

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
SEPTEMBER 27, 2006
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:35 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 December 22, 2005 stating that the meeting of the Colts Neck Township Committee would be held on September 27, 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, Deputy Mayor Stuart, Committee Members Hennessy and Burry

Also Present: Robert Bowden; Thomas Bace, Esq. and Beth Kara

Absent: Committee Member Forester

1. **PUBLIC HEARING: MONMOUTH COUNTY OPEN SPACE GRANT PROGRAM – TWO TENNIS COURTS AT CEDAR DRIVE.** Mayor Florek stated Monmouth 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 maximum amount of a grant is \$250,000, and the County fund has close to \$9 million for this purpose. At the Township Committee Meeting of September 6, 2006, Resolution 2006-125 was passed authorizing the request to obtain County open space trust funds in the amount of \$35,000 to fund the construction of two tennis courts at Cedar Drive School. Tonight's public hearing is a County requirement for this grant application. Mrs. Burry stated the County received 24 applications, which is more than was received in prior years. Mrs. Burry stated grant funds to purchase property that will close within the grant year is valid and may be appropriate for a future grant application. With no further comments from the Governing Body, the Mayor opened the meeting to public comments. Hearing none, the meeting was closed. Mr. Bowden stated he will send a certified extract of the minutes of this public hearing to the County.

2. **APPROVAL OF MINUTES OF SEPTEMBER 6, 2006:** 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

3. **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 second reading by Mayor Florek. Mayor Florek stated this ordinance rectifies the minor issues of the Stormwater Management ordinances passed earlier this year, and will bring the Township into compliance. Mr. Stuart stated there was an

article in today's Asbury Park Press indicating very few towns are complying with this mandate. With no further comments, Mayor Florek opened the hearing to public comments. Hearing none, the meeting was closed. Mrs. Burry made a motion to approve, seconded by Mr. Stuart and carried by all in attendance.

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 2006-19:** 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. Mr. Bowden advised the Planning Board has approved this exchange. Mr. Stuart stated the Township is gaining with this proposed exchange in that one property is better suited to preservation while the other would improve the development. Mr. Stuart made a motion to approve, seconded by Mrs. Burry and carried by all present. Mayor Florek set the public hearing for October 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

5. **RESOLUTION 2006-130:** AUTHORIZING RECEIPT OF COMPETITIVE BIDS FOR THE LEASING OF MUNICIPALY-OWNED PROPERTY, BLOCK 16, LOT 11, FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATIONS ANTENNAE was read by title by Mayor Florek. Mayor Florek stated the two antennas located at the municipal complex currently used by the Police require replacement. The proposed resolution would provide a replacement antennae to meet current Federal guidelines to provide this as a public utility, while generating increased revenue for the Township from subleasing space (an increase from 50% to 75%). Mrs. Burry stated two concerned families were not able to attend the public hearing held in August; however one resident, Mr. Hoffbauer, was at tonight's meeting. Mayor Florek then recognized Mr. Hoffbauer. Mr. Hoffbauer expressed his concern about the potential health risks due to emissions and the frequency of the new antennae affecting his home electronics. Mayor Florek stated he participated in the Zoning Board meeting four years ago and emissions from planned antennas are well below the standards deemed hazardous. Mr. Hoffbauer then questioned who to address if he was experiencing home electronics problems once the tower was operational. Mayor Florek stated he should contact the vendor as well as the Township Committee; however, since this type of antennae has been successfully installed in more dense communities without incident, Mayor Florek stated he did not anticipate any problems. Mr. Vince Domidion, a resident, then questioned if the proposed location was designated green acres, and Mayor Florek advised it was Township property, not green acres. Mayor Florek closed the meeting to

comment. Mrs. Burry 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

6. **RESOLUTION 2006-131:** RESOLUTION APPROVING LIQUOR LICENSE RENEWAL, COLTS NECK INN AND STEAK HOUSE, LICENSE NO. 1309-33-004-002, FOR THE YEARS 2004/2005, 2005/2006 AND 2006/2007 was read by title Mayor Florek. Mayor Florek stated all requirements for the Alcoholic Beverage Commission have been met and the license can now be issued. Mr. Stuart 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

7. **RESOLUTION 2006-132:** RESOLUTION AUTHORIZING CONTRACT FOR DEER CARCASS REMOVAL SERVICES – KELLY WINTHROP, LLC was read by title Mayor Florek. Mayor Florek stated the County awarded abid that reduced the price per carcass from \$79 to \$55 and applauded the work of the Freeholders for their efforts. Mr. Hennessy stated a front page article in The Star Ledger noted Monmouth County is the leader in dead deer carcasses. Mr. Bowden advised the NJLM September 26, 2006 Mayors Advisory regarding Deer Carcass Removal stated the Council on Local Mandates nullified the DOT policy regarding local collection and disposal of dead deer on local roads, and ruled the State cannot compel local municipalities to assume this duty. “This does not mean that the State will continue to fulfil its long-standing responsibility to perform this necessary function.” Mayor Florek stated the Governor should consider this a shared service. Mr. Bowden advised the resolution covers a 15-month period commencing October 1, 2006 through December 31, 2007. Mr. Bowden stated the Governing Body can set any time period. The Governing Body unanimously requested the contract duration remain as stated. Mrs. Burry made a motion to approve, seconded by Mr. Stuart 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

