

**ON TUESDAY, JULY 22, 2008, AT 6:30 P.M., THE JACKSON TOWNSHIP
COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

PLEDGE OF ALLEGIANCE

ROLL CALL:

**COUNCILMAN MARTIN (6:50pm)
COUNCILWOMAN RIVERE
COUNCILWOMAN UPDEGRAVE
COUNCIL VICE PRESIDENT REINA
COUNCIL PRESIDENT KAFTON**

**ATTORNEY STEVE FORAN
TOWNSHIP CLERK EDEN**

ALSO IN ATTENDANCE

**ADMINISTRATOR DEL TURCO
ANDREW STRAUSS**

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.

CLERK EDEN explained for the public's edification that at the Jackson Township Council meeting of July 8, 2008 there was an amendment to the structure of the meetings and the public meeting will begin at 7:30pm.

RESOLUTION 263R-08

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

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: UPDEGRAVE

YES: RIVERE, UPDEGRAVE, REINA & KAFTON

ABSENT: MARTIN

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

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

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

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a) Personnel/Professionals:
 - b) Litigation/Potential Litigation: Commodore Pointe vs. Twp. of Jackson.
 - c) Potential Land Sale/Land Acquisition: acquisition of Open Space property.
 - d) Contracts/Agreements: Conveyance of Legler Water System to the J.T.M.U.A.
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.

DATED: 07-22-08

TOWNSHIP CLERK

7:30 PM OPEN PUBLIC MEETING/CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

**COUNCILMAN MARTIN
COUNCILWOMAN RIVERE
COUNCILWOMAN UPDEGRAVE
COUNCIL VICE PRESIDENT REINA
COUNCIL PRESIDENT KAFTON**

**ATTORNEY STEVE FORAN
TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE
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.

PRESENTATIONS BY THE TOWNSHIP COUNCIL

COUNCIL PRESIDENT KAFTON presented Dennis Raftery with a plaque in honor of his 19 years of service as Jackson's Tax Assessor noting he would be retiring August 1, 2008. Mr. Raftery thanked everyone.

COUNCIL PRESIDENT KAFTON presented Mrs. Eisenstein with a certificate for her service to Jackson and to the Goetz Middle School Chorus for their participation in the July 1, 2008 reorganization meeting. Mr. Kafton read the names of the members of the Chorus and thanked them personally.

STATUS REPORT

COUNCIL PRESIDENT KAFTON explained the formation of the Citizen Budget Advisory Committee and how diligent they have been working to review the status of the Building Department and make recommendations. They had 3 meetings to gather information to discuss their findings. He invited the five member committee to come up and speak. He gave a recap of the Mayor's recommendation to close the Building Department and hire a 3rd party vendor or the State to take them over. He stated the amount of inspections that were performed per month noting Jackson hasn't reached it's full growth potential and the inspection department has a huge impact on the Township.

CITIZEN BUDGET ADVISORY COMMITTEE (IN REFERENCE TO THE BUILDING DEPARTMENT)

PAUL MAYEROWITZ introduced the members and presented an interim report. He stated they've gone over much information and were still awaiting some documentation that had been requested and was hoping for a meeting with the Mayor but has yet to receive a response to his request. He looked into EIC that was recommended but was not given the contract and listed their shortfalls regarding the extent of inspections needed in Jackson. The Committee requested court proceeding documentation regarding EIC that would be thoroughly reviewed prior to any contract is awarded. He confirmed the Mayor's proposal to close the Building Department effective August 1st and stated no transition plans were taking place. The Division of Consumer Affairs, Office of Local Code Enforcement currently provides uniformed construction code to 35 municipalities in NJ which are classified small in comparison and the amount of monthly inspections

were very low, none of which were in Ocean County. If they were to take on Jackson Township it would be the largest municipality to provide UCC inspections for. He indicated various ordinances or resolutions would have to be adopted 30-120 days prior to closing the Building Department and since that has not been done the State would turn the responsibility of inspections back to the Township. He discussed several of the options proposed by the Building Department in their efforts to remain open and the recommendations that the Committee confirmed were never reviewed or considered by the Township. He stated the Mayor, Administrator and Personnel Department had failed to demonstrate why the various options wouldn't be in the best interest of the employees or why alternatives were rejected. They have requested details of outstanding fines and penalties along with other financial documentations and would review those reports prior to rendering their final recommendations. He stated their findings report that UCC inspections are the lowest they've been in 5 years and found salaries and expenses grew faster in earlier years and were not reduced fast enough when real estate began to falter in 2005. Expenses continued to exceed revenue that continue to occur. Their objective was to establish a base level of staffing that would have the flexibility to adjust while the economy recovers. He recapped the seven proposals submitted by the Building Department and stated option #7 was the best because it included no merit increases, some transfers, some layoffs and a reduction to 30 hours per week but stated their opinion might change as the Committee reviews additional data and felt the Mayor and Council shouldn't award a contract at this time. Mr. Mayerowitz closed by thanking everyone stating they were committed to providing their final findings within the required 30 days.

SEAN GIBLIN stated they had many questions regarding EIC that weren't answered and they were pursuing them further. He agreed that proposal #7 would be the best for Jackson.

COUNCIL PRESIDENT KAFTON read a statement from the Mayor that stated he was granting a 30-day extension to the Building Department. He then read an email he received from the Mayor in response to his invitation to attend the meeting which read that he would be unavailable but was looking forward to working with the Council to address the many issues facing the residents which places property tax at the top of the list which is why he is committed to dissolving the Construction and Inspection Department to stop the bleeding of taxpayers dollars. Mr. Kafton stated the Mayor had not attended any of the meetings since July 1st and stated they were trying to run a government with very serious issues and was unhappy the Mayor had gone into hiding and felt it was important to have the Mayor present to address the questions from the residents, Advisory Committee and Council. He stated the Council must move forward and thanked the Committee for their hard work. Sean Giblin stated, as a resident, that it was important to put closure to this because they were losing good employees and it's unfair to the employees to worry another month whether they have a job or not and stated the Council has the right to make a decision sooner so the people could enjoy their summer. They should step forward and review documentation and make a decision. Mr. Kafton stated the Council intended to move forward as quickly as possible once the Committee completes their review and they would have moved along faster if they were able to meet with the Mayor and receive pending documentation. He agreed they wanted to move ahead to deal with some other pressing matters and not lose valuable people. Mr. Mayerowitz stated the Administrator could sit with the Committee to go over figures but it's important to sit down with the Mayor.

KATHY PATRICK offered her services or other committee members if Council had any questions.

COUNCIL PRESIDENT KAFTON asked if the Committee needed to speak with anyone else besides the Mayor and Mr. Mayerowitz stated they may need to speak with Community Development, Department of Personnel, Administrator and possibly others and hoped to have the Mayor's blanket approval to meet with other individuals if necessary. Mr. Kafton urged Council to do their best and assist the Committee quickly so they could reach a decision by the next Council meeting. Mr. Giblin offered Mr. Kafton a copy of their preliminary findings. Mr. Kafton asked if the Administrator could contact the Mayor for his approval. Mr. Del Turco left the dais to do so.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILMAN MARTIN thanked the Committee and stated he enjoyed working with them and looked forward to their final review

COUNCILWOMAN RIVERE applauded the Committee for quickly going over a great deal of information and was anxious to close on it soon so she can get on with her term of office. She stated she attended an EMS meeting noting it went very well and she stated the will of the people is the best law.

COUNCILWOMAN UPDEGRAVE thanked everyone for coming and noted she also attended the EMS meeting and everyone communicated very well together. She urged everyone to stay hydrated during the heat and enjoy the summer.

COUNCIL VICE PRESIDENT REINA thanked everyone for participating and stated he was a proponent of volunteering and was appreciative of those that take time from their busy lives to represent the town and wished everyone a safe trip home.

COUNCIL PRESIDENT KAFTON asked Mr. Del Turco what the Mayor’s response was and Mr. Del Turco confirmed the Committee had his approval to meet with necessary parties outside business hours. Mr. Kafton stated he’s done research regarding the Solar Avenue project that was brought up at the last meeting and asked if the Planning Board could postpone their meeting on the COAH project for Solar Avenue on August 4th so the Council could review additional information. He planned on speaking about COAH later in the discussion portion of the meeting along with other possible litigation.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

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

NO: REINA (NJ LAWN & IRRIGATION) & KAFTON (NJ LAWN & IRRIGATION & FRENCH & PARILLO)

COUNCILWOMAN RIVERE stated she was against paying a vendor when they owed the town outstanding fines but was advised by the Attorney they couldn’t withhold payment when services were performed.

COUNCILMAN KAFTON explained he would continue to vote no for NJ Lawn and Irrigation because of outstanding fines and then stated he would also vote no on French & Parrello because they were the engineering firm involved when work was done at the basketball courts and athletic fields without permits and wanted the matter investigated.

