

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JULY 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. Mayor Fitzgerald commended recent Fire Academy graduate Bob Ciasulli for completing the rigorous fire training and joining the Township's Fire Department. At the Mayor's request, Mr. Ciasulli led the pledge of allegiance. 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 July 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, Thomas Orgo and Jarrett Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; and Counsel John O. Bennett, III, Esq.

Absent: None

1. APPROVAL OF MINUTES:

JUNE 12, 2013: Mr. Orgo made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

JUNE 26, 2013: Mr. Orgo made a motion to approve, seconded by Mr. Macnow and carried by Messrs. Fitzgerald, Macnow, Schatzle and Orgo; Mr. Engel abstained.

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

2.

PRESENTATION: REVIEW OF 2012 MUNICIPAL AUDIT. Mr. Antonides, CFO, provided a summary of the 2012 municipal audit. Mr. Antonides noted three audit findings pertaining to the Construction Department, the Recreation Department and the Court have been addressed and corrective action taken. Mayor Fitzgerald thanked Mr. Antonides for his presentation. The Township Committee had no further comments.

3. **RESOLUTION 2013-74: GOVERNING BODY CERTIFICATION OF THE 2012 ANNUAL AUDIT** was read by title by Mayor Fitzgerald. Mr. Engel 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			X			
Schatzle			X			
Orgo		S	X			
Engel		M	X			
M - Moved	S	Secinded	X	indicates vote	NV - Not Voting	Ab - Absent

4. **SIGNING OF THE AUDIT AFFIDAVIT:** Mr. Bowden stated each member of the Governing Body is required to sign the audit affidavit certifying they have familiarized themselves with the contents of the annual audit and have personally reviewed and are familiar with, as a minimum, the “Comments and Recommendations” section of the annual audit. Each member of the Governing Body signed the 2012 audit affidavit, which will be sent to the State.

Mr. Antonides left the meeting.

5. **PRESENTATION: ENERGY AGGREGATION.** Mr. Kenny Esser, Gabel Associates, discussed the benefits of energy aggregation, which provides municipalities with the ability to aggregate the purchase of energy below individually billed utility rates for residences and businesses. A residential customer may opt out of the energy aggregation program (“the program”) at any time without exit fees. Under the program, the price for electric must be below utility generation price; supplier charges are broken out on the electric utility bill. The utility provider will still maintain service to the residential customer under the program. Mr. Esser advised average savings to JCP&L customers is 10%, and with an estimated six-month set-up window, savings to residents and businesses could start as early as February 2014. Questions were raised by the Governing Body, to which Mr. Esser advised: JCP&L would still be contacted for power outages, aggregation would only include electric at this point, and start-up costs to the Township would be limited to attorney fees and mailings. Mr. Esser clarified the estimated 10% savings is on the commodity rate, not the entire electric bill. Mayor Fitzgerald suggested reviewing one’s current electric for annual kwh usage and working out the cost savings from that figure. Mr. Macnow raised the question of pooling with neighboring municipalities to achieve greater savings and was advised that after approximately 10,000 meters, the savings tops out. Mr. Esser noted municipalities do not have to be contiguous but must have the same electric company. Mayor Fitzgerald advised other Mayors and Administrators are interested in saving residents an estimated \$150 per year under aggregation. Discussion ensued regarding residents already under third party electric providers, and Mr. Esser urged those persons to opt out with their provider once the Township proceeds with an aggregation program since customers under third party providers would not be included in the initial aggregation program. Mr. Esser recommended having a separate aggregation program for residents and for municipal buildings/schools. Mr. Engel commended Mayor Fitzgerald for being proactive on this issue. Mr. Engel made a motion to have the Township Attorney draft the paperwork to proceed with an Energy Aggregation Program within the Township, 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			X				
Orgo		S	X				
Engel		M	X				
M - Moved	S	- Seconded	X	- indicates vote	NV	- Not Voting	Ab - Absent

