

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
NOVEMBER 10, 2010  
7:30 P.M. AT TOWN HALL**

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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 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 November 10, 2010 at 7:30 p.m., Town Hall, 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 Kenneth Florek, Deputy Mayor James Schatzle, Committeeman Jarrett Engel, Edward Eastman and Michael Fitzgerald

Also Present: Committeeman-elect Russell Macnow; Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Township Counsel, Chris Ackerman, Esq.

Absent: None

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Mayor Florek stated in response to residents' concerns about burglaries expressed at the last meeting, Detective Sergeant Whitehead and Police Chief Sauter are here this evening to discuss the Neighborhood Watch Program. Det. Sgt. Whitehead provided information on crime statistics from 2007 to present, and he advised arrests have been made in the most recent burglaries. Det. Sgt. Whitehead discussed the Neighborhood Watch Program, which has been operational within the Township for the past 15 years, and has proven successful in crime reduction. Det. Sgt. Whitehead stated he is available to provide organized training in neighborhood observation techniques and security enhancing measures to any interested neighborhood with at least a 50 percent resident participation and a designated Block Watch Captain. Those groups completing training would then have "neighborhood watch" signs posted. Mr. Engel stated a Neighborhood Watch Program was being organized in his neighborhood, and he showed a sample of the Neighborhood Watch sign. Mayor Florek stated this is an excellent program and suggested expanding participation to include the business community. Det. Sgt. Whitehead may be reached at 732-780-7323 weekdays to discuss the Neighborhood Watch Program. In addition, Det. Sgt. Whitehead stated engravers are available to borrow, at no charge to residents, under the Police Department's "Operation ID" program to mark valuables.

Ms. Jennifer Prus, a resident, questioned why the Reverse 911 System was not used during a recently attempted burglary. Mayor Florek responded noting while the system was not used in this instance, it has been successfully utilized in emergency situations. Police Chief Sauter noted approximately 1700 persons have signed up with the company and approximately 400 have signed up through the web portal. Sign up for Reverse 911 can be done through the Police Department's section of the Township website. Mr. Fitzgerald stated it will be helpful to use the Township website to get the word out and encourage residents to enroll in the emergency notification system.

Ms. Susan Wilcox, a resident, stated her street spans a great length and is really not a neighborhood. Chief Sauter stated in this example, several streets would be grouped to create the Neighborhood Watch area.

Ms. Virginia Amend, a resident and editor of the Colts Neck Calendar, questioned if pawn shops were contacted. Det. Sgt. Whitehead stated the Monmouth/Ocean Intelligence Bureau is in contact with pawn shops. Chief Sauter stated a lot of materials are not reaching pawn shops.

Mr. Fitzgerald questioned how to get the message out to the general public to call 911. Det. Sgt. Whitehead noted in every Asbury Park Press article, readers are urged to report any suspicious incident, and all reports will be investigated. Hearing no further questions or concerns, Mayor Florek thanked Chief Sauter and Det. Sgt. Whitehead for their input this evening.

At 7:50 p.m., Chief Sauter and Det. Sgt. Whitehead left the meeting.

1. **ANNOUNCEMENT:** Mayor Florek announced the next meeting of the Colts Neck Township Committee will be held on Wednesday, December 8, 2010.

2. **APPROVAL OF MEETING MINUTES:**

- a. **SEPTEMBER 29, 2010.** Mayor Florek noted a spelling correction on Page 8, paragraph 5, line 2, from "dye" to "die". Mr. Schatzle made a motion to approve, as amended, seconded by Mr. Fitzgerald, and carried by Messrs. Florek, Schatzle, Engel and Fitzgerald; Mr. Eastman abstained.

