

**TOWNSHIP OF COLTS NECK
COMMITTEE MEETING
NOVEMBER 10, 2010
7:30 P.M. AT TOWN HALL**

CALL MEETING TO ORDER

SALUTE TO THE FLAG

“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 A MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON NOVEMBER 10, 2010 AT 7:30 P.M., TOWN HALL. THE NOTICE REQUIREMENTS HAVE BEEN POSTED ON THE TOWNSHIP BULLETIN BOARD, AND A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK.”

THOSE MATTERS MARKED WITH AN ASTERISK (*) ARE CONSIDERED ROUTINE IN NATURE AND WILL BE CONSIDERED IN ONE MOTION BY THE TOWNSHIP COMMITTEE AS A CONSENT AGENDA PURSUANT TO LOCAL ORDINANCE.

ROLL CALL

1. **ANNOUNCEMENT:** THE NEXT MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WILL BE HELD ON WEDNESDAY, DECEMBER 8, 2010.

2. **APPROVAL OF MEETING MINUTES OF SEPTEMBER 29, 2010; OCTOBER 13, 2010; AND OCTOBER 27, 2010.**

3. **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 AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

MOTION TO APPROVE

ROLL CALL

4. **ORDINANCE 2010-18:** AN ORDINANCE AMENDING CHAPTER 213, TOWING, IN THE TOWNSHIP OF COLTS NECK.

1ST READING BY TITLE

COMMENTS

MOTION TO APPROVE

ROLL CALL

SET PUBLIC HEARING DECEMBER 8, 2010

5. **RESOLUTION 2010-138:** RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2010 BUDGET.

COMMENTS

MOTION TO APPROVE

ROLL CALL

6. **RESOLUTION 2010-139:** RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF COLTS NECK AND COUNTY OF MONMOUTH FOR THE CONTINUED TEMPORARY USE AND OCCUPANCY OF AN EMERGENCY RADIO TOWER AT DORBROOK PARK.

COMMENTS

MOTION TO APPROVE

ROLL CALL

7. **MOTION TO ADOPT A CONSENT AGENDA:**

8. **RESOLUTION 2010-140:** RESOLUTION AUTHORIZING RELEASE OF INSPECTION AND ESCROW FEES, P.B. APPLICATION NO. 558 (NEW JERSEY AMERICAN WATER).

9. **RESOLUTION 2010-141** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE, STREET OPENING PERMIT, BLOCK 1.02, LOT 5 (35 THE ENCLOSURE).

10. **RESOLUTION 2010-142:** RESOLUTION AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE, BLOCK 48, LOT 23.10 (39 RANCHO POLO).

11. **RESOLUTION 2010-143:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, P.B. APPLICATION NO. 554 (FULLING MILL ESTATES).

12. **RESOLUTION 2010-144:** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE, P.B. 521 (STONE HILL ESTATES).

COMMENTS

MOTION TO APPROVE

ROLL CALL

13. **ADMINISTRATIVE REPORT**

14. **MOTION TO APPROVE VOUCHERS**

COMMENTS

MOTION TO APPROVE

ROLL CALL

15. **TOWNSHIP COMMITTEE REPORTS**

16. **COMMENTS FROM THE PUBLIC**

17. **RESOLUTION 2010-145:** EXECUTIVE SESSION

COMMENTS

MOTION TO APPROVE

ROLL CALL

*THE NEXT TOWNSHIP COMMITTEE MEETING IS
WEDNESDAY, DECEMBER 8, 2010, 7:30 P.M.,
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ*

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 AND BY THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED by the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COLTS NECK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Colts Neck, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$300,000, said sum being inclusive of all appropriations heretofore made therefor and including \$175,000 grant funds expected to be received from the New Jersey Department of Transportation. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$125,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the improvements to Heyers Mill Road, Phase II, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Township Chief Financial Officer, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$125,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$300,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$175,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of funds expected to be received from the New Jersey Department of Transportation.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is (twenty) 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$125,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2010-15, which was introduced at a duly convened meeting of the Township Committee on the 29th day of September 2010, second reading and public hearing was held at a regular meeting of said Governing Body on the 27th day of October, 2010, and was adopted by 2/3 of the full membership of the Governing Body at a duly

convened meeting of the Township Committee on the 10th of November, 2010.

Kenneth F. Florek, Mayor

Robert Bowden, Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading/Public Hearing						
	September 29, 2010					October 27, 2010						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Florek			X					X				
Deputy Mayor Schatzle			X				M*	X				
Engel		S	X				S*	X				
Eastman			X									X
Fitzgerald		M	X									X
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

*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											
	Adoption										
	November 10, 2010										
	M	S	Yes	No	NV	Ab					
Committeeman											
Mayor Florek											
Deputy Mayor Schatzle											
Engel											
Eastman											
Fitzgerald											
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded											

ORDINANCE NO. 2010-18

AN ORDINANCE AMENDING CHAPTER 213, TOWING,
IN THE TOWNSHIP OF COLTS NECK

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to amend Chapter 213 establishing the following requirements concerning the towing, transporting, conveying, removing or recovering of vehicles with the Township:

CHAPTER 213. TOWING

§ 213-1. Definitions.

Certain words, phrases and terms in this chapter shall have the following meanings:

AUTHORIZED STORAGE FACILITY

Any building or property, other than a private garage, available to the public, operated as a business and which is used for the storage, repair, rental, lubrication, washing, servicing, adjusting or equipping of automobiles or other motor vehicles and which complies with all the provisions of the zoning or other ordinances of the municipality in which it is located.

CONSENT TOW

When someone other than the Police Department requests a towing agency's services for the purpose of removing a vehicle. This could include, but is not limited to, the owner or operator of a vehicle or the owner or authorized agent of private property.

CRUISING

The operation of an unengaged wrecker along the public streets in any fashion intended or calculated to solicit business.

IMPOUND

When the Police Department orders a vehicle to be towed to an authorized storage facility, or any other location, and the release of said vehicle is not allowed. An impound could include, but is not limited to, vehicles involved in serious or fatal crashes, criminal investigations and/or stolen vehicles. Said vehicles cannot be released until written authorization is given by the Police Department.

NONCONSENT TOW

When the Police Department or its agents/representatives contact the towing agency to remove and/or impound a vehicle at the request of the police department.

OPERATOR

The person, firm or corporation which owns or leases and operates, or causes to be operated, a tow truck and includes the words "owner" and "permittee."

PASSENGER VEHICLE

Includes, but is not limited to, cars, station wagons, funeral service vehicles, taxicabs, limousines, motorcycles, two-axle four-tire campers, vans, sport utility vehicles, 4x4 vehicles, pickup trucks and any other similar vehicles having a gross vehicle weight not exceeding four tons (8,000 pounds).