6. **ORDINANCE 2013-9: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10, ARTICLE VI, SUBSECTION 102-46.5 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "WIRELESS TELECOMMUNICATIONS, TOWERS AND ANTENNAS"** was read by title at second reading by Mayor Fitzgerald. Mr. Bowden advised this ordinance maintains existing priorities for sites and adds one new location. Cell towers would be allowed on farms with a minimum of 30 acres, a minimum front set back of 200 feet and minimum side and rear equal to 100% of tower height. Hearing no comments from the Governing Body, Mayor Fitzgerald opened the public hearing. Hearing no comments, Mayor Fitzgerald closed the public hearing. Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

7. **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 second reading by Mayor Fitzgerald. Hearing no comments from the Governing Body, Mayor Fitzgerald opened the public hearing.

Ms. Elaine Mann, a resident, questioned the timing of Mr. Gerken's survey of Township roads without passage of the Bond Ordinance. Mayor Fitzgerald responded Mr. Gerken has to survey Township roads to determine the extent of restoration work required and the costs involved so that repairs can be prioritized.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the interest rate for this bond ordinance. Counsel Bennett advised the exact interest rate will be determined after this process has been completed and the Township goes out to bid; however, short-term rates are now averaging one to two percent, while long-term rates are averaging two to two plus percent.

Ms. Susan Wilcox, a resident, questioned the timing of the bond ordinance and the financing. Counsel Bennett responded the ordinance authorizes the Township to enter into a contract to borrow money. Discussion ensued. Mr. Macnow stated Mr. Gerken was asked to survey the Township roads to determine roadway resurfacing needs, which is necessary to determine which roads are in need of immediate attention.

Hearing no further comments, Mayor Fitzgerald closed the public hearing. Mr. Engel 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			X				
Orgo		S	X				
Engel			M	X			
M - Moved	S	- Secinded	X	- indicates vote	NV	- Not Voting	Ab - Absent

8. **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 second reading by Mayor Fitzgerald. Mayor Fitzgerald stated re-allocating unused funds from previously authorized bond ordinances provide a pay as you go way to purchase this equipment. Hearing no comments from the Governing Body, Mayor Fitzgerald opened the public hearing.

Ms. Virginia Amend stated she agreed with Mr. Orgo's prior comments not to include mowers in the prior bond ordinance given their estimated life span. Ms. Amend suggested sharing a hot box with a neighboring municipality as opposed to buying one for the Township. Mayor Fitzgerald stated the shared use of a hot box was discussed; however, scheduling conflicts between users make the shared usage of this equipment on an almost year-round basis impractical.

Mr. Jeff Sauter, a resident, questioned the length of bond term. Mr. Bowden stated this was a 2001 bond originally with a five-year term and the bond has been paid off.

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

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

9. **ORDINANCE 2013-12: AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-84D6 OF THE CODE OF THE TOWNSHIP OF COLTS NECK** was read by title at first reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance and the following two ordinances were presented by Mr. Anfuso during the last Township Committee meeting. Mr. Bowden advised this ordinance pertains to accessory structures in the A-1, A-2 and A-3 zones and creates a flexible standard wherein size, mass and volume have a relationship to lot size. Mr. Macnow made a motion to approve, seconded

by Mr. Schatzle and unanimously carried. Mayor Fitzgerald set the public hearing August 14, 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	- Secended	X - indicates vote	NV - Not Voting	Ab - Absent	

- 10. ORDINANCE 2013-13:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-86 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "AG AGRICULTURAL DISTRICT" NECK was read by title at first reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance pertains to lot size averaging and restricts churches, libraries, public and private schools from the large tract dedication when lot size averaging. Mayor Fitzgerald commented this ordinance was proactive. Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Fitzgerald set the public hearing August 14, 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	- Secended	X - indicates vote	NV - Not Voting	Ab - Absent	

- 11. ORDINANCE 2013-14:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 26 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED, "FARMLAND AND OPEN SPACE COMMITTEE" was read by title at first reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance creates a sub-committee within the Farmland and Open Space Committee, as per SADC requirements. Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mayor Fitzgerald set the public hearing August 14, 2013.

