

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
NOVEMBER 29, 2006
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 Florek 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 22, 2005 stating that the meeting of the Colts Neck Township Committee would be held on November 29, 2006 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 Florek, Deputy Mayor Stuart, Committee Members Hennessy, Burry and Forester

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

Absent: None

1. **PUBLIC RECOGNITION:** HONORABLE FREEHOLDER THEODORE J. NAROZANICK – MAYOR FLOREK AND COMMITTEEWOMAN BURRY. Mayor Florek asked Mrs. Burry to assist with the presentation. Mrs. Burry spoke of Mr. Narozanick's many accomplishments, including being a decorated war veteran. During his 42 years of public service in Monmouth County, he was the moving force behind the Monmouth County Library System, Brookdale Community College, the Agricultural Building, Child's Advocacy Program, growth of the Monmouth County Parks System, among many other accomplishments. Mr. Narozanick coined the phrase, "the Jewel of Monmouth County" describing Colts Neck. Through the years, he was present at all major Township events. Mrs. Burry concluded with calling Mr. Narozanick "the Jewel of Monmouth County", a shining example of a true public servant, devoted and responsive to all you serve. Mayor Florek then presented the plaque in grateful appreciation and recognition for a lifetime of public service to our Country and the residents of Monmouth County. Mr. Russ Keimig, Commandant of the Philip Reynolds Detachment, Marine Corps League then spoke on behalf of the many members present this evening. Mr. Keimig stated Mr. Narozanick is an honorary member of this detachment. He stated Mr. Narozanick was an honest and sincere man who has done more for Monmouth County Veterans than anyone. He expressed the appreciation of his Detachment, many of whom were present, and awarded Mr. Narozanick the Silver Medallion of the Marine Corps. In his remarks, Mr. Narozanick said he has patterned his life after Henry Clay, "Government is a trust, the officers are trustees, and it is created for the benefit of the public." He then stated the 65th anniversary of Pearl Harbor would be commemorated on December 1, 2006 in the Brookdale Gym.
2. **MAYOR'S PROCLAMATION:** PROCLAIMING DECEMBER 2006 AS NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH WITHIN THE TOWNSHIP OF COLTS NECK. Mayor Florek read the proclamation in full.
3. **PUBLIC HEARING:** MONMOUTH COUNTY OPEN SPACE GRANT PROGRAM – CEDAR DRIVE PARK TENNIS COURTS. Mayor Florek stated the hearing was cancelled, as the application was not accepted by Monmouth County.

4. **PRESENTATION:** LEASING OF TOWNSHIP PROPERTY FOR WIRELESS ANTENNAE. Mr. Declan O’Scanlon stated the dismantling and replacement of the current wireless communication towers were necessary to replace outdated equipment and provide access space to wireless carriers. By erecting one large cell tower, wireless providers will be able to co-locate their antennas and avoid multiple large antennas throughout Colts Neck. Three of the four major carriers (Verizon Wireless, Sprint/Nextel and OmniPoint) bid on this project. Through negotiations with Mr. O’Scanlon, the three carriers agreed to their positions on the tree-like antennae to be constructed. The winning bidder will upgrade existing Township communications equipment, remove the two outdated cell towers and provide one tree-like antennae, 120 feet in height, at the municipal complex. In addition, the Township is expected to receive approximately \$187,000 value the first year (\$106,000 in revenue and \$81,000 worth of equipment upgrades), and \$83,000 revenue per year for subsequent years. The 40’ x 40’ base area required may need to be expanded to nearly 50’ x 50’. The 120’ height would have carrier antennas placed at 120’, 110’, 100’ and 90’; however, the 90’ height may be too low for adequate service. Mr. Stuart stated this was a three-year process that involved several plan changes; however, he is very pleased with the results. Mr. Hennessy stated he was a strong advocate of the tree antennae style and asked if this was the time to work with the winning bidder to add an additional 20’ to the height for future antennae additions. Mr. Hennessy stated several sections in Town have minimal reception, and the changes in communications equipment and tower capabilities will enhance the community’s emergency communications coverage. At Mr. Hennessy’s request, Mr. O’Scanlon stated he would explore the option to have the structure designed to be raised an additional 10’ to 15’ in height in future years. Mr. O’Scanlon commended Mr. Bace, Township Attorney, for doing an outstanding job with this project. Mayor Florek and each of the governing body commended Messrs. O’Scanlon and Bace on a job well done.
5. **RESOLUTION 2006-157:** AUTHORIZING AWARD OF BID – LEASING A PORTION OF TOWNSHIP PROPERTY (BLOCK 16, LOT 11) FOR WIRELESS TELECOMMUNICATIONS ANTENNAE AND RELATED SUPPORT FACILITIES AND EQUIPMENT was read by title by Mayor Florek. Omnipoint Communications, Inc. is the highest qualified bidder and designated “lead carrier” for construction and maintenance of the municipal and wireless communications tower. The contract period is five years with four successive five-year options to renew for total lease amount of \$36,000.00 per year with a three percent annual increase after the first year. With no further comments from the governing body, Mr. Forester made a motion to approve, seconded by Mr. Stuart and unanimously carried.