CHECK #	VENDOR	<u>CAPITAL</u>	AMOUNT
60768	ALAN J & MARIA T BAGGERLY		1,600.00
60769	CONSELINA HAY & FEED		940.00
60770	DEPTCOR/BUREAU OF		1,114.00
60771	FIORI PAVING COMPANY, INC.		84,503.90
60772	GARDEN STATE COMPANY, INC.		40,376.00
60773	JDM PLANNING ASSOCIATES, LLC		1,495.00
60774	KAYE WELL DRILLING, INC.		3,998.00
60775	NJ LAWN & IRRIGATION INC.		7,400.00
60776	NORTHEASTERN BUILDING SUPPLY		3,601.04

60777	MICHAEL & KIM PEARY	525.00
	TOTAL	145,552.94

CHECK#	VENDOR	AMOUNT
77460	JACKSON TOWNSHIP P/R ACCT	663,791.53
77461	JACKSON TOWNSHIP P/R ACCT	54,033.49
77462	A.C. MOORE, INC.	233.27
77463	ACTION PRINTING LLC	358.00
77464	ALLSHORE TOWING SERVICE INC.	327.50
77465	ALL HOURS TOWING	250.00
77466	JEFERY L. ANDERSON	75.00
77467	ARBOR TREE SERVICE	5,750.00
77468	ARDOM BEARING GROUP, INC.	380.10
77469	ARROW LOCKSMITH & SECURITY INC.	262.15
77470	ASBURY PARK PRESS, INC.	176.72
77471	AUTOMATED WASTE EQUIPMENT CO. INC.	62.15
77472	JUAN BELLU & ASSOC.	490.00
77473	BRICK STARTER & ALTERNATOR, INC.	173.28
77474	BRITTON INDUSTRIES INC.	2,000.00
77475	BROUWER HANSEN & IZDEBSKI	5,481.00
77476	DONNA BUSSICULO	1,116.66
77477	CABLEVISION	59.95
77478	CANYON SPRING WATER	84.80
77479	CAPMARK	29,030.00
77480	C & H AUTOS	35.00
77481	CORE MECHANICAL, INC.	1,219.75
77482	COSTCO WHOLESALE 229	139.68
77483	CUMMINS METROPOWER, INC.	2,895.00
77484	KIMBERLY M. CURLEY	677.57
77485	DEFINO CONTRACTING COMPANY	10.00
77486	DEPTCOR/BUREAU OF	376.25
77487	DIAMOND COMMUNICATIONS, LLC	3,528.00
77488	DOWNNS FORD, INC.	201.77
77489	DSI MEDICAL SERVICES, INC.	229.20
77490	EAST COAST EMERGENCY LIGHTING	122.29
77491	FRENCH & PARRELLO ASSOC., P.A.	18,403.82
77492	GENERAL CODE LLC	1,440.14
77493	HARRISON BUILDING LLC	250.00
77494	HUNTER JERSEY PETERBILT	209.75
77495	IKON OFFICE SOLUTIONS	317.29
77496	INDUSTRIAL WELDING SUPPLY INC.	199.50
77497	JACKSON TOWNSHIP CAPITAL FUND	204,938.59
77498	JACKSON TWP. BOARD OF ED	5,740,319.00
77499	JACKSON TWP. GENERAL TRUST FUND	30,000.00
77500	JERSEY CENTRAL POWER & LIGHT	22,402.63
77501	PELSANG, ROBERT F & CAROL A	155.00
77502	JAIME VARGAS	250.00
77503	LAKWOOD AUTO SUPPLY INC.	1,905.75
77504	LANIGAN ASSOCIATES, INC.	42.00
77505	LARSON FORD. INC.	100.00
77506	SUSAN LOTITO	975.00
77507	MAZZA RECYCLING, INC.	51,196.64
77508	MEDQUIST INC.	489.00
77509	MONTAGE ENTERPRISES, INC.	513.00
77610	MOORE WALLACE NORTH AMERICA	332.90
77511	MULVANEY, CORONATO AND BRADY	3,333.34
77512	NAPCO/R.S. KNAPP CO., INC	257.56
77513	NEW JERSEY NATURAL GAS	1,816.16
77514	OCEAN COUNTY BOARD OF HEALTH	4,925.00

77515	OCEAN COUNTY EQUIPMENT, INC.	284.14
77516	OFFICE NEEDS	2,773.94
77517	PERFORMANCE PLUS	438.00
77518	PINA M. INC.	354.80
77519	PREVENTION PARTNERS INC.	1,537.95
77520	FRED RASIEWICZ-PETTY CASH	144.94
77521	RUBBERCYCLE	184.80
77522	BRIAN E. RUMPF	958.13
77523	SECURITAS SECURITY SYSTEMS	200.00
77524	SHOPRITE/PERLMART, INC.	212.66
77525	SHERI SILVERSMITH-PETTY CASH	179.25
77526	DONALD W. SMITH	2,170.87
77527	STTE OF NEW JERSEY-PWT	86.16
77528	SUNOCO CREDIT CARD CENTER	125.50
77529	T & M ASSOCIATES	435.00
77530	TOZOUR ENERGY SYSTEMS, INC.	1,050.00
77531	TRENTON BRAKES, INC.	801.75
77532	TREASURER, STATE OF NEW JERSEY	12,636.00
77533	TRICO	3,972.24
77534	MICHAEL CEPPALUNI DBA/UNITED	280.00
77535	UPSTATE COMPUTER SUPPLIES	320.58
77536	VAN SANT SEWER SERVICE LLC	990.40
77537	VERIZON	339.05
77538	VERIZON ONLINE	399.75
77539	WALTER R EARLE CORP.	294.71
77540	WAL-MART COMMUNITY	53.24
77541	W.B. MASON COMPANY	254.38
77542	WEST-THOMSON CORP.	101.75
77543	WHITEMARSH CORP.	1,684.53
77544	KENNETH YOUMANS	649.56

TOTAL 6,892,256.26

CHECK#	VENDOR	AMOUNT
43	DEV FEES	94.12
4639-4673	DEVELOPERS	109,750.81
381	DOG	894.60
60784-60786	GENERAL TRUST	5,174.22
62012-62030	PARKS REC	39,170.38

TOTAL 39,170.38

ORDINANCES, SECOND READING:

29-08

TITLE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT APPROPRIATING \$1,952,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,854,637 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, NEW JERSEY

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: REINA

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

**MOTION TO APPROVE ORDINANCE 29-08 ON SECOND READING,
 ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
 NEWSPAPER AS REQUIRED BY LAW BY: MARTIN
 MOTION SECONDED BY: RIVERE
 YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

ORDINANCE 29-08

BOND ORDINANCE NO. 29-08

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT APPROPRIATING \$1,952,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,854,637 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Jackson, in the County of Ocean, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,952,250, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$97,613 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq.. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets and the Reserve for Building Department Facilities.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,854,637, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

- i) Improvement of various roadways throughout the Township, with a total appropriation and estimated cost of \$750,000, estimated maximum amount of bonds or notes therefor of \$712,500, and an average period of usefulness of 10 years;
- ii) The acquisition and implementation of a Telephone/Data System Upgrade, with a total appropriation and estimated cost of \$318,450, estimated maximum amount of bonds or notes therefor of \$302,527, and an average period of usefulness of 5 years;
- iii) Acquisition of capital equipment for the Department of Public Works, including, but not limited to the following: a Backhoe; a Light Tower; two (2) John Deere Diesel Leaf Vacs; two (2) stainless steel dump truck bodies; a Toro Motor with rear discharge; two (2) Tipper Units with leach traps; Trailer-Cross Country equipment; a Case Dozer; a Skid Steer Loader; Custom Car Trailer; Gator Utility Vehicle, a John Deere Tractor; and a John Deere Loader, with a total appropriation and estimated cost of \$525,000, estimated maximum amount of bonds or notes therefor of \$498,750, and an average period of usefulness of 5 years;

- iv) Acquisition and implementation of a Hydraulic System Transfer Station, with a total appropriation and estimated cost of \$336,000, estimated maximum amount of bonds or notes therefor of \$319,200, and an average period of usefulness of 15 years;
- v) Acquisition of a Risograph, with a total appropriation and estimated cost of \$22,800, estimated maximum amount of bonds or notes therefor of \$21,660, and an average period of usefulness of 5 years;

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,854,637, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,952,250, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,952,250 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$97,613 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 8.64 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,854,637 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,375 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond 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 **July 8, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **22nd day of July, 2008**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

DATED: 07-08-08

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

30-08

**TITLE: BOND ORDINANCE AMENDING IN PART BOND
ORDINANCE NO. 10-06, PROVIDING FOR VARIOUS
IMPROVEMENTS, IN ORDER TO EXPAND THE SCOPE OF
IMPROVEMENTS TO INCLUDE VARIOUS ROAD**

IMPROVEMENTS, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, NEW JERSEY

PUBLIC HEARING OPENED - NO ONE CAME FORWARD

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

MOTION TO APPROVE ORDINANCE 30-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

BOND ORDINANCE 30-08

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 10-06, PROVIDING FOR VARIOUS IMPROVEMENTS, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE VARIOUS ROAD IMPROVEMENTS, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, NEW JERSEY

WHEREAS, the Township of Jackson, in the County of Ocean, New Jersey (the "Township") finally adopted Bond Ordinance No. 10-06 on June 12, 2006 (the "Prior Ordinance"), providing for the various improvements; and

WHEREAS, the Township has determined that the project description set forth in the Prior Ordinance needs to be amended, without increasing the aggregate appropriation or debt authorization for said purposes.

