

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
OCTOBER 27, 2010
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 Florek followed by a salute to the flag. The following statement was read by Township 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, 2009 stating that the meeting of the Colts Neck Township Committee would be held on October 27, 2010 at 7:30 p.m., 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 Kenneth Florek, Deputy Mayor James Schatzle, Committeeman Jarrett Engel

Also Present: Administrator/Municipal Clerk, Robert Bowden; Deputy Municipal Clerk, Beth Kara; Township Counsel, Chris Ackerman, Esq.

Absent: Committeemen Edward Eastman and Michael Fitzgerald

Mr. Bowden noted Committeemen Eastman and Fitzgerald were out of town on business this evening.

1. **BOND ORDINANCE 2010-14**: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS TO HEYERS MILL ROAD, PHASE II, AND APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AN BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY was read by title at second reading by Mayor Florek. Mayor Florek stated a \$175,000 grant is expected to be received from the New Jersey Department of Transportation, and the principal amount of \$125,000 is the estimated maximum amount of bonds or notes to be issued for road improvements to Heyers Mill Road. Mayor Florek stated the public hearing would be held this evening, with a vote held at the next meeting, since bond ordinances require a vote of 2/3 of the full majority of Governing Body members. Hearing no comment from the Governing Body, Mayor Florek opened the meeting to public comment:

Mr. John Walsh, a resident, questioned the length of the project. Mayor Florek responded the project spans Flock Road to Route 537 on Heyers Mill Road.

Ms. Elaine Mann, a resident, questioned the term length of the bonds. Mayor Florek responded it is usually 15 years for this type project; however, Ms. Mann may confirm the anticipated length with Mr. Antonides in the morning.

Mr. Chuck Camarata, a resident, questioned when the project would begin. Mayor Florek responded stating the project must begin by August 2011; however, it is scheduled to begin in April or May 2011.

Ms. Judy Laufer, a resident, questioned if the work being done at the Colts Neck Inn would have an impact on this project. Mayor Florek responded he was not aware of any impact.

Hearing no further comments, Mayor Florek closed the meeting. Mr. Schatzle made a motion to table the vote to the next meeting, November 10, 2010, Mr. Engel seconded, and unanimously carried.

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

2. **ORDINANCE 2010-15:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-15 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "FEES" was read by title at first reading by Mayor Florek. Mayor Florek stated this ordinance raises the current Planning Department fees, which have not been changed in ten plus years, to make them consistent with neighboring municipalities and to cover municipal costs. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Florek set the public hearing for December 8, 2010.

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

3. **ORDINANCE 2010-16:** AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102-84D6, OF THE CODE OF THE TOWNSHIP OF COLTS NECK PERTAINING TO "ACCESSORY STRUCTURES" was read by title at first reading by Mayor Florek. Mayor Florek explained this ordinance regulates the size, mass and volume of residential accessory structures to be in relation to the lot size, and to ensure accessory structures are incidental to the primary dwelling and not of a size to be a second dwelling. Mayor Florek noted this ordinance was recommended by the Zoning Board and has gone through Long Range Planning review. Three separate lot area categories are delineated within the schedule of maximum limitations for accessory structures, i.e., 0 to 500,000 square feet (s.f.), 50,000 s.f. to 150,000 s.f. and greater than 150,000 s.f. Mayor Florek noted having total building volume limitations for each category is unique and was included to prevent accessory structures from overwhelming the lot size or the principle dwelling unit. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously approved. Mayor Florek set the public hearing December 8, 2010

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

4. **ORDINANCE 2010-17:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 102-46.5 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAES" was read by title at first reading by Mayor Florek. Mayor Florek stated this ordinance was crafted after the defeat of the wireless antennae placement at Colts Neck High School. Mayor Florek stated the revisions include the exclusions in a separate subparagraph, intended to clarify they are intended to stand on their own. A recent New Jersey Court opinion was reached whereby municipalities can not have cell towers exclusively on their property. If a Court subsequently rules the municipal portion of this ordinance is not legal, the remaining exclusions would stand on their own. Mr. Engel stated this is the best course of action and made a motion to approve, seconded by Mr. Schatzle and unanimously carried. Mayor Florek set the public hearing December 8, 2010.

