

**ON TUESDAY, OCTOBER 23, 2007 AT 6:30 P.M., THE JACKSON TOWNSHIP
COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

ROLL CALL:

COUNCILWOMAN INGRAM

COUNCILMAN MARTIN

COUNCILMAN STALLONE

COUNCIL VICE PRESIDENT GUDAITIS (absent)

COUNCIL PRESIDENT UPDEGRAVE

ATTORNEY GILMORE

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.

OPEN CAUCUS

COUNCIL PRESIDENT UPDEGRAVE was concerned and disappointed about the Johnson Park situation and suggested stating the contractor dug too deep and left it open subjecting the public to potential health dangers instead of informing anyone. Attorney Gilmore stated they could hold a meeting with the contractor and go over the contract to see if there are provisions to seek financial penalties. Clerk Eden stated Dan Burke was made aware and might attend the Council meeting. Council President Updegrave stated the main issue was that the subcontractor left the hole open and left the site without advising anyone. Councilwoman Ingram stated there is a clause in the contract stating the township could be charged \$2,000 per day for the delay of the project. Mayor Seda stated the contractor left the hole open so the Municipal Engineer, Dan Burke, could take a look at it. The township had the hole covered that night to prevent any injury. Mayor Seda stated they needed to look at other backboards that wouldn't need to go down as deep (as well as the 10' fence). Councilwoman Ingram questioned canceling stale dated payroll checks that are four years old. Administrator Del Turco explained the Finance Department makes ongoing attempts to reach individuals although they let it go on a little longer than usual they felt they still had an obligation to those individuals. She then asked Attorney Gilmore if the township was bound when going out for bid for the EMS. Mr. Gilmore explained they were not, they are only accepting bids for a comparison. Mayor Seda stated by going out to bid this would allow the bidders to commit to a particular service whereas MONOC is only bound by an ordinance and not a contract. He discussed both EMS and MONOC have response time issues that need to be addressed. Council President Updegrave discussed a meeting held with EMS and MONOC where each provider made claims. Mayor Seda explained he took a member of the Resident Advisory Board to see how a 911 call is handled and the various steps they go through. The Mayor stated the only two options they have is to provide the service in-house where they have more control of the manpower or outsource it.

RESOLUTION 451R-07

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

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

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

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

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

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a) Personnel/Professionals:
 - b) Litigation/Potential Litigation: Update - COAH Housing Element/Fair Share Plan (as it relates to litigation – Commodore Pointe v. Twp. of Jackson) Update-Johnson Park/DEP
 - c) Potential Land Sale/Land Acquisition: Update - land sale Block 3601, Lot 4 (formerly known as Block 96.01, Lot 7.04), Update – lease of open space of green acres property for farming, Update land sale Whitesville Industrial Park (Township owned property Block 2193, Lot 3 and Block 2190, Lot 18)
 - d) Contracts/Agreements:
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

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

DATED: 10/23/07

ON TUESDAY, OCTOBER 23, 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 GILMORE
 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.

PRESENTATION BY STATE FARM TO THE JACKSON TOWNSHIP POLICE DEPARTMENT (GRANT AWARD)

Andy Weinstein introduced himself as a State Farm agent stating it was an honor to present Officer Pejowski with a check for \$2,000 to the Jackson Police for their continued effort in getting the message out to young drivers regarding safety and better driving techniques. He thanked the State Farm Public Affairs Specialist, Denise Brown, who delivered over 1000 safety brochures for them to hand out to both high schools and looked forward to continuing working with the Police Department. Mayor Seda stated

Mr. Weinstein was very modest and stated how he gives back to the community in a number of ways and thanked him personally.

PRESENTATIONS:

HOLBROOK LITTLE LEAGUE – 2007 DISTRICT 18 – 13 YEAR OLD ALL-STAR CHAMPIONS

COUNCILMAN MARTIN introduced Tony Delvecio, President of Holbrook Little League, who presented awards to the Managers and Coaches of the 2007 District 18 -13 Year Old Champions and District 18 – Senior Division Inter-League Champions and called out the names of each team member.

COUNCILMAN STALLONE stated there was another Certificate of Appreciation for Peter Kitay that he wasn't present to accept and asked to postpone until the November 12th meeting.

COUNCILWOMAN INGRAM – presented an Honoring Resolution for the members of the National Domestic Violence Response Team and introduced Ms. Bussiclo. Ms. Bussiclo explained they work with the police and when a call comes in they help get them temporary housing away from their abuser, information for restraining orders, etc. and stated anyone that needed their help all they have to do is call the Police Department anytime, day or night. Mayor Seda thanked her and her team for all their hard work.

**RESOLUTION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF JACKSON
NATIONAL DOMESTIC VIOLENCE MONTH**

WHEREAS, October is National Domestic Violence Month; and

WHEREAS, domestic violence is a great evil and an offense against human dignity that shatters lives and robs children of their innocence. Where it occurs, homes are transformed into places of danger and despair. During National Domestic Violence Awareness Month, we renew our commitment to preventing domestic violence; and

WHEREAS, the country is making progress in the fight against violence in the home. Over the past decade, the domestic violence rate has declined by an estimated 59 percent. But much work remains to be done; and

WHEREAS, to increase access to comprehensive support and services for victims of domestic violence, the Federal Government, back in 2003, announced the creation of the Family Justice Center Initiative. These centers bring together police officers, attorneys, counselors, doctors, victims' advocates, chaplains, and others so that domestic violence victims can more easily find the help and support they need; and

WHEREAS, faith based and community organizations are also making vital contributions in the effort to combat domestic violence. These organizations are fostering an environment where victims can step out of the shadows and get the help and care they need; and

WHEREAS, the Township Council of the Township of Jackson appreciate all those who work to end domestic violence and to protect vulnerable members of our society. By working together, we continue to build a society that respects the life and dignity of every person.