POLICE OFFICER

Any regular police officer, special police officer, or parking enforcement officer of the Township of Colts Neck, any Monmouth County Sheriff Officer, any New Jersey State Police Officer, any Code Enforcement Officer of the Township of Colts Neck, any Zoning Officer of the Township of Colts Neck, or their designees.

RECOVERY

Can be achieved by several actions which may include, but are not limited to, winching and rigging. A recovery is when a two operator applies his/her knowledge in a skillful manner to preserve the condition of a motor vehicle while moving it to a towable position.

TOW TRUCK/WRECKER

A motor vehicle, including, but not limited to, a wrecker, tow truck, wheel lift truck or flatbed truck employed for the purpose of towing, transporting, conveying, removing or recovering any vehicle without causing damage to the vehicle to be towed or transported.

TRUCK

Includes any vehicle having a gross vehicle weight exceeding four tons (8,001 pounds or more).

VEHICLE

Any automobile, passenger vehicle, truck, tractor, trailer, motorcycle, minibike, moped, go-cart, bus, skimobile, farm equipment, all-terrain vehicle (ATV) or any other mechanically powered conveyance which shall be or become disabled or which is required to be removed from the

scene of an accident or the removal of which is necessary in order to safeguard the public health, safety and welfare.

WAITING TIME

Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include, but are not limited to, EMS services which must be performed and/or police investigations.

WINCHING

The process of moving a vehicle by the use of the cable from a position that is not accessible for direct hookup by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, lifting a motor vehicle with a conventional tow sling nor pulling the vehicle with a chain hooked to a wrecker.

§ 213-2. Applicability.

This chapter shall apply to any operators seeking to be enrolled on the rotating call list described herein.

§ 213-3. Permit required.

No operator shall be eligible for inclusion on the rotating call lists described in this chapter unless such operator shall obtain a permit from the Chief of Police of the Township of Colts Neck or his or her designee for each tow truck/wrecker vehicle which will respond to towing calls. All Permittees must be physically located within a two (2) mile radius of the Township Border. Permittees shall be included on a rotating call list pursuant to § 213-15. The maximum number of businesses eligible for inclusion on the rotating call list where a permittee has common ownership or interest shall be two.

§ 213-4. Application for permit.

Applications for permits under this chapter shall be made on forms from the Township of Colts Neck Police Department. The application shall include the following information:

- A. The full name and address of the operator and, if a corporation, the names and addresses of all officers and shareholders thereof. Only one corporation shall apply for any one given address. All tow trucks used by corporation must be registered to said corporation or wholly owned subsidiary.
- B. The classification(s) of towing for which the applicant is applying, which shall be regular-duty and/or medium/heavy-duty. An applicant may apply for either one or both of the aforesaid classifications.
- C. The description by make, model, license number, year, gross vehicle weight, vehicle identification number and color of each tow truck/wrecker for which a permit is requested.
- D. The address at which each tow truck/wrecker will be principally kept.
- E. The address of the authorized storage facility to which the towed vehicles will be taken and at which they will be stored. If the applicant does not own or lease an authorized storage facility, the applicant must include a written agreement with a person who does own or control such an authorized storage facility indicating that the applicant has permission to store towed vehicles at that facility. This agreement shall be for a term of not less than the period of validity of the permit.
- F. The names, addresses and driver's license numbers of all drivers of tow trucks/wreckers.
- G. The telephone numbers at which the Police Department may summon a tow truck/wrecker at any time, day or night.
- H. Copies of required insurance policies or certificates of insurance.
- I. If the application is for or includes medium/heavy-duty towing, the application must also include a schedule of rates and fees, as outlined in § 213-13C of this chapter.
- J. All tow trucks must carry the ordinance rates contained herein for review of owner of towed vehicles or provide itemized receipts to vehicle owner indicating the charges incurred pursuant to this ordinance.

§ 213-5. Application filing dates; terms of permits; permit transfer.

Applications for the initial series of permits under this chapter shall be made to the Chief of Police within 30 days of the date upon which this chapter is finally adopted. The first series of permits issued hereunder shall be good and remain effective until December 31, 2011. Thereafter, permits shall be effective for a period of one year commencing January 1 of each successive year. Applications for permits after the initial series shall be filed no later than December 1 of the year preceding the year for which a permit is sought. No permit issued pursuant to this chapter shall be transferable, and upon cessation of activity under the permit, through revocation or otherwise, the permit shall be null and void.

§ 213-6. Investigation; issuance of permit.

The Chief of Police shall cause an investigation to be made of each applicant, his or her business location, authorized storage facility and the vehicles for which permits are sought. A permit shall not be issued for any tow truck/wrecker owned, leased, managed or operated by a person convicted of a crime. Upon completion of the local investigations and inspections called for in this chapter, the Chief of Police shall either issue the permits applied for or, if any such permit is refused, the Chief of Police or his designee shall inform the applicant of the denial and the specific reason(s) therefor. The permit shall be issued by the Chief of Police when he or she finds that the applicant has complied with the following regulations:

- A. All requirements of this chapter and other ordinances of the Township of Colts Neck and other municipalities and the laws of the State of New Jersey shall be met.
- B. The tow trucks/wreckers have been properly registered and conform to the laws of the State of New Jersey.
- C. The tow trucks/wreckers to be approved meet the required minimum standards set forth herein.
- D. The towing operator and all drivers may be required to submit to a fingerprinting and background investigation with the Township of Colts Neck Police Department. The towing agency must employ drivers who have a valid driver's license for the equipment to be operated. The towing agency will be required to submit a list of operators and their residential addresses and will be required to make notification to this Police Department of any changes therein.

§ 213-7. Minimum standards for tow trucks/wreckers.

There are two separate classifications of tow trucks/wreckers; they are "regular-duty" and "medium/heavy-duty." There are two separate rotating call-out lists for these classifications. All tow trucks/wreckers proposed to be used must be properly licensed and conform to the State of Motor Vehicle laws. No permit shall be issued to a towing operator, in his or her respective classification, who does not possess, for utilization in this business, the following equipment:

A. Regular-duty tow trucks/wreckers:

- (1) At least one regular-duty tow truck/wheel lift with a gross vehicle weight (GVW) rating of 14,000 that shall be able to tow or carry all makes of passenger cars and small trucks, including pickup, sport utility and small panel trucks/vans, and must have or be equipped with the following:
 - (a) All tow trucks/wreckers shall have a minimum GVW rating of 14,000 according to the manufacturer's specifications and shall have dual rear wheels or the equivalent.
 - (b) A power-takeoff-controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
 - (c) A three-eighths-inch safety chain. The lift chain and the safety chain are not to be attached in any form or manner to the same part of the tow truck/wrecker.
 - (d) Front and rear flashing hazard lights.
 - (e) A three-hundred-sixty-degree rotating amber beacon light mounted over the cab, or an approved light bar.
 - (f) All lights shall be of such candlepower and intensity as to be visible 1/4 of a mile away.
 - (g) The company name, address and phone number shall be permanently affixed on both sides of the tow truck/wrecker. The letters and numbers shall be a minimum of three inches in height.
 - (h) Approved towing slings and/or wheel lifts.

