

ON TUESDAY, SEPTEMBER 11, 2007, AT 6:30 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING

ROLL CALL:

COUNCILWOMAN INGRAM

COUNCILMAN MARTIN

COUNCILMAN STALLONE (absent)

COUNCIL VICE PRESIDENT GUDAITIS (6:35pm)

COUNCIL PRESIDENT UPDEGRAVE

ATTORNEY GILMORE

TOWNSHIP CLERK EDEN

ALSO IN ATTENDANCE

ADMINISTRATOR DEL TURCO

ATTORNEY JOHN RUSSO

JOHN MACZUGA

ANNAWAINRIGHT

RESOLUTION 392R-07

TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS AS NOTED BELOW

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN & UPDEGRAVE

ABSENT: STALLONE & GUDAITIS

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 Township Council 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/Professionals: Status – Chief Financial Officer
Litigation/Potential Litigation: COAH – Round II, Update-Gavan
Construction-DPW Storage Facility
 - b) Potential Land Sale/Land Acquisition: Possible land acquisition –
State of New Jersey, Update-Cornerstone Presbyterian Church
 - c) Contracts/Agreements:
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 09/11/07

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

ON TUESDAY, SEPTEMBER 11, 2007 THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING, COMMENCING AT 7:45 P.M. IN THE MAIN MEETING

ROOM OF THE MUNICIPAL BUILDING. SAID MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.

ROLL CALL:

COUNCILWOMAN INGRAM
COUNCILMAN MARTIN
COUNCILMAN STALLONE (absent)
COUNCIL VICE PRESIDENT GUDAITIS
COUNCIL PRESIDENT UPDEGRAVE

ATTORNEY GILMORE
TOWNSHIP CLERK EDEN

ALSO IN ATTENDANCE
ADMINISTRATOR DEL TURCO

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 Council has been advertised in the manner prescribed by law. This statement shall be entered into the Minutes of this meeting.

PROCLAMATIONS

PRESENTATIONS

COUNCIL VICE PRESIDENT GUDAITIS read the following resolution into the records:

TOWNSHIP OF JACKSON
RESOLUTION
September 11, 2007

WHEREAS, it has been six years since the lives of all American citizens had been shaken and changed forever with the news of the worst terrorist attacks within the boundaries of the United States of America; and

WHEREAS, the effect these tragic events have had on all American citizens will haunt their hearts and souls for the rest of their lives; and

WHEREAS, we must take a moment of time to recognize and mourn the tremendous loss of lives that occurred on September 11, 2001; and

WHEREAS, we now know and feel with every fiber of our humanness that this horrendous event has forever affected our ability to live our lives without a constant sense of fear and apprehension.

NOW, THEREFORE, I, Ann M. Updegrave, Council President of the Township of Jackson in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to take a moment of silence in recognition of all the American lives lost and the effect these horrific and unforgettable acts of "evil" not "GOD" that occurred six years ago today had on all American families.

COUNCIL PRESIDENT UPDEGRAVE stated there have been many tragedies in Jackson (inaudible) and presented a plaque honoring Edward "Eddie" Oliver and Joseph Mangano who lost their lives at 9/11.

COUNCIL PRESIDENT UPDEGRAVE advised the many ways Jackson Women of Today help the residents of Jackson and the recent loss, as a result of the fire, that destroyed the food in the food pantry. The Council reached out to the public and received a number of monetary donations to help the organization. Council Vice President Gudaitis stated he received many donations from concerned residents and some non-residents while at the Jackson Little League field.

COUNCIL PRESIDENT UPDEGRAVE read the following resolution into the records.

WHEREAS, the Jackson Township Council wishes to recognize and thank all municipal employees for their dedication and hard work; and

WHEREAS, Governing Body members often lose sight of the everyday excellent services municipal employees provide to the community and the Governing Body; and

WHEREAS, it is with the utmost of respect that we, the Jackson Township Council members wish to commend each and every employee for their continued efforts by setting aside, Friday, September 14, 2007 as "Employee Recognition Day" for all Jackson Township employees.

NOW, THEREFORE, I, Ann M. Updegrave, Council President of the Township of Jackson in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to show our support and thanks for all the ways you help us each and every day in providing the best municipal services to the residents of Jackson Township.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILWOMAN INGRAM stated she attended a memorial service at Westlake for the tragedy of 9/11 and was touched by many speeches. She spoke of the car accident involving four teenagers and stated she was a mother of a young driver and encouraged everyone to drive safely.

COUNCILMAN MARTIN he thanked everyone for coming and discussed how the tragedy of 9/11 touched his life and how important family and friends are. He thanked Council Vice President Gudaitis in his leadership in collecting donations to replenish supplies for the Food Pantry

COUNCILMAN STALLONE - ABSENT

COUNCIL VICE PRISIDENT GUDAITIS reminded everyone of the upcoming charity soccer game between the Police and Fire Department taking place on Friday, September 14th and the PBA pig roast on Saturday, October 6th. He then thanked the new Recreation Director, Eric Schubiger, and his staff, DPW and Emergency Management, Police, Fire, and rescue squads along with all vendors, non-profit groups and volunteers that came out to help make Jackson Day a huge success. He thanked everyone for the outpouring of support and donations from Jackson Pop Warner, Jackson Little League, Stop N Shop, Shoprite, Mayor and Council and DPW for bringing in the food. He spoke of 9/11 and the impact it had on so many lives and that everyone should always remember that day. He discussed the accident involving the four teenage girls and how he just learned of the 2nd death and that the investigation is ongoing to determine the cause. The Mayor wanted him to let everyone know that he will be working with the County to implement a plan to improve the County roads in Jackson and wished everyone a safe trip home.

COUNCIL PRESIDENT UPDEGRAVE thanked everyone for coming and reminded everyone to cherish family and friends because there are many families that have lost loved ones through tragedy and their lives will never be the same again and asked everyone do drive home safely.

CLERK EDEN stated for the record that the audio system is experiencing problems that would result in possible transcription difficulty.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN
MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSTAIN: INGRAM (JACKSON COUNCIL FOR THE ARTS & NJ LAWN & IRRIGATION) & GUDAITIS (NJ LAWN & IRRIGATION)
ABSENT: STALLONE

CHECK#	VENDOR	AMOUNT
75051	VOID	-0-
75052	ACTION OFFICE SUPPLIES INC.	210.30
75053	WILLIAM E. ANTONIDES & CO.	14,000.00
75054	ARCH WIRELESS	11.20
75055	ASBURY PARK PRESS, INC.	579.92
75056	ASPEN TREE EXPERT CO., INC.	2,400.00
75057	BAYWAY LUMBER	386.28
75058	BEACON GRAPHIC SYSTEMS	1,010.91
75059	BOARD OF FIRE COMMISSIONERS	85,010.50
75060	BOARD OF FIRE COMMISSIONERS	171,970.00
75061	BOARD OF FIRE COMMISSIONERS	526,326.23
75062	BOARD OF FIRE COMMISSIONERS	311,667.50
75063	BRICK STARTER & ALTERNATOR, INC.	115.00
75064	BROUWER HANSEN & IZDEBSKI	6,375.00
75065	P.O. CAMPBELL BROWN	6,270.00
75066	CANYON SPRING WATER	221.40
75067	CAOLA COMPANY	690.55
75068	CENTRAL JERSEY OFFICE EQUIP.	96.00
75069	COHENS MODERN PRINT SVCE. INC.	317.00
75070	BRANT S. COLLINS	500.00
75071	COLLEGE TV INC.	325.00
75072	COMMERCE NATIONAL INS. SERVS.	612.50
75073	COMPUSA STORES LP	152.24
75074	CONTRACTOR SERVICE	240.00
75075	DELTA DENTAL PLAN OF NJ INC.	22,124.17
75076	DEPTCOR/BUREAU OF	123.50
75077	DIAMOND COMMUNICATIONS, LLC	3,360.00
75078	DILWORTH PAXSON, LLP	570.00
75079	DSI MEDICAL SERVICES, INC.	197.99
75080	EAGLE MAINTENANCE SUPPLY INC.	132.35
75081	EDWARDS TIRE COMPANY, INC.	21,053.51
75082	EMERGI-CLEAN INC.	165.00
75083	EXCAVATING MATERIALS &	724.00
75084	EYEMED VISION CARE/FAA INC.	649.38
75085	LILY ANN FARLEY	173.70
75086	CALOS A FERREIRA ESQ.	400.00
75087	FIRE TECH EQUIPMENT CORP.	1,790.00
75088	FIRST AMERICAN REAL ESTATE TAX	29,173.13
75089	GARDEN STATE HWY PRODUCTS, INC.	550.00
75090	VOID	-0-
75091	GILMORE & MONAHAN, P.A.	29,583.54
75092	GLUCK, ALLEN & GERTNER, LLC	1,437.00
75093	GOVERNMENT FIANCE OFF. ASSOC.	650.00
75094	HERMAN'S TRUCKING	1,986.75
75095	I & G FARMS INC.	239.50
75096	IKON OFFICE SOLUTIONS	721.70
75097	ITX DESIGN, LLC	122.40
75098	JACKSON TWP. BOARD OF ED.	9,108.54
75099	JACKSON TWO. MUN. UTILITIES AUTH	6,830.47
75100	JACKSON COUNCIL FOR THE ARTS	5,617.88
75101	VOID	-0-
75102	JERSEY CENTRAL POWER & LIGHT	54,573.02
75103	A-1 JDK SPECIALTIES	68.00
75104	JERSEY'S AUTO BODY, LLC	440.40

