# TOWNSHIP OF COLTS NECK
# TOWNSHIP COMMITTEE MEETING
# FEBRUARY 12, 2014
# 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 Macnow followed by the Pledge of Allegiance. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Open Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on December 12, 2013 stating a regular meeting of the Colts Neck Township Committee would be held February 12, 2014, 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, Russell Macnow; Deputy Mayor, James Schatzle; Committeemen, Thomas Orgo, Jarrett Engel and Michael Fitzgerald

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

Absent: None

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1. **ANNOUNCEMENT:** FARMLAND PRESERVATION - BLOCK 20, LOT 5 (CICALESE). Mayor Macnow announced the farmland preservation acquisition of the Cicalese farm (known as the gladiola farm) on the corner of Phalanx and Laird Roads. Mayor Macnow stated the closing should take place in several weeks and the cost for this 15.133 acre parcel is as follows: cost per acre: $55,000; total cost: $832,315; State share (59.54% of purchase price): $495,605.75; County share (24.09% of purchase price): $200,495.05; and Municipal share (16.37% of purchase price) $136,214.20. Mayor Macnow commended all those involved with this acquisition including Committeeman Orgo for their efforts. Mayor Macnow stated the Township's share would be paid in cash with no bonding needed.

2. **APPROVAL OF MINUTES:** MEETING OF JANUARY 29, 2014. Mayor Macnow asked for comments; hearing none, Mayor Macnow asked for a motion to approve. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

3. **ORDINANCE 2014-4:** AN ORDINANCE AMENDING SECTIONS 98-2 AND 98-3, SETTING FORTH FEES FOR CONSTRUCTION PERMITS IN THE TOWNSHIP OF COLTS NECK AND AMENDING THE APPEAL PROCESS was read by title at second reading by Mayor Macnow. Mayor Macnow summarized the proposed changes as follows: All references to a local Construction Board of Appeals are deleted; Plumbing subcode fee additions are to include generators and HVAC units as special devices; direct replacement of furnace permit fee will be $25 for each furnace replaced; and the minimum plumbing subcode permit fee is set at $50. Electrical subcode fee additions include a bonding certificate of commercial swimming pools and similar structures: $50 annually; and the minimum electrical subcode

permit fee is $50. Fire protection subcode and hazardous equipment fee additions: construction of wood burning fireplace: $50; and minimum fire protection subcode permit fee: $50. The permit fee to reinstate a construction permit that has expired is 50% of the original permit fee provided no code changes have been adopted since the permit expired. Hearing no comments from the Governing Body, Mayor Macnow opened the public hearing. Hearing no comments from the public, Mayor Macnow closed the public hearing and requested a motion. Mr. Schatzle made a motion to approve, seconded by Mr. Mr. Fitzgerald and unanimously carried.

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

4. **BOND ORDINANCE 2014-5:** A BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2011-9 ADOPTED ON NOVEMBER 30, 2011, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY $40,000 FOR A TOTAL APPROPRIATION OF $3,161,255, AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY $38,000 FOR A TOTAL DEBT AUTHORIZATION OF $2,810,441, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by title at first reading by Mayor Macnow. Mayor Macnow stated the bond ordinance was necessary to cover the increase in costs to replace the slate roof at Town Hall. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Macnow set the public hearing February 26, 2014.

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

5. **RESOLUTION 2014-32A:** RESOLUTION TO ADOPT TEMPORARY CAPITAL BUDGET was read by title by Mayor Macnow. Mayor Macnow stated this resolution ties into the previous bond ordinance and amends the capital budget. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

6. **PRESENTATION:** ASSESSMENT DEMONSTRATION PROGRAM IMPLEMENTATION (20% INSPECTIONS BEGINS 2014). Mr. Timothy Anfuso, P.P. spoke on behalf of Mr. Magnani and discussed the pilot program for tax reassessments within the County, the goal of which is to reduce the number of tax appeals and determine if changes to the current system of assessing property, including the assessment calendar and appeal process, are warranted. All Monmouth County municipalities have been ordered to complete a total revaluation or start an annual qualified reassessment, for which 20% of the municipality is inspected and reassessed each year for the next five years. Colts Neck Township is part of the 20% reassessment group. To implement this initiative, the Township will need to budget approximately $20,000 to $25,000 in each of the five years, and at this point in time, it is uncertain if the costs of this pilot would be an exception to the 2% CAP. Mr. Anfuso stated the Tax Assessor will be breaking up the township into zones for the ongoing 20% assessments. To accomplish this goal, Tax Assessors will receive 300 hours of training and new computer programs, which will be included in the Assessors' Mod IV. Mr. Anfuso stated while only 20% of properties will be inspected, they will be looking at 100% of values. To accomplish the required interior inspections, an RFP to perform this work and bid approval is needed. Discussion ensued and the Governing Body was asked for a motion to authorize the publication of an RFP for inspection services and the award of contract. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

