

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
AUGUST 17, 2005
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 Forester followed by a salute to the flag. The following statement was read by Township Clerk Bowden. "The notice of the requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a "News Release" to the Asbury Park Press on December 17, 2004 stating that a meeting of the Colts Neck Township Committee would be held on August 17, 2005 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck. 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 Forester, Deputy Mayor Florek, Committeemembers Burry, Hennessy and Stuart.

Also Present: Robert Bowden; John O. Bennett, III, Esq., and Beth Kara

Absent: None

1. **ANNOUNCEMENT:** Mayor Forester announced the next Township Committee Meeting will be Wednesday, September 14, 2005, at 7:30 p.m. in Town Hall. The Township Committee will resume the regular schedule of two meetings per month commencing September.

2. **APPROVAL OF MINUTES OF JULY 13, 2005:**

Mrs. Burry motioned to approve the minutes of July 13, 2005, seconded by Deputy Mayor Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

3. **ORDINANCE 2005-17:** AN ORDINANCE TO AMEND CHAPTER 98, ENTITLED "CONSTRUCTION CODES, UNIFORM", OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was read by Mayor Forester by title on second reading. In response to a question raised by Mr. Stuart regarding Subsection 98-2.A., Mr. Bennett clarified that many years ago appeals were heard at the local level; however, appeals to the Monmouth County Board of Appeals have been in practice for approximately five years. With no further comments, and no comments from the public, Mrs. Burry made a motion to approve this ordinance, seconded by Deputy Mayor Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

4. **ORDINANCE 2005-19:** AN ORDINANCE VACATING A PORTION OF DRAINAGE EASEMENT OF BLOCK 42, LOT 22.06 (WESTGATE COURT), was read by Mayor Forester by title on second reading. As explained during the first reading, this Ordinance authorizes the vacating of a small portion of the municipal drainage easement that traverses the aforementioned property. Mr. Hennessy made a motion to approve this ordinance, seconded by Mrs. Burry and unanimously carried. Mr. Collins, the Modarski’s attorney, thanked the Township Committee and noted Mr. Anfuso was most helpful with his client’s situation.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

5. **ORDINANCE 2005-20:** AN ORDINANCE AUTHORIZING THE LEASING OF PROPERTY BETWEEN THE COLTS NECK BOARD OF EDUCATION AND THE TOWNSHIP OF COLTS NECK ALLOWING FOR A TRANSPORTATION FACILITY ON A PORTION OF BLOCK 48.01, LOT 2. Mayor Forester tabled this ordinance for discussion at either a special meeting of the Township Committee or during the next Township Committee Meeting on September 14, 2005.

6. **RESOLUTION 2005-226:** OPPOSING STATE AID TO OFF-SET COSTS OF POLITICAL CORRUPTION was read by Mayor Forester by title, who then turned the floor over to Mrs. Burry, who read the following statement:

“I would like to preface the following resolution with a short statement explaining what motivated its authorship. One of the most fundamental responsibilities of elected officials is making sure public dollars are spent wisely. Elected officials have a responsibility to serve the interest of all the people—and that includes the great majority who work hard, raise families, pay taxes and expect that the people they elect to represent them will look after their interests. When towns have real emergencies—floods, hurricanes or other natural disasters—government should be quick to help. But when the problem arises from a systemic problem in the local government, then the broader public should not be expected to pay for it. Local problems should be solved locally. I refer to our Assemblyman and his comment—“there are at least 4 buckets one can draw from.” Isn’t the initial source the same? The taxpayer! We would be putting the State in an arena it doesn’t belong in.”

Mrs. Burry then read the Resolution in full. Mr. Hennessy commented that the Asbury Park Press has been muddled in their reporting. Mrs. Burry then made a motion to approve, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>					X
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

7. **RESOLUTION 2005-227:** SUPPORTING RENEWAL OF THE NEW JERSEY TRANSPORTATION TRUST FUND AND INCREASED DEDICATION FOR LOCAL AID was read by Mayor Forester by title. This Resolution calls upon the Governor and the State Legislature to provide for a stable, dependable and long-term source of funding to support the renewal of the New Jersey Transportation Trust Fund and an increase in the amount dedicated to local aid without increasing new or existing taxes. A motion to approve was made by Mr. Stuart, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>					X
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

8. **RESOLUTION 2005-228:** AUTHORIZING NJ DEPARTMENT OF AGRICULTURE TO SURVEY FOR GYPSY MOTH EGG MASSES was read by Mayor Forester by title. This Resolution authorizes the New Jersey Department of Agriculture to survey for gypsy moth egg masses within the Township. The State works with the Shade Tree Commission, and there is no charge for the survey. Deputy Mayor Florek made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

