

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE REGULAR MEETING  
SEPTEMBER 13, 2017  
7:30 P.M. AT TOWN HALL**

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**CALL MEETING TO ORDER**

**SALUTE TO THE FLAG**

“THE NOTICE REQUIREMENTS OF THE NEW JERSEY PUBLIC MEETINGS LAW HAVE BEEN SATISFIED BY NOTICING THE NEWS TRANSCRIPT ON JANUARY 12, 2017 STATING THAT A REGULAR MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON SEPTEMBER 13, 2017 AT 7:30 P.M., TOWN HALL. 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**

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1. **MOMENT OF SILENCE**
2. **APPROVAL OF MINUTES:** MEETING OF AUGUST 9, 2017
3. **MAYOR’S PROCLAMATION:** SUICIDE PREVENTION WEEK WITHIN THE TOWNSHIP OF COLTS NECK, SEPTEMBER 10, 2017
4. **PRESENTATION:** REQUEST FOR WAIVER TO STREET OPENING RESTRICTION, 164 LAIRD ROAD
5. **DISCUSSION:** MUNICIPAL CODE CHAPTER 222, VEHICLES AND TRAFFIC, §222-4. PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS – COMMITTEEMEN ORGO AND RIZZUTO
6. **DISCUSSION:** PARKING ORDINANCE, COURT PAYABLES VS. MANDATORY COURT APPEARANCE
7. **ORDINANCE 2017-18:** BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY BEING DESIGNATED AS BLOCK 41, LOT 3 ON THE OFFICIAL TAX MAP OF, BY AND IN THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$715,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$680,952 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

1<sup>ST</sup> READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING SEPTEMBER 27, 2017

8. **ORDINANCE 2017-19:** ORDINANCE AUTHORIZING THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF REAL PROPERTY DESIGNATED AS BLOCK 41, LOT 3 ON THE TAX MAP OF COLTS NECK

1<sup>ST</sup> READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING SEPTEMBER 27, 2017

9. **ORDINANCE 2017-20:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF COLTS NECK (LANDSCAPE)

1<sup>ST</sup> READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING SEPTEMBER 27, 2017

10. **ORDINANCE 2017-21:** ORDINANCE AMENDING, SUPPLEMENTING AND RE-TITLING CHAPTER 91, "BUILDING AND LOTS, NUMBER OF" TO "STREET ADDRESS, NUMBERING OF" IN THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

1<sup>ST</sup> READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING SEPTEMBER 27, 2017

11. **ORDINANCE 2017-22:** ORDINANCE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF COLTS NECK TO ESTABLISH A NEW CHAPTER ENTITLED, "MAILBOX DAMAGE DUE TO SNOW PLOWING"

1<sup>ST</sup> READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING SEPTEMBER 27, 2017

12. **RESOLUTION 2017-119:** RESOLUTION AUTHORIZING SUBMISSION OF MONMOUTH COUNTY 2017 MUNICIPAL OPEN SPACE GRANT APPLICATION

COMMENTS

MOTION TO APPROVE

ROLL CALL

13. **RESOLUTION 2017-120:** RESOLUTION AUTHORIZING THE EXECUTION OF THE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TOWNSHIP OF COLTS NECK AND U.S. BANK NATIONAL ASSOCIATION BY SELECT PORTFOLIO SERVICES

COMMENTS

MOTION TO APPROVE

ROLL CALL

14. **RESOLUTION 2017-121:** RESOLUTION AUTHORIZING REJECTION OF BIDS FOR DISPOSAL OF LEAVES

COMMENTS

MOTION TO APPROVE

ROLL CALL

15. **MOTION TO ADOPT 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 2017-122:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 53.01, LOT 6, (91 OBRE ROAD)

**\*RESOLUTION 2017-123:** RESOLUTION AUTHORIZING THE ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 617, (MANOR HOMES)

**\*RESOLUTION 2017-124:** RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEE, AMBOY ROAD ASSOCIATES, PLANNING BOARD APPLICATION NO 719A, BLOCK 39, LOT 11.01

**\*RESOLUTION 2017-125:** RESOLUTION CONFIRMING HIRING OF MATTHEW S. HALL, COLTS NECK DEPARTMENT OF PUBLIC WORKS

COMMENTS

MOTION TO APPROVE

ROLL CALL

16. **ADMINISTRATOR'S REPORT**

- NJDOT 2018 MUNICIPAL AID PROGRAM
- NJNG METER EXCHANGE PROGRAM

17. **MOTION TO APPROVE VOUCHERS**

COMMENTS

MOTION TO APPROVE

ROLL CALL

18. **TOWNSHIP COMMITTEE REPORTS**

19. COMMENTS FROM THE PUBLIC

MOTION TO OPEN MEETING TO PUBLIC COMMENTS

MOTION TO CLOSE MEETING TO PUBLIC COMMENTS

20. MOTION TO ADJOURN

COMMENTS

MOTION TO APPROVE

ROLL CALL

*THE NEXT TOWNSHIP COMMITTEE MEETING IS  
WEDNESDAY, SEPTEMBER 27, 2017, 7:30 P.M.  
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ*

**BOND ORDINANCE NO. 18**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY BEING DESIGNATED AS BLOCK 41, LOT 3 ON THE OFFICIAL TAX MAP OF, BY AND IN THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$715,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$680,952 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Colts Neck, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$715,000, said sum being inclusive of \$34,048 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of funds currently available in the Township's Open Space Fund.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$715,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$680,952 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$680,952 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Any portion of the bonds and notes authorized herein may be issued to memorialize any loan in connection with the acquisition and the payment of the purchase price of the hereinafter defined Property.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and the payment of the

purchase price of real property, a lawful public purpose, such real property being designated as Block 41, Lot 3 on the Official Tax Map of the Township and commonly known as the DeAngelis Property (8 County Route 537) (the "Property") and also including, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$680,952.

(c) The estimated cost of said improvement or purpose is \$715,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvement or purpose in the amount of \$34,048.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive

evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is

increased by the authorization of the bonds or notes provided for in this bond ordinance by \$680,952 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and the Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Property.

