

**ON TUESDAY, OCTOBER 14, 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  
COUNCILWOMAN RIVERE  
COUNCILWOMAN UPDEGRAVE  
COUNCIL VICE PRESIDENT REINA  
COUNCIL PRESIDENT KAFTON**

**ATTORNEY GILMORE (6:30PM)  
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.

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**RESOLUTION 352R-08  
TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP  
COUNCIL TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS  
AS NOTED BELOW**

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

**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: COAH update. Update – release of maintenance bonds Westlake Village. Update - Commodore Pointe
  - c) Potential Land Sale/Land Acquisition: Inquiry to purchase Township owned property located along White Road
  - d) Contracts/Agreements:
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

**DATED: 10-14-08**

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

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**7:30 RECONVENE PUBLIC MEETING**

**PLEDGE OF ALLEGIANCE  
ROLL CALL**

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

**ATTORNEY GILMORE  
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.

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**PRESENTATION**

**NJ ENVIRONMENTAL FEDERATION-EXPLORING WAYS TO "GO GREEN"**

**COUNCIL PRESIDENT KAFTON** stated many municipalities were going green and he advised the public they would be organizing a "go green" committee and tonight they had a representative from the NJ Environmental Federation to share information and hopefully by the next meeting they would be able to put the committee together. He introduced Peggy Sturmfels who is a member of the NJ Environmental Federation and a resident of Jackson. She thanked them for having her and referred to a pamphlet she brought giving them some background information and explained going green was a lifestyle change and not something you buy and that it goes beyond putting solar panels on buildings stating the upfront costs were greater but future savings were great and that homes cost 5%-10% more to build but the energy savings would be 25-50% in the long term. She continued to explain millions of dollars in grants and loans would be available by the end of the year to encourage businesses to pursue alternative energy and that individuals could start by purchasing environmentally friendly products from light bulbs to recycling paper and planting trees and building sidewalks to encourage people to walk instead of drive. Council President Kafton asked if she knew of municipalities that formed committees and she stated one group had nine members but it varies depending on each municipality and their goals and suggested the committee should be represented by a member of the Zoning Board, Planning Board, Environmental, Electrical Engineers, DEP and financial people who could go out and get grants and advised an all day program at the Holiday Inn on October 29<sup>th</sup> where they could get a lot of information. Mr. Kafton asked if she would be willing to assist and sit on the board? She stated she would be happy to answer any questions and would be willing to discuss it at a later date once they've put it all together. She stated that municipalities and schools are two separate entities and Toms River put solar panels on seven buildings and found they saved \$500K. Council Vice President Reina asked about solar farms and she gave an example of a place in Newark that has been using solar panels and saw immediate savings. And explained the solar company takes care of collecting the power. She didn't feel Jackson could use windmills because of the way the land is but would get more information regarding solar panels for him. Councilwoman Updegrave asked if the Board of Public Utilities have to come out to survey and Ms. Sturmfels stated that was only if they were going for one of their grants. She added the study being conducted in Newark was being funded by the solar company and that there are private companies that want to get involved and were willing to spend the money.

**CHIEF KUNZ-FIRE AT REGENCY CLUB**

**COUNCIL PRESIDENT KAFTON** stated about 12 units were destroyed by fire yesterday and asked Chief Kunz to discuss it further. Chief Kunz stated it was a stove fire that caused extensive damage and displaced 12 families that the Red Cross relocated to Freehold temporarily and stated donations were welcome. He then stated there was an altercation on Buckingham Drive involving a 13 year old boy, Eric Johnson, and his father and stated the boy is a diabetic that requires medication and they were concerned about him since he hadn't had insulin since the previous day. He showed a flyer and stated the many agencies are involved in searching for him and asked the public for their assistance if they have any information.

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**COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:**

**COUNCILMAN MARTIN** thanked Ms. Sturmfels for the “Go Green” information and the report from Chief Kunz regarding Eric Johnson and that he hoped for his safe return. He then stated he attended the walk at Westlake and the one at Great Adventure and commended everyone for their efforts and then wished everyone a safe trip home.

**COUNCILWOMAN RIVERE** thanked Ms. Sturmfels and Chief Kunz for their information. She then stated both breast cancer walks that she attended were very well attended and added she had a couple items to add to the discussion portion of the meeting regarding a request to add two Fire Department representatives to the committee and the 14 resumes that were submitted for the Mayor’s position.

**COUNCILWOMAN UPDEGRAVE** thanked everyone for coming and announced the passing of Joseph Sbano who was the Township’s Animal Control Officer and stated, at the request of his family, to send donations to the animal rescue organizations in lieu of fruit baskets or flowers and then wished everyone a safe trip home.

**COUNCIL VICE PRESIDENT REINA** thanked everyone for coming and expressed remorse regarding the loss of Joseph Sbano. He then announced the Fall Clean Community Program to be held on October 18<sup>th</sup> at the Jackson Memorial High School and that the program was being funded by the Clean Community Grant and stated anyone interested in volunteering could contact Pat Wood or Connie Sidor in Public Works for more information. He stated there were six fire companies that responded to the fire at the Regency and 98% of them were volunteers and he was very proud of their efforts and noted there were no fatalities and thanked each responder and then wished everyone a safe trip home.

**COUNCIL PRESIDENT KAFTON** stated he looked forward to working with Ms. Sturmfels in forming their “Go Green” Committee and then thanked all emergency services for responding and protecting the community. He expressed hope that the 13 year old boy returns home safely. The Susan G. Komen Walk was successful and commended all the organizers for the great job they did. He stated Joe Sbano was a great Animal Control Officer and performed his job with a passion and will be missed. He reminded the public that the Food Pantry needs donations for the upcoming holidays and requested a couple bins put in the hall for donations and Administrator Del Turcol stated it could be arranged. He shared his concerns regarding the State’s financial situation and asked Administrator Del Turco how that would affect municipalities and Mr. Del Turco stated funds were insured plus they carry additional umbrella coverage.

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**BILLS AND CLAIMS**

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

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**ABSTAIN: MARTIN (RC SHEA), UPDEGRAVE (DASTI, MURPHY & MCGUCKIN) & KAFTON (REG07, PO801659 & PO801718)**

**COUNCIL PRESIDENT KAFTON** stated he and Council Vice President Reina had a question regarding a \$17K invoice for pavers at the Justice Complex and asked Administrator Del Turco for additional information. Mr. Del Turco explained it was a request from the Mayor for additional pavers to be placed at the newly completed turf field. He stated it was bid out but no quotes were needed because it didn’t exceed the threshold. Council President Kafton stated Public Works put in pavers not that long ago and then stated they discussed having the microphones moved closer at the last two Council meetings and explained the problem would be resolved by just moving the microphones a short distance. Administrator Del Turco explained the Mayor wanted the entire sound system looked at and there were two proposals plus it was being presented to the Technology Committee. Attorney Gilmore stated Clerk Eden removed the tape and moved the lever up to improve the volume. Mr. Kafton again commented on Public Works installing pavers outside the building and

didn't understand why they weren't utilized now rather than spend money. Administrator Del Turco stated the Mayor felt there were other projects DPW was involved with and agreed with using in house personnel as much as possible. Councilwoman Rivere confirmed with a DPW employee that they did the paving and could have done the paving at the turf fields for a fraction of the cost. Council President Kafton stated it was another \$17K being spent during a time when they need to save and the Council will work diligently to prevent needless spending regardless of who sits in the Mayor's seat and even though the Administrator and attorney confirmed the Mayor has the ability the Council will try to find a way to prevent money from being spent without notifying the Council since they are the ones that have to approve payment and that it wasn't fair to the residents. Administrator Del Turco commended the DPW about the professional work they've done at the old library and was impressed with their capabilities. Council Vice President Reina questioned Mr. Del Turco about the cost of labor and material and Mr. Kafton stated redoing the old library was a good idea but they haven't seen a plan yet and the HVAC system was on the bill list and asked Administrator Del Turco about the plans for the building. Mr. Del Turco stated they received a substantial insurance payment for the damage and explained there was extensive damage to the two adjoining buildings that affected walls and insulation and they've been removing the ceiling and sheet rock and improving the outdated electrical system and he was hoping to get a temporary CO by the end of the week. Councilwoman Rivere stated she was frustrated and was told if it was under a certain amount they don't have to give their approval and the Mayor does as he pleases and would like an open line of communication. Mr. Kafton stated he found it hard to believe the Council doesn't have the right to know what's going on and agreed with the suggestion made by a resident to create an Internal Auditing Department and was in line with what he said at the last meeting to notify vendors they may not get paid even though the professionals tell them they can't. Councilman Martin stated that when a project is done under \$17,500 the bill should be paid and hopes in the future whoever sits in the Mayor's seat exercises fiscal discipline and lives within their means and agreed this work wasn't necessary but because it was under \$17,500 there's nothing they could do about it. Council President Kafton felt there has to be a way of being notified when they are expected to authorize a bill and asked what sense it made to have a Council if the Mayor could spend money? Administrator Del Turco stated they received over \$315K from the insurance company and by using Township personnel they will save a great deal of money that would be returned to the Township.

**COUNCILMAN MARTIN** stated once the issue of replacing the Mayor takes place they would zero-in on fiscal discipline because the taxpayers deserve nothing less.

**COUNCIL PRESIDENT KAFTON** stated as a taxpayer he believes it's the Mayor's responsibility as the head representative of the town to notify the Council, who is authorizing the money, to let them know what's going on.

**CAPITAL**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
60827	ATLANTIC STATES CAST IRON PIPE	5,791.61
60828	BAYWAY LUMBER	5,841.75
60829	CLARK, CATON & HINTZ CORP.	3,278.25
60830	CMX INC.	986.40
60831	DASTI, MURPHY, MCGUCKIN, ET ALS	308.00
60832	DELL MARKETING L.P.	5,098.80
60833	DERASMO EXCAVATING LLC	13,205.23
60834	EARLE ASPHALT COMPANY	112,364.13
60835	ELECTRO MAINTENANCE, INC.	69,622.34
60836	GILMORE & MONAHAN, P.A.	619.40
60837	JACKSON TOWNSHIP CURRENT FUND	731.35
60838	JONATHAN GREEN & SONS INC.	5,320.00
60839	KELLY, NOLAN & WHITE LLC	2,295.00
60840	K & L CONSTRUCTION COMPANY	1,600.00
60841	MID-STATE ABSTRACT COMPANY	305.00
60842	OWEN LITTLE & ASSOC. INC.	810.00
60843	REED & PERRINE SALES, INC.	780.00

60844	T & M ASSOCIATES	398.75
60845	YOUR WAY CUSTOM HARDSCAPING	17,200.63
<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
78008	JACKSON TOWNSHIP P/R ACCT	665,997.39
78009	JACKSON TOWNSHIP P/R ACCT	47,692.73
78011	KEITH & DANIELLE ABRAMO	1,729.08
78012	A.C. MOORE, INC.	175.97
78013	ALLSHORE TOWING SERVICE INC.	60.00
78014	AL'S AUTO REPAIRS INC.	100.00
78015	A 7 M INDUSTRIAL SUPPLY	2,140.00
78016	PATRICIA ANTONELLI	986.52
78017	APRIL SHOWERS FLORIST	53.00
78018	ASBURY PARK PRESS, INC.	605.24
78019	AUGUST BLVD ASSOC. LLC	3,534.76
78020	AUTOMATED ACCESS SYSTEMS, INC.	748.90
78021	TINA & MAURIZIO BADALI	630.10
78022	BALLY'S PARK PLACE CASINO	954.00
78023	JOSE & DEBORAH BATTISTA	476.39
78024	BAYWAY LUMBER	867.86
78025	BEYER BROTHERS CORP.	555.70
78026	JOHN BISHOP	521.28
78027	BLASCO C/O NJ OFFICE OF THE	149.65
78028	EDWARD & ANNETTE BRENNER	10.13
78029	BRITTON INDUSTRIES INC.	2,880.00
78030	DONNA BUSSICULO	558.33
78031	CABLEVISION	59.95
78032	SAM & MAXINE CAHN	126.63
78033	C & C EMBROIDERY CREATIONS LLC	4,861.00
78034	CDW GOVERNMENT, INC.	385.27
78035	CENTRAL JERSEY WASTE AND	78,354.50
78036	CENGAGE LEARNING	112.59
78037	CARL JR & FILOMEA CENSOPLANO	42.58
78038	CIVIL SOLUTIONS	750.00
78039	CLARK, CATON & HINTZ CORP	1,838.87
78040	RALPH CLAYTON & SONS MATERIALS	136.10
78041	CLAYTON'S TREE NURSERY & AGWAY	341.88
78042	RICHARD & DONNA COCCO	123.29
78043	CONTRACTOR SERVICE	56.58
78044	CORE MECHANICAL, INC.	445.00
78045	COUNTRY SUDSER CAR WASH	276.00
78046	CRYSTAL BROOK HOMEOWNERS	524.13
78047	DASTI, MURPHY, MCGUCKIN, ET ALS	3,788.99
78048	ROBERT & VERONICA M DAVIS	4,468.47
78049	DELTA DENTAL PLAN OF NJ INC.	20,771.74
78050	DEL-VEL CHEMICAL	498.96
78051	DEPTCOR/BUREAU OF	226.25
78052	DLT SOLUTIONS, INC.	2,504.93
78053	DOWNS FORD, INC.	119.44
78054	DRUNK BUSTERS OF AMERICA, LLC	725.00
78055	LAWRENCE & JUDITH DUBOW	187.19
78056	EDMUNDS & ASSOCIATES, INC.	275.00
78057	ENFORSYS NJ INC.	46,452.00
78058	EXCAVATING MATERIALS &	4,032.00
78059	FIRST AMERICAN REAL ESTATE TAX	22,136.34
78060	FRENCH & PARRELLO ASSOC., PA.	3,185.00
78061	DARRYL GALLIN	1,913.47
78062	GARDEN STATE OFFICE SYSTEMS	1,215.00
78063	GENERAL CODE LLC	2,781.77
78064	GERTNER RIORDAN LLC	556.23
78065	VOID	-0-
78066	GILMORE & MONAHAN, PA	24,470.60

