

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

**ROLL CALL:**

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

**ATTORNEY STEVE FORAN  
TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE  
ADMINISTRATOR DEL TURCO  
MAYOR SEDA**

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

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**CAUCUS AGENDA**

**MISC. MATTERS RELATING TO PUBLIC SESSION AGENDA**

**OCEAN COUNTY NATURAL LANDS TRUST (RESOLUTION READY)**

**COUNCIL PRESIDENT UPDEGRAVE** commended the Ocean County Board of Chosen Freeholders for their outstanding efforts and the amount of land they were trying to set aside for open space.

**COUNCILMAN STALLONE** stated the Westlake Canasta Association brought to his attention a problem they were having regarding speeding and the police are unable to get in to help since it is a private community. He was given a draft of a Manalapan ordinance where police were able to access certain streets and asked the Attorney if it was possible to take a look at it and see if there was something that could be done. Mayor Seda stated Westlake has some issues with traffic and parking but because they are a private community they would have to submit a request and Jackson could adopt a resolution but it would have to be stipulated what streets they want to have the police patrol and then they would have to see how that affects the workload. Clerk Eden asked if it would be an Ordinance under Title 39 and the Mayor stated it would come into play and Attorney Foran agreed.

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**6:45 EXECUTIVE SESSION**

**RESOLUTION 098R-08  
TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE  
TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS  
CONCERNING MATTERS AS NOTED BELOW**

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

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

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

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

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

**DATED: 03-11-08**

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

**6:50PM**

**RECONVENE PUBLIC MEETING: MAYOR SEDA PRESENTED C.E.R.T. AWARDS. MOTION TO RE-OPEN BY: STALLONE  
 MOTION SECONDED BY: INGRAM  
 YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE  
 ABSENT: GUDAITIS**

**Richard Borys** spoke about the equipment and training each CERT member receives and how they help out around town and how they are trained for search and rescue, disaster preparedness, fire rescue, disaster psychology in helping people that have gone through trauma and commended them for their dedication. Mayor Seda stated the CERT members were doing what they do to help others and learn how to protect themselves and their families during an emergency. He commended them for their effort and volunteering. The names of the members were called and awards were given. Mr. Borys stated the next class begins in April and they have 35 people signed up already. He then thanked the Mayor and Town Council for their support.

**6:55PM**

**MOTION TO RE-CONVENE CLOSED SESSION BY: STALLONE  
 MOTION SECONDED BY: MARTIN  
 YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE  
 ABSENT: GUDAITIS**

**7:15PM – RECONVENED PUBLIC MEETING**

**ROLL CALL:**

<b>COUNCILWOMAN INGRAM</b>	<b>ATTORNEY STEVE FORAN</b>
<b>COUNCILMAN MARTIN</b>	<b>TOWNSHIP CLERK EDEN</b>
<b>COUNCILMAN STALLONE</b>	
<b>COUNCIL VICE PRESIDENT GUDAITIS (absent)</b>	
<b>COUNCIL PRESIDENT UPDEGRAVE</b>	

**ALSO IN ATTENDANCE**

**ADMINISTRATOR DEL TURCO  
 MAYOR SEDA**

As Clerk of this meeting, I publicly announce that in compliance with the provisions of the “Open Public Meetings Act” adequate notice of this meeting of the

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

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#### **PRESENTATION BY DIRECTOR OF PUBLIC SAFETY MATTHEW KUNZ – POLICE AWARDS**

**MATTHEW KUNZ** introduced Police Officers Michael Cunningham and John Convery who were being promoted to Police Sergeant. He stated Officer Cunningham joined Jackson in 1996 and Officer Convery joined Jackson in 1997. He then gave an overview of their many accomplishments and various awards, citations and ribbons.

**Mayor Seda** stated when he became Mayor he committed that he would do everything in his power to bring the Police Department up to where it should be and give necessary promotions. He thanked every police officer for the great job they do and congratulated the officers on their promotions.

**Mathew Kunz** stated he asked Clerk Eden add to the agenda so he could give recognition to officers that also do an outstanding job and although the Police Department recognizes their fine work he felt it appropriate to bring public awareness to their contribution and let the community know the kind of work they do. He introduced several police officers and described their various job accomplishments and dedication to the public. He called upon the Police Chaplain Rev. Dan Schaefer to say a few words. Rev. Schaefer stated Jackson had the finest Police Department in the State and he was proud to be a part of it and conducted a prayer. Mayor Seda stated being a police officer wasn't just about ticketing but spending every day protecting the lives of others and when 911 calls come in any number of these officers respond and he wanted to take a minute to personally thank them all for their hard work.

#### **PRESENTATIONS BY MAYOR MARK A. SEDA-CERTIFICATES-SCOUT TROOP PACK 104 – POSPONED/RESCHEDULED TO MARCH 25, 2008**

#### **5 MINUTE RECESS**

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#### **COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:**

**COUNCILWOMAN INGRAM** stated the Senior Center was going to hold a St. Patrick's Day party on Monday, March 17th at 12 noon and the Jackson Memorial High School was presenting the play Beauty and the Beast and encouraged everyone to attend and support the students on Thursday evening 7:30PM, Friday 7:30PM, Saturday 7:30PM and Sunday at 2:00PM. She wished everyone a safe trip home.

**COUNCILMAN MARTIN** stated they have been working on having a couple vendors bid on the gypsy moth aerial spray program hoping it would fit into the already tight budget. Unfortunately they learned the aid had been cut \$442K and the secondary spray was no longer feasible for them although they did everything they could. He stated they put a lot of information on the website to help residents combat the problem. He then stated he attended the Pajama Game Show at Liberty High School and thanked students and teachers for an outstanding show plus he attended the State Wrestling Finals and congratulated the three Jackson State champions noting that three winners from the same town hadn't occurred in 30 years. He thanked everyone for coming and wished everyone a safe trip home.

**COUNCILMAN STALLONE** he congratulated the Police Officers and thanked them for the work they do. He then voiced his support of Middletown Township and Amy Handlin and the Monmouth County Sheriff's Department for introducing a program to help identify teen drivers that was similar to the program Jackson came up with. He reminded everyone that Spring was coming and asked everyone to be aware of young drivers. He also wanted to thank the Ocean County Freeholders for moving ahead with purchasing over 100 acres of land by the Lakehurst base to be used as a buffer and then thanked everyone for coming.

**COUNCIL VICE PRISIDENT GUDAITIS (absent)**

**COUNCIL PRESIDENT UPDEGRAVE** she thanked everyone for coming and thanked the Police Department for everything they do for the residents of Jackson. She then stated on March 5<sup>th</sup> she attended the Ocean County Freeholders meeting where they voted yes and accepted the recommendation of the Ocean County Natural Land Trust Fund Advisory Committee to preserve and protect 163 acres of wooded area within Jackson Township by partnering with the Navy and Pinelands Conservation Fund. She felt honored to have been there and then wished everyone a safe trip home.

