

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 6, 2007
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 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 August 11, 2007 stating that the meeting of the Colts Neck Township Committee would be held on September 6, 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, Florek and Schatzle

Also Present: Robert Bowden; Keri Encarnation, Esq., and Beth Kara

Absent: None

- Mayor Stuart opened tonight's meeting asking all in attendance to observe a minute of silence in memory of the victims of September 11, 2001.

Mayor Stuart read in its entirety a prepared statement regarding the housing initiatives within Earle Naval Weapons Station. The Mayor's statement provides the history of the plans to privatize 340 existing military housing units within Earle Naval Base and advises "... the Township Committee remains united in our opposition to the Navy's plans and will litigate all possible aspects of these plans at the proper time." Members of the press from the Colts Neck Journal, Asbury Park Press and Colts Neck Calendar were provided with the Mayor's statement, a complete copy of which is appended.

1. **PUBLIC HEARING:** MONMOUTH COUNTY OPEN SPACE GRANT - TWO TENNIS COURTS, CEDAR DRIVE PARK. Mayor Stuart advised a proposed grant application for the construction of two additional tennis courts at Cedar Drive Park, adjacent to Cedar Drive School, Block 23, Lot 6 on the Colts Neck tax map, was being considered by the Governing Body for submission as part of the Monmouth County Municipal Open Space Grant Program. This is a matching grant; 50% County funds, 50% Township funds. Mayor Stuart opened the meeting to the public.

Mr. Ed Lear, a resident, stated he opposed additional courts in that area, as he likes the rural character of that site and does not want it disturbed. Mr. Lear stated he has no problem adding additional courts, but he is concerned the proposed site is too close to the roadway and not safe for tennis play. Mr. Lear stated there are already three unused courts at Cedar Drive, and people are playing at Doorbrook and Laird Road, not at Cedar Drive. Mr. Lear suggested using available grant money to upgrade the existing three courts. Mr. Lear also questioned the fragile environment of the proposed site and suggested relocating the two courts to the rear of the school. Mr. Florek advised the grant money is only available for Township-owned property, and the alternate site is owned by the Board of Education. Mr. Lear questioned if the Township could deed that property and offered his services at no cost to the Township.

Mr. Don Gray, a resident, advised the surrounding area of the proposed site is filled with water. When it rains or snow melts, the proposed site is often filled with six inches of water. Mr. Gray stated drainage was an issue for that location and questioned where the water would be diverted.

Mr. Bill LaMorte, a resident, stated the Township already has courts at the high school, Laird Road, Doorbrook Park and Cedar Drive school. The Township

already has more courts than any other in the area, and he does not see the point of adding two more. Mr. LaMorte questioned if proper noticing was done to all residents within 200' of the proposed courts. Mr. Bowden responded the legal notice placed in the Asbury Park Press is in full compliance with noticing requirements. Mayor Stuart stated this is only at the grant application stage and then questioned who was spearheading this proposed application?

Mr. Florek responded stating the Colts Neck Sports Foundation have 250 children signed up for the tennis program and Cedar Drive School has a tennis team. Mr. Florek stated five courts located together are necessary for tournament play. The Township Committee put money in this year's budget to re-surface the existing Cedar Drive courts. Mr. Florek also stated the proposed two courts would replace the two courts lost with the construction of the Primary School at Conover Road.

Ms. Kathy Lear, a resident, stated "you don't build a cathedral for Christmas Eve." Mr. Florek stated the CNSF holds two tennis programs per year that are very well attended. Ms. Lear mentioned the surface deterioration of the three courts at Cedar Drive.

Mr. LaMorte and Mr. Florek discussed the number of courts in close proximity necessary for tournament play.

Mr. Vince Domidion, a resident, stated he looked at the vegetation between the proposed site and the roadway. It is Mr. Domidion's opinion that this site would require planting evergreens as a buffer to the roadway. Mr. Domidion also stated a brook runs behind the existing homes surrounding the proposed site, which does pick up water to the area. Mr. Domidion questioned whether adding three courts to Laird Road was considered. Mr. Florek responded the Laird Road site was considered, but there is not enough space for three courts. Mr. Domidion recommending refining the placement of the proposed site at Cedar Drive by moving the courts 50' westward. Mr. Domidion questioned the need for five courts for tournament play, since children playing both singles and doubles can't play both matches at once. Mr. Florek reduces the need for coaches and players to travel distances from court to court. Three courts have been used, but Mr. Florek stated it takes twice the time. Mr. Domidion stated they would have to wait anyway.

Mr. Florek stated the water issue at the proposed site is significant, and something the Township Engineer should have alerted the Township Committee about. Mr. Florek stated he has no problem relocating the courts away from the roadway. Mr. Florek is seeking five courts some place within town.

