

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
MAY 30, 2012  
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Engel, followed by a salute to the flag, led by Police Officer Kristian DeVito. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press on December 14, 2011 stating the meeting of the Colts Neck Township Committee would be held May 30, 2012 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, New Jersey. The notice requirements have been posted on the Township bulletin board and a copy is on file in the Office of the Township Clerk."

Roll call by Mr. Bowden indicated the following:

Present: Mayor Jarrett Engel, Deputy Mayor Michael Fitzgerald, Committeemen Russell Macnow, James Schatzle and Thomas Orgo

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

Absent: None

- 1. APPROVAL OF MINUTES OF MAY 9, 2012:** Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Engel, Fitzgerald, Macnow and Orgo; Mr. Schatzle abstained.

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

- 2. PRESENTATION:** PROMOTION TO POLICE SERGEANT, OFFICER KRISTIAN DEVITO. Mayor Engel stated he worked with Kristian DeVito as an advisor on the First Aid Squad 15 years ago. Mayor Engel stated Officer DeVito is well respected by his fellow officers and throughout the community. Chief Kevin Sauter stated the vacancy occurred when a Sergeant retired in January. Chief Sauter indicated the three-step selection process included a written examination; an oral examination by three independent, randomly selected Chiefs of Police, and a Departmental interview conducted by Chief Sauter and Lieutenant Leccese. Chief Sauter stated ten officers were eligible, eight started the process, and Officer Kristian DeVito ranked Number 1. Chief Sauter stated Officer DeVito grew up in Colts Neck and began working in the Colts Neck Police Department in 2001. Officer DeVito is currently pursuing his Bachelor's Degree. With this promotion, the Department will be at full authorized strength for its Command Staff.
- 3. RESOLUTION 2012-70:** RESOLUTION CONFIRMING PROMOTION TO POLICE SERGEANT, OFFICER KRISTIAN DEVITO was read by title by Mayor Engel. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

Chief Kevin Sauter provided Mrs. Courtney DeVito with Sergeant Kristian DeVito's Sergeant shield and pinned it to his uniform.

4. **SWEARING IN OF POLICE SERGEANT DEVITO** Mr. Bowden administered the Oath of Office to Police Sergeant Kristian DeVito while his wife, Courtney, held the bible. Sergeant Kristian DeVito received a round of applause and a two minute recess was called by Mayor Engel.

Mayor Engel reconvened the meeting.

5. **RESOLUTION 2012-71: RESOLUTION AUTHORIZING AWARD OF BID, USE OF TOWNSHIP PROPERTY FOR AGRICULTURAL PURPOSES** was read by title by Mayor Engel. Mr. Bowden stated bids were solicited. Hemlock Hill Farm, 260 Phalanx Road, Colts Neck, bid \$36 per acre to farm 30 acres of Township property for three years (2012-2014), which results in payment to the Township of \$1,080 per year for a total of \$3,240. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

Mayor Engel stated the agenda items would be discussed out of sequence and then read the following by title (Agenda Item Nos. 9 through 14):

6. **MOTION TO ADOPT CONSENT AGENDA:**
7. **\*RESOLUTION 2012-75:** RESOLUTION AUTHORIZING FIREWORKS DISPLAY ON JUNE 29 AND JUNE 30, 2012
8. **\*RESOLUTION 2012-76:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 629A (FLANCAUM)
9. **\*RESOLUTION 2012-77:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, ROAD OPENING, BLOCK 29, LOT 9 (RADA)
10. **\*RESOLUTION 2012-78:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2012
11. **\*RESOLUTION 2012-79:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS

Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried, with the exception of Resolution 2012-76, for which Mr. Macnow recused himself.

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

12. **ADMINISTRATIVE REPORT** (AGENDA ITEM NO. 15): Mr. Bowden stated he had nothing further to add to his Administrative Report. Mr. Bowden stated the American Cancer Society Relay for Life, Colts Neck and Freehold Townships Chapter, are seeking Governing Body approval to include an overnight stay in Bucks Mill Park June 9<sup>th</sup>. Mr. Macnow questioned if the surrounding neighbors were notified of the event, to which Mr. Bowden responded in the affirmative. Mr. Bowden noted a request has been made to move the band to the pond area to minimize disturbance to nearby residents. Mr. Macnow made a motion to approve the overnight use of Bucks Mill Park for the Relay for Life event, seconded by Mr. Fitzgerald and unanimously carried by voice vote. Mr. Bowden stated he would notify the appropriate parties.

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

13. **MOTION TO APPROVE VOUCHERS** (AGENDA ITEM NO. 16): Mr. Fitzgerald stated he reviewed the vouchers and recommends approval as follows:

Animal Control	\$165.79
Capital Fund	\$6,212.31
Construction Trust	\$24,760.93
Current Fund	\$2,929,276.95
Escrow	\$6,480.77
Grant Fund	\$7,280.00
Trust Fund	\$15,408.32
TOTAL:	\$2,989,585.07

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

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

14. **TOWNSHIP COMMITTEE REPORTS** (AGENDA ITEM NO. 17)

Mr. Macnow had no report this evening.