NOW, THEREFORE, BE IT ORDAINED by the TOWNSHIP COUNCIL of the TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(ii) of the Prior Ordinance is hereby amended to read as follows:

(ii) Various road improvements, including, but not limited to, Citadel Drive and Cook Road, together with all purposes necessary, incidental or apparent thereto, with at total appropriation and estimated cost of \$272,500, estimated maximum amount of bonds or notes therefore of \$259,523.81 and an average period of usefulness of ten (10) years.

Section Two. The aggregate appropriation (\$1,207,500), the aggregate debt authorization (\$1,150,000), the aggregate down payment (\$57,500), and other authorizations set forth in the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq..

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 **July 8, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **22nd day of July, 2008**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

DATED: 07-08-08

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

COUNCIL PRESIDENT KAFTON explained the Bond Ordinances were to purchase Public Work vehicles and pay for roadwork and the phone system. Mr. Del Turco added it was also for hydraulic equipment and a risograph.

ORDINANCE FIRST READING

31-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED "LAND USE AND DEVELOPMENT", SO AS TO CREATE SECTION 109-54

**MOTION TO APPROVE ORDINANCE 31-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, AUGUST 12, 2008 BY: MARTIN
MOTION SECONDED BY: RIVERE**

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

ORDINANCE 31-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE TOWNSHIP CODE, ENTITLED "LAND USE AND DEVELOPMENT", SO AS TO CREATE SECTION 109-54

SECTION 1. Section 109-41 List of Zones of the Land Development Ordinance of the Township of Jackson is hereby amended to add standards for the existing ROS zone as follows:

“ROS Recreation and Open Space Zone”

SECTION 2. The Zoning Map of the Township of Jackson is amended to remove parcels designated as ROS within the West Lake Development parcel, those parcels being inadvertently included in the green “ROS” areas of the map.

SECTION 3. The land Development Ordinance of the Township of Jackson is hereby amended to rename section § 109-54. (Reserved), ROS Recreation – Open Space Zone as follows:

§ 109-54 ROS Recreation – Open Space Zone.

A. Intent.

The intent of the ROS Recreation – Open Space Zone is to provide for and preserve in their present condition certain parcels in the Township of Jackson which are already dedicated and/or used as public or quasi-public, and private open space recreational purposes.

B. Permitted principal uses of buildings and structures are as follows:

- (1) Recreational and Preservation parks, playgrounds and related facilities.
- (2) Public or private campgrounds, recreational buildings, clubs, activities of a quasi-public, social, fraternal or recreational character, such as swim or tennis clubs, or fraternal organizations.
- (3) Government essential services and associated accessory structures and uses as may be required, and approved by the Planning Board where appropriate.

C. Permitted accessory uses as follows:

- (1) Off-street parking, subject to the provisions of §109-177.
- (2) Bicycle parking.
- (3) Fences and walls, subject to the provisions of §109-170.
- (4) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use(s) and buildings(s).

D. Permitted signs.

- (1) One identification ground sign per street frontage shall be permitted subject to the following size, height, and setback requirements.
 - a. Maximum area: 20 square feet.
 - b. Maximum height: 6 feet.
 - c. Minimum front yard setback: 20 feet.
 - d. Minimum side yard setback: 20 feet.

E. Conditional uses shall be as follows:

- (1) Reserved.

F. Area, yard and building requirements for the ROS Zoning District are as follows:

Requirements

Minimum Lot requirements	
Lot area	15 acres
Lot width (feet)	400
Lot frontage (feet)	400
Lot depth (feet)	450

Principal building or use requirements	
Front yard setback (feet)	100
Rear yard setback (feet)	100
Side yard setback (feet)	75
Maximum building height	35
Accessory building or use requirements	
Front yard setback (feet)	Not permitted
Rear yard setback (feet)	100
Side yard setback (feet)	75
Maximum building height (feet)	15
Minimum open space (vacant land)	60%
Maximum building coverage (all structures)	20%
Maximum impervious coverage	10%
Maximum coverage all uses (buildings, parking, roads, swimming pools, tennis courts, ballfields, playgrounds, etc.	40%

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

SECTION 5. This ordinance shall take effect after second reading and publication as required by law, filing of the ordinance with the Ocean County Planning Board, approval by the Mayor pursuant to N.J.S.A. 40:69A-41 and the passage of twenty (20) days from adoption by the governing body pursuant to N.J.S.A. 40:69A-181.

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

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

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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 the **22nd day of July, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **12th day of August, 2008**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

ANN MARIE EDEN, R.M.C.

DATED: 07-22-08**TOWNSHIP CLERK**

COUNCIL PRESIDENT KAFTON gave a brief overview of Ordinance 31-08 stating it set the standard for the criteria for the recreation and open space zone. Clerk Eden stated it will also go before the Planning Board for their recommendation.

PUBLIC HEARING OPENED, RESOLUTIONS ONLY

MARY BETH BEICHERT-7 HICKORY HILL ROAD: She asked about Ordinance 31-08 and Mr. Kafton explained it would be open for public comment at the next meeting and the criteria is on the bulletin board outside the meeting room. Clerk Eden stated she could also get that information at the Clerk's Office.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He questioned the appointment of the Tax Assessor in Resolution 279R-08 and why they posted an ad for a Tax Assessor on July 11th when the current Tax Assessor would be retiring on August 1st and how is it they appointed an Acting Assessor and why they weren't appointing a Tax Assessor? Council President Kafton stated they were awaiting recommendation from the Mayor on who would fill that position. Administrator Del Turco explained the position of Deputy Assessor was created a couple years ago with the understanding the Assessor was retiring and the intent was to move her into that position and there was some question regarding salary and it was decided to appoint her Acting Assessor and allow Administration additional time to consider candidates. Mr. Mayerowitz questioned her salary and Administrator Del Turco explained there was an established range and they would be reviewing applicants and their salary requirements. Mr. Kafton stated an offer was made and wanted assurance the offer was fair and Administrator Del Turco confirmed the salary was discussed and agreed upon by the individual and stated the current salary range was \$64K to \$95K. Mr. Mayerowitz asked if they confirmed the Jackson Administrative Code and State Statute permits the appointment of an Acting Tax Assessor and Mr. Del Turco confirmed they have agreed to allow it until a Tax Assessor was selected.

JOHN SUTTLES-403 MEADOWOOD ROAD: He spoke of Resolution 273R-08 and suggested passing another resolution to amend the bid specification statute that payment would be withheld if any contractor receives fines and does not conform to the township codes and encourages withholding payments to those vendors until the issues were resolved. He suggested putting payments in an escrow account because many times a vendor could receive fines after he's been awarded a contract. It should also be included in the bid specifications. The Council asked Attorney Foran a variety of questions regarding vendors and outstanding fines and Mr. Foran explained the Local Public Contract Law and there was a pre-qualification in the law that must be followed. He stated there was a provision that if a vendor didn't perform they could be disqualified from bidding due to negative experience. Mr. Kafton stated he would vote yes for the resolution because he wanted something in place that advises the town if they owe money because if they owe the town outstanding fines he doesn't want them working for him. Attorney Foran stated they should take steps to collect the fines and not let them add up over the years. Councilman Martin stated the new process implemented was that if a vendor doesn't come into compliance within 60 days they would be brought into court and a payment judgment imposed and at that point the township would be in a position to attach wages for outstanding fines. Council President Kafton wanted to know if they could have a vendor fill out a questionnaire to see if they owe outstanding fines but Mr. Foran stated the town should already know if a vendor owes them money and the town couldn't disqualify a bidder based on outstanding fines. He said they could solicit information but could not use that information to disqualify them from submitting a bid. Attorney Gilmore arrived at the meeting (8:45pm) and assured the public that although two attorneys were representing the firm the town was only charged for one. He then explained fining someone does not give anyone the right to withhold money when work was performed. The town needs to work quickly when fines are imposed because many of the fines currently owed to Jackson go back several years and the Superior Court

would not uphold them so it would be in the best interest of Jackson to have a procedure in place to collect and enforce fines. Councilman Martin stated the plan implemented by Dan Burke was to identify a violation and issue a summons and allow the individual 30 days to come into compliance and if they fail they will be issued a fine and given another 30 days to come into compliance and if they do not then they will be brought into court for a judgment that would allow Jackson to withhold payment in lieu of fines. Council President Kafton stated there should be something in place to identify when a bidder owes money to the town and the attorney stated they would be permitted to. Council Vice President Reina stated the Council had to abide by the law but if you owe the town money it's a total disregard for the law. Attorney Gilmore stated they needed to show that Jackson was serious about collecting fines and felt they would be more apt to come into compliance before a fine is issued because if fines grow they would end up losing when it goes to court. Council Vice President Reina asked what they need to do to start the process in letting everyone know that Jackson means business and Attorney Gilmore suggested creating an ordinance explaining what steps would be taken to bring work into compliance and collect fines. Councilwoman Rivere agreed the amount on paper isn't going to stand up in court but its important to get the vendors into compliance and represent themselves and let them know they mean business.