9. **RESOLUTION 2005-228A:** AUTHORIZING APPLICATION FOR STATE AID FOR THE MUNICIPAL STORMWATER REGULATION PROGRAM (\$10,207.00) was read by Mayor Forester by title. This Resolution authorizes the Township Administrator to apply for State aid for the Municipal Stormwater Regulation Program. Services funded would be copying and distributing an educational brochure, labeling one sector (or 50 percent) of storm drain inlets, and mapping the location of the end of all outfall pipes in one-half the Township. Mayor Forester asked if the State aid is sufficient to accomplish these tasks. At this point, the answer to that question is uncertain. Mrs. Burry made a motion to approve this Resolution, seconded by Deputy Mayor Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

10. **MOTION TO ADOPT A CONSENT AGENDA** was read by Mayor Forester by title for the following Resolutions:

Resolution 2005-229: Authorizing Release of Special Performance Guarantee – Structure Demolition – 8 Bucklin Road (Lombardi)

Resolution 2005-230: Authorizing Release of Performance Guarantee and Inspection Fees - PB Application No. 551 (Morello)

Resolution 2005-231: Authorizing Release of Performance and Inspection Fees – PB Application No. 434 (Due Process Estates)

Resolution 2005-232: Authorizing Refund of Funds, Building Permit Fee – Block 14, Lot 15 (Bertone)

Resolution 2005-233: Accepting Performance Guarantee – PB Application No. 590 – St. Mary’s Church

Resolution 2005-234: Authorizing Recreation Program Refunds

Resolution 2005-235: Authorizing Refund of 2005 Tax Overpayment

Resolution 2005-236: Authorizing Release of Performance Guarantees and Acceptance of Maintenance Guarantee – PB Application No. 486 (Green Hill Estates)

With no comments made, Mrs. Burry made a motion to approve all aforementioned consent Resolutions, seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

11. **DISCUSSION**: USE OF ST. MARY’S CHURCH FOR NOVEMBER ELECTION. Mr. Bowden indicated that due to the construction occurring at St. Mary’s Church, the site would not be available for the November election. Mr. Bowden has made suitable arrangements to use two handicapped accessible bays within the First Aid Squad building on Heritage Way as the November voting site. Mr. Bowden will ensure signage is in place at St. Mary’s and the First Aid Squad Building and he plans to send an informational newsletter to the registered voters within the two districts affected. By April 2006, voting will resume at St. Mary’s Church.
12. **DISCUSSION**: REQUEST FOR PARTIAL VACATION OF DRAINAGE EASEMENT – BLOCK 13, LOT 89 – DEEP WOOD LANE (PANICO). When the Panico’s acquired their new residence, a portion of the existing deck was located in a drainage easement, and they now want to re-build their deck and need Township authorization to vacate a portion of the drainage easement. Mr. Bowden has spoken with Vince Domidion and learned that the stream is extremely small, more of a swale actually. The Panico’s were advised that it is their responsibility to word the description. Once the Township Committee receives the surveyor’s metes and bounds, an Ordinance will be prepared.
13. **ADMINISTRATIVE REPORT**: Mr. Bowden had nothing to report.

14. **MOTION TO APPROVE VOUCHERS** was made by Mrs. Burry to approve all vouchers totaling \$11,188,791.46, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>					X
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

15. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Stuart reported the Shade Tree Committee was reviewing a draft letter prepared for all residents living near the greenways. Deputy Mayor Florek requested all residents receive this mailing. The Township Committee concurred with the mass mailing, and Mr. Bowden indicated the letter would be revised and issued within the next three weeks.

Mrs. Burry indicated the tickets for the Historic Preservation Committee's five-home tour were printed. The tour will take place October 1, 2005 from 10:00 a.m. to 4:00 p.m. This tour will be dedicated to Carol McCoy.

Mrs. Burry reported the Board of Freeholders supported the Probasco/Dittmar property for landmark status. Mrs. Burry plans to attend the public hearing in Trenton on September 7, 2005.

Mrs. Burry reported the traffic intersection of Routes 34 and 537 has been deemed one of the worst in the County. Mrs. Burry has spoken to the County Engineer, who is bringing it to the attention of the DOT. Mrs. Burry will be following up to ensure the project to correct this hazardous situation is expedited.

Mrs. Burry reported the County Planning Board awards dinner will be held on October 19, 2005. Among the four projects under consideration, two are the Monmouth University Library restoration and the Asbury Park Revitalization Project.

