

ON TUESDAY, NOVEMBER 25, 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
DEPUTY CLERK KISTY**

**ALSO IN ATTENDANCE
ACTING MAYOR EDEN
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.

**RESOLUTION 406R-08
TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE
TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS
CONCERNING MATTERS AS NOTED BELOW**

**MOTION TO APPROVE BY: RIVERE
MOTION SECONDED BY: 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: Sessa Tort claim
 - c) Potential Land Sale/Land Acquisition: Inquiry to sell property to the Township of Jackson as open space. Update – inquiry to donate property along Hope Chapel Road. Inquiry to sell property to the Township located along Butterfly Road
 - d) Contracts/Agreements: Contract between the Township of Jackson and Garden State Iron – DPW garage (as it relates to potential litigation)
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

ANN MARIE EDEN, R.M.C.

DATED: 11-25-08

TOWNSHIP CLERK

7:40 PM RECONVENE PUBLIC MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL

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

**ATTORNEY GILMORE
DEPUTY CLERK KISTY**

ALSO IN ATTENDANCE

**ACTING MAYOR EDEN
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.

PRESENTATION BY PHOENIX ADVISORS

Dave Thomas and Anthony Inverso re: bonding

Dave Thomas explained the process and advised the public the Township's credit rating went up to AA+ rating. Mr. Inverso discussed the difficult market and when it showed an improvement they decided to take bids and on November 20th they got lucky and the market went up 10-12 points since they sold the bonds. Three different underwriting firms bid and UBS was the winning bidder. They prepared a hand out as a quick analysis stating they were very pleased. Administrator Del Turco thanked everyone involved and for making it a successful team project. Council President Kafton agreed they made the right decision to hire them because they saved the taxpayers \$340K so far and looked forward to further future savings.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILMAN MARTIN thanked everyone for coming and stated the Mayor had officially resigned and felt it was important to move forward and nominated Michael Reina for Mayor.

MOTION SECONDED BY: UPDEGRAVE

COUNCIL PRESIDENT KAFTON felt they should hold off nominating a Mayor until all the resumes have been looked over and discuss their qualifications publicly. Councilman Martin felt they've had the resumes for two months and it was important to take care of this now because Councilwoman Rivere would be away the first three weeks of December and if they delay beyond 30 days Mr. Kafton would automatically become Mayor. Mr. Kafton felt it wasn't fair to all those that submitted their resumes and many have extensive financial backgrounds.

MOTION TO TABLE THIS BY: KAFTON

NOBODY SECONDED

MOTION DOES NOT CARRY

**CONTINUE WITH MOTION TO APPOINT MICHAEL REINA AS MAYOR
YES: MARTIN, UPDEGRAVE , REINA (AGREED TO NOT ACCEPT THE
HIGHER MAYOR SALARY)**

ABSTAIN: RIVERE

NO: KAFTON

COUNCILWOMAN RIVERE stated she couldn't decide between the two men because they were both qualified and chose to abstain.

COUNCIL PRESIDENT KAFTON stated he was voting no based on the fact they received several resumes and felt other Council members didn't wish to consider them and the fact that Mr. Reina didn't submit a resume or disclosed his background and knowing the financial position the town was left in he didn't feel it was time for him to accept the position and he should take the time to learn more. Deputy Clerk Kisty announced the vote carried.

RESOLUTION 418R-08

TITLE: APPOINTING MICHAEL REINA AS MAYOR FOR THE TOWNSHIP OF JACKSON

WHEREAS, there is currently a vacancy in the Office of Mayor for the Township of Jackson due to the resignation of Mayor Mark Seda; and

WHEREAS, in accordance with State Law, the governing body is authorized to appoint a Mayor to fill the vacancy until such time as a general election is held in November, 2009 to allow the votes to fill the vacancy for the balance of the term; and

WHEREAS, N.J.S.A. 40A:16-6 requires that a majority of the full authorized membership of the Township Council is required for the appointment of the Mayor; and

WHEREAS, it is the desire of the majority of the full authorized Council to appoint Michael Reina as Mayor for the Township of Jackson in accordance with N.J.S.A. 40A:16-4(b) until such time as the regular November, 2009 election is held and the winner certified by the Board of Elections.

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

1. That the Township Council does hereby appoint Michael Reina as Mayor for the Township of Jackson in accordance with the requirements of N.J.S.A. 40A:16-6.
2. That Michael Reina shall hold the Office of Mayor for the Township of Jackson until such time as the November, 2009 general election is held and the winner of the election for Mayor in Jackson Township has been certified by the Ocean County Board of Elections.
3. That a certified copy of this resolution be forwarded to Michael Reina.

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

DATED: 11-25-08

Mayor Eden clarified with Attorney Gilmore about the vacancy on Council and Mr. Gilmore confirmed that Mr. Reina's wouldn't be available until he accepts the position of Mayor and is sworn and then reminded her the budget transfer resolution was on the Agenda and asked them to deal with that resolution before they proceed with swearing in Mr. Reina. He stated the Council would then have 30 days to fill the vacancy on Council and explained for the public's edification that a budget transfer requires 2/3rd of the Council's vote and since they were all present he strongly recommended they take it out of order to vote on it prior to swearing in Mr. Reina and then open it for public comments.

MOTION TO TAKE RESOLUTION 414R-08 OUT OF ORDER FOR A VOTE

BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

PUBLIC COMMENT-NO ONE CAME FORWARD

MOTION TO CLOSE PUBLIC PORTION ON RESOLUTION 414R-08 BY:

MOTIONED SECONDED BY:

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

RESOLUTION 414R-08

TITLE: AUTHORIZE CY 2008 BUDGET TRANSFER #2

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

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

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

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

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

1. The following annexed transfer schedule (#2) for the 2008 Municipal Operating Budget of the Township of Jackson are hereby made for the above stated reasons:
2. This resolution shall take effect upon two-thirds affirmative vote by the full governing body of the Township of Jackson.
3. Copies of this resolution to the Administrator, Chief financial Officer and Auditor.

DATED: 11-25-08

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

CONTINUE WITH COUNCIL COMMENTS:

COUNCILWOMAN RIVERE stated she and everyone else was relieved the drama regarding the Mayor's resignation was over. She stated she abstained from voting for Michael Reina because she felt both he and Michael Kafton was qualified and chose to abstain and allow the town to move forward with a Mayor that works together with Council. She then asked about the locks being changed since the keys to the Municipal Building were missing. She then confirmed the computer security has been changed and the former Mayor has no access. She stated Tom Carter attended the convention after he resigned on November 5th and she was upset that it was at the expense of the Township.

COUNCILWOMAN UPDEGRAVE congratulated Reina and hoped communication improves and they can all work together and she wished everyone a safe and happy holiday and to keep the needy people in mind and reach out wherever possible.

COUNCIL VICE PRESIDENT REINA thanked everyone for coming out and stated he prepared a wish list for whoever they elected as Mayor, not knowing he would be chosen, and would read it during the discussion comments. He wished everyone a nice Thanksgiving.

COUNCIL PRESIDENT KAFTON wished Reina well and the best of luck and looked forward to working together to move Jackson forward. He spoke of forming a committee for “going green” and asked that it be put on the next meeting and anyone interested could contact Clerk Eden’s office. Clerk Eden confirmed he wanted an ordinance regarding this for the next meeting. He wished everyone a nice holiday and be safe.

COUNCIL VICE PRESIDENT REINA directed his question to Attorney Gilmore regarding Resolution 411R-08 authorizing the transfer of surplus equipment to the Board of Education and had discovered Station 56 Cassville was in need of a vehicle along with Auxillary Police and was looking to remove them from the agenda and didn’t know how. Gilmore instructed them to amend it and provide where the vehicles should go and then adopt it.

Kafton clarified where the vehicles would go and if the Board of Education was aware they would only get one. Councilman Martin and Councilwoman Rivere were unable the Board of Education asked for vehicles and felt it was more of a good will gesture and Kafton suggested holding it because the Board of Education was under the impression they were receiving three vehicles.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE, REINA & KAFTON

ABSTAIN: UPDEGRAVE (DASTI, MURPHY & MCGUCKIN) & KAFTON (A & J AUTO)

COUNCILMAN MARTIN asked about the message board for \$6K Dell Marketing-Administrator Del Turco stated it was excess grant money that was being used to purchase computers that the State had authorized and at no cost to the residents. He then asked about the emergency lighting and Mr. Reina confirmed it was for Jackson Day. light tower

COUNCILWOMAN RIVERE asked about the keys that were being engraved and asked who they were going to. Administrator Del Turco explained they were ordered by the Mayor but was unaware of who they went to.

