

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
SEPTEMBER 14, 2005
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 Forester 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 has been satisfied by forwarding a "News Release" to the Asbury Park Press on December 17, 2004 stating that a meeting of the Colts Neck Township Committee would be held on September 14, 2005 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 Forester, Deputy Mayor Florek, Committeemembers Burry, Hennessy and Stuart

Also Present: Robert Bowden; Thomas Bace, Esq., John O. Bennett, III, Esq. (arriving later), and Beth Kara

Absent: None

1. **MAYOR'S APPOINTMENTS – PLANNING BOARD:** Mayor Forester announced the appointment of Mr. Thomas Orgo to Class IV, filling the term of Mr. Stephen McGarry, expiring December 31, 2006. Mayor Forester also announced the appointment of Mr. Edgar Lear to Alternate 1, filling the term of Mr. Thomas Orgo, expiring December 31, 2005. Mayor Forester indicated the appointment of Alternate 2 would be made at a later date.

2. **PRESENTATION – ARCHITECTURE AWARDS:** Committeewoman Burry indicated this is the second year the Architectural Review Board recognized excellence in architecture, which is essential to the Township's beautification. Mr. and Mrs. Roger Mumford received an award for the design and construction of their home on Montrose Road. Mr. Ed Brock received an award for the renovation of his commercial property on Route 34 which evolved from a plant stand to Brock Farm and Gardens. The Folio's received an award for the two commercial buildings and gazebo designed by Mr. Bob Cook, which encourages pedestrian traffic at Folio Glass, Route 34. The fourth recipient was Mr. and Mrs. Romeo for the Edward Pullis Professional Building, located on Leland Road, which successfully blends a commercial building within a residential neighborhood. Also recognized by Mrs. Burry was Mr. John Zito, the builder of said building.

3. **PRESENTATION – RECREATION BUILDING:** Messrs. Sal Barbagallo and Sil Lutkewitte began by showing the Township Committee the completed architectural plans for the new Recreation Building at Bucks Mill Park. The building has received tentative approval from Green Acres, and they await approvals from the Township Committee and the Planning Board and the issuance of a demolition permit. Fill dirt has been donated and delivered to the site to re-grade it prior to construction and eliminate flooding. Estimated cost to construct the 5,000 sq. ft. building shell is \$94,000, of which \$57,000 is now on deposit at Sun Bank and an additional \$32,000 is pledged. Engineering services were donated. The septic field has been donated. Once construction commences, Mr. Barbagallo feels more contributions will arrive to fund the well or a pump from the nearby existing well, electricity, plumbing, heating and air conditioning. The building's total cost of completion is estimated at \$160,000. The use of this facility would be coordinated through the Recreation Department. At Mr. Stuart's request, the footprint will be staked out at Bucks Mill Park for visual review by the Township Committee.

4. **ANNOUNCEMENT: HURRICANE KATRINA RELIEF EFFORTS:**
 Mr. James Schatzle, Deputy Office of Emergency Management (OEM) Coordinator, stated that efforts are underway to provide Hurricane Katrina relief and stressed communication is key. The Colts Neck OEM is planning a Township newsletter advising how residents can help. Ms. Laura Sheehy and Ms. Star Detro, Colts Neck residents, addressed the Committee and discussed the need for a one-day event to coordinate donations from area-wide residents to benefit the children within the adopted town of East Baton Rouge, Louisiana. There is a tremendous need for school supplies, textbooks, and store gift cards, e.g., Walmart cards, Target cards, etc. Firefighter Frank Harris and Lt. Robert Phillips of the Pinehurst Fire Department then spoke of their experiences in coordinating the largest food and water donation within New Jersey to date. The Township Committee endorsed these efforts, and that Bucks Mill Park will be reserved for a one-day event in the immediate future. All efforts will be coordinated with the Colts Neck OEM and Mrs. Sheehy.
5. **APPROVAL OF MINUTES OF AUGUST 17, 2005:**

Deputy Mayor Florek noted a minor correction required on Page 6 of the draft minutes. Mrs. Burry then made a motion to approve the minutes of August 17, 2005, seconded by Deputy Mayor Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

