

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 15, 2008
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 Acting Mayor Forester followed by a salute to the flag. The following statement was read by Municipal Clerk 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, 2007 stating the meeting of the Colts Neck Township Committee would be held on October 15, 2008 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: Acting Mayor Forester, Committeemembers Florek, Stuart and Schatzle

Also Present: Administrator/Municipal Clerk, Robert Bowden; Counsel, Keri Fornino, Esq.; and Deputy Municipal Clerk, Beth Kara

Absent: Mayor Hennessy

At the outset of the meeting, Mr. Bowden stated Mayor Hennessy is out of town on business, and Deputy Mayor Forester would be Acting Mayor this evening.

1. **PRESENTATION:** CONSERVATION EASEMENT, 38 DEPUTY MINISTER DRIVE. Ms. Jennifer Krimko, Esq. addressed the Governing Body regarding changing the current conservation easement to a landscape easement. Discussion ensued and the Governing Body agreed with Mr. Anfusos comments in his memorandum of June 16, 2008, "Only the portion of the easement that is upland mowed lawn be converted into a landscape easement. The existing wetlands areas in the rear of the property should remain as a conservation easement, not be disturbed and allowed to revegetate in its natural state. In addition, a NJDEP Letter of Interpretation should be required to confirm that the mowed lawn being converted from a conservation easement to a landscape easement is not a freshwater wetland or associated buffer area." Ms. Krimko was advised the Governing Body would grant approval upon receipt of the NJDEP Letter of Interpretation referenced above. Upon approval, new deeds clearly describing the landscape easement and remaining conservation easement need to be prepared and recorded in the County Clerk's Office. An ordinance vacating the existing conservation easement will also be required. Ms. Krimko thanked the Governing Body and left the meeting.

2. **PRESENTATION:** CONSTRUCTION OF DRIVEWAY ACROSS EASEMENT, BLUEBELL ROAD. Mr. Brian Harvey, Esq., addressed the Governing Body requesting Governing Body permission for the construction of a driveway to the proposed residence over a 25 ft. Conservation, Open Space, Drainage and Utility Right-of-Way Easement for Block 29, Lot 9, on the Township Tax Map. The extension of Bluebell Road resulted in approximately 12.5 ft. of the Easement underneath Bluebell Road and approximately 12.5 ft. of the property subject to the Easement. Mr. Harvey indicated the extension of Bluebell Road over the easement clearly reduced its value, if any, as a conservation or open space easement. Mr. Anfusos noted in his letter of July 2, 2008, the easement is required for an underground drainage pipe associated with the original subdivisions and should actually be a drainage easement. Mr. Harvey stated since the roadway now travels through half the easement and the original purpose was for drainage rather than conservation, it has no value as a conservation or open space easement. As the easement value appears only limited to that of a drainage easement, and there are no environmentally sensitive issues associated with the easement, Mr. Harvey contends the crossing of the easement will not jeopardize its functionality nor act as a detriment to its purpose. Discussion ensued. Mr. Florek stated he wanted to discuss the issue

further with Mr. Anfuso. If Mr. Anfuso concurs, the Governing Body agreed to approve, at which time metes and bounds would be required and an ordinance would be prepared. Mr. Harvey thanked the Governing Body and left the meeting.

3. **APPROVAL OF MINUTES OF SEPTEMBER 24, 2008:** Mr. Florek made a motion to approve, seconded by Mr. Stuart and carried by Messrs. Florek, Stuart and Schatzle, Acting Mayor Forester abstained.

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

4. **MOTION TO ADOPT A CONSENT AGENDA:**
5. ***RESOLUTION 2008-137:** ESTABLISHING HALLOWEEN CURFEW HOURS.
6. ***RESOLUTION 2008-138:** AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING, BLOCK 16, LOT 23 (5 BROOKSIDE DRIVE).
7. ***RESOLUTION 2008-139:** AUTHORIZING ACCEPTANCE OF MAINTENANCE GUARANTEE AND RELEASE OF PERFORMANCE GUARANTEES, P.B. APPLICATION NO. 599 (ILLMENSSE FAMILY SQUARE).
8. ***RESOLUTION 2008-140:** AUTHORIZING ACCEPTANCE OF MAINTENANCE GUARANTEE AND RELEASE OF PERFORMANCE GUARANTEE FOR PHASE I AND PHASE II OF P.B. APPLICATION NO. 557 (FJS ENTERPRISES, LLC).

Mr. Bowden noted the Halloween curfew hours start and 9:00 p.m., October 29, 2008 and end 5:00 a.m., November 1, 2008.