78067	GILLESPIE ENGINEERING INC.	875.00
78068	KEVIN GILMORE	721.71
78069	GOOD FRIEND ELECTRIC SUP. INC.	426.13
78070	GREATER MEDIA PUBLICATIONS	316.00
78071	BARRY & JACKIE HABEL	1,183.20
78072	HARRAHS CASINO HOTEL	336.00
78073	SETH W & JULIA HARTER	479.68
78074	H & H GAS & APPLIANCE	533.97
78075	ATLANTIC CITY HILTON HOTEL	280.00
78076	THE HOME DEPOT	216.40
78077	HUNTER JERSEY PETERBILT	497.50
78078	I & G FARMS INC.	600.50
78079	IKON OFFICE SOLUTIONS	1,387.06
78080	LILLIAN INCARNATO	325.88
78081	JACKSON TOWNSHIP P/R ACCT	237.58
78082	VOID	-0-
78083	VOID	-0-
78084	VOID	-0-
78085	JERSEY CENTRAL POWER & LIGHT	91,874.45
78086	JDM PLANNING ASSOC., INC.	455.00
78087	JERRY'S AUTO BODY, LLC	676.80
78088	ELAINE JOHNSON	1,781.05
78089	J.R. HENDERSON LABS, INC.	585.00
78090	THE J'S LETTERING, INC.	60.00
78091	KIMBALL CORP CARE	105.00
78092	K & L CONSTRUCTION CO.	5,327.60
78093	LESTER & SANDRA KLEIN	439.54
78094	LAKWOOD AUTO SUPPLY INC.	199.57
78095	LANIGAN ASSOCIATES, INC.	1,705.90
78096	DOMINIC & DONNA LICCIARDI	2,426.38
78097	LMT MERCER GROUP INC.	10,240.00
78098	LOWE'S COMPANIES, INC.	20.16
78099	MAACO AUTO PAINT & BODYWORKS	989.60
78100	DAVID & NICOLE MCEWIN	1,989.53
78101	METICULOUS LANDSCAPING, INC.	11,557.00
78102	WALTER & IRENE MILK	780.13
78103	IVORY & CHRISTINE MIZELL	1,123.84
78104	MONTAGE ENTERPRISES, INC.	1,180.83
78105	WILLIAM & JEAN MORAN	515.50
78106	NEOPOST, INC.	4,253.87
78107	LOUIS & PATRICIA NICOSIA	958.99
78108	NISCAYAH	5,024.56
78109	NJASRO	595.00
78110	NJ NATURAL GAS	45.00
78126	NJ NATURAL GAS	125.51
78127	NJ PAL	4,300.00
78128	NJ SHORE ASA UMPIRE ASSOC.	1,200.00
78129	NRTCTA	30.00
78130	OCEAN COUNTY BD OF ELECTIONS	5,474.24
78131	OCEAN COUNTY BD OF HEALTH	6,993.00
78132	OFFICE FURNITURE PLUS, INC.	613.00
78133	DERRICK & ANGELA OWENS	754.73
78134	PEDRONI FUEL COMPANY, INC.	25,860.40
78135	LISA R PEREIRA	601.26
78136	FRANCES P PERSICANO	1,500.38
78137	ANTHONY & PATRICIA PEZZA	76.68
78138	SHARON PINKAVA	306.00
78139	QUICKIE PRINT & COPY SHOP	116.34
78140	FRED RASIEWICZ-PETTY CASH	784.06
78141	RANA C REGGIO	225.50
78142	FRANK A & GAIL A REILLY	701.26
78143	REMINGTON, VERNICK & VENA ENG.	19,720.00
78144	REAL ESTATE RESEARCH CORP. LLC	7,228.00

78145	RUSSO & CASSIDY, LLC	866.80
78146	MICHAEL & AMY RUSZCZYK	142.00
78147	RUTGERS THE STATE UNIVERSITY	157.50
78148	RUTGERS THE STATE UNIVERSITY	587.00
78149	PATRICIA SCHWARK	577.79
78150	SHERWIN WILLIAMS COMPANY, INC.	489.00
78151	SHERATON ATLANTIC CIRY	37.76
78152	SHOPRITE/PELMART, INC.	216.50
78153	SIMPLEXGRINNELL LP	423.75
78154	SNAP-ON INDUSTRIAL	255,739.92
78155	NJSHBP	195.00
78156	STRAUB AUDIO/VIDEO SYSTEMS, LLC	1,183.28
78157	BETH O & TODD STYLES	992.00
78158	SUPPLY SAVER	992.00
78159	KIM & STEPHEN TAVASKA	955.04
78160	DAVID & LORENE THETGE	1,626.90
78161	TOTAL LUBRICATION SVC & SUPPLY	464.40
78162	TREC-ADVANCED COMPUTER	559.38
78163	TRENTON BRAKES, INC.	863.58
78164	TREASURER, STATE OF NEW JERSEY	10,449.00
78165	TREC-STATE OF NJ	5,125.00
78166	TROPICANA CASINO & RESORT	232.00
78167	TRUMP PLAZA HOTEL AND CASINO	590.00
78168	TRUMP TAJ MAHAL CASINO RESORT	1,200.00
78169	MICHAEL CEPPALUNI DBA/UNITED	440.00
78170	UNUMPROVIDENT	7,546.06
78171	UNITED PARCEL SERVICE	115.73
78172	USA MOBILITY WIRELESS, INC.	11.20
78173	VAN SANT EQUIPMENT	448.47
78174	VAN SANT SEWER SERVICE LLC	1,845.80
78175	VALARIE VELTRE	872.82
78176	VERIZON WIRELES	1,520.50
78177	VOID	-0-
78178	VERIZON	1,674.15
78179	WALTER R EARL CORP	143.76
78180	WARNOCK FLEET, INC.	29,219.15
78181	WB MASON COMPANY	133.12
78182	EDWARD & VIRGINIA WICELINSKI	971.75
	<b>TOTAL</b>	<b>1,519,816.48</b>

76957	VOID	
78010	JACKSON LIBERTY HOCKEY	300.00

CHECK#	VENDOR	AMOUNT
54-55	DEV FEES-COAH	3,264.60
4791-4817	DEVELOPERS	67,514.01
386	DOG	117.60
60799-60807	GENERAL TRUST	70,549.15
9131-9132	OPEN SPACE	167,049.00
62227-62249	PARK REC	14,719.94
2135	SUBDIVISION	6,121.60

**ORDINANCES, SECOND READING:**

**COUNCIL PRESIDENT KAFTON** asked the Council to pull the ordinance because when it was written it pertained to collecting fines and under the collection of fines the negotiation of fines was left up to the Construction Official and that wasn't recognized when the ordinance was created. He asked Mr. Del Turco if that was correct and he stated after speaking with the Construction Official, under his authority granted by the State all matters pertaining to penalties and fines are under the Construction Official who could negotiate any

abatements of penalties or interest. Attorney Gilmore stated there was no statutory or regulatory authority for the Code Official to negotiate a fine but the State stated it was a common practice and they had no problem with it. He suggested adopting a portion of the ordinance so they could go ahead and start collecting fines and then look it over for any additional changes. Councilman Martin stated this ordinance was going forward and we will set up the procedure.

**COUNCIL PRESIDENT KAFTON** thanked Ms. Rivere, Mr. Martin and Attorney Gilmore for working on getting this together.

**36-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE TOWNSHIP CODE, ENTITLED “ADMINISTRATION OF GOVERNMENT,” ARTICLE XII, “DEPARTMENT OF COMMUNITY ENFORCEMENT” SO AS TO CREATE A NEW SECTION 3-70A, ENTITLED “PROCEDURES FOR COLLECTION OF FINES”**

**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 36-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: UPDEGRAVE**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**ORDINANCE NO. 36-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE TOWNSHIP CODE, ENTITLED “ADMINISTRATION OF GOVERNMENT,” ARTICLE XII, “DEPARTMENT OF COMMUNITY ENFORCEMENT” SO AS TO CREATE A NEW SECTION 3-70A, ENTITLED “PROCEDURES FOR COLLECTION OF FINES”**

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

**SECTION 1.** Chapter 3 of the of the Township Code of the Township of Jackson, entitled “Administration of Government,” Article XII, “Department of Community Enforcement,” is hereby amended and supplemented so as to create a new § 3-70A, entitled “Procedures for collection of fines,” which shall read in its entirety as follows:

**§ 3-70A. Procedures for collection of fines.**

Whenever the construction official, or appropriate subcode official, issues a notice of violation of the Uniform Construction Code, the following procedural steps shall be followed. It is intended that these internal procedures supplement, and be used in conjunction with, State regulations and not supersede said regulations.

- A. Unless public health and safety demands otherwise, a “Notice of Violation” shall allow thirty (30) days for compliance. This compliance period may be extended by the Construction Official if the violator makes a good faith effort to effectuate compliance. Such extension is subject to the prior approval of the Director of Community Development and Enforcement.
- B. Unless State regulations require the immediate issuance of a penalty, upon the failure to correct the violation prior to the expiration of the

compliance period provided in subparagraph A, a fine shall be assessed in the manner provided in State regulations.

- C. The amount of the fine assessed shall be in accordance with State regulations.
- D. If the fine is not paid within thirty (30) days of assessment, the Director shall refer the matter to the Township Council to authorize collection pursuant to N.J.S.A. 2A:58-10 et seq. through the Township Attorney.
- E. The Clerk shall keep a list of violators upon whom fines have been reduced to judgment. Prior to the execution of any purchase order, the Chief Financial Officer shall check the list of outstanding judgments. If the person, or entity, due monies under the purchase order has an outstanding judgment, then the Chief Financial Officer shall refer the matter with appropriate documentation, to the Township Attorney for institution of necessary action to collect upon the outstanding judgment.

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

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law and in accordance with N.J.S.A. 40:69A-181(b).

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**MAYOR MARK 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 **September 23, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **14<sup>th</sup> day of October, 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  
TOWNSHIP CLERK**

**DATED: 10-14-08**

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**ORDINANCE FIRST READING**

**37-08**

**TITLE: BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 09-07 ADOPTED ON MARCH 27, 2007, AS AMENDED BY BOND ORDINANCE NO. 28-07 ADOPTED ON AUGUST 28, 2007 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE IMPROVEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS EQUIPMENT STORAGE BUILDING, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, NEW JERSEY**

**MOTION TO APPROVE ORDINANCE 37-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, OCTOBER 28, 2008 BY: MARTIN**

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

**COUNCIL PRESIDENT KAFTON** asked Mr. Del Turco to explain some of the equipment in this Bond Ordinance. Administrator Del Turco stated it was regarding the salt storage building regarding drainage, sewer pipes, manhole installation and other items that were necessary for the garage and was utilizing the funds and amending bond ordinance 28-07. Mr. Reina asked if he had a figure and the amount is \$300K and Councilwoman Reina confirmed the funds have already been put in place.

