

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 10, 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 Timothy Anfusio, Township Planner. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press on December 14, 2011 stating a meeting of the Colts Neck Township Committee would be held October 10, 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 and James Schatzle; Thomas Orgo (arriving late)

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

Absent: None

- 1. APPROVAL OF MINUTES OF SEPTEMBER 27, 2012:** Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and carried by Messrs. Engel, Fitzgerald and Macnow; Mr. Schatzle abstained.

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

- 2. PRESENTATION: VARIOUS DEVELOPMENT REGULATION AMENDMENTS.** Mr. Anfusio discussed the following three proposed development regulation amendments:

Building Height – The proposed ordinance would permit a maximum 40 foot building height and 2.5 stories for a single family dwelling on a ten acre or larger lot built within the AG (Agricultural District) provided the minimum required front, side and rear setbacks are increased by a minimum of five feet for each foot the structure exceeds 35 feet in height. The current 35 foot height limitation restricts the roof pitch, and larger dwellings require a steeper roof pitch to maintain the structure's architectural balance.

Mr. Orgo arrived at 7:35 p.m.

Discussion ensued regarding new septic requirements that prohibit mounding. Mr. Fitzgerald spoke of mounding where dirt is trucked in changing existing grade, and he then questioned a change to the third floor. Mr. Anfusio advised a half-story is permitted; however a full floor, third story is not.

Drive-Thru Retail Stores – The proposed ordinance would prohibit drive-in or drive-thru services in retail stores including, but not limited to convenience stores, dry cleaners, pharmacies, donut/coffee stores to the list of uses prohibiting drive-

in or drive-thru services. Currently, drive-in/drive-thru services are not allowed in restaurants, tea rooms and taverns. The five banks, each with drive-thru services, will continue to be a permitted use. Mr. Orgo requested gas station mini-marts be added to the prohibited uses list. Discussion ensued, and Mr. Anfuso will revise the ordinance to include mini-marts.

Performance Guarantees – The proposed ordinance requires final approval and the posting of performance guarantees prior to the start of construction. The Planning Board Attorney has reviewed the current ordinance, which allows the installation of site improvements based on preliminary approval and prior to granting final approval or the posting of performance guarantees, and opined this practice is contrary to the intent and purpose of the Municipal Land Use Law. The Long Range Planning Committee reviewed the policy and agrees it is in the best interest of the public to protect the Township from a developer abandoning a project with unsafe site conditions by requiring final approval and the posting of performance guarantees prior to the start of construction. The proposed ordinance eliminates provisions which authorize construction under preliminary approval and prior to posting performance guarantees; clarifies that no site work may be performed until final approval is granted and performance guarantees are posted; and adds a “condition of approval” section, which lists standard conditions of approval incorporated into every resolution adopted by the Planning Board. Discussion ensued. Mr. Fitzgerald spoke of mounding during construction, which could change the runoffs to neighborhood properties, and would like this addressed also; however, he did not want to hold up the introduction of this ordinance, but wants mounding addressed with a future ordinance.

The Township Committee was in consensus to move forward with the three proposed ordinances. Mr. Bowden stated the ordinances would appear on the next meeting agenda.

Mayor Engel then raised the issue of contractors asking for forgiveness rather than permission in building. Mr. Anfuso stated the Zoning Board has been looking at this issue for years; however, with the Township’s hiring of the new Construction Sub-Code Compliance Officer site inspections are being performed to ensure permitted work match on-site work. Mr. Anfuso stated the on-site inspections have prevented problems, and this is a proactive solution. The Township can file complaints against contractors performing work without permits or working outside the approved scope of the permit issued, which can result in revocation or suspension of a contractor’s license. Mr. Anfuso noted no one has been reported due to the preventive action of the Sub-Code Compliance Officer and decreased new construction within the Township. Mr. Anfuso stated the only recent compliance issue involved the removal of parking lot islands within the Orchards Shopping Center, which he personally detected. Counsel Bennett stated the Township can establish its own consumer affairs unit for resident complaints. Mr. Macnow stated there is a section of the State’s DCA website to capture licensed contractor problems. Mr. Schatzle stated he does not want to duplicate DCA, and Mr. Macnow concurred advising the State website should be consulted. Mr. Anfuso stated Mr. Galinski, Code Enforcement Officer, is directed to summons property owners for Court appearances if the work is not in compliance. Mr. Fitzgerald stated he wants an ordinance with teeth in it to fine a contractor and suspend his ability to work in the Township if he is not in compliance with permits issued or is working without permits.