NOW, THEREFORE, BE IT RESOLVED, I, Ann M. Updegrave, Council President of the Township of Jackson, County of Ocean, State of New Jersey do hereby proclaim the month of OCTOBER 2007 as **NATIONAL DOMESTIC VIOLENCE MONTH** in the Township of Jackson and urge all Americans to reach out to help victims of domestic violence and help to make ending domestic violence a national priority.

ANN M. UPDEGRAVE
COUNCIL PRESIDENT

COUNCIL V.P.
JASON
GUDAITIS

COUNCILWOMAN
EMILY
INGRAM

COUNCILMAN
SCOTT
MARTIN

COUNCILMAN
ANGELO
STALLONE

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILWOMAN INGRAM she thanked everyone for coming and stated after hearing a number of residents speak out about EMS she spoke with Mayor Seda. She explained the Mayor was considering organizing a branch of the Police Department with licensed EMT's to provide basic life support while maintaining an outside company to maintain advanced life support. By accepting RFP's they could research the matter further. Councilwoman Ingram then stated legislation is being considered to allow towns to impose a tax on selling their homes. Currently there is a transfer fee and this would add an additional tax that residents didn't need and suggested anyone interested could go online to WWW. NJHOMETAX.COM. to oppose this new tax. She wished everyone a safe trip home.

COUNCILMAN MARTIN congratulated the Holbrook Little League for their accomplishments and encouraged the public to celebrate the accomplishments of their town and focus on the good things going on. He explained they were looking into EMS and confirmed its importance and asked for the public's patience. He explained he would be voting yes on Resolution 456R-07 and explained he approves going out to bid so they could explore all options. He availed himself and other Council members to answer any questions from the public. He thanked everyone for coming

COUNCILMAN STALLONE explained he attended a meeting for Teen Safety Driving with Traffic Safety Driving Officer Brian Geoghegan and a number of speakers and government agencies that explained many ways to handle teen drivers. He spoke of the volunteer sticker program to be placed on a young drivers car. He discussed a recent traffic stop where a young driver was pulled over for violating her provisional license and the police officer removed three of the four passengers. He stated that same car was involved in an accident several minutes later where the driver and her passenger were injured and stated if the police hadn't removed the three other occupants the accident could have been worse. He thanked the police officers for their good work and thanked everyone for coming and to drive home safely.

COUNCIL VICE PRISIDENT GUDAITIS (absent)

COUNCIL PRESIDENT UPDEGRAVE stated she wrote a letter to the 30th District legislative office thanking them for their continued support of Jackson Township organizations through donations adding the Jackson Food Pantry appreciated the refrigerator. She then stated how there was an overall distrust of elected officials and how the Municipal Building is being pummeled with public records requests and how some residents have an accusing manner when obtaining records and felt it was unacceptable. She reminded the public they are welcome to ask questions one issue at a time and anyone grandstanding or making personal attacks would be asked to sit down before resuming. She wished everyone a good night.

MOTION TO APPROVE AND RELEASE EXECUTIVE SESSION MEETING MINUTES AS FOLLOWS BY: STALLONE**MOTION SECONDED BY: INGRAM****YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE****ABSENT: GUDAITIS****EXECUTIVE SESSION MEETING MINUTES**

07/11/06	01/23/07
07/25/06	02/13/07
08/08/06	02/27/07
08/22/06	03/13/07
09/12/06	03/22/07
09/26/06	03/27/07
10/10/06	04/24/07
11/13/06	05/22/07

75461	JACKSON TWP. BOARD OF ED	5,741,024.00
75462	JACKSON TWP. GENERAL TRUST FUND	30,000.00
75463	JACKSON TWP. MUN. UTILITIES AUTH	12,936.30
75464	JACKSON CHAMBER OF COMMERCE	425.00
75465	JACKSON TOWNSHIP ESCROW FUND	50.00
75466	JAMMER DOORS INC.	412.00
75467	JERSEY CENTRAL POWER & LIGHT	21,854.49
75468	A-1 JDK SPECIALITES	35.00
75469	JDM PLANNING ASSOCIATES, LLC	6,890.00
75470	STEVEN KUZIAN	664.89
75471	LAKEWOOD AUTO SUPPLY INC.	4,208.36
75472	LANGUAGE SERVICES ASSOCIATES	16.80
75473	LAWMEN SUPPLY CO. OF NJ, INC.	1,267.20
75474	LMT MERCER GROUP INC.	3,083.40
75475	SUSAN LOTITO	675.00
75476	JOSEPH & MARY LOU MANZI	1,222.07
75477	VOID	-0-
75478	MERIDIAN OCCUPATIONAL HEALTH	815.00
75479	MOORE WALLACE NORTH AMERICA	133.16
75480	NAPCO/R.S. KNAPP CO.. INC.	425.08
75481	NJASRO MEMBERSHIP	100.00
75482	NJPSAC	250.00
75483	NOREIKA GAS INC.	78.28
75484	OCEAN COUNTY BOARD OF HEALTH	6,474.00
75485	OCEAN COUNTY LANDFILL CORP.	5,000.00
75486	OCEAN COUNTY NEWSPAPERS, INC.	386.44
75487	OCS PRINTING – OCEAN COUNTY	63.00
75488	OFFICE FURNITURE PLUS, INC.	3,957.20
75489	OLD DOMINION BRUSH CO., INC.	9,646.25
75490	PEDRONI FUEL COMPANY, INC.	22,448.50
75491	PINA M. INC.	199.00
75492	PITNEY BOWES, INC.	1,331.00
75493	RAMPAGE, LLC	1,420.00
75494	REAL ESTATE RESEARCH CORP. LLC	38,280.00
75495	TITTENHOUSE KERR FORD INC.	190.00
75496	MARK RODINA	56.10
75497	RUBBERCYCLE	211.68
75498	RUTGERS YSRC	150.00
75499	SAMSON METAL SVCS, INC.	1,755.00
75500	WORNALL SECURE BUSINESS	720.00
75501	SEELY EQUIPMENT & SUPPLY	245.09
75502	SHERWIN WILLIAMS COMPANY, INC.	754.18
75503	STATE OF NEW JERSEY – PWT	162.55
75504	SUNOCO CREDIT CARD CENTER	27.07
75505	TCTA OF NEW JERSEY	22.00
75506	THEATRE HOUSE INC.	100.45
75507	THREE PENCE BROOK	617.01
75508	T & M ASSOCIATES, INC.	909.00
75509	T.M. FITZGERALD AND ASSOCIATES	6,845.00
75510	TOTAL LUBRICATION SVC & SUPPLY	2,620.54
75511	TRENTON BRAKES, INC.	2,013.18
75512	TRICO	1,567.73
75513	MICHAEL CEPPALUNI DBA UNITED	240.00
75514	VAN SANT SEWER SERVICE LLC	1,326.40
75515	VERIZON WIRELESS	1,545.14
75516	VERIZON	909.68

