

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 10, 2014
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 Macnow followed by the Pledge of Allegiance.

Mayor Macnow requested a moment of silence in remembrance of September 11th.

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, 2013 stating a regular meeting of the Colts Neck Township Committee would be held September 10, 2014, 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 Russell Macnow; Deputy Mayor James Schatzle; Committeemen Thomas Orgo, Jarrett Engel and Michael Fitzgerald
- Also Present: Administrator/Municipal Clerk Robert Bowden; Deputy Municipal Clerk Beth Kara; and Township Counsel John O. Bennett, III, Esq.
- Absent: None

1. **ANNOUNCEMENT:** Mayor Macnow announced the next meeting of the township committee will be held on Tuesday, September 23rd due to Rosh Hashanah.

2. **APPROVAL OF MEETING MINUTES:** August 13, 2014 and August 27, 2014. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

3. **PRESENTATION:** JERSEY CENTRAL POWER AND LIGHT (JCP&L) UPDATE. Mr. Gerry Ricciardi, Area Manager for JCP&L, spoke of the Vegetation Management Program underway within the Township. Mr. Ricciardi noted tree trimming is on a four-year cycle, and working with a certified arborist, four years of growth is trimmed around the JCP&L wires. This year, dead trees have been identified throughout the Township and 22 trees were removed on Route 537 east of Route 34, 16 trees removed on Route 537 west of Route 34, and 30 additional trees removed on Cedar Drive, Dutch Lane and Prothero Road. The removal trees is a collaborative effort between JCP&L and the Township, and JCP&L is working to address and reduce the damage to JCP&L's infrastructure caused by dead and dying trees. Mr. Ricciardi advised JCP&L notifies the Township when 100+ customers service within the County is out, and he and Mr. Engel speak frequently during outages within the Township. Mr. Ricciardi urged customers to notify JCP&L of their outage; contact information is on the Township's website. Mayor Macnow noted he wants the public to be aware that JCP&L's vegetation management program involves an arborist who

determines which trees need to be removed, and he urged homeowners to maintain their trees to avoid power line issues. Mr. Engel stated JCP&L is being proactive with tree trimming, as it is when storms are anticipated. Mr. Engel noted JCP&L sends advisories days before storms hit the area, and in one of the last storms, they positioned their repair trucks in town and were ready to address outages quickly. Mr. Engel urged residents to visit the JCP&L website to see where the outages and service restorations are occurring. Mr. Engel commented Mr. Ricciardi has been an excellent partner in ensuring JCP&L service provision to the Township. Mr. Schatzle commented he hopes to see JCP&L, Verizon, and the Township's cable company communicate with one another in their vegetation management programs noting sharing resources could be more cost effective for all companies involved and could result in a more aesthetically pleasing look for trees within the Township. Mayor Macnow thanked Mr. Ricciardi for his presentation this evening. Mr. Ricciardi excused himself noting if anyone had questions, he would remain outside the meeting room to answer them.

4. **PRESENTATION:** REVIEW OF ENERGY AGGREGATION BIDS. Mr. Robert Chilton, Gabel Associates, advised the provision of electric generation services for the Township was re-bid, and the bids closed this afternoon. Mr. Chilton clarified JCP&L would continue to provide the delivery of services. In April, four bids were received with the low bid generating an estimate 5.3% savings for the typical residential customer. At that time, the Township Committee agreed to defer award, watch the market and re-bid in the hopes of realizing greater savings. Today's bidders were ConEdison Solutions, Tri-Eagle Energy and Verde Energy USA. ConEdison Solutions submitted the low bid price for both the 15 month (7.7% estimated savings when compared to the JCP&L tariff rate for the 15-month term) and 21 month (9.5% estimated savings or \$14/mo or approximately \$300/contract term) contract terms starting March 2015. The next lowest bidder, Tri-Eagle, was the only bidder to submit pricing under both the standard contract language and alternate language, which would allow the Township to renegotiate the contract price or terminate the contract if the tariff price were to drop below the contract price during the term on contract at about 1.5% to 2% higher than pricing for the standard contract product. Mr. Chilton spoke of the particulars of each bid received and ended his presentation recommending the low bid from ConEdison Solutions at an estimated savings of \$300 over the course of the 21-month contract. A lengthy discussion ensued during which Mayor Macnow and the Township Committee discussed the bid process, the merits of the bidders and their bids as they relate to Township residents service provision, risk, anticipated savings and their concerns. Mr. Chilton agreed to provide outreach to community groups (the Seniors Club, in particular) within the Township about the Energy Aggregation Program. Mr. Bowden noted the next steps to be taken over the next months, which begin with awarding the contract tonight and notifying JCP&L of the award. The consensus of the majority of the Township Committee was to proceed with an award of contract to ConEdison Solutions for a 21-month contract this evening.

