

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JUNE 26, 2013  
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:35 p.m. by Mayor Fitzgerald followed by a salute to the flag. 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 June 26, 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 (arriving soon), and Thomas Orgo

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

Absent: Committeehman Jarrett Engel

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Mayor Fitzgerald opened this evening's meeting announcing tonight is Mr. Bowden's birthday. Mayor Fitzgerald commended Mr. Bowden for never missing a meeting in his 23 years of service to the Township. Mr. Bowden received a round of applause.

**1. ANNOUNCEMENT:** Mayor Fitzgerald announced the Township Committee summer meeting schedule is July 10<sup>th</sup> and August 14<sup>th</sup>, with the summer dress code business casual.

**2. PRESENTATION:** AMEND DEVELOPMENT REGULATIONS,  
ACCESSORY STRUCTURES IN A-1, A-2 AND A-3 ZONES.

Mr. Schatzle arrived at 7:32 p.m.

Mr. Anfuso, Township Planner, stated the Long Range Planning Committee is seeking to regulate the overall mass of accessory structures by introducing a new building volume requirement in lieu of reducing the building height. This would allow design flexibility with steeper roof pitches and architectural features while controlling the overall mass of the structure to ensure these structures do not appear as separate principal structures through building volume. In addition, the current one size fits all requirements for accessory structures would be replaced by a flexible standard designed so that the size, mass and volume of structures bear a relationship to the lot size. Mayor Fitzgerald commented this makes a lot of sense, while Mr. Macnow commented this is practical, yet controlling. Governing Body consensus was to go forward with an ordinance. Mr. Bowden stated this ordinance will be on the next meeting agenda for introduction.

**3. PRESENTATION:** AMEND DEVELOPMENT REGULATIONS, LOT SIZE AVERAGING. Mr. Anfuso stated the Long Range Planning Committee believes churches, libraries and private and public schools are not agricultural or open space uses envisioned by the Master Plan for lot size averaging developments. The draft ordinance restricts the aforesaid uses from the large tract dedication resulting from a lot size averaging development; however, these uses will continue to be permitted conditional uses in all other lots in the AG Zone in accordance with the Township's Development Regulations. Mr. Macnow commented this should avoid large

structures in residential neighborhoods. Mayor Fitzgerald stated this goes a long way; however, he wants to have all lots apply. Mr. Anfuso will amend the draft ordinance from "large tract dedication" to "any lot". Governing Body consensus was to go forward with the amended ordinance. Mr. Bowden stated the amended ordinance will be on the next meeting agenda for introduction.

4. **PRESENTATION:** AMEND CHAPTER 26 OF THE TOWNSHIP CODE ENTITLED, "FARMLAND AND OPEN SPACE COMMITTEE". Mr. Anfuso advised an ordinance establishing an Agricultural Advisory Committee as a sub-committee to the Farmland and Open Space Committee is required to receive State funding as part of the Township's farmland preservation program. The Farmland and Open Space Committee duties include open space and parks and do not comply with State requirements. The proposed ordinance was reviewed and approved by the State Agricultural Development Committee staff. Discussion ensued regarding the sub-committee membership. Governing Body consensus was to go forward with the ordinance and address any membership issues in the future. Mr. Bowden stated the ordinance will be on the next meeting agenda for introduction.

Mr. Macnow recused himself and left the meeting.

5. **PRESENTATION:** COVENANTS AND RESTRICTIONS MODIFICATION, PLANNING BOARD APPLICATION NO. 629 (CAMELOT). Mr. Salvatore Alfieri, Esq., addressed the Governing Body on behalf of his client, Mr. Flanckbaum. Mr. Alfieri advised the Planning Board approved a deviation from a previously approved five-lot subdivision which changed responsibility for the maintenance of the center landscape island from Lot 20.03, to Lot 20.01. To finalize the change, Governing Body approval is required. Discussion ensued and Mr. Schatzle made a motion to approve the change, seconded by Mr. Orgo, and carried by Messrs. Fitzgerald, Schatzle and Orgo; Mr. Macnow was absent. Mr. Alfieri was requested to prepare a resolution, to be reviewed by the Township Attorney and formally passed at a future meeting.

