

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JUNE 9, 2004**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Burry, 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, 2003 stating that a meeting of the Colts Neck Township Committee would be held on June 9, 2004 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 Forester, Committeemembers, Florek, Stuart, and Mayor Burry

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

Absent: Committeeman Hennessy

Mayor Burry called for a moment of silence in remembrance of former President, Ronald Reagan. Mayor Burry read a Proclamation in honor of the late President, Ronald Reagan.

1. **PRESENTATION: ARCHITECTURAL REVIEW COMMITTEE AWARDS:** Mayor Burry unveiled photographs of four business entities in Colts Neck that the Architectural Review Committee wishes to acknowledge for their architectural excellence. Mayor Burry called the four business owners forward to present them with a plaque; Toni Morello for the Morello Building, Mike Hansman and Marisa Caruso for the Colts Neck Assisted Living, Carmella DeGenarro for the Colts Neck Golf Club, and Sal Barbagallo for the Colts Neck Commons.
2. **APPROVAL OF MINUTES FOR MAY 12, 2004, AND MAY 26, 2004** was read by Mayor Burry. Mr. Forester made a motion to approve the minutes of May 12, 2004 and table the minutes of May 26, 2004, seconded by Mr. Stuart and unanimously carried.

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

3. **ORDINANCE 2004-12:** AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF COLTS NECK BY AMENDING CHAPTER 102, DEVELOPMENT REGULATIONS, TO PROVIDE FOR THE COLLECTON OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF COLTS NECK was read by Mayor Burry on second reading. Mayor Burry briefed the Township Committee on what took place this past week regarding the Westminster litigation. Mayor Burry said it is important to note that the repose period will be for a period of three years. Mr.

Manco stated that the Ordinances and Resolution this evening is the necessary tool in order for the repose to take place. Mr. Manco explained what this Ordinance will do in relation to the Westminster Agreement. Mayor Burry opened the public hearing and with no comments made, closed the public hearing. Mr. Forester made a motion to adopt this Ordinance, seconded by Mr. Stuart and unanimously carried.

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

4. **ORDINANCE 2004-13:** AN ORDINANCE TO SUPPLEMENT CHAPTER 102 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF COLTS NECK TO SET FORTH REQUIREMENTS FOR THE AFFIRMATIVE MARKETING OF AFFORDABLE HOUSING UNITS IN ACCORDANCE WITH THE REGULATIONS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING was read by Mayor Burry on second reading. Mr. Manco explained what this Ordinance will do in relation to the Westminster Agreement. Mayor Burry opened the public hearing and with no comments made, closed the public hearing. Mr. Stuart made a motion to adopt this Ordinance, seconded by Mr. Florek and unanimously carried.

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

5. **ORDINANCE 2004-14:** AN ORDINANCE TO SUPPLEMENT CHAPTER 12 OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF COLTS NECK SETTING FORTH REQUIREMENTS FOR THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS IN ACCORDANCE WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF COLTS NECK AND THE REGULATIONS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING was read by Mayor Burry on second reading. Mr. Manco explained what this Ordinance will do in relation to the Westminster Agreement. Mayor Burry opened the public hearing and with no comments made, closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mr. Forester and unanimously carried. Mr. Manco thanked the Township Committee for allowing him to be assigned to this case for the past six years. Mayor Burry expressed her satisfaction and gratitude to Mr. Manco for a job well done.

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

6. **ORDINANCE 2004-15:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MNMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE ODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “DEVELOPMENT REGULATIONS” AND MORE PARTICULARLY ARTICLE VI, SUBSECTION 41, “ZONING MAP” was read by Mayor Burry by title on second reading. Mr. Bowden indicated on a map where the zoning changes are. Mayor Burry said these changes were recommended to us by both the Township Planner and the Long Range Planning Committee. Mayor Burry opened the public hearing. Mr. Vince Domidion said he feels these zoning changes are prudent and reflect good housekeeping. Mrs. Virginia Amend asked if the changes include the Colts Neck Assisted Living facility? Mayor Burry said no. Mr. Stuart said he believes the Colts Neck Assisted Living obtained a variance. Mrs. Amend said she feels this Ordinance sets a poor zoning precedent. Mayor Burry said she believes the Zoning Board is guided by principles of the highest and best use. With no further comments Mayor Burry closed the public hearing. Mr. Florek made a motion to adopt this Ordinance, seconded by Mr. Stuart and unanimously carried.