CONTINUED

CHECK#	VENDOR	AMOUNT
75517	VETERINERY SURG. & DIAG. SPEC.	46.25
75518	WALTER R EARL CORP.	226.96

75519	W.B. MASON COMPANY	422.80
75520	WINDING WAYS HOMEOWNERS ASS.	3,807.67
75521	KELLY WINTHROP, LLC	120.00

TOTAL 14,642,857.65

CHECK#	VENDOR	AMOUNT
75201	VOID	-0-
75404	VOID	-0-
75418	TRUMP MARINA HOTEL CASINO	124.00
74046	VOID	-0-
75419	OCPTSOA	30.00

CHECK#	VENDOR	AMOUNT
4003-4079	DEVELOPERS	201,261.37
4080	DEVELOPERS	45,346.78
4069	VOID	-0-
8-9	DEV FEES-COAH	9,585.80
360	DOG	229.20
60731-60736	GENERAL TRUST	48,765.44
9116	OPEN SPACE	387,884.38
61698-61730	PARKS REC	14,828.33
2125	SUBDIVISION	13,040.80

ORDINANCES, SECOND READING – NONE AT THIS TIME

ORDINANCE FIRST READING

36-07

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, SATE OF NEW JERSEY AMENDING ARTICLE VI OF THE ADMINISTRATIVE CODE, CHAPTER 3 ENTITLED DEPARTMENT OF ADMINISTRATION TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP OF JACKSON’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

**MOTION TO APPROVE ORDINANCE 36-07 ON FIRST READING, ADVERTISE THE APPROVAL, NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON NOVEMBER 12, 2007 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE
ABSENT: GUDAITIS**

ORDINANCE NO. 36-07

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, SATE OF NEW JERSEY AMENDING ARTICLE VI OF THE ADMINISTRATIVE CODE, CHAPTER 3 ENTITLED DEPARTMENT OF ADMINISTRATION TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP OF

**JACKSON'S AFFORDABLE HOUSING PROGRAM
PURSUANT TO THE FAIR HOUSING ACT**

BE IT ORDAINED by the Council of the Township of Jackson in the County of Ocean and State of New Jersey that the following amendments be made to Chapter 3 of the Administrative Code of the Township of Jackson to include the following Section:

SECTION 3-86: MUNICIPAL HOUSING LIAISON

Section 1 Purpose.

Chapter 3 of the Township Code of the Township of Jackson entitled "Department of Administration" shall be amended and supplemented as follows: The purpose of this article is to create the administrative mechanisms needed for the execution the Township of Jackson's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Township of Jackson

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township of Jackson to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Jackson.
- B. Subject to the approval of the Council on Affordable Housing (COAH) and/or the Superior Court of New Jersey, Ocean County, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Jackson, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as the Township of Jackson's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in the Township of Jackson's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in the Township of Jackson as described in F. below.
- D. Subject to approval by COAH, the Township of Jackson may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Township of Jackson, except for those responsibilities which may not be contracted out pursuant to subsection C above. If the Township of Jackson contracts with another entity to administer all or any part of the affordable housing

program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. The Municipal Housing Liaison shall perform the duties set forth in Section C above and shall also oversee the duties of the Affordable Housing Administrator as set forth as follows:
 - (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Jackson and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Township of Jackson when referring households for certification to affordable units.
 - (3) Affordability Controls
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
 - (4) Resale and rental
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income

- households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
 - (6) Enforcement
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
 - (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder as supervised by the Municipal Housing Liaison.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on October 23, 2007 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 12th day of November 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: 10/23/07

PUBLIC HEARING OPENED, RESOLUTIONS ONLY

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He asked if the audit report that appeared on the website was the same one they were presenting tonight and if the numbers have been revised? Administrator Del Turco explained there was approximately a \$10K difference.

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

**RESOLUTION 465R-07
TITLE: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING AND ACKNOWLEDGING REVIEW OF THE 2006 TOWNSHIP AUDIT**

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

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year of 2006 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the section of the annual audit entitled;

General Comments
Recommendations

WHEREAS, the members of the Township Council have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

- General Comments
- Recommendations

as evidenced by the group affidavit form of the Township Council; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation of the Local Finance board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 5:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provision of this article, shall be guilty of misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Jackson, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

DATED: 10/23/07

CLERK EDEN advised the Council of a minor change to Resolution 462R-07 where the 3rd **WHERE AS** paragraph was removed because the language was unnecessary.

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

RESOLUTION 452R-07

TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

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

October 23, 2007

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
1401	10	Edward L. & Jacqueline R. Breuer	2006 – 4 th	\$104.83
8001	5.245	Steven Kuzian	2006 – 4 th	664.89
15401	12	Ernest & Lori Fattorosi	2006 – 4 th	2,000.00
21401	51	Joseph & Mary Lou Manzi	2006 – 4 th	1,222.07
TOTAL AMOUNT:				\$3,991.79

DATED: 10/23/07

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

RESOLUTION 453R-07

TITLE: APPROVE CHIEF FINANCIAL OFFICERS MONTHLY REPORT FOR SEPTEMBER 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 September 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.
TOWNSHIP CLERK

DATED: 10/23/07

RESOLUTION 454R-07

TITLE: AUTHORIZE THE CANCELLATION OF STALE DATED CHECKS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, certain checks of the Township of Jackson were issued in 2003, 2004, 2005 and said checks have not been presented for payment; and

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

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

The following annexed schedule listing certain checks drawn from Jackson Township Payroll account are hereby cancelled.

