

ON TUESDAY, JUNE 24, 2008 AT 6:50 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING (DELAYED START DUE TO RANDOM DRUG TESTING OF THE TOWNSHIP COUNCIL)

PLEDGE OF ALLEGIANCE

ROLL CALL:

**COUNCILWOMAN INGRAM
COUNCILMAN MARTIN
COUNCILMAN STALLONE (7:10PM)
COUNCIL VICE PRESIDENT GUDAITIS (7:20PM)
COUNCIL PRESIDENT UPDEGRAVE**

**ATTORNEY GILMORE
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.

CAUCUS MEETING AGENDA

MISC. MATTERS RELATING TO PUBLIC SESSION AGENDA

CLERK EDEN addressed Council President Updegrave stating there have been many violations occurring at the Johnson Dog Park and wanted the Council to be aware that visitors to the park have included individuals that do not live in Jackson, animals are not licensed and dog toys are being used (all in violation of the rules established for the park) and wanted the Council aware of issues brought to her attention by Animal Control adding that Animal Control strongly suggests an attendant be at the dog park during operating hours.

ATTORNEY GILMORE wanted to add the matter of Kaplan Company to the Executive Session.

7:05PM EXECUTIVE SESSION

RESOLUTION 202R -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: INGRAM

YES: INGRAM, MARTIN & UPDEGRAVE

ABSENT: STALLONE & GUDAITIS

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

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

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

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.

- 2. The general nature of the subject matter to be discussed is as follows:
 - a) Personnel/Professionals:
 - b) Litigation/Potential Litigation: Kaplan Co./Piccadilly Lane
 - c) Potential Land Sale/Land Acquisition: Inquiry to sell property located on Diamond Road to the Township of Jackson. Update Westlake Village, LLC property donation to the Township of Jackson (Butterfly Road)
 - d) Contracts/Agreements:
- 3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

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

DATED: 06-24-08

7:40 PM RECONVENE PUBLIC MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL:

**COUNCILWOMAN INGRAM
COUNCILMAN MARTIN
COUNCILMAN STALLONE
COUNCIL VICE PRESIDENT GUDAITIS
COUNCIL PRESIDENT UPDEGRAVE**

**ATTORNEY GILMORE
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.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILWOMAN INGRAM thanked everyone for coming and gave a brief summary of their accomplishments during the last two years

COUNCILMAN MARTIN thanked everyone for coming and thanked Councilwoman Ingram, Councilman Stallone and Councilman Gudaitis for their time serving Jackson.

COUNCILMAN STALLONE thanked everyone for coming and thanked Councilman Martin for kind words and thanked the residents of Jackson for allowing him to serve.

COUNCIL VICE PRISIDENT GUDAITIS waived comment

COUNCIL PRESIDENT UPDEGRAVE explained how the meeting would proceed so it moved swiftly as there was a lot to discuss and wanted to have proper decorum.

PUBLIC HEARING-RESOLUTIONS NO. 203R-08 and 204R-08 (ONLY)

RESOLUTION 203R-08

TITLE: AUTHORIZE THE READING OF THE 2008 MUNICIPAL OPERATING BUDGET BY TITLE ONLY

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

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

DATED: 06/24/08

PUBLIC HEARING – RESOLUTIONS NO. 203R-08 AND 204R-08 (ONLY)

JOHN GASKILL-NO LAKESIDE DRIVE: He read an excerpt from a book “The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis” by David Osborne stating he would ask his question when he was finished. Council President Updegrave reminded him she wanted to have questions kept brief and he stated this was a filibuster and continued reading. Attorney Gilmore interrupted and explained he couldn’t prevent the Council from voting and any attempt in doing so would be against the law and ask him to proceed with his question. Mr. Gaskill spoke of a majority of Council members and the Mayor attending last Tuesday night’s meeting where matters were discussed and voted on relating to Township business which was against the Sunshine Law and noted a complaint had been filed and any ordinance voted on this evening would be thrown out when an investigation takes place.

DORA KARKER-JACKSON ACRES: She asked if the ordinance for mobile homes would be discussed later? Councilman Martin stated that it would.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He asked what “self examination of the 2008 budget” meant? Administrator Del Turco briefly explained New Jersey Budget Law and explained the State allows municipalities to conduct an examination of the budget prior to adoption.

BOBBIE RIVERE-PINE VALLEY ROAD: She felt they could have done better in making cuts to the budget and stated they would be in trouble next year. She referred to a comment made by the Mayor, in the newspapers, that deep cuts would be necessary next year and asked if that was the case, why weren’t cuts made this year? Mayor Seda explained they did what they could to stabilize the rate and there is no way of telling what the State would do next year.

DONNA MINELLI-1079 WEST VETERANS HIGHWAY: She presented a bottle of her drinking water and claimed to live in a leased home that has no CO and that the Building Department has been helping her with her situation and gave it to the Mayor stating she was filing a law suit.

CLERK EDEN reminded the public this portion of the meeting was focusing on Resolution 203R-08 and 204R-08.

MIKE KAFTON-67 NO LAKESIDE DRIVE: He commented on the Mayor’s platform when he ran for office to cut the budget and then raised it when he got into office. He then asked if they did a future projection before putting this budget together and what it was? Mayor Seda explained they didn’t know what the State was going to do next year. He then asked Administrator Del Turco what kind of tax increase they were looking at for next year? Mr. Del Turco explained they don’t know what the State Aid figures would be but were trying to do some revenue enhancements this year. He asked Mayor Seda what the projection would be? Administrator Del Turco felt it might be 5-6 ¢ but they were working on many revenue enhancements to help offset it. Mr. Kafton stated Mayor Seda was not planning for the future and would give the taxpayers another tax increase this coming year. Attorney Gilmore stated there would be a budget hearing later on and reminded everyone what they should be discussing now.

JOHN GASKILL-NO LAKESIDE DRIVE: He spoke of the budget workshops and how they went over each line item and discussed how many could be cut yet no changes were made and they were voting on the budget tonight. He then stated he himself found \$650K - \$700K in cuts that could be made. He felt there was about a \$3 million shortfall and there was no self examination because there were no successions to cut the budget.

DANIEL GROSS-18 POINT CIRCLE: He said the township learned a lot since the change of government. He wanted the next Council to say thank you to the Mayor and Administrator and present them with their cuts and show what they could do for the taxpayers and don't count on the State for any money. They should plan on getting zero dollars and start from there to plan a budget.

ART BYRNES-SAVANAGH RIDGE: He spoke of an editorial in the paper and as a builder asked why it needs to be done tonight and not wait until the new Council comes in? He said to hold off because if they get rid of that Building Department the Mayor would then call the shots in determining who owes what. Attorney Gilmore stated the Mayor wouldn't have the right to negotiate the fines. Mr. Byrnes knew it was the wrong move when the Mayor put those who backed him on the Council because they were his "yes" men.

COUNCIL PRESIDENT UPDEGRAVE reminded everyone about following the Agenda and behaving appropriately and at the end of the meeting anyone was welcome to come and speak on any topic.

PAUL MAYEROWITCZ-91 CYPRESS POINT LANE: He was looking forward to getting on with the meeting.

**MOTION TO CLOSE THIS PUBLIC HEARING ON RESOLUTIONS 203R-08 AND 204R-08 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

**RESOLUTION 203R-08
TITLE: AUTHORIZE THE READING OF THE 2008 MUNICIPAL OPERATING BUDGET BY TITLE ONLY**

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

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget:
 - a. Shall be made available for public inspection in the free County library, (Ocean County Library – Jackson Township Branch) located in the municipality.
 - b. Copies are made available to each person requesting same during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 1(a) and 1(b), have been met and therefore the Budget for 2008 shall be read by title only.

DATED: 06/24/08

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

RESOLUTION 204R-08

TITLE: AUTHORIZE THE SELF-EXAMINATION OF THE 2008 MUNICIPAL BUDGET

MOTION TO APPROVE BY: STALLONE

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Jackson has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Jackson that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Reserve for uncollected taxes
 - d. Other reserves and non-disbursement items
 - e. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found a N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within he municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.A.C. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of the resolution will be forwarded To the Director of the Division on Local Government Services upon adoption.

DATED: 06/24/08

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

ADMINISTRATOR DEL TURCO thanked the Mayor, Council, Department Heads and public and gave a brief PowerPoint presentation of the 2008 Municipal Operating Budget overview of the budget.

PUBLIC HEARING ON THE 2008 MUNICIPAL OPERATING BUDGET

DAN GROSS-18 POINTE CIRCLE: He asked to get a recap of tax rate increase and stated the bar was set so high that it was irrelevant and asked why he picked a scale \$5K when it never gets to be over \$1K and asked if he was trying to pull a psychological trick on the public? He felt by preparing a chart like this it was ingenuous and suggested he didn't do it next year. Then he referred to the surplus and how the town was \$800K over last year and asked where they would be if it weren't for the land sale? And since next year they won't have a land sale, what would the surplus be down to? Administrator Del Turco stated they held \$829K. Mayor Seda asked if he was complaining they didn't raise taxes? Mr. Gross asked if they were artificially keeping the taxes down this year by doing a one-time sale in an election year versus raising the tax by a small amount this year and then a small amount next year? Mayor Seda reminded him it wasn't an election year and they did what they needed to do to stabilize the rate and agreed they need to do more. Mr. Gross asked where the accounts receivable page was where it shows the debts receivable or the income expected from fines and penalties they haven't collected on? Administrator Del Turco explained the delinquent taxes were included in his figure. Administrator Del Turco stated the surplus at the end of the year was approximately \$8 million and they were using \$5.9 million and leaving the rest behind

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated the budget was being balanced on property sale that occurred 1 ½ years ago and liquor licenses he felt a 14¢ increase seems practical and asked if they were doing enough in 2008 for 2009? He said they were still spending money and asked if the budget was flat at a loss or premium? Administrator Del Turco stated it was about a \$200K loss. Mr. Mayerowitz asked what the total amount outstanding was regarding fines and penalties and how many does that number represent? Administrator Del Turco stated as of May \$394,333,885.70 and Mr. Mayerowitz asked if any of that money was being collected in 2008? Mr. Mayerowitz asked how far back do the fines date and Councilman Martin confirmed the fines had been accumulating for a decade. Mr. Mayerowitz would like to know that those property owners have been brought up to code since fining them doesn't work. Administrator Del Turco stated Dan Burke wrote to Mr. Olejarz about being more aggressive. Councilman Martin stated they would bring the violators to Court noting they would be served and given 30 days to come into compliance and that would be extended another 30 days if they are having financial hardship and after that they have to appear in Court. Mr. Mayerowitz felt they should be focusing on the real problem that was cutting the budget, inflation and lack of county and state aid.

HERB BLATT-81 PEBBLE BEACH: He talked about revaluating properties that haven't been evaluated for up to 20 years and when they do, those people would be leaving Jackson because they wouldn't be able to afford to stay here. He said they had to focus on cutting the fat from the budget. Administrator Del Turco stated the State required the revaluation to be done and the increase would balance the tax and corrects the tax load between neighborhoods.

JOHN GASKILL-25 NO LAKESIDE DRIVE: He spoke of the people that retired and the cost of their salaries and benefits and how it cut \$416K and the four approved layoffs of the clerks which came to another \$252,364.00. He didn't understand where it disappeared from and why the budget wasn't going down. He then stated they were lacking public polling asking what the people want.

MOTION TO CLOSE PUBLIC HEARING ON CY2008 BUDGET ADOPTION

RESOLUTION 178R-08 BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE

ABSENT: GUDAITIS

RESOLUTION 178R-08

TITLE: APPROVE THE ADOPTION OF THE MUNICIPAL OPERATING BUDGET FOR CY 2008

MOTION TO APPROVE BY: INGRAM

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

DATED: 06/24/08

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

BILLS AND CLAIMS**MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN****MOTION SECONDED BY: INGRAM****YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE****ABSTAIN: MARTIN (JUAN BELLU & ASSOCIATES) & UPDEGRAVE (DASTI, MURPHY & MCGUCKIN)**

CHECK#	VENDOR	AMOUNT
77248	JACKSON TOWNSHIP P/R ACCT	663,524.78
77249	JACKSON TOWNSHIP P/R ACCT	52,224.98
77252	A.C. MOORE INC.	43.73
77253	ACTION OFFICE SUPPLIES INC.	81.90
77254	ALL COUNTY EXTERIOR	37.00
77255	AMERICAN BUS & COACH, LLC	225.68
77256	ANTONIDES, WILLIAM E & WM, JR	10,000.00
77257	VOID	-0-
77258	ASBURY PARK PRESS, INC.	1,175.92
77259	BARTON SUPPLY, INC.	2,814.14
77260	SUNSHINE BARRETT	715.13
77261	BAYWAY LUMBER	1,062.20
77262	JUAN BELLU & ASSOC.	1,650.00
77263	BOARD OF FIRE COMMISSIONERS	78,720.50
77264	BOARD OF FIRE COMMISSIONERS	193,623.75
77265	BOARD OF FIRE COMMISSIONERS	507,505.50
77266	BOARD OF FIRE COMMISSIONERS	296,833.05
77267	BRITTON INDUSTRIES INC.	400.00
77268	P.O. CAMBELL BROWN	125.00
77269	CABLEVISION	59.95
77270	THE CAMBRIA COMPANIES	97.06
77271	CAMPUS COORDINATES, LLC	180.00
77272	VOID	-0-
77273	CANYON SPRING WATER	581.89
77274	CAOLA COMPANY	430.44
77275	CDW GOVERNMENT, INC.	245.00
77276	CITTA, HOLZAPFEL & ZABARSKY	1,095.08
77277	CLARK, CATON & HINTZ CORP.	3,190.12
77278	CLAYTON BLOCK CO., INC.	625.07
77279	COLLEGE TV INC.	1,174.00
77280	CORE MECHANICAL, INC.	1,495.00
77281	COSTCO WHOLESALE 229	144.20
77282	COUNTY LINE HARDWARE	213.87
77283	DELTA PRODUCTS, INC.	1,243.65
77284	DOWN FORD, INC.	325.34
77285	DOWNTOWN AREO CROP SERVICE	510,826.88
77286	DSI MEDICAL SERVICES, INC.	57.42
77287	EDWARDS TIRE COMPANY, INC.	6,380.28
77288	EXCAVATING MATERIALS &	1,860.00
77289	EYEMED VISION CARE/FAA INC.	611.46
77290	FAIRLITE ELECTRIC SUPPLY CO.	118.72
77291	FOS TAX SERVICE	1,295.42
77292	GENERAL CODE LLC	2,607.90
77293	GOVDEALS, INC.	2,067.88
77294	GPANJ	30.00
77295	GREATER MEDIA PUBLICATIONS	809.00
77296	ROBERT A & TEENA B GROSSMAN	2,797.76
77297	HEAVENLY SCENTS FLOWER & GIFT	108.00
77298	JOSEPH E & GAIL E HEUMILLER	1,900.17
77299	IKON OFFICE SOLUTIONS	149.80

77300	INTERNATIONAL FIREWORKS	10,000.00
77301	JACKSON TWP. BOARD OF ED.	5,740,314.00
77302	JACKSON TWP. MUN. UTILITIES AUTH.	8,576.03
77303	JERSEY CENTRAL POWER & LIGHT	29,588.46
77304	PELSANG, ROBERT F & CAROL A	40.00
77305	JERSEY PROFESSIONAL MNGMT.	14,100.00
77306	JERZ MECHANICAL INC.	160.00
77307	J.R. HENDERSON LABS, INC.	282.00
77308	LAB SAFETY SUPPLY INC.	144.29
77309	LAKEWOOD AUTO SUPPLY INC.	15.98
77310	LANIGAN ASSOCIATES, INC.	3,585.00
77311	LOWE'S COMPANIES, INC.	25.65
77312	LEXISNEXIS MATTHEW BENDER	132.40
77313	MEDQUIST INC.	712.99
77314	MERIDIAN OCCUPATIONAL HEALTH	45.00
77315	MID-STATE ABSTRACT COMPANY	1,675.00
77316	PAUL J & HELENA M MIRAO	46.15
77317	MONMOUTH TELECOM	4,043.78
77318	WILLIAM EVERSON	150.86
77319	MULVANEY, CORONATO AND BRADY	3,333.34
77320	NFPA	715.50
77321	NEW JERSEY SOCIETY OF	35.00
77322	NEXTEL COMMUNICATIONS	2,277.50
77323	NEW JERSEY NATURAL GAS	2,186.79
77324	NORMAN'S GLASS & AUTO SVCS, INC.	271.82
77325	OCEAN COUNTY BOARD OF HEALTH	3,975.00
77326	OCS PRINTING – OCEAN COUNTY	177.00
77327	OFFICE NEEDS	94.53
77328	PEDRONI FUEL COMPANY, INC.	49,371.22
77329	PENCELL PLASTICS	447.62
77330	PHILADELPHIA TURF CO	248.79
77331	PROCLAMATIONS FOR PROFESSIONAL	50.00
77332	FRED RASIEWICZ-PETTY CASH	147.76
77333	REALTY APPRAISAL CO.	135,000.00
77334	BRIAN E RUMPF	2,796.88
77335	RUTGERS, THE STATE UNIVERSITY	371.00
77336	RMV LAND/LIVESTOCK CO., INC.	1,039.15
77337	SECURITAS SECURITY SYSTEMS	400.00
77338	SEELY EQUIPMENT & SUPPLY	17,705.58
77339	SHOPRITE/PERLMART, INC.	57.14
77340	NEW JERSEY DIVISION OF ABC	78.00
77341	SUNOCO CREDIT CARD CENTER	30.93
77342	T & M ASSOCIATES	393.00
77343	TOWNSHIP OF JACKSON	25.00
77344	TREASURER, COUNTY OF ATLANTIC	150.00
77345	ULTIMATE OFFICE	216.91
77346	MICHAEL CEPPALUNI DBA/UNITED	250.00
77347	UNITED AIR CARE INC.	2,475.00
77348	UNUMPROVIDENT	7,749.09
77349	US HOMES	118.58
77350	VAN DERVEER TIRE & SERVICE CTR	85.00
77351	VERIZON WIRELESS	42.69
77352	VERIZON	647.07
77353	WALTER R EARL CORP.	56.43
77354	WAL-MART COMMUNITY	200.29
77355	WB MASON COMPANY	280.55
77356	WEST-THOMSON CORPORATION	90.00
77357	KELLY WINTHROP, LLC	40.00
	TOTAL	8,400,752.37
77250	NCOA, INC.	145.00