**BOND ORDINANCE NO. 37-08**

**BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 09-07 ADOPTED ON MARCH 27, 2007, AS AMENDED BY BOND ORDINANCE NO. 28-07 ADOPTED ON AUGUST 28, 2007 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE IMPROVEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS EQUIPMENT STORAGE BUILDING, 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. 09-07 on March 27, 2007, as amended by Bond Ordinance No. 28-07 adopted on August 28, 2007 (collectively the "Prior Ordinance"), providing for various capital improvements and the acquisition of various capital equipment; 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(a) (iii) of the Prior Ordinance is hereby amended to read as follows:

- iii) Construction of a Salt Storage Building and improvements to the Equipment Storage Building for the Department of Public Works, including, but not limited to, drainage and infiltration pipe and inlets, sanitary sewer pipe and manholes, installation of a oil/water separator system, and site paving, with a total appropriation and estimated cost of \$300,000, estimated maximum amount of bonds or notes therefor of \$270,000, and an average period of usefulness of 15 years;

Section Two. The aggregate appropriation (\$7,895,000), the aggregate debt authorization (\$7,105,500), the aggregate down payment (\$789,500), 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..

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on October 14, 2008 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 28th day of October, 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: 10-14-08

ANN MARIE EDEN, RMC  
TOWNSHIP CLERK

**ORDINANCE FIRST READING**

**38-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 98.01, LOT 9 & 26 FROM THE ESTATE OF HELEN PETERS IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

**MOTION TO APPROVE ORDINANCE 38-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, OCTOBER 28, 2008 BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**ORDINANCE 38-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 98.01, LOT 9 & 26 FROM THE ESTATE OF HELEN PETERS IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

**WHEREAS**, Helen Peters is the assessed owner of Block 98.01, Lot 9 and 26; and

**WHEREAS**, Helen Peters is deceased; and

**WHEREAS**, the heirs of the Estate of Helen Peters wish to donate the subject property to the Township of Jackson; and

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

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

**SECTION 1.** That the governing body does hereby authorize the acquisition of Block 98.01, Lot 9 and 26 from the Estate of Helen Peters. This property is being acquired by the Township of Jackson pursuant to N.J.S.A. 40A:12-5(a)(1) as a gift from the Estate of Helen Peters.

**SECTION 2.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the acquisition of the subject property from the Estate of Helen Peters.

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

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

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

\_\_\_\_\_  
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 **October 14, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **28<sup>th</sup> day of October, 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: 10-14-08**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**PUBLIC HEARING OPENED, RESOLUTIONS ONLY**

**STEPHANIE BROWN-310 NEW PROSPECT:** She asked the Council to explain Resolution 372R-08 and Councilwoman Updegrave stated it pertained to the presentation done at the last meeting regarding renegotiating their bond obligation and debt. Ms. Brown asked how they came up with the number and the Administrator explained it was the outstanding authorization that could be financed.

**CHERYL MARSALA-16 KINGS POINT:** She stated she didn't understand Resolution 374R-08 and asked what soil stabilization meant and then discussed many problems the residents were experiencing with broken water mains, cracked driveways and walkways. Clerk Eden read Remington Vernick's letter and explained that it had to do with site stabilization and nothing to do with driveways. Attorney Gilmore explained his interpretation of the letter to say they cleared an area and it needed to be stabilized in order to put down seed and fertilizer.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He stated he didn't understand why some performance bonds were on the consent agenda and others weren't? He then stated the Township does a disservice to residents that live in home owner association communities and it needs to be changed because the engineer inspects the project to confirm the work was done, prior to releasing the bond but feels he should speak with the homeowners association to see if the residents have any complaints as part of the process. Clerk Eden explained there is a 45 day time constraint once the developer requests the release of the bond and Mr. Mayerowitz agreed it puts pressure on the homeowners association to act in a timely manner because if they don't they have no reason to complain and it's just another step in the process to make improvements for the sake of the residence. He then asked about Resolution 367R-08 and the purchase of the HVAC and asked who the vendor was, what the cost was and if they got quotes because he wanted to be sure the town got the best price and was saving money. Administrator Del Turco stated the company was West Jersey Heating and Air Conditioning and was an approved vendor under the County contract. Councilman Martin asked if they were saving money by going this route and it was confirmed that they really didn't know since it didn't go out to bid. Mr. Mayerowitz stated just because they were an approved vendor doesn't necessarily mean they are the lowest price.

**SEAN GIBLIN-COOKS BRIDGE ROAD:** He asked about the cost and Clerk Eden stated it would exceed \$29K. Mr. Giblin stated there was a number of plumbing and heating companies in Jackson yet they didn't check. It's interesting that this is \$29,500 and before they mentioned \$17,500 and there is a certified purchasing agent who has a threshold of \$29,500. Administrator Del Turco stated \$17,500 refers to professional service and Mr. Giblin stated he is sending out mixed messages because that would mean pavers were a professional service and he was confusing Council and residents and acting in protective mode. Mr. Kafton stated he shared his concern and referred to the old library which they received no information on. Mr. Giblin confirmed that Mr. Del Turco has been telling them the threshold was \$17,500 but just admitted since they have a certified purchasing agent and is allowed to go as high as \$29,500 and Ms. Eden confirmed the resolution is not to exceed \$29,500, therefore they don't have to go out to bid. Mr. Giblin stated all they had to do was telephone many local companies for their service and asked them to examine how they got the \$17K for the pavers in Johnson Park and asked if they called three people to get quotes and did anyone ever investigate? Mr. Giblin told the Council they should be appalled that the Administrator and township professionals were keeping information from them. Attorney Gilmore stated the contract is being awarded by the County of Ocean and they are not limited to \$29,500 in those situations and as stated by Mr. Mayerowitz, the fact it's under a County contract there is a possibility they could get the same thing for less. He stated the purpose for bidding laws is to prevent corruption and there were protective measures that the private industry doesn't take. Mr. Giblin stated the point he wanted to make was that if something

doesn't exceed the threshold they don't have to go out to bid and could simply make a few phone calls. Councilman Martin stated there wasn't enough information on the resolution and asked to carry it for one meeting and they could determine what is being paid for and if they received other quotes and they may find they are saving money but wants to have the information first. Mr. Kafton stated he wants to hear the rest of the public's comments and then they could make a motion to carry it.

**DAN GROSS-18 POINTE CIRCLE:** He stated the agenda comes out at noon on Thursday and suggesting Council has the opportunity to ask Mr. Del Turco questions prior to the meeting. Mr. Kafton stated he had spoken with the Administrator but wasn't happy with what the Mayor was proposing for the library and wanted the public to know because they want an open government and if he removed it from the agenda the public wouldn't know and that wasn't what they wanted because the public has the right to know that the Council isn't being informed and bring it before the public so he and other residents could share their comments. Mr. Gross then referred to Resolution 372R-08 and asked how the financial crisis would affect their ability to bond? Mr. Kafton explained that was the reason for the presentation a couple meetings ago. Administrator Del Turco stated a couple things were being done and the Bond Ordinance doesn't bind them and they were watching things very closely and there was flexibility. Mr. Gross then referred to Resolution 356R-08 and asked why they waited until 2008 when it should have been taken care of in 2005? Mr. Del Turco agreed it should have been taken care of but the grant wasn't fully utilized and the dollar amount was minimal.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He commended Councilman Martin for suggesting withdrawing the resolution until they get some competitive quotes and even if they weren't less than the County contract at least they would know and with the current economy local vendors may give a better price because they were hungry and he commended Mr. Kafton for his stand on having an open government and would speak more about that later.

**GEORGE FISHER-84 BOWMAN ROAD:** He referred to Resolution 371R-08 regarding the Pinelands at 528 and Hope Chapel Road and if a resolution was the most forceful thing they could do to get the Pinelands moving? Council Vice President Reina stated it's regarding the drainage on both sides of the road and the road needs to be widened. He stated the Council had discussed it because they don't want trees removed and felt the resolution was a sign of unity. Councilman Martin stated there was now a left turn signal there making it much safer but more needs to be done and the Pinelands appears to be holding things up and he thanked Council Vice President Reina for meeting with the County to get that light put in. Attorney Gilmore asked if this was because the Pinelands didn't want non Pinelands water going into it and they all agreed that was exactly what it was. Mr. Kafton thought Dan Burke was going to meet with the Pinelands Commission about their desire to put a retention basin next to the towns' retention basin to see if they could use the same one and confirmed they were working on it.

**LINDA SELZNICK-61 BALTUSTROL ROAD:** She spoke about Resolution 374R-08 regarding bonds being released even though things weren't corrected properly and the threat from developers to take the town to court. Attorney Gilmore confirmed there were cases where that happened and the ruling is usually in favor of the developer. Clerk Eden explained the Resolution was a bond for soil stabilization and at Council President Kaftons' request she would give her a copy of the letter. Ms. Selznick suggested Council take it to a higher level because homeowners aren't properly notified?

**MRS. BLACK-81 PEBBLEBEACH BLVD.** She had a question that didn't pertain to this portion of the meeting and Mr. Kafton invited her back to speak later.

**JOHN SUTTLES-MEADOWOOD ROAD:** He explained he had received letters from developers prior to the Council releasing the bonds to confirm the procedure works.

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY: MARTIN**  
**MOTION SECONDED BY: RIVERE**  
**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

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**RESOLUTION 356R-08**

**TITLE: CANCELLATION OF UNEXPENDED BUDGET APPROPRIATIONS FOR THE FISCAL YEAR 2005 BUFFER ZONE PROTECTION GRANT**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, under the provisions of N.J.S.A.40A:4-60, any unexpended balance of appropriations may, by resolution of the governing body, be canceled prior to the end of the calendar year. Said resolution shall set forth the titles of the appropriations and the amounts to be canceled, and;

**WHEREAS**, the Police Director and Chief Financial Officer have recommended to the Administrator that unexpended balances of the Buffer Zone Protection Grant appropriations should be canceled;

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

1. The aforementioned Grant Fund Appropriated Reserve Funds of \$316.38 which was received by the State entitled Buffer Zone Protection Grant cannot be utilized due to completion of Grant Program.
2. This resolution shall take effect upon affirmative vote by the governing body of the Township of Jackson.
3. Copies of this resolution to the Administrator, Police Director, Chief Financial Officer and Township Auditor.

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

**DATED: 10-14-08**

**RESOLUTION 357R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO SOUTH KNOLLS, LLC. OF THE PERFORMANCE BOND ISSUED FOR SOUTH KNOLLS, SEC. 2A, 2B & 2C, A/K/A BLOCK 111, LOTS 21+**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, South Knolls, LLC., has requested a Release of the Performance Guarantee, which consists of \$846,506.91 in the form of a Performance Bond #1003146 issued by Lexon Insurance Company and Cash Bond in the amount of \$94,056.32, pertaining to South Knolls, Sec. 2A, 2B & 2C a/k/a Block 111, Lots 21+ 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 September 19, 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 #1003146 issued by Lexon Insurance Company in the amount of \$846,506.91 and Cash Bond in the amount of \$94,056.32, 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 \$470,281.62, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and

2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.

3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

**DATED: 10-14-08**

**RESOLUTION 358R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO ROSARIO POLLINA, OF THE PERFORMANCE BOND ISSUED FOR ROSE PLAZA, A/K/A BLOCK 123, LOTS 8 & 9**

**MOTION TO APPROVE BY: UPDEGRAVE**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, Rosario Pollina has requested a Release of the Performance Guarantee, which consists of a Cash Bond in the amount of \$7,029.24 pertaining to Rose Plaza, a/k/a Block 123, Lots 8 & 9 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 September 24, 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 a Cash Bond in the amount of \$7,029.24, 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 \$10,543.86 subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and

2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.