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

7. **RESOLUTION 2004-110:** CONFIRMING AND ESTABLISHING COLTS NECK ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE (3 YEAR TERMS) was read in full by Mayor Burry. Mayor Burry said we do this Resolution annually. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

8. **RESOLUTION 2004-111:** URGING FCC TO REVERSE ITS DECISION TO DEREGULATE BASIC CABLE RATES FOR CABLEVISION, NJ was read in full by Mayor Burry. Mayor Burry advised that Colts Neck is one of forty-nine towns that were found to have effective competition thus can be subject to basic cable rate increases by as much as \$5.00 per month for the next fifteen years. This Resolution urges the FCC to reverse it's decision to deregulate Monmouth Cablevisions which will result in rate increases. With no further comments, Mr. Forester made a motion to pass this Resolution, seconded by Mr. Stuart and unanimously carried.

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

9. **RESOLUTION 2004-112:** APPROVING CHANGE ORDER NO. 2 – NEW FIRE TANKER was read in full by Mayor Burry. Mr. Florek said it appears the new fire tanker will serve Colts Neck well. With no further comments, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

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

10. **RESOLUTION 2004-113:** RESOLUTION REQUESTING REVIEW AND APPROVAL OF DEVELOPMENT FEE SPENDING PLAN was read by Mayor Burry. Mr. Manco explained what this Ordinance will do in relation to the Westminster Agreement. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

11. **RESOLUTION 2004-114:** APPROVING SPECIAL ITEM OF REVENUE FOR EMERGENCY MANAGEMENT GRANT was read by Mayor Burry. Mr. Bowden explained that this grant reflects \$2,405.72 that would benefit the Police Department for emergency supplies. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

12. **RESOLUTION 2004-115:** APPROVING SPECIAL ITEM OF REVENUE FOR BODY ARMOR GRANT was read by Mayor Burry. Mr. Bowden explained that this grant reflects \$1,871.56 that would benefit the Police Department for bullet proof vests. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

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

13. **RESOLUTION 2004-116:** APPOINTING DEPUTY ZONING OFFICER – MR. STEPHEN ROE was read by Mayor Burry. Mr. Bowden explained that Mr. Roe has resigned therefore this Resolution is no longer on the table.

14. **MOTION TO ADOPT A CONSENT AGENDA** for the following Resolutions was read by Mayor Burry.

Resolution 2004-117: Approving Fireworks Display – July 4, 2004

Resolution 2004-118: Approving Fireworks Display – Colts Neck Fair – August 19, 2004

Resolution 2004-119: Approving Raffle Application No. 04-18 – Ranney School (50/50 Raffle)

Resolution 2004-120: Approving Raffle Application No. 04-19 – Ranney School (Sport Package Raffle)

Resolution 2004-121: Approving Raffle Application No. 04-20 – Ranney School (Gift Basket Raffle)

Resolution 2004-121A: Approving Amendment to Raffle Application No. 03-37 – Colts Neck Lions Club

Resolution 2004-122: Authorizing Acceptance of Performance Guarantees PB Application No. 493B (Zito Office Building)

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

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

15. **ADMINISTRATIVE REPORT:**

Mr. Bowden said the discussion regarding barking dogs will not be on the agenda until June 30th so that all Township Committee members may be present.

Mr. Bowden further reported that a draft of the Garage Sale Ordinance will hopefully be on the June 30th meeting. The stream designation may also be on the June 30th meeting as all residents were not able to be contacted yet.

Mr. Bowden reported that Mr. Gerken said it is a coin toss between roads for the NJDOT grant, however, was leaning more toward Prothero Road. After brief discussion, the Township Committee unanimously agreed to submit Prothero Road to the NJDOT for a potential grant. Mr. Bowden said he will direct Mr. Gerken to prepare the paper work.

Mr. Bowden advised on behalf of Committeeman Hennessy, he has requested pursuing a bike path grant and was seeking input from the Township Committee. After brief discussion, the Township Committee was not in favor of pursuing said grant at this time.

16. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$2,395,727.86, seconded by Mr. Florek and unanimously carried.

