

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 14, 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 October 14, 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, Eastman and Engel

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

Absent: None

- 1. APPROVAL OF MINUTES OF SEPTEMBER 9, 2009:** Mr. Schatzle made a correction to Agenda Item No. 17, Motion to Approve Vouchers, noting Mayor Forester reviewed all vouchers in his absence and noting the Record of Vote chart should be revised accordingly. Mr. Florek made a correction to Agenda Item No. 6, Ordinance 2009-17, noting the Green Acres Grant figure was \$120,000. Mr. Florek made a motion to approve, as amended, seconded by Mr. Engel, and carried by Messrs. Forester, Florek, Eastman and Engel; Mr. Schatzle abstained.

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

- 2. APPROVAL OF MINUTES OF SEPTEMBER 30, 2009.** Mr. Florek made a revision to Agenda Item No. 15, Administrative Report, third paragraph, second line, Page 4, noting the spoils would cover a football field six feet deep. Mr. Florek made a motion to approve, as amended, seconded by Mr. Engel, and carried by Messrs. Florek, Schatzle, Eastman and Engel; Mayor Forester abstained.

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

- 3. DISCUSSION: HOMINY HILL ROAD.** Mayor Forester added an item to the agenda and introduced resident Ron Giaquinto, who addressed the Planning Board at their recent meeting. Mr. Giaquinto spoke of the repaving of Hominy Hill Road, pavement markings on the new roadway, the current condition of landscaping planted

by the developer years ago, and the poorly maintained condition of the lot at the corner of Hominy Hill Road and Loch Arbour Lane. Mr. Giaquinto requested the lot either be re-graded and maintained or let it return to its natural state. Mayor Forester stated Code Enforcement will look into this issue for potential violations. Mr. Giaquinto stated the plantings originally done ten plus years ago have died. He asked if the builder met the specifications of the bond, and if bond monies were left, could new plantings be placed? Mr. Bowden responded the performance bond has been released and he was unsure if the maintenance bond was still retained by the Township; however, he suggested the builder and the Township Landscape Architect be contacted to discuss. Mr. Giaquinto spoke of roadside re-gradings and requested the 40 mph street sign removed during roadway repaving be replaced. Mayor Forester concluded the discussion noting the Township will continue to follow up on these issues.

4. **MAYOR'S ANNOUNCEMENT:** Mayor Forester announced the New Jersey Department of Transportation awarded the Township \$175,000 for the re-paving of Heyers Mill Road, as part of the 2010 Roadway Improvement Grants.

5. **ORDINANCE 2009-16:** AN ORDINANCE VACATING 2,234 SQUARE FEET OF AN EXISTING CONSERVATION EASEMENT AND ADDING 6,918 SQUARE FEET TO THE SAME CONSERVATION EASEMENT LOCATED AT BLOCK 12, LOT 3.05 IN THE TOWNSHI OF COLTS NECK, STATE OF NEW JERSEY was read by title at second reading by Mayor Forester. The purpose of this ordinance is to vacate a portion of a conservation easement that encumbers Lot 3.05, Block 12, and to add to that conservation easement elsewhere on the lot to accommodate a residence previously constructed on the lot. The Governing Body had no comments. Mayor Forester opened the meeting to public comment. Hearing none, Mayor Forester closed the meeting. Mr. Engel 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 | | X | | | |
| Schatzle | S | X | | | |
| Eastman | | X | | | |
| Engel | M | X | | | |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

6. **ORDINANCE 2008-18:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-91 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "CLUSTER DEVELOPMENT" was read by title at second reading by Mayor Forester. Based on a Zoning Board of Adjustment recommendation in the 2008 Annual Report, the existing ordinance could be interpreted as the front yard setback for accessory structures is 75 feet. This ordinance clarifies the ordinance requires a 75' front yard setback for principal buildings and a 100' front setback for accessory structures in cluster developments. The Governing Body had no comments. Mayor Forester opened the meeting to public comment. Hearing none, Mayor Forester closed the meeting. Mr. Florek made a motion to approve, seconded by Mr. Eastman and unanimously carried.

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

7. **ORDINANCE 2009-20:** AN ORDINANCE VACATING A DRAINAGE EASEMENT AND GRANTING A DRAINAGE EASEMENT AFFECTING BLOCK 22.06, LOT 7, LOCATED IN THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY was read by title at first reading by Mayor Forester. Mr. Bowden stated Mr. Duva came before the Governing Body at a previous meeting representing his father and requested the granting of a drainage easement and allowance of a minor encumbrance of the surviving drainage easement subject to a waiver agreement to allow building permits to be issued for the construction of a four horse stall pole barn, not exceeding the square footage presently allowed by the Township of Colts Neck. The drainage easement to be vacated and the drainage easement to be granted should have been documented 25 years ago when building permits were granted. Counsel Bennett stated if the Governing Body approves building the pole barn, it would be at the homeowner's own peril; the Governing Body concurred with the request. Mr. Schatzle made a motion to approve, seconded by Mr. Florek and unanimously carried. Mayor Forester set the public hearing date October 28, 2009.

