

**TOWNSHIP OF COLTS NECK  
COMMITTEE MEETING  
DECEMBER 29, 2004  
7:30 P.M. AT COURTHOUSE**

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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 29, 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, and Mayor Burry

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

Absent: Committeeman Stuart

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1. **MAYOR'S YEAR END REMARKS** were read by Mayor Burry.<sup>1</sup>
  
2. **MAYOR'S APPOINTMENT**: Mayor Burry said it is with regret that she accepts the resignation of Mr. Bernie Behrens. Mayor Burry said it is however, with pleasure to appoint this evening Mr. Peter Wagar to a full Board of Adjustment member, Ms. Diana Goubeaud as Alternate I member and Ms. Christina Saavedra as Alternate II member.  
  
Mr. Bowden swore in Ms. Christina Saavedra. Everyone extended a round of applause and photographs were taken.  
  
Mayor Burry advised that Mr. Harold Kilbride will be sworn in to the County Historic Preservation Commission.
  
3. **PUBLIC RECOGNITION**: Mayor Burry called Mr. Hennessy forward who read a prepared statement emphasizing how proud the Pop Warner Cheerleaders should be of their accomplishment in placing first in the national championship in Florida in early December, 2005. Mayor Burry asked each group of cheerleaders to come forward and state their name and to have their photograph taken. Before concluding, the Pop Warner Cheerleaders did a brief cheer entitled "Believe". Everyone extended a round of applause.  
  
Mayor Burry called for a brief recess at 7:50 p.m.  
  
Mayor Burry called the meeting back to order at 8:00 p.m.
  
4. **ORDINANCE 2004-26**: AN ORDINANCE ENTITLED THE 2005 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK was read by title on second reading by Mayor Burry. Mayor Burry explained the average salary increase for union employees is 4%. Mayor Burry opened the public hearing and with no comments made, Mayor Burry closed the public hearing. Mr. Forester made a motion to adopt this Ordinance, seconded by Mr. Hennessy and unanimously carried.

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<sup>1</sup> See attached Year End Remarks.

<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>					X

5. **RESOLUTION 2004-211A:** SUPPORTING ACQUISITION OF FARMLAND PRESERVATION EASEMENT – BLOCK 7.30, LOT 5 (deGROOT/SINLINGER PROPERTY – 23.4 ACRES) was read by Mayor Burry. Mayor Burry explained that in early December she received a letter from Claire Sindlinger-deGroot, daughter of deceased property owner offering to place Block 7.30, Lot 5 into the Farmland Preservation Program. Mayor Burry said we are very fortunate to have a resident like this. Mr. Forester said it is a pleasure to have the opportunity offered to us. With no further comments, Mr. Florek 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

6. **RESOLUTION 2004-211B:** OPPOSING ASSEMBLY BILL NO. 3415 PERTAINING TO 3% IMPERVIOUS COVERAGE RESTRICTION ON FARMLAND DEVELOPMENT EASEMENT PROPERTIES was read in full by Mayor Burry. With no comments made, 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

7. **RESOLUTION 2004-211:** A RESOLUTION OF THE TOWNSHIP COMMITTEE CONCURRING WITH THE FINDINGS AND DETERMINATIONS OF THE PUBLIC OFFICER CONCERNING PROPERTY MAINTENANCE VIOLATIONS AT A CERTAIN PROPERTY KNOWN AND DESIGNATED AS BLOCK 34, LOT 13 was read by Mayor Burry. Mr. Bowden reviewed Findings and Determinations and Conclusions Report dated November 29, 2004 with the Township Committee. Mr. Bowden further advised that the estimated cost for demolition is \$10,000.00 in which a lien would then be placed on the property so that at such time as the property

is sold the Township would then get its money back. 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

8. **RESOLUTION 2004-212:** OPPOSING ASSEMBLY BILL NO. 2360 – POLICE AND FIRE PENSION ENHANCEMENTS was read by Mayor Burry in full. Mayor Burry said she feels the tax payers of New Jersey do not need this pension enhancement for Police and Fire personnel nor can they afford it. Mr. Forester stated that they already have a very good pension plan and to increase it is unnecessary. With no further comments, Mr. Florek 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

