

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
NOVEMBER 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 November 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 Counsel Chris Ackerman, Esq.

Absent: None

1. **APPROVAL OF MEETING MINUTES:** Meeting of October 29, 2014. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Macnow, Schatzle, Orgo and Fitzgerald; Mr. Engel abstained as he was not present that evening.

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					

2. **ANNOUNCEMENT:** Mayor Macnow announced the November 24, 2014 Township Committee meeting is cancelled. The next Township Committee meeting will be December 10, 2014.

3. **MAYOR'S PROCLAMATION:** PROCLAIMING DECEMBER 2014 AS NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH WITHIN THE TOWNSHIP OF COLTS NECK. Mayor Macnow read the Proclamation in full, which calls upon all citizens, government agencies, business leaders, hospitals and health care providers, schools and public and private institutions in the Township to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to provide opportunities for all to participate in the "You Drink & Drive, You Lose" Campaign this December holiday season and throughout the year. Mayor Macnow presented the Proclamation to Ms. Anita Dedalis, Co-Chair of the Township's Alliance, who thanked the Township for promoting this event, and she received a round of applause.

4. **PUBLIC RECOGNITION:** IN HONOR OF THE RETIREMENT OF TOWNSHIP EMPLOYEE, MR. STEVEN C. WILBERT. Mayor Macnow stated after 17 years' service to the Township, the retirement of Mr. Wilbert is a special occasion to celebrate. Mayor Macnow stated Mr. Wilbert gave his heart and soul to the Township during these past 17 years as a Public Works employee, and he presented Mr. Wilbert with an engraved plaque on behalf of the Township Committee in appreciation and gratitude for his service, thanking Mr. Wilbert for a job well done and a wish to enjoy his retirement. Mr. Wilbert received a standing ovation.

Mr. Edward Thompson spoke of Mr. Wilbert's career, stating he joined the Department of Public Works in 1997. Mr. Thompson noted Mr. Wilbert's military background, and commended him for his exemplary work ethic and "can do" attitude and his readiness to respond to the needs of the community. Mr. Thompson stated he will miss Mr. Wilbert and congratulated him on his retirement. Mr. Thompson then presented Mr. Wilbert with his personal gift, and Mr. Wilbert received a round of applause from all present including his two sons, Jeffrey and Joseph, and noted his son, Steve, Jr., was out of State and unable to attend this evening. Photographs were taken.

5. **PRESENTATION:** SHADE TREE COMMISSION CORE SITE ARBORETUM. Dr. Gordon Boak spoke on behalf of the Shade Tree Commission detailing the work he has done building on the 2005 map created by Eagle Scout Alec Bernstein, while mentored by the Township's Landscape Architect, Ms. Julie McGowan. Dr. Boak's Core Site review identified at least 40 different species of trees, some of which are being threatened by invasive vines, wild vegetation and deer. The Shade Tree Commission is seeking Township Committee support for the Core Site Arboretum to be formally recognized by Arbnet (www.arbnet.org), the National organization for arboretums. Dr. Boak stated there is no application fee or membership fee associated with Arbnet recognition. Dr. Boak outlined the process, which includes having the Shade Tree Commission develop a strategic plan for Township Committee approval that involves liaison with the Department of Public Works, Administration and the Township Committee. Mr. Schatzle commended Dr. Boak and the Shade Tree Commission for their work. Hearing Governing Body consensus, Mr. Bowden stated he will craft a resolution for the following meeting formalizing Township Committee approval so the application to Arbnet may proceed. Dr. Boak was thanked for his efforts and received a round of applause.

6. **ORDINANCE 2014-20:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102, DEVELOPMENT REGULATIONS, was read by title at first reading by Mayor Macnow. Mayor Macnow stated this change was recommended by the Planning Board Attorney, since the current requirement for site plan approval for residential ponds and tennis courts is in conflict with the Municipal Land Use Law, which exempts one and two family dwellings from site plan review and approval. The proposed ordinance eliminates this requirement. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Macnow set the public hearing December 10, 2014.