77251	HEWLETT PACKARD CORP.	1,892.00
	TOTAL	2,037.00

CAPITAL

CHECK #	VENDOR	AMOUNT
60745	CLARK, CATON & HINTZ CORP.	1,586.25
60746	FRENCH & PARRELLO ASSOC., PA	3,656.04
60747	THE HOME DEPOT	173.88
60748	JACKSON TOWNSHIP CURRENT FUND	52,212.69
60749	JAMMER DOORS INC.	4,055.00
60750	JDM PLANNING ASSOCIATES, LLC	1,625.00
60751	JERZ MECHANICAL INC.	425.00
60752	MAHER APPRAISALS	2,300.00
60753	REHABCO, INC.	1,458.00
60754	SHAMROCK LAWN AND LANDSCAPE	8,537.00
60755	T & M ASSOCIATES, INC.	2,672.80
60756	T & M ASSOCIATES, INC.	526.00
	TOTAL	79,047.66

CHECK #	VENDOR	AMOUNT
38-40	DEV FEES-COAH	2,355.50
4581-4593	DEVELOPERS	40,379.90
380	DOG	946.80
60779-60781	GENERAL TRUST	890.75
9125	OPEN SPACE	4,071.35
61963-61988	PARKS REC	22,917.90
2132	SUBDIVISION	3,627.80
61967	VOID	-0-

ORDINANCES, SECOND READING:

22-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 103, ARTICLE XIV, SECTION 46 OF THE VEHICLE AND TRAFFIC CODE OF THE TOWNSHIP OF JACKSON TO ESTABLISH NO PARKING ZONES ALONG THE ENTIRE LENGTH OF NORTH HOPE CHAPEL ROAD BETWEEN SOUTH COOKS BRIDGE ROAD AND NEW CENTRAL AVENUE MONDAY THROUGH FRIDAY DURING THE HOURS OF 7:00 A.M. TO 3:00 P.M.

PUBLIC HEARING OPENED - NO ONE CAME FORWARD

MOTION TO CLOSE PUBLIC HEARING BY: STALLONE

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

MOTION TO APPROVE ORDINANCE 22-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

ORDINANCE 22-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 103, ARTICLE XIV, SECTION 46 OF THE VEHICLE AND TRAFFIC CODE OF THE TOWNSHIP OF JACKSON TO ESTABLISH NO PARKING ZONES ALONG THE ENTIRE LENGTH OF NORTH HOPE CHAPEL ROAD BETWEEN SOUTH COOKS BRIDGE ROAD AND NEW CENTRAL AVENUE MONDAY THROUGH FRIDAY DURING THE HOURS OF 7:00 A.M. TO 3:00 P.M.

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

SECTION 1. Chapter 103, Article XIV, Section 46 entitled “Schedule II: No Parking Certain Hours” of the Vehicle and Traffic Code of the Township of Jackson is hereby amended to include the following:

“No Parking Zones” are hereby established along the entire length of North hope Chapel Road between South Cooks Bridge Road and New Central Avenue, Monday through Friday during the hours of 7:00 a.m. to 3:00 p.m.

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

SECTION 3. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed to be valid and effective.

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

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

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on June 10, 2008 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24th day of June, 2008 at 6:30 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning this Ordinance.

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

ANN MARIE EDEN
TOWNSHIP CLERK

DATED: 06/24/08

23-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 86 OF THE TOWNSHIP CODE,

ENTITLED “RENT CONTROL FOR APARTMENTS AND MOBILE HOME PARKS”

PUBLIC HEARING OPENED:

DORA KARKER-JACKSON ESTATES: She stated she was opposing vacancy decontrol because if it goes into affect they would lose rent control completely. She asked the Council to delete that portion from the ordinance. She stated she was disappointed in Mike Kafton and read a past resolution from 2004. Councilman Martin stated they were not for decontrolling rent control and he explained some benefits to the ordinance to put her mind at ease.

PATTIE KATZ-JACKSON RESIDENT: She stated she was against rent decontrol and spoke about residents being harassed.

DORA KARKER-JACKSON ESTATES: stated times were hard and landlords got their raise each year but tenants haven't gotten a decrease.

GARY MILLER-48 BOXWOOD/MAPLE GLEN: He was most upset about checks and balances and the residents that sell their homes will get hurt because there was no cap. He suggested putting a cap on the rent decontrol line item. Councilman Martin explained what was required of the Management Office.

LORI GREENBERG, ESQ-CHERRY HILL, NJ: She stated the Rent Control Board met for over a year on this ordinance and brought in the residents at the end with their proposals. They crafted a compromise and she thanked everyone involved and explained Cherry Hill had no decontrol provision and the apartments went to slums and condemned and later taken over by the State. Since then they put in decontrol and have never had a problem since. All but Jackson has rent decontrol for resale. It encourages the landlords to make apartments nice to get the most they can to keep it nice and protects the residents.

PATTI KATZ-JACKSON RESIDENT: She accused Ms. Greenberg of scare tactics and stated the mobile home residents need a place to live and resented the reference to them becoming slums. People aren't looking for charity they just want a place to live and call home.

RAMON DEL CRUZ-RENT LEVELING BD. MEMBER: stated the problem with the old ordinance was it had gray areas that this ordinance addresses because the outdated ordinance created some problems. The new ordinance allows a normal economic process to take place. It's important to people that need a place to live and people will benefit from it even though they don't think so.

GARY MILLER-48 BOXWOOD: He addressed the hardships in place to allow landlords to get back to a 47.5% profit and not a blanket to get whatever they wanted and they have to prove a financial review by the Board and Tenants Association.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

MOTION TO APPROVE ORDINANCE 23-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: MARTIN

MOTION SECONDED BY: GUDAITIS

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

ORDINANCE 23-08

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 86 entitled “Rent Control for

Apartments and Mobile Home Parks,” so as to delete Article II, entitled “Rent Control for Apartments” in its entirety and replace it with the following:

ARTICLE II
Rental Control for Apartments and Mobile Home Parks

§ 86-4. Definitions.

For the purpose of this article, the terms used herein are defined as follows:

AVAILABLE FOR RENT TO TENANTS -- Fit for rental as defined by the statutes, codes and ordinances in effect in the state of New Jersey, County of Ocean and Township of Jackson and occupied or unoccupied and offered for rent.

BASE RENT -- The payable rent charged and received for the housing unit or rental unit or mobile home rental space over the previous twelve-month period, exclusive of any and all of the following; all real property taxes or license fees charged by the Township; any tax surcharges; and any increases for major capital improvements.

CAPITAL EXPENDITURE OR IMPROVEMENT -- Any amount paid out or to be paid out for permanent improvements made to increase the value of property, and useful life in a manner greater in size, amount or importance than ordinary expenses or normal repairs as defined under the Internal Revenue Service Code and Regulations, provided that said expenditures are entitled to be depreciated under the applicable provisions of the Internal Revenue Service Code and Regulations.

CONSUMER PRICE INDEX -- That consumer price index (all items) for all urban consumers of the United States published periodically by the Bureau of Statistics of the United States Department of Labor as generally reported January 15th.

DWELLING -- Includes any building or structure, rented or offered for rent to one or more tenants or family units, and not otherwise exempt under the provisions of this article.

ECONOMIC LIFE -- The estimated period over which it is anticipated that a property may be profitably used.

ENFORCEMENT -- Any violations of this article shall be reported by the Board to the Township Council and Zoning Officer for the Township. The Zoning Officer and/or Code Enforcement Officers are specifically granted authority to sanction violations of this article by a summons in municipal court or any other court permissible by a law.

HOUSING UNIT or RENTAL UNIT -- Includes a building or that portion of a building rented or offered for rent for living and dwelling purposes to an individual or family unit, together with all privileges, services, furnishings, furniture, equipment and facilities and improvements connected with the use or occupancy of such portion of the property.

LANDLORD -- An owner, lessor, sublessor, receiver, trustee, executor, assignee or other person receiving or entitled to receive rent for the use or occupancy of a mobile home rental space or of the whole or a part of any housing unit or rental unit.

MOBILE HOME RENTAL SPACE -- That portion of a trailer or mobile home park rented or offered for rent for the purposes of parking a trailer or mobile home for living and dwelling purposes to one individual or family unit, together with all privileges, services equipment, facilities and improvements connected with the use or occupancy of such portion of the property. Mobile home rental spaces which are vacant or are newly constructed and rented for the first time are exempted, and the initial rent may be determined by the owner. All subsequent rents will be subject to the provisions of this chapter.

PROFESSIONAL FEES -- Fees paid to an attorney, an engineer or an accountant.

REASONABLE AND NECESSARY OPERATING EXPENSES -- All expenses actually incurred and paid by a landlord during the period reflected in gross income computed in accordance with the provisions and limitations of this article. In computing reasonable and necessary operating expenses, the following limitations shall apply in all cases:

A. Operating expenses shall not include mortgage amortization, mortgage or other interest, depreciation, fines or penalties.

B. Taxes should be limited to amounts actually paid solely on the mobile home park or dwelling less the amounts of any tax surcharges paid by tenants.

C. Repair and maintenance expenses shall not include expenditures for capital improvements.

D. Professional fees, including legal and accounting expenses, shall be limited to actual costs for the day-to-day operation of the park or dwelling. Legal and accounting expenses resulting solely from an application made pursuant to this article or resulting from legal attacks on this article shall not be considered Reasonable and necessary operating expenses as defined in this article.

E. Management expenses shall be limited to amounts paid for actual services performed by a manager or management firm. In no event shall a fee for management services exceed 5% of the gross income.

RENT -- Any and all sums paid by a tenant for the use of a dwelling, including the services in connection therewith. "Rent" shall not include sums paid into or collected from coin-operated machines. "Rent" shall also not include any amounts paid pursuant to a separate written agreement entered voluntarily by and between a landlord and tenant for use of furnishings and the like, exclusive of stoves, ranges, ovens, refrigerators and air-conditioning units. Such agreements shall be independent of and separate from the leasehold agreement.

SERVICES -- Repairs, decorating and maintenance, the furnishing of equipment, appliances, light, steam, heat, hot and cold water, telephone, elevator service, cleaning service, linen service, janitor service, the removal of refuse and any other utility facility or privilege connected with and furnished by the landlord for the use or occupancy of the housing unit.

TENANTS -- Mobile home owners and occupants who rent or lease a mobile home rental space from the mobile home park owner, or occupants who rent or lease a housing or rental unit from a landlord.

§ 86-5. Establishment of rents.

Establishment of rents for mobile home rental spaces and rents between a landlord and a tenant for housing or rental units used as dwellings, and which are available for rent to tenants and to which this article is applicable, shall hereafter be determined by the provisions of this article.

§ 86-6. Disclosure of rents.

A. The landlord shall provide and disclose to all new tenants, in writing upon execution of a lease, the sums allocated in the gross rent paid to the landlord for the following items:

- (1) Base rent.
- (2) Tax surcharge.

- (3) License fee.
- (4) Any other special expense.
- B. A copy of said disclosure shall be filed with the Rent Leveling Board within 30 days of execution of the same.

§ 86-7. Rental increases.

No landlord may demand, request or receive a rental increase for the occupancy of a mobile home rental space or housing or rental unit unless authorized pursuant to and in accordance with the provisions of this article. Any rental increase at any time in excess of that authorized by the provisions of this article shall be void. Any rental increase must be approved by the Rent Leveling Board after application and review in accordance with the standards set forth in this chapter. Any rental increase implemented by a landlord without such review and approval by the Rent Leveling Board shall be void.

§ 86-8. A. Exemptions.

The following are exemptions from the provisions of this article to the extent set forth below:

- A. Hotels, motels, boardinghouses and all other premises if they primarily serve transient guests.
- B. Public housing units.
- C. New construction. Any person, firm, corporation or entity placing on the rental market for the first time any newly constructed residential housing space within the Township shall be entitled to charge any rent to any tenant that may be obtained by an agreement between the parties, and said unit shall remain exempt from the provisions of this chapter for seven years from the date of the initial certificate of occupancy for the unit. However, the landlord shall, during the exempt period, notify all prospective tenants, in writing, prior to commencement of any tenancy:
 - (1) That the unit is exempt from rent control pursuant to this article.
 - (2) The date upon which said exemption terminates.
- D. Existing housing space placed on the rental market for the first time. Any person, firm, corporation or entity placing on the rental market for the first time any existing residential housing space within the Township shall be entitled to charge any rent to any tenant that may be obtained by an agreement between the parties, and thereafter said unit shall remain exempt from the provisions of this chapter for seven years from the date of the initial certificate of occupancy for the unit. However, the landlord shall, during the exempt period, notify all prospective tenants, in writing, prior to commencement of any tenancy:
 - (1) That the unit is exempt from rent control pursuant to this article.
 - (2) The date upon which said exemption terminate(s).
- E. School dormitories.
- F. Apartment complexes containing 20 rental units or less.

- G. Rental units owned by a nonprofit corporation that is exempt from municipal taxation pursuant to N.J.S.A. 54:4-3.6.

- H. Government subsidized units.
 - (1) Existing units. The rent of any rental unit or mobile home rental space governed by this chapter and occupied by a tenant whose rent is subsidized by a governmental program, such as Department of Housing and Urban Development Section 8 Housing Program, may be increased once a year, without applying to the Rent Leveling Board, in excess of the annual increases permitted by § 86-9 herein, provided that the increase is permissible under the rules and regulations of the government subsidy program and the tenant's share of the rent is not increased at a greater percentage than would be permitted by this article. Should the unit subsequently be occupied by a tenant whose rent is not subsidized, the rent for that unit shall be immediately reinstated to an amount that would have been permitted if this subsection did not govern.

 - (2) Rehabilitated units.
 - (a) The rent of any rental unit rehabilitated pursuant to a governmental housing rehabilitation/rent supplemental program, such as the Department of Housing and Urban Development Section 8 Moderate Rehabilitation Program, may be increased once, upon completion of the rehabilitation, in excess of the annual percentage increase permitted by § 86-9 herein, for the establishment of a new base rent, without applying to the Rent Leveling Board, provided that:
 - [1] The increase is permissible under the rules and regulations of the governmental rehabilitation/subsidy program; and
 - [2] The rent is established in accordance with the rent calculation formula prescribed by the program regulations.

 - (b) After the establishment of a new base rent for rehabilitated units, subsequent annual increases shall be treated as in Subsection H(1) above.

- I. Substantially rehabilitated buildings. An occupied building may be exempt from the provisions of this article if the landlord rehabilitates the building as to result in a fifty-percent increase in the assessed value thereof. The building shall be entitled to exemption from the provisions of this article, provided that the landlord makes application to the Rent Leveling Board for exemption pursuant to this subsection and the Rent Leveling Board determines that the building has been substantially rehabilitated so as to increase the assessed value thereof 50% over the assessment in effect immediately prior to the date the rehabilitation work was commenced. The exemption shall be for five years from the date of the Rent Leveling Board decision. The exemption permitted by this subsection shall not be granted to any substantially rehabilitated building if the rehabilitation is compelled by state or local health, building or housing laws, regulations or requirements.

- J. Office buildings, commercial buildings and similar type buildings in which 1/3 or more of the occupied floor space is used for commercial purposes.
- K. Where a landlord or owner and an individual tenant or several tenants mutually agree or negotiate a rental in excess of the rent permitted by this article, provided that any tenant or tenants who enter into any such agreement shall personally appear before the Rent Leveling Board or an official designated by the Board and shall affirm that the agreement is voluntary and uncoerced. Any such rental agreement shall be solely between such individuals and shall be deemed to be an exception to the provisions of this article and is hereby authorized. Under no circumstances shall such agreement be applicable for any other purpose whatsoever.
- L. Where the landlord or owner of a rental property and the tenants thereof agree to a negotiated settlement of rents by the agreement of 2/3 of all occupied units in the rental property to such a negotiated settlement, on the basis of one vote per occupied housing or rental unit in the rental property, all tenants having been given an opportunity to agree thereto, such negotiated settlement shall have the effect of authorizing the landlord or owner to increase rentals at a percentage which is the same for all housing or rental units in the rental property. Such negotiated settlements shall take effect in accordance with the terms and conditions thereof, and a copy of any such negotiated settlement shall be filed with the Rent Leveling Board.
- M. The landlord of a newly constructed mobile home rental space or of a mobile home rental space being rented for the first time or being rented as a result of the vacating of the mobile home rental space by a previous tenant by the removal by that tenant of his mobile home shall not be restricted in the rental he charges. Any subsequent rental increases to the tenant who takes possession, however, shall be subject to the provisions of this article. Where there is a resale of a mobile home remaining in the same rental space, the provisions of this article restricting rental increases shall continue to apply.

§ 86-8. B. Vacancy Decontrol.