Mr. Florek made a motion to approve, seconded by Mr. Stuart and unanimously carried. Mr. Schatzle abstained from Resolution 2008-139, as he is a tenant of the complex.

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

9. **DISCUSSION:** RENEWAL OF CABLE TELEVISION FRANCHISE, WHICH EXPIRES MARCH 5, 2011. Mr. Bowden advised Cablevision has notified the Township that its current franchise will be up for renewal in 2011. Mr. Bowden stated Cablevision had a monopoly within the Town; however now Verizon is installing its fiber optic cable. with its State-wide franchise, Verizon already has permission to bring their services into Town. Mr. Bowden questioned whether the Governing Body wanted to form a sub-committee to review the options available. Mr. Florek stated Verizon offered the Fire Department free cable internet access. Discussion ensued. Mr. Bowden was

advised to ask Verizon to address the Governing Body on the service package they will offer the Township.

10. **DISCUSSION: RECYCLING CONTRACT.** The current recycling contract expires December 31, 2008. While the current carrier can provide single stream recycling, the County does not recommend this collection method since only one vendor provides it, and requiring single stream collection in the bid for the new two-year contract would eliminate competition. Mr. Bowden stated another alternative to the current recycling schedule may be to collect all separated recyclables on one day rather than alternating the type collected each week. Discussion ensued whether the collection would be every week or every other week. Mr. Florek stated the Township has a 70 percent participation rate and is the fourth highest in the County. Mr. Florek commented if all separated recyclables were put out once a week, participation may increase. If the cost for weekly collection is only several thousand dollars more, Mr. Florek favors this option. Mr. Stuart stated collecting all separated recyclables every other week is fine. Mr. Bowden stated as long as the recyclables are separated, bidders could compete for the next two-year contract. Mr. Bowden will have the bid package include a weekly option as well as a bi-weekly option.
11. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report.
12. **MOTION TO APPROVE VOUCHERS.** Acting Mayor Forester reviewed and signed the vouchers, noting all were in order, and are as follows:

Animal Control	\$9.60
Capital Fund	\$39,414.36
COAH	\$357.00
Construction Trust	\$10,013.08
Current Fund	\$2,306,837.07
Grant Fund	\$1,437.10
Trust Fund	<u>\$9,455.10</u>
TOTAL APPROVED:	\$2,367,523.31

Mr. Bowden requested the addition of two vouchers, one in the amount of \$140.00, payable to the NJA School Resource Officer for Cpl. Kevin Walsh's registration fee at the NJASRO Conference, and one in the amount of \$324.69, payable to the Asbury Park Press for the Library's subscription service from April 28, 2008 through February 28, 2010. Mr. Stuart made a motion to approve all vouchers, as amended, seconded by Mr. Florek and unanimously carried.

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

13. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Schatzle reported the two-day Flu Shot Clinic is now completed and was highly successful with an excess of 400 senior residents participating. Mr. Schatzle praised Mr. Frank, Health Officer, for his outstanding job at this year's Clinic.

Mr. Stuart reported the tax maps have been approved by Trenton and the Township may now proceed with the revaluation. Messrs. Stuart, Bowden and Magnani will meet with Realty Appraisal next week to discuss the timeline for completing the revaluation, which will be effective 2010.

Mr. Florek reported the Fire Department recently responded to a fire call at Ginger's and could not enter the facility expeditiously. The Fire Department is supporting the passage of a Knox Box ordinance by the Township. Mr. Florek reported all IDs were completed for fire safety personnel. With regard to Fire Police, Mr. Florek reported there is a growing trend to add these persons to LOSAP. Mr. Florek noted the Fire Department will be looking to be part of the Town Hall telephone system to avoid the approximate \$50 per month per House cost of telephone service.

Mr. Florek reported he has information regarding the water reel irrigation system proposed for Five Point Park, and he will provide this information to Mr. Thompson, Public Works Director. Mr. Florek explained the 350 foot hose stops itself in five to six hours, and could then be moved to another location the next day. The cost of the reel system is \$8,500; however additional pipe and a fire hydrant are required, at an estimated cost of \$15,000. If Mr. Thompson concurs, the cost of this may be funded through bond ordinance.

Acting Mayor Forester had no report this evening.

14. **COMMENTS FROM THE PUBLIC:**

With no further comments, Acting Mayor Forester opened the meeting to public comment.

