

**TOWNSHIP OF COLTS NECK  
COMMITTEE MEETING  
DECEMBER 15, 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 December 15, 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, John Bennett, Esq. and Aime Sweeney

Absent: None

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1. **ANNOUNCEMENT**: Mayor Burry announced the annual Reorganization Meeting of the Township Committee will be Sunday, January 2, 2005, 5:00 p.m. at the Courthouse.
2. **RETIREMENT**: Mayor Burry called Margaret Houlihan, Dr. Harold Nolan and Committeeman Hennessy forward. Mr. Hennessy commended Peggy for serving the Township well for the past twenty-one years. Peggy has worked in many different departments over the years. Dr. Nolan gave a brief history of how Peggy has served the Town for the past twenty-one years Dr. Nolan said Peggy has been indispensable to Colts Neck. Mayor Burry presented Peggy with a plaque and wished her a long and happy retirement. Everyone extended a round of applause.
3. **ACKNOWLEDGEMENT**: Mayor Burry called Matt Loving forward. Mayor Burry advised Mr. Loving is a student at the Colts Neck High School and is working on a Eagle Badge project in which she and Dr. Nolan would also be involved. Mayor Burry advised that Mr. Loving is seeking to fund raise in various ways for a new flag pole and flag for the new Five Point Park. He is hoping to have the flag up for the Spring opening of the park.
4. **RESOLUTION 2004-201B**: CONFIRMING APPOINTMENT TO BUSINESS ADVISORY COMMITTEE: Mayor Burry called Mr. Michael Stivala, Jr. forward. Mayor Burry appointed Mr. Stivala to the Business Advisory Committee, filling the unexpired term of Ms. Rita Ruggeri. Everyone extended a round of applause. Mr. Forester made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

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

5. **PRESENTATION:** FARMLAND PRESERVATION – EASEMENT ACQUISITION – MEDLIN PROPERTY; 53 CLOVER HILL ROAD: Mayor Burry called Justis Cooley and Mr. Jay Medlin forward. Mayor Burry advised that they are both recent applicants into the Farmland and Open Space Program. Mayor Burry said on behalf of the entire Township, we thank you for being so generous. Everyone extended a round of applause.
6. **PRESENTATION:** MONMOUTH COUNTY LIBRARY SYSTEM – Mayor Burry introduced Renee Schwartz and Director Sheinbaum of the Monmouth County Library System. Mr. Scheinbaum advised that Monmouth County circulates the most books and operates in the most economical manner. It is very costly to run a library. It behooves Colts Neck Township to remain in the County system for economical reasons. Mr. Scheinbaum said he does not know any other library system in New Jersey that operates as cost effectively as Monmouth County does. Mayor Burry said there is a lot of talent at the helm of the Monmouth County Library System. Mayor Burry further stated that the Library has very good staff and a lot of wonderful programs. Mayor Burry said the circulation numbers for Colts Neck residents is impressive. Mr. Ted Narozanick said it is always a pleasure to come to Colts Neck. Mr. Narozanick advised that we have a very fine County Library System; one of the best in the State. Ms. Renee Schwartz commended Colts Neck for constructing its library all based on donations.

Mayor Burry thanked everyone for coming this evening and stated that we are fortunate to be a part of the Monmouth County Library System.

7. **PRESENTATION:** TENTH YEAR TREE CITY DESIGNATION TO SHADE TREE COMMISSION: Mayor Burry called Ms. Julie McGowan, Mr. Michael Alagna and Mr. George Fessler forward and presented them with the Ten Year Recognition for Tree City USA. Everyone extended a round of applause.
8. **PRESENTATION:** POLICE FIRING RANGE – Mayor Burry called Chief Kevin Sauter and Sgt. Frank Leccese (Supervising Fire Arms Officer) forward. Mr. Stuart said the Chief and Sgt. Leccese are here this evening with information regarding a potential Police firing range request and is seeking a consensus to move forward with the project. Mr. Stuart said they believe surrounding towns in time may also utilize this firing range thus becoming a self funding project. Chief Sauter advised that currently the officers use the firing range in Middletown at a cost of approximately two to three thousand dollars each year. Chief Sauter said the property in the back of the Public Works yard has been recently surveyed and a portion of this yard was found to be suitable for our firing range needs. Chief Sauter passed the survey around the table. Mayor Burry asked if the Town may obtain grants for this type of project. Chief Sauter said its possible. Sgt. Leccese advised the range will be two to three sided with 15 feet high dirt burms utilizing mulch at little to no cost to the town. The area will be approximately 150' x 150' area. The requirement is to shoot at fifty yards. Chief Sauter stated that in time they would like to see a shed and roofing over the range. Mr. Forester asked what the estimated cost will be? Chief Sauter said the estimated cost is \$5,000.00; though it is hopeful the Public Works Department can move the dirt to create the burms. Mr. Stuart reiterated this projects at its beginning stage is little to no cost to the Town. Mr. Forester asked how much use our own officers will get out of this? Chief Sauter said his officers are at the bear minimum now at four to six times a year due to scheduling problems, but should be doing more. Mr. Hennessy asked if these minimum requirements meet State qualifications? Chief Sauter said the State doesn't have any regulations. Mr. Hennessy asked if the shooting range was put in will it be a qualified shooting