DAN GROSS-18 POINTE CIRCLE: He commented on court fees and Attorney Gilmore explained the cost would vary with each case. He then asked about Resolution 267R-08 what the purpose was? Administrator Del Turco explained the pension laws in NJ have changed and it would separate those who have been collecting after years of service and those that have only worked a short period of time. Mr. Gross then asked about 271R-08 and Attorney Gilmore explained the Council had requested the resolution at the last meeting to ask the Legislation to appeal and amend the law to have developers provide for recreation facilities. Council President Kafton stated Berkely Township had done the same thing. Mr. Gross felt their ideas to take individuals to court was a good plan and they have the power to enforce it and that's the most important thing and it should be done quickly.

HARVEY FEIT-39 OAKMONT LANE: He asked about Resolution 273R-08 and if they had to take the lowest bidder? Councilman Martin explained the lowest responsible bidder would be awarded the contract and by owing the town money wouldn't disqualify them and explained the new process and how the town would be able to collect outstanding fines.

SAL DUSCIO-GREEN VALLEY ROAD: He made reference to someone owing property taxes and how they couldn't hold public office but Attorney Gilmore explained that wasn't correct.

JOE BRILL-100 MURIFIELD ROAD: He explained NY publishes the names of those that owe money to alert people that might hire them and asked if Jackson could do that? Council President Kafton thanked him for his suggestion and would discuss it with legal counsel.

MR. KELLETT-2 NO. AVON DRIVE: He asked about Resolution 271R-08 and what their legal plans were? Council President Kafton explained they were taking it to a higher court to ask the Legislation to appeal their decision to help towns.

AL POLING-BENNETTS MILLS ROAD: inaudible

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He referred to Resolution 273R-08 stating regardless of ordinance or resolution it didn't speak of bids that come in under the threshold. Council President Kafton agreed and Attorney Gilmore stated it would have to do with any contract being awarded. Mr. Mayerowitz asked if any action could be taken tonight that addresses contract awards under the threshold amount? Attorney Gilmore stated the Council could adopt a resolution by title only urging enforcement action to be taken against anyone owing the township money and turn that into a judgment to have the town issue a levy. Councilman Martin suggested tabling the resolution until they could get together and create an ordinance with teeth in it.

SEAN GIBLIN-SO. COOKSBRIDGE ROAD: he asked Clerk Eden about the term “responsible bidder” stating a person that owes the town money is not responsible and the Council should have every right not to accept it. Attorney Foran explained the proper terminology and Mr. Giblin stated all he’s heard tonight was why the town couldn’t do something instead of showing what they could do.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He asked why Resolution 268R-08 was on the agenda and who could explain why it’s there? Council President Kafton stated the request came from the County that passed a resolution supporting it and asked other municipalities to do the same and out of respect they agreed.

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY: MARTIN
MOTION SECONDED BY: RIVERE**

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

RESOLUTION 266R-08

TITLE: AMEND RESOLUTION NO. 243R-08 ESTABLISHING PUBLIC MEETING DATES OF THE TOWNSHIP COUNCIL EFFECTIVE JULY 1, 2008 THROUGH JUNE 30, 2009 TO INCLUDE THE RE-STRUCTURING OF ESTABLISHED COUNCIL MEETINGS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Public Law 1975, Chapter 231, Section 13, requires every public body to post and maintain posted, to distribute to designated newspapers and to file with the Municipal Clerk for the purpose of public inspection, a schedule of the regular meetings of any public body to be held during the calendar year; and

WHEREAS, such schedule is required to contain the location of each meeting to the extent it is known and the time and date of each meeting; and

WHEREAS, Public Law 1975, Chapter 231, Section 3d, provides that where the annual notice or revisions, thereof, in compliance with Section 13 of the Act sets forth the location of any meetings, no further notice shall be required for such meeting.

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

1. All regular meetings of the Township Committee during July 2008 through June 2009 shall take place in the Main Meeting Room of the Municipal Building, 95 West Veterans Highway, Jackson, New Jersey, at 7:30 P.M. on the dates listed on page No. 2 of this resolution.

2. Meetings for the purpose of holding closed discussions concerning personnel matters, matters in litigation, contracts and potential land sale/land acquisition and other matters where the public may be properly excluded shall be held on the dates set forth on Schedule "A" commencing at 6:30 P.M. and are to be held in the Township Executive Conference Room in the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey.

3. An official notice of the annual meetings of the above bodies shall be mailed to the Ocean County Observer and the Asbury Park Press and shall be printed in the Ocean County Observer.

4. A certified copy of this resolution shall be posted and shall be maintained posted on the official bulletin board in the Municipal Building and a certified copy shall be kept on file by the Township Clerk for the purpose of public inspection.

5. Certified copies of this resolution to Municipal Administrator, CFO, Auditor and any other interested parties.

**TOWNSHIP COUNCIL MEETING DATES
(2ND AND 4TH TUESDAYS)**

2008

JULY	8 TH & 22 ND
AUGUST	12 TH & 26 TH
SEPTEMBER	9 TH & 23 RD
OCTOBER	14 TH & 28 TH
NOVEMBER	12 TH (*) & 25 TH
DECEMBER	9 TH & 23 RD

2009

JANUARY	13 TH & 27 TH
FEBRUARY	10 TH & 24 TH
MARCH	10 TH & 24 TH
APRIL	14 TH & 28 TH
MAY	12 TH & 26 TH
JUNE	9 TH & 23 RD

(*) Wednesday

DATED: 07-22-08

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

RESOLUTION 267R-08

**TITLE: RESOLUTION DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM – STATE OF NJ,
DIVISION OF PENSION AND BENEFITS (DCRP)**

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

COUNCILWOMAN UPDEGRAVE asked when this would become effective and
Clerk Eden stated July 1st.

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of
2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to
provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county,
municipality, and other local entity to adopt, as appropriate, either a resolution or
ordinance to determine the positions that are substantially similar in nature to the advice
and consent of the Senate for appointments by the Governor of the State, pursuant to

guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

NOW, THEREFORE, BE IT RESOLVED, by the Jackson Township Council that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Mayor, Township Council Member, Business Administrator,
- b. Director - Department of Community Development & Enforcement;
- c. Director of Recreation and Senior Services;

Township Attorney;
 Municipal Engineer;
 Municipal Prosecutor;
 Municipal Court Judge;
 MUA Board Appointments

2. Individuals serving in the following positions are exempt from Defined Contributions Retirement Program membership, pursuant to N.J.S. 43:15C-2:

Tax Collector;
 Chief Financial Officer;
 Construction Code Official;
 Qualified Purchasing Agent;
 Tax Assessor;
 Registered Municipal Clerk;
 Licensed Uniform Subcode Inspector;
 Certified Public Works Manager.

3. This resolution shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.), as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this resolution be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

5. A copy of this resolution shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

DATED: 07-22-08

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

RESOLUTION 268R-08
TITLE: RESOLUTION IN SUPPORT OF THE NOMINATION OF GENERAL NORTON SCHWARTZ TO THE POSITION OF CHIEF OF STAFF OF THE UNITED STATES AIRS FORCE

MOTION TO APPROVE BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Defense Secretary Gates has recommended to the President that General Norton Schwartz be nominated for the position of Chief of Staff of the Air Force, and;

WHEREAS, the Chief of Staff of the Air Force is the senior uniformed officer in the United States Air Force and is a member of the Joint Chiefs of Staff, and;

WHEREAS, the Chief of Staff of the Air Force is responsible for the organization, training and equipping of more than 700,000 active duty, National Guard, Reserve and civilian forces serving in the United States and Overseas, and;

WHEREAS, General Schwartz, who is presently the Commander of the U.S. Transportation Command, which is in charge of the Department's extensive transportation and world-wide operations, possesses the highest credentials in education and experience to be appointed to head this prestigious arm of our military, and;

WHEREAS, Ocean County especially recognizes and supports this nomination as General Schwartz grew up in Toms River, New Jersey, our County seat and graduated from high school in Toms River before attending the Air Force Academy, and;

WHEREAS, Ocean County, New Jersey also serves as one of the home counties of the New Jersey Joint Base Installation which includes McGuire Air Force Base, and;

WHEREAS, Ocean County provides staunch support to the mission of this base.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey with great pride, supports this nomination and encourages President George W. Bush to appoint General Norton Schwartz to this highly critical leadership position in the U.S. Air Force.

BE IT FURTHER RESOLVED, that this Board recommends and encourages all of our state legislators and our municipal officials to join us in supporting this nomination.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to President George W. Bush, Defense Secretary, Gates, Senators Robert Mendez and Frank R. Lautenberg, the Ocean County Board of Chosen Freeholders, Congressman Christopher Smith, Senator Robert Singer, and Assemblymen Joseph Malone and Ronald Dancer.