Mrs. Burry reported Farmland Preservation has received accolades on the PIG Grant of \$17.8 million in new monies, the re-allocation of \$13.3 million, for a total of \$31.1 million. Colts Neck will not receive 2006 monies since they still have an available balance of \$2,756,785 from the 2005 allocation.

Mr. Florek reported he has been meeting with the Colts Neck Sports Foundation regarding the netting for the soccer fields at Five Points Park. With additional plantings, the nets behind the soccer goals may not be needed; however this item is still under review.

Mr. Florek reported there were no appeals received on the LOSAP, and now the Township can proceed.

Mr. Florek has reviewed the plan to replace the Fire Department vehicles over the next 20 years, and indicates the replacements are well-spaced.

Mr. Hennessy reported there were 110 fish of all sizes caught at this year's fishing derby. The event was held July 16, and 45 adults and 45 children participated in this annual event.

Mr. Hennessy reported that on September 11, the 10K Township road race will be held at Town Hall. The event brochures have been printed and are being distributed.

Mr. Hennessy reported that plans are being developed to renovate at the lower fields at Conover Road and the Cedar Drive fields.

Mr. Hennessy proudly reported that out of all the surrounding towns, Colts Neck is the only town with a fully staffed, all-volunteer First Aid Squad. The volunteers handle all shifts during the day, night and weekends throughout the year.

Mr. Hennessy reminded all that the Colts Neck Fair would be starting tomorrow evening (Thursday, August 18). This four-day event is held in Bucks Mill Park.

Mr. Hennessy reported that the Trail Riders executive members are meeting this evening to discuss how best to notify motorists to proceed with caution when horses are present. The area around Heulitt and Cedar Drives has become problematic, and the need for additional signage may be warranted to avoid injury to horses, riders, vehicles and passengers.

Mr. Forester reported the Business Advisory Committee wants to provide non-binding advice to the Planning Board for every project under consideration within the business district. Mr. Forester indicated there is a need to amend the ordinance to change the charter for the development of the Colts Neck Business Zone. With no objections, this Ordinance will be introduced at the next Township Committee Meeting scheduled for September 14, 2005.

16. **COMMENTS FROM THE PUBLIC:**

Ms. Judy Laufer, President, Colts Neck Senior Citizens, reported this group has grown to a membership of 286. The Seniors have scheduled a luncheon to celebrate Veteran's Day; however, with the schools closed that day, a luncheon at Cedar Drive School is not possible and an alternate site is needed.

Mrs. Kathleen Shatzman, a resident, voiced her opposition to use of violence in handling the deer population. Mr. Forester indicated the deer pose a safety issue for the police, a health issue for the health officer, and are destroying the greenways. While the actual number of deer within Colts Neck has not been identified, a large number of deer inhabit the Earle Naval Station land. Mr. Florek stated that an open forum to discuss methods to control the deer population is a fair request and he would support such a hearing.

Mr. Chris Lupia, a resident, indicated hunting was permitted in the 1940s on the Armon Hammer property. He also mentioned new residents are cutting down trees on their property before living there.

Mr. Vince Domidion, a resident, indicated he lives on approximately 8 acres of land. The deer have destroyed the plants that support a variety of birdlife.

Mr. Domidion also reported the County Health Department and WRA made a joint submission on Trout Brook noting upstream of Lovett Road, it was severely impaired due to sediment and warranted a score of "6".

Mr. Domidion reported the DEP has issued new regulations regarding the Green Acres Program, which significantly increases DEP oversight. Since the document is lengthy, Mr. Domidion recommends the Mayor request a 60-day extension on the comment period for a detailed review and comment on the proposed regulations.

With no further comments from the public, Mayor Forester closed the public comment portion of the meeting.

17. **RESOLUTION 2005-237:** EXECUTIVE SESSION was read by Mayor Forester at 8:40 p.m. With no further comments, Mr. Stuart made a motion to adjourn and go into Executive Session at 8:55 p.m., seconded by Deputy Mayor Florek and unanimously carried. Mr. Bowden stated that it is anticipated that it is anticipated that the Township Committee will reconvene in public session and take formal action this evening.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>					X
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

Motion by Mr. Stuart, seconded by Mrs. Burry and unanimously carried to reconvene in public session. The meeting reconvened at 9:55 p.m.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>					X
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

18. Mrs. Burry made a motion, seconded by Deputy Mayor Florek and unanimously carried, to introduce an ordinance entitled:

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-93 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "GOLF COURSES"

A public hearing will be held September 14, 2005.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

19. Mr. Hennessy made a motion to adjourn the public meeting, seconded by Deputy Mayor Florek and unanimously carried. The meeting adjourned at 10:00 p.m.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

Robert Bowden, Township Administrator

RB/bk