- (i) A broom, shovel, absorbent material and sufficient equipment to clean up any debris on the roadway. The operator must clean away the debris at the scene.
 - (j) Commercial motor vehicle plates.
 - (k) Two-way radio and/or a cell phone.
 - (l) Assortment of hand tools.
- (2) At least one flatbed or car carrier with a GVW rating of at least 14,000, with:
- (a) A three-hundred-sixty-degree rotating amber beacon or an approved light bar.
 - (b) A broom, shovel, absorbent material and sufficient equipment to clean up any debris on the roadway.
 - (c) Approved wheel chokes.
 - (d) Four tie-down chains or grab hooks.
 - (e) Commercial motor vehicle plates.
 - (f) Two-way radio and/or a cell phone.
 - (g) Assortment of hand tools.
- (3) At least one vehicle equipped with tie-down equipment capable of carrying motorcycles or mopeds. This vehicle may be one of the vehicles required above.

B. Medium/heavy-duty tow trucks/wreckers.

- (1) At least one medium-duty tow truck/wrecker that shall be used for the hauling of trucks, buses or other vehicles that are over four tons, but not exceeding 10 tons. Medium-duty tow trucks/wreckers shall comply with Subsection of this section pertaining to requirements for regular-duty tow trucks/wreckers. The heavy-duty tow truck/wrecker may take the place of this required vehicle. In addition to the above requirements, the medium-duty tow trucks/wreckers shall also have or be equipped with the following:
- (a) Dual rear wheels.
 - (b) A power-takeoff-controlled winch with a minimum cable thickness of 5/8 inch or equivalent
 - (c) Four double-faced rear flashing amber lights mounted high enough to be seen over the vehicle.
 - (d) A one-half-inch safety chain. The lift chain and safety chain are not to be attached in any form or manner to the same part of the tow truck/wrecker.
 - (e) Detachable amber flashing lights to be attached to the rear of the towed vehicle.
- (2) At least one heavy-duty tow trucks/wreckers shall be used for the hauling of trucks, buses or other vehicles over 10 tons. Heavy-duty tow trucks/wreckers shall comply with Subsection
- (a) Vehicle must be a minimum of 25 tons with dual rear wheels.
 - (b) A power-takeoff-controlled winch with a minimum cable thickness of 5/8 inch or equivalent.
 - (c) Four double-faced rear flashing amber lights mounted high enough to be seen over the vehicle.
 - (d) A one-half-inch safety chain. The lift chain and safety chain are not be attached in any form or manner to the same part of the tow truck/wrecker.
 - (e) Air brakes.

(f) Connecting air lines for connection with the air compressor and air brake lines of the towed vehicle.

(g) Detachable amber flashing lights to be attached to the rear of the towed vehicle.

(h) A broom, shovel, absorbent material and sufficient equipment to clean up any debris on the roadway.

§ 213-8. Insurance.

A. Each permittee shall execute an indemnification agreement indemnifying and holding the Township of Colts Neck and its agents/representatives harmless from any and all claims arising directly or indirectly from the actions of the permittee.

B. Each permittee shall obtain and keep in effect the following policies of insurance naming the township as an additional insured:

- (1) Worker's compensation insurance, as required by statute.
- (2) A garage liability insurance policy in an amount not less than \$1,000,000 combined single limit.
 - (a) Automobile hazard 2.
 - (b) A garage keeper's legal liability policy covering perils of fire or explosion, theft of an entire vehicle, riot and civil commotion and criminal mischief for other casualty, in an amount not less than \$100,000.
 - (c) Automobile liability in an amount not less than \$1,000,000 combined single limit.
 - (d) Hook/cargo insurance with a minimum amount of \$100,000.

C. Each permittee shall have his or her insurance agent submit a certificate of coverage to the Township of Colts Neck.

D. Annual renewal.

- (1) Certificates of insurance must be submitted to the township prior to the renewal date.
- (2) Insurance carriers shall notify the township immediately if a policy is canceled.
- (3) The insurance carrier shall make written notification to the township of any changes in insurance coverage at least 10 days prior to the change.

E. If an operator to whom a permit has been issued fails to keep the required insurance in effect, township officials may immediately suspend the permit issued and may take from the operator the permit and any device identifying the permit.

§ 213-9. Conduct of towing operators/permittees.

A. The towing services rendered hereunder shall be provided, subject to the following conditions:

- (1) Any tow operator shall be a professional and wear a neat appearing uniform specified by the tow agency owner and should also wear a reflective vest as an outer garment.
- (2) No person owning or operating towing apparatus under these specifications shall permit or invite loitering within or near the tow trucks/wreckers when in use.
- (3) No such person shall solicit, demand or receive from any person any commission or fee except the fee for transporting or servicing the vehicle to be towed as outlined in this chapter.
- (4) No such person shall pay any gratuity, tip or emolument to any third persons not involved in the towing or removal of any vehicle or to any police officer for any information as to the location of any crash or for soliciting the employment of the operator's service.

(5) No permittee shall engage in the conduct of cruising for tows or service calls in the Township of Colts Neck.

(6) The driver of the tow truck/wrecker shall be required to clean up all broken glass and debris from the scene of any crash to which he or she is called before the tow truck/wrecker leaves the scene of such crash. The debris shall be placed in a suitable container and removed by the tow truck/wrecker and in no instance shall the same be left at curbside.

(7) The permittee shall have sufficient staff to ensure the availability of a towing apparatus operator on a twenty-four-hour, seven day per week basis.

§ 213-10. Inspections.

A. The Township of Colts Neck shall be permitted, at reasonable times and intervals, to inspect all towing apparatus and all aspects of the operation to ensure the maintenance of conditions necessary for the safe conduct of a towing service business, in accordance with the standards outlined in this chapter.

B. All towing apparatus shall be maintained in good working order and meet minimum safety standards. If, at any time, the Township of Colts Neck shall find the equipment inadequate, unsafe or not in compliance with the motor vehicle laws of the State of New Jersey or, in the event that the operator fails to comply with the provisions of this chapter, the Chief of Police or his/her designee shall notify the operator to correct and cure such deficiencies.

C. The Township of Colts Neck is also authorized and empowered to establish, from time to time, such additional rules and regulations, not inconsistent with this chapter, as may be reasonable and necessary in effectuating and carrying out the provisions and intent of this chapter.

