

TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
APRIL 30, 2003

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Hennessy, 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 16, 2002 stating that a meeting of the Colts Neck Township Committee would be held on April 30, 2003 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 Burry, Committeemembers, Florek, Forester, and Stuart and Mayor Hennessy

Also Present: Robert Bowden, John O. Bennett III, Esq. and Aime Sweeney

Absent: None

1. **PUBLIC HEARING – 2003 MUNICIPAL BUDGET** – Mayor Hennessy read a prepared statement.¹ Mayor Hennessy opened the public hearing. Mayor Hennessy opened the public comments. Mr. Forester said there are many factors that go into our rates, however, it is important to note that the municipal rate has not changed. Mrs. Burry said only 9.35 cents of every tax dollar is for municipal purposes. Mrs. Burry said she feels we did a great job. Mr. Vincent Domidion said the budget workshop process is very well done. The Governing Body really listens to the public at these hearings. Mr. Domidion said the Township Committee really did an excellent job while managing to maintain the municipal tax rate. Mr. Chuck Camarotta said one thing that he noticed was not mentioned in the Mayor's budget highlights was a new phone system. Mr. Bowden said this will be done by the Finance Officer who is already in the process of obtaining quotes. \$12,000.00 has been put aside in the budget. Mr. Camarotta asked what the self examination process is? Mr. Antonides, Finance Officer, explained. Mr. Camarotta asked what the Farmland Preservation line item for a \$1,000.00 gathering is used for? Mrs. Burry explained. Mr. Camarotta asked what three main appropriations were in last year's budget. Mr. Robert Allison, Township Auditor, explained. Mr. Camarotta concluded by asking what the status of the antenna negotiations are? Mr. Bowden said we have not done any yet. With no more comments, Mayor Hennessy closed the public hearing.
2. **RESOLUTION 2003-75: APPROVING AND ADOPTING THE 2003 MUNICIPAL BUDGET**- was read by Mayor Hennessy. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

3. **SUB-COMMITTEE REPORT – REGIONAL SCHOOL BOARD BUDGET:** Mr. Florek reported he and Mr. Stuart met with the Regional School Board and discussed several options. Some were hard choices but it is our duty to go in and do the best we can to bring the tax rate down. Mr. Stuart said they will be meeting next week to review salaries and hopefully we can come up with a consensus with

¹ Mayor Hennessy's prepared statement attached.

how much can be cut. This is a very large budget and it will take a lot of studying. Mr. Bowden said to keep in mind there is a May 19th deadline in which a decision has to be made. Mr. Forester said that he has read the literature the Regional system sends out and some of the information is very easy to misconstrue. Mr. Stuart said there is no question that school taxes are very high, however, there are three schools which are in need of roof repairs at an estimated cost of \$600,000.00, while \$400,000.00 is grant funding. Mr. Florek said though it is not a teacher contract negotiating year, there is discussion about waiving spouse's healthcare. Mr. Florek concluded by saying they are looking at a very large Regional budget which will take at least \$1.25 million in cuts in order to reduce the tax rate by one penny.

4. **SUB-COMMITTEE REPORT – LOCAL SCHOOL BOARD BUDGET**: Mr. Florek reported that he and Mayor Hennessy met with the local board of education who advised them why the budget is going up. Mr. Florek said they want to know how to make the budget go down. Discussions are continuing. May 19th is also the deadline for the local school budget. Mr. Stuart said the lack of grant funding from the State will have a dramatic impact on the school budget. Mr. Bennett said it is not just the local budget, it's all over. The schools are losing 1/20th of their budget and their not going to get it back. Mr. Bennett said the State also admits they made an error in calculating our funding, however, don't expect to see any of the deficit returned.
5. **APPROVAL OF MINUTES FOR MARCH 26, 2003** was read by Mayor Hennessy. With no comments made, Mrs. Burry made a motion to approve the Minutes for March 26, 2003, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

6. **ORDINANCE 2003-6**: AN ORDINANCE TO ESTABLISH CHAPTER 38 OF THE CODE OF THE TOWNSHIP OF COLTS NECK AND CREATING A "LOCAL EMERGENCY PLANNING COMMITTEE" OF THE TOWNSHIP OF COLTS NECK was read by Mayor Hennessy by title on second reading. Mayor Hennessy opened the public comments. Mr. Vincent Domidion said the creation of this committee is both timely and prudent. With no further comments, Mayor Hennessy closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

7. **ORDINANCE 2003-7**: BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS AND APPROPRIATING \$986,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$936,700 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by Mayor Hennessy by title on 1st reading. Mayor Hennessy explained the Township will receive a \$350,000 grant from the State for these road improvements. Mr. Florek questioned what the \$150,000 grant money was for in Section One of this Ordinance. Mayor Hennessy explained. Mr. Florek noted a typographical error in Section 3C. With no further comments, Mayor Hennessy

set the public hearing for May 28, 2003. Mr. Forester made a motion to introduce this Ordinance, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

