

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
MAY 30, 2007
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 Stuart followed by a salute to the flag. The following statement was read by Township Administrator/Clerk, Robert 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 13, 2006 stating that the meeting of the Colts Neck Township Committee would be held on May 30, 2007 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 Stuart, Deputy Mayor Hennessy, Committeemembers Forester, Florek and Schatzle

Also Present: Robert Bowden; John O. Bennett, III, Esq., and Beth Kara

Absent: None

Mayor Stuart opened the meeting noting changes to tonight's meeting agenda. The Clean Communities Awards Presentation is re-scheduled to the June 13, 2007 meeting. The Shade Tree Commission presentation on a proposed Tree Preservation Ordinance would be made later during this evening's meeting.

1. **APPROVAL OF MINUTES OF MAY 9, 2007:** Mayor Stuart made a minor correction to note Committeeman Schatzle asked a question during the Student Government Day. With no further comments, Mr. Florek made a motion to approve, as amended, seconded by Mr. Schatzle and carried by Messrs. Hennessy, Florek, Schatzle and Stuart, with Mr. Forester abstaining.

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

2. **ORDINANCE 2007-9:** AN ORDINANCE PROVIDING FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$405,000 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 Stuart. With no comments from the Committee, Mayor Stuart opened the meeting to public comment.

Mr. Chris Lupia, a resident, asked if the appraisal company had been selected. Mr. Florek responded at this point, funds are being set aside to conduct the appraisal and the request for bid was expected to be issued in June. The Committee plans to interview the top two firms during the summer months, and make a selection. Mr. Lupia recalled issues during the last appraisal and stressed the importance of selecting the right company that will minimize appeals. Mayor Stuart stated many appeals are received at the County level, and given the assessed value of many of the Township's properties, many appeals

will go directly to the County. The goal is to make the revaluation process a relatively smooth one within the Township.

Mr. Vince Domidion, a resident, stated the revaluation is a good thing. Determining a property's current market value is useful in this fluctuating market, and it will serve the property owner well basing decisions on a current assessed value. In addition, the revaluation presents the opportunity to identify improvements that may have been overlooked. Mayor Stuart agreed with Mr. Domidion and stated the revaluation will provide a more even playing field within the County.

Hearing no further comments, Mayor Stuart closed the meeting to public comment. Mr. Forester made a motion to approve, seconded by Mr. Florek and unanimously carried.

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

3. **RESOLUTION 2007-86:** APPROVING AND AUTHORIZING EMPLOYMENT CONTRACT BETWEEN THE TOWNSHIP OF COLTS NECK AND TEAMSTERS UNION NO. 11 (WHITE COLLAR UNIT) was read by title by Mayor Stuart. With no comment from the Committee, Mr. Schatzle made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

4. **ORDINANCE 2007-10:** AN ORDINANCE ENTITLED THE 2007 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read at first reading by Mayor Stuart. With no comment from the Committee, Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried. Mayor Stuart set the date for public hearing June 13, 2007.

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

5. **RESOLUTION 2007-87:** AUTHORIZING CHANGE OF CORPORATE STRUCTURE AND PLACE-TO-PLACE TRANSFER PLENARY RETAIL LIQUOR LICENSE NO. 1309-33-002-010, A.M. ROSE, INC. was read by title by Mayor Stuart. Mr. Bennett stated this resolution authorizes the use of the outdoor dining patio. Mr. Bennett clarified A.M. Rose previously had a change in corporate structure that did not require a Resolution. With no comment from

the Committee, Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

6. **MOTION TO ADOPT A CONSENT AGENDA:**
7. ***RESOLUTION 2007-88:** APPROVING ACCEPTANCE OF PERFORMANCE GUARANTEES – P.B. APPLICATION NO. 643 (J.P. MORGAN CHASE BANK).
8. ***RESOLUTION 2007-89:** AUTHORIZING INSPECTION AND ESCROW REFUNDS – APPLICATION NO. 642 (ROTH).
9. ***RESOLUTION 2007-90:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEE – P.B. APPLICATION NO. 563A (GALLOPING HILLS).
10. **RESOLUTION 2007-91:** APPROVING RAFFLE APPLICATION NO. RA—07-9, ON-PREMISES 50/50 RAFFLE, JUNE 3, 2007, 180 TURNING LIVES AROUND, INC.
11. ***RESOLUTION 2007-92:** APPROVING INSERTION OF SPECIAL ITEM OF REVENUE – STORMWATER GRANT.
12. ***RESOLUTION 2007-93:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE – P.B. APPLICATION NO 486 (GREEN HILL ESTATES).