CAPITAL

CHECK#	VENDOR	AMOUNT
60882	JACKSON TOWNSHIP P/R ACCT	2,803.97
60883	ACE OUTDOOR POWER EQUIPMENT	14,130.01
60884	BAYWAY LUMBER	1,308.71
60885	CARL’S FENCING INC.	1,279.10
60886	CARDINAL ROOFING & SIDING CORP.	13,200.00
60887	CEDE & COMPANY	18,660,395.10
60888	CJ CONTRACTORS NJ, INC.	1,350.00
60889	CMX INC.	15,628.60
60890	CONTRACTOR SERVICE	14,950.00
60891	EARLE ASPHALT COMPANY	7,025.35
60892	ELITE AUDIO VIDEO, LLC	16,400.00
60893	ERCO CEILINGS OF SOMERS POINT	11,700.00
60894	FAIRLITE ELECTRIC SUPPLY CO.	383.40
60895	GARY KUBIAK & SON ELECTRIC INC.	28,968.38
60896	GOOD FRIEND ELECTRIC SUP., INC.	10,186.36
60897	THE HOME DEPOT	624.41
60898	JACKSON TOWNSHIP CURRENT FUND	90,931.33
60899	JAMMER DOORS INC.	1,620.00

60900	KETTLE CREEK CORP.	14,169.60
60901	LEONARDS MECHANICAL	16,000.00
60902	MID-STATE ABSTRACT COMPANY	1,280.00
60903	NATIONAL HOSPITALITY SUPPLY	1,010.05
60904	NOREIKA SALES, LLC.	6,423.00
60905	REED'S SOD FARMS	959.00
60906	REHABCO, INC.	1,458.00
60907	RWV LAND/LIVESTOCK CO., INC.	620.83
60908	SHERWIN WILLIAMS COMPANY, INC.	607.02
60909	T & M ASSOCIATES	13,805.02
60910	VAN SANT SEWER SERVICE LLC	148.40

TOTAL 18,949,365.64

CHECK#	VENDOR	AMOUNT
78432	JACKSON TOWNSHIP P/R ACCT	659,137.94
78433	JACKSON TOWNSHIP P/R ACCT	41,943.24
78434	AC MOORE, INC.	49.30
78435	ACTION OFFICE SUPPLIES INC.	1,198.94
78436	ANS CONSULTANTS INC.	2,420.00
78437	ASBURY PARK PRESS, IN.	719.36
78438	BEYER BROTHERS CORP.	186.85
78439	BLUE LINE EMERGENCY LIGHTING	3,092.40
78440	BRITTON INDUSTRIES INC.	6,480.00
78441	DONNA BUSSICULO	558.33
78442	CABLEVISION	59.95
78443	CARL'S FENCING INC.	709.80
78444	CEDE & COMPANY	1,698,520.00
78445	CENTRAL JERSEY OFFICE EQUIP.	143.00
78446	C & J DOLLAR DISCOUNT STORE	171.15
78447	CLAYTON BLOCK CO. INC.	907.42
78448	COASTAL WINDOW TINTING, LLC	370.00
78449	BRANT S. COLLINS	675.00
78450	CONTRACTOR SERVICE	56.58
78451	CORE MECHANICAL, INC.	5,055.00
78452	COSTO WHOLESALE 229	1,318.85
78453	DEPTCOR/BUREAU OF	157.50
78454	DIAMOND COMMUNICATIONS, LLC	3,528.00
78455	EMERGI-CLEAN INC.	371.00
78456	EMTEC INC.	4,351.07
78457	ENGRAVING AWARDS AND GIFTS	765.00
78458	EXCAVATING MATERIALS &	540.00
78459	FAIRLITE ELECTRIC SUPPLY CO.	1,140.00
78460	FARLEY'S ICE CREAM	107.80
78461	FERGUSON ENTERPRISES, INC.	96.00
78462	F & J AUTO	85.00
78463	GARY KUBIAK & SON ELECTRIC INC.	8,729.59
78464	GRAINGER	2,083.84
78465	HENRY GOSSARD DBA/H& D FIRE	1,948.00
78466	HEWLETT PACKARD CORP	299.99
78467	I & G FARMS INC.	299.00
78468	IKON OFFICE SOLUTIONS	1,401.72
78469	MARTON TRUCKS INC.	214.24
78470	INTERNATIONAL SALT COMPANY	12,838.07
78471	JACKSON TOWNSHIP CAPITAL FUND	849,812.14
78472	JACKSON BUS DRIVERS	100.00
78473	JACKSON TWP. BOARD OF ED.	5,740,319.00
78474	JACKSON TWP. MUN UTILITIES AUTH	6,630.26
78475	JACKSON TWP. FIRST AID SQUAD	20,000.00
78476	JCA ASSOCIATES, INC.	18,511.12
78477	VOID	-0-

78478	JERSEY CENTRAL POWER & LIGHT	16,505.72
78479	PELSANG, ROBERT F & CAROL A	47.00
78480	JDM PLANNING ASSOC., LLC	2,697.50
78481	JERZ MECHANICAL INC.	2,900.00
78482	J.R. HENDERSON LABS, INC.	70.00
78483	JOYCE M. KLEIN	1,300.00
78484	LAKWOOD AUTO SUPPLY INC.	220.45
78485	LAVALLETTE HARDWARE SUPPLY	1,074.77
78486	LAWEN SUPPLY CO., OF NJ, INC.	1,363.82
78487	LESCO, INC.	235.50
78488	SUSAN LOTITO	2,085.00
78489	METICULOUS LANDSCAPING, INC.	8,714.00
78490	MONMOUTH TELECOM	1,357.21
78491	NAPCO/R.S. KNAPP CO. INC.	328.60
78492	NFPA	150.00
78493	NEW JERSEY SOCIETY OF	150.00
78494	NEXTEL COMMUNICATIONS	5,072.27
78495	VOID	-0-
78496	NEW JERSEY NATURAL GAS	2,623.96
78497	OCEAN COUNTY BOARD OF HEALTH	7,158.00
78498	OCEAN COUNTY RECYCLING	1,305.12
78499	OCEAN SOIL CONSERV DISTR. NJ	450.00
78500	OFFICE NEEDS	372.90
78501	OLD DOMINION BRUSH CO. INC	13,037.69
78502	PACER SERVICE CTR.	16.88
78503	PAPER MART INC.	1,274.90
78504	PEDRONI FUEL COMPANY INC.	30,771.42
78505	PEPCO ENERGY SERVICES, INC.	1,283.64
78506	PINA M. INC.	266.04
78507	PROFESSIONAL GOVERNMENT	180.00
78508	TOM CLANCY	2,025.12
78509	QUALITY COMMUNICATIONS, INC.	1,500.00
78510	FRED RASIEWICZ-PETTY CASH	120.98
78511	REALTY APPRAISAL CO.	45,000.00
78512	REED & PERRINE SALES, INC.	1,400.00
78513	REMINGTON, VERNICK & VENA ENG.	453.50
78514	TONI NAGLE-ROWE, CTA	122.85
78515	RUTGERS, THE STATE UNIVERSITY	390.00
78516	ELIZABETH SANSONE	160.00
78517	SEELY EQUIPMENT & SUPPLY	225.00
78518	SHERWIN WILLIAMS COMPANY, INC.	2,048.29
78519	SHOPRITE/PERLMART, INC.	1,902.96
78520	SHERI SILVERSMITH-PETTY CASH	91.03
78521	STEWART BUSINESS SYSTEMS	225.00
78522	SUNOCO CREDIT CARD CTR	28.12
78523	SYSTEMS SALES CORP.	1,519.93
78524	TREC – ADVANCED COMPUTER	283.50
78525	TRENTON BRAKES, INC.	3,318.04
78526	TREASURER, STATE OF NJ	80.00
78527	UAP DISTRIBUTION INC.	3,202.77
78528	MICHAEL CEPPALUNI DBA/UNITED	380.00
78529	UNITED PARCEL SERVICE	26.94
78530	US POSTAL SVC (NEOPOST POC)	10,000.00
78531	VAN SANT EQUIPMENT	3,401.46
78532	VAN SANT SEWER SERVICE LLC	1,347.20
78533	VERIZON WIRELESS	42.70
78534	VOID	-0-
78535	VERIZON	1,297.67
78536	VETERINARY SURG. & DIAG. SPEC.	54.79
78537	WAL MART COMMUNITY	94.28
78538	KELLY WINTHROP, LLC	470.00
78539	WORK'N GEAR	190.00

78540	DELL MARKETING L.P.	5,998.88
	TOTAL	9,285,515.73

CHECK #	VENDOR	AMOUNT
62-64	DEV FEES-COAH	2,895.00
4870-4908	DEVELOPERS	326,418.33
388	DOG	1,309.00
60813-60814	GENERAL TRUST	9,685.00
62295-62309	PARKS REC	19,247.62

ACTING MAYOR ANN MARIE EDEN SWORE IN MICHAEL REINA AS MAYOR

**COUNCILWOMAN RIVERE NOMINATED MATT GENOVESE FOR COUNCIL VACANCY BY: RIVERE
MOTION SECONDED BY: KAFTON
YES: RIVERE & KAFTON
NO: MARTIN & UPDEGRAVE
ABSTAIN: REINA**

MARTIN stated it was only fair that interested parties submit a resume noting Matt was a good guy but wanted to be fair.

COUNCIL PRESIDENT KAFTON explained the Council seat needed to be filled immediately and clarified that he felt the Mayor's position required a resume.

ATTORNEY GILMORE explained the Mayor could break the tie if he desired. He agreed the seat needs to be filled and agreed with Kafton that backgrounds need to be known when filling a position and felt it best and since he knows Mr. Genovese he didn't feel it was appropriate if he voted for someone he knew personally without giving the public an opportunity. Kafton stated he respected his decision but was afraid further delay would result in future tie votes on some possible critical issues. Mayor Reina remained firm on his vote and Deputy Clerk Kisty advised the motion failed.

ORDINANCES, SECOND READING:

42-08

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 HELEN E. PETERS FAMILY LIMITED PARTNERSHIP IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

PUBLIC HEARING OPENED – NO ONE CAME FORWARD

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

**MOTION TO APPROVE ORDINANCE 42-08 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 & KAFTON**

ORDINANCE NO. 42-08

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 HELEN E. PETERS FAMILY LIMITED PARTNERSHIP 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 Helen E. Peters Family Limited Partnership 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 Helen E. Peters Family Limited Partnership. 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 Helen E. Peters Family Limited Partnership.

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 Helen E. Peters Family Limited Partnership.

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.

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 **November 12, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **25th 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.

