

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JANUARY 9, 2008  
7:30 P.M. AT TOWN HALL**

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The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Hennessy followed by a salute to the flag. The following statement was read by Township Administrator/Clerk, Robert Bowden: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by forwarding a "News Release" to the Asbury Park Press on December 13, 2007 stating that the meeting of the Colts Neck Township Committee would be held on January 9, 2008 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 Hennessy, Deputy Mayor Forester, Committeemembers Florek, Schatzle and Stuart

Also Present: Robert Bowden, Keri Encarnation, Esq., and Beth Kara

Absent: None

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1. **RESOLUTION 2008-19:** RESOLUTION CONFIRMING APPOINTMENT OF COLTS NECK HEALTH OFFICER, MR. THOMAS FRANK was read by title by Mayor Hennessy. Mr. Schatzle discussed the needs of the Township given the impending retirement of Mr. McBride after 27 years of service to the Colts Neck community. While exploring various options to fill the position, because of the uniqueness of Colts Neck, hiring a Health Officer was considered best, and the position was advertised. Mr. Thomas Frank was interviewed for the position and thought to be the best candidate. Mr. Thomas Frank began his career in the Colts Neck Health Department during the years 1981 through 1984. He then spent over 20 years in the private sector, and is now returning to Colts Neck. On behalf of the Township Committee, Mr. Schatzle stated he is thrilled to have Mr. Frank as its Health Officer and stated Mr. McBride will remain for several months to ensure a smooth transition period. Mr. Schatzle made a motion to approve, seconded by Mr. Stuart and unanimously carried. The Township Committee and Administrator congratulated Mr. Frank, his wife, **, and son,** .

<b>RECORD OF VOTE</b>					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester		X			
Florek		X			
Schatzle	M	X			
Stuart	S	X			
X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded					

2. **MAYOR'S PROCLAMATION:** Mayor Hennessy proclaimed February 1, 2008 as National Wear Red Day for Women in recognition of the importance of the ongoing to fight against heart disease and stroke. Mayor Hennessy stated this proclamation urges all citizens to "go 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 Hennessy further 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:** Mr. A.J. Garito spoke on behalf of his client, Dr. Weinberg, regarding the fencing through the easement on his property on

Mockingbird Drive. The Weinberg's want to install a swimming pool and want the property fencing to be pool compliant and to contain their dog. Discussion ensued regarding the types of fencing to be used, the placement of the fencing, and the feasibility of double fencing. Mrs. Weinberg stated she is willing to install split rail fencing around the entire property to maintain consistency with the neighborhood and attach wire mesh to the fence for dog containment and pool compliance. There is a berm in the landscape easement they will maintain. Mayor Hennessy opened the meeting to public comment.

Mr. Vince Domidion, a resident, commented that it is a better idea to place fencing at the perimeter of a property rather than 25' inside the property line. Mr. Domidion also stated double fencing is not sensible.

Ms. Virginia Amend, editor of the Colts Neck Calendar and a resident, questioned what the limitations are within a landscape easement. Ms. Amend was advised the landscape easement can be planted and maintained, but no structures, be it a shed, dog house or whatever, can be built within the landscape easement.

Mayor Hennessy closed the meeting to public comment. Mr. Florek made a motion to accept the proposal, having fencing consistent with the neighborhood along the back and north side, Mr. Forester seconded and it was unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester	S	X			
Florek	M	X			
Schatzle		X			
Stuart		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

4. **PRESENTATION:** Mr. Peter Falvo, Esq., spoke on behalf of his clients, the DeSaye's, regarding the conservation easement on their property at Deputy Minister Drive. The DeSaye's are proposing to exchange 18,000 sq. ft. of their property with 9,055 sq. ft. of the encroachment on conservation easement. The property exchange was not agreeable to the Township Committee. After lengthy discussion by all parties, Mr. Florek made a motion to move the easement line 5' beyond the pool house and pavers and have the homeowner remove the aluminum fence constructed in the conservation easement, contingent upon the need for a DEP interpretation letter; Mr. Forester seconded the motion, which was unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester	S	X			
Florek	M	X			
Schatzle		X			
Stuart		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **APPROVAL OF MINUTES OF DECEMBER 12, 2007:** Mr. Schatzle made a correction to Page 5, third paragraph, inserting "simulated emergency" and removing "reverse 911". Mr. Stuart inserted "second" to the second paragraph, Page 6. Mr. Florek made a motion to approve, as amended, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester		X			
Florek	M	X			
Schatzle	S	X			
Stuart		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

6. **ORDINANCE 2008-1:** AN ORDINANCE ENTITLED THE 2008 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Hennessy. Mayor Hennessy indicated the average increase was approximately 4 percent. Mr. Bowden advised this increase was per the white collar contract. Mr. Florek made a motion to approve, seconded by Mr. Forester and unanimously carried. Mayor Hennessy set the date for public hearing January 30, 2008.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester	S	X			
Florek	M	X			
Schatzle		X			
Stuart		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

7. **RESOLUTION 2008-20:** AUTHORIZING FORMAL TRANSFER OF FUNDS - 2007 BUDGET was read by title by Mayor Hennessy. This resolution authorizes the transfer of \$9,000 from Legal Services (\$4,000), Buildings and Grounds (\$4,000) and Electricity (\$1,000) to cover Snow Removal Expenses (\$9,000). Mr. Stuart made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester		X			
Florek		X			
Schatzle	S	X			
Stuart	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

8. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Hennessy read by title the following resolution:
9. **\*RESOLUTION 2008-21:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 657 (MC NELLIS).