5. **RESOLUTION 2014-96A:** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO A THIRD PARTY POWER SUPPLIER FOR COLTS NECK COMMUNITY ENERGY AGGREGATION (CON EDISON SOLUTIONS, 21 MONTH CONTRACT) was read by title by Mayor Macnow. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo, and carried by Messrs. Macnow, Schatzle, Orgo and Fitzgerald; Mr. Engel opposed.

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

Mayor Macnow called a two-minute recess.

Mayor Macnow called the meeting to order.

6. **ORDINANCE 2014-17:** AN ORDINANCE AMENDING AN ORDINANCE ENTITLED THE 2014 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (SUMMER RECREATION COUNSELORS) was read by title at second reading by Mayor Macnow. Mayor Macnow stated this year the hours and camp fees for the Recreation summer camp program were increased as a result of parents' requests, and the salary increases correspond with the increase in camp hours of operation. Hearing no comment from the Governing Body, Mayor Macnow opened the public hearing.

Mr. Jeffrey Sauter, a resident, asked what is the percentage of the salary increase. Mr. Bowden responded one hour was added to the camp day, a 20% increase, and the salary was raised 20% to mirror the workday increase. Mr. Sauter asked when was the last salary increase, to which Mr. Bowden responded a while ago.

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

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

7. **RESOLUTION 2014-97:** RESOLUTION AUTHORIZING RENEWAL OF 2014-2015 LIQUOR LICENSE, A&J TWIN REALTY, LLC was read by title by Mayor Macnow. Mr. Bowden commented this is the former I Cavallini license that remains pocketed, and as such, required and was granted a Special Ruling by the Director of Alcoholic Beverage Control. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

8. MOTION TO ADOPT CONSENT AGENDA:

***RESOLUTION 2014-98:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND

***RESOLUTION 2014-99:** RESOLUTION AUTHORIZING RELEASE OF APPLICATION FEES, ZONING BOARD APPLICATION NO. 920 (HAAF-MARL ROAD)

***RESOLUTION 2014-100:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 680 (TRUMP NATIONAL GOLF COURSE)

***RESOLUTION 2014-101:** RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 663 (BIRDSALL – ROUTE 34)

***RESOLUTION 2014-102:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING, BLOCK 9, LOT 50 (23 PILGRIM WAY)

***RESOLUTION 2014-103:** RESOLUTION AUTHORIZING REFUND, BUILDING PERMIT FEE - \$300.00 (45 STONEY CREEK LANE)

***RESOLUTION 2014-104:** RESOLUTION AUTHORIZING ADJUSTMENT OF ASSESSED VALUE OF 2014 TAXES PER THE TAX ASSESSOR, BLOCK 21, LOT 3.1 (2 FIRESIDE DRIVE)

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

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

9. DISCUSSION: PROPOSED ORDINANCE – HOTEL AND MOTEL REGISTRY. Mayor Macnow advised there have been issues at the Village Inn and recommendations are to revise Township Code to include a 30-day limit for staying at either of the two hotels in Town. By strengthening the Code, this will assist Code Enforcement and the Police enforce the laws within the Township. Mayor Macnow advised the Wall Township ordinance was reviewed and several additions were made. Mr. Engel noted the proposed changes would not have a financial impact. Mr. Fitzgerald stated there are children attending Colts Neck schools that should not be there. Mayor Macnow requested the Township Committee review his comments and requested a draft ordinance be prepared for the next meeting.

