

JACKSON TOWNSHIP COUNCIL MEETING OCTOBER 10, 2006

ON TUESDAY, OCTOBER 10, 2006, AT 6:30 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING

ROLL CALL:

COUNCILMAN GUDAITIS ATTORNEY GILMORE (7:00 pm)
COUNCILWOMAN INGRAM TOWNSHIP CLERK EDEN
COUNCILMAN MARTIN
COUNCIL VICE PRESIDENT UPDEGRAVE (absent)
COUNCIL PRESIDENT STALLONE

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.

RESOLUTION 453R -06

TITLE: AUTHORIZE THE TOWNSHIP COUNCIL TO ENTER INTO CLOSED SESSION TO DISCUSS THE FOLLOWING: PERSONNEL, LITIGATION/POTENTIAL LITIGATION, POTENTIAL LAND ACQUISITION, CONTRACTS (ALTERNATE MUNICIPAL PROSECUTOR AND DEPUTY PUBLIC DEFENDERS) AND PARK & RIDE FACILITY - COUNTY LINE ROAD

MOTION TO APPROVE BY: MARTIN

MOTION SECONDED BY: GUDAITIS

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

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: N/A
 - b) Litigation/Potential Litigation:
 - Park & Ride Facility located on County Line Road
 - c) Potential Land Acquisition: N/A
 - d)- Contracts:
 - Alternate Municipal Prosecutor
 - Deputy Public Defenders
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 10/10/06

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

ON TUESDAY, OCTOBER 10, 2006 THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING, COMMENCING AT 7:30 P.M. IN THE MAIN MEETING ROOM OF THE MUNICIPAL BUILDING. SAID MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.

ROLL CALL:

**COUNCILMAN GUDAITIS ATTORNEY GILMORE
COUNCILWOMAN INGRAM TOWNSHIP CLERK EDEN
COUNCILMAN MARTIN
COUNCIL VICE PRESIDENT UPDEGRAVE (absent)
COUNCIL PRESIDENT STALLONE**

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.

PROCLAMATIONS

NATIONAL DOMESTIC VIOLENCE MONTH

Councilman Gudaitis stated the month of October is National Domestic Violence Awareness Month and Jackson has an organization, Providence House, that responds to cases of domestic violence and provides legal services, counseling, shelter, safety plan, restraining orders, etc. He gave various stats concerning domestic violence, rape, etc. Council President Stallone read from the Proclamation on behalf of Mayor Seda and the names of those individuals being recognized for their hard work and dedication were read.

KATHY MUELLER of the JACKSON WOMEN OF TODAY presented the Jackson Township Council with the Golden Thread Award from the United States Women of Today President Cindy Holbert thanking them for their friendship and support. Ms. Mueller gave a personal thank you to Phyllis Lewis, a member of Women Of Today and volunteer on the National Domestic Violence Council. She then advised the public that the St. Vincent DePaul Society is collecting used cell phones to go to victims of violence so they can call 911. The drive is on-going at St. Aloysius Church and St. Monica Church.

Council President Stallone stated he visited the Jackson Food Pantry and was amazed at the amount of work they do and suggested members of the public that attend the Township meetings bring a can of food to donate to the food pantry and thanked Mary (Food Pantry volunteer) for making that suggestion.

COUNCIL COMMENTS

COUNCILMAN GUDAITIS: He thanked everyone for coming out and he thanked the Domestic Violence Response Team for the great job they do.

COUNCILWOMAN INGRAM: She advised everyone that she and Councilman Martin were in the final stages of the Administrative Code and hope to present it at the next Township meeting. She stated they also met with the school Superintendent and various Board members, which went very well and they agreed to meet on a quarterly basis to come up with ways to share services in order to save the residents money.

COUNCILMAN MARTIN: He thanked everyone for coming and added to Councilwoman Ingram's comments that the meeting with the School Board went very well opening lines of communication. He then stated he attended the breast cancer walk on Sunday stating it was very successful and well attended. On Saturday he attended a band competition and had a great time. He stated Cablevision decided to apply directly to the Board of Public Utilities for their statewide franchise agreement and for now Jackson is in a holding pattern until the end of this year or the first quarter of 2007. He felt positive about getting our own access channel and educational channel for the kids that put on shows for Liberty High School and Jackson Memorial. He thanked everyone again for coming.