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. RESOLUTION 2013-75:** RESOLUTION AUTHORIZING AWARD OF BID AND PURCHASE OF PIERCE FIRE TRUCK, MODEL 705, STATE CONTRACT NO. A83457, \$483,946.36 was read by title by Mayor Fitzgerald.

Mr. Schatzle stated he has been advised by Township Counsel that as a lifetime member of the Fire Department, he cannot participate in the forthcoming discussion. Mr. Schatzle recused himself, and left the meeting room. Counsel

Bennett stated this is not a choice; members are prohibited from voting and from being a party to the discussion.

Mr. Macnow provided a summary of this issue noting the original bid for the fire truck was thought to be too high. Mr. Macnow commented both the Executive Fire Council and the two Fire Companies worked well together to get to this point tonight. Mr. Macnow advised with the savings achieved on the cost of the new fire truck, purchases of additional equipment for the Fire Companies are possible. Mr. Macnow thanked those involved who worked to get this done. Mr. Orgo commented the cost of the fire truck is still too high given the add-ons to the State contract truck and questioned the weight of the proposed single axle fire truck. Mr. Macnow made a motion to approve, seconded by Mr. Engel and carried by Messrs. Fitzgerald, Macnow and Engel; Mr. Orgo opposed, and Mr. Schatzle had recused.

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

Mr. Schatzle returned to the meeting.

13. **RESOLUTION 2013-76:** RESOLUTION SUPPORTING SENATE 2906 AND ASSEMBLY 4312, MICHAEL MASSEY'S LAW was read by title by Mayor Fitzgerald. Mayor Fitzgerald stated this law was introduced by Colts Neck legislators Sen. Jennifer Beck and Assemblywomen Caroline Casagrande and Mary Pat Angelini in response to Michael Massey's death after being hit by a vehicle while performing his duties as a sanitation worker in Ocean Township. This legislation will require sanitation vehicles to display flashing amber lights and will require motorists to reduce speeds and change lanes away from sanitation vehicles. Mr. Schatzle 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			M	X		
Orgo			X			
Engel				X		
M - Moved	S	- Secended	X	- indicates vote	NV	- Not Voting
					Ab	- Absent

14. **RESOLUTION 2013-77:** RESOLUTION APPOINTING JAMES C. SCHATZLE ACTING MAYOR ON AUGUST 2, 2013 was read by title by Mayor Fitzgerald. Mayor Fitzgerald stated both he and Deputy Mayor Macnow are not available on August 2, and Mr. Schatzle, a former Mayor, would assume the duties of Mayor for that day. 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

15. MOTION TO ADOPT CONSENT AGENDA:

16. *RESOLUTION 2013-78: RESOLUTION AUTHORIZING RELEASE OF APPLICATION AND INSPECTION FEES, PLANNING BOARD APPLICATION NO. 474 (ASPEN/CAMBRIDGE MANOR)

17. *RESOLUTIONS 2013-79: RESOLUTION AUTHORIZING FIRE SAFETY INSPECTION PERMIT REFUND (\$42.00)

18. *RESOLUTION 2013-80: RESOLUTION AUTHORIZING CHANGE ORDER NO. 3, CAPITAL IMPROVEMENTS, PHASE I, LANCHA CONSTRUCTION (+\$144,245.00)

Mayor Fitzgerald questioned Agenda Item 17. Mr. Bowden stated this change order includes 1,000 feet of additional curbing, replacing the damaged Court steps, and unanticipated repairs to Hillsdale and Mountainside, and saved the need for additional borrowing. Mr. Schatzle noted his brother-in-law is the recipient of the permit refund in Agenda Item 16. Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