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

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

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

**DATED: 10-14-08**

**RESOLUTION 359R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO K. HOVNANIAN AT JACKSON I, LLC. OF THE PERFORMANCE BOND ISSUED FOR FOUR SEASONS AT SOUTH KNOLLS RECREATION AREA, A/K/A BLOCK 111.05, LOT 1**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, K. Hovnanian at Jackson I, LLC., has requested a Release of the Performance Guarantee, which consists of \$1,009,184.18 in the form of a Performance Bond #6168766 issued by Safeco Insurance Company and Cash Bond in the amount of \$112,131.58, pertaining to South Knolls Recreation Area, a/k/a Block 111.05, Lot 1, Jackson Township; and

**WHEREAS**, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated September 29, 2008, which letter report is made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #6168766 issued by Safeco Insurance Company in the amount of \$1,009,184.18 and Cash Bond in the amount of \$112,131.58, 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 \$168,197.36, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

**DATED: 10-14-08**

**RESOLUTION 360R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO IRA & ALAN PARTNERSHIP, OF THE PERFORMANCE BOND ISSUED FOR JACKSON TOWNE CENTER, A/K/A BLOCK 84.01, LOT 25**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, Ira & Alan Partnership has requested a Release of the Performance Guarantee, which consists of \$12,000.00 in the form of a Cash Bond, pertaining to Jackson Towne Center, a/k/a Block 84.01, Lot 25, Jackson Township; and

**WHEREAS**, Albert D. Yodakis of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated September 24, 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 a Cash Bond in the amount of \$12,000.00, heretofore, posted with the Township may and hereby is released. The maintenance guarantee has been waived considering the age of the project and the fact that this is a privately owned and maintained site. This resolution is contingent upon:

1. The applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and providing additional escrow to provide an account balance of \$985.00.
2. Copies of this resolution to Administration, Finance, Applicant/Developer and Township Engineer.

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

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

**DATED: 10-14-08**

**RESOLUTION 371R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP COUNCIL URGING THE COOPERATION OF THE STATE PINELANDS COMMISSION WITH OCEAN COUNTY ENGINEERING DEPARTMENT REGARDING IMPROVEMENTS TO THE INTERSECTION OF EAST VETERANS HIGHWAY (ROUTE NO. 528) AND HOPE CHAPEL ROAD**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the County of Ocean has proposed a project consisting of improvements to the intersection of East Veterans Highway (County Route 528) and Hope Chapel Road; and

**WHEREAS**, this is a much needed improvement resulting in the safety and welfare of the general public; and

**WHEREAS**, this project has been in the planning stages for sometime due to development within the vicinity, as well as the construction of the Jackson Liberty High School and Jackson Crossings whereby increasing the traffic flow within said intersection ; and

**WHEREAS**, a portion of the project falls within the Pinelands resulting in the State of New Jersey Pinelands Commission’s approval on certain aspects during the construction process; and

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

1. The Township Council is urging the New Jersey Pinelands Commission provide cooperate with the Board of Chosen Freeholders and Ocean County Engineering to permit all necessary improvements to said intersection and roadway resulting in a safe traffic condition for the general public.

2. That upon the adoption of the within resolution and execution of the agreement, the Clerk is authorized and directed to forward a certified copy of it together with the executed contract to the State of New Jersey Pinelands Commission, Ocean County Board of Chosen Freeholders, Ocean County Engineering Department, Township Administrator, Township Engineer, Director of Public Works and any other interested parties.

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

DATED: 10-14-08

TOWNSHIP CLERK

**RESOLUTION 372R-08**

**TITLE: BOND RESOLUTION PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$19,841,000 GENERAL OBLIGATION BONDS, AUTHORIZED IN AND BY THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the Township of Jackson, in the County of Ocean, New Jersey (the "Township"), adopted the various bond ordinances (collectively, the "Bond Ordinances") listed in **Attachment A** annexed hereto, authorizing the construction and/or acquisition of general improvements of the Township and the issuance of in excess of \$19,841,000 bonds pursuant thereto (as described below); and

**WHEREAS**, the Township has issued various Bond Anticipation Notes pursuant to the Bond Ordinances as set forth in **Attachment A** and the Township desires to refund said Notes through the issuance of the bonds hereinafter described (the "Refunding Project"); and

**WHEREAS**, the Township desires to finance additional capital projects authorized by the Bond Ordinances (the "Capital Project"); and

**WHEREAS**, the United States Securities and Exchange Commission has adopted *Rule 15c2-12(b)(5)* requiring brokers and dealers which desire to serve as underwriter in a primary offering of certain municipal securities, such as the bonds hereinafter described, to determine that the issuer of such securities has made a written undertaking to provide continuing disclosure of certain information during the term of the municipal securities; and

**WHEREAS**, the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (*N.J.S.A. 40A:2-1 et seq.*), governs the issuance of bonds by the Township; and

**WHEREAS**, the Township has determined that it is in the best interests of the Township to issue bonds pursuant to said authorizations in order to permanently finance the Refunding Project and the Capital Project (collectively, the "2008 Project").

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

Section 1. Authorization for the Bonds and Projects to be Funded. Pursuant to the Local Bond Law and by virtue of the proceedings herein described, the Township hereby authorizes the sale and issuance of general obligation bonds in an aggregate principal amount not to exceed \$19,841,000, as hereinafter set forth to finance the 2008 Project. Said bonds shall consist of two (2) series composed of (i) not to exceed \$16,102,000 General Improvement Bonds (Capital), Series 2008A, and (ii) not to exceed \$3,739,000 General Improvement Bonds (Open Space), Series 2008B (collectively the "Bonds") issued pursuant to the Bond Ordinances.

Section 2. Details of the Bonds.

(a) The Bonds shall be dated the date of delivery (which is expected to be December 4, 2008), or other date consistent with the Notice of Sale, shall be issued, and shall mature on December 1st of each year in the principal amounts as determined by the Chief Financial Officer.

(b) The Bonds are subject to redemption prior to maturity, as set forth herein in Section 3.

(c) The Bonds shall bear interest payable on June 1, 2009 and semiannually thereafter on the 1st day of June and the 1st day of December in each year until maturity (the "Interest Payment Dates"), or on the next business day if an Interest Payment Date is not a business day.

(d) The Bonds will be issued in book-entry only form with one certificate for the aggregate principal amount of the Bonds maturing in each year, shall be numbered from 1 upwards, and shall be in denominations of \$5,000 or any integral multiple thereof (with a minimum purchase of \$5,000 required) or such other denomination as is determined by the Chief Financial Officer of the Township (herein the "Finance Officer"), consistent with the provisions of this Resolution and the Notice of Sale. The final maturity may contain a

denomination other than \$5,000 if the maturity does not equal a multiple of \$5,000. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer, under the official seal of the Township affixed, imprinted or reproduced thereon and attested to by the manual signature of the Municipal Clerk or Deputy Clerk.

(e) The Bonds shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public or private debts. Interest on the Bonds shall be payable by check, draft or wire transfer, mailed, transmitted or delivered on the Interest Payment Dates to the registered owners thereof as of the fifteenth day of the calendar month preceding each Interest Payment Date (the "Record Dates", *i.e.*, - May 15 and November 15) at his or her address as shown on the registration books (the "Bond Register") of the Township kept for that purpose at the office of the Finance Officer. The Bonds as to principal, when due, will be payable at the office of the Finance Officer upon presentation and surrender of the Bonds.

(f) The Bonds are transferable only upon the Bond Register by the registered owner or by his attorney duly authorized in writing, upon surrender of a Bond with a written instrument of transfer satisfactory to the Finance Officer duly executed by the registered owner or his duly authorized attorney and upon the payment of any tax, fee, governmental or administrative charge or expense. Upon surrender for transfer of a Bond, the Finance Officer shall issue in the name of the transferee a Bond or Bonds identical in aggregate principal amount, interest rate, maturity and tenor to the Bond so surrendered for transfer. The Township may deem and treat the person in whose name a Bond is registered as the absolute owner thereof for all purposes whatsoever, including the payment of the principal and interest due thereon.

Section 3. Redemption of Bonds. The Bonds maturing on or before December 1, 2018 are not subject to redemption prior to maturity. The Bonds maturing on or after December 1, 2019 are subject to redemption prior to maturity, at the option of the Township, in whole or in part, on any day on or after December 1, 2018, upon notice of redemption as hereinafter set forth, at one hundred percent (100%) of the principal amount being redeemed ("Redemption Price"), together with interest accrued thereon to the redemption date.

Notice of redemption shall be given by publishing such notice once a week for two (2) successive weeks in a newspaper of general circulation that carries financial news, is printed in the English language and is customarily published on each business day in the City of New York, State of New York, the first of such publications to be at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Notice of redemption also shall be mailed by first-class mail, with postage prepaid, to the registered owners of the Bonds or portions thereof which are to be redeemed, at their respective addresses as they last appear on the registration books. So long as DTC (defined below) (or any successor thereto) acts as depository for the Bonds, notice of redemption shall be sent to such depository and shall not be sent to the Beneficial Owners (defined below) of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any Beneficial Owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds prior to maturity, such Bonds shall be selected by the Township (or the Paying Agent, if any). The Bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

Section 4. Form of the Bonds. (a) The Bonds shall be in substantially the form annexed hereto as **Attachment B**, subject to such modifications as are approved in the reasonable discretion of the Finance Officer in consultation with Bond Counsel (hereinafter described), and consistent with applicable law.

(b) If any Bond is mutilated, destroyed, lost or stolen and replaced in accordance with the Local Bond Law, including specifically *N.J.S.A. 40A:2-36*, the owner thereof shall be responsible for all costs incurred in connection with the replacement thereof, including legal, printing and other related costs.

(c) At the discretion of the Finance Officer, upon advice of Bond Counsel, the Bonds may have printed thereon a copy of the written opinion with respect to the Bonds (complete except for omission of its date), which is to be rendered by the law firm of Dilworth Paxson LLP, Wall, New Jersey, Bond Counsel for the Bonds ("Bond Counsel"). The Municipal Clerk is hereby authorized and directed to certify to the correctness of the copies of such opinions by executing, by manual or facsimile signature, a certificate on each of the Bonds, in form satisfactory to said firm, and to file a signed duplicate of such written opinions in said Municipal Clerk's office.

Section 5. Book-Entry-Only Form. The Bonds are authorized to be issued in book-entry-only form and the Mayor, Chief Financial Officer, Municipal Clerk, Auditor,

Township Attorney, Financial Advisor and Bond Counsel (collectively, the "Township Officials") are hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper to effectuate the initial issuance of the Bonds as book-entry obligations. Bonds will consist of one certificate for the aggregate principal amount of the Bonds maturing in each year. The Bonds will be registered in the name of The Depository Trust Company, New York, New York ("DTC") or its nominee, Cede & Co. So long as the Bonds are registered in the name of DTC or its nominee, Cede & Co., or a successor securities depository, all references to the owners or holders of the Bonds shall mean DTC or its nominee. Actual purchasers ("Beneficial Owners") of the Bonds shall receive evidence of their ownership interests and payments of principal and interest on the Bonds in accordance with the procedures established by DTC. The Township or DTC may determine to discontinue the availability of book-entry-only form of the Bonds through DTC upon reasonable notice and compliance with the provisions of the Blanket Letter of Representations and other documents reflecting their agreement. In the event a successor securities depository is not selected, the Bonds will be issued in certificated form to the Beneficial Owners upon proof of their ownership interest.

Section 6. Disclosure Undertaking. A Continuing Disclosure Certificate in substantially the form contained in **Attachment C** is hereby approved and the Chief Financial Officer is hereby authorized and directed to execute and deliver a Continuing Disclosure Certificate on behalf of the Township in substantially such form, with such insertions and changes as the Chief Financial Officer may approve, such approval to be evidenced by his or her execution thereof.

Section 7. Additional Matters. The following additional matters are hereby determined, declared, recited and stated:

(a) The Bonds have not been heretofore sold or issued and the Bond Ordinances described herein have not been rescinded and now remain in full force and effect as authorization for the aggregate principal amount of the Bonds.

(b) The purposes for which the Bonds have been authorized to be issued are purposes for which bonds may lawfully be issued pursuant to the Local Bond Law.

(c) All Bonds issued hereunder, except to the extent otherwise specifically set forth herein, shall mature in such principal amounts and at such times as may be determined by the Finance Officer and shall bear interest at such rates as shall be determined by receipt and acceptance of bids from potential purchasers by the Finance Officer, who shall report on the sale of the bonds to the Township as hereinafter provided.

(d) All improvements or purposes set forth in the Bond Ordinances have a period of usefulness or remaining usefulness of at least 5 years. The average period of usefulness of the General Improvement Bond (Capital) is 12.76 years, and the General Improvement Bonds (Open Space) is 40, and each series of Bonds shall mature within their respective periods. Together, appropriately weighted, the average period of usefulness of the two series of Bonds is 17.89 years.

Section 8. Tax Matters. (a) The Township hereby covenants, to the extent permitted by the Constitution and laws of the State of New Jersey and to the extent that such action is within the control of the Township, that it will comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") applicable to the Bonds and will take all lawful action within the Township's control and which is necessary under the Code to ensure that interest on the Bonds will remain excluded from the gross income of the recipients thereof for Federal income tax purposes and to refrain from taking any action that would cause interest on the Bonds to become included in such gross income.