COUNCIL VICE PRESIDENT UPDEGRAVE- absent

COUNCIL PRESIDENT STALLONE: He welcomed everyone for coming and apologized on Council Vice President Updegrave's behalf for not being able to attend. She wanted to convey her gratitude to Commissions and employees for their efforts in continuing efforts to decrease budgetary obligations that affect the residents of Jackson. She thanked Laura Borys for investigating cost effective benefits, Police Department, Director of Public Safety, Matthew Kunz for reviewing cost effective alternatives when purchasing police equipment, Historical Commission and Chairwoman Katherine DeBow-Redlick for her suggestions for the much needed historical sights within the Township at no additional cost to the taxpayers, Animal Control office and the Animal Control Officer, Joe Sbrano for looking into cost effective ways of canvassing the Township for licenses and bringing in more revenue, the Zoning Department and Zoning Officer, Richard Megill for investigating ways to increase revenues, the Clerks office and Township Clerk, Ann Marie Eden for working with the Council in adopting necessary policies for protecting civilian rights. Mr. Stallone stated he attended the Breast Cancer walk and thanked the Woman's Club at Westlake for their hard work in putting it together. He thanked everyone for coming and wished them a safe trip home.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY: MARTIN

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

ABSTAIN: MARTIN (6008001 & 6008028)

CHECK#	VENDOR	AMOUNT
072509	ABLE OFFICE PRODUCTS	892.44
072510	ACCSES NJ-CAN SERVICES	715.04
072511	AL'S AUTO REPAIRS INC.	245.00
072512	ANS CONSULTANTS INC.	3,102.00
072513	ASBURY PARK PRESS, INC.	89.80
072514	BEYER BROTHERS CORP.	58.72
072515	BRICK STARTER & ALTERNATOR, INC.	123.65
072516	DONNA BUSSICULO	1,116.67
072517	CANYON SPRING WATER	135.24
072518	JILL CARIS	603.50
072519	CENTRAL JERSEY WASTE AND	56,807.50
072520	RICHARD CHIARO	1,673.30
072521	CLIMATE TECH MECHANICAL LLC	885.00
072522	COMMERCE NATIONAL INS. SERVS.	2,679.49

072523	COMPUSA STORES LP	140.62
072524	COMBINES INSURANCE CO OF	630.42
072525	COSTCO WHOLESALE 229	64.73
072526	COUNTRY CLEAN, INC.	51.30
072527	DASTI, MURPHY, MCGUCKI, ET ALS	852.56
072528	DELTA DENTAL PLAN OF NJ INC.	20,433.94
072529	DELTA PRODUCTS	346.64
072530	LAWRENCE & JOAN DENUZZO	1,681.49
072531	DOWNNS FORD, INC.	214.39
072532	EDWARDS TIRE COMPANY, INC.	6,828.00
072533	ELITE HEATING & COOLING, INC.	662.00
072534	EXCAVATING MATERIALS	2,701.50
072535	FAIRLITE ELECTRIC SUPPLY CO.	199.00
072536	GARY KUBIAK & SON ELECTRIC INC.	8,206.19
072537	GENERAL SALES ADMINISTRATION	405.00
072538	VOID	-0-
072539	GILMORE & MONAHAN	31,934.19
072540	GMAC MORTGAGE CORP	1,111.04
072541	GPANJ	30.00
072542	GREATER MEDIA PUBLICATONS	308.00
072543	GROTTA, GLASSMAN & HOFFMAN	2,533.65
072544	HERMANS TRUCKING	4,134.72
072545	INDUSTRIAL WELDING SUPPLY INC.	35.58
072546	JACKSON TWP. CAPITAL IMP. FUND	250,000.00
072547	JCA ASSOCIATES, INC.	2,413.00
072548	JERSEY CENTRAL POWER & LIGHT	1,872.01
072549	JOHN J NOVAK, P.C.	301.25
072550	J.R. HENDERSON LABS	480.00
072551	BRIAN & ANN KOVACS	1,753.72
072552	LAKEWOOD AUTO SUPPLY INC.	240.59
072553	LOWE'S COMPANIES, INC.	566.16
072554	MICROMEDIA PUBLICATIONS, INC.	520.00
072555	NAPCO/R.S. KNAPP CO. INC.	341.08
072556	NEXTEL COMMUNICATIONS	5,588.36
072557	NJPSAC	195.00
072558	NJLM	125.00
072559	OCEAN COUNTY NEWSPAPERS, INC.	32.09
072560	OMNI TOWER INC.	3,200.00
072561	PEDRONI FUEL COMPANY, INC.	30,448.18
072562	PRINCIPAL LIFE	11,188.25
072563	PURCHASE POWER	3,400.00
072564	REMINGTON, VERNICK & VENA ENG.	368.00
072565	RUBBERCYCLE	193.80
072566	RWV LAND/LIVESTOCK CO., INC.	287.50
072567	WILLIAM A SANTOS, PETTY CASH	164.94
072568	SHOPRITE/PERLMART, INC.	47.92
072569	SNAP-ON INDUSTRIAL	94.00
072570	SPRINT	432.69
072571	NJSHBP	259,534.07
072572	STATE OF NJ DIV OF PENSIONS	2,000.00
072573	STATE OF NJ-PWT	122.98
072574	SUNOCO CREDIT CARD CENTER	8.85
072575	T & M ASSOCIATES	3,705.50
072576	ADVANCED COMPUTER	10,820.00
072577	TREASURER, STATE OF NJ	25,156.00
072578	MICHAEL CEPPALUNI DBA/UNITED	170.00
072579	V & S PRECAST CORP	274.43
072580	VERIZON WIRELESS	1,521.52
072581	VERIZON	362.37
072582	WELLS FARGO HOME MTG INC.	10,966.63