8. **ORDINANCE 2003-8**: AN ORDINANCE ENTITLED THE 2003 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK was read by Mayor Hennessy by title on 1st reading. Mayor Hennessy explained this reflects the salaries of non-union personnel. Mrs. Burry said to take note the salaries of the Township Committee remain the same. With no further comments, Mayor Hennessy set the public hearing for May 14, 2003. Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

9. **RESOLUTION 2003-76**: APPOINTING SPECIAL COUNSEL – MS. MARYANN NERGAARD, ESQ. was read by Mayor Hennessy. Mayor Hennessy said Ms. Nergaard will be a very good advocate for us and will represent the Township for a tax appeal filed by NJ American Water Company. Mrs. Burry asked how many acres are involved? Mr. Bowden said he will find out. Mr. Stuart said he would be happy to assist the tax Assessor on this. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

10. **MOTION TO ADOPT A CONSENT AGENDA** was read by Mayor Hennessy for the below Resolutions:

Resolution 2003-77: Authorizing Return of Application and Escrow Fees – ZB Application No. 604 (Diaz)

Resolution 2003-78: Authorizing Return of Application and Escrow Fees – ZB Application No. 578 (Varga)

Resolution 2003-79: Authorizing Return of Application Escrow Fees – ZB Application No. 597 (Alagna)

Resolution 2003-80: Accepting Special Performance Guarantee – Road Opening Permit – 2 Deputy Minster Drive (Gerhard), Block 51, Lot 2.21

Resolution 2003-81: Authorizing Release of Performance Guarantees and Acceptance of Maintenance Guarantee – PB Application No. 551 (Morello)

Mr. Forester requested to abstain from voting on Resolution 2003-79. With no further comments, Mr. Florek made a motion to approve all aforementioned Resolutions, seconded by Mrs. Burry.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

Abstain: Committeeman Forester abstained from voting on Resolution 2003-79.

11. **UNFINISHED BUSINESS**: MODIFICATION OF CONSERVATION EASEMENT – HOMINY HILL ROAD: Mayor Hennessy invited Ms. Dana Kelly, Concept Engineer, to come forward. Ms. Kelly brought forth a display for the Governing Body to view. Ms. Kelly briefed the Governing Body on the history of the applicant's request. Mayor Hennessy said there is a 30 foot area and is curious why we are not considering this area for the driveway access? Ms. Kelly said because the Department of Environmental Protection has a policy that they do not like to skirt along wetland areas. It could essentially cut-off food sources for the wetland area. Mayor Hennessy said it appears on the map that ten feet were missed. Ms. Kelly said this option is what the DEP prefers and stated that she is an attorney not an environmentalist. Mayor Hennessy suggested relocating the drainage ditch. The plan shown this evening requires filling in 30 feet instead of simply relocating the drainage pipe to under the driveway. Mayor Hennessy said that he suggests the DEP come out and reinspect this location because Mayor Hennessy said he feels it doubtful they looked at it to begin with. Ms. Kelly asked if the Township Committee would agree to allow Mr. Gerken to also come to the site and review it again? Mrs. Burry said she agrees with the Mayor as the proposed plan seems to defy logic. The Township Committee unanimously agreed to have Mr. Gerken reinspect this property.

12. **UNFINISHED BUSINESS**: COUNTY TRAFFIC STUDIES – PHALANX ROAD AND HEYERS MILL ROAD: Mr. Stuart briefed the Township Committee on what was discussed at the last meeting. The County is looking for the Governing Body's response to their report. Mrs. Burry asked why the 25 MPH advisory sign be removed? Mr. Stuart said because they are advisory only and are ignored by motorists. Mrs. Burry said it really irks her that traffic violations are not being enforced. Mr. Stuart said he agrees that enforcement does need to be tightened. Mrs. Burry said she noticed two police officers making illegal no left turns out of the Colts Neck Shopping Center. Mr. Bennett said an Ordinance is required to put a sign into effect. Mr. Bowden said he will check on this. Mrs. Burry questioned the installation of lights mentioned in the traffic study, specifically Heyers Mill and Route 537. Mrs. Burry said it this means traffic lights, the answer is no. Mrs. Burry said if there is a sub-committee on this, she would like to be included in on it.

Mr. Florek said he is not a big reflector fan. Mr. Florek asked what the purpose of reflectors on guardrails is? Mr. Stuart explained how they benefit night time drivers.

Mrs. Burry said she received two phone calls from residents who said they do not want street lights by them as it would interfere with the "country-look". Mr. Stuart said he tends to agree with Mrs. Burry.

After brief discussion, the Township Committee agreed to form a sub-committee.

13. **ADMINISTRATIVE REPORT**: Mr. Bowden said he has no report this evening.

14. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$1,882,488.68, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

15. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester reported the next Senior luncheon will be on May 20, 2003 at the Battleground Country Club in Manalapan. All Township Committee members are invited to attend.

Mr. Forester continued to report that Student Government Day will be on May 14, 2003.

Mr. Forester reported that the Health Officer is seeking permission from the Township Committee to contact the State regarding what measures for deer are allowable. The Township Committee unanimously gave their consent by all in favor voice vote.

Mrs. Burry reported that opening day of Polo is on May 25, 2003, at 3:00 p.m. It is almost sold out which speaks well for its popularity.