DATED: 11-25-08

**ANN MARIE EDEN RMC
TOWNSHIP CLERK**

43-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF THE LEGLER WATER SYSTEM TO THE JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

PUBLIC HEARING OPENED - NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

**MOTION TO APPROVE ORDINANCE 43-08 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 & KAFTON

ORDINANCE NO. 43-08

**AN ORDINANCE OF THE TOWNSHIP OF
JACKSON, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AUTHORIZING THE SALE OF THE
LEGLER WATER SYSTEM TO THE JACKSON
TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Township of Jackson (“Township”) has previously entered into an agreement with the Jackson Township Municipal Utilities Authority (“Authority”) whereby the Authority agreed to operate and improve the Legler Water System (“the System”); and

WHEREAS, the Township continues to establish water rates and charge the affected residents; and

WHEREAS, the System includes real property known as Block 19101, Lot 2, various easements, water mains, fire hydrants, house services, wells, treatment plants, booster stations, storage tanks and other miscellaneous equipment and appurtenances to the System; and

WHEREAS, the Township now desires to convey the System to the Authority; and

WHEREAS, in accordance with N.J.S.A. 40A:12-13(b)(1), the Township may convey the System to the Authority by private sale; and

WHEREAS, the Authority has agreed to purchase the System and will pay an amount equal to the existing Farmer’s Home Administration loan balance at the time of closing, said loan now being held by CAPMARK, or an amount equal to said loan balance, less an agreed upon sum, not to exceed \$140,000, for Well No. 3 repairs which remain uncompleted at the time of closing.

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. That the Township of Jackson hereby authorizes the conveyance of the Legler Water System to the Jackson Township Municipal Utilities Authority. Said conveyance to include real property known as Block 19101, Lot 2, various easements, water mains, fire hydrants, house services, wells, treatment plants, booster stations, storage tanks and other miscellaneous equipment and appurtenances to the System.

SECTION 2. Consideration for the conveyance shall include payment by the Authority at the time of closing of an amount equal to the existing Farmer’s Home Administration loan balance, said loan now being held by CAPMARK, or an amount equal to said loan balance, less an agreed upon sum, not to exceed \$140,000, for Well No. 3 repairs which remain uncompleted at the time of closing.

SECTION 3. The Mayor is authorized to execute and the Township Clerk to attest to any and all documentation necessary to facilitate the conveyance of the Legler Water System.

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

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

SECTION 6. This ordinance shall take effect after second reading and publication as required by law and in accordance with N.J.S.A. 40:69A-181(b).

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 **November 12, 2008**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **25th 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.

DATED: 11-25-08

**ANN MARIE EDEN RMC
TOWNSHIP CLERK**

44-08

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 21901, LOT 18 AND BLOCK 21913, LOT 3 TO CDR WHITESVILLE LLC IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

PUBLIC HEARING OPENED

PAUL MAYEROWITZ-91 CYPRES POINT LANE: He asked what was changing from the previous salary range? Council President stated nothing changed.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

MOTION TO APPROVE ORDINANCE 44-08 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 & KAFTON

ORDINANCE NO. 44-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING THE SALARY RANGE FOR ALL OF THE VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP FOR THE YEAR 2009 AND THEREAFTER.

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

SECTION 1. For the year 2009 and for each year thereafter, the salary range set forth in "Schedule A" which is annexed hereto and made a part hereof, is hereby established for the officials and employees whose titles are set forth therein.

SECTION 2. The provisions of this Ordinance shall be effective for the year 2009 and for each year thereafter except as may be amended or supplemented by subsequent ordinances.

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

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

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

DATE

MAYOR MICHAEL REINA

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 November 12, 2008 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on November 25, 2008 or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building in said Township at which time all persons interested shall be given an opportunity to be so heard concerning this ordinance. Prior to second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

ORDINANCE NO. 44-08

SCHEDULE A

<u>TITLE/CLASSIFICATION</u>	<u>SALARY RANGE</u>	
<u>MAXIMUM</u>	<u>MINIMUM</u>	
Accountant	32,077	50,000
Account Clerk	28,641	45,820
Administrative Clerk	32,077	60,000
Administrative Secretary	32,077	75,000
Analyst Grant Applications	25,000	31,000
Animal Control Officer	39,535	52,121
Agency Aide	34,025	40,729
Assessing Aide	30,360	50,116
Assessing Clerk	28,641	45,820
Assessing Clerk (Typing)	28,641	45,820
Assistant Director of Parks and Recreation	42,500	65,000
Assistant Director of Public Works	55,000	75,000
Assistant Maintenance Supervisor	40,729	60,000
Assistant Municipal Tax Assessor	34,368	56,129
Assistant Municipal Tax Collector	37,804	60,710
Assistant Municipal Treasurer	45,000	75,000
Assistant Payroll Supervisor	34,000	54,022
Assistant Purchasing Agent	37,804	60,710
Assistant Recreation Supervisor	35,010	52,300
Assistant Superintendent of Recreation	42,500	65,000
Assistant Sup. Laborer	39,525	47,780
Assistant Supervisor Motor Pool	40,729	56,404
Assistant Supervisor Roads	40,729	56,404
Assistant Zoning Officer	45,000	58,000
Building Inspector (RCS)	45,000	62,400
Building Inspector (ISC)	47,500	64,500
Building Inspector (HHS)	50,000	68,000
Building/Plumbing Inspector (RCS)	45,000	62,400
Building/Plumbing Inspector (ICS)	47,500	64,500
Building/Plumbing Inspector (HHS)	50,000	67,000
Building Maintenance Worker	35,525	43,182

Building Sub-Code Official	60,000	75,000
Business Administrator	95,500	155,000
Chief of Police	95,500	164,000
Chief Financial Officer	54,500	100,000
Clerk	28,641	45,820
Clerk Typist	28,641	45,820
Code Enforcement Officer	30,500	56,000
Computer Service Technician	30,500	55,000
Construction Code Official	72,000	90,000
Deputy Municipal Clerk	30,360	49,000
Deputy Municipal Court Admin.	34,368	56,129
Deputy Tax Assessor	33,078	56,129
Director of Community Development and Enforcement (Municipal Department Head)	65,000	95,000
Director of Public Works (Municipal Department Head)	65,000	95,000
Electrical Inspector (RCS)	45,000	62,400
Electrical Inspector (ICS)	47,500	64,500
Electrical Inspector (HHS)	50,000	67,000
Electrical Inspector/Plumbing Inspector (RCS)	45,000	62,400
Electrical Inspector/Plumbing Inspector (ICS)	47,500	64,500
Electrical Inspector/Plumbing Inspector (HHS)	50,000	68,000
Electrical Sub-Code Official	60,000	75,000
Emergency Medical Technician	33,006	45,745
Engineering Aide	25,000	40,000
Equipment Operator	37,025	44,867
Fire Inspector (RCS)	45,000	62,400
Fire Inspector (ICS)	47,500	64,500
Fire Inspector (HHS)	50,000	68,000
Fire Sub-Code Official	60,000	75,000
Forester	35,500	64,500
Groundskeeper	35,525	43,182
Heavy Equipment Operator	38,325	64,000
Housing Inspector	30,500	52,000
Laborer	34,025	42,000
Maintenance Repairer	36,275	44,024
Mechanic	38,325	46,382
Mechanic's Helper	35,525	43,182
Motor Broom Driver	37,025	44,867
Municipal Court Administrator	39,155	62,061
Municipal Department Head (Director of Recreation and Senior Services)	62,500	82,500
Municipal Engineer	85,000	115,000
Municipal Tax Assessor	54,500	95,000
Omnibus Operator	35,525	51,000
Payroll Clerk	32,077	52,693
Payroll Supervisor	35,000	52,693
Personnel Clerk	27,566	44,100
Personnel Officer	54,500	90,000
Planning Board Secretary	25,000	42,300
Plumbing Inspector (RSC)	45,000	62,400
Plumbing Inspector (ICS)	47,500	64,500
Plumbing Inspector (HHS)	50,000	68,000
Plumbing Sub-Code Official	60,000	75,000
Police Captain	143,132	150,936
Police Lieutenant	127,796	132,400
Police Officer	42,383	101,879
Police Officer-Detective	\$1000 above Ptl. Grade	
Police Officer-Special Services	\$1000 above Ptl. Grade	

Police Officer-Traffic Safety	\$1000 above Ptl. Grade	
Police Sergeant	114,101	116,140
Police Sergeant-Detective	\$1000 above Sgt. Grade	
Police Sergeant-Traffic	\$1000 above Sgt. Grade	
Principal Accountant	45,000	70,000
Principal Account Clerk	30,360	50,116
Principal Account Clerk/Telephone Operator	30,360	50,116
Principal Account Clerk Typing	30,360	50,116
Principal Assessing Clerk	30,360	50,116
Principal Assessing Clerk (Typing)	30,360	50,116
Principal Clerk	30,360	50,116
Principal Clerk (Typing)	30,360	50,116
Principal Clerk Typist/Telephone Operator	30,360	50,116
Principal Purchasing Asst. Typist	30,360	50,116
Principal Tax Clerk	30,360	50,116
Principal Tax Clerk (Typing)	30,360	50,116
Program Development Specialist I	40,000	65,000
Public Safety Telecommunicator	36,795	49,382
Public Safety Telecommunicator Trainee	35,631	36,563
Purchasing Agent	54,500	75,500
Purchasing Asst. /Typing	29,492	46,680
Recreation Aide	30,360	50,116
Recreation Leader Arts & Crafts	31,219	51,261
Recreation Program Administrator (Sr. Citizen)	42,500	65,000
Road Repairer	35,525	43,182
Sanitation Driver	36,275	57,000
Sanitation Worker	34,525	42,101
School Crossing Guard Supervisor	28,000	40,700
Secretarial Assistant	31,219	51,261
Security Guard	28,000	40,000
Senior Account Clerk	29,492	46,680
Senior Account Clerk/ Telephone Operator	29,492	46,680
Senior Assessing Aide	31,219	51,261
Senior Assessing Clerk	29,492	46,680
Senior Assessing Clerk (Typing)	29,492	46,680
Senior Building Maintenance Worker	36,275	44,024
Senior Clerk	29,492	46,680
Senior Clerk Typist	29,492	46,680
Senior Code Enforcement Officer	35,500	56,000
Senior Computer Service Technician	35,500	54,500
Senior Engineering Aide	35,500	54,500
Senior Groundskeeper	37,025	44,867
Senior Maintenance Repairer	37,025	44,867
Senior Maintenance Rep. (Carpenter)	38,325	49,000
Senior Maintenance Rep. (Electrical)	38,325	46,382
Senior Maintenance Rep. (Heating and Air Conditioning)	39,525	49,000
Senior Mechanic	39,525	50,000
Senior Payroll Clerk	34,368	56,129
Senior Personnel Clerk	29,492	46,680
Senior Public Safety Telecomm.	39,127	51,713
Senior Purchasing Asst. /Typing	29,492	46,680
Senior Road Repairer	37,025	44,867
Senior Security Guard	30,500	42,000
Senior Tax Clerk	29,492	46,680
Senior Tax Clerk (Typing)	29,492	46,680
Signmaker 1	36,275	44,024
Sign maker Wood & Metal/Truck Driver	36,275	44,024
Storekeeper	37,025	44,867

