

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
NOVEMBER 28, 2007
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 Stuart followed by a salute to the flag. The following statement was read by Township Administrator/Clerk, Robert 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, 2006 stating that the meeting of the Colts Neck Township Committee would be held on November 28, 2007 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 Stuart, Deputy Mayor Hennessy, Committeemembers Forester, Florek and Schatzle

Also Present: Robert Bowden; Thomas Bace, Esq.(arriving late), John O. Bennett, III, Esq. (arriving late), and Beth Kara

Absent: None

1. **MAYOR'S PROCLAMATION:** : PROCLAIMING DECEMBER 2007 AS NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH WITHIN THE TOWNSHIP OF COLTS NECK. Mayor Stuart read the proclamation in full. Mayor Stuart announced the vigil at Colts Neck High School scheduled on December 5, at 6:30 p.m. Mr. Schatzle urged all to attend.

2. **PRESENTATION:** REVERSE 911 EMERGENCY SYSTEM, SWIFTREACH NETWORKS. Police Chief Kevin Sauter stated the Swiftreach network-based system can provide notifications via telephone, cell phone, text messaging, pager, e-mail and TTD/TTY machine to targeted areas within town. Chief Sauter stated the system can reach 3,600 contact points within ten minutes. The system can also be used for senior citizens' home monitoring, the frequency of which can be tailored by the individual household to meet their needs. Chief Sauter stated the web portal link to Swiftreach permits residents and businesses to update their contact information directly.

Mr. Bace arrived at 7:37 p.m.

The system is hosted by Swiftreach, which has four redundant locations to ensure 24/7 service. Chief Sauter indicated he would develop information to be put on the Township website, and additional information can be obtained at www.Swiftreach.com. Chief Sauter stated \$30,000 was budgeted for a reverse 911 system, and this system cost approximately \$25,000. Mr. Forester questioned the purchase and stated he was not aware of the Governing Body's approval of this particular system. Mr. Hennessy commented the Township was looking for a system to meet its needs since 2003, and technology has finally met the requirements. Mr. Bowden called for a motion to authorize the purchase and put the system into motion. Mr. Schatzle made a motion to approve, seconded by Mr. Hennessy, carried by Messrs. Florek, Schatzle, Hennessy and Stuart; opposed by Mr. Forester.

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

3. **APPROVAL OF MINUTES OF OCTOBER 31, 2007:** Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

4. **RESOLUTION 2007-166:** CONFIRMING APPOINTMENT TO COLTS NECK HISTORICAL PRESERVATION COMMITTEE – MS. TONI MORELLO was read by title by Mayor Stuart. Mr. Schatzle stated the Historical Preservation Committee appreciates all the hard work done by Peggy Joline, who has resigned from her position after many years of dedicated service. The Historical Preservation Committee looks forward to working with Ms. Morello. 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 Stuart		X			
Hennessy		X			
Forester		X			
Florek	S	X			
Schatzle	M	X			
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded					

5. **RESOLUTION 2007-167:** AUTHORIZING FORMAL TRANSFER OF FUNDS - 2007 was read by title by Mayor Stuart. This resolution authorizes the transfer of \$10,000 from Employee Group Health to Buildings and Grounds (\$5,000) and Electricity (\$5,000) to cover additional expenses. Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

6. **RESOLUTION 2007-167A:** AUTHORIZING AMENDMENT TO REVALUATION CONTRACT was read by title by Mayor Stuart. Mr. Bowden stated this resolution was requested by the State to reflect one amendment to the revaluation contract with Realty Appraisal Company to change the review process to one month, November 15, 2008 through December 15, 2008. At this

point, discussion ensued and Mr. Magnani, Tax Assessor, was requested to join the discussion in progress. Mr. Magnani advised the State required the date change since the statutory date by which he must certify to the County is January 10, 2009. Discussion ensued and Mr. Magnani advised another resolution would be required in September 2008 authorizing Realty Appraisal to mail out the letters to the residents on the results of the process. Mr. Florek made a motion to approve, seconded by Mr. Hennessy and unanimously carried. With no further clarification required, Mr. Magnani excused himself.

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

7. **MOTION TO ADOPT A CONSENT AGENDA:**
8. ***RESOLUTION 2007-168:** APPROVING RECREATION PROGRAM REFUNDS.
9. ***RESOLUTION 2007-169:** AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 16, LOT 35.01 (PRIMIS DEMOLITION).

Mr. Forester made a motion to approve, seconded by Mr. Hennessy and unanimously carried.