75105	JOSEPH GARTLAND, INC.	420.00
75106	J.R. HENDERSON LABS, INC.	175.00
75107	JANICE NIERSTEDT-KEEGAN	300.00
75108	KENNEDY CULVERT & SUPPLY	1,209.60
75109	LAKEWOOD AUTO SUPPLY INC.	409.36
75110	LAND'O PINES MOBIL HOME PARK	60.00
CHECK#	VENDOR	AMOUNT
75111	SUSAN LOTITO	900.00
75112	LOWE'S COMPANIES, INC.	717.46
75113	L S I	2,565.66
75114	NIKOLOAS MASSURIDIS	304.00
75115	MEDQUIST INC.	707.99
75116	MERIDIAN OCCUPATIONAL HEALTH	2,102.00
75117	METICULOUS LANDSCAPING, INC.	8,808.44
75118	MONTAGE ENTERPRISES, INC.	524.60
75119	WILLIAM EVERSON	593.85
75120	MR. FENCE	395.00
75121	NICKOLAUS CONSTRUCTION CO., INC.	3,000.00
75122	NJ LAWN & IRRIGATION	850.00
75123	NEW JERSEY NATURAL GAS	229.95
75124	NEW JERSEY PLANNING OFFICIALS	340.00
75125	NJLM	75.00
75126	OFFICE NEEDS	301.70
75127	OFFICE FURNITURE PLUS, INC.	272.67
75128	PEDRONI FUEL COMPANY, INC.	21,717.50
75129	PENNINGTON SALES & SERVICE	20.58
75130	POWEB	93.24
75131	PURELAND EARTH PRUDUCTS, INC.	4,375.00
75132	QUALITY COMMUNICATIONS, INC.	250.00
75133	RAMPAGE, LLC	1,870.00
75134	FRED RASIEWICZ, PETTY CASH	162.68
75135	REMINGTON, VERNICK & VENA ENG.	2,412.10
75136	RIGGINS INC.	16,782.76
75137	RUSSO & CASSIDY, LLC	2,210.00
75138	RUTGERS, THE STATE UNIVERSITY	275.00
75139	RUTGERS, THE STATE UNIVERSITY	95.00
75140	SHERATON ATLANTIC CITY	134.00
75141	SHOPRITE/PERLMART	43.35
75142	SPRINT	501.37
75143	NJSHBP	262,091.17
75144	STATE OF NEW JERSEY	21,134.40
75145	STEWART BUSINESS SYSTEMS	2,525.00
75146	T & B SPECIALTIES INC.	6,686.40
75147	THE PHOTO CENTER	83.40
75148	TRENTON BRAKES, INC.	187.60
75149	MICHAEL CEPPALUNI DBA/UNITED	270.00
75150	UNUMPROVIDENT	7,920.67
75151	VAN SANT EQUIPMENT	4,715.98
75152	VAN SANT SEWER SERVICE LLC	445.20
75153	VERIZON WIRELESS	1,521.14
75154	VERIZON	302.14
75155	VETERINERY SURG. & DIAG. SPEC.	96.92
75156	WALTER R. EARL CORPORATION	414.44
75157	W.B. MASON COMPANY	187.55
75158	WELLS FARGO HOME MORTGAGE INC.	3,931.36
	TOTAL	1,710,771.69

CHECK#	VENDOR	AMOUNT
3941	VOID	-0-

3957-3980	DEVELOPERS	58,397.11
61638	VOID	-0-
61661-61672	PARKS REC	6,624.91
60725-60726	GENERAL TRUST	3,809.88
00358	DOG	219.00
991-997	DEV FEES-COAH	33,110.88

MONTH END

CHECK#	VENDOR	AMOUNT
75047	JACKSON TOWNSHIP P/R ACCT	738,933.78
75048	JACKSON TOWNSHIP	57,248.27
	TOTAL	796,182.05
CHECK#	VENDOR	AMOUNT
3955	DEVELOPERS	18,517.50

ORDINANCES, SECOND READING:

30-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY RE-APPROPRIATING THE SUM OF \$5,000 CURRENTLY LOCATED WITHIN THE GENERAL CAPITAL FUND

PUBLIC HEARING OPENED: NO ONE CAME FORWARD

**MOTION TO CLOSE PUBLIC HEARING BY: MARTIN
 MOTION SECONDED BY: GUDAITIS
 YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
 ABSENT: STALLONE**

**MOTION TO APPROVE ORDINANCE 30-07 ON SECOND READING,
 ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
 NEWSPAPER AS REQUIRED BY LAW BY: GUDAITIS
 MOTION SECONDED BY: INGRAM
 YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
 ABSENT: STALLONE**

ORDINANCE 30-07

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY RE-APPROPRIATING THE SUM OF \$5,000 CURRENTLY LOCATED WITHIN THE GENERAL CAPITAL FUND

WHEREAS, there is currently within the Township of Jackson an item entitled Reserve for Public Works Equipment on the Balance Sheet in the General Capital Fund; and

WHEREAS, there is a residual balance of \$5,000.00 in this reserve; and

WHEREAS, it is the desire of this Township Council to re-appropriate the balance of said funds to aid in the acquisition and/or refurbishment of Emergency Medical Transport Vehicles.

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

SECTION 1. There is hereby re-appropriated from the General Capital Fund contained within the Reserve for Public Works Equipment the sum of \$5,000 to be reclassified in order to acquire and/or refurbish Emergency Medical Transport Vehicles.

SECTION 2. All Ordinances or parts of Ordinance, which are inconsistent with the terms of this Ordinance, be and the same are hereby repealed to the extent of their inconsistency.

SECTION 3. This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on August 28, 2007 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of September, 2007 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.

ANN MARIE EDEN
TOWNSHIP CLERK

DATED: 09/11/07

31-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 51 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON ENTITLED “DOGS AND OTHER ANIMALS”, SO AS TO AMEND §51-14 AND §51-16 TO DELETE THE WORD “DOG” AND IN ITS PLACE INSERT THE WORD “ANIMAL” AND TO FURTHER AMEND CHAPTER 51 TO DELETE THE TERM “DOG WARDEN” AND REPLACE IT WITH “ANIMAL CONTROL OFFICER” WHEREVER IT APPEARS IN THE CHAPTER

PUBLIC HEARING OPENED:

BARBARA SPIELMAN-She questioned the ordinance and the dog park and Council Vice President Gudaitis explained the ordinance only changes some of the wording to bring the existing ordinance up to date.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: GUDAITIS

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

MOTION TO APPROVE ORDINANCE 31-07 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

ORDINANCE 31-07

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 51 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON ENTITLED “DOGS AND OTHER ANIMALS”, SO AS TO AMEND §51-14 AND §51-16 TO DELETE THE WORD “DOG” AND IN ITS PLACE INSERT THE WORD “ANIMAL” AND TO FURTHER AMEND CHAPTER 51 TO DELETE THE TERM “DOG WARDEN” AND REPLACE IT WITH “ANIMAL CONTROL OFFICER” WHEREVER IT APPEARS IN THE CHAPTER

SECTION 1. Section 51-14 entitled “Dogs on Private Property” is hereby amended and supplemented to provide as follows:

§ 51-14 Animals on Private Property

No owner of any animal shall suffer or permit such animal to be upon any private property other than the premises of the owner without consent of the owner or tenant of said property.

SECTION 2. Section 51-16 entitled “Owner Responsibility” is hereby amended and supplemented to provide as follows:

§ 51-16 Owner Responsibility

Owner or custodian of any animal shall be responsible for the damages done or caused by such animal.

SECTION 3. Chapter 51 of the Township Code of the Township of Jackson entitled “Dogs and Other Animals” is hereby amended and supplemented to delete the phrase “Dog Warden” and replace the same with the words “Animal Control Officer” wherever such reference appears in Chapter 51 of the Township Code of the Township of Jackson.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law and in accordance with N.J.S.A. 40:69A-181(b).

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on August 28, 2007, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of September 2007, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

**ANN MARIE EDEN
TOWNSHIP CLERK**

DATED: 09/11/07

**ORDINANCE FIRST READING
32-07**

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 42, BUILDING CONSTRUCTION, UNIFORM CONSTRUCTION CODES AND AMENDING ORDINANCE NO. 61-76 WHERE APPLICABLE

**MOTION TO APPROVE ORDINANCE 32-07 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, SEPTEMBER 25, 2007 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

ORDINANCE 32-07

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 42, BUILDING CONSTRUCTION,
UNIFORM CONSTRUCTION CODES AND AMENDING
ORDINANCE NO. 61-76 WHERE APPLICABLE**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

SECTION 1: Chapter 42, Section 4 of the Administrative Code of the Township of Jackson entitled "Building Construction; Uniform Construction Codes, Subcode Fees is hereby repealed in its entirety and replaced with the following:

SECTION 2: Chapter 42, Section 4: Subcode Fees:

Under the provisions of this chapter, the following fee schedules are established:

A. Building subcode fees. All fees charged pursuant to this chapter shall be rounded in accordance with standard mathematical practices (i.e., \$105.43 becomes \$105.00, and \$198.67 becomes \$199.

- (1) Plan review.
 - (a) For the purpose of N.J.A.C. 5:23-4.18(b)1, the plan review fee shall be 20%.
 - (b) The minimum plan review fee shall be \$75.
 - (c) Request for permit refund. The amount paid as the plan review fee will be deducted from the total permit fee upon issuance. The plan review fee is a nonrefundable 20%.
 - (d) The State of New Jersey training fee shall be collected at the rate in effect at the time of the permit issuance per N.J.A.C. 5:23-4.19(b) and shall be rounded to the nearest whole dollar.
- (2) New construction. The fee shall be based upon the volume of the structure.
 - (a) Volume computation shall be determined by N.J.A.C. 5:23-2.28; Use groups and types of construction are as classified and defined in accordance with the provisions of the Code most recently adopted by the

Township's Building Department in accordance with the Department of Community Affairs, Uniform Construction Code.

(b) New construction, all use groups (per cubic foot of volume):

[1] All use groups with the exception of S-1 and S-2: \$0.029 per cubic foot of volume.

[2] Use Groups S-1 and S-2: \$0.019 per cubic foot of volume.

[3] Minimum fee for Subsection A(2)(a) and [2]: \$100.

[4] Structures on farms used exclusively for the purpose of storage of food or grain or sheltering of livestock: \$0.008 per cubic foot of volume.

[5] Maximum fees for Subsection a(2)(a)[4]: \$1,160.

[6] Minimum fee for Subsection A(2)(a)[4]: \$100.

(3) Modular and premanufactured buildings and moving houses, basic unit set footing and foundation. Fee is based on the estimated cost of work. Refer to Subsection A(4)(a)[1], [2] and [3] for fee per thousand; minimum fee \$200.

(4) Renovations, alterations and repairs, etc.