Mr. Domidion commented the whole site has a high water table and it is a difficult site requiring significant engineering. Mr. Domidion has misgivings about the proposed site.

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

2. RESOLUTION 2007-128A: AUTHORIZING THE REQUEST TO OBTAIN COUNTY OPEN SPACE TRUST FUNDS IN THE AMOUNT OF \$40,000.00 TO FUND THE CONSTRUCTION OF TWO TENNIS COURTS, CEDAR DRIVE PARK was read by title by Mayor Stuart. Mr. Florek stated he is disappointed the application was not started earlier. He stated it was done at the last minute last year and rejected by the County, and last minute again this year and there is no alternate project for submission. Mr. Florek is very disappointed there is no time to confer with the Engineer about the drainage issues raised.

Mr. Forester stated he wants to apply for the grant and address the concerns afterwards. He stated the points raised are valid, but this application should proceed.

Mr. Hennessy stated in years past, there was tremendous interest in tennis and pressure to play. While the pressure is not what it once was, the courts are being used and most serious players go to the Laird Road courts, which are well protected and wind sheltered. Mr. Hennessy is most concerned with financing this project, as he was advised by Dr. Nolan that per court costs are \$39,000 to \$45,000. Mr. Hennessy stated the irony of this issue is there is money in the bank to replace the two Conover Road courts taken away, but questions if this is prudent spending of Township funds.

Mr. Schatzle commented we are behind the eight ball this year, and we should start looking for application projects at this time for next year to avoid this situation.

Mayor Stuart stated the grant is a wonderful thing, but he is opposed to this application as he does not think the proposed site is good. Mayor Stuart spoke with Dr. Nolan and was advised the per court cost could be \$50,000. Mayor Stuart stated we agreed to replace the tennis courts at Conover Road. This may look like a wonderful application, but the money belongs to the Conover Road site.

Mr. Forester made a motion to approve, seconded by Mr. Florek. Roll call vote: Messrs. Forester and Florek voted to approve, Messrs. Hennessy, Schatzle and Mayor Stuart voted no.

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

3. **APPROVAL OF MINUTES OF AUGUST 8, 2007:** Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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					

5. **ORDINANCE 2007-13:** AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP OF COLTS NECK'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT was read by title at second reading by Mayor Stuart. Mayor Stuart advised Mr. Anfuso is currently performing the duties of this position under another title. This is a change in job title only and does not create an additional position. With no comments by the Governing Body, Mayor Stuart opened the meeting to public comment.

Hearing no comments from the public, Mayor Stuart closed the meeting to comment. Mr. Forester made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

5. **RESOLUTION 2007-129:** RESOLUTION APPOINTING MR. TIMOTHY ANFUSO AS THE COLT NECK TOWNSHIP MUNICIPAL HOUSING LIAISON was read by title by Mayor Stuart. Mr. Hennessy made a motion to approve, seconded by Mr. Forester and unanimously carried.

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					

7. **MOTION TO ADOPT A CONSENT AGENDA:**

9. ***RESOLUTION 2007-130:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, Z.B. APPLICATION NO. 676 (COLTS NECK REFORMED CHURCH).
11. ***RESOLUTION 2007-131:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES FOR P.B. APPLICATION NO. 556B (EYRES MAJOR SUBDIVISION, SECTION II AND MERCER ROAD).
13. ***RESOLUTION 2007-132:** AUTHORIZING RECREATION PROGRAM REFUNDS.
15. ***RESOLUTION 2007-133:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEE FOR P.B. APPLICATION NO. 642 (ROTH).
17. ***RESOLUTION 2007-134:** APPROVING RAFFLE APPLICATION NO. RA-07-30, GIFT HOLES RAFFLE, NUT SWAMP SCHOOL PTA, OCTOBER 8, 2007.
19. ***RESOLUTION 2007-135:** APPROVING RAFFLE APPLICATION NO. RA-07-31, 50/50 ON-PREMISES RAFFLE, NUT SWAMP SCHOOL PTA, OCTOBER 8, 2007.
21. ***RESOLUTION 2007-136:** APPROVING RAFFLE APPLICATION NO. RA-07-32, GIFT BASKETS RAFFLE, NUT SWAMP SCHOOL PTA, OCTOBER 8, 2007.
23. ***RESOLUTION 2007-137:** APPROVING RAFFLE APPLICATION NO. RA-07-33, 50/50 ON-PREMISES RAFFLE, PTO OF COLTS NECK, OCTOBER 12, 2007.
25. ***RESOLUTION 2007-137A:** APPROVING RAFFLE APPLICATION NO. RA-07-34, POKER TOURNAMENT RAFFLE, THE INSTITUTE FOR CHILDREN WITH CANCER AND BLOOD DISORDERS, OCTOBER 26, 2007.

Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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					

16. **DISCUSSION:** GREEN INITIATIVES: PESTICIDE-FREE ZONE, ENGINE IDLING CAMPAIGN, GREEN PRODUCTS. Mayor Stuart, Mr. Bowden and Mr. Thompson met with representatives from the NJ Environmental Federation to discuss "green initiatives" within Colts Neck. Mayor Stuart stated the meeting was informative and the green initiatives could easily be adopted by the Township. With the consent of the Governing Body, three resolutions will be placed on the next agenda. Mr. Bowden will invite members from the NJ Environmental Federation to attend.

18. **DISCUSSION:** CONSERVATION EASEMENT, BLOCK 8, LOT 6.06, BENDER, 7 FULLING MILL LANE. There was an error committed and fencing was constructed in the easement. The applicant offered to trade twice the land to adjust the easement line. The Township Committee agreed if Board approvals were obtained. Mr. Florek advised the new line makes better sense; however, a condition of Township approval was the pool filter was to be moved. The applicant worked in good faith and Ordinance 2007-14 was introduced tonight. Mr. Florek made a motion to approve, seconded by Mr. Forester and unanimously carried. Mayor Stuart set public hearing date September 26, 2007.

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					

20. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to report, but advised the Governing Body that a resident was seeking approval for a block party October 6, 2007. Mr. Schatzle made a motion to approve, seconded by Mr. Forester and unanimously carried.

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

Mr. Bowden advised he received a request from the Colts Neck PTO to serve beer and wine at their annual fund raiser to be held at the Community Center, Bucks Mill Park. The size of the event is unknown at this time. Mr. Florek requested the event hours be changed to 7:00 to 11:00 p.m. Mr. Forester concurs. The Governing Body concurred with granting permission to serve beer and wine at this event as long as permits are obtained.

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

Animal Control	\$7.80
Capital Fund	\$30,057.09
Construction Trust	\$22,661.55
Current Fund	\$10,830,392.22
Farmland Preservation Trust	\$384.00
Grant Fund	\$2,651.19
Tax Collectors Trust	\$30.93
Trust Fund	<u>\$15,348.16</u>
TOTAL APPROVED:	\$10,901,532.94

Mr. Forester reviewed the vouchers, all were in order, and he made a motion to approve all vouchers, seconded by Mr. Schatzle and unanimously carried.

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

21. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Schatzle read a letter from the Colts Neck First Aid Squad commending Officer Dana Joline for his extremely valuable assistance, initiative and quick thinking on a serious trauma call Tuesday September 4, 2007 at Hominy Hill Golf Course. Mr. Schatzle expressed his appreciation, on behalf of the Governing Body, to Officer Joline. Officer Joline received a round of applause and photographs were taken by local press.

Mr. Schatzle read a notice "Stop for the Bus! Our children are worth the wait", reminding motorists school is in session and they should be cautious near school buses. At Mr. Schatzle's request and the concurrence of the Governing Body, this notice will be posted on the home page of the website for the month of September.

Mr. Schatzle reported the Colts Neck Historic Committee is sponsoring the 8th Annual Historic House Tour on October 6, 2007 between the hours of 10:00 a.m. and 4:00 p.m. The tour includes great homes in town and a historic luncheon is planned at Huddy's.

Mr. Florek reported the RCA litigation continues. The Fair Share Housing Alliance sued COAH and Colts Neck and went to Appellate Court. A motion has been granted and remanded to COAH to determine the validity of the RCA.

Mr. Florek reported the Colts Neck Sports Foundation is holding Soccer Opening Day Saturday, 9:00 a.m. at Cedar Drive.

Mr. Florek reported the Fire Department has begun their annual fund drive and urges all to support this volunteer service.

Mr. Hennessy reported he attended a Pop Warner Rally, which had 120 cheer leaders and 125-130 football players. Mr. Hennessy stated this was a wonderful event and he is celebrating his 6th year as liaison to Pop Warner.

Mr. Hennessy reported the Colts Neck Fair was a success despite the heavy rains that closed Friday's festivities at 7:15 p.m., and Sunday's rains. There was great attendance at this year's Fair.

Mr. Hennessy commended Ms. Virginia Amend, Editor of the Colts Neck Calendar, for her coverage of the Township Committee's Hawaiian Shirt night.

Mr. Forester reported the Senior Citizens had a luncheon at Addison Park in Aberdeen. The Senior Citizens membership has reached 292.

Mr. Forester reported the Friends of the Library met to discuss the annual Art Show, which is scheduled to begin November 26, 2007, and the Holiday Tree Lighting. The Friends are interested in having the meeting rooms at the Library re-painted before the Art Show. Mr. Forester agrees the walls need to be re-painted. In addition, the Friends are asking to have the fence round the children's garden painted and to have the landscaping on the right side of the building weeded and mulched.