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	Seconded	X - indicates vote	NV - Not Voting	Ab - Absent	

Mr. Macnow returned to the meeting.

6. **BOND ORDINANCE 2013-10:** BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,700,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by title at first reading by Mayor Fitzgerald. Mr. Orgo requested the following be struck from the ordinance as the purchase of this equipment is covered by under Bond Ordinance 2013-11: "an asphalt hot box, zero-turn lawn mowers." Mr. Macnow made a motion to approve, as amended, seconded by Mr. Schatzle and unanimously carried. Mayor Fitzgerald set the public hearing July 10, 2013.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
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	

7.

**BOND ORDINANCE 2013-11: BOND ORDINANCE**  
**REAPPROPRIATING \$70,000 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF THE ACQUISITION OF AN ASPHALT HOT BOX AND TWO ZERO TURN LAWN MOWERS, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY** was read by title at first reading by Mayor Fitzgerald. Mr. Schatzle commented this would be a pay as you go way to purchase this equipment by re-appropriating unused bond funds. Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried. Mayor Fitzgerald set the public hearing July 10, 2013.

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

8.

**RESOLUTION 2013-72: RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES** was read by title by Mayor Fitzgerald. Mr. Bowden stated all applicants have met renewal requirements. Mr. Macnow made a motion to approve, seconded by Mr. Orgo and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
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	

9.

**RESOLUTION 2013-73: RESOLUTION CONFIRMING SERGEANTS PROMOTION LIST** was read by title by Mayor Fitzgerald. Mr. Macnow stated the Sergeants test was administered one year ago, and the Chief of Police provided the list of results for the next in line for promotion. Mr. Macnow stated by using this list for a three year period, the Township would save money by not having to re-test when vacancies occur. Mayor Fitzgerald stated he does not know why this resolution is required and does not agree with passing the resolution. Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and carried by Messrs. Macnow, Schatzle and Orgo; Mayor Fitzgerald opposed.

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

10. **ADMINISTRATIVE REPORT:** Mr. Bowden stated he had nothing to add to his report this evening.

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

Animal Control	\$82.81
COAH	\$867.50
Construction Trust	\$11,261.07
Current Fund	\$2,612,527.71
Escrow	\$10,712.39
Grant Fund	\$2,410.00
Tax Collectors Trust	\$32,539.29
Trust Fund	<u>\$7,186.27</u>
TOTAL:	<u>\$2,677,587.04*</u>

\*Purchase Order 13-01093, Dittmar Agency, in the amount of \$7,254.00 for payment of insurance premium for Firemen/First Aid disabilities was set aside and not approved for payment. Mayor Fitzgerald stated the cost of this policy and the cost of LOSAP could be used to provide better benefits for the Emergency Services volunteers. Mr. Schatzle stated the First Aid members have questions on what this policy covers. Mr. Macnow requested representatives from Fire and First Aid be present at a meeting to discuss these benefits. Mr. Schatzle indicated the discussion will be to sustain benefit levels, not diminish them. Mayor Fitzgerald stated the last review saved the Township \$20,000 and eliminated duplicate coverage. Mayor Fitzgerald stated he will review the two insurance policies.

Purchase Order 13-01257, Central Jersey Tree Experts, in the amount of \$4,200.00 for removal of trees relating to Super Storm Sandy (\$3,750.00) and non-Sandy tree removal at Laird Road Ball Field (\$450.00) was added to the bills list and approved for payment. Net payments for this evening's adjusted bills list total \$2,674,533.04.

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

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
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

12.

**TOWNSHIP COMMITTEE REPORTS**

Mr. Macnow reported the Library has new lamps inside, and the Friends of the Library are looking to have additional lighting installed at the street level walkway of the Library. Mr. Macnow stated the Colts Neck Business Association is thinking of donating the path lighting.

Mr. Macnow reported a Conover Road student won this year's Spelling Bee. Mr. Macnow reported the Library has a summer reading program for children and adults with guest speakers, authors, and children's programs scheduled throughout the summer months.