PAYROLL

Check #	70053	05/23/03	\$	15.03
	71238	07/18/03	\$	61.56
	72724	8/29/03	\$	21.72
	75945	12/26/03	\$	18.08
	75955	12/26/03	\$	48.90
	82879	08/27/04	\$	27.95
	87415	02/04/05	\$	38.05
	88522	03/11/05	\$	35.87
	88645	03/25/05	\$	1.42
	1517	07/29/05	\$	21.72
	3439	11/18/05	\$	11.82
	3447	11/18/05	\$	<u>6.91</u>
		TOTAL	\$	309.03

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

DATED: 10/23/07

RESOLUTION 455R-07

TITLE: AUTHORIZE THE EXECUTION OF A STORM WATER COLLECTION & MANAGEMENT SYSTEM OWNERSHIP, OPERATION AND MAINTENANCE AGREEMENT BETWEEN THE TOWNSHIP OF JACKSON AND EAGLE RIDGE GOLF COURSE

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, pursuant to Jackson Township Administrative Code Chapter 109, Section 184(J)(2)(k), Jackson Township requires the execution and recordation of a storm water Collection and Management System Ownership, Operation and Maintenance Agreement; and

WHEREAS, Faraday Associates, LLC, the developer of the above referenced property proposes to construct a 9-hole expansion to the Eagle Ridge Golf Course; and

WHEREAS, Faraday Associates, LLC desires to enter into an agreement with the Township of Jackson for the ownership, operation, repair and maintenance of the storm water Collection and Management system (Schedule “A” attached) in accordance with Jackson Township Land Use Ordinance, Chapter 109, Section 184(J)(2)((k); and

WHEREAS, Township Engineer, Albert Yodakis, T & M Associates, has approved the agreement in a letter report dated October 3, 2007; and

WHEREAS, the Township Attorney has also reviewed said agreement and find it acceptable to form and content in a letter report dated July 27, 2007.

WHEREAS, it is now it is the desire of this Township Council to act upon the recommendation of the Township Engineer and Township Attorney.

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. That the Mayor and Township Clerk are authorized to execute the storm water Collection and Management System Ownership, Operation and Maintenance Agreement for Block 56.02/Various, Lots 1 through 9.

2. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Faraday Associates, LLC, 55 Schoolhouse Road, Whiting, New Jersey, Township Administrator, Planning and Zoning and any other interested parties.

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

DATED: 10/23/07

RESOLUTION 456R-07

TITLE: AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF RFP’S FOR EMERGENCY MEDICAL SERVICES

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

COUNCILWOMAN INGRAM stated her vote was based on information gathering only for fact finding analytical review and voted yes.

COUNCILMAN MARTIN referred to opening statement confirming they were only in the process of gathering information and voted yes.

WHEREAS, Jackson Township has a need to provide Emergency Medical Services to the residents of Jackson; 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 services is required; and

WHEREAS, the Township Council desires to solicit proposals for the services of a contractor provide Emergency Medical Services for the purpose of a obtaining the best service and value for the residents of the Township.

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 proposals for said services 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, and Purchasing Agent.

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

DATED: 10/23/07

RESOLUTION 457R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO JACKSON ACQUISITION, LLC. OF THE PERFORMANCE BOND ISSUED FOR KINDER UNIVERSITY, A/K/A BLOCK 113, LOT 27.01 b

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, Jackson Acquisition, LLC., has requested a Release of the Performance Guarantee, which consists of \$203,303.85 in the form of a Performance Bond #S20196 issued by First Indemnity of America Insurance Company and a Cash Bond in the amount of \$20,330.39, pertaining to Kinder University, a/k/a Block 113, Lot 27.01, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated October 15, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #S20196 issued by First Indemnity of America Insurance Company in the amount of \$203,303.85 and a Cash Bond in the amount of \$20,330.39, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$30,495.58, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

DATED: 10/23/07

RESOLUTION 458R-07

TITLE: AUTHORIZE THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR SPECIALIZED ENGINEERING SERVICES TO PERFORM CERTAIN IMPACT STUDIES ON PROJECTS UNDER PLANNING BOARD AND/OR ZONING BOARD REVIEW

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

WHEREAS, the Township of Jackson has a need for specialized engineering services, on a case-by-case basis as deemed necessary and authorized by the Township Council, to perform certain impact studies on projects under Planning Board and/or Zoning Board review; and

WHEREAS, the Township Council has determined to utilize the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq. for the solicitation of specialized impact studies (i.e.: traffic, environmental, etc.) for these services.

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. That the Township Council does hereby authorize the preparation, advertisement and receipt of sealed proposals for a 12-month period for specialized engineering services to perform certain impact studies on projects under Planning Board and/or Zoning Board review. This service would be performed on an "as-needed" basis, as deemed necessary and authorized by the Township Council.
2. That after the date and time for the receipt of sealed proposals has been determined, a Notice for the Solicitation of Professional Services shall be advertised as prescribed by law.
3. A copy of this resolution shall be forwarded to the Municipal Administrator, Purchasing Agent, Planning Board, Zoning Board of Adjustment and any other interested parties

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

DATED: 10/23/07

RESOLUTION 459R-07

TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2007 TO PSL, LLC, T/A LUXURY MOBILE HOME PARK A/K/A BLOCK 23303, LOTS 15 & 16

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

WHEREAS, PSL, LLC t/a Luxury Mobile Home Park has requested a renewal of its Mobile Home Park License for Calendar Year 2007 for property located at 46 Luxury Circle, a/k/a Block 23303, Lots 15 & 16, Jackson Township; and

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.

