

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 29, 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 Mayor Hennessy 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 29, 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: Mayor Hennessy, Deputy Mayor Forester, Committeemembers Florek, Stuart and Schatzle

Also Present: Administrator/Municipal Clerk, Robert Bowden; Counsel, John O. Bennett, III, Esq.; and Deputy Municipal Clerk, Beth Kara

Absent: None

1. **RETIREMENT:** RECOGNITION OF MR. CLIFFORD REED. Mayor Hennessy expressed his appreciation to Mr. Reed for his 23 years of service with the Colts Neck Department of Public Works. Mayor Hennessy remarked about seeing Mr. Reed on snow days clearing the streets around Town Hall and Cedar Drive School, and he will miss him. Mr. Edward Thompson, Public Works Director, expressed his thoughts on Mr. Reed's retirement and stated Mr. Reed is a friend and colleague that will be missed. Deputy Mayor Forester presented Mr. Reed with a plaque on behalf of the Township Committee, recognizing his 23 years of service. Mr. Reed was joined by his wife, Pauline; and their son, Alexander, and thanked the citizens of Colts Neck for allowing him the privilege to serve these past 23 years. Mr. Reed received a round of applause and photographs were taken.
2. **APPROVAL OF MINUTES OF OCTOBER 15, 2008:** Mr. Forester made a motion to approve, seconded by Mr. Stuart and unanimously carried.

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

3. **ORDINANCE 2008-13:** AN ORDINANCE TO AMEND CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO THE AUTHORITY TO ISSUE RAFFLE LICENSES was read by title at second reading by Mayor Hennessy. Mr. Bowden stated by providing this authority to the Municipal Clerk and Deputy Municipal Clerk, the raffle application approval process will be expedited. Mr. Forester questioned whether the Clerks would defer to the Township Committee on questionable applications to which Mr. Bowden responded yes. Mr. Florek recommended inserting "or Deputy Municipal Clerk" within the second paragraph of the ordinance for consistency; the Governing Body concurred. Hearing no further comments, Mayor Hennessy opened the meeting to public comment. Hearing none, Mayor Hennessy closed the meeting. 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 Hennessy | | X | | | |
| Deputy Mayor Forester | S | X | | | |
| Florek | M | X | | | |
| Schatzle | | X | | | |
| Stuart | | X | | | |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

4. **ORDINANCE 2008-15:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTERS 102, DEVELOPMENT REGULATIONS, AND 67, SHADE TREE COMMISSION OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO TREE REMOVAL AND PRESERVATION was read by title at second reading by Mayor Hennessy. Hearing no comments from the Governing Body, Mayor Hennessy opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated this ordinance was a good first step allowing for a better outcome.

Hearing no further comments, Mayor Hennessy closed the meeting. 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 Hennessy | | X | | | |
| Deputy Mayor Forester | | X | | | |
| Florek | M | X | | | |
| Schatzle | S | X | | | |
| Stuart | | X | | | |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

5. **ORDINANCE 2008-14:** AN ORDINANCE AMENDING CHAPTER 184 ENTITLED, "SALES, SPECIAL", OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Hennessy. Discussion ensued regarding the number of auction licenses that may be approved per year at any given location. Mr. Forester remains at three per year. Mr. Florek stated the current ordinance limits licenses to two per year, but would be agreeable to increase it to three per year. Mr. Stuart stated he supports five per year, as the business involved (Colts Neck Inn) is located within the business district and had no traffic or parking problems with past events. Mr. Schatzle stated five per year seems reasonable. Mayor Hennessy stated he supports one per quarter or four per year. Mr. Stuart asked Counsel if no consensus is reached, would the existing ordinance stand, to which Sen. Bennett responded in the affirmative. Discussion ensued regarding the thinking behind the original ordinance. Sen. Bennett stated the original ordinance was crafted in 1977 and amended in 2004, and no one here has any idea about the rationale used in capping the events at two per 12 month period. The Governing Body was again polled. Mr. Stuart supports five per year; Mr. Florek supports three per year; Mr. Forester commented this ordinance impacts all businesses within Colts Neck, not just the Colts Neck Inn and supports three per year, Mr. Schatzle supports one per quarter/four per year, Mayor Hennessy stands at four per year. Sen. Bennett stated the ordinance stands. Mayor Hennessy requested this issue be carried over to the next agenda.