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

5. **RESOLUTION 2010-135:** RESOLUTION AUTHORIZING SPECIAL COUNSEL TO SEEK MONMOUTH COUNTY SUPERIOR COURT RELIEF REGARDING ZONING BOARD APPLICATION NO. 713, BLOCK 8, LOT 12, 100 CONOVER ROAD was read by title by Mayor Florek. Mayor Florek stated the accessory structure at this location exceeded the permit size. A variance was sought and denied by the local Zoning Board. This decision was appealed in Monmouth County Superior Court, which ruled against the homeowner. The Court decision was reached in excess of 6 months ago, and the homeowner was instructed to remove approximately 500 sq. ft. of the accessory structure. To date, the homeowner has not complied with the Court decision. This resolution authorizes Counsel Steib to seek relief from the Monmouth County Superior Court. 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 Florek			X			
Deputy Mayor Schatzle		M	X			
Engel		S	X			
Eastman						X
Fitzgerald						X
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded						

6. **RESOLUTION 2010-135A:** RESOLUTION SUPPORTING SENATE BILL NO. 2310 AND ASSEMBLY BILL NO. 3283, ARBITRATION AND COMPENSATION REFORM was read by title by Mayor Florek. Mayor Florek stated this legislation would place a 2% cap on interest arbitration and collective bargaining agreements, including all economic issues with monetary value. This legislation is consistent with the existing law limiting property tax increases to 2%, and is part of the Governor's Toolkit reforms. Deputy Mayor Schatzle stated he recently attended a meeting with the Governor, Lt. Governor and top staff and 300 Mayors, during which the Toolkit reforms were discussed. This week, Deputy Mayor Schatzle visited the State House with a delegation of Mayors to meet with legislators and discuss how the passage of Toolkit reforms will impact municipalities. Deputy Mayor Schatzle urged all present to reach out to their elected representatives and to support the passage of this legislation.

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

7. MOTION TO ADOPT A CONSENT AGENDA:

8. RESOLUTION 2010-136: RESOLUTION AUTHORIZING RAFFLE LICENSE REFUND.

9. RESOLUTION 2010-137: RESOLUTION APPROVING INSERTION OF SPECIAL ITEM OF REVENUE, DIVISION OF CRIMINAL JUSTICE, BODY ARMOR GRANT.

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

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

Animal Control	\$82.76
Capital Fund	\$3,408.00
Construction Trust	\$12,264.91
Current Fund	\$4,640,777.42
Escrow	\$2,815.11
Grant Fund	\$24,233.75
Trust Fund	\$7,789.29
TOTAL APPROVED:	\$4,691,371.24

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

11. COMMENTS FROM THE PUBLIC:

Mayor Florek opened the meeting to public comment.

Ms. Elaine Mann, a resident, stated she was pleased Mr. Schatzle went to meetings in Trenton, noting if the Toolkit legislation is not passed, there will be serious cuts in services. Mayor Florek stated the budget cuts this year were difficult, with the same anticipated for next year, and he urged passage of the Toolkit legislation.

Ms. Jennifer Prus, a resident, stated there have been three robberies on her street in the past year, and she questioned why the Reverse 911 System is not used to notify target area residents of this situation. Mr. Engel stated he had a robbery on his street yesterday. Mr. Engel questioned if the robberies within the County are increasing and what other municipalities are doing to combat crime. Mayor Florek stated the Police Chief would be requested to report on the burglary incidents, and he requested Ms. Prus attend the next meeting to hear the report findings. Mr. Schatzle stated this is a Toolkit situation, noting we are in financial crisis, which is affecting every town. Mr. Schatzle stated if the Toolkit legislation is not passed, services will decrease to meet budget shortfalls. Mr. Schatzle stated we need to take a global perspective, and need to watch out for one another, noting if something looks out of place, a call to 911 should be made. Mr. Engel stated the Police did an excellent job promoting crime safety tips, e.g., leave your home at random times; keep your garage door closed; use timers for lighting; and if you hear an alarm, call 911 to report it.

