

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
AUGUST 13, 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 August 13, 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, Forester, and Stuart
and Mayor Hennessy

Also Present: Robert Bowden, John O. Bennett III, Esq. and Aime Sweeney

Absent: Committeeman Florek

1. **PRESENTATION**: Honoring Township residents for participation in Farmland Preservation Program. Mayor Hennessy turned the floor over to Deputy Mayor Burry. Mrs. Burry advised the names of members on the Farmland Preservation Committee. Mrs. Burry presented plaques on behalf of the Township Committee and the Farmland Preservation Committee to those who have preserved their land through the farmland preservation program; Carroll Barclay, David Barclay, Edward and Ramona Barney, the John Blackburn family, Jack and Margrit McCrane, and Mario and Irene Sessa. Everyone extended a round of applause and photographs were taken.
2. **PRESENTATION**: Mayor Hennessy called Patty Inglese and James Schatzel forward. Mr. Schatzel advised the John Mattaliano, Jr. Scholarship is awarded annually to a member of the Colts Neck First Aid Cadet Squad, in memory of John Mattaliano, Jr. The award recognizes the recipient's excellence and contributions to the Colts Neck First Aid Cadet Squad and the Colts Neck community. The award of \$500 is to be used for educational purposes. This year's award goes to Brian Hawtin. Mr. Hawtin came forward to receive the scholarship check. Everyone extended a round of applause and photographs were taken.
3. **PRESENTATION**: Mr. Eldo Magnani, Tax Assessor was called forward to discuss property revaluation. Mr. Magnani explained the main purpose of revaluation. The rationale on revaluating is for uniform assessment practice and to utilize today's technology. Mr. Magnani said that under Chapter 101 the Township is clearly over the ten year mark. When the Governing Body initiates the order for a revaluation, there is a one year time period for completion. Mr. Magnani said an extension of time may be necessary due to various complexities within Colts Neck. Mr. Magnani recommended obtaining a firm to begin the revaluation process in 2004. Bonding needs are to be in place by May, 2004. The estimated total is \$325,000.00.

Mrs. Burry asked if this goes out to bid? Mr. Magnani said yes, or you can hire a professional contractor. Mr. Forester said he hesitates to proceed until the County orders us to. Mrs. Burry agreed with Mr. Forester's position of not initiating the process until it is absolutely necessary. Mr. Stuart asked what the start date would be? Mr. Magnani said May, 2004. Mr. Magnani said 25% will see an increase, 25% will see a decrease and 50% won't see a big variance. The Governing Body thanked Mr. Magnani for his time and they will further consider their options.

4. **APPROVAL OF MINUTES FROM JULY 9, 2003** –was read by Mayor Hennessy. With no comments made, Mrs. Burry made a motion to approve the Minutes for July 9, 2003, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

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 second reading. Mr. Bowden gave an overview on what LOSAP is. Mr. Bowden explained the program must be approved by Referendum if this Ordinance is passed this evening. If approved, a Referendum question will appear on the November ballot. The estimated cost is \$57,500.00. Mr. Bowden explained that Mr. Florek is on vacation, however, we will contact him via speaker phone so he may participate in this process. Mr. Florek was called and placed on speaker phone. Mayor Hennessy opened the public comments.

Mr. Richard Galinski read a prepared statement supporting the LOSAP Program. Mr. James Schatzle, president of the Colts Neck First Aid Squad also voiced support for the LOSAP Program. Mr. Vincent Domidion said he is amazed by the positions he has encountered on this topic. Mr. Domidion said he hopes the Governing Body seeks a true consensus. Ms. Anne Hager said to keep in mind that any individual can opt to not participate. Mr. Robert Zander said the LOSAP program can have minor adjustments made to it if need be. There are over 244 programs in place right now. Mayor Hennessy closed the public hearing.

Mr. Florek said he feels the emergency volunteers do a great job and this program is a way of showing our appreciation. A significant majority favors the LOSAP program. Mr. Florek concluded by saying it is a positive incentive and we should move forward.

Mr. Forester said he voted no on the first reading but after hearing comments from both the fire and first aid members he is now inclined to vote yes. Mr. Forester said he wants everyone to realize that if approved tonight this will be placed on the ballot which is where the real vote will be.

Mrs. Burry said she has a problem with the word “compensation” and that different terminology should have been used. Mrs. Burry said unfortunately we are faced with time restraints.

Mr. Stuart said he feels there is a sense of rushing here. Mr. Stuart said he knows there is some mixed feelings about this program, but time is of the essence.

Mayor Hennessy said basically all has been said.

With no further comments, Mr. Florek made a motion to adopt this Ordinance, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemembers Florek (via speaker phone), Forester, Stuart and Mayor Hennessy

Oppose: None

The Township Committee bid Mr. Florek an enjoyable vacation and ended the phone call.

