

**TOWNSHIP OF COLTS NECK  
COMMITTEE MEETING  
NOVEMBER 10, 2004  
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 Burry, followed by a salute to the flag. The following statement was read by Township Clerk Bowden. "The notice of the requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a "News Release" to the Asbury Park Press on December 17, 2003 stating that a meeting of the Colts Neck Township Committee would be held on November 10, 2004 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: Deputy Mayor Forester, Committeemembers, Florek, Hennessy, Stuart, and Mayor Burry

Also Present: Robert Bowden, Thomas Bace, Esq. and Aime Sweeney

Absent: None

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1. **ANNOUNCEMENT**: Mayor Burry announced that due to the State Municipal Convention and the Thanksgiving Day Holiday, the next Township Committee meeting will be December 15, 2005, which is the "third" Wednesday in December.
2. **MAYOR'S PROCLAMATION**: Mayor Burry proclaimed December, 2004 as National Drunk and Drugged Driving (3D) Prevention Month within the Township of Colts Neck. A candlelight vigil will be held at the Colts Neck High School on December 8, 2004, 7:00 p.m.
3. **PRESENTATION**: CLEAN COMMUNITIES "EARTH MATTERS" PROGRAM: Mayor Burry introduced Mrs. Elaine Mann. Mrs. Mann explained that each year the Clean Communities Program of Colts Neck sponsors an art contest called "Earth Matters". We ask the fourth grade participants to create an illustration that demonstrates how individuals can participate in keeping the environment litter-free, safe from pollution, etc. There is a first prize of a \$50.00 bond and a \$20.00 second prize and a \$10.00 third prize for each homeroom. Mrs. Mann introduced Mrs. Joan Phillips who has championed the Clean Communities Program since its inception. Mrs. Phillips read all names of the winning students and presented them with their prize. Everyone extended a round of applause and photographs were taken.  
  
Mayor Burry called for a brief recess at 7:45 p.m.  
  
Mayor Burry called the meeting back to order at 7:50 p.m.
4. **PRESENTATION**: SHADE TREE COMMISSION – MEMORIAL TREE PROGRAM: Mayor Burry introduced Shade Tree Commission Chairman, Michael Alagna and Mr. George Fessler. Mr. Alagna explained the Shade Tree Commission's proposal of implementing a Memorial Tree Program. Mr. Alagna said the proposed Memorial Tree Program requires that applicants pay the Township for the purchase and installation of the tree and plaque. The Shade Tree Commission will also coordinate the purchase of the plaque with the applicant to ensure conformity. A detailed form will have to be completed by each applicant for review. The Shade Tree Commission's Memorial Tree Coordinator will assist in the preparation and filing of the Memorial Tree Planting Agreement. Mr. Alagna said the estimated cost per tree is \$400.00. The program is a nice way for the Township to replenish trees and remember a loved one. Mr. Forester asked

what would happen if the tree dies? Mr. Fessler said if it was damaged by the Township, the Township will replace it, otherwise we will ask the applicant if they wish to replace it. Should the applicant not wish to replace it we will give the plaque back. Mayor Burry made minor suggestions on the verbiage in the proposed application. Mr. Hennessy said that if the memorial trees are to be planted at the core site, then an arboretum should be set-up and a plan should be in place. Mr. Alagna said he doesn't feel that will be an issue. Mayor Burry agreed that an arboretum is an excellent idea and feels that Bucks Mill Park would also be a good place for it. Mayor Burry said she strongly feels the Shade Tree Commission should name the Memorial Tree Coordinator. After brief discussion the general consensus of the Township Committee were in favor of the proposed Memorial Tree Program. Mr. Bowden advised that a Chapter 159 Resolution will be on the next meeting agenda which would allow the Township to accept applicants' funds for said Tree Memorial Program.