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

7. **ORDINANCE 2014-21:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62, SHADE TREE COMMISSION, was read by title at first reading. Mayor Macnow stated this ordinance clarifies responsibility for removing dead or dying street trees. Under this ordinance, Shade Tree Commission approval prior to removing trees in the Township right of way is retained; however, an adjoining property owner may remove a tree in the Township right of way. This ordinance eliminates Shade Tree Commission approval prior to removing street trees planted on private property. Under this ordinance, the property owner may remove street trees planted on their property at any time after the developer's maintenance guarantee has been released. Discussion ensued with the consensus being to table the ordinance for further consideration by the Shade Tree Commission. Mr. Fitzgerald made a **motion to table**, seconded by Mr. Schatzle and unanimously carried. Mayor Macnow stated **this ordinance is not carried** and there will be no public hearing December 10, 2014.

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					

8. **RESOLUTION 2014-125:** RESOLUTION SUPPORTING "NO STOPPING OR STANDING" REGULATION ALONG A PORTION OF ROUTE NJ 34 was read by title by Mayor Macnow. Mayor Macnow stated this resolution supports NJDOT establishment of "no stopping or standing zones" on both sides of Route 34 adjacent to NWS Earle property. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Macnow noted Chief Sauter suggested the Township urge NJDOT or NWS Earle to dig up the millings and re-seed the area currently used for vehicle checks along Route 34.

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					

9. **RESOLUTION 2014-116:** ENABLING RESOLUTION, STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM, was read by title by Mayor Macnow. Mr. Bowden stated as the recipient of a Green Acres grant (\$325,000) for open space acquisitions, the Township is required to pass this resolution as part of the paperwork required to secure the funding. Mr. Bowden stated while the grant was funded to acquire a six-acre parcel adjacent to Five Point Park, it can be used for any open space acquisition within the Township. 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 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					

10. **RESOLUTION 2014-126:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS, 2014 BUDGET, was read by title by Mayor Macnow. Mayor Macnow stated this resolution transfers \$10,000 from Snow Removal, Other Expenses, to Police Department, Other Expenses, to cover additional expenses. Mr. Schatzle made a motion to approve, seconded by 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					

Mayor Macnow added the following Resolution, No. 2014-126A, to tonight's agenda:

- 10.A. **RESOLUTION 2014-126A:** RESOLUTION DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION was read by title by Mayor Macnow. Mr. Bowden stated Bond Counsel provided this resolution, which is part of new State directives requesting bond review. Mr. Ackerman provided the background on the need for this resolution noting this initiative is intended to address potentially widespread violations of the Federal securities laws by municipal issuers and underwriters of municipal securities in connection with certain representations about continuing disclosure in bond offering documents. 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					

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

***RESOLUTION 2014-127:** RESOLUTION AUTHORIZING REPLACEMENT OF LETTER OF CREDIT PERFORMANCE GUARANTEE WITH CASH PERFORMANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 473 (ABBATIELLO – STONE HILL ROAD)

***RESOLUTION 2014-128: RESOLUTION AUTHORIZING THE REFUND OF 2014 TAX OVERPAYMENTS**

Mr. Schatzle 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	M		X			
Orgo			X			
Engel		S	X			
Fitzgerald			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

12. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden stated the Friends of the Library are seeking Township Committee approval for wine tasting during the opening night of their annual art show and sale at the Library on December 5, 2014. Mr. Bowden stated there have been no problems with this event in past years. A certificate of insurance has been provided naming the Township as Additional Insured. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote.