**SECTION 10.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 10 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 11.** The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of

obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 13.** This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

I, Beth Kara, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2017-18, introduced at a duly convened meeting of the Township Committee on the 13<sup>th</sup> day of September, 2017, and will be considered for adoption after public hearing on the 27<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Russell Macnow, Mayor

\_\_\_\_\_  
Beth Kara, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 13, 2017					September 27, 2017						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Macnow												
Deputy Mayor Bartolomeo												
Eastman												
Orgo												
Rizzuto												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

\_\_\_\_\_  
**RUSSELL MACNOW,**  
Mayor

**ORDINANCE 2017-19**

**ORDINANCE AUTHORIZING THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF REAL PROPERTY DESIGNATED AS BLOCK 41, LOT 3 ON THE TAX MAP OF THE TOWNSHIP OF COLTS NECK**

**WHEREAS**, Local Lands and Buildings Law, *N.J.S.A. 40A:12-5, et seq.*, as amended, authorizes municipalities to acquire any real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

**WHEREAS**, the Township previously acquired a portion of the Property (defined below) located Lot 3.01 and part of Lot 3, Block 41 identified on the tax map of the Township of Colts Neck, from the owner pursuant to a contract of sale dated on December 12, 2001; and

**WHEREAS**, pursuant to the December 12, 2001 contract of sale, the Township retained the right of first refusal for the purchase of the remaining property identified as Block 41, Lot 3 on the Tax Map of the Township of Colts Neck and located at 8 Route 537, Colts Neck (the "Property"); and

**WHEREAS**, the Township will attempt to engage in good faith negotiations with the owner to finalize a sale of the Property; and

**WHEREAS**, the Township Committee of the Township of Colts Neck hereby determines that it is necessary and in the public interest to acquire the Property for the public purpose of establishing a recreational field and/or public parking lot as the Property runs adjacent to Five Point Park; and

**WHEREAS**, the Governing Body desires to formally authorize the acquisition of the Property and the institution of eminent domain proceedings if necessary in order to acquire title of the subject Property.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows:

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **FINDINGS**: The Mayor and Township Committee find that it is in the best interests of the Township to acquire the Property located at Block 41, Lot 3 on the Tax Map of the Township of Colts Neck so as to provide the opportunity for appropriate and beneficial use of this property.

3. **AUTHORIZE CONDEMNATION:** The Mayor and Township Committee of the Township of Colts Neck specially authorize any and all necessary and appropriate actions by municipal officials including the Mayor, Township Administrator, Township Clerk and Township Attorney, for the taking and obtaining of the Property as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the municipality to the property owner in the full amount of the appraised value of the Property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner of the property for its voluntary acquisition in accordance with *N.J.S.A. 20:3-6*, and in the event that the negotiations for the voluntary acquisition of the Property interest are unsuccessful for any reason, to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a *Lis Pendens*, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.
4. **IDENTIFICATION OF PROPERTY:** The Property for which a taking is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is designated as Block 41, Lot 3 on the tax map of the Township of Colts Neck.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the municipality, including, but not limited to, the Mayor, Township Administrator, Township Clerk, Township Attorney, and any and all experts or others acting on behalf of the Township are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY:** If a determination is made by a majority vote of the Township Committee that the purchase of an easement is more appropriate

than the obtaining the Property interest through condemnation/eminent domain, then all appropriate officials of the municipality, including, but not limited to, the Mayor, Township Administrator, Township Clerk, Township Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the Property interests by the Township.

7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**BE IT FURTHER RESOLVED** that a copy of this Ordinance, certified by the Township Clerk to be a true copy, be forwarded to each of the following:

1. William Laird, Tax Assessor;
2. John Antonides, Tax Collector;
3. Timothy Anfuso, P.P., Planning Officer; and
4. Meghan Bennett Clark, Esquire, Township Attorney.

I, Beth Kara, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2017-19, introduced at a duly convened meeting of the Township Committee on the 13<sup>th</sup> day of September, 2017, and will be considered for adoption after public hearing on the 27<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Russell Macnow, Mayor

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>												
	First Reading					Second Reading						
	September 13, 2017					September 27, 2017						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Macnow												
Deputy Mayor Bartolomeo												
Eastman												
Orgo												
Rizzuto												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**ORDINANCE 2017-20**

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102, "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF COLTS NECK**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the Township of Colts Neck is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, N.J.A.C. 40:55D-38c "Contents ordinance" in the Municipal Land Use Law authorizes ordinances requiring subdivision and site plan approval to include provisions governing standards for any required walkways, curbs, gutters, streetlights, shade trees and other improvements; and

WHEREAS, the Township Committee finds that it is in the best interest of the Township and applicants pursuing subdivision and site plan approval to have clear standards regarding the placement, volume and size of landscape plantings to best protect the environment and public interest.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

**SECTION I** That Chapter 102 "Development Regulations", Subsection 4 "Definitions" be amended and supplemented to add the following new definitions:

Ornamental Tree – A tree cultivated for its beauty rather than for use. A small flowering tree used for understory or massed in the open for color and texture.

Shade Tree – A tall woody perennial plant at least 15' tall at maturity with a well developed crown having a single stem or trunk.

Specimen Tree – Any tree containing a circumference at breast height at or exceeding 75% of the circumference for a species listed on the NJ Department of Environmental Protection, NJ Forest Service, "Champion Big Tree Register".

**SECTION II** That Chapter 102 "Development Regulations", Subsection 38 "Plat design standards for subdivision plats" be amended and supplemented in the following parts only:

§102-38A Plat conformity

- (1) No development application shall be accepted unless submitted in plat form, and no plat shall be accepted for consideration unless it conforms to the following requirements as to form, content and accompanying information and complies with the provisions of N.J.S.A 46:23-1 et seq., as amended. All plats shall be drawn by a land surveyor, as required by law, licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and address of the land surveyor, except that plats submitted under the informal discussion provisions of Article V, are exempt from this requirement. All drawings of improvements shall be drawn to comply with the Route 34, Colts Neck, Highway Access Management Plan for developments located in the area included in that Plan, and shall be signed and sealed by a licensed professional engineer of the State of New Jersey if they are a part of an application requiring formal approval. All landscaping plans shall be prepared by a professional licensed landscape

architect and/or engineer. Each such person shall affix his or her name, title, address and signature and seal to such plans. All landscaping shall fully comply with and be installed and planted in accordance with the Colts Neck Township Shade Tree Commission Planting Specifications, as well as in conformance with any conditions stated in the resolution approving a development

SECTION III That Chapter 102 "Development Regulations", Subsection 39 "Plat design standards for site plan plats" be amended and supplemented in the following parts only:

§102-39A Plat conformity.