- A. Vacancy Decontrol. Upon the voluntary, uncoerced vacation or court ordered eviction of any tenant for which rent increases are controlled by Chapter 86, and upon compliance with this section, at the time of re-rental of a unit pursuant to this section, a landlord may negotiate a rental with the proposed new tenant at a level mutually agreeable between the landlord and the proposed tenant.
- B. The landlord must file with the Rent Leveling Board, and provide a copy to the tenant in occupancy, if any, a “Vacancy Decontrol Certification” within fifteen (15) days after entering into a lease agreement and accepting a deposit from a new tenant, which shall include the following information:
 - (1) Property address;
 - (2) Apartment number;
 - (3) Vacating tenant’s monthly base rent;
 - (4) New tenant’s monthly rent;
 - (5) Name of landlord;

- (6) Address of landlord;
 - (7) Telephone number of landlord;
 - (8) A statement certifying that the vacancy was uncoerced or as a result of court ordered eviction, which statement shall be provided to any tenant then occupying the subject housing or rental unit or mobile home.
- C. Vacancy Decontrol certifications and the statement provided to any tenant then in occupancy shall be approved by the Rent Leveling Board unless a written objection to the certification is filed with the Rent Leveling Board within ten (10) days of the filing of a complete certification. In the event an objection is filed, a hearing shall be held and conducted in accordance with the applicable procedures of § 86-21.
- D. Once a unit has received vacancy decontrol pursuant to this section, it shall be subject to the remaining provisions of the ordinance, and any future rental increases for the tenant in occupancy are limited to those increases permitted under the ordinance.
- E. Anti-harassment Provision. It shall be unlawful for a landlord, or his or her agents, to willfully do, or commit or cause to be done or committed, any of the following: any harassment, intimidation or other similar action to a tenant with the intent to have a tenant vacate the rental unit; any reduction by the landlord in services which causes the tenant to vacate the premises; and any vacation of the premises which is coerced; provided, however, that this provision shall not limit a landlord, or his or her agents, from any act specifically authorized under the laws of the State of New Jersey.
- G. Violation of Anti-Harassment Provision. In addition to the penalties set forth in § 86-31, a willful violation of this section shall subject the landlord to:
- (1) On the first offense, loss of privilege to apply for vacancy decontrol for any housing or rental unit or mobile home rental space at the subject property for a period of not less than one (1) year;
 - (2) On the second offense, loss of privilege to apply for vacancy decontrol for any housing or rental unit or mobile home rental space at the subject property for a period of not less than (2) years;
 - (3) Upon a finding of any further offenses, loss of privilege to apply for vacancy decontrol for any housing or rental unit or mobile home rental space at the subject property for a period of five (5) years.

A complaint for the violation of this provision shall be brought in Municipal Court. A complaint may be initiated by the Rent Leveling Board or an affected tenant.

§ 86-9. Annual increase; decreases.

- A. (1) A landlord may receive on an annual basis a percentage increase for the occupancy of a mobile home park space or rental/housing unit, which increase is to be computed based upon the annualized percentage increase in the consumer price index (CPI) average for the prior year, as reported in

January of the year in which an application is made. In no event shall such annual percentage increase exceed a maximum of 4.25%. The percentage allowable increase calculated hereunder shall be applied to the tenant's existing base rent.

- (2) The fair rental may be increased by only a maximum of 4.25% in each twelve-month period, said annual increases to be compounded annually.
- B. Any landlord seeking such an increase in rent shall serve notice upon the tenants and the Rent Leveling Board at least 60 days prior to the effective date of the increase, of the calculations involved in computing the increase, by advising them of the percentage increase in the consumer price index, the allowable rental increase, the amount of base rent before and after the proposed increase and the effective date of the proposed increase. In addition, the landlord shall submit to the Rent Leveling Board copies of all leases, together with the names and addresses of each individual or entity which owns five percent or more of the mobile home park, or housing and rental unit. The application shall also name any individual or entity with an ownership interest owning a dwelling in the particular mobile home park or housing and rental unit. The applicant shall also certify that the rental property is in safe, sanitary condition and that the landlord is in full compliance with all State and local laws pertaining to tenant rights. The failure of the landlord to provide the tenant and the Rent Leveling Board with this information shall make any increase void, and the tenant shall recover any increase which the tenant may have paid.
 - C. Notice of the landlord's request for an increase shall also be posted in a prominent place within the mobile home park or dwelling. Proof of compliance with the notice request and service of the notice required in B above shall be submitted to the Rent Leveling Board.
 - D. In the event of a decrease in the consumer price index, any tenant may receive from the landlord on an annual basis a percentage decrease in the amount of base rent being charged for the occupancy of a mobile home rental space or housing or rental unit, which decrease is to be computed based upon the percentage decrease in the consumer price index average for the prior year. Said percentage decrease shall then be applied to the tenant's existing base rent.
 - E. Any tenant seeking such a decrease in rent shall notify the landlord and the Rent Leveling Board thereof at least 30 days prior to the effective date of the decrease of the amount of base rent before and after the proposed decrease and the effective date of the proposed decrease. The failure of the tenant to provide the landlord and the Rent Leveling Board with this information shall make any decrease void, and the landlord shall recover any such decrease.
 - F. Annual increases pursuant to this section may be obtained by a landlord on an interim basis during the pendency of an application for a rental increase under any other provision of this article.
 - G. Landlords who supply the tenants with heat shall be permitted to raise rents on rental units governed by this article once a year at a flat rate increase of 1.5% over the Consumer Price Index. Landlords who do not supply tenants with heat shall be permitted to raise rents on rental units governed by this article once a year at a flat rate increase equal to the Consumer Price Index calculation.

- H. Optional two-year rental increase. Should the landlord and tenant mutually agree at the inception of any rental period, the parties may enter into a two-year lease agreement with rentals to be set at 3.5% over the Consumer Price Index and 2.2% over the Consumer Price Index where the landlord does not supply heat. The rental during the two-year term of said lease agreement shall remain at the rates set forth herein above, and the landlord shall not be entitled to any hardship or usual expense increases as would otherwise be permitted under this article. The landlord shall, however, be entitled to obtain a tax surcharge or the tenant shall be entitled to a tax decrease, as the case may be, in accordance with the provisions of this article. In addition, at the termination of the two-year tenancy as set forth herein, the landlord shall not be entitled to an accumulation of that portion of the rental increase which would have otherwise been permitted pursuant to a one-year tenancy. The landlord shall, however, be entitled to the normal rental increase in effect at the time of the expiration of the two-year lease agreement. Should an initial two-year tenancy terminate prior to the expiration of the two-year term, then and in that event the landlord may charge a new tenant that amount that is permitted by Subsection A of this section, but may also make an application to the Rent Leveling Board for such other increases as are permitted pursuant to this article.

§ 86-10. Landlord's rate of return.

- A. It is expressly recognized that an efficient landlord is entitled to a just and reasonable rate of return from his property. To that end, a landlord is permitted to make application to the Rent Leveling Board for rental increases on the basis that rents allowed by this article prevent the landlord from receiving a just and reasonable rate of return. Landlords shall have the burden of proof as established through expert testimony or otherwise that the rate of return is unjust and unreasonable in accordance with the formula set forth herein. This formula shall be the exclusive formula for determining a just and reasonable rate of return.

- B. As used in this section, the following terms shall have the meanings indicated:

FAIR NET OPERATING INCOME -- Gross maximized annual income, less reasonable and necessary operating expenses, such expenses not to exceed 57.5% of the gross maximized annual income.

GROSS MAXIMIZED ANNUAL INCOME -- The gross maximum potential rent roll, less a maximum deduction of 3.5% for vacancies and uncollectables, or the annual sum of rents collected, whichever amount is larger, and includes all income resulting, directly or indirectly, from the operation of a property or building, including but not limited to all rent received or collectible, all earnings from commissions, vending machines, deductions from security deposits, late fees, pet fees, parking fees and any and all other fees or income derived from operation of the rental premises.

- C. Permitted increase. Whenever a landlord shall determine that the reasonable and necessary operating expenses computed in accordance with the provisions of this section are greater than 57.5% of the gross maximized annual income, he may make application to the Rent Leveling Board for an increase in rent in order to reestablish the fifty-seven-and-five-tenths-percent relationship.

Any increase so granted shall be prorated to all of the units within the structure or on the property, and further, provided that, where a written lease is in effect for a property or for any portion thereof, no increase for that property or portion shall be permitted until the expiration of such written lease unless the following preconditions have been complied with:

- (1) The written lease agreement contains a provision permitting the landlord to make application for and collect from the tenant any increase in rental permitted pursuant to this section of this article.
- (2) Service upon the tenant of a notice advising the tenant of his right to serve upon the landlord at any time after the granting of an increase pursuant to this section a written notice terminating the lease agreement effective 30 days thereafter.
- (3) Indication in the separate notice referred to hereinabove of the landlord's right to file an application for rent increase pursuant to this section of this chapter.

D. Application requirements.

- (1) In any application under this section, the landlord shall, in addition to those requirements mandated by other sections of this article, specifically certify:
 - (a) That he/she is an efficient operator of the residential rental property.
 - (b) That the residential rental property is in a safe and sanitary condition.
 - (c) That the owner (he or she) is in full compliance with all state and local laws pertaining to tenants' rights.
 - (d) That he/she is not earning a fair net operating income pursuant to the formula set forth herein.
- (2) Landlord shall submit with application the following:
 - (a) Proof of compliance with notice and service requirements.
 - (b) The amount of increase and percentage of increase requested.
 - (c) Detailed statements of income and expenses for the past two fiscal years.

E. At the time of the application, the landlord shall serve written notice, to include the date, time and location of the formal hearing, on all tenants that an application is being made and is available to any tenant requesting the same. The landlord shall also post the notice in a prominent place in the park or dwelling. The owner shall also make available to the tenants, at reasonable times, and the Rent Leveling Board, all records and books supporting the application. If at any time during the course of consideration of an increase pursuant to the provisions of this section the Rent Leveling Board shall determine that a landlord is not in substantial compliance with any or all of the application requirements, the Board may temporarily withhold further consideration of the application for an increase until such time as the landlord has corrected any such deficiency.

- F. Computation. In computing reasonable and necessary operating expenses under this section, the following limitations as appropriate for a mobile home park or apartment dwelling shall apply in all cases:
- (1) Taxes shall be limited to those amounts actually due and owing at the time of the application. If the landlord is imposing a tax surcharge, only the base-year taxes may be included.
 - (2) Repairs and maintenance shall be limited to arm's-length transactions and shall be reasonable and necessary so as not to cause over-maintenance of the premises. Cost of service contracts shall be prorated over the period covered. Painting costs shall be prorated over the number of years of the actual painting cycle in the building, but in no event shall painting be prorated for a period of more than three years for the interior of dwelling units or five years for the exterior and common areas. In the event landlord determines to perform maintenance and repairs, at least three (3) written quotes from other vendors shall be provided to the Rent Leveling Board to evidence the monetary value of said work.
 - (3) Purchase of replacement appliances and equipment shall be prorated over the useful life of the item.
 - (4) Legal and auditing expenses shall be limited to those reasonable and necessary costs for the operation of the property. No legal expense or audit expense shall be allowed as a deduction that does not directly result from the landlord-tenant relationship. A landlord may not deduct expenses incurred in litigating any declaratory or injunctive relief as to his rights in the nature of a writ of mandamus. All costs shall be itemized on this application.
 - (5) Management fees shall be limited to the actual services performed, including the resident manager's salary, telephone expenses, postage, office supplies, stationary and the value of the apartment provided, if included in income. Where the landlord performs his own management and/or superintendent services, the amount allocated therefor shall be limited to the actual value of services performed. In no event shall management fees exceed 5% of the gross maximized income.
 - (6) Salaries for superintendents not included in management fees shall be limited to actual services performed and shall be reasonable and comparable to amounts paid for similar positions in the area, including rental value of any apartment provided, if included in income, and expenses and wages and benefits paid.
 - (7) Advertising shall be limited to actual costs that are reasonable to ensure occupancy only.
 - (8) Utilities, including but not limited to gas, electric, water and oil, shall derive from arm's-length transactions, and the landlord shall demonstrate that all reasonable efforts to conserve energy and fuels have been used.

- (9) Insurance shall derive from arm's-length transactions prorated over the life period of the policy and shall not include any person's life, medical or other personal policies.
 - (10) No penalties, fines or interest for any reason shall be allowed.
 - (11) The history of the income and expenses shall be consistent with the application or fully documented as to any changes.
 - (12) Reserve for replacement shall be permitted as an expense only if:
 - (a) The landlord produces at the hearing a savings account passbook or similar account verifying the existence of a reserve.
 - (b) The landlord submits as part of his application a detailed explanation of how the reserve for replacement amount was arrived at, including particularly the useful lives of each capital item involved and the dollar amount attributable to them.
 - (c) The landlord submits, as part of his application, documentation to show that the reserve fund has been utilized where replacement of any of the capital items has occurred and that replacement of capital items has, in fact, occurred as their useful lives have expired.
 - (d) The landlord submits to the Board annually thereafter a certification from the bank, savings and loan association or similar institution as to the amount in the reserve account and further submits a certified and detailed explanation of any withdrawals made from said account.
 - (e) Should application for rental increase be made pursuant to this section, then and in that event, at the time of any sale of the rental property, the landlord shall submit to the Board a detailed accounting of the disposition or transfer of the reserve account. In no case shall the annual reserve for replacement exceed 5% of the gross annual income from rent.
- G. In order to provide the Rent Leveling Board with sufficient time to review the required financial data and schedule a hearing, it is required that an applicant submit an application for a rental increase under this section at least 90 days prior to the effective date of the proposed rental increase.
- H. The most recent current rents being charged by a landlord on uncontrolled rental spaces are admissible in evidence against such landlord at any hearings held in connection with applications for rental increases under this section, and such rates create a rebuttable presumption that the charging of the same rent on all rental spaces would provide the landlord with sufficient funds to pay all reasonable and necessary operating and maintenance expenses and provide the permitted rate of return.
- I. In the event that the financial information submitted by the landlord reveals a loan made by the landlord (or by a shareholder if the landlord is a corporation) to the mobile home park, the interest

expense on any such loan shall be computed based on a rate which is the current prevailing savings rate being paid on thirty-month savings institution certificates.

- J. Payment of permitted increase. Any increases permitted by the Township Rent Leveling Board pursuant to this section shall be effective retroactive to the first rental pay period at the expiration of 30 days from the date of the landlord's application for an increase is filed with the Board. Should the landlord revise his application for an increase based upon the submission of expenses not related, in whole or in part, to the premises in question; or because the original application is substantially incorrect or incomplete or deviates from accepted accounting norms; or resulting in an increase in the amount of relief sought, then and in that event the increase permitted by the Board shall be retroactive to the first rental pay period subsequent to 30 days from the date the revised application is submitted to the Board. Any application revised by the applicant or the Board for reasons other than as set forth hereinabove shall be deemed to have been submitted in its revised form on the original submission date. Any retroactive portion of the increase permitted by the Board as set forth hereinabove shall be payable by the tenant in three equal monthly portions, commencing with the first rental pay period subsequent to the Board's decision. Said staggered payments shall be in addition to the prospective increased payments for which the tenant shall be responsible as a result of the Board's decision.
- K. Improper use of reserve for replacement. Should a landlord have been granted an increase in rent pursuant to this section of this article after having alleged a reserve for replacement as an expense item and, thereafter, a tenant believes that the landlord has failed to make proper use of the reserve for replacement as set forth in this section, then and in that event the tenant may make application to the Rent Leveling Board for appropriate relief.
- L. No landlord shall be permitted to receive an increase under this section until such time as the landlord has owned and operated the rental property for a period of at least 12 months or until the close of the first complete fiscal year of ownership by the landlord, whichever occurs first.
- M. Increases authorized under this section shall be based only on financial information for the twelve-month period which closed immediately prior to the date of application under this section. Losses carried over from prior years or unrealized income for prior years shall not be included in computing interest under this section, except for second-year or subsequent-year losses incurred as a result of rental agreements exceeding one year.
- N. Except for second-year or subsequent-year losses incurred as a result of rental agreements exceeding one year, no rental increase may be obtained by a landlord under any provision of this article to cover operating losses incurred in prior years resulting from the failure of the landlord to either apply for or obtain rental increases or surcharges under this article or resulting from the owner's charging of rents under § 86-26 which are insufficient to meet operational requirements and obtain a reasonable rate of return. The failure of the landlord to either apply for or obtain such rental increases or surcharges within three months of the close of the fiscal year in which the operating losses are incurred or in which the reasonable rate of return is not realized or the landlord's charging of such insufficient rents under § 86-26 during the fiscal year shall be

deemed a waiver of the owner's right to such additional rents or surcharges.

§ 86-11. Hardship increase.

