

TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 28, 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 May 28, 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. **RESOLUTION 2003-89**: CONFIRMING APPOINTMENTS TO BUSINESS ADVISORY COMMITTEE was read by Mayor Hennessy. With no comments made, 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

Mayor Hennessy turned the floor over to Mr. Stuart. Mr. Stuart called all members present forward to be sworn in by Senator Bennett. Mr. Stuart said that associate members will be welcome on this Committee. Senator Bennett swore in those members present. Everyone extended a round of applause and photographs were taken.

2. **PRESENTATION**: PB APPLICATION NO. 596A – R.O.W. ACCESS FROM WIDE HORIZONS DRIVE TO PROPOSED NEW SUBDIVISION ROAD (MS. DIANE AIFER, ESQ.) was read by Mayor Hennessy. Mayor Hennessy called Mr. Brook Crossan, Planning Board Chairman, forward. Mr. Crossan briefed the Township Committee on the history of Wide Horizons dating back to 1995. Mrs. Burry asked Mr. Crossan how the Resolution reads. Mr. Crossan said the Resolution is silent as to the intended future, use of the R.O.W. on Wide Horizons Drive.

Mayor Hennessy called the applicants attorney forward, Ms. Diane Aifer, Esq. Ms. Aifer gave some background on the ownership of this parcel. Ms. Aifer displayed diagrams showing the applicant's access proposals to the new subdivision.

Senator Bennett swore in Mr. A.J. Garito to testify on behalf of the applicant. Mayor Hennessy asked if trees would be saved in both diagrams? Mr. Garito said yes.

Mrs. Burry pointed out that the letter from Traffic Safety Officer Maxwell seems to have a substantial error on it. The sight distance should be 325' and not 235'.

Mr. Anfuso, Township Planner, showed Senator Bennett (at his request) the actual map filed when the Planning Board granted the sub division. The Township Committee reviewed the map.

Mayor Hennessy said in relation to Sgt. Maxwell's letter, he would like to hear from Police Chief Sauter. Chief Sauter said he defers this matter to Traffic Safety Officer Maxwell as he has had special training pertaining to traffic safety issues.

Mrs. Burry said she visited the site and found there really is no north or south obstructions. Mrs. Burry said we are only talking about seven homes and feels this is an overreaction.

Mr. Florek said he feels 325' is enough and questions the inconsistency with Sgt. Maxwell's letter.

Senator Bennett said he feels this matter is a Planning Board decision and should not be before this Governing Body at this time. Senator Bennett said he is troubled with substituting the Governing Body with the Planning Board for this type of decision. Only one of the two plans can come before the Governing Body. If the Planning Board decides on a new road opening on Laird Road, Township Committee action would not be required. Let the Planning Board decide first. Mr. Forester said he feels Senator Bennett's scenario seems logical.

Mr. Stuart said based on what Senator Bennett has said he feels this matter should be deferred to the Planning Board.

Mr. Anfuso said he feels the Planning Board is seeking some type of consent from the Township Committee regarding consent of property ownership so the applicant knows how to proceed.

Mr. Florek said he agrees with Senator Bennett and feels the Planning Board needs to decide.

Mayor Hennessy asked Mr. Crossan to please make the Planning Board tapes available to Mr. Mike Steib, Planning Board Attorney.

After brief discussion the Township Committee's consensus is to differ this matter back to the Planning Board.

Mayor Hennessy called for a brief recess at 8:25 p.m.

Mayor Hennessy called the meeting back to order at 8:30 p.m.

3. **APPROVAL OF MINUTES FOR APRIL 9, 2003, APRIL 30, 2003, AND MAY 14, 2003** was read by Mayor Hennessy. Mrs. Burry made a motion to approve the Minutes of April 9, 2003 and to table the Minutes of April 30, 2003 and May 14, 2003 to the next meeting, 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

4. **RESOLUTION 2003-90: AMENDING CAPITAL BUDGET – PROVIDING FOR 2003/2004 ROAD IMPROVEMENTS** was read by Mayor Hennessy. Mr. Bowden explained amending the Capital Budget must be done prior to adopting the Bond Ordinance (Ordinance 2003-7). With no further comments, Mr. Forester 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

