

**ON TUESDAY, OCTOBER 28, 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 (6:55pm)  
COUNCILWOMAN UPDEGRAVE  
COUNCIL VICE PRESIDENT REINA  
COUNCIL PRESIDENT KAFTON**

**ATTORNEY GILMORE  
TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE  
ADMINISTRATOR DEL TURCO  
JAMES DIAZ (JTMUA)  
DAVE HARPEL (JTMUA)  
WILLIAM ALLMANN (JTMUA)  
ANDREW STRAUSS  
PETER MAHER**

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 378R-08  
TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE  
TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS  
CONCERNING MATTERS AS NOTED BELOW**

**CLERK EDEN** asked Attorney Gilmore if he had anything to add and he stated he had two items for litigation. One was the police officer and the other was Toll Brothers.

**MOTION TO APPROVE BY: UPDEGRAVE  
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: Update – construction of DPW salt storage structure. Update – Atlantic Equities/CME litigation – Engineering and Forester Services. Update – Niscayah contract. Toll Brothers Law suit. Update Lorenc vs. Twp. of Jackson
  - c) Potential Land Sale/Land Acquisition: Possible acquisition of property located along County Line Road.
  - d) Contracts/Agreements: Update – conveyance of Legler Water System to the J.T.M.U.A.

3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 10-28-08

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

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**7:55 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 BY THE TOWNSHIP COUNCIL**

**FIRST RESPONDERS OF THE TOWNSHIP OF JACKSON**

**COUNCIL PRESIDENT KAFTON** explained they had a lengthy Executive Session and apologized for the time. He then stated they wanted to recognize all first aid, fire and police that were present. He explained on October 13<sup>th</sup> there was a very bad fire at the Regency where 12 apartments were destroyed and had the names of over 100 volunteers that helped and wanted to present each fire station with certificates for each of their members. He thanked Quality Medical and Jackson First Aid and presented them with certificates and thanked the many residents that helped. He then stated his office called 911 because of smoke and electrical smell and reported the Police, Fire Department and ambulance arrived within a few minutes and expressed his gratitude and invited them to say a few words. The Police Captain read the individual recipient names and gave condolences to the families that were affected by the fire. Quality expressed their appreciation along with the Jackson First Aid and each of Jackson's four Fire Companies. Mr. Kafton named residents that also helped and stated Amanda Dorn went knocking on each apartment door to alert the occupants and risked her own life by going back in to get her friend and he presented her with a Certificate of Appreciation.

**UPRESENTATION BY MCGUIRE AIR FORCE BASE AND LAKEHURST**

**COLONEL SCOTT HILL-OPERATION GROUP COMMANDER-MCGUIRE AIR  
FORCE BASE**

**DENNIS BLAZAK-CHIEF ENVIRONMENTAL ENGINEER-LAKEHURST NAVAL  
BASE**

**COUNCIL PRESIDENT KAFTON** discussed the numerous reports of low flying planes and he invited Colonel Scott Hill, Operation Group Commander, to speak. Colonel Hill introduced himself, Lakehurst Chief Environmental Engineer, Dennis Blazak and Chief of Public Affairs, Captain Derrick Lee. Colonial Hill displayed a map of the region and explained their limitations regarding where flights could take place and was aware of the public's concerns. Colonel Hill stated they recently completed a 90 ft runway costing \$15 million that allows them to train for special missions in Iraq and Afghanistan and explained the challenges of landing a 90 ft wide, 130 ft long plane in the mountainous regions. He stated he raised the flight pattern from 1,000 ft to 1,500 ft after receiving numerous calls from the public. He noted the closest assault field was in South Carolina

and since they moved the training to New Jersey it saves the government about \$15 million per year in fuel costs. He then introduced Dennis Wayback from the Environmental Group who had conducted many noise studies and discussed how they reached out to many local communities and planning boards regarding their plans and he stated they were doing exactly what they said they were going to do. Colonial Hill stated they looked at many bases and found Lakehurst to be the most advantageous. He invited a C-17 instructor pilot to give an overview of the missions they are able to perform because of the training they receive at Lakehurst. Major Brandon Casey introduced himself as the person responsible for designing the training plan and gave an overview of the C-17 and its capabilities and the pilots experience and skills. Colonial Hill stated he needs to get the training done because the training will save their lives and it's critical they have the opportunity to do it and understands the base had been dormant since 1921 but during these times it was imperative they get the training done and wants to work with the public as much as possible and address their concerns. He explained how changing the flight pattern in another direction would interfere with other bases doing live ammunition training, wind and a number of other factors and felt Lakehurst would be the least impacted. Council President Kafton thanked them all and allowed Council and the public to ask questions.

**COUNCILWOMAN RIVERE** stated she attended a meeting at Westlake where they were advised air traffic would increase and was proud of their efforts because these were men going into battle to save lives but at the same time they were concerned their homes weren't strong enough to handle the shaking caused by the planes going over and was hoping the added 500 ft. would help.

**KEN BRESSIE-462 DIAMOND ROAD:** He stated he was the Chairman of the Planning Board and stated for the public that the military gave a presentation to the Planning Board and assured the public that everything they said tonight was what the Planning Board was told and they were completely open and very responsive. Mr. Bressie felt the noise was the sound of freedom and without the training everyone's life would be in danger and they had every right to do what they're doing and have been as courteous as possible. He also stated they purchased open space to prevent development from being built too close to the base and wanted the public to know they have been very upfront and courteous.

**DONNA SACHS-32 INVERNESS LANE-** She thanked them all and stated she was unaware of all this and stated knowing how large the planes were made her more afraid. She's concerned about the planes flying all day and all night even though they were 1,500 feet in the air because if the planes crash it would be devastating. Colonial Hill addressed her concerns and assured her that the planes were flying the same as any other plane coming into an airport. She understood training was necessary but didn't understand why they didn't pick a less populated area and stated the smell of fuel was also bad.