(a) Fees shall be based on the estimated cost of work. (For the purpose of determining the estimate cost, the applicant shall submit the Construction Official such cost data as may be available, produced by an architect or engineer of record or by a recognized estimating firm or by the contractor. A bona fide contractor's bid may be required. The Construction Official shall make the final decision regarding the estimated cost.)

[1] \$1.00 to \$50,000 (per thousand): \$24.

[2] \$50,001 to \$100,000. (per thousand): add \$18.

[3] Over \$100,000 (per thousand) add \$15.

[4] Minimum fee: \$75.

(b) For the combination of addition and renovation, etc. the sum of the fees shall be computed separately as additions and renovations.

(5) Fences.

(a) Per linear foot: \$0.20

(b) Minimum fee: \$75.

(c) No permit required for fences less than six feet in height unless serving as a barrier surrounding swimming pools.

(6) Wood decks: \$0.20 per square foot; minimum fee: \$75.

(7) Fees for retaining walls, bulkheads and docks shall be as follows:

(a) The fee for a retaining wall, bulkhead or dock with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$150.

(b) The fee for a retaining wall, bulkhead or dock with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$75.

(c) The fee for a newly constructed retaining wall, bulkhead or dock of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

(8) Fireplace and masonry chimneys, wood stoves and chimneys, minimum fee: \$75.

(9) Installation of swimming pool/spas:

- (a) The fee for an aboveground swimming pool or spa shall be \$100 for a pool with a surface area greater than 550 square feet; the fee for pools or spas under 550 square feet shall be \$50.
 - (b) The fee for an in-ground swimming pool or spa shall be \$150 for a pool with a surface area greater than 550 square feet; the fee for pools or spas under 550 square feet shall be \$75.
 - (c) Public/commercial pool or spa: \$300.
- (10) Installation of temporary structures and/or other structures for which volume cannot be computed:
- (a) No permit requirement for garden-type utility sheds not exceeding 100 square feet in area and 10 feet in height.
 - (b) Structures exceeding 100 square feet in area: fee based on cubic foot of volume, refer to Subsection (A)(2)(a)[1] and [2].
 - (c) Minimum fee: \$75.
 - (d) The fee for tents in excess of 16,800 square feet or more than 140 feet in any dimension shall be \$92.
- (11) Demolition of structure:
- (a) Use Group R, less than 2,000 square feet and 30 feet high or less: \$150. for each structure.
 - (b) All others: \$250.
- (12) The fee for a permit to construct a sign shall be as follows:
- (a) Fees for pylon signs shall be \$4.00 per square foot for the first 100 square feet, \$3.00 per square foot for the next 400 square foot and \$2.00 per square foot thereafter.
 - (b) Fees for ground signs or wall signs shall be \$2.00 per square foot for the first 100 square feet, \$1.50 per square foot for the next 400 square feet and \$1.00 per square foot thereafter.
 - (c) The minimum fee shall be \$75.
- (13) Asbestos removal:
- (a) Asbestos hazard abatement per U.C.C. 5:23 Subchapter 8. EN(2) Fees per Subsection 8.9: administrative fee, \$84 for each permit issued, and \$17. for each certificate, payable to "Treasure, State of New Jersey." Non-friable asbestos, per 5:23-8.20, removal of non-friable asbestos-containing materials; minimum fee \$100.
 - (b) The fee for a permit for lead hazard abatement work shall be \$140. The fee for a lead abatement clearance certificate shall be \$28.
- (14) Tanks, Residential installation (each):
- (a) 550 gallons or less \$75.
 - (b) Over 550 gallons: \$150.
- (15) Re-roof existing structure. The fee for roofing work completed on structure of Group R-3 or R-5 shall be \$46.
- (16) Re-siding existing structure: The fee for siding work completed on structures of Group R-3 or R-5 shall be \$46.
- (17) The fee for plan review of a building for compliance under the alternate systems and non-depletable energy provisions of the energy source provisions of the energy subcode shall be \$274.00 for one and two-family dwellings (Group R-3 or R-5 of the building subcode), and for light commercial

structures having the indoor temperature controlled from a single point, and \$1,369 for all other structures.

B. Plumbing subcode fees:

- (1) Fixtures and equipment:
 - (a) Each fixture, piece of equipment or appliance connected to the plumbing system and for each appliance connected to the plumbing system and for each appliance connected to the gas piping or oil piping system, except as indicated in B(1)(b) below: \$10.
 - (b) Minimum fee: \$75.
- (2) The plumbing subcode fee shall be \$10 per fixture or stack fixtures to be installed. For the purpose of computing the fee, fixtures or stacks shall include, but not limited to, all sinks, urinals, water closets, bathtubs, shower stalls, laundry tubs, floor drains, drinking fountains, dishwashers, garbage disposals, cloths washers, hot-water heaters, or smaller similar devices. The minimum fee shall be \$75. In addition, the following subcode fees shall be paid in connection with the issuance of permits for the following:
 - (a) Water service:
 - [1] The installation or replacement of a water service: \$65.
 - [2] No fee will be charged for the installation of a second water meter for external use of an irrigation system.
 - (b) Sewer service:
 - [1] The installation or replacement of a sewer service: \$65
 - (c) Lawn/garden sprinklers:
 - [1] The attachment to lawn or garden sprinkler system to potable water system: \$65.
 - (d) Special devices:
 - [1] Installation or replacement of special devices: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot-water boilers, active solar systems, sewer pumps and interceptors (there shall be no fee charge for gas service entrances.) \$75.
 - (e) Gas fixtures, attachments for installation of a gas fixture or fixtures.
 - [1] Each gas fixture: \$10.
 - [2] Minimum fee: \$75.
 - [3] Propane tank placement: \$75.
 - [4] Propane underground piping: \$25.
 - (f) Hot-water heaters;
 - [1] Replacement of hot-water heater: \$45
 - (g) Septic Closure:
 - [1] Residential: \$65.
 - [2] Commercial: \$100.

(h) Oil fixtures:

- [1] Each oil fixture: \$10.
- [2] Minimum fee: \$75.
- [3] Oil underground piping: \$25.

[i] Equipment testing:

- [1] For cross connections and backflow preventers that are subject to testing, requiring reinspection annually, the fee shall be \$50.00 for each device when they are tested.

C. Electrical subcode fees:

- (1) Fixtures or receptacles. Receptacles and fixtures shall include lighting outlets, wall switches, electrical discharge fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one horsepower or on kilowatt, burglar, fire, and communication devices, etc.
 - (a) Minimum fee: \$75.
 - (b) One – 25 fixtures or devices: \$75.
 - (c) Each additional 25 fixtures or receptacles: \$25
- (2) Motors or electrical devices (each):
 - (a) One horsepower to 10 horsepower: \$15.
 - (b) Greater than 10 horsepower to 50 horsepower: \$50.
 - (c) Greater than 50 horsepower to 100 horsepower: \$150.
 - (d) Greater than 100 horsepower to 1,000 horsepower: \$457.
- (3) Transformers and generators (each):
 - (a) One to 100 kilowatts: \$75.
 - (b) 101 to 200 kilowatts: \$150.
 - (c) 201 to 600 kilowatts: \$225.
 - (d) 601 to 1,000 kilowatts: \$300.
 - (e) Greater than 1,000 kilowatts: \$457.
- (4) Service panels, service entrance or sub-panel (each):
 - (a) One to 100 amperes: \$50.
 - (b) From 101 to 200 amperes: \$50.
 - (c) From 201 to 600 amperes: \$175.
 - (d) From 601 to 1,000 amperes: \$300.
 - (e) Greater than 1,000 amperes: \$475.
- (5) Computing fees:
 - (a) For the purpose of computing these fees, all motors except those in plug-in appliance shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.
- (6) Signs:
 - (a) Counted in Subsection C(1) and (2); fixtures and devices.
- (7) Satellite dish.
 - (a) Each satellite dish: \$150

- (8) Low-voltage systems:
 - (a) Minimum fee: \$50.
 - (b) One to 20 devices: \$50.
 - (c) Each additional device: \$15.
- (9) All township fees for permits and inspections associated with the installation of the second water meter under this section are hereby waived. Any fees collected for such permits and inspections since September 11, 2000, shall be refunded to the taxpayers.
- (10) The fee for the annual electrical inspection of swimming pool, spas or hot tubs shall be: \$36.

D. Fire subcode fee.

- (1) Installation of gas/oil/wood/coal/pellet-fired appliances not associated with the Plumbing Code:
 - (a) The fee for gas or oil-fired appliance that is not connected to the plumbing system shall be \$46.
 - (b) Each gas or oil-fired appliance for commercial construction: \$75.
 - (c) The fee for each incinerator shall be: \$365.
 - (d) The fee for each crematorium shall be: \$365.
- (2) Installation of residential (R-3, R-4 and R-5) sprinkler system; minimum fee: \$75.
- (3) Standpipes; minimum fee: \$229.
- (4) Installation of suppression systems other than sprinklers (CO₂, gas, foam, dry or wet chemical); minimum fee: \$100.
- (5) Installation of hood, duct and exhaust system; minimum fee: \$100.
- (6) Installation of smoke/heat detectors (carbon monoxide detectors, notification or initiating devices) and/or sprinklers heads.
 - (a) For single and multiple- station smoke or heat detectors and fire alarm systems in any one- or two-family dwelling, there shall be a flat fee of \$30 per dwelling unit.
 - (b) One to 20 heads or devices: \$65
 - (c) Twenty-one to 100 heads or devices: \$125.
 - (d) One hundred one to 200 heads or devices: \$229.
 - (e) Two hundred one to 400 heads or devices: \$594.
 - (f) Four hundred one to 1,000 heads or devices: \$882.
 - (g) One thousand one to 1,500 heads or devices: \$1,050.
 - (h) One thousand five hundred one to 2,000 heads or devices: \$1,500.
 - (i) Over 2,000 heads or devices: \$125 for each additional 100 heads or devices.
- (7) Fuel storage tanks, installation/removal (each):
 - (a) Installation; 500 gallons or less: \$100.
 - (b) Installation; 501 to 1,000 gallons: \$150.
 - (c) Installation 1,001 to 2,500 gallons: \$250.
 - (d) Installation 2,501 gallons and over: \$500.
 - (e) Removal; residential: \$75.
 - (f) Removal; commercial: \$125.
- (8) Fire pumps; minimum fee (each pump): \$100.