D. The Chief of Police or his/her designee shall keep a record of the names and addresses of all persons owning or operating tow trucks/wreckers and the date and complete record of each inspection made.

§ 213-11. Suspension and appeal.

A. If in the event that the Chief of Police or his/her designee shall determine that the terms of this chapter are being or have been violated by a permittee, the Chief of Police or his/her designee may order an immediate correction of any noncompliance or violation, specifying a reasonable period within which corrections are to be made, failing which, the Chief or his/her designee may revoke or suspend the permit.

B. Notice of suspension or revocation shall be given to the permittee, in writing, by the Chief of Police or his/her designee, and, if requested, a hearing shall be conducted by the Chief of Police or his/her designee at which time the permittee shall be entitled to produce arguments and evidence as to why any suspension or revocation should not be in effect against such permittee.

C. An appeal of a ruling of the Chief of Police or his/her designee concerning the suspension or revocation of a permit shall be filed with the Township Committee of the Township of Colts Neck within 14 days of the date of service of a copy of the said decision upon the permittee. The Township Committee shall conduct a hearing within 30 days of filing or modify the revocation or suspension imposed by the Chief of Police or his/her designee.

D. Any person who violates any provision of a local government ordinance shall be subject to the penalties provided under the ordinance. In addition to the penalty provided, the Township of Colts Neck, after notice and hearing, may revoke or suspend any permit issued or position on a rotation list.

§ 213-12. Authorized storage facility requirements.

A. The permittees shall have their principal place of business, garage and/or storage facility opened to the public and operated at least during normal business hours, Mondays through Fridays and at least 9:00 a.m. to 12:00 noon on Saturdays. These requirements do not apply to legal holidays.

B. The premises to be utilized by the permittee for the operation of a garage and the storage of motor vehicles must be a property on which the towing and storage of motor vehicles is a permitted use under the ordinances of the municipality in which the property is located. At no time shall a tower store more vehicles upon the premises than are permitted applicable ordinances or regulations.

C. The storage facility maintained by the permittee shall be sufficient in size to accommodate the storage, at any one time, of at least 20 passenger vehicles. This storage area must be in a secure area under the control of the permittee only. The permittee may own or lease more than one storage facility which will be utilized for the storage of vehicles towed under this chapter and, in such case, the total capacity of all such storage facilities shall be at least 20 passenger vehicles. If more than one storage facility is utilized, the same must be preapproved by the Police Department of the Township of Colts Neck.

D. The storage facility maintained by the permittee shall have sufficient inside or covered and protected space for the storage of at two passenger vehicles. If the permittee is requested to to any vehicle involved in a fatal crash or criminal investigation, that vehicle(s) shall be stored indoors or in a covered and protected space until such time as the investigation has been completed and the vehicle has been released to outside storage.

§ 213-13. Rates.

Charges shall be paid by the vehicle owner or driver for transportation, hauling or service of disabled vehicles or for any unoccupied vehicle parked or standing in violation of any provisions of New Jersey State law or the Code of the Township of Colts Neck which shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle by an approved tow truck/wrecker or operator of any approved tow truck/wrecker. The owner thereof shall pay the costs of the removal and storage before regaining possession of the vehicle according to the following rates:

Towing and storage contractors shall not charge fees for towing or storage more than those authorized by this chapter. Unless specified, the fee includes waiting time, clean up, and mileage.

A. Light-duty towing (vehicles up to and including 10,000 pounds).

(1) Basic towing service includes motor vehicle crashes, impounds, and disabled vehicles. Unless specified, the fee includes waiting time, clean up, and mileage.

(a) Business hours: service 7:00 a.m. until 7:00 p.m. Monday through Friday: \$90.

(b) Non-business hours: service 7:01 p.m. until 6:59 a.m. Monday through Friday: \$100.

(c) Weekend service: 7:01 p.m. Friday through 6:59 a.m. Monday: \$100.

(d) Any federal or New Jersey state holiday from 7:00 a.m. until 6:59 a.m. the following morning: \$110.

(e) Recovery charge (does not include tow charge): \$100 per hour.

(f) Storage fee:

[1] Outdoor storage: \$25 per day.

[2] Indoor storage: \$45 per day.

(g) Hazardous fluid clean-up fee: \$25.

(2) If a vehicle is towed from the scene of a call to a place other than the towing contractor's storage area at the request of the owner or authorized representative, a fee not exceeding \$3.50 (based upon current AAA mileage rate) per mile may be charged.

B. Medium & Heavy-duty towing.

(1) Basic fees.

(a) Conventional Medium tow (10,001 pounds to 26,000 pounds): \$225.

(b) Conventional Heavy tow (26,001 pounds to 80,000 pounds): \$450.

(c) Conventional tow bus coach: \$450.

(d) Nights, weekends and holidays, additional: \$50.

- (e) Recovery charge (does not include tow charge): \$325 per hour.
- (f) Storage fee: \$50 per day.
- (g) Landroll or similar low-boy trailer: \$350.
- (h) Remove chrome bumper: \$30.
- (i) Connect air line: \$25.
- (j) Remove axle: \$25 per.
- (k) Remove drive shaft: \$35.
- (l) Remove air scoop: \$45.
- (m) Remove exhaust pipes: \$30.
- (n) Cage brake chambers: \$25 per.
- (o) Extra man, per hour, per man: \$50 (to be charged in thirty-minute increments).
- (p) Hazardous fluid clean-up fee: \$25.

(2) If a vehicle is towed from the scene of a call to place other than the towing contractor's storage area at the request of the owner or authorized representative, a fee not exceeding \$7.50 per mile may be charged.

C. Storage. Storage includes vehicles taken to the contractor's yard as a result of a motor vehicle crash, impound, or disabled vehicle.

(1) The storage period starts at 12:01 a.m. on the day following the day the vehicle is placed into storage and ends at 12:00 midnight each day.

(2) Vehicles released on the same day that the vehicle is placed into storage will not incur any storage fees.

D. Receipt. The towing and storage contractor shall issue a receipt itemizing all charges as set forth in § 213-13 of this chapter.

E. Violations and penalties; liability for operators who engage in a pattern and practice of knowingly violating fee limits. Operators who engage in removal of motor vehicles, or any employee, officer or agent thereof, who engage in a pattern or practice of knowing violation of the fee limits set herein may be liable to the municipality for a civil penalty of not less than \$25 nor more than \$50 for each motor vehicle stored with the operator. Such penalties will be collected in a summary manner in the Colts Neck Township Municipal Court in accordance with the Penalty Enforcement Law of 1999.

Notes:

- i. Must include cleanup of all debris, except fluids
- ii. Charged in 30 minute increments after initial 15 minutes; the first 15 minutes of winching time are included in the basic tow rate
- iii. Charged in 30 minute increments after initial 30 minutes; the first 30 minutes of waiting time are included in the basic tow rate.
- iv. Provided only upon request of the investigating authority or the owner of the vehicle.