**RICHARD EGAN-24 OVERLOOK DRIVE-**He stated the country is at war on two fronts and young boys were willing to give away their futures for our freedom and thanks God every time he sees them flying over.

**BRANT BRAUE-1255 TOMS RIVER ROAD:** He stated his home was among 15 homes within a quarter mile of the runway and directly affected by the noise and the homes were worthless now because nobody would ever buy a home directly under a C-17 and Colonial Hill advised the air traffic was likely to increase to about 80,000 per year. Mr. Braue appreciated what the Westlake community was going through but it was nothing compared to the 15 homes where he lives. He wanted to know what they were going to do for the homeowners living directly under the planes and suggested they buy the homes. Colonial Hill apologized and stated the air strip has been their for 87 years and he unfortunately bought his home at a time when air activity was very low and suggested he contact the Navy.

**TONY CROCE-4 CROOKED STICK ROAD:** He stated the public was advised in 2001 but Jackson was different back then and Westlake was just beginning and he asked about the altitude and flight patterns and Colonial Hill explained how other alternatives wouldn't work.

**MIKE SAFARIAN-650 DALLAS DRIVE:** He stated he was directly in the flight path where he moved in 2000 and was disgusted with the noise and felt they should have made provisions for the homes that were directly involved because he can't sleep at night and his home is worthless and if they could spend \$15 million on a runway they could have afforded buying their homes.

**KIMBERLY LUMB-8 MONROE LANE:** She stated the planes were noisy and scary and when she lived in New York planes were always overhead and she said she would rather live with planes going over that would be protecting the country rather than planes going to Florida and she although she sympathized with residents negatively affected by the noise she was grateful knowing they were out there protecting us.

**COLONIAL HILL:** He thanked Council for inviting him and stated the military has been around for a long time and carries a lot of weight but they do their best to work with real estate offices and zoning boards and couldn't foretell what might be done but recommended they continue to speak with the Council to explore options.

**GARTH MICHAELS-285 GRAWTOWN ROAD:** She was a Colonial's daughter and respected the military and asked if they would consider cutting off activity by 11pm so residents could get their sleep and Colonial Hill explained the importance of training in the evening and during the summer months the sun doesn't set until after 9pm but assured her he would consider her suggestion of summer/winter hours.

**MOTION TO CLOSE PUBLIC PORTION-BY: MARTIN**  
**MOTION SECONDED BY: UPDEGRAVE**  
**YES: MARTIN, UPDEGRAVE, RIVERE, REINA & KAFTON**

**COUNCIL PRESIDENT KAFTON** thanked all speakers for coming and answering questions.

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**COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:**

**COUNCILMAN MARTIN** thanked everyone for coming and stated he enjoyed the Halloween party and applauded the Clean Community Act group that did a great job and then announced a fund raising at the Larson Road Fire House on Sunday from 9am-1pm. He then stated he spoke with the Director of Public Works regarding the Dog Park and learned they would patrol the park twice a day and clean up any glass plus they would be adding 4 inches of sand to prevent anything from coming up.

**COUNCILWOMAN RIVERE** thanked the Fire Departments and First Aid for coming and thanked the military for speaking. She stated she spoke to Mayor Seda earlier and confirmed he wouldn't be resigning today as rumored because he still had projects to attend to but got the feeling it would be soon.

**COUNCILWOMAN UPDEGRAVE** thanked everyone for coming and told Pat Wood that she and Connie Sidor did a great job and she enjoyed working with them on the Clean Community event.

**COUNCIL VICE PRESIDENT REINA** thanked everyone for their contribution to the town regardless of what capacity and thanked everyone for coming to the meetings. He added he has flags in his backyard for the pilots that fly over and calls it freedom.

**COUNCIL PRESIDENT KAFTON** thanked everyone for coming out and thanked Pat and Connie Sidor for the Clean Community event that over 500 people attended. He confirmed they might be teaching a class for the DEP because they were so impressed with what they did. He then stated the Senior Expo had a great turn out and commended the group. He stated he wanted to add an item to the discussion agenda to discuss lowering the bid threshold.

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**BILLS AND CLAIMS**

**COUNCIL PRESIDENT KAFTON** stated there was a bill for Carl’s Fencing and asked to hold it because he didn’t get the information he requested. He had nine purchase orders he was voting no on because the Mayor’s office didn’t feel it necessary to advise Council and read them aloud for the records noting they concerned the construction at the old library and the painting done at Public Works.

**MOTION TO HOLD CARL’S FENCING AND APPROVE ALL OTHERS**

**LISTED BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**ABSTAIN: MARTIN (JUAN BELLU & ASSOCIATES)**

**NO: KAFTON (BAYWAY LUMBER, BUILDERS SRVCS GROUP, BURKE FENCE, FINE LINE PAINTING, HOME DEPOT, LEONARDS MECHANICAL & LOWES)**

**CAPITAL**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
60846	JACKSON TOWNSHIP P/R ACCT	7,359.18
60847	ATLANTIC PLUMBING SUPPLY CORP.	4,644.87
60848	BAYWAY LUMBER	9,699.66
60849	BEDROCK CONCRETE CORP.	11,507.16
60850	BUILDERS SERVICES GROUP	3,007.00
60851	BCI BURKE CO., LLC	2,074.24
60852	BURKE FENCE	4,300.00
60853	VOID	-0-
60854	CLARK, CATON & HINTZ CORP.	70.50
60855	EARLE ASPHALT COMPANY	72,253.75
60856	HECHT TRAILERS, LLC	502.95
60857	THE HOME DEPOT	864.38
60858	JCP&L, A FIRST ENERGY CO.	5,060.24
60859	K & L CONSTRUCTION COMPANY	2,800.00
60860	LEONARDS MECHANICAL	3,100.00
60861	LOWE’S COMPANIES, IINC.	122.09
60862	MISSING LINK FENCE CO.	15,209.07
60863	REHABCO, INC.	1,458.00
60864	REMINGTON, VERNICK & VENA ENG.	1,410.00
60865	RUSSO & CASSIDY, LLC	9,191.00
60866	SERVEPRO OF FREEHOLD	35,000.00
60867	THE YETKA CORP.	104,251.91
60869	CDW GOVERNMENT, INC.	1,035.00
	<b>TOTAL</b>	<b>294,921.00</b>

