

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
OCTOBER 15, 2015  
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 Schatzle followed by a salute to the flag led by Tony Senk, reporter for the Colts Neck Journal. The following statement was read by Municipal Clerk, Ms. Kara: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on October 6, 2015 stating that a regular meeting of the Colts Neck Township Committee would be held October 15, 2015 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 website and a copy is on file in the Office of the Township Clerk."

Roll call by Ms. Kara indicated the following:

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

Also Present: Municipal Clerk Beth Kara; and Township Counsel Joseph Clark, Esq.

Absent: Committeeman Michael Fitzgerald (away on business), and Township Administrator Kathleen Capristo

1. **APPROVAL OF MINUTES:** MEETING OF SEPTEMBER 30, 2015.  
Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

2. **PRESENTATION:** REQUEST TO MODIFY CONSERVATION EASEMENT, BLOCK 31, LOT 4, 460 ROUTE 34 (KAUFMAN) – DAVID KOSTKA, ENVIRONMENTAL COMMISSION CHAIR, AND JOHN GUINCO, ESQ. Mr. Kostka advised the property was subdivided in 1976 and a conservation easement was placed along the back and southern portion of the property. The property changed hands several times and when Mr. Kaufman was purchasing the property, the title/survey work uncovered that the shed, a portion of the garage and turnaround area of the driveway, a covered area next to the garage and a path along the back of the property are all within the conservation easement. The lawn is also being mowed in the conservation easement along the back and southern portion of the property. Although the Environmental Commission was able to reach agreement with the property owner on various issues, no agreement was reached on the placement of a fence along the rear of the property involving the 25 foot conservation easement from the top of the bank protecting the steep slope to the Yellow Brook stream. Discussion ensued with the homeowner requesting the fence be placed on top of the bank, and the Environmental Commission recommending the fence be placed mid-way within the conservation easement; no agreement was reached this evening. The property owner is seeking assurances that he can re-build the garage in the event of catastrophic loss. Discussion ensued about the garage, and a separate shed that was wired for electricity in the 1970s. Mr. Kaufman stated the house was built in 1948/49 and the entire structure was renovated

and raised in 2001. Mr. Macnow questioned why these issues were not uncovered when variances and building permits were obtained,. Mr. Orgo suggested postponing this discussion one month to allow time for the property owner to research available documents relating to the subdivision and renovation. Mr. Guinco will meet with Mr. Anfuso and OPRA the records related to the subdivision and any building permits issued. Mr. Macnow made a motion to table this issue until October 28, pending Mr. Kostka's availability and receipt of the additional documents, seconded by Mr. Orgo and unanimously carried.

3. **CAPITAL ORDINANCE 2015-14: CAPITAL ORDINANCE REAPPROPRIATING \$11,920.00 NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO FINANCE THE COST OF BASKETBALL COURTS REFURBISHMENT, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY** was read by title at second reading by Mayor Schatzle. Mr. Macnow stated funds previously authorized for one recreational use were being reallocated for another recreational use. Mayor Schatzle noted the funds to repair tennis courts would be used to repair basketball courts. Hearing no further comments, Mayor Schatzle opened the public hearing.

Mr. Jeffrey Sauter, a resident, noted the original ordinance was adopted in 2009 to resurface the tennis courts and questioned that nothing had been done since then. Mr. Macnow responded in the affirmative noting the Township does re-purpose funds. Mr. Orgo noted the uses have to be like in kind; in this case, for recreational purposes. Mr. Sauter questioned if there were any other unused funds previously allocated from 2013 and later. Mr. Macnow replied he would speak with Mr. Antonides to obtain that information.

Hearing no further comments, Mayor Schatzle closed the public hearing. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

4. **ORDINANCE 2015-15: ORDINANCE AMENDING AND REVISING CHAPTER 213, TOWING, OF THE CODE OF THE TOWNSHIP OF COLTS NECK** was read by title at first reading by Mayor Schatzle. Mr. Orgo stated this ordinance includes a three-part invoice listing the towing fees charged and is in response to complaints he received. Mr. Macnow noted this eliminates vendors that are located more than two miles from the Township borders. Mayor Schatzle stated he would like a summary of the impact of this proposed ordinance from the Police Department including how current vendors are performing and their thoughts on the two mile vendor limitation. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Schatzle set the public hearing October 28, 2015.

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

5. **RESOLUTION 2015-123:** RESOLUTION ESTABLISHING HALLOWEEN CURFEW HOURS was read by title by Mayor Schatzle. Mayor Schatzle noted the curfew begins at 9:00 p.m. on Thursday, October 29, and ends Sunday November 1, 2015 at 5:00 a.m. for all residents and non-residents age 17 and under. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