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

17. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Florek reported that the Long Range Planning Committee met and discussed limitations to the square footage of access accessory structures. Mr. Florek further reported that the Planning/Zoning Boards are looking into increasing their permit fees.

Mr. Florek also reported that the Friends of Library are requesting a contribution from the Township half of \$1,350.00 to be paid for shelving. Mr. Bowden said that decision would have to be made by the Township Committee as that was not put into the Library budget. Mayor Burry noted that the Friends of the Library did very well at their garage sale fund raiser for books and shelving. After brief discussion, Mr. Stuart made a motion for the Township to contribute one half of \$1,350.00 for shelving at the Library, seconded by Mr. Florek and unanimously carried.

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

Mr. Florek noted that the Friends of the Library have requested that the carpet inside the elevator at the Library be cleaned. The Fall Book Sale is scheduled for September 17th and 18th.

Mr. Florek further reported that the Colts Neck Sports Foundation proposed two new programs at their last meeting; Lacrosse and Tennis.

Mr. Forester reported the Recreation Department did an outstanding job with the Memorial Day Parade. It was nice to have the Colts Neck High School Band present.

Mr. Forester also reported that the Senior Citizen Club had a very nice turnout at their recent luncheon.

Mr. Stuart reported the Grande Association sends their thanks to the Township Committee for implementing the Ordinance regarding overnight parking.

Mr. Stuart further reported that the Shade Tree Commission submitted a memo regarding new development and conservation easements.

Mr. Stuart continued his report by advising the Agriculture Board approved trailers as part of their farm structures.

Mayor Burry asked Mr. Bowden for the status on the Belon appraisal? Mr. Bowden said he has followed up several times and is aware they are holding us up. Mr. Bowden said he will contact them again.

Mayor Burry said the Memorial Day Parade was exceptional. Kudos to Dr. Harold Nolan and the Recreation Committee.

Mayor Burry proposed holding a 9-11 memorial service here at Town Hall in September. After brief discussion, the Township Committee unanimously agreed.

Mayor Burry said a while back Mr. Vince Domidion made a suggestion regarding the establishment of scenic roads in Colts Neck. Mr. Domidion had also suggested that narrow road are usually better for maintaining a scenic look. Mayor Burry said that she would like to look into this further and suggested that Mr. Domidion and Mr. Florek work together and do a study on this.

18. **COMMENTS FROM THE PUBLIC:**

Mrs. Amend said she is concerned with the transportation building that the local Board of Education is planning. Mr. Forester said this is not a Township project and is handled directly by the local Board of Education. Mr. Bowden said the Township Committee is pleased to save some tax payer money by allowing them the use of Township property for this project. Mr. Stuart said that he too would like to know what they are spending. Mr. Florek said that as liaison to the Board of Education he will talk to them about it.

Mrs. Amend said she noticed from time to time Mr. Florek comes in with non-budgeted requests for the Sports Foundation and suggested they be given their own budget each year. Mr. Florek corrected Mrs. Amend and said the only thing the Township Committee approved for the Sports Foundation is for the finger printing of their coaches. The Township donates \$10,000.00 annually to the Sports Foundation for their programs.

Mrs. Amend stated that she did not care for Mayor Burry's speech on Memorial Day and felt it to be inappropriate. Mayor Burry stated that she felt it to be very appropriate and doesn't feel it is something she has to defend. Mayor Burry further stated it was obvious Mrs. Amend's comments were politically motivated and did not deserve any further attention.

Mr. Vince Domidion suggested bringing in Direct TV to advice the public of the competition.

Mr. Domidion voiced his concerns about children riding skateboards on the sidewalk areas around the municipal complex.

Mrs. Judy Laufer said 104 were in attendance at the last Senior Citizen Club meeting and 35 seniors went on a trip to the Battleship New Jersey.

Mrs. Laufer said she spent fifteen hours at a poll yesterday for the Primary Election in which only 31 voters turned out. It made for a very long day.

Mayor Burry welcomed new resident, Jennifer Buckwald.

19. **RESOLUTION 2004-123:** EXECUTIVE SESSION was read by Mayor Burry. With no further comments, Mr. Florek made a motion to adjourn at 9:00 p.m. and go into Executive Session, seconded by Mr. Stuart and unanimously carried.

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

Robert Bowden,
Township Administrator

RB/as