

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 10, 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 September 10, 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, Florek, Forester,
and Mayor Hennessy

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

Absent: Committeeman Stuart

Mayor Hennessy called for a moment of silence in remembrance of the lives lost on the tragic day of September 11, 2001.

1. **PRESENTATION**: REPLACEMENT OF ANTENNAES – POLICE DEPARTMENT: Mayor Hennessy introduced Mr. Declan O'Scanlon. Mr. O'Scanlon briefed the Township Committee on the proposal for a replacement antennae at the Police Department. Mrs. Burry said one of the most important things to consider is the esthetics. Mrs. Burry said she wants to clarify for everyone that we are seeking to replace two ugly towers with a sleeker one. Mr. Forester asked what the height of the new one is? Mr. O'Scanlon said it will be 10-15' higher (120 feet total). Mrs. Burry said she was a proponent of a tree antennae. Mrs. Burry said it sounds like this project is in good hands. Mr. Florek concurred with Mrs. Burry and said it is his understanding the existing tower has reached its life expectancy. Mr. Bowden said Mr. O'Scanlon is seeking the Township Committee's approval this evening to move forward. After brief discussion, the Township Committee unanimously agreed to move forward. Bids will be advertised at a date to be determined by the consultant, probably late October or November.
2. **PRESENTATION**: PARTIAL VACATION OF WATER STREET: Mayor Hennessy introduced Mr. Keith Arcomano, Esq. Mr. Arcomano stated that the applicant believes that it was the intent of a Township Committee many years ago that when a "curve" was related along Water Street to replace a distinct turn, the excess property was supposed to be granted to effected property owners. This apparently was never done. Mr. Bowden advised that based on research by both the property owner and Township professionals, it appears the Township did acquire property from the owner of Block 22, Lot 2 – Juliano to be sure the "curve" was on Township property, but then never vacated the "squared-off" portion of the curve to opposite property owners. Mr. Bowden further advised if the Township Committee approves said vacation, an Ordinance will be required along with a survey and description, which is usually at the expense of the property owner. However, in this case there is some discrepancy in who is responsible for fees. Mrs. Flora Higgins said she would like the details of proposal in writing that her attorney can review it. After brief discussion, the Township Committee unanimously agreed to proceed.
3. **APPROVAL OF MINUTES FOR AUGUST 13, 2003** was read by Mayor Hennessy. Mrs. Burry said she submitted grammatical amendments to these minutes earlier. With no further comment, Mrs. Burry made a motion to approve these minutes as amended, seconded by Mr. Forester.

Roll call indicated the following:

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

Oppose: None

Abstain: Committeeman Florek

Absent: Committeeman Stuart

4. **ORDINANCE 2003-12**: AN ORDINANCE AMENDING AND SUPPLEMENTING THE “CODE OF THE TOWNSHIP OF COLTS NECK” IN THE ORDER TO ESTABLISH REGULATIONS FOR HOTELS AND MOTELS AND AUTHORIZING THE IMPOSITION OF A HOTEL AND MOTEL OCCUPANCY TAX was read by Mayor Hennessy by title on 2nd reading. Mr. Bowden explained the purpose of this Ordinance. Mrs. Burry asked if this will be retroactive? Mr. Bennett said no, it doesn’t start until the Ordinance is filed with the State Treasurer. With no further comments, Mayor Hennessey opened the public hearing. Mr. Domidion asked how many rooms are there between the two hotel/motels in Colts Neck that will be affected by this? No one knew for sure but Mr. Bennett estimated 100. Mr. Bowden said he is unsure of the revenue at this point. Mr. Tom Russel asked about enforcement of the 12 hour minimum. With no further comments, Mayor Hennessy closed the public hearing. Mrs. Burry made a motion to adopt this Ordinance, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

5. **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 2nd reading. Mrs. Burry explained the Historic Society sold the historic Montrose Road Schoolhouse for \$1.00. The Historic Preservation Committee is already in the process of planning the restoration. With no further comments, Mayor Hennessy opened the public hearing. Mrs. Laura Kolnowski said she is thrilled to see the property cleaned-up. Will the fence be repaired? Mrs. Burry said yes, it will be replaced as it once was. The shutters too will need repair. The interior is very exciting and the Historic Preservation Committee is trying to obtain a matching grant. Mrs. Flora Higgins said she hopes this will be similar to the one room school house that Freehold did. Mr. Domidion commended Mrs. Burry for the acquisition of the Montrose Road Schoolhouse. With no further comments, Mayor Hennessy closed the public hearing. Mrs. Burry made a motion to adopt this Ordinance, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