§ 213-14. Records required to be maintained; impoundment.

A. All tow companies on the scene must inform an officer as to the location of the destination storage lot prior to removing the vehicle.

B. All permittees shall maintain a record of all nonconsent and consent towed vehicles from within the Township of Colts Neck. This record shall be made available to any police officer for inspection upon request and shall contain the following information:

- (1) The date, time and name of the tow truck/wrecker driver who towed the vehicle and the location from which the vehicle was towed.
- (2) The physical location of the vehicle after being towed.
- (3) Identification of the towed vehicle, to include make, year, model, color, license number and vehicle identification number and name of the registered owner, if known.
- (4) Type of incident requested (tow, impound, consent, nonconsent, etc.).
- (5) Itemized service or fees charged.

C. After towing of a vehicle to an authorized storage facility, the permittee, upon request, shall make the vehicle available to any authorized police officer of the Township of Colts Neck (or any other authorized officer) for a search, inventory and/or inspection of the vehicle and any or all property.

D. A vehicle impounded by the police shall not be released without a written order from the Police Department.

E. A written record shall be kept by the permittee indicating the name of the person receiving any vehicle that was towed, the type of proof of ownership presented and the name of the person releasing the vehicle.

F. It shall be the responsibility of the permittee to obtain proper proof of ownership and identification prior to the release of any vehicle. Release of any vehicle to an unauthorized person by the permittee may result in suspension or revocation of permits.

G. The permittee shall submit a list of all vehicles towed (at the request of the Township of Colts Neck Police Department) and stored at its facility. This list shall be submitted to the Police Department on the first day of each month. The list must include, at a minimum, the following information pertaining to each vehicle:

- (1) Year, make, model and color.
- (2) Registration number and state of registration.
- (3) Vehicle identification number.
- (4) Officer's name requesting the tow or impound and/or police department's case number.
- (5) The date the vehicle was towed.
- (6) Type of tow: consent, nonconsent, impound, accident, etc.

H. At the request of the Police Department, the permittee shall provide a copy of the invoice for each service performed by the permittee during any period specified in said request. Each invoice, at a minimum, shall contain the information required to be maintained by the towing company pursuant to Subsection.

§ 213-15. Rotating call list.

A. The Chief of Police is hereby directed to establish a system of rotation in the assignment of tow trucks/wreckers called the "rotating call lists." There shall be two separate rotating call lists established, one for regular-duty towing and the other for medium/heavy-duty towing. The system shall be designed to provide a fair opportunity for all permittees to participate in the towing and storage of vehicles as authorized by this chapter. Where a permittee owns or is otherwise interested in separate motor vehicle businesses which employ tow trucks/wreckers, the Chief may include each

separate business on the towing list notwithstanding common ownership or interest, provided that each such business is conducted on a separate lot as shown on the Tax Map, each such business has its own tow truck/wreckers and is otherwise capable of furnishing the towing and storage services called for in this chapter, and provided further that the intent of this chapter is to afford a fair opportunity for all permittees to participate in the program as described herein. The maximum number of businesses eligible for inclusion on the list where a permittee has common ownership or interest shall be two.

B. The owner or operator of the disabled vehicle must be informed, if possible, of the tow truck/wrecker service to be summoned prior to the call. Should the owner or operator decline the service of the tow truck/wrecker service on the rotation call list, the owner or operator may request an alternative service of his or her choosing, which will be permitted if said service can respond within a reasonable time.

C. The authorized towers will be responsible for and guarantee the following performance standards:

(1) The permittee shall dispatch tow trucks/wreckers immediately upon receipt of notification from the Police Department and shall ensure that the tow trucks/wreckers arrive at the scene requested within 15 minutes of the giving of such notification.

(2) Ninety percent of all calls referred will be answered within the response time limits outlined above.

(3) Not more than 10% of the calls will be answered within an additional 10 minutes, day or night.

D. In the event that the permittee, when called upon to respond by the Police Department, is unavailable or is unable to respond, the Police Department shall be authorized to call upon another towing service operator, who may or may not be covered by this chapter, to respond to the needed service or services.

E. The permittee shall not respond to the scene of a crash or call for service except upon notification by the Police Department or upon the request of the driver or owner of the vehicle concerned.

F. The Police Department of the Township of Colts Neck reserves the right to call upon any towing operator, other than any permittee covered by this chapter, in the event that, in the opinion of the Police Department, special equipment and/or services not maintained by a permittee are necessary for the prompt, efficient and/or safe removal, storage and/or inspection of the vehicle(s) concerned. This is particularly with reference to serious/fatal motor vehicle crash investigations, criminal investigations, stolen vehicles, construction equipment or vehicles presenting spent or hazardous circumstances, such as vehicles carrying toxic, flammable, explosive or environmentally sensitive material. The Police Department shall also determine the location where these vehicles will be stored.

G. The Police Department of the Township of Colts Neck also reserves the right, in circumstances when more tow trucks/wreckers are required at a given crash scene or at a given time, to call upon one or more other permittees to respond to the dispatch of the Police Department when necessary so as to protect the public health, safety and welfare.

§ 213-16. Permit fees.

A. Each application for a permit shall be accompanied by a fee of \$450 per business with a registration fee of \$40 per tow truck/wrecker for the year applied for and all subsequent years. If said application is rejected, 1/2 of the application fee and all of vehicle registration fee shall be refunded by submitting a properly executed voucher.

B. All the permit fees provided for in this section must be accounted for by the Township of Colts Neck and deposited in the local treasury, as required by N.J.S.A. 40A:5-15.

§ 213-17. Disposal of abandoned vehicles.

A. All vehicles stored by a permittee as a result of nonconsent tows, which are not claimed for by the legal owners, shall be disposed of in accordance with N.J.S.A. 39:10A-1 through 39:10A-7, also known as the "Abandoned Vehicle Law." The permittee must make written notification to the Police Department of the Township of Colts Neck that the said vehicle(s) are still in his/her possession and meet the requirements set forth in N.J.S.A. 39:10A for disposal. The Police Department shall take the appropriate action as outlined in N.J.S.A. 39:10A, as may be amended.

B. All vehicles stored by a permittee as a result of consent tows, which are not claimed for by the legal owners, shall be disposed of in accordance with P.L. 1964, c. 81 (N.J.S.A. 39:10A-1 et seq.), P.L. 1983, c. 455. The permittee shall take all necessary actions and bear all expenses outlined by Motor Vehicle Services pursuant to current laws.

C. It shall be the duty of the permittee to promptly notify, in writing, the Police Department of the Township of Colts Neck when a vehicle has been removed from storage as a result of any actions outlined in Subsection above.

