

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 31, 2012
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 Engel followed by a salute to the flag. 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 14, 2011 stating the meeting of the Colts Neck Township Committee would be held January 31, 2012 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 Jarrett Engel; Deputy Mayor Michael Fitzgerald; Committeemen Russell Macnow, James Schatzle and Thomas Orgo

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

Absent: None

- 1. APPROVAL OF MINUTES OF JANUARY 11, 2012:** Mr. Fitzgerald commented the voting grids on Page 8 needed revision to mirror the votes recorded in the text of the minutes. Mr. Fitzgerald made a motion to approve, as amended, seconded by Mr. Macnow and unanimously carried.

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

- 2. MAYOR'S PROCLAMATION: PROCLAIMING FEBRUARY 3, 2012 AS "NATIONAL WEAR RED DAY FOR WOMEN" WITHIN THE TOWNSHIP OF COLTS NECK.** Mayor Engel read the proclamation in full, which noted February is designated as American Heart Month. Mayor Engel stated in recognition of the importance of the ongoing fight against heart disease and stroke, February 3, 2012 is proclaimed as "National Wear Red Day for Women" in the Township of Colts Neck and all citizens are urged to wear red for the day to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. Mayor Engel stated by increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.
- 3. PRESENTATION: HONORABLE THOMAS A. ARNONE, MONMOUTH COUNTY FREEHOLDER, "GROW MONMOUTH" INITIATIVE.** Present this evening were Freeholders Thomas Arnone, Lillian Burry and Serena DiMaso; and Mr. John Ciufu and Ms. Amy Fitzgerald of the Monmouth County Department of Economic Development. Freeholder Arnone spoke of the successful implementation of shared services provided by Monmouth County for participating municipalities. Mr. Ciufu and Ms.

Fitzgerald presented the Grow Monmouth initiative, which seeks to retain and grow business, retain and create jobs and attract new business within Monmouth County. The focus is to promote Monmouth County as a good place to work and to do business, and the program seeks to create a long-term relationship between the County and businesses. The County is available to provide economic opportunity mapping, State and County business incentives, and economic development and planning technical support, all at no cost to the businesses or the municipalities. In addition, the County is ready to work as a business advocate to expedite permitting with DEP. Freeholder Arnone noted County staff was reallocated to the Grow Monmouth Program, no additional staff was hired.

Mr. Schatzle questioned how the maps are updated. Freeholder Arnone stated all Monmouth County municipalities returned their plans, and the County Planning Board updated the GIS maps.

Mr. Fitzgerald stated he believes this is the way of the future for successful growth in Monmouth County. Mr. Fitzgerald also stated qualifying businesses can send their employees to Brookdale Community College to update their computer skills at no charge through this program.

Mayor Engel opened the meeting to public comment.

Mr. Fulton Wilcox, a resident, noted with the loss of large businesses, there are huge gaps in Monmouth County. Mr. Wilcox questioned if there is any outreach efforts to attract larger companies now located in North Jersey. Mr. Arnone noted the approval process is difficult and he is seeking to streamline the process to attract businesses. Mr. Arnone stated municipalities are looking to increase ratables, and the County will be there to assist.

Freeholder Burry noted Freeholder Arnone and his staff are doing an admirable job. Mrs. Burry noted there is a large problem with receiving timely approvals from the State and the DEP. Mrs. Burry noted as a well and septic community, Colts Neck depends heavily on the Wastewater Management Plan.

Mr. Vince Domidion, Chair of the Monmouth County Planning Board and a resident, stated the biggest challenge in Monmouth County is the use of 1,100 acres at Fort Monmouth. Mr. Domidion stated the Federal Government has not turned over the property yet; however progress is being made.

Hearing no further comments, Mayor Engel closed the meeting. Mayor Engel thanked everyone for this presentation, noting he looks forward to participating in meetings of the Grow Monmouth Program.

At 8:12 p.m., Mayor Engel called a two-minute recess.

At 8:15 p.m., Mayor Engel reconvened the meeting.

4. **ORDINANCE 2012-1:** AN ORDINANCE ENTITLED THE 2012 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (POLICE CONTRACT) was read by title at second reading by Mayor Engel. Mr. Bowden stated in 2011, the Police agreed to a salary freeze, which saved the Township \$90,000 during a very difficult budget year. This ordinance implements the 2011 contract salary in 2012, as the Police have one year left on their contract.

Hearing no comments, Mayor Engel opened the meeting to public comment.

Mr. Domidion stated this was a very fair action, and the Police should be recognized for their action.