TOTAL 781,528.20

CHECK#	VENDOR	AMOUNT
060595	GENERAL TRUST	114.17
061335-061339	PARKS & REC	2,155.18
003416-003427	DEVELOPERS	65,589.08

CAPITAL

CHECK#	ACCOUNT	AMOUNT
060514	BEDROCK CONCRETE CORP	87,367.00
060515	JACKSON TWP. MUN UTILITIES AUTH	20,007.34
060516	MCLAUGHLIN & GELSON	715.00
<i>TOTAL</i>		<i>108,089.34</i>

ORDINANCES, SECOND READING: NONE AT THIS TIME

ORDINANCE FIRST READING

ORDINANCE 26-06

TITLE: ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON SO AS TO AMEND CHAPTER 20 ENTITLED PERSONNEL SO AS TO CREATE A NEW SECTION 20-16A SO AS TO AUTHORIZE CRIMINAL HISTORY BACKGROUND CHECKS ON RECREATION EMPLOYEES

**MOTION TO APPROVE ORDINANCE 26-06 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, OCTOBER 10, 2006 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE**

Councilman Martin thanked the leadership of Michael Mandello of the Jackson Little League, Ann Weathers of the Jackson Soccer, Tony Delvecio and Mark Rishetta of Jackson Pop Warner and for meeting with Mr. Martin on this important Ordinance.

ORDINANCE NO. 26-06

ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON SO AS TO AMEND CHAPTER 20 ENTITLED PERSONNEL SO AS TO CREATE A NEW SECTION 20-16A SO AS TO AUTHORIZE CRIMINAL HISTORY BACKGROUND CHECKS ON RECREATION EMPLOYEES

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

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to create a new Section 20-16A as follows:

§ 20-16A. Background checks required for Recreation Department employees.

A. Due to the interaction of employees of the Recreation Department with persons under 18 years of age, in addition to the background investigation delineated in §20-16(C) above, pursuant to the authority granted to the Township under N.J.S.A. 40:48-1.4 and to the extent allowed under other applicable law, all employees of the Recreation Department, whether proposed, current, full-time, part-time, permanent, temporary or seasonal, (Recreation employees) and volunteers shall be subject to a criminal history record background check, which may be conducted in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted and set forth by the State Bureau of Identification, to determine if the Recreation employee or volunteer has a disqualifying record by the standard delineated within N.J.S.A. 15A:3A-1 et seq. The Township may also obtain criminal history background checks by utilizing a private entity, said entity chosen in accordance with Local Public Contracts Law or any other applicable law, to determine if a person has convictions for crimes cited on the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports.