Supervising Account Clerk	31,219	51,261
Supervising Assessing Clerk	31,219	51,261
Supervising Clerk	31,219	51,261
Supervising Clerk Typist	31,219	51,261
Supervising Code Enforcement Officer	40,500	66,000
Supervising Mechanic	40,729	59,500
Supervising Public Safety Tel.	41,458	54,044
Supervising Tax Clerk	31,219	51,261
Supervisor, Buildings & Grounds	40,500	66,000
Supervisor, Roads	40,500	66,000
Tax Clerk	28,641	45,820
Tax Clerk (Typing)	28,641	45,820
Tax Collector	54,500	100,000
Technical Asst. to Const. Official	31,219	51,261
Township Clerk	54,500	93,000
Truck Driver	35,525	43,182
Truck Driver (Rack)	36,275	44,024
Violations Clerk	30,360	50,116
Welder	37,025	44,867
Zoning Officer	54,500	82,000
Zoning Officer/Code Enforcement Officer	54,500	82,000
ADA Advisory Board Secretary	75/mtg.	125/mtg.
Affirmative Action Officer	1,250	2,000
Advisory Panel on Res. Group Homes		
Board Secretary	75/mtg.	150/mtg.
Alarm Review Board Secretary	75/mtg.	125/mtg.
Animal Control Officer	15.00/hr.	27.00/hr.
Assessing Aide	10.00/hr.	16.50/hr.
Bus Attendant	7.76/hr.	12.00/hr.
Building Inspector	10.00/hr.	28.84/hr.
Building Sub-Code Official	12.50/hr.	33.65/hr.
Building Maintenance Worker	10.00 hr.	20.00/hr.
Chorus Director	12.00/hr.	20.00/hr.
Clerk	10.00/hr.	20.00/hr.
Clerk, Board of Health	1,250	2,000
Clerk, Environmental Comm.	1,250	2,000
Clerk, Food Handlers	1,250	2,000
Clerk Typist	10.50/hr.	20.00/hr.
Code Enforcement Officer	10.00/hr.	19.25/hr.
Commission for the Disabled Secretary	75/mtg.	125/mtg.
Computer Technician Aide	2,500	4,500
Coordinator of Safety Programs	2,500	4,500
Court Attendant	10.00/hr.	14.00/hr.
Deputy Municipal Clerk	3,000	5,500
Deputy Registrar of Vital Statistics	100	7,500
(Salary to be paid equal to fees received)		
Dog Canvassers	7.50/hr.	12.50/hr.
Economic Development Advisory		
Committee Board Secretary	75/mtg.	125/mtg.
Electrical Inspector	10.00	28.84
Electrical Sub-Code Official	12.50/hr.	33.65/hr.
Elevator Sub-Code Official	1,500	4,500
Emerg. Management Services Board Secretary	75/mtg.	125/mtg.
Environmental Comm. Sec.	75/mtg.	125/mtg.
Emergency Medical Technician	13.00/hr.	22.00/hr.
Environmental Comm. Sec.	75/mtg.	125/mtg.
Fire Inspector	10.00/hr.	28.84/hr.
Fire Sub-Code Official	12.50/hr.	33.65/hr.
Forester	6,000	12,000

Historic Preservation Commission Board Secretary	75/mtg.	125/mtg.
Housing Inspector/PT	7.50/hr.	28.84/hr.
Identification Clerk	750	3,000
Information Technology & Telecommunication	75/mtg.	125/mtg.
Advisory Board Secretary		
Instructor/Handicapped Commission	12.00/hr.	24.00/hr.
Jackson Pathfinders Board Secretary	75/mtg.	125/mtg.
Judge, Municipal Court	54,500	81,000
Juvenile Conf. Board Secretary	75/mtg.	125/mtg.
Laborer, Seasonal	10.00/hr.	18.00/hr.
Mayor	8,500	54,000
Mayor's Private Residential Secretary	75/mtg.	125/mtg.
Mayor's Youth Advisory Council Secretary	75/mtg.	125/mtg.
Mechanic	10.00/hr.	21.53/hr.
Mobile Home Adv Board Secretary	75/mtg.	125/mtg.
Municipal Alliance Board Secretary	75/mtg.	125/mtg.
Municipal Alliance Coordinator	7,800	10,000
Municipal Department Head (Director of Community Development & Enforcement)	6,000	15,000
Municipal Emergency Man. Coordinator	6,000	8,000
Noise Control Officer	1,250	2,750
Omnibus Operator	10.00/hr.	20.00/hr.
Planning Board Secretary/PT	4,000	7,000
Planning Board Secretary	105/mtg.	150/mtg.
Plumbing Inspector	10.00	28.84
Plumbing Sub-Code Official	12.50/hr.	33.65/hr.
Program Coordinator	2,500	4,500
Program Coordinator Special Events	2,000	9,500
Police Matron	250	2,250
Principal Purchasing Assistant Typist	6,000	10,000
Public Safety Telecommunicator	12.50/hr.	22.00/hr.
Public Safety Tele. Trainee	12.13/hr.	19.00/hr.
Public Works Trainee	8.00/hr.	16.04/hr.
Purchasing Asst./Typing	4,000	7,000
Recreation Aide	6.00/hr.	14.00/hr.
Recreation Coordinator	11.75/hr.	22.00/hr.
Recording Board Secretary	75/mtg.	125/mtg.
Recreation Adult Referee	8.00/hr.	18.00/hr.
Recreation Assistant	5.50/hr.	19.00/hr.
Recreation Board Secretary	75/mtg.	125/mtg.
Recreation Clinic Assistant	15.00/hr.	25.00/hr.
Recreation Clinic Supervisor	20.00/hr.	35.00/hr.
Recreation Counselors	5.15/hr.	10.50/hr.
Recreation Head Leader	8.40/hr.	16.00/hr.
Recreation Junior Referee	5.05/hr.	16.50/hr.
Recreation Leader	7.15/hr.	14.00/hr.
Recreation Leader Arts & Crafts	10.30/hr.	17.00/hr.
Recreation Non-Certified Umpires	15/game	20/game
Recreation Supervisor	10.00/hr.	19.00/hr.
Recreation Instructor	8.00/hr.	30.30/hr.
Recreation Instructor Asst.	5.05/hr.	16.00/hr.
Recreation Certified Referees	25/game	40/game
Recreation Certified Umpires	25/game	80/game
Recreation Scorekeepers	5.05/hr.	12.50/hr.
Recycling Coordinator	4,000	6,000
Rent Leveling Board Secretary (Mobile Homes)	105/mtg.	150/mtg.
Rent Leveling Board Secretary (Apartments)	105/mtg.	150/mtg.
Registrar of Vital Statistics	500	9,000
(Salary to be paid equal to fees received)		

Safety Program Coordinator	2,500	4,500
School Traffic Guards	6.00/hr.	14.00/hr.
School Traffic Guard Supervisor	12.00/hr.	20.00/hr.
Security Guard	12.25/hr.	17.06/hr.
Senior Citizen Advisory Bd. Secretary	75/mtg.	125/mtg.
Senior Clerk Typist	10.71/hr.	14.00/hr.
Senior Public Safety Tele.	12.00/hr.	23.83/hr.
Shade Tree Commission Board Secretary	75/mtg.	125/mtg.
Special Police Officer II	10.00/hr.	18.00/hr.
Special Police Officer I	10.00/hr.	18.00/hr.
Student Intern P/T	7.15/hr.	12.00/hr.
Township Council Member	8,000	18,000
Unsafe Structures Board Secretary	105/mtg.	150/mtg.
Veterans' Commission Bd. Secretary	75/mtg.	125/mtg.
Water Systems Licensed Operator	2,500	4,500
Zoning Board Secretary	105/mtg.	150/mtg.

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

DATED: 11-25-08

**ORDINANCE FIRST READING
45-08**

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 21901, LOT 18 AND BLOCK 21913, LOT 3 TO CDR WHITESVILLE, LLC, IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

**MOTION TO APPROVE ORDINANCE 45-08 ON FIRST READING,
ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND
PUBLIC HEARING TO BE HELD ON, DECEMBER 9, 2008 BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON**

ORDINANCE NO. 45-08

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 21901, LOT 18 AND BLOCK 21913, LOT 3 TO CDR WHITESVILLE, LLC, IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township of Jackson is the owner of Block 21901, Lot 18 and Block 21913, Lot 3, which are undersized lots under the current ordinances of the Township; and

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

WHEREAS, the Township Appraiser has established \$9,500.00 as the fair market value for Block 21901, Lot 18 and \$3,000.00 as the fair market value for Block 21913, Lot 3 property; and

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

WHEREAS, there is only one adjoining property owner and they were duly notified of the asking price of \$9,500.00 for Block 21901, Lot 18 and \$3,000.00 for Block 21913, Lot 3; and

WHEREAS, the adjoining property owner, CDR Whitesville, LLC has agreed to purchase Block 21901, Lot 18, from the Township of Jackson for the sum of \$9,500.00 and to purchase Block 21913, Lot 3 for \$3,000.00; and

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

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

SECTION 1. That in accordance with the requirements of N.J.S.A. 40A:12-13(b)(5), the governing body does hereby authorize the sale of Block 21901, Lot 18 and Block 21913, Lot 3, to CDR Whitesville, LLC, said property being undersized, and the adjoining property owner, CDR Whitesville, LLC, having agreed to purchase said property for the fair market value of said property.