- A. When an efficient landlord finds that the gross maximized income from his property is insufficient to cover the cost of interest payments on a first mortgage or purchase money mortgage, and on any subsequent mortgages, the proceeds of which have been used to improve and upgrade the rental property; reasonable and necessary operating expenses incurred in connection with the rental property or mobile home park; or unusual or unexpected increases in the cost of providing heat or utilities or in the making of capital expenditures or improvements which may require a substantial investment or expenditure by the landlord to offset such expenses, such landlord may seek a hardship rental increase. The Rent Leveling Board may grant a hardship rent increase to meet these payments. For purposes of this section, "gross maximized income" shall be defined and calculated in accordance with the provisions of § 86-10 of this chapter.
- B. The Rent Leveling Board shall consider all relevant evidence, including conditions of the premises, the degree of hardship to the landlord and financial records explaining the mortgage, tax or maintenance expense. Any landlord seeking a hardship surcharge shall petition the Rent Leveling Board after serving notice upon the tenants, in accordance with § 86-30, of his intent to seek a hardship surcharge and after full disclosure of all relevant financial information to them. The Rent Leveling Board shall give reasonable opportunity to be heard to both the landlord and the tenant before making a determination.
- C. Any application based upon unusual or unexpected increases shall be allowed only for good cause shown. Clear proof of the cost must be furnished. If the increase sought concerns a capital expenditure, capital improvement or major repair requiring a substantial investment, the landlord shall prove the normal economic life expectancy of the expenditure, improvement or repair and shall determine the average cost per year of economic life. This average cost of the capital expenditure, improvement or repair may be apportioned among the tenants in the dwelling in accordance with the formula set forth in tax surcharge - ratio of square footage occupied by each tenant to the whole. In no event shall the cost of expanding or enlarging the rental property or a portion thereof be borne by the tenants. If the increase sought is the result of an increase in the cost of providing a utility service regulated by the Board of Public Utilities of the State of New Jersey, the landlord shall prove that the cost of providing such utility service has increased by more than 6.5% per annum. Upon such proof, the landlord may be entitled to a rental increase equal to the amount by which the cost of providing such utility service exceeds 6.5% more than the prior year's cost. The landlord shall also present evidence in seeking an increase pursuant to this section concerning the actual rent being charged for each unit, a profit-and-loss statement for the premises for the past two fiscal years, the condition of premises, the rate of return on the landlord's investment and the steps taken to provide safe, healthful and adequate housing, in addition to any other evidence that will assist the Board in making a fair decision. The Rent Leveling Board shall utilize all of the above information in determining whether or not to permit the additional rent increase sought.

- D. Any increases permitted by the Board pursuant to this section shall be effective retroactive to the first rental period at the expiration of 30 days from the date of the landlord's application for an increase is filed with the Board. Should the landlord revise his application for an increase based upon submission of expenses not related, in whole or in part, to the premises in question; or because the original application is substantially incorrect or incomplete or deviates from accepted accounting norms; or resulting in an increase in the amount of relief sought, then and in that event the increase permitted by the Board shall be retroactive to the first rental period subsequent to 30 days from the date the revised application is submitted to the Board. Any applications revised by the applicant or the Board for reasons other than as set forth hereinabove shall be payable by the tenant in three equal monthly portions, commencing with the first rental pay period subsequent to the Board's decision. Said staggered payments shall be in addition to the prospective increased payments for which the tenant shall be responsible as a result of the Board's decision.

- E. Where a written lease is in effect for a property or for any portion thereof, no increase for that property or portion thereof shall be permitted until the expiration of such written lease, unless the following preconditions have been complied with:
 - (1) The written lease agreement contains a provision permitting the landlord to make application for and collect from the tenant any increase in rental permitted pursuant to this section.
 - (2) Service upon the tenant of a notice advising the tenant of his right to serve upon the landlord at any time after the granting of an increase pursuant to this section of this chapter a written notice terminating the lease agreement effective 30 days thereafter.
 - (3) Indication in the separate notice referred to hereinabove of the landlord's right to file an application for rent increase pursuant to this section of this chapter.

- F. No landlord shall be permitted to receive an increase under this section until such time as the landlord has owned and operated the rental property or mobile home park for a period of at least 12 months or until the close of the first complete fiscal year of ownership by the landlord, whichever occurs first.

§ 86-12. Tax surcharge.

Upon application to the Rent Leveling Board, a landlord may obtain a tax surcharge based upon an increase in municipal property taxes pursuant to the following provisions:

- A. (1) Housing/rental units. Formula. The tax surcharge shall not exceed that amount authorized by this section. The landlord shall divide the increase in the present property tax over the property tax of the base year by the number of square feet in the entire building. The tenant shall not be responsible for a tax surcharge exceeding the tax increase per square foot multiplied by the number of square feet occupied by the tenant; provided, however, that all common areas of the demised premises shall be included in the portion of the premises rented by each tenant on a pro rata basis.

- (2) Mobile Home Parks. The tax surcharge shall be equivalent to the increment of the current year's taxes over the preceding year's taxes divided by the total number of tenants residing in the mobile home park as of August 1 of the current year. In addition, the previous year's total taxes charged per resident shall be recalculated when there is a change in the total number of tenants in order to reflect the adjusted pro rata charge of real estate taxes to each tenant for the prior year's taxes. The sum of the current year's surcharge per tenant plus the adjusted pro rata charge of real estate taxes for the prior years shall be the total real estate charge to be assessed to each tenant. In no event may the total taxes paid by the tenants to the landlord exceed the total real estate taxes assessed.
- B. An applicant for a tax surcharge shall comply with the notice requirements of § 86-9B and C and the application shall include the documents required in § 86-9B.
- C. The tax surcharge each tenant is liable for shall be paid in 12 monthly payments.
- D. Tenancies of less than one year. The tax surcharge for tenancies of less than one year shall be computed in the same manner as provided in Subsection A, but no tenant shall be liable in any month for more than 1/12 of the tax surcharge so computed.
- E. Surcharge not considered rent. The tax surcharge shall not be considered rent for purposes of computing rental increases.
- F. Tax appeal. In the event of a tax appeal, the portion of the tenant's tax surcharge not being paid by the landlord to the township will be held in an interest-bearing account. If the appeal is successful and the taxes reduced, the tenant will receive 50% of the money held in escrow, together with the accrued interest on the total amount. Payment will be in the form of a credit against the monthly rent or a check made payable to the tenant. If the tax appeal is successful, the landlord may maintain 50% of the escrow amount as reimbursement for all expenses connected with the tax appeal.

§ 86-13. Rental charges for capital improvements.

- A. A landlord may apply to the Rent Leveling Board for additional rental charges for the payment of the reasonable cost of capital improvements which are necessary for the proper operation of the park or housing/rental unit upon completion of said capital improvements. A landlord may file an application to seek a determination whether proposed improvements would be subject to this section. The Board shall then review the concept of the application only and render a decision as to the applicability of the proposed capital improvement to this section. In the event landlord determines to perform maintenance and repairs, at least three (3) written quotes from other vendors shall be provided to the Rent Leveling Board to evidence the monetary value of said work.
- B. A landlord seeking additional rent for a capital improvement shall apply within six months of the completion of said capital improvement for said additional rent to the Rent Leveling Board, which shall determine, after the landlord has served notice to the aforesaid tenants of a hearing date, if said improvement is a necessary major improvement and, if so, the amount of the increase

granted for such major improvement, and which shall establish the term and conditions of such increase.

- C. At least seven days prior to the hearing by the Board on an application for additional rental charges under this section, the landlord must serve the individual tenants in accordance with § 86-30. A notice of the application setting forth the date, time and location of the hearing and setting forth total cost of the completed capital improvement, number of useful years of the life of the improvement as established by Federal Internal Revenue guidelines using the straight line method and as claimed by the landlord for purposes of depreciation for income tax purpose, the average cost, including that service of the improvements (calculated by dividing the cost of the capital improvement by the total number of completed mobile homes spaces in the mobile home park or total of rental/housing units in the building) and the capital improvement increase the landlord is seeking from each tenant.
- D. Following a hearing, the Board may grant to the landlord an additional rental charge under this section for a specific period of time after considering the proofs presented by the landlord. If said increase is granted, it shall not be considered rental income and shall not be used in calculating allowable increases as otherwise set forth in this article. Any increase granted by authority of this section shall be paid over the period of the useful life of the completed capital improvement as established by Federal Internal Revenue guidelines.
- E. In order to provide the Rent Leveling Board with sufficient time to review the required financial data and schedule a hearing, it is required that an applicant submit an application for additional rental charges under this section at least 90 days prior to the effective date of the proposed additional rental charges.
- F. Where a proposed capital improvement exceeds \$50,000 in cost and said capital improvement is not required by any law, ordinance or regulations, the tenants may disapprove the making of such capital improvement by a simple majority of those tenants who actually vote on such proposal on the basis of one vote per occupied mobile home or housing/rental unit, all tenants having been given an opportunity to vote thereon.
- G. The cost of expanding or enlarging a mobile home park or apartment dwelling or a section thereof shall not be borne by the tenants or utilized in computing additional rental charges under this section.
- H. In connection with any application for rental increases or charges under this section and for the information of the tenants, the landlord shall serve on each individual tenant, within 30 days of the filing of such application, a summary of the basis for the rental increase, a statement of the amount of the proposed increase and its effective date and a statement breaking down the existing and proposed rent among property taxes, license fees, tax surcharges, if any, capital improvement charges, if any, operating expenses and return from property totaling the amount of rent currently paid and proposed to be paid by the tenant. In addition, the notice shall include the information required by § 86-13C. Said notice shall be served on individual tenants in accordance with § 86-30.

§ 86-14. Financial information and statements.

- A. In any matter considered by the Rent Leveling Board under §§ 86-10 or 86-11, the landlord shall be required to submit the following financial information and statements:
 - (1) A statement of financial condition.
 - (2) A statement of operations (income and expense statements).
 - (3) A statement of retained earnings.
 - (4) A statement of changes in financial position.
 - (5) Such other financial data and information as may be required by the Board.

- B. The financial statements, data and information which are required to be submitted shall be based upon financial data and information which are sworn to and verified by the landlord who has actual knowledge of the income, expenses and operations of the park or building, and in the case of applications under § 86-10, all such financial statements shall be certified and audited. Said financial statements shall be prepared, itemized, audited and signed by a certified public accountant or by a public accountant who is licensed by the State of New Jersey, Division of Consumer Affairs, and such statements will be sworn as to their accuracy to the best of his or her knowledge. Each financial statement, or other financial data, shall be accompanied by a written statement executed by the certified or licensed public accountant indicating that he or she has reviewed the financial data and information, that they are true, accurate and correct and that they reflect the actual financial condition of the park for the period shown. Any person who willfully and intentionally submits or supplies false figures, makes gross misrepresentations or misstates such actual facts or material required by this section to obtain any rental increase whatsoever shall be considered acting to defraud such tenants.

- C. Certification of substantial compliance. All landlords of housing/rental units only making application to the Board for a rental increase or any other relief shall submit, at the time of filing of said application, a certification from the Township Housing/Building Inspection Department that the buildings' dwelling units and grounds are in substantial compliance with applicable housing, building and health codes. "Substantial compliance" means that the housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards, as well as 90% qualitatively free of all other violations of all applicable codes.

§ 86-15. Notice of decision.

The Landlord shall, not less than 14 days after adoption of a resolution, serve tenants with a copy of the resolution of the Rent Leveling Board denying or modifying a requested rental increase and shall make due proof of service thereof by filing an affidavit of mailing with the Board.

§ 86-16. Reductions in rent or other charges.

- A. It is hereby recognized that there may be major reductions in taxation of real property that would give a landlord an unexpected and unfair profit, especially taking into consideration that his overall rental basically includes a sum allowable for cost of real estate taxes. Therefore, should the landlord receive a reduction in real estate taxes for a rental premises, project or mobile home park in any one year

not caused by extraordinary depreciation, such as loss by fire, storm and the like, the amount of such reduction shall be apportioned among the number of units or mobile home rental spaces, and such reduction shall then be proportionately credited to each unit or mobile home space to reduce the rental of each individual unit or mobile home rental spaces. A tenant shall be permitted to make application to the Rent Leveling Board in the event of an extraordinary reduction in the cost of fuel, utilities or of any other specific service upon which the rental is based is discontinued, reduced or eliminated, thereby affecting the maintenance of services as set forth in § 86-22. Any reduction in rent shall be equal to the value of the services or amenity that has been discontinued, reduced or eliminated or cost reduced as determined by the Rent Leveling Board.

- B. Where a mobile home park or housing/rental unit or any part thereof is being operated in violation of municipal codes and where such violations adversely affects habitability, any affected tenant or tenants may apply to the Board for a reasonable reduction in rent, commensurate with any such effect on habitability. Upon receipt of such application, the Board shall schedule the matter for a hearing and notify the owner thereof. If, as a result of such a hearing, the Board determines that a violation of a municipal code exists and that such violation affects habitability, it may grant a reasonable reduction in rent to the affected tenant or tenants, which rent shall remain in effect until the owner corrects said violation or violations.

§ 86-17. Tax appeals.

- A. In the event that a successful municipal property tax appeal is taken by the landlord, the tenants involved shall receive 50% of said reduction after the landlord's costs of securing said tax reduction have been deducted. The landlord shall receive the remaining benefits of the tax reduction. Thereafter, in succeeding years, the benefit of each successful tax appeal shall be divided evenly between the tenants and the landlord.
- B. Any such successful landlord shall serve the tenants, within 30 days after receipt of the judgment, with a notice of the calculations involved, including an itemization of the costs of securing a reduction and the reduction each tenant is entitled to, determined by dividing 1/2 of the remainder of the amount of said tax reduction by the number of completed mobile home spaces in the mobile home parks or number of housing/rental units in the dwelling.

§ 86-18. Miscellaneous fees.

- A. Fees assessed by a landlord upon tenants for miscellaneous items, including but not limited to, parking, extra persons and pets, shall not be considered as part of the base rent for purposes of this article.
- B. Tenants may be charged a parking fee for vehicles parked in a common area. Said fee shall not exceed \$10.00 per month. This provision shall not apply to a separate agreement for the storage of recreational vehicles, boats, or similar vehicles.
- C. An extra person fee shall not exceed \$40.00 per person, per month, or \$50.00 per month for each extra person when the landlord provides water or sewer service. There shall be no charge, however, for a credit check on any extra person. Furthermore, there shall be no extra person fee for a person who is a guest and remains sixty (60) days or less in any one year period.

- D. A mobile home landlord may assess a pet fee not to exceed \$10.00 per pet, per month, with a maximum fee in the amount of \$20.00 per month. In a housing or rental unit a pet fee may not exceed \$25.00 per pet, per month, or a maximum amount of \$50.00 per month.
- E. There shall be no other non-refundable fees in connection with any fees assessed pursuant to this section.

§ 86-19. Decontrol by trailer movement; new tenants; discrimination.

- A. A landlord is prohibited from gaining decontrol of rent by the movement of a trailer within a mobile home park.
- B. A landlord shall disseminate the Federal Truth-in-Renting Law to all prospective tenants.
- C. In accordance with the provisions of N.J.S.A. 10:5-4, tenants shall not be subject to discrimination.

§ 86-20. Prehearing conferences.

There shall be a prehearing conference in all matters involving a rental increase under §§ 86-10 or 86-13 rental decreases, unless the Board accountant determines that such a conference is unnecessary or not required. The following procedures and requirements shall apply in the event that a prehearing conference is held:

- A. The Board's Secretary shall give notice to the applicant of the date scheduled for the prehearing conference at least 14 days prior to the date thereof, and the applicant shall be required to post at a conspicuous location within the mobile home park or dwelling, as appropriate, a notice of the schedule of said prehearing conference at least 10 days prior to the date hereof.
- B. The prehearing conference shall be attended by one or more members of the Rent Leveling Board, by the accountant for the Board, by the applicant or his representative and by the accountant for the applicant. Tenants or representative of the tenants who will be affected by any rental increase, including the tenant's accountant, shall be permitted to attend and participate.
- C. The purpose of the prehearing conference shall be to informally review the financial data and information upon which the application is based in an effort to narrow the issues to be brought before the Board. For this purpose, the parties are urged to stipulate such facts, financial data and information as are not in dispute.
- D. The Board, its representatives or the Board accountant may require the applicant to submit additional data and information as a result of the prehearing review of the financial data. In addition, the Board may require an applicant to respond to additional inquiries which may be raised at the prehearing conference for the purpose of clarifying the application.
- E. At the conclusion of the prehearing conference, or within 10 days thereafter, the accountant for the Board shall submit to the Board all matters stipulated between the parties, all facts and information which have been established as a result of the prehearing conference and shall further provide to the Board said Board accountant's professional review and recommendations as to any matters which may be at issue before the Board. These recommendations shall be

considered by the Board in its review of the application but shall not be binding.

§ 86-21. Hearings.

- A. The Rent Leveling Board shall be required to hold all necessary public hearings and make a determination on any application under §§ 86-9, 86-10, 86-13 and 86-16B within 90 days of the filing of a completed application by any applicant unless such applicant consents in writing to the extension of the ninety-day time period for an additional period.

If, due to no fault of the landlord, the Rent Leveling Board does not render a decision on a properly filed and completed application for a rental increase within 90 days of receipt of same, the landlord shall be entitled to have any rental increase granted on said application applied retroactively to the first rental payment period 90 days after the filing of said application.

- B. Prior to the hearing by the Board on any such application, the landlord must serve upon each tenant and must post, in a conspicuous place in or about the rental property, a notice of the hearing, setting forth the basis for said application and the date, time and location of the hearing. Said notice must be served and posted at least 14 days prior to the proposed date of the hearing. In order to provide the Rent Leveling Board with sufficient time to review the required financial data and to schedule a hearing, it is required that an applicant submit an application for a rental increase pursuant to these sections at least 90 days prior to the effective date of the proposed rental increase.
- C. The Rent Leveling Board shall review all notices for annual increases under § 86-9, for surcharges under § 86-12, for reductions under § 86-16 and for negotiated settlements under § 86-8M for completeness and accuracy within 45 days of the date of its receipt thereof. In the event that the Board finds that the notices or computations are incomplete, inaccurate or erroneous, it may make such order as it deems necessary and proper to correct such notices or to correct the rental increase or surcharge to the proper amount or to the proper effective date. The effect of the rental increase, surcharge or negotiated settlement shall not be stayed by this procedure, but shall be effective in accordance with its original terms until such time as it is corrected by the duly adopted order of the Board.
- D. The Board shall keep and maintain minutes of its hearings and meetings. The Board shall provide for the stenographic or electronic recording of its hearings. The Board shall be required to specify those facts and reasons upon which it bases any decision.
- E. No application for a rental increase of any type shall be considered by the Board unless such application and all necessary supplementary material is filed at least 10 days prior to a regularly scheduled meeting of the Board.
- F. Tenants are encouraged to provide written notice of any concerns or complaints to both the landlord and Rent Leveling Board at least 10 days prior to the scheduled hearing.