Mayor Hennessy called for a brief recess at 8:26 p.m.

Mayor Hennessy called the meeting back to order at 8:35 p.m.

6. **ORDINANCE 2003-10**: AN ORDINANCE TO AMEND CHAPTER 70 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED FALSE ALARMS was read by Mayor Hennessy by title on second reading. Mayor Hennessy reviewed the new fines for false alarms effective January, 2004. Mrs. Burry asked if this is cumulative. Mayor Hennessy said no they are per each calendar year. Mayor Hennessy opened the public hearing. Mr. Domidion said he feels this Ordinance is very timely and hopes the Township monitors it very closely. Mayor Hennessy closed the public hearing. With no further comments, Mr. Forester made a motion to adopt this Ordinance, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

7. **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 second reading. Mayor Hennessy read various sections of this Ordinance. Mrs. Burry said she wants to emphasize this is in the agricultural zone. Mr. Stuart said he agrees with this Ordinance wholeheartedly. Mayor Hennessy said the Planning Board supports this 100%. Mayor Hennessy opened the public hearing. Mr. Domidion said this is in keeping with what the State is doing and is very consistent. With no further comments, Mayor Hennessy closed the public hearing. Mr. Stuart made a motion to adopt this Ordinance, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

8. **ORDINANCE 2003-12**: AN ORDINANCE AMENDING AND SUPPLEMENTING THE “CODE OF THE TOWNSHIP OF COLTS NECK” IN ORDER TO ESTABLISH REGULATINOS FOR HOTELS AND MOTELS AND AUTHORIZING THE IMPOSITION OF A HOTEL AND MOTEL OCCUPANCY TAX was read by Mayor Hennessy by title on first reading. Mrs. Burry explained motels and hotels can’t be leased out for less then 12 hours. Mr. Stuart questioned the tax increase and said philosophically he is opposed to increasing this tax, however, does agree with not leasing out for periods of less then 12 hours and is in favor of the 30 day occupancy restriction. Mr. Forester said he concurs with Mr. Stuart, however, feels this goes on everywhere. Mr. Forester said though he’s not opposed to this Ordinance, he feels it is a wrong way to raise revenue. Mr. Bowden advised it is unknown at this time what the tax increase would be realized by the municipality. Mayor Hennessy set the public hearing for September 10, 2003. With no further comments, Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Forester.

Roll call indicated the following:

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

Oppose: Committeeman Stuart

Absent: Committeeman Florek

9. **ORDINANCE 2003-13**: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF COLTS NECK TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS THE “MONTROSE ROAD SCHOOLHOUSE”, ALSO KNOWN AND DESIGNATED AS BLOCK 23, LOT 1 ON THE COLTS NECK TOWNSHIP TAX MAP was read by Mayor Hennessy by title on first reading. Mayor Hennessy turned the floor over to Mrs. Burry. Mrs. Burry publicly thanked Mrs. Louise Whitney and John Niemela of the Colts Neck Historical Society who generously turn over the Montrose Road School House to the Township. The Historic Preservation Committee has formed a sub-committee to get underway with the restoration of the schoolhouse. Mrs. Burry said the Township thanks you. Everyone extended a round of applause. With no further comments, Mayor Hennessy set the public hearing for September 10, 2003. Mrs. Burry made a motion to introduce this Ordinance, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

10. **RESOLUTION 2003-125**: AUTHORIZING AWARD OF BID – 7100 GALLON ELLIPTICAL FIRE TANKER was read by Mayor Hennessy. Mr. Bowden advised the low bidder is Semo Tank at a bid of \$325,914.00. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

11. **RESOLUTION 2003-126**: AUTHORIZING AWARD OF BID – PAVING AND RECONSTRUCTION OF A PORTION OF LAIRD ROAD, MEADOWVIEW DRIVE, SPRING GARDEN DRIVE, AND A PORTION OF FIVE POINT ROAD was read by Mayor Hennessy. Mr. Bowden advised Earle Asphalt was the low bidder in the amount of \$313,873.75. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

12. **RESOLUTION 2003-127**: AUTHORIZING AWARD OF BID – PAVING AND RECONSTRUCTION OF HILLSDALE ROAD was read by Mayor Hennessy. Mr. Bowden advised the low bidder is Meco Inc. in the amount of \$222,204.00. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

13. **RESOLUTION 2003-128**: CONFIRMING APPOINTMENT OF DEPUTY ZONING OFFICER – MR. SAL MILAZZO was read by Mayor Hennessy. Mr. Bowden explained that Mr. Milazzo has been on the job as Code Enforcement Officer for a year now and this Resolution gives him the power to enforce certain Ordinances where enforcement is required by the Zoning Officer. Mr. Forester said the residents should be proud and pleased at the outstanding job Mr. Milazzo is doing. With no further comments, Mr. Forester made a motion to this Resolution, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