SECTION 2. That the Mayor and Township Clerk are hereby authorized to execute any and all documents to transfer title to Block 219101, Lot 18 to CDR Whitesville, LLC, for the sum of \$9,500.00 and to transfer title to Block 21913, Lot 3 for the sum of \$3,000.00. CDR Whitesville, LLC, shall be responsible for the payment of the Township's costs in conveying said property (i.e. attorneys' fees, publication costs, recording fees and appraisal fees).

SECTION 3. A condition of the transfer of Block 21901, Lot 18 and Block 21913, Lot 3, to CDR Whitesville, LLC, is that this property must be consolidated with the adjoining property, currently owned by CDR Whitesville, LLC.

SECTION 4. 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 November 25, 2008, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 9th day of December, 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, RMC
TOWNSHIP CLERK**

DATED: 11-25-08

PUBLIC HEARING OPENED, RESOLUTIONS ONLY

PAUL MAYEROWITZ-91 CYPRES POINT LANE: 407R-08 amending bid threshold. He stated the township doesn't have a purchasing agent at this time and there is an existing resolution raising the threshold and suggested they hold off until someone is in that position. Council President Kafton explained the reason for lowering it was because of the Mayor's spending and felt comfortable in raising it now because the new Mayor should be punished for the actions of the previous Mayor. Mr. Mayerowitz then asked 413R-08 DPW equipment for a tractor and how many does the town really need. Mayor Reina stated he did a walk through with the DPW Director to look over the equipment to assess the needs and suggested removing the bulldozer because it's not needed on a regular basis and it would be less expensive to rent it when necessary and the savings to the town would be about \$60K. Mr. Mayerowitz suggested writing the bid so they could eliminate single items if they decide they don't need something. Kafton suggested they remove the item and it was agreed when they get to that particular Resolution they would vote to amend it.

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

**RESOLUTION 407R-08
TITLE: ESTABLISH A BID THRESHOLD OF \$21,000.00 IN ACCORDANCE
WITH THE PROVISIONS OF N.J.S.A. 40A:11-3**

MOTION TO APPROVE BY: MARTIN

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

WHEREAS, N.J.S.A. 40A:11-3 authorizes the governing body of a municipality to adopt a lower bid threshold than otherwise permitted by State Statute; and

WHEREAS, it is the desire of the governing body to set a bid threshold of \$21,000.00, that the Township has not established a Qualified Purchasing Agent; and

WHEREAS, this lower bidding threshold will not effect any purchase made through a State contract, County contract, cooperative purchasing agreement, or any other exception to the public bidding laws provided by State Statute or State Administrative regulations; and

WHEREAS, the governing body also recognizes that there are certain emergencies which would require action without the delay of public bidding for an amount in excess of \$21,000.00 and therefore, the governing body authorizes the purchase of goods or services in excess of \$21,000.00 without the necessity of public bidding where that purchase is necessary to protect the health, safety and welfare of the residents or employees of the Township.

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

1. That the Township Council does hereby set a bid threshold of \$21,000.00 in the absence of a Qualified Purchasing Agent according to provisions of N.J.S.A. 40A:11-3.
2. That this lower bid threshold will not affect purchases made under State contract, County contract, cooperative purchasing agreements, or any other exception to public bidding under State Statute or State Administrative regulations.
3. That this lower bid threshold will not affect the purchase of goods or services which must be made in order to protect the health, safety and welfare of the Township residents or employees of the Township.
4. That a certified copy of this resolution shall be provided by the Township Clerk to the Township Administrator and Township Purchasing Agent and all department heads.

DATED: 11-25-08

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

RESOLUTION 409R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PUNTONIA ASSOCIATES OF THE PERFORMANCE BOND ISSUED FOR PARKVIEW ESTATES II, A/K/A BLOCK 7, LOTS 31, 32 & 33.01

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

WHEREAS, Puntonia Associates has requested a Release of the Performance Guarantee, which consists of \$118,988.98 in the form of a Performance Bond #S05788 and \$26,100.00 in the form of Performance Bond S05603 issued by First Indemnity of America Insurance Company and a Cash Bond in the amount of \$16,121.00 pertaining to Parkview Estates II, a/k/a Block 7, Lots 31, 32 & 33.01, Jackson Township; and

WHEREAS, Albert D. Yodakis, P.E. of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bonds in letter report dated November 12, 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 #S05788 in the amount of \$118,988.98

and Performance Bond #S05603 in the amount of \$26,100.00 issued by First Indemnity of America Insurance Company, 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 \$80,550.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. This resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

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

DATED: 11-25-08

RESOLUTION 410R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO FRIENDSHIP, INC., OF THE PERFORMANCE BOND ISSUED FOR GABLES AT BELAIRE, A/K/A BLOCK 135.01, LOTS 1 & 4.02

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

WHEREAS, Friendship Inc., has requested a Release of the Performance Guarantee, which consists of \$380,253.15 in the form of a Performance Bond #B21864565 issued by Gulf Insurance Company and cash in the amount of \$42,250.35, pertaining to Gables at Belaire, a/k/a Block 135.01, Lots 1 & 4.02, 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 November 12, 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 #B21864565 issued by Gulf Insurance Company in the amount of \$380,253.15 and cash in the amount of \$42,250.35, 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 \$183,771.14, 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: 11-25-08

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

RESOLUTION 415R-08

TITLE: RESOLUTION AMENDING DESIGNATING OFFICIAL DEPOSITORIES AND AUTHORIZED MUNICIPAL OFFICIALS TO SIGN CHECKS FOR DISBURSEMENT OF FUNDS FOR CALENDAR YEAR 2008, TO EXCLUDE MAYOR MARK SEDA FROM ANY DEPOSITORY DESIGNATIONS AND INSERT MAYOR MICHAEL RIENA

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

ATTORNEY GILMORE suggested they amend this Resolution to remove Mayor Seda and insert Mayor Riena.

WHEREAS, under the provisions of state regulations (N.J.S.A. 40A:5-1) entitled Local Fiscal Affairs Law, the Township of Jackson in accordance with N.J.S.A.40A:5-14 hereby establishes Legal Depositories for public monies for the calendar year 2008. Further, recent amendment to N.J.S.A. 40A:5-15.1 entitled "Securities which may be purchased by local units" provide added flexibility to secure high yield investments while safe guarding Municipal assets.

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. The following banks or institutions approved by the Department of Banking and Insurance under the Government Unit Depository Protection Act (GUDPA) or other authorized investment vehicles authorized by the State of New Jersey are hereby designated as official depositories of Township funds for the calendar year 2008:

- A. Ocean First
- B. TD Banknorth
- C. MBIA Municipal Investors Service Corp.
- D. PFM Asset Management, LLC
- E. Wachovia Bank, N.A.
- F. New Jersey Cash Management Fund
- G. JP Morgan Chase Bank, N.A.
- H. Investors Savings Bank
- I. The Bank

2. Authorized signatories herewith described below are established by Appointing Resolution and/or Salary Ordinance as approved by the Governing Body. Effective authority for authorized signatories will be established on or about November 25, 2008 *nun pro tunc*. Wire or electronic transfer of Municipal funds for the purpose to meet payment obligations (Eg. investments, payroll, debt service, vendor, state & federal taxes) are hereby granted to the Chief Financial Officer or assistant subject to ratification by the Governing Body.

3. Disbursements from all checking accounts except as otherwise noted herein shall be signed by any two (2) of the following three (3) authorized individuals to include at minimum each check to bear one original signature. The Mayor and President of the Council may designate a facsimile signature as subject to approval:

Mayor Michael Reina
President of the Council, Michael Kafton
Municipal Administrator, Phil Del Turco
Chief Financial Officer, Sharon Pinkava

Authorized Checking Accounts

A. Current Fund	17006000013
B. Capital Fund	17006000021
C. Parks & Recreation	17006000047
D. Dog Fund	17006000062
E. Public Assistance	17006000070
F. Handicap Trust Fund	17006000138
G. Subdivision Trust Fund	17006000146
H. General Trust Fund	17006000054
I. Payroll Account	17006000039
J. Open Space Trust Fund	17006000302
K. Builders Escrow	6855050050
L. Police Outside Employment	6855861407
M. Affordable Housing 3 rd Round	17006002571
N. Developers Fees-COAH Trust Fund	17006002589
O. Builders Escrow	7867229796

4. All disbursements from the Jackson Township “Tax Collector Trust” checking account (Account No. 17006000088) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Tax Collector, Michael Campbell
- B. Chief Financial Officer, Sharon Pinkava
- C. Administrator, Phil Del Turco

5. All disbursements from the Jackson Township Building Department “Building Fees” checking account (Account No. 17006000104) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Construction Code Official, Barry Olejarz
- B. Technical Assistant to the Construction Official, Vera Dzumyk
- C. Chief Financial Officer, Sharon Pinkava

6. All disbursements from the Jackson Township “Housing Division Fees” checking account (Account No. 17006002480) shall be made by checks signed by (1) of the following (3) individuals.