<b>CHECK #</b>	<b>VENDOR</b>	<b>AMOUNT</b>
78183	JACKSON TOWNSHIP P/R ACCT	630,262.92
78184	JACKSON TOWNSHIP P/R ACCT	44,099.53
78185	ACTION OFFICE SUPPLIES INC.	147.14
78186	AFFORDABLE BACKYARD SUPPLIES	250.00
78187	AIR FORCE JR. ROTC	300.00
78188	AMSTERDAM PRINTING & LITHO	342.25
78189	ANS CONSULTANTS INC.	250.00
78190	ARDOM BEARING GROUP, INC.	150.44
78191	ASBURY PARK PRESS, INC.	1,567.88
78192	ATLANTIC BUSINESS PRODUCTS	71.10
78193	ATLANTIC LINING COMPANY, INC.	27,950.40
78194	JUAN BELLU & ASSOC.	1,399.80

78195	BEYER BROTHERS CORP.	464.51
78196	B.J. TOWING	293.50
78197	BOY SCOUTS TROOP 34	300.00
78198	BOY SCOUT TROOP 204	300.00
78199	BRITTON INDUSTRIES INC.	4,880.00
78200	MICHAEL P BUTLER	86.29
78201	VOID	-0-
78202	CITTA, HOLZAPFEL & ZABARSKY	1,352.00
78203	CLARK, CATON & HINTZ CORP.	475.88
78204	CORE MECHANICAL, INC.	1,156.20
78205	COSTO WHOLESALE 229	557.74
78206	COUNTY OF OCEAN DPT. O F FINANCE	6,013,825.87
78207	CROWNE PLAZA PHILADELPHIA	297.00
78208	CUB SCOUT PACK 34	100.00
78209	CUB SCOUT PACK 104	300.00
78210	JOSEPH G & BRENDA N DAUT	1,200.00
78211	DELTA PRODUCTS, INC.	699.95
78212	DIAMOND COMMUNICATIONS, LLC	3,528.00
78213	DOWNS FORD, INC.	110.51
78214	DSI MEDICAL SERVICES, INC.	28.85
78215	EDWARDS TIRE COMPANY, INC.	27,960.82
78216	EMERGI-CLEAN INC.	259.00
78217	EMTEC INC.	742.30
78218	ENTERTAINERS PLUS!, LLC	325.00
78219	EXCAVATING MATERIALS &	1,092.00
78220	EYEMED VISION CARE/FAA INC.	592.50
78221	FERGUSON ENTERPRISES, INC.	234.37
78222	FINE LINE PAINTING	8,340.00
78223	FIRST CHOICE CATERERS	1,100.00
78224	FIRST AMERICAN REAL ESTATE TAX	281.71
78225	FLEETSOURCE LLC	144.94
78226	VOID	-0-
78227	GARDEN STATE HIGHWAY	2,111.76
78228	GARY KUBIAK & SON ELECTRIC INC.	2,524.30
78229	GIRL SCOUT TROOP 50527	200.00
78230	GPANJ	60.00
78231	GRAINGER	767.85
78232	HC JOHNSON SCHOOL	300.00
78233	HOLMAN THEATRE COMPANY	100.00
78234	THE HOME DEPOT	927.00
78235	IKON OFFICE SOLUTIONS	417.00
78236	INDUSTRIAL WELDING SUPPLY INC.	55.20
78237	MARTON TRUCKS INC.	483.37
78238	JACKSON MEM. ICE HOCKEY CLUB	200.00
78239	JACKSON LIBERTY KEY CLUB	100.00
78240	JACKSON BUS DRIVERS	100.00
78241	JACKSON JACKALS INCE HOCKEY CLB	200.00
78242	JACKSON TWP BOARD OF ED.	5,741,982.32
78243	JACKSON TWP. MUN UTILITIES AUTH.	7,650.68
78244	JACKSON TWP. RECREATION DEPT.	2,783.03
78245	JACKSON ELKS LODGE #2744	200.00
78246	JACKSON TWP OPEN SPACE TRUST	5,565.97
78247	JASON MILLS, LLC	570.00
78248	JERSEY CENTRAL POWER & LIGHT	872.13
78249	JCP&L A FIRST ENERGY COMPANY	35,274.16
78250	JDM PLANNING ASSOCIATES, LLC	1,560.00
78251	JIM CURLEY PONTIAC	240.98
78252	JOOI CLUB OF GOETZ	300.00
78253	JOSEPH GARTLAND, INC.	566.95
78254	J.R. HENDERSON LABS, INC.	70.00
78255	KAYE WELL DRILLING, INC.	1,907.75
78256	VOID	-0-

