

**ON MONDAY, FEBRUARY 11, 2008, AT 6:30 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

**ROLL CALL:**

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

**ATTORNEY GILMORE (6:40PM)**  
**TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE**

**MAYOR SEDA**  
**ADMINISTRATOR DEL TURCO**

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

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**CAUCUS AGENDA**

**Clerk Eden** addressed Council President Updegrave regarding matters on the Caucus Agenda and they discussed proceeding without the attorney present. Councilman Stallone felt they should wait and it was agreed to give him a few minutes. Clerk Eden advised the public that they would wait a couple minutes for the attorney.

**EMS ADVISORY COMMITTEE**

Council President Updegrave stated the EMS Advisory Committee had 3 meetings and at the last meeting they formed a committee to oversee response times and radio communications. She stated she felt these issues needed to be addressed when making their decision on who was going to provide emergency medical services and after discussing it with some professionals she believed they would have to amend the Administrative Code if they were going to make the EMS Advisory Oversight Committee permanent. She stated Ken Bressi and Dennis Lafer agreed to be part of the committee along with Councilman Gudaitis who would continue until his term was over. Mayor Seda asked if additional members would be appointed because he needed that information for the code. Clerk Eden stated it was an advisory board and they wouldn't be limited to the number of members and they may consider someone from the Police Department and suggested having the ordinance ready for the next meeting. Councilman Stallone recommended limiting the committee to no more than 5 members. Councilman Gudaitis suggested a liaison from the Police Department plus a member from Jackson First Aid Squad to sit on the oversight committee. Mayor Seda asked if the committee would have access to run times and be able to make contact with whatever vendor is chosen and have open discussions with them and provide feedback to the Council for approval. Council President Updegrave stated one suggestion made was to dispatch directly from Ocean County because they felt that would be a solution to the response time problem they were having. The Mayor didn't disagree with that but felt they should first work on getting the response times under 9 minutes and then if there was something else to address they would. The one thing he saw that would be a problem was every time they wanted to get information they'd have to send a request to the County whereas right now they have the program in place and could track times directly from their system but was open to recommendations but he wanted to get it working properly first and then fine tune it where necessary. Councilman Stallone asked who would appoint the members or if it was a Mayoral appointment? Council President Updegrave stated that was why they may have to amend the Administrative Code because it all depends on whether it'll be a permanent ongoing advisory committee then amend the Administrative Code. Attorney Gilmore stated since it had no real power other than to observe and advise it would be up to the discretion of the governing body and they may decide to have the Mayor appoint a certain number and Council to appoint a certain number. Councilman Stallone stated he would like to recommend Dennis Lafer as Chairman and Ken Bressi as Co-Chair. Council President Updegrave agreed and stated Lt. Cheney and Councilman Gudaitis and Al from Jackson First Aid should be asked. Clerk Eden asked if they would like to present the Ordinance for first reading on February 26<sup>th</sup>. They agreed.

**CONCESSION STAND/RESTROOM CONTRACT**

**Council President Updegrave** read a statement from Councilwoman Ingram, who wasn't present due to a previous commitment, stating she was opposing the concession stand because economy is on the brink of a recession and therefore was against the Town obligating the residents to a debt of more than \$1million and that there are concession stands that are functional and it's important to obligate themselves to the needs and not the wants and if there is a "need" in the future for a concession stand they could take another look at it then. Council President Updegrave stated her opinion was to abandon the project due to the economic status of the country adding when you abandon a project it's allowable up to two years without removing any bond issue. The bond doesn't state "concession stand" and she didn't feel they should be incurring that debt at this time. Mayor Seda stated the concession stands were part of an appropriation put together last year and the groups came together and gave up appropriations to move forward and added the need was there because there were no restrooms available plus the organizations would have no ability to recoup the money that was taken and dedicated toward the debt and there was a public health issue by not having restrooms available. He moved to take a vote. Councilman Gudaitis asked Mayor Seda about the groups that forfeited their annual contributions from the Township and what their agreement was in return? Mayor Seda explained the money that would have been given to them in contributions would be put toward the installation of the fields, which was done, and the organizations would have the ability to make money in concessions and utilize the fields. He knows the groups understand the financial state the Town was in and if they could utilize the existing concession stands they would. Councilman Martin confirmed they have two concession stands in operation at the Justice Complex. Mayor stated they were 150 yards away and one was dedicated to Little League and the other to soccer. Now they have added two fields that will be used full time for soccer and was approximately 100 yards away from the concession stand. Councilman Martin asked how much money was spent on the project to date and the Mayor stated about \$4.3 million. Councilman Stallone stated the proposal seemed overwhelming. Mayor Seda stated the proposal was put together anticipating growth. One would be the main concession and the 2<sup>nd</sup> would be by the roller hockey rink and depending on the cost of various fields he anticipated going with only one concession stand to finish off the existing complex without future growth. That concession stand came in at \$725K and that would be the price if they were to award it and they could take a closer look to reduce it further. Councilman Stallone asked him to explain some of the costs beyond the gas and plumbing. Mayor Seda stated right now there was no gas or water and the bathroom would need to be large enough to accommodate the fields should they all be used at the same time. The current bathrooms were designed for lesser use. Councilman Stallone stated the money was bonded for and asked if they could make the amount lower. Attorney Gilmore stated they would have to look at the bids and possibly go out for bid again on a reduced scale. Councilman Stallone asked how long that would take and the Mayor stated it could take about 2-3 months. The Mayor suggested awarding the main one and let the second one go. Councilman Gudaitis stated the groups made an agreement with the expectation of recouping the money with the concession stands if they don't do at least one and what condition would they be leaving the organizations in and if they would be forced to come back to the Township for more money? Councilman Stallone asked if this could be put off for further review and Administrator Del Turco stated they must act by the March 11<sup>th</sup> meeting. Council President Updegrave stated every time she looks at the newspaper the economy is getting worse and worse and she agreed they need to look at the concession stands but wasn't happy with the cost and felt it was insulting to put such high price on the stands and they need to see if it could be brought down. Council Vice President Gudaitis stated it meant a lot to the groups to subsidize their organizations. Councilman Martin agreed they need to look at a scaled down version and was concerned about adding \$725K to the debt load and understood there is a bond ordinance in place that they haven't started paying on because it hasn't been used. He added they spent over \$4 million and the Town did much of what they agreed to do but would rather see a more scaled down version and something more affordable. Mayor Seda stated there's nothing fancy about the building and it was built for durability. The main issue was water and sewer and bringing gas for cooking. He added the cost could be reduced if they removed the option for cooking because by bringing gas in for cooking they would need a fire protection system and that was a big portion of the cost. Council President Updegrave made a comparison that the cost of the concession stand could equal the cost of three homes and that was her concern.

**7:00PM EXECUTIVE SESSION**

**RESOLUTION 054R-08**

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

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**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:
  - b) Litigation/Potential Litigation: Update – N.J. Shore Builders vs. Township of Jackson (Tree Ordinance), Update – Equity Builders v. Township of Jackson, Update – Commodore Pointe v. Township of Jackson, Update - Gavan v. Township of Jackson
  - c) Possible Land Sale/Acquisition: Update - Jackson Mills Lake, Update – Land Conveyance to Bd. of Education, possible Land Acquisition - Butterfly Road, update – Whitesville Industrial Park (land acquisition), Solar Avenue Project.
  - d) Contracts/Agreements: Cablevision franchise agreement

3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition at such time the need for confidentiality no longer exists.

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

**DATED: 02-11-08**

**ON MONDAY, FEBRUARY 11, 2008 THE JACKSON TOWNSHIP COUNCIL RECONVENED AT 7:50 P.M.**

**ROLL CALL:**

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

**ATTORNEY GILMORE**  
**TOWNSHIP CLERK EDEN**

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

**PRESENTATION BY MAYOR SEDA TO RETIRED DEPARTMENT OF PUBLIC WORKS EMPLOYEE-JOSEPH PAUL DZWONEK (postponed to a later date)**

**COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:**

**COUNCILWOMAN INGRAM - ABSENT**

**COUNCILMAN MARTIN** conveyed Councilwoman Ingram’s apology for not being able to attend the meeting due to a previous engagement. He then thanked everyone for coming and spoke of the wonderful job the Senior Center did with the Valentines Day party for the seniors plus the Commission for the Disabled gave a great event for the kids in the program. He stated there were many issues to get to and closed by thanking everyone for coming.

**COUNCILMAN STALLONE** he thanked everyone for coming and wished them a safe trip home and waived comments.

**COUNCIL VICE PRISIDENT GUDAITIS** he thanked everyone for coming and stated the State removed the second spray option and they were now down to a single spray application. He gave his opinion regarding the BT program as being a complete failure and recapped the numbers over the years and how other towns used double applications of BT and yet their numbers also doubled. He stated the State asked Jackson to participate yet they failed to keep their end of the bargain and they need to recognize the failure of the program and come up with a new plan. Unfortunately Jackson is left with a huge problem and he asked the Mayor to provide additional information as well as licensed vendors that the residents of Jackson could contact for their personal spray program. He confirmed the Mayor was putting together a Township sponsored program and invited individual home owners to contact Town Hall and be placed on a list and have the Township’s licensed employees visit those areas, provided the Township is given a waiver signed by the homeowner. They are trying to give the residents options and informed the public the information would be available on the website and he encouraged every resident to do their own research and do what was best for their own families.

**COUNCIL PRESIDENT UPDEGRAVE** thanked everyone for coming and stated the first aid honoring dinner was very nice. She thanked them for inviting her. She discussed items in the papers regarding gypsy moths and stated the Town will provide as much information and do the best they can. She suggested moving forward with the many items on the Agenda.

**BILLS AND CLAIMS**

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

**MOTION SECONDED BY: STALLONE**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSTAIN: MARTIN (JUAN BELLU & ASSOC) & UPDEGRAVE (DASTI, MURPHY & MCGUCKIN)**

**ABSENT: INGRAM**

**CAPITAL**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
60665	EARLE ASPHALT COMPANY	6,212.59
60666	FRENCH & PARRELLO ASSOC.	26,738.72
60667	GILMOR & MONAHAN	10,828.45
60668	JACKSON TWP MUN. UTILITIES AUTH	2,000.00
60669	MAHER APPRAISALS	2,750.00
60670	REHABCO, INC.	5,000.00
	<b>TOTAL</b>	<b>53,526.76</b>

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
76195	A.C. MOORE, INC.	86.18
76196	ACTION OFFICE SUPPLIES, INC.	79.64

76197	A & K EQUIPMENT CO., INC.	848.05
76198	AMERICAN SPEEDY PRINTER CTR.	70.00
76199	ARAMSCO INC.	1,951.04
76200	VOID	-0-
76201	VOID	-0-
76202	ASBURY PARK PRESS, INC.	2,151.16
76203	AUTOMATICS UNLIMITED	830.00
76204	BARNES & NOBLE	190.28
76205	BAYWAY LUMBER	332.24
76206	JUAN BELLU & ASSOC.	1,087.00
76207	JULIE BRANDT	300.00
76208	BRICK STARTER & ALTERNATOR, INC.	229.00
76209	BRITTON INDUSTRIES INC.	4,400.00
76210	HAZELTON EQUIPMENT COMPANY	125.00
76211	CANON BUSINESS SOLUTIONS, INC.	1,162.12
76212	VOID	-0-
76213	CANYON SPRINT WATER	195.65
76214	CAOLA COMPANY	552.36
76215	CARL'S FENCING INC.	226.46
76216	CDW GOVERNMENT, INC.	54.86
76217	CENTRAL JERSEY WASTE AND	70,696.50
76218	MICHAEL CERASANI	123.51
76219	CLARK, CATON & HINTZ CORP.	3,206.25
76220	CLAYTON'S TREE NURSERY & AGWAY	183.15
76221	CMF, INC.	570.00
76222	UNITED STATES POSTAL SERVICE	10,000.00
76223	CONTRACTOR SERVICE	1,533.80
76224	COSTCO WHOLESALE 229	384.58
76225	COUNTRYWIDE – TAX DEPT.	1,047.55
76226	COUNTY LINE HARDWARE	25.98
76227	COUNTY OF OCEAN DPT. OF FINANCE	5,937,543.14
76228	COUNTRY CLEAN, INC.	290.13
76229	CPR TECHNOLOGY	20.20
76230	CTX MORTGAGE COMPANY	2,790.07
76231	DASTI, MURPHY, MCGUCKIN, ET ALS	5,609.14
76232	DELTA DENTAL PLAN OF NJ INC.	20,800.85
76233	DELL MARKETING L.P.	289.99
76234	DEPTCOR/BUREAU OF	83.75
76235	DIAMOND COMMUNICATIONS, LLC	10,584.00
76236	DIVISION OF STATE POLICE-SBI	180.00
76237	DOWNS FORD, INC.	752.34
76238	DRUGSCAN, I NC.	190.00
76239	EAST COAST EMERGENCY LIGHTING	25,060.47
76240	EMTEC INC.	1,038.38
76241	ENTERTAINERS PLUS! LLC	750.00
76242	EYEMED VISION CARE/FAA INC.	628.05
76243	FERGUSON ENTERPRISES, INC.	339.19
76244	FRIENDSHIP INC.	100.34
76245	GARDEN STATE HWY PRODUCTS, INC.	2,700.00
76246	GARY KUBIAK & SON ELECTRIC INC.	1,625.00
76247	GENERAL CODE PUBLISHERS CORP.	1,416.50
76248	VOID	-0-
76249	GILMORE & MONAHAN PA	25,890.18
76250	GOOD FRIEND ELECTRIC SUP., INC.	510.00
76251	GOVDEALS, INC.	1,949.32
76252	GARY & ANGELIE GRIMM	386.57
76253	JOSEPH & MARGUERITE HAVEY	759.45
76254	BRAD S & CATHY L HORWIN	904.75
76255	IKON OGGIVR DOLUYIOND	834.00
76256	INDUSTRIAL WELDING SUPPLY INC.	193.65
76257	MARTON TRUCKS INC.	898.19
76258	JACKSON SR. CITIZENS CLUB, INC	1,261.02