**BILLS AND CLAIMS**

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

**MOTION SECONDED BY: STALLONE**

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

**ABSTAIN: MARTIN (RC SHEA & ASSOC.) & UPDEGRAVE (DASTI, MURPHY & MCGUCKIN)**

**ABSENT: GUDAITIS**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
76457	A.C. MOORE, INC.	94.72
76458	ACTION OFFICE SUPPLIES INC.	959.00
76459	ALL INDUSTRIAL-SAFETY PRODUCTS	323.06
76460	APPLIED CONCEPTS, INC.	7,965.00
76461	ARDO	266.60
76462	VOID	-0-
76463	ASBURY PARK PRESS, INC.	1,090.24
76464	ATLANTIC SALT INC.	8,621.61
76465	B & H PHOTO	1,176.60
76466	BRITTON INDUSTRIES INC.	2,500.00
76467	CAMPBELL FOUNDRY COMPANY INC.	840.00
76468	CCC HEAVY DUTY TRUCK PARTS CO	137.05
76469	CENTRAL JERSEY WASTE AND	70,854.50
76470	C & H AUTOS	37.50
76471	PATRICK & ELLEN M CHIARMONTE	3,317.24
76472	CLARK, CATON & HINTZ CORP.	7,347.33
76473	CMF, INC.	316.25
76474	CORE MECHANICAL, INC.	11,464.80
76475	COSTCO WHOLESALE 229	191.13
76476	COUNTRYWIDE – TAX DEPT.	3,626.52
76477	COUNTY LINE HARDWARE	31.08
76478	COUNTRY SUDSER CAR WASH	120.00
76479	DELTA DENTAL PLAN OF N.J. INC.	21,199.97
76480	DELTA PRODUCTS, INC.	736.90
76481	DEL-VEL CHEMICAL	1,849.67
76482	DEPTCOR/BUREAU OF	83.75
76483	DIVISION OF CRIMINAL JUSTICE	300.00
76484	DIVISION OF STATE POLICE-SBI	60.00
76485	DOWNS FORD, INC.	337.84
76486	EAGLE MAINTENANCE SUPPLY INC.	2,308.74
76487	EDMUNDS & ASSOCIATES, INC.	13,750.00
76488	ESRI INC.	1,700.00
76489	EYEMED VISION CARE/FAA INC.	623.31
76490	GALL'S INCORP.	357.18
76491	GENERAL CODE PUBLISHERS CORP.	734.10
76492	JEROME A GERTNER	970.77
76493	VOID	-0-
76494	GILMORE & MONAHAN, PA	18,930.34
76495	GOOD FRIEND ELECTRIC SUP, INC.	46.74

76496	GRANTURK EQUIPMENT CO., INC.	202.72
76497	GREATER MEDIA PUBLICATIONS	155.30
76498	BRENDA H HEERWIG	42.01
76499	HUNTER JERSEY PETERBILT	293.96
76500	IKON OFFICE SOLUTIONS	1,644.78
76501	JACKSON SR. CITIZENS CLUB, INC.	323.13
76502	JACKSON TOWNSHIP CURRENT FUND	74.15
76503	JACKSON OPTIMIST CLUB	500.00
76504	JAMMER DOORS INC.	1,610.00
76505	VOID	-0-
76506	JERSEY CENTRAL POWER & LIGHT	50,052.94
76507	A-1 JDK SPECIALIES	46.50
76508	JDM PLANNING ASSOC., LLC	910.00
76509	K & L CONSTRUCTION COMPANY	17,499.00
76510	LAKEWOOD AUTO SUPPLY INC.	358.32
76511	SUSAN LOTITO	1,050.00
76512	LOWE'S COMPANIES, INC.	127.94
76513	MAJESTIC OIL CO., INC.	701.54
76514	M.C.A.A.	60.00
76515	MITCHELL HUMPHREY & CO	1,073.72
76516	MOTOROLA	18,901.65
76517	NAPCO/R.S. KNAPP CO., INC.	258.04
76518	ED NEILL	318.00
76519	NJ POLICE TRAFFIC OFFICER'S	35.00
76520	OCEAN COUNTY RECYCLING	477.40
76521	OCPTSOA	30.00
76522	OFFICE NEEDS	624.90
76523	OFFICE FURNITURE PLUS, INC.	835.71
76524	PEDRONI FUEL COMPANY, INC.	38,443.20
76525	PL CUSTOM BODY & EQUIPMENT	2,500.00
76526	PMI TECHNOLOGIES	465.00
76527	POLICE & FIREMEN'S RETIREMENT	37,643.85
76528	PUBLIC EMP. RETIREMENT SYSTEM	10,850.37
76529	QUARTERMASTER UNIFORMS	1,016.76
76530	FRED RASIEWICZ – PETTY CASH	118.21
76531	RED THE TAILOR, INC.	452.10
76532	REMINGTON, VERNICK & VENA ENG.	7,851.00
76533	RUSSO & CASSIDY, LLC	4,487.50
76534	SHERI SILVERSMITH – PETTY CASH	116.21
76535	SPRINT	385.41
76536	NJSHBP	255,111.62
76537	STEWART BUSINESS SYSTEMS	225.00
76538	TRENTON BRAKES, INC.	2,055.38
76539	TRICO	576.19
76540	MICHAEL CEPPALUNI DBA/UNITED	120.00
76541	UNUMPROVIDENT	7,871.36
76542	VAN SANT EQUIPMENT	63.54
76543	VAN SANT SEWER SERVICE LLC	742.00
76544	VOID	-0-
76545	VERIZON	1,973.84
76546	LT R WAGNER	20.00
76547	WALTER R EARL CORP.	489.60
76548	WARNOCK FLEET, INC.	152.14
76549	W.B. MASON CO.	1,031.25
76550	WHITEMARSH CORP.	550.00
76551	KELLY WINTHROP, LLC	200.00
76552	WORK'N GEAR	3,766.25

TOTAL 662,754.03

	<u>CAPITAL</u>	
CHECK#	VENDOR	AMOUNT

<b>60673</b>	<b>GILMORE &amp; MONAHAN</b>	<b>5,669.16</b>
<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
<b>28-29</b>	<b>DEV FEES-COAH</b>	<b>11,577.45</b>
<b>4398-4423</b>	<b>DEVELOPERS</b>	<b>229,617.90</b>
<b>372</b>	<b>DOG</b>	<b>1,539.60</b>
<b>60768</b>	<b>GENERAL TRUST</b>	<b>6,000.00</b>
<b>61870-61882</b>	<b>PARKS &amp; REC</b>	<b>4,475.00</b>

**MONTH END**

<b>CHECK #</b>	<b>VENDOR</b>	<b>AMOUNT</b>
<b>76348</b>	<b>JACKSON TOWNSHIP P/R ACCT</b>	<b>646,166.60</b>
<b>76349</b>	<b>JACKSON TOWNSHIP P/R ACCT</b>	<b>50,082.99</b>
<b>4371</b>	<b>JACKSON TOWNSHIP P/R ACCT (DE</b>	<b>3,870.00</b>
<b>60764</b>	<b>JACKSON TOWNSHIP P/R ACCT (GENERAL)</b>	<b>360.00</b>
<b>61850</b>	<b>JACKSON TOWNSHIP P/R (PARKS REC)</b>	<b>3,345.18</b>
<b>TOTAL</b>		<b>703,824.77</b>

**ORDINANCES, SECOND READING:**

**10-08**

**TITLE: AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE TOWNSHIP OF JACKSON, NEW JERSEY TO CABLEVISION OF MONMOUTH, INC.**

**PUBLIC HEARING OPENED**

**MICHAEL KAFTON-67 NO LAKESIDE AVENUE:** He asked Councilwoman Ingram about her comments in the paper accusing the previous administration for never moving forward with the project. He stated when his Administration was in negotiations with Cablevision they refused to give back to Jackson and the Committee refused to move forward with it because if they didn't want to give back more to the Town they didn't want to settle. He then stated everything in the agreement was the same his Administration asked for and they still aren't giving a separate channel for seniors. Councilwoman Ingram stated they may not have gotten the senior channel but they were able to get two other channels (one for the school and another one they haven't decided where to put) plus they will maintain 25%. He said all they did was hold off for 17 months for the same deal his Administration was asking for except this Administration didn't fight for the adult communities to get their own channel. Councilman Martin stated seniors would be able to avail themselves to advertise upcoming events without a problem.

