

**ON TUESDAY, FEBRUARY 24, 2009, AT 6:30 P.M., THE JACKSON TOWNSHIP
COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

**PLEDGE OF ALLEGIANCE
ROLL CALL**

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

**ATTORNEY GILMORE (6:35PM)
TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE
ADMINISTRATOR DEL TURCO
JOHN RUSSO**

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 089R-09
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, TILIS, UPDEGRAVE, RIVERE, & 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: Matters involving COAH
 - c) Potential Land Sale/Land Acquisition: Board of Fire Commissioners #3-Brewers Bridge Road
 - d) Contracts/Agreements: Landtek

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

DATED: 02-24-09

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

7:30 PM REGULAR PUBLIC MEETING

**PLEDGE OF ALLEGIANCE
ROLL CALL**

COUNCILMAN MARTIN
COUNCILWOMAN UPDEGRAVE
COUNCILMAN TILLIS
COUNCIL VICE PRESIDENT RIVERE
COUNCIL PRESIDENT KAFTON

ATTORNEY GILMORE
TOWNSHIP CLERK EDEN

ALSO IN ATTENDANCE
MAYOR REINA
ADMINISTRATOR DEL TURCO
JOHN RUSSO

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

CLERK EDEN confirmed the presentation scheduled for Paul Maier was being postponed.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILMAN MARTIN welcomed everyone for coming and congratulated Martin Spielman for having a very successful fashion show on February 21st that raised more than \$3000. The foundation raises money to support programs in the school district that might not otherwise be provided through the regular school budget. He then announced some of the Jackson Pop Warner teams competed and won championships and then wished everyone a safe trip home.

COUNCILMAN TILLIS expressed how pleased he was to see more than 300 mothers and sons and fathers and daughters register for the Valentine dance and what a great time he had. He thanked Council President Kafton for arranging it and noted the awards ceremony for the Pop Warner event was also successful.

COUNCILWOMAN UPDEGRAVE discussed the two resolutions on the agenda regarding COAH and welcomed anyone to join her in going to Trenton to address the matter. She further discussed the Fair Housing Act and the ongoing burden it has created for the Township. She thanked John Russo and John Maczuga for protecting the residents of Jackson.

COUNCIL VICE PRESIDENT RIVERE thanked Mayor Reina for scheduling the Saturday revaluation and spoke of attending the Pop Warner ceremony and the Super Bowl ring worn by their guest speaker and how large it was then wished everyone a pleasant evening.

COUNCIL PRESIDENT KAFTON commented on how large the ring was. He wanted to bring the skate park up for the discussion session. He stated the last public meeting got out of hand and personal attacks would not be tolerated. He hoped the meeting would end quickly as everyone was looking forward to hearing the President speak of the new stimulus package and wished everyone a great night.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

ABSTAIN: TILIS (DEPCOR & JDK SPECIALTIES) & UPDEGRAVE (DASTI MURPHY & MCGUCKIN)

COUNCILMAN TILIS stated he abstained because they pertained to things purchased for him.

CHECK#	VENDOR	AMOUNT
78978	JACKSON TOWNSHIP P/R ACCT	721,634.31
79105	528 LLC	560.42
79106	ACTION OFFICE SUPPLIES INC.	358.25
79107	ALLSHORE TOWING SERVICE INC.	65.00
79108	ALL INDUSTRIAL-SAFETY PRODUCTS	353.16
79109	AMERICAN MORTGAGE NETWORK	1,102.37
79110	A.M./P.M. SERVICES	198.00
79111	ANTONIDES, WILLIAM E & WM JR	4,000.00
79112	ARROW LOCKSMITH & SECURITY INC.	168.15
79113	ASBURY PARK PRESS, INC.	370.68
79114	BAYWAY LUMBER	694.03
79115	BEYER BROTHERS CORP.	1,084.88
79116	B & G ELEVATOR	1,980.00
79117	BINDER MACHINERY COMPANY, INC.	1,536.68
79118	B J TOWING	107.50
79119	BRITTON INDUSTRIES, INC.	3,240.00
79120	CARDINAL ROOFING & SIDING CORP.	1,635.00
79121	CENTRAL JERSEY WASTE AND	78,354.50
79122	CITTA, HOLZAPFEL & ZABARSKY	663.00
79123	CLARK, CATON & HINTZ CORP.	293.75
79124	CMX INC.	225.00
79125	COMMUNITY SERVICES, INC.	12,500.00
79126	CORE MECHANICAL, INC.	1,610.00
79127	COSTCO WHOLESALE 229	231.16
79128	COUGAR ELECTRONICS & TOOL REP.	287.00
79129	DASTI, MURPHY, MCGUCKIN, ET ALS	6,203.49
79130	DEPTCOR/BUREAU OF	46.00
79131	DIAMOND COMMUNICATIONS, LLC	3,704.40
79132	DSI MEDICAL SERVICES, INC.	171.12
79133	EDWARDS TIRE COMPANY, INC.	6,356.19
79134	EMTEC INC.	405.05
79135	EXCAVATING MATERIALS &	1,200.00
79136	EYEMED VISION CARE/FAA INC.	606.72
79137	FAIRLITE ELECTRIC SUPPLY CO.	2,785.08
79138	FERGUSON ENTERPRISES INC.	230.77
79139	FLEETSOURCE LLC	121.43
79140	FLEETMATICS, INC.	9,831.51
79141	GARY KUBIAK & SON ELECTRIC INC.	535.25
79142	GENERAL CODE LLC	1,110.57
79143	JOHN P & ANNE T GIBLIN	250.00
79144	GRAINGER-TRENTON	346.71
79145	HAYES INSTRUMENT CO.	868.36
79146	HENRY GOSSARD DBA/H & D FIRE	105.00
79147	HERMAN'S TRUCKING	2,895.80
79148	HEWLETT PACKARD CORPORATION	199.00
79149	HUNTER JERSEY PETERBILT	197.02
79150	INDUSTRIAL WELDING SUPPLY INC.	55.20
79151	MARTON TRUCKS INC.	982.01
79152	INTERNATIONAL SALT COMPANY	12,677.74
79153	JACKSON TWP. BD. OF ED.	5,740,319.00
79154	JACKSON TWP. RECREATION DEPT.	2,500.00
79155	JACKSON TWP. BD. OF ED.	993.75
79156	J & C CAMPERS	2,385.00
79157	VOID	-0-
79158	JERSEY CENTRAL POWER & LIGHT	23,621.79
79159	PELSANG, ROBERT F & CAROL A	10.00

79160	JOHNNY ON THE SPOT	1,139.20
79161	JANICE KISTY	15.00
79162	LAKEWOOD AUTO SUPPLY INC.	202.84
79163	LAKEWOOD ELECTRIC MOTOR	134.90
79164	LFG SPECIALTIES LLC	877.14
79165	SUSAN LOTITO	1,065.00
79166	LOWE'S COMPANY INC.	278.80
79167	MAJESTIC OIL CO. INC.	860.10
79168	MASTERMAN'S	118.94
79169	MAZZA RECYCLING, INC.	896.24
79170	M.C.A.A.	60.00
79171	MERCER SPRING CORP.	2,047.16
79172	MERIDIAN OCCUPATIONAL HEALTH	713.00
79173	MGL PRINTING SOLUTIONS	175.50
79174	MONMOUTH-OCEAN COUNTIES TCTA	75.00
79175	MONMOUTH TELECOM	1,314.72
79176	MOTOROLA	19,437.48
79177	MULVANEY, CORONATO AND BRADY	3,333.34
79178	MUNICIPAL CLERKS ASSOC. OF O.C.	160.00
79179	MUN. CLERK'S ASSN. OF NJ, INC.	175.00
79180	NEOPOST, INC.	165.00
79181	VOID	-0-
79182	NJ NATURAL GAS	7,995.46
79183	N.J.R.P.A.	190.00
79184	RUTH OBERWANOWICZ	41.00
79185	ORLEANS & COOKS BRIDGE LLC	252.06
79186	PAPER MART INC.	927.50
79187	PARDO'S TRUCK SERVICE PARTS	549.83
79188	PEDRONI FUEL COMPANY, INC.	8,956.49
79189	PAUL REAGAN	60.00
79190	REMINGTON, VERNICK & VENA ENG.	5,504.00
79191	VINCENT RUBIO	189.12
79192	RUTGERS, THE STATE UNIVERSITY	943.00
79193	SAFEGUARD BUSINESS SYSTEMS	1,280.03
79194	SEELY EQUIPMENT & SUPPLY	851.56
79195	SHOPRITE/PERLMART, INC.	125.34
79196	STARKEY, KELLY, BAUER, KENNEALLY &	12,391.86
79197	STEWART BUSINESS SYSTEMS	225.00
79198	T & B SPECIALTIES INC.	1,386.00
79199	TCTANJ	75.00
79200	T & M ASSOCIATES	738.00
79201	TOTAL LUBRICATION SVC & SUPPLY	2,462.98
79202	TOZOUR ENERGY SYSTEMS, INC.	662.50
79203	TREASURER, STATE OF NJ	9,000.00
79204	TREASURER, STATE OF NJ	140.00
79205	TRICO	2,080.44
79206	MICHAEL CEPPALUNI DBA/UNITED	350.00
79207	UNITED PARCEL SERVICE	24.95
79208	VAN SANT EQUIPMENT	639.52
79209	VERIZON WIRELESS	1,520.66
79210	VOID	-0-
79211	VERIZON	1,199.62
79212	VERIZON ONLINE	559.65
79213	VETERINARY SURG. & DIAG. SPEC.	546.73
79214	BILL WAGNER AND SON	1,231.68

