

**ON MONDAY, MAY 23, 2005, AT 6:30 P.M., THE JACKSON TOWNSHIP COMMITTEE HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

**ROLL CALL:**

**COMMITTEEMAN GIBLIN  
COMMITTEEMAN REILLY  
COMMITTEEMAN SEDA  
DEPUTY MAYOR KAFTON  
MAYOR BRODERICK**

**ATTORNEY STARKEY (6:50 PM)  
ADMINISTRATOR SALERNO  
TOWNSHIP CLERK EDEN**

**ALSO PRESENT ROBERT RYLEY**

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**RESOLUTION 243R-05**

**TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COMMITTEE TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS INVOLVING PERSONNEL, LITIGATION AND OPEN SPACE LAND ACQUISITION**

**MOTION TO APPROVE BY: SEDA**

**MOTION SECONDED BY: KAFTON**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a public meeting under certain circumstances; and

**WHEREAS**, this governing body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Jackson, County of Ocean, and State of New Jersey, as follows:

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a) Personnel
  - b) Litigation
  - c) Potential Land Acquisition
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

**DATED: 5/23/05**

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**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

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**ON MONDAY, MAY 23, 2005 THE JACKSON TOWNSHIP COMMITTEE HELD IT'S MEETING, COMMENCING AT 7:30 P.M. IN THE MAIN MEETING ROOM OF THE MUNICIPAL BUILDING. SAID MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.**

**ROLL CALL:**

**COMMITTEEMAN GIBLIN  
COMMITTEEMAN REILLY  
COMMITTEEMAN SEDA  
DEPUTY MAYOR KAFTON  
MAYOR BRODERICK**

**ATTORNEY STARKEY  
ADMINISTRATOR SALERNO  
TOWNSHIP CLERK EDEN**

As Clerk of this meeting, I publicly announce that in compliance with the provisions of the "Open Public Meetings Act" adequate notice of this meeting of the Jackson Township Committee has been advertised in the manner prescribed by law. This statement shall be entered into the Minutes of this meeting.

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## **PRESENTATION TO MAYOR BRODERICK & TOWNSHIP COMMITTEE**

**MR. McCORMICK, MR. CATTONA & BAND MEMBERS (JACKSON HIGH SCHOOL BAND):** They explained that this year the band marched at the Inaugural Parade and they presented a plaque to the Mayor and Township Committee for their support.

**MAYOR BRODERICK:** He read a letter from the President thanking the band for participating in the 55<sup>th</sup> Inaugural Parade.

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## **COMMITTEE COMMENTS**

**COMMITTEEMAN GIBLIN:** He began by saying that he went on the new roller coaster at Great Adventure on Thursday and it is a wonderful ride. He was there with Committeeman Seda and the President of the Chamber, etc. and he believes this will help bring tourism to Jackson Township. He thinks Great Adventure plays an important role in supporting our community and especially civic organizations in town and he looks forward to going on the ride again.

**COMMITTEEMAN REILLY:** He stated he unfortunately didn't get a chance to ride Kingda Ka but is looking forward to doing so in the near future. He thanked the Jackson Memorial High School for the plaque they gave to the Township and they always represent us very well. In closing, he stated the agenda is relatively light and hopefully they can get through it with only some minor hiccups.

**COMMITTEEMAN SEDA:** He thanked everyone for coming out. He congratulated the Mayor on the plaque and said it was well deserved and he believes the band did a fine job in representing us. He stated that the last couple of weeks were difficult for him, Committeeman Giblin and the entire Committee who were troubled with the task of trying to go through a \$121 Million Dollar school budget and make the necessary cuts so that both sides can live with it. He has done some further research being the School Board liaison and met with Assemblyman Joe Malone. He read from a press release regarding Jackson's property taxes soaring out of control. As a liaison to the School Board he feels it is his role to fight for quality education and alternative funding sources to fund public education. One of the Assemblymen in our 30<sup>th</sup> District, Assemblyman Joe Malone, is a ranking member of the Assembly's Budget Committee as well as the member of the Education Committee. He is well versed with the problems associated with public school funding so he met with him to discuss opportunities for alternative funding and additional State aid for Jackson schools and municipal operations. He did this to help the residents of Jackson to get some relief from their property tax burden. He is pleased that Assemblyman Malone has accepted his invitation to appear before this Committee and the residents of Jackson to discuss proposals to improve State funding for public schools. He asked the Committee to set aside some time at the next meeting so that Assemblyman Malone could share his insight on what the State is doing with our public funding for schools.

**DEPUTY MAYOR KAFTON:** He too thanked the band for the plaque and addressed the Mayor and stated he has done a great job with the Jackson Band. He went on to speak about Ordinance 26-05 that is on the agenda tonight regarding residency restrictions for sex offenders. This ordinance he hopes will pass and will make Jackson one of the first towns in the State to pass it. He explained that under the National Alert Registry the latest national survey confirms that there are over 374,270 registered sex offenders in the United States. Over 2,000 children are reported missing every day and every 1 in 3 girls and 1 in 6 boys end up becoming a victim of a sexual offender. Upwards of 40% of convicted pedophiles are likely to be repeat offenders. These are

staggering numbers and he is proud they put this ordinance forth to be one of the first towns in the State to pass it. The State is also looking to pass something and he thinks that every town should jump on board because we need to do whatever we can to protect our children.

**MAYOR BRODERICK:** He stated he was going to start off his comments by stating he was a little disappointed on a column in last weeks paper by Committeeman Reilly and his new running mate Ann Updegrave because of the misrepresentation of certain facts. Instead he explained he is going to let that go until the next meeting and address it at that time. He stated the plaque from the band “really hit home” it has been a great privilege to work with the band. They earmarked 186 members this year and next year they will be at 236 members. He has the honor of working with them and his younger daughter who will be a junior next year will be taking a leadership role and will be one of the drum majors next year. He went on to thank Mrs. Oliver and Mrs. Mangana (?) who lost their husbands in the 911 tragedy. They came out last week when they dedicated the brass plaques at the Justice Complex in honor of both their husbands. They are also going to be looking at putting an eternal light under both of those plaques to keep them close within everyone’s hearts. In closing he thanked everyone for coming out.

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**PUBLIC HEARING OPENED, RESOLUTION 252R-05 ONLY:**

**GILBERT GUTTENTAG, 15 DEXTER LANE:** He asked what this Resolution is for and how much it is? Committeeman Giblin explained that last year the Committee out of the Recreation trust fund authorized \$50,000 to go to the Jackson Little League to develop a complex of their own on this lot and block (off of Freehold Road). They are to do everything themselves and this is whom they decided to choose as the engineer. Based on discussions with finance this Resolution still has to be supported by the Township Committee because we are authorizing an appropriation of \$50,000 even though Jackson Little League made the request to use this particular engineer. He explained that the \$50,000 is the township’s money and exceeds the \$25,000 threshold, therefore they have to do a Resolution.

**MOTION TO CLOSE THIS PUBLIC HEARING ON RESOLUTION 252R-05 ONLY BY: KAFTON**  
**SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**RESOLUTION 252R-05**  
**TITLE: AUTHORIZE APPOINTMENT OF D.W. SMITH ASSOCIATES, LLC AS SPECIAL PROJECTS ENGINEER FOR ENGINEERING SERVICES RELATING TO JACKSON LITTLE LEAGUE BALL FIELDS LOCATED ON BLOCK 106, LOT 18**

**COMMITTEEMAN REILLY:** He stated he understands the professional services contract is being given to D.W. Smith. He asked if the Jackson Little League solicited proposals or if the township helped them in soliciting proposals on this? Committeeman Giblin stated that the leadership of the Little League told him they do have other proposals and recommended this one because it is the best fit. Committeeman Reilly asked if he has supporting documentation to that effect? Mayor Broderick stated they have nothing more then they did for Pop Warner, etc. Deputy Mayor Kafton explained that the Jackson Little League is not required to follow the bid laws of a government agency because they are a private organization. He is sure they are trying to save as much money as they can to build this. Committeeman Giblin offered Committeeman Reilly the phone number of the President of the Little League so he could ask him.

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the Township Committee previously approved funding in the amount of \$50,000.00 for preliminary engineering work associated with the construction of the Jackson Little League ball fields located on Block 106, Lot 18; and

**WHEREAS**, the Township Committee has determined the need to appoint an engineer to perform preliminary engineering work associated with the construction of the Little League ball field; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) required the Notice of a resolution authorizing the award contracts for “Professional services” without competitive bids, must be publicly advertised; and

**WHEREAS**, the maximum amount of this contract is \$37,500.00 and the Chief Financial Officer has certified that sufficient funding exists for this professional service in Capital Fund/Reserve for Recreation under Account No. X-04-55-987-901.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

1. That D.W. Smith Associates, LLC is hereby appointed to the position of Special Projects Engineer to perform preliminary engineering work associated with the Little League ball fields on Block 106, Lot 18.
2. This appointment is made without competitive bidding for “Professional services” to be performed by a person authorized by law to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.
4. A Notice of this appointment shall be advertised as required by law.
5. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Township Administrator, Chief Financial Officer, Daniel Burke, D.W. Smith Associates, LLC and any other interested parties.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**BILLS AND CLAIMS**

**MOTION TO APPROVE BILLS AND CLAIMS BY: GIBLIN**

**MOTION SECONDED BY: KAFTON**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**NO: REILLY (CME), SEDA (CME)**

**ABSTENTIONS: SEDA (ED GLASNER)**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
068735	JACKSON TOWNSHIP P/R ACCOUNT	715,091.49
068736	JACKSON TOWNSHIP P/R ACCOUNT	56,174.61
068836	A&M TEXACO INCORPORATED	50.00
068837	ACTION OFFICE SUPPLIES INC.	968.11
068838	ALLIED DIESEL SERVICE, INC.	21.50
068839	AMERICAN TRANSMISSION	1,050.00
068840	DORIS PICO/MARCELINO ARAUZ	1,118.23
068841	ARBOR TREE SERVICE	400.00
068842	ARROW LOCKSMITH & SECURITY INC.	245.00
068843	ASBURY PARK PRESS, INC.	924.78
068844	ASCE/MEMBERSHIP	215.00
068845	BEYER BROTHERS CORP.	460.19
068846	BINDER MACHINERY COMPANY, INC.	1,062.21
068847	BRICK STARTER & ALTERNATOR, INC.	66.00
068848	BROUWER HANSEN & IZDEBSKI	315.00
068849	CABLEVISION	59.95
068850	CANYON SPRING WATER	VOID .00
068851	CANYON SPRING WATER	546.50
068852	CASSVILLE GARDEN CENTER	84.25

