

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
DECEMBER 30, 2003**

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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 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 16, 2002 stating that a meeting of the Colts Neck Township Committee would be held on December 30, 2003 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 Burry, Committeemembers, Florek, Forester, Stuart, and Mayor Hennessy

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

Absent: John O. Bennett III, Esq.

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1. **RECOGNITION**: POP WARNER PEE WEE CHEERLEADERS: Mayor Hennessy introduced the Colts Neck Pop Warner Pee Wee Cheerleaders who recently took fifth place in the National Finals. Mayor Hennessy said it is to his understanding that it has always been tough for New Jersey to place. Mayor Hennessy said we are all very proud of you. The Pop Warner Pee Wee Cheerleaders showed a brief video of them when they placed second in the State competition. Everyone extended a round of applause and photographs were taken.  
  
Mayor Hennessy called for a brief recess at 7:47 p.m.  
  
Mayor Hennessy called the meeting back to order at 7:51 p.m.
2. **PRESENTATION**: Mayor Hennessy introduced Honorable Judge Richard Thompson. The Judge stated Mr. Bowden has said recently, there was never any problem heard of in the courthouse with the staff. Both Barbara and Dottie served the Township well. Mr. Thompson said he doesn't think in his time with Colts Neck he has ever had a single complaint about the court staff. They have made his life easier and is very appreciative of their presence. Mayor Hennessy presented Barbara DeVito and Dorothy Jablonski with plaques. Everyone extended a round of applause and photographs were taken.
3. **RESOLUTION 2003-196**: CONFIRMING APPOINTMENT OF COLTS NECK COURT ADMINISTRATOR was read by Mayor Hennessy. Mrs. Burry said Ms. Sehulster will be a wonderful replacement to Barbara DeVito and Ms. Suzanne Thompson will be replacing Dorothy Jablonski. Mr. Stuart said Ms. Sehulster will be a wonderful asset to the Court. Mayor Hennessy said Ms. Sehulster has worked for the Town for over 16 years. Ms. Sehulster thanked the Governing Body and said Ms. DeVito's shoes will be hard to fill and is sure she will be calling Ms. DeVito often for help. With no further comments, Mrs. Burry made a motion to approve this Resolution, seconded by Mr. Stuart and unanimously carried.

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

Mayor Hennessy called for a brief recess at 8:00 p.m.

Mayor Hennessy called the meeting back to order at 8:05 p.m.

4. **MOTION TO APPROVE MINUTES OF DECEMBER 10, 2003** was read by Mayor Hennessy. The Township Committee unanimously tabled the minutes of December 10, 2003 to the next meeting.
5. **ORDINANCE 2003-17**: AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 102, DEVELOPMENT REGULATIONS, OF THE ORDINANCES OF THE TOWNSHIP OF COLTS NECK, MONMOUTH COUNTY, STATE OF NEW JERSEY, TO AMEND THE TOWNSHIP ZONING MAP, ADD A DEFINITION, AND ESTABLISH A RESIDENTIAL ZONING DISTRICT (A-6) was read by title by Mayor Hennessy on second reading. Mrs. Burry said she feels this is a very well crafted Ordinance and covers everything. Mr. Forester asked if this was approved by Westminster? Mr. Florek said yes. Mayor Hennessy opened the public comments. Mr. Vince Domidion said he doesn't feel this is an appropriate Ordinance and objects to it. With no further comments, Mayor Hennessy closed the public hearing. Mrs. Burry made a motion to adopt this Ordinance, seconded by Mr. Forester and unanimously carried.

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

6. **ORDINANCE 2003-18**: AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED THE 2003 SALARY ORDINANCE AND TO ESTABLISH 2004 SALARIES FOR THE TOWNSHIP OF COLTS NECK was read by title by Mayor Hennessy on second reading. Mr. Bowden advised that when this Ordinance was introduced the Township expected the signing of the local PBA Contract. As the contract was not signed to date, Mr. Bowden recommended taking no action on this Ordinance this evening. Mr. Bowden said he is confident the contract will be executed in January. After brief discussion, the Township Committee unanimously agreed to take no action on this Ordinance.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</b>	<b>STUART</b>
<i>Motion To Approve</i>					
<i>Motion Seconded</i>					
<i>Approve</i>					
<i>Opposed</i>					
<i>Not Voting/Recuse</i>					
<i>Absent/Excused</i>					
<i>No Action Taken</i>	X	X	X	X	X