76259	JACKSON TWP. BOARD OF ED	12,657.10
76260	JACKSON CHAMBER OF COMMERCE	140.00
76261	JACKSON COUNCIL FOR THE ARTS	2,382.12
76262	VOID	-0-
76263	VOID	-0-
76264	JERSEY CENTRAL POWER & LIGHT	73,537.59
76265	PELSANG, ROBERT F & CAROL A	156.50
76266	JOHNSON & TOWERS INC.	256.49
76267	K. HOVNANIAN AT JACKSON, LLC	3,587.57
76268	LAB SAFETY SUPPLY INC.	86.27
76269	LAKWOOD AUTO SUPPLY INC.	536.92
76270	LANIGAN ASSOCIATES, INC.	288.00
76271	LAVALLETTE HARDWARE SUPPLY	2,630.39
76272	WALTER LESNEVEC	300.00
76273	SUSAN LOTITO	1,650.00
76274	LOWE'S COMPANIES, INC.	1,326.35
76275	MAJESTIC OIL CO., INC.	628.11
76276	MARGOLIES	1,105.73
76277	MAZZA RECYCLING	50,000.00
76278	MGL PRINTING SOLUTIONS	163.50
76279	MIAMI SYSTEMS CORPORATION	1,259.09
76280	MICROGRAPHIC COMP. SVC. INC.	80.00
76281	MONMOUTH-OCEAN COUNTIES TCTA	75.00
76282	MOORE WALLACE NORTH AMERICA	133.16
76283	MUNICIPAL CLERKS ASSOC. OF O.C.	160.00
76284	MUN. CLERK'S ASSN. OF NJ, INC.	175.00
76285	NCOA, INC	145.00
76286	NEW JERSEY NATURAL GAS	1,136.01
76287	NJPMA	285.00
76288	NJLM	85.00
76289	NORMAN'S GLASS & AUTO SVCS, INC.	250.00
76290	OCEAN COUNTY BOARD OF HEALTH	5,238.00
76291	OCEAN COUNTY NEWSPAPERS, INC.	69.45
76292	OCEAN COUNTY CLERK	40.00
76293	O.C. EMERG. MNGMT. COOR. ASSN.	25.00
76294	OCEAN COUNTY MAYORS ASSOC.	100.00
76295	OFFICE NEEDS	1,615.00
76296	PAN AMERICAN TITLE SERVICES	181.76
76297	PEDRONI FUEL COMPANY, INC.	17,315.41
76298	PERFORMANCE PLUS	1,174.00
76299	PINA M. INC.	255.40
76300	PRO PAC INC.	1,915.92
76301	PUBLIC WORKS ASSOC. OF NJ	60.00
76302	FRED RASIEWICZ-PETTY CASH	173.61
76303	RED THE TAILOR, INC.	6,001.90
76304	STATE TOXICOLOGY LABORATORY	120.00
76305	BRIAN E. RUMPF	1,181.2
76306	RUSSO & CASSIDY, LLC	1,850.00
76307	TONY & MARGHER RUSSO	314.26
76308	RUTGERS, THE STATE UNIVERSI TY	398.00
76309	OCEAN COUNTY BOARD OF AGRICULT	464.00
76310	ANNETTE SCHULTZ	13.44
76311	SHOPRITE/PERLMART, INC.	77.42
76312	JOHN SIEDLER	500.00
76313	SHERI SILVERSMITH-PETTY CASH	120.23
76314	NJSHBP	257,103.58
76315	SUNOCO CREDIT CARD CENTER	398.19
76316	JENNIFER TAPINIS	108.00
76317	TCTANJ	150.00
76318	T & M ASSOCIATES, INC.	2,771.25
76319	T & M ASSOCIATES	49.25
76320	TOWNSHIP OF STAFFORD	500.00

76321	TOZOUR ENERGY SYSTEMS, INC.	6,215.73
76322	TRENTON BRAKES, INC.	206.98
76323	TREASURER, STATE OF NJ	1,100.00
76324	TREASURER, STATE OF NJ	90.00
76325	TRICO	283.42
76326	MICHAEL CEPPALUNI DBA/UNITED	340.00
76327	UNUMPROVIDENT	7,676.93
76328	UNITED PARCEL SERVICE	80.37
76329	U.S. MUNICIPAL SUPPLY INC.	1,903.86
76330	VAN SANT EQUIPMENT	150.38
76331	VERIZON WIRELESS	3,043.04
76332	VOID	-0-
76333	VOID	-0-
76334	VERIZON	2,784.55
76335	VERIZON ONLINE	81.22
76336	VETERINARY SURG & DIAG SPEC	56.92
76337	VIRTUAL F/X, LLC	3,144.00
76338	WALTER R EARLE CORP	312.00
76339	WALL SPORTS ARENA	1,000.00
76340	W B MASON COMPANY	541.54
76341	KELLY WINTHROP LLC	360.00

**TOTAL      6,633,892.69**

76342	RUSSO & CASSIDY, LLC	1,777.73
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CHECK#	VENDOR	AMOUNT
26-27	DEV FEES-COAH	2,348.75
60762-60763	GENERAL TRUST	4,860.64
9120	OPEN SPACE	300.00
61833-61849	PARKS REC	5,275.21
2128	SUBDIVISION	2,806.95
4284-4369	DEVELOPERS	38,369.33

**MONTH END**

CHECK#	VENDOR	AMOUNT
76190	JACKSON TOWNSHIP P/R ACCT	726,499.76
76191	JACKSON TOWNSHIP P/R ACCT	56,106.94
<b>TOTAL</b>		<b>782,606.70</b>

CHECK#	VENDOR	AMOUNT
4283	DEVELOPERS	1,260.00
60760	GENERAL TRUST	720.00
618131	PARKS REC	3,966.94

**ORDINANCES, SECOND READING:**

**06-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY**

**OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED “LAND USE AND DEVELOPMENT,” SO AS TO AMEND §109-48J**

**PUBLIC HEARING OPENED - NO ONE CAME FORWARD.**

**MOTION TO CLOSE PUBLIC HEARING BY: MARTIN**

**MOTION SECONDED BY: STALLONE**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**MOTION TO APPROVE ORDINANCE 06-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: STALLONE**

**MOTION SECONDED BY: GUDAITIS**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**ORDINANCE NO. 06-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED “LAND USE AND DEVELOPMENT,” SO AS TO AMEND §109-48J**

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

**SECTION 1.** Chapter 109 of the Code of the Township of Jackson, County of Ocean, State of New Jersey entitled “Land Use and Development” is hereby amended and supplemented so that §109-48J provides as follows:

**§109-48J**

J. Dwelling units per building. No more than sixteen (16) dwelling units shall be permitted in any multifamily building, provided that multifamily buildings containing greater than sixteen (16) units, but not exceeding forty-eight (48) units per building, shall be permitted subject to all of the following limitations:

(1) The PRC includes an affordable housing set aside, in accordance with the Township’s Housing Element and Fair Share Plan, to be satisfied by the on-site construction of the affordable units;

(2) Not more than 30% of the total number of dwelling units in the PRC shall be located in multifamily buildings containing greater than sixteen (16) dwelling units;

(3) No multifamily building containing more than sixteen (16) dwelling units shall be located within one hundred feet of any Township street;

(4) The cumulative total of dwelling units in multifamily buildings containing in excess of sixteen (16) dwelling units and having a common primary access point to a public street shall be one hundred forty four (144); and

(5) Notwithstanding the provisions of 109-48.C.(2)(j)[6], the maximum permitted building height of multifamily buildings containing more than sixteen (16) dwelling units shall be forty two (42) feet and not more than three (3) stories and require “sloping roofs”, however,

the Planning Board may grant exception to the “sloping roof” requirement to promote “green” building design features.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** 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).

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**Mayor Mark 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 **January 22, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **11th day of February, 2008**, at 6:30 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.

**DATED: 02-11-08**

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**ANN MARIE EDEN  
TOWNSHIP CLERK**

**07-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 103 ENTITLED “VEHICLES AND TRAFFIC CODE” TO ESTABLISH LANE USE RESERVATIONS BY MOTOR VEHICLES ON BATES ROAD, A TOWNSHIP OWNED ROADWAY**

**PUBLIC HEARING OPENED - NO ONE CAME FORWARD.**

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

**MOTION TO APPROVE ORDINANCE 07-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: GUDAITIS  
MOTION SECONDED BY: MARTIN  
YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE  
ABSENT: INGRAM**

**ORDINANCE 07-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 103 ENTITLED “VEHICLES AND TRAFFIC CODE” TO ESTABLISH LANE USE RESERVATIONS BY MOTOR VEHICLES ON BATES ROAD, A TOWNSHIP OWNED ROADWAY**

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

**SECTION 1:** Article XII, Chapter 103, Section 32 is hereby amended to include the following:

**REGULATION(S):**

1. **LANE USE RESERVATIONS:**

The lane locations described are designated as “Lane Use Reservations” and traffic shall move as indicated:

Intersection:

Bennetts Mills Road and Bates Road

Movement:

a. Westbound left lane of Bates Road reserved for left turn only.

**SECTION 2:** All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

**SECTION 3:** Unless another penalty is expressly provided for by New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than one hundred (\$100.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

**SECTION 4:** Effect of Ordinance:

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

If any section, subsection, paragraph sentence of any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

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

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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 January 22, 2008 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11<sup>th</sup> day of February 2008 at 630 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.

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ANN MARIE EDEN  
TOWNSHIP CLERK

**DATED: 02-11-08**

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**ORDINANCE FIRST READING**

**08-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED “LAND USE AND DEVELOPMENT,” SO AS TO CREATE A NEW SECTION 181, ENTITLED “SIDEWALKS AND CURBING, GENERALLY”**

**MOTION TO APPROVE ORDINANCE 08-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, FEBRUARY 26, 2008 BY: MARTIN**

**MOTION SECONDED BY: GUDAITIS**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**ORDINANCE 08-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED "LAND USE AND DEVELOPMENT," SO AS TO CREATE A NEW SECTION 181, ENTITLED "SIDEWALKS AND CURBING, GENERALLY"**

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

**SECTION 1.** Chapter 109 of the Township Code of the Township Code of Jackson, entitled "Land Use and Development," is hereby amended so as to renumber § 109-181.2, entitled "Bikeways," to §109-181.3.

**SECTION 2.** Chapter 109 of the Township Code of the Township Code of Jackson, entitled "Land Use and Development," is hereby amended so as to renumber § 109-181, entitled "Sidewalks and aprons: nonresidential development," to §109-181.2.

**SECTION 3.** Chapter 109 of the Code of the Township of Jackson, County of Ocean, State of New Jersey, entitled "Land Use and Development," is hereby amended and supplemented so as to create a new § 109-181, entitled "Sidewalks and curbing, generally," which shall read in its entirety as follows:

**§ 109-181. Sidewalks and curbing, generally.**

- A. Notwithstanding any provision to the contrary in Chapter 109, sidewalks and curbing shall be required along all street frontages as a condition relating to any development for which approval is granted by the Planning Board or Board of Adjustment. The proposed curbing shall be designed and constructed in accordance with the requirements of §§ 109-167.1 and 167.2, and the proposed sidewalk shall be designed and constructed in accordance with the requirements of §§ 109-181.1 and 181.2.
- B. Payment in lieu of sidewalk and curbing.
  - (1) Any developer seeking approval may request a waiver of the requirement to install curbing and sidewalks along all street frontages of the subject property by agreeing to pay a sum to the Jackson Township Pedestrian Safety Fund equal to the cost of said curbing and sidewalk. Said cost shall be determined by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality.
  - (2) In determining whether to grant the requested waiver and accept a payment in lieu of the installation of sidewalk and curbing, the Planning Board or Board of Adjustment shall consider the following factors:
    - (a) The presence or absence of curbing and sidewalks in the general vicinity of the subject property.
    - (b) The practical difficulty as established by the applicant of installing such improvements in or adjacent to the subject property due to exceptional topographic conditions, drainage concerns and/or the deleterious impact to surrounding properties as a result of the installation of such improvements.
    - (c) The recommendation of the Board or Township Engineer.
- C. Jackson Township Pedestrian Safety Fund.

- (1) There is hereby established the Jackson Township Pedestrian Safety Fund (hereinafter "fund").
- (2) Said Fund shall be dedicated to pay for the cost of designing and constructing various pedestrian safety projects within Jackson Township.
- (3) All monies paid by developers in accordance with this section shall be deposited into said fund.
- (4) The Chief Financial Officer of the Township is hereby directed to establish and maintain the fund and to make disbursements upon the request of the Township Engineer for designated pedestrian safety improvements.

**SECTION 4.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Municipal Planning Board for its review and comment. The Township Clerk shall also send copies of this ordinance to all adjoining municipalities pursuant to N.J.S.A. 40:55D-15, and to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16 by certified mail at least ten (10) days prior to the proposed second reading and adoption of this ordinance.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law, filing of the ordinance with the Ocean County Planning Board, approval by the Mayor pursuant to N.J.S.A. 40:69A-41 and the passage of twenty (20) days from adoption by the governing body pursuant to N.J.S.A. 40:69A-18.1.

**SECTION 6.** After adoption of this ordinance on second reading, the Township Clerk shall file a certified copy of this ordinance with the Ocean County Planning Board.

**SECTION 7.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 8.** 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.

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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 **February 11, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **26<sup>th</sup> day of February, 2008**, at 6:30 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.

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ANN MARIE EDEN, RMC  
TOWNSHIP CLERK

DATED: 02-11-08

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09-08

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 109 OF  
THE TOWNSHIP CODE OF THE TOWNSHIP OF  
JACKSON ENTITLED "LAND USE AND DEVELOPMENT"**

**MOTION TO APPROVE ORDINANCE 09-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, FEBRUARY 26, 2008 BY: MARTIN  
MOTION SECONDED BY: GUDAITIS  
YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE  
ABSENT: INGRAM**

**ORDINANCE 09-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 109 OF  
THE TOWNSHIP CODE OF THE TOWNSHIP OF**

**BE IT ORDAINED** BY THE GOVERNING BODY OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:

Chapter 109 – 71G (5) (a) – (f) shall be deleted.

The following, entitled Jackson Township Stormwater Control Ordinance shall replace the deleted Code section.

**STORMWATER CONTROL ORDINANCE  
FOR PINELANDS AREA  
WITHIN THE TOWNSHIP OF JACKSON**

**SECTION 1.** Scope and Purpose.

**Purpose.**

It is hereby determined that:

- a) Land development projects and associated disturbance of vegetation and soil and changes in land cover, including increases in impervious cover, alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes. If inadequately or improperly managed, this stormwater runoff can deplete groundwater resources and increase flooding, stream channel erosion, and sediment transport and deposition.
- b) This stormwater runoff contributes to increased quantities of waterborne pollutants.
- c) Increases of stormwater runoff, soil erosion and nonpoint source pollutants have occurred in the past as a result of land development, and contribute to the degradation of the water resources of Jackson Township.
- d) Certain lands of Jackson Township lie within the Pinelands Area, and therefore, development in this portion of Jackson Township is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the implementing regulations and minimum standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) (CMP). The purpose and intent of these regulations and standards is to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.
- e) Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 et seq., New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 et seq. and New Jersey's surface water quality antidegradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 et seq. Permitted uses shall maintain the ecological character and quality of the Pinelands, including good water quality and natural rates and volumes of flow.

