TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 13, 2009
7:00 P.M. AT TOWN HALL

The meeting of the Colts Neck Township Committee was called to order at 7:00 p.m. by Mayor Forester followed by a salute to the flag. The following statement was read by Township Clerk Bowden: "The notice requirements of the New Jersey Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on May 6, 2009 stating that the meeting of the Colts Neck Township Committee would be held on May 13, 2009 at 7:00 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 and Committeemembers Schatzle, Eastman and Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Legal Counsel, John O. Bennett, III, Esq.

Absent: None

Mayor Forester spoke briefly noting it was a pleasure to turn the meeting over to Committeman Schatzle and the students of Colts Neck High School for this year's Student Government Day.

1. **STUDENT GOVERNMENT DAY:** Mayor Forester welcomed Mr. Robert Siedel, Student Faculty Advisor, Colts Neck High School, and the students of Colts Neck High School and turned the meeting over to Committeeman Schatzle. Committeeman Schatzle introduced the following students:

    - Aniket Patel, Mayor
    - Peter Calamia, Deputy Mayor
    - Lauren Baker, Meredith Moran, Committeewomen
    - Michael Block, Administrator
    - Victoria Goodman, Township Planner
    - Taylor Kelly, Finance Officer
    - Ashley Fedor, Director of Public Works
    - Hope Oliver, Police Chief
    - Kevin Weissman, Director of Recreation and Parks
    - Jessica Maguire, Health Officer

    Mayor Patel raised the issue of Teenage Driving Safety. Discussion ensued and agreement was reached that the decals affixed to cars driven by teenage drivers would improve teen driving practices. The curfew for teen drivers should be set at 12:00 midnight to allow those that work to return home at a safe speed. Limiting the number of passengers to one was thought to be good, as was banning the use of cell phones while operating the vehicle. The sale of advertising at Township Parks was discussed and thought to be a good way to offset the cost of maintaining the fields in these difficult economic times without increasing taxes. Bicycle safety and a proposed law mandating a three-foot buffer when passing bicyclists was discussed. While bike paths were thought to reduce potential accidents, the installation of these paths is costly, as is the widening of Township roads. The consensus was that cyclists should ride single file when riding in groups, and increased signage notifying motorists of speed restrictions when passing cyclists would be beneficial.

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

Mr. Bowden questioned if the Township Committee was in favor of using windmills within the Township as an alternate energy source. Mayor Patel spoke of technological advances anticipated in 2010 for wind and solar panels that far exceed savings from current technology.

Mrs. Oliver, the Police Chief's Mother, was concerned about the types of advertising used at Township fields, noting some products and/or services may be offensive and not appropriate for this type of venue. Mayor Patel and the Township Committee agreed a screening process was needed.

Mr. Forester, resident and current Mayor, questioned who should receive the revenues from advertising, the Township or the sports organization and/or schools? Mayor Patel recommends funds be given to the sports organization or schools. Recreation Director Weissman recommends limiting fees charged leagues playing on the Township's fields.

Ms. Locasio, resident, asked if the Governing Body was in favor of a cell tower on the grounds of Colts Neck High School. Discussion ensued, and Mayor Patel advised the Township Committee would look into this issue.

With no further comments from the public, Mayor Patel closed the meeting to public comment. Meeting was adjourned at 7:30 p.m. Mr. Schatzle thanked Mr. Siedel and the students for participating in this year's Student Government Day, noting many of those here this evening will be leaders in the community. Mr. Schatzle then presented each participant with a certificate.

A five minute recess was called.

At 7:35 p.m. the meeting reconvened.

2. **COLTS NECK SPORTS FOUNDATION:** Mr. Joseph Niedermeyer addressed the Township Committee, thanking them for their support over the years, noting all five Committeemembers were present at this year's baseball Opening Day. He spoke of the water wheel irrigation planned for Five Point Park. Mr. Niedermeyer praised Recreation Director Hennessy for the exemplary job he is doing and for his commitment to improving the Township's fields and recreation facilities. Mr. Niedermeyer praised the Public Works staff for the wonderful job they are doing to improve the fields. Mr. Niedermeyer stated he heard there was a petition circulating to eliminate Recreation programs, and noted the Sports Foundation represents thousands of voters that are not in favor of reducing these programs. Mr. Neidermeyer stated the Sports Foundation has approximately 2,000 young athletes in its organization, which is supported by hundreds of volunteers donating thousands of hours to make it the success it is today. Mr. Neidermeyer thanked Mr. Florek for his many years as liaison to the Sports Foundation, and thanked the Township Committee for its support. Mayor Forester spoke of his personal experience with the Sports Foundation and praised this group and its positive impact on the Township's youth.