068853	CEDE & COMPANY		405,554.38
068854	CHERRY VALLEY TRACTOR SALES		129.95
068855	CIVIL SOLUTIONS		3,600.00
068856	RALPH CLAYTON & SONS MATERIALS		193.44
068857	CME ASSOCIATES		1,300.00
068858	METROPOLITAN INSURANCE CO.		625.68
068859	COMPLETE SECURITY SYSTEMS INC.		100.00
068860	JANICE CONNOR		133.40
068861	COUNTRYWIDE – TAX DEPT.		2,471.32
068862	COUNTY LINE HARDWARE		8.58
068863	COUNTRY CLEAN, INC.		99.45
068864	DEPENDABILITIES		15,000.00
068865	FELICITY V. EPSTEIN		116.00
068866	EXCAVATING MATERIALS &		1,410.00
068867	FALLON & FALLON LLP		6,700.00
068868	FOSTER & COMPANY, INC.		313.66
068869	FOX STEEL PRODUCTS LLC.		4,573.00
068870	GANN LAW BOOKS INC.		79.00
068871	GENERAL CODE PUBLISHERS CORP.		4,250.00
068872	GILLIGAN & NARDINI		6,429.00
068873	LAW OFFICES OF EDMUND GLASNER		3,333.33
068874	GLOBAL ENGINEERING DOCUMENTS		181.62
068875	GPANJ		30.00
068876	GRAINGER-TRENTON		383.54
068877	GREATER MEDIA PUBLICATIONS		185.00
068878	HOOVER TRUCK CENTERS, INC.		260.09
068879	HUNTER JERSEY PETERBUILT		183.00
068880	INDUSTRIAL WELDING SUPPLY INC.		40.00
068881	JACKSON TWP. MUN. UTILITIES AUTH		5,874.31
068882	JERSEY CENTRAL POWER & LIGHT	VOID	.00
068883	JERSEY CENTRAL POWER & LIGHT	VOID	.00
068884	JERSEY CENTRAL POWER & LIGHT		66,034.75
068885	A-1 JDK SPECIALTIES		105.00
068886	JOHNNY ON THE SPOT		406.00
068887	JONATHAN GREEN & SONS INC.		2,505.50
068888	KING, KITRICK, JACKSON & SHEEHAN	VOID	.00
068889	KING, KITRICK, JACKSON & SHEEHAN		4,530.66
068890	LAKEWOOD AUTO SUPPLY INC.		1,113.42
068891	LANGUAGE SERVICES ASSOCIATES		10.50
068892	LFG SPECIALTIES, L.L.C.		349.46
068893	L.J. MAKRANCY & SONS		7,439.86
068894	SUSAN LOTITO		945.00
068895	LOWE'S COMPANIES, INC.		1,097.76
068896	JAMES & ELIZABETH LYKES		228.32
068897	MARK & MARIA MAMREGA		60.00
068898	MCCRISTAL REPORTING SERVICE		1,400.00
068899	VICKI MEYER		1,588.01
068900	MIAMI SYSTEMS CORPORATION		1,107.75
068901	MONMOUTH COUNTY POLICE		25.00
068902	NAPCO/R.S. KNAPP CO. INC.		423.16
068903	NATIONAL TACTICAL OFFICERS		150.00
068904	N.J. DIV. OF FIRE SAFETY		1,096.00
068905	NEW JERSEY NATURAL GAS	VOID	.00
068906	NEW JERSEY NATURAL GAS		5,974.77
068907	NEW JERSEY PLANNING OFFICIALS		30.00
068908	NEW JERSEY STATE LEAGUE OF		55.00
068909	NOREIKA GAS INC.		90.61
068910	JOSEPH & LIZA O'ROURKE		615.38
068911	JOHN OBERLIN		75.00
068912	OCEAN COUNTY LANDFILL CORP.		50,000.00
068913	OCEAN COUNTY NEWSPAPERS, INC.		137.88
068914	OFFICE OF WEIGHTS & MEASURES		310.00

068915	O'SHEA TRUCK CENTER	542.58
068916	MONICA PASCARELLA	78.52
068917	PEDRONI FUEL COMPANY, INC.	21,230.76
068918	PENNINGTON SALES & SERVICE	2,401.42
068919	PHILADELPHIA TURF CO.	1,139.15
068920	PHILIPS MEDICAL SYSTEMS,	1,712.70
068921	PINE BELT CHEVROLET CO., INC.	71.54
068922	PINEBELT CB LLC	209.51
068923	PMI TECHNOLOGIES	465.00
068924	PORT AUTOMATIC SPRINKLER CORP.	280.00
068925	POSTER COMPLIANCE CENTER	86.25
068926	ANTHONY & DARA PREVITE	208.28
068927	QUILL CORPORATION	84.55
068928	RAG SHOPS, INC. #95	103.66
068929	RAGAN DESIGN GROUP	VOID .00
068930	RAGAN DESIGN GROUP	10,535.66
068931	RITTENHOUSE KERR FORD INC.	447.59
068932	ROBERT RYLEY	53.87
068933	ANDREW J. SALERNO	500.00
068934	SECARE, DELANOY, MARTINO &	3,580.34
068935	SEELY EQUIPMENT & SUPPLY	134.20
068936	SIRICHIE FINGERPRINT	75.85
068937	STARKEY, KELLY, BLANEY, BAUER &	25,808.98
068938	STOFFEL SEALS CORPORATION	499.50
068939	SUPPLY SAVER	306.00
068940	ROBERT A. TARANTINO	1,029.08
068941	TRANSAXLE CORPORATION	3,384.11
068942	TRENTON BRAKES, INC.	86.00
068943	JOHN & JOANN TWORKOSI	20.00
068944	MICHELLE J TWORKOSKI	68.52
068945	ULTIMATE OFFICE	75.00
068946	MICHAEL CEPPALUNI dba/UNITED	340.00
068947	VAN SANT EQUIPMENT	507.44
068948	VAN SANT SEWER SERVICE LLC	1,190.00
068949	VERIZON WIRELESS	37.54
068950	VERIZON	VOID .00
068951	VERIZON	4,068.01
068952	VIP CREDIT REPORTING, LLC.	100.00
068953	WALTER R. EARLE CORPORATION	185.40
068954	SCOTT WEINSTEIN	100.00
068955	WEST-THOMSON CORPORATION	85.00

CHECK#	ACCOUNT	AMOUNT
000303	DOG	654.00
060381 – 060387	GENERAL TRUST	24,109.13
060898 – 060903	PARKS & REC	4,648.35
009072	OPEN SPACE	96,134.38
001122 – 001123	INDUSTRIAL COMMISSION	412.96
002086 – 002087	SUBDIVISION	17,892.80
002493 – 002541	DEVELOPERS	61,100.15

CAPITAL

CHECK#	VENDOR	AMOUNT
060321	ABC MASONRY	7,400.00
060322	D.W. SMITH ASSOCIATES, LLC	8,599.50
060323	JACKSON TWP. MUN UTILITIES AUTH	1,035.75
060324	JACKSON TWP. OPEN SPACE FD	941.41
060325	WHIRL CONSTRUCTION	8,540.00
	TOTAL	26,516.66

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**ORDINANCES, SECOND READING: NONE AT THIS TIME**

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**ORDINANCE FIRST READING  
25-05**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, STATE OF NEW JERSEY AUTHORIZING THE CONVEYANCE OF A TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT WATER EASEMENT TO THE JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY ON A PORTION OF BLOCK 40, LOT 41.30**

**MOTION TO APPROVE ORDINANCE 25-05 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, JUNE 13,2005 BY: KAFTON  
MOTION SECONDED BY: GIBLIN  
YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**ORDINANCE 25-05**

**BE IT ORDAINED** by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey as follows:

**SECTION 1.** Purpose. The purpose of the within ordinance is to grant a temporary construction easement and permanent five (5') foot water easement in, on, under, through, upon, over and across a certain portion of the Township of Jackson's property known as Block 40, Lot 41.30 located along Don Connor Blvd. (not needed for municipal purposes) for the purpose of the installation of a 12" water main on behalf of the Jackson Township Municipal Utilities Authority.

**SECTION 2.** Granting of the temporary construction easement and five (5') foot permanent water easement. The within ordinance authorizes the Jackson Township Mayor and Clerk to execute a Deed of Easement from Jackson Township to the Jackson Township Municipal Utilities Authority for a portion of Block 40, Lot 41.30. See attached description of easement.

**SECTION 3** Consideration. The within transfer is being made from Jackson Township as grantor to the Jackson Township Municipal Utilities Authority as grantee for a nominal consideration.

**SECTION 4** Reversionary Interest. Pursuant to N.J.S.A. 40A:12-13.4, the land being transferred shall be used only for public purposes by the county, and if the land is not used in accordance with this limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality.

**SECTION 5** This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

**SECTION 6** This Ordinance shall take effect immediately upon final passage and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Jackson, in the County of Ocean, State of New Jersey, held on the 23<sup>rd</sup> day of May, 2005, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 13<sup>th</sup> day of June, 2005 at 7:30 P.M. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building in said Township, at

which time all persons interested shall be given an opportunity to be heard concerning this Ordinance.

Prior to the second reading, a copy of this Ordinance shall be posted on the Bulletin Board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

**DATED: 5/23/05**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**ORDINANCE 26-05**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, STATE OF NEW JERSEY CREATING CHAPTER 53 ENTITLED "SEX OFFENDER RESIDENCY RESTRICTIONS" OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF JACKSON**

**DEPUTY MAYOR KAFTON:** He explained at the last meeting he asked Attorney Starkey to look in to the possibility of a future lawsuit on this and how he feels the township would stand on that.

**ATTORNEY STARKEY:** He stated that there is an important case decision on this from the United States Court of Appeals from the 8<sup>th</sup> Circuit (Federal Court) issued on April 29, 2005. The court faced the situation where an Ordinance was adopted to allow for restrictions on 2,000 feet from any school or daycare center similar to the one that is up for adoption here. That court found it was proper and within the scope of the governing body to adopt that. He feels based on that it is his opinion they have the authority to adopt the Ordinance tonight.

