

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 6, 2006
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Florek 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 August 19, 2006 stating that the meeting of the Colts Neck Township Committee would be held on September 6, 2006 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 Florek, Committee Members Hennessy, Burry and Forester

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

Absent: Deputy Mayor Stuart

1. **MAYOR'S PROCLAMATION:** Mayor Florek proclaimed September 2006 as National Alcohol and Drug Addiction Recovery Month within the Township of Colts Neck, with this year's theme being Join the Voices of Recovery: Build a Stronger, Healthier Community. The addiction recovery community will be celebrating and honoring recovery from addiction publicly at the Fifth Annual Recovery Walk on Saturday, September 16, 2006 at Liberty State Park, and Mayor Florek urged all residents to show the power and strength of recovery from addiction by participating in this event. Mayor Florek recognized Anita Dedalis, the Township's Recovery Delegate and Colts Neck's Recovery Delegation for their contributions to the recovery community in the Township.

2. **APPROVAL OF MINUTES OF AUGUST 16, 2006:** Mrs. Burry made a motion to approve, as amended, seconded by Mr. Forester and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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 2006-15:** CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A DUMP TRUCK AND THE REPLACEMENT OF THE SEPTIC SYSTEM FOR THE PUBLIC WORKS DEPARTMENT, AND APPROPRIATING \$30,000 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK AND THE COUNTY OF MONMOUTH, NEW JERSEY was read by title on second reading by Mayor Florek. Mr. Forester spoke with the Director of Public Works (DPW) and is satisfied the dump truck acquisition and the septic system replacement are necessary expenditures for the Township. With no further comments from the governing body, Mayor Florek opened the meeting to public comment. Hearing none, the meeting was closed. Mr. Forester made a motion to approve, seconded by Mrs. Burry and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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 2006-16:** BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-3, ADOPTED ON MARCH 26, 2003, PROVIDING FOR THE CONSTRUCTION OF FIVE POINT PARK, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE THE PURCHASE OF A DUMP TRUCK, PLOW AND SPREADER, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by title on second reading by Mayor Florek. Mayor Florek stated this ordinance provides additional funding without financing for the dump truck purchase referenced in Ordinance 2006-15. Hearing no comment from the governing body, Mayor Florek opened the meeting to public comment. Hearing none, the meeting was closed. Mrs. Burry made a motion to approve, seconded by Mr. Forester and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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 2006-17:** AN ORDINANCE AUTHORIZING THE TOWNSHIP OF COLTS NECK TO CONVEY AN EASEMENT FOR NATURAL GAS UTILITY PURPOSES UPON, UNDER AND THROUGH A PORTION OF BLOCK 7.26, LOT 4 (CONOVER ROAD) ON THE COLTS NECK TOWNSHIP TAX MAP was read by title on second reading by Mayor Florek. Mayor Florek stated the applicant (Fewer) requested an easement for natural gas installation to his property on Conover Road. The requested easement would permit a natural gas pipeline to run 75 feet across the greenway, rather than 2000 feet along Conover Road and was considered the best approach. Mrs. Burry stated all options were explored thoroughly, and the easement sought did not affect any trees deemed important by the Shade Tree Committee. With no further comments from the governing body, Mayor Florek opened the meeting to public comment. Hearing none, the meeting was closed. Mr. Hennessy made a motion to approve, seconded by Mr. Forester and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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 2006-18:** ORDINANCE AMENDING SECTION 46.4, “STORMWATER MANAGEMENT” IN ARTICLE VII, CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK was read by title by first reading by Mayor Florek. In April 2006, the Township adopted an ordinance establishing stormwater management provisions within the Township, which were conditionally approved by the Monmouth County Planning Board. Ordinance 2006-18 includes amendments prepared to address the County’s conditional approval of the Township’s stormwater management ordinance and the comments contained in the Stormwater Technical Advisory Committee’s synopsis of June 1, 2006. With no further comment from the Governing Body, Mayor Florek called for a motion. Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and carried by all in attendance. Mayor Florek set the public hearing for September 27, 2006.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **ORDINANCE 2006-19:** ORDINANCE AUTHORIZING THE EXCHANGE OF A DEVELOPMENT RESTRICTION IN CONNECTION WITH THE SPATIAL DESIGN, LLC/SHADOW ISLE GOLF CLUB DEVELOPMENT APPLICATION (BLOCK 46, LOTS 1/1 AND 17.12) was read by title by first reading by Mayor Florek. The passage of this ordinance would remove the development restriction on Lot 1/1, permitting residential development of this property, and impose the development restriction on Lot 17.12 (Leland Road), which is currently approved for residential development. Discussion ensued between Governing Body, Counsel and Administrator, during which Mr. Bowden advised the Planning Board has approved this exchange. Mr. Forester made a motion to approve. Mr. Bowden advised Mayor Florek he could relinquish the gavel. Mayor Florek declined. The motion was not seconded. Mr. Bennett will contact Ms. Aifer, Spatial Design’s attorney, for further discussion.