- f) Increased stormwater rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the Pinelands Area have the potential to adversely affect Jackson Township's streams and water resources and the streams and water resources of downstream municipalities.
- g) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- h) It is in the public interest to regulate the discharge of stormwater runoff from major development projects, as defined in Section 2 of this ordinance, conducted within the Pinelands Area, as provided in this ordinance, in order to control and minimize increases in stormwater runoff rates and volumes, to maintain groundwater recharge, and to control and minimize soil erosion, stream channel erosion and nonpoint source pollution associated with stormwater runoff.

Therefore, it is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of Jackson Township.

#### Goals and Techniques.

Through this ordinance, the Township has established the following goals for stormwater control:

- a) To reduce flood damage, including damage to life and property;
- b) To minimize any increase in stormwater runoff from new development or redevelopment;
- c) To reduce soil erosion from any development, or construction project;
- d) To assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;
- e) To maintain or enhance groundwater recharge
- f) To minimize any increase in nonpoint pollution from stormwater;
- g) To maintain the integrity of stream channels for their biological functions, as well as for drainage;
- h) To restore, protect, maintain and enhance the quality of the streams and water resources of and the ecological character and quality of the Pinelands Area;
- i) To minimize pollutants in stormwater runoff from new and existing development in order to restore, protect, enhance and maintain the chemical, physical and biological integrity of the surface and groundwaters of Jackson Township, to protect public health and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
- j) To protect public safety through the proper design and operation of stormwater management facilities.

In order to achieve the goals for stormwater control set forth in this ordinance, Jackson Township has identified the following management techniques:

- a) Implementation of one or more stormwater management Best Management Practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this ordinance.
- b) Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 et seq., and this ordinance, shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs, or Low Impact Development (LID) techniques, before relying on structural BMPs.
- c) Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.

- d) Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.
- e) Structural BMPs, where necessary shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.
- f) When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this ordinance before relying on a single, larger stormwater management measure to achieve these performance standards.

#### Applicability.

This ordinance shall apply to all site plans and subdivisions for major developments occurring within the Pinelands Area that require preliminary or final site plan or subdivision review.

Procedures. In addition to other development review procedures set forth in the Code of Jackson Township, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this ordinance. New agricultural development that meets the definition of major development in Section 2 of this ordinance shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

#### Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable ordinance, code, rule, regulation, statute, act or other provision of law.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

#### Section 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. When used in this ordinance, the following terms shall have the meanings herein ascribed to them.

“Jackson Township” means the Planning Board, Zoning Board of Adjustment or other board, agency or official of Jackson Township with authority to approve or disapprove subdivisions, site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this ordinance, Jackson Township may designate the municipal engineer or other qualified designee to act on behalf of the Township.

“Aquaculture” means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

“Certification” means either a written statement signed and sealed by a licensed New Jersey Professional Engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the

Commission pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is use, the terms "certify" and "certified" shall be construed accordingly.

“Compaction” means the increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

"Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency; or a county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Design permeability” means the tested permeability rate with a factor of safety of two (2) applied to it (e.g., if the tested permeability rate of the soils is four (4) inches per hour, the design rate would be two (2) inches per hour).

“Development” means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
9. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands used for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

“Development, major” means any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any “development,” grading, clearing or disturbance of an area in excess of five thousand square feet (5,000 ft<sup>2</sup>). Disturbance for the purpose of this ordinance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

“Development, minor” means all development other than major development.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving waterbody or a particular point along a receiving waterbody.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a); large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. T & E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

“Exception” means the approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this ordinance. An exception may be granted only under certain specific, narrowly-defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

“Extended detention basin” means a facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term “stormwater detention basin” shall have the same meaning as “extended detention basin.”

"Finished grade" means the elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

"Grading" means modification of a land slope by cutting and filling with the native soil or redistribution of the native soil which is present at the site.

"Groundwater" means water below the land surface in a zone of saturation.

“Groundwater mounding analysis” means a test performed to demonstrate that the groundwater below a stormwater infiltration basin will not “mound up,” encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

“Heavy Equipment” means equipment, machinery, or vehicles that exert ground pressure in excess of eight (8) pounds per square inch.

“High Pollutant Loading Area” means an area in an industrial or commercial development site: where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; where recharge would be inconsistent with NJDEP-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term “HPLA” shall have the same meaning as “High Pollutant Loading Area.”

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which precipitation enters the soil through its surface.

"In lieu contribution" means a monetary fee collected by Jackson Township in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this ordinance.

"Install" means to assemble, construct, put in place or connect components of a stormwater management system.

“Mitigation” means acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by Jackson Township and the Pinelands Commission.

“New Jersey Stormwater Best Management Practices Manual” means guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An applicant may demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual, and notices regarding future versions of the manual, are available from the Division of Watershed Management, NJDEP, PO Box 418, Trenton, New Jersey 08625; and on the NJDEP’s website, [www.njstormwater.org](http://www.njstormwater.org). The term “New Jersey BMP Manual” shall have the same meaning as “New Jersey Stormwater Best Management Practices Manual.”

“NJDEP” means the New Jersey Department of Environmental Protection.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

"NJPDES permit" means a permit issued by the NJDEP pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

"Nonpoint source" means:

1. Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;
2. Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or
3. Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.

The term “NPS” shall have the same meaning as “nonpoint source.”

“Nonstructural BMP” means a stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term “Low Impact Development technique” shall have the same meaning as “nonstructural BMP.”

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Permeability" means the rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), N.J.A.C. 6.5 (Pit Bailing Test) or N.J.A.C. 6.6 (Piezometer Test). Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil

Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

"Permeable" means having a permeability of one (1) inch per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

“Person” means any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Pinelands Commission” or “Commission” means the Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

"Pinelands CMP" means the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 et seq).

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

"Professional Engineer" means a person licensed to practice Professional Engineering in the State of New Jersey pursuant to N.J.S.A. 48:8-27 et seq.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Replicate" means one of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

"Sand" means a particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Seasonally high water table" means the upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

“Source material” means any material(s) or machinery, located at a commercial or industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other commercial or industrial activities that are exposed to stormwater.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater infiltration BMP” means a basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms “infiltration measure” and “infiltration practice” shall have the same meaning as “stormwater infiltration basin.”

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater Best Management Practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this ordinance. The terms “stormwater Best Management Practice” and “stormwater BMP” shall have the same meaning as “stormwater management measure.”

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Suitable soil" means unsaturated soil, above the seasonally high water table, which contains less than fifty percent (50%) by volume of coarse fragments and which has a tested permeability rate of between one (1) and twenty (20) inches per hour.

"Surface water" means any waters of the State which are not groundwater.

“Time of concentration” means the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

“Total Suspended Solids” means the insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term “TSS” shall have the same meaning as “Total Suspended Solids.”

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Waters of the State" means the ocean and its estuaries, all springs, streams and bodies of surface and groundwater, whether natural or artificial, within the boundaries of New Jersey or subject to its jurisdiction.

"Water table" means the upper surface of a zone of saturation.

"Well" means a bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

“Wetlands” mean those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50 2.11, 6.4 and 6.5. The term “wetland” shall have the same meaning as “wetlands.”

“Wet pond” means a stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and promotes the settling of pollutants. A stormwater retention basin can also be designed as a multi-stage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term “stormwater retention basin” shall have the same meaning as “wet pond.”

### SECTION 3. Requirements for a Site Development Stormwater Plan.

#### A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a site development that is subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 3C below as part of the applicant's application for subdivision or site plan approval. These required components are in addition to any other information required under any

provisions of Jackson Township's land use ordinance or by the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1 et seq.

2. The applicant shall demonstrate that the site development project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 3C of this ordinance.

**B. Site Development Stormwater Plan Approval.**

1. The applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board of Adjustment (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

**C. Checklist Requirements.** Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to the Township and the Pinelands Commission in CAD Format 2000 or higher, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plan Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf., word processing, database or spreadsheet files. Copies of each item shall be submitted as required in Article IV of section 109 of the Code.

1. **Topographic Base Map.** The applicant shall submit a topographic base map of the site which extends a minimum of three hundred (300) feet beyond the limits of the proposed development, at a scale of one (1) inch = two hundred (200) feet or greater, showing one (1) foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. Jackson Township or the Pinelands Commission may require upstream tributary drainage system information as necessary.
2. **Environmental Site Analysis.** The applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:
  - a) A discussion of environmentally critical areas, soil types and conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual or environmentally sensitive features and to those that provide particular opportunities for or constraints on development; and
  - b) Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on onsite soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.
3. **Project description and site plan(s).** The applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations, either temporary or permanent, will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written

description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan.

- a) The applicant shall submit a detailed Land Use Planning and Source Control Plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards at Section 5 through use of nonstructural or low impact development techniques and source controls to the maximum extent practicable before relying on structural BMPs. The Land Use Planning and Source Control Plan shall include a detailed narrative and associated illustrative maps and/or plans that specifically address how each of the following nine (9) nonstructural strategies identified in Subchapter 5 of the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5) and set forth below (4.a. i. through ix.) will be implemented to the maximum extent practicable to meet the standards at Section 5 of this ordinance on the site. If one or more of the nine (9) nonstructural strategies will not be implemented on the site, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.
  - i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - iii. Maximize the protection of natural drainage features and vegetation;
  - iv. Minimize the decrease in the pre-development “time of concentration”;
  - v. Minimize land disturbance including clearing and grading;
  - vi. Minimize soil compaction and all other soil disturbance;
  - vii. Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24;
  - viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
  - ix. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:
    - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems;
    - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
    - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
    - (4) Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules, when establishing vegetation after land disturbance.
- b) For sites where stormwater will be generated from “high pollutant loading areas” or where stormwater will be exposed to “source

material,” as defined in Section VII of this ordinance, the applicant shall also demonstrate in the Land Use Planning and Source Control Plan that the requirements of Section IV have been met.

- c) The use of nonstructural strategies to meet the performance standards in Section 5 of this ordinance is not required for development sites creating less than one (1) acre of disturbance. However, each application for major development and any other application where Jackson Township otherwise requires a landscaping plan shall contain a landscaping or revegetation plan in accordance with the CMP standards at N.J.A.C. 7:50-6.24(c). In addition, the applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Jackson Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval.
5. Stormwater Management Facilities Map. The applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:
    - i. The total area to be disturbed, paved and/or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to manage and dispose of stormwater; and
    - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.
  6. Calculations (groundwater recharge and stormwater runoff rate, volume and quality). The applicant shall submit comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by Section 5 shall be met using the methods, calculations and assumptions provided in Section 4.
  7. Inspection, Maintenance and Repair Plan. The applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of Section 5 of this ordinance. Said plan shall include, at a minimum, the following elements:
    - a) The frequency with which inspections will be made;
    - b) The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;
    - c) The name, address and telephone number for the entity responsible for implementation of the maintenance plan;
    - d) The reporting requirements; and
    - e) Copies of the inspection and maintenance reporting sheets.
  8. Exception from submission requirements. An exception may be granted from submission of any of these required components (except 7. above, Inspection, Maintenance, and Repair Plan) if its absence will not materially affect the review process. However, items required pursuant to the application requirements in the

Pinelands CMP (N.J.A.C. 7:50-4.2(b)) shall be submitted to the NJ Pinelands Commission unless the Executive Director waives or modifies the application requirements.

9. **SECTION 4.** Methodologies for the Calculation of Stormwater Runoff Rate and Volume, Stormwater Runoff Quality, and Groundwater Recharge.

A. Method of Calculating Stormwater Runoff Rate and Volume.

1. In complying with the Stormwater Runoff Quantity and Rate Standards in Section IV.B, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented.
2. In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area.
3. Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.
4. In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
5. When calculating stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:
  - a) When selecting or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:
    - i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
    - ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
  - b) If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.
  - c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.
  - d) In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts, that affect pre-developed site stormwater runoff rates and/or volumes.
  - e) Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Method of Calculating Stormwater Runoff Quality.

1. In complying with the Stormwater Runoff Quality Standards in Section IV.F.1, the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, as amended and supplemented.
2. The design engineer shall also use the NJDEP Water Quality Design Storm, which is one and one-quarter (1.25) inches of rainfall falling

in a nonlinear pattern in two (2) hours. Details of the Water Quality Design Storm are shown in Table 1.

3. Calculation of runoff volumes, peak rates, and hydrographs for the Water Quality Design Storm may take into account the implementation of nonstructural and structural stormwater management measures.

<b>Table 1: Water Quality Design Storm Distribution</b>					
<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>	<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>	<b>Time (minutes)</b>	<b>Cumulative Rainfall (inches)</b>
0	0.0000	65	0.8917		
5	0.0083	70	0.9917		
10	0.0166	75	1.0500		
15	0.0250	80	1.0840		
20	0.0500	85	1.1170		
25	0.0750	90	1.1500		
30	0.1000	95	1.1750		
35	0.1330	100	1.2000		
40	0.1660	105	1.2250		
45	0.2000	110	1.2334		
50	0.2583	115	1.2417		
55	0.3583	120	1.2500		
60	0.6250				

4. Total Suspended Solids (TSS) reduction calculations.

- i. If more than one stormwater BMP in series is necessary to achieve the required eighty percent (80%) TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100, \text{ where:}$$

R = total TSS percent load removal from application of both BMPs;  
 A = the TSS percent removal rate applicable to the first BMP; and  
 B = the TSS percent removal rate applicable to the second BMP.

- ii. If there is more than one onsite drainage area, the eighty percent (80%) TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. TSS removal rates for stormwater BMPs.

- a) For purposes of TSS reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. The BMP Manual may be obtained from the address identified in Section XII.A or found on the NJDEP’s website at [www.njstormwater.org](http://www.njstormwater.org). TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2
- b) Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides

documentation demonstrating the capability of these alternative rates and methods to Jackson Township. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by Jackson Township and a copy shall be provided to the following:

- i. The Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, NJ, 08625-0418; and
- ii. The New Jersey Pinelands Commission, PO Box 7, New Lisbon, NJ, 08064.