6. **DISCUSSION:** 2015 BEST PRACTICES INVENTORY. Ms. Kara reported every municipality must file this annual report, and must have the equivalent of 41 yes answers or risk losing a portion of State Aid (Colts Neck receives \$1.9 million annually in energy receipts). This year's inventory consisted of 50 questions relating to general management, finance, budget preparation, health insurance and personnel and was completed by the Chief Financial Officer, Administrator and Clerk. The response to this year's inventory was 37 yes answers, 6 not applicable answers (count as yes), 6 no answers and 1 prospective. The Administrator and CFO are certifying as to the accuracy of the responses, and the Clerk is certifying the results of the inventory were discussed during tonight's Township Committee meeting.
7. **ADMINISTRATIVE REPORT:** Mayor Schatzle noted there was no Administrative Report this evening.
8. **MOTION TO APPROVE VOUCHERS:** In the absence of Mr. Fitzgerald, Mayor Schatzle reviewed the vouchers, noting all are in order and recommended approval as follows:

Animal Control	\$86.28
Capital Fund	\$44,013.00
COAH	\$2,700.00
Construction Trust	\$9,773.12
Current Fund	\$214,969.47
Escrow	\$2,030.00
Grant Fund	\$408.39
Trust Fund	\$13,655.04
TOTAL:	<u>\$287,635.30</u>

Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mr. Macnow abstained from approving payment to Sakoutis Brothers Disposal Inc.

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

**9. TOWNSHIP COMMITTEE REPORTS**

Mr. Engel had no report this evening.

Mr. Macnow reported the Monmouth County Clerk is now issuing Veterans Identification Cards, and various businesses within Monmouth County are honoring this Veterans ID card for discounts.

Mr. Macnow reported the Friends of the Library are having the 16<sup>th</sup> Annual Art Show and Sale starting Friday evening, October 16, preview donation \$10, and free entry on Saturday and Sunday October 17 and 18 and October 24 and 25. Mr. Macnow noted this annual event showcases the work of local artists.

Mr. Orgo cautioned motorists watch out for deer, as rutting season begins in one week and lasts until late December.

Mr. Orgo reported the Colts Neck Business Association held a very successful card exchange last night at Trump National Golf Club.

Mr. Orgo reported the Planning Board approved one application and the other was tabled.

Mayor Schatzle reported the Monmouth County Board of Chosen Freeholders are sponsoring a paper shredding event for Monmouth County residents at Town Hall Saturday, October 17, from 9:00 a.m. to 1:00 p.m., unless the truck fills earlier. Each participant can bring 100 lbs. of paper for free on-site shredding.

Mayor Schatzle reported brush collection is completed for the year. Leaf collection will commence October 19 and the collection schedule is on the Township's website, at Town Hall and in local news publications. Mayor Schatzle requested Chief Sauter issue an e-mail through the Swift 911 System advising residents of the brush and leaf collection status.

**10. COMMENTS FROM THE PUBLIC**

Hearing no further comments, Mayor Schatzle opened the meeting to public comment.

Ms. Susan Wilcox, a resident, stated she appreciated the Township Committee speaking up this evening, as she could hear tonight's discussions clearly.

Ms. Judy Laufer, a resident and member of the Recreation Committee, asked for a report on the deer. Mr. Macnow advised there were no reported motor vehicle accidents; however, there were reports of dead deer on the side of the road. Ms. Laufer stated the Recreation Committee is noting instances of ATVs tearing up Township fields and graffiti at Five Point Park, and questioned if the use of cameras was possible. Mayor Schatzle commented the Police are aware of the situations and a fence has been installed blocking access to the polo field, noting those individuals were

caught. Mayor Schatzle stated the Police are taking measures to secure Township parks.

Mr. Jeffrey Sauter, a resident, read a prepared letter dated October 11, 2015, in which he noted the legal costs to the Township for the Sauter v. Colts Neck Fire Co. No. 2 lawsuit and GRC complaints previously stated is \$37,274.57. Mr. Sauter spoke of his OPRA requests and GRC complaints, and stated he was appealing his lawsuit against Fire Co. No. 2 with the Appellate Division. A copy of Mr. Sauter's letter is on file in the office of the Township Clerk.

Three residents spoke of sight line issues within the Township:

- Ms. Diane Rinaldi, left turn onto Laird Road from Big Beech Lane
- Ms. Susan Wilcox, turning onto SH 34 from Clover Hill Road
- Mr. Michael Viola, turning left onto Tulip Lane from Provincial Place

The three locations will be reported to Sgt. Devito for evaluation.

Present at this evening's meeting was resident Joe Rinaldi, who was attending as part of the requirements to obtain his Scouting Citizenship Merit Badge. Mayor Schatzle wished him well.

Hearing no further comments, Mayor Schatzle closed the public comment portion of the meeting.

11. **RESOLUTION 2015-124:** EXECUTIVE SESSION was read by title by Mayor Schatzle. Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried by voice vote. Mayor Schatzle stated the Township Committee may return to public session.

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

The meeting adjourned at 8:50 p.m.

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

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

12. **RESOLUTION 2015-125:** RESOLUTION APPOINTING THE FIRM OF ARCHER & GREINER, P.C., TO PROVIDE LEGAL SERVICES TO THE TOWNSHIP OF COLTS NECK was read by title by Mayor Schatzle. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

13. **MOTION TO ADJOURN:** Motion by Mr. Engel, seconded by Mr. Orgo and unanimously carried to adjourn meeting.

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

The meeting adjourned at 9:30 p.m.



Beth Kara, Municipal Clerk