- A. Supervisor of Code Enforcement, John Grillo
- B. Principal Clerk Typist, Christie McDonald
- C. Chief Financial Officer, Sharon Pinkava

7. All disbursements from the Jackson Township “Engineering and Inspection” checking account (Account No. 17006000096) shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Zoning Officer, Jeffrey Purpuro
- B. Planning Board Secretary, Janice Kisty
- C. Chief Financial Officer, Sharon Pinkava

8. All disbursements from Jackson Township’s consolidated “Zoning Board of Adjustment” checking account (Account No. 17006000120) for use by Planning, Zoning and Tree Forester activities shall be made by checks signed by any one (1) of the following three (3) individuals:

- A. Zoning Officer, Jeffrey Purpuro
- B. Planning Board Secretary, Janice Kisty
- C. Chief Financial Officer, Sharon Pinkava

9. All disbursements from the Jackson Township Court General checking account (17006000161) and the Jackson Township Court Bail checking account (17006000179) shall be made by checks signed by any two (2) of the following four (4) individuals:

- A. Municipal Court Judge, Daniel F. Sahin
- B. Municipal Court Administrator, Erin J. DiCristina
- C. Deputy Court Administrator, Heidrun Parise
- D. Violations Clerk, Cheri Borzek

10. All disbursements from the Jackson Township Industrial Commission checking accounts (17006000153) shall be made by checks signed by any two (2) of the following two (2) authorized individuals:

- A. Administrator, Phil Del Turco
- B. Chief Financial Officer, Sharon Pinkava

11. Any disbursement checking accounts not specifically authorized by this resolution shall be considered null and void. All funds in said accounts shall be immediately transferred into the Current Fund account. Any individual attempting to establish or use an unauthorized account shall be subject to criminal prosecution as provided for by law and/or disciplinary action as provided by Administrative Code.

12. It is the policy of Jackson Township to maximize its investment earnings potential while preserving capital in secured investment programs authorized by the State of New Jersey's Fiscal Affairs Law. The governing body of Jackson Township permits the Chief Financial Officer to:

a) Secure State and Local approved interest bearing checking funds protected through collateralized securities authorized by the Government Unit Depository Protection Act.

b) Promote a diverse authorized Investment program approved by the State of New Jersey as subject to market conditions through various bank and agency acquisitions to include:

- Guaranteed bonds and obligations of the United States of America
- Government Money Market Funds
- Any Federal Agency or Instrumentality authorized by Congress
- Jackson Township Board of Education Bonds or Obligations
- Obligations permitted by the Division of Investments
- Local Government Investment pools (E.g. NJ Class, NJ/ARM)
- New Jersey Cash Management Fund
- Authorized Repurchase Agreements

All Municipal investments will meet rigid State and local standards to protect Jackson Township's taxpayers. Investments will be selected based upon a criterion to include guarantee as to the preservation of the principal, liquidity and maturity management to ensure cash conversion for needed Municipal expenditures.

13. Certified copies of this resolution to Municipal Administrator, CFO, Auditor, all Department Heads and any other interested parties.

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

DATED: 11-25-08

RESOLUTION 416R-08
TITLE: RESOLUTION AUTHORIZING THE FIRM OF RUSSO & CASSIDY TO
FILE A MOTION WITH JUDGE GRASSO SEEKING THAT THE COURT
ESTABLISH TIME FRAMES FOR SUBMISSION OF THE TOWNSHIP'S THIRD

ROUND HOUSING ELEMENT AND FAIR SHARE PLAN PURSUANT TO THE COURT'S ORDER DATED JANUARY 31, 2008, AND RELATED RELIEF

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

COUNCILWOMAN RIVERE suggested everyone keep their eyes open for all COAH resolutions and requests because there is a lot more ahead.

WHEREAS, *Southern Burlington County NAACP vs. Mount Laurel*, 92 N.J. 158 (1983) ("*Mount Laurel II*") and the New Jersey Fair Housing Act, *N.J.S.A. 52: 27D-301, et seq.* ("*FHA*") require the Township of Jackson, County of Ocean, New Jersey ("Township") as well as most other municipalities in New Jersey, create a realistic opportunity for the provision of low and moderate income housing ("Affordable Housing") during the cumulative first, second and third housing cycles spanning from December 15, 1986 to December 31, 2018; and

WHEREAS, the FHA created the New Jersey Council on Affordable Housing ("COAH") as part of the Department of Community Affairs ("DCA") and authorized and empowered COAH to promulgate necessary regulations to effectuate the intent and purpose of the FHA and to assist municipalities in their efforts to comply with the requirements of the Mount Laurel doctrine and the FHA; and

WHEREAS, Jackson Township has always voluntarily been under the jurisdiction of the Court pertaining to the Township's obligations and compliance with the FHA and as part of that process the Township obtained a Judgment of Repose from the Court in 1993 that addressed its first round obligations and compliance mechanisms, and that created Affordable Housing Site #2 owned by Leigh Realty and providing Leigh Realty with certain rights and obligations as an affordable housing inclusionary development site; and

WHEREAS, the Township has been protected by an unbroken string of Orders from the Court providing it protections from exclusionary zoning litigation and direction pertaining to the Township's obligations to submit a third round plan to the Court, with the most recent Order being dated January 31, 2008; and

WHEREAS, this Order provides at Paragraph 3 as follows:

The Court shall retain Jurisdiction over this matter as it relates to Jackson's Second and Third Round Compliance Plans and the Court shall direct the Township as to the time period to submit a Third Round Compliance Plan within 90 days of the Third Round Rules becoming effective as to the Township upon application of the Township to the Court; and

WHEREAS, this Order further provides at Paragraph 4 as follows:

That Leigh Realty Company, having submitted a development application to the Jackson Township Planning Board, which development includes 384 affordable housing units, and the Planning Board having denied the application pursuant to resolution 2007-28; the Complaint in Lieu of Prerogative Writs filed or to be filed by Leigh Realty Company shall include Jackson Township as a named Defendant and neither Jackson Township nor any of its political subdivisions, committees or entities shall seek to consolidate or consent to a consolidation of such action(s) with this declaratory judgment action (OCN-L-822-92) while such actions are pending on appeal before the superior court. (OCN-L-788-06 P.W. and OCN L-3939-07.) That Leigh Realty Company, by consent of both parties, is hereby added to and made a party to this action by way of intervention pursuant to R. 4:33-1. (Leigh Realty Company having withdrawn its motion to intervene on the return date, November 16, 2007) Leigh Realty Company and Jackson Township shall cooperate with the Court's Special Master and expeditiously schedule meetings with the Special Master during the extension period, granted by this order, to allow the Special Master to review the Leigh Realty property and development applications for the purpose of assessing the proposed development and its affordable housing components. The parties further understand that Leigh Realty Company met with the Special Master on December 19, 2007; and

WHEREAS, on November 11, 2008, the Township adopted a resolution that established the Township Affordable Housing Subcommittee consisting of members of the Council and the Planning Board and professionals from the Township and the

Planning Board and further committed that the Township would submit a third Round Housing Element and Fair Share Plan to the Court by the new COAH deadline of December 31, 2008; and

WHEREAS, the Township and the Planning Board have determined that they are unable to prepare a Plan at this time due to the issues involving inclusionary zoning Affordable Housing Site #2 established in the 1993 Judgment of Repose owed and to be developed by Leigh Realty Development Company as there continues to be a dispute between the Township/Planning Board and Leigh Realty as to the extent that the property can be developed and the corresponding affordable housing yield that would be generated by development on that site; and

WHEREAS, despite the parties making a good faith effort to Comply with Paragraph 4 of the January 31, 2008, Order cited above, there still remains significant disputes as to how the property can be developed, with the most recent proposal from Leigh Realty claiming that the property could be developed in such a manner that this project could satisfy almost all of the Township outstanding third round obligation; and

WHEREAS, the Township and Planning Board do not believe that the property can be developed to the extent that Leigh Realty proposed, as and as result, the Township is unable to include the property in its third round housing element and fair share plan unless and until further finding are made by the Court and its Master and the DEP issues final determinations as to the property that is not constrained by environmental issues; and

WHEREAS, the Planning Board is required to make a finding pursuant to COAH rules and case law that the property is developable, approvable and buildable as an affordable housing inclusionary site at a certain gross/net density that would result in a realistic opportunity for the production of affordable housing as required by the Mount Laurel Doctrine and the FHA, and without the Court making certain determinations and rulings regarding the matters that are presently pending before the Court under two separate docket numbers and as referenced above in Paragraph 4 of the January 31, 2008 Order, and further, additional information is required from the DEP as to the extent that this property can be developed as it is heavily impacted by various environmental issues, the Planning Board is unable to make such determinations at this time; and

WHEREAS, the Township's Affordable Housing Subcommittee has determined and is recommending that the Council authorized the firm of Russo & Cassidy to file the motion as required by the January 31, 2008 Order cited above, and it should be noted that the Planning Board representatives and professionals are joining in making this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey that the governing body does hereby authorize the following actions:

1. Authorize the firm of Russo & Cassidy to file the appropriate motion with the New Jersey Superior Court, Law Division, Ocean County, pursuant to the January 31, 2008 Order signed by the Hon. Vincent J. Grasso, A.J.S.C., cited above, that will provide a court ordered schedule for submission of the Township's third round plan; and
2. As part of the same motion, seek the Court's guidance as it relates to the outstanding legal, planning and environmental issues pertaining to Affordable Housing Site #2, Leigh Realty, so that the Township may be in a position to adopt a realistic third round plan that includes the actual development potential and affordable housing yield from Site #2; and
3. The firm of Russo & Cassidy is authorized to take any and all actions to protect the Township's rights pertaining to collecting, spending and retaining development fees that may be in jeopardy if the Township does not submit a third round plan to the Court by December 31, 2008.
4. A certified copy of this resolution shall be provided by the Clerk's Office to each of the following:
 - a) Philip DelTurco, Municipal Liaison/ Township Administrator
 - b) George Gilmore, Twp. Attorney
 - c) Alan Dittenhofer, Twp Planner

