

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
JULY 11, 2007  
7:30 P.M. AT TOWN HALL**

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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 July 11, 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 and Florek

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

Absent: Committeemember Schatzle

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Mr. Bowden stated Mr. Schatzle was out of town on business this evening.

Mayor Stuart opened tonight's meeting by stating a letter, dated June 30, 2007, addressed to "Dear Friend", was mailed by Assemblyman Panter to Tinton Falls residents. The letter referenced his introduction of Assembly Bill 4272, which changes the school district for students who reside on federal property at Earle. Assemblyman Panter states this bill was introduced "to clarify the TFSD is only responsible for educating the children of military personnel who reside and work at NWS Earle. This legislation will ensure that the TFSD and the taxpayers of Tinton Falls are not burdened with the prospect of education (sic) as many as 500 new students who do not even live within the geographic boundaries of Tinton Falls . . ."

Mayor Stuart stated this letter continues to pit Tinton Falls against Colts Neck, both municipalities represented by Assemblyman Panter, rather than developing a plan to limit civilian housing from a national security standpoint. Mayor Stuart spoke with Assemblyman Panter personally and to express his disappointment at how this issue is being handled. Mayor Stuart asked each Committeemember for input for drafting a response letter.

Mr. Florek stated the local paper published quotes from Assembly Panter stating the legislation benefits Colts Neck; however, it does not. Mr. Florek stated the public should be made aware of the full impact enacting this legislation would have upon Colts Neck.

Mr. Forester stated Tinton Falls received \$1.2 million compensation as a result of non-revocable and non-alterable legislation enacted in 1988. The terms of the agreement were fully agreed to by both parties, and the statute language for those educated by TFSD is clear: "all persons of school age who reside on federal property". Mr. Forester stated the language should be taken as written.

Mayor Stuart spoke of Governor Corzine's plan to monetize State assets and expressed his opposition to this plan. Mr. Forester commented this plan is on par with the prior plan to offset the cost of implementing the EZPass System with revenues generated from toll cheats. Discussion ensued and the Governing Body opposes the plan to monetize State assets. Mr. Bowden will include a resolution to this effect on the next agenda.

1. **APPROVAL OF MINUTES OF JUNE 13, 2007:** Mr. Hennessy made a motion to approve, seconded by Mr. Forester and carried by all present.

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

2. **APPROVAL OF MINUTES OF JUNE 27, 2007:** Mr. Florek made two minor revisions to the minutes. Mr. Hennessy made a motion to approve, as amended, seconded by Mr. Forester and carried by all present.

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

3. **RESOLUTION 2007-113:** CERTIFYING COMPLETION OF FITNESS TRAIL SYSTEM AND EXECUTION OF OPEN SPACE EASEMENT was read by title by Mayor Stuart. Mr. Florek asked if the easement was solely for the fitness trail, to which Mr. Bowden responded yes. With no further comments, Mr. Florek made a motion to approve, seconded by Mr. Forester and carried by all present.

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

4. **RESOLUTION 2007-114:** AUTHORIZING SUBMISSION OF NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID GRANT, HEYERS MILL ROAD, PHASE I was read by title by Mayor Stuart. Mr. Florek stated this topic was discussed during the last meeting. The Township is seeking a matching grant from the State to pave Heyers Mill Road from Conover Road to Green Hill Road, and to reconstruct drainage located 400 feet south of Revolutionary Road. Estimated costs are \$362,462.75, of which \$175,000.00 is sought from the State and \$187,462.75 would be Township funded. Mr. Florek noted the application stated there were no parking restrictions; however, Colts Neck has overnight parking restrictions. Mr. Bowden will clarify this issue with Mr. Gerken prior to submission. With no further comments from the Committee, Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried by all present.

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

At this point Sen. Bennett returned to discuss Resolution 2007-113, and questioned whether the easement reserves the right to cross over the fitness trail. Mr. Florek responded yes, as long as it is not inconsistent with use. Sen. Bennett stated that is why a R.O.S.I. was done and suggested the transmittal letter reflect this point.

5. **MOTION TO ADOPT A CONSENT AGENDA:**
6. **\*RESOLUTION 2007-115:** ACCEPTING PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 647 (GERHARD).
7. **\*RESOLUTION 2007-116:** DESIGNATION OF ADDITIONAL MUNICIPAL DEPOSITORY.
8. **\*RESOLUTION 2007-117:** APPROVING RAFFLE LICENSES – COLTS NECK FAIR.
9. **\*RESOLUTION 2007-117A:** APPROVING RAFFLE LICENSE 2007-28, RANNEY SCHOOL, 50/50 OFF PREMISES RAFFLE, SEPTEMBER 17, 2007.
10. **\*RESOLUTION 2007-117B:** EXTENDING THE GRACE PERIOD FOR PAYMENT OF THIRD QUARTER PROPERTY TAXES.

