

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 12, 2011
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 Schatzle followed by a salute to the flag, during which Mayor Schatzle urged all to think of Township resident Sal Barbagallo, who has taken ill. The following statement was read by Township Clerk Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press on December 9, 2010 stating the meeting of the Colts Neck Township Committee would be held on January 12, 2011 at 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 James Schatzle; Committeemen Edward Eastman, Jr., Michael Fitzgerald, and Russell Macnow.

Also Present: Administrator/Municipal Clerk Robert Bowden; Deputy Municipal Clerk Beth Kara, and Township Attorney Sen. John O. Bennett, III, Esq. (arriving late).

Absent: Deputy Mayor Jarrett Engel.

1. **ANNOUNCEMENT:** Mayor Schatzle recognized the presence of Fire Chief Romano and Deputy Fire Chief Quincannon this evening and announced U.S. Senator Menendez's Office confirmed today that the Colts Neck Fire Department has received a \$139,650 Homeland Security Grant for operations and safety. Chief Romano stated Deputy Chief Quincannon worked closely with an advisor in California and developed a winning grant application. Chief Romano stated the grant funding, together with \$7,500 of Township 2010 funds, will be used to purchase 28 Scott Air Pacs and air bottles, and the older equipment can now be retired. Deputy Chief Quincannon stated this is the first grant ever awarded to Colts Neck's Fire Department, and once the new equipment is received, he would like to bring a sample of what was purchased to a future Township Committee meeting. Mayor Schatzle thanked them both for their excellent work on behalf of the Township Committee and the Township. Chief Romano and Deputy Chief Quincannon received a round of applause.

2. **APPROVAL OF MINUTES**

- a) **DECEMBER 8, 2010:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and carried by Messrs. Schatzle, Eastman and Fitzgerald; Mr. Macnow abstained.

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

- b) **DECEMBER 29, 2010:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and carried by Messrs. Schatzle, Eastman and Fitzgerald; Mr. Macnow abstained.

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

- c) **JANUARY 2, 2011:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

3. **STATEMENT OF SUPPORT FOR THE NATIONAL GUARD AND RESERVES:** Mr. Eastman stated he had six years experience, including active duty, with the National Guard and the Reserves. Mr. Eastman spoke of the formalized statement of support for Colts Neck, which pledges that:

- a) We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA);
- b) Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve; and
- c) We will continually recognize, support and honor our Country's service members and their families in peace, in crisis, and in war.

Mr. Eastman recommended the Governing Body endorse this statement; the statement was verbally endorsed unanimously by the Governing Body, and Mayor Schatzle signed the statement.

4. **RESOLUTION 2010-20:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2010 MUNICIPAL BUDGET was read by title by Mayor Schatzle. Mayor Schatzle advised this resolution transfers \$24,450 from Engineering Services, Other Expenses (\$2,450); Insurance, General Liability (\$10,000); Public Health Services (Board of Health), Salaries and Wages (\$6,000); and Recreation Services and Programs, Other Expenses (\$6,000); to cover additional expenses for Legal Services, Other Expenses (\$5,500); Electricity (\$2,700); and Gasoline (\$16,250). Mr. Eastman made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

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

6. ***RESOLUTION 2010-21:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE (STREET OPENING) FOR BLOCK 51, LOT 2.07 (19 DEPUTY MINISTER DRIVE) was read by title by Mayor Schatzle. Mr. Macnow made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

7. **DISCUSSION:** ORDINANCE CONFIRMING 2010 OPEN SPACE REFERENDUM – DECREASE DEDICATED OPEN SPACE TAX FROM .025 CENTS TO .012 CENTS PER \$100 OF ASSESSED VALUATION. Mr. Bowden stated based on the approved referendum in last November’s election to reduce the Open Space Tax rate, an ordinance must be adopted, as per the Township Attorney. Mr. Bowden stated that although State law does allow usage of Open Space Tax for recreation, the Township’s referendum did not, noting if the Governing Body wants to expand the use of this tax to include recreation, another referendum would need to be sent to the County by August for inclusion on the November 2011 ballot. Mr. Fitzgerald stated one-fourth of voters did not support the referendum, as worded, and the 2010 referendum had not expanded the uses for the Open Space Tax. Mr. Macnow stated this would be an alternative way to fund recreation facilities, noting the scope of what would be funded by expanding the use of the tax to include recreation would have to be clearly defined. Mr. Macnow stated community support is strong to improve current recreation facilities and develop new facilities. Mr. Fitzgerald questioned if a dedicated Recreation Tax for improving fields and fencing could be established. Mr. Eastman concurred with Mr. Fitzgerald in seeking Legal Counsel’s opinion on establishing a separate fund for recreation. Mr. Fitzgerald gave an example to consider: If Open Space funds were obligated for a ten-year project decided on by one Governing Body and direction changes with the arrival of new Governing Body members after five years, the Open Space fund could be decimated. Mr. Bowden advised the annual fund is approximately \$350,000. Mr. Eastman stated last year Open Space funds were used to pay down debt. Mr. Bowden advised for the past three years Open Space funds were used to pay down debt, which made great inroads in reducing farmland debt. With the consent of the Governing Body, Mr. Bowden will have the ordinance reflecting the decrease in dedicated open space tax from 2.5 cents to 1.2 cents per \$100 of assessed valuation, as approved by the voters in the 2010 referendum, ready for introduction at next meeting.
8. **DISCUSSION:** SUSTAINABLE JERSEY CERTIFICATION PROGRAM. Discussion centered on whether the Township should enter the program and apply for certification at either the Bronze or Silver level. Mayor Schatzle stated as you go through the certification process, it allows great opportunities for grants and green initiatives. Mayor Schatzle noted interest in the community, as there is a Green Club at Colts Neck High School and an Environmental Committee at St. Mary’s. Mr. Bowden stated a resolution must be passed to participate in the Sustainable Jersey Certification Program, and a green team must be appointed. Mr. Bowden noted joining the Program was part of the Governor’s recent checklist for municipalities. Mr. Fitzgerald