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

- b. **OCTOBER 13, 2010.** Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

- c. **OCTOBER 27, 2010:** Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

3. **BOND ORDINANCE 2010-14:** BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS TO HEYERS MILL ROAD, PHASE II, AND APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AN BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY.  
With second reading and public hearing conducted at the meeting of October 27, 2010, Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

4. **ORDINANCE 2010-18: AN ORDINANCE AMENDING CHAPTER 213, TOWING, IN THE TOWNSHIP OF COLTS NECK** was read by title at first reading by Mayor Florek. Mr. Bowden stated the Township Attorney has been working with Chief Sauter to update the municipal code, which was last changed in 1998. Discussion ensued regarding subsection 213-3 pertaining to all permittees being physically located within a two-mile radius of the Township border. Mr. Mike Salesnik of Marlboro Auto Body expressed concern that raising the physical location radius to five miles of the Township border would enlarge the qualified applicants and would result in less timely service to the Township since the call rotation would be expanded to many vendors and call volume within the Township is limited. Mayor Florek expressed the Township's intent to balance competition. At the conclusion of discussion, Mayor Florek stated the ordinance requires minor tweaking in the areas of mileage and insurance dollar requirements. Mr. Engel made a motion to approve, as amended, seconded by Mr. Fitzgerald and unanimously carried. Mayor Florek set the public hearing for December 8, 2010.

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

5. **RESOLUTION 2010-138: RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS, 2010 BUDGET**, was read by title by Mayor Florek. Mayor Florek stated this resolution authorizes the transfer of \$5,200 from Engineering Services, Other Expenses, to Snow Removal, Other Expenses, to cover additional expenses. Both categories are within the budget CAPS. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

6. **RESOLUTION 2010-139: RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND COUNTY OF MONMOUTH FOR THE CONTINUED TEMPORARY USE AND OCCUPANCY OF AN EMERGENCY RADIO TOWER AT DORBROOK PARK** was read by title by Mayor Florek. Mayor Florek stated this agreement authorizes the continued use of the emergency tower at Dorbrook Park for the next ten years. Questions arose regarding which

emergency services utilize the tower. Mr. Bowden stated he would clarify and modify the agreement to reflect any additional emergency service users, if warranted. Mr. Schatzle made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

**7. MOTION TO ADOPT A CONSENT AGENDA:**

**8. RESOLUTION 2010-140:** RESOLUTION AUTHORIZING RELEASE OF INSPECTION AND ESCROW FEES, P.B. APPLICATION NO. 558 (NEW JERSEY AMERICAN WATER).

**9. RESOLUTION 2010-141:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 1.02, LOT 5 (35 THE ENCLOSURE).

**10. RESOLUTION 2010-142:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 48, LOT 23.10 (39 RANCHO POLO).

**11. RESOLUTION 2010-143:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, PB. APPLICATION NO. 554 (FULLING MILL ESTATES).

**12. RESOLUTION 2010-144:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, P.B. 521 (STONE HILL ESTATES).  
 Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

**13. ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his Administrative Report.

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

Animal Control	\$93.57
Capital Fund	\$2,243.44
Construction Trust	\$11,657.13
Current Fund	\$261,821.64
Escrow	\$35,447.79
Grant Fund	\$494.17
Trust Fund	\$9,097.69
<b>TOTAL APPROVED:</b>	<b>\$320,855.43</b>

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 Florek			X			
Schatzle		M	X			
Engel		S	X			
Eastman			X			
Fitzgerald			X			
X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded						

**15. TOWNSHIP COMMITTEE REPORTS**

Mr. Eastman reported the Finance Committee would be meeting next week to work on the impact the \$560,000 tax appeals, increased pension costs, and other obligations will have on this and next year's budgets. In addition, the Finance Committee will be reviewing potential areas to increase revenues.

Mr. Eastman reported the Historic Preservation Committee will have a historic house tour, including three homes of distinction and the Montrose Road School House, on December 4, between 1:00 p.m. and 4:00 p.m. Admission is \$30, with seniors and students at \$20.