D. The Police Department will, at the permittee's request, supply available information as to the owner of a vehicle, the owner's last known address and any other reasonable data that may be of assistance.

§ 213-18. Violations and penalties.

[Amended 3-8-2006]

A violation of any provision of this chapter shall be punishable as provided in § of this Code.

§ 213-19. Severability.

If any section, paragraph, subparagraph, clause or provision of this ordinance, Code or chapter shall be adjudged invalid or unenforceable, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged, and the remainder of this ordinance, Code or chapter shall be deemed valid and effective.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2010-18, which was introduced at a duly convened meeting of the Township Committee on the 10th day of November, 2010, and will be considered for final adoption after public hearing at a duly convened meeting of the Township Committee on the 8th of December, 2010.

Kenneth F. Florek, Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE												
	First Reading					Second Reading						
	November 10, 2010					December 8, 2010						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Committeeman												
Mayor Florek												
Deputy Schatzle												
Engel												
Eastman												
Fitzgerald												
X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded												

RESOLUTION - 2010-138
Authorizing Formal Transfer of Funds -
2010 Budget

WHEREAS N.J.S.A. 40A:4-58 states : "Should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient"; and,

WHEREAS the Chief Financial Officer has recommended that the following transfers, being in compliance with N.J.S.A. 40A:4-58, be made.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Colts Neck, County of Monmouth, (not less than 2/3 of the full membership concurring affirmatively) that the 2010 budget transfers be made a permanent part of this resolution, are hereby made and approved.

2010 BUDGET TRANSFERS

TRANSFERS TO(INSIDE "CAPS"):

Engineering Services:

Other Expenses \$ 5,200.00 To cover additional expenses.

TRANSFERS FROM(INSIDE "CAPS"):

Snow Removal:

Other Expenses \$ 5,200.00

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Committee of the Township of Colts Neck on the 10th day of November, 2010.

 Robert Bowden, Clerk

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

RESOLUTION NO. 2010-139

**AUTHORIZING EXECUTION OF AGREEMENT BETWEEN
THE TOWNSHIP OF COLTS NECK AND THE COUNTY OF MONMOUTH
FOR THE CONTINUED TEMPORARY USE AND OCCUPANCY OF
AN EMERGENCY RADIO TOWER AT DORBROOK PARK**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby approves and authorizes the Mayor and Clerk to execute a ten-year agreement between the Township of Colts Neck and the County of Monmouth for the continued use of an emergency radio tower at Dorbrook Park.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of Resolution 2010-139, adopted by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-140

**AUTHORIZING RELEASE OF INSPECTION AND ESCROW FEES
P.B. APPLICATION NO. 558
(NEW JERSEY AMERICAN WATER)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that the following be released and returned for P.B. Application No. 558:

1. Inspection Fees in the amount of \$1,776.00; and
2. Escrow Fees in the amount of \$2,424.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, New Jersey American Water;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-141

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE
STREET OPENING PERMIT – BLOCK 1.02, LOT 5
(35 THE ENCLOSURE)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby releases the \$1,000 Performance Guarantee for Block 1.02, Lot 5; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Richey;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-142

**AUTHORIZING RELEASE OF SPECIAL PERFORMANCE GUARANTEE
BLOCK 48, LOT 23.10
(39 RANCHO POLO)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby authorizes the following for Block 48, Lot 23.10:

1. Release of Performance Guarantee in the amount of \$10,000.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Patel;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-143

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
PLANNING BOARD APPLICATION NO. 554
(FULLING MILL ESTATES)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that the following be authorized for P.B. Application No.554:

1. Release of Maintenance Guarantee No. 45037809M with Greenwich Insurance Company, Cedar Knolls, New Jersey in the amount of \$69,000.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Kelly Design Group, 900 Jordan Drive, Brielle, NJ 08730;
2. Timothy Anfuso, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-144

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE
PLANNING BOARD APPLICATION NO. 521
(STONE HILL ESTATES)**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that the following be authorized for P.B. Application No.521:

1. Release of Maintenance Guarantee No. 136192080402 with Commerce Bank, Mt. Laurel, New Jersey in the amount of \$100,900.00.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Applicant, Kelly Design Group, 900 Jordan Drive, Brielle, NJ 08730;
2. Timothy Anfusò, Township Planner;
3. John Antonides, Chief Financial Officer; and
4. Glenn Gerken, Township Engineer.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

RESOLUTION 2010-145

EXECUTIVE SESSION

WHEREAS, the Colts Neck Township Committee wishes to go into a closed Executive Session to discuss a subject which should not be discussed in public; and

WHEREAS, the exception to the Open Public Meetings Act which permits the Township Committee to discuss this matter in private about litigation and personnel

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss litigation and personnel. No formal action is anticipated this evening; and

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter is resolved.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 10th day of November 2010.

Robert Bowden, Township Administrator/Clerk

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

TOWNSHIP COMMITTEE MEETING

November 10, 2010

CHECK LIST GRAND TOTALS

ACCOUNT	TRUST
911	
Animal Control	\$ 93.57
Capital Fund	\$ 2,243.44
COAH	
Construction Trust	\$ 11,657.13
Current Fund	\$ 261,821.64
Escrow	\$ 35,447.79
Farmland Preservation Trust	
Grant Fund	\$ 494.17
Law	
Tax Collectors Trust	
Trust Fund	\$ 9,097.69
TOTAL:	\$ 320,855.43

I hereby certify that the foregoing check list totaling \$320,855.43 is true and accurate and was approved for payment at the Township Committee meeting on November 10, 2010.

John D. Antonides, Finance Officer

Range of Checking Accts: 911 to WIRE Range of Check Dates: 10/23/10 to 11/08/10
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check # Check Date Vendor Reconciled/Void Ref Number
PO # Description Amount Paid Contract

AC ANIMAL CONTROL
1638 11/05/10 NJ S1 NJ DEPT OF HEALTH & SENIOR SVC 5969
10-01846 DOG LICENSE FEES OCT. 2010 10.80

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	10.80
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	10.80

ACWIRE WIRE TRANSFERS
21303 10/27/10 TOWN TOWN OF COLTS NECK PAYROLL AGE 5960
10-01820 10/29/10 PAYROLL 82.77

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	82.77
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	82.77

CAPITAL
1287 11/05/10 DELL DELL MARKETING L.P. 5971
10-01773 INV# XF46421C5 1,293.44
1288 11/05/10 EAST EAST COAST EMERGENCY LIGHTING 5971
10-01830 INV#0000020974 300.00
1289 11/05/10 QUALITY QUALITY ROOFING, LLC 5971
10-01792 ROOF REPAIR 14 HEYERS MILL RD 650.00