7. **ORDINANCE 2003-19:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED “DEVELOPMENT REGULATIONS” AND MORE PARTICULARLY SECTION 4 ENTITLED “DEFINITIONS” was read by title by Mayor Hennessy on second reading. Mr. Stuart questioned the building height differential between a basement and a cellar. Mr. Florek explained. Basements will count towards the 2 \_ story limitation while cellars will be excluded from the 2 \_ story limitation. The proposed definition of building height will discourage the practice of elevating houses to construct walkout basements on flat land where the basement is at or near the existing grade. A new requirement sets the maximum yard grade at an 8:1 slope (12.5%). This will create the appearance of a natural yard around the house and prevent mounding where it is obvious that the house is constructed on fill. With no further comments, Mayor Hennessy opened the public hearing. Mr. Vince Domidion asked for a clearer definition of a basement and a cellar. Mr. Florek explained. Mr. Tom Russel asked for further clarification and offered suggestions. With no further comments, Mr. Florek made a motion to adopt this Ordinance, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

8. **RESOLUTION 2003-197:** CONFIRMING AND AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND TEAMSTERS UNION NO. 11-WHITE COLLAR UNIT was read by Mayor Hennessy. 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>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

9. **RESOLUTION 2003-198:** CONFIRMING AND AUTHORIZING EXECUTION OF AN INTERLOCAL HEALTH SERVICES PARTNERSHIP AGREEMENT BETWEEN THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS AND THE TOWNSHIP OF COLTS NECK was read by Mayor Hennessy. Mr. Stuart asked how much this will cost the Township? Mr. Bowden said nothing. Mr. McBride has recommended this Resolution. With no further comments, Mr. Stuart made a motion to approve this Resolution, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

10. **RESOLUTION 2003-199:** CONFIRMING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR CDL RANDOM ALCOHOL AND DRUG TESTING FOR PUBLIC WORKS EMPLOYEES was read by Mayor Hennessy. Mr. Bowden explained that random alcohol and drug testing is mandated by the state for Public Works Employees. Mr. Stuart noted to change the contract to show Colts Neck as a “Township” not a “Borough”. 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 HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

11. **RESOLUTION 2003-200:** AUTHORIZING FORMAL TRANSFER OF FUNDS – 2003 BUDGET was read by Mayor Hennessy. Mr. Bowden advised this represents \$82,000.00 mostly due to medical premiums though rates will be greatly reduced going into next year. With no further comments, Mrs. Burry 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 HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

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

Resolution 2003-201: Authorizing Refund of Tax Overpayment – 2003

Resolution 2003-202: Authorizing Cancellation of 2003 Tax and Credit Balances of Less Than \$10.00

Resolution 2003-203: Authorizing Cancellation of Miscellaneous Charges and Outstanding Checks

Resolution 2003-204: Authorizing Reductions of Performance Guarantees – PB Application No. 565 (Abbatiello)

With no further comments, Mr. Florek made a motion to approve the aforementioned consent Resolutions, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

13. **DISCUSSION**: ESTABLISH 2004 BUDGET REVIEW SESSIONS- Mr. Bowden suggested the Governing Body come up with a couple dates to start the budget review process. After brief discussion the Governing Body agreed to meet on Saturday January 31<sup>st</sup> and February 7<sup>th</sup> at 9:00 a.m. Mayor Hennessy said the public is welcome to attend.
  
14. **DISCUSSION**: DRAFT TREE PRESERVATION ORDINANCE- Mayor Hennessy introduced Shade Tree Commission Chairwoman, Rita Ruggeri. Ms. Ruggeri gave the Township Committee a brief history on how this draft Ordinance came to be. Ms. Ruggeri said she is not speaking for all Shade Tree Commission members as some are opposed and some are for it. Ms. Ruggeri said that she personally does not feel this Ordinance is necessary at this time. Mayor Hennessy gave the Township Committee further background on compiling this draft Ordinance. Mayor Hennessy said enforcement was a big concern and wanted to make sure any Ordinance would hold up in court. Ms. Ruggeri said she doesn't feel we have the proper enforcement in place to monitor what this draft Ordinance suggests. However, Ms. Ruggeri said long term something should be in place but we need to be very careful of how the Ordinance reads. The Judge tends to see this matter as a nuisance. Mr. Forester said he would have a problem with a resident having a tree on their property that they can't cut down. Ms. Ruggeri said Julie McGowan's version of a draft Ordinance still has yet to be reviewed by the Shade Tree Commission. Mayor Hennessy said he feels the intent of the Ordinance is to protect the roadscape. Trees are indeed a very important asset to the Township. Mrs. Burry said as this Ordinance currently reads, it is not enforceable. Mr. Stuart said he is appalled by this Ordinance and is completely against any Ordinance close to this draft and will never receive a vote from him. After brief discussion the Township Committee took no action on the draft Shade Tree Ordinance.
  