9. **RESOLUTION 2004-213:** APPROVING 2005 CONTRACT FOR MANDATORY ALCOHOL AND DRUG TESTING FOR CDL DRIVERS was read by Mayor Burry. With no comments made, 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

10. **RESOLUTION 2004-214:** APPROVING INTERLOCAL SERVICES AGREEMENT WITH COUNTY OF MONMOUTH FOR MOD IV TAX SYSTEM WITHIN THE OFFICE OF THE TOWNSHIP ASSESSOR (2005-2011) 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

11. **RESOLUTION 2004-215:** GRANTING ADDITIONAL AD-INTERIM LIQUOR LICENSE – GABGEO, INC. D/B/A COLT SNECK INN STEAK AND CHOP HOUSE was read by Mayor Burry. Mayor Burry explained the reason for this is pending litigation. Mr. Bace said there is an issue raised in Tax Court regarding the applicants’ tax status. With no further comments, Mr. Forester made a motion to approve this Resolution, 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>					X

12. **RESOLUTION 2004-215A:** APPROVING FORMAL TRANSFER OF FUNDS – 2004 BUDGET 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

13. **MOTION TO APPROVE A CONSENT AGENDA** was made for the following Resolutions:

Resolution 2004-216: Canceling Interlocal Receivables and Reserves from Capital Fund

Resolution 2004-217: Authorizing Cancellation of 2004 Tax Credit Balances of Less Than \$10.00

Resolution 2004-218: Authorizing Cancellation of Miscellaneous Charges for Outstanding Checks

Resolution 2004-219: Authorizing the CFO to Cancel Grant Appropriation Reserves Against Grant Reconciliation Surplus and Such Other Accounts as Appropriate

Resolution 2004-220A: Approving Raffle Application No. 04-44 – Friends of the Library. Mayor Burry advised that this Resolution reflects an Eagle Scout who has been seeking out methods in which to raise money for a new flag, and flag pole at the new Five Point Park.

With no further comments, Mr. Forester made a motion to approve the 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

14. **ADMINISTRIVE REPORT:** Mr. Bowden advised there is no report this evening.

15. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$440,103.21. 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

16. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester advised he has no report this evening.

Mr. Hennessy advised he has no report this evening.

Mr. Florek reported that the Colts Neck Trail Riders have advised him of a new State law in which an automobile must slow down to 25 m.p.h. and pass a horse rider with caution. Also if the horse rider signals the automobile to come to a holt they must abide. Mr. Florek suggested that we get the word out to educate our residents.

Mayor Burry reported the County Board of Agriculture ruled in favor of the use of farm cannons, specifically, Samaha on the McCrane farm preserves property.

Mayor Burry also reported that she is in receipt of a report indicating the recommendation that the speed limit be reduced from 45 m.p.h. to 35 m.p.h. on Five Points Road. Mr. Bowden advised an Ordinance will be on the January 12<sup>th</sup> meeting.

Mayor Burry asked for a status report on the Axelrod property. Mr. Bowden advised that all summonses have been reissued and the Prosecutor has been instructed to be very firm.

17. **COMMENTS FROM THE PUBLIC:**

Mr. Chris Lupia suggested the speed limit on Phalanx Road also be reduced.

Mr. Lupia advised that Mayor Burry did a wonderful job as Mayor, 2004.

Mr. Vince Domidion congratulated the Township Committee on being offered the deGroot property into the Farmland Preservation Program. Mr. Domidion further stated his approval of the Township Committee's action this evening opposing Resolution 2004-211B. Mr. Domidion concluded by apologizing for the delay in submitting the scenic road project.

Mr. Donald Burry pointed out that the art show for the Friends of the Library weekend were very profitable.

18. **RESOLUTION 2004-221:** EXECUTIVE SESSION was read by Mayor Burry. With no further comments, Mr. Hennessy made a motion to adjourn at 8:40 p.m. and go into Executive Session, 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	
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					X

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Robert Bowden,  
Township Administrator

RB/as