

**Jackson Township Council Meeting October 24, 2006**

**ON TUESDAY, OCTOBER 24, 2006, AT 5:30 P.M., THE JACKSON TOWNSHIP COUNCIL HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

**ROLL CALL:**

**COUNCILMAN GUDAITIS                      ATTORNEY GILMORE  
COUNCILWOMAN INGRAM                  TOWNSHIP CLERK EDEN  
COUNCILMAN MARTIN  
COUNCIL VICE PRESIDENT UPDEGRAVE  
COUNCIL PRESIDENT STALLONE (5:55 pm)**

**ALSO IN ATTENDANCE**

**MAYOR SEDA  
ADMINISTRATOR SANTOS  
GEORGE STEVENSON-REMINGTON VERNICK  
MARK MURACZEWSKI-REMINGTON VERNICK  
JOHN RUSSO  
JUDGE DANIEL SAHIN**

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**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.**

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**RESOLUTION 461R-06**

**TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS INVOLVING PERSONNEL, LITIGATION AND OPEN SPACE LAND ACQUISITION**

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

**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: Security measures in Municipal Court
  - b) Litigation/Potential Litigation:
    - Affordable Housing
    - Mortellito vs. Twp. of Jackson/Jackson P.D.
    - Jane Doe vs. Twp of Jackson/Jackson P.D.
    - Park & Ride Facility – County Line Road
    - CVS Property
    - Kara Homes Bankruptcy
  - c) Potential Land Acquisition:
    - Affordable Housing - as it relates to the acquisition of property
  - d) Contracts:
    - Rehabco, Inc.
    - Disability Insurance
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 10/24/06

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

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**ON TUESDAY, OCTOBER 24, 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  
COUNCIL PRESIDENT STALLONE**

**ALSO IN ATTENDANCE**

**MAYOR SEDA  
ADMINISTRATOR SANTOS**

As Clerk of this meeting, I publicly announce that in compliance with the provisions of the "Open Public Meetings Act" adequate notice of this meeting of the Jackson Township Council has been advertised in the manner prescribed by law. This statement shall be entered into the Minutes of this meeting.

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**POLICE DEPARTMENT PROMOTION BY MAYOR SEDA:**

**MAYOR SEDA SPOKE** explained it was brought to his attention that the Police Department was short staffed on the Sergeant side and announced the promotion of John Decker and John McBride as Jackson's newest Police Sergeants.

**DIRECTOR KUNZ** thanked Mayor Seda and the Council for their recognition of the two officers. Along with Captain Newman, Director Kunz stated John Decker served on the Seaside Park division before joining Jackson Township in 1999 on patrol duty. Along with being a school resource officer and field training officer he has received the department's Good Conduct ribbon, Educational Achievement ribbon, and the Achievement ribbon for serving as a volunteer in New York City post 911. He holds an Associates and Bachelors degree in Criminal Justice, Masters degree in Human Resources, Educational Specialist degree in Management Supervision, graduated Ocean County Police Academy and is currently enrolled in the Doctorant program at Seton Hall University. Director Kunz and Captain Newman then awarded him with Sergeant chevrons and promotion certificate.

Director Kunz then stated John McBride served in the US Navy in 1999 on Air Group 6 Aircraft Carrier USS Forest Stall attached to VFW 31 Tomcatters and received the Armed Forces Expeditionary metal, Meritorious Unit commendation, two Sea Service Deployment ribbons and a National Defense metal. After serving in the US Navy he enlisted with the Monmouth County Sheriff's office serving in the Warrant Division, Court security, Identification Bureau and Prisoner Transport Division. He attended Central Texas College, Brookdale College and graduated from the Monmouth County Police Academy. He joined Jackson Township in 1999 on the Patrol Division and received the Good Conduct ribbon, Excellent Police Duty ribbon for disarming a suspect, Veterans of Foreign Wars ribbon for serving in the Persian Gulf and the Achievement ribbon for serving as a volunteer in New York City post 911. Director Kunz and Captain Newman then awarded him with Sergeant chevrons and promotion certificate.

Mayor Seda addressed the many police officers that came to support of the promotions of their fellow officers and stated he and the Jackson Township Council would support the police department and make every effort to make promotions when necessary and thanked them all for coming to support their community.