Mr. Schatzle made a motion to approve, seconded by Mr. Florek and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester		X			
Florek	S	X			
Schatzle	M	X			
Stuart		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

10. **DISCUSSION:** ESTABLISH 2008 BUDGET REVIEW SCHEDULE. Mr. Bowden proposed four dates for 2008 budget review, starting in February. After discussion, the following three dates and times were selected, with a fourth date to be determined in the future, if needed: Saturday, February 16, 9:00 a.m. to 12:00 noon; Thursday, February 28, 7:00 p.m. to 9:30 p.m.; Saturday, March 1, 9:00 a.m. to 12:00 noon.
11. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report.
12. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reported he reviewed and signed the vouchers, noting all were in order, and are as follows:

Construction Trust	\$27,710.44
Current Fund	\$4,485,879.05
Farmland Preservation Trust	\$3,089.56
Grant Fund	\$1,488.00
Tax Collectors Trust	\$9.82
Trust Fund	<u>\$37,456.55</u>
TOTAL APPROVED:	\$4,555,633.42

Mr. Forester made a motion to approve all vouchers, seconded by Mr. Stuart and unanimously carried.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Hennessy			X			
Forester	M		X			
Florek			X			
Schatzle			X			
Stuart		S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

13. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Schatzle reported 2008 officers for the First Aid Squad are Mike Spinella, Captain, and Jarrett Engel, President.

Mr. Schatzle stated he has been involved in working with JCP&L/First Energy and Colts Neck residents on the cutting around power lines.

Mr. Schatzle has been attending the Colts Neck Business Association meetings, which will be addressing the numbering of businesses on the Route 34 corridor at next month's meeting. Mr. Schatzle will follow up with the Police Chief on this issue. The Business Association is planning a business fair for Route 34 on June 7, 2008. The Township Committee will have to approve the open house business fair, which is planned to include carriage rides.

Mr. Stuart reported he will be meeting with Mr. Bowden and Mr. Anfusio this Friday to discuss the Freehold Regional High School contract with Verizon for the construction of a cell tower at the High School. The Township Committee is opposed to the cell tower construction at this site. Mr. Stuart will be keeping the Township Committee apprised of developments.

Mr. Stuart reported now that the Karcher legislation died, he anticipates little activity with regard to Earle housing until the fall. The report on the Federal investigation initiated by Congressman Chris Smith is anticipated in early fall. Until then, the Township Committee plans to stay in the loop and meet with Counsel when needed.

Mr. Forester reported Colts Neck would receive funding from the New Jersey Department of Transportation's Fiscal Year 2008 Municipal Aid Program to resurface Heyers Mill Road in the amount of \$150,000. The Heyers Mill Road project was one of 835 projects submitted to the State for funding consideration in 2008.

Mr Florek reported the Colts Neck Sports Foundation is looking to upgrade the snack shed at Laird Road. To this end, they are sending out letters requesting community support for the project.

Mr. Florek reported the COAH requirements may be 80 to 100 units within Colts Neck. It may be possible to have builders provide one affordable unit for every four units built; however, if not, monies must be set aside for the COAH obligation (\$167,000 per unit). The bigger challenge is finding locations for the units given Colts Neck zoning and well/septic infrastructure. Mr. Florek will be sending out a second letter to similarly affected municipalities within the State ascertaining their interest to join forces and address meeting the COAH mandates. The first mailing yielded interest from six municipalities and one municipality that was interested but could not commit funds.

Mr. Florek reported officials from the Colts Neck Regional High School are planning to come to a Township Committee meeting to discuss the placement of a School Resource Officer within the High School. Mr. Schatzle commented most towns have these officers and pay for them with funding from grants. Mr. Bowden will schedule a presentation with the Police Chief in attendance.

Mayor Hennessy reported he has met with Mr. Vince Domidion, a resident and Environmental Commission member, about the cutting of vegetation near the power lines by JCP&L/First Energy. Mr. Domidion and Mr. David Kostka, Chair of the Environmental Commission, met with First Energy to discuss concerns about soil stabilization. Mr. Domidion then spoke and stated the vegetation was cleared leaving large chunks of organic debris and bare earth feeding into the reservoir. The State's Soil Conservation Department in Freehold ascertained 30% was left as bare earth and corrective measures to stabilize the soil and remove the debris were necessary. The Soil Conservation Department will be issuing a letter to JCP&L requesting they repair the site. Mr. Domidion wants the DEP to reach out to BPU to impose standards to maintain safe soil conditions. Mr. Stuart commented he has spoke with Sen. Beck regarding this issue, and she plans to introduce legislation to curtail widespread cutting. Sen. Beck promised to send a copy of the draft legislation to Colts Neck. Mayor Hennessy stated our intervention and quick action in response to the JCP&L cutting may prevent other municipalities from that which Colts Neck experienced, and JCP&L will be held to a higher standard.