Mr. Fitzgerald had no report this evening.

Mr. Schatzle had no report this evening.

Mr. Orgo had no report this evening.

Mayor Engel thanked all participants in this year's Memorial Day Parade. Mayor Engel also thanked the Recreation Committee for planning a well executed event and thanked the public for their support.

15. **RESOLUTION 2012-72: RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2011 FOR COLTS NECK FIRST AID** (AGENDA ITEM NO. 6). Mr. Bowden stated he was recently advised by Legal Counsel that 2010 legislation exists whereby Governing Body members who are also members of volunteer emergency service organizations within the Township may not vote on matters pertaining to member organizations and must recuse themselves. Mayor Engel recused himself, turned the gavel over to Deputy Mayor Fitzgerald, and left the meeting. Mr. Schatzle recused himself and left the meeting.

**RESOLUTION 2012-72: RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2011 FOR COLTS NECK FIRST AID** was read by title by Acting Mayor Fitzgerald. Mr. Bowden stated this resolution for 2011 LOSAP credits for the First Aid Squad amounts to \$15,345. Mr. Bowden stated upon adoption of this resolution, it would be posted in the First Aid Building and at Town Hall for 30 days.

Legal Counsel John Bennett arrived at 7:45 p.m.

Mr. Fitzgerald questioned the maximum credit a volunteer may receive, to which Mr. Bowden replied annual credits are based on member activity and range from \$400 minimum to \$1,255 maximum. Mr. Bowden stated the First Aid Squad (\$14,345) and both Fire Houses (#1: \$11,885) (#2: \$12,740) credits total to under \$40,000, which is less than past years and less than was budgeted. The balance budgeted may be reserved for future payments. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

Mayor Engel returned to the meeting and assumed the gavel.

16. **RESOLUTION 2012-73: RESOLUTION CONFIRMING AND CERTIFYING LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CREDITS FOR 2011 FOR COLTS NECK FIRE COMPANY NO. 1 AND NO. 2** (AGENDA ITEM NO. 7) was read by title by read by title by Mayor Engel. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

17. **RESOLUTION 2012-74:** RESOLUTION AUTHORIZING AWARD OF BID FOR PURCHASE OF TRIPLE COMBINATION PUMPER, \$545,478.00 (AGENDA ITEM 8) was read by title by Mayor Engel.

Mayor Engel opened the meeting to public comment.

Ms. Elaine Mann, a resident, stated she heard rumors this resolution will not pass tonight. Ms. Mann stated there has been an increase in the number of homeowners in the past 20 years and questioned the number of vehicles operating within the Township that are 20+ years old.

Fire Chief Richard Galinski, a resident, thanked the Governing Body for bonding to replace the pumper truck that is now 20+ years old. Chief Galinski stated the bid specifications for the pumper truck were developed by those with the knowledge of fire safety. Chief Galinski stated the bids received were below estimates, and the bid specifications were written for the Township, which does not have city water. Chief Galinski stated the equipment provides user friendly operation and quick access to tools. Chief Galinski thanked the Governing Body for their support of the men and women volunteers of the Township's Fire Department.

Mr. Thomas Papalia a resident, stated a survey of Long Island showed it had more fire equipment than the City of New York. Mr. Papalia stated there are a lot of ways to spend \$500,000.

Mr. Vince Cerrullo, a resident and member of the Fire Police, stated he spent 45 years in fleet management. Mr. Cerrullo stated money has been spent on refurbishing the pumper truck, and suggests cutting losses and turning this equipment in while it still has value.

Mr. Chris Quincannon, former Fire Chief and Fire Company 2 member, stated those involved did their homework in preparing the bid specifications and saved money by not including "bells and whistles". Mr. Quincannon stated the Township needs specialized equipment to fight fires, and the current equipment slows down fire fighting.

Mr. David Mann, a resident and Fire Company 2 member, stated he has been driving Truck No. 275 for many years. Mr. Mann suggests spending no more money to repair this truck, stating a new truck will give the best bang for the buck.

Mr. Fulton Wilcox, a resident, stated the purchase of a new fire pumper was planned throughout the budget process. Mr. Wilcox stated he is not aware of any statement why this truck will not be purchased. Mr. Wilcox supports purchasing the pumper truck.

Hearing no further comments from the public, Mayor Engel closed the meeting.

Mr. Macnow stated there were a number of meetings during which discussion on purchasing a pumper truck was discussed, and the pumper truck was vetted. Mr. Macnow stated there was a unanimous vote by the Township Committee on the purchase of the pumper truck. Mr. Macnow stated funds for the purchase of the pumper truck went through the bonding process. Mr.

Macnow stated he has not heard anything to change his opinion to purchase the pumper truck. Mr. Macnow stated this is a good time to borrow money with low interest rates. Mr. Macnow stated he has no idea how much money will be needed for future repairs of the current pumper truck.