<b>Table 2: Pollutant Removal Rates for BMPs</b>			
<b>Best Management Practice</b>	<b>TSS Percent Removal Rate</b>	<b>Total Phosphorus Percent Removal Rate</b>	<b>Total Nitrogen Percent Removal Rate</b>
<b>Bioretention Systems</b>	90	60	30
<b>Constructed Stormwater Wetland</b>	90	50	30
<b>Extended Detention Basin</b>	40-60 (final rate based upon detention time; see New Jersey BMP Manual, Chap. 9)	20	20
<b>Infiltration basin</b>	80	60	50
<b>Manufactured Treatment Device</b>	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.	Pollutant removal rates as certified by NJDEP; see Section III.
<b>Pervious Paving Systems</b>	80 (porous paving)	60	50
	80 (permeable pavers with storage bed)		
	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)
<b>Sand Filter</b>	80	50	35
<b>Vegetative Filter Strip</b> (For filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type.)	60 (turf grass)	30	30
	70 (native grasses, meadow and planted woods)		
	80 (indigenous woods)		
<b>Wet Pond / Retention Basin</b>	50-90 (final rate based upon pool volume and detention time; see NJ BMP Manual)	50	30

- 6. Nutrient removal rates for stormwater BMPs. For purposes of post-development nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the applicant shall demonstrate that

the selected BMPs will achieve the nutrient removal standard required in Section IV.F.

C. Methods of Calculating Groundwater Recharge.

1. In complying with the groundwater recharge requirements in Section 5.C.1.a, the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by reference as amended and supplemented. Information regarding the methodology is available in Section 11.A or from the New Jersey BMP Manual.
2. Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the municipal engineer.
3. In complying with the groundwater recharge requirements in Section 5.C.1.b, the design engineer shall:
  - a) Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented; and
  - b) Use appropriate 2-year, 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
4. When calculating groundwater recharge or stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:
  - a) When selecting land covers or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods. However, another land cover may be used to calculate runoff coefficients if:
    - i. Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and
    - ii. The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
  - b) If more than one land cover, other than woods, has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations.
  - c) All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

SECTION 5. Stormwater Management Performance Standards for Major Development.

A. Nonstructural Stormwater Management Strategies.

1. To the maximum extent practicable, the performance standards for major development shall be met by incorporating the nine (9) nonstructural strategies identified in Subchapter 5 of the NJ Stormwater Management Rules (N.J.A.C. 7:8-5), and set forth in Section 3.C.4.a, into the design. The applicant shall identify within the Land Use Planning and Source Control Plan how each of the nine (9) nonstructural measures will be incorporated into the design of the project to the maximum extent practicable.
2. If the applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine (9) nonstructural strategies into the design of a particular project, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the Checklist Requirements established by Section 3 to Jackson Township. A determination by Jackson Township that this rationale is inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:

- a) The Land Use Planning and Source Control Plan is amended to include a description of how all nine (9) nonstructural measures will be implemented on the development site, and the amended Plan is approved by Jackson Township;
  - b) The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine (9) nonstructural measures, but still meets the performance standards in Section 5, and the amended Plan is approved by Jackson Township; or
  - c) The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by Jackson Township.
3. In addition to all other requirements of this section, each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Jackson Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the “Standard for Tree Protection During Construction” provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.
  4. In addition to all other requirements of this section, each application for major development, and any other application where Jackson Township otherwise requires a landscaping plan, shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).
  5. Any land area used as a nonstructural stormwater management measure to meet the performance standards of this Section shall be dedicated to a government entity; shall be subjected to an easement filed with the Ocean County Clerk’s office; or shall be subjected to an equivalent form of restriction approved by Jackson Township that ensures that that measure, or equivalent stormwater management measure is maintained in perpetuity, as detailed in Section 7 of this ordinance.
  6. Guidance for nonstructural stormwater management strategies is available in the New Jersey BMP Manual, which may be obtained from the address identified in Section 12.A or found on the NJDEP’s website at [www.njstormwater.org](http://www.njstormwater.org).
  7. Exception for major development sites creating less than one (1) acre of disturbance. The use of nonstructural strategies to meet the performance standards in Section 5 of this ordinance is not required for major development creating less than one (1) acre of disturbance. However, the following requirements shall be met:
    - a) Each application for major development and any other application where Jackson Township otherwise requires a landscaping plan shall contain a landscaping or revegetation plan prepared in accordance with the Pinelands CMP standards (N.J.A.C. 7:50-6.24(c));
    - b) Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Jackson Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and
    - c) Existing trees and vegetation shall be protected during construction activities in accordance with the “Standard for Tree Protection During Construction” provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

**B. Stormwater Runoff Quantity and Rate Standards.**

1. There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.
2. For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten (10) year, twenty-four (24) hour storm shall be retained and infiltrated onsite.

3. In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section 4, shall either:
  - a) Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the 2, 10, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;
  - b) Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions:
    - i. There is no increase in pre-developed stormwater runoff rates from the project site for the two (2), ten (10), and one hundred (100)-year storms; and
    - ii. Any increased stormwater runoff volume or change in stormwater runoff timing for the two (2), ten (10), and one hundred (100)-year storms will not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or
  - c) Demonstrate that the peak post-developed stormwater runoff rates from the project site for the two (2), ten (10) and one hundred (100) year storms are fifty, seventy-five and eighty percent (50%, 75% and 80%), respectively, of the site's peak pre-developed stormwater runoff rates for the same storms. Peak outflow rates from onsite stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:
    - i. Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or
    - ii. Would be subject to review under these standards if they are proposed for any degree of development in the future.
4. In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with a, b, and c above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
5. The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in Section 4.

C. Groundwater Recharge Standards.

1. For all major developments, with the exception of those described in Section 5.C.4, below, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Section III, shall either:
  - a) Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100 percent of the site's pre-developed average annual groundwater recharge volume; or
  - b) Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two (2) year, twenty four (24) hour storm from pre-developed to post-developed conditions is infiltrated on-site.
2. The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.
3. The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in Section 4.

4. Exceptions. The preceding groundwater recharge standards shall not apply to sites that create less than one (1) acre of disturbance.
- D. Erosion Control Standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and its implementing regulations, N.J.A.C 2:90-1.1 through 1.4.
- E. Stormwater Runoff Quality Standards.
1. There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any surface waterbody.
  2. Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty percent (80%) expressed as an annual average.
  3. Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the post-developed site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.
  4. The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in Section 4.
  5. Exceptions.
    - a) The preceding stormwater runoff quality standards shall not apply to the following major development sites:
      - i. Major development sites where less than one quarter (0.25) acre of additional impervious surface is proposed; or
      - ii. Major residential development sites that create less than one (1) acre of disturbance.
    - b) The TSS reduction requirement in Section 5.F.2 shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.
    - c) The stormwater runoff quantity and rate standards in Section 5.B shall still be met for all major development sites.
- F. Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material.
1. This subsection applies to the following areas of a major development as defined in Section 2 of this ordinance:
    - a) High pollutant loading areas (HPLAs); and
    - b) Areas where stormwater is exposed to “source material.”
  2. For a major development in areas described in 1.a or 1.b above, in addition to the infiltration requirements specified in Section 5.B.2 and the groundwater recharge requirements specified in Section 5.C, the applicant shall demonstrate in the Land Use Planning and Source Control Plan required in Section 3.C.4 that the following requirements have been met:
    - a) The extent of the areas described in 1.a. and 1.b. above have been minimized on the development site to the maximum extent practicable;
    - b) The stormwater runoff from the areas described in 1.a and 1.b above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in 1.a and 1.b above and the remainder of the site will be minimized;
    - c) The amount of precipitation falling directly on the areas described in 1.a and 1.b above is minimized to the maximum extent practicable by means of a canopy, roof or other similar structure that reduces the generation of stormwater runoff; and

- d) The stormwater runoff from or co-mingled with the areas described in 1.a and 1.b above for the Water Quality Design Storm, defined in Section 4.B.Table 1 shall be subject to pretreatment by one or more of the following stormwater BMPs, designed in accordance with the New Jersey BMP Manual to provide 90 % TSS removal:
  - i. Bioretention system;
  - ii. Sand filter;
  - iii. Wet pond with minimum 80% TSS removal rate;
  - iv. Constructed stormwater wetlands; and/or
  - v. Media filtration system manufactured treatment device with a minimum 80% TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by NJDEP.
- e) If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the pretreatment BMP required in Section 5.D.2.d above, the stormwater runoff from the areas described in 1.a and 1.b above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.

G. Threatened and Endangered Species and Associated Habitat Standards. Stormwater management measures shall avoid adverse impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.

H. Exceptions and Mitigation Requirements.

- 2. Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this ordinance may be granted, at the discretion of the Jackson Township, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:
  - a) The exception is consistent with that allowed by Jackson Township;
  - b) Jackson Township has an adopted and effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission.
  - c) The applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in b) above, will be provided consistent with one of the following options:
    - i. Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or
    - ii. In lieu of the required mitigation, a monetary "in lieu contribution" may be provided by the applicant to Jackson Township in accordance with the following:
      - (a) The amount of the in lieu contribution shall be determined by Jackson Township, but the maximum in lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;
      - (b) The in lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standards which is lacking on the development site. Such mitigation project shall be identified by Jackson Township in Jackson Township's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by Jackson Township at the time the exception is granted. The applicant shall amend the project description and site plan
      - (c)

- (d) required in Section 3.C.3 to incorporate a description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project.
  - (e) Jackson Township shall expend the in lieu contribution to implement the selected off-site mitigation project within five (5) years from the date that payment is received.
2. An exception from strict compliance granted in accordance with H.1. above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.

**SECTION 6.** Design, Construction, and Safety Standards for Structural Stormwater Management Measures

**A. General Design and Construction Standards**

1. Structural stormwater management measures shall be designed to meet the standards established in this section. These standards have been developed to protect public safety, conserve natural features, create an aesthetically pleasing site and promote proper onsite stormwater management.
2. The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this ordinance. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this ordinance.
  - a) Bioretention systems;
  - b) Constructed stormwater wetlands;
  - c) Extended detention basins;
  - d) Infiltration basins;
  - e) Vegetated filter strips;
  - f) Infiltration basins and trenches;
  - g) Wet ponds with suitable liners;
  - h) Pervious paving systems; and
  - i) Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.
3. Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.
4. Structural stormwater management measures shall be designed and constructed to be strong, durable, and corrosion resistant (measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.
5. For all stormwater management measures at a development site, each applicant shall submit a detailed Inspection, Maintenance and Repair Plan consistent with the requirements of Section V of this ordinance.
6. To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:
  - a) Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions, provides for cost effective maintenance;
  - b) Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;

- c) Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the municipal engineer.
7. Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:
  - a) Use of natural, non-wetland wooded depressions for stormwater runoff storage; and
  - b) Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.
8. Stormwater management basins shall be designed with gently sloping sides. The maximum allowable basin side slope shall be three (3) horizontal to one (1) vertical (3:1).
9. Guidance on the design and construction of structural stormwater management measures may be found in the New Jersey BMP Manual. Other guidance sources may also be used upon approval by the land use board engineer.
10. After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the Township engineer. Based upon the Township engineer's review of the as-built plans, all corrections or remedial actions deemed by the Township engineer to be necessary due to the failure to comply with the standards established by this ordinance and/or any reasons of public health or safety, shall be completed by the applicant. The applicant shall pay all costs associated with such review.

**B. Design and Construction Standards for Stormwater Infiltration BMP's.**

1. Stormwater infiltration BMP's, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within seventy-two (72) hours after a storm event. Runoff storage for greater times can render the BMP ineffective and may result in anaerobic conditions, odor and both water quality and mosquito breeding problems.
2. Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least two (2) feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.
3. A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between one (1) and twenty (20) inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of twenty (20) inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:
  - a) The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or
  - b) The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the bioretention system portion of the BMP during treatment of the stormwater quality design storm is twelve (12) inches in accordance with the New Jersey BMP Manual.
4. The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be one-half (0.5) inch per hour. A factor of safety of two (2) shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. For example, if the field-tested permeability rate of the soil is four (4) inches per hour, its design permeability rate would be two (2) inches per hour). The minimum design

5. permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the minimum seventy-two (72) hour drain time described in 1. above. The maximum design permeability shall be ten (10) inches per hour.
6. A soil's field tested permeability rate shall be determined in accordance with the following:
  - a) The pre-development field test permeability rate shall be determined according to the methodologies provided in Section 11.C.3 of this ordinance;
  - b) The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of one (1) inch per hour;
  - c) After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, post-development field permeability tests shall also be conducted according to the methodologies provided in Section 11.C.3 of this ordinance;
  - d) If the results of the post-development field permeability tests fail to achieve the minimum required design permeability rates in 5 above utilizing a factor of safety of two (2), the stormwater infiltration BMP shall be renovated and re-tested until such minimum required design permeability rates are achieved; and
  - e) The results of all field permeability tests shall be certified by a Professional Engineer and transmitted to the municipal engineer.
7. To help ensure maintenance of the design permeability rate over time, a six (6) inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a Professional Engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.
8. The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within seventy-two (72) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.
9. The design engineer shall conduct a mounding analysis of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in Section 11.C.3.1.
10. Stormwater infiltration BMPs shall be constructed in accordance with the following:
  - a) To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:
    - i. Unless the conditions in (ii) below are met, a stormwater infiltration basin shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the basin and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.
    - ii. If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area provided that the basin's bottom during this period is constructed at a depth at least two (2) feet higher than its final design elevation. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the

infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in Section 5.