- (1) The Township shall conduct a criminal history record background check only upon receipt of the written consent for criminal history record background check from the Recreation employee or volunteer. Any Recreation employee or volunteer who refuses to consent to the provisions of this Section shall not be permitted to be employed by the Township as a Recreation employee or utilized as a volunteer in the Recreation Department programs. Recreation employees and volunteers shall submit their names, dates of birth, addresses, written consent and any other necessary information, including fingerprints, if deemed necessary, for the criminal history record background check to the agency designated by the Township to conduct background checks. The Township Administrator shall be responsible for coordinating the background checks with Recreation employees and volunteers.
- (2) The Township shall bear all costs associated with conducting criminal history record background checks for Recreation employees and volunteers.
- (3) The Director of the Department of Recreation (the Director) shall conduct a preliminary screen of Recreation employees by comparing the name of the Recreation employee or volunteer against the most current New Jersey Sex Offender Registry pursuant to N.J.S.A. 2C:7-12 to -19. The Director shall confirm that such Recreation Employee or volunteer is not named on the Registry as a sex offender in any capacity or tier. After the completion of the preliminary screen, the Director shall notify the Township Administrator of the

result. Any person who is named on the New Jersey Sex Offender Registry shall not be permitted to be employed as a Recreation employee or utilized as a volunteer in the Recreation Department.

- (4) Subsequent to the preliminary screen, the Township Administrator shall take whatever action is necessary to obtain a criminal history background check for the Recreation employee or volunteer, which may, at the discretion of the Township Administrator upon consultation with the Director of Public Safety, include a multi-jurisdictional background check from the Federal Bureau of Investigation if said person has been a resident of New Jersey for less than ten (10) years. Upon receipt of the background check by the Township Administrator, the Township Administrator shall consult with the Director of Public Safety and shall make a determination as to an individual's eligibility to be employed as a Recreation employee or utilized as a Recreation Department volunteer in accordance with this Section, pursuant to the parameters outlined in N.J.S.A. 15A:3A-1 et seq. or the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports. All information received by the Township shall be, and shall remain, confidential.
- (5) A person shall be disqualified from serving as a Recreation employee or volunteer if that person's criminal history record background check reveals a disqualifying record in accordance with the standards delineated within N.J.S.A. 15A:3A-1 et seq. or convictions for crimes cited on the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports.

B. The Director of Recreation shall promptly notify a Recreation employee or volunteer who receives a disqualifying recommendation from the Township Administrator. Individuals who receive a disqualifying recommendation will not be permitted to be employed or utilized as a volunteer in the Recreation Department. Such individuals will have 30 days from the receipt of the official notice from the Director of Recreation to petition the Review Committee for a review and to submit in writing the facts and reasoning warranting the request for review. The Review Committee shall consist of the Township Administrator, the Director of Public Safety and the Director of the Department of Recreation.

C. Individuals who receive a disqualifying recommendation may be permitted to be employed as a Recreation employee or utilized as a volunteer if they affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Review Committee may consider the following factors:

- (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
 - (2) The nature and seriousness of the offense;
 - (3) The circumstance under which the offense occurred;
 - (4) The date of the offense;
 - (5) The age of the person when the offense was committed;
 - (6) Whether the offense was an isolated or repeated incident;
 - (7) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of those who have had the person under their supervision.
- D. In all instances, the final determination of whether an individual will be permitted to work as a Recreation employee or volunteer will lie in the sole discretion of the Review Committee.
- E. The Review Committee shall promptly advise the Recreation employee or volunteer of the decision of the Review Committee.
- F. The within procedure is subject to any applicable State, Department of Personnel, Merit System Board statutes, regulations or other laws.
- G. Access to criminal history record information for non-criminal justice purposes, including employment, is restricted to Township Administrator, the Director of Public Safety and the Director of the Department of Recreation (the Review Committee), as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this chapter.
- H. The Review Committee shall limit its use of criminal history record information solely to the authorized person for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

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.

