

**TOWNSHIP OF COLTS NECK  
COMMITTEE MEETING  
JULY 14, 2004  
7:30 P.M. AT TOWN HALL**

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**CALL MEETING TO ORDER**

**SALUTE TO THE FLAG**

“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 17, 2003 STATING THAT A MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON JULY 14, 2004 AT 7:30 P.M., TOWN HALL. THE NOTICE REQUIREMENTS HAVE BEEN POSTED ON THE TOWNSHIP BULLETIN BOARD AND A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK”.

THOSE MATTERS MARKED WITH AN ASTERISK (\*) ARE CONSIDERED ROUTINE IN NATURE AND WILL BE CONSIDERED IN ONE MOTION BY THE TOWNSHIP COMMITTEE AS A CONSENT AGENDA PURSUANT TO LOCAL ORDINANCE.

**ROLL CALL**

1. **ANNOUNCEMENT:** Mayor Burry announced the next Township Committee meeting will be August 11<sup>th</sup>. The September 8<sup>th</sup> meeting has been rescheduled for September 15<sup>th</sup>.
2. **APPROVAL OF MINUTES FROM JUNE 30, 2004** was read by Mayor Burry. Mayor Burry requested to table these minutes until the August 11<sup>th</sup> Township Committee meeting.
3. **RESOLUTION 2004-133:** CONFIRMING APPOINTMENT OF CODE ENFORCEMENT OFFICER AND DEPUTY ZONING OFFICER – MR. MICHAEL K. MEHLER was read by Mayor Burry. Mr. Bowden gave a brief background on Mr. Mehler and stated that Chief Sauter said he comes highly recommended. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
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	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

4. **PRESENTATION:** REVIEW OF 2003 MUNICIPAL AUDIT – Mayor Burry called Chief Financial Officer Mr. John Antonides forward. Mr. Antonides reviewed the 2003 Municipal Audit with the Governing Body. Mr. Antonides stated the surplus is about the same as it was last year and the tax collection rate was at an all time high of 98.93%. There was one audit comment for the Court that they are in need of a greater surety bond. Overall the Township is in good standing. Mayor Burry thanked Mr. Antonides.

5. **RESOLUTION 2004-134:** ACCEPTING 2003 MUNICIPAL AUDIT was read by Mayor Burry. With no comments made, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

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

Mr. Bowden passed around the audit affidavit for all Township Committee members to sign.

6. **ORDINANCE 2004-19:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2004 SALARY ORDINANCE OF THE TOWNSHIP OF COLTS NECK (PUBLIC WORKS EMPLOYEES) was read by title on first reading by Mayor Burry. Mayor Burry explained this Ordinance reflects the outcome of Blue Collar negotiations. The negotiated salary is for 4% over the next four years. Mr. Bowden advised various negotiated items within the contract. With no further comments, Mayor Burry set the public hearing for August 11, 2004. Mr. Florek made a motion to introduce this Resolution, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **ORDINANCE 2004-20:** AN ORDINANCE TO AMEND CHAPTE R79, ENTITLED “ANIMALS”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK, CONCERNING THE REGULATION OF DOG BARKING was read by title on first reading by Mayor Burry. Mr. Florek requested to table this Ordinance to the next Township Committee meeting of August 11, 2004 as he was woefully unable to find adequate time to meet with Committeeman Hennessy in order to present a more acceptable Ordinance.
8. **ORDINANCE 2004-21:** AMENDING CHAPTER 102, ENTITLED “DEVELOPMENT REGULATIONS” OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO FARM FENCING AND FARM HOUSING was read by title on first reading by Mayor Burry. Mr. Stuart asked for verification on what is meant by “full-time” employee within this Ordinance? Mayor Burry explained. Mr. Bennett suggested defining the term “full-time” employee in the definition section of the Ordinance. After brief discussion, the Township Committee unanimously agreed. Mr. Stuart made a motion to introduce this Ordinance, seconded by Mr. Florek and unanimously carried. Mayor Burry set the public hearing for August 11, 2004.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 2004-135:** URGING STATE LEGISLATION PERTAINING TO INFLATABLE AMUSEMENT RIDES was read by Mayor Burry in full. Mr. Bace Esq. explained that the State has an existing code and anything we would do on a local level would be pre-empted by the State. Mr. Florek suggested to spell out that the particular concern is with inflatable rides over 12' high. The Township Committee unanimously agreed. With no further comments, Mr. Florek made a motion to approve this Resolution as amended to reflect the particular concern is with inflatable rides over 12' high, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 2004-136:** AUTHORIZING APPLICATION FOR STATE AID AND EXECUTION OF AN AGREEMENT WITH NJDEP FOR A STORMWATER REGULATION GRANT IN THE AMOUNT OF \$10,207.00 was read by Mayor Burry. Mr. Bowden explained that this Resolution is mostly engineer related. With no further comments, Mr. Hennessy made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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 2004-137:** AUTHORIZING SUBMISSION OF NJ TRANSPORTATION TRUST FUND GRANT APPLICATION – PROTHERO ROAD was read by Mayor Burry. Mr. Bowden explained the total construction cost is \$197,060.00. If the full NJDOT request is granted, the Township would have to contribute \$37,060.00. This Resolution authorizes the Township Engineer to prepare the application and submit it to the State prior to the July 30, 2004 deadline. With no further comments, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **RESOLUTION 2004-138:** APPROVING AGREEMENT FOR COMPLETION OF SITE IMPROVEMENTS – PB APPLICATION NO. 430 LOCUST POINT (AQUAVIVA) was read by Mayor Burry. Mr. Bowden explained this Resolution confirms a consent agreement between all parties for completion of site improvements for Planning Board Application No. 430. With no further comments, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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. **RESOLUTION 2004-139:** ESTABLISHING FEE FOR TAX FILE SHARING PROGRAM was read by Mayor Burry. Mr. Antonides, Finance Officer, explained that he received a letter from Data Trace requesting electronic tax information once a week at \$10.00 per week, or \$520.00 per year. Mr. Antonides said he believes this to be a win/win for the Township as it is a service we are able to provide to the Town, we are gaining revenue, and makes for less interruptions on the staff. Mr. Forester asked if purchase orders can be approved via the internet? Mr. Antonides said he believes the auditor would have serious problems in doing that. After brief discussion, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