3. **APPROVAL OF MINUTES OF APRIL 29, 2009:** Mayor Forester tabled this item.

4. **ORDINANCE 2009-5:** AN ORDINANCE AMENDING SECTION 258-2 SETTING FORTH AND ADOPTING A NEW FEE SCHEDULE FOR NEW SEPTIC, SEPTIC ALTERATION AND WATER WELL APPLICATIONS was read by title at second reading by Mayor Forester. Mayor Forester noted this will bring the rates up to date to cover actual costs. With no comments from the Governing Body, Mayor Forester opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated he was pleased this is being done, as it is an alternative to taxation, and thanked the Governing Body.

Hearing no further comments, Mayor Forester closed the meeting to public comment. Mr. Schatzle 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		X			
Schatzle	M	X			
Eastman		X			
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **ORDINANCE 2009-6:** AN ORDINANCE AMENDING SECTION 79-9 OF THE CODE OF THE TOWNSHIP OF COLTS NECK SETTING FORTH AND ADOPTING NEW FEES FOR THE LICENSING OF DOGS IN THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Forester. Mayor Forester noted this will increase the rates to cover actual costs. With no comments from the Governing Body, Mayor Forester opened the meeting to public comment.

   Mr. Vince Domidion, stated his comments are the same as made for the prior ordinance.

   Hearing no further comments, Mayor Forester closed the meeting to public comment. Mr. Schatzle 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		X			
Schatzle	M	X			
Eastman		X			
Engel	S	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

6. **ORDINANCE 2009-7:** AN ORDINANCE AMENDING SECTION 243-6, SETTING FORTH AND ADOPTING A NEW FEE SCHEDULE FOR THE LICENSING OF RETAIL FOOD ESTABLISHMENTS IN THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Forester. Mr. Schatzle commented this was well researched by Mr. Frank and discussed by both the Board of Health and this Committee. With no further comments from the Governing Body, Mayor Forester opened the meeting to public comment.

   Hearing no comments, Mayor Forester closed the meeting to public comment. Mr. Schatzle 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	M	X			
Eastman		X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

7. **ORDINANCE 2009-8:** AN ORDINANCE AMENDING CHAPTER 62 OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO APPOINTMENTS (SHADE TREE COMMISSION ALTERNATES) was read by title at second reading by Mayor Forester. Mayor Forester stated the Shade Tree Commission recommends the adoption of this ordinance. Hearing no comments from the Governing Body, Mayor Forester opened the meeting to public comment.

   Mr. Rick Royal, a resident, questioned the criteria for selecting members. Mayor Forester advised applications are submitted by Township residents indicating their interests, and when a vacancy occurs, the applications are reviewed and recommendations are made. Mayor Forester noted any resident can submit a Talent Bank application for volunteer positions.

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

8. **ORDINANCE 2009-9:** AN ORDINANCE ENTITLED A 2009 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK was read by title at second reading by Mayor Forester. Mayor Forester noted the salaries are for the non-union Township employees and include a one percent increase for part-time staff and a two percent increase for full-time staff. Hearing no comments from the Governing Body, Mayor Forester opened the meeting to public comment. Hearing none, Mayor Forester closed the meeting. 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					

9. **LOCAL BOARD OF EDUCATION BUDGET:** Mayor Forester stated when a budget is defeated, two Township Committeemembers and the Township Administrator are required to meet with School Administration to revise the budget request. Mayor Forester stated the group met three times and successfully reduced the budget $350,000.00, with no reduction in education to students. Mayor Forester noted 80 percent of the budget is contractual, and a $350,000.00 reduction is significant.

10. **RESOLUTION 2009-78:** CERTIFYING AMOUNT RAISED BY TAXATION FOR THE LOCAL COLTS NECK BOARD OF EDUCATION was read by title by Mayor Forester. Mr. Eastman made a motion to approve, seconded by Mr. Florek and carried by Messrs. Forester, Florek and Eastman; Messrs. Schatzle and Engel abstained.

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					

11. **RESOLUTION 2009-79:** APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO HEYERS MILL ROAD, PHASE II PROJECT was read by title by Mayor Forester. Mayor Forester stated this authorizes the submission of an application for paving Heyers Mill Road from Route 537 to Flock Road. Mr. Bowden stated the Township has been very successful with its applications, and this year's request is approximately $270,000.00. Mr. Schatzle 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	M	X			
Eastman		X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

12. **MOTION TO ADOPT CONSENT AGENDA:**

13. **RESOLUTION 2009-80**: AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEES, STREET OPENING PERMIT, BLOCK 48.02, LOT 6 (19 TWIN LAKES DRIVE).

