

ON TUESDAY, SEPTEMBER 25, 2007, AT 4:45 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING

ROLL CALL:

COUNCILWOMAN INGRAM (4:50 PM) ATTORNEY STEVE FORAN (6:30 PM)
COUNCILMAN MARTIN (5:30 PM) TOWNSHIP CLERK EDEN
COUNCILMAN STALLONE
COUNCIL VICE PRESIDENT GUDAITIS
COUNCIL PRESIDENT UPDEGRAVE

ALSO IN ATTENDANCE:

JOHN RUSSO
JOHN MACZUGA
ANNA WAINRIGHT (Remington & Vernick)

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.

RESOLUTION 411R-07

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

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: STALLONE

YES: STALLONE, GUDAITIS & UPDEGRAVE

ABSENT: INGRAM & MARTIN

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:
 - b) Litigation/Potential Litigation: COAH – Round II, Update-Johnson Park/DEP
 - c) Potential Land Sale/Land Acquisition: Possible land donation to Township of Jackson (Bates Road/Ryan Way), Update - land sale Block 36.01, Lot 4
 - d) Contracts/Agreements:
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 09/25/07

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

ON TUESDAY, SEPTEMBER 25, 2007 THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING, COMMENCING AT 7:30 P.M. IN THE MAIN MEETING ROOM OF THE MUNICIPAL BUILDING. SAID MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.

ROLL CALL:

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

**ATTORNEY STEVE FORAN
TOWNSHIP CLERK EDEN**

ALSO IN ATTENDANCE

**ADMINISTRATOR DEL TURCO
MAYOR SEDA**

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

MAYOR SEDA read a Proclamation proclaiming September 23rd through September 29th, 2007 as Women of Today Week and stated June marked their 43rd anniversary. He then introduced Diane Stanaway stating the Jackson Women of Today have been actively promoting public awareness and operating the food pantry for 20 years. Ms. Stanaway thanked Mayor Seda, Council, the community and the many volunteers stating how hard everyone worked putting the many donated food items on the shelves and how they worked until late at night to get it all done in time for Thursday distribution.

MAYOR SEDA read a Proclamation declaring October as Breast Cancer Awareness month and stated how educating woman about the importance of early detection has been responsible for the decline in breast cancer deaths. He then encouraged all women to get regular mammograms and introduced Roberta Obler, Co-Chair for the 2007 Komen Race for the Cure. Ms. Obler stated there would be a Walk For The Cure on October 14th at Great Adventure Water Park. Any walkers could then attend the amusement park for half price. They were expecting 15,000 and advised they arrive early because parking was free prior to 9:00. They would be accepting donations.

MAYOR SEDA presented the Mayor Achievement Award to Brian DeCasse for his outstanding achievement in scouting. Brian DeCasse explained his project and how he received donations and help from his church.

MAYOR SEDA stated he met Carleen Lombardi, Investors Savings, and discussed Investors Savings and the Loan Board that approves grants for worthy causes. Ms. Lombardi explained the bank allows her the opportunity to serve the community and she has been successful in getting money from the bank for various causes. She stated Investor Savings sponsors the Joy Drive in November just before Thanksgiving and they will be providing much of the food needed by the Jackson Food Pantry. She explained she went back to her bank and was able to obtain a \$5,000.00 grant for the food pantry. The Mayor thanked her and accepted the donation.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

7:50 Mayor Seda excused himself from meeting due to prior committment

COUNCILWOMAN INGRAM welcomed everyone for coming and congratulated the Jackson Women of Today for everything they've done for the Food Pantry and stated on October 6th Bartley Health Care was hosting the 7th annual Family Fun Day and will be accepting donations to benefit the Jackson Food Pantry. She advised registration for the Walk at Great Adventure begins at 7:30 AM for anyone that hasn't pre-registered. She then congratulated the Chamber of Commerce for their nomination of Frank Holman as Man of the Year, Pop Warner as Non Profit of the Year and Quality Inn-Cookstown for Business of the Year. She wished everyone a safe trip home.

COUNCILMAN MARTIN thanked everyone for coming and noted the many events he recently attended and learned since taking office the many ways residents of Jackson work together. He wished everyone a safe ride home.

COUNCILMAN STALLONE offered his condolences to the family of Luigi Marciante who lost his life fighting the war in Iraq and gave funeral information. He thanked the Jackson Women of Today for their hard work in making food distribution on Thursday possible. He discussed a meeting he had with legal council and the Public Safety Director to come up with something that could alert Police to young drivers that are on provisional licenses and to act as a deterrent for the driver. He will ask the Municipal Alliance to speak to parents and children at Safe Night to get the point across.

COUNCIL VICE PRESIDENT GUDAITIS - absent

COUNCIL PRESIDENT UPDEGRAVE she advised men and women to take advantage of tests to detect breast cancer early and reminded everyone it was an illness that affected men as well as women. She discussed how breast cancer had affected the women in her family and because of early detections they are all safe today. She discussed Luigi Marciante and asked for a moment of silence and reminded everyone to cherish and appreciate each day and the people in their lives. She stated Vinny Rubio of the VFW was starting a scholarship for Luigi's newborn son.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN
MOTION SECONDED BY: STALLONE
YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE
ABSTAIN: MARTIN (COUNTRY WIDE BANK), UPDEGRAVE
(DASTI/MURPHY/MCGUCKIN)
ABSENT: GUDAITIS

CHECK#	VENDOR	AMOUNT
75049	JACKSON TOWNSHIP P/R ACCT	640,162.84
75050	JACKSON TOWNSHIP P/R ACCT	50,973.38
75160	VOID	-0-
75163	ACE OUTDOOR POWER EQUIPMENT	28.54
75164	AIR BRAKE & EQUIPMENT	521.85
75165	ALLIED OIL LLC	15,104.60
75166	ALWAYS & FOREVER ENGRAVING LLC	200.00
75167	AMERICAN TRANSMISSION	1,500.00
75168	STEEL FRAMING ALLIANCE	87.50
75169	ARDOM BEARING GROUP, INC.	268.38
75170	VOID	-0-
75171	ASBURY PARK PRESS, INC.	588.08
75172	ASPEN TREE EXPERT CO., INC.	600.00
75173	BEYER BROTHERS CORP.	1,717.79
75174	BRICK STARTER & ALTERNATOR, INC.	299.00
75175	BROUWER HANSEN & IZDEBSKI	875.00
75176	CABLEVISION	59.95
75177	THE CAMBRIA COMPANIES	233.72