Mr. Kristian DeVito, CNPD, commented the Police cannot be everywhere at all times and suggested if an out of place vehicle is observed, call 911 with a description of the vehicle and a license plate number. Mr. DeVito also recommended checking with your alarm company to ascertain if the telephone wiring is cut, will central alarm monitoring place an emergency call to the Police? Mr. DeVito then stated when a burglar alarm is ringing, unless the alarm system is on a dedicated telephone line, telephone calls cannot be placed using the home land line, and suggested using a cell phone or having a dedicated alarm telephone line.

Ms. Dorothy Gibson, a resident, stated the neighborhood residents have mobilized and contact numbers have been shared. Ms. Gibson questioned how to go about forming a neighborhood watch group. Mr. Bowden stated Ms. Gibson should contact either him or Det. Whitehead, CNPD, to discuss the Neighborhood Watch Program.

Ms. Nancy Coviello, a resident, questioned the feasibility of relocating a Police Officer near the school to their street for traffic enforcement. Mayor Florek responded noting the Police Chief has to assess the situation.

Ms. Elaine Mann noted she now carries her cell phone while gardening to report unauthorized persons on her property.

Ms. Judy Laufer, a resident, stated Det. Whitehead addressed a group of 80-90 Seniors recently. Det. Whitehead stated they were the eyes and ears within the Community and asked them to be observant and report anything suspicious.

Mr. John Walsh, a resident and President of Colts Neck Seniors Club, suggested the Neighborhood Watch Program be tied in to the Safe Hands Program that was instituted in schools years ago. Mayor Florek stated he will speak with the Police Chief and will report on this issue next meeting. Mr. Walsh thanked Mayor Florek for his service to the community these past nine years as a Mayor and member of the Governing Body. Mr. Walsh stated he truly appreciates the time and effort Mayor Florek devoted to the community, and although the last year of Mayor Florek's term of office is not yet over, Mr. Walsh wanted to recognize Mayor Florek and thank him personally. Mayor Florek thanked Mr. Walsh for his kind words and stated Colts Neck is very fortunate to have the many volunteers who work tirelessly to meet the needs of the community.

Ms. Elaine Mann questioned why the homeowner of 100 Conover Road was not stopped when building the accessory structure. Mayor Florek stated when the

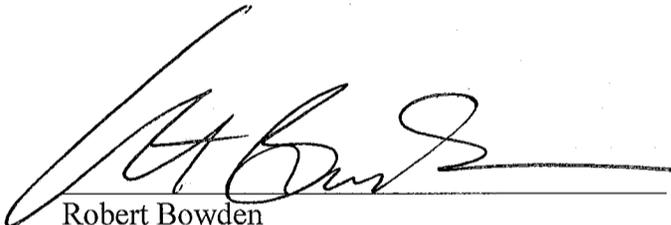
accessory structure was found to exceed the approved plan, the homeowner applied to the Zoning Board for a variance, which was denied. The decision was then appealed in Court; however, the Judge found in favor of the Township and the homeowner was fined and instructed to remove the violation. Thus far, no action has been taken by the homeowner, and the Township is now being vigilant in seeking enforcement of the ruling.

Mr. Chuck Camarata, a resident, questioned the cell tower situation at the High School. Mayor Florek responded noting the Zoning Board denied Verizon's application. Verizon went to Superior Court to appeal. The proposed ordinance breaks out exclusion categories, which has each exclusion stand independently. Mr. Camarata questioned if FRSD is pursuing the cell tower, to which Mayor Florek replied, no, they are silent on this issue.

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

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

Meeting adjourned at 8:14 p.m.



Robert Bowden
Township Administrator/Municipal Clerk