Ms. Elaine Mann, a resident, commented Town Hall now looks beautiful with its recent cosmetic improvements. Ms. Mann stated residents should be advised that blowing grass cuttings into the streets clogs the drains and should be avoided. Ms. Mann discussed the importance of the Clean Communities Grant Program and stated it has become difficult to reach DPW to schedule projects. Ms. Mann stated she still has approximately \$17,000 in her budget for various Clean Communities Projects throughout Town, and she is working with Ms. Kara to have the Clean Communities Program added to the website to receive maximum exposure and generate additional interest from community groups. Mr. Bowden stated Public Works does have an answering machine and when messages are left on the machine, they are returned promptly. Mr. Bowden stated he will speak with Mr. Thompson.

Mr. Robert Sayko, a resident, commented on the cable franchise renewals stating he believes Cablevision will want to provide the Governing Body with its proposed offerings. Mr. Sayko stated if a citizens committee is formed to evaluate the options, he has extensive experience with cable, telephone, and billing and wants to volunteer to participate. Mr. Sayko suggested using the Swiftreach 911 System to advise residents of the Halloween curfew. Mr. Sayko stated the house at the corner of Ann Street and Crine Road showcases automobiles with a "for sale" sign routinely. Mr. Sayko wondered if this is a used car business. Mr. Florek suggested the Code Enforcement Officer visit the premises and view the automobile registration. Mr. Bowden stated he will speak with the Code Enforcement Officer.

Ms. Kathy Gizzo, a resident, questioned if the schools were recycling. Ms. Mann commented the schools within the Colts Neck School System had very active programs in place. Ms. Mann assumes the High School also recycles. Ms. Gizzo asked for an opinion on the recent Asbury Park Press article and editorial pertaining to the perceived conflict of interest regarding this year's Historic House Tour. Acting Mayor Forester stated he was out of town; however, he heard about the editorial and thinks it is a cheap shot. Ms. Gizzo then questioned the procedure for tour house selection. Mr. Schatzle responded advising of the selection process, which is done by sub-committee and noting the Chair and the entire committee is involved at the final stage of selection. Mr. Schatzle noted it is a challenge to find historic homeowners willing to permit some 250 persons to walk through their private residences. Ms. Gizzo \

questioned the perceived conflict of interest, to which Mr. Stuart commented this issue is being blown out of proportion and there was no devious motivation behind the selection process. Mr. Stuart stated the Historic Preservation Committee and its Chair did not plan this, and there are certainly a lot of lessons to be learned. Ms. Gizzo then questioned if the voucher list approved at this evening's meeting was public information, to which Mr. Bowden responded yes, and Ms. Gizzo would be able to view the list with the completion of a records request form.

Ms. Virginia Amend, editor of the Colts Neck Calendar and a resident, asked if any of the Township funds were diminished by the recent financial free fall. Mr. Bowden responded noting Colts Neck is in an extremely good position, as its temporary debt was rolled over in August prior to the market instability. In addition, Mr. Bowden advised the Township had no increased foreclosures and the tax collection rate remains high. Ms. Amend then stated the Governor is calling in the full legislature and questioned if the Township has a plan to pay its pension benefits. Acting Mayor Forester commented pension and health care obligations of the State are grossly under-funded, noting in 2000, no contributions were required, yet this year contributions are set at \$400,000. Mr. Florek stated the Governing Body has been addressing this issue every year, and for the past four or five years, the Township has met its obligations. Ms. Amend questioned what happens next and stated spending must be cut. Mr. Florek responded the State has not cut its costs and are now pushing its obligations onto the municipalities. Mr. Florek commented the Township uses 9.5% of the annual taxes collected to run the Town and suggested looking at the other areas for which taxes are collected for spending cuts.

Mr. Ed Russo, representative for Trump National, stated he has been meeting with Ms. McGowan to develop a plan to improve the land from Route 34 to the Trump National site. Mr. Russo stated the many street names around this entranceway are confusing, and he would like to present a proposal to the Governing Body to rename streets at the next Township Committee Meeting. Acting Mayor Forester stated it is a pleasure to have Trump National at the meetings, and this item will be added to the agenda.

Ms. Amend stated the citizens of Colts Neck should be given an opportunity to hear each of the local candidates for Township Committee prior to the election. Mr. Stuart responded she would have to approach each County Committee Chair to arrange this event. Mr. Florek commented when he ran for re-election, he attended such a forum in the Library; however, his opponent did not. Mr. Florek stated there was sparse attendance.

Ms. Amend questioned whether the Parmar property fencing encroached on the conservation easements. Ms. Amend was advised the perimeter fencing for that property has been placed correctly on the property line, not on Township property.

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

- 15. **MOTION TO ADJOURN**: Mr. Bowden stated an Executive Session would be planned for the next meeting. Mr. Stuart made a motion to adjourn, seconded by Mr. Schatzle and unanimously carried.

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

Meeting adjourned at 9:05 p.m.

Robert Bowden
Township Administrator/Municipal Clerk