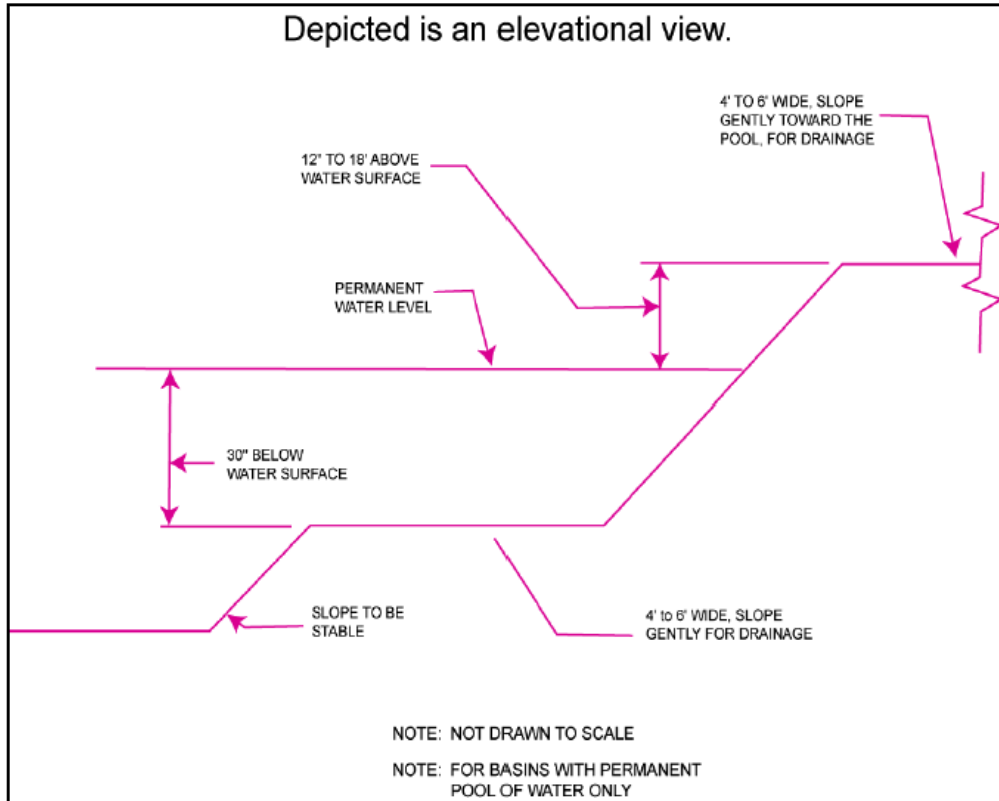
- b) To avoid compaction of subgrade soils of BMP's that rely on infiltration, no heavy equipment such as backhoes, dump trucks or bulldozers shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater infiltration BMP shall be performed by equipment placed outside the BMP. If this is not possible, the soils within the excavated area shall be renovated and tilled after construction is completed to reverse the effects of compaction. In addition, post-development soil permeability testing shall be performed in accordance with B.5 of this section.
- c) Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

### C. Safety Standards for Structural Stormwater Management Measures

1. If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.
2. A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in an outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:
  - a) The trash rack should be constructed primarily of bars aligned in the direction of flow with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than one-third (1/3) the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.
  - b) The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.
  - c) The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.
  - d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;
  - b) The overflow grate spacing shall be no more than two (2) inches across the smallest dimension; and
  - c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.
4. The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical (3:1).
5. Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four (4) to six (6) feet in width. One step shall be located approximately two and one-half (2½) feet below the permanent water surface, and the second step shall be located one (1) to one

and one-half (1½) feet above the permanent water surface. See a) below, for an illustration of safety ledges in a stormwater management basin.

a) Illustration of safety ledges.



Source: N.J.A.C. 7:8-6 Appendix A.

SECTION 7 Inspection, Maintenance and Repair of Stormwater Management Measures.

A. Applicability. Projects subject to review pursuant to Section 1.C of this ordinance shall comply with the requirements of Sections 7.B and 7.C below.

B. General Inspection, Maintenance and Repair Plan.

1. The design engineer shall prepare an Inspection, Maintenance and Repair Plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the Checklist Requirements established in Section 3. Inspection and maintenance guidelines for stormwater management measures are available in the New Jersey BMP Manual.
2. The Inspection, Maintenance and Repair Plan shall contain the following:
  - a) Accurate and comprehensive drawings of the site's stormwater management measures;
  - b) Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number. This information will be provided in both plan and tabular form;
  - c) Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;
  - d) Cost estimates, including but not limited to the estimated cost of manpower, equipment and materials for sediment, debris, trash removal, and the maintenance repair and scheduled periodic replacement costs of all stormwater management measures; and
  - d) The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this State, the name and telephone number of an appropriate contact person shall also be included.
3. The person responsible for inspection, maintenance and repair identified under Section 7.B.2 above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the Inspection, Maintenance and Repair Plan. Said records and inspection reports shall be retained for a minimum of five (5) years.
4. If the Inspection, Maintenance and Repair Plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.
5. If the person responsible for inspection, maintenance and repair identified under Section 7.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 7.B.6 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan shall be undertaken.
6. The person responsible for inspection, maintenance and repair identified under Section 7.B.2 above shall evaluate the effectiveness of the Inspection, Maintenance and Repair Plan at least once per year and update the plan and the deed as needed.

7. The person responsible for inspection, maintenance and repair identified under Section 7.B.2 above shall submit the updated Inspection, Maintenance and Repair Plan and the documentation required by Sections 7.B.2 and 7.B.3 above to Jackson Township once per year.
8. The person responsible for inspection, maintenance and repair identified under Section 7.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the Inspection, Maintenance and Repair Plan and the documentation required by Sections 7.B.2 and 7.B.3 above.

C. Responsibility for inspection, repair and maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

D. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including, but not limited to: repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.

E. Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.

F. In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, Jackson Township shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or the municipal engineer's designee. Jackson Township, at its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowable time, Jackson Township may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by Jackson Township shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.

G. Requirements for Inspection, Maintenance and Repair of Stormwater BMP's that rely on infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the applicant shall include the following requirements in its Inspection, Maintenance and Repair Plan:

1. Once per month (if needed): Mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);
2. After every storm exceeding one (1) inch of rainfall: Ensure that infiltration BMPs drain completely within seventy-two (72) hours after the storm event. If stored water fails to infiltrate seventy-two (72) hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;
3. Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;

4. Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;
5. Once per year: Inspect BMPs for unwanted tree growth and remove if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six (6) inches.
6. Additional guidance for the inspection, maintenance and repair of stormwater infiltration BMPs can be found in the New Jersey BMP Manual.

H. Maintenance Guarantee. The applicant shall provide a maintenance guarantee to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in perpetuity according to the specifications established herein. This may be accomplished by various mechanisms, including, but not limited to, the following:

1. Prior to granting final approval to any project subject to review under this ordinance, the applicant shall enter into an agreement with the municipality to ensure the continued operation and maintenance of the detention facility. This agreement shall be in a form satisfactory to the Township Attorney and may include but may not necessarily be limited to personal guaranties, deed restrictions, covenants and bonds. The agreement shall specify the maintenance responsibility and standards in accordance with the Ocean County Stormwater Management Facilities Maintenance Manual during and after the completion of the work and upon approval and shall be recorded in the office of the County Clerk. A copy of the recorded agreement shall be filed with the Township.
2. Whenever the township accepts dedication of properties to be maintained for stormwater management purposes which will result in the township having to expend funds in the future for the maintenance of such properties, the township shall, unless otherwise determined by the Township Council, require that the property owner dedicating such property to post with the township funds which will defray the estimated costs of future maintenance and repairs. The property owner shall, prior to acceptance by the township, post such funds with the Township in an amount determined by the Township Engineer in accordance with the formula set forth in § 109-11K of the Code of the Township of Jackson and as amended or supplemented by the amount required in the maintenance cost estimate required in Section 7.B projected forward for twenty –five years. The posted funds shall be placed in a dedicated maintenance and repair trust account, upon which funds shall be drawn by the Township for the maintenance of such stormwater management facilities. Nothing herein shall be construed to relieve the property owner of the responsibility to maintain the system prior to the acceptance of said dedication. Prior to acceptance of any stormwater facility, same shall be certified by the Township Engineer to have been constructed in accordance with the requirements and specifications of the approvals granted by the Planning Board or Board of Adjustment of the Township of Jackson and this ordinance.

SECTION 8. Penalties. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: Fines not to exceed \$25,000 and/or 90 days in jail

SECTION 9. Effective Date. This ordinance shall take effect after second reading and publication as required by law and; upon the certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3; and approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act, in accordance with N.J.A.C. 7:8.

SECTION 10. Severability. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

SECTION 11. Appendices.

A. Methods for Calculating Groundwater Recharge.

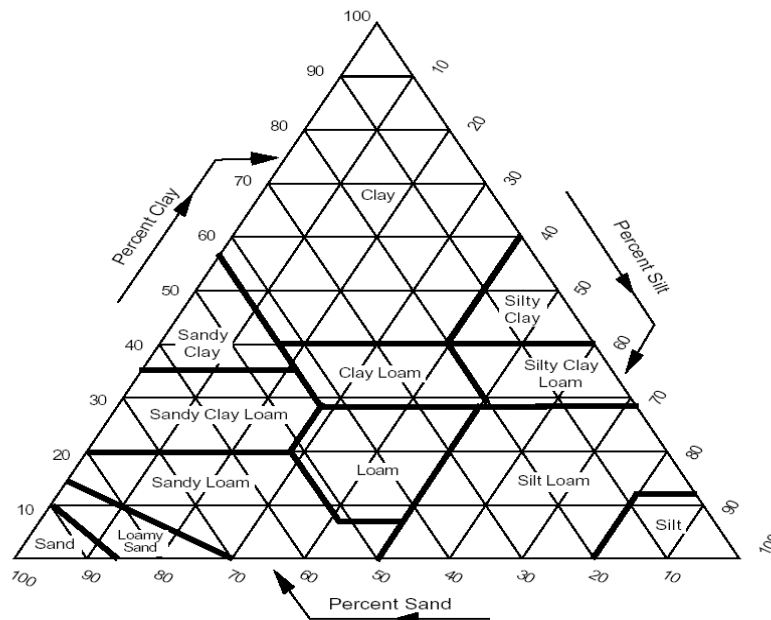
1. The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in New Jersey. Available at <http://www.njgeology.org/geodata/dgs99-2.htm>.
2. The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at [http://www.njstormwater.org/bmp\\_manual2.htm](http://www.njstormwater.org/bmp_manual2.htm).

B. NJDEP Nonstructural Strategies Point System

The New Jersey Stormwater Management Rules at N.J.A.C. 7:8-5.2(a), and Section 5 of this Ordinance, require nonstructural stormwater management strategies to be incorporated into the site design of a major development. A total of nine strategies are to be used to the maximum extent practical to meet the groundwater recharge, stormwater quality and stormwater quantity requirements of the Rules prior to utilizing structural stormwater management measures. The New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) provides a tool to assist planners, designers and regulators in determining that the strategies have been used to the “maximum extent practical” at a major development as required by the Rules. Refer online to <http://www.njstormwater.org> for information on the NSPS.

B. Soils.

1. USDA Soil Textural Triangle.



Source: US Department of Agriculture.

2. Definitions. For the purposes of this appendix, the following terms shall have the meanings herein ascribed to them.

"A-horizon" means the uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum accumulation of finely divided, dark colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

"Artesian zone of saturation" means a zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper

surface which is at a pressure greater than atmospheric, either seasonally or throughout the year.

"Chroma" means the relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three variables of soil color as defined in the Munsell system of classification.

"Clay" means a particle size category consisting of mineral particles which are smaller than 0.002 millimeters in equivalent spherical diameter. Also, a soil textural class having more than 40 percent clay, less than 45 percent sand, and less than 40 percent silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Clay loam" means a soil textural class having 27 to 40 percent clay and 20 to 45 percent sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Coarse fragment" means a rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two millimeter sieve.

"County soil survey report" means a report prepared by the US Department of Agriculture, Natural Resources Conservation Service which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

"Direct supervision" means control over and direction of work carried out by others with full knowledge of and responsibility for such work.

"Equivalent spherical diameter" of a particle means the diameter of a sphere which has a volume equal to the volume of the particle.

"Excessively coarse horizon" means a horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Excessively coarse substratum" means a substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

"Extremely firm consistence" means a type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

"Firm consistence" means a type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

"Hard consistence" means a type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

"Hue" means the dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

"Hydraulically restrictive horizon" means a horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Hydraulically restrictive substratum" means a substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than one (1.0) inch per hour is hydraulically restrictive.

"Loamy sand" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 85 to 90 percent (85-90%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of fifteen (15); or a minimum of 70 to 85 percent (70-85%) sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of thirty (30).

"Lower plastic limit" means the moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth (1/8) inches in thickness, without crumbling.

"Mottling" means a color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

"Munsell system" means a system of classifying soil color consisting of an alpha-numeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

"O-horizon" means a surface horizon, occurring above the A-horizon in some soils, which is composed primarily of undecomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

"Perched zone of saturation" means a zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

"Piezometer" means a device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

"Platy structure" is characterized by a soil aggregate which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

"Regional zone of saturation" means a zone of saturation which extends vertically without interruption below the depth of soil borings and profile pits.

"Sandy clay" means a soil textural class having 35 percent (35%) or more of clay and 45 percent (45%) or more of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Sandy loam" means a soil textural class, as shown in Section XI.C.1 (USDA Soil Textural Triangle), that has a maximum of 20 percent clay, and the percentage of silt plus twice the percentage of clay exceeds 30, and contains 52 percent or more sand; or less than 7 percent clay, less than 50 percent silt, and between 43 and 52 percent sand.

"Silt" means a particle size category consisting of mineral particles which are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having 80 percent or more of silt and 12 percent or less of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silt loam" means a soil textural class having 50 percent or more of silt and 12 to 27 percent of clay; or 50 to 80 percent of silt and less than 12 percent of clay, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay" means a soil textural class having 40 percent or more of clay and 40 percent or more of silt, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Silty clay loam" means a soil textural class having 27 to 40 percent of clay and less than 20 percent of sand, as shown in Section XI.C.1 (USDA Soil Textural Triangle).

"Soil aggregate" means a naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

"Soil color" means the soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

"Soil consistence" means the resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

"Soil horizon" means a layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

"Soil log" means a description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

"Soil mapping unit" means an area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

"Soil phase" means a specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

"Soil profile" means a vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

"Soil series" means a grouping of soil types possessing a specific range of soil profile characteristics which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

"Soil structural class" means one of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

"Soil structure" means the naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

"Soil test pit" means an excavation made for the purpose of exposing a soil profile which is to be described.

"Soil textural class" means one of the classes of soil texture defined within the USDA system of classification. (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962.)

"Soil texture" means the relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter openings.

"Static water level" means the depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

"Substratum" means a layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

"Unsuitable soil" means all soil other than suitable soil.

"USDA system of classification" means the system of classifying soil texture used by the United States Department of Agriculture which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of

the soil which passes through a sieve with two millimeter (2 mm) openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in Section XI.C.1.

"Value" means the relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

"Very firm consistence" is characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

"Very hard consistence" is characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

"Zone of saturation" means a layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year. This includes both regional and perched zones.

3. Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

- a) All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to Jackson Township.

- b) During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.

- c) A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20) feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8) feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.

- d) A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the

USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one (1) inch per hour.

e) Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.

f) Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1) inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

g) Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.

h) A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

i) Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4) feet

of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.

j) The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1) inch per hour. Soil materials that exhibit tested permeability rates slower than one (1) inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20) inches per hour regardless of the rate attained in the test procedure.

k) After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.

l) A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to Jackson Township, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

m) The applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two (72) hour drain time requirement established in Section V.B.1 of this ordinance.

- C. Pretreatment measures for infiltration BMPs. By reducing incoming velocities and capturing coarser sediments, pretreatment can extend the functional life and increase the pollutant removal capability of infiltration measures. Therefore, the

installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:

1. Vegetative filter strips;
2. Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;
3. Sand filters;
4. Grassed swales; and
5. Detention basins.