TOTAL 6,751,311.14

CAPITAL

CHECK #	VENDOR	AMOUNT
60996	ALL POINTS INTERNATIONAL	129,979.36
60997	BAYWAY LUMBER	375.00

60998	CLARK, CATON & HINTZ CORP.	552.25
60999	ELSAG NORTH AMERICAN LAW	20,620.00
61000	JDM PLANNING ASSOCIATES, LLC	390.00
61001	MARATHON COMPUTERS	2,865.00
	TOTAL	154,781.61

CHECK #	VENDOR	AMOUNT
78-79	DEV FEES-COAH	4,420.06
4995-5057	DEVELOPERS	45,323.67
392	DOG	2,401.80
60832-60839	GENERAL TRUST	5,340.62
62345-62363	PARKS REC	8,375.51

ORDINANCES, SECOND READING:

04-09

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 3, SECTION 152 (J) GOING GREEN COMMITTEE OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON

PUBLIC HEARING OPENED

EUGENE FOWLER - 200 PINE MEADOW COURT (ENV. COMMISSION): He stated the Environmental Commission has been working with teachers and students at both High Schools and suggested having a student working with the Council because it as was important they learn about the environmental impact of local government and Council President Kafton agreed stating he reached out to both school Principals asking for a member to be a part of the committee. Councilman Martin asked Attorney Gilmore if they could stipulate having a member of the Environmental Commission on the committee and Mr. Gilmore suggested adopting the Ordinance tonight and amend it at another meeting plus they should consider appointing a member from the MUA and Board of Education so they have a coordinated effort. Council President Kafton stated it was a good idea to appoint some of the individuals that submitted their resumes. Clerk Eden confirmed the Council wanted the Ordinance reintroduced on March 10th including various members and it was agreed.

MOTION TO CLOSE PUBLIC HEARING BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

MOTION TO APPROVE ORDINANCE 04-09 ON SECOND READING, ADVERTISE THE APPROVAL AND NOTICE OF PASSAGE AND APPROVAL IN A APPROVED NEWSPAPER AS REQUIRED BY LAW BY: RIVERE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

ORDINANCE NO. 04-09

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 3, SECTION 152 (J) GOING GREEN COMMITTEE OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON

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

SECTION 1. The Township Council adopted an ordinance establishing a Going Green Committee; and Chapter 3 of the Township Code of the Township of Jackson,

entitled "Administration of Government" Article XIV, entitled "Advisory Boards, Committees and Commissions" is hereby amended and supplemented so as to add subparagraph J, entitled "Going Green Committee" to Section 3-152, entitled "Establishment of and manner of appointment to advisory boards, committees and commissions", which shall read in its entirety as follows:

- J. Going Green Committee. There is hereby created a Going Green Committee which shall conduct research and shall make recommendation to the Mayor and Township Council as to ways in which the Township may undertake official actions, and conduct its business, in a manner which encourages, promotes and considers protection of the environment and its sustainability.

The Going Green Committee shall consist of nine (9) to fifteen (15) members, as deemed advisable by the Township Council, and the members shall be appointed by the Township Council. Members of the Going Green Committee shall be residents of the Township and shall include the Mayor, or his/her designee, and two (2) members of the Township Council.

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

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

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

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 **February 10, 2009**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24th day of February, 2009**, 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: 02-27-09

ANN MARIE EDEN
TOWNSHIP CLERK

ORDINANCE FIRST READING

05-09

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING 63, SECTION 35.1 ENTITLED STORAGE PAILS, FEES OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF JACKSON

MOTION TO APPROVE ORDINANCE 05-09 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, MARCH 10, 2009 BY: TILIS
MOTION SECONDED BY: RIVERE
YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

COUNCILMAN TILIS suggested making an amendment to the Ordinance to include particular language regarding new residents or residents that haven't received a container in

10 years would receive a container for free. Clerk Eden clarified the wording and will amend accordingly.

**MOTION TO AMEND LANGUAGE REGARDING NEW RESIDENTS BY: TILIS
MOTION SECONDED BY: RIVERE
YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON
COUNCILMAN TILIS**

ORDINANCE NO. 05-09

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING 63, SECTION 35.1 ENTITLED STORAGE PAILS, FEES OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF JACKSON

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

SECTION 1. Chapter 63 of the Code of the Township of Jackson entitled “Garbage, Rubbish, etc.”, shall be amended to read as follows

SECTION 2. §63-35.1 entitled “Storage pails; fee” is deleted and replaced with the following:

“63.35.1. Storage pails, fee. The Township shall make available 25 gallon containers for sale to the residents for the storage of glass and aluminum. There will be a fee of \$13.00 for each 25-gallon pail sold. New residents or residents who have not been issued a new container in over 10 years will receive their containers free of charge.

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

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

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

Date

MAYOR 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 **February 24th, 2009**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **10th day of March, 2009**, 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: 02-24-09

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

PUBLIC HEARING OPENED, RESOLUTIONS ONLY - NO ONE CAME FORWARD.

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

JOHN RUSSO spoke regarding Resolutions 091R-09 and 105-09 and the important things happening in New Jersey during these tough economic times the town is going through and how they could help in the recovery process of the State. He also discussed items being placed on the ballot for November. He discussed a component in the Resolution to suspend the Fair Housing Act for at least one year while the State and Municipalities deal with the difficult economy and stated if the legislators suspend it they would also be suspending COAH and the problems would be deferred temporarily. He discussed Round III and how COAH determines the obligation based on growth and that it could be much higher than the 2,200 units established and he was hoping to have a cap put on it. Councilwoman Updegrave discussed how difficult it's been trying to comply with their COAH obligations because the rules keep changing and are difficult to decipher. Council President Kafton thanked him for everything he's been doing because COAH has a negative affect on rural communities like Jackson because the COAH affordable housing rules are making it unaffordable for the residents. Mr. Russo discussed how COAH miscalculated vacant land in New Jersey and stated the Resolution was important because it asks the Governor if COAH deserves taxpayer funding and if they don't deserve it the Governor could direct the Attorney General to file a motion to stay the litigation and have everyone sit down with COAH and work things out. Council President Kafton stated he is doing a good job and asked him to keep fighting for Jackson. Richard Megill commented on the difficult requirements for individuals who wish to start a business in Jackson.

RESOLUTION 090R-09

TITLE: AUTHORIZE CY 2008 BUDGET TRANSFER #5

ADMINISTRATOR DEL TURCO discussed the funding sources on various items.