75178	CANYON SPRING WATER	97.70
75179	CDW GOVERNMENT, INC.	299.97
75180	CENTRAL JERSEY WASTE AND	68,627.50
75181	C.H. AUTOS	55.00
75182	CHIPS AWAY WINDOW TINTING	725.00
75183	CLARK, CATON & HINTZ CORP.	1,051.88
75184	COLLEGE TV INC.	334.00
75185	COMPUSA STORES LP	2,015.18
75186	CONTRACTOR SERVICE	75.00
75187	COSTCO WHOLESALE 229	308.50
75188	COUNTRYWIDE-TAX DEPT.	491.88
75189	COUNTY LINE CONSTRUCTION INC.	5,122.91
75190	COUNTY LINE HARDWARE	400.00
75191	COUNTY OF OCEAN DPT. OF FINANCE	10,426.44
75192	DANLINE INC.	4,880.00
75193	DASTI, MURPHY, MCGUCKIN, ET ALS	316.91
75194	DELL MARKETING L.P.	6,029.24
75195	DOGGONE SAFE	125.00
75196	WILLIAM & ANNETTE DONALDSON	722.82
75197	DOWNS FORD, INC.	1,212.28
75198	EAGLE MAINTENANCE SUPPLY INC.	1,601.25
75199	EDMUNDS & ASSOCIATES, INC.	8,445.00
75200	EDWARDS TIRE COMPANY, INC.	814.95
75201	EMERGI-CLEAN INC.	342.00
75202	EXCAVATING MATERIALS &	2,286.00
75203	FARM-RITE	43.20
75204	FRENCH & PARRELLO ASSOC., P.A.	7,489.78
75205	PAUL D & JANE A FUSCO	4,208.23
75206	THE GAME ROOM STORE	169.89
75207	GARDEN STTE OFFICE SYSTEMS	1,180.00
75208	GARY KUBIAK & SON ELECTRIC INC.	1,116.56
75209	GENERAL CODE PUBLISHERS CORP.	1,092.62
75210	BRIAN GEOGHEGAN	5,159.45
75211	GILMORE & MONAHAN, P.A.	717.60
75212	GLUCK, ALLEN & GERTNER, LLC	835.65
75213	GRAMCO BUSINESS COMMUNICATIONS	2,421.00
75214	GREATER MEDIA PUBLICATIONS	164.25
75215	NORMA HACKOS	340.00
75216	HERMAN'S TRUCKING	632.55
75217	IKON OFFICE SOLUTIONS	871.50
75218	INSTITUTE FOR FORENSIC PSYC.	2,125.00
75219	JACKSON TWP. BOARD OF ED.	5,741,024.00
75220	JACKSON TWP. MUN. UTILITIES AUTH	5,515.79
75221	JERSEY CENTRAL POWER & LIGHT	5,770.34
75222	VOID	-0-
75223	JR CUSTOM LANDSCAPING, INC.	2,340.00
75224	J.R. HENDERSON LABS, INC.	1,785.00
75225	MICHAEL KELLY	1,992.00
75226	LAKWOOD AUTO SUPPLY INC.	221.71
75227	LANIGAN ASSOCIATES, INC.	438.00
75228	LAWMEN SUPPLY CO. ON NJ, INC.	1,926.96
75229	LEONARDS MECHANICAL	500.00
75230	EDWARD LEONE	89.50
75231	LESCO, INC.	324.45
75232	MAHER APPRAISALS	6,500.00
75233	MARK PROPERTIES	2,776.73
75234	LEXISNEXIS MATTHEW BENDER	193.00
75235	MC BRIDE GLASS CO., INC.	249.60
75236	MC CRYSTAL REPORTING SERVICE	423.50
75237	MERIDIAN OCCUPATIONAL HEALTH	35.00

CHECK#	VENDOR	AMOUNT
75238	METICULOUS LANDSCAPING, INC.	4,404.22
75239	MISSING LINK FENCE CO.	3,899.36
75240	MONMOUTH TELECOM	1,425.49
75241	MORTON PAINT CENTER	1,937.50
75242	NEXTEL COMMUNICATIONS	2,237.12
75243	NEW JERSEY NATURAL GAS	2,499.08
75244	NJLM	12.00
75245	CHARLES NOTARE	53.00
75246	OCEAN COUNTY BOARD OF HEALTH	4,735.00
75247	OCEAN COUNTY LANDFILL CORP.	5,000.00
75248	VOID	-0-
75249	OCEAN COUNTY NEWSPAPERS, INC.	657.74
75250	OCEAN COUNTY VETERINARY HOSP.	158.00
75251	PAPER MART INC.	1,496.50
75252	PEDRONI FUEL COMPANY, INC.	22,116.30
75253	PENNINGTON SALES & SERVICE	2,591.29
75254	PINE BELT CHEVROLET CO., INC.	498.70
75255	PINA M. INC.	1,215.00
75256	FRED RASIEWICZ, PETTY CASH	88.40
75257	RED THE TAILOR, INC.	1,572.00
75258	RUBBERCYCLE	236.88
75259	ERIC J. SCHUBIGER PETTY CASH	200.00
75260	SEELY EQUIPMENT & SUPPLY	1,769.77
75261	SHOPRITE/PERLMART, INC.	79.60
75262	SIMPLEXGRINNEELL LP	202.00
75263	STARKEY, KELLY, BAUER &	12,860.37
75264	STEPHAN L. GREEN TRAILERS	390.00
75265	TREASURER, STATE OF NJ	30.00
75266	MICHAEL CEPPALUNI DBA/UNITED	370.00
75267	VAN SANT EQUIPMENT	1,082.65
75268	VAN SANT SEWER SERVICE LLC	658.60
75269	VOID	-0-
75270	VERIZON	2,286.34
75271	WALTER R. EARLE CORP.	121.07
75272	W.B. MASON COMPANY	120.33
75273	WELLS FARGO HOME MORTGAGE INC.	2,222.37
75274	KELLY WITHROP, LLC	120.00

TOTAL 6,710,043.58

CHECK#	VENDOR	AMOUNT
359	DOG	532.80
60724-60730	GENERAL TRUST	30,454.32
61674-61697	PARKS & REC	11,035.07
1-4	DEV FEES-COAH	14,104.43
3956-4002	DEVELOPERS	56,131.38

CAPITAL

CHECK#	VENDOR	AMOUNT
60611	BAYWAY LUMBER	11,208.00
60612	BURKE FENCE	17,550.00
60613	DELL MARKETING L.P.	2,355.74
60614	FRENCH & PARRELLO ASSOC. PA	26,003.33
60615	GILMORE & MONAHAN, PA	12,028.69
60616	DEVELOPERS FEES COAH	14,902.10
60617	JERZ MECHANICAL INC.	3,800.00
60618	MARTURANO RECREATION CO., INC.	43,815.35

	TOTAL	131,663.21
CHECK#	VENDOR	AMOUNT
74202	VOID	-0-
75158	VOID	-0-
75159	NEW EGYPT AGWAY	240.24
	TOTAL	240.24

ORDINANCES, SECOND 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

CLERK EDEN advised Council item 14 entitled Tanks, Residential installation will be removed from the ordinance because it falls under the jurisdiction of the Fire Sub Code and wasn't needed in this ordinance.