6. **RESOLUTION 2008-141:** CONFIRMING 2008-2011 EMPLOYMENT CONTRACT BETWEEN THE TOWNSHIP OF COLTS NECK AND CWA, LOCAL 1034, BRANCH 4 (PUBLIC WORKS) was read by title by Mayor Hennessy. Mr. Bowden stated there were many sessions to finalize the union contract, the last of which included a State-appointed mediator. The DPW

Union has ratified the terms of the four-year contract, the highlights of which include salary increases in alternate years of 4% and 4.25% and contributions to the health insurance plan for all employees, which amounts to an average of 1.5% of union member salaries. Mr. Bowden stated this was an equitable contract and recommended Governing Body approval. Mr. Forester stated the employee health plan contributions proposed are below the public sector, job security and pension plan are good, and he disagrees with the terms of the contract. Sen. Bennett suggested Summary Item 10, Article 16, Insurance Benefits, now shown as “Effective January 1, 2009, all employees hired by the Township . . .” be changed to “. . . all employees employed by the Township . . .” The Governing Body concurred with this change. Mr. Stuart made a motion to approve, seconded by Mr. Schatzle and approved by Messrs. Hennessy, Florek, Schatzle and Stuart; Mr. Forester opposed.

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

7. **ORDINANCE 2008-16:** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2008 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read by title at first reading by Mayor Hennessy. Mr. Bowden stated this ordinance includes all titles within DPW covered by the CWA Local 1034, Branch 4 Union and represents a 4% salary increase. With no comments from the Governing Body, Mr. Stuart made a motion to approve, seconded by Mr. Schatzle and approved by Messrs. Hennessy, Florek, Schatzle and Stuart; Mr. Forester opposed. Mayor Hennessy set the public hearing November 12, 2008.

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

8. **RESOLUTION 2008-141A:** AUTHORIZING ESCROW AGREEMENT FOR COLTS NECK AFFORDABLE HOUSING TRUST was read by title by Mayor Hennessy. Mr. Bowden stated that Messrs. Stuart and Florek have been working diligently on COAH issues the past two years. This agreement establishes the terms between the COAH, the Township and the bank (Ocean First) for the deposit and expenditure of development fees and the terms under which disbursements from funds would cease and funds would be forfeited to COAH. Mr. Bowden advised the adoption of this resolution by November 5, 2008 is mandated by the State. If the funds are not used per the State-approved plan or are not used within four years, the bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund. Mr. Florek stated the Township is left with no options and made a motion to approve, seconded by Mr. Forester and unanimously carried.

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

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

10. ***RESOLUTION 2008-142:** AUTHORIZING RELEASE AND RETURN OF APPLICATION/ESCROW FEES, ZONING BOARD APPLICATION NO. 766, (SHATZMAN).

11. ***RESOLUTION 2008-143:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 609A, (GREEN).

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

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

12. **DISCUSSION:** RE-NAMING ALL OR A PORTION OF PROFESSIONAL CIRCLE TO TRUMP BOULEVARD. Mr. A.J. Garito presented on behalf of the Trump organization, providing a history of the purchase and projected improvements. The name change is sought to make the entrance from Route 34 more visible to new members. With projected increases in membership the difficulty finding the entrance will be exacerbated. The owners of the two office buildings on Professional Circle were also in agreement with the name change. The Postmaster stated tenants would have the option to choose Trump Boulevard or Professional Circle as their mailing address. The Trump organization is requesting a 400 foot section of Professional Circle be re-named Trump Boulevard, and they are seeking Township and private property owners' approval to improve the landscaping on the entrance roadway. Mayor Hennessy stated whenever a request is received for a change, those impacted are requested to send the Township a letter stating their position on the change. Discussion ensued regarding the use of Boulevard. Mr. Florek stated he was not a fan of the name Trump Boulevard and prefers National Drive. Mr. Ed Russo of the Trump organization stated the name change was discussed with Brandywine and they are in favor of changing their address from Meridian Way to Trump Boulevard. Mr. Russo stated they need a name to let people know where they are, whether it be Trump Boulevard or Trump Drive. Mayor Hennessy stated the Trump Golf Course is certainly becoming a landmark. Mayor Hennessy requested the businesses that would be affected by the name change be contacted and provide their written comments. Mr. Garito stated he would do this and hopes to return to the Governing Body by November 12, 2008 with the requested correspondence.

13. **DISCUSSION:** GROWTH SHARE ORDINANCE – THIRD ROUND AFFORDABLE HOUSING OBLIGATION. Mr. Florek discussed the proposed ordinance prepared by Mr. Thomas, which represents a major land use change for residential subdivisions containing five or more lots. Mr. Florek

discussed the major changes in the ordinance. Discussion ensued and the Governing Body concurred that this ordinance would be introduced at the next Township Committee meeting of November 12, 2008, with Mr. Anfuso present. The Planning Board would then have the time necessary to approve the ordinance before second reading and adoption by the Governing Body on December 10, 2008.

14. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report. .
15. **MOTION TO APPROVE VOUCHERS.** Deputy Mayor Forester reviewed and signed the vouchers, noting all were in order, and are as follows:

| | |
|-----------------------------|-----------------------|
| Construction Trust | \$14,907.29 |
| Current Fund | \$4,536,639.91 |
| Escrow | \$60,282.58 |
| Farmland Preservation Trust | \$66.00 |
| Trust Fund | <u>\$12,695.68</u> |
| TOTAL APPROVED: | \$4,624,591.46 |

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

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

16. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Schatzle reported the First Aid Squad is proceeding with building improvements, including new doors, windows and shutters.

Mr. Stuart had no report this evening.

Mr. Forester had no report this evening.

Mr. Florek reported Committeeman Schatzle was looking into grant funding for the Hepatitis B vaccinations for the Fire Department. While there were no grants found, the Fire Department will continue to seek funding sources to offset the cost of this needed vaccine.

Mr. Florek stated he is seeking introduction of a Lock Box ordinance at the next Township Committee meeting. The five boxes would be funded by the Fire Marshall and could only be opened upon receipt of a tone issued by the County.

Mr. Florek reported the Fire Department's fund drive receipts are down, and he hopes people contribute to the Fire Department.

Mr. Florek reported the Colts Neck Sports Foundation is contracting with Central Jersey Septic for \$17,000 for the septic system at Laird Road field.

Mr. Florek reported the Architectural Review Committee's Architectural Excellence Awards will be ready for the next meeting.

Mayor Hennessy thanked the local candidates for running excellent campaigns this year.

Mayor Hennessy reported the Colts Neck Community Band would perform tomorrow evening at 7:30 p.m. at Colts Neck High School.

17. COMMENTS FROM THE PUBLIC:

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

The D'Esposito's of Deborah Drive spoke of their problems experienced with East Coast Pools located in Belmar (formerly of Manalapan) when they installed a pool in the wrong location. The home owners were instructed by the Township that all renovations on their home must cease until the pool issue is corrected. Sen. Bennett stated the D'Esposito's attorney spoke with him regarding the issue. Sen. Bennett stated that Mr. Anfuso has no problem in granting a waiver to finish the home renovations. Mr. Florek stated the D'Esposito's were in front of the Architectural Review Board last night. The D'Esposito's are seeking a variance on the location of the pool. The Township Committee was unanimously in favor of granting the waiver to complete the home renovations, and based on this decision, Mr. Bowden will advise the Construction Official that a building permit may be issued. The D'Esposito's were directed to proceed with seeking a variance for their pool.

Ms. Virginia Amend, editor of the Colts Neck Calendar and a resident, questioned the outcome of Messrs. Stuart and Bowden's meeting with the revaluation firm. Mr. Stuart responded the meeting was postponed to Monday at 3:00 p.m., and Messrs. Magnani (Assessor) and Rubenstein (revaluation firm) would be present. Mr. Stuart stated field work is anticipated to begin in January with site visits in the Spring. The revaluation firm will provide web page links to updates on the process. Sen. Bennett stated the initial work will be completed and the property owners advised of the results. The property owners will have the opportunity to meet with the revaluation firm representatives at Town Hall to resolve issues. If the property owners are not satisfied, they may appeal.

Ms. Amend then spoke of the firemen of Fire Company 2 applying the cost of their holiday party toward the fire house renovations now in progress. She suggested the Township Committee should hold its recognition dinner in the Firehouse. Mayor Hennessy stated Fire Company 2 could not be used for this event since it cannot accommodate 150 persons attending the event and contracts have been signed. Mayor Hennessy stated the dinner averages \$100 per person, and the Township will look into other options in the future. Mr. Florek stated the Township Fire Companies and Executive Fire Council are looking into alternatives for the Fire Company annual event.

Mr. Vince Domidion, a resident, spoke of the COAH trust fund disputes. Mr. Florek stated if funds are not collected, there will be nothing in the COAH account. If the ordinance is enforced and funds are collected, COAH will be overseeing this account. Mr. Domidion stated while he was sympathetic to the proposed street name change, there is a long tradition of not putting people's names on roads within the Township. Mr. Domidion stated National Drive is a name of distinction, while not a specific name.

Mr. Ed Piotrowski, a resident, referred to the proposed Trump Boulevard and questioned what the Town stands for. He stated Boulevard is an urban designation and he wants to retain the country feel of the Town.

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

18. **RESOLUTION 2008-144:** EXECUTIVE SESSION was read by title by Mayor Hennessy. Mr. Bowden stated at the conclusion of Executive Session, it is not anticipated to return to public session. Mr. Florek made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Meeting adjourned at 8:50 p.m.

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

Motion by Mr. Florek, seconded by Mr. Stuart and unanimously carried to adjourn Closed Session.

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

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

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

Meeting adjourned at 10:25 p.m.

 Robert Bowden
 Township Administrator/Municipal Clerk