

**TOWNSHIP COMMITTEE MEETING
TOWN HALL
FEBRUARY 9, 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 February 9, 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. **ANNOUNCEMENT:** Mayor Forester announced that budget review sessions will take place this Saturday, February 12th at 9:00 a.m., and Tuesday, February 15th, 7:00 p.m., at Town Hall. All are invited to attend.
2. **APPROVAL OF MINUTES FOR JANUARY 12, 2005 AND JANUARY 26, 2005** was read by Mayor Forester. Mrs. Burry made a motion to approve the minutes for January 12, 2005 as amended and table the minutes of January 26, 2005, 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. **PRESENTATION: RESOLUTION 2005-34** HONORING AND COMMENDING MS. LAURA D.C. KOLNOSKI was read in full by Mayor Forester. Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried. Mayor Forester called Ms. Kolnoski forward and presented her with the framed Resolution. Everyone extended a round of applause and photographs were taken.

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. **PRESENTATION: RESOLUTION 2005-35** HONORING LAIRD AND COMPANY ON THEIR 225TH YEAR ANNIVERSARY was read in full by Mayor Forester. Mayor Forester said it is very impressive to have a business established for so many years and passed down to so many generations. Mrs. Burry noted the historic link to George Washington that the Laird's business has. With no further comments, Mr. Hennessy made a motion to approve this Resolution, 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>					

5. **PRESENTATION: RESOLUTION 2005-36:** HONORING COLTS NECK MIDDLE SCHOOL STUDENTS was read in full by Mayor Forester. Mayor Forester called Deputy Mayor Florek and Mrs. Burry forward to present each student with a copy of this evening's Resolution. Deputy Mayor Florek expressed his good fortune to have attended the Future Cities of America competition at Rutgers. Mr. Florek said out of a sea of cities at Rutgers, these three young ladies this evening have made Colts Neck very proud. Mr. Florek advised that they will now go to Washington to compete nationally. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried. Everyone extended a round of applause and photographs were taken.

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. **ORDINANCE 2005-2:** AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) was read by Mayor Forester by title on first reading. Mayor Forester explained that this Ordinance creates a safety net for the Township in that it will allow us to bank a max of up to 3.5%. Mayor Forester set the public hearing for February 23, 2005. With no further comments, Mr. Florek made a motion to introduce this Ordinance, 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>					

7. **ORDINANCE 2005-3:** AN ORDINANCE ESTABLISHING FEES FOR DISCOVERY REQUESTS THROUGH THE MUNICIPAL COURT was read by Mayor Forester by title on first reading. Mr. Bace, Esq. explained this Ordinance reflects recently enacted fees for discovery requests pursuant to the OPRA class action settlement. With no further comments, Mrs. Burry made a

carried. Mayor Forester set the public hearing for February 23, 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>					

8. **RESOLUTION 2005-37:** AUTHORIZING FORMAL TRANSFER OF FUNDS – 2004 MUNICIPAL BUDGET was read by Mayor Forester. Mr. Bowden explained that \$30,500.00 is being transferred to solely pay for last years gas bills. 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>					

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

Resolution 2005-38: Authorizing Tax Overpayment Refund for 2004 and 2005

Resolution 2005-39: Authorizing Recreation Program Refund

With no comments made, Mr. Florek made a motion to approve the aforementioned consent Resolutions, 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>					

10. **DISCUSSION:** AMENDMENT TO ROUTE 34 HIGHWAY ACCESS PLAN: Mayor Forester called Mr. Tim Anfuso forward. Mr. Anfuso reviewed the modifications for the requested Access Management Plan which will make said plan consistent with the site improvements already installed along the highway. Since the DOT’s personnel have changed, the Township has been advised that the Access Management Code contains specific standards on how to amend the plan. Since these steps were not followed, the plan has technically not been amended and the Township needs to submit this second plan revision at this time. Mrs. Burry verified with Mr. Anfuso that this procedure is routine in nature. After a brief discussion, Mrs. Burry made a motion to send Mr. Anfuso’s prepared letter to Mr. Jack Lettiere, DOT Commissioner, 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>					

11. **DISCUSSION:** AMENDMENT TO AFFORDABLE HOUSING FEE ORDINANCE: Mr. Anfuso explained that COAH adopted its third round Substantive Rules and Procedural Rules. The new rules have increased the affordable housing contribution amounts. The contribution for residential development has increased from a half percent (0.5%) to one percent (1%) and nonresidential developments from one percent (1%) to two percent (2%). The new rules also allow municipalities collecting development fees under its second round obligation to increase their fee percentages.

Mr. Anfuso further explained that there is one potential shortfall to increasing the second round development fees in that the statute indicates that in order for a municipality to collect the higher fees it must adopt a resolution committing to petitioning for third round substantive certification by December 20, 2005. Mr. Anfuso feel this could be a problem since our second round Final Judgment of Compliance and Repose expires on January 21, 2007.

Mr. Anfuso advised that the Court Master's office believes the Township could adopt the new fees and commit to petitioning for third round certification by June 21, 2007. If the Township does not petition for its third round substantive certification by that date, the Affordable Housing Development Fee Ordinance will expire and become null and void.

After brief discussion, Mrs. Burry made a motion authorizing Mr. Anfuso to proceed to do what is necessary to increase said fees, seconded by Mr. Florek and unanimously carried. Mr. Bowden advised that an Ordinance reflecting an amendment to increase the fee percentages will be on for introduction at a future meeting.