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: STALLONE

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

MOTION TO APPROVE ORDINANCE 32-07 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, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

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) Reserved
- (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
TOWNSHIP CLERK

DATED: 09-25-07

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)

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

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

**MOTION TO APPROVE ORDINANCE 33-07 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, STALLONE & UPDEGRAVE
ABSENT: GUDAITIS**

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

ANN MARIE EDEN
TOWNSHIP CLERK

DATED: 09/25/07

ORDINANCE FIRST READING

34-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 75A OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED “MASSAGE PARLORS” HEREINAFTER RENAMED “MASSAGE ESTABLISHMENTS”

**MOTION TO APPROVE ORDINANCE 34-07 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, OCTOBER 9, 2007 BY: STALLONE
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE**

ABSENT: GUDAITIS

ORDINANCE 34-07

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

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as amend Chapter 75A entitled “Massage Parlors,” in its entirety and to rename said chapter “Massage Establishments,” as follows:

**CHAPTER 75A
MASSAGE ESTABLISHMENTS**

§ 75A-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

MASSAGE – The administration by any person or method of exerting or applying pressure, friction, moisture, heat or cold to the human body, or the rubbing, stroking, kneading, pounding or tapping of the human body by any physical or mechanical means for any form of consideration.

MASSAGE ESTABLISHMENT – Any establishment or operation wherein a massage is administered or is permitted to be administered, when such massage is administered for any form of consideration.

MASSAGIST – Any person, male or female, who administers a massage for any form of consideration.

§ 75A-2. License required for establishments.

No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Jackson in the County of Ocean as or for a massage establishment unless or until there first has been obtained a license for such establishment or premises from the Township Clerk of the Township of Jackson, in accordance with the terms and provisions of this chapter.

§ 75A-3. License required for massagists.

No person shall render or perform services as a massagist or engage in the business of or be employed as a massagist unless and until he or she has obtained a massagist’s license from the Township Clerk of the Township of Jackson in accordance with the terms and provisions of this chapter. Said application shall contain a photograph of the applicant, together with a medical certificate showing said applicant to be in good health.

§ 75A-4. Application requirements.

Each and every applicant for a license, either for an establishment or premises, to be used for a massage establishment or for a massagist’s license shall set forth the following information in writing on forms provided by the Township Clerk:

- A. The name and residence address of the applicant and all former addresses for a period of three (3) years prior to making the application.
- B. The address of the establishment or premises to be used in the massage business and a physical description of the property and facilities if the applicant desires a license for said establishment or premises.
- C. If the applicant desires a massagist’s license, a statement of all employment for a period of three (3) years prior to making the application.

- D. A statement as to whether or not the applicant, or any officer or director thereof, if a corporation, has ever been convicted of a crime in this or any other state.

§ 75A-5. Fees.

The applicant for a license for a massage establishment or premises shall pay an annual license fee of one hundred dollars (\$100.00), which license fee shall become due on the first of January in each year. The applicant for a massagist's license shall pay an annual license fee of one hundred dollars (\$100.00), which license fee shall become due on the first of January in each year.

§ 75A-6. Public hearing; notice.

When an application is filed for a massage establishment license under this chapter, the Township Council shall fix a time and a place for a public hearing where the applicant may present evidence upon the question of his or her application. Not less than ten (10) days before the date of such hearing, the Township Clerk shall cause a notice of said hearing to be published in an official newspaper of the Township.

§ 75A-7. Issuance of establishment license; exceptions.

- A. The Township Council may issue a massage establishment license within fourteen (14) days following a hearing if all requirements for a massage establishment described in this chapter are met, unless it is found:
- (1) The operation as proposed by the applicant if permitted would not have complied with all applicable laws including, but not limited to, the Building, Health, Housing, Zoning and Fire Codes of the Township of Jackson.
 - (2) That the applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of:
 - (a) A felony.
 - (b) An offense involving sexual misconduct with children.
 - (c) Obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering.
 - (3) Based on the past criminal record of the applicant, or the principal thereof, or based on other evidence of bad character or morals, it is found that the granting or renewal of the license would tend to encourage or permit criminal or immoral activities within the Township of Jackson.
- B. The Township Council in its discretion may issue a license to any person convicted of any of the crimes in Subsection A(2)(a), (b) and (c) if it is found that such conviction occurred at least three (3) years prior to the date of the application and the applicant has had no subsequent convictions.

§ 75A-8. Issuance of massagist's license; exceptions.

- A. The Township Council may issue a massagist's license within twenty one (21) days following application unless it is found:
- (1) That the applicant has been convicted of:

- (a) A felony.
 - (b) An offense involving sexual misconduct with children.
 - (c) Obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering.
- (2) Based on the past criminal record of the applicant or based on other evidence of bad character or morals, it is found that the granting or renewal of the license would tend to encourage or permit criminal or immoral activities within the Township of Jackson.
- B. The Township Council in its discretion may issue a license to any person convicted of such crimes if it finds that such conviction occurred at least three (3) years prior to the date of the application and the applicant has had no subsequent convictions.

§ 75A-9. Suspension or revocation of establishment license.

- A. Any license issued for a massage establishment may be revoked or suspended by the Township Council, after a public hearing before the Township Council, where it is found that any of the provisions of this chapter are violated or where the licensee, including a massagist, has been convicted of any offense found in § 75A 8A(1) and the licensee has actual or constructive knowledge of the violation or conviction or, in any case, where the licensee refuses to permit any duly authorized police officer or Health Inspector of the Township of Jackson to inspect the premises or the operations therein.
- B. The Township Council, before revoking or suspending any license, shall give the licensee at least ten (10) days' written notice of the charges against the licensee and the opportunity for a public hearing before the Township Council, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

§ 75A-10. Suspension or revocation of massagist's license.

- A. A massagist's license issued by the Township Council shall be revoked or suspended after a public hearing before the Township Council where it appears that the massagist has been convicted of any offenses enumerated in § 75A 8A(1).
- B. The Township Council, before revoking or suspending any massagist's license, shall give the massagist at least ten (10) days' written notice of the examination into his or her conviction record and the opportunity for a public hearing before the Township Council, at which hearing the Township Council shall determine the relevant facts regarding the occurrence of the conviction.

§ 75A-11. Exceptions.

The provisions of this chapter shall not apply to massage or physical therapy treatments given:

- A. In the office of a licensed physician, chiropractor or physical therapist.
- B. In a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists.

- C. By any licensed physician, chiropractor or physical therapist in the residence of his patient.

§ 75A-12. Signs.

A recognizable and legible sign shall be posted at the main entrance to any building, or to the portion of a building used as a massage establishment, identifying the premises as a massage establishment, and recognizable and legible signs shall be posted at all exits identifying each such exit. All such signs shall be posted in accordance with all existing municipal ordinances.

§ 75A-13. Minors prohibited; exception.

No person under the age of eighteen (18) shall be present during operating hours of a massage establishment, except that a minor under the age of eighteen (18) years of age may receive treatments from the massagist as a patron or customer if the minor's parent or legal guardian is present. The massage establishment shall be responsible for verifying the presence of the parent or legal guardian of a minor prior to rendering services to such minor.

§75A-14. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding ninety (90) days, by a fine not exceeding two thousand dollars (\$2,000.00) and/or by a period of community service not exceeding ninety (90) days, in the discretion of the Judge of the Municipal Court.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

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.

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 25, 2007 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 9th day of October, 2007 at 7:30 P.M. or as soon thereafter as this matter can be reached, at the meeting room of the Jackson Township Municipal Building, 95 West Veterans Highway, Jackson, new Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this Ordinance.

