TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 27, 2009
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 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 December 10, 2008 stating that the meeting of the Colts Neck Township Committee would be held on May 27, 2009 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 Forester, Deputy Mayor Florek, Committeemembers Schatzle and Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Legal Counsel, Chris Ackerman, Esq.

Absent: Committeeman Eastman

Mr. Bowden advised Mr. Eastman was out of town this evening attending his son's graduation.

1. **NWS EARLE:** Mayor Forester provided comments on the May 22, 2009 Record of Decision signed by the Navy confirming plans to proceed and implement Alternative Alignment 4 for access to the Laurelwood homes, a copy of which is appended. Mayor Forester then entertained a motion authorizing the filing of appropriate legal action by the law firm of Wilentz, Goldman and Spitzer to stop the Navy's plan to privatize the 300 Laurelwood homes. Mr. Florek made a motion to approve, seconded by Mr. Schatzle and carried by those present; Mr. Eastman was absent.

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

2. **APPROVAL OF MINUTES OF APRIL 29, 2009**. Mr. Florek requested a name correction on Page 8. Mr. Florek made a motion to approve, as amended, seconded by Mr. Schatzle and carried by those present; Mr. Eastman was absent.

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					

3. **MAYOR'S PROCLAMATION:** HONORING BOY SCOUT TROOP 290, 40TH ANNIVERSARY. Mayor Forester read a Mayor's Proclamation, which recognizes the history and importance of Boy Scouting and celebrating the 40-year anniversary of Boy Scout Troop 290.

4. **MAYOR'S PROCLAMATION:** MR. CURTIS MC KITTRICK TO SHADE TREE COMMISSION (FILLING UNEXPIRED TERM OF MR. STEPHEN MARX THROUGH DECEMBER 31, 2013). Mayor Forester noted Mr. McKittrick's education and experience make him an ideal Mayor's appointment as a member of the Shade Tree Commission.

5. **RESOLUTION 2009-82A:** CONFIRMING APPOINTMENT TO LOCAL EMERGENCY PLANNING COMMITTEE – MR. FRANK LECESSE was read by title by Mayor Forester. Mr. Engel made a motion to approve, seconded by Mr. Florek and carried by those present; Mr. Eastman was absent.

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. Bowden swore in both Mr. McKittrick and Mr. Lecesse. Photographs were taken, and they received a round of applause.

6. **PRESENTATION:** DEED RESTRICTION/MINOR SUBDIVISION, BLOCK 9, LOT 2.01 (WILLOWBROOK ROAD). Mr. Bowden advised Mr. Bezdecki addressed the Township Committee two months ago on behalf of his client. At that time, the Governing Body tabled the issue and sought guidance from the Town Planner. Mr. Haig, representing a community group, presented Township Counsel with a legal opinion questioning who is authorized to approve the Guiterrez request, which Township Counsel is reviewing. Mr. Haig provided Mr. Bezdecki a copy of his correspondence this evening. Mayor Forester stated when Township Counsel completes review of the documentation, the attorneys will be notified.

7. **PRESENTATION**: CONSTRUCTION OF POLE BARN ON DRAINAGE EASEMENT, BLOCK 22.06, LOT 7 (WESTGATE COURT). Mr. Giacomo Duva, Esq. addressed the Governing Body requesting approval to build a pole barn over a drainage easement on his parents' property. Mr. Duva stated drawings were provided to the Architectural Review Committee, and he indicated the four stall horse barn is not a permanent structure since it is without footings and is placed over a dirt floor. Discussion ensued during which Mr. Duva noted no deed of easement was found for this property. Mr. Florek noted the proper easement should be recorded, and noted the existing shed must be moved out of the easement area. Prior to reaching a decision, Mr. Florek wants input from the Town Planner, Mr. Engel wants input from the Architectural Review Committee, and Mr. Schatzle wants to know the life expectancy of the drainage pipe. Mr. Duva was requested submit the file on the search to the Township Attorney or the Township Administrator for further action.

8. **CAPITAL ORDINANCE 2009-10:** CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE PURCHASE OF VARIOUS CAPITAL EQUIPMENT, AND APPROPRIATING $125,000.00 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by title at second reading by Mayor Forester. Hearing no comments from the Governing Body, Mayor Forester opened the meeting to public comment. Hearing none, Mayor Forester closed the

meeting to public comment. Mr. Florek made a motion to approve, seconded by Mr. Engel and carried by those present; Mr. Eastman was absent.

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. **MOTION TO ADOPT CONSENT AGENDA:**

10. ***RESOLUTION 2009-83:** AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 9, LOT 23 (23 BLACKBRIAR DRIVE).

11. ***RESOLUTION 2009-84:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 676 (SPORTS COURT).

12. ***RESOLUTION 2009-85:** AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 672 (TRUMP NATIONAL AT COLTS NECK, PHASE I).