D. Collection and Conveyance.

1. Site development plans that incorporate site design features that help to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.
  - a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
    - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
    - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than one half (0.5) inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
  - b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening shall conform to the requirements in the current edition of the Residential Site Improvement Standards, N.J.A.C. 5:21
  - c) This standard does not apply:
    - i. Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
    - ii. Where flows from the water quality design storm as specified in Section 4 are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      - (a) A rectangular space four and five-eighths (4 and 5/8) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

- (b) A bar screen having a bar spacing of one-half (0.5) inch.
  - iii. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in Section 4 of this ordinance; or
  - iv. Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- 2. Catch basins. Catch basins are storm drain inlets with or without sumps. Catch basins may provide pretreatment for other stormwater BMPs by capturing large sediments. The sediment and pollutant removal efficiency of catch basins depends on the size of the sump and the performance of routine maintenance to retain the available sediment storage space in the sump. Where catch basins with sumps are proposed, the minimum two feet separation between the bottom of the sump and seasonally high water table shall be provided.
- 3. Open or perforated conveyance piping. Where adequate separation to the seasonal high water table exists, stormwater from the development site may be conveyed to a stormwater basin via a system of perforated pipes. A Professional Engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be installed with a minimum separation of two (2) feet from the seasonal high water table. Piping systems and materials shall be subject to approval by the Township.

## Section 12. Additional Sources for Technical Guidance.

### A. NJDEP Technical Guidance Sources.

1. New Jersey BMP Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://www.njstormwater.org>.
2. NJDEP Stormwater Management Facilities Maintenance Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625; or online at <http://njedl.rutgers.edu/ftp/PDFs/1188.pdf>.

### B. Additional Guidance Sources.

1. New Jersey Pinelands Commission, PO Box 7, 15 Springfield Road, New Lisbon, New Jersey 08064; Phone: 609-894-7300; Website: <http://www.state.nj.us/pinelands>.
2. State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey. Available from all State Soil Conservation Districts, including Ocean County Soil Conservation District, 714 Lacey Road, Forked River, New Jersey 08731; Phone 609-971-7002; Website: <http://www.ocscd.org>.
3. New Jersey Department of Transportation, PO Box 600, Trenton, NJ 08625-0600; Phone: 609-530-3536; Website: <http://www.state.nj.us/transportation>.

4. Residential Site Improvement Standards, N.J.A.C. 5:21 published by NJ Dept. of Community Affairs, Div. of Codes and Standards, <http://www.nj.gov/dca/codes/nj-rsis>

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MAYOR MARK A. SEDA

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the **11th day of February, 2008**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **26<sup>th</sup> day of February, 2008**, at 6:30 p.m., or soon thereafter at the Municipal Building located on West Veterans Hwy. in Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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### **PUBLIC HEARING OPENED, RESOLUTIONS ONLY**

**GARY BLACK-LEWIS LANE:** He asked about the contract for EMS and if it would have a provision for waiving payment for individuals that don't have money. Council President Updegrave stated they would abide by the contract and accept the money from insurance companies.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He referred to Resolution 059R-08 regarding the EMS contract stating the current resolution on the board outside had a blank by the provider's name, and then questioned Resolution 060R-08 because he wasn't sure what actions the Council was proposing. He then asked about the process the Council uses because normally they ask for public comments and then after hearing the comments, Council would then vote and now the question he had was regarding the basic core of the issue and how the Council reached their decision? He stated he attended the EMS and gypsy moth meeting and heard Council's statements to the public but never heard the Council exchanging ideas regarding those proposals and resolutions and the public never heard Council discussing how they reached their decisions and what the pros and cons of Quality, MONOO and the CSO program were. He was left to assume the Council reached their decision in a non-public session or they didn't discuss it and just voting based on someone passing a motion. He then suggested hearing a discussion about how each member reached their decision. Council President Updegrave stated they received enough information regarding EMS plus there were three Emergency Management meetings where members of EMS and Jackson residents attended and exchanged ideas, information and asked numerous questions. She made her decision, as well as other members, based on the information before her and that was why it wasn't up for a vote tonight. She withheld her vote at the Mayor's open public forum because there were some outstanding things she was concerned about and wanted a committee formed to oversee response times and have people selected to oversee communications between the provider and the Town. Mr. Mayerowitz was glad they took him up on his suggestion to form that committee but stated Councilman Gudaitis and Council President Updegrave attended those meetings, intermittently, and the five Council members never sat as a governing body to discuss the pros and cons but instead, reached their decision independently. All resolutions that come before them are rarely discussed and he pointed out that tonight they had on the Caucus the matter of EMS and he wanted to hear how the Council reached their decision but that never happened. He asked about the gypsy moth program and how they reached their conclusion on what to do about the gypsy moth population given the State's decision on a single application of BT occurred after the Council meeting to discuss what the Town was going to do? He asked what they were going to do and came up with six alternatives to consider and asked what they were going to do? Councilman Martin stated the gypsy moth issue was voted on thinking there would

be a double application and now it's down to a single application. They now had to decide what their next move was and he felt a double spray was needed and suggested putting together an RFP to see if anyone would come to Jackson and take care of the second application. He spoke with a few vendors and their prices were better than the State's and then they could coordinate it with the DEP. He reminded the public that with the second application there would be no reimbursement from the State. Attorney Gilmore thought the reason the State couldn't do a double spray was because of an aircraft shortage and he suggested the Council contact the 30<sup>th</sup> Legislative District to request from the State that they employ other vendors because even if they don't have enough equipment there are other vendors that do and allow Jackson to go out through RFP and qualify for reimbursement through the federal program. Council President Updegrave stated she reached out to the legislative office and they were willing to send a letter. Mr. Mayerowitz stated BT was ineffective on one application and Attorney Gilmore stated the resolution declared the gypsy moth a nuisance and the other resolution requests the 30<sup>th</sup> District to petition the State to try to have a 2<sup>nd</sup> application. The governing body was keeping all options open and hopefully there would be some reimbursement coming. Mr. Mayerowitz asked when the decision needed to be made? Council President Updegrave stated it was submitted for a single application. She then stated information had already been posted on the website. Administrator Del Turco stated there was information on chemicals and their uses and there would also be a list of licensed vendors and noted they were not supporting any particular product or individual.

**BOBBI RIVERE-10 PINE VALLEY ROAD:** She understood they were blindsided by the States decision for one spray and was glad to hear they were doing something. She asked the Mayor if the residents could apply to the Town for assistance but that he was unable to guarantee everyone would be able to get assistance. The Mayor explained with the original State plan to do a double application there was no need for another program, unfortunately when they learned the State would only give one spray they had to examine alternatives and with only one piece of equipment it would be impossible to take care of every resident and explained there was information on the website for homeowners to hire their own vendor. He stated there is little time to deal with the issue but as much information as possible would be posted on the website. Attorney Gilmore clarified the Town was considering as many options as possible and that it wouldn't be the homeowners' expense if the State offered to reimburse the Township. Councilman Martin stated bringing in a second vendor to do the 2<sup>nd</sup> application would be a township expense.

**JOHN WALTERS-76 CROOKED STICK:** He stated he was also disappointed during the Caucus session that there wasn't more discussion about the alternatives. He spoke with Jason Gudaitis the other night about some confusion regarding Quality and how they operated and he cleared that up earlier tonight and he was recommending keeping EMS 6PM-6AM and felt Quality was the way to go. He also felt they should support Jackson First Aid more than they have.

**JOHN GASKILL-25 NO. LAKESIDE AVENUE:** He stated the Council was in a tough spot no matter which way they go and then addressed Resolution 60R-08 and voiced his disapproval of using BT or Dimilin anytime, anywhere. He brought with him some data against these pesticides and felt the damage caused by using these chemicals in the long term far exceed the damage to the trees. He spoke of tree mortality and explained the State initiated the program to make it look like they were doing something when all they were doing was causing more damage and stated the best thing to do was to let nature take it's course and stay out of the natural process that will cure itself.

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

Councilman Martin addressed Council President Updegrave requesting that she keep in mind the first aiders requesting 5AM instead of 6 AM because of work issues.

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## RESOLUTIONS

**RESOLUTION 058R-08 -REMOVED**

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**RESOLUTION 059R-08**

**TITLE: AUTHORIZE CONTRACT AWARD FOR EMERGENCYAMBULANCE SERVICES FOR A ONE (1) YEAR PERIOD WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL YEARS AT ONE (1) YEAR INTERVALS.**

**MOTION TO APPOINT QUALITY MEDICAL TRANSPORT BY: MARTIN**

**MOTION SECONDED BY: STALLONE**

**YES: MARTIN, STALLONE & UPDEGRAVE**

**NO: GUDAITIS**

**ABSENT: INGRAM**

**Councilman Martin** explained he arrived at his decision after speaking with several towns that use Quality Medical Transport along with Mary Ann Giblin of the State and felt confident they do an outstanding job and that in 2005 and 2006 they were voted EMS of the Year in the State of New Jersey and knows they would do an outstanding job and they were willing to support the volunteers in the evening. He also conveyed Councilwoman Ingram's support of Quality as well.

**Mayor Seda** stated he had concerns in going with an agreement of more than six (6) months because it would tie the hands of the Oversight Committee if they opted to make or take any action and recommended a six month trial period with the Council and Oversight Committee and see how things go. Council President Updegrave had discussed it with the Purchasing Agent who looked over the contract and with Clerk Eden and it was determined they had to do a one year contract and a four (4) year after. Clerk Eden stated there was thirty (30) day clause in the specification where the Township could cancel the contract with thirty (30) day notice. Mayor Seda then asked Attorney Gilmore if they could recommend a six (6) month contract? Attorney Gilmore stated if there was a thirty (30) day clause then the Township would be protected.

**Councilman Stallone** stated he was voting yes and stated the reason he didn't vote at the Mayor's public forum/Council meeting was because there were questions he had that weren't answered but had been answered satisfactory thereafter and felt the thirty (30) day clause was good and if the response times weren't good the committee would take action.

**Council Vice President Gudaitis** stated he based his vote on confidence level in addition to the Oversight Committee that had a lot to do with his decision. It comes down to confidence in personnel, confidence in resources and confidence in the Oversight Committee to have the ability to advise the Mayor and Council and voted no.

**Council President Updegrave** stated she visited the first aid squad to see what their needs are and that she was confident that Quality Medical could provide the service the Town needed and that they would work well with the first aid squad. She also felt they could work out the 5AM time period with Quality. She stated she didn't vote at the open forum because that was the first time the whole CSO program was presented to her. She had already met with Quality and MONOC plus she heard from many residents and she felt Quality deserved the opportunity based on their background, recommendation and qualifications and felt they could do it and voted yes.

**WHEREAS**, pursuant to the requirements of N.J.S.A. 40A:11-4.1 to 4.5 of the Local Public Contracts Law, Jackson Township previously advertised for the receipt of bids on November 16, 2007 at 10:00 a.m. for Emergency Ambulance Services for a one (1) year period with the option to renew for four (4) additional years at one (1) year intervals; and

**WHEREAS**, at the time and place for the receipt of bids, two (2) bids were received from the following vendors:

- a) Monmouth-Ocean Hospital Service Corporation (MONOC)  
4806 Megill Road  
Wall Township  
Neptune, New Jersey 07753

- b) Quality Medical Transport, Inc.  
P.O. Box 320  
Bayville, New Jersey 08721

**WHEREAS**, the proposals submitted by MONOC and Quality Medical Transport consisted of eight (8) pricing options for EMS Services for the Township of Jackson; and

**WHEREAS**, the Township of Jackson desires to award this contract in accordance with the bid specifications, specifically, OPTION NO. 1 consisting of three (3) units on hand between the hours of 6:00 a.m. to 6:00 p.m.; and

**WHEREAS**, each vendor indicated they would perform the service outlined in Option 1 of the Township’s bid specifications free of charge to the Township of Jackson for a one (1) year period with the option to renew for four (4) additional years at one (1) year intervals; and

**WHEREAS**, said bid documents have been reviewed and approved by the Mayor, Township Administrator and Township Purchasing Agent; and

**WHEREAS**, after consultation with members of the Jackson Township Police Department, the Mayor with the consent and advice of Council wishes to award a contract to Quality Medical Transport, Inc. for a one (1) year period with the option to renew for four (4) additional years at one (1) year intervals as required in the Township’s bid specifications commencing March 16, 2008 through March 15, 2010.

**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 of Jackson Township hereby formally awards a contract to Quality Medical Transport, Inc. to provide Emergency Ambulance Services, as outlined in Option No. 1 of the bid specifications to the Township of Jackson, for a one (1) year period with the option to renew for four (4) additional years at one (1) year intervals commencing March 16, 2008 through March 15, 2010 in accordance with the Township’s bid specifications and at no charge to the Township of Jackson.

2. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of this resolution along with a contract for Emergency Ambulances Services to Township Administrator, Director of Public Safety, Township Purchasing Agent, Chief Financial Officer and any other interested parties.

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

**DATED: 02-11-08**

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**RESOLUTIO 060R-08**  
**TITLE: AUTHORIZE GYPSY MOTH SUPPRESSION PROGRAM FOR THE TOWNSHIP OF JACKSON CY 2008**

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

**Councilman Martin** he spoke of the website and stated if they chose to have an outside vendor for the second spray he hoped they could get Federal cost sharing and voted yes.

**Council President Updegrave** voted yes and spoke of her disappointment with the State reducing the spraying from two to one and said they will do their best to keep the public informed and try to find a vendor to do the areal spray and get the information to the residents as they move forward.

**Clerk Eden** verified with Council that there are no amendments to this Resolution and Attorney Gilmore stated the Council was just conveying they wanted two spraying. Councilman Martin asked if they should do a separate motion to call on the 30<sup>th</sup> District to petition the Department of Agriculture and Mr. Gilmore suggested finishing all the Resolutions before making that motion because there was another Resolution asking the 30<sup>th</sup> District to support the assembly bill to have additional funding available.

**WHEREAS**, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Jackson; and

**WHEREAS**, continued destruction of foliage may result in loss of valuable forest lands and trees; and

**WHEREAS**, the Township Committee of the Township of Jackson has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Township Committee of the Township of Jackson that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

I, Ann Marie Eden, Clerk of the Township of Jackson, County of Ocean, State of New Jersey, do hereby certify that this Resolution was adopted by the municipal governmental body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has, or will, comply with the notice provisions required by N.J.S.A. 4:7-39.

Copies of this Resolution to Dan Burke, Joseph Zoltowski, Chief NJ Dept. of Agriculture and any other interested parties.

