

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
OCTOBER 28, 2009  
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 Forester followed by a salute to the flag. The following statement was read by Township 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 10, 2008 stating the meeting of the Colts Neck Township Committee would be held on October 28, 2009 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 Committeemen Schatzle and Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Legal Counsel, Christopher Ackerman, Esq.

Absent: Committeeman Eastman

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Mr. Bowden stated Committeeman Eastman was out of town on business this evening.

1. **ANNOUNCEMENT**: Mayor Forester announced the next Township Committee meeting will be Thursday, November 12, 2009, 7:30 p.m. Mayor Forester stated the change was due to Veterans' Day falling on Wednesday. Mayor Forester noted with the League of Municipalities Convention and Thanksgiving, the November 12<sup>th</sup> meeting would be the only meeting in November. Two meetings are scheduled for December, December 9<sup>th</sup> and 30<sup>th</sup>, and a determination would be made at a later date on the necessity of having the second meeting in December.
  
2. **APPROVAL OF MINUTES OF OCTOBER 14, 2009**: The Governing Body did not have enough time to review the minutes. Approval was tabled to November 12<sup>th</sup>.
  
3. **ORDINANCE 2009-20**: AN ORDINANCE VACATING A DRAINAGE EASEMENT AND GRANTING A DRAINAGE EASEMENT AFFECTING BLOCK 22.06, LOT 7, LOCATED IN THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY was read by title at second reading by Mayor Forester. The homeowner is requesting that the Governing Body grant a drainage easement and allow a minor encumbrance of the surviving drainage easement subject to a waiver agreement to allow building permits to be issued for the construction of a four horse stall pole barn, not to exceed the square footage allowed by the Township. If the Governing Body approves the above, the building of the pole barn would be at the homeowner's peril. The Governing Body had no comments. Mayor Forester opened the meeting to public comment. Hearing none, the meeting was closed. Mr. Engel made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

<b>RECORD OF VOTE</b>					
Committeeman	M S	Yes	No	NV	Ab
Mayor Forester		X			
Deputy Mayor Florek		X			
Schatzle	S	X			
Eastman					X
Engel	M	X			
X - indicates vote    NV - Not Voting    Ab - Absent    M - Moved    S - Seconded					

4. **BOND ORDINANCE 2009-19:** BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AFFORDABLE HOUSING UNITS, AND APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, was read by title at first reading by Mayor Forester. Mayor Forester stated qualified buyers for the designated affordable housing units in The Grande have been unable to secure financing. To ensure these units retain their affordable housing designation, the Township is planning to purchase the units, rent them, and sell them in the future when financing is available. Mr. Florek stated he supports this resolution, as the units must maintain their affordable housing designation or they will be dropped from the Township's inventory. Mr. Florek made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Forester set the public hearing November 12, 2009.

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

5. **PRESENTATION:** WILLOW BROOK MANOR SUBDIVISION, BLOCK 9, LOTS 2.01 AND 2.08. Mayor Forester stated the applicant is not present this evening. Township Counsel Ackerman spoke with the applicant's attorney and the attorney representing the objectors, advising them this matter would be referred to the Planning Board. Mr. Bowden then presented **RESOLUTION 2009-142A** REFERRING THE SUBDIVISION OF BLOCK 9, LOTS 2.01 AND 2.08 TO THE PLANNING BOARD. Mr. Schatzle made a motion to approve, seconded by Mr. Florek and unanimously carried.

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

6. **PRESENTATION:** CONSERVATION EASEMENT, BLOCK 11, LOT 3.04 (6 MOCKINGBIRD DRIVE). Mr. Lothar Ehrich addressed the Governing Body on behalf of his clients requesting approval of a fence traversing the conservation easement along Mockingbird Drive that would enclose the property to sufficiently protect his young children. Mr. Bowden stated two similar requests were granted in this neighborhood; there is precedent. Mr. Schatzle questioned if this request was placed before any other Township Boards, to which he was advised, yes, Mr. Anfusio and the Architectural Review Committee approved the request. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

7. **PRESENTATION:** STREET OPENING REQUEST, BLOCK 21.10, LOT 1 (100 RICHDAL ROAD). Mr. Mark Woodburn , owner, addressed the Governing Body to clarify his request for approval to construct a 12 foot by 102 foot paver section along the frontage of the lot. Approximately 11 feet of this will be for the driveway apron, and the remaining 80 feet would be for parallel parking along the street line for three to four vehicles along Richdale Road. The plan is for 12 to 18 inches of asphalt to be installed between the existing edge of the pavement and the nearest edge of the concrete pavers. The Township Engineer recommends a \$3,000 performance guarantee and a \$600 inspection fee for engineering inspection be required. Mr. Florek stated although he does not have a problem with the request, he questioned the Township's liability if paving blocks are placed on the Township right of way if an incident were to occur. Counsel Ackerman suggested having a waiver prepared. Mr. Bowden suggested having the Traffic Safety Officer review this issue, and Mr. Engel concurred. Mr. Bowden then suggested both the homeowner and the Township discuss the issue with their respective insurance companies to determine potential liability. Mr. Woodburn stated he has been trying to move the project along for the past eight weeks and requested a decision this evening. Mr. Bowden polled the Governing Body: Messrs Schatzle and Engel, no; Messrs. Forester and Florek, yes. Mr. Florek noted Committeeman Eastman's vote is needed to break this deadlock. Mr. Woodburn thanked the Governing Body and left the meeting stating he will go to Plan B.

8. **MOTION TO ADOPT CONSENT AGENDA:**

9. **\*RESOLUTION 2009-143:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUND.

