

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
FEBRUARY 22, 2006
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 Florek 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 22, 2005 stating that the meeting of the Colts Neck Township Committee would be held on February 22, 2006 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 Florek, Deputy Mayor Stuart, Committeemembers Hennessy and Burry

Also Present: Robert Bowden; John O. Bennett, III, Esq., and Beth Kara

Absent: Committeemember Forester

1. **RESOLUTION 2006-34:** RESOLUTION IN REMEMBRANCE OF MR. HAROLD G. "JAKE" GUNTHER, SR. was read in full by Mayor Florek. Mr. Gunther's daughter and son and their families were present and introduced to the governing body. Committeewoman Burry stated she knew both Mr. and Mrs. Gunther very well. They had a love of family and love of community and were representative of the old Colts Neck. The Gunther's daughter, Barbara Reed, spoke of Mr. Gunther's involvement in community little league, soccer, lacrosse, and football games. Her parents had the ability to fit in with people of all ages and interests and were fondly known as grandma and grandpa to many in the community. In recent days, Mr. Gunther took delight in traveling with his caretaker, Tony, to Earle to see the deer and to Town Hall Park to count the groundhogs. Mrs. Burry made a motion to approve, seconded by Mr. Stuart, and carried by all in attendance. Mayor Florek presented a commemorative copy of this resolution to the family and, on behalf of the Township Committee, expressed gratitude for the Gunther family's presence this evening.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

2. **MAYOR'S PROCLAMATION:** Mayor Florek proclaimed March 2, 2006 as "Read Across America Day" in Colts Neck. Mayor Florek read the Proclamation in full, which noted the celebratory date as what would have been the 102nd birthday of Theodor Seuss Geisel (Dr. Seuss). By this proclamation, Colts Neck joined in a National initiative to recommit the community to engage in programs and activities to make America's children the best readers in the world.

3. **APPROVAL OF MINUTES OF JANUARY 25:** Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and unanimously carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

4. **ORDINANCE 2006-4:** ORDINANCE AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK, IN ORDER TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF TOWNSHIP ORDINANCES was read by title by Mayor Florek. Mr. Bennett stated this brings the Colts Neck ordinance into alignment with the limitation permitted by current State statute. Raising the maximum fine is endorsed by Judge Thompson, Colts Neck Municipal Court. Mrs. Burry commented it was a worthwhile change to make. Mr. Stuart and Mr. Hennessy concurred with the change in fine limit, and both commented on the current Red Bank parking fines. Mrs. Burry made a motion to approve, seconded by Mr. Stuart and unanimously carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

5. **RESOLUTION 2006-35:** AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES, PURSUANT TO N.J.S.A. 19:44A-20.5, WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500 was read by title by Mayor Florek. Mr. Bowden advised the professionals listed within this resolution had been appointed by the Township Committee at the Township reorganization meeting in January, contingent upon their filing necessary Pay to Play documents. All persons listed within this resolution have complied with the filing requirements, in which they have stated they have not contributed more than \$300 in 2006 political contributions (2005 exempted). The list of professionals to which contracts estimated to exceed \$17,500 for the 2006 contract year authorized by this resolution was read in full by Mayor Florek. Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and unanimously carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

6. **RESOLUTION 2006-36:** AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES, PURSUANT TO N.J.S.A. 19:44A-20.5, WITH AN ESTIMATED VALUE LESS THAN \$17,500 was read by title by Mayor Florek. As was the case with the prior resolution, Mr. Bowden advised the professionals listed within this resolution had been appointed by the Township Committee at the Township reorganization meeting in January, contingent upon their filing necessary Pay to Play documents. All persons listed within this resolution have complied with the filing requirements, in which they have stated they have not contributed more than \$300 in 2006 political contributions (2005 exempted). The list of professionals to which contracts estimated to be less than \$17,500 for the 2006 contract year authorized by this resolution was read in full by Mayor Florek. Mrs. Burry made a motion to approve, seconded by Mr. Stuart and unanimously carried by all present:

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

7. **RESOLUTION 2006-37:** APPROVING PERMIT FOR USE OF BUCKS MILL PARK was read by title by Mayor Florek. Mayor Florek questioned Item No. 3 of the Contractual Agreement Addendum, as it referenced the fee charge for future years. Mayor Florek recommended all references beyond this year's fee be struck. Mrs. Burry expressed concern about parking at the site given the Polo and Soccer events planned for the same dates. Mr. Hennessy advised the Craft Fair is expected to experience ebbs in attendance at that point in the day and parking should not be a problem. Mr. Hennessy also advised there will be a system in place for unloading and parking the larger vehicles involved with Polo. Discussion between the Township Committee resulted in revising Item No. 9 of the aforesaid document, "baseball" field was revised to "softball" field, the location of which is near the auxiliary garage, for overflow parking. Mr. Stuart stated he will keep a close eye on this event. Mr. Bowden will advise Dr. Nolan of the revisions necessary prior to finalization of this agreement. Mr. Hennessy made a motion to approve, as amended, seconded by Mrs. Burry and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