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	3	0	0.00	2,243.44
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	0.00	2,243.44

CON CONSTRUCTION
2910 11/05/10 GOVER GOVERNMENTAL RISK MANAGEMENT 5972
10-01845 TWP. MED. BENEFITS NOV. 2010 1,106.60
2911 11/05/10 PHOTO PHOTO OFFSET PRINTING 5972
10-01800 RECEIPT FORM K/INV#18239 76.32

11/08/10
12:39:43

COLTS NECK TOWNSHIP
Check Register By Check Date

Check #	Check Date	Vendor	Reconciled/Void	Ref Number
PO #	Description	Amount Paid	Contract	
2912	11/05/10	PRO 5 PROFESSIONAL PRINTING		5972
10-01793	UCC FORMS/INV# 71113	439.75		
2913	11/05/10	STAPE STAPLES ADVANTAGE		5972
10-01694	INV# 3142842089	320.24		

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	4	0	0.00	1,942.91
Direct Deposit:	0	0	0.00	0.00
Total:	4	0	0.00	1,942.91

CONWIRE	CONSTRUCTION WIRES	Ref Number
21305	10/27/10 TOWN TOWN OF COLTS NECK PAYROLL AGE	5962
10-01819	10/29/10 PAYROLL	9,714.22

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	9,714.22
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	9,714.22

CURRENT	Ref Number
32199 10/29/10 33 EA 33 EAST CAR WASH	5966
10-01719 INV#C-0910/POLICE CAR WASH/SEP	126.00
32200 10/29/10 AMEND AMEND PUBLISHING INC	5966
10-01777 INV# 312728	158.00
32201 10/29/10 AMER8 AMERICAN PUBLIC WORKS ASSOC	5966
10-00574 2010 PUBLIC WORKS TRADE SHOW	50.00
32202 10/29/10 ASSOC ASSOCIATED HUMANE SOCIETY	5966
10-01764 inv# 5642/SEPT/ANIMAL CONTROL	2,468.70
32203 10/29/10 CENT4 CENTRAL JERSEY SEPTIC INC.	5966
10-01796 INV#A-118121/SVC WET WELL/POL	273.00
32204 10/29/10 CERT1 CERTIFIED SPEEDOMETER SVC	5966
10-01631 INV# 10791	245.00
32205 10/29/10 CLAYT CLAYTON BLOCK COMPANY, INC	5966
10-01769 inv# 32273925/SAKRETE CONCRETE	47.17
32206 10/29/10 COMMISIO COMMISSION ON ACCREDITATION	5966
10-01772 INV#INV01356	85.00
32207 10/29/10 DELL DELL MARKETING L.P.	5966
10-01774 INV# XF4572291	153.04

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
PO #		Description			Contract
32208	10/29/10	DRAEG DRAEGER SAFETY DIAGNOSTICS IN			5966
10-01669		INV# 90605366	142.00		
32209	10/29/10	FLORE CELESTE FLOREK			5966
10-01815		ASSESSOR'S ASST 10/20/10	80.00		
32210	10/29/10	IIMC1 INTL INSTITUTE OF MUNICIPAL CLE			5966
10-01738		ANNUAL MEMBERSHIP THRU 9/30/11	200.00		
32211	10/29/10	JCPL8 JCP&L/REMITTANCE PROCES. CTR			5966
10-01814		A/C#100009882950/FIRE CO#1	1,123.06		
32212	10/29/10	JERS5 JERSEY ELEVATOR			5966
10-01802		INV#115487,LIB ELEV MAINT.	613.58		
32213	10/29/10	LANIG LANIGAN ASSOCIATES			5966
10-01768		INV# 82217	67.40		
32214	10/29/10	NETCARRI NETCARRIER TELECOM INC.			5966
10-01807		INV#067425/A/C#0000053139	440.90		
32215	10/29/10	PEPPE J. W. PEPPER & SON INC.			5966
10-01726		INV. 01H51742	2,420.99		
32216	10/29/10	PHOTO PHOTO OFFSET PRINTING			5966
10-01215		inv# 18129	296.86		
32217	10/29/10	PITN1 PITNEY BOWES INC/NATL BUS CTR			5966
10-01589		INV. 7546238-SP10 TERM RENTAL	1,257.00		
32218	10/29/10	STAPE STAPLES ADVANTAGE			5966
10-01717		INV.# 3142821815	91.39		
10-01770		INV# 3143517529	46.12		

			137.51		
32219	10/29/10	STRATHMO STRATHMORE BOWLING ALLEY			5966
10-01698		INV. 009737,009743	1,001.00		
32220	10/29/10	THE G THE GRANDE @ COLTS NECK			5966
10-01781		#673BRUSH MARCH & JUNE 2010	990.00		
32221	10/29/10	TRE15 TREASURER, STATE OF NEW JERSEY			5966
10-01610		CTC CERT RENEWAL/K MCCORMICK	50.00		
32222	10/29/10	VNA VNA OF CENTRAL JERSEY			5966
10-01778		IN#10-2299/3RD QTR NURSING SVC	1,000.00		
32223	10/29/10	WEST1 WEST			5966
10-01039		A/C# 1000221094	621.15		
32224	11/02/10	CANTAL V VICTORIA CANTALUPO			5967

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Check #	Check Date	Vendor	Reconciled/Void	Ref Number
PO #		Description	Amount Paid	Contract
10-01809		REFUND TIME TO TONE	35.00	
32225	11/02/10	DELL DELL MARKETING L.P.		5967
10-01773		INV# XF46421C5	645.20	
32226	11/02/10	ELDO ELDO MAGNANI JR.		5967
10-01831		2010 MILEAGE REIMBURSEMENT	600.00	
32227	11/02/10	FLORE CELESTE FLOREK		5967
10-01833		ASSESSOR'S ASST 10/27/10	80.00	
32228	11/02/10	FRANK T THOMAS FRANK		5967
10-01828		MILEAGE REIMBURSEMENT 2010	2,400.00	
32229	11/02/10	HART HARTER EQUIPMENT		5967
10-01808		emerg. brake/u-joint/IN#P92639	2,685.10	
32230	11/02/10	LANIG LANIGAN ASSOCIATES		5967
10-01786		INV# 82232/DUTY BELT	59.95	
32231	11/02/10	MARPA MARPAL COMPANY, INC. #873		5967
10-01832		A/C#308739013535/0873000157818	621.76	
32232	11/02/10	REHM DOROTHY REHM		5967
10-01810		REFUND TIME TO TONE	35.00	
32233	11/02/10	RICH4 RICHARD GALINSKI		5967
10-01825		MILEAGE REIMBURSEMENT 2010	1,600.00	
32234	11/02/10	RUTH RUTH LEININGER		5967
10-01822		REIMBURSE MILEAGE-ZONING SEMIN	30.00	
32235	11/02/10	SCARI SCARINCI & HOLLENBECK, LLC		5967
10-01813		INV. 125565 OCTOBER 2010	826.56	
32236	11/02/10	STACY JANIS STACY		5967
10-01811		REFUND FOR TIME TO TONE	35.00	
32237	11/02/10	TIMOT TIMOTHY ANFUSO		5967
10-01826		REIMBURSE MILEAGE FOR 2010	1,200.00	
32238	11/05/10	CERT1 CERTIFIED SPEEDOMETER SVC		5968
10-01829		INV# 10879	356.00	
32239	11/05/10	DITTM DITTMAR AGENCY		5968
10-01862		INV#119899/POLICY #AMA9064426	500.00	
32240	11/05/10	EAST EAST COAST EMERGENCY LIGHTING		5968
10-01830		INV#0000020974	750.00	
32241	11/05/10	FORNEY LAUREN FORNEY		5968
10-01789		YOGA 6 WKS. HALF WAY FALL	240.00	