| 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 | | | | | | |

8. **RESOLUTION 2009-131:** RESOLUTION CONFIRMING APPOINTMENT TO LOCAL EMERGENCY PLANNING COMMITTEE – MR. ALBERT D. YODAKIS was read by title by Mayor Forester. Mayor Forester stated the Local Emergency Planning Committee (LEPC) is structured to have two residents from the Township as members. Mayor Forester noted Mr. Yodakis grew up in this Town and has expressed a strong interest in becoming involved with the Township. Mr. Schatzle stated he met with Mr. Yodakis, noting the LEPC brings Emergency Service involvement and citizen involvement together in one group. Mr. Schatzle noted this appointment is well timed, as the LEPC will be doing a tabletop exercise shortly. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried. Mr. Bowden administered the Oath of Office. Mr. Yodakis received a round of applause and photographs were taken.

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

9. **RESOLUTION 2009-132:** RESOLUTION CONFIRMING APPOINTMENT OF GIULIANI SECURITY AND SAFETY, LLC, NEW YORK, AS SECURITY CONSULTANTS, U.S. NAVY/LAURELWOOD HOUSING LITIGATION was read by title by Mayor Forester. Mr. Florek provided a chronology of events leading to this resolution. The resolution authorizes payment of up to \$50,000 without further authorization by the Township Committee. Mr. Florek made a motion to approve, seconded by Mr. Eastman, and carried by Messrs. Florek, Schatzle, Eastman and Engel; Mayor Forester opposed.

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

10. **RESOLUTION 2009-133:** RESOLUTION SUPPORTING NEIGHBORS OPPOSED TO PRIVATIZATION AT EARLE (N.O.P.E.) was read in full by Mayor Forester. This resolution recognizes, commends and supports the entire N.O.P.E. organization for their tireless efforts to assist in every possible way to achieve success in the singular mission to stop the privatization of the 300 Laurelwood homes within Naval Weapons Station Earle. Mr. Florek noted N.O.P.E. has done an admirable job keeping this issue in the public eye and lobbying for legislative support while the Township Committee focuses on the litigation. Mr. Engle 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 | | X | | | |
| Schatzle | S | X | | | |
| Eastman | | X | | | |
| Engel | M | X | | | |
| X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded | | | | | |

11. **RESOLUTION 2009-134:** RESOLUTION AUTHORIZING REJECTION OF BIDS, PRIVATE SNOW PLOWING SERVICES was read by title by Mayor Forester. Mayor Forester noted only one bid was received, which was 50 percent higher than last year's pricing. Mr. Schatzle stated in this instance, re-bidding is the right thing to do. Mr. Schatzle made a motion to approve, seconded by Mr. Eastman and unanimously carried.

| 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 | | | | | |

12. **RESOLUTION 2009-135:** RESOLUTION AUTHORIZING AWARD OF CONTRACT – DRAINAGE IMPROVEMENTS (\$19,500.00) was read by title by Mayor Forester. Mr. Bowden stated three informal bids for drainage improvements between Georgetown Road and Maple Drive were received. The low bidder, Mazzara Trucking and Excavation Corp., came in \$5,000 under the Township Engineer's estimate, and was the firm that provided emergency repair services at the recent Hillsdale Road failure. Mr. Eastman made a motion to approve, seconded by Mr. Engel and unanimously carried. Mr. Schatzle noted for the record his Father-in-Law and Mother-in-Law live on Georgetown Road; however, the request did not originate from them.

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

13. **MOTION TO ADOPT CONSENT AGENDA:**
14. ***RESOLUTION 2009-136:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 9, LOT 23 (STREET OPENING) – 23 BLACKBRIAR DRIVE.
15. ***RESOLUTION 2009-137:** RESOLUTION ESTABLISHING HALLOWEEN CURFEW HOURS.
16. ***RESOLUTION 2009-138:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES – P.B. APPLICATION NO. 646 (ORCHARDS SHOPPING CENTER).
17. ***RESOLUTION 2009-139:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE (HOUSE DEMOLITION) FOR BLOCK 23, LOT 17.02 (88 MONTROSE ROAD).
18. ***RESOLUTION 2009-140:** RESOLUTION AUTHORIZING ACCEPTANCE OF SUBSTITUTE HIGHWAY ACCESS MANAGEMENT PLAN GUARANTEE, P.B. APPLICATION NO. 626 (TWO RIVER ENGINEERING OFFICE BUILDING).
19. ***RESOLUTION 2009-141:** RESOLUTION AUTHORIZING ACCEPTANCE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 33, LOT 4 (HOUSE DEMOLITION), 57 MUHLENBRINK ROAD.

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

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

20. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing further to add to his report this evening. Mr. Bowden provided the Governing Body with a copy of the overall site plan for Block 21.20, Lot 1, 100 Richdale Road, stating the owner wants to install 1,200 square feet of pavers spanning approximately 102 feet curbside along Richdale Road for additional parking. Discussion ensued. Since this is not the normal driveway apron, and it borders on the roadway, Mr. Schatzle suggested having the homeowner address the Governing Body to discuss the planned project at a future meeting. If approved by the Governing Body, Mr. Engel suggested sending the plan to the Architectural Review Committee.