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

DATED: 09/25/07

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

ORDINANCE FIRST READING

35-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 61 OF THE TOWNSHIP CODE, ENTITLED “FIRE PREVENTION”

**MOTION TO APPROVE ORDINANCE 35-07 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE
ABSENT: GUDAITIS**

ORDINANCE 35-07

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 61 OF THE TOWNSHIP CODE, ENTITLED “FIRE PREVENTION”

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

SECTION 1. The Code of the Township of Jackson is hereby amended and supplemented so as amend and supplement Article II, § 61-8, entitled “Agency designation,” so as to revise subparagraph B and add a new subparagraph C, which shall read in their entirety as follows:

- B. The local enforcing agency within the geographic boundaries for Fire District No. 2 as established by ordinance shall be the Fire Commissioners of District No. 2, who shall operate the Bureau of Fire Prevention District No. 2, which is hereby created to enforce the code within the geographic boundaries of the district.
- C. The local enforcing agency within the geographic boundaries for Fire District No. 4 as established by ordinance shall be the Fire Commissioners of District No. 4, who shall operate the Bureau of Fire Prevention District No. 4, which is hereby created to enforce the code within the geographic boundaries of the district.

SECTION 2. The Code of the Township of Jackson is hereby amended and supplemented so as amend and supplement Article II, § 61-11, entitled “Organization,” so as to revise subparagraph A(2) and add a new subparagraph A(3), which shall read in their entirety as follows:

- A. (2) The Fire Official for Fire District No. 2 shall report to the Fire Commissioners of Fire District No. 2 of the Township of Jackson.
- A. (3) The Fire Official for Fire District No. 4 shall report to the Fire Commissioners of Fire District No. 4 of the Township of Jackson.

SECTION 3. The Code of the Township of Jackson is hereby amended and supplemented so as amend and supplement Article II, § 61-12, entitled “Appointments; term of office; removal,” so as to revise subparagraph A(2) and add a new subparagraph A(3), which shall read in their entirety as follows:

- A. (2) The local enforcing agency for Fire District No. 2 shall be under the direct supervision of a Fire Official, who shall be appointed by the Fire Commissioners of Fire District No. 2 of the Township of Jackson.
- A. (3) The local enforcing agency for Fire District No. 4 shall be under the direct supervision of a Fire Official, who shall be appointed by the

Fire Commissioners of Fire District No. 4 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 the provisions of 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 25, 2007**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **9th day of October, 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, R.M.C.
TOWNSHIP CLERK

DATED: 09/25/07

PUBLIC HEARING OPENED, RESOLUTIONS ONLY – NO ONE CAME FORWARD

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

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

**RESOLUTION 412R-07
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

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

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 25, 2007

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
8.01	11.01	Mark Properties LLC	2007 – 1 st 2007 – 2 nd	\$1,388.37 1,388.36
68	13.02	County Line Construction Inc	2007 – 1 st 2007 – 2 nd	1,985.07 1,983.93
68	13.01	County Line Construction Inc	2007 – 1 st 2007 – 2 nd	577.09 576.82
701	685	William & Annette Donaldson	2006 – 4 th 2007 – 1 st 2007 – 2 nd	132.57 295.13 295.12
4704	40	Countrywide Tax Services Corporation	2007 – 1 st 2007 – 2 nd	245.94 245.94
21702	28	Paul D. & Jane A. Fusco	2006 – 4 th 2007 – 1 st 2007 – 2 nd	887.40 1,660.42 1,660.41
TOTAL AMOUNT:				\$13,322.57

DATED: 09/25/07

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

**RESOLUTION 413R-07
TITLE: APPROVE ACTING CHIEF FINANCIAL OFFICERS REPORT FOR
AUGUST 2007**

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

WHEREAS, the Chief Financial Officer has submitted a monthly report; and
WHEREAS, the Township Clerk has submitted this report to the Township Council for their approval;

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

1. The CHIEF FINANCIAL OFFICER’S Report for the month of August 2007 is hereby approved.
2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

ANN MARIE EDEN, R.M.C.

DATED: 09/25/07

TOWNSHIP CLERK

RESOLUTION 414R-07

TITLE: APPROVE BINGO/RAFFLE LICENSE TO: JACKSON VFW (#RA-1163) AND JACKSON FOOTBALL PARENTS CLUB (#RA-1164, #RA-1165 AND #RA-1166)

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

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:

JACKSON VFW (#RA-1163)
 JACKSON FOOTBALL PARENTS CLUB
 (#RA-1164, #RA-1165 AND #RA-1166)

2. Copies of the Resolution to interested parties.

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

DATED: 09/25/07

RESOLUTION 415R-07

TITLE: CONSENT TO THE APPOINTMENT OF DENNIS O’KEEFE AS ALTERNATE MEMBER TO THE RENT CONTROL BOARD

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, a vacancy exists on the Apartment and Mobile Home Park Rent Leveling Board; and

WHEREAS, the Mayor, with the advice and consent of Council, is authorized to make said appointments pursuant to Chapter 3-150 of the Administrative Code of the Township of Jackson; and

WHEREAS, the Mayor desires to fill said vacancy on this board; and

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

1. The Township Council hereby consents and approves the appointment of the following individual to the Apartment and Mobile Home Park Rent Leveling Board for a term commencing immediately and ending June 30, 2010:

Dennis O’Keefe – Alternate Member

2. Appointee shall perform such duties and responsibilities as set forth by State Statute and the Municipal Code of the Township of Jackson.

3. Appointee shall serve without compensation.

4. Copies of this resolution to Rent Leveling Board, Municipal Administrator, appointees and any other interested parties.

DATED: 09/25/07

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

RESOLUTION 416R-07

TITLE: APPROVE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE TOWNSHIP OF JACKSON

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the President, in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standard terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Township of Jackson ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management process; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the Township of Jackson, including current emergency management training programs; and

WHEREAS, The National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Jackson, County of Ocean, Commonwealth of New Jersey that the National Incident Management System (NIMS) is designated as the Township of Jackson standard for incident management.

DATED: 09/25/07

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

RESOLUTION 417R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PRIMA CORPORATION, OF THE PERFORMANCE BOND ISSUED FOR PERRINEVILLE ESTATES, A/K/A BLOCK 5.04, LOT 2

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

WHEREAS, Prima Corporation, has requested a Release of the Performance Guarantee, which consists of \$2,500.00 in the form of a Cash Bond, pertaining to a drainage easement, Perrineville Estates, Block 5.04, Lot 2, Jackson Township; and

WHEREAS, Al Yodakis of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated September 12, 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 a Cash Bond in the amount of \$2,500.00, heretofore posted with the Township may and hereby is released contingent upon:

1. The Maintenance Bond requirement has been waived as there appears to be no public improvements located within the easement and the maintenance period for the entire subdivision expired in 2005.
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 and Township Engineer.

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

DATED: 09/25/07

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

RESOLUTION 418R-07 – NOT USED

RESOLUTION 419R-07
TITLE: AUTHORIZE THE RE-ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR THE CONSTRUCTION OF A NEW SALT STORAGE STRUCTURE

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

WHEREAS, Jackson Township previously advertised for the receipt of bids for the construction of a New Salt Storage Structure on October 17, 2006 at 10:00 a.m. under a fair and open process; and

WHEREAS, all bids submitted at the time and place designated were rejected as per Resolution No. 506R-06; and

WHEREAS, Township Engineer, Daniel Burke, P.E., is requesting authorization to proceed with the re-advertisement and acceptance of bids for same; and

WHEREAS, it is the desire of this governing body to re-advertise for and receive bids to furnish and erect the New Salt Storage Structure and further to authorize the Township Engineer to prepare the plans and bid specifications for said project.