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

**DATED: 02-11-08**

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**RESOLUTION 067R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY RENEWING CLUB LICENSE NO. 1511-31-015-001 TO THE CENTRAL JERSEY ITALIAN AMERICAN CLUB FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2008**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: GUDAITIS**

**YES: MARTIN, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**ABSTAIN: STALLONE**

**Councilman Stallone** asked the attorney if it was appropriate for him to vote on this Resolution as he was a member of the club for many years. Attorney Gilmore suggested he abstain.

**WHEREAS**, the Central Jersey Italian American Club is the current holder of Club License No. 1511-31-015-001 and have filed their renewal application for the fiscal year effective July 1, 2007 through June 30, 2008; and

**WHEREAS**, due to the lack of a Tax Clearance Certificate, the Central Jersey Italian American Club requested an extension on the renewal of their license and submitted an “Ad Interim Permit”, which allows the licensee to operate pending renewal of their club license during the new licensing period; and

**WHEREAS**, Ad Interim permits were approved and issued by the State of New Jersey, Division of Alcoholic Beverage Control on June 26, 2007, July 30, 2007, August 30, 2007, September 28, 2007, October 30, 2007, December 28, 2007 and January 24, 2008; and

**WHEREAS**, the State of New Jersey, Division of Taxation issued the required Tax Clearance Certificate on January 24, 2008 and the Township Attorney has reviewed said license renewal application and has approved it as to form and all required licensing fees have been paid; and

**WHEREAS**; the Township Council of the Township of Jackson is satisfied with the documentation received and wishes to renew said license for period July 1, 2007 through June 30, 2008.

**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 Club License No. 1511-31-015-001 is hereby renewed for the licensing period July 1, 2007 through June 30, 2008 and is hereby issued to the Central Jersey Italian American Club, 36 Christopher Columbus Blvd., Jackson, New Jersey 08527.

2. That upon the adoption of this resolution, the Township Clerk is hereby directed to forward a certified copy of it to the Central Jersey Italian American Club, appropriate Township Officials, New Jersey Division of Alcoholic Beverage Control and any other interested parties.

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

**DATED: 02-11-08**

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**RESOLUTION 071R-08**

**TITLE: RESOLUTION OPPOSING GOVERNOR CORZINE'S  
PROPOSED TOLL ROAD INCREASE PLAN**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, the Township Council of the Township of Jackson wish to join neighboring towns and counties in voicing their opposition to Governor Corzine's proposed toll road increase plan; and

**WHEREAS**, it is of utmost importance that the residents of New Jersey stand united against his plan which proposes to borrow up to \$40 billion dollars in order to pay down the State's general debt; and

**WHEREAS**, Jackson Township residents along with all New Jersey citizens will once again bear the burden of paying for gross “financial mismanagement” which starts at the State level and trickles down to local municipalities; and

**WHEREAS**, statistical data has shown that the proposed toll increase will have almost double the impact on suburban/rural county residents as compared to urban county residents; and

**WHEREAS**, Ocean and Monmouth counties will bear a greater burden as being home to seven of the top twenty toll revenue producing zip codes for the Garden State Parkway and New Jersey Turnpike.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Jackson in the County of Ocean and State of New Jersey, that we vehemently oppose the continuing fiscal irresponsibility shown by yourself and the current majority State leadership and wish to relay the following message: “your plan portrays a lack of concern, consideration and integrity, undermining your credibility

while negatively impacting the welfare of all hard working citizens in the State of New Jersey.”

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

**DATED: 02-11-08**

**RESOLUTION 76R-08**

**TITLE: SUPPORTING THE PASSAGE OF ASSEMBLY BILL AR89 WHICH REQUESTS THE US DEPARTMENT OF AGRICULTURE TO EXPAND FUNDING FOR THE NEW JERSEY GYPSY MOTH SUPPRESSION PROGRAM**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: GUDAITIS**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, the gypsy moth is one of the most destructive forest insect pests to infect New Jersey’s forest; and

**WHEREAS**, its continued infestation of our forest is a serious threat to New Jersey’s woodland resources due to the threat of defoliation; and

**WHEREAS**, in 2007, more than 125,000 acres were defoliated due to the gypsy moth infestation, making 2007 the worst year for defoliation in the state of New Jersey since 2001, when 140,000 acres were devastated; and

**WHEREAS**, the New Jersey Department of Agriculture administers a voluntary gypsy moth suppression program in which municipalities can participate with the provision that they are responsible for the cost of the spraying in the individual municipality; and

**WHEREAS**, in the past, financial support was available through the state with the assistance of the United States Department of Agriculture; and

**WHEREAS**, at one time, the financial assistance provided by the State through assistance from the United States Department of Agriculture provided up to 50% of the total cost of spraying for gypsy moths in any given municipality; and

**WHEREAS**, the financial assistance provided to the municipalities has been reduced to 25% requiring municipalities to make up the other 75% of the cost of the suppression program; and

**WHEREAS**, given the current financial crisis in the state of New Jersey, it is imperative that additional funding come from the United States Department of Agriculture; and

**WHEREAS**, Assembly Resolution 89 requests the United States Department of Agriculture to expand funding for the New Jersey Gypsy Moth Suppression Program in order to allow municipalities to participate in the program to fight the devastating effects of the gypsy moth on Township woodlands; and

**WHEREAS**, Jackson Township has experienced significant devastation from the gypsy moth.

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

1. That the Township Council wishes to formally go on record as supporting the passage of AR89 urging the United States Department of Agriculture to expand funding for the New Jersey Gypsy Moth Suppression Program.
2. That a certified copy of this resolution be forwarded to our 30th District Legislators, Senator Robert Singer, Assemblyman Ronald Dancer, and Assemblyman Joseph Malone.

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

**DATED: 02-11-08**

**CONSENT AGENDA, ONE VOTE FOR ALL OF THE FOLLOWING RESOLUTIONS:****RESOLUTION 055R-08****TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS****MOTION TO APPROVE BY: STALLONE****MOTION SECONDED BY: MARTIN****YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE****ABSENT: INGRAM**

**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****February 11, 2008**

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>NAME</u></b>	<b><u>YEAR-QTR</u></b>	<b><u>AMOUNT</u></b>
111	108.03	Garry M. & Angelie N. Grimm Etals	2007 – 1 <sup>st</sup> 2007 – 2 <sup>nd</sup>	\$ 385.89 .68
1204	15	CTX Mortgage Company	2007 – 3 <sup>rd</sup>	2,311.41
3902	40	Pan American Title Services	2007 – 3 <sup>rd</sup>	181.76
3904	6	CTX Mortgage Company	2007 – 4 <sup>th</sup>	478.66
4404	13	Michael Cerasani	2007 – 3 <sup>rd</sup>	123.51
4714	7.245	Jason, Charletta & Teresa Margolies	2006 – 4 <sup>th</sup>	1,105.73
4801	8 - Qfarm	Friendship Inc	2007 – 1 <sup>st</sup> 2007 – 2 <sup>nd</sup>	50.17 50.17
6001	7	Countrywide Tax Services Corporation	2007 – 1 <sup>st</sup>	1,047.55
8601	24	Joseph T. & Marguerite Havey	2006 – 4 <sup>th</sup>	759.45
10101	76	Brad S. & Cathy L. Horwin	2007 - 1 <sup>st</sup>	904.75
10108	3	Tony & Margher Russo	2006 – 4 <sup>th</sup>	314.26
701	445	K. Hovnanian @ Jackson LLC	2007 – 3 <sup>rd</sup> 2007 – 4 <sup>th</sup>	597.60 597.60

701	446	K. Hovnanian @ Jackson LLC	2007 – 3 <sup>rd</sup>	597.60
			2007 – 4 <sup>th</sup>	597.60
701	447	K. Hovnanian @ Jackson LLC	2007 – 3 <sup>rd</sup>	597.60
		K. Hovnanian @ Jackson LLC	2007 – 4 <sup>th</sup>	597.60
701	203	K. Hovnanian @ Jackson LLC	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
			<b>TOTAL</b>	<b>10,254.01</b>

**DATED: 02-11-08**

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

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**RESOLUTION 056R-08**

**TITLE: APPROVE BINGO/RAFFLE LICENSE TO: CRAWFORD RODRIGUEZ PTN (#RA-1175 AND #RA-1176), HNS CHURCH OF SAINT ALOYSIUS (#RA1177) AND H.C. JOHNSON ELEMENTARY SCHOOL PTO (#RA-1178 AND #RA-1179)**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**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:

Crawford Rodriguez PTN (#RA-1175 AND #RA-1176)  
HNS Church of Saint Aloysius (#RA1177) AND  
H.C. Johnson Elementary School PTO (#RA-1178 AND #RA-1179)

2. Copies of the Resolution to interested parties.

**DATED: 02-11-08**

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

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**RESOLUTION 057R-08**

**TITLE: APPROVE TOWNSHIP COUNCIL MEETING MINUTES OF DECEMBER 11, 2007, DECEMBER 26, 2007 AND JANUARY 3, 2008**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**Councilman Martin** wanted it noted that meeting minutes of December 11, 2007 misquoted him saying Quality Medical had 15 ambulances when he stated they had 50. Clerk Eden agreed to making that correction.

1. The following Minutes are hereby approved by the Jackson Township Council:  
  
December 11, 2007, December 26, 2007 and January 3, 2008
2. Copies of this resolution to any interested parties.

**DATED: 02-11-08**

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

**RESOLUTION 061R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE RE-ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR 2008 PROFESSIONAL SERVICES AS OUTLINED BELOW**

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

**WHEREAS**, the Township of Jackson has a need for various Professional Services for calendar year 2008; 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 sealed proposals 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 re-advertisement and receipt of sealed proposals for CY 2008 for the following professional services: Alternate/Conflict Municipal Prosecutor and Deputy/Alternate Public Defender.
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.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Court, Purchasing Agent and any other interested parties.

**DATED: 02-11-08**

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

**RESOLUTION 062R-08**

**TITLE: APPROVE APPOINTMENT OF MEMBERS TO THE APARTMENT AND MOBILE HOME PARK RENT LEVELING BOARD**

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

**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 vacancies 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 (Alternate) for a term commencing immediately and ending June 30, 2010

Ann A. Dunn (Alternate member)

2. Appointees shall perform such duties and responsibilities as set forth by State Statute and the Municipal Code of the Township of Jackson.
3. Appointees shall serve without compensation.
4. Copies of this resolution to Rent Leveling Board, Municipal Administrator, appointees and any other interested parties.

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

**DATED: 02-11-08**

**RESOLUTION 063R-08 – NOT USED**

**RESOLUTION 064R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEES POSTED BY CASSVILLE NURSERY FOR BLOCK 45.01, LOT 33**

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

**WHEREAS**, Cassville Nursery has requested a Reduction of the Performance Guarantee posted for Block 45.01, Lot 33, Jackson Township; and  
**WHEREAS**, the following Performance Guarantees currently in place are:

1. Performance guarantee in the form of Letter of Credit # 1646 in the amount of \$176,787.00 issued by Amboy National Bank.
2. Cash Guarantee in the amount of \$19,643.00.

**WHEREAS**, Michael G. Miller, Township Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated January 21, 2008 in the following amount:

1. Reduction of the Performance Bond to not less than \$53,036.10
2. Reduction of the Cash Guarantee to not less than \$5,892.90

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

**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 Bond is hereby reduced from \$176,787.00 to not less than \$53,036.10 and the Cash Guarantee from \$19,643.00 to not less than \$5,892.90. 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: 02-11-08**

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**RESOLUTION 065R-08 - NOT USED**

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**RESOLUTION 066R-08 - NOT USED**

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**RESOLUTION 068R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AWARDING A CONTRACT TO PETER A. MAHER OF MAHER APPRAISALS AND HENRY J. MANCINI, MAI, CRE, OF HENRY J. MANCINI & ASSOCIATES, INC., TO PERFORM APPRAISAL SERVICES FOR THE TOWNSHIP OF JACKSON FOR CY 2008**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, it is necessary for the Township of Jackson to procure appraisal services for certain parcels of land located in the Township of Jackson; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for Professional Services without competitive bids; and

**WHEREAS**, the anticipated cost for said appraisal services is expected to exceed \$17,500, so as to require a "fair and open process" in accordance with N.J.S.A. 19:44A-20.1 et seq.; and

**WHEREAS**, the Council of the Township of Jackson solicited a Request for Statements of Qualifications and Proposals for appraisal services; and

**WHEREAS**, said proposal procedure satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 et seq.; and

**WHEREAS**, all proposals were submitted to the Office of the Township Clerk on December 12, 2007 at 10:30 a.m.; and

**WHEREAS**, after reviewing the proposals submitted, the Mayor, with the advice and consent of the Township Council, desires to appoint Peter A. Maher of Maher Appraisals and Henry J. Mancini, MAI, CRE, of Henry J. Mancini & Associates, Inc.; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution and contract be made available for public inspection.

**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 Peter A. Maher of Maher Appraisals and Henry J. Mancini, MAI, CRE, of Henry J. Mancini & Associates, Inc. are hereby appointed to perform appraisal services on behalf of the Township of Jackson, commencing from the date of this resolution and ending December 31, 2008.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to agreements with Peter A. Maher of Maher Appraisals and Henry J. Mancini, MAI, CRE, of Henry J. Mancini & Associates, Inc.
3. That these contracts are awarded as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because they are for services to be performed by person(s) authorized by law to practice a recognized profession.
4. That a notice of this action shall be printed once in the official newspaper of the Township of Jackson.
5. That this resolution shall take effect immediately.

6. That the agreements shall be open-ended with funds being encumbered contingent upon the availability of funds in the budget year. No services shall be rendered under the contracts until the Chief Financial Officer has certified the availability of funds for such services.
7. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be forwarded to the Township Administrator, Chief Financial Officer, Tax assessor, Peter A. Maher of Maher Appraisals and Henry J. Mancini, MAI, CRE, of Henry J. Mancini & Associates, Inc.

**CERTIFICATE OF AVAILABILITY OF FUNDS**

I, Sharon Pinkava, Chief Financial Officer for the Township of Jackson, do hereby certify that adequate funding for this contract will be available pending the adoption of the 2008 Municipal Operating Budget.