With reference to Resolution 2007-117B, Mr. Bowden stated by law taxpayers have 25 calendar days from tax bill receipt for payment of the taxes due. The tax bills should be mailed next week, and this resolution extends the grace period for third quarter taxes to August 24, 2007. Mr. Hennessy made a motion to approve, seconded by Mr. Forester and unanimously carried by all present.

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

11. **DISCUSSION:** METHODS OF RECYCLING COLLECTION FOR 2008.  
 Mr. Florek stated the Township’s recycling contractor, Central Jersey Waste & Recycling Inc., raised a contract option for single stream recycling collection. All recycled materials would be co-mingled in one container and collected within the Township either one or two days on a bi-weekly basis. If the Township Committee approves single stream collection, the annual \$120,000 recycling costs could be reduced \$6,000 to \$9,600 per year. Since all recycled materials are co-mingled in one container, sorting recyclables and the question of the type of recyclables collected on a given day would be eliminated, which should increase recycling volume within the Township. Mr. Florek is researching the cost of purchasing recycling containers for each household, a portion of the cost could be offset by savings generated by single stream savings. In addition, switching to a one- or two-day collection saves the contractor a substantial amount of money given the rising cost of fuel, and the Committee questioned whether further price negotiations are possible. Mr. Bowden will meet with the contractor, Messrs. Bennett and Gerken to discuss implementation January 1, 2008.

12. **DISCUSSION:** GRANTING OF TEMPORARY CERTIFICATES OF OCCUPANCY – POSSIBLE ORDINANCE. The Governing Body was provided with a draft ordinance authorizing them to hear and decide all requests for relief from the provisions of Development Regulations Chapter 102, Section 102-20, Permits. Discussion ensued regarding the placement of this authority, the monitoring of the progress made by the property owner toward completion

within the time limit set at c/o issuance, and the fees warranted since two inspections would be required. Sen. Bennett stated temporary c/o's would be granted as an exception on a case-by-case basis with input from Mr. Anfuso and gave the following example: Currently if an infraction exists on an accessory building and the house is complete, the house cannot be occupied. Sen. Bennett stated issuing a temporary c/o's with expiration dates for completion would require a Superior Court decision to remove a resident from the property. After further discussion, Sen. Bennett stated he will meet with Mr. Anfuso to discuss this issue. Mr. Anfuso has the authority to deal with issues administratively. The Township Committee is not an appeals board to the Zoning Board. Based on the discussion between Messrs. Bennett and Anfuso, an ordinance may be introduced at a future meeting to address exceptions.

**13. DISCUSSION: SIGNAGE IN BUSINESS ZONES – POSSIBLE**

**ORDINANCE.** Mr. Forester stated the Township Committee referred the Business Advisory Committee's sign proposal to Long Range Planning for review and recommendation. Small individual store signs grouped together on freestanding signs are relatively ineffective when traveling at 50 m.p.h. The Business Advisory Committee recommends 50% of the freestanding sign be dedicated to the shopping center name and street address, thereby limiting the available area for store names. Merchants would be encouraged to advertise the shopping center's name when providing directions to their store. Long Range Planning recommends the Business Advisory Committee meet with both the property owners and the local merchants to gain their support prior to a public hearing on an ordinance. The Business Advisory Committee recommends the ordinance allow traffic directional signs along interior driveways to direct customers to the business locations. Long Range Planning agrees with interior signage as they promote traffic safety and provide needed information to patrons. Standardizing the interior signage eliminates sign clutter and visual chaos. Mr. Florek stated the Architectural Review Committee should review this issue and provide input to the Governing Body before it goes any further. Discussion ensued during which Sen. Bennett stated the signage concept proposed is similar to that used by The Grove in Shrewsbury. Mr. Bowden will discuss this issue with the Business Advisory Committee Chair.

**14. ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report.

Mr. Bowden reported Shore Point Distributing requests permission to serve alcohol at their annual company picnic in October. The Township will be provided with a Certificate of Insurance and a copy of their liquor license. Mr. Bowden recommended approval based on the Township's history with Shore Point Distributing. Mr. Hennessy made a motion to approve, seconded by Mr. Forester and unanimously carried by all present.

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

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

Animal Control	\$73.08
Capital Fund	\$37,950.00
COAH	\$80.00
Construction Trust	\$10,417.10
Current Fund	\$416,756.30
Farmland Preservation Trust	\$2,450.00
Grant Fund	\$1,525.15
Trust Fund	<u>\$10,173.39</u>
TOTAL APPROVED:	\$479,425.02

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

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

16. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester reported the Friends of the Library have suspended all meetings until September.

Mr. Hennessy reported the Fishing Derby would be held this Saturday at Town Hall Park.

Mr. Hennessy reported the Colts Neck Swing Band concert would be held this Thursday at Town Hall.