§ 86-22. Maintenance of standards of services.

- A. During the term of this article, a landlord shall maintain the same facilities and standards of services, maintenance, furniture, furnishings and equipment in the housing unit or mobile home park, as appropriate, as he/she provided or was required to provide by law or lease at the date the lease was entered into.
- B. Any individual tenant or group of tenants who is not receiving substantially the same standards of services, maintenance, furniture, furnishings or equipment may have the Rent Leveling Board determine the reasonable rental value as full payment for rent until the landlord demonstrates to the Rent Leveling Board that the deficiency has been corrected.
- C. A provision of a lease or other agreement whereby any provision of this section is waived shall be deemed against public policy and shall be void.
- D. Any individual tenant or group of tenants who are required by the landlord to convert the energy source of their housing or rental unit (e.g., a conversion from oil heat to gas heat) may be entitled to a reduction in rent. The Rent Leveling Board shall determine the amount, if any, of the reduction, taking into account the costs of the conversion (including equipment, labor, materials and permits) and any other relevant factors. In making its decision, the Rent Leveling Board shall consider the future increased costs of energy, the impact on the health, safety and welfare of the tenants, and the ability of the tenants to pay the new heating costs.
- E. No mobile home park owner shall require any individual tenant or any group of tenants to pay any costs related to the removal, filling or destruction of underground storage tanks in the park, unless such tenant or tenants installed said underground tank or tanks. No mobile home park owner may make the removal, filling or destruction of an underground storage tank a condition of approving the sale of a mobile home for any individual tenant or group of tenants.
- F. Any willful violation of any of the provisions of this section shall be punishable in accordance with § 86-31 herein.

§ 86-23. Conflict with other laws.

The permissible rental increases pursuant to the provisions of this article shall not apply where they exceed or conflict with the increases allowed by any other statute or rule of the federal government, state government, county government or any agencies thereof.

§ 86-24. Filing of leases, posting of rents.

- A. Each landlord shall post with the Township Clerk on or before July 1 of each year a list of the rentals being paid for each unit of dwelling space rented to a tenant, the date of the last increase and the amount of the last increase.
- B. No later than January 31st of each year, a landlord shall file with the Rent Leveling Board a copy of the lease or occupancy agreement for each housing/rental unit or mobile home space. In addition, a mobile home park landlord shall file a statement which includes the decontrolled rent for the present year.

§ 88-25. Rental increases prohibited; exception.

- A. No landlord shall, after the effective date of this article, charge any rents in excess of what he was receiving at the effective date of this article, except for increases as authorized by this article.
- B. No new tenant shall be assessed any rental increase for the 12 month period preceding the start date of occupancy. This shall not prevent a landlord, through appropriate application, from increasing rent as a result of real estate tax increases.

§ 86-26. Additional rent increases.

Only one rental increase of any type shall be permitted in any twelve-month period. This provision shall not only apply to surcharges authorized by §§ 86-12 or 86-13, but to rental increases authorized by § 86-27 or to interim increases obtained during the pendency of an application for a rental increase under any section of this article, provided that any such increase shall be reduced by the amount of the interim increase, and the interim increase shall be deemed to be an initial installment on any such increase.

§ 86-27. Payment of taxes and fees prior to increases.

- A. No annual increase under § 86-8, no rental increase under § 86-10 and no rent charge for capital improvements under § 86-13 shall be applied for, considered or approved by the Rent Leveling Board or received by a landlord or operator of a mobile home park until all real property taxes and license fees for the current year are paid in full. No tax surcharge under § 86-12 shall be approved by the Rent Leveling Board or received by the owner or operator of a mobile home park until all real property taxes, except that portion of the taxes which are the subject of the tax surcharge, and all license fees are paid in full for the current year.
- B. In addition to the foregoing requirements, when considering applications for an annual increase under § 86-9, rental increase under § 86-10 and rent charge for capital improvements under § 86-13, the Rent Leveling Board may consider, for jurisdictional purposes or otherwise, whether:
 - (1) A valid license has been issued and is effective for the mobile home park; and
 - (2) No outstanding violations are pending before the Township Municipal Court for code or zoning violations in the mobile home park which are the responsibility of the landlord and/or owner.

§ 86-28. Recalculation of charges.

Whenever a landlord seeks an increase in either the monthly rental or other payments from the tenants under any of the provisions of §§ 86-9, 86-10, 86-13 or 86-12, and there has been an increase in the total number of tenants, the landlord shall be obligated to recalculate each tenant's pro rata share of license fees, taxes, tax surcharge, mandated expense surcharge or other fixed expense which is passed through to the tenants. No rental increase under any of the aforementioned sections shall be effective unless such recalculation has been made by the landlord and the monthly rental has been adjusted accordingly.

§ 86-29. Application form, fees.

- A. All applications required by this Article shall be on a form provided by the Municipal Clerk. All applications shall be submitted to the

Clerk and shall be in compliance with the application form and include all required documentation.

- B. There shall be no fee for tenant applications. Landlords shall only pay a fee for Hardship and Capital Improvements applications in the amount of \$500.00.

§ 86-30. Notice to tenants.

- A. In connection with any application for rental increases or charges under §§ 86-9, 86-10, 86-11, 86-12 or 86-13 of this chapter, and for the information of the tenants, the landlord, prior to filing an application with the Rent Leveling Board, shall personally serve a copy of the application on each tenant affected by the application. In addition, the applicant shall include a notice that the documents, records and other information upon which the application is based are available for inspection at a specified location within the township during normal business hours, provided that reasonable notice of a request to review is given the applicant. The applicant shall submit proof to the Rent Leveling Board that service has been made in accordance with the provisions of this article. In addition, each tenant shall be provided a summary of the basis for the rental increase, a statement of the amount of the proposed increase and its effective date and a statement breaking down the existing and proposed rent among property taxes, license fees, tax surcharge, if any, capital improvement charges, if any, operating expenses and the landlord's return, totaling the amount of rent currently paid, and the amount of rent proposed to be paid by the tenant.
- B. In addition to the requirements of (A) above, the notice to all mobile park tenants shall include the decontrolled rent for the present year.
- C. Personal service of the application may be accomplished by any or all of the following means on any one application so long as each and every tenant is personally served with the application by one of the following methods of service:
 - (1) Personally delivering a copy of the application to the tenant or tenants and having said tenant or tenants acknowledge receipt of same in writing.
 - (2) Mailing a copy of the application to the tenant or tenants by a constable or other official authorized to serve process by the State of New Jersey or any political subdivision thereof.
 - (3) Serving a copy of the application upon the tenant or tenants by ordinary mail in accordance with the provisions set forth hereinbelow. If ordinary mail is used, the applicant must bring a list of all tenants affected by the application to the Township Clerk's office, along with a complete copy of the application and the sealed, addressed and stamped envelopes to be mailed containing the application. The Township Clerk or a representative thereof shall check the envelopes against the list of tenants to verify that each tenant is being mailed an application and, if satisfied, shall deposit said envelopes in the mail and forward the master list of tenants or landlords to the Rent Leveling Board Secretary with written confirmation that all tenants shall have been mailed an application.

§ 86-31. Violations and penalties.

A willful violation of any of the provisions of this article, including but not limited to the willful filing with the Rent Leveling Board of any material misstatement of fact, shall be punishable by a fine of not more than \$2,000.00 or imprisonment for not more than 90 days, or both. A violation affecting more than one rental space shall be considered a separate violation as to each rental space.

§ 86-32. Legislative intent; construal of provisions.

This article, being necessary for the welfare of the township and its inhabitants, shall be liberally construed to effectuate the purposes thereof.

SECTION 2. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 86 entitled A Rent Control for Apartments and Mobile Home Parks, so as to delete Article III in its entirety.

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

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

SECTION 5. This ordinance shall take effect after second reading and publication as required by law and in accordance with N.J.S.A. 40:69A-181(b), but in no event shall it become effective prior to October 1, 2008.

Date: _____

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 **June 10, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24th day of June, 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: 06/24/08

**ANN MARIE EDEN
TOWNSHIP CLERK**

24-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, VACATING ALL OF THE RIGHT, TITLE AND INTEREST OF AND TO THE PUBLIC IN AND TO A PORTION OF WESTINGHOUSE AVENUE AT ITS INTERSECTION WITH STERLING AVENUE AT THE BLOCK LINE FOR BLOCK 22112 ON THE TAX MAP FOR THE TOWNSHIP OF JACKSON

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: GUDAITIS

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

**MOTION TO APPROVE ORDINANCE 24-08 ON SECOND READING,
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
NEWSPAPER AS REQUIRED BY LAW BY: STALLONE
MOTION SECONDED BY: INGRAM
YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

ORDINANCE 24 –08

WHEREAS, the governing body of the Township of Jackson has been requested to vacate all Of the right, title and interest of and to the portion of Westinghouse Avenue at its intersection with Sterling Avenue at the block line for Block 22112 on the tax map for the Township of Jackson; and

WHEREAS, the governing body makes the determination that the public will not adversely be affected by the vacation of the Township’s interest in this portion of Westinghouse Avenue.

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

SECTION 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to that portion of Westinghouse Avenue at its intersection with Sterling Avenue at the block line for Block 22112 on the tax map of the Township Of Jackson, as is set forth on Schedule A, attached hereto and made a part hereof. However, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the “Cable Television Act,” P.L. 1972, c. 186, (C. 48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, being vacated by the provisions of this ordinance.

SECTION 2. At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

SECTION 3. This ordinance shall be published at least once in an official newspaper of the Township of Jackson at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

SECTION 4. The Township Clerk, if this ordinance is adopted on final reading, and upon payment of all fees required by Section 7 herein, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk’s Office for recording in the Book of Vacations.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

SECTION 6. A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk’s Office during normal business hours.

SECTION 7. John W. Hughes shall be responsible for the payment of all attorney’s fees, engineering fees, publication costs and filing fees incurred by the Township of Jackson in regard to this vacation.

Date: _____

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 **June 10, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24th day of June, 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: 06-24-08

ANN MARIE EDEN
TOWNSHIP CLERK

25-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 22112, LOT 1, TO JAMES AND THERESA HUGHES IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: STALLONE

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

MOTION TO APPROVE ORDINANCE 25-08 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, GUDAITIS & UPDEGRAVE

ORDINANCE NO. 25-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 22112, LOT 1, TO JAMES AND THERESA HUGHES IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township of Jackson is the owner of Block 22112, Lot 1, which is an undersized lot under the current ordinances of the Township; and

WHEREAS, it is the desire of the governing body to sell said property; and

WHEREAS, the Township Appraiser has established \$4,500.00 as the fair market value for said property; and

WHEREAS, N.J.S.A. 40A:12-13.2 requires the Township to first offer said property to the adjoining property owners for purchase; and

WHEREAS, there is only one adjoining property owner and they were duly notified of the asking price of \$4,500.00 for said property; and

WHEREAS, the adjoining property owners, James and Theresa Hughes, have agreed to purchase Block 22112, Lot 1, from the Township of Jackson for the sum of \$4,500.00; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides for the authorization of said transfer of property by ordinance.

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

SECTION 1. That in accordance with the requirements of N.J.S.A. 40A:12-13(b)(5), the governing body does hereby authorize the sale of Block 22112, Lot 1, to James and Theresa Hughes, said property being undersized, and the adjoining property owners, James and Theresa Hughes, submitting the highest bid for said property which bid was not less than the fair market value of said property.

SECTION 2. That the Mayor and Township Clerk are hereby authorized to execute any and all documents to transfer title to said property to James and Theresa Hughes for the sum of \$4,500.00. James and Theresa Hughes shall be responsible for the payment of the Township's costs in conveying said property (i.e. attorneys' fees, publication costs, and recording fees).

SECTION 3. A condition of the transfer of Block 22112, Lot 1 to James and Theresa Hughes is that this property must be consolidated with Block 22112, Lot 2, currently owned by James and Theresa Hughes .

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Date: _____

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 **June 10, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24th day of June, 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
TOWNSHIP CLERK**

DATED: 06/24/08

CLERK EDEN announced there would be a brief overview of the Construction Department by the Director of Community Development.

DAN BURKE introduced himself and gave a PowerPoint presentation of the Construction Department showing salaries and expenses. Councilman Stallone asked if he knew how much surplus was used over the past few years to help that department that might have been used to supplement this year? Mr. Burke showed a graph where there was surplus and all but \$175K was transferred into the general budget. It was confirmed in 2004 they had a \$300K surplus and Councilman Martin stated between 2004 and 2005 there was about \$1.1 million transferred out. Mr. Burke stated there were ways to set up the department so it could be run on a trust where negative years and positive years would balance out. Council President Updegrave confirmed it was discussed setting it up that way and the best time to discuss it was when they were in a surplus situation and since they don't know what's going to happen in the future they would continue to run in a deficit while the economy is going down. Councilman Martin confirmed if long term planning had been in mind they wouldn't be looking at the deficit that was occurring. Council President Updegrave asked Councilwoman Ingram if they set up a dedicated Trust by Rider would they have been faced with some of the things coming up in the budget now? Ms. Ingram stated it would have protected it and with the ups and downs of the economy she didn't understand why it wasn't set up previously and asked who the recommendation was made to which Mr. Burke didn't know. Mayor Seda explained the dedication Trust by Rider, they would have to anticipate what they would make regardless, if they were over or under there would be a problem and if they don't hit the target the employees would still have to be paid in accordance with the regulations and Attorney Gilmore agreed they would have to be paid or reduce the workforce. Mayor Seda stated in six (6) years there was \$1.1 million in surplus and we're still left in the negative regardless. He read an article that predicted a downslide in building across the country over the next two years and they needed to take action now. Councilman Martin asked Mr. Burke about a proposal to create the position of a Director of Inspection and asked how that differed from the current Construction Officer? Mr. Burke explained the UCC requirements of the construction official and his job would remain the same and that he was the one to award the final CO at the end of the building process, whereas the Director of Inspections would be the liason between existing staff, Construction Official and outside source who deals with all problems that might occur.

26-08**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF JACKSON ENTITLED "ADMINISTRATION OF GOVERNMENT" SO AS TO CREATE THE POSITION OF DIRECTOR OF INSPECTIONS****PUBLIC HEARING OPENED:**

PAT WOOD-AFSCME VICE PRESIDENT: She spoke of their plan to privatize the Building Department and lay off the current staff stating 80% of the employees lived in Jackson and asked if the Director of Inspections would be overseeing the entire Inspections Department? The attorney stated this person would be over the Construction Official and under Dan Burke and Council President Updegrave stated they would be considered a liaison. She then pointed out that they would be paying approximately \$230K for two people to oversee a company from Jersey City. She read a quote made by Councilman Martin in the paper stating he was still on the fence regarding the resolution vote and he didn't have specific numbers regarding projected savings and urged the Council not to vote on it if they were unsure and didn't have enough information.

MIKE NICOLLETTI-AFSCME PRESIDENT: He stated, as elected officials, the Union felt they had a duty not to vote on the ordinance tonight and wait until the newly elected officials had the opportunity to investigate and get a better understanding of the ordinance.

MIKE KAFTON-67 NO LAKESIDE DRIVE: He asked the Council if they've asked the residents how they feel about what they were about to do to the town and commented how the room was standing room only. He stated the Mayor was about to ruin a department that would directly impact the Township and asked them to seriously consider that. Councilman Martin blamed Mr. Kafton for not doing any long term planning that now has resulted in the issue being before them. Mr. Kafton asked him not to take any action and let him take care of it because the track record of the current Administration and the odds of making this idea work were slim to none. He asked the attorney about a memorandum that he had received from his office questioning the ordinance and received permission to read it. Mr. Gilmore stated the memorandum was from Steve Foran and confirmed the ordinance was changed after the memorandum was sent. Mr. Kafton stated the proposed ordinance would not likely withstand challenge because it infringes upon the statutory authorities of the construction official, which means they would lose in court and when he is on the dais he will fight in court on this ordinance if they pass it.

JOHN ALCHEVSKY-856 LAKEHURST AVENUE-CHIEF-FD #2: He spoke on behalf of all Jackson Fire Chiefs and their fire departments stating they were opposed to Ordinance 26-08 because it appears to hamper and restrict and eliminate the statutory regulatory authority of the Construction Official's office and by creating the position would emasculate his authority. He asked Council members to hold this ordinance for further review and if that request was not honored it would be perceived that the matter was being rushed by the Mayor so he wouldn't have to deal with a new Council that wasn't unanimous to his wishes and urged the Council to consider the matter for the good of Jackson residents. Chief Alchevsky stated the inspectors were an asset because they see that all work being done is done correctly, thoroughly and with safety in mind. He referred to a personal matter where the inspectors were very helpful in pointing out deficiencies that would result in serious problems and felt confident they would help and guide him on various projects and assure his family's safety. He added the inspectors were members of the Office of Emergency Management and trained in many areas of safety and as members of the Township they were bound by codes of ethics and statutory requirements assuming responsibility that may not be endorsed by the private sector that were paid by case and anxious to close a file and get paid. As a member of the Fire Department he sees first hand the consequence of unsupervised, substandard types of work performed which is why they highly value the work by inspectors who are always available day or night. An outside agency wouldn't have that same dedication unless they were monetarily compensated. He agreed the Council and Mayor are making a very difficult decision and if they make the wrong one they may not find out until it is too late and stated again that all Fire Chiefs and

collective agencies were opposed to the ordinance. Mayor Seda stated inspectors are licensed by the State and must fulfill the same obligations overseen by the State.