WHEREAS, it is now it is the desire of this Township Council to act upon the recommendation of the Township Engineer, Daniel Burke, P.E

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. Township Engineer, Daniel Burke, P.E., is hereby authorized to re-advertise and accept bids for the New Salt Storage Structure.
2. Copies of this Resolution to Administration, Acting Chief Financial Officer, Purchasing Agent, Township Engineer, Daniel Burke, P.E., and any other interested parties.

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

DATED: 09/25/07

RESOLUTION 420R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED BY ATLANTIC EQUITIES FOR THE PROJECT(S) KNOWN AS HARMONY ESTATES I, HARMONY ESTATES II, COUNTRY ESTATES AND WOODLANE ESTATES AND AUTHORIZE THE WAIVER OF MAINTENANCE GUARANTEES

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township of Jackson previously filed a lawsuit in the Superior Court of New Jersey, Ocean County, against Atlantic Equity-Harmony Estates I, LLC, Atlantic Equity-Harmony Estates II, LLC, Atlantic Equity V, Inc. and Atlantic Equity-Country Estates, LLC hereinafter referred to as "Atlantic"; and

WHEREAS, the said suit was filed with the purpose of compelling Atlantic to complete bonded improvements within subdivisions previously granted to Atlantic by the Jackson Township Planning Board; and

WHEREAS, the Township's Engineer, T&M Associates inspected the subject subdivisions and prepared a list of improvements to be completed; and

WHEREAS, Atlantic agreed to complete the improvements as set forth on those inspection reports; and

WHEREAS, as of this date, Atlantic Equities has completed the outstanding bonded improvements as per a letter dated August 6, 2007 by T & M Associates; and

WHEREAS, the Township Attorney has confirmed that the outstanding improvements have been completed, with the exception of payment for outstanding engineering inspections fees (\$4,046.75) and tree contribution fees (\$5,750.00); and

WHEREAS, based on the above, Atlantic Equities has requested a Release of the Performance Guarantees as noted below:

Harmony Estates I which consists of \$189,757.50 in the form of Performance Bond #L04473 issued by AXA Global Risks U.S. Insurance Company and a Cash Guarantee in the amount of \$21,084.17 for Block 136, Lot 14; and

Harmony Estates II which consists of \$89,079.75 in the form of Performance Bond #45009218 issued by Greenwich Insurance Company and a Cash Guarantee in the amount of \$9,897.75 for Block 144.01, Lot 14; and

Woodlane Estates which consists of \$251,453.41 in the form of Performance Bond #S03961 issued by First Indemnity of America Insurance Company and a Cash Guarantee in the amount of \$23,472.68 for Block 126.01, Lot 27.01; and

WHEREAS, the Township Attorney has recommended that the Township of Jackson deduct a total of \$9,796.75 from the above referenced cash bonds posted with the Township for the following:

- Inspection Fees: \$4,046.75
- Fees for non-planted trees: \$5,750.00

; and

WHEREAS, pursuant to item No. 7 of the Stipulation of Settlement, upon release of the cash performance bond and performance bonds posted by Atlantic Equities or any portion of both, the Township of Jackson hereby waives the obligation of Atlantic Equities to post a maintenance bond for the above listed projects; and

WHEREAS, the Township Engineer has requested the Township Council approve waiver of maintenance guarantees for the above listed projects; and

WHEREAS, the Township Council of the Township of Jackson has considered the report of the Engineer and hereby authorizes the release of performance guarantees posted for Harmony Estates I, Harmony Estates II and Woodland Estates.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantees and cash bond guarantees associated with the above referenced projects are hereby released (less the required fees, as previously outlined, in the amount of \$9,796.75) heretofore posted with the Township may and hereby are released on the condition that the applicant:

1. 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 (as noted above).
2. 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.
3. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

DATED: 09/25/07

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

RESOLUTION 421R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN AND STATE OF NEW JERSEY, RECOGNIZING THE MONTH OF SEPTEMBER AS NATIONAL PREPAREDNESS MONTH

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Ocean County Board of Health recognizes the month of September as National Preparedness Month; and

WHEREAS, National Preparedness Month is a nationwide coordinated effort held each September to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses and schools. National Preparedness Month 2007 is being sponsored by the US Department of Homeland Security; and

WHEREAS, the goal of National Preparedness Month is to increase public awareness about the importance of preparing for emergencies including natural disasters and potential terrorist threats and to encourage individuals to take action; and

WHEREAS, the effort provides Americans with a variety of opportunities to learn more about emergency preparedness. The Ocean County Health Department will encourage individuals to create a personal and family emergency supply kit, make a family

emergency plan, be informed about different threats, and get involved in preparing their community; and

WHEREAS, National Preparedness Month provides an opportunity for families and businesses to think about their level of emergency preparedness and take action to increase it.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey proclaims September as National Preparedness Month to increase awareness of the importance of preparing for emergencies and to encourage individuals to take action.

BE IT FURTHER RESOLVED, that a copy of the resolution shall be forwarded to the Ocean County Board of Chosen Freeholders and the Ocean County Board of Health.

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

DATED: 09/25/07

RESOLUTION 422R-07

TITLE: AUTHORIZE REJECTION OF ALL BIDS SUBMITTED FOR THE CONSTRUCTION OF A NEW DPW STORAGE FACILITY AND AUTHORIZE THE RE-ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR SAME

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township Engineer, Daniel Burke, P.E., has requested authorization to reject all bids submitted for the construction of a new Salt Storage Structure; and

WHEREAS, Jackson Township previously advertised for the receipt of bids for the construction of a new DPW Storage Facility on September 21, 2007 at 11:00 a.m. in accordance with N.J.S.A. 19:44A-20.7 et seq. under a fair and open process; and

WHEREAS, the following bids were submitted for the construction of a DPW Storage Facility:

<u>Vendor</u>	<u>Total Bid Amount</u>
1. Mibo Construction Co.	\$ 722,345.00
2. JDL Contractors	\$ 910,000.00
3. Garden State Iron	\$1,006,000.00
4. APS Contractors	\$1,721,000.00

and;

WHEREAS, pursuant to N.J.S.A. 40A:11-6.1, any purchases, contracts or agreements which require public advertisement for bids shall be awarded to the lowest responsible bidder; and

WHEREAS, upon review, Township Engineer, Daniel Burke, P.E., determined there was a discrepancy with the bid specifications supplied to bidders; and

WHEREAS, Township Engineer, Daniel Burke, P.E. is requesting Township Council reject the bids submitted (based on a bid specification discrepancy) and authorize the re-advertisement and acceptance of bids for same; and

WHEREAS, it is now the desire of this Township Council to act upon the recommendation of the Township Engineer, Daniel Burke, P.E.

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. Township Engineer, Daniel Burke, P.E., is hereby authorized to reject all bids submitted for the Construction of the New DPW Storage Facility and re-advertise and accept bids for same.