- d) Sharon Pinkava, CFO
- e) John Maczuga, Affordable Housing Planner
- f) John F. Russo Jr., Esq., Affordable Housing Counsel
- g) Janice Kisty, Planning Board Secretary to distribute to Planning Board Professionals and Members

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

DATED: 11-25-08

RESOLUTION 417R-08

TITLE: RESOLUTION SUPPORTING THE REQUEST BY NEW JERSEY LEGISLATORS SEEKING THAT THE GOVERNOR DELAY THE DECEMBER 31, 2008, COAH DEADLINE FOR MUNICIPALITIES TO SUBMIT REVISED THIRD ROUND AFFORDABLE HOUSING PLANS AND SUPPORT OF SENATE BILL S-2292 THAT WOULD AMEND THE FAIR HOUSING ACT THAT IS PRESENTLY PENDING BEFORE THE LEGISLATURE

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

WHEREAS, Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel I") and the New Jersey Fair Housing Act, N.J.S.A. 52: 27D-301, et seq. ("FHA") requires the Township of Jackson, County of Ocean, New Jersey ("Township"), as well as most other municipalities in New Jersey, to create a realistic opportunity for the provision of low and moderate income housing ("Affordable Housing") during the cumulative first, second and third housing cycles spanning from December 15, 1986 to December 31, 2018; and

WHEREAS, the ("FHA") authorized the creation of the New Jersey Council on Affordable Housing ("COAH") as the State administrative agency with primary jurisdiction over the administration of municipal affordable housing obligations and authorized COAH to adopt rules and regulations to guide affordable housing compliance in the first, second and third housing cycles in accordance with sound regional planning considerations; and

WHEREAS, on September 7, 2008, the Township voluntarily sought the jurisdiction of the Superior Court, Law Division, to seek confirmation that the Township has satisfied its second round obligations pursuant to the requirements of the FHA and the Mount Laurel Doctrine; and

WHEREAS, on October 20, 2008, new revised new third round rules promulgated by the COAH became effective with the new revised rules requiring that municipalities submit revised third round affordable e housing plan by December 31, 2008; and

WHEREAS, Jackson is working diligently to comply with this deadline, despite the fact that the new revised rules are legally defective, unconstitutional and in violation of the FHA and that Jackson along with many other municipalities in New Jersey have filed court challenges to correct the significant defects in these rules; and

WHEREAS, Jackson has never been an exclusionary community and in fact according to the 2000 Census, 42 percent of the households had reported incomes at or below the low- and moderate-income levels as defined by COAH; and

WHEREAS, despite that fact, Jackson has had an affordable housing plan in place since 1998 to address the prior round obligations that has produced in excess of 1,600 units and/or credits against its staggering 1,832 affordable housing obligation for the prior round 1987 to 1999, as assigned by COAH in 2004, and implemented it without having a legal obligation to do so; and

WHEREAS, this level of affordable housing production makes Jackson the single most productive municipality in New Jersey regarding the FHA, with just this year alone, Jackson has created a new for sale affordable housing project Walnut Cove, 12 units; celebrated a ground breaking at Jackson Crescent, a 100 plus unit family rental affordable development, conducted the affirmative marketing process in Town Hall last

week for the almost completed Presbyterian Homes development, an 84 senior rental development, and tonight created a new affordable project of 9 for sale units; and

WHEREAS, the Mayor and Council take note that on November 20, 2008, Senators Bateman and Lesniak, the New Jersey League of Municipalities and the Sierra Club of New Jersey all have joined forces to ask that Governor Corzine delay by six months the present COAH deadline of December 31, 2008, so that the Legislature has sufficient time to review and revise the FHA so that it is simpler, legally permissible, sufficiently provides much needed reforms to COAH and that will actually produce affordable housing as opposed to produce litigation and delay; and

WHEREAS, the Mayor and Council further take notice of the fact that in August 2008, Jackson joined with Jackson and Brick Townships to seek that COAH grant a waiver for these Townships delaying the December 31, 2008, deadline due to the problems that the Township's are facing in compiling new plans as a result of the Appellate Division throwing out COAH first edition of the third round rules on January 25, 2007, specifically relating to approvals that were granted to developers since 2004 to date that included affordable housing requirements on these developers, but that were put into jeopardy by the Appellate Division ruling mentioned above; further, the extension was sought due to the fact that the new rules were not able to be legally effective until October 2008, which would provide the Townships with two months to develop and adopt new third round plans, combined the fact that COAH's development projections reveal that these three townships have some of the largest effective affordable housing obligations in the State and as such, have large and complicated compliance plans and are being provided with the same time period as a municipality that has an affordable housing obligation of a few units; and

WHEREAS, on November 14, 2008, the Office of Legislative Services, prepared a report at the request of the Legislators seeking an independent, non-partisan review of the potential costs of COAH's revised third round rules to the municipalities, with such Report determining that the cost will be two billion dollars State wide over the next ten years; and

WHEREAS, the Mayor and Council are acutely aware of the fact that the Country, the State and Jackson, and indeed the entire World Community is presently experiencing one of the worst economic down-turns of all time, and in this challenging time, the municipalities of New Jersey and the Sate in general cannot afford COAH's new requirements and a six month delay of the present COAH deadline would serve the best interests of all of New Jersey's residents, including Jackson's, so that there will be time for the present Court challenges to be addressed by the Appellate Division, as well as time for the Legislators to revise the FHA in a manner in a fair and legitimate manner and that does not penalize the municipalities that provide for affordable housing; and

WHEREAS, the Mayor and Council also seeks to support the legislation pending before both Houses as S-2292 (Cosponsored by Ocean County Senators Andrew Ciesla and Robert Singer) and A-3441 that would revise the FHA to make the production of affordable housing more fair and meaningful, and further, the Mayor and Council would strongly recommend that these Legislators take even stronger actions in their deliberations of these amendments to simplify this FHA process and to change from a process that merely provides municipalities protections from exclusionary zoning litigation to one that provides incentives for municipalities, such as Jackson, that provide for the creation of affordable housing by way of increased school funding, increased municipal aide, greater return from Trenton in the form of transportation funding, economic development funding and similar funding that is proved on a yearly basis by the State and Federal Governments to municipalities or that benefit municipalities and school districts; and

WHEREAS, affordable housing advocates such as Fair Share Housing Center ("FSHC") and the DCA Com. Joseph Doria have commented that COAH is under order of the Appellate Court to have the December 31, 2008, deadline remain in place and that any extension of that deadline would not be legally permitted, however, any such assertions are simply without merit as any such Order is not binding on the Legislature and the Governor and further, that presently there are more compelling reasons to delay this deadline that to leave it in place; and

WHEREAS, opponents of any such delay argue that a delay in the deadline would equate in a delay in the production of affordable housing, however, that is simply not the case as every municipality has a constitutional obligation to provide for the

realistic opportunity for the production of affordable housing and Jackson has demonstrated that it honors that obligations; and

WHEREAS, tonight Jackson adopted a resolution creating a new for sale affordable housing project of nine units that will be part of its new revised third round plan and Jackson is committed to utilize its Affordable Housing Trust Fund money (non-taxpayer funds) to continue to work with local non-profit affordable housing providers to provide for affordable housing opportunities; and

WHEREAS, despite this support of the extension of the deadline, Jackson is still committed to submit its revised third round compliance plan to the Court by December 31, 2008, however, it still supports this extension so that it does not become exposed to challenges by developers and housing advocates that Jackson is not providing for its fair share of affordable housing as its plan is not realistic or otherwise not compliant with COAH's revised rules; and

WHEREAS, on November 24, 2008, COAH sent a letter to New Jersey's Mayors stating that only municipalities that are presently engaged in COAH's process are obligated to comply with the December 31, 2008 deadline, Jackson is aware that New Jersey case law has determined that Courts are required to follow COAH's rules as much as possible, and as such, this deadline has implications on Jackson that must be addressed.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Jackson County of Ocean, State of New Jersey that the governing body, with the support and concurrence of Mayor Thomas Kelaher, does hereby take the following actions:

1. Request that the Governor honor the request by Senators Bateman and Lesniak, the NJ League of Municipalities and the NJ Sierra Club to extend the December 31, 2008 COAH deadline for a period of at least six months; and
2. Support the pending legislation S-2292 and A-3441 that is intended to amend and reform the FHA; and
3. Further support these efforts by seeking that the Legislators change the structure of the FHA from one offering only protections from exclusionary zoning litigation, as Jackson's demographic profile evidences the fact that it never used its zoning powers to exclude the low and moderate income households, to a system that provides financial incentives for municipalities that voluntarily provide for affordable housing opportunities, as the Mayor and Council believe that keeping New Jersey affordable is an important public policy objective and that this present system only serves to make New Jersey less affordable to its citizens, especially those that are living in naturally occurring affordable housing and have incomes that are at or below low and moderate income levels; and
4. Requesting that the Governor and the DCA Commissioner and the Ocean County Legislative delegation and other Legislative leaders come to Jackson and discuss the most effective manner in which New Jersey could produce affordable housing without making New Jersey less affordable to its residents by increased property taxes, as Jackson is the single most successful producer of affordable housing pursuant to the FHA than any other single municipality in the State.
5. A certified copy of this resolution shall be provided by the Clerk's Office to each of the following:
 - a) Allen Dittenhofer, Remington, Vernick & Vena, Twp Planner
 - b) John Maczuga, Township's Affordable Housing Planner
 - c) Philip DelTurco, Township Administrator
 - d) John F. Russo Jr., Esq., Affordable Housing Counsel
 - e) George Gilmore, Township Attorney
 - f) Planning Board
 - g) HAS
 - h) Governor Jon Corzine
 - i) Senators Ciesla, Connors and Singer
 - j) Assemblymen Dancer and Malone
 - k) NJ Department of Community Affairs' Com. Joseph Doria
 - l) COAH
 - m) Philip Caton, Court Master

DATED: 11-25-08

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

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

ATTORNEY GILMORE referred to Resolutions 408R-08, 411R-08 and 413R-08 and the changes previously discussed on each and suggested the Deputy Clerk read the three resolutions to be voted on.