**MARTY SPIELMAN-37 SHOAL ROAD:** He addressed Council President Updegrave and asked where Verizon stands when they are ready to offer cable service to Jackson? Councilman Martin explained under State law the cable company could negotiate directly with the Board of Public Utilities that encourages competition within the cable companies and stated Verizon still has the ability to come into Jackson once they have negotiated directly with the Board of Public Utilities. The article he read about the cable agreement stated Jackson was going to receive \$7,500 for first year of the agreement and for the next 14 years they will get \$4,300 each year that amounts to a little over \$60K and what did they think inflation was going to do with that and are they sure they weren't just giving something away? Councilman Martin stated it was a one time grant and they still get a municipal franchise rate that everyone would see on their bill. The grant would be nullified if Cablevision decided to go with a statewide franchise agreement and because

of State law they weren't able to get all the money up front. Mr. Spielman then stated he agreed with Mr. Kafton when he said the adult communities should have a cable channel to broadcast to their community and that the 25% would affect about 200 people but doesn't involve the rest of the adult communities or anyone else. Councilman Martin stated the senior discount has remained the same for years and there were some things they couldn't negotiate for. Councilman Stallone explained with the franchise agreement the Township would get two channels.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He stated negotiating with an entrenched vendor is difficult at times especially when Verizon isn't ready to join the Jackson market and guesses they were at least two years from doing so. After looking over the franchise agreement he compared it to other contracts that existed throughout the State that were approved this year and found some dissimilarities. He found five or six contracts that had ten (10) year renewal periods rather than the fifteen (15) year renewal Jackson was giving. In about five years the cable market would be completely different and for Jackson signing it only Cablevision benefits and not Jackson, even with an escape clause. He was most surprised with the technology grants that were higher in other areas than what Jackson was receiving and the senior discount was about \$8,000 which amounts to \$3.84 per month. He wondered why they thought it was so great? Councilman Martin explained they worked out a compromise that benefited both parties and Cablevision had a change in corporate policy regarding senior discounts. Councilman Martin stated there is a clause in the contract that allows Cablevision to back out if Verizon comes into town and explained they would have lost out of some aspects of the franchise agreement if they didn't act on it now.

**JOHN GASKILL-NO LAKESIDE DRIVE:** he asked how the technology grant would be used. Council didn't know exactly but they did agree the Township could use a better sound system. He then asked if they would start broadcasting Town Council meetings and Planning Board meetings? Councilman Martin stated once the new Council convenes in July that would be something they could discuss. He asked if the senior community would be using one channel? Councilwoman Ingram stated it was for education and government and they could broadcast the Township meetings as well. Councilman Martin stated there would be a calendar where non-profit groups could advertise upcoming events.

**MIKE KAFTON-67 NO LAKESIDE AVENUE:** He stated the camera and other equipment was given to Jackson Township by Cablevision back when his Administration negotiated with Cablevision. He stated they haven't taped one meeting for the public to review at home.

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

**MOTION TO APPROVE ORDINANCE 10-08 ON SECOND READING,**  
**ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED**  
**NEWSPAPER AS REQUIRED BY LAW BY: MARTIN**  
**MOTION SECONDED BY: INGRAM**  
**YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE**  
**ABSENT: GUDAITIS**

#### **ORDINANCE NO. 10-08**

#### **AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE TOWNSHIP OF JACKSON, NEW JERSEY TO CABLEVISION OF MONMOUTH, INC.**

**WHEREAS**, the governing body of the Township of Jackson (hereinafter referred to as the "Township") determined that Cablevision of Monmouth, Inc., (hereinafter referred to as "the Company" or "Cablevision") has the technical competence and general fitness to operate a cable system in the Township, and by prior ordinance

granted its municipal consent for Cablevision to obtain a non-exclusive franchise for the placement of facilities and the establishment of a cable television system in the Township; and

**WHEREAS**, by application for renewal consent filed with the Township and the Office of Cable Television on or about December 10, 2003 Cablevision has sought a renewal of the franchise; and

**WHEREAS**, the Township having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Township's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and has committed to certain undertakings responsive to the Township's future cable-related needs and interests; and

**WHEREAS**, the governing body of the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal complies with the requirements set forth below, the Township's municipal consent to the renewal of the Franchise should be given;

**WHEREAS**, the imposition by the Township of similar burdens and costs upon franchise competitors is assumed by both parties;

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

### **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq and any subsequent amendment thereto.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township of Jackson in the County of Ocean, and the State of New Jersey.
- (e) "Company" shall mean Cablevision of Monmouth, Inc. ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant

- (j) “State” shall mean the State of New Jersey.
- (k) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.
- (l) “Person” shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (m) “Street” shall mean the streets, avenues, highways, parks, parkways, driveways, concourses, boulevards, bridges, viaducts, tunnels, public places, or any property to which the Township has title or over which the public has an easement or right-of-way.
- (n) “System” shall mean the lines, fixtures, equipment, attachments and all the appurtenances thereto of whatsoever kind, which are used or intended for use in the construction, operation maintenance and transmission of audio, video and/or other signals by the cable company herein authorized.

## **SECTION 2. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Township hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

## **SECTION 3. GRANT OF AUTHORITY**

The Township hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Township of a System. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

## **SECTION 4. DURATION OF FRANCHISE**

This consent granted herein shall be non-exclusive and shall be for a term of fifteen (15) years from the date of issuance of a Certificate of Approval by the Board.

## **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

If Cablevision seeks a renewal of the consent provided herein, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. The Company shall also petition the Board for approval authorizing continued operation during the period following expiration of the consent granted herein, and until such a time that a decision is made by the Township and the Board relative to the renewal of said consent.

## **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Township and any property hereafter annexed.

## **SECTION 7. SERVICE AREA**

Cablevision shall be required to proffer video programming service along any public right-of-way to any person’s residence within the portion of the franchise territory,

as described in the Application for municipal consent, at tariffed rates for standard and nonstandard installation.

#### **SECTION 8. EXTENSION OF SERVICE**

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

#### **SECTION 9. FRANCHISE FEE**

Cablevision shall pay to the Township, an annual franchise fee, in accordance with N.J.S.A 48:5A-30.

#### **SECTION 10. FREE SERVICE**

Cablevision shall, upon request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public elementary and secondary schools and all municipal public libraries, each police building, fire station, and first aid building as well as municipal buildings located within the Township that are used for municipal governmental purposes.

Upon written request from the Township, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic Internet service via cable modem for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time; provided, however, that these changes in policy affect only changes in use, and not the elimination of the free service provided for herein.