78257	K. HOVANIEN AT JACKSON, LLC	298.80
78258	KML TECHNOLOGY, INC.	80.00
78259	MATTHEW KUNZ-PETTY CASH	20.00
78260	LAKEWOOD AUTO SUPPLY INC.	870.52
78261	LEXINGTON COMMONS, HOA	58.32
78262	HONORABLE JAMES A LIGUORI	500.00
78263	SUSAN LOTITO	190.00
78264	MC CRYSTAL REPORTING SERVICE	600.00
78265	METICULOUS LANDSCAPING, INC.	4,357.00
78266	MOM'S CLUB OF JACKSON	400.00
78267	MONMOUTH TELECOM	1,331.16
78268	MULVANEY, CORONATO AND BRADY	3,333.34
78269	NAPCO/R.S. KNAPP CO., INC.	247.00
78270	NEW JERSEY NATURAL GAS	1,338.62
78271	N.J.R.P.A.	60.00
78272	NJSLM	837.00
78273	NJ SHADE TREE FEDERATION	470.00
78274	OCEAN COUNTY BOARD OF HEALTH	4,305.00
78275	OCEAN CNTY POLICE CHIEFS ASSN.	200.00
78276	OCEAN COUNTY SHERIFF'S DEPT.	1,880.00
78277	OFFICE NEEDS	1,820.20
78278	OFFICE OF HOMELAND SECURITY	316.38
78279	OPTIMIST CLUB OF JKSN LIBERTY	300.00
78280	PACK 399	100.00
78281	PARAMOUNT HOMES @ GRAND AVE LL	1,526.75
78282	PEDRONI FUEL COMPANY, INC.	22,225.37
78283	PEPCO ENERGY SERVICES, INC.	2,625.71
78284	PINA M.. INC.	1,005.44
78285	PL CUSTOM BODY & EQUIPMENT	202.92
78286	RAM HYDRAULICS, INC.	450.00
78287	REALTY APPRAISALS CO.	90,000.00
78288	REMINGTON, VERNICK & VENA ENG.	574.75
78289	RITTENHOUSE KERR FORD INC.	525.01
78290	RODIO TRACTOR SALES, INC.	105.30
78291	TONI NAGLE-ROWE, CTA	39.11
78292	BRIAN E. RUMPF	1,273.12
78293	RWV LAND/LIVESTOCK CO., INC.	1,080.00
78294	SHOPRITE/PERLMART, INC.	151.44
78295	SHERI SILVERSMITH-PETTY CASH	123.85
78296	SNAP-ON INDUSTRIAL	65.00
78297	SPRINT	479.86
78298	STATE OF NEW JERSEY-PWT	166.74
78299	TRENTON BRAKES, INC.	425.34
78300	TRICO	9,052.41
78301	TROOP 590 GIRLS SCOUTS	100.00
78302	MICHAEL CEPPALUNI DBA/UNITED	190.00
78303	VAN SANT EQUIPMENT	4,325.20
78304	VAN SANT SEWER SERVICE LLC	1,016.20
78305	VENTURE CREW 400	100.00
78306	VERIZON WIRELESS	42.70
78307	VOID	-0-
78308	VERIZON	781.05
78309	VETERINARY SURG. & DIAG. SPEC.	54.77
78310	KALIDAS & DIVYAPRABHA VYAS	75.00
78311	WALTER R. EARL CORP.	365.87
78312	W.B. MASON COMPANY	723.64
78313	WELLS FARGO HOME MTG INC.	1,261.60
78314	THE WELL DOCTOR ENTERPRISES	487.75
78315	WESTLAKE MASTER ASSOCIATION	6,540.88
78316	WESTLAND MEWS TENNANTS ASSOC.	200.00
78317	WINDING WAYS HOMEOWNERS ASSC.	9,240.66
78318	KELLY WINTHROP, LLC	560.00

78319	WAQAR ZAIDI	2,000.00
78320	FOUR SEASONS @ METEDECONK LAKES	37.43
78321	K. HOVNANIAN @ JACKSON LLC	20,250.94

**TOTAL 12,790,276.00**

CHECK #	VENDOR	AMOUNT
56-59	DEV FEES-COAH	8,052.90
4818-4846	DEVELOPERS	414,951.31
60808-60809	GENERAL TRUST	375.60
9133	OPEN SPACE	9,000.00
62250-62267	PARKS REC	6,838.24

**CLERK EDEN** explained an ordinance scheduled for First Reading, 40-08 authorizing a sale of property had been removed from the agenda until they could confirm the proper land owner name and felt it would be presented at the next meeting scheduled November 12, 2008. She also stated a resolution was being removed regarding a Place-to-Place transfer for Vinci's Bar & Grill because she hadn't received the paperwork from the Police Department as anticipated but should have it for the November 12<sup>th</sup> meeting also.

**ORDINANCES, SECOND 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**

**PUBLIC HEARING OPENED**

**JOHN GASKILL-25 NO. LAKESIDE AVENUE:** He asked for a dollar amount and Council President Kafton stated it was about \$300K

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

**MOTION SECONDED BY: REINA**

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

**MOTION TO APPROVE ORDINANCE 37-08 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**TOWNSHIP OF JACKSON  
COUNTY OF OCEAN**

**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.

\_\_\_\_\_  
ANN MARIE EDEN  
TOWNSHIP CLERK

**DATED: 10-28-08**

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**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)**

ATTORNEY GILMORE advised the Council to remove this ordinance because the name was previously given as Helen Peters and the ordinance should read Helen Peters, LLC. Clerk Eden agreed to have it presented for First Reading at the November 12<sup>th</sup> meeting.

Councilwoman Rivere congratulated Attorney Gilmore on the birth of his grandson on Friday.

**ORDINANCE FIRST READING**

**39-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 2507, LOTS 26 AND 44 FROM COMMODORE POINTE, LLC**

**MOTION TO APPROVE ORDINANCE 39-08 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, NOVEMBER 12, 2008 BY: UPDEGRAVE MOTION SECONDED BY: REINA**

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

COUNCIL PRESIDENT KAFTON stated he requested a list of all professionals involved which Attorney Gilmore agreed to provide at the next meeting and voted yes.

**ORDINANCE 39-08**

**TOWNSHIP OF JACKSON  
ORDINANCE NO. 39-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF A PORTION OF BLOCK 2507, LOTS 26 AND 44 FROM COMMODORE POINTE, LLC**

**WHEREAS**, Commodore Pointe, LLC is the assessed owner of Block 2507, Lot 26 and David Cohen and Bernard Gutherz are the assessed owners of Block 2507, Lot 44; and

**WHEREAS**, Commodore Pointe, LLC and David Cohen and Bernard Gutherz have indicated a willingness to sell the subject property to the County of Ocean and Township of Jackson for the sum of \$3.25 million; and

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

**WHEREAS**, the County of Ocean has taken the lead in this acquisition and the Township of Jackson will contribute \$1,000,000.00 toward the purchase price and will receive title to a proportionate part of the property.