10. ADMINISTRATIVE REPORT: Mr. Bowden stated he had nothing to add to his report this evening. Mr. Bowden advised the NJDOT is accepting applications for the FY 2015 State Aid Programs. Based on input from the Township Engineer, two roads are proposed for the Township Committee’s consideration. Laird Road from Route 537 to Phalanx Road is almost complete, and Laird Road from Phalanx Road to Cross Road is in need of paving. A second road for consideration would be Five Point Road from Route 537 to the Howell border. Discussion ensued. The unanimous decision was to prepare an application for Laird Road. Mr. Bowden stated he will have the resolution prepared for a future meeting.

Mr. Bowden reported the organizers of Rockfest have provided a certificate of insurance for this event planned for Bucks Mill Park later in September. The organizers have asked for Township Committee approval to bring, but not sell alcohol (beer and wine) to this day-long community event, which is sponsored by the Colts Neck Business Association this year. Concern was expressed about vendors and the proceeds at this event. Mr. Engel made a motion to approve the bringing, but not selling, of alcohol (beer and wine), seconded by Mr. Schatzle and unanimously carried by voice vote.

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

11. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald stated he reviewed the vouchers for this evening's meeting and recommended approval of the following:

Animal Control	\$169.38
Capital Fund	\$679,955.06
Construction Trust	\$20,229.89
Current Fund	\$638,090.27
Escrow	7,215.44
Farmland Preservation Trust	\$3,850.00
Grant Fund	\$983.29
Trust Fund	<u>\$18,548.07</u>
TOTAL:	\$1,369,041.40

Mr. Fitzgerald noted an escrow payment received from the utility company relating to the solar panels installed at Fire Company 1 are deducted from the budget amount authorized by the Township to the Fire Company. Mr. Orgo questioned the Dilworth Paxson bill pertaining to OPRA. Mr. Ackerman noted the Hopkins OPRA request is being dealt with in every town as it relates to the denial of the hard drive information contained in the Assessor's Mod IV System. Mr. Engel questioned what OPRA requests are costing the Town, noting as we continue to pay month to month, we lose sight of the larger picture of the cost of OPRA requests. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mr. Schatzle abstained from approving payment to T&M Associates *

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

12. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel commended Ms. Kara for the many updates to the Township's website, noting it has been a busy month.

Mr. Orgo reported the Colts Neck Business Association had a successful barbecue with 130 persons attending last night at Bucks Mill Park.

Mr. Orgo requested Mr. Bowden arrange to have Mr. Szeliga, Verizon, attend a Township Committee meeting to discuss Verizon's wire maintenance issues within the Township. Mr. Orgo noted there are lines hanging off poles that are not connected. Mr. Engel expressed concern about the weight of equipment on the poles.

Mr. Orgo noted the Wildlife Committee will be meeting again at the end of September or early October and urged residents to attend. The meeting date will be posted on the Township's website.

Mr. Fitzgerald reported the Planning Board met last night and the issue of the Evers property will be coming before the Township Committee for relief. Mr. Fitzgerald briefly discussed the particulars regarding the history of the subdivision and the remedy being sought. Mr. Anfuso will provide the necessary briefing materials.

Mr. Fitzgerald reported he attended a County planning meeting regarding the Roundabout, and construction is scheduled to commence on or about September 29, 2014. Mr. Fitzgerald noted the roundabout may not be completed before the first snowfall. Mr. Engel expressed concern about an incomplete roundabout over the winter months, and Mr. Fitzgerald stated orange barrels will be strategically placed to slow motorists until the roundabout is completed.

Mr. Fitzgerald advised the Colts Neck PBA is sponsoring a 2 mile walk/5K run at Bucks Mill Park on October 5, in support of breast cancer. Mr. Fitzgerald noted the registration form is on line at CNPBA.org and can also be accessed through the Police Department's section of the Township's website.

Mr. Schatzle had no report this evening.

Mayor Macnow reported JCP&L will continue tree cutting on Cedar Drive between Heyers Mill Road and Winthrop Drive through Friday, which will require road closures from 8 a.m. to 2 p.m.

Mayor Macnow reported the Laird Road paving project is close to completion and the roadway looks great.

Mayor Macnow reported JCP&L helicopters are continuing their yearly inspection of high tension wires around Town for the next few days.