JOHN GASKILL-25 NO LAKESIDE DRIVE: He stated in the Code the Building Department has the ability to raise or lower the permit fees according to the market. As a resident of Jackson, he wouldn't be opposed to paying 15% more to keep the inspectors because he felt that would impact the builders for developing the town more and felt that should be their main concern. Mayor Seda stated the deficit is far too large to close the gap. The Mayor and Mr. Gaskill discussed the surplus figures and a downslide in building. Mr. Gaskill asked if the Building Department would be compensated for their vehicles? Mayor Seda stated no because it would be a transfer of property. Mr. Gaskill felt it was unfair that the Building Department pays for the vehicles and then they are taken for another department without compensating them. He felt the DPW should pay them the trade in value for the vehicles so the Building Department could add approximately \$50K to their budget.

ARTHUR BYRNES-SAVANAGH RIDGE: He asked why it had to be decided tonight and not held off until July 1st when the new Council comes in questioning whether they were rubber stamping it because there was something in it?

BLANCH KRUBNER-CONNECTICUT CONCOURSE: She stated this was one of the worse ordinances that came before the Council or the public. She stated by outsourcing they were losing the institutional memory of people that have worked here for decades and familiar with the code and the people, which is a valuable resource. She stated there was no way of knowing the future income yet they were willing to sign a contract, for a number of years, and committing to pay a regular sum over a specific period of time, how were they planning on paying the sum if the budget wasn't a certainty on the income to provide the payment? Council President Updegrave stated there was no charge. Councilwoman Ingram stated they collect the fee and reimburse the town and Councilman Stallone explained they charge 100% and keep 65% and give the town 35%. She stated there was no benefit to the Jackson residents that would be losing their jobs if they outsource the work and send Jackson money out of town and if there was a profit to be made why were they sending it out of Jackson? She asked what financial benefit would there be and what were they saving? She then asked how long it would take a foreigner to learn the geography of Jackson and know their way around? Councilman Stallone thought they had GPS. She was also opposed to over paid administrators that have to deal long distance with a company that has no attachment to Jackson.

CHARLES GAROFANO-34 MERION LANE: He felt he saw things differently than other residents and stated the State was reducing the funding and there was a reduction in school aid and stated the Building Department suffered losses in five of the last 7 years and stated the Council represented 55K residents. He referred to Mr. Kafton's earlier remark of taking care of the budget and remarked on how the Building Department's surplus was used elsewhere in the budget during his administration. He stated it was a difficult decision regardless of who takes office and he hoped the new Council would represent all the residents of Jackson.

CHARLES BAKER-HURLEY ROAD: He stated he's been a resident for over 50 years and asked if there was an analysis done if the Building Department was closed what the fixed expenditures would be with trucks, electricity, phones, etc? Mr. Burke explained certain people and equipment would remain in place and gave \$350K as a fixed overhead cost. That wouldn't change whether the Building Department stays or was outsourced. If it was outsourced it would be the obligation of that party to provide the manpower necessary to handle the workload and adjust accordingly. Mr. Baker asked what was the fixed cost with the five people? Administrator Del Turco stated it was a breakeven point. Mr. Baker stated he would hate them to make a decision without knowing what the cost would be. Administrator Del Turco stated the five individuals would be the Construction Official, Technical Assistant, two clerical and Director for a total cost of \$ 200K. Mr. Baker stated he's known of companies that milked the system and ruined lives and families and would hate to see an outside agency that has no ties to Jackson come in and do that. He stated he's dealt with the Building Department and remarked on how difficult they were but when

he went to his architects they never said Jackson was wrong and they've always put the safety of Jackson residents before any friendship or long term relationship.

NANCY GARCIA-10 CALVARY CT.: She stated she was looking to put up a number of home improvements and called the Building Department to send over an inspector to be sure what she wanted to do is feasible before she got Zoning and other departments involved. She stated Stephanie was wonderful to deal with and advised John came and went over everything with her. She stated someone from Jersey City wouldn't come down to do that and then she asked about the fees and the fact they would charge her credit card and spend her money in Jersey City which she didn't want to do and she disagreed with how they were spending her money. She stated she had a well and septic and didn't play basketball. She stated she wanted Jackson inspectors so she has someone she could go to.

DANIEL GROSS-18 POINTE CIRCLE: He asked why they created the Police Chief instead of Safety Director? Councilman Martin explained it gave him more power within the Police Department then Mr. Gross stated it was autonomy yet they were taking away autonomy of the Building Department and giving it to the Mayor. They should be very hesitant about giving up the checks and balance with the Executive branch of the government and couldn't believe they were contemplating it. Council President Updegrave stated she contacted several municipalities that outsource their inspections and they were very pleased on many levels. He asked the Council to defer voting until after the new Council takes over. Councilman Martin reminded him of the matter at hand was appointing 3rd party administrator not the Director of Inspection. Mr. Gross asked why create the position if they didn't intend to eliminate the department and how much the individual would be paid? Councilman Martin confirmed the salary would be between \$70K-\$90K. Mr. Gross asked them to table until they knew what they were doing with the Building Department.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated there were two important issues and although it was great to hear from Administrator Del Turco, Mayor Seda and Mr. Burke, it was the Council's vote and not theirs and then asked Councilman Stallone what he knew and he deferred to Council President Updegrave. He asked him again to explain the pros and cons but Councilman Stallone stated he wasn't giving his decision until they took a vote. When asked a third time Mr. Stallone explained the financial loss in the Building Department over the past few years and named the positions that would exist and stated it would be approximately \$500K. Attorney Gilmore stated his questions pertained to the resolution that follows and not the ordinance they were addressing now and suggested he direct his questions to the Chair and not poll each Council member. Mr. Mayerowitz stated individuals have tried to get relevant information for weeks now and were told it wasn't available and it would take too long to get a response back from an OPRA request and all he wanted to know was how prepared the elected officials were to make this decision and stated one Council member already proved he didn't know what's going on. He asked if there was a termination clause and Councilwoman Ingram stated it was a two- year contract not to exceed 5 years and if they didn't fulfill their obligation their contract could be terminated with cause. Councilman Martin stated there was also a clause that inspections had to be performed in a timely fashion or assess a \$500 per day penalty. Mr. Mayerowitz asked about references? Council President Updegrave stated she spoke with Warren Township and one other town confirmed they performed the three primary element inspections that Jackson requires plus they did commercial. He asked if Tom Carter checked references but she didn't know. Mr. Mayerowitz stated he must not have because they would have a report if he did. He then asked if they knew how many municipalities in the State use a 3rd party agency and there was no response. He then asked why they didn't take action two years ago when they saw the Building Department revenues declining instead of waiting until now when they knew a recession was coming? Mayor Seda explained they made a reduction in staff and Councilman Martin agreed they did take action in reducing staff so they were doing something. Mr. Mayerowitz asked how they would transition into the 3rd party inspections in two weeks and if the 3rd party would transfer data digitally or what added efficiencies or improvements above current functions would they perform? Mayor Seda explained they would follow the same process currently performed by the Building Department. He stated his questions were to point out that they didn't have enough information to base their

decision on and he hoped they would fulfill their responsibility to the Township and defer the matter until every member understood what they're voting on.

STAN GOLDMAN-47 SPYGLASS DR.: He thanked Mr. Mayerowitz for proving some points and then addressed the Mayor stating it wasn't in the best interest of the town to bring in outsiders and they should layoff some people, collect outstanding fines and save the Building Department. It's not in the best interest of Jackson and they are sending a bad message to residents and builders. Before they spend \$70K keep the money here. He asked the Mayor to find the money in the budget to keep the people. Mayor Seda stated they need to break even and the break even point was \$1.2million and to cut below that they would be below what they need to maintain the departments. Mr. Goldman stated all they have to do is collect the fines.

HARVEY FEIT-39 OAKMONT: He didn't like the whole idea and didn't think it was right that someone would lose their job for 65% and felt they could come up with 35%. He stated they should increase the fines or collect them.

SEAN GIBLIN-515 SO. COOKSBRIDGE ROAD: He addressed Councilman Martin and pointed out, according to budget law, they couldn't spend more than what was collected in the prior year and accused his administration of being responsible for the downfall because the Township wasn't permitted to take more than 10% of the amount that was collected and if so they had to reduce the fees. The Building Department was not there to make a profit but sustain itself. He referred to Mr. Burke's statement that the Building Department's operating expenses was \$350K that was a \$50K profit for the town and they were illegally charging the salaries of the Building Department to the taxpayers. He stated when he and Mike Kafton were in office they made the Building Department cut their budget because they couldn't spend more than they took in and the current Council didn't do that and now the employees might lose their jobs because of it. He asked them to put it off until the new Council comes in and give them a chance to solve the problem. He then referred to the Resolution to spend over \$540K for a surveillance system and give some of that money to the Building Department.

KEVIN SMALTZ-JACKSON TWP. BLDG. DEPT.: He said they were voting on his job and stated Mr. Stallone didn't have a clue and it scared him that he was about to vote on something that was going to affect him and his children. He complimented Councilman Martin and Council President Updegrave for contacting the Building Department. He referenced a letter from John Walter to the senior communities regarding the Building Department stating the Mayor was meeting with bidders to outsource the Building Department's functions noting they performed 29K inspections with a 2 failure to 1 pass ratio and outsourcing would save the taxpayers \$2.5million a year and asked if it was true? Mayor Seda stated he never gave that information. Mr. Smaltz stated between January 1st of 2001 and June 22, 2008 their approval rate was 65% based on 209,492 inspections that they performed. He added they did 8200 inspections so far this year and felt the letter was put out there to mislead the senior community. He added each inspector averaged over 1,000 inspections per month. He stated the most inspections performed by EIC of Jersey City was in Bridgewater where they performed 560 inspections a month. He stated EIC didn't have the manpower or experience needed to perform Jackson's inspections. So far this year Jackson issued 1497 permits plus updates. Electrical inspections are out to July 7th because they lost an inspector to another job. He stated Mr. Ditmar has been with Jackson 18 years, performing 22 inspections a day when the average was 12-15 noting he works through lunch to take care of everyone and he was usually in by 7:00am doing plan review off the clock stating that's the kind of employees the town has. Mr. Smaltz stated he lives in Little Egg Harbor but knows his way around Jackson better than his own town and has called Jackson his second home for the past 8 years. He stated he did his own research and found that EIC services over 30 towns in NJ and in 19 of the 30 they only do elevator inspections which means only 11 communities are served by EIC by performing building, fire, electric & plumbing inspections. Cherry Hill was quoted in the paper stating Jackson's been outsourcing their elevator inspections for years which he confirmed because there weren't enough elevators to have a full time person. There was only one other town where they performed 85 inspections a month using 4 of the 5 disciplines and asked where was their experience? He added EIC listed an inspector that worked for Jackson for 2 weeks and was about to be fired and quit. This individual was listed as a Sub Code Official with 37

years of technical experience and he asked how he could have 37 years experience when he graduated in 1983 demonstrating how EIC polished their resumes a bit and asked if that was the kind of company they wanted in Jackson? He referred to a State Statute 40A; 14-63 for exempt firemen stating Jackson had four exempt firemen on staff with in the Building Department. He himself served 15 years with the Avon Fire Department, was an X-Chief for two years, EMT with the First Aid squad for the past 16 years noting community service was what he does in both his professional and private life. He read the statute that pertained to terminating an exempt fireman and asked the Council to table this decision.

KATHY GROSS-18 POINTE CIRCLE: She was amazed that all Council members came tonight to vote on something they clearly didn't know enough about. She asked them to table it because it was proven tonight that they don't know enough.

BARRY OLEJARZ-89 E. COMMODORE BLVD.-CONSTRUCTION OFFICIAL- He addressed the Mayor stating he was informed of the Building Department's financial status well in advance. He referred to letters and meetings with Administrator Del Turco. He discussed his plan with three individuals that felt the plans would work. He stated the contract called for 50% of an open permit and gave an example of how they would get \$10K for closing an existing ticket plus it stated they would respond in 30 minutes and felt there was no way they could respond to a disaster in 30 minutes from Jersey City. He didn't feel the Council looked at the details of the contract. He agreed the Building Department was self-supporting but in a memo by Administration it was at their discretion to subsidize the Building Department's short falls and it was obvious they chose not to. He stated Administrator Del Turco listed several agencies that weren't in the contract that waived fees which included the Fire Departments, Board of Fire Commissioners, people getting a second water meter, handicapped people getting a ramp, etc. and stated it raised some questions. He stated there were between 6K-7K residential units that haven't been completed and a couple thousand that haven't started along with commercial properties. He stated they could increase their revenue by \$41K by increasing fees from 0.027% to 0.035% and Councilman Martin agreed as long as activity was the same. Mr. Olejarz stated the information was available if anyone wanted it and pointed out that there was a lot of information they didn't have and asked the Council to take the time and make a fair decision.

JAY HORBACZ-29 HEATHWOOD AVE. She stated she was a resident of Jackson and a business owner and architect and deals with the Building Department every day and stated they were making a big mistake and asked them to reconsider. She explained she was asked to do a job for someone changing from a commercial to a mercantile and because Mr. Olejarz explained the differences on what needed to be done she only had to prepare one plan and one drawing and because of his help her client saved a lot of money stating an outside vendor wouldn't have provided that special service without being compensated. She stated the Council didn't have all the answers and they haven't looked at the contract and were making a big mistake.

BARRY OLEJARZ-CONSTRUCTION OFFICIAL-He read a Staffing Report letter addressed to Administrator Del Turco that was copied to him where it stated the Construction Official's position must be maintained for 35 hours per week in order to properly enforce the Uniform Construction Code. Councilman Stallone interrupted Mr. Olejarz to announce there was a lot of information he had never heard before and there was a lot to go over and he felt the new Administration should have the opportunity to make the decision. Attorney Gilmore stated they could carry it to the next Council meeting and continue to allow people to speak or they could table it and it would stop right now. Councilman Stallone stated he wanted to continue with public comments and make a decision after. Mr. Olejarz referred to accusations and comments made about him and stated he had no problem with being investigated by anyone. He called the Department of Regulatory Affairs to initiate an investigation on himself and his department and the findings of that investigation confirmed they did nothing wrong and the person who made allegations was evading the circumstances and he offered to provide anyone with a copy of that report because he did nothing wrong nor did anyone in his department.

NANCY GARCIA-10 CALVARY CT.: She stated the Building Department was one part of the Township and suggested closing the Recycling Center on Sunday because it wasn't

necessary to be open seven days a week. Council President Updegrave stated there was a lot of information and agreed they heard things they didn't know about and she wasn't comfortable in voting on it tonight.

AL POLLING-BENNETTS MILLS RD.: He said the community came out in support of the Building Department and stated every department could be outsourced and he appreciated Councilman Stallone admitting he didn't know enough about the issues and respected him for admitting it.

KENNETH BRESSI-462 DIAMOND ROAD-He asked Mr. Gilmore what the difference was between carrying and tabling. Attorney Gilmore stated tabling would stop public comment and vote, carrying it would allow public comment to continue, but a vote/decision would be conducted at another time allowing the incoming Council to review and make the decision. Mr. Bressi felt the ordinance should be tabled and allow the new Council to start from scratch.

TIM DOLAN-35 WEST LAKE CT.: He stated he appreciated the Council members consideration to carry the ordinance because it wasn't an easy position to be in and they don't have easy issues to resolve. He wished them luck in the future.

MIKE NICOLETTI-31 RUTGERS: He thanked them for their decision in holding off on making a decision at this time.

**MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 26-08 BY: MARTIN
MOTION SECONDED BY: STALLONE
YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE**

COUNCILMAN STALLONE stated he would like to carry the ordinance for the new Council because it needs to be looked at and they could decide what they want to do and live with their decision.

**MOTION TO CARRY ORDINANCE 26-08 TO THE SECOND MEETING IN JULY
AND ADVERTISE IT AS A SECOND READING IN AN APPROVED
NEWSPAPER AS REQUIRED BY LAW BY: STALLONE
MOTION SECONDED BY: MARTIN
YES: MARTIN, STALLONE & UPDEGRAVE
NO: INGRAM & GUDAITIS**

ATTORNEY GILMORE confirmed the ordinance would be carried for consideration and schedule a vote for second reading in July which he believed to be the 22nd but that date wouldn't be confirmed until after July 1, 2008. He stated this ordinance had nothing to do with the contracted services for the layoff notices but simply created a new position and setting up responsibilities for that new position. He repeated it didn't eliminate the layoff notices or contracted services and would be considered under a separate resolution when they get to that portion of the meeting. Anyone interested should stay for the full meeting.

27-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING ORDINANCE NO. 37-07 ESTABLISHING THE SALARY RANGE FOR ALL OF THE VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP FOR THE YEAR 2008 AND THEREAFTER

PUBLIC HEARING OPENED:

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He stated this ordinance on first reading included a position and salary for a Code Inspector and asked Attorney Gilmore if they could pass an ordinance that does not have a position defined in the Administrative Code. Mr. Gilmore stated they could adopt a salary ordinance with no person appointed to that position until such time as the ordinance creating the position was adopted. He added

there was another position in the ordinance and it had been discussed with Council that it was appropriate and the salary could never be paid unless the incoming governing body adopts the ordinance.

DAN GROSS-18 POINT CIRCLE: He asked if there were salaries for the Building Department in the ordinance and Council stated it had nothing to do with it.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

MOTION TO APPROVE ORDINANCE 27-08 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, GUDAITIS & UPDEGRAVE

ORDINANCE 27-08

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,**

**ESTABLISHING THE SALARY RANGE FOR ALL OF THE
VARIOUS OFFICIALS AND EMPLOYEES OF THE**

TOWNSHIP FOR THE YEAR 2008 AND THEREAFTER.