Upon written request from the Township, the Company shall provide to Jackson Town Hall, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic Internet via cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time; provided, however, that these changes in policy affect only changes in use, and not the elimination of the free service provided for herein.

#### **SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

A. All transmission and distribution structures, lines end equipment erected or operated by the company within the Township shall be located and operated so as to cause the minimal interference with the rights or reasonable convenience of property owners adjoining any of said streets, alleys or other public ways and places of location or operation.

B. Restoration. In the event that the company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces in the natural topography, the company shall at its sole expense restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of said work.

C. Relocation. If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley, or other way or place, the company upon reasonable notice by the Township, shall remove, relay and relocate its equipment at the expense of the company.

D. Placement of Fixtures. The Company shall not place or operate any fixture or equipment in such locations as will or may interfere with any other public or private utility system or any part thereof and the location by the company of its lines and equipment shall be in such manner as not to interfere with the usual travel or use of said streets, alleys and public or private ways or places and the use and enjoyment thereof by all of such public and private utility companies, or the owner of such places.

E. Temporary Removal of Cables. The company shall, upon request of the Township, at the company's sole expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances. If by private request, the party requesting same shall be responsible for the company's expenses.

F. Removal or Trimming of Trees. During the exercise of its rights and privileges under this franchise, the company shall be responsible for the trimming of trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cables of the company. Such trimming shall be only to the extent necessary to maintain proper clearance for the company's facilities.

G. Restoration of Landscaping. The company shall restore all landscaping, streets, etc., to prior condition for any installation, retrofit and/or maintenance without additional costs to the owner.

## **SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

## **SECTION 13. LOCAL OFFICE OR AGENT**

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

## **SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

## **SECTION 15. LIABILITY INSURANCE**

The company agrees to maintain and keep in full force and effect at its sole expense at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of (1) \$1,000,000.00 for bodily injury or death to any one person, (2) \$1,000,000.00 for property damage resulting from any one accident, (3) \$1,000,000.00 for all other types of liability, (4) \$5,000,000.00 umbrella excess liability and (5) worker's compensation with statutory limits. Such coverage shall be written by a company or companies authorized and qualified to do business in the State of New Jersey. Upon written request, certificates of all such policies shall be promptly filed by the company with the Township.

## **SECTION 16. PERFORMANCE BOND**

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Ordinance, a bond in form acceptable to the municipality in the amount

of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

## **SECTION 17. RATES**

A. The rates of the Company for cable television services shall be subject to regulation to the extent permitted by federal and State law.

B. Senior Citizen Discount

(1) Cablevision shall implement a senior citizen discount in the amount of twenty-five percent (25%) off the monthly rate of the broadcast basic level of cable television reception service to any person sixty-two (62) years of age or older who subscribes to the Company's cable television service, subject to the following:

- (a) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (b) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to Aged and Disabled (PAAD) program in the State pursuant to N.J.S.A. 30:4D-21; and
- (c) The senior citizen discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any subscribers receiving service under a bulk arrangement, or to any additional service, feature, or equipment offered by the Company, including premium channel services and pay-per-view services; and
- (d) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount.

(2) Cablevision may at its sole discretion and without prior notice to the Town eliminate the senior citizen discount specified herein under any one of the following conditions:

- (a) The company is required to increase the franchise fee in accordance with N.J.S.A. 48-5A-30(d), which increase, if required, would automatically set aside a portion of the franchise fee to fund cable television services for low income senior citizens; or,
- (b) Cablevision obtains a system-wide franchise in the Township under the Cable Television Act; or,
- (c) The company is no longer legally required to offer the current (25%) senior citizen discount in neighboring Howell and Lakewood townships. If Cablevision is legally obligated to provide a reduced discount in those two neighboring communities, the company shall offer residents of the Township at least the senior citizen discount required in Howell and Lakewood; or
- (d) Any other provision of applicable law that would permit Cablevision to eliminate the senior citizen discount specified herein.

**SECTION 18. EMERGENCY USES**

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

**SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Township creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Township lawful amendments to its franchise that relieve it of the burdens which create the unfair competitive situation. Should the Company seek such amendments to its franchise, the parties agree to negotiate in good-faith appropriate changes to the franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, the Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Town's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

In the event that another multi-channel video provider obtains the right to provide video service within the Township through a statewide, system-wide, regional or other non-municipally governed franchising process, and to the extent that such other provider's franchise does not contain a Grant either equal to or greater than the amount of the Grant provided by Cablevision in Section 21(D) of this Ordinance, the Township agrees to relieve the Company of its obligations to provide the annual Grant beginning from the date the other provider offers services in the Township and continuing through the shorter of the expiration of the initial term of this ordinance or so long as the other provider offers service in the Township.

**SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

**SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. Cablevision shall continue to make available non-commercial public, educational and governmental ("PEG") access as described in the Application for municipal consent.

B. Upon written request by the Township, Cablevision shall install two fiber access return feeds at municipally designated buildings. Upon completion of the installations, Cablevision shall provide the Township, in lieu of the regional PEG channel described in the Application, with its own designated channel, which the Township will use exclusively for education and government access.

C. The Township agrees that Cablevision shall retain the right to use the any public, education or government access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel capacity for purposes of providing access programming. In the event that the Company uses the access channel for the presentation of such other programming, the access programming shall remain the priority use and the Company's rights with respect to using the channel for non-access programming shall be subordinate to the Township's provision of access programming on such channel.

D. In consideration for the rights granted in this Ordinance, the Company shall provide the Township with an initial grant in the amount of seven thousand and five hundred dollars (\$7,500.00). Such amount shall be paid to the Township within sixty (60) days following the adoption of this consent ordinance and its acceptance by the Company, or within (30) days of the grant of the Certificate from the Board, whichever comes first. In addition, beginning in the second year of the municipal consent and annually thereafter through the fifteen year term of the franchise, Cablevision shall, pay a grant to the Township in the amount of four thousand and three hundred dollars (\$4300.00) in each of the following years of the term of the Ordinance within thirty (30) days of the anniversary date of the date of adoption of the ordinance (the "Annual Grant"). The amount of the Annual Grant shall be increased to eight thousand eight hundred (\$8,800.00) dollars if prior to the date said Annual Grant is payable, the Company has eliminated or reduced the Senior Citizen Discount in accordance with Section 17B(2) (c) or (d). The Annual Grant may be used by the Township for any cable and/or other telecommunications related purpose as the Township, in its discretion, may deem appropriate. Cablevision shall not be obligated to make any additional payments beyond year fifteen of the franchise.

E. Notwithstanding the foregoing, should Cablevision apply for a systemwide certification or otherwise convert its municipal consent to a systemwide certification in accordance with applicable law, it shall be relieved of any payments due and owing after the date such systemwide certification is granted by the Board of Public Utilities with the exception of the Initial Grant of \$7,500.00 as provided above which shall in all cases remain due and payable if the Township adopts its municipal consent prior to September 1, 2008.

