

**TOWNSHIP COMMITTEE MEETING
TOWN HALL
JANUARY 12, 2005**

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 have 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 January 12, 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: Deputy Mayor Florek, Committeemembers Burry, Hennessy, Stuart, and Mayor Forester

Also Present: Thomas Bace, Esq., Administrator/Clerk Robert Bowden, and Deputy Clerk Aime Sweeney

Absent: None

- 1. ORDINANCE 2005-1: AN ORDINANCE AMENDING CHAPTER 222 OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO SPPED LIMITS (FIVE POINTS ROAD)** was read by Mayor Forester on first reading by title. Mayor Forester advised the application with the Department of Transportation was made about two years ago and has now been approved for a speed limit reduction. Mr. Bowden advised the recent article in the Asbury Park Press is inaccurate as the Township did not utilize the new legislation in this regard in which municipalities are allowed to now modify their own speed limits within their jurisdiction. Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Stuart and unanimously carried. With no further comments, Mayor Forester set the public hearing for January 26, 2004.

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>					

- 2. RESOLUTION 2005-21: APPROVING PROFESSIONAL APPRAISAL OF BLOCK 7.30, LOT 5 –deGROOT/SINDLINGER PROPERTY (ROUTE 34)** was read by Mayor Forester. Mrs. Burry advised that this piece of property is particularly valuable to the Township as it is located in the A1 zone. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. 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. **RESOLUTION 2005-22:** APPROVING PROFESSIONAL APPRAISAL OF BLOCK 7.30, LOT 5 – deGROOT/SINDLINGER PROPERTY (ROUTE 34) was read by Mayor Forester. With no comments made, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. 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. **RESOLUTION 2005-23:** OPPOSING ASSEMBLY BILL NO. 3529 PERTAINING TO DOUBLE PENSION PAYMENTS was read by Mayor Forester. Mrs. Burry said she can't believe there are legislators who would actually wish to enact this Bill. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. 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>					

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

Resolution 2005-24: Accepting Performance Guarantees – ZB Application No. 609 – Verizon Wireless

Resolution 2005-25: Approving Reduction of Performance Guarantees – PB Application No. 525 (Folio Art Glass)

With no comments made, Mr. Hennessy made a motion to approve the aforementioned Resolutions, seconded by Mr. 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>					

6. **DISCUSSION**: ESTABLISH 2005 BUDGET REVIEW DATES – After brief discussion, the Township Committee agreed to meet at 9:00 a.m. on Saturday, February 12, 2005, and at 7:00 p.m. on Tuesday, February 15, 2005 for the purpose of reviewing the 2005 Municipal Budget.

7. **DISCUSSION**: ROUTE 34 ACCESS MANAGEMENT PLAN (POSSIBLE RESOLUTION TO SUPPORT AMENDMENT) Mr. Stuart advised on December 21, 2004 that he, Mr. Barbagallo, and Mr. Anfuso met with the NJDOT to discuss the minor deviations which have occurred in implementing the plan. The NJDOT indicated that the Access Management Plan regulations contain specific standards on how to amend the plan. Since these steps were not followed, the plan has not technically been amended and this procedure needs to be fulfilled at this time. However, it should be noted that everyone present agreed with the modifications and believed the changes made common sense. The NJDOT also agreed to cooperate with the Township in pursuing these modifications and committed to fast tracking the Department's review of the request. To proceed with the Minor Plan Amendment, the Township needs three things; to submit a letter requesting the plan amendment, a Resolution from the Governing Body supporting the Minor Plan Amendment is desired but not mandated, and submission of a plan, signed by an engineer, which clearly depicts the original plan and proposed modifications. Mayor Burry said that she feels Mr. Illmensee is greatly suffering by delaying his project. Mr. Stuart said we should get the map first before we proceed. Mr. Bowden asked if the map is in progress? Mr. Stuart said yes. Mr. Bowden suggested that Mr. Anfuso come before the Township Committee at a future meeting.

8. **DISCUSSION**: GREENWAY MAINTENANCE ORDINANCE (POSSIBLE INTRODUCTION) Mrs. Burry inquired if the Township Attorney made any comments on this from the last meeting? Mr. Bace said that Mr. Bennett felt in his opinion this Ordinance was not the way to go. Mr. Bace said this Ordinance could be challenged in court. Mr. Stuart asked if this Ordinance is in form to be introduced this evening? Mr. Bowden said yes. Mr. Florek said he would like to consider some changes in beefing up the language. Mr. Florek made several suggestions to better clarify the draft Ordinance. The Township Committee briefly discussed various language changes throughout the draft Ordinance. Mr. Hennessy asked if the Environmental Chairwoman, Mary Massey, is satisfied with the Ordinance in its current form? Ms. Massey said she called Mr. Bennett's office early today and briefly spoke with him regarding a possibility of another program rather than making this an Ordinance. The program would be similar to that of "adopt a cul-de-sac". Ms. Massey said that she is also concerned that the title is not held by the property owner as it is public property therefore the program would not be transferred to a new owner nor would it show up on a title search. Mr. Alagna, Shade Tree Commission Chairman, said that at the last Township Committee meeting we left off that Mr. Bennett was going to research this further and have his conclusions this evening. Mr. Florek said he likes the intent of the draft Ordinance, however, it does open up many other issues. Mr. Hennessy asked if anyone has come before the Shade Tree Commission seeking permission to do this? Mr. Alagna said no, many residents just go and do it anyway and then maybe ask us later. Mr. Hennessy said he feels the philosophy of this is too manicured from an environmentalist standpoint. After brief discussion, the general consensus of the Township Committee is to clean-up the Ordinance further, and have continuous discussions between the Shade Tree and Environmental Commissions. Also we need to look more into a possibility of an adopt a cul-de-sac type of plan for this.