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & 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 (#5) 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: 02-24-09

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

RESOLUTION 091R-09

TITLE:: RESOLUTION OF THE TOWNSHIP OF JACKSON COUNCIL SUPPORTING S-2485 THAT IS PENDING BEFORE THE NEW JERSEY STATE SENATE AND REQUESTING THAT THE LEGISLATURE AND THE GOVERNOR IMMEDIATELY SUSPEND THE REQUIREMENTS OF THE FAIR HOUSING ACT AND RELATED REQUEST PERTAINING TO THE ADMINISTRATION'S MISHANDLING OF THE AFFORDABLE HOUSING CRISIS IN THIS TIME OF ECONOMIC PERIL

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: RIVERE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, on January 12, 2009, S-2485 that is an amendment to the Fair Housing Act ("FHA") designed to correct the inequities of A-500 adopted as P.L. 2008, c.46 commonly referred to as the Roberts Bill and to suspend the requirement that non-residential developers pay the Statewide 2.5% Non-residential Development Fee also part of P.L. 2008, c.46 was introduced in the New Jersey Senate that is sponsored by Senator Lesniak in response to the fact that the entire Nation and the State of New Jersey are facing historic and unprecedented economic failures on a daily basis, with the most dramatic being those associated with plummeting real estate values, as well as the collapse of the construction and lending industries; and

WHEREAS, on January 23, 2009, as a result of the current economic problems, the Senate Economic Development Subcommittee held hearings on S-2485 that would to suspend the requirement that non-residential developers pay the Statewide 2.5% Non-residential Development Fee also part of P.L. 2008, c.46 and to suspend the municipal obligations generated by the growth share obligation as determined by COAH if the State cannot provide the funding to replace the funding lost to the municipalities as a result of S-2485; and

WHEREAS, at the request of the Mayor and Council of Toms River, the Township's affordable housing attorney, John F. Russo, Jr, appeared before the Senate Subcommittee on January 22, 2009, to testify on behalf of Toms River, supporting S-2485, specifically seeking that the bill be amended to suspend the Fair Housing Act entirely until either the economic conditions have abated and/or until the Legislature has completed addressed the appropriate reforms to the FHA and made several suggestions that could be considered by way of amendments to S-2485, that would have a significant impact on the current economic recovery efforts that are being considered by the Senate Economic Development Subcommittee; and

WHEREAS, Jackson Township previously supported S-2484, however, the Council is now seeking that S-2485 be amended to include the following:

1. S-2485 should be Amended to Permit RCAs that were in Process Prior to July 17, 2008, to Proceed.

P.L.2008, c.46 ("The Roberts Bill") eliminated Regional Contribution Agreements ("RCAs") that were not completely through the review and approval process as of July 17, 2008. However, in light of the current efforts to encourage economic development, Mr. Russo testified before the Senate Economic Development subcommittee, recommending that the bill should be amended to permit RCAs that were in process before July 17, 2008, to be permitted to proceed. The reason is simply that such an amendment would put real dollars to work within the near future. This suggestion was offered in support of the Senators' stated public policy objectives to amend the FHA in such a manner that would encourage economic development that would put people to work building affordable housing and to get capital moving that would help bring about economic recovery as quickly as possible. Such an amendment would provide, conservatively, \$30,000,000.00 to \$40,000,000.00 of non-State money to be invested within the near future that would help, not only the economic recovery, but that would also lend creditability to the Legislature and the Governor in that such an amendment would bring about hundreds of low and moderate-income housing units throughout the State, either

as new construction or rehabilitation of existing housing. Such an amendment would also help provide much needed funding for housing, thereby satisfying both the urban municipalities as well as the suburban municipalities by permitting them both to complete components of their affordable housing programs.

Most importantly, due to the fact that the Roberts Bill eliminated RCAs, even those in the advanced stages of approval, and created the 2.5 Percent Statewide Non-residential Development Fee in an effort to provide a stable funding source to the urban areas that would replace the funding that the RCAs historically provided over the years, and as such, it created a special account in the State that would be funded by the 2.5 percent Statewide Non-Residential Development Fee. Now that the Legislature is considering exempting all projects that were approved prior to July 17, 2008, with the State and municipalities being required to refund any payments made thereto, there will be no money available this year. There will also be no money available for the next eighteen months if the amendment to S-2485 that suspends the development fee becomes law. The amendment to S-2485 calls for money to be used for this purpose from a Capital Reserve Account, it would not be necessary if the bill is amended to permit RCAs that were in process to continue.

The Township does not believe that the State should be using Capital reserve funds for this purpose when there are other non-State funding sources available. It would also provide the Legislature and the Governor with creditability with the urban mayors in that, the stable funding source could be restored in eighteen months and the money that is part of the RCAs that were in process would provide the promised funding for last year and until the eighteen months have elapsed. Therefore, permitting the RCAs that were in process under the present circumstances would help stimulate the economic recovery by getting capital flowing, while at the same time creating hundreds of affordable housing opportunities and providing the urban areas with much needed funding even if the 2.5 percent development fee is either waived or suspended.

For example, The Jackson Trenton RCAs provide that Jackson will pay \$2,650,000.00 to Trenton to provide part of the funding for two projects in Trenton. Judge Serpentelli approved of these RCAs in June 2007, the entire amount is being held in Jackson's Affordable Housing Trust Fund, as it was paid by two developers, not the Township. Trenton's project plans were on COAH's agenda to recommend approval in March 2008, but were pulled at the last minute. So, these RCAs are in jeopardy due to the Robert's Bill as COAH did not complete its review prior to July 17, 2008, and in this case, it is because COAH pulled it from its agenda and refused to consider it prior to July 17, 2008.

There are sixty-seven RCAs that were in process as of July 17, 2008, and if the bill is amended to permit them to move forward, then that would help stimulate economic development while at the same time providing the best single method to get affordable housing produced in these uncertain times.

The bill could also be amended to permit new RCAs to be consummated that are to satisfy second round affordable housing obligations only as well.

2. Municipal Partnerships

This compliance mechanism was created by COAH in its original third round rules in 2004 and was kept in the revised third round rules effective June 2, 2008. However, the rules effective October 22, 2008, only permit municipal partnerships for municipalities located in a Regional Planning Area, i.e., Meadowlands, etc. The rule provided that two or more municipalities could partner to combine their efforts to provide for affordable housing with only one municipality would have the affordable units and the other would provide funding to develop the units. The credits would be apportioned based upon the agreement between the municipalities. The rule also limited the maximum

number of these units to be combined with RCAs, so a municipality is limited as to the total number of units it could satisfy in this manner.

Jackson is suggesting that S-2485 be amended to permit municipal partnerships to be made available for municipalities regardless of whether they are located in a Regional Planning Area. Such a program would be like a shared services agreement between municipalities, but in this case it is to provide affordable housing. One municipality would contribute the land and possibility infrastructure improvements, i.e., sewer, water, roads, etc. and the other would provide money. COAH or the Court would have to approve of the projects plans and any other sources of funding to ensure that the project is viable and would have to approve of the affordable housing crediting for both municipality. The benefit to include such an amendment is similar to what has been stated above in that it would encourage municipalities to join forces to get housing built thereby stimulating the economy, while at the same time providing for actual production of affordable housing.

3. Exclusive Jurisdiction

Mr. Russo specifically testified before the Economic Development Subcommittee, alerting the Senators of the problem with the Roberts Bill giving COAH exclusive jurisdiction over the enforcement of spending development fees. Jackson is suggesting that S-2485 be amended to suspend this provision until COAH adopts and promulgates rules according to the Administrative Procedures Act (“APA”) to be consistent with and effectuate the intent and purpose of this provision, this is expressly required by the Roberts Bill and it also provides due process protections to the municipalities as well.

Mr. Russo on behalf of the Township appeared before the Hon. Vincent J. Grasso, A.J.S.C., on February 11, 2009, seeking that the Court maintain jurisdiction over Toms River, Jackson, Brick and Lakewood’s development fee rights until COAH adopts the rules that are required by the Roberts Bill. Judge Grasso agreed with the Deputy Attorney General appearing for COAH, in that the statute is clear regarding the jurisdiction issue and that his hands are tied. He did caution that he is concerned that COAH may delay the process for towns that are under Court jurisdiction for their plans and specifically reserved the right for my towns to file an application with the Court if this problem occurs.

This is a tremendous problem for towns that are voluntarily under the Court’s jurisdiction in moving through the compliance hearings with the Court and delay is certain. Toms River, Jackson Township and Brick Township are one of the most successful producers of affordable housing in the State and giving COAH the exclusive jurisdiction only serves to give COAH more power than it deserves at this time. Also COAH seems to have an axe to grind with towns that voluntarily have elected the Court’s jurisdiction. My towns are all under Court jurisdiction besides Ocean Township, because they all have big obligations with complicated plans that have languished before COAH in the past. The Court is a much more efficient place to deal with complicated issues than COAH is in such cases.

Therefore, S-2485 should be amended to either remove or suspend the exclusive jurisdiction with COAH until the Statewide Development Fee is restored and until COAH completes the rule making that it was ordered to do by the Roberts Bill.

4. Foreclosure Prevention Plan

Jackson is suggesting that S-2485 be amended to include a Foreclosure Prevent/Affordable Housing Program. This Program was created by Toms River last September and was favorably reported in the New York Times, the Star Ledger and the Asbury Park Press. Toms River has included this program in its third round affordable housing plan and Jackson is considering it as well.