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

8. **RESOLUTION 2006-123:** RESOLUTION AUTHORIZING AWARD OF BID – PURCHASE OF 2006 FIRE TROOPER F-550 was read by title by Mayor Florek. Mayor Florek stated two bids were received; however, only one was acceptable. Mr. Forester questioned if the bid specifications precluded others from bidding. Mr. Bennett advised that the draft specifications were reviewed by his office and revised to broaden the field of qualifying bidders. Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and carried by all present. The bid was awarded to Absolute Fire Protection Services in the amount of \$129,875.00.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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 2006-124:** RESOLUTION AUTHORIZING CONTRACT FOR DEER CARCASS REMOVAL SERVICES – DEER CARCASS REMOVAL SERVICE, LLC (OCTOBER 1, 2006 – DECEMBER 31, 2006) was read by title Mayor Florek. Mrs. Burry stated the County solicited bids for this service, which should be received by September 14th. Once the bids are received, municipalities will be able to contract directly with the winning vendor. Mayor Florek commented that having individual municipal contracts will cost the taxpayers more than if it were a shared service. Discussion ensued and Mayor Florek stated this resolution would be deferred to the next Township Committee Meeting September 27, 2006.

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

10. **RESOLUTION 2006-125:** RESOLUTION AUTHORIZING THE REQUEST TO OBTAIN COUNTY OPEN SPACE TRUST FUNDS IN THE AMOUNT OF \$35,000 TO FUND THE CONSTRUCTION OF TWO TENNIS COURTS, CEDAR DRIVE SCHOOL was read by title Mayor Florek. Mayor Florek stated the County offers matching grants to fund recreation purposes. This year the Township was awarded a matching grant to renovate the fitness trail in Town Hall Park. The construction of two tennis courts at Cedar Drive School would facilitate tournament play and meet the growing needs of the community. Mrs. Burry stated the deadline for application to the County is September 20th, and grants will be awarded by the end of 2006. Mr. Bowden stated Dr. Nolan has done preliminary work on the application. Mr. Forester made a motion to approve, seconded by Mrs. Burry and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Florek read the following consent agenda resolutions, by title:

***RESOLUTION 2006-126:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE – PB493 (ZITO OFFICE BUILDING

***RESOLUTION 2006-127:** AUTHORIZING ACCEPTANCE OF MAINTENANCE GUARANTEE – PB APPLICATION NO. 627 (MANCINI).

Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **DISCUSSION:** TRANSFER OF USED POLICE VEHICLES TO FIRE DEPARTMENT FOR FIRE POLICE. Mayor Florek stated that the Fire Police use their private vehicles when responding to emergency calls. The Police Department has two patrol cruisers that were retired as pursuit vehicles since reaching 120,000 miles. At the request of Mayor Florek, Fire Chief Morgan Savage advised the Governing Body the two vehicles would retain the light bars, and would be detailed and re-decaled with a red stripe indicating “Fire Police”. The use of these vehicles at emergency events would increase emergency warning to passing motorists and provide increased safety to emergency responders. Noting the Governing Body’s agreement, Mr. Bowden stated this transfer should be memorialized by a motion. Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and carried by all present.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **ADMINISTRATIVE REPORT:** Mr. Bowden had no additional comments to his report, and discussed the following:

Mr. Bowden reported he attended a meeting of all county municipal administrators convened by Judge Lawson to discuss the upgrading of security within the municipal courts. All municipalities were mandated to provide a security plan to Judge Lawson by December addressing office staffing and police protection on court days, bullet proof protection at the bench and the office, and mandatory metal detector screening of all persons entering the court house. Mr. Bowden advised he will be meeting with Judge Thompson and the Court Clerk September 8th to discuss the requirements and begin plan development.

Mr. Bowden reported he met with Mr. O’Scanlon regarding the replacement wireless antennae planned for the Township municipal complex. Although a public hearing was held by Deputy Mayor Stuart and Committeeman Forester, no one attended. Mr. Bowden stated Mrs. Attilio has since visited his office and expressed her concerns about tower emissions and aesthetics. Mr. Bowden advised the Governing Body a resolution will be forthcoming authorizing competitive bidding for leasing.

Mr. Bowden reported Shore Point distributors received a permit to hold their annual company picnic in Bucks Mill Park and has requested a permit to serve alcohol at this event. An insurance certificate, naming the Township as additional insured, will be issued. Mr. Bowden advised a social permit has been issued to this group in prior years without incident, and stated a motion is in order if the Governing Body is to approve the request. Mr. Hennessy made a motion to approve, seconded by Mrs. Burry and carried by all present.

