

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
NOVEMBER 12, 2008  
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 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 November 12, 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

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- ANNOUNCEMENT:** Mayor Hennessy offered congratulations on behalf of the Township Committee to Messrs. Edward Eastman and Jarrett Engel for their election wins as Township Committee members commencing January 2009.

Mr. Schatzle advised the Township Committee that there were 100 volunteers putting out a structure fire on Red Hawk Road. Mr. Schatzle reported two police officers were brought to the hospital. Mr. Schatzle left the meeting to visit the police officers, noting he expects to return prior to meeting conclusion.

- ANNOUNCEMENT:** Mayor Hennessy announced the next Township Committee meeting will be held December 10, 2008. There will be no meeting the night before Thanksgiving.

- MAYOR'S PROCLAMATION:** PROCLAIMING DECEMBER 2008 AS NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH WITHIN THE TOWNSHIP OF COLTS NECK. Mayor Hennessy noted motor vehicle crashes kill over 40,000 people and injure three million each year, with 38 percent of those deaths and injuries attributed to alcohol. Mayor Hennessy called upon all to support programs and policies to reduce the incidence of impaired driving and to participate in the "You Drink & Drive, You Lose" Campaign this December holiday season and throughout the year.

- APPROVAL OF MINUTES OF OCTOBER 29, 2008:** Mr. Stuart made a motion to approve, seconded by Mr. Forester and unanimously carried.

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

5. **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 second 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. Mr. Forester recommended Committee members vote “no” stating this is above the private sector and in excess of what should be approved. With no further comments from the Governing Body, Mayor Hennessy opened the meeting to public comment. Hearing none, Mayor Hennessy closed the meeting. Mr. Stuart made a motion to approve, seconded by Mr. Florek and approved by Messrs. Hennessy, Florek, and Stuart; Mr. Forester opposed; Mr. Schatzle was absent.

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					

6. **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. With no consensus and given the remaining number of meetings this year, this ordinance was tabled.

7. **ORDINANCE NO. 2008-17:** AN ORDINANCE AMENDING CHAPTER 102, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY was read by title at first reading by Mayor Hennessy. The purpose of this ordinance is to implement the growth share policies promulgated by COAH in its third round rules to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH’s Third Round, which extends from 1999 to 2018. A growth share approach to affordable housing production requires affordable housing to be produced in conjunction with market rate residential growth and development within the Township. Mr. Florek explained the particulars of requirements for both residential and commercial properties as well as the major changes and impact within the Township. Mr. Florek made a motion to approve, seconded by Mr. Stuart and unanimously carried. Mayor Hennessy set the date for public hearing December 10, 2008.

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					

8. **RESOLUTION 2008-145:** AUTHORIZING FORMAL TRANSFER OF FUNDS, 2008 BUDGET was read by title by Mayor Hennessy. Mr. Bowden stated funds were being transferred from the “other expenses” categories within Legal Services, \$9,000; and Recreation Services and Programs, \$10,000; to cover additional expenses within Buildings and Grounds, \$5,000; Maintenance of Parks, \$10,000; Electricity, \$3,000; and Fuel Oil, \$1,000. Mr. Stuart made a motion to approve, seconded by Mr. Forester and unanimously approved.

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

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

10. **\*RESOLUTION 2008-146:** AUTHORIZING REFUND OF TAX OVERPAYMENTS FOR 2008.
11. **\*RESOLUTION 2008-147:** AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, PLANNING BOARD APPLICATION NO. 525, (FOLIO).
12. **\*RESOLUTION 2008-148:** AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 7.01, LOT 1 (44 CLOVER HILL ROAD).

Mr. Florek 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					

13. **RESOLUTION 2008-149:** AUTHORIZING THREE-YEAR AGREEMENT FOR USE OF BUCKS MILL PARK FOR CRAFT FAIR (MEMORIALIZATION). This resolution was taken out of the consent agenda, as discussion ensued regarding the length of agreement. Mr. Florek questioned whether the Township could enter into a multi-year agreement and noted he did not see any termination clause. The resolution was amended restricting the lease term to one year, i.e., 2009, subject to review by the Township Attorney. Mr. Stuart made a motion to approve, seconded by Mr. Forester and carried by Messrs. Hennessy, Forester, Stuart; Mr. Florek voted no; Mr. Schatzle was absent.