14. **RESOLUTION 2003-128A**: CONFIRMING APPOINTMENT TO HISTORIC PRESERVATION COMMITTEE – MR. DAVID ENGEBRETSON was read by Mayor Hennessy. Mrs. Burry gave a brief background of Mr. Engrebretson’s experiences. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried. Mayor Hennessy called Mr. Engrebretson forward. Mr. Bennett swore in Mr. Engrebretson. Everyone extended a round of applause.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

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

Resolution 2003-129: Approving Duplication Tax Sale Certificate – 2003

Resolution 2003-130: Approving Raffle License No. 03-33 – Special People United To Ride

Resolution 2003-131: Approving Raffle License No. 03-34 – Cerebral Palsy of Monmouth & Ocean Counties

Resolution 2003-132: Authorizing Recreation Program Refunds

Resolution 2003-132A: Approving Street Opening and Accepting Performance Guarantees – Block 40.04, Lot 3 (Barbary Lane)

Resolution 2003-133B: Authorizing Acceptance of Developers Agreement – PB Application No. 525 (Raymond & Barbara Folio)

Resolution 2003-133C: Authorizing Acceptance of Performance Guarantees – PB Application No. 585 (Parisi)

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

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

16. **DISCUSSION**: BUILDING HEIGHT REQUIRMENTS: Mayor Hennessy turned the floor over to Mr. Stuart. Mr. Stuart said the Long Range Planning Committee believes that the Township Ordinances regarding building height, basements and cellars should be amended. The current definition of building height measures the height of the structure at finished grade and allows mounding of soil along the front foundation to be counted as part of the finished grade. The Ordinance also

has no distinction between basements and cellars and is unclear if these areas contribute to the 2 _ story limitation. The Long Range Planning Committee believes that the number of tear downs will increase and the Township Ordinance should be modified now. After discussion at the July 8, 2003 Planning Board meeting, the Planning Board voted 7 to 2 to forward and recommend changes to the Ordinance to the Township Committee. Mayor Hennessy called Mr. David Rodetsky forward. Mr. Rodetsky said that when he looks out his front window he sees his neighbors basement window. His neighbors basement window looks into his first floor windows. Mayor Hennessy said in essence you are looking at a three story house. Mr. Rodetsky said yes. Ms. Lorrain Nemola, Lakeside Avenue, asked if changes to the Ordinance will effect Mr. Rodetsky's neighbor or effect future construction? Mayor Hennessy said unfortunately the changes are not retroactive. Mrs. Kim Rothberg said this isn't the first time this has happened in Colts Neck and is glad to see the Township Committee taking action. Mrs. Rothberg asked how this will be enforced? Mr. Bowden said Mr. Anfuso is confident that he can monitor this very well. Mrs. Rothberg said there are two homes in Rancho Polo who are doing this now. Mr. Stuart said unfortunately until this Ordinance is passed, yes this can happen. After brief discussion the consensus of the Township Committee is to move forward with this. Mr. Bowden said he will advise Mr. Anfuso to proceed with a draft Ordinance.

17. **ADMINISTRATIVE REPORT**: Mr. Bowden reported receiving a \$68,570.00 reimbursement from the State to offset 75% costs from the February snow storm.

Mr. Bowden reported that health insurance has increased by 18%, however, our health insurance costs with, Qualcare, will go down by 6% this year.

Mr. Bowden further reported that Mr. Ken Olson has been appointed as the new Foreman of the Public Works Department as recommended by the Superintendent, Edward Thompson.

Mr. Bowden also reported that the State Legislature has passed a law allowing for increases to our municipal fee for Alcohol and Beverage Control License renewals. If the Township Committee wishes to proceed, said increase would require an Ordinance. The Township Committee said they will consider this.

Mr. Bowden continued to report that it has been brought to his attention that the current Ordinance reads that fences are to be no more than 4' high. Front entry peers are being construed as a wall and are under enforcement. Some homes in Colts Neck would be out of scale with a 4' maximum. Mr. Bowden said he brings this matter before the Township Committee to see if the Governing Body would wish to clearly define the existing Ordinance; fence vs. entranceway. A resident is challenging our current Ordinance. Ms. Patty Ingles said such entranceways are called "stantions". Mr. Stuart said he feels we need to look at this. Mr. Stuart said if there are 100 stantions out there not in compliance then we should look at each one.

18. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$9,910,198.17, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

19. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester reported that he attended a Monmouth County Transportation meeting last night about the traffic light on Phalanx Road. The next meeting will be a discussion on Hominy Hill Road.

