

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
APRIL 28, 2010
7:30 P.M. AT COURT HOUSE**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Florek followed by a salute to the flag. The following statement was read by Township Clerk Bowden: "The notice of the requirements of the New Jersey Public Meetings Law have been satisfied by forwarding a "News Release" to the Asbury Park Press on December 10, 2009 stating that the meeting of the Colts Neck Township Committee would be held on April 28, 2010 at 7:30 p.m., 124 Cedar Drive, Colts Neck. 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 Florek, Deputy Mayor Schatzle, Committeemen Engel, Eastman and Fitzgerald

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

Absent: None

1. **MAYOR'S PROCLAMATION:** MUNICIPAL CLERKS' WEEK. Mayor Florek proclaimed the week of May 2 through May 8, 2010 as Municipal Clerks' Week and expressed his appreciation to Robert Bowden, Municipal Clerk; and Beth Kara, Deputy Municipal Clerk, for the exceptional job they do.
2. **INTRODUCTION OF 2010 MUNICIPAL BUDGET:** Mayor Florek noted this year's budget workshop sessions exceeded 40 hours and cuts were made everywhere to minimize the impact and to stay within the four percent State mandated cap. A summary of the 2010 budget and Mayor Florek's talking points are appended.
3. **RESOLUTION 2010-68:** RESOLUTION AUTHORIZING INTRODUCTION OF 2010 MUNICIPAL BUDGET was read by title by Mayor Florek. The General Appropriation is \$10,795,179.51, Dedicated Open Space Tax is \$778,228.30, totaling \$11,573,409.81. The amount to be raised by taxation in support of the 2010 municipal budget is \$5,302,380.00. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Florek set the public hearing May 26, 2010.

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

4. **RESOLUTION 2010-69:** RESOLUTION AUTHORIZING SELF-EXAMINATION OF 2010 MUNICIPAL BUDGET was read by title by Mayor Florek. The State authorizes municipalities in sound fiscal condition to perform a self-review on alternate years. The Township has been declared eligible to participate in self-review, and Mr. Antonides, CFO, has certified the 2010 municipal budget meets the statutory requirements for self-review. 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 Florek		X			
Schatzle	S	X			
Engel	M	X			
Eastman		X			
Fitzgerald		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **RESOLUTION 2010-70:** RESOLUTION AUTHORIZING DEFERRAL OF SCHOOL TAX TO SUPPORT THE 2010 MUNICIPAL BUDGET was read by title by Mayor Florek. Mayor Florek noted the Township is permitted to defer school tax, not to exceed 50% of the school levy of the unpaid balance to keep Township municipal operations afloat. This resolution authorizes the deferral of \$800,000 of unpaid school tax. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

6. **DISCUSSION:** DEFEATED REGIONAL AND LOCAL SCHOOL BOARD BUDGETS. Mayor Florek stated both regional and local school board budgets were defeated in the recent election. The Township Committee is now charged with the responsibility to review the defeated budgets and make recommendations. Messrs. Fitzgerald and Schatzle will represent the Township as one of eight towns in the regional budget review. The regional school board has reached out to the eight bargaining units for concessions. Messrs. Engel and Eastman are reviewing the local school board budget. By May 19th, the Governing Body must adopt resolutions certifying the regional and local school board budgets. Mr. Fitzgerald stated approximately 60% of the property tax bill is for the local and regional school boards. If all towns in the regional system do not agree on the reductions, the budget would be forwarded to the Commissioner of Education for decision. Mr. Engel stated the local school board meeting is scheduled Tuesday evening. Mayor Florek stated all budgets will be reviewed carefully.
7. **DISCUSSION:** CONSTRUCTION PERMIT FEE INCREASES, CHAPTER 98-3 OF THE TOWNSHIP CODE. Mr. Bowden stated Building Department fees have not been changed since 2001. The Building Department is self-sustaining; however, it is now showing signs of financial stress. A review of fees charged by peer communities was conducted and the fees need to be adjusted upwards. Mr. Schatzle noted this is similar to what was done last year with the Health Department's fee schedule. Discussion ensued and the Governing Body concurs with the revisions. Mr. Bowden stated an ordinance would be prepared for a future agenda.
8. **DISCUSSION:** PUBLIC WORKS, POSSIBLE RESOLUTION TO CONFIRM LAY-OFF OF PUBLIC WORKS EMPLOYEE. Mayor Florek stated these were very difficult times. While the Governing Body does not want to see this, action is necessary due to lack of options. Mr. Schatzle noted Mr. Bowden spoke with the DPW union representatives. The DPW union has the option, over the next 30 days, to return to the Township with concessions and suggestions for savings to stop this action.