(b) The Bonds issued hereunder shall not be "private activity bonds" within the meaning of Section 141 of the Code in that, among other requirements, either no more than 5% of the proceeds of the Bonds are to be used for any private business use or repayment of no more than 5% of the proceeds is secured by property used for a private business use, and no loan from the proceeds shall be made to any persons other than governmental units.

(c) 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. This Resolution shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 9. Security for the Bonds. Any Bond issued pursuant to the Bond Ordinances shall be a general obligation of the Township, and the Township's full faith and credit are hereby pledged to the punctual payment of the principal of and the interest on the

Bonds and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 10. Sale of the Bonds. The Finance Officer is hereby authorized and directed to offer and award the Bonds at public sale by electronic bidding process. The Bonds are expected to be sold upon electronic bid proposals on November 20, 2008. All electronic bid proposals will be received by the Finance Officer until 11:45 a.m., prevailing time, on said date (or such other time established by the Finance Officer and consistent with the Notice of Sale), at which time they, consistent with the procedures related to the use of Grant Street Group's MuniAuction described in Annex I of the Notice of Sale, will be publicly announced for the purchase of the Bonds. The award of the Bonds will be made by the Finance Officer after 12:00 p.m. (or such other time established by the Finance Officer and consistent with the Notice of Sale), with no withdrawals of bids allowed until 4:00 p.m., prevailing time, on said date and only if such award has not been made prior to the withdrawal.

Section 11. Notice of Sale. The Notice of Sale of the Bonds and Summary of the Notice of Sale, annexed hereto as **Attachment D**, are hereby approved as to both form and content, subject to such modifications as are approved in the reasonable discretion of the Finance Officer and consistent with applicable law, and the Municipal Clerk or Deputy Clerk is hereby authorized and directed to publish the Notice of Sale in the official local newspaper of the Township and to publish the Summary of the Notice of Sale in *The Bond Buyer*, or other national financial newspaper published and circulating in the City of New York, State of New York, the first publications to be not less than seven (7) days prior to the date of sale, all in consultation with Bond Counsel and in accordance with the Local Bond Law. The terms of the final form of the Notice of Sale are incorporated herein and made a part hereof.

Section 12. Official Statement and Credit Rating or Enhancement. The Mayor, Chief Financial Officer, Municipal Clerk, Deputy Clerk, Auditor, Township Attorney, Bond Counsel, and Financial Advisor, are hereby authorized and directed to prepare the Official Statement in preliminary and final form and to comply with the provisions of Securities and Exchange Commission Rule 15c2-12. The Township Officials and representatives are authorized to distribute the Official Statement in preliminary and final form in connection with the sale of the Bonds. The Mayor and/or Finance Officer are authorized to sign the Official Statement on behalf of the Township in as many counterparts as are needed for the Closing (defined herein) and delivery of the Bonds. Township Officials are hereby authorized and directed to take all action necessary and convenient to the Township's issuance of the Bonds including, as said officials deem appropriate, the preparation of the reports and disclosure information on the Bonds and the Township and to apply to various nationally recognized credit rating agencies to obtain a credit rating on the Bonds from one or more such service, to apply to various insurers of municipal bonds in order to acquire a policy of municipal bond insurance for the Bonds and to take all action relating thereto and to pay the premium associated therewith, to obtain fee information from potential printers of the Official Statement and the Bonds, and to contact securities depositories regarding the issuance of the Bonds in Book-Entry-Only form. The Finance Officer is hereby delegated the authority to select a bond insurer based upon premium and conditions imposed.

Section 13. Delegation of Authority. The Finance Officer is hereby authorized and directed to determine all matters in connection with the Bonds not determined by this or a prior or subsequent resolution, all in consultation with Bond Counsel, and the manual or facsimile signature of the Finance Officer upon the Bonds shall be conclusive as to such determinations. The Mayor, Finance Officer, Auditor and the Municipal Clerk or Deputy Clerk are hereby authorized and directed to execute and deliver such documents as are necessary for the issuance and delivery of Bonds and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds, in consultation with Bond Counsel and Financial Advisor.

Section 14. Closing and Delivery of the Bonds. The Township shall cause the Bonds to be prepared and made ready for delivery on the date of Closing, which shall be on or about December 4, 2008, but in no event later than December 5, 2008 (the "Closing"). The delivery of and payment for the Bonds shall take place at the offices of Dilworth Paxson LLP, Wall, New Jersey, Bond Counsel, or at such other place as is agreed to by the Finance Officer. If the purchaser shall so request, the Bonds shall be made available before the Closing for purposes of inspection and packaging. At the Closing, the Township will deliver the Bonds to the purchaser or upon his order in definitive or temporary form duly executed, together with the other required documents and, subject to the terms and conditions hereof, the purchaser will accept such delivery and pay the aggregate purchase price of the Bonds in immediately available funds.

Section 15. Application of Bond Proceeds. The proceeds of the Bonds shall be applied to pay the costs of the projects described in the Bond Ordinances including the payment of the outstanding Bond Anticipation Notes described herein and the costs of issuance of said Bonds.

Section 16. Report on the Bonds. The Finance Officer is hereby directed to report in writing to the governing body of the Township at the meeting next succeeding the date of delivery of the Bonds. Such report shall include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

Section 17. Effective Date. This resolution shall take effect immediately.

**DATED: 10-14-08**

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

**RESOLUTION 374R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO U.S. HOME CORPORATION, OF THE PERFORMANCE BOND ISSUED FOR WESTLAKE VILLAGE, SEC. 7 A/K/A BLOCK 66.01, LOTS 3.01**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, U.S. Homes, has requested a Release of the Performance Guarantee, which consists of \$45,360.00 in the form of a Performance Bond #929142256 issued by The Continental Insurance Company and a Cash Bond in the amount of \$5,040.00, pertaining to Westlake Village, Sec. 7 a/k/a Block 66.01, Lot 3.01, Jackson Township; and

**WHEREAS**, Wayne R. McVicar of Remington, Vernick & Vena, Conflict Engineer, has reviewed and approved the release of said performance bond in letter report dated October 3, 2008, which letter report is made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #929142256 issued by Continental Insurance Company in the amount of \$45,360.00 and Cash Bond in the amount of \$5,040.00, 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 \$7,560.00 or post a cash guarantee in the amount of \$5,040.00, 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.

**DATED: 10-14-08**

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

**RESOLUTION 367R-08**

**TITLE: AUTHORIZE THE PURCHASE FROM AN OCEAN COUNTY CONTRACT VENDOR THE INSTALLATION OF HVAC EQUIPMENT AT THE TOWNSHIP BUILDING LOCATED AT 65 DON CONNOR BLVD., KNOWN AS THE OLD LIBRARY**

**MOTION TO CARRY BY: MARTIN**

**MOTION SECONDED BY: RIVERE**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the Township has the need to purchase an HVAC unit for the “dome” side of the property known as the old library; and

**WHEREAS**, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the solicitation of public bids for said is not required if a purchase is made from a previously approved state or county contract vendor who participates in a co-op program with municipalities in the state of New Jersey; and

**WHEREAS**, the Governing Body must authorize purchase amounts that exceed the bid threshold of \$29,000; and

**WHEREAS**, the Township will exceed the bid threshold of \$29,000 with the purchase of required heating equipment; and

**WHEREAS**, the alternative process will be to bid out the HVAC unit which would jeopardize the continuity of service if another brand is awarded pursuant to a formal bid, and which also may lead to a higher cost of installing said unit; and

**WHEREAS**, the Township Council desires to purchase similar equipment as was already installed in the ‘Rectangular’ portion of the building, also under the auspices of the Ocean County contract B2007-201.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the Purchasing Agent to enter into a contract for said equipment as stated above with the previously approved Ocean County vendor, West Jersey Heating and Air Conditioning, in accordance with New Jersey State Law.

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

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

**DATED: 10-14-08**

**CLERK EDEN** stated they were adding Resolution 377R-08 and Attorney Gilmore read the title.

**RESOLUTION 377R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON CONSENTING TO THE ENTRY OF A SETTLEMENT ORDER IN LITIGATION FILED NY COMMODORE POINTE AND CONSENTING TO AND PARTICIPATIE IN THE ACQUISITION OF THE PROPERTY BY THE COUNTY OF OCEAN NATURAL LANDS TRUST**

**MOTION TO CARRIE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**COUNCIL PRESIDENT KAFTON** stated this consenting resolution pertains to Jackson Township’s Open Space Fund joining the County Natural Lands Trust to purchase and preserve 37 acres on Commodore Blvd. for open space and he and Ms. Updegrave will meet with the County to discuss future use of the Township s portion for light recreation. He confirmed the cost.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked how much of the \$1million was in the trust fund and Council confirmed all of it. Mr. Kafton explained it was purchased through the Open Space Trust Fund tax that is about 3¢ on the dollar and another 37 acres preserved for Jackson Township.

**KIMBERLY LUMB: 8 MONROE LANE:** She asked about the land being purchased and asked if it could be used for COAH stating most of their COAH is being put in her side of Jackson and they have become so over crowded that they should spread it out more and so much of their money is being spent of turf fields and other perks but nothing is being done to prevent the overcrowding. Mr. Kafton stated they have spread out affordable housing in other areas on County Line Road and then discussed the Mitch Leigh project that is currently in court and how they will be looking for an area for it but the 37 acres they purchased with the County was not suitable for COAH. Attorney Gilmore stated the Town would be interested in any resident that was looking to sell.

**SEAN GIBLIN: S COOKSBRIDGE ROAD:** He stated this was a settlement of a Builders Remedy lawsuit filed by Mr. Guthers and suggested taking down the “For Sale” signs to let the residents know the land was purchased and town homes or housing projects weren’t going there.

**WHEREAS,** the owner of Block 2507, Lots 26 and 44 is currently in litigation with the Township of Jackson regarding the zoning of the property and asserting a builder’s remedy against the Township for an affordable housing project; and

**WHEREAS,** the County of Ocean has expressed an interest in acquiring all or a portion of this property through the Natural Lands Trust; and

**WHEREAS,** the owner of the property and the County of Ocean have reached an agreement as to the fair market value of the property for acquisition of the property by the County of Ocean through the Natural Lands Trust; and

**WHEREAS,** the Township of Jackson is desirous in participating in the acquisition of this property and receiving its proportioned share of the property for the benefit of the residents of the Township of Jackson; and

**WHEREAS,** in order for the County of Ocean to proceed with the acquisition of the property through the Natural Lands Trust, the Township must indicate its consent to the acquisition of the property; and

**WHEREAS,** the Township Council wishes to consent to the acquisition of this property through the Natural Lands Trust and also to participate in the acquisition of the property, retaining a portion of the property for the use of the residents of the Township of Jackson.

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

1. That the Township Council does formally go on record as consenting to and supporting the acquisition of Block 2507, Lots 26 and 44, commonly known as Commodore Point, by the County of Ocean through the Natural Lands Trust and further that the Township of Jackson will participate in the acquisition of this property and will acquire a portion of the property in the name of the Township of Jackson in proportion to its contribution to the purchase price.

2. That a certified copy of this resolution shall be provided by the Township Clerk to the Ocean County Board of Chosen Freeholders.

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

**DATED: 10-14-08**

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

**RESOLUTION 353R-08**  
**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: RIVERE**  
**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.