Mr. Forester continued to report that the Senior Citizen Club's membership has grown to 239 members and is still growing. This is a very successful club.

Mrs. Burry said three cheers for the new phone system at Town Hall!

Mrs. Burry reported that J.P. Walsh is seeking Township Committee endorsement for his historic trail project used by cyclists, walkers and joggers. Markers are set along the trail and pamphlets and maps will be provided. There are also benches and rest stops.

RESOLUTION 2003-136 : ENDORSING EAGLE SCOUT PROJECT – MR. JOHN P. WALSH was read by Mayor Hennessy. With no comments made, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

Mr. Stuart reported that the County Transportation Engineer, Daria Jakimowska, advised that within 30 days a blinker light will be operational on Muhlenbrink Road. Daria advised it will be another three to four months before the traffic light on Phalanx Road will be operational.

Mr. Stuart further reported that he received the Township Engineer's report pertaining to the New Street traffic problem. Mr. Stuart said he will keep the Township Committee informed as things progress.

Mayor Hennessy read a news release in full pertaining to the Colts Neck Parks and Recreation video. Mayor Hennessy said the video is available to the public for \$20.00 through the Colts Neck Recreation Department.

Mayor Hennessy read another news release in full pertaining to the Fall Festival Parade on October 19, 2003.

Mayor Hennessy read a prepared statement pertaining to the Canada Goose Management Investigation 1998 to 2003.¹ Mayor Hennessy opened the floor to public comments.

COMMENTS FROM THE PUBLIC

Ms. Ellen Shakespear, Sports Foundation member, commended the Township Committee for cleaning up the sports fields. Ms. Shakespear said it is the first time in Colts Neck history we are able to use all our fields.

¹ See attached prepared statement

Mr. Bruce Robbins, Saratoga Drive, commended the Township Committee for their action on the geese problem. Mr. Robbins said his two year old contracted a disease from goose feces and was never so ill. The parks are unfit for human use. Mr. Robbins said he is pleased the Township can reclaim its parks now.

Mr. David Englebretson, Mulberry Lane, thanked the Township Committee for getting rid of the geese. Mr. Englebretson said he has many family members who are very susceptible to disease.

Mr. John Walsh, Heyers Mill Road, said it is nice to see the Township take action. Mr. Walsh thanked the Township Committee for all the research the Township did and said it's nice to know the health and safety of the community is your first concern.

Mr. Tom Orgo, Heyers Mill Road, thanked the Township Committee for doing the right thing. Geese destroy crops. Mr. Orgo said he hopes the Township will continue its efforts.

Mayor Hennessy said dogs do chase geese, but they are chased to a new area causing the same problem. You can move the geese around, but they are still reproducing.

Mr. Orgo said the County Park System spends money all day every day on geese police, but they never solve the problem.

Mrs. Laura Kolnowski, Montrose Road, said she noticed about 80 geese back at Town Hall's pond. What will the Township do next? Mayor Hennessy said the Township is studying the problem.

Mr. Tony Costa, Cedar Drive, said he does not thank the Township Committee for this. Mr. Costa said the Township is missing the point. Geese Peace can work. Geese Peace could have been present tonight, but you choose to read a 35 minute speech instead. Mayor Hennessy said he informed Mr. Costa that he could pay for this gentleman's time and transportation to come here and prove to the Governing Body that Geese Peace works. Mr. Costa said he is all for removal of the geese problems but not for gassing of the geese.

Mrs. Kim Rothberg, Route 537, said it is a regional problem, and until an agreement is made throughout the region, it is Colts Neck's responsibility. Mrs. Rothberg thanked the Township Committee for taking action.

Mayor Hennessy said he recently went to a firemen's ballgame and noted their exclamations of praise that there are no more "bleeping" goose droppings and the field is actually usable.

Mrs. Joyce Costa, Cedar Drive, said the gassing of the geese does not set a good example for our children.

Mr. Vince Domidion, Revolutionary Road, commended the Township for their efforts.

Mayor Hennessy said he wants it to be made clear that the Township did what it felt was necessary to remedy the problem that exists.

In closing, J.P. Walsh thanked the Township Committee, especially Mrs. Lillian Burry, for supporting his Eagle Scout Project.

Mayor Hennessy closed the public hearing.

20. **RESOLUTION 2003-134**: EXECUTIVE SESSION was read by Mayor Hennessy. With no further comments, Mrs. Burry made a motion to adjourn and go into executive session at 10:55 p.m., seconded by Mr. Stuart and unanimously carried.

Roll call indicated the following:

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

Oppose: None

Absent: Committeeman Florek

Robert Bowden,
Township Administrator

RB/as