

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
DECEMBER 30, 2009
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 Forester followed by a salute to the flag. The following statement was read by Township Municipal Clerk 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 10, 2008 stating the meeting of the Colts Neck Township Committee would be held on December 30, 2009 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 Forester, Deputy Mayor Florek Committeemen Schatzle and Eastman

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Legal Counsel, John O. Bennett, III, Esq.

Absent: Committeeman Engel

1. **ANNOUNCEMENT:** Mayor Forester announced the 2010 Township Committee reorganization meeting will be held on Sunday, January 3, 2010, 4:00 p.m. in the Court House.

2. **APPROVAL OF MINUTES OF NOVEMBER 12, 2009:** Mr. Florek made a revision to Page 1, Paragraph 4. Mr. Schatzle made a motion to approve, as amended, seconded by Mr. Florek, and unanimously carried.

| RECORD OF VOTE | | | | | | |
|---|---|---|-----|----|----|----|
| Committeeman | M | S | Yes | No | NV | Ab |
| Mayor Forester | | | X | | | |
| Deputy Mayor Florek | | S | X | | | |
| Schatzle | M | | X | | | |
| Eastman | | | X | | | |
| Engel | | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | | |

3. **RESOLUTION 2009-169:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS, 2009 BUDGET was read by title by Mayor Forester. Mayor Forester stated \$20,000 was being transferred from Employee Group Health and \$1,600 from Streets and Roads Maintenance, Other Expenses; to Engineering Services, Other Expenses (\$1,000); Police Department, Salaries and Wages (\$20,000), and Street Lighting (\$600) to cover additional expenses. Mr. Florek made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

| RECORD OF VOTE | | | | | | |
|---|---|---|-----|----|----|----|
| Committeeman | M | S | Yes | No | NV | Ab |
| Mayor Forester | | | X | | | |
| Deputy Mayor Florek | | S | X | | | |
| Schatzle | M | | X | | | |
| Eastman | | | X | | | |
| Engel | | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | | |

4. MOTION TO ADOPT CONSENT AGENDA:

5. *RESOLUTION 2009-170: RESOLUTION AUTHORIZING WAIVER OF MAINTENANCE GUARANTEE, P.B. APPLICATION NO. 666 (FIRE COMPANY NO. 2).

6. *RESOLUTION 2009-171: RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUND.

Mr. Florek made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

| RECORD OF VOTE | | | | | |
|---|-----|-----|----|----|----|
| Committeeman | M S | Yes | No | NV | Ab |
| Mayor Forester | | X | | | |
| Deputy Mayor Florek | M | X | | | |
| Schatzle | S | X | | | |
| Eastman | | X | | | |
| Engel | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

7. MOTION TO APPROVE VOUCHERS: Mr. Schatzle reported he reviewed the vouchers, noting all were in order, and are as follows:

| | |
|-----------------------------|-----------------------|
| Animal Control | \$492.49 |
| Capital Fund | \$22,730.95 |
| Construction Trust | \$11,524.62 |
| Current Fund | \$1,554,911.20 |
| Escrow | \$8,406.68 |
| Farmland Preservation Trust | \$99.00 |
| Grant Fund | \$18,522.41 |
| Tax Collectors Trust | \$47,348.69 |
| Trust Fund | \$15,931.23 |
| TOTAL APPROVED: | \$1,679,967.27 |

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 Forester | | X | | | |
| Deputy Mayor Florek | S | X | | | |
| Schatzle | M | X | | | |
| Eastman | | | | | |
| Engel | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

8. COMMENTS FROM THE PUBLIC:

Mayor Forester opened the meeting to public comment.

Mr. Peter Falvo, Esq., spoke to the Governing Body of behalf of his client, Mr. Garber, who has filed an application for site plan and bulk variance relief from the Planning Board as it relates to their violations of the Township's Land Use Ordinance. Under Township Code, while there are pending violations, the Township Building Department will not issue building and/or construction permits for that property. The Garbers are interested in filing for construction permits to renovate the existing kitchen in the interior of the principal structure on the property. Mr. Falvo is requesting the Governing Body grant his client a waiver to allow the Building Department issue construction permits for the kitchen renovations. Discussion ensued. Mr. Florek noted Mr. Garber has history with the

Township. Mr. Bowdpen advised additional information was requested to complete the application, and the applicant's engineer is expected to comply within ten days. Mr. Bowden noted it is anticipated the Planning Board will review the application during their February meeting. Mr. Falvo indicated his client is eager to begin the kitchen renovations. Counsel Bennett suggested the Township Committee could grant conditional approval when the application is deemed complete, not approved, for all violations relative to the Planning Board application for the relief sought. Further, if the Board denies the application, Mr. Garber can be required to remove the violations. Mr. Schatzle made a motion to approve, seconded by Mr. Eastman and carried by Messrs. Florek, Schatzle and Eastman, Mayor Forester opposed and Mr. Engel was absent.

| RECORD OF VOTE | | | | | |
|---|-----|-----|----|----|----|
| Committeeman | M S | Yes | No | NV | Ab |
| Mayor Forester | | | X | | |
| Deputy Mayor Florek | | X | | | |
| Schatzle | M | X | | | |
| Eastman | S | X | | | |
| Engel | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

Hearing no further comments, Mayor Forester closed the meeting to public comment.

Mr. Schatzle thanked Mayor Forester for his stewardship as Township Mayor and Committeeman these past nine plus years.

9. **MOTION TO ADJOURN:** Mr. Florek made a motion to adjourn, seconded by Mr. Schatzle and unanimously carried by voice vote to adjourn.

| RECORD OF VOTE | | | | | |
|---|-----|-----|----|----|----|
| Committeeman | M S | Yes | No | NV | Ab |
| Mayor Forester | | X | | | |
| Deputy Mayor Florek | M | X | | | |
| Schatzle | S | X | | | |
| Eastman | | X | | | |
| Engel | | | | | X |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

Meeting adjourned at 8:05 p.m.

Robert Bowden, Township Administrator/Clerk