**COMMITTEEMAN SEDA:** He stated he too did some research based on the Hamilton Ordinance and the fact that we have probably one of the largest parks (Great Adventure) in the State. The Hamilton Ordinance doesn't address this and Great Adventure is trying to do something like it, but they are being challenged on how they are going to follow through with it. He asked they listen to him and maybe they can add this to the Ordinance. The only difference is that it would be 2,500 feet from any school, park, daycare center and any commercial establishment. A commercial establishment would be a place offering any classroom instruction on a regular basis (once per week), any recreational activities for children 14 years of age or younger or any place of entertainment frequented by children 14 years of younger (amusement parks, movie theaters, roller rink, etc.). He asked this be considered before they pass this Ordinance tonight. Committeeman Kafton asked Mr. Starkey that by broadening this would it weaken any future case they have? Attorney Starkey explained they don't want it to be so vague that it would cover the entire township because they can't ban people from the entire township. Committeeman Seda stated he is asking this because of the roller rink and Great Adventure because children spend a large portion of their time there. Committeeman Giblin stated he thinks this leaves everything open to interpretation. Committeeman Seda asked they look at it and maybe table this to the next meeting and implement something then. Deputy Mayor Kafton stated that at the last meeting he asked all Committeemen to call him if there were any concerns or anything they wanted to add to this so they could address it this evening. He then asked if they go ahead with this could it be amended in the future? Attorney Starkey stated that it could be amended, but he would have to try to tighten up the language because it is too vague. Committeeman Seda stated this took him time to research and didn't want to turn this into a political issue. Deputy Mayor Kafton stated he would like to move forward with it and either amend on second reading or reintroduce it if there is a material change. He wants to make sure this isn't vague and will stand up in court.

**MOTION TO APPROVE ORDINANCE 26-05 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, JUNE 13,2005 BY: KAFTON MOTION SECONDED BY: SEDA YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**ORDINANCE 26-05**

**WHEREAS**, there are presently no State laws which concern or touch upon the prohibition of convicted sex offenders from residing or living near areas where children regularly meet and congregate; and

**WHEREAS**, the Township believes that it is in its residents' best interests to adopt additional regulations regarding convicted sex offenders, so as to protect the health, safety and welfare of the children of the municipality;

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey as follows:

**Chapter 53:** The Township Committee of the Township of Jackson hereby adopts Chapter 53 of the Administrative Code of the Township of Jackson entitled "Sex Offender Residency Restrictions"

Section 1: Sex offender residency restrictions: 2,500 feet

- (a) No person over the age of 18 who has been convicted of a violation of any crime against a minor as listed in N.J.S.A. 2C:7-2, and who as a result of said conviction is required to register with the proper authorities to N.J.S.A. 2C:7-1 et. seq. Registration and Notification of Release of Certain Offenders shall be permitted to reside or live within 2,500 feet of any school, park, playground or day care center in Jackson Township.
- (b) A person who resides or lives within 2,500 feet of any school, park, playground or day care center in the Township of Jackson shall have sixty (60) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location, which is in compliance with this section within that time period, shall constitute a violation of this section.
- (c) This section shall not apply to a person who has established a residence prior to June 15, 2005.
- (d) Any violation of this section shall be punishable by a fine not exceeding \$1,250.00; imprisonment for a term not exceeding 90 days; a period of community service not exceeding 90 days.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Jackson, in the County of Ocean, State of New Jersey, held on the 23<sup>rd</sup> day of May, 2005, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 13<sup>th</sup> day of June, 2005 at 7:30 P.M. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning this Ordinance.

Prior to the second reading, a copy of this Ordinance shall be posted on the Bulletin Board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

**DATED: 5/23/05**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

**PUBLIC HEARING OPENED, RESOLUTIONS ONLY:**

**ROBERT KELLET, 2 NO. AVON DRIVE:** He stated he wanted to comment on the three articles in the Asbury Park Press (May 11, May 13 & May 18). Mayor Broderick stated that the article is not directly reflective on what is on the open public portion now. They are specifically dealing with Resolutions and Resolutions only. He asked him to stay for the regular public portion and he can speak then.

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY:**  
**KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**RESOLUTION 249R-05**  
**TITLE: RESOLUTION IN FAVOR OF ASSEMBLY 3526/SENATE 2144**  
**“CHRISTOPHER’S LAW”**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS,** Christopher Williamson, a twelve year old resident of Cranford, New Jersey, was struck and killed by an unlicensed driver on June 4, 2004; and

**WHEREAS,** on September 20, 2004 the unlicensed driver who struck and killed Christopher Williamson pled guilty in Cranford Municipal Court to a traffic violation and paid a nominal fine, the maximum punishment available under New Jersey law for a driver who has never had a driver’s license involved in an accident that results in the death of another person; and

**WHEREAS,** New Jersey Criminal Law ((N.J.S.A. 2C:11-5(b)(1)) provides that a driver with a suspended or revoked license who is involved in an accident resulting in the death of another person is guilty of a crime of the third degree, punishable by imprisonment of 3 to 5 years, a fine of up to \$15,000.00 or both; and

**WHEREAS,** it is the common sense of the people of New Jersey that a person who drives without having obtained a driver’s license and kills another person should be guilty of a crime in the same way that someone who drives with a suspended or revoked license and kills another person is guilty of a crime; and

**WHEREAS,** “Christopher’s Law” (A3526/S2144) has been introduced in the Assembly and the Senate to amend section 2 of P.L. 2001 c.213 and supplement title 2C of the New Jersey Statutes in order to make a driver who has never had a driver’s license who is involved in an accident that results in the death of another person guilty of a crime of the third degree, punishable by imprisonment of 3 to 5 years, a fine of up to \$15,000.00 or both;

**NOW, THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Jackson urges the New Jersey State Assembly and the New Jersey State Senate to pass “Christopher’s Law” without delay in order to conform the New Jersey Statutes to the common sense of the people of New Jersey and to protect the people of New Jersey from unlicensed drivers;

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Acting Governor and Senate President Richard J. Codey, Senator Robert Singer, Congressman Christopher Smith, Assemblymen Ronald Dancer and Joseph Malone, each member of the New Jersey State Legislature and the Ocean County Board of Chosen Freeholders.

**DATED: 5/23/05**

**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**RESOLUTION 269R-05**

**TITLE: AUTHORIZE THE EXECUTION AND SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (GREEN ACRES GRANT NO. 1512-03-021)**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Jackson desires to further the public interest by obtaining a grant of \$1,200,000.00 from the State to fund the following project(s):

Jackson Township Open Space Acquisition Plan;

**NOW, THEREFORE**, the governing body resolves that Michael Broderick or the successor to the Office of Mayor is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of Jackson Township:

- 1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State know as Jackson Township Open Space Acquisition Plan, and;
- 2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,200,000.00.
- 3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
- 4. The applicant agrees to comply with all applicable Federal, State, and local laws, rules, and regulations in its performance of the project.
- 5. That this resolution shall take affect immediately.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

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**CONSENT AGENDA, ONE VOTE FOR ALL OF THE FOLLOWING RESOLUTIONS:**

**COMMITTEEMAN REILLY:** There are three Resolutions (250R-05, 251R-05, 268R-05) on the Consent Agenda for Professional Service Contracts. He asked if the township

solicited other proposals? Administrator Salerno stated that regarding Resolution 250R-05 Remington, Vernick & Vena are the engineers the County is using on this project. Resolution 251R-05 is a State Grant program for \$150,000 of the anticipated \$420,000 construction cost and it is coming from the engineers line. He did not solicit bids and is recommending giving it to CME based on their Township Engineers contract, which was approved on January 1<sup>st</sup>. He explained that this is not an addition to the contract that was awarded to them on January 1<sup>st</sup>. He explained that regarding Resolution 268R-05 USIS Commercial Services is the vendor that was chosen by the Joint Insurance Fund and it is a reduction in about \$15.00 a test based on what we used last year. They did not solicit other proposals because they are the vendor that won the proposal with the JIF. Mayor Broderick stated that on 268R-05 the vendors testing facilities are also close to our community (Lakewood & Howell).

**RESOLUTION 244R-05**

**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, it has been determined by the Township Tax Collector that the taxpayers as indicated on the attached Schedule “A” are entitled to overpayment refunds, and;

**WHEREAS**, it is the desire of the Township Committee to have these overpayments returned to the respective taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey, that:

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown and to the taxpayers, as appears on Schedule “A” which is made apart hereof.
2. Copies of this Resolution to the Tax Collector and respective taxpayers, and any other interested parties.

**OVERPAYMENT REFUNDS  
MAY 23, 2005  
TOWNSHIP OF JACKSON**

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
34	33.13	Vicki Meyer	2005-2 <sup>nd</sup>	\$1,588.01
66.09	47.18	Anthony Jr. & Dara L. Previte	2004 – 3 <sup>rd</sup>	\$ 208.28
75.01	3609.1003	Michelle J. Tworkoski	2004 – 3 <sup>rd</sup>	\$ 68.52
85	17.05	James & Elizabeth Lykes	2005 – 1 <sup>st</sup>	\$ 228.32
125.01	42	Doris J. Pico & Marcelino Arauz	2005 – 1 <sup>st</sup>	\$1,118.23
128.01	18.123	Joseph & Liza J. O’Rourke	2005 – 1 <sup>st</sup>	\$ 615.38
128.03	11	Robert A. Tarantino	2005 – 1 <sup>st</sup>	\$1,029.08
66.29	6	Countrywide Tax Service Corp.	2005 – 2 <sup>nd</sup>	\$1,383.07
143.11	16	Countrywide Tax Service Corp.	2005 – 2 <sup>nd</sup>	\$1,088.25

**DATED: 5/23/05**

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 245R-05**

**TITLE: APPROVE TOWNSHIP COMMITTEE MEETING MINUTES OF APRIL 25, 2005**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

WHEREAS, official Minutes of Jackson Township Committee meetings have been prepared; and

WHEREAS, the Township Clerk has reviewed these Minutes and has submitted them to the Township Committee for their approval;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Jackson, County of Ocean, that:

- a. The following Minutes are hereby approved by the Jackson Township Committee:

**APRIL 25, 2005**

- b. Copies of this resolution to any interested parties.

**DATED: 5/23/05**

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**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 246R-05**

**TITLE: APPROVE BINGO/RAFFLE LICENSE TO: ROTARY CLUB OF JACKSON (#RA-1073) AND JACKSON FOOTBALL PARENTS (#RA-1074)**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

WHEREAS, certain organizations have applied to the Jackson Township Committee for permission to hold Raffles or Bingo Games within the Township for fund raisings:

NOW THEREFORE, BE I RESOLVED by the Mayor and the Township Committee of the Township of Jackson, County of Ocean, State of New Jersey, that:

- 1. The following application(s) are hereby approved:

RA 1073 – ROTARY CLUB OF JACKSON  
RA 1074 – JACKSON FOOTBALL PARENTS CLUB

- 2. Copies of the Resolution to interested parties.