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the **10th day of October, 2006**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **24th day of October, 2006**, at 7:30 p.m., at the Municipal Building located 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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

DATED: 10/10/06

ORDINANCE 27-06

TITLE: ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON SO AS TO CREATE CHAPTER 79A ENTITLED NONPROFIT YOUTH-SERVING ORGANIZATIONS

**MOTION TO APPROVE ORDINANCE 27-06 ON FIRST READING,
ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND
PUBLIC HEARING TO BE HELD ON, OCTOBER 10, 2006 BY: MARTIN
MOTION SECONDED BY: INGRAM
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE**

ORDINANCE NO. 27-06

**ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING THE
TOWNSHIP CODE OF THE TOWNSHIP OF
JACKSON SO AS TO CREATE CHAPTER 79A
ENTITLED NONPROFIT YOUTH-SERVING
ORGANIZATIONS**

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

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to create a new Chapter 79A entitled Nonprofit Youth-serving Organizations as follows:

Chapter 79A

NONPROFIT YOUTH-SERVING ORGANIZATIONS

ARTICLE I
General Provisions

§ 79A-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BACKGROUND CHECK -- shall include criminal history checks conducted by State agencies, under State regulations, and checks of convictions conducted by privately-contracted entities utilizing commercial databases.

DISQUALIFYING RECORD -- shall mean any record of a person which would be disqualifying under N.J.S.A. 15A:3A-3, or a determination by a private entity (e.g. National Center for Safety Initiatives) that a person has convictions for crimes cited on the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports.

NONPROFIT YOUTH-SERVING ORGANIZATION(S) - A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes or other law of the state, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social, or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes, as defined within N.J.A.C. 13:59-1.1 and any amendments thereto.

TOWNSHIP - The Township of Jackson.

VOLUNTEER COACH and OFFICIALS - Any person involved with coaching or supervising participants in a nonprofit youth-serving organization, whether the title is coach, manager, or another title consistent with these terms; any person who may officiate or act as referee or umpire by such organization in Jackson Township; any member of any board governing such organization.

ARTICLE II
Nonprofit Youth-serving Organizations

§ 79A-2. Information and documentation to be provided to Township.

A. Any nonprofit youth-serving organization (hereinafter Organization) which intends to or currently does utilize Township-owned property, real or personal, for activities of the organization, shall be required to submit to the Township Administrator, or his or her designee, the following information and/or documentation for each and every Volunteer Coach and Official of the organization who recruits, interacts or in any other way communicates with or contacts persons younger than 18 years of age in the Township:

- (1) A copy of a government-issued photo identification card or document.
- (2) Home address.

- (3) Date of birth.
 - (4) Home phone number.
 - (5) Occupation and employer.
 - (6) Written consent for the Organization to conduct a background check, which includes the right to review sex offender registries and criminal history records.
- B. In addition to the information required in Subsection A above, the Organization shall provide an affidavit from an official of the Organization that the persons whose names have been provided to the Township in Subsection A above were subjected to a background check and did not have disqualifying records, or if a person had a disqualifying record, the Organization has conducted a review or appeal under its own policies and procedures and the Organization has determined that the person should be qualified and his or her name should be submitted to the Township.
- C. The Organization shall execute an agreement with the Township whereby the Organization acknowledges that the acceptance of the affidavit(s) above do not indicate approval or acceptance of the policies, procedures, review or appeal processes of the Organization by the Township. Said agreement shall also state that the Organization agrees to indemnify fully, save and hold harmless the Township, its officers and employees, from and against all losses, damages, claims, liabilities and causes of action of every kind, or character and nature, as well as costs and fees, including reasonable attorneys' fees connected therewith, and the expense of investigation thereof, based upon or arising out of damages or injuries to third persons or their property caused by the acts of the Organization, or any Volunteer Coach or Official acting on behalf of the Organization.

§ 79A-3. Time for submission of information and documentation; ongoing obligation of the Nonprofit Youth-serving Organization.

Organizations which intend to or currently utilize Township-owned property, real or personal, for activities of the Organization shall be required to submit the information and documentation of the Volunteer Coaches and Officials as described in §79A-2 immediately upon the effective date of this Chapter and annually thereafter. Said Organizations shall have a continuing obligation to submit additional information to the Township immediately as such Volunteer Coaches and Officials are employed or intended to be utilized by said Organization.

§ 79A-4. Failure to comply.

- A. No person will be permitted to act as a Volunteer Coach or Official in the Township until the Organization submits the information and documentation delineated within §79A-2 to the Township Administrator.