Mr. Forester spoke of Avalon having its own library system, and the surplus funds they now have. Mr. Forester raised the feasibility of Colts Neck withdrawing from the Monmouth County Library System, which receives \$115,000 per quarter. Mr. Forester stated if we withdrew, our citizens would have to pay \$100 each for use of the Monmouth County System, which allows them to order books from other Monmouth County Branches. In addition, a Director would have to be hired. Mr. Forester suggests doing research on this issue. Mayor Stuart stated Colts Neck is not leaving the Monmouth County Library System. He is concerned about how the revaluation will impact on the participation formula.

21. **COMMENTS FROM THE PUBLIC:**

Mayor Stuart then opened the meeting to public comment.

Freeholder Lillian Burry, liaison to the Monmouth County Library System and a resident, spoke against Colts Neck leaving the MCLS and stated she would be very happy to arrange a meeting with the Township Committee and the MCLS to discuss this issue in detail.

Mr. Jim Nicoletti, a resident, stated he is seeking to move his property fence to its original location. In addition, he would like the Governing Body to review the height limitation on fencing and revise it in situations where livestock are involved. Mayor Stuart suggested the fence issue be referred to the Planning Board. Mayor Stuart agreed to review the current height limit for fences to determine if it relates to property owners with livestock.

Mr. Don Burry, a resident, spoke of the green initiatives proposed and asked if we need a resolution to turn off a bus engine? Mr. Burry commented education is the best way to effect this change. Mayor Stuart stated it is planned to get the children involved. Mr. Burry commented he is an advocate of having the Library remain within the MCLS.

Mr. Chris Lupia, a resident, asked where the Mayor's statement on Earle Housing is being sent. Mayor Stuart responded this is an open statement to the local press. Mr. Lupia commented the press did a fine job on keeping the Fort Monmouth at the forefront and hopes they will give the Earle issue more visibility.

Freeholder Burry complemented the Township on addressing the green initiatives. Mrs. Burry commented she is hopeful the Township has not wavered in its position to fight the privatization of Earle housing. She has spoken with the Secretary of the Navy, Congressman Smith and Mrs. Fisher. Mrs. Burry commented it was unfortunate the passage of the Assembly's legislation was intertwined with politics, especially in light of the situation at Ft. Dix. Mrs. Burry asked if the Township Committee plans to adopt a Pay to Play ordinance. Mayor Stuart stated the Committee has spoken informally of this

issue. Mrs. Burry stated she does not think the need is prevalent, but this seems to be the tenor of our times.

Ms. Jackie Hoagland, a resident and PTO of Colts Neck officer, spoke of the upcoming fundraising event for the PTO at Bucks Mill Park. She assured the Committee the PTO will furnish the Township with an insurance certificate naming the Township as additional insured. The proposal showed two tent sizes since they are uncertain of the number of attendees. She will coordinate efforts with the Fire Department, First Aid and Police, and knows the hours of the event have changed to end at 11:00 p.m. She thanked the Governing Body for their support.

Mr. Vince Domidion, a resident, spoke of the ordinance pertaining to Fulling Mill. He is looking closely at that and if this is something that changes what was originally agreed to, he may be opposed to its adoption. He suggests that when environmental constraints are involved, it be referred to the Environmental Commission.

Mr. Domidion will be preparing comments from the hearing on the Monmouth County State Plan and plans to share his comments with the Township Committee and the Township Planner. It will be useful for State Planning Commission to provide municipalities with a list of growth areas. Mr. Florek stated he has drafted a letter and will ask for Mr. Domidion's and the Township Committee's comments. In addition, it may be worthwhile to touch base with other municipalities.

Ms. Judy Laufer, a resident and President of Colts Neck Senior Citizens, reported Mr. Al Wentworth passed away this week.

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

22. **RESOLUTION 2007-138:** EXECUTIVE SESSION was read by Mayor Stuart at 9:10 p.m. Mr. Forester made a motion to adjourn and go into Executive Session, 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	M	X			
Florek		X			
Schatzle		X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

Motion by Mr. Forester, seconded by Mr. Hennessy and unanimously carried to reconvene in public session at 9:50 p.m..

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

Motion by Mr. Schatzle, seconded by Mr. Hennessy to allow for the issuance of a building permit for the construction of a barn at Block 7, Lot 4.14. Motion unanimously carried.

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

Motion by Mr. Hennesy, seconded by Mr. Schatzle to adjourn meeting.
 Motion unanimously carried.

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

Meeting adjourned at 9:50 p.m.

 Robert Bowden
 Township Administrator/Clerk

RB:bk