6. **ORDINANCE 2005-21:** AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND THE COLTS NECK BOARD OF EDUCATION, PURSUANT TO N.J.S.A. 40A:12-1, ET SEQ., RELATING TO THE LEASE OF THE TOWNSHIP PROPERTY FOR A TRANSPORTATION FACILITY ON A PORTION OF BLOCK 48.01, LOT 2. Mayor Forester introduced Mr. Paredes of the Colts Neck Board of Education, who then addressed the Township Committee regarding outstanding lease issues. Discussion ensued on the outstanding issues of payment for the building if it is vacated by the District and lease termination scenarios. Mr. Paredes was asked to relay the concerns of the Township Committee to the Board of Education. A subsequent meeting on this issue would be held between Mayor Forester, Committeemembers Burry and Stuart and the Board of Education, if needed.
7. **ORDINANCE 2005-20:** AMENDING AND SUPPLEMENTING CHAPTER 102-93 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “GOLF COURSES” was read by Mayor Forester by title on second reading. Initial comments by the Township Committee: Mr. Hennessy advised he just read the Planning Board’s consistency report prepared at last night’s Planning Board Meeting. Mr. Florek indicated he was at the prior night’s Planning Board Meeting. Mrs. Burry does not agree it is inconsistent with zoning, and Mr. Stuart commented that it does address the Type A courses, but restricts the Type B courses. The meeting was then opened to the public. Peter Wersinger, Esq. spoke on behalf of Pegasus Properties noting the major piece was not done, i.e., identifying inconsistencies with the master plan. Ms. Kim Rothberg, a resident, spoke of her disagreement in that the Pegasus property is a commercial entity within a non-commercial zone. Mr. Croisin commented the extended operating hours

would put undue stress on the neighborhood, the ordinance focuses on one property, and he suggests the Township Committee review all materials and the Pegasus group apply for a use variance. Mr. Louis Maurookas, a resident, asked if the Pegasus group was granted 1,000 sq. ft for the snack bar and stated the snack bar is now 5,000-6,000 sq. ft. Mr. Ray Longobardi, owner of Pebble Creek Golf Club, then spoke noting Pebble Creek is the other Type B golf course in Town, and membership fees are not charged. The Ordinance gives members and their guests rights and privileges but does not recognize his patrons and visitors identically. Mr. Longobardi stressed he had no input into this process and his business would be adversely affected if this ordinance is approved. Ms. Diane Aifer, Counsel for Shadow Isle Golf Club then spoke. She stated the ordinance is inconsistent in Section 102-93.B.3.(c); the third sentence does not permit non-golfers (family members) at the facility yet the first sentence allows them. She also suggested Section 102-93.B.3.(i) reference to “persons” should be changed to “members and guests accompanying members” to remain consistent within the ordinance. The skill level may preclude a member playing the 18-hole course. Also, the addition of enhanced amenities was suggested for inclusion. Discussion on the main use of the Pegasus facility ensued—is it a golf course or is it a restaurant? Vince Domidion, a resident, then spoke as a member of the general public, not a business owner. The business activity within this zone depends on land and limits the selling of agricultural products. He stressed the need to set standards between a golf course and a country club and to make the distinction between Types A and B clearer. He also questioned the recent advertising done in a local magazine for tailoring services at Due Process. **Mayor Forester closed the public comment portion of the meeting.** Mr. Stuart noted this ordinance is being driven by a private entity and a lawsuit. He questioned whether this ordinance is aligned with the club liquor license. Mr. Stuart commented that there is a perception that the Pegasus license and activities held at the Pegasus facility are in conflict, e.g., hosting a comedy night and ladies luncheons, and displaying the “open to the public” sign. He reflected on Mr. Domidion’s comment that this is a land-based business Township. Mr. Stuart does not see the restaurant use being more significant than golf, and suggested some requirements within Class A be amended. Mr. Hennessy said this was in a shroud of ambiguity. The Township has been very patient with the Pegasus group, where Pegasus “pushed the envelope”, e.g., signage, the front walkway. The spirit of cooperation was not there. Years ago, the concept of a golf course versus a country club was defined, yet the concept has merged into a B+ golf course. Mr. Hennessy recommends more stringent policing of uses. He ended his comments with the thought that if this ordinance stops the push ahead, that would be great; this has to end it all. Mrs. Burry then commented that this would apply to all Class B golf clubs. Mr. Florek commented that this ordinance makes the clubs consistent with one another. **Mr. Florek then made a motion to adopt the ordinance as original and to amend Section B.3.C. pertaining to guests of those playing golf on that day with the same language changes throughout the ordinance, seconded by Mr. Stuart and unanimously carried.** Mr. John Bennett ruled that the amendments were minor in nature and could be included this night. Changes regarding the number of guests, etc., however would require a separate amendment. Mr. Florek indicated the Township Committee would reconsider amending the ordinance to limit the guests to 3 or 4 per member.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

8. **RESOLUTION 2005-239A:** SETTING FORTH REASONS IN SUPPORT OF ADOPTION OF ORDINANCE NO. 2005-20 AMENDING CHAPTER 102-93 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “GOLF COURSES” PURSUANT TO N.J.S.A. 40:55D-62 was read by Mayor Forester in full. Discussion ensued with two additional reasons for adoption added for inclusion “Master Plan is silent on several changes” and “Consistent with the February 2004 Master Plan recommendation to revise the listing of accessory uses to clarify the permitted amenities and services that are customary accessory uses to a golf course.” With the Mayor’s approval, Mr. Longobardi asked the Township Committee if there is any minimum dollar amount that must be charged for membership. Mr. Florek responded that there is no set minimum dollar amount, but membership includes full greens fee privileges with unrestricted club use. Mr. Florek then made a motion to approve this resolution, as amended, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