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

20. MOTION TO APPROVE VOUCHERS: Mayor Fitzgerald stated the Fire Companies and First Aid Squad disability insurance policies are being paid for six months, during which time he and Mr. Macnow will be reviewing the policies and the current market offerings to seek better benefits than the current LOSAP and disability insurance benefits for the Township's Emergency Services Volunteers. Mayor Fitzgerald stated he reviewed the vouchers and recommends approval, as follows:

Animal Control	\$82.82
Capital Fund	\$169,123.76
Construction Trust	\$9,889.82
Current Fund	\$3,880,898.69
Grant Fund	\$8,979.62
Trust Fund	\$9,279.43
TOTAL:	<u>\$4,078,254.17</u>

Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried. *Mr. Orgo recused from approving his reimbursement payment.

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

21. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported the Wildlife Committee is finalizing its survey questionnaire for residents. Discussion ensued on the method of disseminating the survey, e.g., mailing, Township website. Mr. Engel stated he would work with Mr. Orgo on using an internet survey tool to be posted on the Township's website. Mr. Engel gave kudos to the Wildlife Committee for all the time and expertise given to this survey.

Mr. Schatzle reported this year's Colts Neck Fair went well. The Fair Committee is working on the results, which will be reported soon. Mr. Schatzle thanked co-chairs Anita and Emory Dedalis and Larry Duffy, and volunteers Anne Marie DelleDonne, the Shermans, and DeFalco Realty (main sponsor of the nightly fireworks display), and all those that made this year's Fair a success.

Mr. Schatzle reported he attended a Court of Honor this evening for retiring Boy Scout leaders, Joseph Lelesi and Lisa Bisogni.

Mr. Macnow had no report this evening.

Mr. Engel had no report this evening.

Mayor Fitzgerald had no report this evening.

22. PUBLIC COMMENT

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

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, commended Mr. Esser for his presentation this evening on energy aggregation. Ms. Amend noted her support for a better deal for the Township's Emergency Services Volunteers. Mayor Fitzgerald noted any changes will require the approval of the volunteers, then the voters.

Mr. Jeff Sauter, a resident, commented on his observation of the use of a Fire Department vehicle in New York and vehicle record keeping. Mr. Sauter requested review of this matter. Mr. Sauter spoke of use of Fire House dumpsters and LOSAP points. Mayor Fitzgerald noted the Governing Body received a copy of Mr. Sauter's comments.

Ms. Elaine Mann, a resident, questioned the issuance of a permit for the new roof installed on the Montrose Road School House. Mr. Bowden responded the contractor has applied for the necessary permit.

Mr. Louis Marrella, a resident, spoke of the burned house on Kathleen Drive and expressed concern about vandalism occurring at the site. Counsel Bennett responded Mr. Galinski has been working with the owner of the property to transfer ownership and rectify the issue. This transfer is not completed as yet, but is actively followed by Mr. Galinski. Mr. Schatzle commented three years seems excessive. Mr. Orgo commented banks leave the properties in the previous owner's name making it difficult to track ownership.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

23.

RESOLUTION 2013-81: EXECUTIVE SESSION was read by title by Mayor Fitzgerald. Mr. Macnow made a motion to adjourn this meeting and go into Executive Session, seconded by Mr. Engel and unanimously carried by voice vote.

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

The public meeting adjourned at 9:05 p.m.

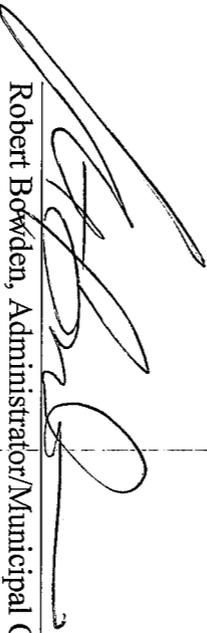
Motion by Mr. Engel, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 10:05 p.m.


Robert Bowden, Administrator/Municipal Clerk