

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 28, 2009
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 10, 2008 stating that the meeting of the Colts Neck Township Committee would be held on January 28 2009 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 Schatzle, Eastman and Engel

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

Absent: None

1. **MAYOR'S PROCLAMATION:** Mayor Forester proclaimed February 6, 2009 as "National Wear Red Day for Women" within the Township of Colts Neck in recognition of the importance of the ongoing fight against heart disease and stroke. Mayor Forester stated by increasing awareness of the risk factors and taking actions to reduce them, thousands of lives can be saved each year. Mr. Schatzle commented that women have different heart attack symptoms than men and urged all to recognize the symptoms and act.

2. **PRESENTATION:** Messrs. Schatzle and Engel spoke of the Colts Neck First Aid Squad's 40th Anniversary. Mr. Schatzle noted the First Aid Squad is equipped with two ambulance rigs and a rescue truck, all of which were purchased from donations with no tax impact. Messrs. Schatzle and Engel recognized all First Aid Squad members present, and presented the commemorative plaque. All Squad members were given a round of applause.

3. **PRESENTATION:** 2008 EXCELLENCE IN ARCHITECTURE AWARDS. Freeholder Lillian Burry, Chair of the Architectural Review Committee, asked the Award Sub-Committee members, Rob Hesslein; Linda Johnson and Toni Morello, to join her at the podium. Mrs. Burry stated the Architectural Review Committee sets the tone for building and restoration within the community, and noted four outstanding properties are selected by the sub-committee each year for recognition. This year's recipients are the Geissler's of Clover Hill Lane for their noteworthy home, Ms. McLoone of Bucklin Road for her unique seashore colonial home, and Mr. Kasabouri for his office on Route 537, formerly known as the Honey Shop, and the Chase Bank on Route 34. Photos were taken of all award recipients present. Mrs. Burry thanked the Township Committee for their support and welcomed Committeeman Engel as the Liaison to the Committee this year.

4. **PRESENTATION:** VACATE LANDSCAPE EASEMENT, 115 CLOVER HILL ROAD. Ms. Pascale Coppola stated she appeared before a public hearing of the Planning Board requesting permission to relocate the common lot line in their backyard to create a more usable rear yard for Lot 85 and to make this lot more conforming in terms of lot depth and lot area. The Planning Board conditionally approved the minor subdivision that transfers 12,841.1 sq. ft. of land from Lot 80.01 to Lot 85; and 1,506.5 sq. ft. of land from Lot 85 to Lot 80.01, with no new

lots created. The Planning Board conditioned its approval on the Coppola's obtaining Township Committee approval to relocate this landscape easement along the new lot line. The Township planner believes relocating the 75 foot landscape easement to the new lot line is appropriate. Discussion ensued, and the Township Committee unanimously approved. Ms. Coppola was requested to submit metes and bounds descriptions and deeds for approval by the Township Attorney and Township Engineer prior to the Township Committee's adoption of the ordinance vacating the existing easement and accepting the new landscape easement, and its recording in the County Clerk's Office.

5. **APPROVAL OF MINUTES OF JANUARY 14, 2009:** Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

6. **RESOLUTION 2009-26:** AUTHORIZING FORMAL TRANSFER OF FUNDS, 2008 MUNICIPAL BUDGET was read by title by Mayor Forester. Mr. Bowden stated \$11,000 was proposed for transfer from the Snow Removal budget to the following to cover additional expenses: Planning Board, Other Expenses, \$2,000; Zoning Board of Adjustment, Other Expenses, \$700; Buildings and Grounds, Other Expenses, \$1,400; Recreation Services and Programs, Other Expenses, \$2,000; Electricity, \$3,200; and Street Lighting, \$1,700. Mr. Florek made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

7. **MOTION TO ADOPT A CONSENT AGENDA:** The following resolution was read by title by Mayor Forester:

8. ***RESOLUTION 2009-27:** AUTHORIZING RETURN OF INSPECTION FEES, P.B. APPLICATION 532, SHADOW ISLE GOLF COURSE.