**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 2507, Lot 26 from Commodore Pointe, LLC and Block 2507, Lot 44 from David Cohen and Bernard Gutherz. This property is being acquired by the Township of Jackson pursuant to N.J.S.A. 40A:12-5(a)(1) and the County of Ocean.

**SECTION 2.** That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the acquisition of the subject property from Commodore Pointe, LLC and David Cohen and Bernard Guterz, the Township receiving title to a portion of the property in regard to its contribution to the overall purchase price as agreed with the County of Ocean.

**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 thereof.

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

**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 28<sup>th</sup>, 2008, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 12<sup>th</sup> day of November, 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.

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**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

**DATED: 10-28-08**

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**41-08**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 65 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED “HAWKING, PEDDLING AND SOLICITING”**

**MOTION TO APPROVE ORDINANCE 41-08 ON FIRST READING,  
ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND  
PUBLIC HEARING TO BE HELD ON, NOVEMBER 12, 2008 BY: MARTIN  
MOTION SECONDED BY: RIVERE  
YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**COUNCILMAN MARTIN** stated this ordinance prevents sales people from going to the home of residents that have put their name on a No Knock Registry.

**ORDINANCE NO. 41-08**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 65 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED “HAWKING, PEDDLING AND SOLICITING”**

**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.** The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 65, entitled “Hawking, Peddling and Soliciting,” so as to create a new § 65-4.1, entitled “No Knock Registry,” in its entirety as follows:

**§ 65-4.1. No Knock Registry.**

A. The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, peddling, itinerant vending and door-to-door sales enterprising are not permitted on the premises (hereinafter referred to as the “No Knock” Registry). Notification shall be by completion

of a form available at the Township Clerk's Office during normal business hours. The list shall be updated on January 15 and July 15 of each year.

B. Any owner and/or occupant who has requested enlistment on the No Knock Registry pursuant to subsection A herein, shall be able to procure from the Clerk's Office a sticker for display at his/her/its premises indicating enlistment on the No Knock Registry. If the owner and/or occupant desires to have said sticker mailed to him or her, a one (\$1.00) dollar fee shall be made payable to the Township Clerk of Jackson at the time of the request. No fee shall apply for stickers picked up in person.

C. The Township Clerk shall distribute the current No Knock Registry to a licensee at the time of issuance of a license to peddle, canvass, itinerant vend or otherwise door-to-door sell, pursuant to the provisions of this article. The licensee shall not peddle, canvass, itinerant vend or conduct door-to-door sales at any premises identified on the then current No Knock Registry.

D. Any canvasser, peddler, itinerant vendor or owner or employee of a door-to-door sales enterprise who violates any provision of this section shall be:

- (1) Subject to a maximum ordinance violation fine of \$1,250 per offense;
- (2) Subject to a one (1) year revocation of any license issued pursuant to the within article; and
- (3) Ineligible to receive a new license, pursuant to the within article, for a period of one (1) year, coinciding with the terms of the one year revocation noted in subsection D(2) herein.

**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).

**DATED: 10-28-08**

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**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**PUBLIC HEARING OPENED, RESOLUTIONS ONLY**

**DAN GROSS-18 POINTE CIRCLE:** He asked for information regarding Resolution 367R-08 and Administrator Del Turco explained the Council requested they go through the County contracts for the purchase of a heating unit for the dome building. They got a proposal for \$35,860.00 to do the system. Councilman Martin asked if the Township was saving money going that route and he stated yes. Council President Kafton asked how he knew they were saving money and if everything was priced out? Administrator Del Turco stated it was pre-bid, and explained it would be illegal to call local companies as suggested at an earlier meeting, and since one HVAC unit was installed in one part of the building it was strongly recommended they install the same unit in the dome building. He explained what would happen if they went out to bid and that they may not get the same unit because of how it would have to be worded. Council Vice President Reina asked Mr. Burke for his information and Mr. Burke stated it wouldn't be cost efficient to have two different units because of service contracts, etc. If it went out to bid they could specify what unit they want but the vendor may suggest a less expensive unit in order to get the contract and that would cause problems down the road and he felt the potential for savings wasn't that much and recommended staying with the County contractor and assured him it had already been through the County bid process. Councilwoman Rivere

felt more comfortable going with the County. Councilman Martin thanked him for the added information that wasn't available at the last meeting.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He referred to Resolution 384R-08 and asked if they established the criteria on how RFP's would be evaluated and by who and asked if they would notify the public why they chose a professional because it wasn't done in the past. Clerk Eden stated the Mayor puts forth his recommendation for professional services, with the exception of the Auditor. Council President Kafton stated they would be looking at experience.

**DAN GROSS-18 POINTE CIRCLE:** He stated the School Board has a manual showing what to look for when picking a professional and suggested the township do the same.

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

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

**RESOLUTION 367R-08 (Carried from October 14, 2008)**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PURCHASE FROM AN OCEAN COUNTY CONTRACT VENDOR FOR THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT AT THE TOWNSHIP BUILDING LOCATED AT 65 DON CONNOR BLVD, KNOWN AS THE OLD LIBRARY.**

**MOTION TO APPROVE BY: MARTIN**

**MOTION SECONDED BY: UPDEGRAVE**

**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: 10-28-08**

**RESOLUTION 383R-08**

**TITLE: CONSENT TO THE APPOINTMENT OF TONI NAGLE-ROWE AS TOWNSHIP TAX ASSESSOR COMMENCING OCTOBER 29, 2008.**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**WHEREAS**, The Mayor, with the advise and consent of Township Council, adopted Resolution 279R-08 appointing Toni Nagle- Rowe as acting Tax Assessor pursuant to N.J.S.A. 40A:9-146; and

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

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

1. That the Mayor, with the advise and consent of the Township Council, does hereby appoint Toni Nagle- Rowe as Tax Assessor commencing October 29, 2008.
2. The Township Council establishes the salary for Toni Nagle-Rowe at \$82,000.00 per annum and sets forth a minimum 35 hour work week.
3. That the appointment of Toni Nagle- Rowe as Tax Assessor of the Township of Jackson is made in accordance with the provisions of N.J.S.A 40A:9-146.
4. That a certified copy of this resolution be forwarded to Administration, Chief Financial Officer, Personnel, Payroll, Appointee and any other interested parties.

