

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
AUGUST 19, 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. The following statement was read by Registered 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 June 13, 2015 stating that a regular meeting of the Colts Neck Township Committee would be held August 19, 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; Committeeman, Russell Macnow

Also Present: Interim Township Administrator Thomas Antus; Registered Municipal Clerk Beth Kara; and Township Counsel John O. Bennett, III, Esq.

Absent: Committeemen Michael Fitzgerald (joining meeting via telephone for Agenda Item 4) and Jarrett Engel

Mayor Schatzle advised Committeemen Engel and Fitzgerald had schedule conflicts.

1. **APPROVAL OF MINUTES:** MEETINGS OF JULY 15, 28, 29, 2015. Mr. Orgo 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	M		X			
Engel						X
Fitzgerald						X
Macnow		S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

2. **MAYOR'S PROCLAMATION:** IN RECOGNITION OF COLTS NECK COUNTRY FAIR 25TH ANNIVERSARY, CO-FOUNDERS HANK MEISNER AND VINCENT P. MALTESE. Mayor Schatzle presented Mr. Hank Meisner with a Proclamation recognizing his vision as co-founder of the Colts Neck Country Fair, which held its first Fair in 1990. Mayor Schatzle noted this vision and the hard work of the founding members and committee members led to an annual event that has greatly benefitted the community of Colts Neck these past 25 years. Mr. Meisner thanked Mayor Schatzle for this Proclamation, and received a round of applause as photographs were taken. Mayor Schatzle will be presenting Mr. Maltese with a Proclamation at the Fair this weekend.

3. **PRESENTATION:** REQUEST TO APPROVE VARIANCE, 11 PRINCETON LANE, BLOCK 10, LOT 2.08 (CAMPITIELLO). Mr. David Kostka, Environmental Commission Chair, advised the homeowner is seeking Township Committee approval to install a 4' high pool fence through portions of an existing Conservation, Open Space, Drainage and Utility Right of Way Easement to comply with pool regulations. This is a new home within a development built on previous farmland that was clear of trees and vegetation. As part of the development approval process, the

homeowner was allowed to mow and landscape 17,554 sq. ft. of the aforementioned easement. Members of the Environmental Commission viewed the property with the homeowners, who also appeared before the Environmental Commission August 3, 2015. The Commission recommends this request be approved, as the area can be mowed and there are no trees or vegetation, and no negative environmental issues would result from permitting the placement of the pool fence through the aforesaid easement. It was noted a well had been installed within the Conservation Easement; however, once notified, the homeowner was very cooperative and installed a new well outside the Conservation Easement. Mr. Macnow made a motion to allow the homeowner to install the pool fence in the location noted in the Two River Engineering drawing dated December 27, 2013, seconded by Mr. Orgo and unanimously carried.

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					

4. **ORDINANCE 2015-12:** AN ORDINANCE AMENDING CHAPTER 68, VOLUNTEER INCENTIVES, was read by title at second reading by Mayor Schatzle. Mayor Schatzle stated this ordinance has been in place for many years, and clarifies the eligibility of Fire Department and First Aid members and family members. Hearing no comments from the Governing Body, Mayor Schatzle opened the public hearing. Hearing no comments, Mayor Schatzle closed the public hearing. Mr. Orgo 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	M	X			
Engel					X
Fitzgerald					X
Macnow	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

Committeeman Fitzgerald joined the meeting at this point via telephone. Mayor Schatzle advised by law, no less than two-thirds of all members (4 out of 5 Committee members) must affirmatively concur to adopt the following ordinance:

5. **ORDINANCE 2015-13:** AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF COLTS NECK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATED THERETO, was read by title at second reading by Mayor Schatzle. Mayor Schatzle advised by joining with the MCIA, bond funds may be obtained at a better rate. The dollar figure (\$375,000) is a not to exceed figure, and adopting the ordinance does not commit the Township to participate. Hearing no comment from the Governing Body, Mayor Schatzle opened the public hearing.

Ms. Virginia Amend, resident and editor of The Country Press, questioned the equipment included in this ordinance. Mr. Schatzle responded the equipment is a dump truck with plow and spreader (\$125,000), and a 12' truck with hook lift (\$200,000). Mr. Macnow commented this equipment was part of discussions during the budget workshop sessions earlier this year, and this ordinance provides a way of financing new equipment.