- B. Any prospective or current Volunteer Coach or Official of an Organization who refuses to comply with the requirements of this chapter shall be prohibited by the Organization from participating in any activity or event of the Organization which provides services to the Township, utilizes Township-owned property, real or personal, and recruits, interacts, or in any other way communicates with, or contacts persons younger than 18 years of age in the Township.

§ 79A-5. Limitations on access and use of criminal history record information.

Any records submitted to the Township shall be restricted as to access as authorized by federal or state statute, rule or regulations, executive order, administrative code, local ordinance or resolution regarding personal information and obtaining and disseminating of criminal history record information obtained under this chapter.

§ 79A-6. Violation by nonprofit youth-serving organization and use of Township Property.

- A. It shall be a violation of this Chapter for an Organization to allow any Volunteer Coach or Official to participate in any capacity at any event or activity of the Organization utilizing Township-owned property, real or personal, if said Volunteer Coach or Official has failed to submit the required information and documentation pursuant to § 79A-2 or has a disqualifying record which was not subsequently appealed to the Organization with a favorable outcome.
- B. It shall be a violation of this Chapter if an Organization fails to satisfy any of the requirements of this Chapter, including, but not limited to, executing the agreement required in §79A-2C and updating information pursuant to §79A-3.
- B. If the Township determines that this Chapter has been violated, the Organization shall be immediately barred from utilizing Township-owned property, real and personal, for any events and activities of the Organization for a period of two (2) years from the date of the violation. Upon the expiration of two (2) years, the Organization may petition the Township for reinstatement upon a showing of satisfaction of all requirements of this Chapter.

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.

MAYOR MARK A. SEDA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the **10th day of October, 2006**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **24th day of October , 2006**, at 7:30 p.m., at the Municipal Building located 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

ANN MARIE EDEN, RMC
Township Clerk

DATE: 10/10/06

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

MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY: MARTIN
MOTION SECONDED BY: GUDAITIS
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE

RESOLUTION 456R-06

TITLE: REQUEST APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87
COPS UNIVERSAL HIRING-COPS IN SCHOOL GRANT

MOTION TO APPROVE BY: GUDAITIS
MOTION SECONDED BY: INGRAM
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any local unit when such item shall have been available by any public or private funding source and the amount therefore shall not have been determined at the time of adoption; and

WHEREAS, N.J.S.A. 40A: further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the Township of Jackson has been provided additional funds from the Federal Government, US Department of Justice, Office of the Community Oriented Policing Services, Cops Universal Hiring-Cops in School Program 2006 in the amount of \$37,000.00

WHEREAS, the Mayor and Township Council of the Township of Jackson, request the Director of the Division of Local Government Services to approve the insertion of this amount as revenue with an offsetting appropriation.

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

1. That the Mayor and Township Council do hereby request an amendment to the 2006 Budget to provide the insertion of a special item of revenue in the amount of \$37,000.00 by the Director of the Division of Local Government Services, which is now available as a revenue from:

Miscellaneous Revenue: (Special Item of general revenue anticipated with prior written consent of the Director of Local Government Services)

Federal Government-US Department of Justice
Office of Community Oriented Policing Services
Cops Universal Hiring-Cops in School Program

2. That the Mayor and Township Council do hereby further request an appropriation of an equal sum under the caption of:

General Appropriations: (operations excluded from CAP)
Federal Government-US Department of Justice
Office of Community Oriented Policing Services
Cops Universal Hiring-Cops in School Program

3. That two certified copies of the resolution shall be forwarded to the Director of Division of Local Government Services, the Township Auditor, the Chief Financial Officer, and the Jackson Township Police Department.

DATED: 10/10/06

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

RESOLUTION 460R-06

TITLE: AUTHORIZING AN AMENDMENT TO THE 2006 BUDGET TO ALLOW FOR THE CHANGE IN TEXT OR TITLE PURSUANT TO N.J.S.A. 40A: 4-85 (POLICE SALARIES AND WAGES TO COPS UNIVERSAL HIRING-COPS IN SCHOOL PROGRAM MATCHING LOCAL SHARE

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

WHEREAS, N.J.S.A. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of the governing body make such amendment of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose required for the needs of any such municipality; and

WHEREAS, N.J.S.A. 40A: 4-85 further provides that the Director may approve the change in title, text or amount of any appropriation; and

WHEREAS, the Township of Jackson has been approved for additional funds from the US Department of Justice, Office of Community Oriented Policing Services which requires a cash match of \$45,893.00 and

WHEREAS, the Mayor and Township Council of the Township of Jackson, desires to amend their 2006 Budget to reflect a change in title, text and amount.