Mr. Schatzle reported the Township is now registered with the social networking site Nixle, and this project can now move forward. Mr. Schatzle noted a resident, Ms. Liu, is working with him to bring up the system, which will be previewed at the next meeting. Mr. Schatzle noted the Nixle system is a vehicle to alert residents, via e-mail or text messaging, to serious situations or community events and is used by numerous municipalities, including Little Silver and West Long Branch. There is no cost for the system and no cost in the future for the services utilized; however, Nixle hopes those using the free system will avail themselves of the enhanced system services, for which there is a charge to users.

Mr. Engel reported Mr. Fred Garber was installed in the Board of Education, and noted it is great to have him as a member of the Local School Board.

Mr. Engel reported the First Aid Squad is conducting a Blood Drive tonight, which is very successful thus far.

Mr. Engel reported the Fair Committee is looking for new volunteers and new activities. Anyone interested should contact Mr. Engel via Town Hall.

Mr. Engel stated he attended the ribbon cutting ceremony of the Jacqueline Wilentz Breast Care Center in the Township. Mr. Engel noted this is one of the top five women's health care centers in the State, and to have this facility located within Colts Neck is an asset.

Mr. Fitzgerald reported the Recreation Committee is very interested in working together with the community group formed by Mr. Engel to develop a long-term recreation plan within the community. Mr. Fitzgerald noted Mr. Valenti and Mr. Engel are having meaningful dialogue, and Mr. Fitzgerald commended Mr. Engel for bringing these groups together to discuss and address their mutual issues.

Mr. Fitzgerald reported the sub-committee on the Cablevision renewal contract is disheartened since there is little to negotiate. A part of Verizon's State agreement includes a provision to discontinue payment of \$77,000 to the Township if the number of land line telephones in homes drops below 50%. Mr. Fitzgerald stated land lines are now at 60%, but the reduction in service is a concern. Mr. Fitzgerald stated Mr. Don Viapree of Cablevision identified areas

for savings within Township buildings, which will be explored further. Mr. Bowden stated Mr. Robert Sayko, a volunteer resident, is the perfect member of this sub-committee to review the Township's IT systems. Mr. Fitzgerald mirrored Mr. Bowden's praise of Mr. Sayko's contribution to the sub-committee's work, noting Mr. Sayko understands technology and works to make things happen. Mr. Bowden stated a portion of the December 8<sup>th</sup> Township Committee Meeting will include a mandatory public hearing on the Cablevision contract renewal.

Mr. Fitzgerald reported the Friends of the Library upcoming events, including their annual Art Show and Sale, are posted on their website.

Mayor Florek reported the third round obligation has been done away with. Mayor Florek stated S-1 and A-3447, establish a mandatory 10% State-wide set aside for affordable housing and abolishes COAH. Criteria determining compliance is based on the number of children qualifying for free or reduced school lunches. Municipalities in which 50% or more of their children qualified are considered "urban compliant" and are exempt from the 10% set aside. Municipalities with more than 25% but less than 50% of their children qualifying for free or reduced lunches are considered compliant, but will have a 10% set aside requirement going forward. Municipalities with 10% or more of their existing housing units qualifying as affordable are compliant, but will have a 10% set aside requirement going forward. Municipalities not considered compliant will have two means to gain compliance. The first option would be to zone 20% of its developable land for families making up to 150% of the regional median income, which would require rezoning of land and establishing minimum densities of 4 units per acre for single family, detached homes, 8 units per acre for attached housing and multi family dwellings. The second option is for the municipality to adopt and file a housing element with the State DCA describing how it plans to meet the housing stock criteria through inclusionary development, off site construction, off site rehabilitation, 100% affordable development and other compliance methods historically made available to municipalities. Mayor Florek commented the Township may have no developable land; he expressed a wait and see approach.

Mayor Florek stated the Fire Department is working on its budget for the next year, noting they are aware the forthcoming year will be a difficult one.

#### **16. COMMENTS FROM THE PUBLIC:**

Mayor Florek opened the meeting to public comment.

Ms. Virginia Amend questioned where the information on COAH may be obtained. Mayor Florek directed her to the League of Municipalities website, and Mr. Fitzgerald directed her to the Senate and Assembly website.