- 2. Copies of this Resolution to Administration, Chief Financial Officer, Purchasing Agent, Daniel Burke, P.E., and any other interested parties.

DATED: 09/25/07

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

RESOLUTION 423R-07

TITLE: AUTHORIZE CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN JACKSON TOWNSHIP AND THE LANDTEK GROUP, INC. FOR IMPROVEMENTS TO MUNICIPAL JUSTICE COMPLEX ATHLETIC FIELDS WHEREBY DECREASING THE CONTRACT BY (\$12,969.50) TO AN ADJUSTED CONTRACT PRICE IN THE AMOUNT OF \$3,303,840.15

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, Jackson Township previously awarded a contract in the amount of \$3,316,809.65 to The LandTek Group, Inc. for improvements to the Municipal Justice Complex Athletic Fields; and

WHEREAS, Change Order No. 1 is the result of a final adjustment of unit quantities to as-built conditions per the attached Schedule "A" which resulted in a decrease to the current contract amount; and

WHEREAS, Mayor Mark A. Seda and Township Engineer, Daniel Burke, P.E., have reviewed and recommend the approval of Change Order No. 1 decreasing the contract by (\$12,969.50); and

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 hereby formally authorizes and approves Change Order No. 1 to the contract between Jackson Township and The LandTek Group, Inc. decreasing the contract price by (\$12,969.50) to an adjusted contract price of \$3,303,840.15.

2. That upon the adoption of the within resolution, the Township Clerk is authorized and directed to forward a certified copy of it to the Township Engineer, Daniel Burke, Township Administrator, Acting Chief Financial Officer, Purchasing Agent, The LandTek Group, Inc. and any other interested parties.

DATED: 09/25/07

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

RESOLUTION 424R-07

TITLE: AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE JACKSON BOARD OF FIRE COMMISSIONERS, DISTRICT #3, FOR THE FURNISHING OF WATER AT THE DOGGIE PARK LOCATED IN JOHNSON PARK

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township of Jackson and the Jackson Board of Fire Commissioners, District #3 wish to enter into an Interlocal Government Services Agreement regarding the furnishing of water at the doggie park located in Johnson Park; and

WHEREAS, under the Agreement, the Fire District has agreed to supply water at the doggie park located in Johnson Park; and

WHEREAS, the Township has agreed to pay for the work required to supply said water; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., as it may be amended and supplemented from time to time, provides that local units may agree to provide services jointly.

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 governing body does hereby authorize the execution of an Interlocal Services Agreement with the Jackson Board of Fire Commissioners, District #3, regarding the furnishing of water at the doggie park located in Johnson Park.
2. That the Mayor is authorized to execute and the Township Clerk to attest to the Interlocal Services Agreement and any other documents necessary to effectuate the terms of this resolution.
3. That the Township Clerk shall send the certified copy of this resolution to the Jackson Board of Fire Commissioners, District #3.

DATED: 09/25/07

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

RESOLUTION 425R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SOLICITATION OF AN EMERGENCY RESPONSE VEHICLE FOR USE WITHIN JACKSON TOWNSHIP

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township of Jackson has the need to purchase one (1) emergency response vehicle (ambulance); and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the solicitation of public bids for said vehicle is required; and

WHEREAS, the Township Council desires to solicit proposals for the purchase of one (1) emergency response vehicle for the purpose of obtaining the best possible price.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the Purchasing Agent to solicit bids for said equipment as stated above, in accordance with New Jersey State Law.

A copy of this resolution shall be forwarded to the Township Administrator, Director of Public Safety, Purchasing Agent and any other interested parties.

DATED: 09/25/07

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

RESOLUTION 426R-07

TITLE: AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY FOR FY 2007 DRUNK DRIVING ENFORCEMENT FUND GRANT

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township of Jackson wishes to submit a grant application to the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for state Fiscal Year 2007 Drunk Driving Enforcement Fund Grant pursuant of N.J.S.A. 39:4-50.8/N.J.A.C. 13:86; and

WHEREAS, the amount of said funding is \$7,770.24, which is a result of the previous year enforcement; and

WHEREAS, it is necessary for the Township Council to adopt a resolution authorizing the submission of this grant application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey, that the submission of the above reference grant application is hereby authorized.

Certified copies of this resolution to be filed with the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Municipal Administrator, Acting Chief Financial Officer, Director of Public Safety and any other interested parties.

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

DATED: 09/25/07

RESOLUTION 427R-07

TITLE: AUTHORIZE THE DONATION OF TWO (2) SURPLUS VEHICLES NO LONGER NEEDED FOR TOWNSHIP USE TO THE JACKSON TOWNSHIP BOARD OF EDUCATION

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, Jackson Township currently owns two (2) surplus vehicles that the Township no longer requires for Township use; and

WHEREAS, the two vehicles are: (a) 1996 Ford Crown Victoria, bearing Vehicle Identification Number 2FALP71W3TX167517 and (b) 1996 Ford Crown Victoria, bearing Vehicle Identification Number 2FALP71W3TX167520; and

WHEREAS, the Township Council desires to donate both surplus vehicles (as-is condition) to the Jackson Township Board of Education for their use.

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 Township Council hereby authorizes the donation and transfer of two (2) surplus vehicles (as-is condition) bearing Vehicle Identification Numbers 2FALP71W3TX167517 and 2FALP71W3TX167520, respectively to the Jackson Township Board of Education.

2. The Jackson Township Board of Education hereby agrees to return said vehicles to the Township of Jackson when no longer required by the Jackson Township Board of Education.

3. That upon adoption of this Resolution, the Township Clerk is hereby directed to forward a certified copy of same to Jackson Township Board of Education, Motor Pool (J. DiMicco) and all appropriate Township officials.

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

DATED: 09/25/07

RESOLUTION 428R-07

TITLE: AUTHORIZE THE SOLICITATION OF REQUESTS FOR QUALIFICATIONS FOR A PROFESSIONAL TO CONDUCT A FEASIBILITY STUDY FOR SHARED SERVICES AND SHARE GRANT APPLICATION SUBMISSION AND REJECT PREVIOUS REQUESTS FOR PROPOSAL FOR ABOVE PROJECT

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, the Township of Jackson desires to solicit Requests for Qualifications from professionals for the submission of a SHARE grant application and conduct a feasibility study for shared services between Jackson Township and the Jackson Board of Education; and

WHEREAS, the Township of Jackson desires to reject all recent proposals for the above project due to the fact that the State of New Jersey has already determined the dollar amount of the grant to be awarded and that cost is not a factor in determining the selection of a professional so long as it does not exceed the amount of \$33,000 as specified by the State of New Jersey; and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the solicitation of Requests for Qualifications for said study and application submission is required; and

WHEREAS, the solicitation of Requests for Qualifications complies with the a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township Council desires to solicit Requests for Qualifications for the selection of a professional to perform the above stated tasks.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the Purchasing Agent to solicit Requests for Qualifications for the project as stated above, in accordance with New Jersey State Law. In addition, Township Council rejects all previous proposals for the above stated reason.

