

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
APRIL 10, 2013
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 Fitzgerald followed by a salute to the flag led by James Schatzle, IV. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Open Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on December 12, 2012 stating a regular meeting of the Colts Neck Township Committee would be held April 10, 2013, 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, New Jersey. The notice requirements have been posted on the Township bulletin board and a copy is on file in the office of the Township Clerk."

Roll call by Mr. Bowden indicated the following:

Present: Mayor, Michael Fitzgerald; Deputy Mayor, Russell Macnow;
Committeemen James Schatzle and Thomas Orgo

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; and Township Counsel, Chris Ackerman, Esq.

Absent: Committeeman Jarrett Engel

Mr. Bowden stated Mr. Engel was out of town this evening on business.

1. APPROVAL OF MEETING MINUTES:

- MARCH 13, 2013: Mr. Orgo made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

- MARCH 27, 2013: Mr. Orgo made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Fitzgerald and Schatzle; Mr. Macnow abstained.

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

2. MAYOR'S PROCLAMATION: WEEK OF THE YOUNG CHILD™.

Mayor Fitzgerald read the proclamation in full, and the week of April 14 to April 20, 2013 was proclaimed the Week of the Young Child within the Township of Colts Neck. Mr. Schatzle spoke of the long history of the Colts Neck Reformed Church Nursery School Program within the Township, and commended Mrs. Savage's 33 year commitment to this program. Mayor Fitzgerald thanked all families for attending tonight's meeting and photographs were taken.

3.

MAYOR'S PROCLAMATION: IN HONOR OF GLORIA NILSON.

Mayor Fitzgerald read the proclamation in full, which recognizes the many charitable and philanthropic endeavors of Gloria Nilson. Together with the Township Committee, Mayor Fitzgerald proclaimed April 26, 2013 to be Gloria Nilson Day within the Township of Colts Neck and recognized and commended Gloria Nilson on her induction to the Red Bank Regional High School Hall of Fame.

4.

ORDINANCE 2013-6: AN ORDINANCE REGULATING THE

STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF COLTS NECK, MONMOUTH COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF was read by title at second reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance allows Verizon access to Township streets to maintain its lines. Mayor Fitzgerald stated Verizon provided the Township with a listing of repairs accomplished as well as repairs in progress within the Township. Mayor Fitzgerald stated they will be working with JCP&L to receive the same information. Hearing no comments from the Governing Body, Mayor Fitzgerald opened the meeting to public comment:

Mr. John Zalenga, Verizon External Affairs of Central New Jersey, stated two lists were provided to the Township Administrator earlier today indicating the work performed within the Township as well as the work to be performed within the Township. Mr. Zalenga has been working with the Engineer to expedite the work and noted work in areas not on Route 34 is expected to take three to four weeks, while work on Route 34 is expected to take four to six weeks to address.

Hearing no further comments, Mayor Fitzgerald closed the meeting. 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 Fitzgerald			X			
Deputy Mayor Macnow	M		X			
Schatzle			X			
Orgo		S	X			
Engel						X
M - Moved	S	Seconded	X - indicates vote	NV - Not Voting	Ab - Absent	

5.

RESOLUTION 2013-48: RESOLUTION SUPPORTING S-1896/A-1503, SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL

REFUNDS was read by title by Mayor Fitzgerald. Mayor Fitzgerald noted the three-fold negative impact of successful tax appeals on the municipal budget, which are as follows: (1) As the tax collector for the school district, county and special districts, the municipality must fund the full cost of the legal defense of the assessment; (2) the municipality bears the full cost of any reimbursements resulting from the appeal as well as the full burden for any uncollected taxes since State law guarantees the county and school district 100% of their levies; and (3) the end result will be a further decline in the property tax base used to support municipalities, county governments and school systems. Mayor Fitzgerald stated the passage of this resolution urges the swift passage and signing of this legislation. Mr. Bowden noted Assemblywoman Casagrande is a sponsor of this legislation. Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