Mr. Thomas Orgo, a resident, reported the State has changed its law for hunting deer from 450 feet to 150 feet, and suggested the Township do the same. Mr. Orgo stated the deer are wiping out everything. Mayor Florek agreed with Mr. Orgo and the Mr. Bowden will be requested to research and have the Township's deer hunting limits revised to mirror the State's. Mr. Orgo questioned how Cablevision can shut off certain cable channels. Mr. Fitzgerald responded noting he sent a letter to our legislators requesting the de-regulation of Cablevision and the ability of consumers to purchase the channels they desire. Mr. Fitzgerald stated the sub-committee is in favor of a three to five year agreement; Cablevision is seeking a 15 year agreement. Mr. Orgo stated the NJDEP does not allow computers, televisions, and electronics to be thrown away in the trash. Mr. Orgo suggested the Township buy another dumpster for this type of unneeded materials and receive recycling monies for electronics discards. Mr. Orgo questioned the impact of seven different companies picking up trash within the Township and wrecking the roadways. Mayor Florek stated discussion on this issue was started last year and will continue.

Ms. Susan Wilcox, a resident, questioned deer carcass removal within the Township. Mayor Florek advised the Township pays an outside vendor a set price for each deer carcass removed. Ms. Wilcox suggested it was better for a hunter to butcher it for a food bank, to which Mr. Orgo stated the hunter must pay a fee for each deer slaughtered. Ms. Wilcox discussed her experience with Verizon in Vermont, and stated Verizon is now going to large cities, not rural areas, due to Verizon's financial troubles.

Ms. Elaine Mann, a resident, questioned if the Township was going to receive an audit report from the Colts Neck Fair Committee. Mayor Florek advised the Township does not provide any financial contribution to the Fair, which is a community based activity.

Ms. Virginia Amend questioned the amount of tax appeals currently owed, to which Mr. Eastman replied it is \$560,000. Ms. Amend questioned what will happen if there are tax appeals next year. Mr. Eastman replied the Township will have to look toward increasing set asides, but there might not be the funds for that. Mayor Florek stated they are looking to Legislators to consider tax appeals problems the Township is experiencing. Mr. Eastman stated the Local Finance Board needs to authorize the Township the ability to spread the tax appeal payments over five years; however, the likelihood of this happening may be slim. Mr. Fitzgerald noted if nothing changes, the Township is already 3-4% over the CAP. Mayor Florek noted the Township gets \$0 State Aid.

Mr. Chuck Camarata, a resident, questioned if the \$560,000 in tax appeals is already paid out. Mr. Eastman stated this is a credit on this year's taxes and will be taken out of surplus.

Ms. Amend questioned if furloughs and layoffs are being considered. Mayor Florek responded everything is being considered. Mr. Bowden stated the Township is trying to accelerate the budget process and begin budget reviews late January. Mr. Eastman stated the Township Committee wants to plan over three years, and the tax appeals will continue to impact budget planning significantly.

17. **RESOLUTION 2010-145: EXECUTIVE SESSION.** Mr. Fitzgerald made a motion to adjourn, seconded by Mr. Engel and unanimously carried by voice vote. Mr. Bowden advised they do not anticipate any formal action being taken this evening.

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

Meeting adjourned at 8:50 p.m.

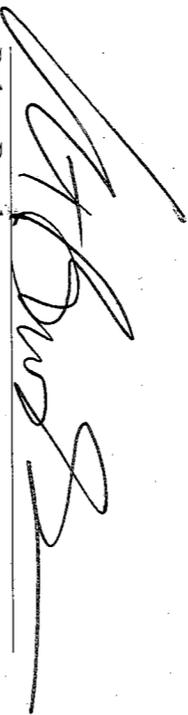
Motion by Mr. Engel, seconded by Mr. Eastman, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

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

Motion by Mr. Engel, seconded by Mr. Fitzgerald and unanimously carried to adjourn meeting.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
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						

Meeting adjourned at 10:20 p.m.



Robert Bowden  
Township Administrator/Municipal Clerk