The benefit to the State by specifically including this program in S-2485 is that it will permit municipalities to utilize money in their Affordable Housing Trust Funds to provide a subsidy to homeowners that are facing foreclosure by utilizing a compliance mechanism in COAH's rules called "Market to Affordable Program." However, in order for this to work we need the statute amended or a COAH rule change so that the affirmative marketing requirement under UHAC is removed for this program, as the occupant will already be identified. However, thereafter, UHAC requirements would be satisfied. The Homeowner would place a deed restriction according to COAH rules and UHAC on the property in exchange for a minimum subsidy of \$25,000.00 (this amount is in COAH's rules). It is important to recognize that this is not a hand out as the homeowners are giving up something of value in exchange for the money, future appreciation of their homes.

Perhaps, this subsidy could be matched by the State if it receives Federal Stimulus funds and/or President Obama's new Foreclose Rescue Plan, as such a purpose would be consistent with a foreclosure prevent public policy objective. Jackson Township believes that if S-2485 is amended, it would go a long way to encourage municipalities to help their existing residents by using trust fund money that would help satisfy part of their affordable housing obligations. Therefore, S-2485 would address two important public policy objectives at this time: stemming the tide of foreclosures and providing actual affordable housing now. Such an amendment would be consistent with the stated policy objectives of stimulating the economy and since this amendment is part of the FHA, it will also create affordable housing opportunities with non-taxpayer funds.

Without an amendment to the FHA that will permit this program, it will take municipalities too long to get through the Court and COAH review and approval process, as COAH must approve of the spending of trust fund money and granting a waiver of the affirmative marketing requirement. (This is another problem with the exclusive COAH jurisdiction issue monition above).
; and

WHEREAS, the Senate Subcommittee addressed the possibility of also seeking a Constitution Amendments that would overturn the findings of the Supreme Court in Mount Laurel I that required that every developing municipality must provided for the realistic opportunity for the production of low and moderate income housing; and

WHEREAS, notwithstanding the above, the Mayor and Council are also supporting the Senate Republicans proposed legislation (S-2292) designed to overhaul the FHA and COAH's rules and regulations that will encourage job growth, preserve open space and farmland, end overcrowding in schools and stimulate the construction of more affordable housing on a fair and equitable basis; and

WHEREAS, while the Township remains committed to efforts to designed to completely reform the FHA and even to possibility eliminate COAH and or a Constitutional amendment eliminating the Mount Laurel requirement, the Township understands that this process will be a very protracted that may take over a year to accomplish. However, in the interim, the above suggested amendments to S-2485, will provide much needed relief and are completely consistent with the stated public policy objectives of revising the FHA in a manner that would both provide economic recovery, while at the same time providing affordable housing during these very difficult and unprecedented economic times.

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

1. Continue to the support of efforts designed to reform the FHA, eliminate COAH, and seek a Constitutional amendment that would remove the Mount Laurel requirements; and
2. Continue to support the pending legislation in the New Jersey Senate, S-2485, that will provide relief for our non-residential developers so that true economic recovery is not impeded by the requirements of P.L. 2008, c.46 and that will also help to alleviate the "Growth Share" obligation to provide

- affordable housing as determined by COAH that the new non-residential development will generate; and
3. Use it best efforts to seek that the above amendments to S-2485 be incorporated into S-2485 for the reasons set forth above; and
 4. Support the pending legislation in the New Jersey Senate, S-2292, that will provide significant reforms to the FHA and COAH's present regulations; and
 5. Call on the New Jersey Legislature to immediately suspend the FHA as it relates to the COAH's Third Round, thereby providing relief to all of New Jersey's municipalities from the draconian affordable housing requirements that COAH has misguidedly adopted and instead create a period of at least one year for all of the stake holders, especially the Municipalities, to work with the Legislature to find appropriate reforms to the FHA that will result in a process of providing affordable housing that is fair and equitable to all and not at the detriment of municipalities such as Jackson, and
 6. Ask that a Constitution Amendment be place on the ballot for Next November's election so that New Jersey voters will have the opportunity to be heard on this issue and to remove the notion that in New Jersey there is a Constitutional right to low and moderate income housing, and
 7. Jackson still supports the idea that housing should be affordable, but that all that the FHA and COAH have provided is a system that will make Jackson less affordable to those residents that already live here as property taxes will increase to subsidize these failed policies from Trenton; and
 8. A certified copy of this resolution shall be provided by the Clerk's Office to each of the following:
 - a. Phil DelTurco, Township Administrator/Municipal Liaison
 - b. George Gilmore, Township Attorney
 - c. John Maczuga, Affordable Housing Planner
 - d. John F. Russo Jr., Esq., Affordable Housing Counsel
 - e. Planning Board.
 - f. Rehabco, Affordable Housing Admin
 - g. William G. Dressel Jr., Executive Director NJSLOM
 - h. Governor Jon S. Corzine
 - i. 9th, 10th & 30th District Legislative Delegations
 - j. Senator Raymond Lesniak
 - k. Senator Joseph Kyrillos
 - l. Ocean County Freeholders
 - m. All Municipalities in Ocean County
 - n. Philip Caton, Court Master

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

DATED: 02-24-09

RESOLUTION 092R-09

TITLE: AUTHORIZE 2009 EMERGENCY TEMPORARY APPROPRIATIONS #1

COUNCIL PRESIDENT KAFTON asked what the maximum was they could go to and Administrator Del Turco explained there was no restriction and anything used for temporary emergency must be maintained in the adopted budget and explained a couple minor amounts. One item was the large amount of salt used because of black ice and another item was the water bill that is now generated since they tied into the MUA. Councilman Martin asked about last years budget and items that were paid out in advance and Administrator Del Turco explained things like insurance, etc. have to be paid up front. Council President Kafton asked about fixed costs that would avoid these emergency appropriations from coming up. Councilman Martin was concerned with finding cost saving measures and how the budget keeps going up and Administrator Del Turco assured him it wouldn't continue. Councilwoman Rivere asked Administrator Del Turco if the line items are within the structure of the upcoming budget and he stated they were and fixed costs won't change. Councilman Martin wanted to see a reduction in any future temporary appropriation.

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

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:4-20 entitled, **EMERGENCY TEMPORARY APPROPRIATIONS**; in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year. The amount of such emergency temporary appropriations shall be included under the correct headings in the budget as adopted. If they are adopted after the introduction and approval of the budget and were not included in the budget as approved, they shall be included by amendment in the budget as adopted, except that no public advertisement or public hearings shall be required as to their adoption as amendments. A copy of each resolution making such emergency temporary appropriations shall be filed forthwith with the director.

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

The following annexed 2009 Emergency Temporary Appropriations of \$96,090.75 in addition to any previously approved emergencies cumulatively totaling \$96,090.75, is hereby made in compliance with the above referenced statute. Combined 2009 temporary (N.J.S.A. 40A:4-10) and Emergency Temporary (N.J.S.A. 40A:4-20) Appropriations aggregate to \$12,563,787.51.

1. This resolution shall take effect upon affirmative Council vote of the Township of Jackson Township.
2. Copies of this resolution to the Administrator, Chief Financial Officer, Auditor and (3) certified to the Director of the Division of Local Government Services.

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

DATED: 02-24-09

**RESOLUTION 093R-09
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY,
NEW JERSEY AUTHORIZING RELEASE TO KELLY KILOWATT ELECTRIC
COMPANY OF THE PERFORMANCE BOND ISSUED FOR BLOCK 5001, LOT 8**

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

COUNCILMAN MARTIN asked if T & M has signed off on this release and Administrator Del Turco confirmed.

WHEREAS, Kelly Kilowatt Electric Company, Inc. has requested a Release of the Performance Guarantee, which consists of a Cash Bond in the amount of \$6,996.00, pertaining to Block 5001, Lot 8, 189 North County Line Road, 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 February 4, 2009, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of a Cash Bond in the amount of \$6,996.00, heretofore posted with the Township, is hereby released. The 2-year Maintenance Guarantee has been waived due to the size of the project and that it is a privately owned site.