5. **APPROVAL OF MINUTES FOR OCTOBER 27, 2004** was read by Mayor Burry. Mr. Forester made a motion to approve the Minutes for October 27, 2004, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<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>					

6. **RESOLUTION 2004-190: AUTHORIZING TRANSFER OF FUNDS – 2004 MUNICIPAL BUDGET** was read by Mayor Burry. Mayor Burry explained this is something we do during the last two months and first three months each year in order to pay outstanding bills. With no further comments, Mr. Forester made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

7. **RESOLUTION 2004-191:** AUTHORIZING EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH COUNTY OF MONMOUTH FOR EMERGENCY DISPATCHING SERVICES – 2004-2008 was read by Mayor Burry. With no comments made, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

8. **RESOLUTION 2004-192:** AUTHORIZING AWARD OF BID – RECYCLING SERVICES – DROP-OFF POINT (PUBLIC WORKS GARAGE) was read by Mayor Burry. Mayor Burry advised that Marpal was the apparent low bidder at \$21,880.00. With no further comments, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Hennessy and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>				X	
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

9. **DISCUSSION:** BID OPENING FOR CURBSIDE COLLECTION OF RECYCLING: Mr. Bowden explained that for the recent curbside recycling bid, three bids were submitted and M&S Waste did not bid on the 12 month and only bid on the 24 month proposal. When looking at the bid submitted, Marpal appears to be the low bidder for both the 12 and the 24 month proposal. However, their bid had a condition typed in on the proposal sheet and that involved the fact that the price was based upon dividing the Township up into 4 areas instead of 2 areas as currently is being collected. After the bids were opened a representative from Marpal indicated that he submitted this in reference Section 2.1 on Page 5 of 8 of the Curbside Recycling specifications, which deals with the Contractor being able to make a proposal to the Township with the savings to be realized and the Township can then decide if they want to accept the new proposal or not. Mr. Bowden advised he turned the matter over to the Township Attorney who feels the way the specifications read in their current form are ambiguous and vague, and recommends them to be rejected and rebid with clearer specifications. Mr. Forester said the problem with doing that is the bidders now know each others bids. Mr. Florek said he sees it in another way, that maybe the Township will financially benefit from this. Mr. Bowden said if the bid is awarded now, the other two bidders may challenge it. Mr. Bace said the fact of the matter is the current specifications can be interpreted in two different ways. Mr. Florek asked if there is really any downside to rebidding? Mr. Bace said no and stressed again that he recommends the bid be rejected and rebid with clearer specifications. Mr. Hennessy said he really doesn't want to see a trash collector in town four days a week. After brief discussion the Township Committee agreed to reject all bids and

rebid with the option of dividing the Town into two or four sections. Mr. Hennessy remained in favor of only two sections.

**RESOLUTION 2004-200:** AUTHORIZING REJECTION OF ALL BIDS (CURBSIDE RECYCLING SERVICES) was read by Mayor Burry. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and opposed by Mr. Forester.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>					X
<i>Motion Seconded</i>			X		
<i>Approve</i>	X		X	X	X
<i>Opposed</i>		X			
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

10. **MOTION TO APPROVE A CONSENT AGENDA** was read by Mayor Burry for the following Resolutions:

Resolution 2004-193: Authorizing Release of Escrow Inspection Fees – PB Application No. 604 (Baker)

Resolution 2004-194: Authorizing Acceptance of Performance Guarantees – PB Application No. 611 (Brock Farms)

Resolution 2004-195: Authorizing Partial Release of Cash Performance Guarantee and Inspection Fees – PB Application No. 383 (Parkwood Estates)

Resolution 2004-196: Approving Raffle Application No. 04-42, Colts Neck Women’s Club (Gift Basket Raffle)

Resolution 2004-197: Approving Raffle Application No. 04-43, Colts Neck Women’s Club (50/50 Raffle)

With no comments made, Mr. Florek made a motion to approve all aforementioned consent Resolutions, seconded by Mr. Forester and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>		X			
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