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

1. That the Mayor and Township Council do hereby request the Director of the Division of Local Government Services, to make the following amendment in the 2006 Budget:

FROM: General Appropriations: (Police Salaries & Wages)
\$45,893.00

TO: Cops Universal Hiring Grant
 Cops in School Program
 Matching Grant Portion \$45,893.00

2. That the foregoing amendment in the opinion of the Mayor and Township Council, warranted and authorized by the statute above referred to, and is necessary for the reasons of the additional funds from the US Department of Justice Office of Community Oriented Policing Services, which is required to match the Grant.
3. That two certified copies of the resolution shall be forwarded to the Director of the Division of Local Government Services, the Township Auditor, the Chief Financial Officer.

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

DATED: 10/10/06

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

RESOLUTION 454R-06
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: GUDAITIS
MOTION SECONDED BY: INGRAM
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE

TOWNSHIP OF JACKSON
OVERPAYMENT REFUNDS

October 10, 2006

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
5.01	30.04	Lawrence & Joan Denuzzo	2006 – 3 rd	\$1,681.49
49.02	13	Wells Fargo Home Mortgage	2006 – 1 st	916.90
75.01	3610.804	Jill Caris	2006 – 3 rd	603.50
96.01	15.16	Richard Chiaro C/o Louis S. Scalzo – Trust Account	2006 – 2 nd	1,673.30
98.06	3	Brian & Ann Wardle Kovacs C/o Goldzweig, Green & Eiger LLC - Trust Account	2006 – 3 rd	1,753.72
126.25	7	GMAC Mortgage Corporation	2006 – 3 rd	1,111.04
999	999	V & S Precast Corp.	2006 – 1 st	274.43
29	4.01	Wells Fargo Home Mortgage	2006 – 3 rd	1,573.98
58.02	24.61	Wells Fargo Home Mortgage	2006 – 3 rd	613.90
66.19	58	Wells Fargo Home Mortgage	2006 – 3 rd	2,123.97
78.31	10	Wells Fargo Home Mortgage	2006 – 3 rd	1,176.08
127.06	13	Wells Fargo Home Mortgage	2006 – 3 rd	1,179.27
140.01	6.01	Wells Fargo Home Mortgage	2006 – 3 rd	3,068.05
143.09	33	Wells Fargo Home Mortgage	2006 – 3 rd	314.48

Total Refund: \$18,064.11

DATED: 10/10/06

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

RESOLUTION 455R-06

TITLE: AUTHORIZE BINGO/RAFFLE LICENSE TO: VFW OF JACKSON POST #4703 (#RA-1126), JACKSON BORD OF EDUCATION (#RA-1127 AND #RA-1128) AND JACKSON FOOTBALL PARENTS (#RA-1129)

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

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:

VFW OF JACKSON POST #4703 (#RA-1126)
JACKSON BORD OF EDUCATION (#RA-1127 AND #RA-1128)
JACKSON FOOTBALL PARENTS (#RA-1129)

2. Copies of the Resolution to interested parties.

DATED: 10/10/06

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

RESOLUTION 457R-06

TITLE: APPROVE TOWNSHIP COMMITTEE MEETING MINUTES OF AUGUST 26, 2006 AND AUGUST 30, 2006 (BUDGET WORKSHOPS)

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

WHEREAS, official Minutes of Jackson Township Committee meetings have been prepared; and

WHEREAS, the Township Clerk has reviewed these Minutes and has submitted them to the Township Council for their approval;

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

1. The following Minutes are hereby approved by the Jackson Township Council:

**August 26, 2006 and
August 30, 2006 (Budget Workshops)**

2. Copies of this resolution to any interested parties.

DATED: 10/10/06

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

RESOLUTION 458R-06

TITLE: APPROVE CHIEF FINANCIAL OFFICERS MONTHLY REPORT FOR AUGUST 2006

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee 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 August 2006 is hereby approved.
2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