## **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

## **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws.

## **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

#### **SECTION 25. EFFECTIVE DATE**

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the 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 **February 26<sup>th</sup>, 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 March, 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: 03-11-08**

**ANN MARIE EDEN  
TOWNSHIP CLERK**

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**11-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3, SECTION 152 OF THE ADMINISTRATIVE CODE TO CREATE SECTION (J) ENTITLED "EMERGENCY SERVICES ADVISORY COMMITTEE" (LANGUAGE AMENDED FROM PREVIOUSLY INTRODUCED ORDINANCE NO. 11-08)**

Clerk Eden explained that the public hearing on Ordinance No. 11-08 was cancelled due to amendments after it's introduction resulting in the re-introduction of same under Ordinance No. 12-08

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**ORDINANCE FIRST READING**

**12-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3, SECTION 152 OF THE ADMINISTRATIVE CODE TO CREATE SECTION (J) ENTITLED "EMERGENCY SERVICES ADVISORY COMMITTEE"**

**MOTION TO APPROVE ORDINANCE 12-08 ON FIRST READING,  
ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND  
PUBLIC HEARING TO BE HELD ON, MARCH 25, 2008 BY: MARTIN  
MOTION SECONDED BY: STALLONE  
YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE  
ABSENT: GUDAITIS**

**Councilwoman Ingram** asked if the statement under “Duties” could be changed to reflect *monthly* instead of *periodically* because she would like to see reports on a monthly basis. Mayor Seda stated he would rather leave that to the committee because they may decide to present it weekly or twice a month. Councilman Stallone asked if they could state at a minimum? They agreed to leave it stating *periodically*.

Council President Updegrave stated the reason they made changes to the ordinance was because the committee was to report directly to the Council and voted yes.

### **ORDINANCE NO. 12-08**

#### **AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 3 OF THE TOWNSHIP CODE, OF THE TOWNSHIP OF JACKSON TO CREATE AN EMERGENCY MEDICAL SERVICES ADVISORY BOARD**

**WHEREAS**, it is the desire of the Township Council of the Township of Jackson to create an Emergency Medical Services Advisory Board.

**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.** There is hereby amended Chapter 3 of the Township Code of the Township of Jackson to provide for an Emergency Medical Services Advisory Board which shall provide as follows:

#### **§3-167 Establishment.**

There is hereby created a Medical Services Advisory Board to be known as the “Jackson Township Medical Services Advisory Board”.

#### **§3-168 Duties.**

The Emergency Medical Services Advisory Board shall assist and advise the Mayor and Township Council in monitoring and evaluating the Emergency Medical Services that are provided to the residents of Jackson Township by the duly appointed provider. A member of the Jackson Township Police Department, Jackson Township Volunteer First Aid and Jackson Township Council (all serving as liaisons) together with the Emergency Medical Services Advisory Board shall review the performance of the Emergency Medical Services Provider, review reports from the Emergency Medical Services Provider, and review the response times of the Emergency Medical Services Provider. The Emergency Medical Services Advisory Board shall periodically provide reports to the Mayor and Township Council. The Emergency Medical Services Advisory Board shall include in such report, any recommendations for improving the Emergency Medical Services provided to the residents of the Township of Jackson.

#### **§3-169 Appointment of Members.**

The Emergency Medical Services Advisory Board shall consist of no more than five (5) members. The members are to be appointed by the Mayor with the advice and consent of the Township Council. The membership of the Emergency Medical Service Advisory Board shall consist of five (5) residents of the Township of Jackson.

#### **§3-170 Terms of Members.**

Each member appointed to the Emergency Medical Services Advisory Board shall serve for a term of one (1) year commencing on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of each year. Any member of the Emergency Medical Services Advisory Board shall continue to serve in that position until such time as a successor is qualified and appointed.

**§3-171 Appointment of Chairman.**

The Chairman of the Emergency Medical Services Advisory Board shall be selected by a majority vote of the members of that Board and shall serve for a term of one (1) year.

**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).

\_\_\_\_\_  
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 the **11<sup>TH</sup> day of March, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **25<sup>th</sup> day of March, 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.

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

**DATED: 03-11-08**

**PUBLIC HEARING OPENED, RESOLUTIONS ONLY**

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked about Resolution 103R-08 and why they were transferring \$ 35K back into the Recreation budget. Mr. Del Turco explained there were some payments made out of the trust fund and the recreation trust fund paid for some expenditures that should have been paid out of the budgetary items and he's trying to get restitution back to clean up those funds. Mr. Mayerowitz asked if they had an itemized list? Administrator Del Turco stated he would have it at a later date.

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY:  
STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**RESOLUTION 103R-08**

**TITLE: AUTHORIZE BUDGET TRANSFER #6**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: STALLONE**

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

**ABSENT: GUDAITIS****APPROPRIATION TRANSFERS DURING LAST TWO MONTHS OF THE FISCAL YEAR OR THE FIRST THREE MONTHS OF THE CURRENT YEAR:**

**WHEREAS**, under the provisions of N.J.S.A. 40A:4-58, "Should it become necessary, during the last 2 months of the fiscal year, or the first three months of the current year to expend for any other purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient; no transfers may be made to appropriations for contingent expenses or deferred charges."

**WHEREAS**, certain appropriations listed herein have amounts in excess necessary to fulfill its purpose and others have insufficient funding for the calendar year.

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

1. The following annexed transfer schedule (#6) for the 2007. Municipal Operating Budget of the Township of Jackson are hereby made for the above stated reasons:
2. This resolution shall take effect upon two-thirds affirmative vote by the full governing body of the Township of Jackson.
3. Copies of this resolution to the Administrator, Chief financial Officer and Auditor.

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

**DATED: 03-11-08**

**RESOLUTION 104R-08**

**TITLE: AUTHORIZE THE ISSUANCE OF ONE (1) PLENARY RETAIL ALCOHOLIC BEVERAGE DISTRIBUTION LICENSE TO JACKSON WINE & LIQUOR, LLC TO BE SITED AT 2080 WEST COUNTY LINE ROAD, JACKSON, NEW JERSEY (T/A JACKSON WINE AND LIQUOR) IN CONSIDERATION OF THEIR PAYMENT TO THE TOWNSHIP OF \$318,000**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: INGRAM**

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

**ABSENT: GUDAITIS**

**WHEREAS**, Jackson Township previously adopted Resolution 226R-07 awarding a contract to David Lachman/Jackson Wine & Liquors, LLC, the highest bidder on a plenary retail alcoholic beverage distribution license available by the Township for issuance; and

**WHEREAS**, as part of said bid, David Lachman/Jackson Wine & Liquor, LLC was required to submit to the required police investigation; to pay annual fees; to disclose the source of funds for the purchase of said liquor license and to comply with all publication requirements; and

**WHEREAS**, said applicants have completed all of these requirements and the Township is now ready to issue a plenary retail alcoholic beverage distribution license in accordance with the Township's bid specifications.

**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 authorizes the issuance of a plenary retail alcoholic beverage distribution license to Jackson Wine and

liquor, LLC to be sited at 2080 West County Line Road, Jackson, New Jersey and having completed all other requirements.

2. That upon the adoption of the within resolution and issuance of said plenary retail alcoholic beverage distribution license, the Township Clerk is authorized and directed to forward a certified copy of the resolution to the State of New Jersey, Division of Alcoholic Beverage Control, Township Administrator, Chief Financial Officer, Director of Public Safety, Applicant (Jackson Wine & Liquor, LLC) and any other interested parties.