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

DATED: 07-22-08

RESOLUTION 270R-08

TITLE: AUTHORIZE CONTRACT AWARD TO EARLE ASPHALT FOR THE RECONSTRUCTION OF COOK ROAD

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, the Township Engineer, Daniel Burke, P.E., has requested authorization to award a contract for the Reconstruction of Cook Road; and

WHEREAS, Jackson Township previously advertised for the receipt of bids on July 15, 2008 at 11:00 a.m. for the Reconstruction of Cook Road; and

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

<u>Bidder</u>	<u>Bid</u>
1. Earle Asphalt	\$ 294,113.13
2. CJ Hesse	\$ 297,174.40
3. Lucas Brothers	\$ 333,333.33
4. Meco, Inc.	\$ 342,194.00
5. Bil-Jim Construction	\$ 356,030.35
6. Star of the Sea Concrete	\$ 367,653.50
7. DeFino Contracting Co.	\$390,263.29
8. Lucas Construction	\$391,540.04

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 Cook Road be awarded to Earle Asphalt; and

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

WHEREAS, the award of this contract is contingent upon the approval of the contractor by the New Jersey Department of Transportation; 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 (pending approval of the contractor from the New Jersey Department of Transportation) for the Reconstruction of Cook Road to Earle Asphalt in the amount of \$294,113.13. 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, New Jersey Department of Transportation and any other interested parties.

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

DATED: 07-22-08

RESOLUTION 271R-08

TITLE: REQUESTING THE STATE LEGISLATURE AMEND THE MUNICIPAL LAND USE ACT TO PERMIT MUNICIPALITIES TO REQUIRE DEVELOPERS TO PROVIDE RECREATIONAL FACILITIES AND OPEN SPACE AS PART OF THEIR DEVELOPMENT PROJECTS

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: REINA

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, the Township previously adopted ordinances requiring developers to set aside land to be used for common open space or recreation areas and facilities or to pay an assessment in lieu of the set aside; and

WHEREAS, these recreational facilities and provision of open space was for the benefit of the residents of the proposed development as well as utilizing a mechanism to provide for off site recreational facilities and open space; and

WHEREAS, the ordinances which were adopted by Jackson Township to further this public purpose of providing sufficient recreational facilities and open space for the residents of the Township in proportion to the development being proposed by the developer was struck down by the Appellate Division on the basis that there was no such authorization in the Municipal Land Use Law; and

WHEREAS, the Appellate Division opinion acknowledged that the MLUL makes recreation and open space important considerations in land use planning but held that the MLUL did not provide local governments with specific authority to require a developer to set aside common open space or recreational areas in projects other than planned unit developments; and

WHEREAS, it is an important public purpose to allow municipalities to have developers pay their fair share of the recreational facilities and open space needed to accommodate the residents of new developments within the Township.

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

1. That the Township Council does hereby request that the 30th District Legislators introduce legislation to amend the Municipal Land Use Act to permit

municipalities to require developers provide adequate recreational facilities and open space on site or be required to make off site recreation and open space improvements or payments in lieu thereof.

2. That a certified copy of this resolution be forwarded to the 30th District Legislators, Senator Robert W. Singer, Assemblyman Ronald S. Dancer, and Assemblyman Joseph Mallone.

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

DATED: 07-22-08

RESOLUTION 272R-08

TITLE: PROHIBITING THE USE OF BICYCLES, SKATEBOARDS AND SCOOTERS ON THE GROUNDS OF JOHNSON PARK DURING THE JACKSON DAY EVENT, EXCEPT IN AUTHORIZED LOCATIONS

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, the Township of Jackson will be celebrating Jackson Day in Johnson Park on September 6, 2008; and

WHEREAS, the Director of Recreation has requested a prohibition on the use of bicycles, skateboards and scooters on the grounds of Johnson Park during the Jackson Day event, except in certain designated areas; and

WHEREAS, the Township Council wishes to adopt a resolution prohibiting the use of bicycles, skateboards and scooters on the grounds of Johnson Park during the Jackson Day event, except in those authorized locations so as to allow people to travel to Johnson Park on bicycles, skateboards, or scooters and to park or store the same in designated locations and to utilize the bicycles, skateboards, and scooters only in certain designated locations.

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

1. That the Township Council of the Township of Jackson does hereby prohibit the use of bicycles, skateboards, and scooters on the grounds of Johnson Park on the Jackson Day event except in certain authorized and designated locations. The Director of Recreation shall have signs posted at Johnson Park indicating the areas where bicycles, skateboards and scooters can be parked, stored or used during the Jackson Day event for this year and future years.

2. That a certified copy of this resolution be forwarded to the Director of Recreation and to the Jackson Township Police Department.

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

DATED: 07-22-08

RESOLUTION 273R-08

TITLE: RESOLUTION AMENDING BID SPECIFICATIONS PROHIBITING A CONTRACT AWARD (OF ANY TYPE) TO A VENDOR WHO HAS FINES LEVIED AGAINST THEM BY THE TOWNSHIP

MOTION TO HOLD FOR REVISION AND REINTRODUCE AS AN

ORDINANCE FOR COUNCIL MEETING OF AUGUST 12, 2008 BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

RESOLUTION 279R-08**TITLE: CONSENT TO THE APPOINTMENT OF TONI NAGLE-ROWE AS ACTING TOWNSHIP TAX ASSESSOR COMMENCING AUGUST 1, 2008****MOTION TO APPROVE BY: MARTIN****MOTION SECONDED BY: RIVERE****YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

WHEREAS, Township Tax Assessor, Dennis Raftery, has notified the Township that he shall retire from his position as Tax Assessor effective August 1, 2008; and

WHEREAS, pursuant to N.J.S.A. 40A:9-146 the Mayor desires to appoint Toni Nagle-Rowe as Acting Tax Assessor until such time as a permanent appointment is made to such position; and

WHEREAS, the Mayor, with the advise and consent of the Township Council, is desirous of appointing Toni Nagle-Rowe as Acting Tax Assessor for the Township of Jackson in accordance with the provisions of N.J.S.A. 40A:9-146.

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

1. That the Mayor, with the advice and consent of the Township Council, does hereby appoint Toni Nagle-Rowe as Acting Tax Assessor commencing August 1, 2008, who shall serve until the permanent appointment of a Tax Assessor.
2. The Township Council establishes the salary for Toni Nagle-Rowe at \$70,000.00 per annum and sets forth a minimum 35 hour work week.
3. That the appointment of Toni Nagle-Row as Acting Tax Assessor of the Township of Jackson is made in accordance with the provisions of N.J.S.A. 40A:9-146.
4. That a certified copy of this resolution be forwarded to Administration, Chief Financial Officer, Personnel, Payroll, Appointee and any other interested parties.

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

DATED: 07-22-08**RESOLUTION 280R-08****TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR A FINANCIAL ADVISOR TO ASSIST IN THE ISSUANCE OF MUNICIPAL BONDS****MOTION TO APPROVE BY: MARTIN****MOTION SECONDED BY: RIVERE****YES: MARTIN, RIVERE & UPDEGRAVE****NO: REINA & KAFTON**

COUNCIL PRESIDENT KAFTON explained the Council just received their packets and he asked Administrator Del Turco who prepared the official statement? Administrator Del Turco explained the town was looking into permanently financing their debt and it was advisable to have a Financial Advisor who has the necessary experience plus they were pursuing going nationwide which invites competition. Council Vice President Reina asked what was done in the past without a financial advisor and didn't agree with putting someone else on the payroll. Administrator Del Turco explained with the right contacts it invites people to bid on our bonds. Councilman Martin asked Mr. Del Turco for his opinion and he stated you hire someone with the expertise and in the long run it would benefit the town. Mr. Kafton wanted to know if it would have an impact on the upcoming budget? Mr. Del Turco invited Mr. Thompson from Pheonix. Advisors and he explained they would create an overall debt management plan that

wouldn't have an impact on the new budget year and was concerned what the impact would be. Mr. Thompson stated there could be a number of bonds but only one fee and explained their goal. Council President Kafton stated the town has a Bond Council and Auditor who would have done this in the past. Administrator Del Turco stated they currently have \$18 million in short term debt and wanted to take the proper steps and he stated he didn't discuss it with the Auditor because he knew he wasn't familiar with the market. Councilwoman Updegrave asked if there was a time frame and Mr. Del Turco stated interest rates were low now and wanted to take necessary steps now. Council Vice President Reina voted no because there were a number of professionals currently on the payroll and found it difficult to believe that they've been bonding for a couple years and never saw a problem until now and felt it was bad that he has to pay more money when they were losing employees. Council President Kafton voted no and agreed with Mr. Reina and didn't feel they had enough time to review the packet and because Mr. Del Turco didn't speak with the auditor and had no number as to the impact on the budget and put it on the agenda so it could be discussed.

