

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
SEPTEMBER 26, 2007  
7:30 P.M. AT TOWN HALL**

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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 December 13, 2006 stating that the meeting of the Colts Neck Township Committee would be held on September 26, 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; Thomas Bace, Esq., and Beth Kara

Absent: None

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- 1. APPROVAL OF MINUTES OF SEPTEMBER 6, 2007:** Mr. Florek 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	M	X			
Schatzle		X			
X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded					

- 2. APPROVAL OF MINUTES OF SEPTEMBER 19, 2007:** Mr. Florek corrected the noted time he arrived to 7:02 p.m. Mr. Florek made a motion to approve, as amended, 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	M	X			
Schatzle		X			
X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded					

- 3. ORDINANCE 2007-14:** AN ORDINANCE AUTHORIZING A MODIFICATION OF THE CONSERVATION EASEMENT ON A CERTAIN PROPERTY DESIGNATED AS BLOCK 8, LOT 6.06 ON THE COLTS NECK TOWNSHIP TAX MAP was read by title at second reading by Mayor Stuart. This issue pertains to fencing and a pool filter 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. With no comments from the Township Committee, Mayor Stuart opened the meeting to public comment.

Mr. David Travis, a resident, questioned the street address of the property. He was advised it is 7 Fulling Mill Lane.

Mr. Martin McGann, attorney for the applicant, advised the contractor encroached into the easement. Mr. McGann advised Mr. Anfuso is satisfied the restoration requirements of the Zoning Board have been met, i.e., removing the pool filter from the easement, eliminating fencing and adding split rail fencing, removing pavers around the pool and trimming the driveway area back. Mr. Bowden stated the applicant has accomplished all that was asked, and adoption is recommended. Hearing no further comments from the public, Mayor Stuart closed the meeting to comment. Mr. Forester made a motion to approve, 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					

4. **ORDINANCE 2007-15:** AN ORDINANCE AUTHORIZING THE TOWNSHIP OF COLTS NECK TO SELL A FARMLAND PRESERVATION EASEMENT ON CERTAIN PROPERTY KNOWN AND DESIGNATED AS BLOCK 9, LOT 7, ON THE COLTS NECK TOWNSHIP TAX MAP (FORMERLY THE “SMITH FARM”) was read by title at first reading by Mayor Stuart. This ordinance authorizes the sale of the farmland preservation easement of approximately 11 acres to the State Agriculture Development Committee for \$77,000 per acre (the SADC certified fair market value of the development rights) to be deposited into the Township’s Open Space Trust Fund. This ordinance authorizes the Mayor to execute and the Municipal Clerk to attest to any and all documents necessary to effectuate the conveyance of this farmland preservation easement to the SADC, provided they are in a form acceptable to the Township Attorney and Township Engineer. Mayor Stuart advised the property would be deed restricted, which has preserved this property from future sub-division. There is a one-acre exception on this property. Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried. Mayor Stuart set the public hearing October 10, 2007.

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. **RESOLUTION 2007-140:** AUTHORIZING THE PROFESSIONAL SERVICES OF REALTY APPRAISAL COMPANY IN CONNECTION WITH THE REVALUATION OF REAL PROPERTY IN THE TOWNSHIP OF COLTS NECK was read by title by Mayor Stuart. Mr. Florek stated Realty Appraisal is the firm with the most experience in the area, was the lowest in price, and exhibited professionalism and extensive knowledge of the area. Mr. Forester stated posting results on the website makes the information available to ensure fair assessments. Mayor Stuart stated Realty Appraisal will be sending informational letters to all residents within 30-45 days. Mr. Schatzle made a motion to approve, seconded by Mr. Forester, carried by Messrs. Florek, Forester, Schatzle and Stuart; Mr. Hennessy abstained.