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 application of PSL, LLC t/a Luxury Mobile Home Park for renewal of its Mobile Home Park License for the premises located at 46 Luxury Circle a/k/a Block 23303, Lots 15 & 16, Jackson Township, is hereby approved.

2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.
3. Said license is issued for a period commencing February 1, 2007 and ending January 31, 2008
4. Said license is issued subject to any and all restrictions imposed by the Jackson Township Zoning Board of Adjustment and the Jackson Township Planning Board.
5. That upon the adoption of this resolution, the Township Clerk is authorized and directed to forward a certified copy of it to the Township Administrator and PSL t/a Luxury Mobile Home Park.

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

DATED: 10/23/07

RESOLUTION 460R-07

TITLE: AUTHORIZE CONTRACT AWARD FOR COMPLETION OF DPW STORAGE FACILITY

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 award a contract for the completion of the DPW Storage Facility; and

WHEREAS, Jackson Township previously re-advertised for the receipt of bids on October 16, 2007 at 11:00 a.m. for the completion of DPW Storage Facility; and

WHEREAS, the following bids were submitted for this proposed work:

Vendor	With Option 4(A)	With Option 4(B)
1. Garden State Iron	\$717,000.00	\$ 767,000.00
2. Valley Contractors	\$781,000.00	\$ 789,400.00
3. RMS Construction	\$790,000.00	\$ 843,500.00
4. Benjamin R. Harvey Co.	\$825,000.00	\$ 868,700.00
5. Mibo Construction	\$852,405.00	\$ 929,405.00
6. APS Contractors	\$911,000.00	\$ 947,000.00
7. JDL Contractors	\$948,800.00	\$1,021,600.00

; 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, the Township Engineer, Daniel Burke, P.E., has determined that Garden State Iron submitted the lowest responsible bid; and

WHEREAS, the Township Engineer, Daniel Burke, P.E., is recommending the bid for the completion of the DPW Storage Facility utilizing Option 4(A) be awarded to Garden State Iron; and

WHEREAS, the Assistant Chief Financial Officer has certified that sufficient funding exists for this purpose in an appropriation in the Capital Budget Under Account No. C-04-55-991-000-901 (\$167,742.84), #C-04-55-991-000-902 (\$63,422.39) and #C-04-55-999-000-902 (\$485,834.77) (Bond Ordinance No. 07-03 and 27-04); and

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, that:

1. The Township Engineer, Daniel Burke, P.E., is hereby authorized to award a contract for the completion of the DPW Storage Facility to Garden State Iron, 8 Memorial parkway, Long Branch, New Jersey 07740 in the amount of \$717,000.00. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.
2. Copies of this resolution to Garden State Iron, 8 Memorial Parkway, Long Branch, new Jersey 07755, Township Administrator, Township Engineer, Daniel Burke, Acting Chief Financial Officer, Purchasing Department and any other interested parties.

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

DATED: 10/23/07

RESOLUTION 461R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO WHISPERING HILLS, INC., OF THE PERFORMANCE BOND ISSUED FOR WHISPERING HILLS, SEC. 11, A/K/A BLOCK 94.01, LOTS 6 & 12.02

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, Whispering Hills, Inc., has requested a Release of the Performance Guarantee, which consists of \$322,307.64 in the form of a Performance Bond #5007751 issued by Bond Safeguard Insurance Company and a Cash Bond in the amount of \$35,811.96, pertaining to Whispering Hills, Sec. 11 a/k/a Block 94.01, Lots 6 &12.02, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated October 2, 2007, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #5007751 issued by Bond Safeguard Insurance Company in the amount of \$322,307.64 and a Cash Bond in the amount of \$35,811.96, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$122,823.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

DATED: 10/23/07

RESOLUTION 462R-07

TITLE: AUTHORIZE INTERLOCAL SERVICES AGREEMENT BETWEEN THE COUNTY OF OCEAN AND JACKSON TOWNSHIP FOR POLICE SERVICES FATAL ACCIDENT SUPPORT TEAM (F.A.S.T.) FOR CY 2008

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, there is a need for Traffic Safety Officers to attend accidents when a fatality has occurred; and

WHEREAS, the Traffic Safety Officers are available through the municipalities within the County of Ocean; and

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

1. Participating municipalities will enter into an Interlocal Services Agreement outlining the Fatal Accident Support Team (F.A.S.T.) Program.
2. A copy of said Agreement will be kept on file within the Office of the County Clerk and the Township Clerk's Office.
3. Each Traffic Safety Officer must maintain a current certification with the NJ Police Training Commission, which will be verified by the Ocean County Prosecutor's Office.
4. The hourly rate paid is fifty dollars (\$50.00)/per hour.
5. The term of said agreement shall be effective January 1, 2008 through December 31, 2008.
6. That the Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement with the Ocean County Prosecutor's Office.
7. That a certified copy of this resolution shall be provided to the Ocean County Board of Chosen Freeholders, Administration, Finance, Director of Public Safety and any other interested parties.

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

DATED: 10/23/07

RESOLUTION 463R-07

TITLE: AUTHORIZE THE RENEWAL OF PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE #1511-033-024-001 HELD "IN POCKET STATUS" BY IRA PORT

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, Ira Port has filed a renewal application for the fiscal year July 1, 2007 through June 30, 2008 for Plenary Alcoholic Beverage Consumption License No. 1511-33-024-001; and

WHEREAS, said licensee has complied with State law and local ordinances, has received a Special Ruling from the State of New Jersey Department of Public Safety Division of Alcoholic Beverage Control dated October 4, 2007. Licensee has submitted the proper license fee and application and it is now the desire of this governing body to grant the renewal of said license; and

WHEREAS, the Township Attorney has reviewed said license renewal application and has approved same.