- (1) No development application shall be accepted unless submitted in plat form, and no plat shall be accepted for consideration unless it conforms to the following requirements as to form, content and accompanying information. All plats shall be drawn by a land surveyor, as required by law, who shall be licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and address of the land surveyor, except that plats submitted under the informal discussion provisions of Article V and minor site plans are exempt from this requirement. All drawings of improvements shall be drawn to comply with the Route 34, Colts Neck, Highway Access Management Plan for developments located in the area included in that Plan and, except for minor site plans, shall be signed and sealed by a licensed professional engineer of the State of New Jersey if they are a part of an application requiring formal approval. The plat shall be designed in compliance with the provisions of Parts 3 and 4 of this chapter and, in addition shall meet the requirements of this section. All landscaping plans shall be prepared by a professional licensed landscape architect and/or engineer and shall be signed and sealed.

SECTION IV That Chapter 102 "Development Regulations", Subsection 71 "Shade trees, wooded areas and landscaping" be amended and supplemented in the following parts only:

§102-71 Shade trees, wooded areas and landscaping.

- A. Nursery grown shade trees shall be planted between 50 and 60 feet apart and 20 feet from the curbline. Shade Trees shall not be planted within 25 feet of an above ground electrical or telephone line. All shade trees shall have a minimum caliper of two and one half inches measured six inches above the ground line and shall lie in the height range of 12 to 14 feet when planted and shall be of a height "typical" of the species and consistent with the ANSI 260 (latest edition) "American Standard Nursery Stock" as published by the American Association of Nurserymen, shall be of a species specified in the requisite agency approval and shall be planted in accordance with said approvals. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading or construction requirements necessitate removal of trees, in which case, if practicable, these lots shall be replanted with trees to reestablish the tone of the area and to conform with adjacent lots. Special attention shall be directed toward the preservation of major trees by professional means. Upon request, proof of variety shall be provided by the developer before the performance guaranty is released. Inspections shall be made by the Township Engineer in accordance with § 102-16F.
- B. When a developer is required to replace dead, missing or defective shade trees, the replacement trees shall be of a caliber and height equal to or greater than that of the four nearest shade trees that have passed inspection. All landscaping plans must be drawn, signed and sealed by a licensed landscape architect and/or engineer. Required landscaping on private property shall not be considered to have been provided unless it is maintained in good health and in an attractive manner by the owner.
- C. Wooded areas and specimen trees. It is the purpose of these provisions to encourage site designs that preserve existing wooded areas and specimen trees. As part of a major subdivision or major site plan application the boundaries of existing wooded areas shall be delineated. Outside those wooded areas, individual, healthy shade trees of ~~twelve~~ ten-inch caliper or larger, healthy specimen trees of ~~eight~~ ten inch caliper or greater and individual healthy ornamental trees of four inch caliper or greater shall be identified. The placement of buildings, and other site improvements, shall take into

consideration the location and quality of these wooded areas and individual trees, and, to the maximum extent practical, buildings, pavement and other site improvements shall be located to preserve as much of the natural condition as possible. For purposes of grading and related site work, plans shall show the limits of clearing and grading in relation to the wooded areas and specimen trees.

D. Stormwater Detention Areas. One (1) of the following landscape concepts for stormwater detention areas or an alternative concept complying with the standards set forth below shall be used:

1. Afforestation. This landscaped treatment is appropriate for detention basins and drainage areas that are adjacent to areas of mature woodlands, greenbelt or wetlands. It establishes the area as a revegetated, stable, low-maintenance, natural landscape.
  - (a) The areas shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are not acceptable.
  - (b) The quantity of trees to be planted on the interior of the basins shall be equal to one (1) tree for every four-hundred (400) square feet. The quantity of trees shall be divided as follows: ten (10) percent shall be planted at a size of three (3) inches in caliper, twenty (20) percent shall be one to two (1-2) inches in caliper and seventy (70) percent shall be six to eight (6-8) foot height whips.
  - (c) The trees shall be planted in groves and spaced five (5) feet to fifteen (15) feet on center.
  - (d) The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix appropriate for the anticipated conditions.
  - (e) All woody and herbaceous plants shall be species indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.
  - (f) Planting shall not be located within twenty (20) feet of stormwater structures to allow for maintenance.
  - (g) The perimeter area (slopes above the high water line) shall include trees (1 per 50 linear feet), Evergreen trees (1 per 200 linear feet), and flowering trees and shrubs lining the entire perimeter and screening drainage structures and creating visual interests.
  - (h) An access route for emergencies and general maintenance of the basins shall be provided, shall be indicated on the plans and shall be reviewed by the Township Engineer. Plantings shall be designed to disguise yet not hinder vehicular access.
  - (i) Plantings are not permitted upon any dikes or within the emergency spillway associated with a detention basin unless approved by the Township Engineer.
  - (j) All stormwater basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading and planting.
  
2. Recreation/Open Space Feature. This landscape concept is appropriate in situations where a basin is part of an open space area, adjacent to existing recreational open space or part of a mowed lawn area. It also is appropriate for smaller, highly visible basins where a visually pleasing open area is desired. The objective in these situations is to integrate the basin into the landscape using graded topography and plantings in order to complement the function of the open space area and to provide a visually interesting landscape feature and/or recreation space.
  - (a) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming.
  - (b) Provide perimeter plants, including formally or informally planted shade trees, evergreen trees to create and screen views, and small trees and shrubs to provide a continuous landscape strip screening drainage structures and creating visual interest.
  - (c) Integrate buffer plantings with perimeter planting where applicable.