6. **RESOLUTION 2013-49:** RESOLUTION DECLARING DEFAULT OF PLANNING BOARD APPLICATION NO. 623A, BLOCK 22.05, LOTS 1 AND 2 (PLEAN/NEVILLE) was read by title by Mayor Fitzgerald. Mr. Bowden stated this relates to a minor subdivision on Montrose Road for which the applicant failed to complete all work originally planned. The remaining improvements would be completed using the \$79,920 surety bond held by the Township. 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 Fitzgerald			X			
Deputy Mayor Macnow		S	X			
Schatzle			X			
Orgo		M	X			
Engel						X
M - Moved	S - Secended	X - indicates vote	NV - Not Voting	Ab - Absent		

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

8. ***RESOLUTION 2013-50:** RESOLUTION AUTHORIZING PARTICIPATION IN THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION PESTICIDE SUPPRESSION PROGRAM

9. ***RESOLUTION 2013-51:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 700 (G. S. REALTY)

10. ***RESOLUTION 2013-52:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 659 (GIUFFRE)

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

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

11. **DISCUSSION:** ROAD RECONSTRUCTION AND IMPROVEMENTS, PUBLIC WORKS VEHICLES AND EQUIPMENT. Mayor Fitzgerald requested this issue be tabled to a meeting when the full complement of Governing Body is in attendance, as any action taken would require passage of a bond ordinance, which requires approval by four of the five Governing Body members. Mr. Bowden stated this will be on the next Township Committee meeting agenda. Mayor Fitzgerald urged all Committeemembers to visit the streets listed prior to the next meeting to see the issues to be discussed.

12. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to add to his report this evening.

13. **MOTION TO APPROVE VOUCHERS:** Mayor Fitzgerald reviewed the vouchers and recommended approval, as follows:

Animal Control	\$114.62
Capital Fund	\$6,459.31
Construction Trust	\$10,564.09
Current Fund	\$847,151.92
Eserow	\$50,096.96
Grant Fund	\$528.36
Law	\$315.00
Trust Fund	\$7,563.24
TOTAL:	<u>\$922,793.50</u>

Mayor Fitzgerald noted payment to Motorola for a radio battery was questioned by Mr. Schatzle; however, this purchase was made prior to the purchase restriction. Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried. *Mr. Macnow abstained from approving bills to Mazzara Trucking and Excavation.

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

14. **TOWNSHIP COMMITTEE REPORTS**

Mr. Macnow reported the Alliance was instructed to focus on one target; however the programs must affect the entire community. The Alliance would have to focus on environmental strategies, and the minimum grant amount applied for is now \$20,000, with a \$5,000 cash match from the Township. For 2013, the DEDR funds are \$10,866 with a cash match of \$2,716.50. The Alliance Director was advised if a municipality cannot or does not want to make a \$20,000 grant application but still wants to participate, shared services with another Alliance should be explored. Mr. Macnow stated it would be difficult for Colts Neck to increase its spending to that level, and shared services may be a viable option. Mr. Macnow noted the Marlboro Alliance person is already attending Colts Neck Alliance meetings, and may be a good partner. Mr. Macnow will ask the Alliance Director to reach out to Marlboro as well as other municipalities to determine their willingness to partner with the Township by shared service agreement. Mr. Macnow noted the outreach must be done quickly, as this must be completed before July.

Mr. Schatzle had no report this evening.

Mr. Orgo reported the Colts Neck Business Association (CNBA) met today, and one new business, Farmers Insurance, is opening Saturday. The CNBA is having a business card exchange on April 22 at Ashford and Grace Jewelers in the Orchards Shopping Center.

Mr. Orgo reported suggestions are circulating to expedite the processing of the Architectural Review Committee's determinations. Mr. Bowden stated he will speak with Mr. Anfuso about the matter.