14. **RESOLUTION 2009-81:** AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES, Z.B. APPLICATION NO. 509A (COWDRY WOODS).

    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					

15. **DISCUSSION:** TRUMP NATIONAL AT COLTS NECK

- Renaming a Portion of Professional Circle: Mr. Bowden stated renaming a portion of Professional Circle was requested by the Trump organization to more readily identify the location of the golf club for its members. Mr. Eastman stated he visited the site and was in favor of the name change to Trump National Boulevard. Mr. Bowden stated he would research whether this change requires an ordinance, but for the purposes of tonight's decision, he verbally recited a motion to approve the name change of a portion of Professional Circle (from Route 34 to the entrance of Trump National Golf Club at Colts Neck) to Trump National Boulevard. Mr. Florek made a motion to approve, seconded by Mr.

Eastman and carried by Messrs. Forester, Florek, Eastman and Engel; Mr. Schatzle abstained.

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					

- Amend Section 102-93 of Development Regulations Ordinance Pertaining to Golf Courses. Mr. Bowden stated approximately 10 years ago the Golf Course Ordinance was adopted establishing Type A and B courses. Mr. Florek stated he is a proponent of the A and B course distinctions, noting it makes sense to define uses and hours of operation based on the size of course to protect neighboring properties. While Mr. Florek is in favor of member-sponsored events, he does not like the idea of golf courses open to the public as catering halls, noting this is not incidental to the operation of the golf course, and the use should not be intensified. Mr. Florek stated he is agreeable to having non-profit charity events held; however a time limit of 12:00 midnight should be set. Mayor Forester questioned if New Year's Eve would be an exception, to which Mr. Florek replied yes, suggesting a 2:00 a.m. time limit. Mr. Florek stated the 850' rule doesn't trouble him if events occur during the late evening, to which Mayor Forester questioned if outdoor activities would be covered, noting he would not want residents to be inconvenienced. Mr. Eastman wants to give all courses the same rights and privileges, noting the venues lend themselves to banquets, weddings and meetings; have mature trees that buffer exterior noise and the events are held inside. Mr. Engel stated he agrees with Mr. Eastman and has walked the courses and the buffering trees have matured. Mr. Engel has not found any other County or State in the Nation with golf course A and B class distinctions. Counsel Bennett stated B courses originally were allowed snack bars, but the restriction was eased. Counsel Bennett noted the golf club house was considered an incidental use, not a commercial activity for open space purposes, and using the club house as a banquet facility would intensify use. Mayor Forester stated he wanted to hear the thoughts of residents living near the golf courses. Mayor Forester then opened the meeting to the public.

  Mr. Ed Russo, Trump organization, stated the proposed changes are in harmony with the Master Plan. Mr. Russo suggested a public hearing to determine public sentiment on this issue. Mr. Russo stated structure is needed, and the right of the Township for monthly reviews will ensure compliance.

  Mr. Salvatore Alfieri, on behalf of the Trump organization, expressed interest in moving ahead and getting the process started.

  Mr. Vince Domidion, a resident, stated when this ordinance was originally written, instead of A and B distinctions, A should have been country clubs and B should have been golf courses. Mr. Domidion stated if changes are being made, this should be considered. Mr. Domidion was concerned about the impact of traffic on local roads and questioned the magnitude of impact if every course is doing the same thing at the same time.

  Ms. Judy Laufer, a resident, spoke of liquor licenses, questioning the difference if no liquor was served.

  Dr. Anthony DeGennaro, a resident and owner of Colts Neck Golf Club, noted the A and B distinction is unique to Colts Neck. Dr. DeGennaro suggested the golf club owners and Township Committeemembers meet to discuss the issues and to provide a way for the golf clubs to stay in business.

Ms. Locasio, a resident, spoke of traffic tie ups related to Delicious Orchards, noting no limits on their business and questioned why limits would be placed on other businesses. Ms. Locasio does not want to miss the opportunity to bring more money into the Township. Mr. Florek noted his concern about not expanding the commercial zone, impact on neighbors, and retaining the Township as a bedroom community. Ms. Locasio stated member-sponsored events are a middle ground, noting she did not like the idea of events being held out of town.

Ms. Virginia Amend, a resident and editor of the Colts Neck Calendar, spoke of Counsel Bennett's comments.

Mayor Forester closed the meeting to public comment.
Mr. Eastman suggested forming a sub-committee to meet with the golf club owners. Messrs. Florek and Eastman will represent the Township Committee on this sub-committee. Mr. Bowden will arrange the sub-committee meeting with the golf club owners and report back to the Township Committee.

16. **ADMINISTRATIVE REPORT:** Mr. Bowden no report this evening.