- (9) Testing of backflow preventers. Required devices that isolate cross connections between the water supply and contaminants that are toxic are required to be tested annually. Where the backflow preventer is installed on the water service that is dedicated fire line. Minimum fee for each device: \$50.
- (10) Installation/removal of fire suppression water storage tanks (each):
 - (a) Installation; 500 gallons or less: \$100.
 - (b) Installation; 501 to 1,000 gallons: \$150.
 - (c) Installation 1,100 to 2,500 gallons: \$250.
 - (d) Installation 2,501 and over: \$500.
 - (e) Removal; residential: \$75.
 - (f) Removal; commercial: \$125.
- (11) Installation of private fire suppression water mains, hydrants and control valves:
 - (a) Private fire service mains per lineal foot: \$0.60
 - (b) Fire hydrants (each): \$50.
 - (c) Control valves (each): \$50
- (12) Minimum permit fee: [Moved from number 10]
 - (a) Minimum fee (residential): \$75.
 - (b) Minimum fee (commercial): \$100.

E. Elevator inspections fees. All elevator inspection and testing fees shall be in accordance with those fees established and as amended from time to time under the New Jersey Administrative Code, Chapter 5:23-12.6 et seq.

- (1) The fee for plan review for elevator devices in structures of Groups R-3, R-4, or R-5, and for elevator devices wholly within dwelling units in structures of Group R-2 shall be \$50.
- (2) The fee for plan review for elevator devices in structures of Groups other than R-3, R-4, or R-5 and devices in structures of Group R-2 exempted by above shall be \$260.00 for each device.
- (3) Fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:
 - (a) The basic fees for elevator devices in structures not in Use R-3, R-4, or R-5 in and exempted R-2 structure, shall be as follows:

Device	Fee
Traction and winding drum Elevators:	
One to ten floors	\$243.
Over 10 floors	\$405.
Hydraulic elevators	\$216.
Rope hydraulic	\$242.
Escalators, moving walks	\$216.
Dumbwaiters	\$ 54.
Stairway chairlifts, inclined and vertical wheelchair lifts and man lifts	\$ 54.

- (b) Additional charge for devices equipped with the following features shall be as follows:

Feature	Fee
Oil buffers (charge per oil buffer)	\$ 43.

Counterweight governor and safeties	\$108.
Auxiliary power generator	\$ 81.

(b) The fee for elevator devices in structures in Use Group R-3, R-4, or R-5, or otherwise exempt devices in R-2 structures, shall be \$162. This fee shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 3:23-2.19 and 2.20.

(c) The fee for performing inspections of minor work shall be \$54.

(4) The fees for routine and periodic tests and inspections for elevator devices in structures not in Use Group R-3, R-4, or R-5 or otherwise exempt in R-2 structures, shall be as follows:

(a) The fee for six-month routine inspection of elevator devices shall be as follows:

Device	Fee
Traction and winding drum elevators:	
One to 10 floors	\$151.
Over 10 floors	\$194.
Hydraulic elevators	\$108.
Rope hydraulic elevators	\$151
Escalators, moving walks	\$151.

(b) The fee for one-year periodic inspection and witnessing of tests of elevator devices, which shall include a six-month routine inspection, shall be as follows:

Device	Fee
Traction and winding drum elevators:	
On to 10 floors	\$216.
Over 10 floors	\$259.
Hydraulic elevators	\$162.
Rope hydraulic elevators	\$216.
Escalators, moving walks	\$346.
Dumbwaiters	\$ 85.
Man lifts, stairway chairlifts, inclined and vertical wheelchair lifts	\$130.

(c) Additional yearly periodic inspections charges for elevator devices equipped with the following features shall be as follows:

Features	Fee
Oil buffers (change per oil buffer)	\$ 43.
Counterweight governor and safeties	\$ 86.
Auxiliary power generator	\$ 54.

(d) The fee for the three-year or five-year inspection of elevator devices shall be as follows:

Inspection	Fee
Traction and winding drum elevators:	
One to 10 floors (five-year inspection)	\$367.
Over 10 floors (five-year inspection)	\$410.

Hydraulic and rope hydraulic elevators.

Three-year inspection	\$270.
Five-year inspection	\$162.

F. Certificate of occupancy:

(1) Certificates.

(a) Certificate of occupancy:

- [1] Use Group R-3, R-4 and R-5, per unit: \$60
- [2] Use groups R-1 and R-2, per unit: \$75.
- [3] All other use groups, per unit: \$150.
- [4] The fee for the issuance of a certificate of occupancy for one- and two-family dwellings shall be \$60. per building. In the event that such new construction consists of multiple-family dwellings or condominiums containing more than one unit, each to be occupied separately, then each unit will require a separate inspection and an individual certificate of occupancy, the fee for which shall per \$75 per unit. The fee for commercial and industrial buildings shall be 10% provided that the minimum fee in all cases shall be \$150.

(b) Temporary certificate of occupancy:

- [1] The fee for the issuance of a temporary certificate of occupancy for one- and two-family dwellings shall be \$30 per building. In the event that such new construction consists of multiple-family dwellings or condominium containing more than one unit, each to be occupied separately, then each unit will require a separate inspection and an individual temporary certificate of occupancy, the fee for which will be \$30 per unit. The fee for commercial and industrial buildings shall be \$75.
- [2] When the permit applicant chooses to pay the full certificate of occupancy fee at the time of the initial issuance of the temporary certificate of occupancy, there shall be no temporary certificate of occupancy fee for the initial issuance. If the TCO is renewed, a temporary certificate of occupancy renewal fee will be charged, even when the certificate of occupancy fee has been paid in full.
- [3] Temporary certificate of occupancy fee and renewal fee shall be paid prior to the renewal of the TCO.
 - [a] Residential occupancies: \$30.
 - [b] Commercial occupancies: \$75.

(c) Continued use certificate. All use groups with the exception of R-3, and R-5: \$150.

(d) Change of use:

- [1] Refer to Section F, Certificate of occupancy fee, Subsection (1) Certificates, (a) Certificate of occupancy [1] – [4].

(e) Certificate of approval or compliance: No fee.

(f) Certificate of occupancy motel/hotel. The minimum fee for issuance of a certificate of occupancy applicable to the new construction of a motel/hotel, per each unit: \$50.

(g) Fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10

- [1] Class I structures: \$594.
- [2] Class II and III structures: \$130.
- [3] Resubmission fee, Class I structures: \$229.
- [4] Resubmission fee, Class II and III structures: \$65.

(2) Reinstatement of lapsed permit:

- (a) Building: \$28.
- (b) Plumbing: \$28.
- (c) Fire: \$28.
- (d) Electrical: \$28.
- (e) Elevator: \$28.

G. Fee waivers. The waiver of fees for any municipal corporation or any other organization shall be in accordance with law and shall be deemed exempt.

H. Administrative fee:

- (1) Copies of documents: As adopted by the Township of Jackson pursuant to N.J.S.A. 47:1A-2.
- (2) Copies of plans, revisions and reapproval of plans: As referenced as a minimum fee for each subcode (building, fire, plumbing, electrical and elevator).
- (3) There shall be an additional fee of \$45 per hour for review of any amendment or change to a plan that has already been released.
- (4) In any case where the Department of Community Affairs conducts plan review for a local enforcing agency, the fee charged by the local enforcing agency for inspection services shall be 80 percent of the fee that would otherwise be determined under the local fee schedule.
- (5) Hourly charges and fees for development-wide inspection of homes after issuance of a certificate of occupancy shall be in such amount as reasonable and necessary in order to ascertain whether a violation exists or to verify that any work performed has abated the violation.
 - (a) The hourly charge shall be the amount as the hourly charge set forth at Section H, Administrative fees, Subsection (3), times the number of hours spent by the code official in determining whether a violation exists or verifying that any work performed has abated the violation.
 - (b) Any appeal of a charge levied by local enforcing agency may be made to County Board of Appeals.
- (6) Penalties may be levied by the enforcing agency as follows:
 - (a) Up to \$1,000 per violation for failure or refusal to comply with any lawful Order unless the failure to comply is done with the knowledge that will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation.
 - (b) Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy.
 - (c) Up to \$2,000 per violation for failure to comply with a stop work order.
 - (d) Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval.
 - (e) Up to \$500.00 per violation for any violation not covered under Section H, Subsection (6) (a) through (d) above.
- (7) Notary fees: There shall be no fee for the first item. For each additional item over the first, a fee will be charged:
 - (a) Administering an oath or taking an affidavit shall be \$0.50.
 - (b) Taking proof of a deed shall be \$1.
 - (c) Taking all acknowledgments shall be \$1.

I. Annual report. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee, no later than November 30, an annual report recommending a fee schedule based on the operating expenses of the agency, and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act, P.L. 1975, c.217, as amended.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law and in accordance with N.J.S.A. 40:69A-181(b).

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on September 11, 2007 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 25th day of September 2007 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.

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

DATED: 09/11/07

33-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXCHANGE OF CERTAIN LANDS WITH JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-16 AND N.J.S.A. 40A:12-13(b)(1)

**MOTION TO APPROVE ORDINANCE 33-07 ON FIRST READING,
ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND
PUBLIC HEARING TO BE HELD ON, SEPTEMBER 25, 2007 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

ORDINANCE 33-07**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXCHANGE OF CERTAIN LANDS WITH JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-16 AND N.J.S.A. 40A:12-13(b)(1)**

WHEREAS, Jackson Township Municipal Utilities Authority (JTMUA) has requested to exchange the real property set forth on Schedule A attached hereto for the real property set forth on Schedule B owned by the Township of Jackson; and

WHEREAS, the governing body has made a determination that it would be in the best interest of the municipality to exchange the subject property with Jackson Township Municipal Utilities Authority; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes a municipality to exchange lands with another party; and

WHEREAS, the value of the property being exchanged by the Township to the JTMUA may exceed the value of the property being received by the Township from the JTMUA; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) authorizes a municipality to transfer property to a political subdivision for nominal consideration.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the Township Council of the Township of Jackson has determined to authorize the exchange of property with the JTMUA. The Township will transfer a portion of Block 13001, Lot 50 and all of Block 13001, Lot 24 to the JTMUA in exchange for the JTMUA transferring a portion of Block 13001, Lot 51 to the Township.