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

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

9. **DISCUSSION:** DATES FOR 2009 BUDGET REVIEW. Six dates were initially proposed. Discussion ensued. Mayor Forester read the following dates and times approved by the Township Committee: Saturday, February 21, 9:00 a.m. to 12:00

noon; Monday, February 23, 7:00 p.m. to 9:30 p.m.; and Saturday, February 28, 9:00 a.m. to 12:00 noon. In the event a fourth session is required, Saturday, March 7, 9:00 a.m. to 12:00 noon was selected. Mayor Forester advised all sessions are public and urged all residents to attend.

10. **DISCUSSION:** GOLF COURSE ORDINANCE. Mr. Salvatore Alfieri, Esq., represented the Trump organization. Mr. Ed Russo, Trump organization, spoke on the reasoning behind the requested changes to the Township's current golf course ordinance and discussed the current ordinance in place within the Township of Bedminster, where the Trump organization operates another private golf club. Mr. Russo spoke of the financial benefits to local Bedminster organizations by hosting events at the Trump location. Mr. Russo stated it is the nature of the Trump organization to assist charities, and he noted the Red Cross is seeking to host their National gala at the Colts Neck facility in 2010. Mr. Russo noted the clubhouse is at least 1,000 feet from any homes, and neighboring residents are not adversely impacted when events are held at the clubhouse. Mr. Russo stated the Trump organization wants to be treated like all other private country clubs throughout the State. Mr. Schutzenhofer, General Manager at the Trump golf club in Bedminster, stated the proposed changes are consistent with the type of use, adjacent residential neighborhoods would be preserved, and the Club will be allowed to function. While the hours of operation originally proposed were 6:00 a.m. to 2:00 a.m., the Trump organization has modified the request to 6:00 a.m. to 12:00 midnight. Mr. Alfieri stated the clubhouse would not be a public catering hall, but a place for member-sponsored events, where the member would be billed, not a third party. Mr. Schatzle commented functions include alcohol, and the ABC license issued must follow State regulations. Mr. Russo stated they meet with State ABC staff regularly and are in compliance with the terms of the license issued. Mr. Bowden stated the Township does not issue the Trump license and questioned whether the Trump organization discussed the proposal presented this evening with the State ABC. Mr. Bowden suggested the ABC send a letter to the Township indicating their approval of the proposed use of the clubhouse. Mr. Florek noted the the Trump organization is seeking to expand the types of events that could be held within Section 102-93.B.(3).(c). Mr. Russo stated without this change, the Red Cross event could not be held. Mr. Florek then questioned if Chase were to request a party at the Trump clubhouse, would that be acceptable, to which Mr. Russo replied while they don't do corporate events, he could not say that wouldn't happen. Mr. Florek commented that is a further use of the facility. Mr. Schatzle commented he is not in favor of expanding the business zone, and supports other businesses in Town. This change would impact other golf courses in Town as well as other established businesses. Mr. Alfieri commented the Trump organization is not seeking to exclude other Township courses and are not competing with other facilities in Town. Mayor Forester opened the meeting to public comment.

Ms. Elaine Mann, a resident, stated she had relatives in Bedminster and the Trump organization has made a positive impact within the community. She did not see any problem with the requested change.

Mr. Donald Burry, a resident, stated this would have to be opened up to all golf courses within the community or they cannot compete. He stated this would adversely impact other facilities within Town.

Ms. Carmella DeGennaro, a resident and owner of a Type B golf facility, noted the ABC permit issued by the State is only for member-sponsored events, not corporate functions. She noted the ABC permit issued does not allow a BYOB or a one-day permit from ABC. Ms. DeGennaro questioned the 1,000 foot setbacks from the clubhouse asking if people were walking outside the clubhouse. Ms. DeGennaro stated in 2002, it took four years of research to change an ordinance, and she asked the Committee not to rush a change.