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

10. **ADMINISTRATIVE REPORT.** Mr. Bowden had nothing further to add to his report. Mr. Bowden stated he was very happy to report he was advised today Ms. Kara passed the Municipal Clerk's examination, which he can attest is a difficult exam. Mr. Bowden stated he was very proud of Ms. Kara's accomplishment. The Township Committee applauded Ms. Kara, as did those in attendance this evening.
11. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reported he reviewed and signed the vouchers, commenting this was a large list, noting all were in order, and are as follows:

Animal Control	7.20
Construction Trust	\$20,509.62
Current Fund	\$489,247.60
Escrow	\$11,124.50
Grant Fund	\$1,200.00
Tax Collectors Trust	<u>\$19,269.44</u>
TOTAL APPROVED:	\$541,358.36

Mr. Schatzle commented that he has placed a letter on file with the Clerk that he abstains from approving all CMX vouchers. Mr. Forester made a motion to approve all vouchers, seconded by Mr. Florek and unanimously carried.

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

12. TOWNSHIP COMMITTEE REPORTS:

Mr. Schatzle reported another successful First Aid extrication drill was held.

Mr. Schatzle reported he attended the Governor’s Teen Driver Safety Commission meeting at Colts Neck High School November 19, at which 100-150 people from the area were present. Mr. Schatzle registered his comments that evening.

Mr. Schatzle reported he and Mayor Stuart have been working with JCP&L and Township residents regarding the tree cutting. He stated Sen. Bennett, Township Attorney, was successful in negotiating a temporary stop work order. Mr. Schatzle praised the work of Mayor Stuart and Administrator Bowden in orchestrating Sen. Bennett’s intervention and stated the goal is to save as much as we can.

Mr. Schatzle reported he attended the Earle scoping session held at Brookdale, and he was fascinated to see how much this meeting must have cost given the staffing, presentation stations and the glossy hand outs. Mr. Schatzle stated he did a lot of listening and reported Congressman Smith and Mrs. Fisher were present. Mr. Forester commented he received quite a few “I don’t know” responses to his questions. Mr. Florek commented he asked three different people the same question, to which he was given three different answers.

Mr. Florek reopened the issue of the sale of the 1952 Reo brush truck. Mr. Florek moved to sell the truck and have the Fire Department retain the proceeds, stating this has happened in the past. Mr. Forester seconded Mr. Florek’s motion. Mr. Hennessy stated he wants the proceeds to return to the Township, and he has no problem in then allocating funds to the Fire Department for their needs. Mayor Stuart stated he wants the proceeds to return to the Township, stating this is a matter of protocol, and although proceeds may have gone to the Fire Department from previous sales, the funds should be returned to the Township for disposition. Mr. Schatzle stated the sale of Township property is procedural. Mr. Schatzle stated when the new brush truck was inspected, three major unanticipated additions were needed costing \$5,000, which were funded by the Fire Company itself. The vehicle title is issued to Colts Neck Civil Defense and must be changed to either the Township or the Fire Department.

Sen. Bennett arrived at 8:20 p.m.

A motion to sell the fire truck and use the proceeds for safety equipment was made by Mr. Florek, seconded by Mr. Forester, carried by Messrs. Florek, Forester and Schatzle, and opposed by Messrs Hennessy and Stuart.

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

Mr. Florek reported he has been receiving responses to his COAH letter to municipalities in the similar situation as Colts Neck. He will continue to follow up with these interested municipalities and keep the Governing Body apprised.

Mr. Florek reported the Architectural Review Committee was successful in negotiating with a builder to upgrade the materials used, which is in the interest of Colts Neck. Mr. Ron Hesslein's term is expiring, and Mr. Florek stated the Committee is in favor of having his term renewed.

Mr. Florek reported he and Mr. Forester will be attending another meeting to discuss the readjustment of the funding formula for the Freehold Regional School System.

Mr. Hennessy reported the Navesink Brass will perform in the Court House Sunday at 3:30 p.m. At 4:30 p.m., the annual tree lighting will occur, and a visit from Santa is expected. Refreshments will be provided within Town Hall.

Mr. Forester reported 146 seniors are scheduled to attend the luncheon at Doolan's, Spring Lake, next Wednesday.

Mr. Forester reported he and Mayor Stuart met with Freeholder Burry and Monmouth County Library System staff to discuss continued participation. Based on the information provided, Mr. Forester stated the idea of leaving the Monmouth County Library System has come and gone.

Mayor Stuart reported he met with residents Monday evening regarding JCP&L's clear cutting near the power lines. Mayor Stuart gave kudos to Township Counsel, Sen. Bennett, for stopping the work today. Mayor Stuart stated the goal is to cut just below the wires and to maintain a reasonable buffer. Mayor Stuart cautioned this is a temporary work stoppage; they will return. Mayor Stuart again thanked Sen. Bennett and stated a legal injunction won't work.