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

**DATED: 10-28-08**

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**RESOLUTION 386R-08**

**TITLE: AUTHORIZE THE RENEWAL OF PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE #1511-033-024-001 HELD "IN POCKET STATUS" BY IRA PORT**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**COUNCIL PRESIDENT KAFTON** explained Ira Port owns the license and was looking to build in Jackson where he could use the license. Clerk Eden explained they would have to be 200' from a school and clarified that it was a consumption license used in restaurants.

**WHEREAS**, Ira Port has filed a renewal application for the fiscal year July 1, 2008 through June 30, 2009 for Plenary Alcoholic Beverage Consumption License No. 1511-33-024-001; and

**WHEREAS**, said licensee has complied with State law and local ordinances, has received a Special Ruling from the State of New Jersey Department of Public Safety Division of Alcoholic Beverage Control dated October 4, 2007. Licensee has submitted the proper license fee and application and it is now the desire of this governing body to grant the renewal of said license; and

**WHEREAS**, the Township Attorney has reviewed said license renewal application and has approved same.

**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 Plenary Retail Alcoholic Beverage Consumption License No. 1511-33-024-001 held in pocket status by Ira Port, 147 Larchwood Avenue, Oakhurst, New Jersey 07755 be and is hereby renewed for the licensing year from July 1, 2008 through June 30, 2009.

2. That the license fee in the amount of \$2,000.00 has been paid to the Township for said licensing period.
3. That upon the adoption of this resolution, the Clerk is directed to forward a certified copy of it to the applicants, the appropriate Township Officials, New Jersey Division of Alcoholic Beverage Control and other interested parties.
4. This resolution shall be effective Nun Pro Tunc to July 1, 2008.

**DATED: 10-28-08**

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

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

**RESOLUTION 379R-08**

**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**TOWNSHIP OF JACKSON**

**OVERPAYMENT REFUNDS**

**October 28, 2008**

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
111		120.01 Paramount Homes @ Grand Ave LL	2007 – 1 <sup>st</sup>	\$ 763.39
			2007 – 2 <sup>nd</sup>	763.36
701	55	K Hovnanian @ Jackson LLC	2008 – 1 <sup>st</sup>	9,221.59
			2008 – 2 <sup>nd</sup>	9,221.58
703	11	K Hovnanian @ Jackson LLC	2008 – 1 <sup>st</sup>	298.80
4701	31	K Hovnanian @ Jackson I LLC	2008 – 3 <sup>rd</sup>	1,807.77
7807	30	First American Real Estate Tax Services	2008 – 1 <sup>st</sup>	140.86
			2008 – 2 <sup>nd</sup>	140.85
9703	27	Zaidi, Waqar	2007 – 4 <sup>th</sup>	2,000.00
13001	29	Michael P Butler & Kwok Fong Leewan	2007 – 3 <sup>rd</sup>	86.29
13105	36	Wells Fargo Home Mortgage	2008 – 3 <sup>rd</sup>	1,261.60
13901	15	Daut, Joseph G & Brenda N	2007 – 4 <sup>th</sup>	1,200.00
21801	2	Lexington Commons Association	2007 – 1 <sup>st</sup>	9.72
			2007 – 2 <sup>nd</sup>	9.72
21801	25	Lexington Commons Association	2007 – 1 <sup>st</sup>	9.72
			2007 – 2 <sup>nd</sup>	9.72
21801	50	Lexington Commons Association	2007 – 1 <sup>st</sup>	9.72
			2007 – 2 <sup>nd</sup>	9.72
143.06	310	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
143.06	318	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
143.20	47	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	11.01	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	54	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	64	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	89	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99

			2007 – 2 <sup>nd</sup>	.98
701	193	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	205	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	222	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	235	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	300	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	322	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
701	658	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
702	28	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
702	29	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
703	55	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
703	60	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98
705	67	Four Seasons @ Metedeconk Lakes	2007 – 1 <sup>st</sup>	.99
			2007 – 2 <sup>nd</sup>	.98

**Total Amount: \$27,001.84**

**DATED: 10-28-08**

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

**RESOLUTION 380R-08  
TITLE: APPROVE BINGO/RAFFLE LICENSE**

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

**COUNCILMAN MARTIN** noticed a typographical error that Clerk Eden amended.

**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:
  - RA-1234 - Jackson Education Association
  - RA-1235 - Jackson Education Association
  - RA-1237 – Jackson VFW #4703 Ladies Auxiliary
  - RA-1238 – Jackson Memorial Band Parents, Inc.
  - RA-1239 – NJ 782<sup>nd</sup> AFJROTC parents Group of Jackson Memorial and Liberty High School(s)
2. Copies of the Resolution to interested parties.

**DATED: 10-28-08**

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

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**RESOLUTION 381R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY WAIVING REQUIREMENT OF MAINTENANCE BOND TO ALBERT LEE CONSTRUCTION (MARILOU ASSOCIATES/PAUL HOWE) ISSUED FOR JACKSON PHARMACY, A/K/A BLOCK 76, LOT 4**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**COUNCILWOMAN UPDEGRAVE** asked what was being done at the site and why they were waiving requirements? Clerk Eden explained it wasn't a development but a site plan and T&M had no objection.

**WHEREAS**, On September 9, 2008 the Performance Guarantee for Jackson Pharmacy, A/K/A Block 76, Lot 4 was released pending the posting of a maintenance bond;

**WHEREAS**, Albert D. Yodakis of T&M Associates, Township Engineer, has further reviewed the project file with the developer and has approved their request to waive the maintenance bond requirement in letter report dated October 7, 2008, which letter report is made a part hereof; and

**WHEREAS**, the Township Council of the Township of Jackson has considered 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, the maintenance guarantee has been waived considering the age of the project and the fact that this is a privately owned and maintained site.