13. ***RESOLUTION 2009-86:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE, P.B. APPLICATION NO. 657 (SPORTS COURT).

Mr. Florek made a motion to approve, seconded by Mr. Engel and carried by those present; however, Mr. Schatzle abstained on Resolution 2009-85; Mr. Eastman was absent.

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

*Mr. Schatzle abstained on Resolution 2009-85.

14. **DISCUSSION:** AMEND CHAPTER 127 OF THE CODE OF THE TOWNSHIP OF COLTS NECK – FLOOD DAMAGE PREVENTION (SEPTEMBER 25, 2009 DEADLINE). Mr. Bowden stated the Township's ordinance dates back to 1989 and it must be revised to continue participation in the National Flood Insurance Program (NFIP). FEMA reviewed the current ordinance and provided recommended revisions, a draft of which must be sent to the State DEP by May 29, 2009 for review prior to introduction. If the Township does not adopt the new ordinance by September 25, 2009, we are subject to suspension from participating in the NFIP. Counsel Ackerman has reviewed the draft ordinance and will e-mail it to the NJ DEP within the May 29, 2009 deadline. Mr. Bowden stated it is anticipated the September deadline for adoption will be met.

15. **ADMINISTRATIVE REPORT:** Mr. Bowden had no report this evening.

Mr. Bowden advised an ordinance is required to effect the name change from a portion of Professional Circle to Trump National Boulevard. The ordinance is being worked on by the Township Attorney. In the meantime, the Township Attorney advised Mr. Bowden the change may be implemented prior to adoption. The sign was installed today.

Mr. Bowden stated the Clean Community Awards are scheduled for the next Township Committee Meeting. To accommodate the students, Mr. Bowden requested the meeting begin at 7:00 p.m. All Township Committee present concurred. Notification will be provided to the newspapers.

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

Animal Control	$83.74
COAH	$7,201.71
Construction Trust	$11,034.76
Current Fund	$2,367,157.56
Farmland Preservation Trust	$2,189.00
Grant Fund	$2,542.62
Trust Fund	$11,386.13
TOTAL APPROVED:	$2,401,595.52

Mr. Schatzle made a motion to approve all vouchers, seconded by Mr. Florek and carried by those present; Mr. Eastman was absent.

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					

17. **TOWNSHIP COMMITTEE REPORTS**

Mr. Engel had no report this evening.

Mr. Schatzle had no report this evening.

Mr. Florek had no report this evening.

Mayor Forester commended Recreation Director Hennessy for the very nice job done in organizing and executing a successful Memorial Day Parade.

18. **COMMENTS FROM THE PUBLIC:**

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

Mr. Vince Domidion stated when there is a change in street name that benefits a private interest, the cost of the change, i.e., signage, ordinance preparation and legal fees, should be borne by the applicant. Mr. Bowden stated he will advise the applicant to pay reasonable costs associated with the name change.

Mayor Forester noted he received a letter from the First Aid Squad requesting adoption of a resolution opposing the Governor's raiding of the First Aid Squad training fund. Mayor Forester noted the Township Committee has adopted that resolution, and the correspondence must have crossed in the mail.

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

19. **MOTION TO ADJOURN:** Mr. Florek made a motion to adjourn, seconded by Mr. Schatzle and carried by voice vote; Mr. Eastman was absent.

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

Meeting adjourned at 8:20 p.m.

Robert Bowden, Township Administrator/Clerk

Attachment

EARLE NAVAL BASE
LAURELWOOD HOUSING

On May 22, 2009, Deputy Assistant Secretary of the Navy, Howard E. Snow, signed a Record of Decision pertaining to the 300 Laurelwood homes located within Earle Naval Base.

This action confirms the Navy's plans to proceed and implement Alternative Alignment No. 4.

Alternative Alignment No. 4 is the longest of the four options considered by the Navy to provide unimpeded access to the Laurelwood homes. This alignment would require a 7,181 foot road with 3,900 feet of new pavement, 21,897 feet of perimeter fencing, a new bridge over Esperance Road, special security gates at the railroad crossing and a new entrance on Route 34, some 1,742 feet south of the main gate.

While the signing of the Record of Decision may complete one part of the housing story, it now starts another.

The Township Committee of the Township of Colts Neck remains completely united in its opposition to the Navy's plan to privatize the 300 Laurelwood homes.

The time has now come to authorize litigation to stop the implementation of the Navy's plan.

As such, I would like to entertain a motion authorizing the filing of appropriate legal action by the law firm of Wilentz, Goldman and Spitzer to stop the Navy's plan to privatize the 300 Laurelwood homes.

Once authorized, it is expected that a complaint will be filed within the next 30 to 60 days.

Comments of Mayor Benjamin T. Forester, May 27, 2009