8. **RESOLUTION 2006-133:** ESTABLISHING FEES FOR FLU VACCINATIONS was read by title by Mayor Florek. Mayor Florek stated the fees set for 2006 were free to all residents in possession of a Medicare card and \$10 per vaccination for those without a card. Mrs. Burry made a motion to approve, seconded by Mr. Stuart 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

9. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Florek read the following consent agenda resolutions, by title:

***RESOLUTION 2006-134:** RESOLUTION APPROVING RAFFLE APPLICATION NO. RA-06-30, 50/50 ON-PREMISES RAFFLE, WOMEN'S CLUB OF COLTS NECK, EVENING MEMBERSHIP DIVISION.

***RESOLUTION 2006-135:** RESOLUTION APPROVING RAFFLE APPLICATION NO. RA-06-31, GIFT BASKET ON-PREMISES RAFFLE, WOMEN'S CLUB OF COLTS NECK, EVENING MEMBERSHIP DIVISION.

***RESOLUTION 2006-136:** RESOLUTION APPROVING RAFFLE APPLICATION NO. RA-06-32, 50/50 ON PREMISES RAFFLE, EMMANUEL CANCER FOUNDATION.

***RESOLUTION 2006-137:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES – P.B. APPLICATION NO. 641 (COUNTRY DAY SCHOOL).

***RESOLUTION 2006-138:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE – P.B. APPLICATION NO. 593 (SORSBY).

***RESOLUTION 2006-139:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEES FOR P.B. APPLICATION NO. 525, PHASES I AND II (FOLIO GLASS).

***RESOLUTION 2006-139A:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND.

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

10. **ADMINISTRATIVE REPORT**

Mr. Bowden had nothing further to add to his report. Mr. Bowden did have the following issues:

Police Chief Sauter met with the Principal of Colts Neck High School regarding issues of student smoking and littering. Chief Sauter then conferred with Judge Thompson. Judge Thompson suggested amending Ordinance §177-36.B., Use of School Grounds, Prohibited Actions, to expand the scope from “Colts Neck Board of Education” to Colts Neck Board of Education and Freehold Regional Board of Education/Colts Neck High School”. Mr. Bowden then asked the Governing Body if they were in favor of the proposed amendment. All were in favor, and Mr. Bowden stated the Township Attorney will draft an ordinance for the next Township Committee meeting.

Mr. Bowden advised Mr. Thomas Orgo, Slope Brook Farm, is requesting the Township Committee remove the stipulation that hayrides are permitted “provided that no fees are charged”, per §102-92.D.(7). Given the increased cost of fuel, which has increased the farmer’s costs, Mr. Orgo is requesting approval to charge a small fee for the hayride. Mr. Bowden spoke with Mr. Anfuso regarding the history of this no fee stipulation. Mr. Anfuso advised this was written prior to his arrival, and he was unsure of the history and reasons for this provision. Mr. Anfuso speculated the primary purpose of farm stands is to sell produce, not amusements. The “no charge” provision may have been a way to insure the hayride did not escalate into something larger. Mr. Brock has approached Mr. Anfuso with his plan for a monster truck hayride at his location. Mrs. Burry stated she sympathizes with the farmer and has no problem allowing a small fee to be charged. Mr. Stuart agreed with Mrs. Burry. Mr. Stuart then stated the hayrides are for a limited time period, not occurring 12 months per year; and he advised that pumpkin growing and hayrides are protected equally under the right to farm law. Mr. Stuart did not agree with expanding the hayride to a monster truck ride. Mayor Florek stated he has no problem with charging a nominal fee for a hayride; however, he did not want to see this expand to an amusement activity. Mr. Hennessy stated this is a business expense and is an attraction to bring customers to the farm stand. He sees this going in the wrong direction, he referenced the fun house at Brocks, and stated he would vote against this issue. Mrs. Burry questioned whether the Township Committee would retain the right to review an activity. Mr. Bowden stated the application would include a section listing the anticipated fee that would be charged. Mr. Bowden polled the Governing Body with the following results:

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>	X	X		X	
<i>Opposed</i>			X		
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

11. **MOTION TO APPROVE VOUCHERS.** Mr. Stuart reviewed and signed the vouchers and commented all were in order. Mr. Stuart made a motion to approve all vouchers totaling \$495,613.07, 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			

12. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Hennessy reported there are political signs posted for the County Freeholder election along Route 537 and Bucks Mill Road, Routes 537 and 34, and Swimming River Road. Under local ordinance, political signage cannot be posted on public roadways within Colts Neck prior to 30 days before the election. Mrs. Burry stated she was away on vacation and this was done without her knowledge. Mrs. Burry then stated she will speak with the County and have them removed immediately.

Mr. Hennessy reported he attended the Township Emergency Services event held last weekend to introduce and inform the residents of their Fire, Police, and First Aid units. Mr. Hennessy commended all participants and stated the program was well received.

Mr. Stuart reported he was away on vacation and had nothing to report.

Mrs. Burry reported the Historic Preservation's Annual House Tour would be held October 7, 2006. She stated the Parmar residence was added to the tour and will be a historic home in years to come. All proceeds from the tour help to fund the Historic Preservation program within Colts Neck.

Mrs. Burry reported several projects at the Montrose Road School need to be addressed soon. Mr. Bowden advised he is working with another carpenter to address the rotting situation. Mrs. Burry stated any donations for restoration from the citizens will be gladly accepted.

Mrs. Burry reported she will be attending a COAH meeting during the week of October 2, 2006.

Mrs. Burry stated the second appraisal for the Hammond Farm was received. In addition, another farmer with approximately 28 acres has expressed interest in the Farmland Preservation/Open Space Program.

Mrs. Burry raised the issue of business signage within Town. The Architectural Review Board once reviewed requests for new signage; now the Business Advisory Committee is seeking approval authority. Mr. Bowden stated he will send a reminder to the Building Department and to Mr. Anfuso that the Architectural Review Board should be reviewing all new sign requests. Mr. Hennessy stated he wants to entertain a moratorium on back-lit signs. If a back-lit sign needs replacing, it should not be replaced with another back-lit sign to preserve the historical nature of the Town. Mayor Florek stated the Planning Board is aware of this issue and has not approved any additional back-lit signs. Mayor Florek also stated there should be a time limit for the illumination of signs within the Community.

Mayor Florek reported Becker's Tree Service is an on-going issue, but improvements are being made. Becker's is required to conduct fire drills and the Fire Marshall is keeping a close eye on this situation.

Mayor Florek reported 550 children are enrolled in the Colts Neck Sports Foundation recreation soccer program. The Sports Foundation is building stands and dugouts at the Conover Road Cedar Drive fields.

Mayor Florek reported the Sports Foundation was charged \$32,000 for gym usage by the Board of Education, which was twice the amount charged last year. Mr. Corsi, Sports Foundation President, is meeting with the Board of Education regarding this charge.

Mayor Florek requested the gravel be removed from the infields at Five Point Park fields. Mr. Bowden said he would speak with the appropriate parties.

13. **COMMENTS FROM THE PUBLIC:**

Mayor Florek opened the meeting to public comment.

Ms. Elaine Mann, a resident, spoke of the \$32,000 fees charged the Sports Foundation. She was concerned that groups such as the Boy Scouts and the Girl Scouts are being charged \$400 for usage of the school, and these groups have little money in their treasuries and can ill afford these charges. Mayor Florek stated he wants the Board of Education to reconsider charging the CNSF more than janitor fees since their programs benefit the community and supplement the Township recreation program. With fees such as these, the Sports Foundation may find it more cost effective to build their own building.

Mr. Vince Domidion, a resident, expressed his concern that hayrides could expand to a corn maze and candy apples in the future. There is a potential impact on traffic and parking, which may need to be factored into business permits.

Mr. Domidion spoke of the recent Asbury Park Press article on Stormwater Management. Mr. Domidion then stated Mr. Anfuso did a good job representing Colts Neck on this issue.

Mr. Domidion spoke of a recent article in the Freehold Reporter noting Manalapan may be banning ATVs. Mr. Domidion stated the Township may want to track their action taken for possible use within the Township. Mr. Domidion reviewed both Township ordinances and feels the terminology in each may need to be updated to be consistent and include ATVs.

Mr. Vesel Ramovic, a resident, spoke of the continued speeding on Muhlenbrink Road. The police were there in the past; however, there were no long-term effects of the police presence. Mayor Florek stated enforcement has not worked to decrease speeding motorists. Mayor Florek advised today he signed a letter to the DOT requesting monitoring within the first mile of Muhlenbrink Road and Route 537. Mr. Bowden advised that it cost approximately \$2500 for an engineering survey and the DOT has to approve the change in speed limit. Mr. Bowden called the State DOT and they should be addressing it within the next six months. Mrs. Burry stated there were similar problems on Maple Drive and Tulip Lane, and these are wider streets. Mr. Hennessy stated the signage should be improved, placing speed limit signs closer to the homes. Mr. Bowden will discuss this issue with the Police Chief and arrange for active enforcement.

Ms. Diana Piotrowski, a resident, commented that charging fees for hayrides could result in price wars between businesses.

Mr. Hoffbauer, a resident, asked if there are animals allowed on the fitness trail. He was advised that animals are allowed in the park on a leash, but not on the fitness trail.

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

16. **RESOLUTION 2006-140:** EXECUTIVE SESSION was read by title by Mayor Florek. Mrs. Burry made a motion to approve, seconded by Mr. Hennessy and unanimously carried by voice vote by all at 8:50 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. Stuart 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 Mrs. Burry and unanimously carried to adjourn public meeting at 9:35 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

RB:bk