15. **UNFINISHED BUSINESS: FENCES AND WALLS**- Mayor Hennessy gave the Township Committee a brief history regarding entrance piers. Mr. Stuart said it is rather complex but it has a lot of merit to it. Mr. Florek agreed. Mr. Florek said there are good points to Mr. Anfuso's suggestions and it makes a lot of sense. Mrs. Burry asked how this affects gates? Mr. Florek said he doesn't feel gates really have an impact on piers. Mr. Bowden said the Township does have a separate gate Ordinance in place. After brief discussion the Governing Body decided to have Mr. Anfuso at the next meeting to further answer any questions.
  
16. **ADMINISTRATIVE REPORT**: Mr. Bowden said he has no report this evening.
  
17. **MOTION TO APPROVE VOUCHERS** was made by Mr. Forester for all vouchers totaling \$2,840,083.18, seconded by Mrs. Burry and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

18. **TOWNSHIP COMMITTEE REPORTS:**

Mr. Forester said he has no report this evening.

Mrs. Burry asked Mr. Bowden for the status of the appraisals for the farmland easements. Mr. Bowden said he is uncertain but will get Mrs. Burry an update. Mr. Stuart said he believes they are about to be started.

Mrs. Burry asked if the Township sent a letter back to the State to further inquire about helistop usage? Mr. Bowden said he spoke to Mike Steib, Esq. who advised that Due Process does have unrestricted use.

Mrs. Burry reported that the Architectural Review Committee has decided, for this coming year, that they would like to award those applicants with exceptional design. Mrs. Burry said she would also like to see this Committee's membership expanded due to an increase in work and sometimes a lack of quorum. Mr. Bowden said it would require an Ordinance change and can be placed on a future agenda for introduction. Mrs. Burry said by expanding the membership by two will give them more flexibility. Mr. Stuart agreed and said it can sometimes be difficult to get a quorum. After brief discussion, the Township Committee unanimously agreed to have the Township Attorney draft an Ordinance for introduction at the meeting of January 14, 2004.

Mr. Stuart reported that former President of the Senior Citizen Club, Mr. Chris Lupia, is continuing to recuperate and is doing well.

Mr. Stuart said he is pleased to announce a very generous gift received by a resident, Mr. Howard Schoor, of \$4,000.00 for the purchase of a new police hand held radar state of the art system.

Mr. Florek reported that the Sports Foundation is pursuing a National Soccer Foundation Grant.

Mr. Florek further reported that the Fire Departments have been very busy in December with 121 calls. The new fire tanker is progressing very well and completion is expected by March or April. The Fire Department is also continuing to work on a draft Knox Box Ordinance.

Mayor Hennessy reminded the Township Committee that the Colts Neck Trail Riders Pace is this Sunday and they will be having their holiday party at the Colts Neck Inn from Noon to 4:00 p.m. They are still seeking trail clearing.

Mayor Hennessy concluded by saying the ground breaking ceremony for Five Point Park took place and weather permitting the completion date is estimated to be May 15<sup>th</sup>.

19. **COMMENTS FROM THE PUBLIC:**

Mr. Vince Domidion said he found this evenings discussion on the draft Shade Tree Ordinance a little inconsistent. Mr. Domidion said he does agree with the necessity of treescape's along our roadways, but rigorous enforcement would be questionable. Mr. Domidion concluded by mentioning that some entrance piers and walls can be very attractive.

Mrs. Judy Laufer said approximately 84 seniors recently attended a trip to Pennsylvania. A good time was had by all. 150 seniors also recently attended a holiday luncheon at the Old Mill Inn.

Mr. Tom Russel asked why the Township's meeting notice is not published in the Colts Neck Calendar? Mr. Bowden advised that the Asbury Park Press is the official designated newspaper of the Township. Other papers such as the Colts Neck Calendar are indeed notified, but it is up to them to publish the schedules.

Mayor Hennessy thanked the Township Committee for their support and wished everyone a Happy New Year.

Mayor Hennessy announced the Reorganization meeting will be held on January 1, 2004, 7:00 p.m., at the Court.

20. **ADJOURNMENT:** Mrs. Burry made a motion to adjourn at 9:25 p.m., seconded by Mr. Florek and unanimously carried.

<b>COLTS NECK TOWNSHIP COMMITTEE</b>					
<b>RECORD OF VOTE</b>	<b>MAYOR HENNESSY</b>	<b>DEPUTY MAYOR BURRY</b>	<b>FLOREK</b>	<b>FORESTER</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>					
<i>No Action Taken</i>					

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Robert Bowden,  
Township Administrator

RB/as