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

2. Copies of this resolution to Administration, Finance, Applicant/Developer, 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: 02-24-09

RESOLUTION 097R-09

TITLE: RESOLUTION TO CANCEL INDUSTRIAL COMMISSION TRUST FUND

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, TILIS, UPDEGRAVE & RIVERE

NO: KAFTON

COUNCILMAN TILIS asked what makes up the dollar amount of the Industrial Commission Trust Fund that is being dissolved and Administrator Del Turco explained the multiple components. Council President Kafton stated the Industrial Commission has been done away with and the funds should be put into the Economic Development Council and Councilwoman Updegrave explained it couldn't and must be turned back into the Current Fund and utilized. Mr. Kafton wanted the money to be put in a fund and not in a fund that will not be available in the future. Attorney Gilmore explained the Industrial Committee was dissolved in 2003 and wasn't re-codified therefore the money must go in the Current Fund, which this resolution authorizes. Councilman Martin pointed out that the Economic Development Committee was made up of volunteers and funded wasn't necessary and Council President Kafton felt at some point they may need to utilize some of the money therefore it should be available. Attorney Gilmore reminded them that an Advisory Committee could not expend Township funds. Councilman Martin felt they could revisit it in the future should the need arise to hire consultants, etc. Council President Kafton wanted to point out how important it is to look at promoting commercial. Attorney Gilmore explained the two different issues involved and that the funds by law must be put in the Current Fund and when the budget is proposed the Council would review it. Councilman Martin felt the \$210K would help in the current shortfall that would help the residents and agreed that a portion could be put aside to fund the Economic Development Council but not the entire amount. Councilwoman Updegrave suggested to form the committee and at the budget workshop see if there are any funds to direct to it and Mr. Kafton felt the money wouldn't be there because they would have to make cuts. Councilman Martin didn't feel the committee would need \$210K when they were only just formed. Mayor Reina suggested putting the money in the General but for now they needed to move on. Councilman Tilis stated the money has been sitting there for six years and nobody did anything with it and agreed that the Mayor has committed to look at it. Administrator Del Turco stated the Mayor authorized him to create the budget account which he has already been working on.

WHEREAS, the Industrial Commission was formally dissolved in 2003 with ordinance 43-03;

WHEREAS, at that time the Township Committee felt that the Commission fulfilled its purpose and was no longer needed.

WHEREAS, it is necessary at this time to formally cancel the said Trust fund that still exists.

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

Commission Trust Fund be declared canceled and closed with an unexpended balance of \$210,008.21 to be credited to the Current Fund.

1. Copies of this resolution to the administrator, Township Auditor, and the Chief Financial Officer

DATED: 02-24-09

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

RESOLUTION 101R-09

TITLE: RESOLUTION TO CANCEL LIBRARY FIRE DAMAGE RESERVE BALANCE WITH AMENDMENTS

ADMINISTRATOR DEL TURCO discussed a change in the wording of the Resolution that was amended accordingly.

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, a Reserve initially funded by insurance proceeds to fund the repairs for the fire damage at the old library exists.

WHEREAS, all repairs have been made relating to the fire and a balance of \$53,626.83 remains.

WHEREAS, it is necessary to formally cancel said Reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Jackson, County of Ocean, State of New Jersey that the fire damage repairs are declared completed and that the remaining balance of \$53,626.83 be cancelled and credited to Library Fire Damage Reserve in the Current Fund.

1. Copies of this resolution to the Administrator, Township Auditor, and Chief Financial Officer

DATED: 02-24-09

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

RESOLUTION 102R-09

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF JACKSON AND THE COUNTY OF OCEAN IN THE PERFORMANCE OF SHARED SERVICES WITH REGARD TO THE PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE SUPPORT (PARIS) GRANT PROGRAM

MOTION TO APPROVE BY: RIVERE

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

COUNCILWOMAN UPDEGRAVE thanked Clerk Eden for looking into it and getting the grant.

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of County and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through a shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2008-2009 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Jackson wishes to collaborate with the County of Ocean in the performance of shared services with regard to the Public Archives and Records Infrastructure Support (PARIS) grant program; and

WHEREAS, the Township of Jackson is acknowledging that their eligible funding in the amount of \$40,000.00 will be leveraged with the County of Ocean; and

WHEREAS, the Township of Jackson is acknowledging that the County of Ocean would be both lead agency and the applicant for such proposal.

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 Township of Jackson does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above and to execute and deliver all documents required incident thereto.

Copies of this resolution to Ocean County Board of Chosen Freeholders/Betty Vasil (Clerk of the Board), Administration, Finance and any other interested parties.

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

DATED: 02-24-09

RESOLUTION 105R-09

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON COUNCIL DEMANDING THAT THE GOVERNOR IMMEDIATELY DIRECT THE ATTORNEY GENERAL TO STOP PROVIDING A DEFENSE FOR COAH TO THE VARIOUS CHALLENGES TO COAH’S REVISED THIRD ROUND RULES PENDING BEFORE THE APPELLATE COURT AS COAH CONSISTENTLY HAS VIOLATED THE APPELLATE COURT’S ORDERS, THE REQUIREMENTS OF THE FHA AND THE APA AND HAS WITHHELD VITAL INFORMATION THAT PROVES THAT THE DATA THAT COAH RELIED UPON TO DETERMINE THE STATE WIDE NEED FOR AFFORDABLE HOUSING IS FLAWED AND INACCURATE

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, while the Township has always tried to comply with the requirements of the Fair Housing Act (“FHA”) and the New Jersey Council of Affordable housing (“COAH”) since their inception in 1986, it has determined that the present revised regulations from COAH for the Third Round are completely unworkable, unfair, unconstitutional, and in violation of New Jersey law, as well as COAH’s actions likewise being in violation of prevailing legal authority, and as such, Jackson Township has joined with the Townships of Toms River and Brick to file an appeal of these regulations along with dozens of other entities and other municipalities; and

WHEREAS, recently the Townships, through their affordable housing attorney, John F. Russo, Jr. filed the Appellant Brief on behalf of the Townships and has reviewed the thousands of pages of briefs filed by the other Appellants; and

WHEREAS, the Township has determined that, not only will the Court overturn COAH’s thirds round rules yet again, but as a result of this effort, the Township is now aware that the single greatest impediment to production of affordable housing at this time in New Jersey is COAH, and

WHEREAS, in light of this fact the Townships’ Appellate Brief focused almost exclusively upon the fact that not only is COAH’s methodology invalid, but it is COAH’s actions as an administrative agency that are even more problematic and unlawful, that will also serve as the basis for the Appellate Court invalidating COAH’s revised third round rules, yet again; and

WHEREAS, specifically the Townships’ argued that COAH has completely acted in violation of New Jersey law since it was ordered by the Appellate Court to revised its third round rules on January 25, 2007; and

WHEREAS, a review of the relevant facts in this regard is startling in that it, not only clearly reveals COAH's failure to comply with its statutory mandate as set forth in the FHA, but it also has acted in violation of the Appellate Court's Orders, in violation of the Administrative Procedures Act ("APA") and the Open Public Records Act ("OPRA") pertaining to how it has conducted itself during the entire third round saga.

- According to the FHA, it was supposed to have third round rules in effect by the end of the second round, 1999. However, it did not adopt the third round rules until December 20, 2004, four years late.
- These rules permitted municipalities to adopt ordinances that passed the growth share obligation generated by development along to the developers and it encouraged municipalities to adopt Growth Share Ordinances ("GSOs") based upon COAH's model ordinance.
- While COAH believed that its rules were consistent with the law in New Jersey, they were later found by the Appellate Court not to be, but COAH is the administrative agency that is entrusted with the task of developing a methodology to determine municipal affordable housing obligations and rules for municipalities to follow in satisfying such obligations. It is given great deference to carry out these duties by reviewing Courts.
- COAH was given six months by the Appellate Court to revise the third round rules and it took COAH almost three times the time period it was given to adopt rules that are now being challenged by seven separate interested parties and dozens of municipalities.
- COAH intentionally did not comply with the Appellate Court's January 8, 2008 Order requiring that the time period for COAH to complete rulemaking be extended until June 2, 2008. No one can reasonably argue that COAH completed its third round rulemaking by June 2, 2008, as it proposed significant amendments to these very rules that it published on June 2, 2008, in a thinly veiled attempt to comply with the Appellate Court's Order.
- In 2007, as a result of the Appellate Court's invalidating COAH's rule that permitted municipalities to pass the "Growth Share" obligation being generated by development approvals directly through to the developers, COAH sought and was granted a stay so that municipal GSOs would remain effective and then it completely abandoned the GSOs in its revised third round rules and ignored the Townships' request to provide guidance as to how municipalities are to account for the hundreds of approvals granted pursuant to the GSOs.
- COAH was also ordered by the amendment to the FHA, P.L. 2008, c.46, (the Roberts Bill) to promulgate rules according to the APA to be consistent with and to effectuate and implement the intent and purpose of P.L. 2008, c.46 on July 17, 2008, and seven months later and COAH has not even mentioned when it will propose such rules.
- As argued by Twenty Towns (a group of municipalities located in Somerset, Warren and Morris Counties) in its appellate brief, COAH conducted a review of the vacant land report in the summer of 2008 while its amended rules were still pending. The consultants, Rutgers University, issued the "Pilot Report" that shows that the vacant land analysis was greatly overstated by 16 percent. Not only did COAH not share this information with the public, interested parties and the Appellate Court, it intentionally withheld this information when the League served COAH with an OPRA request on October 22, 2008. This Report alone will serve as the basis of the Appellate Court overturning the methodology utilized by COAH in its revised third round rules; and