RESOLUTION 408R-08

TITLE: APPROVE CHIEF FINANCIAL OFFICERS MONTHLY REPORT FOR OCTOBER 2008

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE & 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 October 2008 is hereby approved.
2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

DATED: 11-25-08

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

RESOLUTION 411R-08 – CARRIED TO 12-00-08

RESOLUTION 412R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO CARDINALE ENTERPRISES, INC., OF THE PERFORMANCE BOND ISSUED FOR JACKSON CROSSING, A/K/A BLOCK 58.01, LOT 1.02

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

WHEREAS, Cardinale Enterprises has requested a Release of the Performance Guarantee, which consists of \$281,155.31 in the form of a Letter of Credit #SB-908516-2000 issued by M&T Bank and cash bond in the amount of \$31,239.48, pertaining to Jackson Crossing, a/k/a Block 58.01, Lot 1.02, Jackson Township; and

WHEREAS, Resolution 399R-08 adopted on November 12, 2008 drawing down against this performance bond is now null and void due to the performance bond being released;

WHEREAS, Michael G. Miller of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated November 17, 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 Letter of Credit #SB-908516-2000 issued by M&T Bank in the amount of \$281,155.31 and cash bond in the amount of \$31,239.48, 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 \$156,197.39 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: 11-25-08

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

RESOLUTION 413R-08

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE SOLICITATION OF BIDS FOR VARIOUS PIECES OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS.

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, RIVERE, UPDEGRAVE & KAFTON

WHEREAS, the Department of Public Works has the need to purchase various pieces of equipment, including but not limited to:

One (1) backhoe; two (2) leaf vacuum trucks; two (2) dump truck bodies; one (1) John Deere tractor with loader; one (1) skid steer loader; and two (2) tipper units with leach traps; all of which total an estimated amount of \$ 390,000, and all of which were previously approved as part of the 2008 capital budget; 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 equipment is required; and

WHEREAS, the Township Council desires to solicit proposals for the purchase of the various pieces of equipment listed above for the purpose of a obtaining the best possible price.

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

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

DATED: 11-25-08

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

DISCUSSION AGENDA:

ACTING MAYOR/TWP. CLERK EDEN stated the Township was approved and will receive funding from the New Jersey Department of Transportation for road improvements to Brewers Bridge Road 2009 in the amount of \$285,000.00.

ACTING MAYOR/TWP. CLERK EDEN stated the Council agreed at the last meeting to change a street name because of possible 911 problems and asked for suggestions on a new name for the street they had to change. Councilman Martin suggested Holly Court but no decision was made. Todd Porter explained the street was across from Bates Road and suggested they continue it since nobody lives on that portion. They discussed issues involved with changing the name to Bates Road and decided to discuss further at the end of the meeting.

COUNCILWOMAN UPDEGRAVE – Suggested the possibility of having a coin drop for non-profits and needy families. Councilman Martin stated he had spoken to the Mayor about it before and stated there were concerns from the Police Department regarding public safety. Attorney Gilmore explained permits are allowed by State statute and must be approved by the governing body and Councilman Kafton suggested checking with Public Safety before they go further and look into the history of other towns to see what problems they've had.

ADMINISTRATOR DEL TURCO stated the Pinelands proposed changes to CMP- Mr. Burke spoke on behalf of the Planning Board regarding the Comprehensive Management Plan stating nearly 50% of Jackson was in the Pinelands and asked for the Councils' endorsement regarding the changes in the RG-2 Zone and create forest areas that are adjacent to it. He stated the RG-2 Zone was directly in line with the Lakehurst flight path and if homes were to be built more residents would be complaining about the noise. Ken Bressi, Planning Board Chairman, referred to a letter sent to the Pinelands Commission regarding difficulty in acquiring forest areas and the proposed changes to the land capability map which would significantly effect the Township's RG-2 zoning and he asked Mr. Gilmore to read the letter into the minutes. Kafton agreed to prepare a resolution in support.

ADMINISTRATOR DEL TURCO stated First Energy Corporation and Verizon were interested in locating a wireless tower along North Prospect Road that should eliminate dead zones. He then advised the public that the tree lighting would take place on December 6th and the menorah on December 23rd.

MAYOR REINA stated he received a message from Chief Kunz stating the County has begun putting chevrons on Freehold Road and was pleased to see the first of many modifications made to the road. Council President Kafton stated they were also looking into more lighting and changing the speed limit.

PUBLIC HEARING, ANY TOPIC

PATRICIA WOOD- AFSME –stated Ann Marie was well respected by everyone and they were proud of her appointment as interim Mayor and then congratulated Mr. Reina and wished him well stating everyone hoped for open communication and the Unions were willing to do their share and stated decisions affect everyone and to give much thought before making major decisions.

HOWARD CILIS-33 POINTE CIRCLE: He congratulated Mayor Reina and stated in August the council created the Budget Advisory Committee and they were ready to get started on the next budget and hoped to receive the information shortly. Council President Kafton agreed and Mayor Reina stated he would address it a little later.

ROBERT D'ANNA-1 PAUL BROOK ROAD-He asked what's going on with the house that's falling down on 571 and Thompson Bridge and Administrator Del Turco stated it was on the list of unsafe structures. Dan Burke informed Mr. D'Anna the owner was committed to demolish that sight within three weeks or be fined. He stated the town

has been working on it for about four years and felt optimistic that it will soon be over and there was an application before the board to redevelop that area.

KENNETH BRESSI - 462 DIAMOND ROAD: He stated the owner of the property agreed to clean up the property if the Planning Board approved their application and Mr. Bressi wanted to make it clear it had nothing to do with being approved or not and that the property had to be cleaned.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He congratulated Mr. Reina and spoke of a past purchasing issue and suggested forming a sub committee to investigate several purchases and reminded the Council that something had to be done regarding Niscayah. He stated in the 2008 the recreational leagues gave up their annual donation to save the township about \$80K and then the township spent \$75K on one field. He stated the Council approved payment to Elite Audio Video for work performed and when he looked into it he found the receiving report and municipal certification were signed by someone that wasn't a township employee and wanted to know who inspected the system to insure it met the specifications and authorized the actual payment? He then asked about the Niscayah CCT contract Mayor Reina stated he would be meeting with Mr. Zulli to discuss it and welcomed Council to attend.

JOHN GASKILL-25 N LAKESIDE DRIVE: He suggested holding a raffle or online auction to change the name of the road to pay for changes to the maps. He stated the County advised him they will address issues on Freehold Road and East Veterans highway and then asked where they stood in forming an Economic Advisory Committee? Council President Kafton stated they have a new Mayor now and would be able to move forward with appointing members. He questioned the possible purchase of 11 acres of commercial property on County Line Road and Council President Kafton stated they couldn't discuss it publicly.

DAN GROSS-18 POINTE CIRCLE/DAN BURKE – He congratulated Mr. Reina and asked about the Administrative Code and suggested they form a committee to investigate and recommend changes. Councilman Martin felt it wasn't feasible because they spent \$45K to rewrite it a year ago. Mr. Kafton suggested waiting to see how things go. Attorney Gilmore advised Mr. Gross the public doesn't need to get approval from the Council to suggest changes or submit suggestions. Mr. Gross then asked how the electric going to the justice complex was going and Mr. Burke stated it was about 70-85% complete.

KIMBERLY LUMB-8 MONROE LANE- She thought there was supposed to be a discussion by the Planning Board regarding the 3rd round COAH obligation. Council President Kafton stated Council passed two resolutions during the meeting and Attorney Gilmore gave a brief overview. Mr. Kafton explained there may be an extension of time but they are continuing with respect to the deadline they had been given. Mr. Bressi explained they were waiting to hear from the courts when they have to submit the plans but in the meantime they are working on it because eventually there will be a decision made. Councilwoman Updegrave stated they come up with a plan and COAH makes a change and stated it was very difficult and frustrating. Mr. Kafton stated many towns are complaining about the same thing. Ms. Updegrave stated the unfortunate thing is that COAH was a good idea but it wasn't planned properly. Ms. Lumb agreed COAH is good for those that need it but it was destined to fail from the beginning and thanked everyone for all the work they put into it and to keep up the good work.

KYLE ALFANO-17 WHYOMING DRIVE: 16 YEARS OLD: He thanked Council for their support for the breakfast fundraising for David Soto where they raised \$2000. Mr. Kafton commended him for being behind the fundraiser stating he was only 16 and came up with the idea on his own and for following in his father's footsteps in doing good things in the community.

JOHN GASKILL-25 N LAKESIDE DRIVE: He stated Mr. Corzine mentioned at the League of Municipalities meeting that he would open it up to municipalities to not fund the pension plan or defer the funding and Mr. Gaskill recommended not doing that because it led to the 32% tax increase a couple years ago.

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

MAYOR REINA stated he put together a list of things for the new Mayor not knowing it would be him and promised the public that he would work with Council so everyone knows what's going on, to allow Council access to each department , hold regular department head meetings, keep Council apprised of all spending since they have to approve it, involve budget advisory committee in all areas of spending and form sub committees on all levels. He stated many residents have skills and would enjoy volunteering their time to save tax dollars. He also felt they should have a gypsy moth plan and differentiate between wants and needs and suggested speaking with the township employees on ways to make things better. He promised an open government and thanked everyone.

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

9:55 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT KAFTON

JANET KISTY, DEPUTY CLERK

AME/klj