(d) The following are minimum standards for plant quantities and sizes:

<u>Shade trees</u>	<u>2 inch caliper at 1 per 500 linear feet of basin perimeter</u>
<u>Evergreen trees</u>	<u>6 foot height at 1 per 200 linear feet of basin perimeter</u>
<u>Understory trees</u>	<u>2 inch caliper or 8 foot height at 1 per 200 linear feet of basin perimeter ; and</u>
<u>Shrubs</u>	<u>As appropriate to screen public views of the basin and drainage structures</u>

(e) All stormwater basin structures shall be designed to blend into the landscape in term of construction materials, color, grading ad planting.

E. Stormwater Retention Areas or Infiltration Ponds. This landscape treatment can take on a variety of landscape forms, from formal reflecting pools and canals or entry fountain features to natural park-like lakes, ravines or rain gardens.

1. Water fountain/features are encouraged in the design of office, commercial or multifamily residential developments.
2. The water's edge shall be stabilized with herbaceous plantings on a planting shelf and with shrubs or with a structural edge that is acceptable to the Planning Board or Zoning Board, as the case may be.
3. The planting of the perimeter of the feature shall accentuate views and interest and integrate pedestrian paths, sitting areas and other uses.
4. The seeding or planting within infiltration basins shall be specified relative to the soil condition and to aesthetically treat the edge and field of the infiltration beds.
5. Perimeter landscape plantings shall include formal or informally massed deciduous and evergreen trees and shrubs to screen and frame views with flowering trees, shrubs and grasses used for visual interest or special effects. A continuous landscape area shall be provided. The perimeter planting quantities specified for recreation detention bases noted above shall be used as a guide for this type of storm water area.
6. All stormwater basin structures shall be designed to blend into the landscape in terms of construction materials, facing materials, color, grading and planting.

SECTION V That Chapter 102 "Development Regulations", Subsection 80.1 "Tree removal" be amended and supplemented in the following parts only:

§102-80.1 Tree Removal.

- E. The approving authority may grant a waiver to allow trees with a DBH equal to or greater than 10 inches to be removed in the principal building side and rear setbacks in site plan and subdivision applications where such removal is necessary. for the installation of utilities (i.e. drainage, electrical lines, etc.).

SECTION VI That Chapter 102 "Development Regulations", Subsection 80.1 "Tree removal" be amended and supplemented in the following parts only:

§102-80.1 Tree Removal.

G. Tree protection.

1. Prior to any construction or land disturbance, all trees designated to be removed must be flagged and clearing areas delineated by protective snow fencing.
2. Tree protection snow fencing or other protective barrier acceptable to the approving authority shall be placed at the drip line of all trees to be saved to protect their root zones in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey (latest edition).

3. Tree protection snow fencing or other protective barrier shall remain in place until all construction activities are terminate.
4. No soil stockpiling, storage of materials, equipment, or vehicles shall be permitted within the ~~drip line of any tree to be saved.~~ tree protection area of any tree to be saved.

SECTION VII That Chapter 102 "Development Regulations", Subsection 90 "Tree removal" be amended and supplemented in the following parts only:

§ 102-90 Buffers.

Landscape buffers are required along all lot lines where non residential uses or zone boundaries abut residential uses or zone boundaries. ~~Along all business and light industrial zone lot lines where said lot lines are within the buffer width required from the zone line for the zone in which the lot is located and/or where the center line of an abutting street is the zone line, buffers are required except as noted in Subsection E below. Buffer requirements for the A-4 Mixed Housing District are covered in § 102-85. Buffer areas shall comply with the following standards~~

- A. The buffer area shall be located ~~in on~~ on the ~~district lot~~ lot which requires it ~~and shall be measured from the district boundary line or from the near street line where that street center line serves as the district boundary line.~~ The minimum buffer width provided shall be ~~40~~ 30 feet.
  1. The landscape buffer shall be provided on the non-residential lot except where an applicant is proposing residential improvements on a lot adjacent to an existing non-residential use.
  2. Where an applicant proposes residential improvements on a lot adjacent to an existing non-residential use, the landscape buffer shall be provided on the residential lot.
- B. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass by the owner or his or her agents.
- C. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, except for access drives from public streets and directional and safety signs per each direction of traffic per access drive.
- D. ~~Buffer widths shall be established in each zoning district.~~ The buffer area shall be planted and maintained with grass or ground cover, massed evergreens and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least ~~four~~ six feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises. Planting in all required buffer areas shall consist of two staggered rows of evergreen trees spaced 15 feet apart and each row planted 15 feet on center. The buffer shall also be supplemented with groupings of additional plantings at a rate of one tree and two shrubs for every 100 linear feet of buffer area.
  1. Screen planting shall be maintained permanently by the owner of his or her agents, and any plant material which does not live shall be replaced within 6 month.
  2. The screen planting shall be so placed that at maturity it will be not closer than 3 feet to any street or property line.
  3. A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets. Private accessways shall maintain a sight triangle by having no planting, grading, dirt or structures higher than 2 ½ feet above the street center line located within the sight triangle.

4. The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.
5. This landscaping is in addition to any other landscaping required in this chapter. Landscaping plans shall be drawn, signed and sealed by a licensed landscape architect and/or engineer.

SECTION VIII That Chapter 102 "Development Regulations", Subsection 109 "Business districts"; E "Area, yard and site plan requirements" be amended and supplemented in the following parts only:

§ 102-109E Area, yard and site plan requirements.

5. All areas not utilized for building, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. A minimum area of the lot, equivalent to ½ the gross floor area of the building, shall be landscaped and said landscaping shall be reasonably distributed immediately adjacent to and around the buildings. This landscaping shall consist of at least two ornamental trees and six shrubs per 400 square feet of required planting area as well as a suitable shrubbery in a planting strip not less than 4 feet wide on the front, sides and rear of any building. This requirement is in addition to other landscape requirements of this Chapter.