DATED: 10/10/06

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

RESOLUTION 459R-06

TITLE: AUTHORIZE RELEASE OF C.O. BOND POSTED FOR BLOCK 144.01, LOT 18:14 (4 ABES WAY)

MOTION TO APPROVE BY: GUDAITIS

MOTION SECONDED BY: INGRAM

YES: GUDAITIS, INGRAM, MARTIN & STALLONE

ABSENT: UPDEGRAVE

WHEREAS, Design Concepts for Living, LLC has requested the release of a Cash Bond for winter conditions in the amount of \$1,000.00 pertaining to 4 Abes Way, a/k/a Block 144.01 Lot 18.14, Jackson Township; and

WHEREAS, Michael G. Miller, Township Engineer, T & M Associates, has reviewed and approved the release of said cash bond in a letter report dated September 25, 2006, 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 Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for winter conditions in the amount of \$1,000.00 heretofore posted with the Township may and hereby is released to Design Concepts for Living, LLC.

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

DATED: 10/10/06

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

DISCUSSION AGENDA:

CLERK EDEN addressed the Council regarding a letter that was received by Mr. Bill Ball regarding operating a Hot Dog vending business located on the Jackson/Howell line. Code Enforcement was contacted with a complaint from neighbors and determined the land being used was Township property.

Attorney Gilmore stated Mr. Ball must first submit a letter to the governing body and explained if the Council was to permit a vendor to utilize Township property they couldn't discriminate and would have to open it up to anyone wishing to go on Township property. Council President Stallone asked if the property was Township property or did it belong to JCP & L where utility lines run through and if so they may have to ask them for permission but would still require a vendor license from Jackson. Clerk Eden will advise Mr. Ball to submit an application for a permit.

2. CLERK EDEN advised Council of two inquiries to obtain a liquor license and advised they have one distribution and consumption license. Attorney Gilmore explained the Council could place restrictions on the license such as where they would allow the license and require any consumption license could have a certain number of seats, etc. Council President Stallone asked about getting information on what the going rate for the licenses is.

PUBLIC HEARING, ANY TOPIC

PATRICIA WOOD-NORTH COUNTY LINE ROAD: She represents HTC Production Company for the past 24 years. In the past governing body appropriated \$6,000 of which they spent \$5,000 and was requesting the remaining \$1,000 because it was promised to them and would be a big help. Council President Stallone stated the Administrator was not present at the meeting but would discuss this with him and let her know. Attorney Gilmore stated they would have to amend the budget in order to provide the funds at this time or wait until after November 1st to make fund transfers.

ALLISON GLEASON-BRICK AVENUE, LANOKA HARBOR: She expressed her passion for theater and wanted them to understand the contribution they make to entertaining the residents of Jackson and asked them to keep them in mind each year when they go over the budget.

CATHERINE DEBOW-HISTORIC COMMISSION: She discussed a plan the Historic Commission would present to Council in the near future for moving the old Town Hall and Schoolhouse to the side and put in a new building for children and visitors to see.

GARY BLACK-76 LEWIS LANE: He thanked Councilman Martin and others for the Ordinance protecting the children of Jackson.

MICHELLE WYNN-50 A FRANKLIN GREENS, SOMERSET NJ: She was there on behalf HTC Production Company and stated what a dedicated group they are and they want to continue entertaining the residents of Jackson and hoped they continue their support. Councilwoman Ingram stated she also danced and performed when growing up and would make this her personal goal because it is wonderful for those children that don't play. Councilman Gudaitis asked how many from the theater group were present? A group member stated about 27. Councilman Martin stated he was also in theater when he was in high school and would do his best for them.

KATHY MUELLER-500 BEGONIA COURT: Felt it was so important to help the production company and urged the Council to find the money to help them.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: MARTIN
MOTION SECONDED BY: GUDAITIS
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE

MOTION TO ADJOURN BY: MARTIN
MOTION SECONDED BY: GUDAITIS
YES: GUDAITIS, INGRAM, MARTIN & STALLONE
ABSENT: UPDEGRAVE

8:30 PM

RESPECTFULLY SUBMITTED,

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

AME/klj