SECTION 2. That the governing body does hereby authorize the exchange of the subject properties in accordance with the provisions of N.J.S.A. 40A:12-16 and to the extent the value of the property being transferred by the Township of Jackson to the JTMUA exceeds the value of the property being received by the Township from the JTMUA, the governing body authorizes the transfer pursuant to N.J.S.A. 40A:12-13(b)(1).

SECTION 3. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary to effectuate the exchange of said lands in accordance with the provisions of this ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

SECTION 7. Copies of Schedules A and B as referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's Office during normal business hours.

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on September 11, 2007 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 25th day of September 2007 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.

SCHEDULE A

Property Owned By: JTMUA being transferred to the Township of Jackson

BLOCK	LOT
Portion of Block 13001	51

SCHEDULE B

Property Owned By: Township of Jackson being transferred to JTMUA

BLOCK	LOT
Portion of Block 13001	50
All of Block 13001	24

DATED: 09/11/07	ANN MARIE EDEN, R.M.C. TOWNSHIP CLERK
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PUBLIC HEARING OPENED, RESOLUTIONS ONLY - NO ONE CAME FORWARD.

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY: MARTIN
MOTION SECONDED BY: GUDAITIS
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

**RESOLUTION 407R-07
TITLE: AUTHORIZING THE USE OF MEDIATOR SERVICES BY
BENCHMARK RESOLUTION SERVICES, LLC IN THE COMMODORE POINT
VS. JACKSON TOWNSHIP MATTER**

**MOTION TO APPROVE BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

WHEREAS, Commodore Point has filed a lawsuit against the Township of Jackson in regard to the current zoning of the Commodore Point property and a challenge by Commodore Point to the Township's Affordable Housing Plan; and

WHEREAS, both Commodore Point and Jackson Township have agreed to mediation in regard to their dispute; and

WHEREAS, both parties have agreed to have mediation services provided by Benchmark Resolution Services, LLC through the Honorable Eugene D. Serpentelli in an attempt to resolve their dispute; and

WHEREAS, both parties will be responsible for 50% of the costs of the mediation services and each party is to provide a \$2500.00 retainer upon signing of the Agreement for mediation services; and

WHEREAS, the Mayor has recommended that the Township participate in this mediation process.

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

1. That the Township Council does hereby authorize the use of mediation services in regard to the Commodore Point litigation against the Township of Jackson.

2. That the Township Council does authorize the execution of an Agreement with Benchmark Resolution Services, LLC, said Agreement to provide that the mediation services will be provided by the Honorable Eugene D. Serpentelli and that the Township will provide a \$2500.00 retainer in regard to the mediation services and agrees to assume its 50% proportion of all fees and costs charged for the mediation services by Benchmark Resolution Services, LLC.

3. That a certified copy of this resolution be forwarded to John Russo, Jr., Jean Cipriani, and the Honorable Eugene D. Serpentelli.

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

DATED: 09/11/07

RESOLUTION 408R-07

TITLE: RESOLUTION AUTHORIZING AMENDMENT TO CALENDAR YEAR 2007 MUNICIPAL BUDGET – N.J.S.A. 40:A4-48 DUE TO FIRE DAMAGE REPAIRS AT THE CODE ENFORCEMENT/ANIMAL CONTROL BUILDING

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, a condition has arisen with respect to Fire Damage to the Municipal Complex located at 65 Don Connor Boulevard resulting from a fire, and N.J.S.A. 40A:4-46 provides for the creation of an appropriation for the purpose above mentioned; and

WHEREAS, the appropriation to be created by this resolution is \$100,000.00 and three percent of the total adopted operating appropriations in the base year for Calendar year 2007 is \$956,832.80; and

WHEREAS, the foregoing appropriation does not exceed three percent of the total operating appropriations in the Budget for 2007; and

WHEREAS, insurance proceeds will be used to offset these expenses;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Jackson, County of Ocean, State of New Jersey, that not less than 2/3 of all governing body members affirmatively concurring that in accordance with N.J.S.A. 40A:4-48:

1. An appropriation is hereby made for Fire Damage in the amount of \$100,000.00 for the Calendar Year 2007 budget year
2. That said appropriation shall be provided for in full in the Calendar Year 2008 budget, and is requested from the Division of Local Government Services to be excluded from CAPS, pursuant to N.J.S.A. 40A:4-45.3.C(1).
3. That certified copies of this resolution be filed with the Director of the Division of Local Government Services, Municipal Administrator, Township Auditor, the Chief Financial Officer

**TOWNSHIP OF JACKSON
RESOLUTION NO. 408R-07
EMERGENCY APPROPRIATION – 3% CALCULATION**

Prior Year (for CAP calculation)	Current Year (for expenditure Cal.)
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Sheet 17 total	\$24,418,472.00	\$28,938,145.00
Sheet 19 (Statutory Only)	\$ 1,288,642.00	\$ 1,320,469.00
Sheet 25	\$ 5,639,761.10	\$ 1,635,812.65
 TOTAL	 \$31,346,875.10	 \$31,894,426.65
 3%	 \$ 940,406.25	 \$ 956,832.80

(NOTE – Calculation excludes special emergency appropriations)

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

DATED: 09/11/07

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

RESOLUTION 393R-07
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE

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 Council to have these overpayments returned to the respective taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Township Council 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 made apart hereof.
2. Copies of this Resolution to the Tax Collector and respective taxpayers, and any other interested parties.

TOWNSHIP OF JACKSON

OVERPAYMENT REFUNDS

September 11, 2007

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
56.01	59.44	Wells Fargo Home Mortgage	2007 – 3 rd	\$ 729.22
7213	7	Wells Fargo Home Mortgage	2007 – 3 rd	1,140.26
9701	31.26	Wells Fargo Home Mortgage	2007 – 3 rd	352.89
12601	17	Wells Fargo Home Mortgage	2007 – 3 rd	1,708.99

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
6110	3	LSI Tax Services	2007 – 3 rd	1,102.52
7601	29	LSI Tax Services	2007 – 3 rd	1,463.14
801	46	First American R. E. Tax Services	2007 – 3 rd	1,602.11
3701	97	First American R. E. Tax Services	2007 – 3 rd	1,794.04
4004	10	First American R. E. Tax Services	2007 – 2 nd 2007 – 3 rd	1,776.13 1,821.92
5806	37	First American R. E. Tax Services	2007 – 3 rd	1,143.43
6103	22	First American R. E. Tax Services	2007 – 3 rd	1,203.78
6401	43	First American R. E. Tax Services	2007 – 3 rd	1,068.78
6603	13	First American R. E. Tax Services	2007 – 3 rd	1,478.90
7806	37	First American R. E. Tax Services	2007 – 3 rd	1,096.39
8001	5.26	First American R. E. Tax Services	2007 – 3 rd	542.06
9301	29	First American R. E. Tax Services	2007 – 3 rd	1,680.75
9801	32	First American R. E. Tax Services	2007 – 3 rd	1,129.25
10109	28	First American R. E. Tax Services	2007 – 3 rd	2,963.27
14001	26	First American R. E. Tax Services	2007 – 3 rd	2,218.35
14702	38	First American R. E. Tax Services	2007 – 3 rd	1.52
14901	26	First American R. E. Tax Services	2007 – 3 rd	1,845.04
14902	56	First American R. E. Tax Services	2007 – 3 rd	2,185.50
15601	34	First American R. E. Tax Services	2007 – 3 rd	835.75
20401	31	First American R. E. Tax Services	2007 – 3 rd	2,400.00
23103	2	First American R. E. Tax Services	2007 – 3 rd	386.16

TOTAL AMOUNT: \$35,670.15

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

DATED: 09/11/07

RESOLUTION 394R-07

TITLE: APPROVE TOWNSHIP COUNCIL MEETING MINUTES OF AUGUST 14, 2007

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Township of Jackson, County of Ocean, that;

1. The following Minutes are hereby approved by the Jackson Township Council:

August 14, 2007

2. Copies of this resolution to any interested parties.

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

DATED: 09/11/07

RESOLUTION 395R-07

TITLE: AUTHORIZE CHANGE TO CUSTODIAN OF PETTY CASH FUND FOR THE JACKSON TOWNSHIP SENIOR CENTER FROM JANICE CONNOR TO ERIC J. SCHUBIGER

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, pursuant to N.J.S.A. 40A5-21, a local unit may establish a petty cash fund by submitting application to and after approval by the Director of Local government Services; and

WHEREAS, the Jackson Township Senior Center has previously established a Petty Cash fund in accordance with said statute which Janice Connor is designated as custodian of said Fund; and

WHEREAS, on July 20, 2007 Janice Connor retired making it necessary to change the custodian of said Petty Cash Fund to Eric J. Schubiger, who was appointed on March 13, 2007 as the Director of Recreation and Senior Services effective April 9, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Jackson Township Council that this Council does hereby authorize the change of the Custodian of the Petty Cash fund of the Jackson Township Senior Center from Janice Connor to Eric J. Schubiger.

BE IT FURTHER RESOLVED that the Township Clerk shall forward certified copies of this Resolution to the Director of the Division of Local Government Services (two certified copies), Municipal Administrator, Chief Financial Officer, Auditor, Township Clerk’s Department and the Director of Recreation and Senior Services.

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

DATED: 09/11/07

RESOLUTION 396R-07

TITLE: RESOLUTION AMENDING DESIGNATING OFFICIAL DEPOSITORIES AND AUTHORIZED MUNICIPAL OFFICIALS TO SIGN CHECKS FOR DISBURSEMENT OF FUNDS FOR CALENDAR YEAR 2007

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, under the provisions of state regulations (N.J.S.A. 40A:5-1) entitled Local Fiscal Affairs Law, the Township of Jackson in accordance with N.J.S.A.40A:5-14 hereby establishes Legal Depositories for public monies for the calendar year 2007. Further, recent amendment to N.J.S.A. 40A:5-15.1 entitled “Securities which may be purchased by local units” provide added flexibility to secure high yield investments while safe guarding Municipal assets.