**DATED: 5/23/05**

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**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 247R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO JEM CONTRATING, LLC OF THE CASH BOND ISSUED FOR 20 SUMMERHILL AVENUE A/K/A BLOCK 130.01, LOT 28.06**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, JEM Contracting, LLC has requested the Release of a Cash Bond for winter conditions in the amount of \$1,500.00 pertaining to 20 Summerhill Avenue, a/k/a Block 130.01, Lot 28.06, Jackson Township; and

**WHEREAS**, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter report dated March 8, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for winter conditions in the amount of \$1,500.00 heretofore posted with the Township may and hereby is released to JEM Contracting, LLC.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

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**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**DATED: 5/23/05**

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**RESOLUTION 248R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO ORLEANS HOMEBULDERS OF THE CASH BONDS ISSUED FOR VARIOUS BLOCK AND LOTS AS FOLLOWS**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Orleans Homebuilders has requested the Release of cash bonds for winter conditions for various Block and Lots, Jackson Township as follows:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
111	3604.146	146 Brookfield Drive	\$500.00
111	3604.148	148 Brookfield Drive	\$500.00
111	3604.150	150 Brookfield Drive	\$500.00
111	3604.152	152 Brookfield Drive	\$500.00
111	3604.154	154 Brookfield Drive	\$500.00
111	3604.156	156 Brookfield Drive	\$500.00
111	3604.158	158 Brookfield Drive	\$500.00
111	3604.160	160 Brookfield Drive	\$500.00
111	3604.162	162 Brookfield Drive	\$500.00
111	3604.164	164 Brookfield Drive	\$500.00
111	3604.166	166 Brookfield Drive	\$500.00
111	3604.168	168 Brookfield Drive	\$500.00
111	3604.170	170 Brookfield Drive	\$500.00
111	3604.172	172 Brookfield Drive	\$500.00
111	3604.174	174 Brookfield Drive	\$500.00
111	3604.176	176 Brookfield Drive	\$500.00

**WHEREAS**, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter report dated May 6, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bonds for winter conditional, as noted above, are hereby released to Orleans Home Builders.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**DATED: 5/23/05**

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**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**RESOLUTION 250R-05**

**TITLE: AUTHORIZE APPOINTMENT OF REMINGTON, VERNICK & VENA ENGINEERS AS SPECIAL PROJECTS ENGINEER FOR ENGINEERING WORK RELATIVE TO THE RELOCATION OF WATER MAINS ALONG A PORTION OF TOMS RIVER ROAD (ROUTE NO. 571)**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the Township has determined the need to appoint an engineer to perform engineering services relative to the relocation of water mains necessitated by the reconstruction of a portion of Route No. 571 (Toms River Road); and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) required the Notice of a resolution authorizing the award contracts for “Professional services” without competitive bids, must be publicly advertised; and

**WHEREAS**, the maximum amount of this contract is \$6,630.00 and the Chief Financial Officer has certified that sufficient funding exists for this professional service in the 2005 Operating Budget under Account No. 5-01-20-165-028.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Jackson, County of Ocean, State if New Jersey, as follows:

1. That Remington, Vernick & Vena Engineers, 9 Allen Street, Toms River, NJ 08753 is hereby appointed to the position of Special Projects Engineer to perform engineering services associated with the relocation of water mains due to the reconstruction of a portion of Toms River Road (Route No. 571), Jackson Township.
2. This appointment is made without competitive bidding for “Professional services” to be performed by a person authorized by law to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.
4. A Notice of this appointment shall be advertised as required by law.
5. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Township Administrator, Chief Financial Officer, Township Engineer and Remington, Vernick & Vena Engineers, and any other interested parties.

**DATED: 5/23/05**

**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**RESOLUTION 251R-05**

**TITLE: AUTHORIZE APPOINTMENT OF CME ASSOCIATES AS SPECIAL PROJECTS ENGINEER FOR ENGINEERING SERVICES RELATING TO DRAINAGE IMPROVEMENTS TO FOREST DRIVE**

**COMMITTEEMAN REILLY:** He explained he is voting “no” because he feels that they should solicit additional proposals.

**COMMITTEEMAN SEDA:** He stated he is also voting “no” because he also believes they should go out to bid.

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, KAFTON & BRODERICK**  
**NO: REILLY & SEDA**

**WHEREAS,** the Township has determined the need to appoint an engineer to perform construction observation and contract administration relating to the drainage improvements to Forest Drive; and

**WHEREAS,** the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) required the Notice of a resolution authorizing the award contracts for “Professional services” without competitive bids, must be publicly advertised; and

**WHEREAS,** the maximum amount of this contract is \$40,000.00 and the Chief Financial Officer has certified that sufficient funding exists for this professional service in the 2005 Operating Budget under Account No. 5-01-20-165-028.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

1. That Ernest J. Peters, PE, CMA Associates is hereby appointed to the position of Special Projects Engineer to perform construction observation and contract administration relating to the drainage improvements to Forest Drive for the Township of Jackson.
2. This appointment is made without competitive bidding for “Professional services” to be performed by a person authorized by law to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.
4. A Notice of this appointment shall be advertised as required by law.
5. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Township Administrator, Chief Financial Officer, Township Engineer and Ernest J. Peters, CME Associates and any other interested parties.

**DATED: 5/23/05**

**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**RESOLUTION 253R-05 – NOT USED**

**RESOLUTION 254R-05**

**TITLE: APPOINT MEMBERS TO THE SHADE TREE COMMISSION**

**MAYOR BRODERICK:** The Shade Tree Commission asked to be bumped up to a seven member Commission and they are appointing one tonight as a replacement for Mr. Vinceguerra, however there is a letter by Mr. Chisholm who also spoke to the Township Clerk about being bumped up to a seven-member commission. Township Clerk Eden stated that there are two appointments on tonight a replacement and a new member. She explained that official action wouldn’t have to be taken because the Ordinance states the commission can be anywhere from five to seven members.

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS,** vacancies exist on the Shade Tree Commission; and

**WHEREAS,** the Mayor and Township Committee are authorized, pursuant to the Municipal Code of the Township of Jackson Chapter 29 to appoint members to the Shade Tree Commission for terms set forth in said code; and

**WHEREAS**, it is the desire of the Mayor and Township Committee to fill said vacancies;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey as follows:

1. Barbara Arbolino is hereby appointed to the Shade Tree Commission for a four (4) year term commencing immediately and ending May 21, 2009.
2. Joseph Aufiero is hereby appointed to fill the unexpired term of Anthony Vinceguerra commencing immediately and ending May 21, 2007.
3. Lisa Simms is hereby appointed as a sixth member of the Shade Tree Commission commencing immediately and ending May 21, 2010.
4. Appointees shall perform such duties and responsibilities as set forth by State Statute and the Municipal Code of the Township of Jackson.
5. Appointees shall serve without compensation.
6. Copies of this resolution to Municipal Administrator, Chairman Shade Tree Commission, Appointees and any other interested parties.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 255R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY ACCEPTING THE LAND SALE OFFER SUBMITTED ON BEHALF OF LGJ ENTERPRISES FOR THE PURCHASE OF BLOCK 56.17, LOT 16 (320 FARADAY AVENUE)**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, pursuant to Ordinance No. 21-05 authorizing the sale of Township owned land known as Block 56.17, Lot 16 (also known as 320 Faraday Avenue), the sale was offered to all contiguous land owners; and

**WHEREAS**, the Township received one (1) offer in the amount of \$100.00 submitted on behalf of LGJ Enterprises; and

**WHEREAS**, the sales are subject to all of the restrictions and obligations set forth in Ordinance No. 21-05 attached hereto; and

**WHEREAS**, the sale of the property is conditioned upon the removal of the residential structure located on the property, which shall be subject to reversion to the Township in the event that the structure is not removed within thirty (30) days of closing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, as follows:

1. The land sale offer submitted by LGJ Enterprises in the amount of \$100.00 is hereby deemed acceptable.
2. The sale is subject to all restrictions/obligations as set forth in this resolution and Ordinance No. 21-05 attached hereto.
3. A certified copy of this Resolution shall be provided to the Tax Assessor, the Chief Financial Officer and the successful bidders.

DATED: 5/23/05

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 256R-05**

**TITLE: AUTHORIZE THE APPOINTMENT OF A SPECIAL EXAMINER TO REVIEW THE 2005-2006 SCHOOL BUDGET**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the voters of Jackson Township School District failed to approve the proposed 2005-2006 school board budget; and

**WHEREAS**, pursuant to law, the Township Committee must now establish the budget for the upcoming school year; and

**WHEREAS**, this governing body wishes to appoint a special examiner to assist them in reviewing and establishing the school board's budget pursuant to law; and

**WHEREAS**, the maximum amount of this contract is \$8,500.00 (with an hourly rate of \$150.00) unless further authorized by the governing body and the Township's Chief Financial Officer has certified that the funds are available for this appropriation in the 2005 Operating Budget under Account #05-01-20-130-029, and;

**WHEREAS**, the local public contracts law permits the appointment of individuals to perform professional services without seeking bids.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

1. Dr. Frank Marlow, 142 Maple Hill Road, Huntington, New York is hereby appointed as "Special Examiner" to review the 2005-2006 school board budget on behalf of the Township Committee.
2. Appointee shall enter into a contract not to exceed \$8,500.00 unless further authorized by this governing body
3. A Notice of Award in accordance with the local public contracts law for professional services shall be published in a newspaper of general circulation
4. A certified copy of this resolution shall be sent to Appointee, the Township Administrator and any other interested party.