Ms. Elaine Mann, a resident, questioned if the ordinance was on line. Mr. Bowden responded in the affirmative.

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

5. **ORDINANCE 2012-2:** AN ORDINANCE AMENDING ORDINANCE NO. 2011-11, GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF COLTS NECK, NEW JERSEY, TO CABLEVISION OF MONMOUTH, LLC was read by title at second reading by Mayor Engel. Mr. Bowden stated there were a few minor housekeeping revisions required to the previous ordinance. Mr. Fitzgerald noted the Cablevision renewal contract resulted in securing money for Cedar Drive School and installing fiber optic cable to the School at no cost, which will enable students to use the School's studio and provide seed money for the School. Hearing no further comments, Mayor Engel opened the meeting to public comment. Hearing none, Mayor Engel closed the meeting. Mr. Fitzgerald made a motion to approve, seconded by Mr. Orgo and unanimously carried.

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

6. **RESOLUTION 2012-24:** RESOLUTION CONFIRMING APPOINTMENT OF VARIOUS TOWNSHIP PROFESSIONALS PURSUANT TO N.J.S.A. 401:11-5 was read by title by Mayor Engel. Mr. Bowden stated this resolution appoints Mr. Villani as Public Defender and Mr. Raya as Conflict Public Defender. 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 Engel			X			
Fitzgerald		S	X			
Macnow			X			
Schatzle	M		X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

7. **RESOLUTION 2012-25:** RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500 was read by title by Mayor Engel. Mr. Bowden stated professionals included in this and the following resolution are entering the third year with no increase in fees, and several took a decrease in fees last year. Mr.

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

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

8. **RESOLUTION 2012-26:** RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE LESS THAN \$17,500 was read by title by Mayor Engel. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

9. **RESOLUTION 2012-27:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS, 2011 MUNICIPAL BUDGET was read by title by Mayor Engel. Mayor Engel stated a total of \$27,600 was transferred from the following accounts: Streets and Road Maintenance, Salaries and Wages (\$16,500); and Streets and Road Maintenance, Other Expenses (\$11,100); to the following accounts to cover additional expenses: General Administration, Other Expenses (\$800); Legal Services, Other Expenses (\$15,200); Electricity (\$500); Natural Gas (Fuel Oil) (\$600); and Gasoline (\$10,500). Mr. Schatzle made a motion to approve, seconded by Mr. Macnow and carried by Mayor Engel, Messrs. Fitzgerald, Macnow, and Schatzle; Mr. Orgo abstained.

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

10. **RESOLUTION 2012-28:** RESOLUTION APPROVING CHANGE ORDER NO. 2, IMPROVEMENTS TO HEYERS MILL ROAD (NET REDUCTION \$40,961.85) was read by title by Mayor Engel. Mr. Bowden stated the improvements to Heyers Mill Road from Flock Road to Route 537 came in under original contract estimates for as-built quantities. Mr. Bowden stated the State provided grant funding of \$175,000 for this improvement. 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 Engel			X			
Fitzgerald		S	X			
Macnow	M		X			
Schatzle			X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

11. **MOTION TO ADOPT A CONSENT AGENDA:**
12. ***RESOLUTION 2012-29:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS
13. ***RESOLUTION 2012-30:** RESOLUTION ACCEPTING SPECIAL PERFORMANCE GUARANTEE, DEMOLITION, ZONING BOARD APPLICATION NO. 716 (SCANELLI)
14. ***RESOLUTION 2012-31:** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT FOR 2012

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 Engel			X			
Fitzgerald	M		X			
Macnow		S	X			
Schatzle			X			
Orgo			X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

15. **DISCUSSION:** PEDDLER ORDINANCE. Mr. Bowden stated this ordinance sets the cost of an application fee of \$100. In addition, it updates the existing ordinance to reflect the Police Department review in the approval process. Added to this ordinance is the inclusion of a “no knock” process for solicitations at residences. Mr. Macnow requested businesses be included in the “no knock” section of this ordinance, to which all Governing Body members were in agreement. Counsel Ackerman was requested to make the requested revision for ordinance inclusion on the agenda of the next Township Committee meeting.
16. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his Administrative Report. Mr. Bowden noted the law was changed to include an option to hold School Board Elections during at the General Election. Mr. Bowden stated the Local School Board meets tomorrow night to decide this issue and the Freehold Regional School Board meets next Monday to decide this issue. Mr. Bowden stated this issue will be discussed during the next Governing Body meeting.