A copy of this resolution shall be forwarded to the Township Administrator, Acting Chief Financial Officer Purchasing Agent and any other interested parties.

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

DATED: 09/25/07

DISCUSSION AGENDA: NONE AT THIS TIME

PUBLIC HEARING, ANY TOPIC

JOE BRILL – 100 MURIFIELD ROAD: He felt he was denied the right to speak at the Planning Board meeting and appreciated Council President Updegrave coming to see him. He stated he is working on a time line on the Mews to present to the Council. Councilman Stallone stated he was asked to present a list of concerns and then stated the Planning Board allows people to speak on specific properties or applications being discussed and it wasn't like the Township meetings where residents have an opportunity to discuss any

topic. When he presents his list he will go over it with the attorney. Mr. Brill stated the fence is against fire laws and cannot block access to public property. Councilman Martin stated he introduced Mr. Brill to Mr. Russo at the Planning Board meeting and was assured he would evaluate his concerns and give his legal opinion. Mr. Brill then asked if any testing was done at Johnson Park because it used to be toxic site. Councilman Martin explained he and his family have played at the park for many years.

RON GERARD – 14 RYE COURT: He asked about a curfew and stated kids will be at Johnson Park until all hours depending on when the lights go off and the residents in surrounding areas are subject to vandalism and there should be a curfew on the basketball and tennis courts that they should have gotten more than one bid. He suggested the Council should report on the terrible road conditions and advise the public what's being done. Councilman Stallone stated the park closed at dusk and is part of the ordinance and when the lights are installed they will revisit the ordinance and it will be enforced.

PAUL MAYEROWITZ – 91 CYPRESS POINT LANE: He stated the impact of breast cancer on men as well as women and reminded everyone that prostate cancer strikes 1 out of 6 men and if caught early there are a number of treatments available. He urged men to get examined because it is extremely important. He thanked Mayor Seda and Captain Kunz for coming to Westlake and other adult communities to share emergency plan information. He felt the meeting raised some questions regarding life support emergency service coverage. He stated Monoc provided emergency coverage between 5:00am and 6:00pm and Jackson Volunteer First Aid squad from 6:00pm to 5:00am and discussed response time and a couple emergencies in his community where Monoc responded much faster during the day but in the evening it took the volunteer squad about 45 minutes which could have cost a life. He felt they were only concerned with basic life support and asked why they would replace Monoc when that's not a problem. The problem is in the evening because volunteers have to be called and respond to the station and dispatched from there. He asked if they considered hiring Monoc for around the clock coverage rather than pay salaries and benefits for our own emergency responders? Mr. Mayerowitz asked for and is still waiting to see a schedule identifying response time by geographic area that the police analyzed and have it published on the Township website for everyone to see. He felt the Council should be asking the same questions he was before they act on it or answer questions from the public on how they can improve advanced and basic life support. Councilman Stallone stated the Mayor met with communities to answer their questions. Mr. Mayerowitz stated there was an implementation date of November 15th and felt it was well underway without informing the public. Council President Updegrave stated she would ask the Mayor to prepare something for the Mayor's report or Meet the Mayor Night at the library. Mr. Mayerowitz stated the meeting at the library wasn't well attended and this was too important and the public needs to be advised before anything is finalized.

STAN GOLDMAN – 47 SPYGLASS DRIVE: He agreed with Mr. Mayerowitz and asked who was paying for the emergency service? He added that when Mayor Seda addressed the residents of Westlake he stated he wanted to cancel Monoc's contract and he asked them what their concerns were. Since there is high number of Jackson residents that are getting older they felt they shouldn't cancel Monoc because they are responding just fine but the hours in the evening is a concern. Council President Updegrave stated the Mayor explained during the budget meetings he wanted to look at emergency services and stated they are finding money in old ordinances. Mr. Goldman stated he was all for moving money for ambulance service but not for basketball courts.

MARTY SPIELMAN – 37 SHOAL ROAD: He commended Mr. Mayerowitz on his presentation and felt there is a rush to judgment on things affecting the residents of Jackson and stated they should be studying all aspects. Councilman Stallone addressed Mr. Goldman stating about 1000 people showed up to sign up for basketball demonstrating there is a need for basketball courts. Mr. Goldman stated the 1000 kids that signed up for basketball are part of the program that runs during the winter months indoors in the schools which he felt was a good program. He stated they were concerned about the summer when dusk falls and lights in the courts are on until 10 pm because they are spending money on programs that already exist and they need to ask if they really need to spend more money.

PAUL MAYEROWITZ – 91 CYPRESS POINT LANE: He stated that at the last meeting Councilwoman Ingram took on the responsibility to investigate demolition, sight prep, etc. Councilwoman Ingram stated she read through the contract and reported on the spread sheet and she called the contractor and he told her they front load a contract, which is common practice, so he could receive money up front to help purchase inventory to complete the job.

(GEORGE GILMORE IN ATTENDANCE (8:45pm)

STEVE FORAN excused himself from remaining portion of the meeting)

SEAN GIBLIN – 515 SO. COOKSBRIDGE ROAD: He felt it wasn't a good idea to front the company money because they had no recourse if they didn't complete the job and felt they should have the inventory to do the job and not need to be pre-paid. Administrator Del Turco explained contractors are paid on a percentage of completion stating front loading wouldn't help because the duration of the contract is only a couple months. Mr. Giblin asked how the Council felt about hiring a company that doesn't have the money to do the work? He then asked how the audit for 2006 was coming? Administrator Del Turco stated it was completed and they met with the auditor this week and expected to release the audit within the next couple weeks and the preliminary audit was in the Mayors' mail box now. Mr. Giblin asked if it was done on time? Attorney Gilmore explained it was due during the summer so they were running a little behind but that was because they were taking their time and being very thorough and stated many municipalities finish after the deadline and it's not uncommon. Mr. Giblin asked Attorney Gilmore about his recent IRS situation where he underestimated his income and why a lien was placed on his personal property and/or business? Mr. Gilmore explained it was because he missed the payment date by 30 days and proceeded to explained many inaccuracies made by Mr. Giblin stating everything has been taken care of.

MARTY SPIELMAN - 37 SHOAL ROAD: He asked Councilwoman Ingram about the basketball contract stating in his career he never listed items that were never going to be done. Attorney Gilmore stated many bidders have different ways of doing things but it's the bottom line they are most concerned about. They discussed receiving a single bid and discussed not being able to reject the bid because it fell within the engineers estimate. Dan Burke introduced himself and explained the demolition that needed to be done and how money is paid out stating the various bonds the company has and that the bidders references were checked and were very good. Councilman Stallone confirmed with Mr. Burke that there were 4 or 5 bid packages picked up but because the contractors were not able to provide all aspects of the job they did not bid. Only one bidder was able to do the entire job and Mr. Burke was confident in his ability. Mr. Spielman asked how the contractor is being paid? Mr. Burke explained the contract allows the contractor to submit progress payments as they proceed. Past practices have been to accept one progress payment per month and confirm those items were done and bring before Council for approval to pay and confirmed they only make one payment per month.