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					

6. **PUBLIC RECOGNITION:** Ms. Peggi Strumfels, Program Organizer, NJ Environmental Federation, spoke about the Federation’s “Healthy Schools, Healthy Towns” initiative. She expressed her appreciation to the Mayor and the Township Administrator for support of environmental initiatives within Colts Neck to keep parks pesticide free, to use “green” cleaning products, and to create “idle free” zones and increase awareness to turn off the engine while waiting. In addition, full-strength vinegar was noted as an environmentally friendly way to kill weed growth near fencing at the Township’s ball fields. Mayor Stuart thanked Ms. Strumfels for her assistance with these initiatives and for being a part of tonight’s meeting and expressed interest in an outreach effort to the Board of Education for expanding the program to schools within the Township.
7. **RESOLUTION 2007-141:** SUPPORTING USE OF GREEN CLEANING PRODUCTS was read by title by Mayor Stuart. Mr. Hennessy made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

8. **RESOLUTION 2007-142:** SUPPORTING PESTICIDE-FREE PARKS AND PUBLIC PROPERTY was read by title by Mayor Stuart. Mr. Hennessy made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

9. **RESOLUTION 2007-143:** SUPPORTING “IDLE FREE ZONES”, REDUCING IDLING TIMES AND PUBLIC EDUCATION PERTAINING TO VEHICLE IDLING was read by title by Mayor Stuart. Mr. Hennessy made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

10. **RESOLUTION 2007-144:** CONFIRMING AND SUPPORTING COST SHARING AMOUNTS FOR FARMLAND EASEMENT ACQUISITIONS WITH THE COUNTY OF MONMOUTH FOR PLANNING INCENTIVE GRANT (PIG) APPLICATIONS was read by title by Mayor Stuart. Mayor Stuart advised the municipal share for acquisitions will be 16 percent for easements with a value of less than \$50,000 per acre and between 17 to 20 percent for easements with a value above \$50,000 per acre, as established by Monmouth County for PIG easement acquisitions. Mr. Hennessy made a motion to approve, seconded by Mr. Florek and unanimously carried.

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

11. **RESOLUTION 2007-145:** CONFIRMING RENEWEAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND was read by title by Mayor Stuart. Mr. Bowden stated the Township entered into a consortium with other municipalities 20 years ago, and the JIF has stood the test of time for keeping insurance rates stable. This resolution would renew the Township's membership in the JIF for three years commencing January 1, 2008 and ending January 1, 2011. Mr. Florek made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

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

13. **\*RESOLUTION 2007-146:** AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES, P.B. APPLICATION NO. 496 (MERIDIAN AT COLTS NECK ASSISTED LIVING FACILITY).
14. **\*RESOLUTION 2007-147:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEE, P.B. APPLICATION NO. 641 (COUNTRY DAY SCHOOL).
15. **\*RESOLUTION 2007-148:** AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 617 (MANOR HOMES).
16. **\*RESOLUTION 2007-149:** AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE FOR POSSIBLE NEIGHBORHOOD WEL IMPACTS, P.B. APPLICATION NO. 617 (MANOR HOMES).
17. **\*RESOLUTION 2007-150:** CANCELLING OLD GRANTS AND GRANT RECEIVABLES.
18. **\*RESOLUTION 2007-151:** AUTHORIZING RECREATION PROGRAM REFUNDS.

Mr. Forester made a motion to approve, 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					

19. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report.

Mr. Bowden reported Monmouth County received a large grant from the State under the PARIS (Public Archives and Records Infrastructure Support) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments. Based on a preliminary survey, Colts Neck was one of the 25 municipalities selected by the County to participate in the Needs Assessment phase to be conducted within the next two months. Training is scheduled next week and involves all departments, excluding the Court. To proceed, the Governing Body must approve a resolution to agree to participate and conduct a comprehensive needs assessment. Mr. Florek questioned whether a resolution would financially obligate the Township. Mr. Bowden responded there was no charge to participate in the needs assessment survey process, and there is no financial commitment; however, the results of the needs assessment is an integral part of any future applications to the County or to the State for PARIS grant funding. Mr. Bowden reported Ms. Kara is the person responsible for proceeding with this initiative. With the concurrence of the Governing Body, Mr. Bowden stated a resolution would be placed on the next meeting agenda.

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

Animal Control	\$19.20
Capital Fund	\$1,305.00
COAH	\$599.15
Construction Trust	\$21,067.01
Current Fund	\$431,065.10
Escrow	\$47,596.28
Grant Fund	\$600.00
Tax Collectors Trust	\$30,326.48
Trust Fund	<u>\$21,160.03</u>
<b>TOTAL APPROVED:</b>	<b>\$553,738.25</b>

Mr. Forester made a motion to approve all vouchers, seconded by Mr. Florek and unanimously carried.

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					

21. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester reported Long Range Planning has been working on a tree ordinance and will be coming forth with recommendations pertaining to developers. The sub-committee wants input from the Township Committee with regard to individual owners. It is difficult to come up with a consensus regarding policies, enforcement, etc.