14. **RESOLUTION 2004-140:** AUTHORIZING EXTENSION OF DUE DATE FOR PAYMENT OF TAXES was read by Mayor Burry. Mr. Antonides, Finance Officer explained that this very evening we received our certified tax rate of 2.915. The new municipal rate is less then one cent. Mr. Antonides said this Resolution will extend the grace period for third quarter taxes to September 1, 2004. However, the due date is still August 1, 2004. If a payment is received after September 1<sup>st</sup>, the interest will revert back to August 1<sup>st</sup>. It is expected that the tax bills will be mailed by the end of July. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

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

**Resolution 2004-141:** Authorizing Release of Cash Performance Guarantee and Inspection Fees – PB Application No. 488 (Driftwood Estates)

**Resolution 2004-142:** Authorizing Release of Special Performance Guarantee – Block 23, Lot 27 (Dobrowolski)

**Resolution 2004-143:** Approving Recreation Program Refunds

**Resolution 2004-144:** Approving Raffle Application No. 04-21 – Mental Health Association of Monmouth County (50/50 Raffle)

**Resolution 2004-145:** Approving Raffle Application No. 04-22 – Colts Neck PTO (Door Prize Raffle)

**Resolution 2004-146:** Approving Raffle Application For Colts Neck Fair

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

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

16. **DISCUSSION:** PLANNING AND ZONING FEES: Mr. Florek explained that the Planning Board has prepared a draft Ordinance establishing a new Master Plan, subdivision and site plan fee for the Township Committee's consideration. The Township currently charges \$25.00 for the Master Plan. The Planning Board adopted a new Master Plan in February 2003 and the current \$25.00 fee does not supplement the additional cost incurred for the preparation of the plan. They have suggested raising the fee to \$50.00. Mr. Florek further reviewed fee changes to subdivision and site plan fees. (See Ordinance 2004-22). After brief discussion the Township Committee unanimously agreed to introduce the following Ordinance this evening:

**ORDINANCE 2004-22:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF COLTS NECK AND MORE PARTICULARLY "FEES" was read by title on first reading by Mayor Burry. With no further comments, Mayor Burry set the public hearing for August 11, 2004. Mr.

Forester made a motion to introduce this Ordinance, seconded by Mr. Stuart and unanimously carried.

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

17. **DISCUSSION:** AMENDMENTS TO CHAPTER 184 OF THE TOWNSHIP CODE – SPECIAL SALES (POSSIBLE INTRODUCTION) Mayor Burry briefed the Township Committee on what the draft Ordinance encompasses. Mayor Burry said this draft Ordinance will not apply to charitable, non-profit, religious and/or civic associations. Mr. Stuart said he finds this Ordinance questionable. Mr. Florek suggested to insert language into the Ordinance stipulating the length of time for posting signs. The Township Committee after brief discussion, agreed to stipulate that signs are to be posted not more than seventy-two hours prior and removed within twenty-four hours. After more brief discussion the Township Committee agreed to add language to the draft Ordinance charging a \$10.00 Garage Sale Permit fee. The Township Committee decided to introduce the following Ordinance as amended:

**ORDINANCE 2004-23:** AN ORDINANCE TO AMEND CHAPTER 184, ENTITLED “SALES, SPECIAL”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK, REGULATING GARAGE SALES, AUCTIONS AND FLEA MARKETS was read by title on first reading by Mayor Burry. With no further comments, Mr. Florek made a motion to introduce this Ordinance, seconded by Mr. Hennessy, and opposed by Mr. Stuart. Mayor Burry set the public hearing for August 11, 2004.