11. **DISCUSSION:** PERMANENT FINANCING/USE OF MONMOUTH COUNTY IMPROVEMENT AUTHORITY (DEPUTY MAYOR FORESTER, COMMITTEEMAN STUART) Mr. Stuart explained that the Township was expecting to finance some \$3,680,000.00 of debt over a twenty year period utilizing the County Improvement Authority. The debt to be included was the Regional Contribution Agreement with Long Branch (\$2,945,000.00), the Road Improvement Program (\$936,700.00), and the recent supplement to the Road Improvement Program (\$100,000.00). The closing was anticipated to be for this December. Due to the date of maturity for the Bond Anticipation Note for Five Points Park, this debt (\$1,140,000.00) was not to be included this year. The problem is that the length of time that payment on Bonds can be made is based on State Law, and is determined by the average life span of the Capital projects to be financed. It has now been determined that the amount of years allowed for the RCA with Long Branch is only six years and the road paving ten years. Averaged together, this will only allow for permanent financing for some seven years. Based on these facts, it is not recommended to proceed with permanent financing this year. By adding the debt for Five Point Park, the Township can proceed with permanent financing next year, when it is expected that the pay-off period will be some thirteen years. Mr. Stuart concluded by saying he feels it would behoove the Township to wait until next year. Mr. Bennett said the question to be asked is if you are going to Bond for a longer period of time to lower the tax rate or a shorter period of time which would increase the tax rate. Mr. Alagna asked if the money could be escrowed now? Mr. Bennett said he doesn't believe so and felt it would end up costing the Township more. Mr. Bennett said the County offers this twice a year and the program depends on how many are in the pool at the time. Mr. Bowden concluded by saying we will consult with our Chief Financial Officer.
12. **DISCUSSION:** DRAFT ORDINANCE – GREENWAY MAINTENANCE – ENTRY LOTS OF COLLECTOR STREETS: Mayor Burry called Mr. Michael Alagna, Shade Tree Commission Chairman forward. Mr. Alagna explained the main benefit to a greenway dedication easement is that it allows the property owner to mow grass, trim trees and remove weeds and vines. This creates a manicured streetscape which enhances the entranceways into the development. The Shade Tree Commission just wants to clean-up these areas. A waiver would have to be signed establishing there would be no liability by the Township. The waiver would not take away any Township rights, and is specific to only entranceways into developments. Mayor Burry said she is troubled this will turn into a “manicured” look and has fears that home owners will come in and wipe out the greenway in its entirety. Mr. Stuart asked if the Shade Tree Commission would have the ability to turn down a request? Mr. Alagna said yes, the Township will have the final say. Mr. Hennessy noted that Mr. Alagna had mentioned earlier that the Planning Board has changed it's “rules” and asked for clarification of that statement. Mr. Hennessy said this is encroachment. The Township has fought for so many years to prevent this. Mr. Hennessy said he feels the Shade Tree Commission is proposing to allow encroachment which opens up something that should not be done. Mayor Burry stated that Mr. Hennessy makes an excellent point. Mayor Burry said residents who have greenways in their backyards will want to have the right to clear it out. Mr. Hennessy said he feels strongly that we should stick to our guns and continue to fight for what we've fought for over so many years. Mr. Alagna said this proposal will bring uniformity to entranceways throughout the Township. Mr. Hennessy said what Mr. Alagna proposes is to promote a more manicured Colts Neck than a natural Colts Neck. Mr. George Fessler said the Shade Tree Commission would make sure this proposal gets the proper screening. Mr. Fessler gave a brief history on easements throughout Colts Neck. Mrs. Mary Massey, Environmental Commission Chairwoman, said the Environmental Commission feels this proposed Ordinance changes the whole fabric of the Town. What if there are neighbors who like how the entranceways look in their natural state? How will this effect torte unity? Mr. Stuart said he feels the Shade Tree Commission is on the right track. Mayor Burry said the lot on Fireside Drive and Laird Road is in the forefront of this proposal. Mr. Chris Lupia said that many years ago a post and rail fence was put up all around the

greenway surrounding the reservoir. Mr. Lupia said he feels a lot of greenways have assimilated themselves into private property. Mr. Lupia said he feels a manicured appearance gives the public an impression that it is private property. Mr. Lupia said greenway access is not well marked for the public. Mr. Vince Domidion said he feels a split rail fence to separate the greenway from private property is a very good idea and gives a clear demarcation. Mary Massey asked the Township Committee how others in Town can be denied the right to clear their backyard greenways when others are allowed to? After brief discussion, the Mayor asked Mrs. Massey and Mr. Alagna to meet together to further examine this proposed Ordinance; the two positions should be considered.

13. **ADMINISTRATIVE REPORT**: Mr. Bowden announced that Mayor Burry has been appointed to serve on the Monmouth County Planning Board. Everyone extended a round of applause.
14. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$2,449,817.28, seconded by Mr. Stuart and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>					X
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

15. **TOWNSHIP COMMITTEE REPORTS**:

Mr. Florek reported that the Long Range Planning Committee has been working diligently to conform with the Master Plan. They are considering a list of historic homes to register with the State and are contemplating drafting an Ordinance to protect historic homes from demolition.

Mr. Florek further reported that the Friends of the Library will have their annual Art Show during the weekend of December 4<sup>th</sup>. The snow date is December 11<sup>th</sup>. The Children's Garden is closed for the winter.