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

SECTION 1. For the year 2008 and for each year thereafter, the salary range set forth in "Schedule A" which is annexed hereto and made a part hereof, is hereby established for the officials and employees whose titles are set forth therein.

SECTION 2. The provisions of this Ordinance shall be effective for the year 2008 and for each year thereafter except as may be amended or supplemented by subsequent ordinances.

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

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 5. This ordinance shall take effect immediately upon final passage and publications as required by law.

Date: _____

MARK A. SEDA, MAYOR

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 June 10, 2008 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on June 24, 2008 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 so heard concerning this ordinance. Prior to second reading, a copy of this ordinance shall be posted on the

bulletin board in the Municipal Building and copies shall be made available at the Township Clerk’s Office in said Municipal Building to members of the general public who shall request such copies.

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

SCHEDULE A

<u>TITLE</u>	<u>SALARY RANGE</u>	
	<u>MINIMUM</u>	<u>MAX</u>
INSERT: <u>FULL TIME</u>		
ANALYST GRANT APPLICATIONS	25,000	31,000
DIRECTOR OF INSPECTIONS	72,000	90,000

28-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 2201 LOT 1, FORMERLY KNOWN AS 147.02, LOT 1 FROM VISTA CENTER ASSOCIATES, LP, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: STALLONE

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

MOTION TO APPROVE ORDINANCE 28-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

ORDINANCE NO. 28-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 2201 LOT 1, FORMERLY KNOWN AS 147.02, LOT 1 FROM VISTA CENTER ASSOCIATES, LP, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

WHEREAS, Vista Center Associates is the assessed owner of Block 2201, Lot 1, formerly known as 147.02, Lot 1 consisting of approximately 70.76 acres, the majority of which is Jackson Mills Lake; and

WHEREAS, Vista Center Associates wishes to donate the subject property to the Township of Jackson; and

WHEREAS, N.J.S.A. 40A:12-5(a)(1) authorizes a municipality to accept property as a gift by the adoption of an ordinance authorizing the acquisition of the same.

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

SECTION 1. That the governing body does hereby authorize the acquisition of Block 2201, Lot 1, formerly known as 147.02, Lot 1 from Vista Center Associates. This property is being acquired by the Township of Jackson pursuant to N.J.S.A. 40A:12-5(a)(1) as a gift from Vista Center Associates.

SECTION 2. That the Township Administrator is authorized to obtain a title search and if the search shows clear and marketable title to obtain title insurance. The Township Administrator is also authorized to obtain a Phase I Environmental Report. The acquisition of this property is subject to the receipt of clear title and acceptable Phase I Environmental Report.

SECTION 3. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the acquisition of the subject property from Vista Center Associates.

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

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

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

Date: _____

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 **June 10, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24th day of June, 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: 06/24/08

**ANN MARIE EDEN
TOWNSHIP CLERK**

ORDINANCE FIRST READING – NONE AT THIS TIME

10 minute recess (12:25 AM)

ATTORNEY GILMORE stated the fact that it was 12:35AM and a “new day” did not invalidate the Public Meeting notice that was given for the meeting that started at 6:30PM on Tuesday, June 24, 2008 and could legally continue the meeting.

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

CLERK EDEN stated for the public's edification that Resolution 208R-08 authorizing the 2008 Emergency Temporary Appropriation #4 is removed from the agenda because they adopted the budget this evening. She then stated they were adding Resolution 227R-08 to authorizing the Township to take legal action against Kaplan Companies to make necessary improvements to Piccadilly Road at the intersection of Piccadilly Road and County Line Road.

PUBLIC HEARING OPENED, RESOLUTIONS ONLY

PATRICIA WOOD-COUNTY LINE ROAD: She felt Resolution 225-08 went along with Ordinance 26-08 and asked Council to vote similarly.

HERB BLATH-PEBBLE BEACH ROAD: He asked about the Resolution pertaining to surveillance equipment and didn't understand why it was necessary to have cameras watch the turf fields that they put in illegally without a permit for \$7million. He asked if it was going to be monitored 24/7? Council said yes.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He questioned the phrase "capable of facial recognition" and asked what it meant? Council President Updegrave stated there was vandalism and theft at the fields and they wanted cameras that could recognize those individuals. Mayor Seda stated there was a continuous run of vandalism. Mr. Mayerowitz stated the proposal only addressed the external DPW and Justice complex and nothing internal and asked if it would be transmitted in real time or recorded? He commented on only one bidder and Mayor Seda stated there were no other companies capable of performing the monitoring they had in mind. Mr. Mayerowitz felt it was no surprise they only got one proposal considering everything an interested party would have to do to prepare their proposal once they've survey the area, met with DPW and Police and get a complete idea of the infrastructure and get an understanding of how our current system works in less than 10 day. He wanted to hear more about the equipment before asking further questions.

DICK BORYS-800 GREEN VALLEY ROAD: He explained the cameras were intelligent cameras and capable of being programmed to identify humans and not animals and described how it turns on when a person is detected and puts a block around the subjects face and notifies the police of activity. He stated the request came in from the Mayor and Mr. Carter stating they wanted to be able to focus on a face for later identification. He confirmed meeting with DPW plus hiring an electrician to look at the infrastructure for running cables, etc. and confirmed the cost of damage to the fields was substantial. He gave an overview of where the cameras would be placed and that it wasn't a wasted venture noting previous cameras were not installed correctly.

TOM CARTER-PURCHASING DEPT.: He explained they advertised for proposals on June 10th and received responses on June 20th. They issued 15 proposal packages throughout the northeast and four companies came to walk the site with him or the Director of Public Works where it was explained they wanted facial recognition from a distance both day and night plus be compatible with the Police system and three of the four were unable to provide what was needed.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He agreed the system appeared to be state of the art technology and asked how many cameras were being put in? Mr. Borys stated 66. Mr. Mayerowitz asked if all 66 cameras would be panning the fields and Mr. Borys explained the cameras have smart technology and the cameras on the field would detect motion and send a signal to the Police Department. Other cameras would be set up to pan specific areas. Mr. Mayerowitz stated the Council created the Technology Advisory Board yet failed to consult with them and they missed the opportunity to utilize some talent in the community and didn't understand why that happened and felt they should have held off rather than accept one bid.

STEPHANIE BROWN-310 S NEW PROSPECT ROAD: She asked Council to table Resolution 225R-08 because closing the Building Department wasn't the right way to go. She stated years ago nobody knew where Jackson was until she mentioned Great Adventure. Now when she mentions Jackson people references gypsy moth Seda and she wasn't happy about that. She wants to be proud to live in Jackson and she wants them to do what's right and stated Jackson has one of the best Building Departments in the Ocean County and wanted it to stay that way.

KEVIN SCHMALTZ-JACKSON TOWNSHIP BUILDING DEPT.: He referenced Resolution 225R-08 and asked if anyone needed to hear the figures again regarding the third party?

DANIEL GROSS-18 POINT CIRCLE: He thanked them for their reconsidering the Building Department ordinance and then asked about the surveillance cameras and if a person would be recognized if they were wearing a hood and a mask, looking straight into the camera and why it wasn't possible to use standard police methods to catch the perpetrators? He asked if it was really worth \$540K. Council President Updegrave stated they were unsuccessful in catching the person and were trying to protect the township property and fields. Councilman Martin stated they had millions of dollars invested and they needed to protect them. He felt running it by the Technology Committee would be a good idea because he was confident there were other companies out there.

HARVEY FEIT-39 OAKMONT LANE: He asked if the town had an anti-crime unit or a plain cloths street crime unit that could go out and find these people and if not, maybe they could consider it. Mayor Seda stated they didn't.

JOHN SUTTLES-403 MEADOWOOD ROAD: He stated Resolution 220R-08 was admirable and would like to see it passed but the State budget was passed Monday night and was now a dead issue. Councilwoman Updegrave stated it hadn't passed when the agenda was prepared and she was happy to vote on it and show her support regardless.

HERB BLATH-PEBBLE BEACH ROAD: He didn't understand why companies bid if they couldn't provide the service described in the bid request and referred to some township projects that were awarded to the sole bidder. He asked if Mr. Borys had any association with the township and Councilman Martin stated he wasn't.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He asked about the appointing a new member to the MUA and asked who the representative was that was retiring and they said Charles Garofano and Mr. Mayerowitz asked who was replacing him and they said, his wife. Mr. Mayerowitz found that questionable with over 50K residents in Jackson.

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

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

RESOLUTION 208R-08 - NOT USED

RESOLUTION 221R-08

TITLE: RESOLUTION IN SUPPORT OF THE JOINT NEW JERSEY SENATE AND ASSEMBLY REPUBLICAN BUDGET ALTERNATIVE

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, over the past seven years, New Jersey's tax burden has become so oppressive that it is driving tens of thousands of hard working middle class families out of our state each year; and

WHEREAS, over that same time period, taxes in New Jersey have increased by over \$12 billion, state spending has increased by \$11 billion and our debt has more than doubled to over \$37 billion; and

WHEREAS, Governor Jon Corzine’s proposed \$33.3 billion state budget for Fiscal Year 2009 is balanced by cutting property tax rebates for families making more than \$100,000 and by cutting state aid municipalities desperately need to keep local property taxes in check; and

WHEREAS, the governor’s budget does nothing to control the cost and size of the state’s bloated bureaucracy; and

WHEREAS, the governor’s budget cuts will further shift the tax burden from the state to local property taxpayers and make our state even more unaffordable; and

WHEREAS, the New Jersey Senate and Assembly Republicans have identified more than \$1.3 billion in common sense spending reductions and proposing using a portion of the savings to increase property tax relief and municipal aid; and

WHEREAS, the Republican plan would still spend \$600 million less than the governor’s budget proposal even though it restores property tax relief, increases state aid and redresses unfair budget cuts; and

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

1. We voice our objections to Governor Corzine’s FY 2009 State Budget and announce our support for the New Jersey Senate and Assembly Republican budget plan, and
2. A certified copy of this resolution shall be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Thomas Kean, Jr., Assembly Minority Leader Alex DeCroce and all State Legislators representing our legislative district.

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

DATED: 06/24/08

RESOLUTION 222R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY RENEWING LIQUOR LICENSES FOR THE PERIOD JULY 1, 2008 THROUGH JUNE 30, 2009

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: INGRAM, GUDAITIS & UPDEGRAVE

ABSTAIN: MARTIN & STALLONE

Councilman Martin stated he was an officer of one of the organizations and abstained.
Councilman Stallone stated he was a member of one of the organizations and abstained.

WHEREAS, the current holders of Plenary Retail Consumption, Plenary Retail Distribution and Club Alcoholic Beverage Licenses have filed their renewal applications for the fiscal year July 1, 2008 through June 30, 2009; and

WHEREAS, all of said licensees have complied with the State Law and local ordinances, have submitted the proper license fee as hereinafter noted and applications, and it being the desire of this governing body to grant said licenses; and

WHEREAS, the Township Attorney has reviewed said license renewal applications and have approved them as to form and content; and

WHEREAS, the Jackson Township Police Department has conducted the necessary inspections for the license renewals.

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. Plenary Retail Consumption Licenses be issued to the following corporations for the fiscal year July 1, 2008 through June 30, 2009:

LICENSEE	LICENSE NUMBER
CASSVILLE TAVERN, INC. t/a Cassville Tavern NE Corner Routes 571 & 528 P.O. Box 13 Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-002-002
SIX FLAGS THEME PARK, INC. t/a Six Flags Great Adventure Route 537, P.O. Box 120 Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-004-008
JUST PLAIN JANE'S, INC. t/a Just Plain Jane's 581 East Veterans Highway Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-005-004
PINE BARRENS GOLF CLUB, L.L.C. 540 South Hope Chapel Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-007-007
METEDECONK HOSPITALITY SERVICES t/a Metedeconk National Golf Club 50 Hannah Hill Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-019-005
VINCI'S BAR & GRILL, LLC 571 Monmouth Road Cream Ridge, NJ 08514 License Fee: \$2,000.00	1511-33-017-007
ANTONIO R. ROMEO DISANTILLO t/a Happy Times Spirits t/a Happy Time Cafe 10 South New Prospect Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-33-021-001
STEVEN NUSSBAUM 651 Morris Avenue Springfield, New Jersey 07081 License Fee: \$2,000.00	1511-33-023-001*
CHARLIE BROWN'S OF JACKSON, LLC 1450 US Highway 22 West Mountainside, New Jersey 07092 License Fee: \$2,000.00	1511-33-025-001*
SURF UP JACKSON CORPORATION t/a Surf Taco 21 South Hope Chapel Road Jackson, New Jersey 087527 License Fee: \$2,000.00	1511-33-026-002
VICTORIA BRODER t/a Scorpio's Steakhouse 21 South Hope Chapel Road Units 101-103 Jackson, New Jersey 08527	1511-33-027-002

License Fee: \$2,000.00

37 LIQUORS, INC. 1511-33-003-005
 t/a Brookwood Lounge
 400 So. New Prospect Road
 Jackson, New Jersey 08527
 License Fee: \$2,000.00

ROVA FARMS RESORT, INC. 1511-33-008-001
 t/a Rova Farm Resort, Inc.
 120 Cassville Road
 Jackson, New Jersey 08527
 License Fee: \$2,000.00

DOCTOR IRA PORT & DOCTOR ALAN COHN 1511-33-024-001*
 147 Larchwood Avenue
 Oakhurst, New Jersey 07755
 License Fee \$2,000.00

*Pocket License

2. Plenary Retail Distribution Alcoholic Beverage Licenses be issued to the following corporations for the fiscal year July 1, 2008 through June 30, 2009:

LICENSEE	LICENSE NUMBER
ANTHONY PRISCO, INC. t/a Spirits Unlimited 2275 West County Line Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-44-001-003
GLORY'S DISCOUNT MARKET, INC. t/a Glory's Discount Market 584 Cedar Swamp Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-44-018-001
TARANTINO COMPANIES, INC. t/a Plaza Wine & Liquors 260 North County Line Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-44-022-001
REDDY & REDDY, INC. t/a Willy's Corner Liquors 10 South Hope Chapel Road Jackson, New Jersey 08527 License Fee: \$2,000.00	1511-44-006-008
JACKSON WINE & LIQUORS, LLC t/a Wine & Liquor Depot 2080 West County Line Road Jackson, NJ 08527 License Fee: \$2,000.00	1511-44-028-001

3. Club Alcoholic Beverage Licenses be issued to the following organizations for the fiscal year July 1, 2008 through June 30, 2009:

LICENSEE	LICENSE NUMBER
AM VETS POST #2, OCEAN COUNTY 1290 Toms River Road Jackson, New Jersey 08527 License Fee: \$150.00	1511-31-012-002
KNIGHTS OF COLUMBUS COUNCIL	1511-31-010-001

t/a Knights of Columbus
401 Bartley Road
Jackson, New Jersey 08527
License Fee: \$150.00

LAKEWOOD ESTONIAN ASSOCIATION, INC. 1511-31-014-001
t/a Lakewood Estonian Club
Veterans Highway and Cross Street
Jackson, New Jersey 08527
License Fee: \$150.00

LOYAL ORDER OF MOOSE JACKSON LODGE 1459 1511-31-011-001
T/a Loyal order of Moose
P.O. Box 1306
Jackson, New Jersey 08527
\$150.00

V.F.W. POST 4703, INC. 1511-31-013-001
t/a VFW Post 4703
54 Magnolia Drive
Jackson, New Jersey 08527
License Fee: \$150.00

BENEVOLENT AND PROTECTIVE
ORDER OF ELKS, LODGE #2744 1511-31-020-001
1059 East Veterans Highway
Jackson, New Jersey 08527
License Fee: \$150.00

CENTRAL JERSEY ITALIAN AMERICAN CLUB, INC. 1511-31-015-001
36 Christopher Columbus Boulevard
Jackson, New Jersey 08527
License Fee: \$150.00

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

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

DATED: 06/24/08

RESOLUTION 225R-08
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THIRD PARTY PLAN REVIEW AND INSPECTION SERVICES

MOTION TO CARRY TO 2ND REGULAR COUNCIL MEETING IN JULY BY: STALLONE
MOTION SECONDED BY: MARTIN
YES: INGRAM, MARTIN, STALLONE & UPDEGRAVE
NO: GUDAITIS

WHEREAS, the Township has the need to contract with a third party agency for plan review and inspection services; and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the Township solicited public proposals for said services as required; and

WHEREAS, the Township Council has received proposal on May 31, 2008 from the following two companies for those services:

EIC Inspection Agency Corp
Building Inspection Underwriters, Inc.

and proposals received were based on a percentage of the state based fee as directed in the Request for Proposal specifications. The two bids received were for 65% of the state based fee from EIC, and 80% of the state based fee from Building Inspection Underwriters. The Township has reviewed the proposals and that of EIC has been deemed to have the proposal most advantageous to the Township.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby award a contract for a period of two years from July 1, 2008 to June 30, 2010 to EIC Inspection Agency Corporation of Jersey City, NJ, with renewable terms at the discretion of the Township for a minimum of one year at a time, which contract will not exceed a total of five years. This is in accordance with New Jersey State Law 40A:11-4.2.