6. **RESOLUTION 2003-135**: SUPPORTING SENATE BILL NO. 2313-REGIONAL SCHOOL BOARD COST APPORTIONMENT was read by Mayor Hennessy. Mr. Bennett explained Legislation has been introduced that would permit a change to the method of apportioning costs among the constituent municipalities of Freehold Regional High School District and if said change is approved by the majority vote of the entire Regional District rather than the current method whereby cost apportionment change must be approved by a majority vote of each constituent municipality. After brief discussion, Mr. Florek made a motion to approve this Resolution, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

7. **RESOLUTION 2003-136**: CONFIRMING APPOINTMENT OF DEPUTY ZONING OFFICER – MS. RUTH LEININGER was read by Mayor Hennessy. Mr. Bowden said he is pleased to announce that Ms. Ruth Leininger has become certified as a Zoning Officer and this Resolution appoints her as Deputy Zoning Officer. Mr. Florek made a motion to approve this Resolution, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

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

Resolution 2003-137: Authorizing reduction of Performance Guarantees – PB Application No. 568 (American Building Enterprises)

Resolution 2003-138: Authorizing release of Performance Guarantees and Acceptance of Maintenance Guarantee – ZB Application No. 477A (Fairways Plaza)

Resolution 2003-138A: Approving Raffle License No. 03-36 – Mental Health Association of Monmouth County

Resolution 2003-139: Authorizing the release of cash Performance Guarantee and Acceptance of Maintenance Guarantee – PB Application No. 597 (Babar)

Resolution 2003-139A: Authorizing refund of tax overpayment – 2003

Mr. Florek suggested adding a two year clause to the Planning Board Application Resolutions. With no further comments, Mrs. Burry made a motion to approve the aforementioned consent Resolutions as amended, seconded by Mr. Forester and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

9. **DISCUSSION**: LOCAL BOARD OF EDUCATION SCHOOL BUS FACILITY ON TOWNSHIP PROPERTY ADJACENT TO PUBLIC WORKS YARD – Mayor Hennessy turned the floor over to Committeeman Forester. Mr. Forester advised he met with local Board of Education officials on August 20th. The purpose of the meeting was to discuss the Board’s desire to construct a permanent school bus garage on Township property where the Public Works facility is located now. The Board desires to construct a 60’ by 120’ butler style building for a transportation office locker room and maintenance area for school bus drivers, mechanics and the transportation coordinator. The estimated cost of the facility, paid by the Board of Education, is \$250,000.00. Mr. Forester advised that a site was suggested in the Public Works yard that does not appear that it would have any drastic effects to the Township or Public Works operations. Mr. Bowden advised this would be a good thing for the bus drivers and mechanics. Mr. Florek said he is concerned with the wetlands in the back of the Public Works yard and how that would effect the new location? Mr. Bowden said the Township Engineer has advised the location to be outside the wetland area. After brief discussion, the Township Committee’s general consensus is to proceed.
10. **DISCUSSION**: INCREASE ALCOHOLIC BEVERAGE LICENSE FEES was read by Mayor Hennessy. Mayor Hennessy explained that Assembly Bill A-3719 establishes and increases certain fees imposed by and on behalf of the State. There has been no increase in Colts Neck since 1997. Mr. Bowden estimated an increase could make for and estimated \$3,438.00 in revenue. After brief discussion, the Township Committee was all in favor of proceeding. Mr. Bowden advised an Ordinance will be on a future agenda.
11. **ADMINISTRATIVE REPORT**: Mr. Bowden reported he has no report this evening.
12. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$285,364.07, seconded by Mrs. Burry and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

13. **TOWNSHIP COMMITTEE REPORTS**

Mr. Florek reported he attended a Sports Foundation meeting and learned there was a bumper crop of soccer participants. Election of Board Members will be held on October 7, 2003. The Sports Foundation has expressed concern with Five Point Park’s irrigation and bathroom needs. They feel it is a priority.

Mr. Florek reported the Executive Fire Counsel is planning an ecumenical event to show off their equipment and to give awareness. The intent is to help gain new members. No date has been set yet.

Mr. Florek continued to report that OSHA inspected the equipment of Fire Company 2. Four helmets were out dated and three sets of gloves had holes. Said items were replaced promptly.

