

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
JUNE 8, 2005
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 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 17, 2004 stating that a meeting of the Colts Neck Township Committee would be held on June 8, 2005 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 Florek, Committeemembers Burry, Hennessy, Stuart, and Mayor Forester

Also Present: Robert Bowden, Thomas Bace Esq. and Aime Sweeney

Absent: None

1. **ANNOUNCEMENT:** Mayor Forester announced it is with pleasure the Township will acquire the 12.3 acre Smith Farm, Block 9, Lot 7, on the corner of Laird Road and Route 34 North. Mayor Forester turned the floor over to Mrs. Burry. Mrs. Burry said it is very satisfying to protect yet another farm in Colts Neck. Mrs. Burry advised this acquisition had to be acted on quickly as there was a contract on it.
2. **APPROVING MINUTES OF MAY 25, 2005:** Mrs. Burry requested to table the minutes of May 25th to the next Township Committee meeting, seconded by Mr. Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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>					

3. **ORDINANCE 2005-12:** BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS TO PROTHERO ROAD AND APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,750 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 Mayor Forester by title on second reading. Mr. Bowden advised that of the \$185,000 appropriation, the Town will receive back from the D.O.T. Grant \$140,000. Mayor Forester opened the public hearing. Mr. Vincent Domidion thanked the Township Committee for their approach in obtaining this grant. With no further comments, Mayor Forester closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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 2005-15:** BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF BLOCK 9, LOT 7 (SMITH FARM) 12.3 ACRES AND APPROPRIATING \$2,325,000.00 was read by Mayor Forester by title on first reading. Mayor Forester explained this Ordinance provides for the funding to acquire the Smith Farm. Mr. Florek noted that this property is especially interesting because it is in the A1 Zone. With no further comments, Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Florek and unanimously carried. Mayor Forester set the public hearing for June 29, 2005.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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. **ORDINANCE 2005-16:** AN ORDINANCE AUTHORIZING THE TOWNSHIP OF COLTS NECK TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS THE "SMITH PROPERTY", ALSO KNOWN AND DESIGNATED AS BLOCK 9, LOT 7 ON THE COLTS NECK TOWNSHIP TAX MAP was read by Mayor Forester by title on first reading. Mayor Forester explained this Ordinance allows for the purchase of the Smith Farm. With no further comments, Mr. Hennessy made a motion to introduce this Ordinance, seconded by Mrs. Burry and unanimously carried. Mayor Forester set the public hearing for June 29, 2005.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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>					

6. **RESOLUTION 2005-93:** AUTHORIZING EXECUTION OF CONTRACT FOR THE PURCHASE OF BLOCK 9, LOT 7 (SMITH) was read by Mayor Forester in full. Mayor Forester explained this Resolution is necessary to execute the contract for the purchase of the Smith Farm. Mrs. Burry noted that Mrs. Smith is permitted to farm through 2006. Mr. Stuart confirmed the billboard on the Smith property is contracted on a monthly basis. Mr. Bace, Esq. stated the Township can put them on notice to remove the billboard. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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. **MOTION TO ADOPT A CONSENT AGENDA** was read by Mayor Forester for the following Resolutions:

Resolution 2005-94: Authorizing Display of Fireworks – July 4, 2005

Resolution 2005-95: Authorizing Display of Fireworks – Colts Neck Fair

Resolution 2005-96: Authorizing Refund of Application/Escrow Fees – ZB Application No. 656 (Flood)

Resolution 2005-97: Authorizing Release of Maintenance Guarantee – PB Application No. 500 (Hillcrest Estates)

Resolution 2005-98: Authorizing Release of Inspection Fees – PB Application No. 507 (Swimming River Estates)

With no comments made, Mr. Florek made a motion to approve all aforementioned Resolutions, seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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. **DISCUSSION**: LOSAP CERTIFICATIONS; FIRST AID SQUAD, FIRE DEPARTMENT (WITH MR. JAMES SCHATZLE AND FIRE CHIEF RICHARD GALINSKI) – Mr. Bowden stated the LOSAP program was consummated by voter referendum in 2003. Mr. Bowden explained that emergency services participating in LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year. The certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency’s adopted point system. The required certification shall be presented to the sponsor within 30 days of the plan anniversary date. Within 30 days of receipt, the sponsoring agency shall review it. Upon finding the list accurate, the sponsoring agency shall approve it by Resolution. Upon approval by Resolution, the sponsoring agency shall return the list back to the emergency service organization for posting for 30 days. Any appeals must be received by the sponsoring agency within 30 days of the posting date.