At this point, Mayor Florek expanded the discussion to also include Agenda Item No. 9.

9. DISCUSSION: POLICE DEPARTMENT, POSSIBLE RESOLUTION TO CONFIRM LAY OFF OF POLICE DEPARTMENT PATROLMAN.

Mayor Florek again stated this is not something the Governing Body wants to do; however, the two union contracts include increases of 4% for Public Works and 4.25% for Police this year. Mr. Bowden spoke with the PBA union representatives. Unless the unions provide options, the Township cannot legally reduce contractual salaries. It is hoped the PBA returns with options within the next 30 days to stop this action.

Mr. Fitzgerald stated during the municipal budget review, the Governing Body went line-by-line and made reductions; however, the municipality is still faced with a deficit. While the Township Committee cannot make suggestions to the unions, the unions can offer options to the Township. Mr. Fitzgerald stated this is done with a heavy heart; however, the Township must abide by the contract terms.

RESOLUTION 2010-70A: RESOLUTION TO CONFIRM LAY OFF OF PUBLIC WORKS EMPLOYEE was read by title by Mayor Florek. Mr. Eastman made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

Mr. Schatzle stated he has a heavy heart for both the DPW and Police employees impacted. He would rather work this out; however, in government, procedures need to be followed. Mr. Schatzle hopes the unions will view what needs to be done to stop the lay offs. Mr. Engel stated he takes safety and security seriously and hopes to receive concessions.

RESOLUTION 2010-70B: RESOLUTION TO CONFIRM LAY OFF OF POLICE DEPARTMENT PATROLMAN was read by title by Mayor Florek. Mr. Eastman made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

10. ADMINISTRATIVE REPORT: Mr. Bowden had nothing to add to his report. Mr. Bowden stated the Township lost \$500,000 in State Aid. The Energy Tax receipts paid to the State and due the Township were diverted by the State (Township received \$1.9 million this year and \$2.1 million last year). Other municipalities are adopting resolutions urging the New Jersey Legislature to restore in full all Energy Tax receipt funding. Mr. Bowden questioned if the Governing Body wanted a resolution prepared. Discussion ensued and all agreed to proceed. Mr. Bowden stated the resolution will be on a future agenda.

Mr. Bowden stated there were no bids received for the wireless antennae request for proposal. A letter from AT&T stated the Township was expecting too much in their bid specs. The Wireless Consultant is reviewing and revising the bid specs, and the proposal must be re-bid. Mr. Engel made a motion to re-bid the wireless antennae proposal, seconded by Mr. Fitzgerald and unanimously carried.

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

11. MOTION TO APPROVE VOUCHERS: Mr. Schatzle reviewed the vouchers, noting all were in order, and are as follows:

Animal Control	\$110.38
Capital Fund	\$736.00
Construction Trust	\$10,581.73
Current Fund	\$5,659,264.20
Escrow	\$3,011.56
Farmland Preservation Trust	\$99.00
Grant Fund	\$1,984.08
Trust Fund	\$7,529.57
TOTAL APPROVED:	\$5,683,316.52

Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald, and unanimously carried, with Mr. Eastman noting he approves all and *abstains from approving those involving Police matters.

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

12. TOWNSHIP COMMITTEE REPORTS

All members of the Township Committee had no report this evening.

13. COMMENTS FROM THE PUBLIC:

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

Ms. Virginia Amend, a resident and editor of the Colts Neck Calendar, stated Middletown Mayor Scharfenberger sent letters to the Board of Education and head of the Teachers Union regarding pay raises. Ms. Amend asked if this is something Colts Neck might do. Mr. Eastman responded that this was an interesting concept; however, until meetings with the school board are held, a decision would not be reached.