range? Sgt. Leccese said yes. Sgt. Leccese said he has been doing this type of training for over fourteen years and has never seen any officer shoot over a burm. The Township's Engineer stipulated in his survey that we would be within the appropriate measures for a shooting range facility. Mr. Hennessy suggested that it may be possible to double the size of the range by utilizing upland along the State's property. Mr. Florek asked Sgt. Leccese if he qualifies the officers himself? Sgt. Leccese said yes. After brief discussion the Township Committee had four verbal consents to move forward with this project with one verbal non-approval to move forward.

9. **PUBLIC HEARING: MONMOUTH COUNTY OPEN SPACE GRANT – FIVE POINT PARK IRRIGATION SYSTEM:** Mr. Bowden explained the grant application for a new irrigation system at Five Point Park requires a public hearing to be held. Mayor Burry opened the public hearing. With no comments made by anyone on this subject, Mayor Burry closed the public hearing.
10. **APPROVAL OF MINUTES OF NOVEMBER 10, 2004:** was read by Mayor Burry. Mr. Forester made a motion to approve the Minutes of November 10, 2004 as amended, 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>					

11. **ORDINANCE 2004-24:** BOND ORDINANCE AMENDING IN PART BOND ORDINANCE 2003-7 ADOPTED ON MAY 28, 2003, PROVIDING FOR THE CONSTRUCTION OF VARIOUS ROAD IMPROVEMENTS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$100,000 FOR A TOTAL APPROPRIATION OF \$1,086,000, TO INCREASE THE AUTHORIZED BONDS AND NTOES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$95,000 FOR A TOTAL DEBT AUTHORIZATION OF \$1,031,700, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE TOWNSHIP OF COLTS NECK, INT THE COUNTY OF MONMOUTH, NEW JERSEY was read by Mayor Burry by title on 2<sup>nd</sup> reading. With no comments made by the Township Committee, Mayor Burry opened the public hearing. With no public comments made, Mayor Burry closed the public hearing. Mr. Forester made a motion to adopt this Ordinance, 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>					

12. **ORDINANCE 2004-26:** AN ORDINANCE ENTITLED THE 2005 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read by Mayor Burry by title on first reading. Mayor Burry advised this Ordinance refers to all Union employees. Mr. Florek made a motion to introduce this Ordinance, seconded by Mr. Hennessy and unanimously carried. With no other comments, Mayor Burry set the public hearing for December 29, 2004.

<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>					

13. **RESOLUTION 2004-201:** CONFIRMING 2005 TOWNSHIP COMMITTEE MEETING DATES was read by Mayor Burry. Mayor Burry advised this schedule reflects the Township Committee meetings are the second and last Wednesday of each month with only one meeting in the months of July and August. With no further comments, Mr. Hennessy made a motion to approve this Resolution, 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>					

14. **RESOLUTION 2004-201A:** IN SUPPORT OF PROPERTY TAX REFORM CONVENTION was read in full by Mayor Burry. Mayor Burry stressed that one of the “whereas” should address the effort to reduce spending. Mr. Bennett agreed that the Resolution should address that expenditures should also be included in the basic mission of any convention. The Township Committee concurred. With no further comments, Mr. Stuart made a motion to approve this Resolution as amended, 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>					

15. **RESOLUTION 2004-202:** CONFIRMING ACQUISITION OF DEVELOPMENT EASEMENT – BLOCK 1.01. LOT 38 (MEDLIN) was read by Mayor Burry. Mayor Burry briefly explained. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

16. **RESOLUTION 2004-203:** CONFIRMING ACQUISITION OF DEVELOPEMENT EASEMENT - BLOCK 14, LOT 9 (COOLEY) was read by Mayor Burry. Mayor Burry briefly explained. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

17. **RESOLUTION 2004-204:** AUTHORIZING DEDICATION BY RIDER – MEMORIAL TREE PROGRAM was read by Mayor Burry. With no comments made, Mr. Stuart made a motion to approve this Resolution, seconded by Mr. Florek and unanimously carried.