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

1. The following banks or institutions approved by the Department of Banking and Insurance under the Government Unit Depository Protection Act (GUDPA) or other authorized investment vehicles authorized by the State of New Jersey are hereby designated as official depositories of Township funds for the calendar year 2007:

- A. Ocean First
- B. Commerce Bank
- C. TD Banknorth
- D. MBIA Municipal Investors Service Corp.
- E. PFM Asset Management, LLC
- F. Wachovia Bank, N.A.
- G. New Jersey Cash Management Fund
- H. JP Morgan Chase Bank, N.A.
- I. Investors Savings Bank

2. Authorized signatories herewith described below are established by Appointing Resolution and/or Salary Ordinance as approved by the Governing Body. Effective authority for authorized signatories will be established on or about July 1, 2007 nunc pro tunc. Wire or electronic transfer of Municipal funds for the purpose to meet payment obligations (Eg. investments, payroll, debt service, vendor, state & federal taxes) are hereby granted to the Chief Financial Officer or assistant subject to ratification by the Governing Body.

3. Disbursements from all checking accounts except as otherwise noted herein shall be signed by any two (2) of the following five (5) authorized individuals to include at minimum each check to bear one original signature. The Mayor and President of the Council may designate a facsimile signature as subject to approval:

- Mayor Mark Seda
- President of the Council, Ann Updegrave
- Municipal Administrator, Phil Del Turco
- Chief Financial Officer, Lily Ann Farley
- Acting Chief Financial Officer, Sharon Pinkava

Authorized Checking Accounts

A. Current Fund	17006000013
B. Capital Fund	17006000021
C. Parks & Recreation	17006000047
D. Dog Fund	17006000062
E. Public Assistance	17006000070
F. Handicap Trust Fund	17006000138
G. Subdivision Trust Fun	17006000146
H. General Trust Fund	17006000054
I. Builders Escrow	0611097753
J. Payroll Account	17006000039
K. Open Space Trust Fund	17006000302
L. Builders Escrow	6855050050
M. Police Outside Employment	6855861407
N. Affordable Housing 3 rd Round	17006002571
O. Developers Fees-COAH Trust Fund	17006002589

4. All disbursements from the Jackson Township "Tax Collector Trust" checking account (Account No. 17006000088) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Tax Collector, Michael Campbell
- B. Acting Chief Financial Officer, Sharon Pinkava

5. All disbursements from the Jackson Township Building Department "Building Fees" checking account (Account No. 17006000104) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Construction Code Official, Barry Olejarz
- B. Technical Assistant to the Construction Official, Vera Dzumyk
- C. Acting Chief Financial Officer, Sharon Pinkava

6. All disbursements from the Jackson Township "Housing Division Fees" checking account (Account No. 17006002480) shall be made by checks signed by (1) of the following (3) individuals.

- A. Supervisor of Code Enforcement, John Grillo
- B. Principal Clerk Typist, Christie McDonald
- C. Acting Chief Financial Officer, Sharon Pinkava

7. All disbursements from the Jackson Township "Engineering and Inspection" checking account (Account No. 17006000096) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Zoning Officer, Richard Megill
- B. Planning Board Secretary, Janice Kisty
- C. Acting Chief Financial Officer, Sharon Pinkava

8. All disbursements from Jackson Township's consolidated "Zoning Board of Adjustment" checking account (Account No. 17006000120) for use by Planning, Zoning and Tree Forester activities shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Zoning Officer, Richard Megill
- B. Planning Board Secretary, Janice Kisty
- C. Acting Chief Financial Officer, Sharon Pinkava

9. All disbursements from the Jackson Township Court General checking account (17006000161) and the Jackson Township Court Bail checking account (17006000179) shall be made by checks signed by any two (2) of the following four (4) individuals:

- A. Municipal Court Judge, Daniel F. Sahin
- B. Municipal Court Administrator, Erin J. DiCristina
- C. Deputy Court Administrator, Heidrun Parise
- D. Acting Deputy Court Administrator, Michael Nicoletti

10. All disbursements from the Jackson Township Industrial Commission checking accounts (17006000153) shall be made by checks signed by any two (2) of the following three (3) authorized individuals:

- A. Mayor, Mark Seda
- B. Chief Financial Officer, Lily Ann Farley
- C. Acting Chief Financial Officer, Sharon Pinkava

11. Any disbursement checking accounts not specifically authorized by this resolution shall be considered null and void. All funds in said accounts shall be immediately transferred into the Current Fund account. Any individual attempting to establish or use an unauthorized account shall be subject to criminal prosecution as provided for by law and/or disciplinary action as provided by Administrative Code.

12. It is the policy of Jackson Township to maximize its investment earnings potential while preserving capital in secured investment programs authorized by the State of New Jersey's Fiscal Affairs Law. The governing body of Jackson Township permits the Chief Financial Officer to:

a) Secure State and Local approved interest bearing checking funds protected through collateralized securities authorized by the Government Unit Depository Protection Act.

b) Promote a diverse authorized Investment program approved by the State of New Jersey as subject to market conditions through various bank and agency acquisitions to include:

Guaranteed bonds and obligations of the United States of America
Government Money Market Funds
Any Federal Agency or Instrumentality authorized by Congress
Jackson Township Board of Education Bonds or Obligations
Obligations permitted by the Division of Investments
Local Government Investment pools (E.g. NJ Class, NJ/ARM)
New Jersey Cash Management Fund
Authorized Repurchase Agreements

All Municipal investments will meet rigid State and local standards to protect Jackson Township's taxpayers. Investments will be selected based upon a criterion to include guarantee as to the preservation of the principal, liquidity and maturity management to ensure cash conversion for needed Municipal expenditures.

13. Certified copies of this resolution to Municipal Administrator, CFO, Auditor, all Department Heads and any other interested parties.

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

DATED: 09/11/07

RESOLUTION 397R-07

TITLE: REQUEST APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 FOR THE AMENDMENT TO THE MUNICIPAL ALLIANCE AGREEMENT BETWEEN THE OCEAN COUNTY BOARD OF HEALTH AND JACKSON TOWNSHIP

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any local unit when such item shall have been available by any public or private funding source and the amount therefore shall not have been determined at the time of adoption; and

WHEREAS, N.J.S.A. 40A: 4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the Township of Jackson has been provided additional funds from the Ocean County Board of Health within the Municipal Alliance Grant for the Project Crash Program in the amount of \$2,000.00

WHEREAS, the Mayor and Township Council of the Township of Jackson, request the Director of the Division of Local Government Services to approve the insertion of this amount as revenue with an offsetting appropriation.

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

1. That the Mayor and Township Council do hereby request an amendment to the 2007 Budget to provide the insertion of a special item of revenue in the amount of \$2,000.00 by the Director of the Division of Local Government Services, which is now available as a revenue from:

Miscellaneous Revenue: (Special Item of general revenue anticipated with prior written consent of the Director of Local Government Services)

2007 Ocean County Board of Health
Municipal Alliance Project Crash Program \$2,000.00

2. That the Mayor and Township Council do hereby further request an appropriation of an equal sum under the caption of:

General Appropriations: (operations excluded from CAP)

2007 Ocean County Board of Health
Municipal Alliance Project Crash Program \$2,000.00

3. That two certified copies of the resolution shall be forwarded to the Director of the Division of Local Government Services, the Township Auditor, the Chief Financial Officer, and any other interested parties.

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

DATED: 09/11/07

RESOLUTION 398R-07

TITLE: CANCELLATION OF STALE DATED CHECKS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, certain checks of the Township of Jackson were issued in 2005 and said checks have not been presented for payment; and

WHEREAS, the Township's Chief Financial Officer recommends the cancellation of these checks:

NOW, THEREFORE, be it resolved by the Township Council Of the Township of Jackson, County Of Ocean, State of New Jersey that:

The following annexed schedule listing certain checks drawn from various accounts are hereby cancelled.

PARKS & RECREATION

Check #	60926	7/11/05	\$	100.00
	60997	9/26/05	\$	60.00
	61018	10/11/05	\$	<u>3,650.00</u>

TOTAL \$ 3,810.00

CURRENT

Check#	69149	6/27/05	\$	896.66
	69324	7/25/05	\$	262.65
	69624	9/12/05	\$	27.00
	69684	9/12/05	\$	5,186.24

69695	9/12/05	\$ 1,230.23
69713	9/12/05	\$ 1,000.00
70134	11/14/05	\$ <u>20.00</u>
TOTAL		\$ 8,622.78

DATED: 09/11/07

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

RESOLUTION 399R-07

TITLE: CANCELLATION OF UNEXPENDED BUDGET APPROPRIATIONS FOR THE FISCAL YEAR 2006 SPECIAL ZYLON BODY ARMOR REPLACEMENT AWARD

MOTION TO APPROVE BY: MARTIN**MOTION SECONDED BY: INGRAM****YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE****ABSENT: STALLONE**

WHEREAS, under the provisions of N.J.S.A.40A:4-60, any unexpended balance of appropriations may, by resolution of the governing body, be canceled prior to the end of the calendar year. Said resolution shall set forth the titles of the appropriations and the amounts to be canceled, and;

WHEREAS, the Police Director and Chief Financial Officer have recommended to the Administrator that unexpended balances of the Special Zylon Body Armor Replacement Award appropriations should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey that:

1. The aforementioned Grant Fund Appropriated Reserve of \$21,134.40 entitled Special Zylon Body Armor Replacement Award cannot be utilized due to complete replacement of all the Zylon Vests made by the manufacturer.
2. This resolution shall take effect upon affirmative vote by the governing body of the Township of Jackson.
3. Copies of this resolution to the Administrator, Police Director, Chief Financial Officer and Township Auditor.

