Health	10,000.00	To cover additional expenses.
	<u>\$ 25,000.00</u>	

TRANSFERS FROM(INSIDE "CAPS"):

Streets and Roads Maintenance:

Salaries and Wages	\$ 15,000.00
Snow Removal:	
Other Expenses	10,000.00
	<u>\$ 25,000.00</u>

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Colts Neck on the 30th day of November, 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-143

APPROVING INSERTION OF SPECIAL ITEM OF REVENUE
DIVISION OF CRIMINAL JUSTICE-BODY ARMOR GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Colts Neck has received a grant of \$ 2,118.94 from the State of New Jersey Division of Criminal Justice and wishes to amend its 2011 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Colts Neck hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$ 2,118.94 which is now available as a revenue from:

MISCELLANEOUS REVENUES

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

Division of Criminal Justice-Body Armor Grant

pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED that a like sum of \$ 2,118.94

be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

(a) Operations Excluded from 5% CAPS

State and Federal Programs Off-Set by Revenues:

Division of Criminal Justice-Body Armor Grant -

Other Expenses

BE IT FURTHER RESOLVED that the Township Clerk forward two copies of this Resolution to the Director of Local Government Services.

I hereby certify the foregoing to be
a true copy of a Resolution adopted
by the Township Committee of the
Township of Colts Neck on the 30th
day of November, 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-144

AUTHORIZING REFUND OF TAX OVERPAYMENT FOR 2011

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that upon the recommendation of the Tax Collector, a refund be made to the taxpayer shown due to an overpayment of 2011 taxes.

NOW, THEREFORE, BE IT RESOLVED that the Finance Officer is hereby authorized to issue individual check to the taxpayer shown and charge 2011 taxes in the total amount of \$ 1,535.08.

<u>BLOCK</u>	<u>LOT</u>	<u>TAXPAYER</u>	<u>YEAR</u>	<u>TAX AMOUNT</u>
29.1	12	Wells Fargo RETS LLC 1 Home Campus Des Moines, IA 50328 Attn: Financial Support Unit-Region 1	2011	\$ 1,535.08

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Colts Neck on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-145

**AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES
PLANNING BOARD APPLICATION NO. 673A
(SPENCER)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that pursuant to the recommendation of the Township Planner, that it hereby accepts the following for Planning Board Application No. 673A:

1. Performance Surety Bond No. FP0017552 from First Indemnity of America, Parsippany, New Jersey in the amount of \$83,332.80;
2. Cash Guarantee in the amount of \$9,259.20; and
3. Inspection Fees in the amount of \$3,858.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Spencer;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer;
4. Glenn Gerken, Township Engineer; and
5. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-146

**AUTHORIZING RELEASE OF APPLICATION AND INSPECTION FEES
PLANNING BOARD APPLICATION NO. 343
(K.G. PROPERTIES)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the release of the following for Planning Board Application No. 343:

1. Release of fees in the amount of \$890.58; and
2. Release of inspection fees in the amount of \$15,510.66.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, KG Properties;
2. Asset Management Consultants;
3. Timothy Anfuso, Township Planner;
4. John Antonides, Chief Financial Officer;
5. Glenn Gerken, Township Engineer; and
6. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-147

**AUTHORIZING RELEASE OF APPLICATION FEES
PLANNING BOARD APPLICATION NO. 513 AND
ZONING BOARD APPLICATION NO. 510
(PEGASUS)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the release of the following for Planning Board Application No. 513 and Zoning Board Application No. 510:

1. Release of fees in the amount of \$19.62 for Planning Board Application No. 513;
2. Release of fees in the amount of \$1,523.14 for Planning Board Application No. 513; and
3. Release of fees in the amount of \$500.00 for Zoning Board Application No. 510.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Pegasus Properties;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer;
4. Glenn Gerken, Township Engineer; and
5. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2011-148

**AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE
PLANNING BOARD APPLICATION NO. 696
(ST. MARY'S CHURCH)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that pursuant to the recommendation of the Township Planner, that it hereby authorizes the following for Planning Board Application No. 696:

1. Acceptance of \$31,086.00 Cash Performance Guarantee; and
2. Acceptance of \$1,295.25 Inspection Fees.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, St. Mary's Church;
2. Two River Engineering;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer;
4. Glenn Gerken, Township Engineer; and
5. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Schatzle						
Deputy Mayor Engel						
Eastman						
Fitzgerald						
Macnow						

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

RESOLUTION 2011-149

EXECUTIVE SESSION

WHEREAS, the Colts Neck Township Committee wishes to go into a closed Executive Session to discuss a subject which should not be discussed in public; and

WHEREAS, the exception to the Open Public Meetings Act which permits the Township Committee to discuss this matter in private about property acquisition and personnel; and

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss property acquisition and personnel.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter is resolved.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 30th day of November 2011.

Robert Bowden, Township Administrator/Clerk

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