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

14. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reviewed and signed the vouchers and commented all were in order. Mr. Forester made a motion to approve all vouchers totaling \$7,985,627.48, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **TOWNSHIP COMMITTEE REPORTS:**

Mrs. Burry thanked the Township Committee, the Department of Public Works and those present for participating in the September 11th Memorial Ceremony held immediately preceding tonight's Township Committee Meeting. A copy of tonight's program and Mrs. Burry's comments are appended to these minutes. Mayor Florek stated the ceremony was well done and expressed his appreciation to Mrs. Burry.

Mrs. Burry reported the Historic Preservation Committee has received a \$6500 grant from the County.

Mrs. Burry thanked the Colts Neck Journal, and in particular, Tony Senk, for exceptional coverage of the upcoming Colts Neck House Tour and other Historic Preservation news.

Mrs. Burry reported she and Mayor Florek met with Mr. Thomas, Affordable Housing Special Planner, and she was favorably impressed with Mr. Thomas. The period of repose is up next year, and they will be meeting again shortly to formulate recommendations to be made by the end of 2006. Mayor Florek stated the Township has a COAH requirement, and they are working to meet this requirement.

Mrs. Burry stated she will be meeting with Mr. Gale, the attorney for NWS Earle, in October.

Mr. Forester stated the Board of Health met this month. The flu vaccine has arrived and will be administered in early October to the Senior Citizens and in mid-October for the Township residents.

Mr. Forester reported two entrepreneurs completed the dog census within the Township. Since the census began, many dog licenses have been issued at Town Hall.

Mr. Forester reported the Senior Citizens Club celebrates its 40th year this year with over 300 members. Several trips are planned in the near future, and many Seniors are participating in a variety of programs offered to its members.

Mr. Hennessy reported the Colts Neck Fair was a tremendous success resulting in a profit of \$2300 for the Seniors' Granny's Attic booth alone. There was an increase in Fair attendance and amusement rides. Mayor Florek stated the Fair was very well run, and the great weather helped to make it a success.

Mayor Florek commended the Department of Public Works employees for maintaining the streets during the recent storm. When trees fell, the DPW staff quickly cleared the roadways ensuring access by emergency vehicles.

Mayor Florek reported the Colts Neck Sports Foundation fall soccer opening day is Saturday, September 9, at Cedar Drive School.

Mayor Florek commented on a memorandum he received from Michael Steib, Township Counsel for Planning and Zoning, regarding the issuance of construction permits and construction occurring without permits. Mayor Florek stated if construction occurs without permits, the regulations should be enforced. Mrs. Burry stated the Zoning Board of Adjustment is plagued by this issue.

Mayor Florek stated the Blue Claws minor league baseball team is in the playoffs tonight for the first time in its history.

16. **COMMENTS FROM THE PUBLIC:**

Mayor Florek opened the meeting to public comment.

Messrs. Lucarelli and Mr. Benitez, residents, spoke of an abandoned house located on Eagle Nest Drive. The home is unsecured and inhabited by wildlife, and the grass is uncut this season. Mr. Lucarelli, Jr. contacted the Township's Code Enforcement Officer, which results in the grass being cut once a year; however, this is a three year old problem. Mr. Lucarelli, Jr. asked the Township Committee for their help. Discussion ensued and since tax payments are current, the property cannot be foreclosed. Mr. Bennett advised the local court can fine the owner of record, and if fines are unpaid, a bench warrant would be issued, notifying the bank involved. If no response is received, the Township can request the Superior Court put a lien against the property until it is sold. Mr. Lucarelli, Sr. stated he has seen large rats on the property, and it has become a neighborhood health hazard and is requesting Health Officer involvement. Mr. Lucarelli, Sr. stated if the house were demolished and nature took its course, the undeveloped land would be an improvement over current conditions. Mr. Bennett stated this is not an overnight process; it takes approximately six months to give notice and request demolition approval from Superior Court. In the meantime, Mrs. Burry recommended having the Health Inspector visit the property and have it boarded up.

With no further comments, Mayor Florek closed the public portion of the meeting.

16. **RESOLUTION 2006-128:** EXECUTIVE SESSION was read by title by Mayor Florek. Mr. Forester made a motion to approve, seconded by Mrs. Burry and unanimously carried by voice vote by all at 8:27 p.m.

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

Motion to adjourn Closed Session and reconvene in public session was made by Mr. Hennessy, seconded by Mr. Forester and unanimously carried by voice vote.

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

Motion by Mr. Hennessy, seconded by Mr. Forester and unanimously carried to adjourn public meeting at 9:20 p.m.

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

Attachments 2

RB:bk