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.

**DATED: 10-28-08**

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

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**RESOLUTION 382R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO VILLA LINA, INC., OF THE MAINTENANCE GUARANTEE ISSUED FOR FERRARI PLAZA, A/K/A BLOCK 140.01, LOT 6.02**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**WHEREAS**, Villa Lina, Inc., has requested a Release of the Maintenance Guarantee, which consists of \$19,845.52 in the form of a Letter of Credit #68016132 issued by Bank of America, pertaining to Ferrari Plaza, Block 140.01, Lot 6.02, Jackson Township; and

**WHEREAS**, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said maintenance guarantee in letter report dated October 9, 2008, which letter report is made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Maintenance Guarantee, which consists of Letter of Credit #68016132 issued by Bank of America in the amount of \$19,845.52, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. 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.
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: 10-28-08**

**RESOLUTION 384R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR 2009 LEGAL AND PROFESSIONAL SERVICES**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**WHEREAS**, the Township of Jackson has a need for various Legal and Professional Services for calendar year 2009; and

**WHEREAS**, the Township Council has determined to utilize the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq. for the solicitation of sealed proposals for these Services.

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

1. That the Township Council does hereby authorize the preparation, advertisement and receipt of sealed proposals for 2009 Legal and Professional Services for the Township of Jackson, the Jackson Township Planning Board, Zoning Board of Adjustment, Rent Leveling Board and the Jackson Township MUA.
2. That after the date and time for the receipt of sealed proposals has been determined, a Notice for the Solicitation of Professional Services shall be advertised as prescribed by law.

A copy of this resolution shall be forwarded to the Municipal Administrator, Purchasing Agent, Planning Board, Zoning Board of Adjustment, Rent Leveling Board, and the Jackson Township MUA.

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

**DATED: 10-28-08**

**RESOLUTION 385R-08**

**TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**WHEREAS**, the Chief Financial Officer has submitted a monthly report; and

**WHEREAS**, the Township Clerk has submitted this report to the Township Council for their approval;

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

1. The CHIEF FINANCIAL OFFICER’S Report for the month of September 2008 is hereby approved.

2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

**DATED: 10-28-08**

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

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**RESOLUTION 387R-08**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR CONFLICT/ALTERNATE PUBLIC DEFENDERS**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**WHEREAS**, the Township of Jackson previously awarded contracts for the position of Public Defender and Conflict/Alternate Public Defender for CY 2008; and

**WHEREAS**, the Jackson Township Municipal Court has requested additional Conflict/Deputy Public Defenders for the remainder of CY 2008; and

**WHEREAS**, the Township Council is in agreement with the Municipal Court for the need to solicit additional proposals for this professional service utilizing the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq.

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

1. That the Township Council does hereby authorize the preparation, advertisement and receipt of sealed proposals for Conflict/Alternate Deputy Public Defender for the remainder of CY 2008
2. That after the date and time for the receipt of sealed proposals has been determined; a Notice for the Solicitation of Professional Services shall be advertised as prescribed by law.

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

**DATED: 10-28-08**

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

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**DISCUSSION AGENDA:**

**MIKE KAFTON-LOWER BID THRESHOLD ON SPENDING**

**COUNCIL PRESIDENT KAFTON** stated the Mayor has gone beyond the anticipated resignation date because he had unfinished projects and Mr. Kafton stated much work is being done around Jackson without explanation yet they were asked to approve bills and feels the Council had the right to know what is being spent and why and felt the only way to put an end to it was to temporarily lower the bid threshold. Attorney Gilmore read the statute and confirmed they had the right to lower the threshold and Councilwoman Rivere wanted to be sure it would only be temporary and confirmed she wasn’t aware of the

projects Council President Kafton just advised them of. Mr. Kafton stated this was the only way he could think of to put an end to spending and that it could be lifted in the future. Council Vice President Reina addressed Administrator Del Turco regarding the Administrative Code and asked if the money being used was under the threshold and he stated yes. Mr. Reina then asked Attorney Gilmore to confirm the Council had the right to adopt a resolution? Mr. Gilmore stated it was up to the Mayor to enforce it and gave situations that may arise when they conflict. Councilwoman Rivere felt the Mayor wouldn't have the opportunity to sue the township if he resigns in a week and agreed with Mr. Kafton that something must be done to stop the spending and putting a cap on spending was the place to start. Attorney Gilmore stated they had the authority to lower the bid threshold for either an item that has to be publicly bid or an item that has to go out for quotation. Dan Burke stated there was equipment in the Public Works Department that may go beyond the \$5K threshold and it may cause a problem if they go through with their plan. Councilwoman Updegrave suggested the Administrator or the Purchasing Agent provide detailed information to the Council if a requisition goes beyond 15% because government can't stop working. Mr. Kafton agreed it wasn't the best situation to be in but it's costing the Township taxpayers to continue in the present direction. Councilman Martin was concerned that it would limit what a department could do if they lower the threshold and shared his frustration but wanted to come up with a better solution because he didn't want to shut down Public Works or the Police Department. Administrator Del Turco reminded them that purchasing fuel and salt goes over \$5K and how it would cause a significant disruption in operation. Councilwoman Rivere felt \$15K was a more reasonable amount. Attorney Gilmore advised they could lower the threshold but must consider the ramifications and suggested they do so and exclude emergency situations. Mr. Kafton confirmed \$4350 was 15% of the bid threshold, State contract purchases and interlocal agreements.

Attorney Gilmore will prepare resolution for inclusion into the record.

**TITLE: ESTABLISHING A BID THRESHOLD OF \$4,350.00 IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:11-3**  
**BY: UPDEGRAVE**  
**MOTIONED SECONDED BY: MARTIN**  
**YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON**

**CLERK EDEN** reminded the public that November 4<sup>th</sup> is Presidential Election Day and the polls would be open from 6:00am – 8:00pm.