Mayor Schatzle advised these are replacement vehicles, not additions to the Public Works fleet.

Mr. Fulton Wilcox, resident, noted the ordinance commits to a lease but there are no lease rates or residual values included. Counsel Bennett commented the ability to lease purchase equipment is only available every other year. This very popular program provides participating municipalities with the ability to pay for their equipment over five years at significantly lower rates. Once the rates are established, the Township can decide not to participate. Mr. Wilcox asked if there are any fees. Counsel Bennett advised there are some administrative costs, which are paid at the beginning of the lease terms; however, participating municipalities are benefitting from Monmouth County's bond rating, and the size of the bond drives the costs down. Mr. Wilcox questioned if there are alternatives. Counsel Bennett advised the debt service analysis is prepared by Dilworth Paxson, and participating municipalities are benefitting from a lower rate than if they were to go out on their own for financing. Mr. Macnow noted the Township is not committing tonight; just expanding its options. Hearing no further comments, Mayor Schatzle closed the public hearing. Mr. Macnow made a motion to approve, seconded by Mr. Orgo and carried by Messrs. Schatzle, Orgo, Fitzgerald (via telephone), and Macnow.

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					

Committeeman Fitzgerald ended the telephone call and left the meeting.

6. **RESOLUTION 2015-93:** RESOLUTION OF THE TOWNSHIP OF COLTS NECK, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2015 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS was read by title by Mayor Schatzle. This resolution pertains to completing the documents necessary for Ordinance 2015-13 adopted this evening. Mr. Orgo 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	M	X			
Engel					X
Fitzgerald					X
Macnow	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

7. **RESOLUTION 2015-94:** RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2015/2016 LICENSE YEAR was read by title by Mayor Schatzle. Mayor Schatzle advised there are seven liquor licenses within the Township: Due Process, Colts Neck Liquors, Huddy's, Colts Neck Inn Steak and Chop House, Green Meadows, MaryAnns, and A&J Twin Realty (pocket license, not sited). All licensees have paid their Township and State renewal fees, all licensees have received tax clearance from the State, and all operating licensees have been investigated and sites were inspected by the Colts Neck Police Department. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried; Mr. Macnow abstained from approving the renewal for MaryAnn's*.

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

8. **RESOLUTION 2015-95:** A RESOLUTION REQUESTING THE NJDOT PERFORM AN ENGINEERING STUDY TO MAKE IMPROVEMENTS TO THE TRAFFIC LIGHT AT THE INTERSECTION OF STATE HIGHWAY 34, PHALANX ROAD AND FLOCK ROAD was read by title by Mayor Schatzle. Mr. Macnow spoke of the persistent traffic concerns at this intersection, including going straight in the right turn lane when traveling westbound from Phalanx Road, and an increasing number of accidents and near misses. Mr. Macnow noted with the planned improvements to the SH 34 and CR 537 intersection next year, traffic volume at this intersection will significantly increase. Mr. Macnow advised the State will review the intersection if the Township commits to 25 percent of the project cost.

Ms. Doris Resh, a resident, questioned the estimated project cost. Mr. Macnow advised project cost is estimated to be \$35,000 and the Township would be responsible for 25 percent of that. Mr. Macnow commented the goal is to have this completed by next spring.

Ms. Susan Wilcox, a resident, questioned if the State is doing two separate studies. Mayor Schatzle advised these are two separate items: the SH 34 reconstruction and paving, and the intersection improvement at Phalanx and Flock Roads is a safety issue.

Ms. Elaine Mann, a resident, commented the intersection at SH 34 and Laird and Conover Roads is also an issue.

Mr. Macnow made a motion to approve, seconded by Mr. Orgo, and unanimously carried.

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					

9. MOTION TO APPROVE CONSENT AGENDA:

All items listed on the "Consent Agenda" are considered routine by the Township and are adopted or approved collectively by a single motion and roll-call vote of a majority of the Township Committee. If discussion is desired on any item, it is considered separately.