Mr. Bowden advised the Governing Body should begin thinking about this year's application for the Monmouth County Open Space Grant. In the past two years, the Township received grants to offset the costs of the fitness trail at the core site and the five acre parcel on Route 520 and Route 34. Mr. Bowden stated the Recreation Committee and Director will be asked for suggestions. Deadline date for application submission is September 23, 32009.

17. **MOTION TO APPROVE VOUCHERS**: Mr. Schatzle reported he reviewed the vouchers, noting all were in order, and are as follows:

Animal Control	$120.00
Capital Fund	$2,004.29
Construction Trust	$11,641.08
Current Fund	$367,390.79
Grant Fund	$1,929.01
Escrow	$22,093.34
Grant Fund	$7,699.80
Tax Collectors Trust	$35,807.99
Trust Fund	$11,220.37
TOTAL APPROVED:	$457,978.60

Mr. Schatzle made a motion to approve all vouchers, seconded by Mr. Eastman and aunanimously carried with the exception of Mr. Eastman, who abstained from all Police vouchers.

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

18. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel reported the Website Committee met and developed a three-step process to refresh the site, which includes collecting guidelines, developing a template and rearranging the information on a new site format.

Mr. Schatzle reported of the ongoing controversies in the State budget, which may result in the redirection of $4 million from the dedicated EMT Training Fund to the General Treasury. Mr. Schatzle distributed a draft resolution, **OPPOSING DIVERSION OF EMERGENCY MEDICAL TECHNICIAL (EMT) TRAINING FUNDS,** for Governing Body consideration and adoption this evening opposing this action and read it into the record in full. Mr. Engel made a motion to approve, seconded by Mr. Florek and unanimously carried. This resolution was numbered **RESOLUTION 2009-81A.**

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					

Mr. Florek reported there is a parking problem at Bucks Mill Park near the back baseball fields, which necessitates cars backing out when the spots are filled. To rectify this safety issue, Mr. Florek is suggesting the Township look into expanding the parking area to provide an area to turn vehicles around.

Mr. Florek reported the water wheel and piping for the irrigation system at Five Point Park came in $2,000 under budget. The 90 foot field is now being sodded, which is a tremendous improvement.

Mr. Florek reported there was a recent Fire Department call to a two-car accident at the intersection of Heulitt Road, Crine Road, and Dutch Lane Road. This is the location of the County's planned roundabout.

Mr. Eastman had no report this evening.

Mayor Forester reported he attended a meeting in Freehold on the Routes 537 and 34 intersection. While this project is not shovel ready, a plan has been developed which requires County and Township agreement. The plan will be before the Planning Board on June 9th and will be before the Township Committee on June 10th. Once the Township's resolution is adopted, it will be sent to the State. The project is expected to be shovel ready in 24-36 months.

19. COMMENTS FROM THE PUBLIC:

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

Ms. Virginia Amend, resident and editor of the Colts Neck Calendar, commented on the number of foreclosures within the Township. Counsel Bennett noted the County handles foreclosures directly, and the advertisement was for properties with unpaid 2008 taxes that were scheduled for tax sale.

Ms. Amend questioned if Five Point Park was open since there was a barrier across the roadway accessing the parking lot. Mr. Florek responded the barrier is removed once the High School is in session, which effectively keeps student drivers from using the Park's lot for school day parking.

Ms. Amend questioned if the Routes 537 and 34 intersection is eligible for stimulus funding. Mayor Forester advised since the project is three years away from starting, it is not eligible.

Mr. Vince Domidion, a resident, noted Earle Paving is doing work on Heyers Mill Road. Mr. Bowden stated work has been done on two separate occasions, but he is

unsure if the work is completed. Mr. Domidion stated the work has not been done to his satisfaction.

Ms. Judy Laufer, a resident, reminded everyone about Memorial Day activities.

Ms. Amend stated she regrets the School Board is not bonding the repair of the Primary school's roof, which would spread the costs over 30 years and not on the 2008/09 taxpayers. Mayor Forester commented the School Board is seeking litigation to recover monies expended for the roof.

Ms. LoCasio commented the School Board did not go out for a referendum to fund the school roof because of the immediacy of the situation. If a referendum were sought, it would take upwards of one year to go through the process and repair the roof, during which time the space would not be usable.

20. **RESOLUTION 2009-82:** EXECUTIVE SESSION. At 9:25 p.m., a motion was made by Mr. Schatzle, seconded by Mr. Engel and unanimously carried by voice vote to go into Executive Session. Mr. Bowden advised no official action is anticipated this evening.

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

Motion by Mr. Eastman, 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	M	X			
Engel		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

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

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					

Meeting adjourned at 10:15 p.m.

Robert Bowden, Township Administrator/Clerk