DATED: 5/23/05

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 257R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PARAMOUNT HOMES OF THE CASH BONDS ISSUED FOR FOX HOLLOW EAST, VARIOUS BLOCK AND LOTS AS FOLLOWS**

**MOTION TO APPROVE BY: KAFTON  
MOTION SECONDED BY: GIBLIN  
YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Paramount Homes has requested the Release of cash bonds for winter conditions for Fox Hollow East, various Block and Lots, Jackson Township as follows:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
66.09	13.04	8 Meadow Run Court	\$1,000.00
66.09	13.03	6 Meadow Run Court	\$1,000.00

**WHEREAS**, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter report dated May 10, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for winter conditions in the amount of \$1,000.00 heretofore posted with the Township may and hereby is released to Orleans Home Builders.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**DATED: 5/23/05**

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**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**RESOLUTION 258R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEES POSTED BY SOUTH KNOLLS, LLC FOR SOUTH KNOLLS, SECTION 2D LOCATED ON BLOCK 111, LOTS 21, 22, 23 & VARIOUS**

**MOTION TO APPROVE BY: KAFTON  
MOTION SECONDED BY: GIBLIN  
YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, South Knolls, LLC has requested a Reduction of the Performance Guarantee posted for South Knolls, Section 2D located on Block 111, Lots 21, 22, 23 & Various, Jackson Township; and

**WHEREAS**, the following Performance Guarantees are currently in place:

1. Performance Bond in the form of Bond # 1003147 in the amount of \$399,924.81 issued by Lexon Insurance Company.
2. Cash Guarantee in the amount of \$44,436.09

**WHEREAS**, Ernest J. Peters, P.E., Township Engineer, CME Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated May 11, 2005 in the following amount:

1. Reduction of the Performance Bond to not less than \$314,930.97
2. Reduction of the Cash Guarantee to not less than \$34,992.33

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Township’s Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Bond is hereby reduced from \$399,924.81 to not less than \$314,930.97 and the Cash Guarantee from \$44,436.09 to not less than \$34,992.33. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**DATED: 5/23/05** **ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**MAYOR BRODERICK:** He received some information about Whispering Hills and Paramount Homes regarding some difficulties with failed septic systems there. He is not holding off on releasing these bonds because he understands they are outside that area, but he asked Mr. Salerno to contact the engineer and ascertain exactly what the problems are out there. He is sure that at some point in time they will be looking for releases on those properties. Committeeman Giblin asked if that is a reason the township could hold a bond? Mayor Broderick stated if it is not spec’d properly they have done it before. Committeeman Seda explained that he sat with the New Jersey Builders Association this morning and Mr. Olejarz (Building Department) told him there is a new law that the township can pursue a builder even after they are out of homeowner warranty. He is finding that several residents in that area have had failing septic and he has brought it to the attention of Mr. Monetti (Paramount) who states they have done everything in compliance. Committeeman Seda is in the process of talking to Mr. Olejarz regarding this new law because there are many problems there. Mayor Broderick stated if they coordinate that with the Township Engineers they can pull the requirements out when they spec’d out the development and see if they are in compliance to what they were suppose to build to what they did build. Committeeman Seda stated they may have built the septic right, but if they buried anything under the septic bed and built it in compliance the homeowner is still stuck with the bill and the builder gets off. Mayor Broderick wants to look at every avenue so six months from now they don’t have a room full of people who can’t use their restrooms or take a shower.

**RESOLUTION 259R-05**  
**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO WHISPERING HILLS, INC., OF THE PERFORMANCE BOND ISSUED FOR WHISPERING HILLS, SEC. 4, A/K/A BLOCK 94.01, LOTS 12.02 & 13**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Whispering Hills, Inc., has requested a Release of the Performance Guarantee, which consists of \$123,938.64 in the form of a Letter of Credit #20961603 issued by Fleet Bank, pertaining to Whispering Hills, Sec. 4 a/k/a Block 94.01, Lots 12.02 & 13, Jackson Township; and

**WHEREAS**, Ernest J. Peters, Jr., P.E. of CME Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated April 22, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that Performance Bond, which consists of Letter of Credit #20961603 issued by Fleet Bank in the amount of \$123,938.64 heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$53,116.56 or post a cash guarantee in the amount of \$35,411.04, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 260R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO WHISPERING HILLS, INC., OF THE PERFORMANCE BOND ISSUED FOR WHISPERING HILLS, SEC. 5A, A/K/A BLOCK 94.01, LOTS 12.02 & 13**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Whispering Hills, Inc., has requested a Release of the Performance Guarantee, which consists of \$81,600.00 in the form of a performance Bond #S01667 issued by First Indemnity of America Insurance Company and cash in the amount of \$9,068.00, pertaining to Whispering Hills, Sec. 5A a/k/a Block 94.01, Lots 12.02 & 13, Jackson Township; and

**WHEREAS**, Ernest J. Peters, Jr., P.E. of CME Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated April 22, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that Performance Bond, which consists of Performance Bond #S01667 issued by First Indemnity of America Insurance Company in the amount of \$81,600.00 and cash in the amount of \$9,068.00 heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$43,785.00 or post a cash guarantee in the amount of \$29,190.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.

3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 261R-05**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO WHISPERING HILLS, INC., OF THE PERFORMANCE BOND ISSUED FOR WHISPERING HILLS, SEC. 5B, A/K/A BLOCK 94.01, LOTS 12.02 & 13**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Whispering Hills, Inc., has requested a Release of the Performance Guarantee, which consists of \$19,440.00 in the form of a Performance Bond #S02042 and #S02291 in the amount of \$84,150.00 both issued by First Indemnity of America Insurance Company and cash in the amount of \$11,690.00, pertaining to Whispering Hills, Sec. 5B a/k/a Block 94.01, Lots 12.02 & 13, Jackson Township; and

**WHEREAS**, Ernest J. Peters, Jr., P.E. of CME Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated April 22, 2005, which letter report is made a part hereof; and

**WHEREAS**, the Township Committee of the Township of Jackson has considered the application and the report of the Engineer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that Performance Bond #S02042 in the amount of \$19,440.00 and #S02291 in the amount of \$84,150.00 both issued by First Indemnity of America Insurance Company and cash in the amount of \$11,690.00, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$17,266.50 or post a cash guarantee in the amount of \$11,511.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 262R-05**

**TITLE: RESOLUTION AWARDDING A THREE (3) YEAR CONTRACT TO WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FOR THE TOTAL SUM OF \$3,007,284.00**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, Jackson Township previously advertised for the receipt of bids on May 16, 2005 at 11:00 a.m. for the Curbside Collection of Recyclable Materials; and

**WHEREAS**, at the time and place for the receipt of bids, one (1) bid was received from Waste Management of New Jersey, Inc. in the amount of \$3,007,284.00 for a three year period with the Township’s option to renew for two one year periods (Renewal option for “year-one” \$1,195,272.99, Renewal option for “year-two” \$1,294,236.00); and

**WHEREAS**, said bid has been reviewed and recommended for award by the Township’s Purchasing Agent and Director of Public Works Department to the lowest, responsible bidder, Waste Management of New Jersey; and

**WHEREAS**, it is now the desire of this governing body to award a contract for a three (3) year period commencing June 1, 2005 through May 31, 2006 in accordance with the Township’s bid specifications and the attached Schedule A representing the bid totals; and

**WHEREAS**, the Chief Financial Officer has certified that a maximum of \$534,254.00 is available for the Calendar Year 2005 for this purpose in an appropriation in the 2005 Operating Budget under Account #5-01-26-305-020 and the balance of the contract being contingent on funds being available in the 2006, 2007 and 2008 budgets respectively; and

**WHEREAS**, the Township has reviewed the submitted documentation and has approved the same; and

**WHEREAS**, it is further the desire of this governing body to act upon the award of said required curbside collection contract.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, as follows:

1. That the Township Committee of Jackson Township hereby formally awards a three year contract to Waste Management of New Jersey, Inc. for the collection of curbside recycling materials for a total sum of \$3,007,284.00 commencing June 1, 2005 through May 31, 2008 in accordance with the Township’s specifications and in accordance with the attached Schedule A representing the bid of the lowest, responsible bidder.
2. This contract is subject to the annual appropriation by the governing body to fund the same with the adoption of each succeeding municipal budget.
3. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.
4. That upon the adoption of the within resolution, the Clerk is authorized and directed to
5. forward a certified copy of it to Township Administrator, Chief Financial Officer, Waste Management of New Jersey, Inc., Purchasing Agent, Director of Public Works and any other interested parties.

**DATED: 5/23/05**  
**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**RESOLUTION 263R-05**  
**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING A 90-DAY CONTRACT EXTENSION FOR THE CURBSIDE COLLECTION OF RECYCLING MATERIAL ON AN EMERGENCY BASIS BETWEEN WASTE MANAGEMENT OF NEW JERSEY AND JACKSON TOWNSHIP**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the contract for curbside pickup of recycling material in the Township of Jackson expires as of May 31, 2005; and

**WHEREAS**, the Township has authorized solicitation and receipt of a second round of bids for the contract after the first round of bidding produced one bid, however, upon further review it was determined that the Township wishes to substantially revise the specifications for the services and therefore said bid was rejected; and

**WHEREAS**, the Township Administrator has certified that the expiration of the existing contract for curbside pickup of recycling material has presented the Township with an emergency affecting the public health, safety or welfare of the Township, in accordance with N.J.S.A. 40A:11-6; and

**WHEREAS**, the Township Administrator, under authority of N.J.S.A. 40A:11-6, negotiated a contract for curbside pickup of recycling materials for a 90 day period commencing June 1, 2005 through August 31, 2005 at a cost of \$80,000.00/per month and the Chief Financial Officer has certified that sufficient funds exist for this contract in the 2005 Operating Budget under Account No. 5-01-26-205-020; and

**WHEREAS**, the Township Committee desires to ratify the contract negotiated by the Township Administrator.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, as follows:

1. The contract with Waste Management of New Jersey negotiated by the Township Administrator, Andrew J. Salerno, on an emergency basis for the period from June 1, 2005 through August 31, 2005, under the terms set forth herein, is hereby authorized and ratified.
2. That upon the adoption of this Resolution, the Clerk is authorized and directed to forward a certified copy of it to the Township Administrator, the Director of Department of Public Works, the Chief Financial Officer, Purchasing Agent, Waste Management of N.J., Inc. and any other interested parties.

**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 264R-05**  
**TITLE: APPOINTMENT OF PART-TIME ELECTRICAL INSPECTOR**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, a need exists in the Inspections Department for the appointment of an Electrical Inspector on a part-time basis; and

**WHEREAS**, it is the desire of the Mayor and Township Committee to fill said position.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY THAT:**

1. The following is hereby appointed to the position of Electrical Inspector on a part-time/90-day probationary basis pending certification by the New Jersey Department of Personnel effective May 24, 2005:

**THOMAS C. WAAGE**

2. Said appointment shall be at a salary of \$19.15 per hour.

3. Copies of this Resolution to Appointee, Municipal Administrator, Chief Financial Officer, Construction Official, Director of Personnel, and any other interested parties.

**ANN MARIE EDEN, R.M.C.**  
**DATED: 5/23/05** **TOWNSHIP CLERK**

**RESOLUTION 265R-05**  
**TITLE: APPOINTMENT OF PART-TIME SECURITY GUARD**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, a need exists in the Recreation Department for the appointment of a Security Guard on a part-time basis; and

**WHEREAS**, it is the desire of the Mayor and Township Committee to fill said position.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, THAT:**

1. The following is hereby appointed to the position of Security Guard on a part-time/90-day probationary basis effective May 24, 2005:

**JOSEPH G. DE LEO**

2. Said appointment shall be at a salary of \$13.12 per hour.

3. Copies of this Resolution to Appointee, Municipal Administrator, Chief Financial Officer, Director of Recreation, Director of Personnel, and any other interested parties.