Mr. Macnow announced Ms. Kelly Taylor, a resident who has spent a tremendous amount of time volunteering within the Township, is moving soon to Mercer County. Mayor Fitzgerald asked Mr. Bowden to prepare something to express the Township's thanks for all she has done these past years.

Mr. Macnow reported the Alliance is planning programs, with the "Scared Straight" program coming up. Mr. Macnow advised the Alliance is helping to fund drunk goggles for programs within the High School. Mr. Macnow noted the Alliance is seeking participation from the Colts Neck Police Department at their programs.

Mr. Schatzle reported the Colts Neck Fair will be held June 28<sup>th</sup> and 29<sup>th</sup> from 4:00 p.m. to 11:00 p.m. and urged all to attend.

Mr. Orgo reported the Architectural Review Committee met last night.

Mr. Orgo reported the Wildlife Committee is looking to finalize its questionnaire and hopes to have it mailed out to residents by July 15<sup>th</sup>.

Mayor Fitzgerald reported he attended the Colts Neck High School (CNHS) graduation ceremony and found this year's Valedictorian's speech refreshing. Mayor Fitzgerald noted Mr. Land, Principal, is leaving after many years at CNHS. Mayor Fitzgerald reported the graduating class is receiving \$16 million in aid for college, and graduates will be attending the Ivy Leagues, Service Academies, among many colleges and universities, and joining the Military. Mayor Fitzgerald stated the number of graduates in National honor societies is large, and overall, Mayor Fitzgerald noted the accomplishments of the 2013 graduating class is very impressive.

Mayor Fitzgerald stated there will be a presentation on Energy Aggregation for electricity during the Township Committee meeting of July 10<sup>th</sup> for all residents. Mayor Fitzgerald stated the average homeowner using 8,500 kwh per year is estimated to save \$150 annually. Mayor Fitzgerald stated there is an opt out option; however, the aggregation program rates should be lower than those obtained individually. Mr. Bowden stated with a six-month timeline to complete this initiative, which may require passage of an ordinance, it is possible this can be completed by the end of the year.

13.

**PUBLIC COMMENT**

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

Ms. Elaine Mann, a resident, questioned the original purposes of Bond Ordinance No. 11. Mr. Bowden advised Bond Ordinance 2001-3, from which \$70,000 is to be re-appropriated, was to provide contributions for the rehabilitation of housing units under a Regional Contribution Agreement for COAH. Ms. Mann stated she spoke with a Monmouth County Park Ranger;

who advised infield mix can be obtained through the Monmouth County Parks System and can be shipped to the DPW yard by the County or DPW staff could pick it up at the County. Ms. Mann stated there are beautiful solar powered pathway lights being made that might work well at the Library.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, stated the Police Chief in Middletown retired with a large payout from accumulated sick leave. Mr. Bowden advised the Township's maximum sick leave payout is capped at \$5,000. Ms. Amend questioned the feasibility of sharing a hot box with a neighboring municipality. Mr. Bowden responded both towns would need it at the same time for road repairs, and the scheduling conflicts would prove problematic. Ms. Amend questioned if heroin usage is prevalent in the area. Mr. Macnow responded heroin is a law enforcement issue and articles have appeared in the Asbury Park Press relating heroin usage to overdose deaths in Monmouth County. Mr. Macnow stated the Alliance is working to educate children against usage, by using professionals to conduct such programs as "Scared Straight" planned in October. Alliance programs are presented to middle school and high school youth. Ms. Amend advised the Alliance meetings are public and visitors are welcomed.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

14. **MOTION TO ADJOURN:** Mayor Fitzgerald advised there will be no Closed Session meeting tonight and called for a motion to adjourn. Mr. Schatzle made a motion to adjourn, seconded by Mr. Orgo and unanimously carried by voice vote.

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 - Seconded	X - Indicates vote	NV - Not Voting	Ab - Absent		

The meeting adjourned at 8:30 p.m.

  
 Robert Bowden, Administrator/Municipal Clerk