Mr. Forester reported a tree on Conover Road looks split and may be a hazard. Mr. Florek stated six or so trees on that section of Conover Road look questionable.

Mr. Forester stated he has been questioned about the intersection of Phalanx Road and Route 34 and asked if the right turning lane can be changed to a lane for right turns and straight traffic. Mr. Forester also questioned if a left turn signal could be added to the traffic light at that intersection. Mayor Stuart stated Flock Road would have to be realigned for the traffic pattern to be changed. Discussion ensued. Mr. Bowden will speak with the County to discuss the feasibility of a phase-in lane on Flock Road.

Mr. Forester stated he received a letter from Robert Sims regarding the dredging of Town Hall pond. Mr. Forester thinks the County should be involved since the cost of heavy equipment could be shared by all participating municipalities, and there would be economies of scale on the dredging and disposal of the spoils. Discussion ensued. Mr. Bowden will speak with Mr. McBride to discuss this issue. Based on past discussions, the Health Officer has indicated the County will work with Colts Neck; however Colts Neck would be responsible for obtaining the permit, which may be costly.

Mr. Forester reported the Board of Health is scheduled to meet the first Tuesday in October.

Mr. Forester reported the Senior Citizens Club will receive flu shots at their meeting scheduled for October 3. Mr. Jim Day and the Colts Neck Swing Band will entertain during that meeting. The flu shot supply is sufficient this year, and the flu shot clinic for Colts Neck residents age 62 and above is scheduled for October 17<sup>th</sup> at the Courthouse.

Mr. Forester stated with regard to last meeting's discussion about the feasibility of Colts Neck remaining in the Monmouth County Library System, he plans to meet with Freeholder Burry to discuss this issue. Mayor Stuart stated he wants to attend this meeting and examine the past three years' budgets.

Mr. Forester questioned the progress of painting the meeting rooms in the library. Mr. Bowden advised quotes have been solicited, and it is being worked on.

Mr. Hennessy advised he has been away on travel and has no report this evening.

Mr. Florek reported the Colts Neck Sports Foundation (CNSF) is in the process of fund raising for capital improvements on the fields. CNSF voted to look into obtaining quotes for wells for irrigation at Five Point Park. At Laird Road, they are proceeding with plans for a septic system and bathrooms and a new snack shed. In addition, they plan to pay for new fencing at Laird Road fields.

Mr. Florek reported the Police Department is getting a new repeater system. The old system would then be available for use by the First Aid and DPW staff. The Fire Department will then have the sole use of their system currently shared by First Aid and Public Works.

Mr. Florek noted there have been Fire Department calls to homes with operating fire pits since neighbors are seeing smoke and perhaps flames and are making fire calls. Mr. Florek stated open fire pits are legal within Monmouth County and illegal in Ocean County.

Mr. Florek reported Verizon FIOS has sent information to the Fire Department about free internet access. Having free internet access would save \$50 per month per fire house, and free internet access may also be available for Town Hall. A letter is required from the Township Administrator to Verizon requesting the free FIOS service. Mr. Florek asked this letter be written.

Mr. Schatzle reported the First Aid Squad was most appreciative to residents for their generous donations. Next year bids will be sought for ambulances, and donations received will be used to purchase ambulances without Township funding.

Mr. Schatzle reported the Board of Health is finalizing the transition for the Health Department in 2008 resulting from the retirement of Mr. McBride.

Mr. Schatzle reported Colts Neck Polo has been extremely successful this year. At the September 23<sup>rd</sup> match, the Make-a-Wish Foundation raised over \$150,000. Colts Neck Polo will be playing in a match during the Breeders Cup week.

Mr. Schatzle reported the Local Emergency Planning Committee will be meeting October 8<sup>th</sup> and he plans to discuss the Reverse 911 System.

Mr. Schatzle reported the Drug and Alcohol Alliance together with the PBA is sponsoring a Skateboard Workshop at Town Hall on September 29<sup>th</sup>.

Mr. Schatzle reported the Historical Preservation Committee is holding their House Tour on October 6, 2007, with a luncheon at Huddy's.

Mr. Schatzle raised the issue of developing a newsletter to discuss quality of life issues newer residents may not be aware of, i.e., brush collections, trash collection, recycling collection. Mr. Schatzle will work with the Administrator regarding this issue.

Mayor Stuart stated based on a meeting held September 13, the Navy is seeking to grant an easement to place a roadway to the Earle housing. The Navy will be sending a notice of intent to the community sometime in October to gather residents' viewpoints on the privatization of Earle housing. Mayor Stuart stated the Township Committee is fully committed to fight against the privatization. Mayor Stuart stated Freeholder Burry and he are in frequent contact with Congressman Chris Smith about this issue. The Department of Defense report will take approximately six months, and David Gale has stated he welcomes the investigation. The meeting ended with a quote from the Township's Counsel, "I guess we're on a collision course with the Navy" to which "yes" was the reply. When Mr. Florek commented that nothing is coming of these meetings, Mayor Stuart agreed the Navy is moving ahead regardless.

Mayor Stuart reported he and Mr. Bowden met with Mr. William Pierce and Mr. Benjamin Daniels, NJ American Water Company (NJAWC), regarding reservoir infringements. Numerous photographs, including one 10 to 12' wall, were taken during a recent site visit by the Township's Code Enforcement Officer and Landscape Architect clearly illustrated the current situation on the reservoir. The NJAWC is taking a strong position on reservoir infringements. Letters will be sent requesting the removal of docks, walls and sewer pipes or legal action will be taken.

Mayor Stuart reported the Monmouth County Board of Chosen Freeholders will hold a regular meeting at the Colts Neck Courthouse Thursday, October 11, at 7:00 p.m. The public is invited to attend.

Mayor Stuart reported the Farmland Preservation Committee recently mailed their bi-annual newsletter, reporting 891.9 acres within Colts Neck are under the preservation program. This figure does not include the two additional farms soon to be added.

Mayor Stuart stated he and Mr. Schatzle will be meeting with JCP&L officials and residents of Hartshorne and Hillsdale on Friday regarding their clear cutting of trees within their easements, as directed by the Board of Public Utilities (BPU). Mr. Florek stated as a Tree City USA municipality, trees are a significant part of this community and to clear cut as planned would have a significant adverse effect on the landscape. Mr. Florek suggested sending a resolution to anyone that will listen to stop the practice of clear-cutting entire easements. Mayor Stuart stated he will spearhead the initiative to draft a resolution to both JCP&L and BPU on this issue.

**22. COMMENTS FROM THE PUBLIC:**

With no further comments, Mayor Stuart opened the meeting for public comment.

Mr. Dave Travis, a resident, commented on the pond excavation. He stated he worked with Englishtown ponds and the spoils were trucked out soon after extraction in special non-leaking trucks, mixed and re-sold. Mr. Forester was familiar with the Englishtown process and stated he would look into it further.

Mr. Travis commented on the irrigation planned for the fields at Five Point Park. He stated he is a career well driller and is concerned of the possible well impact the Manor Homes would have on Five Point Park. He stated good judgment must be used on the aquifers used since water levels drop significantly in droughts and the water supply is important for human survival. Discussion ensued between Mr. Travis, Mr. Florek and Mayor Stuart and Mr. Travis suggested using the Englishtown aquifer. Mayor Stuart stated he would confer with Mr. Domidion.

Mr. Travis stated he resides on Leland Road and spoke of the contrasts between one side of the street and the other. Mr. Travis reported one developer clear cut to the curb. Mr. Hennessy stated he wanted someone out there tomorrow morning to see what has transpired on Leland Road.

Mr. Chris Lupia, a resident, referenced the committee report this evening on the sewer pipes leading into the reservoir and asked if this was septic or ground water. Mayor Stuart replied it was the catch basin outflow run off into the reservoir. The Water Company plans to trace the pipe, and they will take action.

Ms. Peggi Strumfels, NJ Environmental Federation, stated Rutgers has a turf management office in Freehold, and Mr. James LaMet may be able to provide useful free information on turf management for athletic programs.

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

23. **RESOLUTION 2007-152:** EXECUTIVE SESSION was read by Mayor Stuart at 9:02 p.m. Mr. Hennessy made a motion to adjourn and go into Executive Session, seconded by Mr. Forester and unanimously carried by all present.

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					

Motion by Mr. Schatzle, seconded by Mr. Hennessy and unanimously carried to adjourn closed session.

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

Motion by Mr. Schatzle, seconded by Mr. Forester and unanimously carried to reconvene in public session and adjourn meeting.

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					

Meeting adjourned at 9:50 p.m.

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Robert Bowden  
Township Administrator/Clerk

RB:bk