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

**DATED: 03-11-08**

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

**RESOLUTION 099R-08**

**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

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

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

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

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

**TOWNSHIP OF JACKSON**

**OVERPAYMENT REFUNDS**

**March 11, 2008**

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
5401	18	Patrick & Ellen M. Chiarmonte	2007 – 3 <sup>rd</sup> 2007 – 4 <sup>th</sup>	\$1,555.82 1,761.42
5401	18	Countrywide Tax Services Corporation	2008 – 1 <sup>st</sup>	1,739.27
8001	5.472	Brenda H. Heerwig	2007 – 3 <sup>rd</sup>	42.01
701	430	Countrywide Tax Services Corporation	2008 – 1 <sup>st</sup>	298.80
11404	60	Countrywide Tax Services Corporation	2008 – 1 <sup>st</sup>	1,588.45
<b>Total Amount:</b>				<b>\$6,985.77</b>

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

**DATED: 03-11-08**

**RESOLUTION 100R-08**

**TITLE: APPROVE BINGO/RAFFLE LICENSE TO: SWITLIK ELEMENTARY PTN(#RA-1185), JACKSON LIBERTY BAND PARENTS AND STUDENTS ASSOCIATION, INC. (#RA-1186) AND P.T.O. APPLGATE SCHOOL (#RA-1187)**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

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

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

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

Switlik Elementary PTN (#RA-1185)  
 Jackson Liberty Band Parents and Students Assoc., Inc. (#RA-1186)  
 P.T.O. Applegate School (#RA-1187)

2. Copies of the Resolution to interested parties.

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

**DATED: 03-11-08**

**RESOLUTION 101R-08**

**TITLE: APPROVE CHIEF FINANCIAL OFFICER’S MONTHLY REPORT FOR JANUARY 2008**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

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

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

1. The CHIEF FINANCIAL OFFICER’S Report for the month of January 2008 is hereby approved.
2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

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

**DATED: 03-11-08**

**RESOLUTION 102R-08**

**TITLE: AUTHORIZE CHANGE TO CUSTODIAN OF PETTY CASH FOR THE JACKSON TOWNSHIP RECREATION DEPARTMENT FROM ERIC J. SCHUBIGER TO STEVE EISENSTEIN**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, pursuant to N.J.S.A. 40A4-21, a local unit may establish a petty cash fund by submitting application to and after approval by the Director of Local government Services; and

**WHEREAS**, the Jackson Township Recreation Department has previously established a Petty Cash fund in accordance with said statute which Eric J. Schubiger is designated as custodian of said Fund; and

**WHEREAS**, on February 15, 2008 Eric J. Schubiger resigned his duties, it is necessary to change the custodian of said Petty Cash Fund to Steven Eisenstein, who was appointed on February 26, 2008 as the Director of Recreation and Senior Services effective March 3, 2008.

**NOW, THEREFORE, BE IT RESOLVED** by the Jackson Township Council that this Council does hereby authorize the change of the Custodian of the Petty Cash fund of the Jackson Township Recreation Department from Eric J. Schubiger to Steven Eisenstein.

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

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

**DATED: 03-11-08**

**RESOLUTION 105R-08**

**TITLE: AUTHORIZE RELEASE OF C.O. BOND POSTED BY RNS BUILDERS FOR BLOCK 6401, LOT 23 (156 SOUTH NEW PROSPECT)**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, RNS Builders, has requested the Release of a Cash Bond for winter conditions in the amount of \$1,000.00 pertaining to 156 So. New Prospect Road, a/k/a Block 6401 Lot 23, Jackson Township; and

**WHEREAS**, a Certificate of Occupancy was issued on January 18, 2002, which certificate of occupancy 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 Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for winter conditions in the amount of \$1,000.00 heretofore posted with the Township may and hereby is released to RNS Builders.

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.**

**DATED: 03-11-08**

**TOWNSHIP CLERK**

**RESOLUTION 106R-08**

**TITLE: RESOLUTION RECOGNIZING THE OF MARCH 2008 AS NATIONAL NUTRITION MONTH**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, the Township of Jackson wishes to promote good nutrition to the residents of Jackson Township by recognizing March 2008 as **“National Nutrition Month;”** and

**WHEREAS**, food is the substance by which life is sustained; and

**WHEREAS**, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

**WHEREAS**, there is a need for continuing nutrition education and a wide-scale effort to enhance good eating practices through educational programs and activities; and

**WHEREAS**, this year’s theme is *“Nutrition: IT’S a Matter OF Fact,”* and

**WHEREAS**, the “National Nutrition Month” campaign sponsored by the American Dietetic Association reinforces the importance of nutrition as a component of good health, along with physical activity; and

**WHEREAS**, the Ocean County Women, Infants and Children (WIC) Program aids in promoting good health through their individual nutrition counseling and group education classes to all eligible participants in the County of Ocean; and

**WHEREAS**, program nutritionists, registered dietitians, and support staff will be at the Ocean County Mall, County Connection on March 26 and March 27, 2008 to provide information on the importance of making informed food choices and developing sound eating and physical activity habits, Prenatal and Postpartum Nutrition, Infant and Child Nutrition, Breastfeeding, Preparing Healthy Snacks for children, and the promotion of nutritionists/registered dietitians as the most valuable and credible source of timely, scientifically-based food and nutrition information; and

**WHEREAS**, the Ocean County WIC Program, will provide an in-service on “Healthy Eating and Exercise Habits,” to the general public, at the Tom’s River Library, on March 26, 2008; and

**NOW, THEREFORE**, I, Ann M. Updegrave, Council President of the Township of Jackson, in the Ocean County and State of New Jersey, with the full concurrence of the Township Council, wish to honor and salute the Ocean County Women, Infants, and Children Program for its continued commitment to providing good quality Nutrition education to the residents of Ocean County not only during **“National Nutrition Month”** but throughout the year.

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

**TOWNSHIP CLERK**

**DATED: 03-11-08**

**RESOLUTION 107R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO ARROWHEAD BUILDING CORPORATION, OF THE CASH BOND ISSUED FOR 151 SAVANNAH ROAD, A/K/A BLOCK 40, LOT 82.01**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, Arrowhead Building Corporation has requested the Release of a Cash Bond for tree replacement in the amount of \$5,000.00 pertaining to 151 Savannah Road, a/k/a Block 40 Lot 82.01, Jackson Township; and

**WHEREAS**, Michael G. Miller, Township Engineer, of T&M Associates has reviewed and approved the release of said cash bond in a letter report dated February 28, 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 Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for tree replacement in the amount of \$5,000.00 heretofore posted with the Township may and hereby is released to Arrowhead Builders Corporation.

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: 03-11-08**

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**RESOLUTION 108R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEE POSTED BY ARROWHEAD BUILDING CORPORATION FOR SAVANNAH RIDGE, SEC. 4, BLOCKS 40, 41.02, 41.03, LOTS VARIOUS**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, Arrowhead Building Corporation has requested a Reduction of the Performance Guarantee posted for Savannah Ridge, Sec. 4, located on Block 40, 41.02, 41.03, Lots various, Jackson Township; and

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

1. Performance guarantee in the form of Performance Bond # B21842272 in the amount of \$312,053.00 issued by Gulf Insurance Company.
2. Cash Guarantee in the amount of \$31,205.34.