5. **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 title on second reading by Mayor Hennessy. Mayor Hennessy opened the public hearing. Mr. Vince Domidion said this bonding represents a larger amount of money but it is a good move. The timing for the funding is very appropriate. With no further comments, Mayor Hennessy closed the public hearing. Mr. Stuart made a motion to adopt this Ordinance, 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. **RESOLUTION 2003-91**: AUTHORIZING SUBMISSION OF NJDOT TRUST FUND AUTHORITY GRANT – MERCER ROAD was read by Mayor Hennessy. With no comments made, Mr. Florek 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

7. **RESOLUTION 2003-92**: AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND THE COUNTY OF MONMOUTH FOR 2004 DRUG AND ALCOHOL PREVENTION ACTIVITIES (\$13,350.00) was read by Mayor Hennessy. Mayor Hennessy turned the floor over to Mrs. Burry. Mrs. Burry, liaison to the Colts Neck Alliance, said the Alliance is composed of a group of exceptional and dedicated citizens who are seeking grant funding for their programs which have been tried and true in the past. These projects are not funded with local municipal funding, but from a grant from the County. Mr. Forester asked how well these programs get their message across? Mrs. Burry said they do a remarkable job. Mayor Hennessy said there are a lot of peer groups involved. 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

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

Resolution 2003-93: Authorizing Release of Certain Performance Guarantees and Acceptance of Maintenance Guarantees – PB Application No. 424 (The Accolades – Collabelli)

Resolution 2003-94: Authorizing Mortgage Cancellation and Release of Lien – Block 46, Lot 2

Resolution 2003-95: Authorizing Recreation Program Refunds

Resolution 2003-96: Approving Fireworks Display – Colts Neck Fair – August 14, 2003

Resolution 2003-97: Approving Fireworks Display – July 4, 2003

Resolution 2003-97A: Authorizing Tax Overpayment – 2003

With no comments made, Mr. Forester made a motion to approve the aforementioned Resolutions, 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

9. **DISCUSSION**: 2002 BOARD OF ADJUSTMENT ANNUAL REPORT- Mayor Hennessy called Mr. Tim Anfuso, Township Planner, forward. Mr. Anfuso reviewed the Zoning Board of Adjustment's annual review of its decisions on applications involving variance request for 2002. Mr. Anfuso reviewed the Zoning Board of Adjustment's recommendations for Zoning Ordinance amendments based upon the applications heard in 2002. The Township Committee discussed the differences between fences and walls as well as height restrictions. After brief discussion, the general consensus of the Township Committee is to think about this further and get back to it for further discussion.
10. **DISCUSSION**: PROPOSED LOT SIZE AVERAGING ORDINANCE – AG ZONE- Mr. Anfuso said the Township Committee requested a year ago that golf courses should remain as a permitted use in lot averaging developments. Senator Bennett also expressed concern that the Ordinance was similar to the Manalapan decision regarding the exclusion of wetlands from the bonus lot calculation. Mr. Anfuso said that he has eliminated these provisions from the Ordinance and proposed several changes. After brief discussion, the general consensus of the Township Committee is to think about this further and get back to it for further discussion.
11. **DISCUSSION**: REVERSE 9-1-1 SYSTEM- Chief Sauter briefed the Township Committee on what a reverse 9-1-1 system is and how it operates. Chief Sauter said the reverse 9-1-1 system quickly contacts citizens in a very specific geographic area for communicating urgent information. In addition to rapid outbound calling features, Reverse 9-1-1 can provide community bulletin board service, guardian calling, mobilization, outbound faxing, fax on demand, voice mail, and mutual aid notification network. After brief discussion, the general consensus of the Township Committee is to invite representatives of the Reverse 9-1-1 system to a future Township Committee meeting. Chief Sauter said he will arrange it.

12. **DISCUSSION**: FALSE ALARM ORDINANCE- Chief Sauter said that during one of the budget review sessions, there was some brief discussion about reviewing and possibly amending the False Alarm Ordinance, particularly in the area of warnings and penalties. Chief Sauter reviewed an outline of alarm responses with the Township Committee. After brief discussion, the Township Committee agreed to change the warnings and penalties in the False Alarm Ordinance and for Chief Sauter to give a follow-up on this at the next Township Committee meeting.
13. **DISCUSSION**: LENGTH OF SERVICE AWARDS PROGRAM- Mr. Florek explained the slight change in the first paragraph of the draft LOSAP Ordinance. Mr. Florek said he would like to introduce this Ordinance at the next Township Committee meeting. Mayor Hennessy asked Mr. Florek what the consensus from the Fire Department and First Aid is regarding the LOSAP? Mr. Florek said they are very supportive. After brief discussion, the Township Committee agreed to place this on the next agenda for introduction.
14. **ADMINISTRATIVE REPORT**: Mr. Bowden reported Naval Weapons Station Earle is inviting the Governing Body to addend their commemoration of the 61st Anniversary of the Battle of Midway to honor those that fought so valiantly to defend our country on June 5, 2003 at 10:00 a.m. Mrs. Burry and Mr. Stuart said they would attend.