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

6. **ORDINANCE 2006-22:** AN ORDINANCE AMENDING CHAPTER 102, ENTITLED “DEVELOPMENT REGULATIONS”, OF THE TOWNSHIP CODE OF THE TOWNSHIP OF COLTS NECK, CONCERNING THE REGULATION OF HAYRACK RIDES AT TEMPORARY SEASONAL FARM STANDS was read by title on second reading by Mayor Florek. Mayor Florek stated the Planning Board must review this ordinance prior to adoption. The ordinance was tabled for the meeting of December 13, 2006, and all interested parties should return then for the public hearing prior to adoption.

7. **ORDINANCE 2006-23:** AN ORDINANCE AUTHORIZING AN EXCHANGE OF PROPERTIES FOR GREENWAY PURPOSES (BLOCK 10, LOTS 9.01 AND 9.06) was read by title on second reading by Mayor Florek. The exchange of these properties would convey approximately 2,290.78 sq. feet of Block 10, Lot 9.01, which would be annexed to Lot 9.06 and is appraised at approximately \$26,600.00, to the Clemente's, and 2,324.46 square feet of Block 10, Lot 9.06, would be annexed to Lot 9.01 and maintained as part of the existing Township greenway, with an appraised value of \$30,000.00. Mr. Hennessy stated he is opposed to the passage of this ordinance, as the Township gains little, while the homeowner gains a protected side yard, and the exchange eliminates the need for the homeowner's removal of the elevated patio. Mr. Hennessy also stated this prevents easy access to the Monmouth County Space Plan's walking path to Thompson Park and the Marlboro Hospital. Mrs. Burry stated she is unsure why the governing body is considering passage. Mr. Stuart advised the Shade Tree Commission devoted time to this issue, and they are championing its adoption. Mr. Hennessy advised the Environmental Commission opposed its adoption. Mayor Florek stated exchanging the property would have less of an environmental impact on the property than if all was removed. Mr. Hennessy and Mrs. Burry stated there was a steep bank remaining near the walking path, while Mayor Florek disagreed. With no further comments, Mayor Florek opened the meeting to public comment.

Mr. Vince Domidion, a resident, stated this should not be adopted. He advocates rejecting the land swap and having the wall terraced back to the property line. Mr. Domidion questioned the use of approximate equal value of the parcels involved. He stated the lands involved should not be measured as an economic resource, but as an environmental resource—dollars are not the correct measure to use. He recommends moving the wall and re-planting the lower terrace.

Mr. Bennett arrived during this discussion at 8:20 p.m.

Mayor Florek stated the enforcement of violations is important, and rigorous enforcement is appropriate. Mayor Florek stated this is a unique situation and should be seen as such.

Ms. Judy Laufer, a resident, asked if this was setting a dangerous precedent. Mayor Florek responded this situation is unique and is judged on its merits.

With no further comments, Mayor Florek closed the public portion of the meeting.

Mr. Stuart made a motion to approve, seconded by Mr. Forester, Mr. Hennessy and Mrs. Burry opposed, and Messrs. Forester, Stuart and Florek approved.

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

8. **RESOLUTION 2006-163:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2006 was read by title by Mayor Florek. Mayor Florek stated budget transfers of \$24,000 from Legal Services and Snow Removal to Buildings and Grounds, Telephone, Electricity and Gasoline to cover additional expenses is authorized by this resolution. Mrs. Burry made a motion to approve, seconded by Mr. Forester and unanimously carried.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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. **MOTION TO ADOPT A CONSENT AGENDA:** Mayor Florek read the following consent agenda resolutions, by title:

***RESOLUTION 2006-164:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE – SOIL REMOVAL – BLOCK 13, LOTS 28 AND 42 (ORGO).

***RESOLUTION 2006-165:** AUTHORIZING REDUCTION IN PERFORMANCE GUARANTEE – PLANNING BOARD APPLICATION NO. 554 (FULLING MILL ESTATES).

***RESOLUTION 2006-166:** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE – PLANNING BOARD APPLICATION NO. 639 (MILLER).

***RESOLUTION 2006-167:** AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND SPECIAL DEMOLITION GUARANTEE – PLANNING BOARD APPLICATION NO. 424 (THE ACCOLADES).