7. **PRESENTATION:** VARIOUS LONG RANGE PLANNING AND ZONING ISSUES. Mr. Anfuso presented the following:

- **Laird and Company Rezoning:** Mr. Anfuso stated the Master Plan re-examination report indicated the D, Light Industrial District is underdeveloped and could be developed with more intense uses that are inconsistent with long term plans for the Township. This report recommended a review of the list of permitted uses and schedule of limitations. The more intense uses would be eliminated and activities consistent with the historical use of the property, and the Township's low density agricultural base would be retained. Long Range Planning agreed with the Master Plan re-examination report and prepared a draft ordinance to change the D, Light Industrial District to a Distillery and Bottling Plant District. Principal permitted uses would be assisted living facilities, detached single family dwellings subject to the provisions of the A-5 Zone and self-storage facilities. Conditional uses would be professional and medical offices, flex space, and indoor recreation and training facilities. Restaurants with a maximum floor area of 3,000 s.f. and 125 seats and museums would be an accessory use to a distillery and bottling plant. Eliminated uses are experimental testing and research establishments and all industrial fabricating, processing and trucking operations (except for distilleries and bottling plant operations). Mr. Anfuso stated Laird & Company was in business here before the Township was formed, and has two locations (one on Laird Road and one near Asbury Avenue). Mr. Anfuso stated the draft ordinance was discussed with Mr. Larry Laird of Laird &Company, and while they are unhappy with the future restriction of use for their property, they have indicated they will not

oppose the ordinance. Mr. Anfuso stated while there is no anticipated change in use at Lairds, the Township wanted to be proactive. Mr. Bowden questioned the approval process, to which Mr. Anfuso replied either the Master Plan would need to be revised or the Township would need to notice the property owners within 200 feet of the property (approximately 15 households). Mr. Anfuso will work with Counsel Bennett and research the Land Use Law regarding the notices.

- **Brush Collection:** Mr. Anfuso stated Long Range Planning prepared a draft ordinance to codify the Township's current policy regarding brush collection. The ordinance clarifies the size of brush collected, the curbside placement of brush, limits the amount of brush to 20 cubic yards per scheduled collection, establishes a brush collection schedule, establishes a fee schedule for non-scheduled brush pick up by the Township, clarifies the timing and placement of brush at the curb line and provides the Township with the authority to remove brush and place a property lien when a violation is not abated. Mayor Macnow stated the Township had issues with residents not abiding with Township brush policies and an ordinance would codify the Township policies. Mayor Macnow stated while the Township is not looking to punish its residents, it can no longer abide having residents place leaves and brush curbside any time of year. Mr. Anfuso stated the Township would retain the authority to suspend the ordinance during times of natural disaster. Counsel Bennett suggested having a warning built into the ordinance as opposed to a summons. Mr. Anfuso stated the Code Enforcement Officer does issue several warnings and will only issue a summons if the violations are not corrected. Mr. Schatzle stated the residents may not know the collection schedule and recommended educating the landscapers as well. Mr. Schatzle stated homeowner liens are too fast a jump and with a part-time Code Enforcement Officer, this ordinance may be difficult to enforce. Mayor Macnow stated there is nothing in the Code now regarding brush collection. Mayor Macnow stated there are repeat offenders not adhering to the collection schedule. Mr. Engel stated the way to impact landscapers is to speak with the homeowners advising of possible ticketing. Mr. Orgo stated he is in favor of having all landscapers working in town required to obtain a Mercantile License. Mayor Macnow stated that should be addressed at another time. Mr. Engel stated this has to start somewhere, as branches are being placed on the street constantly. Mr. Schatzle stated he is opposed to having the Township in the business of picking up brush outside the collection schedule given the current DPW manpower. Mr. Bowden expressed concern about the staff time that would be devoted to brush collection for non-scheduled pick ups including billing and collections, inspections and liens. Discussion concluded and Mayor Macnow stated all should review the draft ordinance and provide comments. Mr. Bowden will speak with Mr. Thompson to gain his perspective. Mayor Macnow requested this issue be placed on the next meeting agenda for further discussion.