Mayor Forester turned the floor to Mr. Schatzel who stated that very few First Aid volunteers qualified for the total amount. Mr. Florek asked Mr. Schatzel the total number of First Aid calls last year? Mr. Schatzel said approximately 700. Mrs. Burry said the First Aid point totals seem so low. Mr. Schatzel said it can vary depending on people’s lives. Mr. Florek confirmed with Mr.

Schatzel that it appears the LOSAP Program does not impact acquiring new volunteers into the First Aid.

Mayor Forester called Chief Richard Galinski forward. Mr. Florek said he doesn't feel points for officers are cumulative. It is **only one amount** for both line officers and administrative officers. The maximum should be 15. Chief Galinski said he is aware of this and will rectify it.

Mr. Florek said he fears some volunteers may have boosted points in the last month. Chief Galinski said he is also aware of this. Mr. Florek asked how many fire calls there were in the past year. Chief Galinski said 433. Mr. Stuart asked why there is such a point difference between the number of calls each had and the number of certification points earned? Mr. Florek said he has given it a lot of thought and concluded that there are more opportunities for the Fire Department to earn points than the First Aid Squad.

After brief discussion Mr. Stuart said some of his questions have been answered. Mr. Bowden concluded by asking that both Mr. Schatzel and Chief Galinski submit to him within a week an updated list in order to prepare a Resolution for the next Township Committee meeting.

9. **DISCUSSION**: CHANGE OF ZONE – BLOCK 47, LOT 9 – LELAND ROAD/ROUTE 34/ROUTE 18 (MR. ROBERT A. ROTHSTEIN, ESQ.) – Mayor Forester called Mr. Rothstein forward. Mr. Rothstein requested the Township consider changing the zoning of his client's premises from residential to commercial. Mr. Rothstein said the premises was originally zoned commercial and changed at some point thereafter to residential. Due to the location of the premises which primarily fronts on Route 34 and ends on Route 18, it would appear that any residential use of the premises is highly unlikely. It would also appear the highest and best use of the premises would be for commercial purposes. Mr. Rothstein said he can't believe anyone in their right mind would want to reside at this parcel. Access is limited. The motel next door is one inch off the property. Mr. Rothstein said he would agree that certain types of retail business would be lunacy. However, a medical practice may work. Mr. Jack Illmenssee, representing the deceased, said it was zoned commercial in 1995 then changed back to residential. It has been on the market since last August and the only interest has been for commercial. Mrs. Burry noted that it really is not that unique as there are other such parcels along Route 34 that would prefer commercial zoning. Mr. Rothstein argued that it is unique as it runs alongside Route 18. Mr. Hennessy asked Mr. Rothstein if he has tested the market for residential? Mr. Illmenssee said it's on the market for \$895,000. Mr. Hennessy said he just answered his question. Mr. Hennessy said there are ways around reverse direction such as the Route 18 ramps. Mr. Hennessy said although he is not a real estate expert, \$895,000. does not seem an appropriate price set for that particular property. Mr. Florek pointed out that Leland Road is primarily residential. Mr. Hennessy said the Township made a stand in reviewing and adopting the Master Plan. Allowing this parcel to be rezoned would be precedent setting. Mr. Hennessy stated that as long as he is sitting at this table, the 2004 Master Plan will not be changed. Mrs. Burry noted the new homes behind this parcel are selling for \$1.6 million and up. Mr. Stuart pointed out that there are many different levels of real estate investment. Mr. Rothstein said there have been oversights made in many towns and doesn't know what happened with this particular parcel. After brief discussion, the unanimous consensus of the Township Committee was not approve the rezoning of this parcel.
10. **DISCUSSION**: BLOCK 7, LOTS 7.01 AND 7.11 (DESAYE) POND WITHIN CONSERVATION EASEMENT (MR. A.J. GARITO, P.E.)- Mr. Bowden advised it is the owners request to table this discussion until the next Township Committee meeting.