WHEREAS, due to the fact that COAH is an administrative agency created by the Legislature in the FHA as part of the Executive branch of the Governor's office, it is being provided a defense by the Attorney General's Office to the various challenges filed by the interested parties at the Appellate Division presently underway; and

WHEREAS, the Township has determined that due to COAH's action as stated above and the extreme probability that the Appellate Court will once again overturn COAH's third round rules, that Governor Corzine must immediately direct the Attorney General to cease providing a defense at taxpayers' expense to COAH as a result of COAH's intentional failure to follow New Jersey law in carrying out

its duties under the FHA and the Appellate Courts remand as well as other significant areas of law; and

WHEREAS, the Governor should also direct the Attorney General to file a motion with the Appellate Court seeking to place a stay on the various challenges to COAH’s revised third round rules until all of the parties to the Appellate Court challenges have had the opportunity to meet and discuss meaningful revision to COAH’s third round rules that would either be acceptable to all of the parties or at least narrow the disputed issues so that significant time and money are no longer wasted in trying to make COAH’s third round rules workable under the present circumstances; and

WHEREAS, the Township has determined that if COAH chooses to not respect the legal authority in New Jersey, than it should no longer be provided a defense in Court funded by taxpayer money and the Governor has the authority to direct the Attorney General to take such actions in the interest of all New Jerseyans.

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

1. Use the Township’s best efforts to compel Governor Corzine to order the Attorney General to stop providing a taxpayer funded defense to COAH regarding the various challenges to COAH’s revised third round rules pending before the Appellate Court; and
2. To further compel the Governor to order the Attorney General to immediately file a motion with the Appellate Court seeking a stay of the Appellate Challenges be put in place so that all of the parties to the challenges have to opportunity to meet and discuss meaningful changes to COAH’s third round rules and methodology that would better serve the interests of all New Jerseyans in lieu of the present litigations that will result in COAH’s rules being invalidated once again by the Appellate Court; and
3. A certified copy of this resolution shall be provided by the Clerk’s Office to each of the following:
 - a. Governor Jon S. Corzine
 - b. George Gilmore, Township Attorney
 - c. John Maczuga, Affordable Housing Planner
 - d. John F. Russo Jr., Esq., Affordable Housing Counsel
 - e. Planning Board
 - f. Rehabco, Affordable Housing Admin
 - g. William G. Dressel Jr., Executive Director NJSLOM
 - h. Phil DelTurco, Township Administrator/Municipal Liaison
 - i. 9th, 10th & 30th District Legislative Delegations
 - j. Senator Raymond Lesniak
 - k. Senator Joseph Kyrillos
 - l. Ocean County Freeholders
 - m. All Municipalities in Ocean County
 - n. Philip Caton, Court Master

DATED: 02-24-09

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

**RESOLUTION 106R-09
TITLE: AUTHORIZE RENEWAL OF CONTRACT AGREEMENT WITH
QUALITY MEDICAL TRANSPORT FOR EMERGENCY AMBULANCE
SERVICES FOR AN ADDITIONAL ONE (1) YEAR PERIOD COMMENCING
MARCH 16, 2009 THROUGH MARCH 15, 2010 WITH THE OPTION TO RENEW
FOR THREE (3) ADDITIONAL ONE YEAR PERIODS**

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

PRESIDENT KAFTON invited Mr. Dennis Lafer, EMS Committee Chairman to speak. He stated a year ago the Committee was formed and since that time there have been many significant changes and improvements made regarding Quality Medical. Council Vice President Rivere stated it was a very good committee and proud to be a part of it. Councilman Martin stated it was a non-partician committee and everyone works very well together.

KEN BRESSI –EMS COMMITTEE CO-CHAIRMAN stated the improvements have been substantial and consistent regarding Quality Medical noting they are only required to have 3 ambulances in town yet many times they have as many as five and that has been a big help to the community in arriving at the scene quickly.

WHEREAS, Jackson Township previously awarded a contract to Quality Medical Transport, Inc. for emergency ambulance services with a scheduled termination date of Marcy 15, 2009; and

WHEREAS, the Township of Jackson is desirous to renew this contract with Quality Medical Transport for an additional one (1) year period pursuant to the terms of the original contract agreement.

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

1. That the Township Council hereby formally authorizes and approves a one (1) year contract renewal between the Township of Jackson and Quality Medical Transport for emergency ambulance services effective March 16, 2009 through March 15, 2010, as per the terms of said agreement dated March 14, 2008 with the option to renew for three (3) additional one (1) year periods. All other terms and conditions of the original agreement remain in effect.

2. That upon the adoption of the within resolution, the Township Clerk is authorized and directed to forward a certified copy of it to the Township Administrator, Chief Financial Officer, Chief of Police, Purchasing Department, Quality Medical Transport, members of the EMS Advisory Board and any other interested parties.

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

DATED: 02-24-09

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

RESOLUTION 094R-09

TITLE: AUTHORIZETAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, it has been determined by the Township Tax Collector that the taxpayers as indicated on the attached Schedule “A” are entitled to overpayment refunds, and;

WHEREAS, it is the desire of the Township Council to have these overpayments returned to the respective taxpayers;

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

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown and to the taxpayers, as appears on Schedule “A” which made apart hereof.

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

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

DATED: 02-24-09

RESOLUTION 095R-09

TITLE: APPROVE BINGO/RAFFLE LICENSE TO: JACKSON LACROSSE CLUB (#RA-1254), FOSSILS SOUTH JERSEY (#RA-1255), JACKSON CHARGER DEBORAH (#RA-1257) AND JACKSON LIBERTY BAND (#RA-1258)

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

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

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

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

 JACKSON LACROSSE CLUB (#RA-1254)
 FOSSILS SOUTH JERSEY (#RA-1255)
 JACKSON CHARGER DEBORAH (#RA-1257)
 JACKSON LIBERTY BAND (#RA-1258)
2. Copies of the Resolution to interested parties.

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

DATED: 02-24-09

RESOLUTION 096R-09

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEES POSTED BY M&J REAL ESTATE HOLDINGS FOR COSMO LANE LOCATED ON BLOCK 154.32, LOT 21.03

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

WHEREAS, M&J Real Estate Holdings has requested a reduction of the Performance Guarantee posted for Cosmo Lane located on Block 15.32, Lot 21.03, Jackson Township; and

WHEREAS, the following Performance Guarantees currently in place are:

1. Performance guarantee in the form of Letter of Credit # 07-03 in the amount of \$388,045.01 issued by First Priority Bank.
2. Cash Guarantee in the amount of \$43,116.11

WHEREAS, Michael G. Miller., Township Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated February 4, 2009 in the following amount:

1. Reduction of the Performance Bond to not less than \$185,612.15
2. Reduction of the Cash Guarantee to not less than \$20,623.57

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Bond is hereby reduced from \$388,045.01 to not less than \$185,612.15 and the Cash Guarantee from \$43,116.11 to not less than \$20,623.57. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

DATED: 02-24-09

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

RESOLUTION 098R-09

TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT FOR JANUARY 2009

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

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

DATED: 02-24-09

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

RESOLUTION 099R-09

TITLE: AUTHORIZE THE EXECUTION OF A MUNICIPAL ALLIANCE AGREEMENT BETWEEN THE OCEAN COUNTY BOARD OF HEALTH AND JACKSON TOWNSHIP AND FURTHER PROVIDING FOR THE TOWNSHIP’S RECEIPT OF \$26,539.00 FROM THE STATE OF NEW JERSEY THROUGH THE COUNTY OF OCEAN CY 2009

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, the New Jersey Legislature previously adopted the Alliance to Prevent Alcoholism and Drug Abuse in which funds would be made available through counties to establish and maintain Municipal Alliance Committees; and

WHEREAS, Jackson Township has established a Municipal Alliance Committee and is in need of funding through the County of Ocean, in particular, the Ocean County Board of Health; and

WHEREAS, both the Board and the Township wish to enter into an agreement whereby the Township will receive from the Board funds not to exceed \$26,539.00 based upon terms and conditions set forth in the attached agreement; and

WHEREAS, it is the desire of this governing body to act to approve said contract in order that the Township may receive said \$26,539.00 to fund its Municipal Alliance Committee to comply with all of the appropriate State and Federal regulations.