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

| | |
|------------------------|---------------------|
| Animal Control | \$83.74 |
| Capital Fund | \$1,380.00 |
| COAH | \$220.00 |
| Construction Trust | \$11,744.03 |
| Current Fund | \$283,270.98 |
| Escrow | \$24,059.63 |
| Grant Fund | \$702.78 |
| Trust Fund | \$11,548.07 |
| TOTAL APPROVED: | \$333,009.23 |

Mr. Schatzle made a motion to approve, seconded by Mr. Engel, and unanimously carried; however, Mr. Eastman stated he abstains from approving payments on any matter that deals with the Police.

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

22. TOWNSHIP COMMITTEE REPORTS

Mr. Engel reported the Colts Neck Alliance and Police Department are sponsoring Operation Medicine Cabinet, November 14, 2009, from 10:00 a.m. to 2:00 p.m. Residents having expired or un-needed drugs may bring them to the Police Department for safe and secure disposal.

Mr. Engel reported the Friends of the Library annual book sale is scheduled for October 23-24, 2009. Flyers are around Town, and it is an event not to miss.

Mr. Engel reported plans are being finalized for the Friends of the Library Fine Art Show and Sale held in early December.

Mr. Engel reported the First Aid Squad members have received their new photo identification cards, which were generated by the new equipment purchased by the Police Department this year.

Mr. Engel confirmed the location planned for guard rails to be installed on the center median of Route 18 will not impact the ability of Township emergency vehicles to turn around on this roadway.

Mr. Engel reported the First Aid Squad purchased a new extrication tool that allows an individual to cut through hinges and door bolts and remove vehicle doors without additional assistance.

Mr. Schatzle reported that although the applications for septic and wells have decreased, the Board of Health has been busy with keeping up-to-date with the latest information available on the H1N1 Flu.

Mr. Schatzle reported approximately 400 senior Township residents participated during this year's senior seasonal flu clinics.

Mr. Florek reported the Colts Neck Sports Foundation approved the purchase and installation of a shed for the water wheel and tractor used for field irrigation this year. The Recreation Department is working with the Department of Public Works to determine a suitable location for the shed.

Mr. Florek reported the members of the Colts Neck Sports Foundation have elected new officers within their organization.

Mr. Florek reported the addition of soil and planting of seed has resulted in vast improvements on the fields at Five Point Park.

Mr. Florek reported the Recreation Committee is planning to revitalize the garden for the blind near the Library.

Mr. Florek reported the Recreation Committee is combining a 5K race with the annual 10K Harold Nolan, Jr. Race and is hosting it in the spring to increase runner participation. The net proceeds will be used for field irrigation.

Mr. Florek reported the Colts Neck Business Association is requesting their point person be contacted by any prospective business owners who may be contemplating opening a business within the commercial zone of Colts Neck.

Mr. Florek reported he will be attending the COAH mediation on objections scheduled for October 26th in Trenton.

Mr. Eastman reported he attended this year's Historic Preservation Committee sponsored House Tour. The Montrose Road School House was part of this year's tour. Mr. Eastman stated the siding and shutters renovations to the building's exterior were nicely done. These renovations were done with the aid of a County grant. Mr. Eastman stated it was an enjoyable tour.

Mayor Forester reported he and his wife attended the Senior Citizens Club Flu Clinic, which was well run and well represented.

23. **COMMENTS FROM THE PUBLIC:**

With no further comments, Mayor Forester opened the meeting to public comment.

Ms. Virginia Amend, Editor of the Colts Neck Calendar and a resident, gave kudos to the Colts Neck Business Association for the Barn and Winery Tour. Ms. Amend stated the proceeds from this tour benefit the Ashley Lauren Foundation and Someone Special Needs You. Ms. Amend commended tonight's resolution supporting N.O.P.E., noting it was well deserved, as this group was able to gain the cooperation of Tinton Falls and gain support on both sides of the legislative aisles. Ms. Amend suggested the Township should fund this group. Ms. Amend questioned if any Democrats would be placed on Township committees, commissions, boards.

Ms. Elaine Mann, a resident, thanked the Township Committee for tonight's resolution supporting N.O.P.E. Ms. Mann introduced Bill Holobowski of Tinton Falls.

Mr. Holobowski, N.O.P.E., thanked the Township Committee for their support. He is not in favor of Township funding, as N.O.P.E. is a grass roots effort. Mr. Holobowski urged all to attend the N.O.P.E. Rally at Colts Neck High School scheduled for October 27th. Mr. Holobowski encouraged all persons to become more engaged in the process.

Mr. Ron Giaquinto spoke of the timing of the 10K race in Colts Neck. Because of the changing weather in April, and Mother's Day and religious events in May, Mr. Giaquinto requested the 10K race be moved to another Sunday in the fall to avoid scheduling conflicts and decreased participation.

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