11. **ADMINISTRATIVE REPORT:** Mr. Bowden said he has no report this evening.
12. **MOTION TO APPROVE VOUCHERS** was made by Mrs. Burry to approve all vouchers totaling \$220,511.24 seconded by Mr. Stuart and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Stuart reported the new police firing range will be open very soon. Mr. Stuart advised the new range did not cost the taxpayers a dime. Many people volunteered their time and services for this project.

Mr. Stuart further reported that he and Tim Anfuso, Township Planner, will be going to Trenton tomorrow regarding the Highway Access Management Roadway.

Mrs. Burry reported that last week she, Mr. Bowden and Mayor Forester attended the Battle of Midway Ceremony at Earle Naval Station.

Mrs. Burry advised work on the new foundation of Montrose Road School has begun.

Mrs. Burry reported that she attended a ceremony at the Monmouth County Historic Preservation Association in which two Colts Neck residents received awards; Mrs. Linda Dickenson and Mr. Edward King.

Mrs. Burry regretfully announced that Carol McCoy died suddenly. She served as CFO, Tax Collector, Deputy Clerk and worked on the Historic Preservation Committee. The Colts Neck Historic Preservation Committee has received two donations on her behalf. Mrs. Burry said that she would like to acknowledge the contributions in an upcoming book the Historic Preservation Committee is working on.

Mrs. Burry asked the status of the deGroot property. Mr. Bace said we have everything in order and are just waiting for the State.

Mr. Florek reported that the Sports Foundation expressed their appreciation for the new dirt at the infields and for the new signage. They have asked if the signage could also be put in the opposite direction. Mr. Florek said the Sports Foundation has requested to meet with Dr. Nolan and the local Board of Education regarding new tennis courts.

On a side note, Mr. Florek said a private entity suggested raising funds for indoor tennis courts.

Mr. Florek further reported that he found out the Fire Relief Fund, as mentioned in a previous Township Committee meeting, is State oriented death benefits and provides for retirement home. The Fireman's Right to Know refers to instructing fire fighters of hazards and contaminants.

Mr. Hennessy reported he saw approximately fifty students at Cedar Drive School playing Lacrosse. Mr. Hennessy said he was very pleased to see a new sport introduced and the children enjoying it so much.

Mr. Hennessy also reported that there were about fifty registrants for the Junior Olympics, despite the weather being a little bad.

Mr. Hennessy further reported that everything is in place for the annual Fair in August.

Mr. Hennessy concluded by advising the Friends of the Library meeting was cancelled.

Mayor Forester complimented the Recreation Department, Public Works Department, and Fire Department for their participation in the Memorial Day Parade. It was a very enjoyable event.

Mayor Forester reported he recently attended a local Board of Education recognition ceremony at the Freehold Gardens. It was a very nice time.

Mayor Forester suggested changing the scheduled meeting for August 10, 2005, to the following Wednesday, August 17, 2005. The Township Committee unanimously agreed.

14. **COMMENTS FROM THE PUBLIC:**

Mr. Vincent Domidion complimented the Township Committee on the acquisition of the Smith Farm. Mr. Domidion noted that the Smith family is a long time family of Colts Neck. Mr. Domidion reminisced about purchasing vegetables and eggs at the Smith Farm in earlier years.

Mr. Domidion commended the Township Committee for not rezoning Block 47, Lot 9. Mr. Domidion recalled some history prior zoning changes to this parcel.

Mr. Chris Lupia noted that his neighbors around him keep cutting down their trees and recalled Mrs. Carol Young's letter suggesting the Township enforce permits for such tree cutting. Mr. Lupia suggested sending a "Welcome to Colts Neck" booklet around to new residents advising them of various town policies.

Mrs. Burry advised that last year the Shade Tree Commission presented the idea of putting together a tree cutting program but doesn't know what ever became of it. Mr. Stuart advised the Shade Tree Commission has been working on it and it is now close to completion.

Mr. Lupia showed the Township Committee a piece of mail addressed to England sent to him in error.

15. **RESOLUTION 2005-99:** EXECUTIVE SESSION was read by Mayor Forester. With no further comments, Mrs. Burry made a motion to adjourn and go into Executive Session at 9:10 p.m., seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
<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/as