WHEREAS, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of qualifications for a Financial Advisor; and

WHEREAS, the Township has received four (4) proposals from the following companies: Acacia Financial Group (\$25,000), NW Financial Group (\$25,850), Phoenix Advisors (\$14,500) and Powell Capital Markets (\$27,550); and

WHEREAS, The Township Purchasing Agent, Chief Financial Officer and the Municipal Administrator have reviewed the proposals and recommend that, in the best interest of the Township, that Phoenix Advisors be awarded the contract as a Financial Advisor regarding the issuance of municipal bonds.

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby award the said contract to Phoenix Advisors in the amount of \$14,500.

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

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

DATED: 07-22-08

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

RESOLUTION 264R-08

TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

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.

TOWNSHIP OF JACKSON

OVERPAYMENT REFUNDS

July 22, 2008

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
5501	13	Donald W Smith C/o Direct Title & Closing Agency	2008 – 2 nd	\$2,170.87
21801	17	Kimberly M Curley	2007 – 4 th	677.57

DATED: 07-22-08

 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK
RESOLUTION 265R-08**TITLE: APPROVE TOWNSHIP COUNCIL MEETING MINUTES OF MAY 27, 2008 AND JUNE 10, 2008****MOTION TO APPROVE BY: UPDEGRAVE****MOTION SECONDED BY: MARTIN****YES: MARTIN, RIVERE, UPDEGRAVE & REINA****ABSTAIN: KAFTON**

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 27, 2008 and June 10, 2008

2. Copies of this resolution to any interested parties.

DATED: 07-22-08

 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK
RESOLUTION 269R-08**TITLE: APPROVE BINGO/RAFFLE LICENSE TO: AFJROTC PARENTS GROUP OF JACKSON MEMORIAL AND LIBERTY HIGH SCHOOL (#R-1222) AND PARENTS ASSOCIATION RANNEY SCHOOL (#R-1223)****MOTION TO APPROVE BY: UPDEGRAVE****MOTION SECONDED BY: MARTIN****YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

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:

AFJROTC PARENTS GROUP OF JACKSON MEMORIAL AND LIBERTY HIGH SCHOOL (#R-1222) AND

PARENTS ASSOCIATION RANNEY SCHOOL (#R-1223)

- 2. Copies of the Resolution to interested parties.

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

DATED: 07-22-08

RESOLUTION 274R-08

TITLE: AUTHORIZE RELEASE OF PERFORMANCE GUARANTEES POSTED BY SPECTRUM BUILDERS FOR THE PROJECT KNOWN AS SPECTRUM COURT (BLOCK 66.09, LOT 30 UPON THE POSTING OF THE REQUIRED MAINTENANCE GUARANTEE

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Sydney Krupnick, has requested a Release of the Performance Guarantee, which consists of \$64,834.67 in the form of a Performance Bond #S05199 issued by First Indemnity of America Insurance Company and a Cash Bond in the amount of \$7,203.85, pertaining to Spectrum Estates, a/k/a Block 66.09, Lot 30, 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 July 2, 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 #20961603 issued by Fleet Bank in the amount of \$64,834.67 and a Cash Bond in the amount of \$7,203.85, 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 \$36,000.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
- 2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
- 3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

DATED: 07-22-08

RESOLUTION 275R-08

TITLE: AUTHORIZE RELEASE OF PERFORMANCE GUARANTEES POSTED OF THE REQUIRED MAINTENANCE GUARANTEE

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, J.C. Industries has requested a Release of the Performance Guarantee, which consists of \$55,096.96 in the form of a Performance Bond #1017693 issued by Lexon Insurance Company and Cash Bond in the amount of \$6,121.88, pertaining to Block 147.02, Lot(s) 40.01, Jackson Township; and

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated July 1, 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 #1017693 issued by Lexon Insurance Company in the amount of \$55,096.96 and Cash Bond in the amount of \$6,121.88, 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 \$9,182.83, 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: 07-22-08

RESOLUTION 276R-08

**TITLE: AUTHORIZE REFUTION IN PERFORMANCE GUARANTEES
POSTED BY FIVE CORNERS PLAZA (BLOCK 130.02, LOT 1.01)**

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Edison and Masters, Inc. has requested a Reduction of the Performance Guarantee posted for Five Corners Plaza located on Block 130.02, Lot 1.01, Jackson Township; and

WHEREAS, the following Performance Guarantees currently in place are:

1. Performance guarantee in the form of Performance Bond #B98815010848 in the amount of \$393,669.00 issued by American Southern Insurance Company.
2. Cash Guarantee in the amount of \$43,741.00.

WHEREAS, Albert D. Yodakis, P.E., Township Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated July 1, 2008 in the following amount:

1. Reduction of the Performance Bond to not less than \$118,100.70

- 2. Reduction of the Cash Guarantee to not less than \$13,122.30

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Bond is hereby reduced from \$393,669.00 to not less than \$118,100.70 and the Cash Guarantee from \$43,741.00 to not less than \$13,122.30. 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: 07-22-08

RESOLUTION 277R-08

TITLE: AUTHORIZE RENEWAL OF MINING LICENSE TO CLAYTON SAND COMPANY (GLIDDEN MINE) FOR PROPERTY LOCATED AT BLOCK 19101, LOTS 1,3,6 & 7, BLOCK 19001, LOT 11.02 AND BLOCK 19301, LOTS 15 & 17

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Clayton Sand Company holds a mining license for Block9s) 32.01 & 35.01, Lot(s) various; and

WHEREAS, the applicant has complied with the conditions required for renewal as set forth in the Jackson Township Code 56-4, and applicable statutes;

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

- 1. The Mining License issued to Clayton Sand Company may be renewed effective September 17, 2007 through March 30, 2009;
- 2. The Township Clerk is authorized to issue a mining license renewal to Clayton Sand Company in accordance with the foregoing; and

Upon adoption of this Resolution, the Clerk is authorized and directed to forward a certified copy of it to Clayton Sand Company, the Administrator, Chief Financial Officer, Fire Inspector and Township Engineer.

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

DATED: 07-22-08

RESOLUTION 278R-08

TITLE: AUTHORIZE RELEASE OF MAINTENANCE GUARANTEE POSTED BY JACKSON DENTAL PROFESSIONALS FOR BLOCK 120.01, LOT 70

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

WHEREAS, Theresa Dantonio, DDS, has requested a Release of the Performance Guarantee, which has been kept in place through the maintenance period. This bond consists of \$100,341.00 in the form of a Performance Bond #B200810 issued by Selective Insurance Company of America and Cash Guarantee in the amount of \$11,149.00, pertaining to Jackson Dental Professionals, a/k/a Block 120.01, Lot 70, 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 July 14, 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 #B200810 issued by Selective Insurance Company of America in the amount of \$100,341.00 and Cash Guarantee in the amount of \$11,149.00, heretofore posted with the Township may and hereby is released and the maintenance period terminated on the condition that the applicant:

1. Reimburses the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

DATED: 07-22-08

Council Vice President Reina referred to the bonds and asked if a “letters of satisfaction” was sent to homeowners. Clerk Eden stated she believed they were but would call T & M in the morning to confirm.

DISCUSSION AGENDA:

COUNCIL PRESIDENT KAFTON asked Attorney Foran about the last meeting and the request to hold off on the surveillance equipment for further review. Mr. Foran explained the contract was awarded, purchase order was prepared and the company had been at work for approximately 30 days. Mr. Kafton suggested they reduce the contract by change order to remove the police work. Council Vice President Reina stated the attorney admitted the bid process was flawed and felt that was reason enough to stop the contract and stated they could pay him for the work that was done and stop it because it should never have been awarded in the first place. Attorney Gilmore stated if they stopped it now they would face legal action. Council Vice President Reina stated someone should be held accountable. Councilwoman Rivere stated it was voted on very late at night and nobody was thinking properly and added she heard the bidder was involved in the spec preparation and if that was true then there may be a problem. Administrator Del Turco stated he wasn’t because there would have been a conflict that would have prevented him from bidding. Mr. Kafton invited Mr. Mayerowitz to speak. Mr. Mayerowitz stated when the specs first came up nobody chose to listen to his comments and they didn’t see there was a problem even though he stated the specifications were flawed. Same issues were raised and Council asked that no work be done and now he understood work continued. He agreed to rescinding the contract at this time would subject the township to liability and stated the whole process was terribly flawed and there were too many single bids and the whole process needs to be fixed. He stated the bid was presented with \$110K of supported expenses and \$430K of unsupported expenses and because of the Council’s action taken two weeks ago asking for the matter to be reviewed by the IT Advisory Committee and when they reviewed the proposal they found the specifications called for facial recognition and not facial identification. He read aloud what the difference between facial recognition and facial identification was. He stated recognition was the process of measuring the distance of