- **Leaf Collection:** Mr. Bowden stated leaf collection only occurs during a certain time of year due to the time constraints at the dumping site. Counsel Bennett stated a property lien would be placed as a special added assessment and may be difficult to collect initially, but does get collected eventually. Mayor Macnow stated there are other towns doing this. Mr. Fitzgerald stated the Township is cleaning up the leaves and brush already outside the scheduled collection times. Mayor Macnow requested all to send comments and review the brush and leaf ordinances for further discussion and possible introduction at the next Township Committee meeting.

8. **RESOLUTION 2014-32:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2013 BUDGET was read by title by Mayor Macnow. This resolution transfers $500 from Elections, Salaries and Wages to Tax Collection, Other Expenses ($250) and Engineering Services, Other Expenses ($250) to cover additional expenses. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

9. **MOTION TO ADOPT CONSENT AGENDA:**

10. ***RESOLUTION 2014-33:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, P.B. APPLICATION NO.473 (ABBATIELLO, STONE HILL ROAD)

11. ***RESOLUTION 2014-34:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, P.B. APPLICATION NO. 517 (SPRINT SPECTRUM, PUBLIC WORKS GARAGE)

12. ***RESOLUTION 2014-35:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, P.B. APPLICATION NO. 596 (SPATIAL/PHALANX ROAD, LLC, UTOPIA ROAD)

13. ***RESOLUTION 2014-36:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, P.B. APPLICATION NO. 345 (SPATIAL DESIGN, HOMINY HILL ROAD)

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

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

14. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden stated the 2014 municipal budget is almost complete, and he may need to postpone the first meeting to complete the budget.

15. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald stated he reviewed the vouchers and recommends approval as follows:

| | |
|---|---|
| Animal Control | $1,226.62 |
| Capital Fund | $5,481.11 |
| COAH | $127.00 |
| Construction Trust | $15,656.10 |
| Current Fund | $11,672,894.25 |
| Escrow | $25,615.15 |
| Grant Fund | $19,563.44 |
| Trust Fund | $17,939.88 |
| TOTAL: | $11,758,503.55 |

Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Macnow* recused himself from approving Sakoutis Brothers Disposal Inc. vouchers, Mr. Schatzle** recused himself from approving T&M Associates and Family Practice of CentraState vouchers and Mr. Orgo*** recused himself from approving Pine Tree Landscape Systems vouchers.

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

## 16. TOWNSHIP COMMITTEE REPORTS

Mr. Engel had no report this evening.

Mr. Schatzle had no report this evening.

Mr. Orgo reported the Colts Neck Business Association (CNBA) is holding the annual CNBA luncheon March 25, 11:30 a.m. to 2:30 p.m., at Trump National Golf Club. Mr. Orgo urged all interested to purchase their tickets soon, as only 60 tickets remain.

Mr. Fitzgerald reported with regard to the Energy Aggregation initiative, an 11 page letter was received from the Rate Council. Mr. Fitzgerald stated the Township is in the home stretch now and projects a May implementation.

Mayor Macnow reported the next meeting of the Wildlife Committee is scheduled March 4, 7:00 p.m., in the Library. Mayor Macnow stated the meetings are focused on determining viable programs to curtail the white tail deer population, and he urged all interested residents to attend and participate in the process.

## 17. PUBLIC COMMENT

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

Mr. Vince Domidion, County Planning Board Chair and resident, stated he is pleased with the Cicalese farmland acquisition, noting it is a good thing for the County and a good thing for Colts Neck. Mr. Domidion stated with regard to the two proposed ordinances for leaf and brush collection, it is important to define the municipal right of way, drawing distinction between paved and unpaved rights of way and to include storm sewers. Mr. Domidion stressed the importance of placing leaves and brush curbside correctly to facilitate collection by the Township.

Mr. Jeff Sauter, resident, stated the Laird ordinance notice should be sent to a wider audience beyond the 200 foot perimeter. Mr. Sauter stated the leaf and brush ordinance discussions tonight were good. Mr. Sauter urged the Township Committee to listen to Mr. Bowden's concerns. Mr. Sauter commended Mr. Fitzgerald for starting the Energy Aggregation Program and stated this program is good for the town.

Hearing no further comments, Mayor Macnow closed the public comment portion of tonight's meeting.

18. **RESOLUTION 2014-37:** EXECUTIVE SESSION. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote. Mr. Bowden stated it is not anticipated the Governing Body will return in open session this evening.

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

The meeting adjourned at 9:05 p.m.

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

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

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

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

Meeting adjourned at 9:20 p.m.

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Robert Bowden, Administrator/Municipal Clerk