8. **RESOLUTION 2006-38:** AUTHORIZING MONMOUTH COUNTY MOSQUITO COMMISSION TO CONDUCT AERIAL SURVEILLANCE AND TREATMENT PROGRAM was read by title by Mayor Florek. Mr. Bowden explained approving this resolution permits aircraft application of mosquito-controlling pesticides, registered with the NJDEP and the USEPA, over portions of Colts Neck on or about March 15, 2006 through November 30, 2006. Local Police will be notified each and every time aviation activities are conducted. Mr. Stuart made a motion to approve, seconded by Mr. Hennessy, and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

9. **RESOLUTION 2006-39:** A RESOLUTION AWARDING THE CONTRACT FOR THE PROFESSIONAL APPRAISAL SERVICES OF BETTINA DURMASKIN SHOLK REAL ESTATE APPRAISAL FOR BLOCK 9, LOTS 11, 12; BLOCK 10, LOT 3; BLOCK 21.05, LOT 1 AND BLOCK 42, LOT 4 was read by title by Mayor Florek. Mr. Bowden advised bids for the appraisals of the above properties were solicited from five appraisal services. Of the five, four responded, and the two lowest bidders were selected. Bettina Sholk Appraisal submitted the second lowest bid of \$11,890. Mr. Stuart advised having two separate companies perform appraisals is common practice and is the next step in the process when properties are accepted into the PIG (Program Incentive Grant) Program. Mr. Stuart stated once the appraisals are completed, the property owner determines if the appraised value and purchase offer is acceptable. If so, the acquisition process continues. Mrs. Burry made a motion to approve, seconded by Mr. Stuart and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

10. **RESOLUTION 2006-40:** A RESOLUTION AWARDING THE CONTRACT FOR THE PROFESSIONAL APPRAISAL SERVICES OF MARTIN APPRAISAL ASSOCIATES, INC., FOR BLOCK 9, LOTS 11, 12; BLOCK 10, LOT 3; BLOCK 21.05, LOT 1 AND BLOCK 42, LOT 4 was read by title by Mayor Florek. Mr. Bowden advised Martin Appraisal Associates submitted the lowest bid: \$11,200 for appraisals of the aforementioned properties. Mrs. Burry made a motion to approve, seconded by Mr. Stuart and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

11. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Florek read the following consent agenda resolution, by title:

RESOLUTION 2006-41: AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE, P.B. APPLICATION NO. 601 (COLTS NECK CREATIONS).

RESOLUTION 2006-42: AUTHORIZING RECREATION PROGRAM REFUNDS.

RESOLUTION 2006-43: APPROVING RAFFLE APPLICATION NO. RA-06-2, GIFT HOLES RAFFLE, PTA NUT SWAMP SCHOOL.

RESOLUTION 2006-44: APPROVING RAFFLE APPLICATION NO. RA-06-3, 50/50 RAFFLE, PTA NUT SWAMP SCHOOL.

RESOLUTION 2006-45: APPROVING RAFFLE APPLICATION NO. RA-06-4, GIFT BASKET RAFFLE, PTA NUT SWAMP SCHOOL.

RESOLUTION 2006-46: ESTABLISHING A TAX FILE SHARING PROGRAM WITH CHARLES JONES TAX SEARCH DIVISION.

Mrs. Burry questioned Resolution 2006-46. Mr. Bowden explained that approval of this resolution would authorize the Township's Finance Office to provide weekly tax search information. The fee is \$10 per file transfer, and estimated income would be \$520 per year, beginning March 1, 2006 through March 1, 2007.

Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

12. **DISCUSSION:** WIRELESS COMMUNICATION ANTENNAS – POSSIBLE ORDINANCE INTRODUCTION. The review of the current ordinance and the model ordinance, recommended by the Township cellular consultant, was referred by the Township Committee to Long Range Planning. The current ordinance limits cellular antennas and towers to Municipal Purpose Zones at Town Hall and Public Works. The model ordinance permits cellular antennas and towers throughout the Township and establishes locational priorities for placement. While Long Range Planning believes the current ordinance should be updated, it does not recommend allowing antennas to be placed on existing structures on private property or allowing new towers built on private property. Mayor Florek read the locational priorities for future wireless antenna and tower locations in full. Mrs. Burry stated she would not support the fifth location, i.e., Antennas placed on other structures exceeding 35' without extensions and located on private property, i.e., silos, spires, etc." Mrs. Burry envisioned such towers on church steeples, farm silos, etc., impacted on the Colts Neck landscape. Counsel was asked if this option were eliminated, would the Township be protected? Mr. Bennett stated the sentence "It should be noted that new wireless antennas or towers in locations not specifically contained on the priority list are prohibited." included in Mr. Anfuso's memorandum would achieve this result. Mr. Stuart

inquired about limiting the size of any installation. Mayor Florek advised that each application is reviewed on a case-by-case basis. Since size is determined by location, it cannot be restricted. Mr. Bennett indicated he would research the sections, particularly Section IV, with regard to a larger antenna being placed on an existing 20' tower. Mr. Hennessy asked about whip antennas on State or County owned property. Mayor Florek wants to review this issue with Mr. Anfuso. He is questioning how extensive the locational priorities list has to be. This issue was sent back to Long Range Planning and the Township cellular consultant for further discussion prior to its return to the Township Committee.

13. **DISCUSSION:** EMPLOYMENT PRACTICES LIABILITY – UPDATE EMPLOYEE HANDBOOK AND POLICIES AND PROCEDURES. Mayor Florek opened the discussion stating he read the proposed revisions and didn't take exception with the proposed revisions. Mr. Bowden advised that the Handbook was written in 2005 and the insurance company requires periodic updating. Municipalities being sued without a handbook face a \$50,000 deductible with no cap while municipalities with a handbook have a \$10,000 deductible and a \$20,000 cap. The Township has until the end of March to approve the suggested revisions. Mr. Bowden will be meeting with Department Heads and Shop Stewards to discuss the revisions and gain their approval. Mr. Bowden anticipates placing a resolution on the Township Committee agenda prior to the end of March 2006.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had no additional comment to his report, and reported the following:

Mr. Bowden spoke with Mr. McChesney, Principal at Colts Neck High School, regarding the student parking issue brought to the Township Committee recently. Mr. McChesney advised student parking is only extended to current seniors due to the limited 255 available student spaces. Next year's senior class exceeds 500 students, and students will have to share spots. Mr. McChesney advised the apparent vacant parking spaces are actually assigned to seniors, visitors and in-service training participants. Mr. Bowden spoke about student parking extending through local streets, and the thought of an additional parking ban on Victorian Way, Willow Lake Drive, and the first 1500' of Montrose Road. Mr. McChesney advised Mr. Bowden to do what you need to do; Manalapan faced the same issues and they restricted on-street parking near the high school during school hours. Mayor Florek sympathizes with student drivers not assigned parking spaces, but stated the Township Committee is not responsible for providing student parking. The High School is responsible for student parking. Absent of parking spaces, bus service is provided, and students can take the bus to their homes to retrieve their vehicles. There is a late bus for students involved in after-hours school activities. Mr. Stuart asked if there were any plans to expand parking at the High School; however, Mr. Bowden did not raise this issue with Mr. McChesney. Mr. Stuart stated this is a Freehold Regional School Board issue and the Township Committee must support its residents. Mrs. Burry suggested placing a parking restriction on all streets within a one-mile radius of the high school. Mr. Bowden advised he is working on a plan to keep student parking out of Five Point Park once the Park opens April 2, which may include keeping the gates locked until 9:00 a.m. on school days. By voice vote, there was a consensus to go forward with a resolution to prohibit parking during school hours on Victorian Way, Willow Lake Drive and the first 1500' of Montrose Road. Counsel will prepare the resolution for inclusion in the next Township Committee agenda.

15. **MOTION TO APPROVE VOUCHERS.** Mr. Stuart reviewed and signed the vouchers for this meeting plus two bills for \$41,000 for snow removal by private contractors during the last significant snow storm. In total, the snow storm

required removal efforts for a 24-hour period by DPW staff, who finally called for support from the private contractors at 6:00 a.m. and worked to 7:00 p.m. In total, this snow removal cost approximately \$60,000 (\$41,000 for private contractors, \$14,000 for DPW overtime, and \$5,000 for materials). Mr. Stuart made a motion to approve all vouchers totaling \$274,833.91, seconded by Mrs. Burry and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

16. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Hennessy reported the First Aid Squad responded to 54 calls in January, which included 18 motor vehicle accidents. The First Aid Squad was manned overnight during the recent snow storm. Many thanks are extended to the DPW staff for clearing the access to the First Aid Squad Building throughout the storm.

Mr. Stuart had no report this evening.