Ms. DeGennaro provided an e-mail letter for the Township Committee's consideration from Dr. DeGennaro, resident and owner of a Type B golf facility, raising his concerns about the Trump request to change to the golf club ordinance

for social events for Type A clubs only. Dr. DeGennaro notes the ABC Special Golf Permit issued to clubs for hosting social events is limited to a member's immediate family, and the hosting of events for social balls for schools, organizations and charities is not a permitted use and is illegal. Dr. DeGennaro suggests the Trump organization should be pursuing a catering facility business permit and retail Type C liquor license or suggests the uses of Types A and B golf facilities should be revisited and/or expanded.

Mr. Louis Mavrookis, owner of Colts Neck Inn and Steakhouse, questioned if there were deed restrictions on the property. Mr. Mavrookis noted Class A functions cannot have outside functions, per the restrictions within their ABC License.

Mr. Raymond Longobardi, resident and owner of Colts Neck Golf Club, questioned whether the Township would entertain a place to place transfer of a liquor license, which would take the golf course license out of play. Mr. Florek responded stating he was not sure if the liquor license provisions pertain to this issue, which is can the use be expanded beyond member-sponsored events. Mr. Ed Russo stated if they bought a liquor license, they would be able to sell alcohol to the public.

Mr. Vince Domidion, a resident, stated he is in support of providing opportunities for clubs to be successful while on balance with other businesses. Mr. Domidion suggested having the Township Planner meet with business owners in Town to express their opinions and concerns. Mr. Domidion thinks this exchange would be useful to the existing businesses within the community. With regard to expansion of uses, he wants to be sure one doesn't adversely affect another. Mr. Russo stated using the success within Bedminster, let's all work together.

Ms. Diana Piotrowski, a resident, stated that with all the people in Colts Neck, she doesn't think this will affect other businesses. She stated there are plenty of people to use all facilities within Town.

Mayor Forester closed the meeting to public comment. Mayor Forester stated the Township Committee with consider this request and request the Township Attorney's thoughts on impact. This issue will be referred to Long Range Planning.

11. **DISCUSSION:** MANDATORY LOCKBOX INSTALLATION FOR COMMERCIAL STRUCTURES, MUNITI-FAMILY RESIDENTIAL STRUCTURES, SCHOOLS, GOVERNMENT BUILDINGS AND NURSING CARE FACILITIES. Mr. Florek stated this proposed ordinance is highly recommended by the Fire Department and will provide the Fire Department with access to a commercial facility in the event of an emergency. Discussion ensued regarding the responsibility for this function, the placement of the box, the type of the box used and the penalties set forth. Mr. Florek noted only five boxes would be installed housing the master key for all designated structures and the County would know who and why the box is opened. This issue will be discussed with the Business Association. Further discussion will continue on this issue.
12. **DISCUSSION:** PROPOSED FEE CHANGES – HEALTH DEPARTMENT. Mr. Bowden stated surrounding municipalities were canvassed and Colts Neck is well below others in Health Department Fees. Mr. Schatzle noted Mr. Frank returned to Colts Neck after an 18-20 year absence to find the Township is still charging the same fees. The Board of Health is looking to increase fees as they do not want the tax payers to subsidize Mr. Frank's salary for inspections. The Township Committee was canvassed and all are in agreement the fees should be raised.
13. **ADMINISTRATIVE REPORT:** Mr. Bowden reported costs associated with spraying over 100 acre spray blocks for Gypsy Moths are handled by the State. Mr. Bowden met with the State representative and estimates the cost for spraying the designated 136 acres at \$60 per acre is \$8160, and Federal reimbursement is anticipated between 20% to 50% of costs. Mr. Bowden asked if the Governing

Body wanted to reconsider participation, which will involve approximately 6 hours of spraying. All agreed that even with the difficult budget times, to delay spraying would result in large problems in future years. Mr. Bowden was instructed to proceed.

