

**TOWNSHIP OF COLTS NECK**  
**TOWNSHIP COMMITTEE MEETING**  
**TOWN HALL**  
**APRIL 27, 2005**

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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 April 27, 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: McKenna Kingdon, Esq., Administrator/Clerk Robert Bowden, and Deputy Clerk Aime Sweeney

Absent: None

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1. **PRESENTATION**: COLTS NECK POLO AWARDS TO EMERGENCY SERVICES: Mayor Forester introduced former Mayor, Arthur Goodwin. Mr. Goodwin said eleven years ago Colts Neck Polo began a program which donates funds to various youth services in Colts Neck. Mr. Goodwin called Mr. James Schatzel forward to make this year's award. Mr. Shatzel said that this year's donation of \$1,200.00 will go to St. Mary's Church Youth Services. Mr. Goodwin concluded by stating that Colts Neck Polo has donated a total of \$30,000.00 since it started eleven years ago. Everyone extended a round of applause and photographs were taken.
  
2. **PRESENTATION**: COLTS NECK RECREATION COMMUNITY BUILDING: Mayor Forester called Mr. Sal Barbagallo forward. Mr. Barbagallo proposes to build a new 50'x 100' structure at Bucks Mill Park. \$165,000.00 is the estimated cost and he is hopeful work can begin sometime after the Colts Neck Fair in August. The proposed structure will have 5000 square feet of space inside with a small kitchen facility. A new septic system would be needed. Mr. Barbagallo stated he is working very diligently to raise the funds. Mayor Forester said that this sounds like a very ambitious program. Mayor Forester asked if the money from the Hummer raffle will be used for this project. Mr. Barbagallo said yes, and it's that raffle that was the kick-off to this venture. Mrs. Burry advised that Mr. Barbagallo appeared recently before the Architectural Review Committee who made some suggestions for colors; such as a burgundy colored roof with tan siding. Mrs. Burry said this proposed structure was very well received by the Architectural Review Committee. Ms. Carol Young, 41 Cedar Drive, asked if a Buy-A-Brick program will be in place to help raise funds? Mr. Barbagallo said that would not be a suitable program for this venture. Instead, plaques to be hung-up inside the building may be a more suitable fund raising project. Mr. Bowden asked Mr. Barbagallo if he planned to send out a newsletter to let the public know about the fund raising project? Mr. Barbagallo said yes, in the near future.

3. **APPROVAL OF MINUTES FOR MARCH 30, 2005 AND APRIL 13, 2005:** Mrs. Burry made a motion to approve the minutes for March 30, 2005, seconded by Mr. Florek and unanimously carried. Mr. Hennessy made a motion to table the minutes for April 13, 2005, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **ORDINANCE 2005-9:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2005 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK was read by Mayor Forester by title on second reading. Mayor Forester explained this Ordinance represents non-union employees in which the average increase is 3.5%. Mayor Forester opened the public hearing. With no further comments, Mayor Forester closed the public hearing. Mrs. Burry made a motion to adopt this Ordinance, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **ORDINANCE 2005-10:** AN ORDINANCE TO AMEND CHAPTER 41, ENTITLED "MISCELLANEOUS FEES" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was read by Mayor Forester by title on second reading. Mayor Forester advised this Ordinance establishes fees for Domestic Partnership Registration (\$28.00) and for Firearm Maps (\$5.00). Mr. Bowden advised that the State Registrar recommends inclusion of a \$1.00 vital statistic search fee. Mr. Bowden further advised that the Township Attorney advised this fee is a minor amendment and can be added this evening. Mayor Forester opened the public hearing. Mr. Vince Domidion commented that these fees he is sure are well received by the State. With no further comments, Mayor Forester closed the public hearing. Mrs. Burry made a motion to adopt this Ordinance as amended, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 2005-11:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “DEVELOPMENT REGULATIONS” was read by Mayor Forester by title on first reading. Mayor Forester said this Ordinance reflects minor Planning Board amendments. Mr. Bowden said that Township Planner, Tim Anfuso, refers to these amendments as administrative clean-up items. Mrs. Burry stated that she understands this also reflects two new items; home based businesses, and scenic corridors. Mr. Bowden said yes, and explained that it approves only certain types of home based businesses, and special requirements for scenic corridors. Mr. Hennessy said he wonders how this Ordinance would impact the County in relation to scenic roads and the Township’s greenways? With no further comments Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Stuart and unanimously carried. Mayor Forester set the public hearing for May 25, 2005.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **RESOLUTION 2005-76:** AUTHORIZING SUBMISSION OF TONNAGE GRANT APPLICATION was read by Mayor Forester. Mr. Bowden explained that this Resolution is an administrative requirement. Historically, Colts Neck has been given an annual grant between \$7,000. to \$9,000. per year. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 2005-76A:** CONFIRMING ACQUISITION OF DEVELOPMENT EASEMENT – BLOCK 9, LOT 5 (COHEN) was read by Mayor Forester. Mayor Forester explained this Resolution states that tax revenues generated expressly for the purpose of preserving farmland be made available to assist the County in the purchase of development easements at a rate of 16% of the total easement cost, estimated to be \$4,500.00 per acre or some \$10,800.00 of Township funds. Mrs. Burry advised this is the third parcel to be placed in this program for this year. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 APPROVE A CONSENT AGENDA** for the following Resolutions:

