

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 28, 2004**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Burry, 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, 2003 stating that a meeting of the Colts Neck Township Committee would be held on January 28, 2004 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 Forester , Committeemembers, Florek,
Hennessy, Stuart and Mayor Burry

Also Present: Robert Bowden, Tom Bace, Esq., and Aime Sweeney

Absent: John O. Bennett III, Esq.

1. **ANNOUNCEMENT:** Mayor Burry announced the first 2004 Budget Session will be held on Saturday, January 31, 2004, at 9:00 a.m., Town Hall.
2. **ORDINANCE 2004-01:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2003 SALARY ORDINANCE AND TO ESTABLISH 2004 SALARIES FOR THE TOWNSHIP OF COLTS NECK (WHITE COLLAR) was read by title by Mayor Burry on second reading. Mr. Bowden advised this Ordinance sets the salaries for the White Collar's four year contract. Mayor Burry opened the public hearing and with no comments made, Mayor Burry closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

3. **ORDINANCE 20004-02:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2003 SALARY ORDINANCE AND TO ESTABLISH 2004 SALARIES FOR THE TOWNSHIP OF COLTS NECK (POLICE OFFICERS) was read by title by Mayor Burry on second reading. Mr. Bowden advised this Ordinance sets the salaries for the Police Officer's four year contract. Their contract has been recommended by the Arbitrator. With no further comments, Mayor Burry opened the public hearing, and with no comments made, Mayor Burry closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

4. **ORDINANCE 2004-03:** AN ORDINANCE TO AMEND CHAPTER 2, ENTITLED “ARCHITECTURAL REVIEW COMMITTEE”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK, IN ORDER TO INCREASE THE MEMBERSHIP OF THE ARCHITECTURAL REVIEW COMMITTEE was read by title by Mayor Burry on second reading. Mayor Burry advises this Ordinance will increase the membership of the Architectural Review Committee by two members. The Architectural Review Committee met last evening and recommended two new members. With no further comments, Mayor Burry opened the public hearing, with no comments made, Mayor Burry closed the public hearing. Mr. Stuart made a motion to adopt this Ordinance, seconded by Mr. Forester and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

5. **ORDINANCE 2004-04:** AN ORDINANCE TO AMEND CHAPTER 168, ENTITLED “PEDDLERS, CANVASSERS AND SOLICITORS”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was read by title by Mayor Burry on first reading. Mayor Burry advised that the Township was advised by our Attorney to amend our Ordinance to comply with a United States Supreme Court ruling in 2002. Mr. Forester made a motion to introduce this Ordinance, seconded by Mr. Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

Mayor Burry set the public hearing for February 25, 2004.

6. **ORDINANCE 2004-05:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “DEVELOPMENT REGULATIONS” AND MORE PARTICULARLY ARTICLE VII, SUBSECTION 73, “SIGHT TRIANGLES, FENCES AND WALLS” was read by title by Mayor Burry on first reading. Mr. Forester said he is concerned about the

enforcement of this and wonders how the Township makes residents aware of when you need a permit and when you don't. Mr. Stuart said that most contractors are very aware of the necessity of permits as they would be held liable. Mr. Florek suggested that residents can be informed of such changes through our Township newsletter. With no further comments, Mr. Hennessy made a motion to introduce this Ordinance, seconded by Mr. Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

Mayor Burry set the public hearing for February 25, 2004.

7. **RESOLUTION 2004-27**: CONFIRMING APPOINTMENTS TO ARCHITECTURAL REVIEW COMMITTEE was read by Mayor Burry. Mayor Burry introduced Ms. Antionette "Toni" Morello, and Ms. Theresa Modarski. Mayor Burry said we are so fortunate to have such a pool of talent in our Town. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

Mr. Bowden swore in both Ms. Morello and Ms. Modarski. Everyone extended a round of applause and photographs were taken.

8. **RESOLUTION 2004-28**: AUTHORIZING TRANSFER OF FUNDS – 2003 MUNICIPAL BUDGET was read by Mayor Burry. With no comments made, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

9. **RESOLUTION 2004-29**: AUTHORIZING AWARD OF BID – RECYCLING DROP-OFF CENTER was read by Mayor Burry. Mr. Bowden advised that Freehold Cartage was the sole bidder for a one year contract at \$9,300.00. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

10. **MOTION TO APPROVE A CONSENT AGENDA** for the following Resolutions:

Resolution 2004-30: Authorizing Issuance of Duplicate Tax Sale Certificate

With no comments made, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

11. **DISCUSSION**: STATEWIDE SCOUR EVALUATION PROGRAM FOR EXISTING BRIDGES – ROUTE 34/YELLOW RIVER- Mr. Bowden advised the NJDOT under a mandate from the Federal Highway Administration initiated a statewide scour evaluation program for existing highway bridges over waterways. Based on the results of their stage one and two programs, the bridge on Route 34 over the Yellow River has been identified as being scour critical. If the Township Committee approves this request, it will need to be approved by Resolution. After brief discussion, the Township Committee unanimously agreed to grant the NJDOT right of entry for the bridge scour project.