Mr. Stuart took exception to Resolution 2006-165. The Engineer’s letter recommends retaining 30% of the original guarantee, i.e., \$123,200.00 to complete the final roadway surface and the Engineer’s punch list. The Landscape Architect’s punch list is being sought by the engineer. Resolution 2006-165 was set aside until the Landscape Architect’s punch list is received and the Engineer reviews the entire issue.

With regard to Resolution 2006-167, Mr. Bowden stated at the recommendation of Counsel, these funds are to be released to the attorney’s account for final distribution to the Collabelli’s.

Mrs. Burry made a motion to approve all but Resolution 2006-165, seconded by Mr. Hennessy and unanimously carried.

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

10. **DISCUSSION:** BUILDING PERMIT PROCEDURES AND AS-BUILT SURVEY REQUIREMENTS – POSSIBLE ORDINACE was brought forward by Mr. Forester. Mr. Forester stated two letters were received from the Board of Adjustment indicating construction was done without a permit or done outside the scope of work for which the permit was issued. Mr. Forester is proposing to survey as-builts and completion dates to have the improvements reflected on the tax rolls. Mr. Forester stated during the period January 1

through November 30, 2006, 2700 inspections were scheduled, which amounts to in excess of 200 inspections per month. Mr. Forester opened the issue to discussion. Mrs. Burry stated, as Mr. Steib points out in his recent letter, the Zoning Board has faced problems with regard to improper and illegally performed work on properties by building contractors. Mr. Steib states the Zoning Board is recommending the Township take a pro-active stance in reporting improper practices by builders and contractors to the Department of Community Affairs (DCA) to stop these practices or result in financial penalties or loss of licenses. Mrs. Burry emphasized Code Enforcement has to follow through. Mr. Stuart stated the issue is when the homeowner and builder end up with something not permitted or larger than planned. Mr. Stuart recommends having a policy in place to report this discrepancy to DCA and fine the contractor. The burden is on the Building Department inspectors at the initial inspections to determine if the work being done is what was permitted. Mayor Florek stated the inspectors can determine what is being done at the foundation level of construction, and violations should be brought to the attention of DCA. Mr. Hennessy recommended following the recommendations made by Mr. Steib in his memorandum of August 22, "Construction Without Permits." Discussion ensued and Mr. Bennett recommended using the Steib letter to develop a draft ordinance. Mr. Bowden stated a working sub-committee could be formed of Code Enforcement, Zoning and Building Departments to determine a course of action and to clearly define responsibilities. An added position within the Building Department may be needed to insure permits reflect the actual work performed and to initiate violations to DCA. Messrs. Forester and Stuart agreed to work with Mr. Steib to develop Township policy.

11. **ADMINISTRATIVE REPORT:** Mr. Bowden had the following additional comments to his report:

Two liquor licenses are in the process of being transferred. GABGEO is effecting a person-to-person transfer to KMLS, Inc., and I Cavalini, AM Rose, is effecting a corporate change to transfer 100% to Lisa Cirrillo.

Central Jersey Waste Recycling is proposing single stream collection of recyclables. All paper, cardboard, aluminum and glass would be co-mingled and collected, then sorted at the firm's Hamilton facility. This is anticipated to increase recycling efforts within the Township and offers options to reduce the contract bid price for collection. Mayor Florek asked to see the detailed schedule of Central Jersey's options for collection and recommends establishing a sub-committee with Mr. Bowden to visit the facility and make recommendations for recycling during the second half of 2007.

Mr. Bowden noted the Colts Neck High School staff has requested approval to serve alcohol at their party planned in the Community Center at Bucks Mill Park. Mr. Bowden stated the governing body is being asked tonight for their approval contingent on the receipt of an insurance certificate for this occasion. Mr. Hennessy made a motion to approve, seconded by Mr. Forester and unanimously carried.

12. **MOTION TO APPROVE VOUCHERS.** Mr. Forester reviewed and signed the vouchers and commented all were in order. Mr. Forester made a motion to approve all vouchers totaling \$9,303,625.92 plus an additional \$12,600.00, seconded by Mrs. Burry and unanimously carried.

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

13. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Hennessy had no report this evening.

Mr. Forester reported the Senior Citizens are having their dinner next Wednesday at Addison Park. With 300 members, the Senior meetings are well attended, especially the November meeting, which included a defensive driving presentation.

Mr. Forester reported the Colts Neck Alliance held an informational presentation to address host liability at the Library. Speakers from the Prosecutor's Office, Middletown Police Department and a DWI convicted person were part of the program. Mr. Forester stated the program was well presented; but unfortunately, it was not well attended.

Mr. Forester reported the NJ State League of Municipalities (NJSLOM) Convention had a lot of talk about property tax reduction; however no one was talking about spending reductions.