KEVIN DIGESU – 159 DOCARE ROAD: He thought it was nice that Councilwoman Ingram got all the information but as a contractor himself he didn't agree with front loading and wouldn't present his bids that way and they should look at that in the future. Mr. DiGesu then asked about lighting the courts and suggested they look at the cost and manpower before they put in the lighting rather than worry about how they are going to pay for it after it's put in. Council President Updegrave stated there are always unforeseen things that occur and if a change needs to be made to the ordinance then they will look into it then. Attorney Gilmore stated there is a system in Toms River that uses the phone system that you can call in to turn the lights on and off.

TONY KRISMAN-19 MERION LANE: He noticed all Council members writing as Paul Mayerowitz was asking questions and felt there were questions they should have already asked the Mayor. Councilwoman Ingram explained she is there to serve the public and when residents ask questions she adds their questions to her own.

MR. LAFER-11 SHOAL ROAD: He is very concerned about the EMS situation. He stated he has met with the Mayor once a month at the Private Residential Advisory Board

meetings and brought up the same concerns many of the residents were asking at the Township Council meetings. At their April 5th meeting a statement was read into the meeting minutes stating that before any action is taken to improve existing services the residents of the community will be advised and supporting information would be made public. He stated Mayor Seda claimed to be upfront with the process but after 6 months they have not heard anything. He's been at two of the Mayor's presentations and concerns were the same. Everyone felt day service by Monoc was good but response time in the evening was poor. He stated a resident waited 35 minutes for volunteer response to arrive but it was too late and the man expired. Mr. Lafer stated he contacted Monoc and was informed they have made several attempts to contact the Administrator to provide information and felt the Township should do better for its residents. Councilman Stallone assured Mr. Lafer they have listened to the concerns of the residents since they took office. Mr. Lafer wanted to know what their goal was regarding response time, how many vehicles are needed and how many people needed to provide coverage?. When he called other towns he got the answer right away and didn't understand why Jackson doesn't have the information readily available. He stated Monoc was willing to extend their coverage but the Mayor hasn't responded.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated he was shocked by some comments Mr. Lafer made and stated he and other members of Westlake will be looking into the matter at a federal level because it is disturbing to hear that a company that has been serving Jackson for so many years has reached out without success. Administrator Del Turco confirmed he received a couple phone calls and a letter from Monoc that he forwarded to the Mayor. He stated there was a budget appropriation for EMS and they have begun acquiring vehicles for that purpose. Mr. Mayerowitz didn't recall a presentation being made. Councilwoman Ingram explained the Mayor negotiates contracts and before it's implemented the matter is brought before the Council and in turn they will ask the questions raised by the residents. Mr. Mayerowitz reminded everyone that the time to ask questions is early on and not when its too late.

STAN GOLDMAN-47 SPYGLASS DRIVE: He stated in this form of government the Mayor and Administrator run the town and negotiate contracts and felt they should share more information with the Council because there are too many occurrences where the Council responds to questions admitting they don't know anything but would ask. He felt they should be able to answer more of the questions raised since the Mayor doesn't have to attend the meetings but thanked the Administrator for being present to provide some answers. Council President Updegrave explained the form of government and Councilman Stallone confirmed that the Mayor doesn't have to explain contracts or give reasons why he does things.

SEAN GIBLIN-515 SOUTH COOKSBRIDGE ROAD: He stated when the Council is challenged they defer to the Mayor and when the Mayor is challenged he defers to the Council and stated this is a rubber stamp government and they go along with whatever the Mayor says. Councilwoman Ingram stated they present questions to the Mayor and get answers for the public.

MR. HOFSTEIN-SHOAL DRIVE: He asked why they don't use their strength to disagree with the Mayor when it's not in the best interest of the public? Councilwoman Ingram stated just because they don't argue in public doesn't mean they don't disagree.

RUTH KRISMAN-19 MERION LANE: She didn't understand why we need basketball courts when there are basketball courts in the schools with additional school activities plus 17 playing fields and felt kids should take out books instead. Councilman Stallone explained people coming into Jackson look at what recreation is available. Councilwoman Ingram stated children are our future and they need a place to play. Ms. Krisman felt years ago children didn't have as much as they do today and they turned out fine and she didn't think we should create things that had to be maintained year after year.

MR. FEIT-39 OAKMONT LANE: He asked about EMS and ALS and why they couldn't just have ALS. Councilman Stallone explained ALS was for acute emergencies and more expensive.

BARBARA SPIELMAN-37 SHOAL ROAD: She wasn't aware of the separation in this form of government. Councilman Stallone stated there really wasn't a big separation as they might think but the Mayor is within his right to go out and negotiate contracts and then meet with Council.

SEAN GIBLIN-515 SOUTH COOKSBRIDGE ROAD: He asked if anyone has contacted MONOC about putting a third ambulance in Jackson to lower the response time to 33%? Council President Updegrave and Councilwoman Ingram stated they did not. He stated if MONOC found it profitable enough to be in Jackson based on two ambulances – cross dialog between Councilman Stallone and Mr. Giblin –not clear. Councilman Stallone stated it wasn't profitable enough for MONOC to do that. Mr. Giblin stated Mr. Stallone said it wasn't profitable and asked if he called MONOC to see if they would put a third ambulance in Jackson? Councilman Stallone stated it was discussed and not everyone said no and wanted the record to be clear that he did not say no. Mr. Giblin confirmed Councilman Stallone called MONOC and stated if he called MONOC he could tell them that he, Mr. Stallone, refuted it? Councilman Stallone stated he saw the recommendations that were brought to the Council and stated he didn't have to speak to MONOC on whether they could bring a third rig in or not. Mr. Giblin stated Mr. Stallone said he called MONOC and Mr. Stallone stated he did not and told him to stop putting words in his mouth. Mr. Giblin then asked Council members if they contacted MONOC about putting a third ambulance in Jackson to lower the response time to 33%? Councilwoman Ingram, Councilman Martin and Council President Updegrave stated no and Councilman Stallone abstained. Mr. Giblin asked, based on the contract expiring, if someone could call MONOC to see about a third rig in Jackson? Councilman Stallone asked Mr. Giblin since he was on the Committee for six years what did he do about the response times when they went down? Mr. Giblin stated he told them they needed two rigs and told them where they were to be stationed. Councilman Stallone stated it didn't work because residents came to the Council about the response times long before they took office and asked why the Committee didn't take care of it. Mr. Giblin stated he's not in office and Mr. Stallone stated it was his problem and just another problem they left them with. Mr. Giblin told him not to raise his hands in the air at him because it was disrespectful. Mr. Stallone said that's how much respect Mr. Giblin has for him. Mr. Giblin stated he only asked a simple question and felt it was mind boggling how he could show such disrespect to all the residents. He made a recommendation for someone to call MONOC and he just threw his hands up at him. Councilman Stallone stated he had a dislike for Mr. Giblin and wanted it on record. Councilwoman Ingram stated she would contact MONOC.

CLERK EDEN advised Council that the last tape is nearing the end and they may want to consider closing the public portion.

JOE BRILL – 100 MURIFIELD ROAD: He stated a good friend, Dick Megill, resigned and he was upset about it and wanted to get a note to him but didn't have his address. He stated that Janice Kisty from Planning and Zoning assured him she would give it to him.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

10:06 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT UPDEGRAVE

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

AME/klj