2. Copies of this Resolution to the Tax Collector and respective taxpayers, and any other interested parties.

**TOWNSHIP OF JACKSON  
OVERPAYMENT REFUNDS  
October 14, 2008**

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
56.01	59.146	Lisa R Pereira	2007 – 4 <sup>th</sup>	\$ 601.26
56.01	59.168	Badali, Maurizio & Tina J	2007 – 4 <sup>th</sup>	630.10
701	127	Robert & Veronica M Davis	2008 – 1 <sup>st</sup>	1,513.34
			2008 – 2 <sup>nd</sup>	2,955.13
801	27	Owens, Derrick & Angela	2007 – 4 <sup>th</sup>	754.73
2801	33	Mizell, Ivory & Christine	2007 – 4 <sup>th</sup>	1,123.84
3502	16	Persicano, Frances P	2007 – 4 <sup>th</sup>	913.32
3902	32	Klein, Lester & Sandra	2007 – 4 <sup>th</sup>	439.54
5103	49	Dominic & Donna Licciardi	2008 – 3 <sup>rd</sup>	2,426.38
5808	25	Veltre, Valarie M & Dunkley, Cohen	2007 – 4 <sup>th</sup>	872.82
5812	60	Stephen & Kimberly Tavaska	2007 – 4 <sup>th</sup>	955.04
5812	74	Abramo, Keith & Danielle M	2008 – 3 <sup>rd</sup>	1,729.08
5817	5	Louis & Patricia Nicosia	2007 – 4 <sup>th</sup>	958.99
7203	1	Styles, Beth O & Todd	2008 – 2 <sup>nd</sup>	110.56
			2008 – 3 <sup>rd</sup>	1,072.72
7213	12	Milk, Walter S & Irene M	2007 – 4 <sup>th</sup>	780.13
8001	5.14	Lillian Incarnato	2007 – 3 <sup>rd</sup>	325.88
9901	52.02	McEwen, David & Nicole	2007 – 4 <sup>th</sup>	1,989.53
11404	91	Gilmore, Kevin	2007 – 4 <sup>th</sup>	721.71
10001	11	Battista, Jose L & Deborah A	2007 – 4 <sup>th</sup>	476.39
12701	12.15	David & Lorene Thetge	2008 – 2 <sup>nd</sup>	1,626.90
13104	1	Cocco, Richard P & Donna M	2007 – 4 <sup>th</sup>	123.29
14501	4.13	Darryl Gallin	2008 – 1 <sup>st</sup>	1,913.47
14702	58	Seth W & Julia Harter	2008 – 3 <sup>rd</sup>	475.19
			Interest	4.49
14705	31	Lawrence H & Judith C Dubow	2008 – 3 <sup>rd</sup>	185.31
			interest	1.88
15102	56	Carl Jr & Filomea Censoplano	2008 – 3 <sup>rd</sup>	42.15
			interest	.43
15104	4	Sam & Maxine Cahn	2008 – 3 <sup>rd</sup>	125.51
			interest	1.12
15201	8	Johnson, Elaine	2008 – 2 <sup>nd</sup>	83.77
			2008 – 3 <sup>rd</sup>	1,357.77
			2008 – 4 <sup>th</sup>	339.51
15201	39	Frank A & Gail A Reilly	2008 – 3 <sup>rd</sup>	223.36
			interest	2.14
15201	65	Edward & Annette Brenner	2008 – 3 <sup>rd</sup>	10.03
			interst	.10
15201	107	William & Jean Moran	2008 – 3 <sup>rd</sup>	510.68
			interest	4.82
18602	20.10	Rana Reggio	2007 – 4 <sup>th</sup>	784.06
19701	3	Barry & Jackie B Habel	2007 – 4 <sup>th</sup>	1,183.20
19703	15	Ruszczky, Michael & Amy	2007 – 4 <sup>th</sup>	866.80

19907	2	John Bishop	2008 – 3 <sup>rd</sup>	516.05
			interest	5.23
20001	20	Edward J & Virginia M Wicelinski	2008 – 3 <sup>rd</sup>	224.13
			2008 – 4 <sup>th</sup>	745.35
			interest	2.27
20301	28	Qfarm Blasco C/o NJ Office of the Public Guardian	2007 – 1 <sup>st</sup>	74.83
			2007 – 2 <sup>nd</sup>	74.82
20801	26	Antonelli, Patricia	2007 – 4 <sup>th</sup>	986.52
21701	23	Pezza, Anthony L & Patricia A	2007 – 4 <sup>th</sup>	1,500.38
22801	1.02	Qfarm Ralph Clayton & Sons Materials Co	2008 – 1 <sup>st</sup>	68.05
			2008 – 2 <sup>nd</sup>	68.05
22019	1	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	173.13
			2008 – 2 <sup>nd</sup>	173.13
22105	6	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	70.06
			2008 – 2 <sup>nd</sup>	70.05
22106	1	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	70.06
			2008 – 2 <sup>nd</sup>	70.05
22107	4	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	70.06
			2008 – 2 <sup>nd</sup>	70.05
22108	1	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	70.06
			2008 – 2 <sup>nd</sup>	70.05
22109	4	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	48.04
			2008 – 2 <sup>nd</sup>	48.03
22110	2	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	9.01
			2008 – 2 <sup>nd</sup>	9.01
22111	1	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	22.02
			2008 – 2 <sup>nd</sup>	22.02
22111	2	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	16.02
			2008 – 2 <sup>nd</sup>	16.01
22111	3	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	4	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	5	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	6	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	7	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	11.01
			2008 – 2 <sup>nd</sup>	11.01
22111	8	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	22.02
			2008 – 2 <sup>nd</sup>	22.02
22111	10	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	7.01
			2008 – 2 <sup>nd</sup>	7.00
22111	11	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	4.01
			2008 – 2 <sup>nd</sup>	4.00
22111	12	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	15.02
			2008 – 2 <sup>nd</sup>	15.01
22111	13	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	14	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	15	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	3.01
			2008 – 2 <sup>nd</sup>	3.00
22111	16	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	900.68
			2008 – 2 <sup>nd</sup>	900.67
22111	17	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	4.01
			2008 – 2 <sup>nd</sup>	4.00
22111	19	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	4.01
			2008 – 2 <sup>nd</sup>	4.00
22111	20	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	6.01
			2008 – 2 <sup>nd</sup>	6.00

22111	21	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	6.01
			2008 – 2 <sup>nd</sup>	6.00
22111	22	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	11.01
			2008 – 2 <sup>nd</sup>	11.01
22111	23	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	3.01
			2008 – 2 <sup>nd</sup>	3.00
22111	24	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	25	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	16.02
			2008 – 2 <sup>nd</sup>	16.01
22111	26	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	13.01
			2008 – 2 <sup>nd</sup>	13.01
22111	27	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	9.01
			2008 – 2 <sup>nd</sup>	9.01
22111	28	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	4.01
			2008 – 2 <sup>nd</sup>	4.00
22111	29	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	20.02
			2008 – 2 <sup>nd</sup>	20.01
22111	30	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	4.01
			2008 – 2 <sup>nd</sup>	4.00
22111	31	August Blvd Associates LLC	2008 – 1 <sup>st</sup>	16.02
			2008 – 2 <sup>nd</sup>	16.01
1204	57	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	2,431.97
6103	24	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,167.68
6902	33	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	779.58
7108	1	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,303.34
8001	5.26	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	819.43
8001	5.423	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	888.29
8001	5.754	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	954.04
8201	31	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,236.88
10002	17	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,428.92
11602	8	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	2,692.34
11901	12	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,496.17
12922	5	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,182.28
12926	2	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	900.00
13104	3	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,517.25
20801	22	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,347.10
20901	3 – C03C	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	521.79
21102	8	First American Real Estate Tax Service	2008 – 3 <sup>rd</sup>	1,469.28

**Total Amount: \$61,153.25**

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

**DATED: 10-14-08**

**RESOLUTION 354R-08**

**TITLE: APPROVE JACKSON TOWNSHIP COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2008**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & 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:

September 9, 2008

- 2. Copies of this resolution to any interested parties.

**DATED: 10-14-08** ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK

**RESOLUTION 355R-08**  
**TITLE: APPROVE BINGO/RAFFLE LICENSE**

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

**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:
  - RA1233-Knights of Columbus
  - RA1236-Central Jersey Italian American Club
- 2. Copies of the Resolution to interested parties.

**DATED: 10-14-08** ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK

**RESOLUTION 361R-08**  
**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO K. HOVNANIAN AT JACKSON OF THE CASH BONDS ISSUED FOR FOUR SEASONS AT METEDECONK A/K/A, VARIOUS BLOCK AND LOTS AS FOLLOWS**

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

**WHEREAS**, K. Hovnanian at Jackson has requested the release of cash bonds for winter conditions for various Block and Lots, Jackson Township as follows:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
701	94	94 Nottingham Place	\$1,000.00
701	563	3 Park Ridge Way	\$1,500.00

**WHEREAS**, Michael G. Miller, Township Engineer, T&M Associates, has reviewed and approved the release of said cash bond in letter reports dated September 19, 2008, which letter reports are made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bonds for winter conditions heretofore posted with the Township may and hereby are released to K. Hovnanian at Jackson.

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

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

**DATED: 10-14-08**

**RESOLUTION 362R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEES POSTED BY PARAMOUNT PROPERTIES FOR ROYAL GROVE LOCATED ON BLOCK 40.68, LOT 58**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, Paramount Properties has requested a Reduction of the Performance Guarantee posted for Royal Grove located on Block 40.68, Lot 58, Jackson Township; and **WHEREAS**, the following Performance Guarantees currently in place are:

- 1. Performance guarantee in the form of Performance Bond # 5019030 in the amount of \$2,869,077.78 issued by Bond Safeguard Insurance Company.
- 2. Cash Guarantee in the amount of \$318,786.42.

**WHEREAS**, Michael G. Miller, Township Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated September 19, 2008 in the following amount:

- 1. Reduction of the Performance Bond to not less than \$989,475.22
- 2. Reduction of the Cash Guarantee to not less than \$109,941.69

**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 \$2,869,077.78 to not less than \$989,475.22 and the Cash Guarantee from \$318,786.42 to not less than \$109,941.69. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

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

**DATED: 10-14-08**

**RESOLUTION 363R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY DENYING PERFORMANCE GUARANTEES RELEASE POSTED BY EARLE ASPHALT CONSTRUCTION, A/K/A BLOCK 13.01, LOT 1**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, Earle Asphalt Construction has requested a Release of the Performance Guarantees which consists of \$2,400.00 in the form of a Performance Bond #299275-95 and cash in the amount of \$240.00 and \$63,540.00 in the form of a Performance Bond #362766 and cash in the amount of \$7,060.00; and

**WHEREAS**, Albert D. Yodakis, P.E., Township Engineer, T&M Associates, has reviewed and denied the release of said Performance Guarantees in a letter report dated January 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 Township’s 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 Performance Bond #299275-5 consisting of \$2,400.00 and cash in the amount of \$240.00 and Performance Bond #362766 consisting of \$63,540.00 and cash in the amount of \$7,060.00, heretofore, posted with the Township may not be released and hereby is retained by the Township.

1. Copies of this resolution to Administration, Finance, Applicant/Developer & Township Engineer. The Mayor and Township Council are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

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

**DATED: 10-14-08**

**RESOLUTION 364R-08**

**TITLE: APPROVE TRAFFIC SIGNAL/ELECTRICAL AGREEMENT BETWEEN THE TOWNSHIP OF JACKSON AND THE COUNTY OF OCEAN FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT C.R. #22 (JACKSON MILLS ROAD) AND C.R. #12 (HYSON ROAD – SMITHBURG COURT)**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the County of Ocean has proposed to install a traffic signal light at C.R. #22 (Jackson Mills Road) and C.R. #12 (Hyson Road – Smithburg Court); and

**WHEREAS**, the County of Ocean has supplied to the Township a traffic signal agreement covering said intersection; and

**WHEREAS**, it is the desire of this governing body to enter into an agreement with Ocean County whereby the county will bear all costs of installation and maintenance and the Township will bear the cost of the electric requirements for said traffic signal; and

**WHEREAS**, the Township desires to enter into an agreement with Ocean County pursuant to the Interlocal Services Act and to approve the same by the required resolution.

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

1. That the Township Council of Jackson Township hereby formally authorizes the Mayor and Clerk to execute a traffic signal agreement with Ocean County covering C.R. #22 (Jackson Mills Road) and C.R. #12 (Hyson Road – Smithburg Court) as per the attached agreement which is made a part hereof.

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

**DATED: 10-14-08**

**RESOLUTION 365R-08**

**TITLE: APPROVE TRAFFIC SIGNAL/ELECTRICAL AGREEMENT BETWEEN THE TOWNSHIP OF JACKSON AND THE COUNTY OF OCEAN FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT C.R. #27 (CASSVILLE ROAD) AND C.R. #9 (WEST COMMODORE BLVD.)**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the County of Ocean has proposed to install a traffic signal light at C.R. #27 (Cassville Road) and C.R. #9 (West Commodore Blvd.); and

**WHEREAS**, the County of Ocean has supplied to the Township a traffic signal agreement covering said intersection; and

**WHEREAS**, it is the desire of this governing body to enter into an agreement with Ocean County whereby the county will bear all costs of installation and maintenance and the Township will bear the cost of the electric requirements for said traffic signal; and

**WHEREAS**, the Township desires to enter into an agreement with Ocean County pursuant to the Interlocal Services Act and to approve the same by the required resolution.

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

1. That the Township Council of Jackson Township hereby formally authorizes the Mayor and Clerk to execute a traffic signal agreement with Ocean County covering C.R. #27 (Cassville Road) and C.R. #9 (West Commodore Blvd.) as per the attached agreement which is made a part hereof.