13. COMMENTS FROM THE PUBLIC:

With no further comments, Mayor Stuart opened the meeting for public comment.

Ms. Judy Laufer, President of Colts Neck Senior Citizens and a resident, reported over 60 veterans participated in this year's Veteran's Day commemoration. Ms. Laufer commented this was a very moving ceremony and gave kudos to the Women's Club and the Recreation Department for this event.

Ms. Joan Hostnick, a resident, stated for the past 15 years North Point Drive has not been repaved. She cited there are now 21 faults in the paving, and a large gully created during repaving of the adjacent street, which is a safety issue. Mr. Bowden responded North Point Drive is a forgotten little street that is now on the list for repaving.

Mr. Chris Lupia, a resident, stated the focus of Earle housing opening to the public has been its effect on schools. Mr. Lupia stated the Base's safety factor is what should be stressed since this is a munitions station. Mr. Lupia questioned the sale of a house currently located within the Earle fencing. Sen. Bennett responded the security issue is what the Township Committee is focusing on, and Congressman Chris Smith's position is no civilians at Earle. With regard to the house, Sen. Bennett advised the fencing would be re-routed and the house would then be outside the Earle property.

Mr. Chris Brooks, a resident, questioned the duration of the JCP&L work stoppage and commented JCP&L is not working with the residents. Mayor Stuart responded they have the right of law on their side. Homeland Security has taken a hard line on the easements and they are complying with their

directive. Sen. Bennett spoke of the work stoppage he was able to negotiate today and cautioned this is a temporary stoppage. With the new Board of Public Utilities regulations and the Homeland Security directives, this is no longer an option. Sen. Bennett stated the law is in JCP&L's favor as the rights of way are theirs. Individual cases will be reviewed on a case-by-case basis to see what may be done; litigation is not an option.

Ms. Virginia Cornette, a resident, questioned if there was any way to make JCP&L pay for the destruction, stating there has to be a master plan to make lines in a residential area. Sen. Bennett stated the power lines were there long before the homes were built. He then stated we cannot expect JCP&L to pay for implementing directives based on a change in regulations. Mr. Florek questioned whether adverse possession could be claimed, to which Sen. Bennett replied no. Sen. Bennett also commented JCP&L restoration would establish precedent impacting all affected areas throughout the State.

Mr. Joe Truncale, a resident, asked if the residents should be present when the cutting is performed. Mayor Stuart responded in the affirmative and suggested getting Ms. Julie McGowan, Township Landscape Architect, involved in the process. Mr. Schatzle suggested homeowners prioritize their trees and be ready to compromise. Mr. Schatzle stated he has not been successful in obtaining a work schedule timeline for the tree cutters, and he is continuing his efforts to do so.

Mr. Vince Domidion, a resident, asked if JCP&L clears to bare earth, is it possible to control the run off and sediment? Mr. Domidion will be researching other regulations to determine relevance. Mr. Domidion stated he wants to opt out of the reverse 911 system.

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

14. **RESOLUTION 2007-170:** EXECUTIVE SESSION was read by Mayor Stuart at 9:07 p.m. Mr. Hennessy made a motion to adjourn and go into Executive Session, seconded by Mr. Forester and unanimously carried.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Stuart			X			
Hennessy	M		X			
Forester	S		X			
Florek			X			
Schatzle			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 at 10:15 p.m.

The Township Committee reconvened in public session and adopted a resolution confirming a contract with FSD Enterprises, LLC, for services performed relative to the wireless antennae constructed behind the First Aid Squad. The contract stipulates payment of 30% of the value of the first year lease payment from the lead bidder and 25% of the first year lease value of all other tenants occupying said tower within 12 months of the first building permit being issued.

15. **RESOLUTION 2007-171:** CONFIRMING AN AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND FSD ENTERPRISES, LLC, AND AUTHORIZING THE EXECUTION THEROF, FOR THE PROVISION OF WIRELESS TELECOMMUNICATIONS CONSULTING SERVICES was read by title by Mayor Stuart. 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 Stuart		X			
Hennessy		X			
Forester	S	X			
Florek	M	X			
Schatzle		X			
X - indicates vote NV - Not Voting Ab – Absent M - Moved S - Seconded					

Motion by Mr. Hennessy, seconded by Mr. Forester to adjourn meeting.
 Motion unanimously carried.

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

Meeting adjourned at 10:20 p.m.

 Robert Bowden
 Township Administrator/Clerk

RB:bk