Mr. Bowden concluded his report by saying an applicant has expressed concern about an easement in their backyard and their attorney would like to make a brief presentation at the next Township Committee meeting to see if the Township Committee would support mitigating this easement. After brief discussion, the Township Committee agreed to allow the presentation.

15. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$3,849,353.13, 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

16. **TOWNSHIP COMMITTEE REPORTS**:

Mr. Florek reported the Executive Fire Counsel is in the process of discussing a Tag ID System. They are also seeking township requirements for fire ponds and larger developments in commercial zones.

Mr. Florek further reported he will be meeting with the Trail Riders on June 8th.

Mr. Stuart reported that he is continuing with the New Street project and is waiting for Mr. Glenn Gerken, Township Engineer, to get back to him.

Mrs. Burry reported that she and Mr. Stuart constructed a letter to the County regarding traffic issues on Heyers Mill and Phalanx Roads.

Mrs. Burry further reported the Farmland Preservation dinner was a huge success in many ways. There are two new possible applications as a result of this dinner.

Mrs. Burry also reported the Planning Incentive Grant is complete and in the final phase.

Mrs. Burry reported she attended the most recent Community Band Concert and they were wonderful.

Mrs. Burry said the opening day of Polo was a wash-out and the new opening day will be this Sunday at 3:00 p.m.

Mr. Forester reported that he too attended the Community Band Concert and it was marvelous.

Mr. Forester concluded his report by commending Mrs. Burry on the excellent presentation at the Farmland Preservation Dinner. It was done very nicely.

Mayor Hennessy reported the Junior Olympics had a rough, good day. Despite the weather, the participation was very good.

Mayor Hennessy further reported that the Memorial Day Parade was a wash-out. Mayor Hennessy said he would like to look into a Veteran's Day Parade this year. The video for the Recreation Department is also complete. They will be presenting it at the next Recreation meeting.

17. **COMMENTS FROM THE PUBLIC:**

Mrs. Kim Rothberg questioned Mr. Anfuso's report on walls. Mrs. Rothberg said she feels 10' walls are too high, and if 8' walls are allowed they should have cut-outs. Mrs. Rothberg asked if wetland delineation is up to the Township Committee to determine and if so, where is the line going to stop?

Mr. Chris Lupia said the Howell Township Senior Organization collects used cell phones to have programmed for 9-1-1 emergencies.

Mrs. Judy Laufer said old cell phones can be taken to the Police Department to be programmed for 9-1-1 emergencies.

Mr. Vince Domidion suggested looking into grant funding for the reverse 9-1-1 system as Shrewsbury received a \$30,000.00 grant.

Ms. Laufer commended the students on Student Government Day. Ms. Laufer said she was concerned to find the students viewed the parking lot at Five Points Park as additional parking for them. Mayor Hennessy said he may opt to have the park gates closed during the times the students would be parking.

Mr. Nunzio Innucci said there should be fees and penalties for homeowners for false alarms. Mr. Innucci said he would like to request an extension on the discussion regarding Wide Horizons as he would like time to hire his own attorney. Mayor Hennessy said this matter is deferred to the Planning Board for a June 10th meeting. Mr. Innucci suggested that the Township ask residents to donate \$15,000 to pay for the reverse 9-1-1 system as he feels this is a very important benefit to the Town.

Senator Bennett said he attended the recent senior luncheon at the Battleground Country Club. It was an excellent event and nice to see the participation.

18. **RESOLUTION 2003-98**: EXECUTIVE SESSION was read by Mayor Hennessy. With no further comments, Mrs. Burry made a motion to adjourn at 10:40 p.m. and go into Executive Session, 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

Robert Bowden,
Township Administrator

RB/as