13. PUBLIC COMMENT

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

Mr. Robert Sayko, a resident, questioned the funds received from Cablevision under the franchise renewal to provide the Township with a PEG channel that was to be sited at Cedar Drive Middle School. Mr. Fitzgerald responded noting there was push back from Cedar Drive School, which already has a partial studio. These funds would require continuous broadcasting, and they are reluctant to take on this project at this time. Mayor Macnow stated he will touch base with the Local Board of Education and work with them on this issue.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the cost of the fire truck that arrived at Fire Company #2. Mr. Bowden stated it cost approximately \$490,000 and \$550,000 was originally budgeted for this expenditure, while the expenditure was capped at \$500,000. Ms. Amend questioned the Feiler home being used for commercial purposes. Mayor Macnow responded Ms. Feiler has hosted

fundraisers at her home, and will be having a benefit for St. Mary's Church on September 19. Ms. Feiler has also hosted the Wounded Warriors event; however, as far as he knows, these are philanthropic events with donation checks going to the charitable organizations, not Ms. Feiler.

Ms. Elaine Mann, a resident, thanked the Township Committee for considering the hotel ordinance and stating she hopes this solves the problem at the Village Inn.

Mr. Jeffrey Sauter questioned the refund authorized under Resolution 2014-103. Mr. Bowden responded as part of the volunteer incentive program, this person, a First Aid Squad member in good standing, was eligible for this incentive. Mr. Bowden stated the refund is going back to the contractor who paid for the building permit. Mr. Sauter thanked Mr. Fitzgerald for spearheading the Energy Aggregation initiative, noting this was a lot of work and a good job. Mr. Sauter spoke of the JCP&L trimming of trees in front of his home, noting there is additional tree trimming work needed around the cable lines of the utility poles.

Mr. Fulton Wilcox, a resident, questioned if the 20% reassessment is a real assessment. He noted he has reviewed 60 sales since January, and homes on average are selling below assessed value, which will result in lowered assessments. Mr. Wilcox questioned why the Township volunteered for this program. Mayor Macnow and Mr. Fitzgerald responded noting the Township did not volunteer, but was told by the County it would participate in this pilot program. Discussion ensued. Mayor Macnow noted there was a public meeting with County representatives during which the Township Committee expressed concern about the program. In addition, Mayor Macnow stated this issue was discussed quite a bit. Mr. Fitzgerald noted we did not want to do this; however, we had no choice.

Ms. Susan Wilcox, a resident, questioned who will be handling the tax appeals? Mr. Fitzgerald noted the taxpayers are funding the appeals, which come out of the municipal budget. Ms. Wilcox questioned where the tax appeals are heard. Mayor Macnow responded they are held in Freehold. Ms. Wilcox questioned if she needs to opt out of the Energy Aggregation Program again. Mayor Macnow and Mr. Fitzgerald responded if you have already opted out, you do not need to opt out again.

Mr. Vince Domidion, Monmouth County Planning Board Chair and resident, thanked the Township Committee for their thoughtful discussion on Energy Aggregation this evening, and noted in the end, he would have made the same choice in awarding the contract. Mr. Domidion questioned if the whole town will be reassessed, but only 20% inspected. Mr. Fitzgerald responded, no, 20% will be inspected each year over a span of 5 years, resulting in 100% inspection.

Ms. Judy Laufer, a resident, questioned what is the status of the Routes 34 and 537 realignment project. Mayor Macnow responded it is a question of funding; the State and Federal funding for this project has not come through yet. In the meantime, preliminary work is being done so they will be ready when the funding is released. Mr. Engel noted they have been in touch with the State regarding the repair of Route 34. Mr. Schatzle requested Mr. Bowden obtain a current status on this issue. Mr. Fitzgerald commented until the concrete is removed from the underside of Route 34, this problem will continue.

Ms. Joanna Vroman, a resident and President of the Colts Neck Woman's Club, reported three members went to Union Beach and paid off a mortgage of one family in need recently. Ms. Vroman thanked Public Works and Ms. Kara for the great job they did cleaning up the 9/11 Memorial.

Mr. Jeff Sauter suggested passing a resolution opposing the current revaluation project underway within the Township.

14. **RESOLUTION 2014-105:** EXECUTIVE SESSION was read by title by Mayor Macnow. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote. Mayor Macnow stated the Township Committee is not expected to return to Open Session this evening.

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

The meeting adjourned at 9:43 p.m.

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

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

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

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

Meeting adjourned at 10:25 p.m.


 Robert Bowden, Administrator/Municipal Clerk