various facial features and thickness of lips, etc. and compares those findings to a database of stored digital photos. In the proposal there was no reference or cost for a facial database. He stated he wanted the vendor to deliver a facial recognition system for \$540K. He also questioned the ongoing cost of maintaining the database and if there was no database you can't identify who the individuals are. What they really wanted was a facial identification system. Mr. Foran stated Mr. Carter didn't mean the wording in the specifications to be taken in a technical manner and the contractor was informed during their discussion. Mr. Mayerowitz stated, under contract law, if there were additional or changes in specs that other bidders should be aware and the contract should be re-bid. It wasn't until Mr. Carter came to the IT meeting that it was brought to his attention. Therefore the 14 bidders that chose not to bid thought they were bidding on photo recognition and only one bidder had the benefit of knowing Mr. Carter didn't mean recognition in a technical term. Attorney Gilmore stated what would happen if they took the vendor to Court. Mr. Mayerowitz then stated the cameras in question had a range of 500' and one diagram in the bid package indicated they needed a focal lens of about 1000' and stated there was a problem because it may not work. The second problem was that the wireless system needed to communicate with a hub which turns out the frequency and the wireless antenna proposed by vendor would have a harmonics problem with the Public Safety system at the Justice Complex and wouldn't transmit the appropriate bandwidth. He stated the IT Advisory Board and not the purchasing agent should test the security system because he didn't understand the technical details and asked the Council to reaffirm that the system testing would be confirmed by a majority of the committee to be sure the system was working the way it should and it wouldn't be accepted until it does. Council President Kafton asked Administrator Del Turco if the IT Advisory Board reviewed it before the Council approved it and he stated no. Mr. Kafton asked why they have a technology committee and Administrator Del Turco stated the intention was for phones, radios and communications but there was a limited time to get this through. Mr. Kafton stated they wanted to get it through before the new Council came in and that there was actually no urgent need to have this done right now and the police could have patrolled the area while the matter was reviewed by the committee.

Councilwoman Rivere stated she didn't know what to do because she wasn't given any information and didn't have the specifications and was in the same position the previous Council members were in when they were asked to vote on something they didn't have enough information on. Attorney Gilmore stated it was a reasonable request to have the committee review the work performed under the contract to be sure it meets the specifications prior to payment to the contractor. Councilwoman Rivere asked for copies of all the information that should have been provided to the previous Council, but wasn't and then she provided Mr. Gilmore with a copy of a purchase order showing a request for 1/3rd payment upon receipt of a signed voucher and he stated unless 1/3rd of the work was performed, the vendor couldn't be paid up front or in advance only after the work, equipment or services have been performed. He stated the voucher was in the process of being approved and advised them it should not be approved and the payment schedule proposed in the voucher cannot be honored. Council Vice President Reina stated, at the last meeting, he was the one that requested the project be stopped and has now found out the work had been progressing right along and stated the project actually began prior to the contract being awarded. Attorney Gilmore stated the only way to have stopped it was if the vendor hadn't been given the Notice to Proceed which Administrator Del Turco confirmed the next day that it was. Mr. Mayerowitz stated when he met with the vendor and engineer he hadn't issued PO's for a significant amount of equipment from his vendors and felt the vendor should supply a time schedule showing what steps he completed to date so they have an audit trail on what he did because if the vendor shows the cameras went in then that shows it began without the vendor having all the information that was discussed in their meeting. Councilman Martin asked how the Purchase Order could be dated the same day as the meeting that awarded it at 12:30am and stated the purchase was prepared prior to being awarded and Administrator Del Turco explained it was necessary in order for the CFO to commit to the funding. Council President Kafton asked if anyone knew how much of the project has been done and Mr. Del Turco stated he would call in the morning. Councilwoman Rivere asked if they could request to have everything put on hold until they got to the bottom of it. Councilman Martin defended the previous Council stating they asked all the pertinent questions to the key people and were assured everything was in order.

MOTION TO HOLD PENDING ADDITIONAL INFORMATION BECAUSE OF CONCERNS OF THE VALIDITY OF THE CONTRACT AND PUT VENDOR ON NOTICE IF ANY FURTHER WORK IS PERFORMED IT WOULD BE AT THE CONTRACTOR'S RISK BY: RIVERE

MOTION SECONDED BY: REINA

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

COUNCIL PRESIDENT KAFTON asked to have the IT Advisory Committee submit their findings at the next Council meeting. Attorney Gilmore added there was another motion regarding the Advisory Committee.

MOTION TO AUTHORIZE THE ADVISORY COMMITTEE REVIEW WORK PERFORMED AS PRESCRIBED BY THE BID SPECIFICATIONS BY THE CONTRACTOR BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

COUNCIL VICE PRESIDENT REINA stated this was wrong from the beginning and wanted it on record that someone appointed by the Mayor gave a presentation at the last meeting confirming he had been setting the groundwork with the electrician two weeks prior to signing the contract. Clerk Eden confirmed the motion wording.

COUNCIL PRESIDENT KAFTON-discussed a Resolution of the Township Council joining the League of Municipalities' lawsuit in reference to COAH

COUNCIL PRESIDENT KAFTON gave a brief overview of the recent actions taken by the League of Municipalities and asked for discussion placed on the next meeting agenda. Councilman Martin asked how this differs from another suit Jackson was joining and Council President Kafton explained and then added the new State regulations require municipalities to provide affordable housing for one in five homes being built. There is land in the Pinelands that Jackson has no say in and added COAH requires the town to provide affordable housing and Jackson can't afford not to fight back. Councilwoman Updegrave wanted to be sure it wouldn't jeopardize what the Affordable Housing Attorney has been working on.

TOWNSHIP CLERK EDEN – Height of signage (109-182(A)(5) and (B)(10)- removed from discussion as this is a Code Enforcement matter

TOWNSHIP CLERK EDEN asked Council to approve the survey regarding the gypsy moth egg mass that is performed each year at no cost to the town.

MOTION TO APPROVE GYPSY MOTH EGG MASS SURVEY BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

PUBLIC HEARING, ANY TOPIC

TODD PORTER-PLANNING BOARD VICE PRESIDENT: He stated he wanted to respond to the Solar Avenue issue addressed earlier in the meeting but wasn't afforded the opportunity. Council President Kafton stated he was asking the Planning Board to hold off on the next meeting because the Council wanted the opportunity to meet with Attorney Russo and be brought up to speed before anything moves forward. Mr. Porter explained they could not reschedule meetings because of laws that apply to notices given. The applicant could make the request but the Council couldn't just request a change. Council President Kafton thanked him and stated they would make a request to the applicant.

KIMBERLY LUM-MONROE LANE: She stated she was told at the meeting regarding the master plan that Jackson has less available space and was upset to learn the Pinelands

was looking to build homes. Council President Kafton discussed the redesign of the Master Plan and that the township can't rezone land in the Pinelands because they control their own land and there were pockets in Jackson that requires high-density housing and was happy they were going forward. She then stated the Mayor hasn't been attending the meetings and wasn't supporting the Council and asked how it could happen? Councilman Kafton stated they all shared her frustration because they have pressing issues to resolve and questions to ask. She stated she wasn't against affordable housing or people being able to afford their own homes but adding renters wasn't helping the town and everyone has to work together for the people that live in town. She then stated Oakley Hill wasn't sprayed for gypsy moth because they were too close to Howell and wanted to be considered for the next spray because they got hit hard and trees were dying. Councilman Martin asked her to call and request her area to be considered. She then asked about the Finance Advisor being appointed when there are employees on staff that could do the same thing and couldn't understand how they could consider spending money like that when they were laying people off. Worry about people and stop throwing money away.

DORA KARKER-JACKSON ESTATES: She addressed Council President Kafton that there are nine (9) mobile home parks in Jackson that amount to 1,424 places and there is an impact in Jackson and she wanted Mr. Kafton to explain what was happening. Ms. Karker read a transcript that she requested from the Township Clerk of the July 8th Council meeting regarding her discussion about adult mobile home parks. Council President Kafton felt she wanted to know if the Rent Leveling Board attorney looked into it and he conferred with co-Council members that an answer hadn't been received yet. She confirmed it would be discussed at the upcoming Thursday meeting. She stated Mr. Rumpf had a copy of the transcript. She asked Mr. Kafton if his children went to Jackson schools and he stated they did. She stated as a mobile home owner she pays taxes just as other Jackson residents and she was concerned about the future and felt everyone has the right to have their children attend Jackson schools regardless if they live in a mobile home park or a stick build home.

MARIE CHAMRA-12 HARVEST CT.: She confirmed Mr. Russo was on vacation and couldn't be present tonight and stated the meetings were scheduled for the 4th and 18th so the builder could get approved on the 18th due to a September 1st deadline to apply for their funding and she was afraid it was going to get pushed through. Council President Kafton stated he and two other Council members were trying to learn as much as they can and voice their opinion and were asking the developer and Planning Board to allow them to review it and offer their opinion. Mr. Bressi had stated they were under Court order to resolve it and the builder could only get to August 31st and felt the Planning Board would renege on the 4th. She stated they have been lied to so much that it was hard to be trusting. Mr. Kafton asked for her number and he would sit down with her.

TODD PORTER-PLANNING BOARD VICE PRESIDENT: He assured everyone that everything is done properly with every plan that comes before the Board.