Resolution 2005-77: Authorizing Recreation Program Refunds

Resolution 2005-78: Authorizing Veteran’s Tax Allowance

With no comments made, Mr. Hennessy made a motion to approve all aforementioned consent Resolutions, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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**: LOSAP 2004 CERTIFICATION LIST – FIRST AID SQUAD / LOSAP CERTIFICATION LIST – FIRE COMPANY NO. 1 (\$23,350.00); FIRE COMPANY NO. 2 (\$15,750.00): Mr. Bowden briefed the Township Committee on the LOSAP program which was overwhelmingly approved by voter referendum. Mr. Bowden advised that the law (NJSA 5:30-14.10) states the emergency service organization shall post the certified list for a period of 30 days to allow sufficient time for membership review. The list shall be posted at the office of the municipal clerk, and at the emergency service squad facility. Mr. Bowden further clarified that the Township Committee has 30 days to approve the list, then after that 30 day period said list is then posted at the Fire and First Aid Departments for another 30 day period. If no appeal, awards are then made. Mr. Stuart questioned the difference in the points earned between the Fire Department and First Aid Squad. Mr. Stuart asked how the points are earned between the two emergency entities. Mr. Florek advised the point system is the same for both. Mr. Stuart said he would like to see the audit for both departments. After brief discussion, Mr. Bowden said he would invite the Fire Chief and First Aid Squad Captain to attend the next Township Committee meeting.
11. **DISCUSSION**: PROTHERO ROAD IMPROVEMENT – BOND ORDINANCE PREPARATION (\$165,000.00/\$205,000.00). Mrs. Burry stated that without question, Heyers Mill Road is a prime example of a road which should be narrowed. However, after looking again at Prothero Road, Mrs. Burry said she doesn’t feel the extra expense to narrow it is that necessary for this particular road. Mr. Florek agreed with Mrs. Burry and stated that Heyers Mill Road is the poster child for a road in need of narrowing; yet, Mr. Florek said he has wrestled with the decision to narrow Prothero Road. Mr. Stuart said this may not be the year to incur the extra expense to narrow this particular road. Mr. Hennessy also stated that Prothero Road is not the road to narrow at this time. After brief discussion, all Township Committee members were in favor to not narrow Prothero Road at

this time. Mrs. Burry made a motion to introduce a bond ordinance for \$165,000. plus soft costs at the next Township Committee meeting, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **ADMINISTRATIVE REPORT:** Mr. Bowden reported that while reviewing various user fees, he noted that the Township has been charging (New Jersey Natural Gas) \$5.00 for street opening permits. Mr. Bowden advised that the average permit fee in other towns is \$25.00. After brief discussion, the Township Committee unanimously agreed to increase the street opening permit fee to \$50.00. Mr. Bowden said the Ordinance amendment will be on the next meeting agenda for introduction.
13. **MOTION TO APPROVE VOUCHERS** was made by Mrs. Burry for all vouchers totaling \$5,102,838.16, seconded by Mr. Stuart and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
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<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>					

14. **TOWNSHIP COMMITTEE REOPORTS:**

Mr. Stuart reported that he received a letter from Huntkowski Academy commending Officer Mark Scrivanic's instrumental efforts in defusing many hostile situations that take place at the Academy.