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

14. **DISCUSSION:** FENCE ACROSS CONSERVATION EASEMENT; ONE MOCKINGBIRD LANE; PAPETTI, OWNER. Mr. Papetti addressed the Governing Body noting he needs to fence the boundary of his property for the protection of his autistic children. The proposed perimeter fence would cross the conservation, open space drainage and utility right-of-way easement. Mr. John Orrico, realtor and resident, addressed the Governing Body on Mr.

Papetti's behalf. Counsel Bennett advised fencing cannot be placed within sight triangles, and Mr. Papetti was asked to ask the Police for the exact location of the sight triangles on this property. Mr. Florek requested the property survey be annotated showing easements, the retention pond, sight triangles and the fencing being proposed. Mr. Papetti was asked to return at the next meeting, December 10, 2008, with his annotated survey for further consideration by the Governing Body.

15. **DISCUSSION:** LOCK BOX ORDINANCE FOR COMMERCIAL, MULTI-FAMILY RESIDENTIAL, GOVERNMENTAL STRUCTURES, SCHOOLS AND CARE FACILITIES. Mr. Florek discussed the subject ordinance for implementation within the Township. Discussion ensued. Section 1, Section 8-291, Paragraph (c) was revised to include the following "The Fire Chief shall designate *with the approval of the Township Committee* the type of key lock box system to be implemented within the ~~city~~ *Township . . .*" (changes italicized). Mr. Florek stated a lock box would be placed in the Fire Chief's vehicle and one in each of two Fire Company response vehicles. The boxes could only be opened by a tone from the County. The Executive Fire Council and Township Fire Companies have reviewed this draft ordinance. This would apply to any new commercial structures, and existing structures would have a one-year conversion period. Multi-family dwellings with common corridor access for living units would also be required to comply. Discussion ensued regarding the timing for ordinance introduction, and consensus was the ordinance would be introduced in January.

16. **DISCUSSION:** RENAMING ALL OR A PORTION THEREOF OF PROFESSIONAL CIRCLE. Mr. Ed Russo of the Trump organization stated there are neighbors and interested parties present to express their thoughts on the street name change. Ms. Amy Wilner, Executive Director of Brandywine Assisted Living Facility, stated Brandywine is in favor of changing their address to 3 Trump Boulevard since Meridian no longer operates the assisted living facility and Meridian Circle has no validity. Mr. Glenn Dalakian, speaking on behalf of the Colts Neck Business Association, stated Association members are in favor of the name change. He stated the Trump Trump name is a good draw for the business community within Colts Neck. Mr. Scott Losquadro, representing the shareholders of Fairway Executive Plaza, stated the name "Professional Circle" was chosen initially; however, his organization has no objection with re-naming the northern end of Professional Circle to Trump Boulevard. Mr. Losquadro stated both office buildings are owned by his family. Mr. Hennessy stated all comments received this evening will be considered by the Governing Body.

17. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report.

Mr. Stuart introduced the "Project Little Soldiers" program facilitated by Sen. Jennifer Beck. Mr. Stuart stated since its inception, the program has provided 38,250 gifts for the children of deployed soldiers with the State of New Jersey. This year, the goal is 7,000 gifts. The Township was given 43 "wish" stars, and Mr. Stuart urged all in attendance to select a star, grant a gift wish, and return the unwrapped present with star affixed to Town Hall by December 3, 2008.

18. **MOTION TO APPROVE VOUCHERS.** Deputy Mayor Forester reviewed and signed the vouchers, noting all were in order, and are as follows:

Animal Control	\$6.60
Capital Fund	\$9,456.08
Construction Trust	\$11,523.15
Current Fund	\$278,039.27
Escrow	\$50,469.57
Grant Fund	\$5,455.04
Trust Fund	\$15,161.54
<b>TOTAL APPROVED:</b>	<b>\$370,111.25</b>

Mr. Bowden read one additional voucher into the record in the amount of \$300.00, payable to the Colts Neck Reformed Church in payment for the hand bell concert at the Williamsburg Christmas. Mr. Forester made a motion to approve all vouchers, seconded by Mr. Florek and carried by Messrs. Hennessy, Forester and Florek. Mr. Stuart approved all but one voucher (reimbursement of his personal expenses), for which he abstained.

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

**19. TOWNSHIP COMMITTEE REPORTS:**

Mr. Florek announced the Colts Neck Sports Foundation Board of Directors for the 2008/2009 fiscal year, as follows: Joe Neidermeyer, President; Brian McNally, Rec Vice President; Bob Hempstead, Travel Vice President; John Luongo, Treasurer; and Mike Ianelli, Secretary.