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

1. That the Township Council hereby authorizes the Mayor and Clerk to execute a Municipal Alliance Agreement with the Ocean County Board of Health in order that the Township may receive \$26,539.00 for its Municipal Alliance Committee for CY 2009 in accordance with the terms of that agreement and all appropriate State and Federal Regulations.

2. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it along with the executed Municipal Alliance Agreement to the Ocean County Board of Health, Jackson Township Municipal Alliance Committee, Municipal Administrator, Acting Chief Financial Officer, and any other interested parties.

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

DATED: 02-24-09

RESOLUTION 100R-09

TITLE: CONSENT TO THE APPOINTMENT OF DONNA BUSSICULO AS MUNICIPAL ALLIANCE CONSULTANT FOR CY 2009

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse was established by the New Jersey legislature in March of 1989 to coordinate all State Departments, efforts pertaining to the planning and provision of prevention, education, treatment, research, and evaluation services for, and public awareness of, alcoholism and drug abuse; and

WHEREAS, the legislation also created the Alliance to Prevent Alcoholism and Drug Abuse to be comprised of all the communities in New Jersey dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse through the use of funds provided and derived pursuant to N.J.S.A. 2C:35-15, to member communities to support appropriate county and/or municipal based alcohol and drug abuse education and public awareness activities; and

WHEREAS, the Ocean County Municipal Alliance Coordinator in conjunction with the members of the Jackson Municipal Alliance have requested the Mayor and Township Council approve the appointment of a Municipal Alliance Coordinator to assist and coordinate efforts pertaining to the planning and provision of prevention, education, treatment, research and evaluation services for (and public awareness of) alcoholism and drug abuse; and

WHEREAS, the Local Public contracts Law (N.J.S.A. 40A:11-1 et seq.) requires the Notice of a resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, pursuant to P.L. 2004, Chapter 19, N.J.S.A. 19:44A-20.4 et seq., a determination of value has been made by the Township that said contract shall not exceed \$6,700.00; and

WHEREAS, the Chief Financial Officer has confirmed that a maximum amount of \$6,700.00 will be made available for this purpose in the 2009 Operating Budget pending confirmation of grant award in the amount of \$26,539.00 with the County of Ocean; and

WHEREAS, the Mayor and Township Council believe it to be in the best interest of the residents of Jackson to appoint a Consultant to the Municipal Alliance Committee.

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. Donna Bussiculo is hereby appointed to the position of Municipal Alliance Consultant for CY 2009.

2. This appointment is made without competitive bidding as a "Professional Services" to be performed by a person qualified to practice a recognized profession.

3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.

4. A Notice of this appointment shall be advertised as required by law.

5. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Administrator, Chief Financial Officer, Donna Bussiculo, Chairperson Municipal Alliance Committee and any other interested party.

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

DATED: 02-24-09

RESOLUTION 103R-09

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE ADVERTISING AND ACCEPTANCE OF BIDS FOR REPAIR AND/OR REPLACEMENT OF JUSTICE COMPLEX CHILLER AND RELATED HVAC EQUIPMENT

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, the Director of Public Works is requesting the Township Council's approval to advertise and accept bids for repair and/or replacement of the Justice Complex chiller and related HVAC equipment; and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the advertisement and acceptance of bids is required; and

WHEREAS, it is now the desire of the Township Council to act upon the request of the Director of Public Work.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the advertisement and acceptance of bids for repair and/or replacement of chiller unit and related HVAC equipment located at the Jackson Township Justice Complex in accordance with New Jersey State Law.

A copy of this resolution shall be forwarded to the Township Administrator, Director of Public Works, Township Engineer and Purchasing Department and any other interested parties.

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

DATED: 02-24-09

RESOLUTION 104R-09

TITLE: AUTHORIZE SUBMISSION OF RECYCLING/TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CY 2008

MOTION TO APPROVE BY: UPDEGRAVE

MOTION SECONDED BY: MARTIN

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate

the assent of the Township of Jackson and the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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 Township of Jackson hereby endorses the submission of the CY 2008 Recycling Tonnage Grant and application to the New Jersey Department of Environmental Protection and designates Patricia Wood to ensure that the application is properly filed.
2. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
3. Upon the adoption of the within resolution, the Township Clerk is authorized and directed to forward certified copies to Administration, Chief Financial Officer, Director of Public Works, Patricia Wood (Recycling Coordinator) and any other interested parties.

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

DATED: 02-24-09

MAYOR REINA SPOKE:

He stated he participated in the Jackson Education Foundation fashion show as a model and was impressed with the integrity of the group. He then stated Pop Warner came home with two national championship titles and was hoping to arrange a parade and dedication of a roadway in Johnson Park. He announced on March 7th at 10am there would be a gypsy moth presentation. Everyone is welcome and then on March 11th and 19th there will be a rebate and deduction seminar and stated there were flyers to hand out. Mayor Reina then announced a \$285K road repair grant they received for much needed repairs to Brewers Bridge Road. He noted that the Jackson MUA donated two trucks to DPW and announced updates to the Website that offered a lot of information and announced the revaluation meeting on Saturday for anyone that had questions. He then thanked Councilwoman Updegrave for her work with EMS and wished everyone a safe trip home.

DISCUSSION AGENDA:

1. **COUNCIL PRESIDENT KAFTON – A) Economic Development Committee**

MOTION TO APPOINT MARITZA ADAMS TO THE ECONOMIC DEVELOPMENT COMMITTEE BY: KAFTON

MOTION SECONDED BY: TILIS

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

- B) Going Green Committee – postponed until March 10. 2009 meeting.**

COUNCILMAN MARTIN asked about Dennis O’keef’s resume and Council President Kafton stated he was also qualified and there may be an opportunity in the future to add to the committee. Mayor Reina asked how many resumes were received and Mr. Kafton stated (3) three and they were all good. Mayor Reina was hoping to eliminate some paid professionals and add more qualified volunteers that have a non vested interest. He’s received emails from retired professionals and was confident there were many qualified residents out there. Mr. Kafton felt it was a good committee because anyone wishing to bring in a business could come before them and get the questions answered which in turn saves a lot of time and money and many of the developer’s professionals came to ask questions and felt it was good to maintain it. Councilwoman Rivere stated when they discussed establishing the number of members to sit on the committee she wanted them to state up to 15 however they kept it at 12 members and this could all be eliminated if they had listened to her. Councilman Martin and Councilwoman Updegrave were in favor of

Mr. O'keef and would like the Mayor to consider him as well. Clerk Eden confirmed the term would expire June 30th, 2009 and would follow up with appointing resolution.

2. **COUNCIL PRESIDENT KAFTON** stated the skate park was currently closed with a sign stating there was a new location coming soon but was informed that wasn't the case. Mayor Reina stated he would have DPW fix the sign. Council President Kafton stated he was an advocate for the park and very disappointed in what happened since the previous Mayor stopped the funding for security and closed the park that so many young residents enjoyed. He invited Mayor Reina to go to the park with him and see what could be done to fix it up and maintain it. Mayor Reina explained it was closed because of vandalism and park security was handed back to the Police Department where it is patrolled several times a day. He stated it was a hard decision to make but he was concerned about safety. Mayor Reina stated he was very concerned about the vandalism going on around town and asked anyone who witnesses it should call the police and report it. Councilman Martin asked if there were plans to repair and reopen it and Mayor Reina stated the amount of damage was too extensive and they didn't have the funds.

3. **ADMINISTRATOR DEL TURCO** explained he was informed by the CFO that interest on funds has dropped and was looking at the amount in the developer escrow account and shopping around for a bank that would yield a higher return and was looking to transfer those funds from TD North to Ocean First. If Council concurs, he's requesting they approve the following Resolution this evening.

RESOLUTION 107R-09

TITLE: RESOLUTION AMENDING DESIGNATING OFFICIAL DEPOSITORIES AND AUTHORIZED MUNICIPAL OFFICIALS TO SIGN CHECKS FOR DISBURSEMENT OF FUNDS FOR CALENDAR YEAR 2009, TO ADD NEW DEVELOPER ESCROW BANK ACCOUNT

MOTION TO AMEND OFFICIAL DEPOSITORIES TO OCEAN FIRST BANK BY: MARTIN

MOTION SECONDED BY: UPDEGRAVE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE & KAFTON

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 2009. 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 2009:

- A. Ocean First
- B. TD Banknorth
- C. Wachovia Bank, N.A.
- D. New Jersey Cash Management Fund
- E. JP Morgan Chase Bank, N.A.
- F. Investors Savings 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 January 1st, 2009, *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 four (4) 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
P. Builders Escrow	01006011535

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. Violations Clerk, Barbara Gagliardi
- 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.