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 Plenary Retail Alcoholic Beverage Consumption License No. 1511-33-024-001 held in pocket status by Ira Port, 147 Larchwood Avenue, Oakhurst, New Jersey 07755 be and is hereby renewed for the licensing year from July 1, 2007 through June 30, 2008.
2. That the license fee in the amount of \$2,000.00 has been paid to the Township for said licensing period.
3. That upon the adoption of this resolution, the Clerk is directed to forward a certified copy of it to the applicants, the appropriate Township Officials, New Jersey Division of Alcoholic Beverage Control and other interested parties.
4. This resolution shall be effective Nun Pro Tunc to July 1, 2007.

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

DATED: 10/23/07

RESOLUTION 464R-07

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE COMMENCEMENT OF DRAW DOWN PROCEEDINGS AGAINST THE MAINTENANCE BOND POSTED BY VILLA LINA, INC. FOR FERRARI PLAZA, A/K/A BLOCK 140.01, LOTS 6.02 AND 6.03

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

WHEREAS, a Maintenance Bond has been posted with the Township to secure proper construction of a project in Jackson Township known as Ferrari Plaza; and

WHEREAS, the Township has received notice from Bank of America indicating that it will not renew Letter of Credit #68016132, which is due to expire on November 29, 2007 and the maintenance obligation does not expire until 2008.

WHEREAS, Stephen Foran of Gilmore & Monahan, Township Attorney has recommended that the Township commence draw down proceedings in a letter dated September 25, 2007, against the Maintenance Bond for Ferrari Plaza; and

WHEREAS, the Township Council desires to act upon the recommendation of the Township Attorney;

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

1. The Township Attorney is hereby authorized to commence draw down proceedings against the maintenance bond posted for the project known as Ferrari Plaza.
2. That upon the adoption of this Resolution, the Clerk is authorized and directed to forward a certified copy of it to the Developer, Township Engineer, Township Attorney, Administration and the Chief Financial Officer.

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

DATED: 10/23/07

RESOLUTION 466R-07

TITLE: AUTHORIZE AMENDATORY AGREEMENT BETWEEN THE COUNTY OF OCEAN AND THE TOWNSHIP OF JACKSON FOR ROAD

MAINTENANCE AND LINE STRIPING UNDER ITS SCHEDULE “C” PROGRAM FOR CY 2007

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

WHEREAS, the Township of Jackson previously entered into an Agreement with the County of Ocean on February 27, 2007 for certain types of road maintenance, road overlay, etc., under the County’s Schedule “C” Program for CY 2007; and

WHEREAS, the Township of Jackson amended said agreement pursuant to Resolution No. 626R-07 increasing the agreement by \$84,000.00 (bringing the grand total to \$99,000.00; \$84,000.00 allocated to Road Department and \$10,000.00 allocated to Engineering); and

WHEREAS, the Township Council of the Township of Jackson is requesting an additional amendment to this agreement increasing the contract amount by \$42,100.00 for road overlaying/paving services (Kierych Memorial Drive); and

WHEREAS, the Township will be required to fund said services through its 2007 budget; and

WHEREAS, the Acting Chief Financial Officer has certified that a maximum amount of \$42,100.00 is available in the Capital Operating Budget for this purpose under Account No. C-04-55-813-902; 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 Mayor and Clerk are authorized to execute the attached Amendatory Agreement between Jackson Township and the County of Ocean increasing the contract by \$42,100.00 for road overlay/paving services (Kierych Memorial Drive) under it’s Schedule “C” Program for CY 2007
2. That upon the adoption of the within resolution and execution of the agreement, the Clerk is authorized and directed to forward a certified copy of it together with the executed contract to the Ocean County Board of Chosen Freeholders, Administration, Acting Chief Financial Officer, Director of Public Works and any other interested parties.

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

DATED: 10/23/07

**RESOLUTION 467R-07
TITLE: AUTHORIZE INSTALLMENT AGREEMENT FOR DELINQUENT TAXES ON BLOCK 18902, LOT 31 PURSUANT TO NJSA 54:5-19 ET. SEQ.**

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

WHEREAS, 54:5-19 et seq. permits an installment plan on delinquent taxes and municipal charges prior to Tax Sale, and the owner of Block 18902 Lot 31, 1005 Toms River Road has requested an installment plan for delinquent taxes through the Fourth quarter of 2007; and

WHEREAS, the homeowner has already paid to the Tax Collector the sum of \$1400.00, an acceptable amount down on the total delinquency, in good faith as a demonstration of ability to fund the plan; and

WHEREAS, the homeowner will make 36 monthly installments of approximately \$650.00 beginning in November of 2007, and keep subsequent taxes and other municipal charges up to date while the agreement is in effect; and

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

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

1. That the Mayor and Township Council of Jackson Township hereby authorize the installment plan covering the property known as Block 18902 Lot 31, the down payment the terms of the agreement, the approximate amount of each monthly installment.
2. That in the event that any of these installments or payments for subsequent taxes and/or municipal charges are not made in accordance with the agreement approved herein, the township shall have the right to proceed with the regular statutory collection procedures including, but not limited to, Tax Sale and subsequent foreclosure.

Copy to:
Tax Collector

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

DATED: 10/23/07

DISCUSSION AGENDA

CLERK EDEN

- 1) **General Election-November 6, 2008 (polls open from 6:00 a.m. to 8.00 p.m.)**
- 2) **Township Council meeting rescheduled from November 13th to November 12th.**
- 3) **VFW – Fund Raiser for U.S. Army Pfc Luigi Marciante, Jr. on October 24, 2007**
- 4) **J.T.M.U.A. – Flushing program (water mains & hydrants) commencing 10/22/07 – 11/30/07 (Monday – Friday, 9:00 a.m. through 12:00 midnight)**

PUBLIC HEARING, ANY TOPIC

JOSEPH BRILL-100 MURIFIELD ROAD: He stated someone made a remark about the way he dressed at the Council meetings and felt he did a lot for the community and it's what comes from his heart that's more important than how a person dresses. He then referred to a remark made by Councilman Martin at the last meeting about how safe it was to play at Johnson Park after Mr. Brill voiced his concerns of it being a prior landfill and stated the recent findings after being dug too deep validated his original concern that the park may be unsafe. He discussed the ordinance regarding affordable housing and Council President Updegrave gave a brief explanation of the ordinance and then stated nobody had the right to criticize the way he dressed.

