

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING MINUTES
MAY 31, 2006
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 Florek followed by a salute to the flag. The following statement was read by Township Administrator/Clerk, Robert Bowden: "The notice of the requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a "News Release" to the Asbury Park Press on December 22, 2005 stating that the meeting of the Colts Neck Township Committee would be held on May 31, 2006 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 Florek, Deputy Mayor Stuart, Committeemembers Burry, Forester and Hennessy

Also Present: Robert Bowden; John O. Bennett, III, Esq., and Ruth Leininger

Absent: None

1. **PRESENTATION: PURCHASE OF BRUSH TRUCK.**

MR. MORGAN SAVAGE, FIRE CHIEF. Chief Morgan Savage and Tom Savage explained they have received estimates to refurbish their 1950 REO brush truck which is currently out of service. Because of the age of the truck, estimates start at \$125,000.00 and could very easily escalate. A new truck with a 75,000 mile warranty is \$135,000.00. The new truck can hold up to six passengers where the existing can only carry two and has a much larger tank.

A brush truck is a necessity for the town because of the vast wooded areas - six parks, greenways, woods on each side of Route 18, etc. The town owns one other brush truck which is older and according to plan not supposed to be replaced. Since the town is planning on only having one brush truck it is more prudent to have a newer, larger, more reliable truck. The Fire Department is willing to push back the purchase of a pumper truck one year, in lieu of purchasing a new brush truck.

Committeeman Forester was very concerned with capital equipment for all departments. However, with the Fire Department willing to wait until 2008 for their pumper and the Township's plan of going down to one brush truck, it seemed more efficient to purchase a new brush truck. With the stipulation the pumper waits until 2008, Mr. Hennessy made a motion for the Fire Company to proceed, seconded by Mrs. Burry and unanimously carried.

2. **APPROVAL OF MINUTES OF MAY 10, 2006.**

Mrs. Burry made a motion to approve the minutes of May 10, 2006 as amended, seconded by Mr. Forester and unanimously carried. Mr. Florek and Hennessy abstained.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|---------------------|----------------------------|--------------|-----------------|-----------------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | BURRY | HENNESSY | FORESTER |
| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | | | | X |
| <i>Approve</i> | | X | X | | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | X | | | X | |

3. **ORDINANCE 2006-11:** AN ORDINANCE AUTHORIZING THE TOWNSHIP OF COLTS NECK TO ACQUIRE ADDITIONAL DEVELOPMENT RIGHTS FOR CERTAIN REAL PROPERTY KNOWN AS “EASTMONT ORCHARDS”, ALSO KNOWN AND DESIGNATED AS BLOCK 34, LOTS 15.01 AND 16.04 ON THE COLTS NECK TAX MAP, AND SUBSEQUENTLY ASSIGN THE DEVELOPMENT RIGHTS FOR SAID PROPERTY TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE
 was read by title on first reading by Mayor Florek. Mrs. Burry stated she was involved with the purchase of this property in 2001 and the intent was to sell it to the SADC. This ordinance allows the process to follow through.

Mr. Bennett, Esq. explained the State has begun the process. He brought the deed for the Mayor to sign so that he can hold in his office until the final adoption of the Ordinance on June 14th when he can forward the complete package to the State. With no further comments, Mayor Florek called for a motion. Mrs. Burry made a motion to approve, seconded by Mr. Forester and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|---------------------|----------------------------|--------------|-----------------|-----------------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | BURRY | HENNESSY | FORESTER |
| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | | | | X |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

4. **ORDINANCE 2006-12:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-93 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “GOLF COURSES”
 was read by title on first reading by Mayor Florek. Mayor Florek explained this is a reintroduction of an ordinance that was previously adopted by order of the court.

Mr. Bennett, Esq. clarified this ordinance is identical to what was previously adopted. The ordinance was not found vague or unconstitutional but was amended the night it was adopted without a public hearing. With no further comments, Mrs. Burry made a motion to approve, seconded by Mr. Forester and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | X | |
| <i>Motion Seconded</i> | | | | | X |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

5. **RESOLUTION 2006-86:** RESOLUTION SUPPORTING THE *CLICK IT OR TICKET* MOBILIZATION OF MAY 22 – JUNE 4, 2006. was read by title by Mayor Florek. The Township will receive a \$4,000.00 grant however a resolution must be passed in order to show participation.

Committeeman Forester took exception to Big Brother watching over you and abstained. With no other comments, Mayor Florek called for a motion. Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|---------------------|----------------------------|-----------------|--------------|-----------------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | |

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|--------------------------|--|--|--|--|---|
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | X |

6. **RESOLUTION 2006-86A:** RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL PLANNER – MR. THOMAS A. THOMAS, P.P. (AFFORDABLE HOUSING) was read by title by Mayor Florek. The Third Round Affordable Housing Plan is due in 2007 and the Mayor highly recommended that a professional should help prepare our plan. The Township Planner received three proposals with Mr. Thomas submitting the lowest proposal. With no other comments, Mayor Florek called for a motion. Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|--------------|---------------------|----------|-------|----------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | X | |
| <i>Motion Seconded</i> | | | X | | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