Mr. Florek further reported the Trail Riders are asking for poison ivy to be sprayed along the trails. Mr. Florek asked if the Public Works Department can look into this. The first Fall Pace will be October 19th.

Mr. Forester reported the Board of Health meeting was cancelled due to the lack of a quorum.

Mr. Forester further reported the Senior Citizen Club raised \$2,500.00 at the Colts Neck Fair for their garage sale items. They have 246 members and have a very active program. Later this month they are scheduled to see Patty Murphy's Wake in Wayne, New Jersey.

Mr. Forester concluded his report by saying the Monmouth County Transportation indicated the traffic light for Laird Road is moving along.

Mrs. Burry reported that on her way here this evening she noted a dead crow on her street and would like the Health Officer to come out and remove it for West Nile testing.

Mrs. Burry further reported the Historic Preservation Committee will be having its 4th annual historic house tour on October 4th. Mrs. Burry gave the Township Committee a complimentary ticket and said she hoped they would attend. This promises to be a great day. Mrs. Burry asked Mr. Bowden for umbrella insurance for this day. Mr. Bowden said he will take care of it.

Mrs. Burry further reported the Polo match this past Sunday was very well attended and was a lovely day. Mrs. Burry passed out the Polo program to the Township Committee. All funds raised by Polo are nonprofit for the fire and first aid cadets. Mrs. Burry said she encourages all to attend.

Mrs. Burry advised she attended a meeting at Naval Weapons Station Earle with Mr. Stuart and Mr. Bowden regarding policies on base. The next meeting is scheduled for September 16th.

Mrs. Burry continued to report that there are new polices pertaining to COAH and would like the Township to be involved. Mrs. Burry suggested Mr. Anfuso and Mr. Steib look into this in order for the Township to take a position on the new plicies..

Mrs. Burry advised she attended a Water Resource Meeting conducted by Mr. Vincent Domidion. The meeting was impressive and well done.

Mrs. Burry concluded by saying Mr. Cook had contacted her noting an increase in helicopter traffic during commuter hours and on weekends. Mrs. Burry said she feels we need to look into this. Mr. Bowden said he will take care of this request.

Mayor Hennessy reported the Colts Neck Fall Festival will be on October 19th at 2:00 p.m. There will be an array of festivities for everyone. It should be a fantastic community event.

Mayor Hennessy read an article he authored to Mayor's Magazine in full.

14. **COMMENTS FROM THE PUBLIC**

Mrs. Flora Higgins, said she is very concerned about disruptive helicopter activity. Mr. Bennett advised that the State has jurisdiction over helicopter activity and Colts Neck unfortunately has little say. Mr. Bowden advised he will contact the State and ask for a copy of the number of trips by the helicopter at Due Process.

Mr. Domidion advised the Board of Education has been discussing the implementation of a truck washing facility at the Public Works yard.

Mrs. Laura Kolnowski asked what set of rules is the Township following regarding COAH? Mayor Hennessy explained.

Mrs. Kolnowski said she too noticed more helicopter activity and it seems to be coming from Naval Weapons Station Earl. Mrs. Kolnowski asked if Earl informs the Township of their helicopter activity? Mayor Hennessy advised that there is a fly zone in Colts Neck.

Mr. Tom Russel advised that sucker vegetation is growing up from the recently trimmed foliage at the intersection of Muhlenbrink Road and Phalanx Road. They need to be cut back again. Mr. Russel said visibility could still be better.

15. **RESOLUTION 2003-140**: EXECUTIVE SESSION was read by Mayor Hennessy. With no further comments, Mr. Florek made a motion to adjourn at 9:21 a.m. and go into Executive Session, seconded by Mrs. Burry.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

Motion by Mr. Florek, seconded by Mr. Forester to reconvene in public session at 10:05 p.m. and unanimously carried.

Motion by Mr. Florek, seconded by Mr. Forester to appoint Ms. Terry Kondrup, Esq. as Township Conflict Prosecutor and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

Motion by Mrs. Burry, seconded by Mr. Forester to adjourn public meeting and unanimously carried.

Roll call indicated the following:

Approve: Deputy Mayor Burry, Committeemen Florek, Forester and Mayor Hennessy

Oppose: None

Absent: Committeeman Stuart

Meeting adjourned at 10:05 p.m.

Robert Bowden,
Township Administrator

RB/as