***RESOLUTION 2015-96:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS

***RESOLUTION 2015-97:** RESOLUTION AUTHORIZING HIGH POINT UTILITIES REFUND (\$100.00)

***RESOLUTION 2015-98:** RESOLUTION CONSENTING TO RECORDING OF CORRECTIVE DEEDS FOR BLOCK 22.05, LOTS 1.02 AND 2.01

***RESOLUTION 2015-99:** RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY DEPARTMENT OF AGRICULTURE SURVEY OF GYPSY MOTH EGG MASSES

Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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						

10. DISCUSSION: NJDOT FY 2016 STATE AID PROGRAMS – TRANSPORTATION TRUST FUND GRANT APPLICATION. Mayor Schatzle stated two roads recommended by the Township Engineer for the 2016 NJDOT State Aid Program are Laird Road from Cross Road to SH 34, and Five Point Road from the Howell Township border to the Route 18 overpass bridge. The Governing Body will need to determine which road it wants to submit by mid-September so the Township Engineer may prepare the engineer’s estimate and other documentation for the grant application. Discussion ensued. Mayor Schatzle requested the Township Engineer provide the length of roadway and rough estimates for each option for discussion at the September 9 Township Committee meeting. Mr. Orgo stated he would like to discuss swapping out roadways for paving with the County.

11. ADMINISTRATIVE REPORT: Mr. Antus stated he had nothing to add to the Administrative Report.

Mr. Antus reported the 5th Cycle for Life event is scheduled for October 3, 2015. The event description was reviewed with Chief Sauter, and no Township Police are deployed. Messrs. Schatzle and Macnow approved; Mr. Orgo opposed the use of Township roadways for this event due to seasonal traffic.

Mr. Antus reported the new well at Bucks Mill Park is now operational. Mr. Antus advised thus far, three vendors have obtained bid packages for the two year contract for leaf disposal; bid opening September 1. Mr. Antus reported two individuals (ages 17 and 18) responsible for the malicious damage to the field at Bucks Mill Park were apprehended and are being charged thanks to the efforts of the Township’s Detective Bureau. The Public Works staff are working to restore the damage.

Mr. Antus advised on September 11 and 12th, a rehearsal and wedding is scheduled at the Bucks Mill Community Center. A request was made to permit the serving of alcohol to legal age attendees by certified bartenders at the wedding on the 12th. A Certificate of Insurance has been provided to the Township. Mr. Macnow requested the Certificate of Insurance be changed to show the Township as “additional insured”. The Governing Body was unanimous in its approval of this request pending receipt of the revised Certificate of Insurance.

12. MOTION TO APPROVE VOUCHERS: Mayor Schatzle advised Mr. Fitzgerald reviewed the vouchers, and he recommends approval as follows:

Animal Control	\$254.07
Capital Fund	\$42,421.25
COAH	\$145.00
Construction Trust	\$31,575.68
Current Fund	\$7,640,269.25
Escrow	\$22,614.36
Grant Fund	\$2,800.00
Trust Fund	\$23,156.36
TOTAL:	<u>\$7,763,235.97</u>

Mayor Schatzle noted this large amount results from having one meeting per month during the summer, and most of the funds involved are pass-throughs to the School Boards and County. Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Schatzle abstained from approving payments to T&M Associates* and Mr. Macnow abstained from approving payments to Sakoutis Brothers Disposal Inc..**

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

13. TOWNSHIP COMMITTEE REPORTS

Mr. Macnow reported the Library will be closed from August 29 through September 8 at 1:00 p.m. for carpet installation. Notices have been placed in the Library and Town Hall and on the website.

Mr. Macnow reported on the litigation front, there was a favorable disposition in a lawsuit against the Town. The lawsuit Sauter v. the Colts Neck Fire Department, et.al., was dismissed by summary judgment last Friday. Mr. Macnow stated that according to the Chief Financial Officer, for the period 2013 to July 2015, the Township has expended \$38,289.57 in Counsel fees and costs for complaints and Government Records Counsel complaints brought by Mr. Sauter.

Mr. Orgo reported the Colts Neck Business Association is having its annual pig roast at Bucks Mill Park September 19.

Mayor Schatzle commented he enjoyed the constant contact with the NJDOT representatives regarding the recent resurfacing of SH 34. The NJDOT spent an estimated \$1.5 million for repairs of SH 34 end to end. This resurfacing was much needed, and Mayor Schatzle stated he was pleased with how it turned out. The paving of SH 34 planned for 2016 has been postponed to 2020. Instead of milling and paving the surface, they will be redesigning SH 34, re-working the cement underlay. Mr. Orgo noted the

rate of expansion and contraction for concrete and asphalt differs significantly, and they plan to cut out the joints of the concrete surface, which should extend the life of the asphalt roadway.