Mr. Florek reported the COAH Spending Plan has been finalized. A resolution is needed showing intent to bond affordable units under our Third Round obligations will be forthcoming at the next Township Committee meeting.

Mr. Florek reported a Pancake Breakfast to benefit the Fire Department is scheduled at the Colts Neck Community Church, 25 Merchants Way, November 15, 9:00 a.m. to 12:00 noon. All were urged to attend.

Mr. Florek reported household battery recycling receptacles made by Eagle Scout, Brian Calder, are in place at Town Hall near the Library mailboxes, at the Post Office and at the Community Center Building in Bucks Mill Park. These boxes provide receptacles for recycling household batteries 24/7/365.

Mr. Forester reported the Senior Citizens luncheon one week ago was enjoyable and included entertainment. The Christmas luncheon is scheduled for December 3<sup>rd</sup> at the Molly Pitcher Inn.

Mr. Stuart reported he met with Mr. Magnani, Mr. Bowden and Mr. Neil Rubenstein from Realty Appraisal last Monday to discuss the revaluation. Mr. Stuart stated preparatory work has begun and will continue through January 2009. During January and February 2009, property owners will be notified and inspections will commence for both residential and commercial property owners. Inspections will be completed by September 2009, and by December 2009, a new tax tape will be filed with Monmouth County. Mr. Stuart advised if the property owner is not satisfied with the results, after discussion with the appraisal firm's representatives, they may appeal before the deadline of April 1, 2010. Mr. Stuart advised residents can view their records to ensure accuracy.

**20. COMMENTS FROM THE PUBLIC:**

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

Ms. Virginia Amend, editor of the Colts Neck Calendar and a resident, stated the Proclamation of National Drunk and Drugged Driving Prevention Month is just window dressing. Ms. Amend stated the Township Committee has not dealt with the prohibition of alcohol on public land. Ms. Amend stated the Little Soldiers is a warm and fuzzy issue; however, she would like to see financial issues dealt with. Ms Amend stated she personally has a great niece shipping out shortly, leaving two children behind. Ms. Amend questioned the reason for bonding \$850,000 for COAH. Mr. Florek responded noting COAH obligations will cost approximately \$850,000 to \$1 million, with the Township making up the amount not funded through developers' fees. Mr. Florek stated the COAH spending resolution would be on next meeting's agenda.

Mr. Vince Domidion, a resident, reported the Cool Cities Program would be held in Freehold in the Ag Building this Saturday between 9:00 a.m. and 12:00 noon. Mr. Domidion reported the County Planning Board is developing the Scenic Byways Program and is looking for four municipalities to participate. Mr. Domidion stated Colts Neck should participate in this program and he is available to speak with someone regarding this issue. Mr. Florek stated he is the liaison for County government, and he will speak with Mr. Domidion. The County is requesting a resolution by December 31, 2008.

Mr. John Walsh, a resident of Heyers Mill Road, spoke of the punch list for the Twin Pond development. He is concerned about the grading, as it is affecting his property. His property is hanging in mid-air and he has letters from Mr. Gerken stating the grading has to be addressed. When Mr. Florek questioned if the Township should move to default, Mr. Bowden advised he has not seen Mr. Gerken's punch list and estimated costs on all items in the subdivision. Mr. Florek stated a letter should be issued to Mr. Petillo. If no response is forthcoming, the funds held in escrow should be used to rectify the problem. Mr. Bowden stated if the builder does not address the issue, the Township will use the funds to complete the grading work. Mr. Walsh stated the new owner of an adjacent property is seeking Planning Board approval to build a barn, the location of which may impact on final grading of his property. Mr. Walsh stated he will speak at the next Planning Board meeting.

Mr. Schatzle returned to the meeting in progress at 8:30 p.m. Mr. Schatzle stated both police officers involved in the fire are in the hospital and are both in good shape.

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

21. **RESOLUTION 2008-150** 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. Forester made a motion to approve, seconded by Mr. Florek and unanimously carried. Meeting adjourned at 9:00 p.m.

RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Hennessy		X			
Deputy Mayor Forester	M	X			
Florek	S	X			
Schatzle		X			
Stuart		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 adjourn Closed Session.

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 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 9:50 p.m.

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 Robert Bowden  
 Township Administrator/Municipal Clerk