**ANN MARIE EDEN, R.M.C.**  
**DATED: 5/23/05** **TOWNSHIP CLERK**

**RESOLUTION 266R-05**  
**TITLE: RESOLUTION AUTHORIZING RENEWAL OF KENNEL LICENSE FOR RANDOLPH KUBACZ T/A RAMBLIN ACRES**

**MOTION TO APPROVE BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the applicant, Randolph Kubacz, 170 So. Hope Chapel Road, Jackson, New Jersey, has submitted an application for renewal of his license to operate a kennel at the premises as set forth below pursuant to Article III of Chapter 51 of the Jackson Township Code; and

**WHEREAS**, the application is in proper form, the proper fees have been paid and taxes have been paid up-to-date on the premises in question; and

**WHEREAS**, all involved municipal agencies and officials have either reviewed the application or inspected the premises and have no objection to the renewal of the license.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Jackson, County of Ocean and State of New Jersey, as follows:

1. That the Township Clerk is hereby authorized to deliver the applicant, Randolph Kubacz, 170 So. Hope Chapel Road, Jackson, New Jersey, a renewal of their kennel license commencing on February 1, 2005 and terminating on January 31, 2006.
2. This license is issued subject to the applicant’s continued compliance with conditions and requirements as follows:
  - A. Payment of all outstanding fees and taxes.
  - B. The applicant shall conform with all laws & regulations required by Chapter 51-25.
  - C. The applicant obtaining all other local, County and State permits.
3. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Randolph Kubacz t/a Ramblin Acres.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

**RESOLUTION 267R-05**

**TITLE: AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR THE PROJECT ENTITLED “HAZARDOUS TREE REMOVAL – PHASE II”**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the Business Administrator has reviewed and the Township Committee has approved specifications for and has determined that it will advertise for sealed bids for the project entitled “Hazardous Tree Removal – Phase II”; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, as follows:

1. The Township Engineer is hereby authorized to advertise for sealed bids for the project entitled “Hazardous Tree Removal – Phase II”
2. The Township Engineer shall advertise the Notice to Bidders for the purpose of the receipt of sealed bids for the above-named purpose or project.
3. Each bid shall be submitted as a written proposal in the manner designated in the specifications and shall be signed by bidder. The bid shall be enclosed in a sealed envelope bearing the name and the address of the bidder on the outside and addressed to Township Clerk, Township of Jackson, 95 West Veterans Highway, Jackson, New Jersey 08527. Said envelope shall be clearly labeled that it contains a bid for the purpose of "Hazardous Tree Removal – Phase II”.
4. Specifications and form of bids may be inspected or obtained upon proper notice by prospective bidders during business hours from the office of The Township Engineer, CME Associates, 1460 Route 9, Howell, New Jersey 07731, (732) 462-7400
5. It is the sole responsibility of each bidder to see that bids are submitted in date and time specified, and **IN NO EVENT SHALL ANY BID BE CONSIDERED OR ACCEPTED AFTER THE DATE AND TIME SPECIFIED FOR THE RECEIPT OF BIDS**. In the event that a bidder does not personally deliver the sealed bid on the date and time specified for receipt of bids, such bidder shall assume all risks of loss or misplacement of the sealed bid by the Municipal Officers or any other risk relative to the failure of the bidder to personally deliver the bid.

6. The bid quote shall be net to the Township of Jackson and shall be exclusive of State or Federal taxes. Each and every deviation from the specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be grounds for rejection of the bid.

7. Each bid must be accompanied by a bid bond, certified check or cashiers check payable to the Township of Jackson for not less than ten percent (10%) of the amount of the bid, but not in excess of \$20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.

8. A contract will be awarded to the lowest qualified responsible bidder. The Township Committee reserves the right to reject any and all bids. The Township Committee reserves the right to waive insubstantial irregularities in any bid.

9. A Non-Collusion Affidavit in the usual form will be supplied with the specifications and shall be executed by the person or corporate office submitting the bid. Said Affidavit must be properly notarized. A Non-Collusive Affidavit must accompany each bid. These requirements will not be waived.

10. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31 et seq.). Successful bidders shall execute a contract containing Affirmative Action Requirements established by regulations pursuant to P.L. 1975, Chapter 127.

11. Corporate and partnership bidders shall comply with P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders or owners holding ten percent (10%) or more of the stock or owning a ten percent (10%) or greater interest therein. Failure to submit such a list either prior to the time for the receipt of the bids or with the sealed bid will be grounds for the rejection of the bid.

12. Bidders are required to comply with P.L. 2004, c. 57 effective September 1, 2004 entitled New Jersey Business Registration requirements.

13. Performance date shall commence as stipulated in agreement or as stated in specifications.

14. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.

**GENERAL BIDDING REQUIREMENTS FOR THE PROJECT ENTITLED  
“HAZARDOUS TREE REMOVAL – PHASE II”**

A. Each bid shall be submitted in writing, addressed to the Township Clerk, Jackson Township Municipal Building, 95 West Veterans Highway, Jackson, New Jersey 08527 and shall be in the hands of said Clerk at or before the time set forth in the Notice to Bidders for the receipt of bids. No responsibility shall be assumed by the Township for any bid mailed to the Clerk, which is not received by him before the time stated above for the receipt of bids. No bids will be received after the first bid is opened at said time and place.

B. Each bid shall be signed by the bidder and contained in a sealed envelope WHICH SHALL BE ADDRESSED TO THE SAID CLERK AND SHALL CONTAIN ON ITS FACE A STATEMENT THAT IT IS A BID ON SAID ITEM in order the said bid may not be inadvertently opened prematurely.

C. Each bid shall state that it is made in accordance with this advertisement.

D. The Township reserves the right to accept or reject any and all bids.

E. Each bid shall be accompanied by certified check, cashier's check, bank money order or bid bond in the amount of ten percent (10%) of the bid price and each bid shall

also be accompanied by a consent of surety. The successful bidder is required to post a performance bond.

F. In the even Bidder is a corporation or partnership, it shall submit to the governing body, prior to the time of the receipt of the bids or accompanying the bid, a statement setting for the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock or an interest equivalent for the same in accordance with P.L. 1977, c.33.

G. Bidders are required to comply with the requirements of P.L. 1975, c.127.

H. Bidders on this work will be required to comply with the Copeland Anti-Kickback Act (18 H.S.C. 874) as supplemented in Department of Labor Regulations (29 C.F.R. Part 3).

I. Contact Ann Marie Eden, Township Clerk, (732) 928-1200 or the Township Engineer, CME Associates, (732) 462-7400 for any additional information.

**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

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**RESOLUTION 268R-05**

**TITLE: AUTHORIZE EXECUTION OF CONTRACT FOR CDL ALCOHOL AND DRUG TESTING BETWEEN THE TOWNSHIP OF JACKSON AND USIS COMMERCIAL SERVICES, INC.**

**COMMITTEEMAN REILLY:** He stated he is going to abstain because he would like to get some backup information from Administrator Salerno on how the Joint Insurance Fund decided on that group.

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, SEDA, KAFTON & BRODERICK**

**ABSTENTIONS: REILLY**

**WHEREAS,** the Township is required by law to provide an alcohol and controlled substances program for certain Township employees; and

**WHEREAS,** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires the notice of a resolution authorizing the award of contracts for "Professional Services" without competitive bids which must be publicly advertised; and

**WHEREAS,** the maximum amount of this contract is undetermined and the Chief Financial Officer has certified that a maximum of \$3,000.00 is available for this purpose in an appropriation in the 2005 Operating Budget entitled: Public Works Streets and Roads Other Contractual Items.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Township Committee of the Township of Jackson hereby authorize the Mayor and Township Clerk to execute a contract in the form attached hereto with USIS Commercial Services, Inc. for alcohol and drug testing services for certain Township employees. Said firm shall be paid in accordance with the contract attached hereto.

2. Said contract shall commence January 1, 2005 and terminate December 31, 2006.

3. This contract is made without competitive bidding for "Professional Services" to be performed by a person authorized by law to practice a recognized profession.

4. The Mayor and Township Clerk are hereby authorized to execute and deliver the contract attached hereto to USIS Commercial Services, Inc.

DATED: 5/23/05

ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK

**RESOLUTION 270R-05**

**TITLE: AUTHORIZE THE APPOINTMENT OF A MUNICIPAL ALLIANCE CONSULTANT FOR CY 2005**

**MOTION TO APPROVE BY: KAFTON**

**MOTION SECONDED BY: GIBLIN**

**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse was established by the New Jersey legislature in March of 1989 to coordinate all State Departments, efforts pertaining to the planning and provision of prevention, education, treatment, research, and evaluation services for, and public awareness of, alcoholism and drug abuse; and

**WHEREAS**, the legislation also created the Alliance to Prevent Alcoholism and Drug Abuse to be comprised of all the communities in New Jersey dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse through the use of funds provided and derived pursuant to N.J.S.A. 2C:35-15, to member communities to support appropriate county and/or municipal based alcohol and drug abuse education and public awareness activities; and

**WHEREAS**, the Ocean County Municipal Alliance Coordinator in conjunction with the members of the Jackson Municipal Alliance have requested the Mayor and Township Committee approve the appointment of a Municipal Alliance Coordinator to assist and coordinate efforts pertaining to the planning and provision of prevention, education, treatment, research and evaluation services for (and public awareness of) alcoholism and drug abuse; and

**WHEREAS**, the Local Public contracts Law (N.J.S.A. 40A:11-1 et seq.) requires the Notice of a resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

**WHEREAS**, the Chief Financial Officer has certified that a maximum amount of \$6,700.00 is available in the 2005 Operating Budget under Account #R-02-40-415-029 (Municipal Alliance Grant) for this purpose in accordance with proposal submitted and on file in the Township Clerk's Office.

**WHEREAS**, the Mayor and Township Committee believe it to be in the best interest of the residents of Jackson to appoint a Consultant to the Municipal Alliance Committee.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey as follows:

1. Donna Bussiculo is hereby appointed to the position of Municipal Alliance Consultant for CY 2005.
2. This appointment is made without competitive bidding as a "Professional Services" to be performed by a person qualified to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.

4. A Notice of this appointment shall be advertised as required by law.
5. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Administrator, Chief Financial Officer, Donna Bussiculo, Chairperson Municipal Alliance Committee, Appointee and any other interested party.