**WHEREAS**, Al Yodakas, P.E., Township Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated February 28, 2008 in the following amount:

1. Reduction of the Performance Bond to not less than \$84,254.42
2. Reduction of the Cash Guarantee to not less than \$9,361.60

**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 \$312,053.00 to not less than \$84,254.42 and the Cash Guarantee from \$31,205.34 to not less than \$9,361.60. 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: 03-11-08**

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**RESOLUTION 109R-08**

**TITLE: CONSENT TO THE APPOINTMENT OF KIM A. PASCARELLA, ESQ. AS ALTERNATE MUNICIPAL PROSECUTOR FOR CY 2008**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, N.J.S.A. requires municipalities within the State of New Jersey to appoint Alternate Municipal Prosecutor(s) to act in the absence of the Municipal Prosecutor; and

**WHEREAS**, the Township accordingly needs to appoint Alternate Municipal Prosecutor(s) in accordance with the requirements of said law; and

**WHEREAS**, the value of this contract will not exceed \$17,500.00 as outlined in N.J.S.A. 19:44A-20.4 et. seq.; and

**WHEREAS**, the maximum amount of the contract to be awarded under this resolution is as set forth in the 2008 municipal budget for legal services; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. allows the award of contracts for "Professional Services" without competitive bidding under certain guidelines pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

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

**WHEREAS**, the Mayor, with the advice and consent of the Township Council, desires to appoint Kim A. Pascarella, Esq. as Alternate Municipal Prosecutor for CY 2008.

**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 Kim A. Pascarella, Esq., 815 Blvd., Box 248, Seaside Heights, NJ 08751 is hereby appointed to the position of Alternate Municipal Prosecutor for a term commencing immediately and ending December 31, 2008 and shall perform all legal services under the contract authorized herein.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to a contract agreement with Kim A. Pascarella, Esq. Said contract will provide for the payment of services through the Municipal Prosecutor in the event that the Township calls upon said Alternate Municipal Prosecutor during the year 2008.
3. That this contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(l)(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, Chief Financial Officer, Purchasing Agent, Municipal Court, Appointee and any other interested party.

**DATED: 03-11-08**

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

**RESOLUTION 110R-08**

**TITLE: CONSENT TO THE APPOINTMENT OF CARLOS FERREIRA, ESQ. AND JUDITH G. AMORSKI, ESQ. AS CONFLICT/ALTERNATE PUBLIC DEFENDERS CY 2008**

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

**WHEREAS**, P. L. 1997, Chapter 256 requires municipalities within the State of New Jersey to appoint Conflict/Alternate Public Defenders to act in the absence of the Municipal Public Defender; and

**WHEREAS**, there exists a need for Legal Services as Conflict /Alternate Public Defender of the Township of Jackson in accordance with N.J.S.A. 2B:24-3; and

**WHEREAS**, the Township accordingly needs to appoint Conflict/Alternate Public Defenders in accordance with the requirements of said law; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. allows the award of contracts for "Professional Services" without competitive bidding under certain guidelines pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, this appointment is made without competitive bidding for "Professional Services" to be performed by a person authorized by law to practice a recognized profession; and

**WHEREAS**, said contract shall provide for the payment of \$200.00 per client in the event the Township calls upon said Conflict/Alternate Public Defender for CY 2008; and

**WHEREAS**, this contract will not exceed the bid threshold of \$17,500.00; and

**WHEREAS**, the maximum amount of the contract to be awarded under this resolution is as set forth in the 2008 municipal budget for legal services; 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.

**WHEREAS**, the Mayor, with the advice and consent of the Township Council, desires to appoint Carlos Ferreira, Esq. and Judith G. Amorski, Esq. as Conflict/Alternate Public Defenders for CY 2008.

**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 Carlos Ferreira, Esq., 111 Clifton Avenue, Lakewood, NJ 08701 and Judith G. Amorski, 10 West Main Street, Freehold, NJ 07728 are hereby appointed Township Conflict/Alternate Public Defenders for a term commencing immediately and ending December 31, 2008 and shall perform all legal services under the contract authorized herein.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to a contract agreement with Carlos Ferreira, Esq. and Judith G. Amorski, Esq. Said contracts will provide for the payment of \$200.00 per client in the event that the Township calls upon said Conflict/Alternate Public Defender during the year 2008.
3. That this contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(l)(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, Chief Financial Officer, Purchasing Agent, Municipal Court, Appointee and any other interested party.

**DATED: 03-11-08**

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

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**RESOLUTION 111R-08**

**TITLE: REJECT BID RECEIVED FOR AERIAL SPRAYING OF GYPSY  
MOTH UTILIZING THE PRODUCT BT**

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

**WHEREAS**, Jackson Township previously advertised for the receipt of bids on March 4, 2008 at 10:00 a.m. for Aerial Spraying Gypsy Moth utilizing the pesticide BT; and

**WHEREAS**, at the time and place for the receipt of bids, one (1) bid was received from Coastal Air Service, Inc.; and

**WHEREAS**, the Township Clerk and Township Purchasing reviewed said bid for compliance with mandatory items required in the bid specifications; and

**WHEREAS**, Coastal Air Service, Inc. failed to provide a mandatory bid document known as the "Business Registration Certificate" (BRC); and

**WHEREAS**, pursuant to N.J.S.A.:11-23.2(f), failure to submit this mandatory item shall be deemed a fatal defect that shall render the bid proposal unresponsive and cannot be cured by the local contracting unit resulting in the rejection of that bid.

**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 bid submitted by Coastal Air Service, Inc., Panama City, Florida is hereby rejected due to the omission of the required Business Registration Certificate (BRC)
2. Copies of this resolution shall be forwarded to Township Administrator, Purchasing Agent, Coastal Air Service, Inc. and any other interested party.

**DATED: 03-11-08**

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

**RESOLUTION 112R-08**  
**TITLE: AUTHORIZE THE RENEWAL OF AMUSEMENT GAMES LICENSE**  
**TO SIX FLAGS GREAT ADVENTURE FOR CY 2008**

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

**WHEREAS**, Six Flags – Great Adventure has applied for a renewal of its amusement games license for those games listed on the attached "Schedule A" in accordance with Jackson Code Section 38-11, et seq.; and

**WHEREAS**, the premises being licensed in Block 1, Lot 27.01 are located in a recognized amusement park with the Township of Jackson; and

**WHEREAS**, the proper fee has been paid and the appropriate investigation has been conducted by the Township and there is no objection to the renewal of these licenses.

**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 amusement game licenses as listed on "Schedule A" which is annexed hereto for the premises located on Block 1, Lot 27.01 are hereby authorized to be renewed to the applicant, Six Flags – Great Adventure, for a term commencing this date and terminating December 31, 2008.
2. A certified copy of this resolution shall be transmitted together with copy of application and license certificate issued to the Commission of Amusement Game Control, the applicant and any other interested party.

**DATED: 03-11-08**

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

**RESOLUTION 112R-08**

**TITLE: RESOLUTION SUPPORTING THE ACQUISITION OF BLOCK 23201, LOT 7 TOTALING APPROXIMATELY 10.9 ACRES LOCATED OFF OF ROUTE 571 THROUGH OCEAN COUNTY LANDS TRUST FUND**

**MOTION TO APPROVE BY: STALLONE**

**MOTION SECONDED BY: MARTIN**

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

**ABSENT: GUDAITIS**

**WHEREAS**, the Mayor and Township Council recognizes that the preservation of open space is vital to maintaining the quality of life in the Township of Jackson; and

**WHEREAS**, the voters of Ocean County overwhelmingly approved the establishment of a Natural Lands Trust Fund for the purchase of land in order to preserve open space in the County; and

**WHEREAS**, the owner of Block 23201, Lot 7, located in the Township of Jackson, has expressed interest in conveying said parcel to the Ocean County Natural Lands Trust; and

**WHEREAS**, the subject property is approximately 10.9 acres located on Route 571 in Jackson Township; and

**WHEREAS**, guidelines established by the Ocean County Natural Lands Trust Fund Committee require the approval of the municipality wherein the subject land is located; and

**WHEREAS**, it is the desire of the Mayor and Township Council to go on record as supporting the acquisition of Block 23201, Lot 7 by the Ocean County Natural Lands Trust Fund.