Mr. Orgo stated he opposes the purchase of the pumper truck at this time. Mr. Orgo stated not purchasing the pumper truck will not jeopardize the ISO insurance rating of properties within the Township. Mr. Orgo stated the Fire Department needs drivers, not a new truck. Mr. Orgo stated the truck never left the building during the last fire due to lack of trained drivers.

Mr. Fitzgerald stated he has told Chief Galinski he will vote "no" for the purchase of the pumper truck this evening, noting the Township does not need a new pumper truck at a cost of \$500,000. Mr. Fitzgerald stated he told the Fire Chief to take a step back, noting the next two years may bring significant difficulty due to a bad economy. Mr. Fitzgerald noted the Township is thinly staffed, and past economic difficulties resulted in layoffs of Police and Public Works employees. Mr. Fitzgerald suggests immediately reconvening a committee to find another piece of equipment that meets the needs at a more affordable cost.

Mayor Engel stated his expectation is for the Chief and the Fire Department to come up with the solution that is best for the Township. Mayor Engel then read the following by title: **RESOLUTION 2012-74: RESOLUTION AUTHORIZING AWARD OF BID FOR PURCHASE OF TRIPLE COMBINATION PUMPER, \$545,478.00.** Mr. Macnow made a motion to approve. Hearing no second, Mayor Engel relinquished the gavel to Deputy Mayor Fitzgerald and seconded the motion. Mr. Macnow voted yes, Mr. Engel voted yes, Mr. Orgo voted no, Acting Mayor Fitzgerald voted no, Mr. Schatzle recused.

Mr. Bowden stated with a tie vote, the resolution is not carried.

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

Mayor Engel assumed the gavel.

Mr. Schatzle returned to the meeting.

**18. COMMENTS FROM THE PUBLIC**

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

Ms. Elaine Mann, spoke of Mr. Fitzgerald's comments and noted the difficult economic times. Ms. Mann questioned the Township funding the Senior Citizens Club trips. Mr. Fitzgerald responded requesting Ms. Mann remember how he voted on the Seniors' funding.

Mr. Peter Wagar, a resident, stated it is important to know how the Governing Body feels, stating the vote denied the purchase of the fire pumper based on budgetary considerations, and the Fire Company should now regroup and find a better truck to meet the needs of the community. Mr. Wagar stated the non-passage of this resolution was not based on the availability of drivers. Mr. Wagar stated the ISO sets standards for fire safety and insurance ratings, and he wants the current ISO ratings to be unaffected by tonight's decision. Mr.

Fitzgerald responded his voting down the purchase of a pumper tonight was a budget issue, and he has no problem with approving the purchase of less expensive equipment. Mayor Engel stated there needs to be a regrouping and a discussion on what the next steps are as a Fire committee. Mr. Fitzgerald stated he agrees a pumper truck is needed, and if a more affordable pumper truck is available, his vote will change, stating the sooner the better.

Ms. Virginia Amend, a resident and Editor of the Colts Neck Calendar, discussed her daughter's experience as a member of the Middletown School Board and noted her daughter was able to negotiate with two bidding vendors.

Mr. Papalia stated he recently saw a truck on television operated by one or two persons that carries water used at the airport. Mr. Papalia suggested further research into this truck.

Mr. Fulton Wilcox stated those involved thought they had the support of the Governing Body to purchase the pumper truck; however the economy turned. Mr. Wilcox stated there is no time to delay, noting in 2013/2014, there may be huge congestion in suppliers fulfilling orders. Mr. Wilcox stated it is unfortunate there was no guidance on what would have been an acceptable purchase price and suggested this should have been discussed in February. Mr. Wilcox did not agree with Mr. Orgo's comment to downsize equipment based on the number of emergency responders.

Mr. Chris Quincannon stated he is disappointed in tonight's vote. Mr. Quincannon stated he spent months finding the best value for the Township, and stated this is very frustrating. Mr. Quincannon stated the purchase of the pumper truck was approved by the Township Committee and the Executive Fire Council.

Mr. David Mann stated the interest rates are low now. Mr. Mann stated interest rates and the price of the pumper truck will increase in the future.

Mr. Jeff Sauter, a resident and member of Fire Company 2, stated the Fire Company and Executive Fire Council need clear direction before proceeding. Mr. Sauter stated Fire Company 2 has a 22 year old truck and needs to move quickly. Mr. Sauter questioned the 2010 law only now being discovered in existence.

Ms. Elaine Mann thanked the Fire Department for taking care of equipment for 23 years.

Hearing no further comments, Mayor Engel closed the meeting.

19. **RESOLUTION 2012-80: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote. Mr. Bowden stated the Governing Body was not expected to return in open session this evening.

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

The public meeting adjourned at 8:20 p.m.

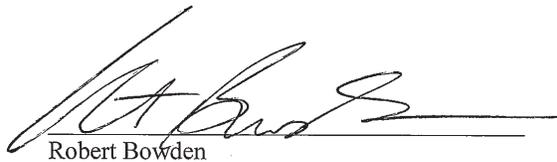
Motion by Mr. Fitzgerald, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 9:45 p.m.



Robert Bowden  
Administrator/Municipal Clerk