**PROCLAMATIONS**

Mayor Seda read from a proclamation honoring all veterans on Veterans Day by recognizing all the people that have served and continue to serve the Country. He stated in 1918 Woodrow Wilson first declared November 11<sup>th</sup> as Armistice Day to commemorate the end of WWI and in 1938 Congress changed the name to Veterans Day to commemorate the courage and patriotism of the men and women who have served in the U.S. Armed Forces and Jackson Township recognizes the service of residents that have answered their Country's call to service. Mayor Seda and the Council wish to continue the tradition by honoring the residents who have served and asked all residents to take a moment on November 11<sup>th</sup> to reflect on the sacrifices made and to attend any of the ceremonies being held in Jackson Township and throughout Ocean County in honor of all veterans.

**(5 MINUTE RECESS)**

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**COUNCIL COMMENTS**

**COUNCILMAN GUDAITIS** thanked everyone for coming out and congratulated the two new sergeants. He spoke of the newspaper article in the Observer regarding the Mayor and Councils' process of uncovering the financial mismanagement and accounting misuses of the previous administration that directly contributed to the 19.6¢ tax increase. He stated all individuals that were responsible must be held accountable regardless if they were elected or appointed officials.

**COUNCILWOMAN INGRAM** thanked everyone for coming out and discussed comments made by individuals in the paper. She demonstrated how each Council member worked on the budget stating it was a budget of funds that had already been spent and stated if the three individuals that made negative comments took the time to attend any of the three workshop meetings they would have known that. The Council couldn't change what was already spent or obligated. She stated she would like to have her spreadsheet published so the residents could see Mr. Salerno's budget along side Mr. Santos's budget that would show they anticipated the tax increase back in May, prior to the change of government when Mr. Salerno prepared the budget. She added the prior Administration new the money was spent and that was why they didn't pass the budget.

**COUNCILMAN MARTIN** he complimented Councilwoman Ingram's comments adding Jackson residents had a right to know how they got into the mess so it doesn't happen again. Sometimes leaders have to make unpopular decisions but in the best interest of Jackson they had to do what was right. He stated at the last meeting the HTC Production Company was asking for \$1,000 they needed to perform their play and he was pleased to announce the money was raised through private donations.

**COUNCIL VICE PRESIDENT UPDEGRAVE** stated the situation is very sad and could only apologize. She along with other taxpayers will find it difficult to meet all their financial commitments but it could not be avoided.

**COUNCIL PRESIDENT STALLONE** congratulated John Decker and John McBride on their promotions. He stated it was four months since they were sworn in and they all tried very hard to fix the problems they were faced with. He stated he and other Council members should be judged on their actions since they took over and not be blamed for things that took place prior. He added things that were discovered and statements made at the Workshops he and the other members of the Council felt inappropriate actions were taken by the prior administration and administrator and will be handing that information over to the proper authority. He read a press release that will appear in the paper entitled **Jackson Township Council Confronts Budgetary Abuses of Past Administration**. "The steadfast apprehension and disgust regarding the 2006 Municipal Tax increase in Jackson Township has created a need for action tonight by the Jackson Township Council on behalf of Jackson taxpayers. Since July 1, 2006 the current administration has dissected the prior administrators 2006 proposed budget and related documents. We continue to find what we believe to be examples of violations of State and public contract laws and misuse of public funds. Former Administrator Salerno even forecast in his own words these draft

budget documents if introduced as drafted carry a significant increase in municipal tax rate. Tonight the Council will take necessary steps toward making prior government officials accountable to taxpayers. Effective at the close of this October 24, 2006 Township Council Meeting several blatant examples of (*mal fees*) and mismanagement will be reported to the appropriate authorities. New Jersey state government officials and departments, namely the Department of Community Affairs and the Ocean County Prosecutor. We will then forward all documentation if possible budgetary law violations uncovered in Jackson Township since July 1, 2006 to the United States Attorney for New Jersey, Chris Cristie. We are recognizing and enforcing the law the past officials and take responsibility for their actions as we the current Jackson Township Council have been doing so since elected. We will be the voice of the over taxed and over burdened residents of local municipalities and place the burden of truth and past discretions on the guilty. For it is their actions, in the past administration that resulted in the increasing taxation of Jackson residents. Regarding the actions of the prior administration, documentation has been accumulated and will be forwarded to various State and local investigative agencies. The charges include possible violations of State regulations pertaining to the management of local municipal governments and possible violations of local public contract laws. Other charges relate to financial mismanagement not in the best interest of the residents and taxpayers. The most unsettling revelation of questionable behavior of the prior administrator came in a memorandum, by the CFO dated July 12, 2006. In the memorandum the CFO reported that she first brought this to the attention of Administrator Salerno in May, that if they didn't adopt a budget soon, we would not have enough revenue coming in to meet our obligations by August. The CFO went on to state that the Administrator told her not to worry . She reported that Mr. