

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 10, 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 December 13, 2006 stating that the meeting of the Colts Neck Township Committee would be held on October 10, 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

1. **ANNOUNCEMENT:** Mayor Stuart announced the Monmouth County Board of Chosen Freeholders will be conducting their meeting tomorrow evening at the Colts Neck Courthouse beginning at 7:00 p.m. Mayor Stuart stated it is a wonderful thing to see how this Board operates, and he encouraged everyone to attend.
2. **PRESENTATION:** Freeholder Lillian Burry, Chair of the Architectural Review Committee, together with Liaison Ken Florek and sub-committee members Toni Morello and Ron Hesslein, presented the 2007 Architectural Excellence Awards to the owners of the following properties: Forefront Homes, LLC, Clover Hill Road; the Lombardi's, Horse Shoe Court; Mr. Parmar, Colts Gait Lane; Shadow Isle Country Club, Shadow Isle Way; and the Niedzielski's, Clover Hill Road. Freeholder Burry stated Colts Neck is indebted to the recipients' sensitivity to excellence in architecture. Photographs were taken and the owners present were applauded. Mayor Stuart thanked Freeholder Burry and the nominating sub-committee and the property owners of this year's awards, praising the recognition of architectural excellence within the Township.
3. **PRESENTATION:** Fire Chief Morgan Savage addressed the Governing Body regarding the proposed sale of a 1952 brush truck acquired by the Township in 1966. Given the current condition of this brush truck and the cost to repair, the Governing Body approved the purchase of a replacement brush truck, which was delivered this year and is now in operation. The Governing Body agrees the 1952 truck should be sold; however, the disposition of the proceeds was in question. Mayor Stuart and Mr. Schatzle stated the money should be returned to the Township, Messrs. Florek and Forester stated the Fire Company should receive the money to purchase fire safety equipment, and Mr. Hennessy stated in the past he believes the money went back to the Fire Company. Mr. Schatzle will research past practices and respond to the Fire Chief either directly or through the Administrator on the disposition of funds from the sale of this truck.
4. **PRESENTATION:** Mr. Peter Falvo, Esq., addressed the Governing Body regarding his client's request to realign the conservation easement of Block 51, Lot 2.12, 38 Deputy Minister Drive. Mr. Falvo explained when the prior owner sold the property to his client, the encroachments were uncovered. Mr. Bowden stated the Governing Body reviews these types of situations on a case-by-case basis. In this instance Mr. Anfuso has reviewed the proposal

whereby the current homeowner would retain 9,000 sq. ft. within the easement in exchange for 18,000 sq. ft. to the Township. Before a determination can be rendered, Mayor Stuart and Mr. Florek want answers from Mr. Anfuso on the following: What was originally approved? Is fencing allowed in a conservation easement? Were permits issued for the fences? Is there any additional information on the difference between the permits granted and what was actually built? In addition, Mayor Stuart requested the wetlands be delineated on the map. Mayor Stuart advised Mr. Falvo the issue requires further review and consideration.

5. **APPROVAL OF MINUTES OF SEPTEMBER 26, 2007:** Mr. Forester 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			X			
Forester	M		X			
Florek	S		X			
Schatzle			X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

6. **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 second reading by Mayor Stuart. Mr. Bace advised a minor revision to the ordinance was made after first reading to include Monmouth County as a potential purchaser of the rights. The ordinance authorizes the sale of the farmland preservation easement of approximately 11 acres to the State Agriculture Development Committee or Monmouth County 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 or Monmouth County, 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. With no comments from the Governing Body, Mayor Stuart opened the meeting to public comment.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, questioned the intent of this ordinance. Mr. Florek explained the Township is looking to sell the development rights to the property, which includes a one-acre exception upon which a house or barn can be built. Mayor Stuart explained the process in detail, whereby the Township can recoup the monies expended from the purchase of this property through the sale of the development rights and the sale of the one-acre exception.

Ms. Elaine Mann, a resident, asked what is the asking price for this property? Mr. Florek responded it is done by public bid with a minimum bid established. Ms. Mann also commented on the downturn in the real estate market and its impact on the sale of this exception. Mayor Stuart responded that no one has a crystal ball, and the Township and the State purchased this property in good faith during a strong market.

Ms. Diana Piotrowski, a resident, questioned the one-acre exception in a two-acre zone. Mayor Stuart responded given the surrounding land that cannot be developed, two-acre zoning does not impact this parcel.

Ms. Amend questioned if the public will have access to this property. Mayor Stuart responded once it is sold, it will be privately held. Ms. Amend then questioned if the Township is receiving revenue from the farming activity currently at the site. Mayor Stuart responded no; however if the Township still owns the property next year, the use of the land will be bid.

Mayor Stuart advised a title search must be initiated by the County before the land can be sold. The County had used Foxtons, and is now seeking another company. The change in title company has delayed the process.

Mr. Chuck Cammarata, a resident, asked if the process is in motion to sell this property. Mayor Stuart responded yes, sale is projected for the end of this year or the early part of next year.

With no further comments from the public, Mayor Stuart closed the meeting. Mr. Florek made a motion to approve, as amended, 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					

7. **RESOLUTION 2007-153:** ENDORSING THE “GREEN ACRES, FARMLAND, BLUE ACRES, AND HISTORIC PRESERVATION BOND ACT OF 2007 was read by title by Mayor Stuart. By this resolution, the Governing Body encourages the voters of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 on November 6, 2007. 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					

8. **MOTION TO ADOPT A CONSENT AGENDA:**
9. ***RESOLUTION 2007-154:** APPROVING INSERTION OF SPECIAL ITEM OF REVENUE – SOLID WASTE ADMINISTRATION-RECYCLING GRANT.
10. ***RESOLUTION 2007-155:** ESTABLISHING HALLOWEEN CURFEW HOURS.
11. ***RESOLUTION 2007-156:** REQUESTING PARTICIPATION IN COUNTY-LED RECORDS MANAGEMENT NEEDS ASSESSMENT.

Mr. Schatzle 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		X			
Schatzle	M	X			
X - indicates vote NV - Not Voting Ab – Absent M - Moved S - Seconded					

12. **DISCUSSION:** Mr. Florek discussed the proposal of the current recycling carrier whereby the Township could save up to \$5,500 in 2008 if a single stream collection were adopted. Single stream collection has all recyclables placed in one container curbside on one collection day throughout the Township every two weeks. It is uncertain if other carriers have the ability to perform single stream sorting, and it was thought that moving to single stream collection may limit competition during the next bidding cycle.

An alternative would be to continue household sorting of recyclables, and placing all materials curbside in separate containers on one collection day throughout the Township every two weeks. This would reduce fuel costs for the cartage company and would eliminate the need for homeowners to determine which materials to place curbside on which weekday.

Research will be done to determine if other carriers can provide single stream recycling sorting. The current collection schedule will remain in effect until the research is completed and the issue is brought again before the Township Committee for a determination.

13. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report. Mr. Bowden did bring forward the following resolution for consideration by the Governing Body. Mr. Bowden explained this resolution would authorize the disposal of vehicles and miscellaneous equipment at a public auction to be held Saturday, November 3, 2007, 10:00 a.m. at the Tinton Falls Public Works Yard. Mr. Bowden stated the joining of municipalities to auction equipment has brought in a number of vendors and has been successful in the past.

RESOLUTION 1007-156A: AUTHORIZING SALE OF SURPLUS PERSONAL PROPERTY was ready by title by Mayor Stuart. Mayor Stuart read the list of items proposed for auction, which are a 1985 Ford Dump Truck, a 1989 Ford Bronco with snow plow, one batwing mower, one six foot mower and two brush chippers. Mr. Forester made a motion to approve, seconded by Mr. Hennessy and unanimously approved.

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					

13. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reported he reviewed and signed the vouchers, noting all were in order, the bulk of which are going to the Regional School Board, and are as follows:

Capital Fund	\$10,112.00
COAH	\$1,375.00
Construction Trust	\$11,217.80
Current Fund	\$3,075,456.37
Farmland Preservation Trust	15,045.66
Grant Fund	\$3,742.77
Tax Collectors Trust	\$26,129.50
Trust Fund	<u>\$12,862.02</u>
TOTAL APPROVED:	\$3,155,941.12

Mr. Forester 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						

14. TOWNSHIP COMMITTEE REPORTS:

Mr. Schatzle reported the Blood Drive would be held November 14, 2007 from 5:00 p.m. to 9:00 p.m. Articles will appear in Township papers.

Mr. Schatzle reported flu shots for Colts Neck residents age 62 and above would be provided at the Colts Neck Court House October 17, 2007 from 9:30 a.m. to 10:30 a.m.

Mr. Schatzle reported Colts Neck Polo had another successful season and thanked the Township, on behalf of Polo, for their support.

Mr. Schatzle reported the Local Emergency Planning Committee met October 8th and discussed forming a detailed mission for the Committee. Mr. Schatzle will present this to the Township Committee in the near future.

Mr. Schatzle reported the Skateboard Workshop held September 29th and sponsored by the Drug and Alcohol Alliance and the PBA was a great success with approximately 65 skateboarders participating.

Mr. Schatzle reported the Historical Preservation annual house tour was a sold out event with 250 people touring designated properties within the Township.

Mr. Schatzle reported he attended the initial meeting of the Colts Neck Business Association, which was formed to share ideas among business owners and communicate ideas and concerns to the Township Committee. The initial meeting was well received with approximately 55 people attending. Topics of discussion during the initial meeting were the numbering system on Route 34 and business signage.

Mr. Schatzle reported he and Mayor Stuart met with representatives from JCP&L regarding the cutting of trees near high tension wires. Mr. Schatzle felt JCP&L representatives were willing to look at each area individually. Mr. Schatzle also reported a petition is circulating among residents to keep tree cutting to a minimum within the Township.

Mr. Florek reported the regular meeting of the Colts Neck Sports Foundation was not held; however a meeting is scheduled for October 15th.

Mr. Florek stated the Architectural Review Committee has not seen the sign ordinance. Mr. Florek stated he would like the ordinance in hand when the letter is presented to the Postmaster.

Mr. Hennessy reported the Colts Neck Sports Foundation representatives were invited to the Recreation Committee meeting to discuss joint efforts and manpower needed for the Laird Road baseball site. Mr. Hennessy stated they want a Parks Department person to follow up to ensure the fields are being maintained. The Colts Neck Polo representatives are invited to attend the next Recreation Committee meeting.

Mr. Hennessy reported there was no problem with traffic flow during the Craft Fair. Bucks Mill Park also hosted a polo match, baseball games and soccer games during the Craft Fair weekend, and all worked extremely well.

Mr. Hennessy attended a meeting tonight with James Wasser, Superintendent, and Sean Boyce, Assistant Superintendent, FRSD, regarding the quality of life issues surrounding the Pop Warner use of CNHS fields for their games. The problems with sound should be alleviated by the next game by placing the speakers on the visitor's side facing the high school. No boom boxes or play-by-play announcements will be permitted.

Mr. Forester reported the Friends of the Library are still discussing the feasibility of continuing within the Monmouth County Library System. The Friends are having a book sale this weekend, and Mr. Forester urged all to support the Library and attend the sale.

Mr. Forester reported the Friends of the Library are having their annual Art Sale on December 8th and 9th with a preview on November 30th. The Friends are very pleased plans are underway to paint the lower floor of the Library prior to the sale.

Mayor Stuart reported he and Mr. Magnani and Mr. Anfuso met with the County Tax Assessor regarding Earle Housing.

15. COMMENTS FROM THE PUBLIC:

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

Ms. Judy Laufer, President of Colts Neck Senior Citizens Club and a resident, noted a dead tree near the Library and requested it be removed.

Ms. Laufer noted 136 seniors received their flu shots at the monthly meeting. The Colts Neck Swing Band performed during the meeting, and they were well received.

Ms. Elaine Mann questioned the daily proceeds from the Colts Neck Craft Fair. Mr. Hennessy responded this year's Craft Fair was \$10,000 gross, \$5,000 per day. Ms. Mann then questioned the outstanding bill to Colts Neck Polo. Mr. Schatzle stated the bill is on the books and will be paid in the near future, and all bills that are incurred will be paid. Mayor Stuart stated he already spoke with Art Goodwin and the \$973 due for DPW services rendered to Polo will be paid before the end of the year.

Ms. Virginia Amend noted the realty transfer tax collected this year, as mentioned by the County Clerk, Claire French. Ms. Amend questioned whether the Freeholders will cut back their budget to reflect this issue. Mayor Stuart stated he is adamantly opposed to the legislation whereby realty transfer fees could be charged by local municipalities. Ms. Amend then stated her question would be better raised at tomorrow evening's Freeholder meeting.

Ms. Cindy O'Brien, a resident, questioned the use of herbicides under the power lines, and stated she does not want it used any place. Mr. Schatzle stated homeowners can decline the spraying, and he encouraged homeowners to do so.

Mr. Carl Accetola, a resident, stated the decibel levels on Pheasant Drive from the ball games at Colts Neck High School exceeded State limits. Mr. Accetola spoke of the Pop Warner game schedule, and the broadcasting of baseball music. Mr. Accetola suggested installing a sound wall the length of the visiting stands between the pine trees, and if the sound still comes through, to extend the wall. Mr. Hennessy reported there was discussion of a sound wall, but that may cause the sound to reverberate to the houses. Mr. Hennessy stated next year there will be more lower-level speakers scattered and Pheasant Drive residents should be pleased with the results. In the meantime, the games will be monitored to ensure agreements reached are adhered to.

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

16. **RESOLUTION 2007-157:** EXECUTIVE SESSION was read by Mayor Stuart at 9:45 p.m. Mr. Forester made a motion to adjourn and go into Executive Session, 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					

Motion by Mr. Florek, seconded by Mr. Forester and unanimously carried by all to adjourn Executive Session.

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					

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

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					

Meeting adjourned at 10:20 p.m.

Robert Bowden
Township Administrator/Clerk

RB:bk