DATED: 02-24-09

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

PUBLIC HEARING, ANY TOPIC

JOHN GASKILL - 25 NO. LAKESIDE DRIVE: He suggested Mr. Del Turco check the various buildings to determine if they have a southern exposure and if they don't he shouldn't bother with solar panels. Administrator Del Turco stated one company already came out and determined the DPW storage facility was a perfect location. Mr. Gaskill then stated progress has been made with dead cell zones and Mr. Del Turco agreed that Verizon has been very aggressive. Mr. Gaskill asked about the money spent on consultants and felt the money would be better spent on working with business owners instead of spending money on consultants who will take the money and be gone and that he already got two businesses to come to Jackson and he doesn't get paid to do it. Council President Kafton named some benefits to having consultants who work aggressively to get businesses interested in coming to Jackson. Mayor Reina suggested having a Saturday meeting to discuss it but Council President Kafton felt the township meetings were just as informative.

JOE BRILL-100 MURIFIELD ROAD: He stated the Westlake Mews is suppose to be affordable housing but they aren't and he's finding it increasingly difficult to live there and if they wanted to meet their COAH obligation they should work toward getting it back under COAH. He then discussed the gate that is now working and how visitors aren't free to enter and if they want to purchase additional cards for their visitors they would have to pay \$10 each. He also felt going through another development to get to his wasn't right.

CHARLOTTE MARSALA-16 KINGS NORTH ROAD: She stated some areas in the building use florescent lighting but not in others and suggested changing all lighting in the schools and municipal buildings to florescent lighting and they would see a savings.

CHARLES GARAFANO-34 MARION LANE: He thanked all the volunteers for their time and then asked if all committees had to be created through an Ordinance and Attorney Gilmore stated if the Council formed a committee that would serve for several years it would be a good idea because it would show continuity and have rules, etc. He asked if there were any guidelines for the Citizens Budget Advisory Committee and implied someone on that committee acted inappropriately. Council President Kafton explained the committee was created to look at the budget and assist the Council in reviewing it but they were not creating it by ordinance and didn't have any guidelines. Councilman Tilis stated he was on the budget advisory committee and their responsibility was to look at budgetary items for the Council. He stated they looked at the Building Department and made suggestions to the Council and Mayor to keep it intact. Administrator Del Turco stated anyone that came into the Municipal Building had conducted themselves professionally. Councilman Martin agreed there should be guidelines but any board could make recommendations if they see something that could be done better. Mayor Reina stated he opened government so anyone could ask questions and they were welcome to make an appointment to meet with him.

DIANE STANAWAY-137 CASSVILLE RD.: JACKSON WOMAN OF TODAY PRESIDENT – She asked if her group could meet with the Council to discuss parking, food distribution, as well as the building itself? Mayor Reina assured her they will be getting more space and they were in the process of making those changes and understand the problem with parking because recipients come prior to the Township employees leaving at 4:30 and various township vehicles coming in for gas etc. Councilman Tilis stated the food pantry serves about 150 or more and even if they freed up a couple spots it wouldn't make much of a difference. Ms. Stanaway stated the shelving space was limited and she's had to turn away donations that could really benefit the residents.

PAUL MAYEROWITZ-91 CYPRESS POINT LANE: He asked if anyone from the Mayor's office or Council members had any discussions from the Economic Development Advisory Commission and they stated no. He then asked how much was paid to the EDC consultant in the past and suggested before they look to fund the EDC they should review what the consultant was paid in the past and what ratables were brought in. He looked at the previous consultants website and found they advertised being the current consultant for Jackson and felt they should advise that company that their information was incorrect.

RICHARD EGAN-24 OVERLOOK DRIVE: He apologized for his conduct at the last meeting and asked the Council to put the needs of the residents before their own.

GERALD GROSS – 24 VERMONT AVE.: He felt they all knew who acted inappropriately from the Citizens Budget Advisory Committee and asked that they remove him.

KIM LUM-8 MONROE LANE: She thanked them for having the meeting for residents to speak about financial challenges. She spoke of the Economic Advisory Committee and thought it was a good idea to get together and share ideas and she asked if there was a private agenda why they wanted to hire a consultant and felt they should use volunteers wherever they could. She then suggested having a podium so people that get up to speak can put their things down. Mr. Kafton thanked her for coming to the foreclosure seminar and providing input. He asked her opinion regarding publicizing names of those facing foreclosure and she felt it should be kept confidential.

ALLEN STERN-3 ARIZONA AVE.: He felt a Saturday meeting regarding the Economic Advisory Committee is a good idea and felt having a professional would be good. He asked how much the budget was and Council President Kafton stated it was about \$42 million. He understood 210K was being discussed and stated it would be worth paying a consultant if it saved the residents tax money.

JOHN GASKILL-25 NO LAKESIDE DRIVE: He stated the Planning Board just approved two commercial parcels.

KIM LUM-8 MONROE LANE: She felt they should assess their needs before they start putting money aside to fund a committee and then asked for an update on the Solar Avenue law suit and Attorney Gilmore stated they should have some answers in about 14 days.

SEAN GIBLIN-SO COOKSBRIDGE RD: He felt there was a hidden agenda due to the approaching election season because the person who stated someone acted unprofessionally from the Advisory Committee didn't give the persons name. He then asked about the procedure for a committee to spend Township money and Mr. Gilmore stated they have to receive statutory authorization and it must be created by ordinance. He asked Attorney Gilmore how a non-partisan election was going to be on a partisan ballot and he stated it would be very confusing and explained how. Since Mr. Gilmore is on the Board of Election Mr. Giblin asked him and fellow members to consider the placement of various names so voters wouldn't be confused. He disagreed with Mr. Del Turco about taking the funds for Industrial Commission and putting it in the General Fund yet he took the \$53K Library Fire Fund even though he stated everything was complete and all bills were paid and Mr. Del Turco advised him there were still some items that were not finished. He was taking money from a useful purpose and starting another fund with no purpose and didn't understand why that was happening. Mr. Giblin stated consultants were good at what they do and if you had one at the time of the Gavin contract, there wouldn't have had any problems. Mr. Giblin made a suggestion how the \$210K could be used to bring water and sewer to the area off I95 and Mayor Reina stated nothing could be decided until the Master Plan is complete and areas are defined as commercial zoning.

KEN BRESSI-562 DIAMOND RD: He stated putting sewer lines in isn't about money. The Township, MUA and County are all on board but the DEP. As they work on the Master Plan together they will put commercial lines in those areas and try to work with the DEP to get it done. He stated since 2006 the Planning Board approved more than 364,800 square feet for commercial property, 81 residential homes and 965 senior developments and noted more commercial applications coming in.

IRIS WRIGHT-1150 LAKEHURST AVE: She asked if there would be any future meetings regarding the skate park and what people could offer to do or is it a done deal. Mayor Reina explained it was a temporary closure and needs to be taken apart until they can determine what they need to do and all suggestions and recommendations are welcome. They are in the process of looking into materials suitable for outdoor use.

RYAN WRIGHT-1150 LAKEHURST AVE.: He came along with many of his friends to express their feelings on the closure of the skate park but unfortunately they had to leave because it was a school night and they had homework. He stated he and his friends used the skate park daily and was aware of everything that happened and felt it necessary for the

youth of the town to have someplace to go and explained how people he knows use it as a way to escape the pressures they deal with and use it as a form of therapy. For some, this is all they have and they don't misuse it and treat it more like a home because there isn't much more the youth of Jackson could do. Mayor Reina explained they haven't gotten a total of the damage or a cost of replacements but they were also considering moving the skate park to a different location so the vandals weren't hidden by the woods and by doing so they would be able to use the park for a longer period of time and it was unfortunate that people ruin it for others but for safety reasons he doesn't want the kids going and getting hurt. Council President Kafton thanked him for staying and sharing his feelings. Attorney Gilmore commended him for coming forward at his age because standing before the Council could be very intimidating and his mom should be very proud of him. Ryan stated he would encourage his friends and their parents to call the Mayor's office.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

MOTION TO ADJOURN BY: MARTIN

MOTION SECONDED BY: RIVERE

YES: MARTIN, TILIS, UPDEGRAVE, RIVERE, & KAFTON

11:00 PM

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT KAFTON

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

AME/klj