DATED: 09/11/07

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

RESOLUTION 400R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO EAST PLEASANT CORP., OF THE PERFORMANCE BOND ISSUED FOR PINE GROVE ESTATES, A/K/A BLOCK 83, LOT 6

MOTION TO APPROVE BY: MARTIN**MOTION SECONDED BY: INGRAM****YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE****ABSENT: STALLONE**

WHEREAS, East Pleasant Corporation, has requested a Release of the Performance Guarantee, which consists of \$53,360.00 in the form of Performance Bond #HOIFSU 0247651 issued by International Fidelity Insurance Company and Cash Guarantee in the amount of \$5,336.00, pertaining to Pine Grove Estates, a/k/a Block 83, Lot 6, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated August 22, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #HOIFSU 0247651 issued by International Fidelity Insurance Company which consists of \$53,360.00 and Cash Bond in the amount of \$5,336.00, 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 \$8,004.00 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: 09/11/07

RESOLUTION 401R-07

TITLE: APPROVE BINGO/RAFFLE LICENSE TO: LIBERTY PARENTS CLUB (#RA-1162)

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey, that:

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

Liberty Parents Club (#RA-1162)

2. Copies of the Resolution to interested parties.

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

DATED: 09/11/07

RESOLUTION 402R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE DRAW DOWN AGAINST A PORTION OF THE CASH BOND POSTED BY PRIMAVERA PARKVIEW/AMERICAN MILLENNIUM DREAM HOMES FOR THE PROJECT KNOWN AS FAWN MEADOWS, BLOCK 8.01, LOTS 41.01 – 41.05

MOTION TO APPROVE BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE

WHEREAS, Primavera Parkview/American Millennium Dream Home has remaining on file a Subdivision Performance Bond No.# FC026100053 in the amount of \$278,370.00 issued by The American Institute of Architects and cash guarantee in the amount of \$30,930.00 pertaining to the subdivision known as Fawn Meadows located on Block 8.01, Lots 41.01 – 41.05; and

WHEREAS, said Performance Guarantee was further reduced by Resolution 340R-03 to the following amounts;

Performance Bond: \$89,053.56 Cash Guarantee: \$ 9,894.84

WHEREAS, August 24, 2007, Township Engineer, Albert D. Yodakis, P.E. of T & M Associates requested that the Township draw down against a portion of the cash bond for failure of Primavera Parkview/American Millennium Dream Home to complete the following punch list items as noted on the attached letter report which is made part hereof; and

1. Drainage: Inlet #5 - broken block under casting
2. Drainage Inlet #5-1 - broken block under concrete casting
3. Concrete: #12 Alyssa Rose Lane – cracked sidewalk (4'x4')
4. Concrete: #14 Alyssa Rose lane – cracked sidewalk (4'x4')
5. Miscellaneous: Submit as-builts
6. #13 Alyssa Rose Lane – erosion problem at property line (35'x5' and 35'x15')

WHEREAS, the Township Council of the Township of Jackson has considered the request of the Township Engineer, Albert D. Yodakis, P.E.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey, that the Township holds the developer, Primavera Parkview/American Millennium Dream Home in default and authorizes the Township Engineer prepare necessary documents to commence with the draw down of the cash bond portion in accordance with the Deficiency Estimate dated September 6, 2007 (copy attached). The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, the Department of public works and any other interested parties.

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

DATED: 09/11/07

RESOLUTION 403R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO VAUGHN LARSEN, OF THE PERFORMANCE BOND ISSUED FOR AUTUMN BREEZE, A/K/A BLOCK 82.01, LOTS 4.03 – 4.13

MOTION TO APPROVE BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE
ABSTAIN: INGRAM

WHEREAS, Vaughn Larsen, has requested a Release of the Performance Guarantee, which consists of \$367,536.42 in the form of a Letter of Credit #032901-04 issued by 1st Constitution Bank and a Cash Guarantee in the amount of \$40,837.38, pertaining to Autumn Breeze a/k/a Block 82.01, Lots 4.03 – 4.13, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated August 30, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Letter of Credit #032901-04 issued by 1st Constitution Bank in the amount of \$367,536.42 and a Cash Guarantee in the amount of \$40,837.38, 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 \$61,256.07, 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: 09/11/07

RESOLUTION 404R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO STRATHALLAN AT JACKSON, OF THE PERFORMANCE BOND ISSUED FOR STRATHALLAN AT JACKSON, A/K/A BLOCK 75.42, LOTS 24.01/25

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, Strathallan at Jackson, has requested a Release of the Performance Guarantee, which consists of \$126,292.77 in the form of Performance Bond #K06641465 issued by Westchester Fire Insurance Company and a Cash Guarantee in the amount of \$14,032.53, pertaining to Strathallan at Jackson a/k/a Block 75.42, Lots 24.01/25, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated August 29, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #K06641465 issued by Westchester Fire Insurance Company in the amount of \$126,292.77 and a Cash Guarantee in the amount of \$14,032.53, 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 \$21,048.80, 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: 09/11/07

RESOLUTION 405R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PARAMOUNT HOMES AT REED ROAD, OF THE PERFORMANCE BOND ISSUED FOR THE PREMIER AT FOX HOLLOW EAST, A/K/A BLOCK 66.09, LOT 13

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, Paramount Homes at Reed Road, has requested a Release of the Performance Guarantee, which consists of \$229,173.57 in the form of Performance Bond #996711 issued by American Motorists Insurance Company and a Cash Guarantee in the amount of \$25,463.73 pertaining to The Premier at Fox Hollow East a/k/a Block 66.09, Lot 13, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated August 30, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #996711 issued by American Motorists Insurance Company in the amount of \$229,173.57 and a Cash Guarantee in the amount of \$25,463.73, 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 \$120,541.95, 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: 09/11/07

RESOLUTION 406R-07

TITLE: AUTHORIZING A LICENSING AGREEMENT BETWEEN THE TOWNSHIP OF JACKSON AND WHISPERING HILLS HOMEOWNERS ASSOCIATION, INC. FOR THE MAINTENANCE OF TRAFFIC ISLANDS WITHIN THE WHISPERING HILLS DEVELOPMENT

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, Whispering Hills Homeowners Association, Inc. has requested the right to maintain and beautify certain traffic islands located within the Whispering Hills Development; and

WHEREAS, the Association wishes to perform services, including but not limited to, mowing, pruning, clean up, application of insecticide and fertilizer, planting and watering flowers and shrubs and edging; and

WHEREAS, in an effort to improve and beautify the area, the Township of Jackson wishes to grant a license to the Whispering Hills Homeowners Association, Inc. to perform such services at no charge to the Township; and

WHEREAS, the parties have reached an agreement concerning the provision of these maintenance services by the Whispering Hills Homeowners Association, Inc.; and

WHEREAS, the Mayor has recommended that an agreement with the Whispering Hills Homeowners Association, Inc. be authorized by the governing body.

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

1. That the Township Council does hereby authorize the execution of a licensing agreement with Whispering Hills Homeowners Association, Inc. for the maintenance and beautification of traffic islands within the Whispering Hills development. That a certified copy of this resolution be forwarded to the Township Clerk, the Whispering Hills Homeowners Association, Inc. and the Township Department of Public Works.

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

DATED: 09/11/07

RESOLUTION 409R-07

TITLE: AUTHORIZE INSTALLMENT AGREEMENT FOR DELINQUENT TAXES ON BLOCK 16901 LOT 18 PURSUANT TO NJSA 54:5-19 ET SEQ.

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, 54:5-19 et seq. permits an installment plan on delinquent taxes and municipal charges prior to Tax Sale, and the owner of Block 16901 Lot 18, 16 Savannah Road has requested an installment plan for delinquent taxes through the third quarter of 2007; and

WHEREAS, the homeowner has already paid to the Tax Collector the sum of \$3500.00, an acceptable amount down on the total delinquency, in good faith as a demonstration of ability to fund the plan; and

WHEREAS, the homeowner will make 2 payments of \$1670.00 and 34 monthly installments of approximately \$1250.00 beginning in October of 2007, and keep subsequent taxes and other municipal charges up to date while the agreement is in effect; and

WHEREAS, the Tax Collector has reviewed the request and the owners' ability to pay, and recommends that the plan be approved and it is now the desire of the governing body to act upon the tax installment plan so submitted by the Tax collector.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey as follows:

1. That the mayor and Township Committee of Jackson Township hereby authorize the installment plan covering the property known as Block 16901 Lot 18, the down payment, the terms of the agreement, the approximate amount of each monthly installment .
- 2 . That in the event that any of these installments or payments for subsequent taxes and/or municipal charges are not made in accordance with the agreement approved herein, the township shall have the right to proceed with the regular statutory collection procedures including, but not limited to, Tax Sale and subsequent foreclosure.

Copy to:
Tax Collector

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

DATED: 09/11/07

RESOLUTION 410R-07

TITLE: AUTHORIZE INSTALLMENT AGREEMENT FOR DELINQUENT TAXES ON BLOCK 12004 LOT 60 PURSUANT TO NJSA 54:5-19 ET SEQ.

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE

ABSENT: STALLONE

WHEREAS, 54:5-19 et seq. permits an installment plan on delinquent taxes and municipal charges prior to Tax Sale, and the owner of Block 12004 Lot 60, 46 Bennetts Mills Road has requested an installment plan for delinquent taxes through the third quarter of 2007; and

WHEREAS, the homeowner has already paid to the Tax Collector the sum of \$7500.00, an acceptable amount down on the total delinquency, in good faith as a demonstration of ability to fund the plan; and

WHEREAS, the homeowner will make 36 monthly installments of approximately \$2002.00 beginning in October of 2007, including subsequent taxes and other municipal charges up to date while the agreement is in effect; and

WHEREAS, the Tax Collector has reviewed the request and the owners' ability to pay, and recommends that the plan be approved and it is now the desire of the governing body to act upon the tax installment plan so submitted by the Tax collector.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey as follows:

1. That the mayor and Township Committee of Jackson Township hereby authorize the installment plan covering the property known as Block 12004 Lot 160 the down payment, the terms of the agreement, the approximate amount of each monthly installment .
- 2 . That in the event that any of these installments or payments for subsequent taxes and/or municipal charges are not made in accordance with the agreement approved herein, the township shall have the right to proceed with the regular statutory collection procedures including, but not limited to, Tax Sale and subsequent foreclosure.

Copy to:
Tax Collector

ANN MARIE EDEN, R.M.C.