7. **RESOLUTION 2006-87:** RESOLUTION APPROVING SUBMISSION OF NJ DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROJECT – HEYERS MILL ROAD, PHASE I (CONOVER ROAD TO HERITAGE LANE) was read by title by Mayor Florek. This gives approval to submit an application for State Grant money for construction and paving of a portion of Heyers Mill Road. The application is requesting a total of \$175,000.00 from the NJDOT and if the full amount is granted, the Township would have to contribute approximately \$208,795.25 toward the project. Mrs. Burry added, the construction and paving would also include narrowing Heyers Mill Road where applicable. With no other comments, Mayor Florek called for a motion. Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|--------------|---------------------|----------|-------|----------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | X | |
| <i>Motion Seconded</i> | | | X | | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

8. **RESOLUTION 2006-88:** CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: THE MANOR AT COLTS NECK, BLOCK 22, LOTS 11, 12, 13 & 14 was read by title by Mayor Florek. As part of the settlement agreement for the Westminster lawsuit, approval must be given by the Township for the Water Quality Management Plan to authorize an on-tract wastewater treatment and disposal facility. This is limited to The Manor at Colts Neck site and involves no other properties. An association of the Manor at Colts Neck will be solely responsible for the facility with the Township having no responsibility. With no other comments, Mayor Florek called for a motion. Mr. Forester made a motion to approve, seconded by Mrs. Burry and unanimously carried.

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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | | X |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

9. **RESOLUTION 2006-89:** RESOLUTION AUTHORIZING AWARD OF BID – 2006 ROAD IMPROVEMENTS was read by title by Mayor Florek. This went out to bid with the Township receiving six bids. Lucas Brother, Inc. was the low bidder at \$123,985.00 and Pioneer General was the high bidder at \$179,848.75. With no other comments, Mayor Florek called for a motion. Mr. Hennessy made a motion to approve, seconded by Ms. Forester and unanimously carried.

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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | | | | X |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

10. **RESOLUTION 2006-90:** APPROVING EXTENSION OF AD-INTERIM LICENSE GABGEO, INC. D/B/A COLTS NECK INN STEAK AND CHOP HOUSE, LICENSE NO. 1309-33-004-002, BUNCE ATKINSON, ESQ. was read by title by Mayor Florek. Mr. Bennett, Esq. stated that he was amending the resolution to read that the Township Committee “does not object” to the license being issued because the Committee does not have the authority to “issue” a license.

Bunce Atkinson, Esq. represented the Colts Neck Inn. Mr. Atkinson concurred with Mr. Bennett and stated that they hoped to have all issues resolved this month. With no other comments, Mayor Florek called for a motion. Mr. Hennessy made a motion to approve, seconded by Mr. Stuart and unanimously carried.

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
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| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | X | | | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

11. **RESOLUTION 2006-91:** PERTAINING TO PB412 – EQUINE TRAINING CENTER was read by title by Mayor Florek. The paving of Twin Ponds Trail has begun and is 98% complete. This resolution permits the money to be released to pay the contractor directly upon approval by the Township Engineer. The Township still has a Letter of Credit from the developers for other work that is required to complete the subdivision. With no other comments, Mayor Florek called for a motion. Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and unanimously carried.

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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | X | | |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

12. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Florek read the following consent agenda resolutions by title:

***RESOLUTION 2006-92:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE FOR STREET OPENING (WEXLER – 19 BIRCH LANE).

***RESOLUTION 2006-93:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE PB623A (PLEAN).

***RESOLUTION 2006-94:** RESOLUTION APPROVING INSERTION OF SPECIAL ITEM OF REVENUE IN 2006 MUNICIPAL BUDGET \$3,724.30 FOR DRUNK DRIVING ENFORCEMENT GRANT

Mr. Forester made a motion to approve, seconded by Mrs. Burry and unanimously carried.

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| <i>Motion To Approve</i> | | | | | X |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

13. **DISCUSSION:** LOSAP CREDITS FOR 2005 – FIRST AID SQUAD. Mr. Bowden explained this is the same procedure that was done for the Fire Department a few months ago. The Township will due diligence by posting this list for a 30 day appeal period. This is only a discussion item and will appear on the June 14th meeting as a resolution.

14. **DISCUSSION:** SAFETY LIGHTS FOR POLICE FIRING RANGE – MAYOR FLOREK. Mayor Florek explained that the Police Department would like to install low spot lights at the firing range so that they will be able to qualify for night use. There are no plans for regular use of the range at night. JCP&L is donating the poles and wires. They are asking for minimum requirements to qualify.

Mrs. Burry stated that Ft. Monmouth has an indoor firing range under construction that is supposed to be shared with neighboring municipalities when completed. With no other comments, Mayor Florek called for a motion for them to proceed. Mr. Stuart made a motion to approve, seconded by Mrs. Burry and unanimously carried.