10. **\*RESOLUTION 2009-144:** RESOLUTION ACCEPTING SPECIAL STREET OPENING PERFORMANCE GUARANTEE, BLOCK 22.08, LOT 7 (ROUTE 537).

Mr. Schatzle made a motion to approve, seconded by Mr. Florek, and unanimously carried.

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

11. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report this evening.

12. **MOTION TO APPROVE VOUCHERS:** Mr. Schatzle reported he reviewed the vouchers, noting all were in order, and are as follows:

Animal Control	\$117.94
Capital Fund	\$375.00
Construction Trust	\$11,169.00
Current Fund	\$3,350,491.20
Escrow	\$48,572.11
Grant Fund	\$860.39
Tax Collectors Trust	\$12,889.94
<b>TOTAL APPROVED:</b>	<b>\$3,424,475.58</b>

Mr. Schatzle noted the above excludes Purchase Order 09-01844 in the amount of \$1,550 for an annual storm alert system. Mr. Schatzle noted he is in discussion with Mr. Thompson to determine the feasibility of obtaining the service as a shared

service. Mr. Schatzle made a motion to approve the bill list, as amended, seconded by Mr. Engel, and unanimously carried.

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

### 13. TOWNSHIP COMMITTEE REPORTS

Mr. Engel reported the Colts Neck Alliance will hold the annual Candelight Vigil at Colts Neck High School on December 9<sup>th</sup> (raindate December 16<sup>th</sup>) at 6:00 p.m. This year's speaker is an individual in his early 20s, who lost his arm in a motor vehicle accident.

Mr. Schatzle reported the Board of Health has done a good job with the seasonal flu clinics. All excess seasonal flu vaccine was re-sold. The Township is participating in regional H1N1 clinics; the next H1N1 clinic is scheduled in Hazlet. Mr. Schatzle stated the Health Officer, Tom Frank, is doing an excellent job in keeping pace with the breaking information and events for combating the seasonal and H1N1 flues.

Mr. Schatzle reported the Local Emergency Planning Committee is now fully staffed. During the November 9<sup>th</sup> meeting, there will be a presentation by Nixle, a system that facilitates emergency messages to be sent via e-mail and text messaging at no cost to the Township. Mr. Schatzle stated a presentation will be made to the Governing Body in the future. In addition, a tabletop exercise is scheduled December 14<sup>th</sup>.

Mr. Schatzle reported on November 12<sup>th</sup>, a "girls night out" is planned for the Cedar Drive School, which is a team building exercise.

Mr. Schatzle reported the successful 2009 Polo season has ended. This year there were more improvements to the field, and an announcer stand was built, at no cost to the Township. More than \$35,000 was donated to youth groups, and well over \$100,000 was raised by charity organizations over the years.

Mr. Florek reported he attended the COAH mediation on Monday, October 26th. Mr. Florek stated of the two objectors, one may be settled; the other may have to file another lawsuit. Mr. Florek noted COAH is reviewing the plan again, which may require revisions.

Mr. Florek reported the Fire Fighters have received the first round of three shots for Hepatitis B.

Mayor Forester reported he attended the NOPE rally with his fellow Committeemen, as well as representatives from Senators Smith and Menendez, State Senator Beck, and State Assembly Legislators Casagrande and O'Scanlon. Mayor Forester commented NOPE does a very good job of getting the information out to the public, and gaining the support of the elected officials in Washington. Mayor Forester noted President Obama signed the legislation today requiring a cost benefit analysis pertaining to NWS Earle. Mayor Forester stated Mr. Florek gave a thorough report on the Earle litigation during the rally.

Mayor Forester reported the Township received a letter from the New Jersey Department of Agriculture notifying they are not going to spray within the Township for gypsy moths, as it is not needed.

14. COMMENTS FROM THE PUBLIC:

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

Mr. Anthony Giountikos, a resident, questioned if Agenda Item No. 5 was adopted. Mayor Forester responded in the affirmative, noting the matter was referred to the Planning Board. The item would be placed on the Planning Board agenda for the November 10<sup>th</sup> or the December 8<sup>th</sup> meeting.

Mr. Vince Domidion, a resident, commented COAH completely ignores the Mount Laurel decisions pertaining to environmental impact. Mr. Domidion suggested a survey to determine how widespread the problem of having affordable housing units that are not obtainable by qualified applicants due to financing restrictions. Mr. Domidion stated if the existing units are not able to be purchased, building new units may not be affordable. Mr. Domidion commended Mayor Forester and Deputy Mayor Florek for their part in last night's NOPE rally, stating the Township was very well represented by its local elected officials.

Hearing no further comments, Mayor Forester closed the meeting to public comment.

15. RESOLUTION 2009-145: EXECUTIVE SESSION. At 8:12 p.m., Mr. Schatzle made a motion to approve, seconded by Mr. Florek and unanimously carried by voice vote.

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

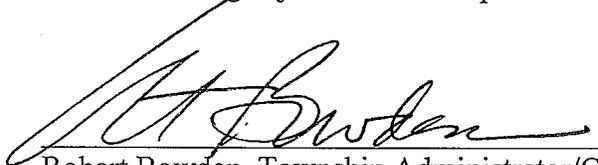
Motion by Mr. Engel, seconded by Mr. Schatzle, and unanimously carried to adjourn Closed Session and reconvene in Public Session.

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

Motion by Mr. Engel, seconded by Mr. Florek and unanimously carried to adjourn meeting.

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

Meeting adjourned at 8:45 p.m.

  
Robert Bowden, Township Administrator/Clerk