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Check #	Check Date	Vendor	Reconciled/Void	Ref Number
PO #	Description	Amount Paid	Contract	
32242	11/05/10	GOVER GOVERNMENTAL RISK MANAGEMENT		5968
10-01845	TWP. MED. BENEFITS NOV. 2010	16,628.54		
32243	11/05/10	ITURRALD KAREN ITURRALDE		5968
10-01842	REFUND RAFFLE LICENSE FEE	20.00		
32244	11/05/10	MARPA MARPAL COMPANY, INC. #873		5968
10-01848	0873-000157826/#308739873004	6,604.08		
32245	11/05/10	NJ NA NJ NATURAL GAS COMPANY		5968
10-01850	A/C#22-0006-0175-08/POLICE STA	147.73		
10-01851	A/C#22-0006-0175-16/MUNICIPAL	385.09		
10-01852	A/C#14-3465-2480-18/RECREATION	36.57		

		569.39		
32246	11/05/10	ROBE2 ROBERT BOWDEN		5968
10-01837	MILEAGE REIMBURSEMENT 11/2010	250.00		
32247	11/05/10	SCOTTO DANA L. SCOTTO		5968
10-01812	SEPTIC INSPEC/CHAPTER 24,CDRSS	420.00		
32248	11/05/10	STAPE STAPLES ADVANTAGE		5968
10-01801	INV#3143780287	50.79		
10-01821	INV# 3144030769	53.36		
10-01823	INV# 3144083250	100.77		

		204.92		
32249	11/05/10	T M T & M ASSOCIATES		5968
10-01857	INV. JU179746/666/667/668	1,437.99		
32250	11/05/10	TOWN3 TOWNSHIP OF COLTS NECK		5968
10-01844	MEDICAL BENEFITS NOV., 2010	40,690.20		
32251	11/08/10	AMERICAN AMERICAN TEST CENTER, INC.		5973
10-01716	LADDER TEST/#84-190/IN#2102769	929.00		
32252	11/08/10	CARRI CARRIAGE HOUSE CLEANERS		5973
10-01858	OCT & NOV POLICE UNIFORM/CLEAN	523.50		
32253	11/08/10	GOPHER PROPHET CORPORATION		5973
10-01794	INV# 8207131/8210264	3,059.43		
32254	11/08/10	MARPA MARPAL COMPANY, INC. #873		5973
10-01863	A/C#308739013535/0873000152055	620.63		

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	56	0	0.00	98,704.61
Direct Deposit:	0	0	0.00	0.00
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Check #	Check Date	Vendor	Reconciled/Void	Ref Number
PO #	Description	Amount Paid	Contract	
Total:	56	0	0.00	98,704.61

CURWIRE CURRENT WIRES

21308	10/27/10	TOWN TOWN OF COLTS NECK PAYROLL AGE		5964
10-01817	10/29/10	PAYROLL	160,318.79	
21123	11/05/10	TRE11 TREASURER, STATE OF NJ/1989 GT		5947
10-01707	PMT#16	1989 GREEN TRUST FUND	2,798.24	

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	2	0	0.00	163,117.03
Direct Deposit:	0	0	0.00	0.00
Total:	2	0	0.00	163,117.03

ESC

1615	10/27/10	TRUMPCPB TRUMP NATIONAL GOLF CLUB		5965
ESC05922		REFUND RESOLUTION 2010-119	32,774.79	
1620	11/08/10	T M T & M ASSOCIATES		5974
ESC05923		PROFESSIONAL SERVICES	2,673.00	

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	2	0	0.00	35,447.79
Direct Deposit:	0	0	0.00	0.00
Total:	2	0	0.00	35,447.79

GRWIRE GRANT WIRES

21306	10/27/10	TOWN TOWN OF COLTS NECK PAYROLL AGE		5963
10-01818	10/29/10	PAYROLL	494.17	

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	494.17
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	494.17

TRU TRUST ACCOUNT

1924	11/05/10	AME10 AMERICAN HISTORICAL THEATRE,		5970
10-01804	A.	HAMILTON/10/19/10/#101910	265.00	

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	265.00
Direct Deposit:	0	0	0.00	0.00

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Check #	Check Date	Vendor	Reconciled/Void	Ref Number
PO #	Description		Amount Paid	Contract

Total:	1	0	0.00	265.00
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TRWIRE TRUST WIRES
21304 10/27/10 TOWN TOWN OF COLTS NECK PAYROLL AGE 5961
10-01816 10/29/10 PAYROLL 8,832.69

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	8,832.69
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	8,832.69

Report Totals	Paid	Void	Amount Void	Amount Paid
Checks:	73	0	0.00	320,855.43
Direct Deposit:	0	0	0.00	0.00
Total:	73	0	0.00	320,855.43

Fund Description	Fund	Budget Total	Revenue Total
	0-01	261,821.64	0.00
	C-02	2,243.44	0.00
	D-06	93.57	0.00
	G-03	494.17	0.00
	T-04	20,754.82	0.00
Total of All Funds:		285,407.64	0.00

Project Description	Project No.	Project Total
WHELAN CUSTOM HOMES, INC.	ABBAT INSP	99.00
BLACKBURN/PHALANX/LAIRD/00596	BLACKBURN	594.00
COOKE/01509	COOKE INSP	198.00
DUE PROCESS GOLF CLUB	DUEPROGOLF	66.00
S&M FLANCAUM/00629	FLANCAUMM	264.00
KELLY DESIGN INSP(CONOVER RD)	KELLY INSP	264.00
6900.00	OVERBROOK	726.00
RED FOX INV PARTNERSHIP, LLC	RED FOX	462.00
TRUMP CPB	TRUMPCPB	32,774.79
		=====
Total of All Projects:		35,447.79