**CLERK EDEN** -stated Council was in receipt of the Mayor's veto re Ordinance 36-08 and under this form of government the Mayor has the authority to veto and the Council has the authority to override the Mayor's veto by a 2/3 vote. Mr. Kafton confirmed the ordinance pertained to collecting fines and he asked Attorney Gilmore if the Mayor should be involved because the outstanding fines concerned his family and friends and he gave legal explanation and Mr. Kafton asked if they could go to the DCA for further interpretation and Council said yes. They discussed several legal interpretations. Mr. Burke offered, on behalf of the Mayor, a copy of the requested report from the Building Department. Mr. Kafton maintained there was a conflict of interest. Councilwoman Updegrave explained the Council could request permission to speak to individual departments regarding information they needed. Councilwoman Updegrave suggested tabling it for tonight. Mr. Del Turco spoke of the data in the computer dated back to 1988.

**MOTION TO OVERRIDE THE MAYOR'S VETO OF ORDINANCE 36-08 BY:**  
**RIVERE**  
**MOTION SECONDED BY: MARTIN**  
**YES: MARTIN, RIVERE, REINA & KAFTON**  
**ABSTAIN: UPDEGRAVE**

**COUNCIL VICE PRESIDENT REINA** asked Attorney Gilmore if they could revisit the ordinance and he stated yes and gave his opinion.

**COUNCIL PRESIDENT KAFTON** asked Attorney Gilmore if the ordinance was good as it stands and he stated yes it was enforceable as it stands but can be modified at a later date. Mr. Kafton invited Mr. Burke and Administrator Del Turco to offer suggestions and then suggested they ask the Department of Community Affairs for their opinion regarding the Mayor's family's outstanding fines because he felt it was unethical and asked for the Council's support. Councilman Martin and Councilwoman Rivere felt they over ruled the veto and anything further was overkill.

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#### **PUBLIC HEARING, ANY TOPIC**

**TODD PORTER-DAWN CYPRESS LANE:** He asked Mr. Gilmore about a resolution passed but public hearing was never opened for public comment and Mr. Gilmore stated that the only resolution they were required to have public comment on was the budget resolution.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He wondered if lowering the bid threshold would resolve their problems. He referred to a company that submitted a quote had a similar street address to another vendor currently doing work for the township which he felt was questionable plus he claimed the township uses vendors not listed with the Chamber of Commerce as he was told they did by the Purchasing Agent. He suggested they may have been violated the law for the past two years based on information in the Administrative Code.

**DAN GROSS-18 POINTE CIRCLE:** He thanked the Council for exercising one of their powers. He read various portions of the Administrative Code and Council President Kafton confirmed they've read the Code and felt the Mayor had more power under this form of government. Councilwoman Rivere stated they wouldn't have had these problems if the Mayor communicated with them. Mr. Kafton assured him they've read the Codes and have executed as much power as they had available to them.

**TIM JONES-14 HARVEST COURT:** He read a letter regarding the Solar Avenue project and other COAH obligations. Mr. Kafton stated Round III is for 1358 units. Mr. Jones suggested they discuss it in an open forum unlike the previous Council that did it in executive session.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He asked where they stood with the Niscayah contract regarding CCTV and Attorney Gilmore stated it may end up in Court noting there was some controversy regarding the award of that contract. He stated the Mayor authorized them to continue working and the Attorney advised the company that Council voided the contract and confirmed they were doing some work. He stated they were doing some work and that it wasn't a good situation. Mr. Mayerowitz stated they were given another contract for work at the Public Works building and questioned how they were awarded that contract. He then stated he attended a Information Technology Advisory Board meeting and reminded them that the work Niscayah did previously wasn't the kind of work the Board would have wanted and questioned their purchasing process relative to competitive quotes. He suggested the Council demand the Mayor and Purchasing Agent answer questions regarding the process because the process didn't stand up to any valid scrutiny and didn't understand why they haven't done anything about it yet. Mr. Mayerowitz asked Attorney Gilmore about a time limit for overriding the Mayor's veto and Attorney Gilmore read the statute. Mr. Mayerowitz read from the codebook and asked him to check the code regarding purchasing because he felt they weren't following it regarding bid thresholds.

**KIMBERLY LUMB-8 MONROE LAND:** She asked about Solar Avenue and if the town was being proactive since it was voted down last week. Council President Kafton explained it had to be addressed and decision made by December 31<sup>st</sup>. She then asked about Phase II that Mr. Kafton couldn't comment because of a pending lawsuit. Mr. Kafton stated they have to address Phase II and they didn't know what the end result would be. She then stated it was a good idea to open public session on matters such as lowering the threshold.

**STEPHANIE BROWN-SO. HOPE CHAPEL ROAD:** She asked how close they were to finishing the DPW and old library because when she spoke to the Mayor he indicated he wasn't leaving until those projects were finished. Administrator Del Turco stated the brick portion was occupied with office staff but the dome portion was still under construction. She asked how close the Council was in naming the new Mayor because she felt the town would prefer going with someone the Council picks rather than the Mayor and Councilwoman Rivere stated they have 19 qualified resumes.

**VINCENT MANCONE-45 PITNEY LANE:** He asked Council if they had begun appointing anyone to the Economic Development Committee and Council President Kafton stated there were two positions coming up and they received one resume and would probably appoint someone shortly.

**DAN GROSS-18 POINTE CIRCLE:** He asked if they could invite legislators and talk about how their decisions affect the town. Councilwoman Rivere stated she was meeting with State Assemblyman Malone and would address their concerns. He asked about getting together with the School Board regarding shared services and Council Vice President Reina and Councilman Martin would get together with them. Mr. Gross spoke of the Video Equipment and Administrator Del Turco stated the school had come to look at it and felt they would come up with something shortly.

**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: RIVERE**

**MOTION SECONDED BY: MARTIN**

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

**11:50 PM**

**RESPECTFULLY SUBMITTED,**

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**COUNCIL PRESIDENT KAFTON**

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

**AME/klj**