SECTION IX That Chapter 102 "Development Regulations", Subsection 115 "Buffering" be amended and supplemented in the following parts only:

§ 102-115. Buffers

~~Along all business and D Light Industrial District lot lines where said lot lines are within the buffer width required from the zone line for the zone in which the lot is located and/or where the center line of an abutting street is the zone line, buffers are required;~~ Landscape buffers are required along all lot lines where nonresidential uses or zone boundaries abut residential uses or zone boundaries except as noted in Subsection E below. Buffer requirements for the mixed housing district are covered in § 102-85. Buffer areas shall comply with the following standards:

- A. The buffer area shall be located ~~in-on~~ on the ~~district lot or on the lot~~ which requires it. The minimum buffer width provided shall be ~~10~~ 50 feet.
- B. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass by the owner or his or her agents.
- C. No structure, activity, storage of material or parking of vehicles shall be permitted in the buffer area ~~except for access drives from public streets and directional and safety signs per each direction of traffic per access drive.~~
- D. ~~Buffer widths shall be established in each zoning district.~~ The buffer area shall be planted and maintained with grass or ground cover, massed evergreens and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least ~~four~~ six feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises. Planting in all required buffer areas shall consist of two staggered rows of evergreen trees planted 15 feet apart and each row planted 15 feet on center. The buffer shall also be supplemented with groupings of additional plantings of a rate of one tree and two shrubs for every 100 linear feet of buffer area.
  1. Screen planting shall be maintained permanently by the owner or his or her agents, and any plant material which does not live shall be replaced within six months.
  2. The screen planting shall be so placed that at maturity it will be not closer than three feet to any street or property line.

3. A clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets. Private accessways shall maintain a sight triangle by having no planting, grading, dirt or structures higher than 2 1/2 feet above the street center line located within the sight triangle.
4. The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.
5. This landscaping is in addition to any other landscaping required in this chapter. Landscaping plans shall be drawn, signed and sealed by a licensed landscape architect and/or engineer.

SECTION X That Chapter 102 "Development Regulations", Subsection 119 "Off-street parking" be amended and supplemented in the following parts only:

§ 102-119. Off-street parking.

A. Landscaping

1. For lots in residential zones containing other than a single family dwelling use, all season screen planting of a dense evergreen material not less than ~~four~~ six feet in height shall be provided between off-street parking areas and any lot line or street line; such planting shall be located within 15 feet of the edge of the parking areas. In lieu of screen planting, a fence of woven lattice, wooded louver-type or split cedar fence with a maximum of 3/4 inch spacing or any combination of plantings and fences may be provided and shall be not less than ~~four~~ six feet in height, maintained in good condition and without advertising. All fences shall be landscaped.
2. A minimum of 5% of the interior of any parking area over 5,000 square feet shall be landscaped within the parking area, with shrubs no higher than four feet when fully grown and/or with trees with lower branches removed so as not to cause traffic hazards. This landscaped area shall consist of at a minimum one tree and four shrubs per 10 parking stalls. This landscaping is in addition to the trees and shrubs required separating every 10 parking spaces, as well as the landscaping at the end of parking rows and along the perimeter of parking areas and access isles.

In rows of parking spaces, an area equal to at least one parking space out of every 10 parking spaces or an alternate arrangement providing equal landscaped area which the Planning Board determines meets the intent of this provision shall be provided and shall consist of at least one tree and four shrubs per landscaped area. This landscaping is in addition to any other landscaping requirement of this chapter but may be included in the 5% parking area landscape calculation.

3. All planting and landscaping plans must be drawn, signed and sealed by a licensed landscape architect and/or engineer. Required planting and landscaping on private property shall not be considered to have been provided unless it is maintained in good condition by the owner.
4. All parking areas shall contain a landscape area equivalent to at least one parking space at the end of each row of parking. Each landscape area shall contain at least one tree and four shrubs.
5. The outer perimeter of all parking lots and access isles shall be planted with shade trees planted 50 feet on-center and meeting the requirements of § 102-71.

6. All parking areas shall reserve sufficient areas clear of landscaping for the Stockpiling of snow which shall be designated on all site plan applications.

SECTION XI: Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION XII Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION XIII: Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION XIV : This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2017-20, introduced at a duly convened meeting of the Township Committee on the 13<sup>th</sup> day of September, 2017, and will be considered for adoption after public hearing on the 27<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Russell Macnow, Mayor

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>												
	First Reading					Second Reading						
	September 13, 2017					September 27, 2017						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Macnow												
Deputy Mayor Bartolomeo												
Eastman												
Orgo												
Rizzuto												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**ORDINANCE NO. 2017-21**

**AN ORDINANCE AMENDING, SUPPLEMENTING AND RETITLING CHAPTER 91 –  
“BUILDING AND LOTS, NUMBER OF” TO “STREET ADDRESS, NUMBERING OF” IN  
THE CODE OF THE TOWNSHIP OF COLTS NECK,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the identification of property is a critical component to fulfilling the mission of emergency service agencies, and

WHEREAS, the proper posting of street address numbers substantially enhances emergency services response times and saves lives and damage to property; and

WHEREAS, Township emergency services have requested that street address numbers be clearly visible from public roadways; and

WHEREAS, several homes in the Township are not visible or partially obstructed from public roadways; and

WHEREAS, the Township Committee of the Township of Colts Neck finds that it is in the best interest of the Township if street address numbers are posted within 15’ of the front property line to assist emergency services response times.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (Additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I That Chapter 91, Buildings and Lots, Numbering of be amended, supplemented and retitled in the following parts only:

Chapter 91  
~~BUILDING AND LOTS,~~ STREET ADDRESS, NUMBERING OF

§ 91-1 Purpose

Existing text to remain

§ 91-2 Applicability

This chapter shall apply to all properties within the Township of Colts Neck that contain a principal structure thereon, whether or not said building is occupied. Such premises shall bear and display at least one set of ~~house~~ street address numbers. ~~Buildings facing Lots fronting~~ two or more public roadways shall be required to display auxiliary numbers, if necessary, to pass the visibility test when viewed from those points in the center line of public roadways opposite those points where regularly used pedestrian or vehicular passageways enter the public roadway.

§ 91-3 Responsibility for placement

Existing text to remain

§ 91-4 Specifications

A. ~~House building~~ Street address numbers shall be:

- (1) In Arabic numbers or letters
- (2) A minimum height of three inches
- (3) Mounted in a secure fashion ~~on the front of the building~~ within 15 feet of the front property line so as to be clearly visible from the road

B. ~~If the house or building is set back from the road in such a location that the provisions of this chapter cannot be complied with, then t~~The owner, occupant or lessee shall provide a post, rod or other type of fixture of a substantial nature with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the building property fronts. Nothing herein precludes the owner or occupant from posting additional street address numbers on the front of the building.