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						

13. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald stated he reviewed the vouchers for this evening's meeting, and recommends approval of the following:

Animal Control	\$85.29
Capital Fund	\$69,886.93
Construction Trust	\$11,339.12
Current Fund	\$7,190,357.12
Escrow	\$10,134.06
Grant Fund	\$22,887.00
Trust Fund	\$9,050.69
TOTAL:	<u>\$7,313,740.21</u>

Mr. Fitzgerald requested clarification on the fourth line item of Purchase Order No. 14-01974 to US Bank1, in the amount of \$14,622.27, as there is no description and it has been charged to Farmland Preservation (Page 9). Mr. Bowden stated he will request the Finance Officer provide this information. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Macnow abstained from approving all payments to Sakoutis Brothers* and Mr. Schatzle abstained from approving all payments to T&M Associates**.

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

14. TOWNSHIP COMMITTEE REPORTS

Mr. Fitzgerald reported the 200 Club of Monmouth County is an organization known for buying vests for Police Officers and helping widows of officers pay their mortgages. Mr. Fitzgerald stated this year this organization honored Colts Neck Chief of Police Kevin Sauter at the Colts Neck Inn tonight. Mr. Fitzgerald noted there were approximately 22 Police Chiefs, the County Clerk, State Assembly Representatives and Freeholders, and it was a very nice event to attend.

Mr. Fitzgerald reported the Planning Board would be meeting tomorrow evening.

Mayor Macnow reported the Friends of the Library annual art show and sale opens Friday evening, December 5, 2014, in the Library, and he urged all to attend.

Mayor Macnow reported he and Deputy Mayor Schatzle attended the Veterans' Day Ceremony held at Colts Neck High School. Mayor Macnow commented the memorial garden at the entrance to the High School was done as an Eagle Scout project, and he urged residents to visit the site. Mayor Macnow noted there were well over 100 cadets present and both the High School and Middle School choirs and bands participated. Mayor Macnow commented the event was well attended by Township Veterans and he thanked the Colts Neck Woman's Club and the ROTC Parents Club for providing the luncheon. Mr. Fitzgerald commented Mayor Macnow's speech was very moving, and noted there are great photos of this event posted on the Patch.

Mr. Orgo reported the Colts Neck Business Association met this morning and made plans for this year's contest for best business window painted by the High School students.

Mr. Orgo reported there were 19 accidents reported in 19 days involving deer. Mr. Engel commented a deer ran into his vehicle. Mr. Orgo urged all to be careful, noting the first rut lasts until December 21. Mr. Orgo stated muzzle loader season runs from the Monday before Thanksgiving to February 13, 2015, with bow season continuing beyond that date. Mr. Orgo stated it is against the law to feed wildlife on Township property. Discussion ensued regarding the posting of Township property, and Mayor Macnow stated hunters were observed in prohibited areas of Big Brook and on Rimwood. Mayor Macnow stated Mr. Orgo and the Wildlife Committee will continue to monitor and will report back when the numbers are known.

15. PUBLIC COMMENT

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

Mr. Jeffrey Sauter, a resident, commented he was pleased to hear of Chief Kevin Sauter's recognition by the 200 Club this evening. Mr. Sauter stated Mr. Steve Wilbert is an outstanding person with a work ethic and commitment to the community that is above standard. Mr. Sauter noted today's News Transcript had an article about recording of public meetings in other towns.

16. **RESOLUTION 2014-129: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried by voice vote. Mayor Macnow stated the Township Committee is not expected to return in open session this evening.

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					

The meeting adjourned at 8:28 p.m.

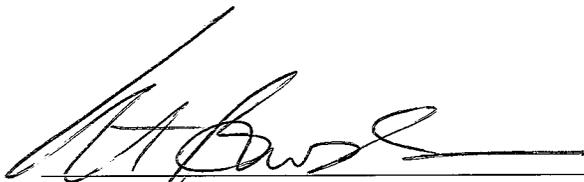
Motion by Mr. Schatzle, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

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

Motion by Mr. Orgo, seconded by Mr. Schatzle 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	M	X			
Engel		X			
Fitzgerald		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

The meeting adjourned at 9:35 p.m.


 Robert Bowden, Administrator/Municipal Clerk