With no comment from the Committee, Mr. Hennessy made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

13. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report, and offered the following:

Mr. Bowden stated the Chief Financial Officer was originally scheduled to discuss the Annual Audit Report and its findings at tonight’s meeting. This issue will be discussed at the June 13th or June 27th meeting.

Mr. Bowden stated Shadow Isle Golf Club has applied directly to the State Division of Alcoholic Beverage Control for a Club License, as was done by other golf courses within Colts Neck. This license is not granted by the Governing Body nor is it renewed through the Township. Approvals and renewals are handled directly between the applicant and the State ABC. After

the legal notice was published in the Asbury Park Press notifying of Shadow Isle’s application for a club license, Mr. Bowden received one unsigned letter regarding this application.

14. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reported he reviewed and signed the vouchers, noting all were in order, which are as follows:

Animal Control	\$19.20
Capital Fund	\$4,223.00
Construction Trust	\$9,646.40
Current Fund	\$417,152.26
Escrow	\$22,514.71
Farmland Preservation Trust	\$35,048.00
Grant Fund	\$1,677.50
Tax Collectors Trust	\$42,847.72
Trust Fund	<u>\$7,423.00</u>
TOTAL APPROVED:	\$540,551.79

Mr. Forester made a motion to approve all vouchers, seconded by Mr. Florek and unanimously carried.

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

15. **PRESENTATION:** TREE PRESERVATION ORDINANCE – MS. EILEEN STIVALA, SHADE TREE COMMISSION CHAIRPERSON. Ms. Stivala and Ms. McGowan, Township Landscape Architect, addressed the Governing Body. Ms. McGowan stated two prior attempts have been made to pass a tree ordinance. This third attempt is being made to stop the removal of healthy historic trees. Ms. McGowan referred to the property on Heyers Mill Road and Cedar Drive at which a 350 year old white oak was cut down. Ms. Stivala stated the Shade Tree Commission wants to preserve what was here long before we were. Discussion ensued regarding the wording of the draft ordinance and the intent of the ordinance, including the review, approval and appeals processes. Mr. Bennett suggested using the second version as a starting point for a tree ordinance and incorporating the thoughts expressed tonight. Mr. Bowden spoke with Freehold Township’s full-time Forester, who has agreed to meet with the Governing Body to discuss his perspective on tree preservation. All agreed it would be beneficial to meet with this person. Ms. Stivala and Ms. McGowan will work with Long Range Planning to craft an ordinance and will return to the Township Committee for review and adoption.

16. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester reported the Colts Neck Board of Education commended Mr. Ed Thompson for all he and the Department of Public Works have done in providing logistical support to the Board. Mr. Forester stated this is a testimony to the Township and the Board working in harmony for the good of its citizens.

Mr. Hennessy reported the Purple Martins at Bucks Mill Park and Town Hall are very active. Additional nests have been built and eggs laid. Both sites are considered successful this first year of operation.

Mr. Hennessy reported this year’s Junior Olympics was well attended and was a success.

Mr. Hennessy reported the Memorial Day Parade was organized by the Recreation Committee, and acknowledged the efforts of Chair, Jim Valenti, and Vice-Chair, Frank Baker. The Line of March represented many groups within the Community. Mr. Hennessy complimented Mayor Stuart on his eloquent speech. Firehouse 2 provided refreshments after the ceremony, and Mr. Hennessy reported this was a successful event.

Mr. Florek reported the Township Counsel has filed an extension pertaining to the Mount Laurel Affordable Housing issue. By this filing, the Township is seeking to have the extension granted until the Courts and the State decide this issue.

Mr. Florek raised the issue of a cost of living increase for the Fire Department's LOSAP. Mr. Bowden stated this issue was brought up two years ago, and the Governing Body was not in favor of the issue then. Mr. Florek stated he wants to re-visit this issue.

Mr. Florek raised the issue of the emergency traffic light at Fire Company 1. Fire Company 1 has raised \$5,000 for this light and the Township has set aside \$5,000. Mr. Bowden stated the County approved the installation. Mr. Florek asked Mr. Bowden to determine what needs to be done to expedite installation. Mr. Bowden stated he will contact the County Engineer.

Mr. Florek reported Fire Company 2 replaced their van used to transport fire fighters to the scene after the fire trucks have left the building. Fire Company 2 self-funded this replacement.

Mr. Florek asked Mr. Bowden to include the Township's ISO rating in the next Township Newsletter. The low rating reduces the cost of homeowner's insurance coverage, and each homeowner should review the homeowner's policy to verify the correct ISO rating is reflected.

Mr. Florek reported a tanker truck was recently sent to the Pine Barrens to assist in extinguishing the widespread fire.

Mr. Schatzle reported the Board of Health is researching shared services in filling the impending Health Officer vacancy anticipated in December 2007.