Mr. Florek advised that the Colts Neck Sports Foundation would be receptive to fund raising should the need arise for a new irrigation system to the new Five Point Park.

Mr. Hennessy reported that there will be three groups of Pop-Warner Cheerleaders going to the finals this year.

Mr. Hennessy also reported that the Colts Neck Alliance will have its annual vigil and Bonfire at the Colts Neck High School on December 8<sup>th</sup> at 7:30 p.m. representing the month of December as National Drunk and Drugged Driving (3D) Prevention Month.

Mr. Forester reported that there will be no flu shots for Colts Neck senior citizens this year. This is a very serious problem for us all this year.

Mr. Forester announced that Colts Neck will be the recipient of \$10,000.00 SHARE Grant with Freehold Township.

Mr. Stuart reported that the First Aid Squad has requested permission from the Township Committee to have background checks done on all members. After

brief discussion the Township Committee asked what the cost would be. Mr. Stuart said he will find out and readdress this request.

Mr. Stuart advised that the First Aid Squad inquired what the liability is for them to loan out medical equipment i.e. crutches, walkers, etc.? Mr. Stuart asked if a “hold harmless” waiver should be signed? Mr. Forester asked if we did have a waiver if it would hold water? Mr. Florek said that generally these types of releases do not work.

Mr. Stuart concluded by saying that the Police Department may be ready to present their firing range request before the Township Committee by the next meeting.

Mayor Burry said a new piece of legislature came up at the recent Farmland Preservation meeting in which the Committee was unanimously against. The Farmland Preservation Committee has asked the Township Committee to oppose this legislation.

**RESOLUTION 2004-199:** OPPOSING ASSEMBLY BILL NO. 559 AND SENATE BILL NO. 206 LEGISLATION (ALLOWING COMMERCIAL ACTIVITIES ON PRESERVED FARMLAND) was read in full by Mayor Burry. With no comments made, Mr. Florek made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>			X		
<i>Motion Seconded</i>					X
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

Mayor Burry reported that the Planning Incentive Grant requires an amendment, minor in nature, for administrative purposes. With no further comments, Mr. Stuart made a motion to amend the Planning Incentive Grant, seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>					X
<i>Motion Seconded</i>			X		
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

Mayor Burry announced the Historic Preservation Committee will have its annual Williamsburg Christmas at 1:00 p.m. on December 6<sup>th</sup> which is also the same day that Santa arrives, and the Friends of the Library will be conducting their Art Show.

Mayor Burry reported that the Architectural Review Committee is discussing being allowed to review any and all demolition permits before they are issued.

Mayor Burry reminded everyone that a Veteran's Day Ceremony will be held at the Cedar Drive School at 11:00 a.m., on November 11<sup>th</sup>.

**16. COMMENTS FROM THE PUBLIC:**

Mrs. Virginia Amend asked how Holly Bush Farm was allowed to be demolished? Mayor Burry gave a brief history of what lead up to the demolition. Mayor Burry said she feels strongly that the Town needs to change its administrative procedures in this regard.

Mr. Vince Domidion said he is happy the Town approved Resolution 2004-199 opposing Assembly Bill No. 599 and Senate Bill No. 206.

Mr. Domidion advised that he recently attended a meeting at the Area 12 Watershed in which he acquired some invasive plant brochures. Mr. Domidion forwarded said brochures to the Township Committee.

Mrs. Judy Laufer said she mailed some 68 postcards notifying seniors of the Veteran's Day Ceremony at the Cedar Drive School. Mrs. Laufer said flu vaccinations were given to seniors at a price of \$30.00 each and the last flu vaccination clinic is November 20<sup>th</sup>. Mrs. Laufer said she is elected again as President to the Senior Citizen's Club for 2005. Mrs. Laufer concluded by inviting the Township Committee to the Senior Citizen Holiday Luncheon at The Mill on December 15<sup>th</sup>.

17. **RESOLUTION 2004-198:** EXECUTIVE SESSION was read by Mayor Burry. With no further comments, Mr. Forester made a motion to adjourn at 10:40 a.m., seconded by Mr. Stuart and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR BURRY</b>	<b>DEPUTY MAYOR FORESTER</b>	<b>FLOREK</b>	<b>HENNESSY</b>	<b>STUART</b>
<i>Motion To Approve</i>		X			
<i>Motion Seconded</i>					X
<i>Approve</i>	X	X	X	X	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

\_\_\_\_\_  
Robert Bowden,  
Township Administrator

RB/as