2. The Township of Jackson shall provide through the utility company for the necessary electric current and will pay for all electric current and battery replacement to be used in the operation of said traffic signal.

3. The traffic signal shall be maintained and constructed by the County of Ocean or others without expense to the Township of Jackson

4. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it together with the executed agreement to the County of Ocean c/o Ocean County Engineering Department, Frank S. Scarantino, Director of Engineering, Township Administrator, Chief Financial Officer, Chief of Police, Director of Public Works and any other interested parties.

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

**DATED: 10-14-08**

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**RESOLUTION 366R-08**

**TITLE: AUTHORIZE SUBMISSION OF 2009 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT APPLICATION NO. 2009-05157-0076-00**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

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

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

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

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

2. Be it further resolved that the Mayor and Township Clerk are authorized to sign the application, the contract and any other documents necessary in connection therewith.

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

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

**DATED: 10-14-08**

**RESOLUTION 367R-08 - CARRIED**

**RESOLUTION 368R-08**

**TITLE: AUTHORIZE AMENDATORY AGREEMENT BETWEEN THE COUNTY OF OCEAN AND THE TOWNSHIP OF JACKSON FOR ROAD MAINTENANCE AND LINE STRIPING UNDER ITS SCHEDULE "C" PROGRAM FOR CY 2008 AND APPLICABLE ANNUAL COUNTY CONTRACTS FOR CY 2008, AS DEEMED APPROPRIATE BY OCEAN COUNTY ENGINEERING DEPARTMENT**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the Township of Jackson previously entered into an Agreement with the County of Ocean on January 22, 2008 for certain types of road maintenance, road overlay, etc., under the County's Schedule "C" Program for CY 2008; and

**WHEREAS**, the Township Council of the Township of Jackson is requesting an amendment to this agreement increasing the contract amount by \$400,000.00 whereby incorporating the following roadway improvements:

Paving of Miller Road, Hidden Hollow, Dorothy's Lane and Sydor Avenue (all township owned roadways); and

**WHEREAS**, if deemed appropriate by the Ocean County Engineering Department, the Township Council of the Township of Jackson is also requesting authorization to utilize the County's subcontractor for the installation of sidewalks at the following locations:

Along South Cooks Bridge Road and Manhattan Street and along North County line Road from Jackson Mills Road to North Cooks Bridge Road (in locations as designated by the Township Engineer, Daniel Burke, P.E. in coordination with the Ocean County Engineering Department and additional capital road improvement programs recommended by Township Engineer, Daniel Burke, P.E. as follows: Pine, Oakleaf, Cherry, Hamilton, Whitlock, Ocean, Strum, Pineoaka Bates, Dorchester, Brewers Bridge, Marginal, Valley, Bryant and Leming roads; and

**WHEREAS**, should the County deem the sidewalk installation fall within their Schedule C program, the Township agreed to an additional amendment to the Schedule C Agreement incorporating sidewalk installations as set forth above.

**WHEREAS**, the Township will be required to fund said services through its 2008 budget; and

**WHEREAS**, the Chief Financial Officer has certified that a maximum amount of \$400,000.00 is available in the Capital Operating Budget for this purpose.

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

1. That the Mayor and Clerk are authorized to execute an amendatory Agreement between Jackson Township and the County of Ocean increasing the contract by \$400,000.00.

2. That upon the adoption of the within resolution and execution of the agreement, the Clerk is authorized and directed to forward a certified copy of it together with the executed contract to the Ocean County Board of Chosen Freeholders, Administration, Chief Financial Officer, Township Engineer, Director of Public Works and any other interested

parties.

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

**DATED: 10-14-08**

**RESOLUTION 369R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF A DOUBLE-WIDE TRAILER TO BE USED AT THE POLICE DEPARTMENT PISTOL RANGE**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the Township of Jackson, using the Fair and Open Process in accordance with New Jersey State Law, previously advertised for the receipt of bids for a double-wide trailer to be used at the Police Department pistol range; and

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

**WHEREAS**, the Township has received two (2) proposals from the following companies: Williams Scotsman of Cherry Hill, NJ in the amount of \$58,253, and from Mobilease of Thorofare, NJ in the amount of \$62,692.00 ; and

**WHEREAS**, The Township Purchasing Agent, Municipal Engineer and Police Department have reviewed the proposals and inspected the proposed unit of the low bidder, and recommend that, in the best interest of the Township, that a contract for the purchase of above mentioned trailer be awarded to Williams Scotsman.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Council does hereby award the said contract to William Scotsman in the amount of \$58,253.

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

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

**DATED: 10-14-08**

**RESOLUTION 370R-08**

**TITLE: AUTHORIZE RENEWAL OF PET SHOP LICENSE FOR CARDINALE & ASSOCIATES, T/A DEE DEE’S DOODLES**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, the applicant, Cardinale & Associates, t/a Dee Dee’s Doodles, 21 S. Hope Chapel Road Jackson, New Jersey, has submitted an application for renewal of the license to operate a Pet Shop at the premises as set forth below pursuant to Chapter 73 of the Jackson Township Code; and

**WHEREAS**, the applications are in proper form, the proper fees have been paid and taxes have been paid up-to-date on the premises in question; and

**WHEREAS**, all involved municipal agencies and officials have either reviewed the applications or inspected the premises and have no objection to the renewal of the license.

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

1. That the Township Clerk is hereby authorized to deliver the applicant, Cardinale & Associates, t/a Dee Dee’s Doodles, 21 S. Hope Chapel Road, Jackson,

New Jersey, a renewal of the Pet Shop license commencing on October 14, 2008 and terminating January 31, 2009.

2. This license is issued subject to applicant’s continued compliance with conditions and requirements as follows:

- A. Payment of all outstanding fees and taxes.
- B. The applicant shall conform to all laws and regulations required by Chapter 73.
- C. The applicant obtaining all other local, County and State permits.

3. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Cardinale & Associates, t/a Dee Dee’s Doodles.

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

**DATED: 10-14-08**

**RESOLUTION 373R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RENEWAL OF JUNK YARD LICENSE FOR CHILDS JUNK YARD, BLOCK 150.01, LOT 18.01 (390 W. COMMODORE BOULEVARD)**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**WHEREAS**, Brenda Makuch of Childs Junk Yard has submitted an application for the renewal of a junk yard license; and

**WHEREAS**, Brenda Makuch of Childs Junk Yard has paid the requisite renewal fee, has notified all property owners within 200’ feet of the premises to be licensed and has complied with all necessary requirements for renewal pursuant of Chapter 71 of the Administrative Code of the Township of Jackson; and

**WHEREAS**, each of the necessary municipal departments and agencies has recommended the approval of the license renewal;

**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 junkyard license issued to Childs Junk Yard shall be renewed for a period of one (1) year.
2. Said license is issued for a period commencing October 14, 2008 and terminating on December 31, 2008.
3. Said license is issued subject to the applicant’s continued compliance with conditions and requirements as follows:
  - a. Payment of all outstanding fees and taxes.
  - b. The applicant obtaining all other local, County and State permits.

4. That upon the adoption of this resolution, the Clerk authorized and directed to forward a certified copy of it along with the required license certificate to Brenda Makuch at Childs Junk Yard located at Block 150.01, Lot 18.01 (390 W. Commodore Road)

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

**DATED: 10-14-08**

**RESOLUTION 375R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO ALLMAN PROPERTIES, LLC., OF**

**THE PERFORMANCE BOND ISSUED FOR 634 HERMAN ROAD, A/K/A BLOCK 2301, LOT 19**

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

**WHEREAS**, Allman Properties, LLC., has requested a Release of the Performance Guarantee, which consists of \$29,203.20 in the form of a Performance Bond #5030019 issued by Bond Safeguard Insurance Company and Cash Bond in the amount of \$3,244.80, pertaining to 634 Herman Road, a/k/a Block 2301, Lot 19, Jackson Township; and

**WHEREAS**, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated October 6, 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 #5030019 issued by Bond Safeguard Insurance Company in the amount of \$29,203.20 and Cash Bond in the amount of \$3,244.80, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$4,867.20, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and

2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.

3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

**DATED: 10-14-08**

**RESOLUTION 376R-08  
TITLE: RESOLUTION APPROVING A DISABLED VETERAN EXEMPTION ON  
BLOCK 701 LOT 713**

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

**WHEREAS**, The Department of Veteran Affairs determined that Ralph Mattiello at 8 Gorham Court, Block 701 Lot 713 to have a service connected disability that is totally disabling effective 2/11/02, has owned the above listed parcel since 7/31/08;

**WHEREAS**, Mr. Mattiello has made application to the Township as a totally disabled veteran, which has been approved by the Tax Assessor as of 9/23/08, and;

**WHEREAS**, it is Township policy to grant the exemption for the current year, and up to two preceding years.

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

1. The Tax Collector is directed to cancel taxes as follows:

2008 - \$3,325.74  
2009 - \$3,966.98 – 1<sup>st</sup> half 2009 taxes (until parcel is formally exempt)

- 2. The Tax Collector is directed to process a refund for any overpayment due to the cancellation of taxes.
- 3. The parcel is to be exempted on the 2009 tax list.

Copy to: Collector, Assessor, Finance

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

**DATED: 10-14-08**

**DISCUSSION AGENDA**

**AUDIT REPORT UPDATE - ADMINISTRATOR DEL TURCO** read a letter of recommendations made by the Auditor after they submitted the Audit which included suggestions for the Building Department and it’s computer security system, payroll reconciliation, various expenditures and a number of accounting forms to be corrected, various bank accounts, fuel billing system, a number of internal controls, cell tower and monthly rental. Councilman Martin asked about the health plan and Administrator Del Turco stated, based on Mr. Martin’s experience, there was something he wanted him to look at. Mr. Martin then asked how a check received by the Township gets deposited into their interest bearing accounts and Mr. Del Turco explained deposits are made everyday but are required to be deposited within 48 hours.

**VIDEO EQUIPMENT/SOUND SYSTEM - ADMINISTRATOR DEL TURCO** suggested giving the equipment to the schools for their use and in turn they could have a student tape the meetings that would be a savings to the Township. Mr. Kafton asked Council if they had a problem with giving the school all the equipment and it was agreed to discuss further. He stated two vendors reviewed the sound system and submitted quotes between \$14K-\$16K and stated all information would be given to the Technology Department. Mr. Del Turco discussed a number of microphone solutions. Mr. Kafton asked about the surveillance equipment and to get moving on that as soon as possible.

**CHIEF KUNZ-CURFEW DURING JACKSON EVENTS** – He suggested building into the existing curfew ordinance a set time at various events so that children are not unsupervised because of a number of situations that have arisen at particular events. He wants everyone to come out and have a good time but felt there should be a curfew for the safety of residents. Council President Kafton stated this particular Jackson Day seemed more hectic than previous years and wondered what was done different. Chief Kunz stated he didn’t feel things were done differently and lighting had definitely improved. Council Vice President Reina asked about the age he had in mind and Chief Kunz stated under 17. They discussed where additional lighting would be recommended. Mr. Kafton suggested working with the schools to handle this prior to an event so they understood what would happen if teens misbehaved. Chief Kunz stated the school withholds driving privileges when student are convicted of a driving offense and in the same spirit he felt it would be a good idea to meet with the Board of Education or Superintendent. Mr. Kafton felt it was a good idea to get the message out to the kids that there would be retribution and Chief Kunz stated he wasn’t suggesting kids leave at 6:00 but just that they should be with their parents and Mr. Kafton felt it would be difficult since the area is so large and police would spend too much time matching up kids with their parents. Council Vice President Reina asked for Attorney Gilmore’s opinion and he stated he was concerned about a curfew starting at 6:00pm and wanted to research it and stated they could make rules for the parks where kids must be accompanied by a parent or guardian after 6:00pm, which could be enforced and that would be a way to control the activity. Mr. Kafton thought a committee could be organized and Councilwoman Rivere liked the idea of having rules and regulations and it really was an issue with the teenagers since younger children would be supervised and Councilman Martin suggested the Sub- Committee could bring it up at the next meeting with the School Board and stated Chief Kunz would be invited. Council Vice President Reina stated the school Resource Officers were very proactive with the school children and wanted it to be made

clear that an assault on an officer or any other individual is a crime and they wouldn't be treated like children. The actions of a few shouldn't prevent the rest of the community from enjoying events. Chief Kunz stated the resource officers are very proactive with the students in the schools. Councilman Martin stated the majority of children in Jackson are well behaved and didn't want the action of a few to ruin it for the majority. Chief Kunz stated a flyer for the missing boy was duplicated and made available for the public since the boy has not been found and included the phone number for the Red Cross on the reverse for anyone wishing to make donations to the families affected by the fire at the Regency Apartments. He expressed condolences to Joe Sbano's family stating he was a very dedicated caring animal control officer and the police department enjoyed working with him.