stated he does not see a downside to joining the Program and expressed the hope that the Environmental Commission can become involved in some of the projects. Mr. Bowden stated he will gather more information and return to the Governing Body for further discussion.

9. **DISCUSSION:** AMENDMENT TO CHAPTER 102 (DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE PERTAINING TO ANIMAL WASTE STORAGE AREAS. Discussion ensued pertaining to the ordinance recommended by Long Range Planning for approval. The Township currently requires barns and livestock shelters to maintain a 100' setback from all property lines as well as a dwelling on the same lot. No setbacks are required for animal waste storage areas. The Long Range Planning Committee believes that odors generated from animal waste storage areas could have as much if not more of an impact to adjoining property owners as do barns and livestock shelters, and is seeking to have animal waste storage areas treated the same as barns and livestock shelters and be required to maintain a 100' setback from all property lines and the dwelling on the same lot.

Counsel Bennett arrived at 7:55 p.m. apologizing for his lateness due to a family emergency.

Mr. Eastman noted as a farmer, he struggled with the proposed changes, noting the proposed ordinance is an effort to make Township code more stringent than State law. Mr. Fitzgerald stated the proposed ordinance may be too onerous and suggested being more aggressive in enforcement of current regulations. Mayor Schatzle requested a determination be made as to the sufficiency of State law. Mr. Bowden stated he will discuss the concerns with Mr. Anfuso and keep the Governing Body apprised.

10. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated JCP&L has provided written notification of its intent to perform vegetative maintenance activities to eliminate/reduce power outages caused by vegetation interference with the Company's transmission system. Mr. Bowden stated during this summer, they plan to commence cutting under the power lines across the Township; however, it is not expected to be as aggressive as previous actions. Mr. Bowden stated JCP&L will be ready in April to meet with Township officials to discuss the particulars in detail.

Mr. Bowden stated the Monmouth County Park System is seeking approval to stage the 35th Annual E. Murray Todd Half Marathon on March 6, 2011 within a portion of the Township. As in the past, the Township will be reimbursed for costs involved in the use of Township Police and First Aid staff. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried by voice vote.

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

Mr. Bowden reported the recent snow storm has an estimated cost of \$50,000. An excellent job was done by all volunteers, DPW staff and contractors to clear the roads rapidly.

11. MOTION TO APPROVE VOUCHERS: Mayor Schatzle reviewed the vouchers, noting all were in order, and are as follows:

| | |
|------------------------|-----------------------|
| Animal Control | \$249.52 |
| Capital Fund | \$38,196.50 |
| Construction Trust | \$31,338.30 |
| Current Fund | \$3,269,202.85 |
| Escrow | \$11,520.74 |
| Grant Fund | \$21,488.24 |
| Tax Collectors Trust | \$12,057.34 |
| Trust Fund | \$22,058.03 |
| TOTAL APPROVED: | \$3,406,111.52 |

Mr. Fitzgerald made a motion to approve, seconded by Mr. Eastman, and unanimously carried. *Mr. Macnow stated he abstains from the approval all T&M bills.

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

12. TOWNSHIP COMMITTEE REPORTS

Mr. Macnow stated he attending The Grande Condo Association meeting on January 6, during which the recent performance of the private contractor for snow removal within The Grande was discussed in detail. Mr. Macnow advised The Grande is planning to repave the development and is asking the Township to repave Colts Neck Boulevard. Mr. Macnow advised The Grande group that Township funds are extremely limited, but the request will be considered.

Mr. Fitzgerald reported he attended the Senior Citizens monthly meeting Wednesday, and had an enjoyable time. There was a presentation pertaining to revaluation, and he was able to add to the discussion. Mr. Fitzgerald stated this is a savvy group that is wrestling with the topic of revaluation. To aid this group as well as all Township residents, Mr. Fitzgerald suggested an informative revaluation newsletter be distributed to all residents.

