

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JULY 9, 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 July 9, 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. **MAYOR'S PROCLAMATION**: Mayor Hennessy read a proclamation in full for Fibrodysplasia Ossificans Progressiva Awareness Year (F.O.P.)
2. **PRESENTATION: REVERSE 9-1-1 SYSTEM**: Mayor Hennessy advised this presentation is rescheduled for the Township Committee meeting of August 13, 2003.
3. **APPROVAL OF MINUTES** FOR JUNE 11, 2003 AND JUNE 25, 2003 was read by Mayor Hennessy. With no comments made, Mrs. Burry made a motion to approve the minutes of June 11, 2003, seconded by Mr. Forester. Mrs. Burry then made a motion to approve the minutes of June 25, 2003, 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

4. **ORDINANCE 2003-10**: AN ORDINANCE TO AMEND CHAPTER 70 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED ALARMS was read by Mayor Hennessy by title on second reading. Mayor Hennessy stated that this Ordinance must be reintroduced on first reading tonight and publicized because a new clause indicating the effective date of January 1, 2004 needs to be added. Mr. Bowden advised this Ordinance will be on for public hearing and possible adoption at the Township Committee meeting of August 13, 2003 if reintroduced tonight.

ORDINANCE 2003-10: AN ORDINANCE TO AMEND CHAPTER 70 OF THE TOWNSHIP OF COLTS NECK ENTITLED ALARMS was read by Mayor Hennessy by title on first reading. Mayor Hennessy advised this Ordinance contains an effective date of January 1, 2004. With no further comments Mayor Hennessy set the public hearing for August 13, 2003. Mr. Forester made a motion to introduce this Ordinance, 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 2003-9**: AN ORDINANCE CREATING AN EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) IN THE TOWNSHIP OF COLTS NECK, PURSUANT TO P.L. 1997, C.388 (N.J.S.A. 40A:14-183 ET SEQ.) was read by Mayor Hennessy by title on first reading. Mr. Florek said he has been working on this Ordinance for a while now and have approached each fire department and the first aid squad. Some emergency volunteers have indicated that they don't feel this program is necessary as they do not volunteer for money or want anything in return. The majority of emergency volunteers seem to like this program and hope it moves forward. Mr. Florek said he would also like to proceed with this Ordinance and considers this program a note of thanks for all the emergency volunteers do. Mrs. Burry said she is disturbed there is some dissention and feels we need to listen to those who don't want LOSAP in place. Mrs. Burry said the LOSAP program may provide a small incentive to gain new younger members. Mr. Stuart said with what seems to be a debate over the pros and cons of LOSAP, has anyone taken a vote? Mr. Florek said there was a show of hands at both fire companies. The showing of hands indicated the majority that were in favor of LOSAP. No one was "strongly" opposed. Some First Aid Squad members felt that this program was not necessary. Mr. Forester said he would prefer to see the various departments give their pro's and con's with a private written vote. Mr. Bennett said he has found in other towns that LOSAP hasn't helped gain new memberships. With no further comments, Mr. Florek made a motion to introduce this Ordinance, seconded by Mrs. Burry.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Stuart, and Mayor Hennessy

Oppose: Committeeman Forester

6. **ORDINANCE 2003-11**: AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "DEVELOPMENT REGULATIONS" AND MORE PARTICULARLY SECTION 86 ENTITLED "AGRICULTURAL DISTRICT" was read by Mayor Hennessy by title on first reading. With no comments made, Mayor Hennessy set the public hearing for August 13, 2003. Mrs. Burry made a motion to introduce this Ordinance, 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

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

Resolution 2003-121: Approving Raffle Licenses – Colts Neck Fair

Resolution 2003-121A: Authorizing Refunds – Recreation Programs

Resolution 2003-122: Approving Standard Notice of Tort Claim

with no comments made, Mr. Stuart made a motion to approve the aforementioned Resolutions, seconded by Mr. Florek and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

8. **DISCUSSION**: LARGE AGRICULTURAL STRUCTURES – Mayor Hennessy read a memo from Township Planner, Mr. Tim Anfuso, in full. Mrs. Burry said there is a parcel on Mine Brook Road, the owner, had a similar request and the structure looks like a commercial steel building. Mr. Stuart said a structure of this size will overwhelm the lot. Mrs. Burry said she would like to take it a step further and specify the structure be used for agricultural use only. Mrs. Burry said the intent is to protect the farms. Mr. Bennett said enforcement would be very difficult. Mr. Florek said he foresees problems with this. Mr. Florek said he is in favor of the concept, but is skeptical. Mr. Forester said he agrees with the Zoning Board and would like to give it a shot. It will help protect the neighbors. Mrs. Burry said she doesn't feel these structures are used strictly for agricultural purposes. After brief discussion, the Township Committee's general consensus is to proceed, and have Mr. Anfuso create a draft Ordinance.