CHARLOTTE MARSALA-16 KINGS NORTH: She asked if there was a balancing statement showing what the Mayor's duty and the Council's duty were so she could compare it to what she voted for to see if it's what she thought she voted for because she came from a town with a similar form of government. Mayor Seda referred to some papers she left for him and he explained it was a similar form of government but a different Falkner Act and stated he doesn't chair the meetings because it is a Council meeting and he is only an invited guest and his job is to handle the budget and inside day to day operations of the town and the Council's job is to legislate, the Administrator works directly for him and they prepare the budget and propose it to Council. She was surprised to learn there were minutes taken at executive sessions and Attorney Gilmore explained the law requires minutes to be taken at executive meetings and tonight the governing body approved those minutes and now they are available to the public upon request. She asked about the stale dated checks and what steps were taken to contact the

payee and if money was put aside in a special account and listed in the newspaper. Attorney Gilmore stated what happens in the banking industry doesn't apply to this matter.

JOSEPH BRILL-100 MURIFIELD ROAD: He stated there was a situation in their apartment complex where he pulled a man out of a smoke filled room and EMS waited outside for 20 minutes stating they couldn't go in until the fire department arrived and he felt that was bad because if they are the first responders they should be able to administer help.

RUTH KRISMAN-19 MERION LANE: She stated MONOC worked well during the day and felt it wasn't broken and suggested they concentrate on the evening hours. She asked the Council how they thought the town could do a better and less costly job when private and government operations out source their tech support and emergency responses because it was cheaper and more efficient? Mayor Seda explained he went to various communities to gather information and he explained the CSO program and what was needed to get a program in place while at the same time get information back from the community and he didn't know if CSO was the way to go but it might be an option. The numbers comparing EMS to MONOC are similar but felt there was still a problem they needed to look at and fix. He stated the public would have an opportunity to speak and ask questions at the Mayor's Forum which he and the Council will consider and reach a decision on which way to go.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He referred to letters written to Mayor Seda and Council regarding Pay to Play and asked when they can be expected to come up with some suggestions and present potentially new Pay to Play ordinances to the public that would reduce corruption and ethical misconduct. Council President Updegrave explained they should have something by November.

MIKE KAFTON-67 NORTH LAKESIDE: He asked Mayor Seda what the purpose was for going to adult communities and if he had a date when he would address the public with EMS information? Mayor Seda explained those communities had the most issues regarding response times and wanted to explain some options he was looking into and stated he didn't have a date yet. Mr. Kafton then asked if the basketball court bid specs stated it was being built on a landfill because when he looked it over there was no mention about filling it with dirt and asked if it would affect the laying of asphalt. Mayor Seda stated everyone involved was made aware of the landfill and it wouldn't affect the tennis court. Mr. Kafton asked Mr. Burke about the possible sinking of asphalt and if it sank who would pay for repaving? Mr. Burke explained the landfill's been closed over 30 years and the majority of settlement occurred early on with some additional settlement expected over time depending on the depth and material in the landfill and felt confident the surface would need resurfacing due to normal wear and tear long before any settlement would cause a problem adding there hasn't been a problem on the tennis court.

DENNIS LAFER-11 SHOAL ROAD: He thanked Council for their active involvement regarding EMS. Council President Updegrave stated they only want what's best for the community. He questioned Resolution 456R-07 and Attorney Gilmore explained there was no legal binding obligation and that it is only for gathering information. Mayor Seda addressed his concern assuring him all information will be reviewed and the resolution is in place for when and if a change is to be made.

GEORGE FISCHER-84 BOWMAN ROAD: He commended the fine job the Planning Board has been doing for Jackson taking environmental and traffic issues very seriously. He discussed reviewing the Master Plan and what role the Mayor and Council would be taken. Attorney Gilmore explained the town provided funding and the Planning Board holds hearing and after the Planning Board adopts the Master Plan the governing body implements the necessary ordinances.

KEN BRESSI-462 DIAMOND ROAD: He stated the Planning Board meetings have been well attended by the public and they have made some very good progress and he felt they all work well together. He added when they review a developers' plan they look at everything and if the plan gets denied they have all the facts and documentation to substantiate their decision. He announced the Master Plan is scheduled sometime in

December. There will be one or two meetings in the beginning, sub committees formed, outside agencies sought to join the environmental committee. He stated there are many things to look at and gave an example of a road that needs to be widened must appear in the Master Plan because if it wasn't and it was widened later the Township would have to pay for utilities to be moved. So there are many areas to consider. Dates will be announced shortly and advertised in the paper.

COUNCIL PRESIDENT UPDEGRAVE commended Mr. Fischer for his professionalism and appreciated the information he provides. Mr. Fischer then asked about private independent studies on environmental issues. Councilman Stallone stated Resolution 458R-07 allows for various engineers, traffic, environmental studies are all on board in case they are needed. The ordinances that concern properties within the Pinelands are subject to Pineland approval and until they are approved do not take affect. Mr. Fischer stated Ordinance 07-06 was approved by the Planning Board and whatever the delay is between the Planning Board and the Pinelands Commission is unacceptable and too much is at stake. He then asked if there is someone active in Jackson regarding Open Space because a proactive stand needs to be taken.

AL COUCEIRO-28 B JUSTIN LANE: He addressed Mr. Brill's concern regarding EMT arriving and stated until the fire department deems the area safe they cannot enter a building. There was an active alarm going off and smoke coming from the building and EMS is not trained or equipped to handle those emergencies. Once the fire department enters the building they bring out any victim to be treated or they are told the building is safe to go in.