Mrs. Burry reported a dinner would be held at the Shadowbrook on Saturday evening. On Sunday, December 3, the annual holiday concert and Christmas tree lighting is scheduled at the Municipal complex. On December 10, the Williamsburg Christmas is scheduled at the Court House.

Mrs. Burry reported the County has received a request for an Eagle Scout Project by Aaron Francis Lay, who created a fitness station on the Colts Neck High School track..

Mrs. Burry stated a meeting is scheduled at the Monmouth County Board of Taxation on December 13, at 9:30 a.m. to discuss the Township's revaluation. Messrs. Stuart, Bowden and Magnani plan to attend.

Mrs. Burry reported receiving word of no major infestations of gypsy moths, thus no aerial treatments are necessary.

Mrs. Burry stated it is time to schedule another COAH meeting before the end of the year. She is proposing a committee be established to address the COAH third round requirements with Messrs. Manco and Thomas. Mr. Stuart advised this will be discussed at a later time.

Mr. Stuart had no report this evening.

Mayor Florek reported the Colts Neck Sports Foundation volunteers worked two days in November to erect bleachers and install fencing at the Cedar Drive fields.

Mayor Florek reported annual the art show and sale at the Library would be held this coming weekend and the following weekend.

Mayor Florek reported he attended a presentation about renewable energy sources and developing an energy master plan at the recent NJSLOM Convention. Mayor Florek said there are some issues the community should consider.

14. **COMMENTS FROM THE PUBLIC:**

Mayor Florek opened the meeting to public comment.

Ms. Judy Laufer, a resident and president of Colts Neck Senior Citizens, stated one of the Senior members will be receiving a proclamation from the State for reaching 97 years of age.

Ms. Laufer stated she knows how strongly teens are affected by the death of their peers. She is concerned about memorials being placed on personal property, and the repercussions property owners experience for removing them. She suggests stressing to our teens the place to memorialize the loss is at the cemetery.

Ms. Patricia Anderson, a resident, reported she was driving on Cedar Drive onto Heritage Way one evening in the fog and the roadway was very dark. She suggests painting lines on the road to aid drivers.

Ms. Carol Regan, a resident, brought a November 24, 2006 article from The Two River Times, in which the Lincroft Village Green Association is suggesting a new exit on Route 18 to re-direct Brookdale traffic onto Laird Road to Phalanx Road. As a resident, she is already concerned about the heavy traffic on Phalanx Road to Brookdale. Mrs. Burry stated from a County standpoint, this is not going to happen. Route 18 is a State road and a new exit on that road to Laird Road is not going to happen. Mayor Florek assured Ms. Regan the governing body is well aware of the proposal and will remain vigilant on this issue.

Mr. Donald Burry, a resident, spoke of builders and homeowners building without permits. Oftentimes the builder asks the homeowner to obtain the permit and commences construction prior to permit issuance. There are also instances where the builder obtains the permit and then, together with the homeowner, changes the original scope of the project without amending the permit. Mr. Burry suggests enforcement and penalizing the builder for violating the terms of his license. Mr. Burry also suggested adding a section on the Township website for building permits issued. This would provide the general public with information on the scope of each building permit issued. Mr. Hennessy, Township Website Liaison, concurred and instructed Ms. Kara to proceed with the addition to the website.

Ms. Gloria Lupia, a resident, spoke of construction at 36 Woodhollow Road. The garage built is larger than the house. It now appears as if a septic system is being installed for this garage. Mr. Stuart advised the building conforms to the permit; however, he has instructed Code Enforcement to look into the possible septic system installation.

Mr. Chris Lupia, a resident, spoke of boats being parked on properties all over town. When he had a boat parked on his property years ago, he was advised by the Township Administrator to move it elsewhere or it would be brought to the Public Works yard, and he would be charged rent for storage.

Mayor Florek stated the Township would be considering hiring a second Code Enforcement Officer to deal with these issues at budget time.

Mr. Vince Domidion, a resident, agreed with Mr. Burry and the Lupias. He has heard "you can do anything in Colts Neck" with regard to construction. Mr. Domidion reported seeing a recent notice in the Asbury Park Press where a lawyer gave his address as "Suite 2" on a Matthews Road address and questioned what was actually going on there.

Mr. Domidion reported Manalapan has a draft ATV ordinance, and he suggested Colts Neck might want to follow this ordinance.

Mr. Domidion commended Mr. O'Scanlon for his work with the new communications antennae. He cited the revenues anticipated will come in at two percent of the municipal tax levy.

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

16. **RESOLUTION 2006-168**: EXECUTIVE SESSION was read by title by Mayor Florek. Mr. Forester made a motion to approve, seconded by Mr. Stuart and unanimously carried by voice vote at 9:40 p.m.

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FLOREK	DEPUTY MAYOR STUART	HENNESSY	BURRY	FORESTER
<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:bk