Mr. Eric Goldring, a resident and member of the local school board, spoke of the budget and the proposed elimination of teachers and school busing and the

need to hire crossing guards. Mr. Goldring urged the Committee to retain the younger teachers for an overall savings to taxpayers.

Ms. Jackie Hoagland, a resident, stated she looked at 1994 documents showing school enrollment figures and projections. Ms. Hoagland stated with 1,300 students enrolled now, there is the same number of administrators in the local system as were in 1994 with 1,100 students. Ms. Hoagland stated she has five children in the district.

Mr. Vince Domidion, a resident, stated one of eight unions in the regional school system agreed to a pay freeze. Mr. Domidion stated the situation is going to get worse with a rise in fixed costs and a predicted State hard cap of 2.5% and interest rates down. Mr. Domidion praised the good work done at the budget meetings, and suggested five-year budgeting be utilized. Mr. Domidion stated the regional school district is well run, whereas the cost per pupil for the local school district is significantly higher than other similar districts. The local district has a projected enrollment below 60% building utilization. Mr. Domidion suggests improving utilization by closing one school building, which would save significantly more dollars due to decreases in operating and administrative costs and would avoid cuts in programs.

Mr. Matthew Minosky (sp?), questioned the lay-offs and asked if the increases in Building Department fees could offset these salaries. Mayor Florek responded that Building Department fees collected must remain for Building Department operations.

Mr. Kristian DeVito read a letter on behalf of the Township PBA, which is appended. Mr. DeVito stated the 22 members of the PBA met and are urging residents to ask the Township Committee to stop the PBA lay off. Mr. DeVito asked what dollar figure the Township is looking for in terms of concessions.

Mr. Frank Rizzuto, a resident, stated he is strongly opposed to the lay off of a Police Officer. He recommends placing the Recreation Department within the Police Department's Community Service Office.

Ms. April Leahy, a resident, stated she was disturbed to hear of the break ins over the winter and the proposed lay off of one Police Officer. She stated the reductions to the board of education budget are steep and teachers make a fraction of the budget dollars. Ms. Leahy is concerned about attracting new families to the Township if class size is increased.

Ms. Marybeth Tomaro, a resident, stated her home was burglarized, and she is thankful for the detective work done to apprehend and imprison the two persons responsible. Ms. Tomaro stated she strongly believes in public education and wants the value of her home to remain stable. She stated Colts Neck cannot be compared to Marlboro or Manalapan unless the number and size of ratables are increased.

Mr. Ray Schebell, Colts Neck Business Association, stated the Business Association has a problem with the Police lay off. He stated if it is not safe, people will not shop here. Mr. Schebell suggested looking into future areas of development within the business district .

Ms. Elizabeth McCleary, a resident, stated speeding traffic is a significant issue within Colts Neck. She stated a grey sports car was traveling at 120 mph. on a local road. Ms. McCleary stated Colts Neck needs a traffic officer.

Ms. Elaine Mann, a resident, stated she runs the Clean Communities Program. She stated when the Township needed funds for Clean Up Day, this program provided \$10,000. She stated Senior Citizens requested \$45,000 this year, were cut to \$30,000, and funds were restored to \$40,000. Ms. Mann requested unnecessary committees be cut. Ms. Mann questioned the purpose of the Montrose Road school house and suggested mothballing it.

Mr. Robert Sayko, a resident, stated he has empathy and sympathy for those affected by the cuts. Mr. Sayko stated he knows the job the Township Committee has done, and he hopes they look at the figures for our town.

Mr. Glen Dalakian, a resident, stated he has law enforcement in his background, and he is in favor of deferring a decision on the Police Officer. Mr. Dalakian wants to see a safe community, which he stated is critical to the property and business values.

Unknown male, a resident, stated he is a farmer driving large equipment on the local roads and has to watch for other drivers. He is concerned that a reduction in the Police force puts all at risk.