Mr. Orgo spoke of brush collection occurring throughout the Township and questioned if property owners are actually clearing their properties as opposed to trimming brush for Township collection. Mr. Bowden stated there is still hurricane-related brush to be collected. Mr. Macnow noted there are only four brush collections scheduled this year, three in the spring and one in the fall. Mr. Bowden stated with a part-time Code Enforcement Officer, limiting brush collection is difficult to enforce. Mr. Macnow noted some citizens do pay to have their brush carted away privately; others may abuse the system.

Mr. Orgo reported the Wildlife Committee is scheduled to meet tomorrow at 7:00 p.m. in Town Hall. All are invited to attend.

Mayor Fitzgerald stated there was a 5/3 vote in favor of approving an application for a deviation of condition of conservation easement, which was within 300 feet of a brook. Mr. Orgo recused; Mayor Fitzgerald voted against and Mr. Kostka, Environmental Commission Member, spoke against approval. Mayor Fitzgerald noted if this were discussed when the initial plans were being made, they could have been adjusted and this issue avoided. Mayor Fitzgerald stated the Township Committee must consider who is being placed on the Planning Board, as they are on the front lines of development in this Town.

Mayor Fitzgerald stated the Colts Neck Sports Foundation is working with Mr. Hennessey to improve the recreation facilities and fields within the Township. Mayor Fitzgerald noted the softball fields are looking good and the Opening Day event last Saturday was a success.

PUBLIC COMMENT

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

Ms. Virginia Amend, a resident and Editor of the Colts Neck Calendar, reported the road east of Route 34 North at the intersection of Laird Road, near the Smith farm has water pooling onto Laird Road. Mr. Bowden stated he will look into this issue. Ms. Amend noted she was pleased the sidewalks at Town Hall have been repaired and are ADA compliant. Ms. Amend noted the Open House at the Colts Neck Reformed Church revealed renovations that were well thought out.

Ms. Elaine Mann, a resident, thanked the Governing Body for looking into ways to streamline the review process of the Architectural Review Committee. Ms. Mann spoke of funding programs for the senior citizens. Ms. Mann spoke of the need for a resolution to authorize the Fire Department to utilize the tanker for pool fills.

Mr. Jeff Sauter, a resident, thanked the Governing Body for the courtesy shown to all residents during the comment period.

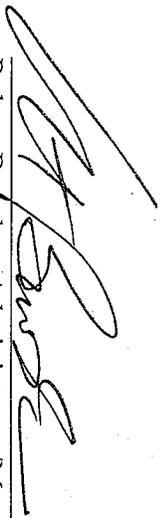
Ms. Ann Rippa, a resident and active member of the Historic Preservation Committee, expressed her concern over the possible expansion of the commercial zone in the area of Heyers Mill Road and Merchants Way. Ms. Rippa was concerned about a proposal for the Laird family to purchase property that had once belonged to Samuel Laird, which would only occur if the residential zoning were changed to commercial. Since Ms. Rippa is a neighbor and has renovated her property, she is concerned a change in zoning would adversely impact the value of her home. Mayor Fitzgerald stated he met with Ms. Lisa Laird, who advised the Laird family wants to use the property for educational/museum purposes, which would not require a change in zone. Mayor Fitzgerald advised Ms. Laird a change would require Zoning Board of Adjustment use variance approval, which involves a public hearing and written notification of the hearing to all property owners within 200 feet. Mayor Fitzgerald stated he did receive a letter from the Chair of the Historic Preservation Committee pertaining to the Laird proposal. Mayor Fitzgerald indicated a suggestion was made to move the house to the Laird property. Ms. Rippa stated she is worried about this issue, and she has relayed her concerns to Mr. Anfuso. Ms. Rippa stated many historic homes are owned privately and not part of a business. Mayor Fitzgerald stated the Zoning Board of Adjustment agendas are posted on the Township's website prior to the meetings.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

16. **MOTION TO ADJOURN:** Mr. Macnow made a motion to adjourn, seconded by Mr. Schatzle and unanimously carried by voice vote.

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

The meeting adjourned at 8:30 p.m.


Robert Bowden, Administrator/Municipal Clerk