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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | X | | | |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

15. **DISCUSSION:** PRESENTATION BY DIANE AIFER, ESQ. SPATIAL DESIGN TRANSFER OF DEVELOPMENT RIGHTS – SHADOW ISLE SUBDIVISION. Ms. Aifer, Esq. stated that the Planning Board adopted a Resolution approving the release of a development restriction for Lot 1/1, conditioned upon the granting of a conservation easement on Block 46, Lot 17.12. However the resolution requires consent from the governing body to release the deed restriction on Lot 1/1.

Mr. Bennett, Esq. stated that an Ordinance must be adopted because there is interest in land. An ordinance will be prepared and brought back for approval.

16. **ADMINISTRATIVE REPORT:** Mr. Bowden had no additional comments to his report.

17. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reviewed and signed the vouchers and commented all were in order. Mr. Forester made a motion to approve all vouchers totaling \$476,828.85, seconded by Mrs. Burry and unanimously carried.

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| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | | X |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

18. **TOWNSHIP COMMITTEE REPORTS**

Mr. Hennessy acknowledged a wonderful Memorial Day parade, ceremony and festivities. Also, the Junior Olympics this year was the largest in five years.

Mr. Stuart reported that Colts Neck is the recipient of the 2005 Tree City award. This makes the 13th year in a row. Colts Neck is very proud of this and thanks the Shade Tree Committee for making this happen.

The acquisition of the Greenfield farm is progressing splendidly. Hopefully it will be completed by the 15th.

Mr. Forester read a resolution that was given to the Colts Neck Alliance for Alcohol and Drug Abuse. They should be commended for the hard work they do and the impact on the children.

Mrs. Burry had nothing to report this evening.

Mayor Florek stated the Executive Fire Council is diligently trying to stay under the \$90,000.00 cap although it is not easy.

Long Range Planning has been discussing the issue of antennas and an ordinance will be coming shortly. They have also been discussing the issue of lot coverage and whether a pool should be included in that calculation.

19. **COMMENTS FROM THE PUBLIC**

Vince Domidion, Revolutionary Road commended the Committee for appointing Tom Thomas as a special planner for the Affordable Housing Plan. Although he felt he was an excellent choice, he feels Colts Neck does not have a Mt. Laurel obligation under the law.

Mr. Domidion also asked the committee to consider asking Shadow Isle to give approximately four acres of property to make into a preserve from Leland Road to Hominy Hill Road.

Kim Rothberg, Route 537 asked what process the Golf Course Ordinance will go through. It will go to the Planning Board for a consistency report, be published in the newspaper, sent to surrounding municipalities and the County Planning Board. Questioning why changes the Planning Board had suggested were not made, it was explained that when the ordinance was brought to court the Judge did not find the language vague, arbitrary or capricious.

Dr. Michael and Patricia Cohen, Route 34 stated they have new neighbors who recently purchased next to them and have completely cleared over 100 trees up to their property line and even including a few on their property. Since all the trees are cut it is apparent there are two separate residences along with a landscaping business.

Julie McGowan, Township Landscape Architect and Jim Nicoletti, Chairman of the Shade Tree Commission stated they had both been out to Dr. Cohen's property. The neighbor did clear some trees in the greenway as well. The Code Enforcement Officer has been out and is aware of the situation. There is no tree ordinance so the property owner can cut trees on their own property.

Mayor Florek stated that Code Enforcement will address the violations and thought the idea of some type of tree ordinance should be explored again.

Mrs. Burry suggested the S.A.D.C. be consulted in light of the Development Easements the State retains on the Cohen property.

Chuck Cammarata, Heyers Mill Road questioned a meeting the Township Committee went to regarding school board funding. Mayor Florek explained they are exploring having the funding formula changed. Newer districts calculate by a per pupil count which is something we were not able to do when this district was created.

Mr. Cammarata asked about the tax sale last week. Mr. Bowden stated it went well and all properties were sold.

Mr. Cammarata also questioned the new voting machines. Mr. Bowden stated that he attended a seminar that included a demonstration. The machines are very user friendly with a touch screen and a keyboard for write-ins.

Julie McGowan, Landscape Architect stated Shade Tree is in mediation for a homeowner who encroached on the greenways. Shade Tree felt a fence on the property line would be best, the Township Committee supported this.

It was also stated that Clair French was reprinting the sample ballots due to the fact that all candidates in line 3 were printed with a much smaller font size, making an extreme disadvantage for those listed.

- 20. **RESOLUTION 2006-85:** EXECUTIVE SESSION. There was no Executive Session.
- 21. Motion by Mr. Forester, seconded by Mrs. Burry and unanimously carried to adjourn public meeting at 9:35 p.m..

| COLTS NECK TOWNSHIP COMMITTEE | | | | | |
|--------------------------------------|---------------------|----------------------------|-----------------|--------------|-----------------|
| RECORD OF VOTE | MAYOR FLOREK | DEPUTY MAYOR STUART | HENNESSY | BURRY | FORESTER |
| <i>Motion To Approve</i> | | | | | X |
| <i>Motion Seconded</i> | | | | X | |
| <i>Approve</i> | X | X | X | X | X |
| <i>Opposed</i> | | | | | |
| <i>Not Voting/Recuse</i> | | | | | |
| <i>Absent/Excused</i> | | | | | |

Robert Bowden, Township Administrator
RB/rl