§ 91-5 Existing installations

Existing text to remain

§ 91-6 Noncompliance; violations and penalties

Existing text to remain

§ 91-7 Severability

Existing text to remain

§ 91-8 When Effective

Existing text to remain

SECTION II: Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV: Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2017-21, introduced at a duly convened meeting of the Township Committee on the 13<sup>th</sup> day of September, 2017, and will be considered for adoption after public hearing on the 27<sup>th</sup> day of September 2017.

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Russell Macnow, Mayor

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Beth Kara, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 13, 2017					September 27, 2017						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Macnow												
Deputy Mayor Bartolomeo												
Eastman												
Orgo												
Rizzuto												
M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent												

**ORDINANCE NO. 2017-22**

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF COLTS NECK, TO ESTABLISH A NEW CHAPTER ENTITLED, "MAILBOX DAMAGE DUE TO SNOW PLOWING"**

WHEREAS, the Township of Colts Neck annually budgets funds for and assumes basic responsibility for control of snow and ice on public streets; and

WHEREAS, the Township of Colts Neck will provide snow and ice control for routine travel and emergency services in an effort to serve the greatest number of vehicles possible, given safety, budget, personnel and environmental constraints; and

WHEREAS, the Township of Colts Neck will make every responsible effort to best utilize its Township employees and private contractors to provide this service; and

WHEREAS, one of the unintended consequences of snow plowing and ice control operations is property damage to mailboxes even under the best of circumstances and operators use of best management practices and procedures; and

WHEREAS, Township snow plow drivers make every effort to avoid mailbox damage, however, sometimes impacts to mailboxes are unavoidable; and

WHEREAS, the Township Committee of the Township of Colts Neck finds that it is in the best interest of the general public welfare to establish uniform procedures to reimburse homeowners for damage to mailboxes due to snow and ice removal operations.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Colts Neck that the Code of the Township of Colts Neck be hereby amended and supplemented to add a new Chapter entitled "Mailbox Damage Due to Snow Plowing" as follows:

**ORDINANCE – MAILBOX DAMAGE DUE TO SNOW PLOWING**

- A. It is the intent of this chapter to establish uniform procedures to reimburse residents for damage to mailboxes due to snow removal operations. The Township of Colts Neck's primary obligation is to ensure that its roadways are as clear as possible of snow and ice. It is also understood that most mailboxes are located within the public right-of-way and, therefore, while fulfilling the primary objective, mailboxes may be unintentionally and unavoidably damaged. This policy assumes there is a shared responsibility between the Township of Colts Neck and the homeowner when mailboxes located in the public right-of-way are damaged during snow removal operations.
- B. Snowplow operators make every effort to remove snow as close to the curb line as practical and to provide access to mailboxes for the Postal Service. However, it is not possible to provide perfect conditions and minimize the damage to mailboxes with the size and type of equipment the Township operates. Therefore, the final cleaning adjacent to mailboxes is the responsibility of each resident.
- C. Landscaping/hardscape. Property owners should assume all risk of damage for landscaping/hardscape, including nursery and inanimate materials that are installed or encroach on the Township right-of-way. The Township assumes no responsibility for damage incurred to these non-permitted elements as a result of snow plowing and ice control activities with the exception that lawns that are scraped or gouged by Township equipment will be repaired by top dressing and seeding the following spring. In addition, inanimate materials such as boulders, timbers, etc. are a hazard and can cause damage to plow equipment.
- D. While there is no legal requirement, it is the policy of the Township of Colts Neck to reimburse residents up to \$100 for eligible mailbox damage caused by direct plow contact or thrown snow coming off the plow on the part of the Township's Department of Public Works or Township private contractors. Residents seeking reimbursement greater than \$100 for mail box damage caused by Township operators may file a Tort Claim under Title 59 of New Jersey Statutes Annotated. Nothing in this article shall be construed to entitle any resident to reimbursement

prior to an investigation and determination by the Director of Public Works or designee that the claimed damage is eligible for reimbursement pursuant to this section.

E. For the purpose of this article boxes used for receipt of United States mail and placed outside of residences and established for such purposes shall be referred to herein as mailboxes. All mailboxes must be installed in accordance with the United States Postal Service "Mailbox Guidelines".

1. Eligibility, Mail Box Damage Claim

The reimbursement provisions shall only apply to those homeowners who satisfy the following criteria:

- a. The mailbox is securely fastened to a sturdy post which is sufficiently anchored in the ground to resist the impact of plowed snow
- b. The damaged mailbox and or post must meet the requirements of the United States Postal Service "Mailbox Guidelines" as well as all other requirements in regard to construction and location. Mailboxes that do not meet the requirements of the United States Postal Service and/or any other applicable regulations are not eligible for reimbursement.
- c. The damage must have been caused by direct contact or thrown snow from Township Department of Public Works or Township private contractors plows or snow removal equipment.
- d. The homeowner must notify the Township within ninety (90) days of the date the damage occurred. Damage reported outside of this time frame will not be eligible for reimbursement.
- e. The homeowner must sign a General Release discharging the Township from all debts, claims, demands, damages, actions or further Tort Claims under Title 59.

2. Claim Procedure

- a. Within the time period above, a homeowner making a claim for reimbursement shall contact the Department of Public Works and file a Mailbox Damage Claim.
- b. The Mailbox Damage Claim shall be accompanied with the following:
  1. Name, address, phone number and email address of claimant
  2. Date and time of damage
  3. Exact location of damage
  4. Explanation of what happened/description of damage
  5. Photographs of damage
  6. Itemized receipt for the cost of the new mailbox and/or post
- c. After submission of the claim, the Director of Public Works or designee shall investigate the alleged damage to determine if the damage was caused by the plow blade, vehicle and/or thrown snow coming off the plow. A written response on the findings of the investigation will be mailed to the resident.
- d. If it is determined that the mailbox was damaged by the plow blade, vehicle and/or thrown snow coming off the plow, the homeowner will be reimbursed for the cost of the mailbox and/or post in an amount not to exceed \$100 upon the submission of an itemized receipt for the cost of the new mailbox and/or post. If it is determined that the damage was not caused by the plow blade, vehicle and/or thrown snow coming off the plow, no reimbursement will be given. All actual repairs and/or replacements shall be the responsibility of the homeowner.