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**ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK**

**DATED: 5/23/05**

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**DISCUSSION AGENDA: N/A**

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**PUBLIC HEARING, ANY TOPIC:**

**MR. ROBERT KELLET:** He stated he would like to speak about three articles in the Asbury Park Press (May 11, 13, & 18) regarding the adoption of the Sex Offender Ordinance and also State laws. He explained that he has no knowledge of any sex offenders and he is concerned because our town might be exposing themselves to tremendous legal offense by adopting this ordinance at this time. He understands that on May 17<sup>th</sup> Hamilton Township adopted a Sex Offender Ordinance and has left them open to legal challenge. The Press article on May 13<sup>th</sup> states that the Assembly in the State of New Jersey has such a bill pending and just approved by their Law and Public Safety Committee. It would have to go to the Assembly, Senate and Governor before it becomes law. Even at this early stage the ACLU has expressed an interest because there would be constitutional rights involved. He sincerely believes that any law or ordinance would be a violation of the 14<sup>th</sup> Amendment of the Constitution. He explained that prior to his retirement he worked for an insurance company handling only litigations so he is familiar at how expensive litigation can become as a defendant. He thinks any law or ordinance will be challenged by the ACLU and can go as high as the United State Supreme Court. He thinks they should let other towns or the State bear the expense as a defendant. What really needs to be done is increase the laws of the time served by convicted pedophiles.

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**ED BALDWIN, 12 HONEYSUCKLE LANE:** He is also concerned about Ordinance 26-05 regarding sex offenders. He too has questions about the legal challenges and expenses involved. He has read or heard on the radio that this might not be enforceable because if you have an area where there is going to be a daycare and a registered sex offender already lives within 2,500 feet you can not move that person because he is grand-fathered in. He also is not sure that if a person moves in how they will enforce it. Would they have to have a special police department to control this? He thinks it is a good idea, but he is not sure how it can be enforced or what practical use it would have besides exposing them to legal challenge. He asked Attorney Starkey if there is a way to structure this ordinance to make it more specific possibly with Committeeman Seda's ideas to enhance it and also make it enforceable? If it is not enforceable it is another law on the books that people are going to break and children will still be suffering. Deputy Kafton explained that with everything you do in a municipality there is always a possibility of a lawsuit. When they changed to 3 acre zoning they knew that there would be a lawsuit, but if they didn't do it they would have had approximately 5,000 more homes. There is always a challenge of a lawsuit, but if you think it is for the greater good of the community they first do their research and believe they can win and then step up and create an ordinance that protects the community. Attorney Starkey explained that you can't prevent lawsuits or guarantee a result. The best they can do is take the precedence and try to model an ordinance so that it is in line with what was permitted before. The ordinance that is here is very similar to what was approved by the Court of Appeals. As far as the enforceability this is based on Megan's Law, which requires sex offenders to register with the police department. The police department has or should have addresses on file. When a convicted sex offender moves into the township they are obligated to report to the police department. The police department armed with this ordinance can determine whether they fall into the prohibitions of it. Mr. Baldwin stated

he is not concerned about people moving into the area it would be them coming in and out in a vehicle or on foot. Many kidnappings occur in a vehicle and he is not sure how that would be enforced? Attorney Starkey explained that it is not designed to enforce people walking or driving through the township. It only applies to people residing in the town. He also stated it cannot effect people already living in that area because they will be grandfathered.

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**PAT WOOD, 556 NO. COUNTY LINE ROAD:** She explained that she understands the legalities and about the lawsuits, but as a parent and grandparent she applauds the Committee on what they are doing for the children of this town.

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**ALLEN COTTRELL, 125 SUSAN DRIVE:** He stated that it is his understanding that there was a police officer seriously injured today (Mike Kelly, Jr.). He suffered from a severe ankle and knee injury while in the line duty and our thoughts and prayers are with him. He then went on to comment about a letter that appeared in the Jackson Times on May 13 by Committeeman Josh Reilly and his running mate Ann Updegrave in reference to the First Aid Squad. He read from the article, which states that Mr. Busch (First Aid President) raised concerns about the health, safety and welfare of our citizens. The letter stated that Mayor Broderick and his Administration cut funding to the First Aid significantly over the last five years. That level declined from \$35,000 in 1999 to \$20,000 for the last two years, which represents a cut of 40%. Mr. Cottrell went on to read that nobody from this administration met with Mr. Busch regarding LOSAP since it was approved six months ago and they feel it was the Mayor's responsibility to reach out to the First Aid as soon as the program was approved. Committeeman Reilly in the article asked why there is no communication between Mayor Broderick's office and the First Aid. They feel Mayor Broderick has a strategy to eliminate volunteer first aid completely. The support provided by the township by the dedicated members of the Jackson First Aid should not be abandoned, but should be enhanced. Mr. Cottrell asked Committeeman Reilly if he volunteers or is a member of the First Aid? He then asked if he has spoken to people beyond trying to make this a political football? He asked if he was aware of these cuts because there was a First Aid Squad member who was a mechanic, owned a garage and was doing the repairs on these vehicles (3 ambulances with 100,000 miles on them) and now they are being maintained by the Department of Public Works. He asked what Mr. Reilly has done to enhance the Jackson Township First Aid Squad? Committeeman Reilly stated he is going to refrain from answering because he doesn't want this to become a political circus. Committeeman Giblin asked Committeeman Reilly how much the funding is for the First Aid Squad this year and how much it was cut by? Committeeman Reilly stated it was \$20,000 this year and \$35,000 two years ago. Committeeman Giblin told Mr. Reilly that he was the Police Commissioner and liaison to the First Aid Squad that year, therefore, he approved that cut. He asked Committeeman Reilly what Mr. Busch's concerns are and if he had any solutions? Committeeman Giblin later added that Committeeman Reilly wrote a letter to the editor stating he had specific concerns about the safety of the residents in town due to First Aid. He stated that Mr. Reilly has no knowledge of what their concerns are because he hasn't stated anything besides what Mr. Busch stated that night at the Committee Meeting. Committeeman Reilly explained that Mr. Broderick has been the liaison to the First Aid. Mayor Broderick stated that the Police Commissioner is also the liaison to the First Aid. Committeeman Reilly went on to say that Mr. Busch's main concern was that there was no dialogue between he and Mr. Giblin. He was also concerned about the cuts and LOSAP. He told Mr. Busch he would reach out to Mr. Giblin, which he has done on a number of occasions. Committeeman Reilly asked Mr. Giblin if he met with him yet because that would be a start? He stated his solution would be to act on LOSAP and then Committeeman Giblin should sit down and hear what the First Aid has to say about what his potential solution is. Deputy Mayor Kafton stated he believes that Committeeman Giblin is asking these questions because Mr. Cottrell is reading from a letter Committeeman Reilly wrote. Mr. Reilly sits on the Township Committee and is writing about problems in the First Aid, yet he hasn't addressed them here or he hasn't met with the First Aid. As an elected official sitting up here it is part of his job to resolve any problems and not run to the newspaper. He didn't point out that the township saved them

\$15,000 a year once they started doing the repairs. Committeeman Reilly stated that at the time of that letter Mr. Giblin hadn't met with the First Aid. Deputy Mayor Kafton stated that letter was written after the First Aid came to the Town Meeting. Committeeman Giblin stated to answer Mr. Cottrell's questions Mr. Reilly does not have a solution, does not know the problem, does not come to Town Hall, does not care unless to politicize an issue. Committeeman Reilly reiterated that the biggest problem is that Mr. Giblin hasn't met with Mr. Busch or a solution.

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**MR. SANTOS, 457 LEMING ROAD:** He asked about Resolution 252R-05 (Authorize a Professional Contract between the township and D.W. Smith). He wanted to know what this resolution accomplishes and if the contract is between the township and D.W. Smith? He heard Mr. Giblin speak about the President of the Little League and him saying it was okay. Committeeman Giblin explained that the middle of last year this Township Committee authorized a \$50,000 appropriation out of the Recreation Trust Fund to the Jackson Little League so they can develop new baseball fields. As with any appropriation they provide a financial statement, the bills come to Jackson Township and we pay them. An invoice was submitted on behalf of Jackson Little League from D.W. Smith. Since Jackson Township is paying that bill and not violating the bid threshold of \$25,000 they needed to have a supporting resolution in place. Committeeman Starkey stated the contract is between the township and D.W. Smith because it is township owned land. Mr. Santos stated he doesn't have a problem with them spending the money on the Little League or with D.W. Smith because he is sure they are qualified, but he does have a problem with this Committee not finding out if they got the best price. He explained that Committeeman Giblin stated earlier he took it on face value that the Jackson Little League shopped around and got the best price. This is taxpayer's money and it is obvious that there was no oversight on behalf of the majority on the Committee or their professionals and they blindly awarded this contract. Committeeman Giblin told Mr. Santos he is putting a political spin on this. The fact is no matter who they hired it was going to be wrong. Jackson Little League interviewed whomever they decided to interview and felt this was the best person for the job they wanted to do and this Committee agreed with them. Administrator Salerno explained that \$37,500 is what is left of the \$50,000 because \$12,500 was paid out two years ago for these services. Since this was a contract where they paid a professional service it is the opinion of the Township Attorney and Purchasing Agent that they should establish a professional services relationship because the funds are going directly from the township to the professional services provider. The professional services provider was interviewed and selected by the Little League. As with all our other contribution sets ups with other leagues and associations they do not make donations directly to that body. About two years ago \$50,000 was set aside from the Recreation Trust Fund to assist the Jackson Little League in the development of this parcel. Attorney Starkey stated that saying this was done with no oversight by the township is unfair because he and Mr. Burke (Township Engineer) worked with the Little League. He thinks that D.W. Smith did a fine job putting this together as they did for the Soccer League. Mr. Santos explained that he is not saying that D. W. Smith is not qualified or didn't perform the job, but he is saying it is their responsibility to make sure that they received the lowest price. Committeeman Seda explained that Mr. Santos is trying to say that if we are paying for the services why shouldn't we go out to bid for them.