Mr. Schatzle spoke of the recent alcohol problem at the PNC Arts Center. Mr. Schatzle stated the Alliance will be working with local municipalities to address this issue since residents within the surrounding communities attend concerts at this venue. Mr. Schatzle stated with regard to the recent discussion on Beer Keg registration, the Governing Body should keep an eye on what is being done at the State level, and if nothing is forthcoming, the Township may want to re-visit this issue.

Mayor Stuart reported he will be attending a meeting with Assemblyman Panter; Captain Maynard; Congressmen Holt and Smith; Mrs. Fisher, the owner of the 801 housing at Earle; two representatives from Tinton Falls and Mr. Bowden. Mayor Stuart stated the Township is maintaining its position that Tinton Falls is responsible for educating the children housed at Earle. In addition, given the security issue at Ft. Dix, the Township is strongly opposed to opening the 801 housing to the general public in 2010.

Mayor Stuart reported Jarrett Engel coordinated a meeting with Township staff and a representative from the Clean Energy Program. The Program will provide reimbursements to municipalities and businesses for installing energy saving equipment and retrofitting existing lighting to more energy saving devices. Discussion ensued, and the Governing Body concurred the representative should return to present a detailed slide show to the Governing Body, the Business Advisory Committee and the Board of Education. Mayor Stuart reported each meter is eligible to receive \$100,000 in incentives per year. The

Township is researching the cost of having energy audits performed on its buildings.

Mayor Stuart appointed Mr. James Schatzle as Liaison to the Local Emergency Planning Committee. Mr. Hennessy stated this position requires a strong advocate and liaison. Mr. Hennessy approached Mayor Stuart to appoint Mr. Schatzle to this position given his extensive background in emergency services. Mr. Schatzle stated he appreciates the recommendation and appointment, and he plans to serve in this capacity with passion for the issues at hand.

17. COMMENTS FROM THE PUBLIC:

With no further comments, Mayor Stuart opened the meeting for public comment.

Peter Berman, a Beaver Dam resident, spoke of the proposed Tree Ordinance. His home overlooks the reservoir. Mr. Berman fears if an ordinance is not adopted, the extensive cutting that was done on the reservoir will continue to the detriment of all. Mayor Stuart stated our Shade Tree Commission contacted Middletown regarding the reservoir tree cutting and was advised the property is owned by the Water Company. Mayor Stuart and Mr. Hennessy have kept a watchful eye on the reservoir over the years and have notified the Water Company of illegal docks, kayaks, erosion and pumping water onto private property. Mayor Stuart stated they will continue to monitor reservoir activities and will continue to report incidents.

Ms. Robin Weiner, a Beaver Dam resident, stated the Water Company is very aggressive Upstate, but they are not aggressive here. She spoke of the property at Rivers Edge and questioned if the Township is in litigation. Mayor Stuart responded there is an ongoing chronic problem whereby residents adjacent to the reservoir encroach on property beyond their property line. Mr. Bennett advised there is Greenway property around the reservoir and several residents have cut down trees. The offending homeowners have ended up in court. Ms. Weiner stressed it is important to give priority to passing a tree ordinance to preserve these trees.

Mr. Chris Lupia, a resident, stated this year's Memorial Day Parade was one of the best. He stated the Mayor's speech was "super excellent." Mr. Lupia was disappointed with the number of veterans in this year's parade and asked if there was a way to use the tax records to notify the veterans and request their participation in this parade. Mr. Hennessy responded he is making a note to have the Recreation Committee address this issue. Ms. Laufer stated she used the list to contact veterans regarding the Veterans Day Ceremony held each November. Mr. Hennessy advised they were without a driver for the second wagon this year, and that may have adversely impacted veteran participation.

Mr. Vince Domidion, a resident, stated there are some species of trees that are fully mature and never reach six inches. The various sizes of mature trees should be considered when crafting the tree ordinance. Mr. Domidion stated the largest persimmon tree in Monmouth County is currently growing within the Township. Mayor Stuart stated the ordinance should include species that should be protected.

Mr. Domidion advised the New Jersey Register proposed regulation to extend Category 1 to identify and protect all tributaries to the Swimming River Reservoir was published. Mayor Stuart stated he received the material from Mr. Domidion and this issue will be on the next agenda.

18. **RESOLUTION 2007-94:** EXECUTIVE SESSION was read by Mayor Stuart at 8:53 p.m. With no further comments, Mr. Forester made a motion to adjourn and go into Executive Session, seconded by Mr. Hennessy and unanimously carried.

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

At 9:30 p.m., Mr. Florek made a motion to adjourn Executive Session, seconded by Mr. Hennessy and unanimously carried.

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

Meeting adjourned at 9:30 p.m.

Robert Bowden
Township Administrator/Clerk

RB:bk