Mayor Schatzle reported the Township applied for and will be receiving a 2015 grant from the NJDOT in the amount of \$240,000 for Laird Road, Phase II.

Mayor Schatzle noted the Fair opens tomorrow night with fireworks starting around 9 p.m. The Fair continues through the weekend.

14. COMMENTS FROM THE PUBLIC

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

Ms. Susan Wilcox, resident, expressed concern about a lack of control at the Fair and suggested a closer control at the food area.

Ms. Virginia Amend, expressed concern about residents placing sofas and toilets curbside, which trash collectors do not pick up. Ms. Amend stated the public needs to be educated on what can be placed curbside. Ms. Amend requested funding for an additional clean up day be considered during the March budget workshops.

Mr. Jeffrey Sauter, resident, replied he received telephone calls for pool fills, which he has not done for many years. Mr. Sauter requested a status of hiring the Business Administrator. Mayor Schatzle advised final negotiations are underway and he hopes to make the announcement at the September 9 Township Committee meeting. Mr. Sauter expressed concern about the roads in Town and asked the Mayor to put the plan for roads together in 2015. Mr. Sauter questioned Committeeman Engel's absence. Mr. Sauter stated that the June 10th minutes failed to record the general content of his comment and his reading of a prepared letter protesting the censorship of his comments. Mr. Sauter stated that the June 24th minutes incorrectly categorize the Committee's confinement of his public comment to a letter submission. Mr. Sauter responded to Mr. Macnow's update on a Court decision involving Mr. Sauter and the Colts Neck Fire Department.

Mr. Ken Rogers, Jr., resident, read a prepared statement noting his concerns about the composition of the Township Committee, details of the Goodwin investigation, legal counsel, roads, deer, debris on roads, videotaping meetings, and invasive vines on trees. Mr. Macnow asked if Mr. Rogers had attended meetings in the past five years.

Mr. Michael Viola, resident, expressed concern about debris on roadways and clogged drains, and urged Code Enforcement summons offenders and restore curb appeal. Mr. Viola urged Code Enforcement enforce the overnight ban on street parking, noting both sides of streets have parked cars making it difficult to pass.

Ms. Susan Wilcox stated she agrees with Mr. Rogers. Ms. Wilcox stated she cannot hear what was being discussed about the bike race. Mayor Schatzle advised it is a bike race through Town, like many other bike races.

Ms. Elaine Mann, spoke about obtaining surplus vehicles for the Township. Mr. Antus responded three vehicles received are being painted by the County. Ms. Mann thanked Mr. Antus stating she appreciates all his work. Ms. Mann questioned Mr. Engel's moving to the Carolinas and asked for the ruling on vacancies. Counsel Bennett stated if there was a vacancy, three names would be submitted to the Township Committee by the Republican County Chair and the Governing Body would choose one of the three to fill

the vacancy. Ms. Mann stated she agrees with Mr. Rogers and she thanked Jeff Sauter for taping these meetings. Ms. Mann advised September 19 there is a world-wide clean water initiative where the trash collected will be weighed and compared.

Mr. Rogers asked why he was asked if he attended meetings.

Mr. David Kostka thanked the Mayor and Township Committee for the work done with SH 34 and throughout the Town. Mr. Kostka stated a lot of residents appreciate the work done on Route 34. Mayor Schatzle thanked Mr. Kostka and stated over the years lists of roads were prepared for bonding. This year there is another project that must be considered, and once that report is received, decisions will be made on the roads to pave.

Ms. Amend questioned why the bills list is not included in the agenda hand-outs. Ms. Amend questioned why the Finance Officer only comes to the Township Committee meeting one or two times a year, when in Holmdel and Middletown, the Finance Officer is at the meetings.

Ms. Doris Resh commented the brick pavers are uneven and sinking at the Library and asked if there was a plan to correct this. Mayor Schatzle stated this is on the list and will be corrected sooner than later.

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

15. **RESOLUTION 2015-100:** 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.

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 8:40 p.m.

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

Motion by Mr. Orgo, seconded by Mr. Macnow and unanimously carried to reconvene in public session and adjourn meeting.

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

The meeting adjourned at 9:40 p.m.

Beth Kara, Registered Municipal Clerk