9. **ADMINISTRATIVE REPORT**: Mr. Bowden advised that pursuant to a recent Local Finance Notice, a municipality may by Ordinance increase the Cost of Living Allowance percentage up to 3.5% from 2.5%, or bank, for up to two years, the difference between its final appropriation subject to the cap and 3.5%. The 2004 amendments to the law eliminates automatic banking. A single Ordinance can be used to accomplish both activities, increasing appropriations and banking any unappropriated balance. It is the Township Committee's pleasure to do as they wish, however, if they do wish to proceed the Ordinance must be done prior to introduction of the budget. Mr. Bowden recommended this be done as it will

Committee decided to discuss this further at a later date.

10. **MOTION TO APPROVE VOUCHERS:** Mr. Stuart made a motion to approve all vouchers totaling \$163,121.87, 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>					

11. **TOWNSHIP COMMITTEE REPORTS**

Mr. Stuart reported that he attended a recent Shade Tree Commission meeting in which they are looking forward to another successful year. They will be busy finalizing plans for their Tree Memorial Program.

Mrs. Burry reported that the Farmland Preservation Committee is busy working on their first newsletter for 2005.

Mrs. Burry asked the Township Committee if they would consider a Resolution or a letter in defense of our Congressman, Christopher Smith as it appears he may be removed from that position. Mrs. Burry said that Congressman Smith has been a good friend to Colts Neck. Mayor Forester questioned if it should be the Township’s position to get involved with personal politics? After brief discussion, the Township Committee unanimously agreed to do a Resolution in support of Congressman Smith.

Mrs. Burry further reported that she will be attending next week’s inauguration of the President.

Mr. Florek reported that 350 have registered for baseball and softball thus far with the Sports Foundation. They have implemented on-line registration with great success. Mr. Florek further stated that the Colts Neck Board of Education will be presenting the Sports Foundation with a plaque in recognition for all their generous donations.

Mr. Florek further reported that there is new legislation out banning all pressure treated playground equipment. The law states that by 2007 they all must be taken down. Mr. Florek noted this will be very costly to replace all the playground equipment and asked if there is any grant funding for this? Mr. Bowden said if any playground equipment is the Township’s responsibility, we could turn to Green Acres to see what is available.

Mr. Florek inquired about a scholarship for the Colts Neck High School. Mr. Bowden said the Mayor has already sent a letter to the High School regarding the upcoming scholarship.

Mr. Stuart reported that the First Aid has had a very busy year with 750 calls.

Mr. Stuart further reported that both soccer and baseball fields have been planted at the new Five Point(s) Park. Mr. Stuart said it was highly recommended to wait until the Fall to give the fields time for the turf to strengthen up.

Mr. Stuart also reported that the Monmouth County Park System has suggested doing the sign for the new Five Point(s) Park. However, there needs to be a final consensus as to the name.

Mayor Forester reported that the Flu Shot Clinic was as success with some shots left over.

from 9:00 a.m. to 10:30 a.m. at the Conover Road Fire House.

Mayor Forester suggested sponsoring a seminar for geese control.

Mayor Forester reported that the Senior Citizen Club has been very active and will be having a bus trip to Atlantic City in the near future.

12. **COMMENTS FROM THE PUBLIC:**

Mr. Vincent Domidion advised the Department of Environmental Protection has proposed to designate Shark Rive as Category I Watershed. Mr. Domidion further advised that the WRA has proposed a bill to test wells every five years and feels if passed, this would be overkill.

Mr. Domidion stressed concerns about the proposed Shade Tree Ordinance this evening. Mr. Domidion said it would be easier to end a bad “agreement” than a Deed.

Mr. Domidion welcomed the new Mayor and stressed what a good job Mrs. Burry did as Mayor.

Mr. Chris Lupia mentioned that he found it interesting to read Colts Neck’s Police Reports in today’s Asbury Park Press. Mr. Lupia also mentioned his concerns with the local postal system.

Mr. Lupia thanked the Township Committee for doing a Resolution in support of Congressman Smith. Mr. Lupia said that Congressman Smith is one of very few political figures who are very supportive of veterans. Mrs. Burry suggested the Township forward a copy of the Resolution to the Asbury Park Press.

Mr. Virginia Amend expressed her dissatisfaction with the Board of Education having their meeting the same night as the Township Committee. Mr. Hennessy said there should be no conflict now.

Mr. Chuck Camarotta asked where the new Cap Law changed generated from? Mr. Bowden advised it came from the State’s Local Finance Board.

13. **RESOLUTION 2005-26:** EXECUTIVE SESSION was read by Mayor Forester. With no further comments, Mr. Florek made a motion to adjourn at 9:11 p.m. and go into Executive Session, 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>					

Robert Bowden,
Township Administrator

RB/as