14. **COMMENTS FROM THE PUBLIC:**

With no further comments, Mayor Hennessy opened the meeting for public comment.

Ms. Jackie Hoagland, a resident, stated Mayor Stuart's letter to the Asbury Park Press editor was beautiful and resulted in organizing a group of residents that want to join forces with the Township Committee and fight the privatization of Earle housing. Mayor Hennessy stated the letter to the editor referenced is on the Township website. Mayor Hennessy stated Messrs. Stuart and Forester are the sub-committee for Earle housing and they will reach out to Ms. Hoagland and this group.

Mr. Dominick Sozio, a resident, spoke about preventing the cell tower construction at Colts Neck High School. He attended a meeting in Howell Township, and Howell Township was never notified this would be placed on school grounds. Mr. Sozio spoke in great detail about the Howell meeting, and

stated the agreement with Verizon was signed without notifying the Mayor or Township Committee of Colts Neck, even though this was planned for placement on land within the Colts Neck boundaries. Mr. Sozio indicated Mr. Placetello, Colts Neck's representative on the Freehold Regional School Board (FRSB), voted in favor of the agreement with Verizon. Mr. Sozio spoke at length of the reasons to stop cell placement at the High School.

Ms. Claire Dowrie, a resident who lives within 250'-300' of the proposed cell tower, provided the Township Committee with a handout entitled "Cell Tower Concerns" for their consideration. She spoke of various issues for consideration by the Township Committee in fighting the proposed placement. Mr. Stuart stated the Township has, by ordinance, designated areas within its boundaries where cell towers may be placed, and the High School is not one of them. To construct at this site, Verizon would have to gain approval from the Colts Neck Zoning Board of Adjustment. Mr. Stuart is meeting Friday and will have more information after this meeting. Mr. Florek stated if Verizon does come before the Zoning Board, it would be a public hearing and open to all citizens.

Ms. Mary Beth Tomaro, a resident and President of the High School PTSO, stated the cell tower proposal is the result of constant flat funding of schools and the FRSB's attempt to meet the funding shortfall in the face of rising costs of education. Ms. Tomaro stated there is a disconnect between the Township and FRSB, especially since meeting minutes are posted on the FRSB website. Ms. Tomaro suggested having someone review the FRSB website and attend meetings regularly to keep current since this issue was discussed in detail at a public meeting in July. Mr. Stuart commented there are eight towns within the FRSD, and this issue affects them all. The FRSB should have been reaching out to the eight towns, especially Colts Neck, since the placement would be within the Township's boundaries. Mayor Hennessy stated the Township has reached out to the FRSB many times. Mayor Hennessy also stated Mr. Wasser apologized to Colts Neck in the Asbury Park Press.

Mr. Amod Choudhary, a resident, congratulated Mayor Hennessy on his appointment. Mr. Choudhary then asked about the timeline for action relating to Earle housing. Messrs. Stuart, Florek and Forester discussed several issues relating to the Earle housing situation.

Ms. Julie Rudero, a resident, spoke of speeding along Bucks Mill Road, particularly during the months of May through August, which is turtle crossing season. Ms. Rudero stated she has assisted many turtles in their journeys across Bucks Mill Road near the bridge; however, she knew of 12 turtle fatalities in 2007, one of which was an approximately 80-year old turtle. She asked the Township to provide orange traffic cones to slow down traffic near the bridge. Mayor Hennessy suggested she speak with a fellow resident, Mr. Leccese, who is vigilant in monitoring the speed limit on Bucks Mill Road. Mayor Hennessy stated he wants a "Turtle Crossing" sign placed on Bucks Mill Road in late April, to be taken down by September.

Mr. Chris Lupia, a resident, spoke of an article he read recently regarding bees dying and the possible relation to cell phones and cell tower waves.

Mr. Vince Domidion, a resident, applauded the Township Committee for their persistence in pursuing the grant for Heyers Mill Road.

Mayor Hennessy closed the public portion of the meeting stating he appreciates positive public participation in Township issues during 2008.

15. **RESOLUTION 2008-22**: EXECUTIVE SESSION was read by Mayor Hennessy at 9:20 p.m. Mr. Forester made a motion to adjourn and go into Executive Session, seconded by Mr. Stuart and unanimously carried.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester	M	X			
Florek		X			
Schatzle		X			
Stuart	S	X			
X - indicates vote   NV - Not Voting   Ab - Absent   M - Moved   S - Seconded					

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

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Forester	M	X			
Florek		X			
Schatzle		X			
Stuart	S	X			
X - indicates vote   NV - Not Voting   Ab - Absent   M - Moved   S - Seconded					

Meeting adjourned at 10:25 p.m.

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Robert Bowden  
Township Administrator/Clerk

RB:bk