Mr. Bowden requested Counsel Ackerman provide an update on the status of the Trump Water Diversion application with the DEP. Counsel Ackerman advised he has spoken with DEP representatives and was advised this is a third party request, which takes longer for a decision. The request for a hearing is on the desk of the Commissioner. Mr. Bowden noted this issue is still on the radar screen.

17. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald reviewed the vouchers and stated he recommends approval as follows:

Animal Control	\$815.55
Capital Fund	\$8,827.95
Construction Trust	\$28,729.09
Current Fund	\$5,129,634.45
Escrow	\$34,319.08
Grant Fund	\$2,019.55
Trust Fund	\$11,871.76
TOTAL APPROVED:	\$5,216,217.43

Mr. Macnow made a motion to approve, seconded by Mr. Schatzle, and unanimously carried. Mr. Macnow abstained from approving any T&M Associates bills.

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

18. **TOWNSHIP COMMITTEE REPORTS**

Mr. Macnow reported The Grande Condominium Association is planning to pave interior roadways and requested the Township provide them with our bid specs so the Township's paving can be coordinated with the Association's.

Mr. Macnow noted the Executive Fire Council spoke of new requirements that may result in the need for new air systems.

Mr. Macnow reported the Colts Neck Fair Committee is seeking sponsors for the Fair fireworks.

Mr. Macnow stated the Alliance worked with the High School's SADD group and sponsored a successful program in December with green fortune cookies enclosing reminders for responsible driving. Mr. Macnow stated the Middle School's 8th grade students mentoring of 5th grade students is scheduled in March, and includes the Boys' Summit, at which the Township's Mayor spoke last year. Mr. Macnow reported the Elementary and Primary Schools are continuing the successful "Be A Duck" program.

Mr. Fitzgerald reported the Architectural Review Committee business is quiet as building within the Township has slowed.

Mr. Orgo reported Mr. James Stuart is the 2012 Chair of the Farmland and Open Space Preservation Committee. Mr. Orgo noted there are three new appointees on this Committee, and the Committee is ready to go to work.

Mr. Schatzle had no report this evening.

Mayor Engel reported he attended the 100th anniversary celebration at Delicious Orchards. Mayor Engel noted this was a great occasion for this long-standing business within the Colts Neck community and reflected on how frequenting this business is a way of life for his family as well as so many others in the community and beyond.

19. COMMENTS FROM THE PUBLIC

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

Ms. Elaine Mann, spoke of the State Comptroller's requirements to have budgets, State pensions and salaries and contracts on line. Ms. Mann questioned the number of quasi organizations receiving taxpayer funds. Ms. Mann spoke of the \$750 paid to the Local Board of Education for the monthly Senior Citizens meeting.

Ms. McKittrick, a resident, thanked the Mayor for attending the Delicious Orchards anniversary celebration, noting the Delicious Orchards cider is much sought after. Ms. McKittrick stated she lives near the Obre Road Preserve and noted trash collected in bags in October is still at the Preserve awaiting collection. Ms. McKittrick noted leaves and brush are not being removed and it is not being mowed; plants are growing through cracks deteriorating the roadway. Mr. Bowden stated he will speak with Mr. Thompson, DPW. Mayor Engel, Recreation Committee Liaison, stated he will discuss the possibility of having an exercise trail within the Preserve and invited Ms. McKittrick to attend the Recreation Committee meetings. Ms. McKittrick noted she wants to be part of the Farmland and Open Space Committee. Mayor Engel stated he will provide Ms. McKittrick with the Talent Bank application, which is also available on the Township's website.

Ms. Diana Piotrowski, a resident, discussed solicitor mail placed in and around her mailbox and questioned if this could be included in the ordinance discussed tonight. Ms. Piotrowski noted she has spoken with the Colts Neck Postmaster about this problem. Ms. Piotrowski was requested to provide the solicitations to Town Hall for action with the solicitor.

Ms. Mann noted roadway macadam being replaced can be re-used as fill on ball fields and trails.

Mr. Fulton Wilcox, questioned the amount of lost revenue due to tax appeals. Mr. Bowden stated he does not have the actual number this evening, but noted it is less than last year's. Mr. Bowden stated he will call Mr. Wilcox to discuss further.

Hearing no further comments, Mayor Engel closed the meeting.

20. RESOLUTION 2012-32: EXECUTIVE SESSION. Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried by voice vote. Mr. Bowden stated the Governing Body was not anticipated to return in public session for formal action this evening.

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

The public meeting adjourned at 8:50 p.m.

Motion by Mr. Fitzgerald, seconded by Mr. Schatzle, and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 9:40 p.m.


 Robert Bowden, Administrator/Municipal Clerk