DATED: 09/11/07**TOWNSHIP CLERK**

DISCUSSION AGENDA:

JOE BRILL-100 MURIFIELD ROAD: He read an ordinance that stated a private community is entitled to an entrance and possibly the Planning Board made an error because their community is separate from Westlake. Council President Updegrave stated it was a matter for the Planning Board but she wanted to take a look at the ordinance he made reference to. Mr. Brill discussed COAH and HUD and with taxes increasing it makes it difficult for him and his wife to continue living here on what they receive in social security. Council President Updegrave explained the Township is working on a COAH plan that is due October 17th and was confident that the COAH attorney would address many issues. Councilman Martin suggested that Attorney Russo call him and answer any questions. He then asked about a light that is needed outside his development. Council President Updegrave asked him to leave his phone number and the issues he's concerned about so she can direct him to the appropriate people.

CHARLES KOCH- 25 ANTONIA DRIVE-He spoke of a problem with his driveway that his development is claiming he is responsible for. He also noted that water meters are being installed in accordance with the Township code. (inaudible) Council President Updegrave asked if he had a rental agreement and if he spoke with the Rent Leveling Board? He stated yes but he's not getting anywhere. He has a meeting with the Rent Control Board and Attorney Gilmore stated the Council is powerless and the matter needs to be ruled on by the courts and suggested they wait to see what the outcome of his meeting was when he meets with them on the 27th. Administrator Del Turco agreed to speak with him after the meeting and he would contact the appropriate departments.

GARTH MICHAELS-285 GRAWTOWN ROAD: She felt since there is so much money in Jackson for sports fields they should take some of it to spend it on an endangered species study to prevent building over 1,000 homes on Grawtown Road. Attorney Gilmore stated it is currently being looked at. She then stated there was a plan to put two traffic signals less than a mile apart and felt it would be an accident waiting to happen because of the dangerous curve in the road and felt they should use every tool to stop overgrowth. She was concerned about the water supply and over burdening the school system. Attorney Gilmore explained much of Jackson is in the Pinelands and asked the Pinelands Commission why they don't pass legislation requiring a developer to fund an endangered species study and have the Pineland Commission pick the experts to perform the study to give an honest assessment and eliminate any suspicion.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He discussed the importance of pay to play laws and Attorney Gilmore stated he spoke with Chris Christy and suggested he hold another seminar similar to the one he held a couple years ago and invite school officials, all municipal officials and citizens to discuss the issues. Mr. Mayerowitz stated nothing is happening in Trenton and felt local government must step up and not wait for the State and then stated he hoped Mr. Gilmore was asked to make appropriate changes to existing ordinances and compare them to other legislation that has been passed by 90 municipalities and make recommendations to the Council. Council President Updegrave stated they should be able to come up with some suggestions in the next month or so.

CHRIS RUDOLPH-117 CASTLE: He asked about the skate park because he heard the Mayor was closing it down. Administrator Del Turco explained the skate park had experienced some vandalism and some of the rules have not been abided by and scooters and bicycles have been using the facility and one section had to be taken down because it was broken and the Mayor was concerned about safety and is asking residents to respect the equipment because they can't keep putting money out when the equipment is not respected.

MISS SOKOLICH-76 WHITESVILLE ROAD: She discussed bike riding (inaudible). Mr. Del Turco responded that he would bring her concerns to the Mayor and asked that they continue to respect the equipment that was put in the park for their enjoyment. Council Vice President Gudaitis stated the Mayor asked to reinforce the wearing of

helmets and knee pads and believed a person violating the rules would have their name and address recorded for the first offence, second offense is to record name and address and remove individual from the park for the day and the third offense is to ban that individual from using the park. They are making every effort to protect the users of the park but security can only monitor the park and take appropriate steps to ensure everyone's safety. Administrator Del Turco stated he would speak with security.

MIKE KAFTON-67 NORTH LAKESIDE AVENUE: He asked about the dog ordinance and Attorney Gilmore explained some of the wording was changed from dog to animals to include other animals such as cats. Council President Updegrave stated they have to bring the wording of their administrative code up to date and use appropriate wording. Mr. Kafton referred to another speaker's request for an endangered species study and he felt there was already an ordinance requiring developers to have studies done. Attorney Gilmore stated he wasn't familiar with it or if it was repealed but would look into it. Mr. Kafton asked about Resolution 407R-07 and the company providing mediating services and how much they are being paid? Attorney Gilmore stated the retainer is \$2500 with an hourly fee of \$300-\$400 per hour. Mr. Kafton questioned how they could hire a firm that is headed by a judge that overturned the majority of cases presented to him while he was a judge and favored the side of the developers? Attorney Gilmore stated the case they are mediating is not a developer issue but a COAH issue and retired Judge Serpentelli's position is only to bring both parties together and try to come up with an agreement. Council President Updegrave stated Judge Serpentelli has so much knowledge and expertise in the matter and the fact that he has been pro-developer in the past has no bearing in the matter before him and he was chosen because of his background and knowledge of COAH. Councilwoman Ingram stated it was discussed among Council members and they all agreed that Mr. Serpentelli would be the most qualified. Mr. Kafton asked about the basketball courts and why they are paying \$69,500.00 for demolition when there is nothing to demolish except a couple of trees. Councilman Martin stated the cost is for demolition and site clearing. Administrator Del Turco explained that the project went out to bid at one price and not itemized components. Attorney Gilmore stated the bid submitted was lower than the Engineers estimate and they could not reject it. Councilwoman Ingram would have the contractor give her a complete breakdown of charges.

DAVE ENGLEHART-109 BUTTERFLY ROAD: He spoke of a drainage ditch on Butterfly Road that floods during heavy rain and stated it hasn't been cleaned out. Administrator Del Turco offered to check in to it. Mr. Englehart suggested they consider leasing a parcel of land owned by the Township to farmers to ease the tax burden a little. Attorney Gilmore said it was an idea worth looking into and if it was possible it would have to go out to bid.

STAN GOLDMAN-27 SPYGLASS DRIVE: He stated Johnson Park is connected to his backyard and nobody came to him about putting lighting on the basketball court and he felt lighting the courts would attract teenagers and would affect the quality of his life. Basketball is a sport that attracts teens and there are basketball courts in the schools and is unfair to the residents of Westlake to have the noise and lights and felt the township should have considered them before they undertook the project because kids will go there to do more than just play basketball.

GARTH MICHAELS-285 GRAWTOWN ROAD: She commended Council for their professionalism and stated she is very concerned about the environment and was very pleased when Judge Serpentelli retired and thought finally they would get someone that would look after Jackson and all of its environmental concerns and then heard they hired his firm to mediate and felt it was like rewarding him for poor behavior because of his track record of stabbing Jackson in the back every chance he had. She wished they chose somebody else that knows the laws and knows about Jackson and she asked the Council to rethink their decision.

TODD PORTER-38 DAWN CYPRESS: He stated Johnson Park was there long before Westlake and felt it a shame for the Township to have to ask them permission before they do anything at the park.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated the article in the Asbury Park Place regarding the conversation between him and Mayor Seda at the last meeting was not true and he wanted to set the record straight that the Mayor never told him how to file a tax return and stated he received a number of calls regarding the article. Mr. Mayerowitz stated the press has an obligation to report the news accurately and felt the paper should retract the article but wanted to correct the public record himself.

STAN GOLDMAN-27 SPYGLASS DRIVE: He stated whenever the town does anything that affects the residents the Council should discuss it with the residents. Council Vice President Gudaitis stated the sports lighting is controllable and would not be shining into their windows or development.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated whenever someone makes a change to their property they must notify neighbors within 200 feet and asked if the Township had to do the same thing. Attorney Gilmore stated no. Paul asked why the bid wasn't split because General Contractors don't do outdoor lighting? Council Vice President Gudaitis stated it wasn't until after they accepted the bid from the single bidder that they learned the reason they didn't receive more bids was because General Contractors don't perform both aspects and by then it was too late. Administrator Del Turco stated they would take his comments into consideration for future bids.

JOE BRILL-100 MURIFIELD ROAD: He stated back in the 1970's Johnson Park was a landfill and asked if it was safe for the children of Jackson to play there? Councilman Martin stated he grew up playing in Johnson Park and stated it is a safe place for his children as well as others.

MIKE REINA-181 HAWKIN ROAD: He stated the responsibility of a mediator is simply to bring both sides together. He then asked how much research goes into appointments and about background checks and how far back they go. Council President Updegrave stated there is a background check but didn't know how far back they go. He made reference to a newspaper article regarding allegations dating back to 2001 about two attorneys that were issued appointments and was looking for more information on it.

ELAINE MARION-480 LEESVILLE: She stated she was concerned about the way the Council is spending so much money and felt they are taking tax dollars and throwing it away and referred to them using about \$1 million on basketball courts and she felt the Council was making a big mistake giving Judge Serpentelli work when he's been against Jackson all along.

MIKE KAFTON-67 NORTH LAKESIDE DRIVE: He wanted them to look into the amount of money they are spending on fencing and benches. Councilwoman Ingram stated again that she would go over each item and give him a detailed report. Mr. Kafton stated he is disturbed that it wasn't done prior to awarding them the bid and asked why Public Works couldn't do the work and purchase basketball hoops locally because that would save a lot of money. Council President Updegrave stated this form of government is the most open form of government and promised they would have the information he's requesting at the next meeting.

NICHOLAS ANTANOFF-MURRAY DRIVE: He stated the taxpayers paid for a half empty high school with football fields and basketball courts and felt the people that paid for them should be able to use them.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He questioned resolutions 398R-07 and 399R-07 and Administrator Del Turco stated outdated checks would go into miscellaneous revenue which would immediately be credited to the fund balance at the end of the calendar year and it is unanticipated revenue. Mr. Del Turco explained a clerical correction that related to the defective body armor being replaced.

PUBLIC HEARING, ANY TOPIC

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN

**MOTION SECONDED BY: GUDAITIS
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

**MOTION TO ADJOURN BY: MARTIN
MOTION SECONDED BY: GUDAITIS
YES: INGRAM, MARTIN, GUDAITIS & UPDEGRAVE
ABSENT: STALLONE**

10:05 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT UPDEGRAVE

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

AME/klj