BE IT FURTHER ORDAINED, that the Mailbox Damage Claim-By-Rule form contained in Exhibit "A" be hereby adopted.

BE IT FURTHER ORDAINED, that the General Release form contained in Exhibit "B" be hereby adopted.

BE IT FURTHER ORDAINED Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

BE IT FURTHER ORDAINED: This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2017-22, introduced at a duly convened meeting of the Township Committee on the 13<sup>th</sup> day of September, 2017, and will be considered for adoption after public hearing on the 27<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Russell Macnow, Mayor

\_\_\_\_\_  
Beth Kara, Municipal Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	September 13, 2017					September 27, 2017						
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Macnow												
Deputy Mayor Bartolomeo												
Eastman												
Orgo												
Rizzuto												
	M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent				

EXHIBIT "A"

**TOWNSHIP OF COLTS NECK**

**MAILBOX DAMAGE CLAIM**

Name of Claimant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ (home) \_\_\_\_\_ (cell)

Email Address: \_\_\_\_\_

Date and time of damage: \_\_\_\_\_

Exact location of mailbox damage (street address, or nearest cross street): \_\_\_\_\_

Amount of damages sought (maximum of \$100): \_\_\_\_\_

Name and addresses of all persons involved (if known): \_\_\_\_\_

Explanation of what happened/description of damage (use additional sheet if necessary): \_\_\_\_\_

Claimant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attach photographs of damage for repairs in reference to this claim.**

**Failure to submit a photograph will result in denial of the claim. Mail this form and your documents to:**

**Township of Colts Neck  
Department of Public Works  
124 Cedar Drive  
Colts Neck, New Jersey 07722**

Upon receipt of a Mailbox Damage Claim the Director of Public Works or designee shall investigate the claim to determine if the damage was caused by the plow blade, vehicle itself and/or thrown snow coming off the plow. Upon a determination that the damage was caused by the plow blade, vehicle and/or thrown snow coming off the plow the homeowner will be reimbursed in an amount not to exceed \$100 upon submission of an itemized receipt for the cost of the new mailbox and/or post.

Disclaimer: The Township of Colts Neck is not admitting to any liability for the damages sustained to your mailbox during snow removal based upon the review or payment of your claim. Upon receipt of your claim, The Department of Public Works will investigate the issue and you will be notified of the approval or denial of your claim. Your claim must be submitted with 90 days of the loss. Failure to submit your claim in a timely manner will result in the denial of your claim.

EXHIBIT "B"

# GENERAL RELEASE

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties do hereby covenant and agree as follows:

1. **Consideration and Release of Claims.** For the Sole Consideration of \_\_\_\_\_ Dollars, the receipt and sufficiency whereof is hereby acknowledged, the undersigned \_\_\_\_\_ (“Releasing Party”), intending to be legally bound releases and forever discharges The Township of Colts Neck, and any other person, partnership, firm, corporation or other entity charged or chargeable with responsibility or liability and his/her/their/its heirs, executors, administrators, agents, insurers and assigns, former and current elected members, predecessors-in-interest, successors, successors-in-interest, past and present members, shareholders, partners, officers, directors, managers, employees, subsidiaries, affiliates, trustees, agents and representatives (collectively referred to as the “Released Parties”)(together, the Releasing Party and the Released Parties shall be known as the “Parties”), from any and all debts, claims, demands, damages, actions, causes of action or suits and liabilities of any kind or nature whatsoever including any claim for contribution or indemnity, which have resulted from or may in the future develop from an occurrence or incident on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ which caused damage to the Releasing Party’s property (*i.e.* a mailbox) (the “Occurrence” or “Incident”).

2. **Voluntary Settlement.** The Releasing Party hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final settlement of any and all present and future claims, disputed or otherwise, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid Occurrence or Incident. The Releasing Party further states that the foregoing release has been read carefully and the contents are known and this release is signed as his/her/their/its own free act and deed.

3. **Complete Agreement.** The Parties affirm that the valuable consideration for executing this Agreement are the promises, including releases, expressly contained or described herein. The Parties further represent and acknowledge that in executing this Agreement they do not rely, and have not relied, upon any promise, inducement, representation, or statement by the other Party or its agents, representatives, or attorneys about the subject matter, meaning, or effect of this Agreement that is not stated in this document.

**TOWNSHIP OF COLTS NECK**

**RELEASING PARTY**

By: \_\_\_\_\_  
Name:  
Title: Mayor

By: \_\_\_\_\_  
Name:  
Date:

ATTEST: \_\_\_\_\_  
Name:  
Title: Administrator  
Date:

**RESOLUTION 2017-119**

**AUTHORIZING SUBMISSION OF 2017  
MONMOUTH COUNTY OPEN SPACE GRANT APPLICATION**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of the Township of Colts Neck desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the DeAngelis Property Acquisition (located at 301 County Route 537, Block 41 Lot 3); and

**WHEREAS**, the total cost of the project, including all matching funds is \$690,000; and

**WHEREAS**, the Township of Colts Neck will be holder of any interest acquired with County Open Space Trust Funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Colts Neck that:

1. Kathleen Capristo, Township Administrator, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Township of Colts Neck is committed to this project and will provide the balance of funding necessary to completed the project in the form of non-County matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statues thereto; and
4. Kathleen Capristo, Township Administrator, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

I, Beth Kara, Municipal Clerk, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a meeting held on the 13<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

In Witness Whereof, I have hereunder set my hand and official seal of the Municipality  
this the 13<sup>th</sup> day of September 2017.