Mrs. Burry reported that Mr. Steib, Esq. has kept abreast of the Marlboro COAH litigation concerning the Marlboro Housing Alliance. Mr. Steib has advised that Judge O'Hagen rendered a decision that it is totally allowable and no discrimination was found upholding the Marlboro Zoning Board of Adjustment. The Township Committee was very pleased to hear this.

Mrs. Burry advised on May 9, 2005, 6:30 p.m., at the Colts Neck Inn, the Farmland Preservation Committee will have a dinner for those the Committee hopes to entice into the Farmland Preservation Program. Township Committee members are also invited to attend.

Mrs. Burry brought up the concerns of the Architectural Review Committee in that the end result does not turn out to be what they had approved. Mrs. Burry stated that she feels more follow-up is needed on end results. Mayor Forester asked if this is really a code enforcement matter? Mr. Stuart suggested the end result be certified by a Building Department Inspector. Mrs. Burry said that the Township Planner, Tim Anfuso, said when the Building Inspectors go out to do inspections; they do not have the plans with them. Mr. Bowden explained that over the years, this topic has come up, however, building

inspectors do not feel it is their responsibility and some of it falls under Code Enforcement. There is a grey area. Mr. Florek said he finds it unreasonable to not ask an employee to take on another responsibility, though there may be compensation involved. Mr. Bowden said he will check with all entities involved and report back.

Mrs. Burry reported that no demolition permit will be issued without the review of the Architectural Review Committee.

Mr. Florek reported that Meet the Mayor Day will be on Sunday, May 15<sup>th</sup>, 1:00 p.m., at the Colts Neck Library.

Mr. Florek further reported that the funding the Township provides to the Fire Department is an issue. Currently, the State requires municipalities to keep their funding under \$90,000. per year. Mayor Forester said he feels this is a very outdated law and suggested we notify legislators in Trenton that this law should be amended. Mr. Florek agreed with Mayor Forester and suggested we petition by Resolution.

Mr. Florek said on a good note, we had budgeted \$57,000. for LOSAP and the cost is \$51,000.

Mr. Hennessy reported that Junior Olympics will be at the High School next month.

Mayor Forester reported that he is searching for possibilities of changing the regional school formula; though it will take some time. Mayor Forester said he will advise of any updates.

15. **COMMENTS FROM THE PUBLIC:**

Mr. Jason Axelrod, 106 Cedar Drive, stated he has a BS in Environmental Economics. Mr. J. Axelrod said he has lived in Colts Neck for six years and is afraid that he is slowly seeing scenic roads change. Mr. J. Axelrod said he is sickened by the gentleman at the end of Cedar Drive who took down upwards of ten very old established trees. Mr. J. Axelrod stated that if something is not done now, Colts Neck will become an average town, instead of above average. Mrs. Jennifer Axelrod stated that trees are our heritage. They are our chief water source. Mrs. Axelrod read a prepared statement in support of tree preservation.

Mrs. Carol Young, 41 Cedar Drive, read a prepared letter that was previously mailed to the Township Committee in support of tree preservation.<sup>1</sup>

Mrs. Julie McGowan stated that approximately two weeks ago she sent a draft Ordinance to the Township Committee for their review outlining historic tree cutting.

Mr. Chris Lupia, 32 Beaver Dam Road, said that he is growing concerned about the disrepair of the shutters on the Town Hall building. They appear to be ready to fall right off the building. Mr. Lupia further stated his concern for the tower on the roof of Town Hall stating that it will fall apart if it doesn't get a coat of paint. Mr. Lupia further stated that the drain pipes on the Police Building are all clogged and witnessed one of them collapse to the ground. Mr. Bowden advised the tower was painted about three years ago and all building repairs are on the list to maintain as time, money and priority allow.

Mr. Daniel Axelrod said that it is important to educate the youth in taking care of our environment today for a better future.

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<sup>1</sup> Mrs. Young's letter attached.

16. **RESOLUTION 2005-79:** EXECUTIVE SESSION was read by Mayor Forester. Mr. Stuart made a motion at 9:00 p.m. to adjourn and go into Executive Session, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR FORESTER</b>	<b>DEPUTY MAYOR FLOREK</b>	<b>BURRY</b>	<b>HENNESSY</b>	<b>STUART</b>
<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>					

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Robert Bowden,  
Township Administrator

RB/as