Ms. Andrea Giannopolis, a resident and local school board president, questioned if any of the Township Committee will be recusing themselves from the local and regional budgets. Mr. Schatzle responded he will be checking with Counsel.

Unknown male, stated he owns a business and made cuts based on numbers, which didn't work out well. He did re-hire some employees; however it cost him. He questioned the ramifications if the Township Committee is making a mistake, and stated the Police Department is at a bare minimum now.

Mr. Tom McGowan, a resident, stated reducing the Police force is a bad idea. He stated the unions have drawn a line in the sand, yet things are changing in the public's ability to pay for the services. Bargaining units have to recognize this.

Ms. Susan Wilcox, a resident, stated volunteerism has declined and people need to return to volunteering. Ms. Wilcox cited the example of NOPE. Ms. Wilcox stated if you want to get things done, people in town have to volunteer.

Mr. Robert Halmi, PBA President, stated he was advised two Officers would be laid off in 2011 and the Township wanted concessions. Mr. Halmi asked to meet with Mayor and Committee. Mr. Halmi stated concessions may not save Officers' jobs. Mr. Halmi spoke of the logistics in responding if one Officer is on call on Route 18 and another is needed elsewhere. Mayor Florek responded stating one person was being laid off in 2010, while another position was not being back-filled in 2011. Mr. Fitzgerald questioned the thought the Township Committee wanted to lay off anyone. Mr. Fitzgerald stated the Governor mandated a 4% property tax cap, and pay increases under the PBA contract exceeds the 4% cap. Additionally, the majority voted against the local and regional budgets on April 20, 2010. Mayor Florek stated the Township Committee is looking to do the best we can during these difficult times. Mr. Schatzle stated he appreciates Mr. Halmi's frustration with the timing of these actions, noting this is the procedure and we're stuck with it. Mr. Schatzle stated we have 30 days to do something, and he hopes it moves forward.

Mr. Christian DeVito questioned the overall direction of the Police if a certain dollar amount is conceded. Mr. Schatzle responded 20 years from Trenton and the Federal government got us here tonight. Mr. DeVito questioned the retention of the \$65,000 Recreation Director and the laying off of a \$29,000 Police Officer. Mayor Florek responded the Recreation Director received no increase. Mayor Florek stated Police Officers have received 4.5% increases year after year. Mayor Florek stated times have changed and we have to deal with these changes. Mr. Fitzgerald stated a suggestion made to solve the problem was rejected by the PBA union. A 4% raise is approximately \$85,000 next year. The lowest salaried employee of \$29,000 is not the issue; it's 4.25% on the total contract.

Mr. Frank Garber, a resident, stated the person that robbed the Exxon station came to his door. He asked the Township try something else. Mr. Garber stated the regional school budget projected no increase in taxes and questioned if the local school budget was at a similar starting point. Mr. Engel responded that the local budget was just received this evening, and it is too premature to comment; however, he and Mr. Eastman will be working with the local board of education.

Mr. Eric Goldring stated he understands and struggles with built-in increases and stated the focus needs to be transparency. He stated the Police Department issue is not one person, it's the increase in salary, benefits and pension. Mayor Florek responded lay offs are the only option available to cut spending. Mr. Fitzgerald stated contractually the Committee cannot tell a union what it wants. The 2010 municipal budget requires a 5-10% reduction across-the-board.

Mr. Halmi, PBA President, stated while the PBA contract increase is 4.25%, the members are paying 1% towards their medical, so the net increase is 3.25%. Mr. Halmi noted Sergeants in surrounding towns are making more money than the Chief of Police.

14. **RESOLUTION 2010-71:** EXECUTIVE SESSION was made read by title by Mayor Florek at 9:20 p.m. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried by voice vote. Mr. Bowden stated the Township Committee does not anticipate reconvening in public session to take formal action after Executive Session.

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

Motion by Mr. Fitzgerald, seconded by Mr. Schatzle, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

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

Motion by Mr. Eastman, seconded by Mr. Schatzle, and unanimously carried to adjourn meeting.

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

Meeting adjourned at 10:00 p.m.

Robert Bowden
Township Administrator/Municipal Clerk

Attachments