RESOLUTION 2004-32: GRANTING RIGHT OF ENTRY TO NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR BLOCK 32, LOT 23 (ROUTE 34 AT YELLOW RIVER BRIDGE SCOUR) was read in full by Mayor Burry. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

12. **DISCUSSION**: SINGLE FAMILY/TWO FAMILY DWELLINGS- Mayor Burry said she wants to call attention to certain Board of Adjustment applications that require interpretation relative to whether or not a second kitchen or separate entrance does not constitute a change from one to a two family dwelling. Mayor Burry said she views a second kitchen in a home is often an integral part of the home. Mr. Florek clarified that it is current policy to appear before the Board of

Adjustment for approval and determination if a second kitchen will create a second dwelling. The Board of Adjustment would like to change the current policy for requests for kitchens in basements. Mr. Stuart said he is not opposed to kitchens in basements as long as it is strictly for a single family dwelling. After brief discussion, the Township Committee unanimously agreed to adjust the current policy. Mr. Bowden said he will direct this to Tim Anfuso, Township Planner.

13. **ADMINISTRATIVE REPORT:** Mr. Bowden advised that he has no report this evening.
14. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$2,142,763.81, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

15. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Florek reported that the Executive Fire Counsel reported that they made 450 calls in 2003. Fire Company No. 1 handled the majority of the calls due to their location to Route 18. There is also a new Executive Fire Counsel in place for 2004. The Fire Department dinner dance was very well attended.

Mr. Florek further reported that he attended a Long Range Planning Meeting and they stated that they would like to see fewer structures on farm properties.

Mr. Hennessy said he has no report for this evening.

Mr. Stuart said he has no report for this evening.

Mr. Forester said that he too attended the Fire Department's dinner dance and a good time was had by all.

Mr. Forester further reported that thirteen letters went out to residents who surpassed their brush collection deadline which asks them to make their own private arrangements for removal. Mr. Bowden noted that the brush collected schedule was even extended this year due to storm damage.

Mr. Forester concluded his report by advising he received an invitation for a navy ceremony, however, the date of the ceremony is uncertain.

Mayor Burry reported that the Community Band will be playing at the Colts Neck High School on February 5, 2004 and everyone is encouraged to attend.

Mayor Burry further reported that Honorable Judge Reisner will be conducting a fairness compliance hearing regarding Westminster v. Colts Neck on February 17, 2004. Mayor Burry said she believes this to be the final step.

Mayor Burry continued her report by advising the State has passed a statewide ban on hand held cell phones while driving. Effective July 1, 2004, the State's mandate supercedes any local Ordinance that would have been in place. Mayor Burry said she feels this should have emanated from the State to begin with.

Mayor Burry reported that the Senior Citizen Club will have its Valentine Day luncheon at the Molly Pitcher on February 16, 2004 from noon to 4:00 p.m.

Mayor Burry concluded her report by advising the Manasquan Watershed has requested attendance by anyone available at its upcoming meeting in February.

16. **COMMENTS FROM THE PUBLIC:**

Mrs. Judy Laufer advised the seniors trip scheduled for today was postponed to February 5, 2004 due to the inclement weather. The seniors will be having a very active month in February.

Mrs. Laura Kolnowski asked for clarification regarding installation of a second kitchen in a single family dwelling. Mayor Burry explained.

Mrs. Kolnowoski asked who owns the Fire Department buildings? Mayor Burry said the Fire Department does, but the Township owns the equipment. Mayor Burry further advised that the Fire Department has the option to charge rental fees for the use of their banquet rooms.

17. **RESOLUTION 2004-31:** EXECUTIVE SESSION was read by Mayor Burry. With no further comments, Mr. Forester made a motion to adjourn and go into executive session at 8:25 p.m., seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR BURRY	DEPUTY MAYOR FORESTER	FLOREK	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>					
<i>No Action Taken</i>					

Robert Bowden,
Township Administrator

RB/as