Mr. Anfuso left the meeting at 8:10 p.m.

3. **ORDINANCE 2012-13:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED A 2012 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK (PUBLIC WORKS) was read at second reading by title by Mayor Engel. Hearing no comments, Mayor Engel opened the meeting to public comment.

Mr. Thomas Papalia, a resident, questioned if this ordinance would pay drivers up to \$30 per hour. Mayor Engel responded in the affirmative; this ordinance would authorize a rate of pay for snow plow drivers up to \$30 per hour.

Ms. Virginia Amend, a resident and Editor of the Colts Neck Calendar, questioned who owns the equipment to be driven? Mayor Engel responded the Township owns the equipment.

Hearing no further comments, Mayor Engel closed the meeting. 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						

4. **RESOLUTION 2012-118:** RESOLUTION CONFIRMING APPOINTMENT FOR PROFESSIONAL APPRAISAL SERVICES FOR TAX APPEAL, NEW JERSEY AMERICAN WATER V. TOWNSHIP OF COLTS NECK (GAGLIANO AND COMPANY) was read by title by Mayor Engel. Mayor Engel stated the Township requires professional appraisal services for a tax appeal initiated by New Jersey American Water and solicited proposals for this purpose. This resolution authorizes the services of Gagliano and Company of Shrewsbury not to exceed \$6,500.00. 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						

5. **RESOLUTION 2012-119:** RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE LEASE OF CERTAIN TOWNSHIP-OWNED REAL PROPERTY (BLOCK 43, LOT 2.03) FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATIONS TOWER AND THE INSTALLATION OF ANTENNAE AND RELATED EQUIPMENT was read by title by Mayor Engel. Mayor Engel stated this resolution was prepared at the request to Township Counsel in the event the Township loses its appeal. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Engel, Fitzgerald, Macnow; Messrs. Schatzle and Orgo opposed.

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						

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

7. ***RESOLUTION 2012-120:** RESOLUTION ESTABLISHING HALLOWEEN CURFEW HOURS

8. ***RESOLUTION 2012-121:** RESOLUTION AUTHORIZING RELEASE OF ESCROW FEES, ZONING BOARD APPLICATION NO. 892

Discussion ensued regarding the first paragraph in Resolution 2012-120, the stated paragraph was then struck. Mr. Fitzgerald noted the letter dated September 24, 2012 from Counsel Steib attached to Resolution 2012-121 has a typographical mistake (know), which was corrected for the record (no). Mr. Macnow made a motion to approve, with Resolution 2012-120 approved as amended, seconded by Mr. Orgo and unanimously carried.

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

9. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing further to add to his Administrative Report. Mr. Bowden reported the County has opened a truck wash facility at the Reclamation Center in Tinton Falls. The County is operating the truck wash through shared service agreements with participating municipalities. Mr. Bowden stated this is another valued service for municipalities from the County.

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

Animal Control	\$2.40
Capital Fund	\$16,069.44
Construction Trust	\$95.62
Current Fund	\$272,687.74
Escrow	\$8,249.30
Grant Fund	\$1,676.00
Trust Fund	\$517.50
TOTAL:	\$299,298.00

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						

11. **TOWNSHIP COMMITTEE REPORTS**

Mr. Orgo reported the Colts Neck Business Association met today. Mr. Orgo reported on October 24th the Business Association will have a joint business card exchange, business to business, from 6:00 p.m. to 9:00 p.m. at the Buena

Vista Golf Course in Marlboro. The Chambers of Commerce will have 30 tables at the event and 20 have already been reserved. Mr. Orgo reported the Business Association pig roast had 111 attendees and was well received.