9. **ORDINANCE 2005-22:** TO AMEND CHAPTER 3, ENTITLED “BUSINESS ADVISORY COMMITTEE”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was introduced by Mayor Forester by title. This Resolution refers Planning Board or Board of Adjustment development applications pertaining to the Township’s Business District Zones to the Business Advisory Committee for review and comment within 35 days. A motion to approve was made by Mrs. Burry, seconded by Mr. Stuart and unanimously carried. The public hearing date was set for September 28, 2005.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

10. **RESOLUTION 2005-238:** AUTHORIZING PLACEMENT OF MUNICIPAL LIEN ON BLOCK 34, LOT 13, 129 ROUTE 537 (SMITH/CLARKE) was read by Mayor Forester by title. This Resolution authorizes a municipal lien in the amount of \$9,400.00 for demolition of the structure, capping the well, and removing the septic system. Deputy Mayor Florek made a motion to approve this Resolution, as amended, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

11. **RESOLUTION 2005-239:** APPROVING CHANGE ORDER NO. 1-2005, ROAD IMPROVEMENT PROGRAM (\$43,482.62) was read by Mayor Forester by title. This Resolution authorizes emergency drainage work on Galloping Hill Road. The funds were surplus from the original road improvement budget allocation. Mr. Hennessy made a motion to approve this Resolution, seconded by Deputy Mayor Florek and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

12. **RESOLUTION 2005-240:** APPROVING ADDITION OF BLOCK 17, LOT 19 AND BLOCK 17, LOT 20 (HAMMOND FARM) TO PLANNING INCENTIVE GRANT (PIG) LIST OF SITES was read by Mayor Forester by title. Mrs. Burry explained this property must be placed into the PIG inventory if it is to be considered in the development easement Farmland Program. She also noted it is in the A-1 Zone, making it that much more desirable for the Preservation Program. Mrs. Burry made a motion to approve this resolution, seconded by Deputy Mayor Florek and carried unanimously.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

13. **MOTION TO ADOPT A CONSENT AGENDA** was read by Mayor Forester by title for the following Resolution:

Resolution 2005-241: Authorizing Release of Performance guarantees and Acceptance of Maintenance Guarantee – PB Application No. 513 (PEGASUS).

After a brief discussion, Mayor Forester tabled this resolution for the next Township Committee meeting September 28, 2005.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to report.
15. **MOTION TO APPROVE VOUCHERS** was made by Mr. Stuart to approve all vouchers totaling \$843,223.16, seconded by Mrs. Burry and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

16. **TOWNSHIP COMMITTEE REPORTS:**

Mrs. Burry discussed the neighboring municipalities preparing ordinances related to Sex Offenders. Mr. Bennett was requested to provide a draft ordinance to the Township Committee for review prior to the next Township Committee Meeting.

17. **COMMENTS FROM THE PUBLIC:**

Mrs. Virginia Amend, a resident, stated that a transcript from the Planning Board Meeting based on a taped recording was used at tonight's meeting. She then stated that the Township Committee is operating in the dark ages by refusing to audio or video tape their meetings.

Mrs. Amend also commented on the Township Committee and the Board of Education having their meetings the same evening. This scheduling conflict is a disservice to the citizens of Colts Neck who must now choose which meeting to attend. Mr. Hennessy responded that the new Superintendent of Schools has set new meeting dates so as not to conflict with the Township Committee's Meetings, and this evening's conflict in schedule was not the norm.

Mr. Vince Domidion, a resident, indicated his appreciation of ordinances and emphasized the draconian efforts needed to enforce these ordinances. Mr. Domidion was advised that as long as there are private sales, they are not enforceable.

Mrs. Kim Rothberg, a resident, inquired as to the minimum posting requirements of a Township Committee Meeting agenda to the public prior to a second reading and was advised there is no time requirement for posting agendas; however, they are available the morning of the scheduled meeting.

With no further comments from the public, Mayor Forester closed the public comment portion of the meeting.

18. **RESOLUTION 2005-242:** EXECUTIVE SESSION was read by Mayor Forester at 11:22 p.m. With no further comments, Deputy Mayor Florek made a motion to adjourn and go into Executive Session immediately, seconded by Mr. Hennessy and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	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>					

Motion by Mr. Hennessy, seconded by Mrs. Burry and unanimously carried to reconvene in public session and adjourn the meeting at 11:30 p.m.

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

RB/bk