Mr. Fitzgerald met with Mr. Bowden and Mr. Thompson regarding the overflowing dumpsters at the DPW Recycling Center. It is uncertain if this heavy usage is due to the transitioning between recycling cartage carriers, the holidays, moving to smaller covered dumpsters under the new contract or a combination of the aforementioned. Waste Management will be meeting with Mr. Thompson to resolve the issue. Mr. Thompson was praised for his proactive handling of the cardboard awaiting pick up prior to the snowfall, thus ensuring its integrity for recycling. Mr. Fitzgerald questioned continuing Saturday Recycling Center operations, noting the associated overtime amounts to \$10,000 per year. Mr. Bowden stated residents like to go to the Recycling Center on Saturday; however, the Township does provide curbside collection every other week. Mr. Fitzgerald stated he plans to go to the Recycling Center this Saturday to observe the operation, and he may be recommending Saturday closure due to this year's budget constraints.

Mr. Fitzgerald spoke of the separation of recyclables by residents and the placing of these separated items into one co-mingled collection truck. Discussion ensued. Mr. Bowden advised County regulations state source separation of recyclables is mandatory, and Township code mirrors County regulations. Mr. Fitzgerald stated he will explore this issue further with the County.

Mr. Fitzgerald stated he advocates using Robo Calls to notify Township residents of emergency information, and stated its cost is less than \$200 per notification, which is fairly inexpensive.

Mr. Eastman reported he attended the Farmland Preservation Committee meeting, and the members are very enthusiastic about preserving land within the Township. Mr. Eastman would rather see Open Space and Farmland monies as one fund and recreation activity monies as another fund, if the Governing Body is proceeding along this line of thinking. Mr. Bowden stated the Township may be able to include its own cap for use of recreation funds.

Mayor Schatzle commended the Township's Emergency Services: Police, Fire and First Aid, for the excellent job they did during the past snow storms. Mayor Schatzle commented Fire Chief Romano was non-stop during the snow emergency.

Mayor Schatzle spoke with Mr. Thompson and commended the excellent job done by DPW to clear the roads.

Mayor Schatzle reported the renovations underway at the Police Department building have been completed and the rugs are due to be installed shortly.

Mayor Schatzle reported the Board of Health sponsored Rabies Clinic is scheduled for January 22, between 9:00 a.m. and 10:30 a.m. at the Bucks Mill Park Recreation Center Building.

13. COMMENTS FROM THE PUBLIC

Mayor Schatzle opened the meeting to public comment.

Mr. Vince Domidion, a resident, expressed his appreciation for the work done by all Emergency Services and Public Works staff during the recent snow storms. Mr. Domidion noted the December storm was a substantial task, and it was handled very well. Mr. Domidion urged the Governing Body to wait for the 2010 Census data to be released in April before allocating future funds for recreation. Mr. Domidion noted a trend toward one and two person households and a decrease in school enrollments (1,600 to 1,200 to 1,000 students). Mr. Domidion stated within the Township there were 55 births last year versus a high of 109 births when The Grande was built. Mr. Domidion noted with a decrease in children, the need for recreation facilities decreases. Mr. Domidion spoke of the upcoming DEP hearing on the Trump water diversion application scheduled for January 19, 2011 at Town Hall. Mr. Domidion stated there are issues that need to be addressed. Discussion ensued pertaining to the accuracy of population projections and water allocations and the impact on homeowners and the ecosystems downstream. Mr. Domidion stated in a meeting with two Trump representatives, Messrs. Anfuso, Bowden and Mayor Florek, the Trump representatives stated they were not actually going to do this. Mr. Domidion questions if they are not going to increase their water usage, why are they applying for an increased allocation? Discussion ensued and agreement was reached to send the Township Attorney, Township Engineer, Mr. Anfuso, Mr. Frank, and anyone else interested to the DEP hearing to ensure the Township is adequately

represented. Township Counsel was asked to coordinate the response with those listed above. Mr. Domidion stated this application is on the agenda for the Monmouth County Planning Board, who may send representation to the hearing. Mr. Bowden questioned if the Environmental Chair would be present at the hearing and will follow up with Mr. Kostka.

Chief Romano questioned if when the intersection of Routes 537 and 34 is under construction the adjacent brook will be disturbed. Mr. Domidion stated they are building two new bridges at the site. Chief Romano noted workers have been observed for the past month on Route 34 near this intersection and questioned what they are doing. Mr. Bowden will research and advise.

14. **RESOLUTION 2011-22:** EXECUTIVE SESSION was read by title by Mayor Schatzle. Motion to approve was made by Mr. Fitzgerald, seconded by Mr. Eastman and unanimously carried by voice vote. Mr. Bowden stated the Governing Body may return in Public Session this evening to take action.

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

Motion to adjourn Executive Session and return to Public Session was made by Mr. Eastman, seconded by Mr. Macnow and unanimously carried.

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

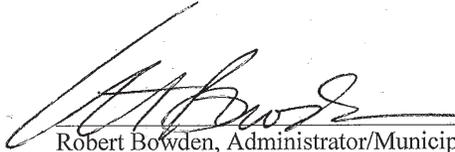
15. **RESOLUTION 2011-23:** TERMINATION OF EMPLOYMENT was read by title by Mayor Schatzle. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried.

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

Motion to adjourn Public Session was made by Mr. Fitzgerald, seconded by Mr. Eastman and unanimously approved.

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

Meeting adjourned at 10:36 p.m.



Robert Bowden, Administrator/Municipal Clerk