Mrs. Burry reported the League of Women Voters of Monmouth County is sponsoring a program at Brookdale Community College on Tuesday, April 4, at 7:15 p.m., on alternative energy sources, including windmills and solar energy. The program should prove to be enlightening.

Mrs. Burry stated the NJ State League of Municipalities is requesting municipalities write to their legislators to urge them to re-establish funding for the Transportation Trust Fund. The Transportation Trust Fund was the funding source for completing the 5-6 year plan to improve the intersection of Routes 537 and 34. All monies in the Fund were expended and the traffic problem at this intersection remains uncorrected. Mr. Bennett advised an announcement will be made on the re-financing of 20-year bonds that will raise \$2 billion, but increase the interest in 30-40 year bonds. Mr. Bennett suggests leasing the Parkway and Turnpike, and urges writing letters to the Governor to fund the Transportation Trust Fund at no additional cost to taxpayers. Mayor Florek will send a letter to the Governor supporting the reinstatement of the Transportation Trust Fund, without an increase in taxes. Mr. Bowden will prepare this letter for Mayor Florek's review.

Mrs. Burry stated the Cohen property is scheduled to close today. The Medlin/Cooley property will close by the end of the month. Mrs. Burry stated the current system is problematic in that things move too slowly for the property owners.

Mrs. Burry stated the Montrose Road school house is now fully alarmed. In addition, she received the names of two schools having available slate blackboards. These could be installed on the now grey-painted walls within the school house for a more authentic appearance.

The Historic Preservation Committee will be having a presentation by Abigail Adams on April 4.

Mrs. Burry reported the Muriel Rogers painting of Flock Farm, depicted at the turn of the century, purchased by the Historic Preservation Committee will be presented at the next Township Committee Meeting and ultimately installed within the meeting room at Town Hall.

In closing, Mrs. Burry stated Rufus, the “best in show” winner at the recent Westminster Dog Show, will receive a special citation at tomorrow evening’s Board of Chosen Freeholders Meeting.

Mayor Florek reported the Fire and First Aid Squad volunteers participated in joint training. By joining the two groups, it enhances their abilities to work seamlessly during emergency situations.

Mayor Florek advised that a resident sent a special note of thanks to the Fire Department for their efforts during a recent fire at her home. In that fire, the mother and her two children had to leave their home for 12 hours. She praised the work done by the emergency services groups within the Township that day.

Mayor Florek asked if there was any update on installing a blinking traffic light on Route 537 at Fire Company 1, to be activated only in emergency situations. Mr. Bowden will prepare a letter for the Mayor’s signature to the County Engineer requesting this light.

Mayor Florek commended the outstanding efforts of the DPW staff during the recent snow storm in quickly and cleanly clearing the Township’s many streets.

17. **COMMENTS FROM THE PUBLIC:**

Mayor Florek opened the meeting to public comment.

Mr. Vince Domidion, a resident, commented that the Township Committee might want to include Matthew Road in the ordinance further restricting parking around Colts Neck High School during school hours.

Mr. Domidion suggested including a prohibition of cell towers and antennas on historic structures. Mayor Florek commented that if you list one exclusion, you may have to include all exclusions.

Ms. Charlotte Sterner, a resident, asked what the total fee was charged to Cottage Crafts for their use of Bucks Mill Park for the upcoming Crafts Fair. She was advised the fee was set at \$10,000, and the dates of the Fair were September 30 and October 1, 2006. Mr. Bowden suggested she contact him for a copy of the permit issued.

Ms. Judy Laufer, President of Colts Neck Senior Citizens and a resident, reported Senior Club membership has reached 280. She stated the Seniors are now using the SCAT bus from the Town Hall parking lot to the Conover Road School on meeting days. She questioned the amount of the bills received for the same trip, stating the same trip cost \$50, \$100, and \$150 on three different occasions. Mrs. Laufer will be contacting the carrier for clarification and correction of this billing.

Ms. Laufer also stated several residents were receiving bills from Medicare for Flu Shots during the Township’s Senior Flu Shot Program held at the Courthouse. Mr. Bowden suggested Ms. Laufer speak with Mr. McBride, Health Officer, who would explain the Medicare issuances were statements of services rendered, not monies owed by the recipients to Medicare. The statements received show the amount returned to Township in repayment of the funds expended by the Township for the flu shots.

With no further comments, Mayor Florek closed the public portion of the meeting.

18. **MOTION TO ADJOURN MEETING:** Mrs. Burry made a motion to adjourn, seconded by Mr. Stuart and unanimously carried by all in attendance.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<i>Motion To Approve</i>				X	
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

Meeting adjourned at 9:00 p.m.

Robert Bowden, Township Administrator

RB:bk