Mr. Bowden reported approval is sought by the Monmouth County Park System for the running of the 33rd Annual Murray Todd Half Marathon on Sunday, March 1, 2009 through a portion of Colts Neck Township. Mr. Florek made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

14. **MOTION TO APPROVE VOUCHERS:** Mr. Schatzle reported he reviewed and commended the detail of work included in each voucher, noting all were in order, and are as follows:

Animal Control	\$293.25
Capital Fund	\$15,939.51
Construction Trust	\$16,090.83
Current Fund	\$4,910,315.57
Escrow	\$16,392.12
Grant Fund	\$1,975.47
Trust Fund	<u>\$10,428.95</u>
TOTAL APPROVED:	\$4,971,435.70

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

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

15. **TOWNSHIP COMMITTEE REPORTS**

Mayor Forester reported he attended the NWS Earle meeting held Saturday, January 24th, at the Colts Neck Court House, convened by Cong. Chris Smith, attended by State Legislators Beck, O'Scanlon and Cassagrande, and Freeholder Lillian Burry, and covered by the press. Mayor Forester noted good points were made and it appears the Navy is listening. In addition, Cong. Rush Holt is becoming involved. Mayor Forester recommended sending a letter to Cong. Smith thanking him for his efforts.

Mr. Engel reported he has enjoyed his first meetings as liaison and will provide a detailed report after next month's meetings.

Mr. Schatzle noted his support for the increase in Health Department fees. In addition, he stated the support from Federal, State and County legislators on the Earle issue was impressive.

Mayor Forester noted the Township Committee has been very proactive and must now await the Navy's proposal and appropriate action will be taken at that time.

Mr. Florek reported the new flashing light has been installed on Route 537 in front of Fire House 1. Mr. Florek thanked the County for their efforts in having this light installed. Mr. Florek urged motorists to use caution when passing the location and yielding to the light.

Mr. Florek reported he is working with Dr. Faistle to have the legally required Hepatitis immunizations administered to the Fire Department members.

Mr. Florek reported the State legislature is looking to suspend the collection of the 2.5% development fee from businesses for COAH purposes.

Mr. Eastman reported he attended the Shade Tree Commission meeting and plans are underway to spray for gypsy moths this summer.

16. COMMENTS FROM THE PUBLIC:

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

Mr. Vince Domidion suggested it might be useful for the Business Association to establish a hospitality committee to assist large groups planning events in Colts Neck. Mr. Domidion commented the paving on Heyers Mill Road is the worst job in his memory. Mr. Domidion spoke with Mr. Gerken, who advised there is a punch list for the contractor. Mr. Domidion suggested the Township be mindful that something needs to be done. Mr. Bowden responded advising the Township is aware of the short falls and there is a punch list for corrective actions. Money has been set aside to ensure completion of this job.

Ms. Elaine Mann suggested contacting Bernardsville officials to ascertain their thoughts on the Trump golf club's impact within their municipality. Ms. Mann also stated Clean Communities may be able to obtain grant funds for the gypsy moth spraying. In addition, she stated some organizations can obtain Clean Communities funds for participating in the road cleaning projects within the Township.

Ms. Diana Piotrowski stated Assemblywoman Caroline Casagrande and NOPE attorney Jackie Hoagland were interviewed by telephone for a Channel 12 news story on the Earle buy out

Hearing no further comments, Mayor Forester closed the meeting to public comment.

17. RESOLUTION 2009-28: EXECUTIVE SESSION. At 9:20 p.m., motion was made by Mr. Engel, seconded by Mr. Florek and unanimously carried by voice vote to go into executive session to discuss litigation. No official action is anticipated this evening.

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

Motion by Mr. Engel, seconded by Mr. Florek, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

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

Motion by Mr. Engel, seconded by Mr. Schatzle and unanimously carried to adjourn meeting.

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

Meeting adjourned at 10:35 p.m.

Robert Bowden, Township Administrator/Clerk