\_\_\_\_\_  
**Sharon Pinkava**  
 Chief Financial Officer,  
 Jackson Township

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

**DATED: 02-11-08**

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**RESOLUTION 069R-08**

**TITLE: CONSENT TO THE APPOINTMENT OF OPEN SPACE LAND CONSULTANT, ANDREW L. STRAUSS OF STRAUSS AND ASSOCIATES/PLANNERS, LLC**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, there exists a need for an Open Space Land Consultant services for the Township of Jackson; and

**WHEREAS**, the Township issued a solicitation of professional services contracts in accordance with a fair and open process adopted by the Township of Jackson in accordance with Ch. 9, P.L. 2004; and

**WHEREAS**, said solicitation of professional services contracts satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 *et seq.*; and

**WHEREAS**, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

**WHEREAS**, all proposals were to be submitted to the Office of the Purchasing Agent on January 23, 2008 at 10:00 a.m.; and

**WHEREAS**, after reviewing the proposals submitted, the Mayor, with the advice and consent of the Township Council, desires to appoint Andrew L. Strauss of Strauss and Associates/Planners, LLC, as Open Space Land Consultant; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution and contract be made available for public inspection.

**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 Andrew L. Strauss of Strauss and Associates/Planners, LLC, is hereby appointed Open Space Land Consultant for a term of one year, commencing January 1, 2008 and ending December 31, 2008, and shall perform all services under the contract authorized herein.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement with Andrew L. Strauss of Strauss and Associates/Planners, LLC.

3. That this contract is awarded as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts Law because it is for services to be performed by person(s) authorized by law to practice a recognized profession.
4. That a notice of this action shall be printed once in the official newspaper of the Township of Jackson.
5. That this resolution shall take effect immediately.
6. That a certified copy of this resolution shall be provided by the Township Clerk to the Chief Financial Officer and Andrew L. Strauss of Strauss and Associates/Planners, LLC.

**CERTIFICATE OF AVAILABILITY OF FUNDS**

I, Sharon Pinkava, Chief Financial Officer for the Township of Jackson, do hereby certify that adequate funding for this contract will be available pending the adoption of the 2008 Municipal Operating Budget.

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**Sharon Pinkava**  
Chief Financial Officer,  
Jackson Township

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

**DATED: 02-11-08**

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**RESOLUTION 070R-08**

**TITLE: CONSENT TO THE APPOINTMENT OF CONSULTING AND MUNICIPAL FORESTERS, INC. AS TOWNSHIP FORESTER FOR CY 2008**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, there exists a need for forestry services as Forester of the Township of Jackson; and

**WHEREAS**, the Township issued a solicitation of professional services contracts in accordance with a fair and open process adopted by the Township of Jackson in accordance with Ch. 9, P.L. 2004; and

**WHEREAS**, said solicitation of professional services contracts satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 et seq.; and

**WHEREAS**, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

**WHEREAS**, all proposals were to be submitted to the Office of the Township Clerk on January 23, 2008 at 10:00 a.m.; and

**WHEREAS**, after reviewing the proposals submitted, the Mayor, with the advice and consent of the Township Council, desires to appoint Consulting & Municipal Foresters Co., Inc. as Township Forester; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution and contract be made available for public inspection.

**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 Consulting & Municipal Foresters Co., Inc. is hereby appointed Township Forester for CY 2008 commencing immediately and ending December 31, 2008, and shall perform all forestry services under the contract authorized herein.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with Consulting & Municipal Foresters Co., Inc.

3. That this contract is awarded as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts Law because it is for services to be performed by person(s) authorized by law to practice a recognized profession.

4. That a notice of this action shall be printed once in the official newspaper of the Township of Jackson.

5. That this resolution shall take effect immediately.

6. That a certified copy of this resolution shall be provided by the Township Clerk to the

Township Administrator, Acting Chief Financial Officer, Planning & Zoning, Consulting & Municipal Foresters Co., Inc. and any other interested parties.

### **CERTIFICATE OF AVAILABILITY OF FUNDS**

I, Sharon Pinkava, Chief Financial Officer for the Township of Jackson, do hereby certify that adequate funding for this contract will be available pending the adoption of the 2008 Municipal Operating Budget.

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**Sharon Pinkava**  
 Chief Financial Officer,  
 Jackson Township

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

**DATED: 02-11-08**

### **RESOLUTION 072R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SOLICITATION OF REQUESTS FOR PROPOSALS FOR A PROFESSIONAL TO CONDUCT A FEASIBILITY STUDY FOR CONSOLIDATION OF FIRE DISTRICTS, AND REJECTING PREVIOUS REQUESTS FOR PROPOSAL FOR ABOVE PROJECT**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, the Township of Jackson desires to solicit Requests for Proposals from professionals for the submission of a feasibility study for consolidation of Jackson Township Fire Districts; and

**WHEREAS**, the Township of Jackson desires to reject all proposals received on September 14, 2007 for the above project as none of the submitted proposals were deemed qualified due to lack of specialization in that particular area; 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 Proposals for said study is required; and

**WHEREAS**, the Township Council desires to solicit Requests for Proposals 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 Proposals 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, Chief Financial Officer and Purchasing Agent.

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

**DATED: 02-11-08**

**RESOLUTION 073R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO US HOMES CORPORATION, OF THE PERFORMANCE BOND ISSUED FOR THE RESERVE AT FOX HOLLOW, SEC. 2, A/K/A BLOCK 75.42, LOT 29**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, US Homes Corporation, has requested a Release of the Performance Guarantee, which consists of \$190,652.13 in the form of a Performance Bond #6349079 issued by Safeco Insurance Company and Cash Bond in the amount of \$21,183.57, pertaining to The Reserve at Fox Hollow, Sec. 2 a/k/a Block 75.42, Lot 29, Jackson Township; and

**WHEREAS**, Wayne R. McVicar of Remington, Vernick & Vena, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated January 29, 2008, 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 #6349079 issued by Safeco Insurance Company in the amount of \$190,652.13 and Cash Bond in the amount of \$21,183.57, 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 \$105,917.85 or post a cash guarantee in the amount of \$70,611.90, 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.

**DATED: 02-11-08**

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

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**RESOLUTION 074R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO US HOME CORPORATION, OF THE PERFORMANCE BOND ISSUED FOR THE RESERVE AT JACKSON A/K/A INDEPENDENCE ESTATES, BLOCK 40, LOTS VARIOUS**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, US Homes Corporation, has requested a Release of the Performance Guarantee, which consists of \$741,058.74 in the form of Performance Bond #929246903 issued by The Continental Insurance Company and Cash Bond in the amount of \$82,339.86 pertaining to The Reserve at Jackson a/k/a Independence Estates, Block 40, Lots various, Jackson Township; and

**WHEREAS**, Wayne R. McVicar of Remington, Vernick & Vena, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated January 29, 2008, 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 #929246903 issued by Continental Insurance Company in the amount of \$741,058.74 and Cash Bond in the amount of \$82,339.86, 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 \$315,561.69 or post a cash guarantee in the amount of \$210,374.46, 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.

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

**DATED: 02-11-08**

**RESOLUTION 075R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO US HOMES CORPORATION, OF THE PERFORMANCE BOND ISSUED FOR THE RESERVE AT FOX HOLLOW, SEC. 3, A/K/A BLOCK 66.01, LOTS 7 & 8**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**WHEREAS**, US Homes Corporation, has requested a Release of the Performance Guarantee, which consists of \$219,581.01 in the form of a Performance Bond #929367262 issued by The Continental Insurance Company and Cash Guarantee in the amount of \$24,397.89 pertaining to The Reserve at Fox Hollow, Sec. 3 a/k/a Block 66.01, Lots 7 & 8, Jackson Township; and

**WHEREAS**, Wayne R. McVicar of Remington, Vernick & Vena, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated January 30, 2008, 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 #929367262 issued by The Continental Insurance Company in the amount of \$219,581.01 and Cash Guarantee in the amount of \$24,397.89, 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 \$82,314.41 or post a cash guarantee in the amount of \$54,876.27, 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.

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

**DATED: 02-11-08**

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**DISCUSSION AGENDA:**

**MOTION TO REQUEST THE 30<sup>TH</sup> LEGISLATIVE DISTRICT TO MAKE FORMAL REQUEST IN WRITING TO HELP OVERSEE GYPSY MOTH PROGRAM AND SUPPORT FINANCIAL ASSISTANCE BY: MARTIN**  
**MOTION SECONDED BY: GUDAITIS**  
**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**  
**ABSENT: INGRAM**

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**PUBLIC HEARING, ANY TOPIC**

**GARY BLACK-LEWIS LANE:** He thanked Mayor Seda for the fine way he represented Jackson Township against Governor Corzine and his tax increase and then Mr. Black informed the public about Mr. Corzine's plan to hit South Jersey with a specific tax to pay off the North Jersey debt and urged everyone to let Governor Corzine know they opposed it.

**ANDY WETHERS-614 OAKWOOD:** Introduced himself as the Soccer Club President and urged the Council to stick to the commitment they made to the organizations because they all agreed to go along with the plan that would take the annual \$25K donation from each organization with the expectation to operate the concession stand and raise money. As a developer he understood the economy but pointed out that the recreation groups weren't going anywhere and children were still going to play and the money generated from concessions is used to benefit clubs experiencing hardship plus they give about 3-4 scholarships to kids graduating high school that were involved in the club at some point and wanted the Council to understand the concession stand would become the central piece of the complex and give them a centralized location to conduct business. He agreed they have two other concessions and pointed out the lack of fire suppression in those two buildings and the Board of Health would not permit them to cook in them or prepare food because the building wasn't adequate in size to accommodate the sink requirement and didn't want the Council to walk away thinking they have these wonderful buildings there and they just wanted something bigger and better. The biggest issue is the bathrooms and very important to parents when taking one child to the bathroom when their other young child was on the field. It does seem expensive but wanted them to know they have used their own money with no help from the Township and maybe they could do it for less.

Attorney Gilmore asked Mr. Wethers if they could get some professionals to help out. Mr. Wethers stated they were very willing to pitch in just as they did for the Jackson Jungle. Council President Updegrave said they would look at all avenues. Mr. Wethers spoke of the cost for treating trees with chemicals and felt that money should be put toward the children. Attorney Gilmore asked him to leave his name and phone number.

**STEVE CHISOLM-106 LEESVILLE ROAD:** He spoke about some of the comments from speakers tonight and read a couple of proposed resolutions from the Municipal Pesticide Reduction Policy proposed by the NJ Environmental Federation and Rutgers University stating that many warnings are disingenuous and untrue and that some pesticides could be hazardous to personal health and the environment if over used or misused and it's unfair to treat all pesticides the same and although the decision had already been made he wanted to point out that too many times, decisions are not made on science.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He congratulated Council for continuing the Oversight Committee because it was important and then asked the Council to take a closer look at the members on the committee because they were members of the same organizations they were overseeing and there was potential conflict of interest. He felt very strongly about having the Oversight Committee and the involvement of Quality, First Aid, etc. and if a vote is needed there could be a conflict of interest if their vote affected members that provided those services and felt the potential was there. He then spoke of the Caucus session and that nothing was discussed that couldn't wait until the Public Session and then spoke of the time the meeting started and the 60-70 people that had been waiting until 7:50 and felt it was inconsiderate. He then spoke about the concession stands and how the give backs in the budget off set the incremental carrying cost for the bond issue. Mayor Seda stated the money would be put toward the debt and he misunderstood if he thought it was to offset the debt. Mr. Mayerowitz asked if someone could provide a number as to what the incremental cost to the Township is for the carrying cost of the bond less the give backs to recreational programs which he had asked for before and was still waiting for a response. If they were going to spend between \$500K to \$1 million it was a relevant number for the discussion plus it was going to come up during the budget presentation. He then asked the Council if they receive a packet of information the Thursday before the Council Meetings and Council President Updegrave explained department heads are required to get their information to the Clerk's office by 12 noon on Thursday before the meeting and that is when the Clerk puts together the Agenda for the upcoming meeting. Clerk Eden stated her goal was to have it completed by close of business on Thursday but the information is not public record at that time because it is only information for the Council. He suggested making the resolutions available to the public sooner just as they do with the Agenda.

**RICHARD EAGAN-24 OVERLOOK DRIVE:** he spoke of his hearing loss and apologized if he gets too loud at times. He then discussed the Oversight Committee and that everything coming from the Police Department is time stamped and could be verified and felt there would be no problem. He felt they made the right decision in going with Quality and then asked about the concession stand issue and if the previous problem regarding the septic system had been worked out. Mayor Seda stated it was and didn't know why the previous company couldn't do it. He questioned the Mayor about equipment purchased for spraying and asked him what chemical they intended to spray? Mayor Seda stated he would take recommendation from the Forester but didn't believe they would use Dimilin and they already have an aerial spray program. Mr. Egan felt the entire State should be sprayed with BT and they would then have a 65-75% kill rate and along with a ground spray they would have a more effective kill rate.

**STEPHANIE BROWN-SO. NEW PROSPECT ROAD:** She spoke of an issue with Burger King and the number of teens using skateboards, using foul language, exposing themselves and disrupting business. She stated they called the police but they didn't come. Mayor Seda stated the police patrol the area but if they are on an emergency call they can't get there asap and life threatening calls take priority. She stated she would appreciate anything that could be done.

**SHARON CREEDER-36 RENEE COURT:** She asked when the transition from MONOC to Quality would occur. Mayor Seda stated they have no contract and are on a month to month basis. Council President Updgrave stated Quality should be up and running by the 16<sup>th</sup> of March. Ms. Creeder stated she was a member of Jackson First Aid and wanted to thank the Mayor, Council and Administrator for the improvements to their building that were long overdue.

**HERB BLACK-81 PEBBLE BEACH CT.:** He asked Mayor Seda about BT and the gypsy moth destruction and sited other states using BT and Dimilin. He then argued about activity in Johnson Park and the work ordered by the Mayor was done without permits and asked why do we pay professionals if nobody advises the Mayor whether or not a permit is needed? The Mayor explained a permit wasn't needed because they weren't disturbing the cap and when the contractor made an error and uncovered the cap all work stopped and they waited for the permit.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked if the DEP waived the \$15K fine? Attorney Gilmore explained, to date, legal fees were less than \$1,000 and nothing had been determined regarding the fine and they were awaiting a letter from the Administrative Law Judge for a hearing date to set up a settlement conference and he's hoping to hear something within the next 30 days. He then asked Mayor Seda when the basketball courts would be completed at Johnson Park and if there were any incremental expenses since the contractor has to start up work again? He then asked about restrooms being restored in Johnson Park since they were removed when the initial work began. Mayor Seda stated there had been no discussion about restrooms and JCP&L had to remove lights from old courts and provide a tower for new lights and he stated the residents that weren't affected by the old lighting would not be impacted by the new lighting.

**MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**MOTION TO ADJOURN BY: MARTIN**

**MOTION SECONDED BY: STALLONE**

**YES: MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**ABSENT: INGRAM**

**9:40 PM**

**RESPECTFULLY SUBMITTED,**

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**COUNCIL PRESIDENT UPDEGRAVE**

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

**AME/klj**