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

18. **ADMINISTRATIVE REPORT:** Mr. Bowden reported that the Board of Chosen Freeholders has allocated \$2 million from the Monmouth County Open Space Trust Fund for cooperative projects with Monmouth County municipalities. Both land acquisition and development for park, recreation, and open space purposes are eligible for funding. All applications must be submitted no later than 4pm on Friday, November 5, 2004. Mr. Bowden said the Recreation Committee will be sending in their recommendations soon.
19. **MOTION TO APPROVE VOUCHERS** was read by Mr. Forester for all vouchers totaling \$1,290,156.91 plus an additional \$30,000.00 for the First Aid Squad and \$3,000.00 for legal bills for the Township Attorney, seconded by Mr. Stuart and unanimously carried.

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

20. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Stuart reported that the Shade Tree Commission is preparing a draft letter to the community regarding greenway property for the Township Committee's consideration.

Mr. Stuart further reported attending a recent meeting with the Board of Agriculture in which he discussed the Township's need for grant funding for the Buck's Mill Park structure project. This group meets once a month and Mr. Stuart said it may be beneficial for an interested citizen to attend this monthly meeting as he understands it may improve the Township's chance of obtaining funding. Mr. Bowden said if this is for a Community Development Grant, this Township may not be eligible for it. Mayor Burry suggested that a member of the Township Committee should attend these monthly meetings.

Mr. Forester reported the Business Advisory Committee will be putting together a survey for the new business district.

Mr. Hennessy reported the fishing derby on Saturday was very successful. Many different types of fish were caught.

Mr. Hennessy reported that he recently met with Dr. Nolan regarding trails alongside wetland property. Mr. Hennessy advised Schlesinger Park is staked out to for its revised paths.

Mr. Hennessy further reported that the Fourth of July fireworks were splendid. Some who attended in Red Bank found ours to be more favorable. Everyone sang "God Bless America" at the conclusion of the firework display.

Mr. Florek reported that he has met with Mr. Domidion regarding scenic road development. Mr. Florek said the starting point of this project should be to implement a policy.

Mr. Florek reported that the age twelve little leaguers beat Middletown 8-0.

Mr. Florek inquired if the Township has any control over the pond on Bucks Mill Road? Mr. Bowden said at a later time he can give Mr. Florek more background on this topic.

Mayor Burry inquired on the status of the letter sent to Mr. McDonough, NJDOT, regarding helipad issues. Mayor Burry said we will also be following up with special counsel, Mike Steib, Esq. Mayor Burry further advised that Channel 12 News has entered the picture in which the publicity may lend aid to the issues.

Mayor Burry further reported there will be an Earle Housing Initiative meeting tomorrow at 3:00 p.m. at Town Hall.

Mayor Burry reported that she met with a Verizon representative to discuss the proposed cellular tower at police headquarters. Mayor Burry advised another potential site discussed was behind the Library. To do this, we would be required to do a land swap with Green Acres. Mr. Bowden advised the Township Engineer is working on a survey first and ultimately we will also require State approval.

Mayor Burry further reported that the Township is to receive \$70,000.00 for police related items. Mr. Bowden said this is part of Governor McGreevey's new Municipal Homeland Security Police Assistance Aid Program.

Mayor Burry advised that she attended the signing of the Mammogram Bill (Senate Bill S-862) upon invitation of Senator Karcher.

Mayor Burry said she received a nice thank you note addressed to her and the Township Committee from Dr. Hauser for attending his recent retirement breakfast and presenting a plaque of appreciation.

Mayor Burry advised Assemblymen Panter and Morgan thanked the Township Committee for the recent watershed Resolution.

Mayor Burry further advised that she received a resignation from Rita Ruggeri of the Shade Tree Commission.

Mayor Burry stated that Nancy Boylan too submitted her resignation from the Historic Preservation Committee due to moving out of town. Mayor Burry said she would like to appoint Linda Dickenson as Ms. Boylan's replacement and is hopeful of making this appointment at the next Township Committee meeting.

Mayor Burry concluded her report by thanking Mr. Florek and Mr. Domidion for their work on the scenic road project.

21. **COMMENTS FROM THE PUBLIC:**

Mr. Chris Lupia acknowledged seeing the Township's new historical signage for the "Old American Phalanx" and commented on the location and difficulty in reading it. Mr. Lupia said that the "road to freedom" went right through Colts Neck.

Mr. Vince Domidion suggested exploring the possibility of narrowing Prothero Road.

Mr. Domidion stated that in this past Sunday's Asbury Park Press there was an article on new COAH regulations.

Mr. Domidion asked for the status of the new school transportation structure. Mr. Florek said he has not been able to get in touch with anyone at the Board of Education.

Mrs. Judy Laufer said there were 80 seniors in attendance at their recent annual picnic. They also have a trip planned to the Paper Mill Playhouse tomorrow. Their golf outing will be next Monday.

Mrs. Laura Kolnowski asked if the new Code Enforcement Officer is full-time or part-time? Mayor Burry said part-time with no benefits.

22. **RESOLUTION 2004-147:** EXECUTIVE SESSION was read by Mayor Burry. With no further comments, Mr. Stuart made a motion to adjourn and go into Executive Session at 9:10 p.m., seconded by Mr. Hennessy and unanimously carried.

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

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Robert Bowden,  
Township Administrator

RB/as