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

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

DATED: 06/24/08

RESOLUTION 227R-08

TITLE: AUTHORIZE TOWNSHIP TO TAKE ALL NECESSARY LOTAL ACTION AGAINST KAPLAN COMPANIES FORCING REQUIRED IMPROVEMENTS TO PICCADILLY ROAD AT INTERSECTION OF PICCADILLY ROAD AND COUNTY LINE ROAD

MOTION TO APPROVE BY: STALLONE

MOTION SECONDED BY: MARTIN

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township has become aware of the fact that the improvements to County Line Road made by the County of Ocean have raised the grade of County Line Road to an extent that access cannot be obtained to County Line Road from Piccadilly Drive; and

WHEREAS, Piccadilly Drive has never been completed by the developer and accepted by the Township of Jackson so as to become a Municipal roadway; and

WHEREAS, representatives of the Township held a meeting with Kaplan Companies and the County of Ocean to try to resolve this issue and at that meeting the Township was advised by the County that no County Planning Board approval was ever given for the construction of Piccadilly Drive; and

WHEREAS, it appears that no performance bonds were posted for the construction of Piccadilly Road and that any Township Planning Board approval would have been contingent upon approval of the Ocean County Planning Board; and

WHEREAS, a second meeting was held with representatives of the Kaplan Companies and the County of Ocean on June 17, 2008 in an attempt to resolve the issue of the intersection of Piccadilly Road with County Line Road; and

WHEREAS, at that meeting, Kaplan Companies refused to take the steps necessary to make the improvements necessary to have Piccadilly Drive intersect properly with County Line Road; and

WHEREAS, the failure to connect Piccadilly Drive with the improved County Line Road will result in denial of access for residents of the Township of Jackson from Piccadilly Drive to County Line Road; and

WHEREAS, it is the desire of the Mayor and Township Council to take the steps necessary to ensure that residents have the opportunity to use Piccadilly Drive to gain access to and from County Line Road.

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 does hereby authorize the Township Attorney to take all necessary steps, including the filing of litigation against Kaplan Companies to ensure that Piccadilly Drive is property connected to County

Line Road so as to allow residents to gain access to and from County Line Road onto and from Piccadilly Drive.

- 2. That all steps necessary are taken to force Kaplan Companies to post the necessary bonds and obtain the necessary approvals for the construction and improvements to Piccadilly Drive.

- 3. That a certified copy of this resolution be forwarded to Kaplan Companies, Dan Burke, T& M Associates, the County of Ocean Engineering Department, and Ocean County Legal Counsel.

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

DATED: 06/24/08

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

RESOLUTION 205R-08

TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

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.

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

DATED: 06/24/08

RESOLUTION 206R-08

TITLE: APPROVE BINIGO/RAFFLE LICENSE TO JACKSON LIBERTY HIGH SCHOOL (RA-1212), KIMBALL MEDICAL CENTER FOUNDATION, INC. #RA-1213), OPTIMIST CLUB OF JACKSON (#RA-1214) AND AMVETS POST #2 OF OCEAN COUNTY (#RA-1215)

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

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

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

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

JACKSON LIBERTY HIGH SCHOOL (RA-1212),

KIMBALL MEDICAL CENTER FOUNDATION, INC. #RA-1213),
OPTIMIST CLUB OF JACKSON (#RA-1214) AND
AMVETS POST #2 OF OCEAN COUNTY (#RA-1215)

- 2. Copies of the Resolution to interested parties.

DATED: 06/24/08

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

RESOLUTION 207R-08

TITLE: APPROVE TOWNSHIP COUNCIL MEETING MINUTES OF MAY 20, 2008 (BUDGET WORKSHOP)

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

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

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

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

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

May 20, 2008 (Budget Workshop)
- 2. Copies of this resolution to any interested parties.

DATED: 06/24/08

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

RESOLUTION 209R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO EUGENE ENTERPRISES, INC. OF THE PERFORMANCE BOND ISSUED FOR PINEVIEW ESTATES, A/K/A BLOCK 38, LOT 19

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, Eugene Enterprises, Inc., has requested a Release of the Performance Guarantee, which consists of \$59,335.20 in the form of Performance Bond #SSB-312718R issued by RLI Insurance Company and Cash Bond in the amount of \$6,592.80 pertaining to Pineview Estates a/k/a Block 38, Lot 19, Jackson Township; and

WHEREAS, Albert D.Yodakis, P.E. of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated June 3, 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 #SSB-312718R issued by RLI Insurance Company in the amount of \$59,335.20 and Cash Bond in the amount of \$6,592.80, heretofore, posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$30,345, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

DATED: 06/24/08

RESOLUTION 210R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO VILLAGE GATE ASSOCIATES, LLC OF THE MAINTENANCE BOND ISSUED FOR DUNKIN DONUTS, A/K/A BLOCK 124, LOT 1

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, Village Gate Associates, LLC., has requested a Release of their Maintenance Guarantee, which consists of \$12,327.00 in the form of a Cash Bond pertaining to Dunkin Donuts, a/k/a Block 124, Lot 1, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated June 10, 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 Maintenance Guarantee, which consists of a Cash Bond in the amount of \$12,327.00, heretofore, posted with the Township may and hereby is released on the condition that the applicant:

1. Reimburse 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 maintenance guarantees.
2. Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

DATED: 06/24/08

RESOLUTION 211R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO RYAN HOMES OF THE CASH BONDS ISSUED FOR PRESIDENTIAL ESTATES A/K/A VARIOUS BLOCKS AND LOTS AS FOLLOWS

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

WHEREAS, Ryan Homes has requested the Release of cash bonds for winter conditions for various Block and Lots, Jackson Township as follows:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
51.49	34	7 Cleveland Court	\$1,500.00
51.49	11	22 Jefferson Court	\$1,000.00
51.49	19	39 Jefferson Court	\$1,000.00
51.49	27	1 Regan Drive	\$1,500.00
51.49	26	3 Regan Drive	\$1,500.00

WHEREAS, Michael G. Miller, Township Engineer, T&M Associates, has reviewed and approved the release of said cash bond in letter reports dated June 10, 2008, which letter reports are made a part hereof; and

WHEREAS, the Township Council of the Township of Jackson has considered the application and the reports 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 Cash Bonds for winter conditions heretofore posted with the Township may and hereby are released to Ryan Homes.

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: 06/24/08

RESOLUTION 212R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO CASTELLAR PROPERTIES OF THE PERFORMANCE BOND ISSUED FOR PINE KNOLLS MANOR A/K/A BLOCK 9.01, LOTS 170 & 171

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

WHEREAS, Castellar Properties, has requested a Release of the Performance Guarantee, which consists of \$387,448.38 in the form of a Performance Bond #5026040 issued by Bond Safeguard Insurance Company and a Cash Bond in the amount of \$43,049.82 pertaining to Pine Knoll Manor Block 9.01, Lots 170 & 171, Jackson Township; and

WHEREAS, Albert D. Yodakis of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated June 9, 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 #5026040 issued by Bond Safeguard Insurance Company in the amount of \$387,448.38 and Cash Bond in the amount of \$43,049.82, heretofore, posted with the Township may and hereby is being returned to the applicant at this time. As the project cannot move forward as the Planning Board has not signed the plat and if the developer is to proceed with the project, the necessary bond would again be required prior to the signing of the final plat.

Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

DATED: 06/24/08

RESOLUTION 213R-08

TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

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

MAY 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: 06/24/08

RESOLUTION 214R-08

TITLE: AUTHORIZE CONTRACT AWARD TO EARLE ASPHALT FOR THE RECONSTRUCTION OF EAST AND WEST BIRD VILLAGE ROAD PHASES I, II & III

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township Engineer, Daniel Burke, P.E., has requested authorization to award a contract for the Reconstruction of East and West Bird Village Road Phases I, II & III; and

WHEREAS, Jackson Township previously advertised for the receipt of bids on June 18, 2008 at 11:00 a.m. for the Reconstruction of East and West Bird Village Road I, II & III; and

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

<u>Bidder</u>	<u>Bid Phases I/II/III</u>
1. Earle Asphalt	\$ 513,813.13
2. Star of the Sea Concrete	\$ 521,458.55
3. Lucas Brothers	\$ 549,699.00
4. Bil-Jim Construction	\$ 560,325.28
5. Meco Construction	\$ 588,871.20
6. Lucas Construction	\$ 603,426.48

and;

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

WHEREAS, the Township Engineer, Daniel Burke, P.E., has determined that Earle Asphalt submitted the lowest responsible bid; and

WHEREAS, the Township Engineer, Daniel Burke, P.E., is recommending the bid for the Reconstruction of East and West Bird Village Road Phases I, II & III be awarded to Earle Asphalt; and

WHEREAS, the Chief Financial Officer has certified that sufficient funding exists for this purpose; and

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

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

1. The Township Engineer, Daniel Burke, P.E., is hereby authorized to award a contract for the Reconstruction of East and West Bird Village Road Phases I, II & III to Earle Asphalt in the amount of \$513,813.13. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.
2. Copies of this resolution to Earle Asphalt, Township Administrator, Township Engineer, Daniel Burke, Chief Financial Officer, Township Purchasing Agent and any other interested parties.

DATED: 06/24/08

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

RESOLUTION 215R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) AMBULANCE

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of proposals for the purchase of one (1) ambulance; and

WHEREAS, the Township has determined that the value of said purchase will exceed \$17,500 in a period of one year or less, and is subject to New Jersey Local Public Contracts Law (40A:11 et seq) and Pay-to-Play law (N.J.S.A.19:44A-20); and

WHEREAS, the Township has received one (1) proposal from the following company: NJEV New Jersey Emergency Vehicles for a total amount of \$135,647.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funding exists for this purpose; and

WHEREAS, The Township Purchasing Agent and Township Administrator have reviewed the proposal and recommend that, in the best interest of the Township, that NJEV be awarded a contract for the purchase of said ambulance; and

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award the purchase of one (1) ambulance from NJEV in the amount of \$135,647.00.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Clerk and Purchasing Agent.

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

DATED: 06/24/08

RESOLUTION 216R-08

TITLE: AUTHORIZE CONTRACT AWARD FOR THE PURCHASE OF SCRAP METAL FROM THE TOWNSHIP OF JACKSON

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of proposals for a buyer of Township generated scrap metal; and

WHEREAS, the Township has determined that the value of said sales will exceed \$17,500 in a period of one year or less, and is subject to New Jersey Local Public Contracts Law and New Jersey Pay-to-Play law (N.J.S.A.19:44A-20); and

WHEREAS, the Township has received three (3) proposal from the following companies: John Blewitt, Inc. @ \$13.50 per hundredweight for light iron; Mazza Recycling, Inc. @ \$19.50 per hundredweight; and Brick Recycling @ \$13.75 per hundredweight; and

WHEREAS, The Township Purchasing Agent and Director of Public Works have reviewed the proposals and recommend that, in the best interest of the Township, that Mazza Recycling be awarded the contract for the purchase of Township generated scrap metal.

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award to Mazza Recycling the contract for the purchase of scrap metal for a period of one (1) year beginning July 1, 2008.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Clerk, Director of Public works and Purchasing Agent.

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

DATED: 06/24/08

RESOLUTION 217R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, AND NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR THE DISPOSAL OF CERTAIN ORGANIC RECYCLABLE MATERIALS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of proposals for the disposal of certain organic recyclable materials on the open market to the lowest bidder; and

WHEREAS, the Township has determined that the value of said disposal will exceed \$17,500 in a period of one year or less, and is subject to New Jersey Pay-to-Play law (N.J.S.A.19: 44A-20); and

WHEREAS, the Township has received four (4) proposals from the following companies: Britton Industries, Mazza Recycling, Reliable Wood Products, and Recycling Center of Ocean County; and

WHEREAS, The Township Purchasing Agent and Director of Public Works have reviewed the proposals and recommend that, in the best interest of the Township, that Britton Industries be awarded the contract for said disposal; and

WHEREAS, sufficient funding will exist for this purpose upon the adoption of the CY 2008 Municipal operating Budget.

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award the contract for disposal of certain organic recyclable materials to Britton Industries.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Clerk, Director or Public Works and Purchasing Agent.

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

DATED: 06/24/08

RESOLUTION 218R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR THE INSTALLATION OF PAVER BLOCKS AT JOHNSON PARK

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of proposals for the installation of paver blocks at Johnson Park; and

WHEREAS, the Township has determined that the value of said installation will exceed \$17,500 and is subject to New Jersey Local Public Contracts Law (40A:11 et seq) and New Jersey Pay-to-Play law (N.J.S.A.19:44A-20); and

WHEREAS, the Township has received four (4) proposals from the following companies: Unique Landscaping in the amount of \$27,030, Peter Ferro Construction in the amount of \$33,140, DMR Lawns in the amount of \$35,119.22 and Image Contractors, LLC in the amount of \$78,400; and

WHEREAS, The Township Purchasing Agent and Director of Public Works have reviewed the proposals and recommend that, in the best interest of the Township, that Unique Landscaping be awarded the contract for the installation of pavers at Johnson Park in the amount of \$27,030.

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award the aforementioned paver project to Unique Landscaping in the amount of \$27,030.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Clerk, Director or Public Works and Purchasing Agent.

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

DATED: 06/24/08

RESOLUTION 219R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR THE

PURCHASE AND INSTALLATION OF VIDEO SURVEILLANCE EQUIPMENT AT THE JUSTICE COMPLEX, DPW FACILITIES AND THE POLICE HEADQUARTERS

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

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of proposals for the purchase and installation of a video surveillance system at the Justice Complex athletic fields, the DPW yard and selected buildings, and the Police headquarters; and

WHEREAS, the Township has determined that the value of said purchase will exceed \$17,500 and is subject to New Jersey Local Public Contracts Law (40A:11 et seq) and New Jersey Pay-to-Play law (N.J.S.A.19:44A-20); and

WHEREAS, the Township has received one (1) proposal from the following company: Niscayah, 17 Sylvan Street, Suite 106, Rutherford, NJ 07070 in the amount of \$539,919.16; and

WHEREAS, the Township Administrator, the Township Purchasing Agent and Director of Public Works have reviewed the proposals and recommend that, in the best interest of the Township, that Niscayah be awarded a contract for the purchase and installation of aforementioned video systems.

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award the said purchase and installation of a video surveillance system at the Justice Complex athletic fields, the DPW yard and selected buildings, and the Police headquarters to Niscayah of Rutherford, NJ in the amount of \$539,919.16.

A copy of this resolution shall be forwarded to the Municipal Administrator, Municipal Clerk, Director or Public Works, Chief of Police and Purchasing Agent.

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

DATED: 06/24/08

**RESOLUTION 220R-08
TITLE: APPROVE APPOINTMENT OF MEMBER TO THE APARTMENT AND MOBILE HOME PARK RENT LEVELING BOARD**

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

WHEREAS, a vacancy exists on the Apartment and Mobile Home Park Rent Leveling Board to fill the unexpired term of Leslie Savage; 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 unexpired term of Leslie Savage on the the Apartment and Mobile Home Park Rent Leveling Board commencing immediately and ending June 30, 2009:

Ann A. Dunn

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

3. Appointee shall serve without compensation.

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

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

DATED: 06/24/08

RESOLUTION 223R-08

TITLE: AUTHORIZE SUBMISSION OF 2009 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT APPLICATION

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson desires to apply for and obtain a 2009 grant from the state of New Jersey, Department of Community Affairs to carry out a program to provide recreational and educational opportunities and activities for individuals – adults and children with disabilities in the Township of Jackson; and

WHEREAS, the Jackson Township Commission for the Disabled/Handicapped Commission will prepare and submit, on behalf of the Township, the 2009 Recreational Opportunities for Individuals with Disabilities Grant application by June 30, 2008;

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

1. The Mayor and Township Council do hereby authorize the application for an execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Jackson and the New Jersey Department of Community Affairs.

2. Be it further resolved that the persons whose names and titles below are authorized to sign the application, the contract and any other documents necessary in connection therewith:

Mark A. Seda, Mayor
Ann Marie Eden, RMC – Township Clerk

3. Copies of this resolution to Municipal Administrator, Chief Financial Officer, Jackson Township Commission for the Disabled/Handicapped and any other interested parties.

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

DATED: 06/24/08

RESOLUTION 224R-08

TITLE: APPROVE THE APPOINTMENT OF MEMBER TO THE JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, a vacancy currently exists on the Jackson Township Municipal Utilities Authority as of June 24, 2008; and

WHEREAS, Chapter 3-184 of the Municipal Code of the Township of Jackson provides for the appointment of members to the Municipal Utilities Authority; and

WHEREAS, it is the desire of the Township Council to fill said vacancy.

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

1. Debra Garofano is hereby appointed to the unexpired term of Charles Garofano as Alternate #1 of the Jackson Township Municipal Utilities Authority commencing immediately and ending January 31, 2010, in accordance with N.J.S.A. 40:14B-3 and -4.
2. Appointee shall perform such duties and responsibilities as set forth by State Statute and the Municipal Code of the Township of Jackson.
3. Appointee shall receive such compensation as prescribed by Chapter 3-184 of the Municipal Code of the Township of Jackson.
4. Certified copies of this Resolution to Appointee, Executive Director Jackson Township Municipal Utilities Authority, Municipal Administrator and any other interested parties.

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

DATED: 06/24/08

RESOLUTION 226R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SOLICITATION OF REQUESTS FOR QUALIFICATIONS FOR A PROFESSIONAL FINANCIAL ADVISOR TO ASSIST IN THE ISSUANCE OF GENERAL OBLIGATION BONDS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: STALLONE

YES: INGRAM, MARTIN, STALLONE, GUDAITIS & UPDEGRAVE

WHEREAS, the Township of Jackson has the need for a Financial Advisor to assist in the issuance of General Obligation bonds; and

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

WHEREAS, the Township Council desires to solicit Requests for Qualifications from professionals for the position of Financial Advisor.

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

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

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

DATED: 06/24/08

DISCUSSION AGENDA:

CLERK EDEN – advised the public of the Re-Organization meeting scheduled for July 1, 2008 at 4:00pm

PUBLIC HEARING, ANY TOPIC

DAN GROSS-18 POINTE CIRCLE: He stated this was a first for the Council of Jackson and thanked them for their service.

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

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

1:05 AM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT UPDEGRAVE

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

AME/klj