STAN GOLDMAN-47 SPYGLASS DRIVE: He stated there was a problem with the audio because they can't hear speakers at the back of the room.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated he was happy to learn the township wasn't going to be fined for not applying for a permit from the DEP and stated the Township took appropriate action to cover the hole the subcontractor dug. He learned from an article in the Asbury Park Press that the Township wasn't planning on punishing Fiore for digging too deep or for leaving the scene without notifying the Township. The DEP approval process takes several months and if that's true Fiore should be removing their equipment and should return when approval is given. In his opinion, experienced contractors sometime charge for field changes or for delaying the project and wanted the Council to consider that before they let them off the hook. Mayor Seda stated they were not fining them as it stands right now but they are looking into it further. Mr. Mayerowitz then asked about the dog park and the fence that would be needed and voiced concern about the digging for fencing and the need for DEP approval before any other problems arise. He knows the Mayor or Council do not have all the knowledge regarding DEP procedures and regulations but there is a professional team that taxpayers pay a great deal of money for and because it is the second incident regarding a DEP problem and asked where those professionals and consultants were and raised the question of the whole management approach that are given to the construction efforts and they need to take a closer look at it. He applauded residents that recognized a dangerous situation but felt their first call should have been to the Township and not the newspaper or DEP because when he spoke to Administrator Del Turco he stated he ordered Public Works to fill in the hole immediately to eliminate any accidents.

SEAN GIBLIN-SO COOKSBRIDGE ROAD: He asked Councilwoman Ingram if she had any misgivings about front loading the Fiore Paving contract or if any Council member felt the Mayor was wrong in not fining Fiore for what was done and since the Public Works Department went and filled in the hole Fiore should reimburse the town for the hourly salaries, use of equipment and gas, etc. at the very least. Attorney Gilmore stated he was asking questions that were premature and what the Mayor and Council have to do is gather some information since the incident just occurred and during the Caucus portion of the meeting it was determined the Council could withhold payment if the contractor was found to have violated any terms or conditions of the contract. He explained the Mayor would initiate a change order that would likely reduce the amount of the contract because of what happened and because the drainage system will not work as originally designed. Mr. Gilmore explained the Council doesn't have the authority to fine Fiore but could ask to be reimbursed for the work performed by the Public Works

Department. Mr. Giblin asked if the Executive Session meeting minutes would be available on line since they have been approved? Attorney Gilmore stated it was a reasonable request and they would look into it. He asked Administrator Del Turco if the audit would be available online and if there were any black marks against the Town? Mr. Del Turco addressed a couple areas but stated it is a good audit and gave it a good bill of health. Mr. Giblin then stated, as a veteran and in honor of Veteran's Day they should reconsider November 12, 2007 as the meeting date and possibly move it to the week before or the week after. Clerk Eden took notice to the November calendar and it was decided the meeting would be held November 8th.

IAN MAZZA-9 HEMLOCK COURT: He asked the Council if there were any long term monitoring plans to monitor the landfill sites that are being used for tennis and basketball? He stated it should be monitored for radiation and carcinogens on a regular basis because nobody on the Council is an expert in that field and he wouldn't want to find out the hard way several years from now that people developed cancer as a result of playing on a landfill. Mayor Seda stated the park has been a park for over 30 years.

JOSEPH BRILL-100 MURIFIELD ROAD: He read in the Planning Board minutes the land at Johnson Park and the retention pond by Westlake should be tested for underground water that is leaking into the pond. He then stated Lakewood had an emergency response plan where there are hundreds of volunteers that carry emergency packs in their cars so when a call comes through to dispatch the closest person is called and is permitted to leave their job and respond to the incident and while they are responding dispatch is also sending the EMT vehicle. All done as volunteer with no cost to the town.

MR. FATOVIC-32 DREXHILL DRIVE: He stated he responded to the incident on Murifield Road the previous night and confirmed smoke coming from the second floor window and with 13 years of experience in the fire service and 4 years as Assistant Fire Chief he would not enter a building by himself. He stated there is a lot the public is not aware of and stated it was 17 minutes into the call when they found out there was someone in distress there. He pulled the tapes and stated they were already inside venting the apartment and found someone had removed the individual from the apartment to a laundry room and they didn't know where they were. He asked about the times they are doing their study on first aid response and if it was when the call is first placed or when it was dispatched? Mayor Seda stated it was from when the call is received at dispatch. Mr. Fatovic stated his fire department use to be dispatched by Jackson Township and since being turned over to the County they have responded much faster. The Mayor explained they are looking at many things.

GARY NOKES -48 FRANK APPLGATE ROAD: He introduced himself as a First Lieutenant of the Jackson First Aid stating they are under fire and was offended by some comments. He stated the public is not aware that they respond to life threatening calls as well as non-emergency calls such as lift and assists and there is a lack of education among newer residents. He confirmed some 911 discrepancies that they are working on and wanted the public to know when a 911 call is made it goes to the County Sheriffs' office where information is retrieved, processed and forwarded and while other offices are closing their doors Jackson First Aid is ready and in great shape taking on new members constantly and giving new pagers. They have a great cadet program and within the last week four members became NJ State EMT's. He stated they don't hear any complaints in person but read about it in the papers and is very offended by that and stated there is silent majority that supports the squad and because it is a free service, nobody will ever get a bill and since the Mayor has brought issues to their attention they have been bending over backwards to accommodate the needs of the public. He was very concerned about the morale of his volunteers and although MONOC provides a good service so do his volunteers and doesn't like the morale the bad publicity has caused. He's concerned about preserving volunteers and upset about squad bashing. Council President Updegrave confirmed as volunteers they do give a lot of themselves and the room applauded, noting that MONOC provides a good service as does the Jackson First Aid Squad.

**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**

9:40 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT UPDEGRAVE

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

AME/klj