Mr. Florek reported the Colts Neck Sports Foundation was asking its members to complete Coach Evaluation Forms. The CNSF is focusing on the issues of winning/losing and helping children learn positive life lessons through team sports. High ranking coaches will be eligible to receive the Golden Whistle Award.

Mr. Florek reported with the Fire Department ordered extrication equipment to use in assisting the First Aid Squad. The joint extrication drills will continue. Mr. Florek stated both groups are in agreement that an EMT must be on site before extrication takes place.

Mr. Florek reported with regard to COAH, the courts struck down the initial decision and extended the July 25, 2007 deadline to December 31, 2007.

Mayor Stuart reported the July 4<sup>th</sup> fireworks at Bucks Mill were fabulous despite the inclement weather. A new fireworks company was used this year, and the display was well received. Mayor Stuart reported the Community Band and the Swing Band were moved inside the Community Center building, which worked out very nicely. Both bands provided great entertainment for the evening.

Mayor Stuart reported the Farmland Preservation Committee is working with Mr. Anfuso to revise the PIG map. The State sent six pages of guidelines, which are being reviewed by Mr. Anfuso. This project is scheduled for completion in October for submission by the December 15<sup>th</sup> deadline.

**17. COMMENTS FROM THE PUBLIC:**

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

Mr. Vince Domidion, a resident, stated he envisions three types of situations where authorizing temporary certificates of occupancy would be sought. The first type are clear cut requiring administrative approval of an approved plan. The second type are those that have been before the Boards and denied; there would be no recourse from the Township. The third type are those in between that have a reasonable prospect of relief.

Mr. Domidion stated everyone may not want a recycling container, which would reduce the Township's cost for providing containers. He suggests residents request recycling containers rather than provide them to all households.

Mr. Domidion commented on the U.S. Supreme Court decisions on Seattle and Louisville and sees the decisions as 14<sup>th</sup> Amendment issues that are pertinent to Mt. Laurel. Discussion ensued and Mayor Stuart stated taking this position would require a consortium of municipalities and a war chest of money.

Mr. Domidion commented on Assemblyman Panter's latest actions relating to Earle. Mr. Domidion stated everyone should be mindful that at some future time if they are in the minority, their interests may be cast aside. Mr. Domidion then stated this is a good litmus test for our representative's ability to represent his constituents.

Mrs. Virginia Amend, a resident and editor of the Colts Neck Calendar, raised the issue of effective lobbying against privatizing the Earle housing. Mayor Stuart stated the Township does not have a hired lobbyist. The Township Committee has been in touch with Congressman Christopher Smith and Freeholder Burry. Congressman Smith's efforts have led to an investigation to determine if the Navy has fully researched the security aspects of housing privatization and the lease on unimpeded access to those units. The housing owner would be required to construct a road for direct access to the housing units. While there were several options, the Navy is not advising where the road will be placed.

Ms. Amend suggested the Township issue newsletters to advise its residents of the status of this issue.

Ms. Amend asked how effective the Governing Body will be in keeping civilians out of the Earle housing. Mr. Forester responded no one has a crystal ball, and it would be irresponsible to predict the outcome at this point. Mr. Florek stated the Federal Court has authority over the Navy, and the Township is prepared to litigate, if necessary. The process would begin at the Federal District Court in Newark. Sen. Bennett stated this is a complex issue, and Assemblyman Panter's dealing with only one aspect is very disappointing. One component relates to there being no taxing authority for civilians living on federal property. Sen. Bennett is attempting to have Assemblyman Panter look at a comprehensive plan to address the issues. He then explained in 2010, the current lease between the Navy and the housing owner expires. Another agreement would be negotiated covering the next 30 years, and in 2040, the housing units would be demolished, and any school built to accommodate Earle students would be left vacant. Mayor Stuart spoke of the experience he and Sen. Bennett had testifying in front of the Education Committee. Assemblywoman Beck made a motion to table the legislation for further study; however that was rejected and the Panter legislation was passed.

Mr. Chuck Cammarata, a resident, questioned the timing of the possible passage of the Senate version of the Panter Assembly bill. Sen. Bennett responded the

Senate bill is in the Education Committee and is not expected to be addressed until after the November election.

Mr. Cammarata then spoke of the new recycling company. During his discussion he noted his mother's birthday and advised she turned 89 today.

With no further comments from the public, Mayor Stuart closed the meeting to public comment.

18. **RESOLUTION 2007-118:** EXECUTIVE SESSION was read by Mayor Stuart at 9:15 p.m. Mr. Hennessy made a motion to adjourn and go into Executive Session, seconded by Mr. Florek and unanimously carried by all present.

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

Motion by Mr. Hennessy, seconded by Mr. Florek and unanimously carried by all present to adjourn Executive Session.

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

Motion by Mr. Hennessy, seconded by Mr. Forester and unanimously carried by all present to adjourn meeting.

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

Meeting adjourned at 9:40 p.m.

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Robert Bowden  
Township Administrator/Clerk

RB:bk