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>					

12. **DISCUSSION:** GREENWAYS MAINTENANCE ORDINANCE: Mayor Forester stated that we have discussed this topic at great length over the course of several Township Committee meetings. Mr. Hennessy said that his feelings remain unchanged. Mr. Hennessy noted that there has been no demand shown to justify the need for the establishment of this Ordinance. Greenways are public property for the citizens of this Town. Mr. Hennessy said he feels strongly this Ordinance can subject the Township to many legal complications. Mrs. Burry asked the Township's counsel if they still feel this Ordinance can be challenged? Mr. Bace, Esq. said yes, council's opinion remains unchanged and indeed complications can arise. Mr. George Fessler reiterated his opinion as expressed over the past several meetings. Mr. Vince Domidion said he does not completely disagree with Mr. Fessler, however, disagrees with the mechanism of establishing an Ordinance to do this and feels strongly that there is a better way similar to the adopt a cul-de-sac program. Mr. Lupia said he is highly against allowing this. Mr. Lupia said the greenways in his area have been highly abused. Mr. Lupia pointed out that

available for them.

After brief discussion, Mayor Forester relinquished the gavel to Deputy Mayor Florek for the reading of the following Ordinance for introduction:

ORDINANCE 2005-4: AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 62 ENTITLED “SHADE TREE COMMISSION” OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by Mr. Bowden by title on first reading. Mr. Stuart made a motion to introduce this Ordinance, seconded by Mr. Forester. Mr. Bowden set the public hearing for March 9, 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
<i>Opposed</i>		X		X	
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

Mrs. Burry wished it to be noted she approves the introduction of this Ordinance as she feels if the Shade Tree Commission has put this much time and effort into this cause then we should give them the help they are requesting.

Deputy Mayor Florek relinquished the gavel, and passed it back to Mayor Forester.

13. **ADMINISTRATIVE REPORT:**

Mr. Bowden advised that Mrs. Pat Famularo was notified today that she is honored as Technical Assistant of the Year through the State Association. Mrs. Burry said she would like to do a letter from the Township Committee congratulating her.

Mr. Bowden advised that we received notice that our grant application for a new irrigation system has been denied.

Mr. Bowden reported that the Zoning Board’s 2004 Annual Report reflects no recommendations.

Mr. Bowden reviewed due dates and requirements associated with municipal stormwater management plans and ordinances.

Mr. Bowden reported that the NJDOT has announced they are accepting applications for various grant programs. Mr. Bowden further advised that based on the current proposed fiscal year 2006 Capital Program, \$78.5 million will be available for municipalities statewide. Program levels are subject to change until NJDOT’s FY 2006 Capital Program is approved by the State Legislature. The Township Committee briefly discussed some possible roads that would be best to submit for a grant. Mr. Bowden said he will check with the Township Engineer for his opinion as to which roads would be good candidates and report back to the Township Committee. Mr. Bowden concluded by reminding the Township Committee that an application must be completed and submitted to NJDOT on or before April 15th.

14. **MOTION TO APPROVE VOUCHERS** was made by Mrs. Burry for all vouchers totaling \$810,167.44, 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>					

15. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Hennessy reported that the Recreation Department is busy planning the forthcoming Memorial Day Parade.

Mr. Hennessy also reported the First Aid Squad is preparing for a forthcoming fund drive.

Mr. Hennessy concluded by saying he also attending meeting with both the Fair Committee and the Environmental Commission.

Mr. Florek reported that the Planning Board has discussed their hopes to adopt a storm water management plan.

Mr. Florek further reported that a resident submitted a letter of appreciation for the professional manner the Fire Department handled a recent false alarm. This resident expressed how the Fire Department put them at ease and were very grateful.

Mrs. Burry reported that tomorrow at 12:45 p.m., Benjamin Franklin will be appearing at the Cedar Drive School. The Township Committee is welcome to attend.

Mrs. Burry reported that the Historic Preservation Committee is working with a NJ Historic Trust member who will lend aid in crafting a Resolution pertaining to demolition of historic sites.

Mrs. Burry further reported that she has word that our local eagle is alive, well, and mating. Eggs have been laid.

Mr. Stuart reported that the Long Range Planning Committee is discussing home based businesses. The Long Range Planning Committee may be bringing a draft Home Based Business Ordinance before the Township Committee at a future date.

Mayor Forester advised the Board of Health didn't have a quorum to meet, however, they have been looking into the hunting map as a means to decrease deer population.

16. **COMMENTS FROM THE PUBIC:**

Mr. Vince Domidion stressed his disenchantment at COAH’s affordable housing fees. Mr. Domidion feels COAH does not follow the law.

Mr. Domidion said he will speak to his connections at the DEP regarding a reduction in impervious cover.

Mr. Chuck Camrotta asked what is next after Mr. Anfuso’s letter is signed in the Governor’s officer? Mr. Stuart explained it is a legal procedure in which we are required to do. Mr. Camarotta asked what the purpose of all this is? Mr. Stuart explained in brief.

Mr. George Fessler thanked the Township Committee for looking into deer control issues.

Mr. Orgo suggested that by getting rid of Russian Olive would aid in deer control. Mr. Orgo further stated that he feels the no discharge map should be called a no hunting map. Mr. Bowden said he will look into it.

17. **RESOLUTION 2005-39:** EXECUTIVE SESSION was read by Mayor Forester. With no further comments, Mrs. Burry made a motion to adjourn at 9:08 p.m. and go into Executive Session, 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>					

Robert Bowden,
Township Administrator

RB/as