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

1. That the Mayor and Township Council do hereby support the acquisition of Block 23201, Lot 7, in the Township of Jackson by the Ocean County Natural Lands Trust Funds.

2. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the owner of Block 23201, Lot 7 in the Township of Jackson, and to the Ocean County Natural Lands Trust Fund Committee.

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

**DATED: 03-11-08**

**DISCUSSION AGENDA:****Clean Communities Day Poster Contest - April 12, 2008**

**Clerk Eden** stated Council agreed to judge the poster contest and asked what their preference was- week night or Saturday? Council agreed Thursday, April 10<sup>th</sup>, 2008 at 7:00PM.

**PUBLIC HEARING, ANY TOPIC**

**MARTY SPIELMAN-37 SHOAL ROAD:** He wanted to discuss the shared services between the school district and Jackson Township stating it made no sense to charge each other for services. Mayor Seda suggested holding his questions for the sub-committee that was meeting on Thursday. Mr. Spielman just wanted to bring up the issue so they could discuss it at the meeting. Councilman Martin explained they would provide a full report to Council on what was discussed at the meeting and Councilwoman Ingram stated

he was welcome to call her with any questions. He just wanted it brought up so it could be resolved prior to summer.

**RICHARD EGAN-24 OVERLOOK DRIVE:** He asked Councilwoman Ingram how she would rate the Mayor's job performance. Council President Updegrave felt this type of questioning was inappropriate. He asked Councilwoman Ingram about her comments that were quoted in the paper stating the Mayor made some tough choices and stated not spraying last year for gypsy moths was one of those tough decisions. Attorney Foran stated he's heard a series of questions that were interrogating in nature and instructed Mr. Egan to make his comments or sit down.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked about the driver sticker program and if they had a count to how many they gave out? Councilman Stallone stated there were only a few handed out and Councilwoman Ingram stated she was in the process of working with the high school as a mother and not a Council member and they were working on putting together two assemblies, one during the day and the other at night. They would have police and other individuals the kids could relate to but in the evening it would be to teach the parents how to educate the kids. Some parents that have lost children will attend and the stickers will be handed out that night. Mr. Mayerowitz asked if it was mandated? Councilman Stallone stated if the kids wanted to park on school property the sticker would be required. Mr. Mayerowitz asked about the taping of meetings and once the equipment was working would the tapes be available for residents to review? Council President Updegrave stated other township's requested it but didn't know exactly how they handled it. He then asked if Mike Connor would be responsible for making sure the channels had coverage and working properly? Council confirmed. Mr. Mayerowitz stated he would give the Council a "10" on their EMS decisions because he knew how much the Mayor wanted a CSO program but the Council took positive steps to evaluate what was best for the Township and recommendations from the public and forming a EMS Oversight Committee and when the public balked at members about the committee the Council again listened and withdrew the ordinance and that type of performance really deserved a "10". Mr. Mayerowitz asked Council President Updegrave why she abstained on one item on Bills and Claims and she stated the vendor was the president of the Town Council in the township where she works and would be a conflict to vote. Mr. Mayerowitz commented that Ms. Updegrave didn't think it was a conflict to take the job, but appreciated her answer.

**MIKE KAFTON-67 NO. LAKESIDE DRIVE:** He stated the "10" Paul gave the Council regarding their decision on selecting EMS was only reactive when the "10" should go to the residents like Mr. Mayerowitz and other seniors because in November they were going to go ahead with the CSO program until the seniors got together and if they hadn't Jackson would have had the CSO program shoved down their throats. Council President Updegrave reminded him about his comments. Mr. Kafton stated nobody spoke up until the seniors did. He then asked Councilwoman Ingram about the stickers for teen drivers and she clarified her previous comments. He then intimated that the spray program was eliminated because only a few people attended the meeting. Councilman Martin stated it was impossible to go forward under the circumstance because the State cut their aid by \$442K and that was the reason the Town abandoned the 2<sup>nd</sup> spray plan and then Mr. Kafton asked what their next plan was going to be and Councilman Stallone stated the State would spray with BT. Council President Updegrave stated they did as much as they could possibly do and put an enormous amount of information on the website and when the bid for proposals went out for bid they only had two vendors respond and each fell through but she felt every avenue was exhausted. Mr. Kafton stated he contacted Monmouth County Freeholders when he read in the paper that Monmouth County was spraying by helicopter because they were fearful after what happened in Jackson by not spraying last year and they didn't want the same thing happening to them. He had asked if John Toby of Monmouth County Public Works could help Jackson if an inter local agreement could be reached with Jackson Township so that while their helicopters are in the air they could spray Jackson too. He was hoping to hear something positive soon.

**RICHARD EGAN-24 OVERLOOK:** He asked Councilman Martin why they don't have enough money and how did they get to this point? Councilman Martin explained the

State cut their aid 10% totaling \$442K. Mr. Egan stated if they sprayed last year they wouldn't have to spend so much to spray this year. Councilman Martin explained if they sprayed last year it may not have cost as much as it was this year but it still would have gone up a lot. Mr. Egan stated the problem was because the entire State isn't sprayed and it doesn't help to spray only half because the other half is still infested. Mr. Egan asked what the status of the spray truck was and Mayor Seda stated it hadn't come in yet. Mr. Egan made reference to the DPW storage structure's \$400K concrete slab that was poured so cars didn't have to park in the mud. Mayor Seda explained the foundation was not purchased prior to the building be purchased in 2004 and the reason they are in litigation with Gavan was because the foundation was never purchased and the building is in holding in Gavan's lot and Gavan was looking for a delay plan. He offered Mr. Egan documentation and Mr. Egan stated he didn't want anything from him.

**JOHN GASKILL-25 NO. LAKESIDE DRIVE:** He proposed using the balance from the bond for turf to purchase and install solar panels that could be placed on Township buildings because, since it was a twenty-five (25) year bond and the savings for utilities would eventually negate the cost of the fields completely and it was fiscally and environmentally responsible. He then asked about the lowering of Lake Enno and stated the water is much cleaner and appreciated what they did but since they opened the Bennetts Mill Dam from the bottom most of the fish were lost and he asked if they could contact someone to restock the fish and get the population back up? Council stated they would look into it.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked when the budget workshops could be anticipated and how many sessions were they planning? Council explained they wouldn't have a date until the Mayor presents the budget. The Mayor stated he was working on it and it should be completed in the next couple weeks. Mr. Mayerowitz felt the public should have a couple weeks to look at it before the Council votes on it and given the opportunity to raise questions.

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

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

**9:05 PM**

**RESPECTFULLY SUBMITTED,**

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**COUNCIL PRESIDENT UPDEGRAVE**

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

AME/klj