Beth Kara, Municipal Clerk

**RESOLUTION 2017-120**

**AUTHORIZING THE EXECUTION OF THE SETTLEMENT AGREEMENT  
AND RELEASE OF CLAIMS BETWEEN THE TOWNSHIP OF COLTS NECK  
AND U.S. BANK NATIONAL ASSOCIATION  
BY SELECT PORTFOLIO SERVICING INC.**

**WHEREAS**, 104 Cedar Drive in Colts Neck, N.J. is a parcel of property with an abandoned residence that is involved in a foreclosure matter bearing Docket No. MON-F-2500-10 (the "Foreclosure"); and

**WHEREAS**, Select Portfolio Servicing, Inc. ("SPS"), a Utah Corporation; and U.S. Bank National Association, as successor trustee to Bank of America N.A., successor by merger to LaSalle Bank N.A., as Trustee, on behalf of the holders of the Zuni Mortgage Loan Trust 2006-OA1 Mortgage Loan Pass-Through Certificates, Series 2006-OA1 (the "Trust" or "US Bank") is a party in the Foreclosure and SPS is its servicing agent; and

**WHEREAS**, on February 2, 2017, a fire broke out inside the abandoned residence at 104 Cedar Drive, and destroyed the abandoned residence; and

**WHEREAS**, the Township of Colts Neck, Monmouth County, New Jersey (the "Township", and with US Bank the "Parties") has taken the position that the emergency response costs incurred by the Township in connection with the fire at 104 Cedar Drive on February 2, 2017 should be the responsibility of US Bank, as a creditor in the Foreclosure and pursuant to, inter alia, the Creditor Responsibility Law, N.J.S.A. 46:10B-51 et seq.; and

**WHEREAS**, US Bank disputes that it had any responsibility under the Creditor Responsibility Law, N.J.S.A. 46:10B-51 et seq., and further disputes that it should bear the emergency response costs incurred by the Township in connection with the fire at 104 Cedar on February 2, 2017; and

**WHEREAS**, The Parties understand that litigating the issues regarding the Creditor Responsibility Law and responsibility for payment of the Township's emergency response costs will be a costly and long running endeavor and the Parties therefore wish to amicably resolve any differences that have arisen between them.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee that the Mayor is authorized to execute the document on behalf of the Township of Colts Neck titled, "Settlement Agreement and Release of Claims, dated September 13, 2017, and the Municipal Clerk is to attest, as Notary Public.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during the regular meeting held on the 13th day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2017-121**

**AUTHORIZING REJECTION OF BIDS  
FOR DISPOSAL OF LEAVES**

WHEREAS, three bid packages were picked up by vendors in response to the Notice to Bidders for the Disposal of Leaves for the years 2017/2018 and 2018/2019 with the Township's option to award for one or two years in the Asbury Park Press on August 17, 2017; and

WHEREAS, two sealed bid envelopes were received and publicly opened on September 6, 2017 pursuant to law.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby rejects the two bids received and opened for the disposal of leaves for reason of incomplete bids submitted; and

BE IT FURTHER RESOLVED that a Notice to Bidders for said services be re-advertised pursuant to law.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. All Vendors Submitting Bids;
2. John Antonides, Chief Financial Officer;
3. Louis Bader, Public Works Director; and
4. Meghan Bennett Clark, Esq., Township Attorney.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 13<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2017-122**

**AUTHORIZING THE RELEASE OF  
SPECIAL PERFORMANCE GUARANTEE  
BLOCK 53.01, LOT 6  
(91 OBRE ROAD)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that pursuant to the recommendations of the Township Planner, that it hereby authorizes the following:

1. Release and return of Cash Performance Guarantee in the amount of \$5,460.00, plus interest; and
2. Release and return of \$388.56 Inspection Fee.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, 91 Obre Road, LLC;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer;
4. Glenn Gerken, Township Engineer; and
5. Meghan Bennett Clark, Esq., Township Attorney.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during the regular meeting held on the 13th day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2017-123**

**AUTHORIZING THE ACCEPTANCE OF PERFORMANCE GUARANTEES  
PLANNING BOARD APPLICATION NO. 617  
MANOR HOMES**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that pursuant to the request of the applicant, that it hereby authorizes the acceptance of the following for Planning Board Application No. 617:

1. Acceptance of Performance Guarantee No. 0439852 from International Fidelity Company, Newark, New Jersey in the amount of \$3,858,408.00; and
2. Acceptance of cash performance guarantee in the amount of \$443,880.50 (\$443,833.55 plus \$46.95 interest); and
3. Acceptance of Inspection Fees in the amount of \$43,922.21 (\$43,917.56 plus \$4.65 interest); and
4. Acceptance of Application Fees in the amount of \$144.75.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Manor Homes;
2. Jennifer McLean, Asset Management Consultants;
3. Timothy Anfuso, Township Planner;
4. John Antonides, Chief Financial Officer;
5. Glenn Gerken, Township Engineer; and
6. Meghan Bennett Clark, Esq., Township Attorney.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during the regular meeting held on the 13th day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2017-124**

**AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE  
PLANNING BOARD APPLICATION NO. 719A  
AMBOY ROAD ASSOCIATES, LLC  
BLOCK 39, LOT 11.01**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that pursuant to the recommendations of the Township Engineer and Township Planner, that it hereby authorizes the following for Block 39, Lot 11.01:

1. Acceptance of Endorsement of New Jersey Subdivision/Site Plan Bond No. S303349 from NGM Insurance Company reducing the Subdivision Bond from \$822,519.36 to \$270,650.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Amboy Road Associates, LLC;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during the regular meeting held on the 13<sup>th</sup> day of September 2017.

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Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Eastman						
Orgo						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2017-125**

**CONFIRMING HIRING OF  
MATTHEW S. HALL  
COLTS NECK DEPARTMENT OF PUBLIC WORKS**

BE IT RESOLVED by the Township Committee of Colts Neck that pursuant to the recommendation of the Director of Public Works and the concurrence of the Township Administrator that it hereby confirms the hiring of Matthew S. Hall to the position of Temporary Help, Unskilled, at an hourly salary of \$10 per hour, effective September 14, 2017; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Louis Bader, Director, Public Works;
2. Matthew S. Hall, Public Works; and
3. John Antonides, Chief Financial Officer.

I, Beth Kara, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 13<sup>th</sup> day of September 2017.

\_\_\_\_\_  
Beth Kara, Municipal Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Macnow						
Deputy Mayor Bartolomeo						
Orgo						
Eastman						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						