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

18. **RESOLUTION 2004-205:** APPROVAL OF FORMAL TRANSFER OF FUNDS – 2004 MUNICIPAL AUDIT was read by Mayor Burry. With no comments made, Mr. Florek made a motion to approve this Resolution, seconded 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	X
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					

19. **RESOLUTION 2004-206:** AUTHORIZING AWARD OF BID – CURBSIDE RECYCLING SERVICES was read by Mayor Burry. Mayor Burry gave brief history on the rebidding of this contract. Mr. Bowden advised the four recycling zones will become effective in February and to expect some learning curve to occur. With no further comments, Mr. Stuart made a motion to approve this Resolution, 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>					

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

Resolution 2004-207: Authorizing Refunds of Tax Overpayment

Resolution 2004-208: Authorizing Refund of Tax Overpayments for 2004 Due To Senior Citizens and Veterans Allowance

Resolution 2004-209: Authorizing Acceptance of Performance Guarantees – PB Application No. 601 (Colts Neck Creations)

With no comments made, Mr. Florek made a motion to approve all aforementioned consent Resolutions, 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>					

21. **DISCUSSION:** AMENDING CHAPTER 62 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “SHADE TREE COMMISSION”: Mr. Stuart called Mr. Michael Alagna and Mr. George Fessler forward. Mr. Alagna briefed the Township Committee on the revised draft Ordinance before the Township Committee this evening. Ms. Julie McGowan explained some current situations in which this Ordinance would possibly help. Ms. Mary Massey, Environmental Commission Chairwoman, voiced many concerns in relation to this proposed Ordinance. Mr. Bennett said he feels this needs to be looked into further and is concerned himself with the points that Ms. Massey has raised. After further discussion, the consensus of the Governing Body was to have Mr. Bennett review further and to readdress in January.
22. **DISCUSSION:** MEMORIAL TREE PLANTING PROGRAM: Mayor Burry called Mr. Michael Alagna and Mr. George Fessler forward. The Township Committee reviewed the proposed form and 6” x 8” proposed plaque to be used for the Memorial Tree Program. Mr. Alagna advised that the plaque can be purchased direct from the supplier, thus, saving money. After brief discussion, the Township Committee unanimously approved of the form and plaque to be used.
23. **ADMINISTRATIVE REPORT:** Mr. Bowden reported that our Finance Officer, John Antonides, was able to obtain a 1.99% Bond Anticipation Note which is an excellent rate for the Town.
24. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$6,910,716.19, 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>					

25. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Stuart reported that the First Aid Squad estimated the cost for background checks based on fifty members to be about \$3,000.00. After brief discussion, the Township Committee’s consensus is to proceed utilizing the 2004 budget if funds are available in it. Mr. Stuart said the First Aid Squad suggested that difibulators be placed in municipal offices and would like this suggestion to be considered for the 2005 budget.

Mr. Forester reported the Colts Neck Band did a fine job at the Colts Neck High School. Their next appearance will be April 14<sup>th</sup> and again in July.

Mr. Forester advised the Senior Citizen Club’s participation was excellent at their annual dinner at the Old Mill Inn.

Mr. Hennessy reported that the Colts Neck Pop Warner Midget Squad won the National Championship in Florida. They are a very energetic group. They should be very proud of their accomplishment.

Mr. Hennessy further reported that the Emergency Management Committee is still looking into Reverse 9-1-1.

Mr. Hennessy concluded his report by advising the Township Website between January 1<sup>st</sup> through December 1<sup>st</sup> received 872,354 hits of which 339,473 of the hits went into further pages within the site.

Mr. Florek reported that the Executive Fire Counsel is concerned with equipment requirements unpaid by the State. Their budget will be difficult this year and they also had a truck in need of very costly repairs. Possible water sources are still being looked into.

Mr. Florek advised the Friends of the Library's art show weekend was a huge success.

Mr. Florek further reported that the Sports Foundation paid \$14,000.00 for a new basketball court behind Conover Road school. The Sports Foundation is still voicing their concerns about soccer balls possibly going out onto Five Point(s) Road and Route 537.

Mayor Burry said she's pleased to report Assembly Bill No. 556 allowing commercial activities on farm properties has been tabled at the State level for further review.

Mayor Burry reported a very successful weekend with the Williamsburg Christmas, arrival of Santa and the Township's holiday dinner.

Mayor Burry further reported the Architectural Review Committee is still moving forward with its annual award program. The Architectural Review Committee would also like to have the Building Department notify them of any demolition permits.

26. **COMMENTS FROM THE PUBLIC:**

Mr. Chris Lupia asked what type of guns will be used at the firing range. Mr. Florek said various; pistols, carbines, and shotguns. Mr. Lupia said he feels the firing range is very dangerous to have in town and the town will need to have a very good insurance policy in place.

Mr. Glenn Axelrod read a prepared statement advising the Township Committee they have thirty days before he pursues litigation with the Town in order to resolve the various issues and violations he has with his neighbor. Mayor Burry asked Mr. Bennett what can be done about this? Mr. Bennett said we can bring the matter back before the court. Mr. Florek suggested filing a motion in court. Mr. Bennett said the Code Enforcer has to file a summons. Mr. Axelrod indicated the lot coverage issues are of particular concern to him as is the water table levels. Mayor Burry said that indeed the Governing Body recognizes the problems and it is not falling on deaf ears. Mr. Bennett said if the applications have not been filed then we can file a motion in court for contempt.

Mr. Vincent Domidion suggested the Township Committee take a look at COAH's discussions from recent meetings made available on their website.

27. **ADJOURNMENT:** Mr. Florek made a motion to adjourn at 11:05 p.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