**CLERK EDEN-DOG PARK** –She stated Joe Sbano was also very involved with the dog park and a number of violations had occurred in the park including underage children, dogs not registered and lack of supervision and the animal control officer was very concerned and felt the park should be patrolled or manned so the rules could be enforced. She then stated a dog was cut by glass at the park, which the owner submitted a veterinarian bill for \$112.00. Council Vice President Reina stated he presented photos prior to the construction and Council President Kafton stated it was built on a landfill and inevitably that stuff would work up to the surface. Ms. Eden stated Mr. Sbano had suggested adding top soil on a regular basis to prevent glass from coming up and then stated toys were being brought in and it needs to be manned. She suggested a yearly fee that would offset the cost of a part time Security Guard. Administrator Del Turco stated the Animal Control Officers, park patrol, DPW and Police department all oversee the park and asked to have whoever spoke to Ms. Eden contact him for their input. Mr. Reina asked who picks up after the dogs and Mr. Del Turco stated DPW cleans up the park daily. Councilman Martin asked why they can't check for glass while they clean up the grounds since they were there already? Mr. Del Turco stated he would discuss it with the Director of DPW. Clerk Eden confirmed with Council that the resident would be reimbursed for her veterinary bill and they agreed. She then reiterated that the park should be supervised and Council Vice President Reina asked if it would be more cost effective to dismantle the dog park and that it was intended to be good for the residents to enjoy their pets but from the beginning he stated it was a landfill and debris and metal would keep coming up and now they're talking about adding top soil and hiring two or three people to supervise the park and DPW doesn't get paid to clean up after dogs. Mr. Kafton agreed and added the cost of medical bills and asked the Council what they want to do? Councilman Martin asked to form a committee to get an exact cost before they dismantle the dog park and in the meantime DPW could do a better job in cleaning up the park. Councilwoman Updegrave asked how long it's been in existence and Councilwoman Rivere stated since the Spring. Councilwoman Updegrave stated the reports in the paper have been favorable and the public really enjoys it and the number of incidents were minimal and wanted more monitoring and stated someone should be responsible to see the rules are being followed. It was agreed by all to look into it a little further. Mr. Kafton suggested getting dirt in the park and keeping it cleaned up because once they pay one bill they will have to continue paying and that wouldn't be fair to the residents.

**UPDATE PARIS GRANT-CLERK EDEN** explained the Township is eligible to receive approximately \$140K for records management.

**EMS COMMITTEE-COUNCILWOMAN RIVERE** stated she was on the EMS Committee and was ask to appoint 2 Fire Chiefs and named Chief Burns and Chief Reynolds. Mr. Reina stated he felt it would be proactive to have input from different sides of town. Councilman Martin stated he spoke with Mr. Lafer and suggested a rotation system so that a chief from each of the four stations could attend on a rotating schedule. Clerk Eden recommended Council refer to the Administrative Code as this appointment may require an amendment to the ordinance.

**RESUMES FOR MAYOR-COUNCILWOMAN RIVERE** suggested sending letters, acknowledging the receipt of their resumes for the Mayor's position. Councilman Martin asked Attorney Gilmore if it was appropriate for a Council member to vote for themselves and he explained they could with conditions because of the difference between the salaries and they could vote for themselves if they agree to wave the increase in salary that goes with the Mayor's seat. He then stated the next Mayoral election would be November 2009 and there would be no regular municipal election until May of 2010 when they would elect a Mayor and two Council members. He discussed how an abstention vote would count and

then stated the Mayor could appoint a designee to act in his place with a 30 day time limit and beyond that the Council can appoint a Mayor and if not; the Council/president would become acting Mayor. Councilman Martin confirmed they couldn't vote to increase their salary but could vote to keep their Council salary and Attorney Gilmore agreed due to a conflict of interest. Clerk Eden asked about Mr. Kafton assuming the Mayors' seat and Attorney Gilmore explained under the Falkner form of government he would remain on Council but act as Mayor and could vote. Councilwoman Rivere stated the Council is in a difficult position because it's so confusing. Mr. Kafton asked about interviewing the applicants and Attorney Gilmore stated they should interview them in public but Clerk Eden felt the resumes weren't public and questioned why they would be interviewed in public? Councilwoman Updegrave stated there was no statutory requirement to interview or hire. Councilman Martin agreed to acknowledge the receipt of resumes.

**MOTION TO SEND FORM LETTER FOR INTEREST IN POSITION OF MAYOR  
BY: RIVERE**

**MOTION SECONDED BY MARTIN**

**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**COUNCIL PRESIDENT KAFTON** suggested they interview individuals so the public gets to know who they are and give their opinion. Councilwoman Rivere felt the interview shouldn't be in public because they are only being considered for the position. Council President Kafton stated he heard the Mayor would not be stepping down on the 17<sup>th</sup> and that it could be the 28<sup>th</sup> and they need to know. Administrator Del Turco wasn't aware of any change. Council Vice President Reina asked Attorney Gilmore and Clerk Eden if and when the Mayor submits his resignation, how much notice do they have to give for an emergency meeting? Attorney Gilmore stated 48 hrs would be appropriate and reminded them they would have a 30-day window.

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**PUBLIC HEARING, ANY TOPIC**

**DANIEL GROSS-18 POINTE CIRCLE:** He asked if Council President Kafton would automatically become Mayor and if he automatically gets the Mayor's salary if it goes to 31 days and Attorney Gilmore stated yes but suggested he not accept the increase in salary because of a conflict of interest. Mr. Gross commented on televising the meetings.

**KIMBERLY LUMB-8 MONROE LANE:** She read a prepared statement regarding the resignation of the Mayor and what she's read in the paper. She suggested being wise in making their selection and reminded the public that Council President Kafton was once the Mayor and asked if they really want to go backwards and suggested they pull together and do what's right for Jackson. She discussed the emergency response vehicles getting to various locations throughout the town and they should look into that.

**STEPHANIE BROWN-310 SOUTH NEW PROSPECT ROAD:** She disputed comments made by Ms. Lum regarding the response times to the Regency Club and that the response time was 15 minutes and not 40 minutes and how well they got the situation under control and commended all responders. She then stated the mess the Town was in goes back to Mayor Seda because he caused it and felt the Council was working very well together. She commended Council Vice President Reina for contacting her personally regarding a misunderstanding.

**KATHY GROSS-18 POINTE CIRCLE:** She questioned the Mayor appointing his replacement prior to vacating his position. Attorney Gilmore clarified the Mayor could appoint the Administrator, Township Clerk or a department head to serve for 30 days while the Council makes their selection and that the Mayor would no longer be earning a salary. Ms. Gross wished Clerk Eden a happy birthday.

**VINCENT MANKO-45 PITNEY LANE:** He asked Attorney Gilmore about Council members voting for themselves to be Mayor and their own salaries and Mr. Gilmore stated there were many arguments made each way regarding every situation and agreed it's very frustrating.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He referred to the conference in Atlantic City and the various hotels that were paid different amounts on Bills and Claims and asked why they stay at different hotels and he was told they could stay at whatever hotel they wanted to and Mr. Mayerowitz disagreed with that because when you go as a team you stay as a team and suggested they change it. Councilman Martin stated they could request the same place but the League of Municipalities makes the final determination. Administrator Del Turco stated many clusters of professionals stay at the same hotel. He asked about \$5K for Niscayah which was greater than 15% of the \$29K cap and asked if they received quotes? Administrator Del Turco explained it was a contract on the fuel facility that was installed prior to the CCT issue. Mr. Mayerowitz questioned the petty cash reimbursements for DPW for miscellaneous supplies and hand tools purchased out of town and asked if they were getting a bargain and if they were required to sign tools in and out? Council Vice President Reina stated he requested a report from DPW regarding a tool list inventory and the procedure regarding how tools were signed out for and is still waiting for the report. Administrator Del Turco stated he was also waiting for that information. Mr. Mayerowitz asked if the Police Department had a similar control system and Mr. Del Turco stated they keep a tight control there. Mr. Mayerowitz stated the Budget Advisory Committee had requested various reports regarding outstanding fines and any litigation status and asked Mr. Del Turco if he heard anything which he didn't but confirmed Mr. Burke sent a letter to the construction official for a follow up. Mr. Mayerowitz asked if net revenue had gotten any better compared to last year? Administrator Del Turco invited him to stop by and they could look it over together.

**JOHN SUTTLES-MEADOWOOD ROAD:** He agreed the selection for Mayor should be done out in the open since the Council speaks in favor of a transparent government.

**DORA KARKER-JACKSON ESTATES-DOUGLAS DRIVE:** She discussed an article she wrote regarding Mr. Kafton and reminded him she no longer respected him. She stated she planned on speaking with Congressman Chris Smith when he comes to Jackson so residents of mobile home parks could share their views. She then spoke of comments made in the newspapers by Mr. Todd Porter regarding Mike Kafton.

**DAN GROSS-18 POINTE CIRCLE:** He asked Councilwoman Rivere if she had a response from Senator Singer's office regarding the vacancy status request and Ms. Rivere stated she spoke with Assemblyman Malone who assured her he would get back to her when he returned from vacation. Mr. Gross stated they needed to keep after him because they need to fix the vacancy statute. He then suggested to Council to create an ordinance regarding travel and require them to get the lowest price or pay the difference and suggested putting a limit on food. Councilman Martin stated there was a \$50 per day limit on food and 37¢ per mile. Council Vice President Reina stated they were getting the same amount they were getting in 2004 because the ordinance hadn't been changed. Mr. Gross then thanked the Council for getting the turning lanes done and suggested they work on putting limits on the Mayor's needless spending because the same thing could happen when another Mayor is in office.

Attorney Gilmore wished Clerk Eden a Happy Birthday.

Administrator Del Turco explained the money being spent on the old library was from an insurance settlement. Mr. Gross asked who would be overseeing the project and in charge of signing off on the quality of work? Administrator Del Turco stated the engineer and building inspectors would perform various inspections. Councilwoman Updegrave stated she attended a seminar and learned some municipalities employed a Contract Administrator to oversee all aspects of the work has been performed according to the contract.

**JOHN GASKILL-25 NO. LAKESIDE DRIVE:** He agreed with closing the dog park and if they were to do that would it disturb the landfill cap and asked if they would have to get DEP approval? He asked about an item that was removed from the Agenda and Council advised him that the paperwork wasn't complete.

**JOSEPH BRILL-100 MURIFIELD ROAD:** He stated he sent an email to all Council members regarding a drug situation in Howell and was upset that nobody got back to thank him. Council stated they hadn't received his email and asked him resend it. He then discussed a sign outside the dog park stating no dogs were allowed and Attorney Gilmore clarified what the sign meant. Mr. Brill stated the bickering between Westlake North and

Westlake Mews must stop and something needs to be done. He felt they were being punished because the Mews had to be built first to satisfy the requirement before Westlake North.

**STEPHANIE BROWN-310 NEW PROSPECT ROAD:** She spoke of comments made earlier by Ms. Karker regarding an article by Todd Porter pertaining to Mr. Kafton wanting to be Mayor. She felt Mr. Kafton has 26 years of community service and deserves to be Mayor and should run for office if that's what he wants.

**DORA KARKER-JACKSON ESTATES-DOUGLAS DRIVE:** She stated she would continue to speak and have her voice heard because that was her right.

**RICHARD ZAUNER-109 N. COUNTY LINE ROAD:** He stated he previously spoke about the sound system and the recommendations he's made yet nobody has done anything and then commended the Council for the work they've been doing and he thought the public should be involved in selecting the Mayor.

**PAUL MAYEROWITZ-CYPRESS POINT LANE:** He suggested looking over the Administrative Code because there was a provision in it that the Council could create by ordinance a position for the matter of finances and a budget operation for expenditures to prevent the existing Mayor and future Mayor from making unnecessary purchases. He then suggested posting Bills and Claims and resolutions on the website and that would be addressed at the meetings.

**MRS. MARSALA-16 KINGS NORTH:** She asked if requisitions could be given to the Council and suggested the requisition, purchase order, shipping slip and invoice be given so Council could see what is going on financially before any bills are paid.

**MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN  
MOTION SECONDED BY: RIVERE  
YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

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

**12:20 PM**

**RESPECTFULLY SUBMITTED,**

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**COUNCIL PRESIDENT KAFTON**

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

**AME/klj**