Mr. Orgo provided a Town Hall core site report noting the pond dredging is underway and on schedule. Mr. Orgo stated the generator connection from Town Hall to the Police Department was completed and is now operational.

Mr. Orgo reported the tentative date for the presentation of the deer sub-committee report is November 1st. Mayor Engel stated the Township is working out details with the State, who will be participating in the Township's public meeting. Mayor Engel noted once a mutually agreeable date with the State representatives, the Deer Sub-Committee and the Township Committee, notices of the meeting date will be placed in the Asbury Park Press, the Township's website, and flyers placed locally within the Township.

Mr. Schatzle reported the Senior Flu Clinic administered by the Department of Health was a two-day event that immunized approximately 300 senior residents during the monthly Senior Citizens meeting and at the Courthouse.

Mr. Macnow reported the Friends of the Library Book Sale is scheduled October 19-20, 2012 in the large meeting room of the Library. A pre-sale fee of \$5.00 will allow a one-hour browse of all books to be sold on the 19th from 9 to 10 a.m. The Friends are looking for volunteers to sort, set up and break down the books; community service credit is given. Mr. Macnow noted these details are on the Township website.

Mr. Fitzgerald had no report this evening.

Mayor Engel had no report this evening.

12. COMMENTS FROM THE PUBLIC

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

Ms. Virginia Amend questioned if the amount bonded for the fire truck was transferred to the Fire Company, and if so, what is the amount transferred? Counsel Bennett responded stating the fire trucks are purchased by the Township, not the Fire Company, and no money is transferred to the Fire Company for purchase of the fire trucks. Ms. Amend questioned the actual total cost of the pond drainage. Mayor Engel stated the cost to the Township is \$100,000; the overall cost of the project is to be determined.

Ms. Elaine Mann, a resident, questioned the two "no" votes on Agenda Item No. 5, Resolution 2012-119, this evening. Mr. Schatzle stated he is opposed to constructing a cell tower on Township property. Mr. Orgo stated he is opposed to constructing a cell tower on preserved farmland. Ms. Mann questioned who is responsible for cleaning the trails of the Schlesinger Preserve. Mr. Bowden stated most requests are filtered through the Recreation Department, and he is working with Recreation and Shade Tree to clear the trails. Mayor Engel noted the process of clearing trails is not new and has been in operation for a while. Ms. Mann questioned the status of purchasing the fire truck. Mr. Macnow responded he has been speaking with the Fire Chief and the President of the Executive Fire Council, who are making comparisons with other municipalities. As soon as the Fire Chief and the Executive Fire Council President provides the results of their research, Mr. Macnow stated he will bring this issue forward to the Township Committee. Mr. Schatzle stated the number one priority of the Township Committee is to keep people safe.

Mr. Thomas Papalia stated the Township needs to spend money on giving firemen experience, not buying more equipment.

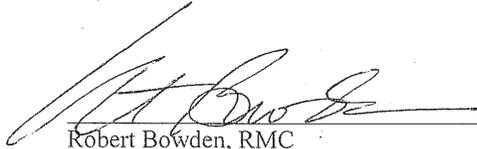
Ms. Diana Piatrowski, a resident, questioned if requiring a port-a-potty for on-site workers can be a Township requirement. Counsel Bennett responded it would depend on the type of work and the length of construction. Mr. Bowden stated he will speak with Mr. Anfuso further.

Hearing no further comments, Mayor Engel closed the meeting.

13. **MOTION TO ADJOURN:** Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote.

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

Meeting adjourned 8:35 p.m.



Robert Bowden, RMC
Administrator/Municipal Clerk