9. **ADMINISTRATIVE REPORT**: Mr. Bowden reported receipt of a request for a Block Party on Fox Hedge Road. The Chief of Police approved it as long as emergency vehicles have access. With no further comments, the Township Committee unanimously approved this request with a unanimously voice vote.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

10. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forrester for all vouchers totaling \$137,614.56, 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

11. **TOWNSHIP COMMITTEE REPORTS**:

Mr. Florek said he has been busy working on the LOSAP program and most other committees have been off for the summer.

Mr. Stuart reported receipt of a letter of thanks from the County regarding the traffic light on Phalanx Road.

Mr. Stuart reviewed the tax levy for 2003. The local municipal tax rate with includes the municipal open space fund is 9.42%, the county budget is 21%, the regional is 24.23%, and the district school budget is 42.90%. The new tax rate is 2.823 cents per \$100.00 assessed valuation. Mayor Hennessy and Mr. Stuart asked Mr. Bowden for a five and ten year tax study. Mr. Bowden said he will provide them with one.

Mrs. Burry reported that Polo is on their summer break. The next Polo match will be September 7th at 2:00 p.m. The American Heart Association will be the sponsor.

Mrs. Burry further reported that the Historic Preservation Committee is expected to have a deed transfer of the Montrose Road School House on July 18th. Mrs. Burry said October 4th will be the house tour and the first weekend in December a Williamsburg Christmas is scheduled.

Mrs. Burry continued to report that two Planning Incentive Grant applications are completed and submitted to the County.

Mr. Forester reported he is still working on obtaining the dredge from the County.

Mr. Forester continued to report that the Senior Citizen Club went to the Papermill Playhouse to see "Grease" today. They will also be very active at Colts Neck Fair this year and are planning their annual picnic at Shark River Park in August.

Mayor Hennessy said he will be attending a special recreation meeting in August and a parade is planned for Sunday, October 19th.

12. **COMMENTS FROM THE PUBLIC:**

Mr. Chris Lupia asked if LOSAP is retroactive? Mr. Florek said no. 2004 will be the first contribution. Mr. Florek said it has to start with day one. Mr. Florek said he believes vested time can go back to five years.

Mr. Vince Domidion gave various suggestions for large agricultural structures.

Mr. Domidion said in relation to the LOSAP Ordinance, usually the people who do least are not in favor and the people who do the most are in favor.

Mr. Tony Costa, Cedar Drive, said he noticed there are no geese at the municipal complex and was informed by the Health Officer, Mr. McBride, that they were exterminated. Mr. Costa said he is very upset and disgusted by this and wants to know who ordered this be done? Mr. Lupia said he agrees. Mayor Hennessy said a similar program is in Essex County. The Township has tried every method possible as to help alleviate a potential health hazard. Mayor Hennessy said the Department of Agriculture acknowledges geese as a health hazard and lends aid to most heavily populated areas with geese. Mayor Hennessy said he attended a firemen's baseball game and noted how pleased the players were to finally not have to play in goose droppings. Mayor Hennessy said thirty years ago geese migrated, now they stay around.

Mr. Tom Russel said the Fourth of July display was great, but he heard there was an injury. Mayor Hennessy said yes there was an injury due to a misfire.

Mr. Russel said he is disappointed to hear there will be a traffic light on Phalanx Road.

13. **RESOLUTION 2003-123:** EXECUTIVE SESSION was read by Mayor Hennessy. With no comments made, Mr. Stuart made a motion to adjourn at 9:06 p.m. and go into executive session, 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

Motion by Mr. Forester, seconded by Mr. Florek to reconvene in public session at 10:10 and unanimously carried.

Mayor Hennessy read the following Resolution in full:

RESOLUTION 2003-124: AUTHORIZING REDUCTION OF PERFORMANCE BOND FOR THE GREENHILL ESTATES SUBDIVISION AND ACCEPTING SUBSTITUTE PERFORMANCE GUARANTEE (PB APPLICATION NO. 486). Motion was made by Mr. Florek, seconded by Mrs. Burry to approve this Resolution reducing the existing Letter of Credit for PB Application No. 486 from \$708,093.00 to \$123,072.00 and accepting a substitute Letter of Credit from Wachovia Bank (No. SM203917W) in the amount of \$221,600.00, and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek, Forester, Stuart, and Mayor Hennessy

Oppose: None

DISCUSSION: Hotel/Motel Occupancy Ordinance – Mr. Bennett stated that he had prepared an Ordinance limiting the maximum stay at local hotels or motels to 30 days. The Township Committee now has the option of imposing a local tax on hotels and motels. All of the Township Committee members were in favor of the 30 day occupancy limitation, while all but Mr. Stuart were in favor of imposing the local tax.

The Ordinance in this regard will be introduced at the August 13th Township Committee meeting.

Motion by Mr. Stuart, seconded by Mr. Florek to adjourn public meeting at 10:18 p.m. 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