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**GEORGE FISCHER, 84 BOWMAN ROAD:** He thanked them for all their effort and energy they have shown for many years. He congratulated them on the many things they have done such as being recognized by the Jackson Band, the Toms River Corridor issues and the Sex Offender Ordinance that is on the agenda tonight. He went on to say that recently on Whitesville Road, East Veterans Highway and Bowman Road around Grawtown Estates (proposed development) was recent construction for septic, sewer and water systems. About a month ago this project started and from the corner of Hope Chapel Road and Whitesville Road up to Grawtown Road and around to Bowman Road there are nine 10 foot tall, 7 or 8 inch wide pvc piping that looks like candy canes. Of the nine pipes only one is placed in front of an approved site or non-commercial site. He asked if he is correct because it is his understanding that these pipes won't be there and

are being replaced with a large grate similar to those on the corner across from Glory's Market? He then stated that many of these pipes have been placed on the side where many residents live and asked why this was permitted on approved sites when directly across the street there are no approved sites? He asked if this construction was done to save costs where future developments have to widen the road and couldn't put the system in currently? Are the residents of these homes going to be required to hook into water and sewer systems? Mayor Broderick explained that the ordinance was structured when they went through this a few years ago. Homeowners were permitted to hook into the township sewer service only if their septic and well failed and it was not mandated. He explained that earlier the Mayor spoke about septic issues in Whispering Hills. He feels that there is enough septic problems in those developments that show there are concerns and many residents will have an additional burden when that does fail. Mayor Broderick stated that the pipes are very ugly and he assumes the line runs on that side of the road and that's why they placed them there. Mr. Fischer explained that 200 feet from his house the pipe comes directly across the street and that pipe is in front of his house. Dan Burke (Township Engineer) stated he had contact with another party, a church on Whitesville Road with this same concern. His understanding is that those are vents to the gravity portion of the sewer system, which was constructed from the township water at Dover and advanced up to the proposed Grawtown Development. He directed him to the MUA if he feels the site is inappropriate. In terms of allowing that to be sited there, if it is in the public right of way generally a utility is allowed to site its facilities there. It is common practice that a utility would put it towards a property line in a manner that is not offensive, but still meets the goal of that feature. The regulatory agency that oversees that road would probably review that and in this case it would be the County Engineer. He offered to take his concern to the MUA and the County Engineer's Office. In closing, Mr. Fischer stated he does need their help and it is unacceptable that this is put on current residents property. He asked Mr. Kafton if this would have a dramatic effect on the value of someone's property? Deputy Mayor Kafton replied it certainly doesn't help.

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**ANTHONY DISTEFANO, 639 MARIA STREET:** He explained that he was here two weeks ago regarding the two mobile home parks he lives between. One of his issues was licensing of the parks and they were going to check into that. He stated he would love to look at candy cane pipes on the roadways, but instead he has to look at dilapidated trailers. He heard about the septic systems running over in \$600,000 homes and he also has a story. He explained that last Friday he came home from work and there was raw sewage running right down Maria Street. Mr. Terhune was getting a trailer ready for rental that the people just moved out of and he didn't even try to pump the septic away. He had to call the DEP and the Board of Health on Friday after working all day and they all waited there while one of Mr. Terhune's workers went to Home Depot for lime. Mr. Terhune left and was doing his daily things while he and his wife were at home watching sewage run down their street. He explained that his house is up for sale and the following day people were coming out to look at it. When they got there they asked what the white line running down the middle street was and they had to tell them it was sewage that they put lime on to hide the smell. He stated that these parks are a reflection of Jackson and the "Welcome to Jackson" sign is right down the road from there. This has been going on for years and they need to do something. Committeeman Seda stated that at this time there is no license in place because Mr. Terhune needs to fulfill his obligations. He explained that he has just gotten involved in the process and the rest of the Committee has been trying to deal with this too and it is not going to happen overnight. Mr. DeStefano stated that the Justice Complex was built in the same amount of time this has been going on. It is not going to happen because they are allowing him to "baby step" through the process. He explained that Mr. Terhune put a whole septic system in a year ago. The Board of Health came out and turned it over to the DEP. The DEP stated they were looking into it. The septic tank was put in to add to the trailers that he wasn't supposed to have. He has a letter from the Pinelands Commission stating the reason why Mr. Terhune couldn't have any more trailers is because he couldn't put any more septic in. They should make him remove that tank because he doesn't have a permit on it. He then addressed Attorney Starkey and asked him if these parks had licenses? Attorney Starkey replied no.

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**GILBERT GUTTENTAG, 15 DEXTER LANE:** He read in the paper that allegedly there was illegal gambling and misuse of property at the Pop Warner building and there was also an arrest associated with it. It is his recollection that they gave those people a "sweetheart" lease on the land and also have given them money. He doesn't understand why this governing body didn't have stipulations in the lease as the way the property could be used. He considers gambling/liquor in a child activity to be inappropriate and immoral. He thinks it is time to stand up and take control of what they are doing. We should be auditing the money we give these people and knowing what they are doing with it. They should change the lease structure so that they make sure these facilities are used appropriately. This is public money subsidizing recreational activities.

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**NICHOLAS ANTANOFF, 342 MURRAY DRIVE:** He congratulated the Committee on doing a very good job on the school budget. It is amazing that this Committee fights over \$20,000 allocations, but the School Board is getting away with millions of dollars of overcharges. He asked what the approved school tax rate is going to be? He then stated that the school budget is very padded based on an estimated increase in enrollment. They estimate about 400 students a year and fewer than 200 are coming in. He has heard the Mayor and the Committee speaking about how many estimated homes they have saved from being built. He asked them if they have told the School Board because they keep projecting very high numbers? Mayor Broderick explained they have cut significantly into the population density of this community by doing certain things like rezoning. He stated there is still going to be growth in our community and it will continue to grow because they can't stop all growth. He has asked the School Board to look at the real numbers the two years he was the liaison. He explained he has had no success and they use their own set of rules.

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**MRS. SALSニック, BALDWICK DRIVE:** She explained they had a wonderful JHS concert at Westlake that the Mayor's daughter was part of. As much as they grumble about the school budgets they do appreciate the great arts programs. She asked when they build the new high school if they will have two different programs? Mayor Broderick stated that is a debate. This upcoming year they will have 236 members in the band, which is the maximum they can have. They will be the largest band in New Jersey. They haven't decided yet if they are going to split it up.

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**ALLEN COTTRELL, 125 SUSAN DRIVE:** He began by speaking about the comments that Mr. Guttentag made earlier. Mayor Broderick interrupted and asked him to refrain from these types of comments and if he has a problem with Mr. Guttentag he can discuss it outside with him. Mr. Cottrell spoke about the individual that was arrested for gambling at Pop Warner. He said he finds it interesting that the law enforcement officer involved was involved in a similar situation recently. He believes he is being made out to be a scapegoat. He spoke about comments Mr. Guttentag made in the paper and how he used the acronym GRIP (Get Rid of Incumbent Politicians). He asked if that includes Committeeman Reilly? He explained that Committeeman Reilly can't be reached at work and he hasn't been doing his job over the past two years. He spoke about how taxes are lower now than they ever were over the past fifteen years, but Committeeman Reilly and Committeeman Seda support letters to the newspapers that refer to the Democrats as tax and spend liberals. The roof on the municipal building had to be replaced and they refer to it as the million-dollar fiasco. The legacy of Santos, Rickabaugh, Reilly and Seda were pots, pans, rags and tarps over electronic equipment in offices.

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**WILLIAM SANTOS, 457 LEMING ROAD:** He stated at the beginning of the meeting Committeeman Seda brought up about meeting with Assemblyman Malone and asked if that is the desire of the entire Committee because he made reference to starting the meeting earlier? Mayor Broderick stated that back in 2002 and once again after that they met with Assemblymen Malone, Cottrell and Senator Singer and he would be happy to meet with Assemblyman Malone again if he has a different viewpoint than he did three years ago. Committeeman Giblin stated he would like to meet with him because he

would like to find out why he voted no for the property tax convention. Mr. Santos stated he knows the Assemblyman supported the property tax reform and doesn't understand why he would vote no. Mayor Broderick stated he would like to address the issue when the Board of Education was meeting with Assemblyman Malone and he would love to have them here because there was nothing done on increasing the fair share to the schools. Mayor Broderick asked Mr. Salerno to extend an invitation to the Board of Education when that meeting is set up with Assemblyman Malone.

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**ALLEN COTTRELL, 125 SUSAN DRIVE:** He explained that the "silly season" in Jackson begins on January 1<sup>st</sup> and ends on December 31<sup>st</sup> and that cycle is repeated annually. He then went on again to speak about Committeeman Reilly's inaccessibility. He doesn't believe that Committeeman Reilly writes these letters to the newspapers, but he was quoted in one of them saying he is a part-time representative of the people, but he is not able to receive business calls at work. Committeeman Reilly asked Mr. Cottrell how he would know that because he has never tried to call him at work? Mr. Cottrell explained that he has heard over the past two years from everyone at the dais that he can't be reached. In fact, he gets his mail on the weekends and doesn't even stay in contact with the Administrator. He knows this because when Mr. Salerno hired an assistant it appeared in the Jackson Times that Committeeman Reilly stated it was up to Mr. Salerno to call him because he wanted the position. Committeeman Reilly stated if he is so inaccessible then why after every Township Committee Meeting Mr. Cottrell can find him to ask him for a ride home? Mr. Cottrell replied they are neighbors and he has asked him on occasion for a ride. He asked Committeeman Reilly why his colleagues on the Committee and the professionals here in town should have to call him to help him do his job? Committeeman Reilly stated he only asks for the same courtesy that the majority on this Committee get day in and day out and that is access. Mr. Cottrell asked if Committeeman Reilly is saying for the past 2 ½ years he doesn't get phone calls and doesn't get correspondence in a timely fashion? Committeeman Reilly stated he has been on the record numerous times because he hasn't received information he has requested or expected.

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**NICHOLAS ANTANOFF, MURRAY DRIVE:** He stated it is 9:15 PM and it is time for the comedy to stop and the crazies to go back home.

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**ALLEN COTTRELL, 125 SUSAN DRIVE:** He stated that people are now taking cheap shots at him. It goes back to the bible "If you don't like the message kill the messenger". He stated that in 2 ½ years Committeeman Reilly hasn't been a service to this town but a disservice and he is a know-nothing and do-nothing fraud.

**MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: KAFTON**  
**MOTION SECONDED BY: GIBLIN**  
**YES: GIBLIN, REILLY, SEDA, KAFTON & BRODERICK**

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#### **CLOSING COMMENTS**

**COMMITTEEMAN GIBLIN: waived comments**

**COMMITTEEMAN REILLY: waived comments**

**COMMITTEEMAN SEDA: waived comments**

**DEPUTY MAYOR KAFTON: waived comments**

**MAYOR BRODERICK: waived comments**

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**MOTION TO ADJOURN BY: KAFTON**  
**MOTION SECONDED BY: SEDA**  
**YES: GIBLIN, REILLY, SEDA & BRODERICK**  
**9:15 PM**

**RESPECTFULLY SUBMITTED,**

AME/tvc

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**ANN MARIE EDEN, R.M.C.**  
**TOWNSHIP CLERK**