Mrs. Burry reported the farm acreage sign will be going up on Five Point Road next week.

Mrs. Burry continued to report the Farmland Preservation Committee will be having a gathering/seminar at Christopher's on May 20th in hopes of obtaining more farmland preservation interest and specifically participants..

Mrs. Burry further reported that she received a letter from a resident on Lakeview Drive complaining about a home build by Kelly Construction Group. The author of the letter is requesting a stop work order. Mrs. Burry said photographs were included with the letter. Mrs. Burry said the photographs tell the story. Mr. Gerken has been asked to look at this site. Mr. Bennett Esq. advised the Township Committee that this is a discussion topic for Executive Session as it can result in potential litigation.

Mr. Stuart reported that he has been very busy working on the local and regional school budgets as well as the Phalanx Road project.

Mr. Florek reported the Fire Department is trying to get a better handle on standpipe dredging and is still seeking the status from the Township Engineers office. Mr. Bowden said he will check with Mr. Gerken.

Mr. Florek further reported the LOSAP Ordinance may be on the Agenda for introduction on either May 14th or May 28th. Mr. Florek suggested an extra point be added for midnight to 5 a.m. calls.

Mr. Florek inquired if a presentation is required before the bid package for the new fire truck goes out or is the Township Committee's approval enough to proceed with the bidding process? Mr. Bennett said under Title 39, there is an exemption for allowing overweight vehicles however, he is still reviewing it. Mr. Florek said the concern is the planning of the fire truck has stretched out for a

length of time and the Fire Department would like to move ahead with the bidding process as soon as possible.

Mr. Florek continued to report that the library weekend of events was a great success. It was very well attended and one of the many highlights was the breakfast with Sponge Bob.

Mr. Florek said he noticed piles of debris on the corner of Phalanx and Laird Road. Mr. Bowden said he is aware of the debris and the property owner has been trying to get a burn permit, though our local Health Officer is against any open burning. Mr. Bowden said the next step is to go after the homeowner. Mr. Stuart suggested to pursue obtaining a burn permit. Mr. Bennett suggested to try working something out and that maybe the debris can be used for mulch.

Mayor Hennessy reported Junior Olympics will be May 17, 2003 and the Memorial Parade will be May 26, 2003. It should be an excellent parade this year. The Township is in line for a National Gold Medal which the sponsoring program is very selective. Colts Neck is one of four finalists in the nation. Mayor Hennessy said a special account will need to be set up for donations for the purchase of a professional video (estimated to cost \$8,000.00) of the Memorial Day Parade. Mr. Bowden explained the Dedication by Rider process. Mayor Hennessy said time is of the essence. Mr. Bowden said he will check with the Finance Department. Mrs. Burry said she feels we are in the position to be able to obtain the necessary donations. After a brief discussion, the Township Committee unanimously were in favor by voice vote to approve expenditure of \$8,000.00 for said video.

16. COMMENTS FROM THE PUBLIC:

Mr. David Rodetski, Lakeside Avenue, said Kelly Construction Group is building the home next to him which should have a stop work order placed on it by the Township as soon as possible. Mr. Rodetski said his main problem is with the drainage problem this construction will cause the neighbors. Mr. Rodetski said he contacted the Department of Community Affairs today and forwarded to them the site plan. Mr. Rodetski said he feels the builder may be in violation. Mr. Rodetski said he is very concerned about a potential drainage problem.

Mr. Bob France, Lakeside Drive, said he feels the builder is in violation of the overall height.

Mr. Robert Mauro, said water runs onto his property. Mr. Mauro said the builder has to be stopped now before he continues to put his garage up. The well should have been taken down and compacted. Mr. Mauro pleaded to have the job put to a stop.

Mayor Hennessy said it should be noted the plans show the basement as a totally finished area. Mr. Bennett cautioned the Governing Body that further discussion should be done in Executive Session.

Mr. Vince Domidion suggested when reviewing the school board budget to look at staff turnover and ask for history and the number eligible to retire this year. Mr. Domidion suggested to also look at the Administration positions as they are big ticket items. Mr. Domidion concluded by saying two-tier bussing is unconscionable.

Mr. Chuck Camarotta asked if the NJ Transit Bus Stop was taken into consideration when the study of Heyers Mill Road/Route 537 was done? Mr. Stuart said no, it is not in their report but he will bring it to their attention.

Mr. Camarotta said he feels the school budget should be cut in half. It will then end a defeated budget every year. Mr. Camarotta said to let the school board make

sacrifices as people are being forced out of town because of the high taxes imposed by the schools.

Mr. Tom Orgo asked if the Township Committee passed a Resolution in 1999 pertaining to a land swap? Mayor Hennessy said ironically at last evening's Planning Board meeting this topic was discussed. Mr. Bowden said he will look into it.

17. **RESOLUTION 2003-82**: EXECUTIVE SESSION was read by Mayor Hennessy. Mr. Florek made a motion to adjourn and go into Executive Session at 9:43 p.m., seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

Robert Bowden,
Township Administrator

RB/as