JOHN GASKILL-25 NO. LAKESIDE DRIVE: He asked about the GPS devices being installed in the vehicles and if it went out for public bid or if it was covered under discretionary spending and how they came up with the funding? Mr. Del Turco explained they were being leased under the bid threshold and coming from the municipal budget. Mr. Kafton, unaware they were buying GPS for 20 vehicles, was surprised they had a need to track employees throughout the town and asked what was wrong with the town because they were spending \$540K for camera equipment and spending about \$300 a month to lease equipment to track employees. Administrator Del Turco explained it was directed by the Mayor and was under the threshold. Council President Kafton asked where he was getting the money? Attorney Gilmore stated once a budget has been approved they could spend the funds in that line item. Council President Kafton was advised by Administrator Del Turco that 15 GPS systems were installed the previous week. He was outraged that the Mayor never advised the Council, who approves the budget, was never informed about how he's spending money. The Council has to know how money is spent because they represent the people. Attorney Gilmore stated they should be able to obtain all Purchase Orders. Mr. Kafton asked how they could legally be informed before any spending takes place? Mr. Gaskill stated they could ask for a copy of a requisition and then responded to Ms. Karker's concern stating there would be 1.3

children or about 150 students with no taxes coming from that development because part of the deal was to be tax exempt. Mr. Kafton stated they were investigating it and not prepared to address it now. Mr. Gaskill then asked who was overseeing the construction projects in town and suggested they make a decision to send someone for an eight hour class with the Army Core of Engineer's Construction, Quality Control and Management class because the information could be very helpful when asking questions regarding various projects in town.

ALONSO SLOKUM-45 SOLAR AVENUE: He asked how it came to be that the Academy Bus Terminal came to the Italian American Club? Councilman Martin explained in 2006 the Academy Bus was no longer permitted to pick up passengers by Burger King and the Italian American Club offered their parking lot so residents didn't have to go too far to get the bus. He stated the Mayor said it was only temporary and felt two years was not temporary. The other issue he raised was the entrance to the development being planned on Solar Avenue and objected to those residents having to come past his home to enter and felt there were other options given the amount of land there.

JOYCE JONES-14 HARVEST CT.: Asked when the Mayors term was up and was advised 2010. She then asked about the Solar Avenue project and urged them to look into it again and stated the residents weren't advised about being rezoned how it was passed through the Council and not through the Zoning Board and how the Mayor created an ordinance to vacate the properties. When she bought her home it was R15. She suggested they read the minutes from the January 3rd meeting because that's when it all started.

BOB SCIGLIANA-28 PALAMINO DRIVE: He stated he came to speak about item #2 (Signage Height) on the discussion agenda and learned they tabled it and wanted to discuss a problem he was having with a neighbor that puts his sign above his fence and the constant harassing. Council President Kafton stated they looked at the issue and recognized the dispute between him and his neighbor and wanted to take a look at the ordinance to see if it made sense to change it and asked him to leave his number with the Clerk and promised to look into it.

DAN PEKARCHIK-17 ALASKA AVENUE: He advised the Council they have the power to censure the Mayor and let him know they disapprove of his behavior and that he should be present at the meetings because they shouldn't have to conduct business over the phone. Mr. Kafton stated the Mayor doesn't have to be present under the present form of government. Mr. Pekarchek stated it was time they told the Mayor enough was enough and the public of Jackson could recall him.

JUDY SHERRY-7 MARYBETH LANE: She spoke as an AFSCME representative and thanked the Council for extending the layoff and for the Mayor for granting it. She asked if they would be sending a formal letter advising them the layoff was extended to September 1st. Mr. Del Turco stated he would get a letter out to them and advise the Department of Personnel. She then spoke as a resident and an employee and advised the Council that no permits came in for surveillance cameras and reminded them all vendors and contractors know they need a permit before they start working and suggested they check into it. Mr. Kafton confirmed with the Administrator that permits were required. Administrator Del Turco explained any work being done was preliminary and no permits have been filed.

JOE BRILL-100 MURIFIELD ROAD: He stated the apartment where he lives was suppose to be Westlake's affordable housing which it isn't. He stated as of August 1st his rent will go up to \$823.00 and explained he only gets \$935.00 from Social Security and something has to be done because he won't be able to afford living there and doesn't know what else he could do and that Section 8 people don't care what it goes up to because they still pay \$150.00 a month but for those living on Social Security it's very difficult and asked the Council to get them back under COAH. He stated Jackson needs to establish some kind of cap. He reminded the Council that he still hasn't been able to get records from the Jackson First Aid squad. Council President Kafton suggested he get with the Emergency Advisory Board. Administrator Del Turco stated he reached out to Sharon Creter of the first aid squad.

PHOEBE SHAGAN-15 LONG BAY ROAD: She stated something has to be done about the Mayor because too many people are unhappy. She asked about the towers that Verizon and other carriers could have for more access but nothing has happened or changed. Council President Kafton stated there were 10 wireless antennas in town and the Township Engineer was looking into additional locations and stated ATT was going before the Zoning Board for a tower. Administrator Del Turco stated Verizon has shown some interest in putting in another tower but hasn't heard anything further. She then stated many large and small buses travel on her street to the Mews and asked how they could prevent trucks over 4 tons from going on it because of the damage they cause and was very upset because she never thought her small street would be used like that.

DAN GROSS-18 POINTE CIRCLE: He stated the Council continues to have problems with the Mayor and getting answers to questions. During the Charter Study Commission people testified and gave advice and there was a published list put together with questions they needed answered by Jackson and he thought they should keep adding to the list and publish it in the paper so the Mayor would see it every day. He suggested the Council send the Mayor an official invitation to come to the meetings so work could get done. Mr. Kafton agreed stating they would reach out to the Mayor. Mr. Gross was pleased with the Council's efforts so far and asked what the termination clause was on the surveillance cameras because he wants the project stopped and wants to know what the cost would be. Administrator Del Turco didn't think there was one. Mr. Gross suggested there contracts should include a termination clause and then suggested publishing a deadbeat list for those owing money to the town. He stated they use to televise the meeting and asked why they stopped? Council President Kafton stated they were all for airing them again. He said he got a call from Chris Smith that went out to thousands, asking questions and he learned a lot and thought the Council might want to look into doing that because many residents couldn't make it to the meetings to share their opinions.

JOHN SUTTLES-MEADOWOOD ROAD: He suggested the Budget Committee be posted on the web. He spoke of a resident that was looking to build a house for himself to live in but because of the new laws he would be required to pay \$25K toward the COAH obligation. Mr. Kafton stated they were aware of the COAH regulations and that COAH was also requiring that 2.5% of the assessed value of commercial property would be paid into a COAH fund and agreed it's not good.

LINDA SELZNICK-BALTUSTROL DRIVE: She offered her sympathies to Mr. Brill on the loss of his wife. She stated Dennis Despin heads the committee at Westlake and she would ask him to look into it. She then spoke about fees to go to Court in collecting the fees. Attorney Gilmore stated fees were based on hours in Court. Council President Kafton stated they would be looking into the best course of action in the near future regarding collecting fines. She thanked everyone for their hard work and asked Mr. Del Turco to have more answers for the Council than he's had.

KEVIN SCHMALZ-BUILDING DEPARTMENT: He stated he appreciated the work the Advisory Committee did in much less time than it took the Mayor. He felt they were leaning toward option #7 but even if the Council recommended it they don't have the authority to stop the Mayor if he is determined to go through with the layoff. Council President Kafton stated the Council could present their recommendations to the Department of Community Affairs and if they decide they weren't taking over the township they have to keep what they have. The township has to have a Building Department up and running. Mr. Schmalz referred to a rumor that if the township keeps the building department the Mayor doesn't want to keep it. The Mayor also made comments to Mr. Kafton during a meeting that he was going to close the department, one way or the other. Mr. Schmalz stated the inspectors were not protected by a Union but are Civil Service and stated the last four months have been horrible and now they just found out they have been extended 30 days. He stated the many things they have been doing in the building department to save money and resented the Mayor playing with their lives and hopes the Council can do something about him.

PAT WOOD-AFSCME PRESIDENT: She stated if the clerks were laid off they couldn't hire from the outside within two years without bringing back the laid off clerks. The same thing applied to the inspectors.

MICHELE BADO-534 CHANDLER ROAD: She stated she built a home in Jackson and was fined and the Building Department wouldn't give her a TCO or CCO until the fine was paid. She didn't understand how NJ Lawn and Irrigation could keep getting permits without paying their fines.

DAN BURKE-MUNICIPAL ENGINEER: He stated French and Parrello is a Special Project Engineer and Environmental Consulting Engineer and the permits were in hand when the basketball project and various fields began. They applied for all permits and received them and it took the Pinelands fourteen (14) months to process. He stated the comments made by Council earlier were incorrect.

MRS. MARSALA-KINGS NORTH: She stated someone should access the work that had been done before they issue a stop work order and then suggested raising the fines because it might slow down development.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, REINA & KAFTON

ABSENT: UPDEGRAVE (Councilwoman Updegrave excused herself from the meeting at 11:15pm)

MOTION TO ADJOURN BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, REINA & KAFTON

ABSENT: UPDEGRAVE

12:25 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT KAFTON

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

AME/klj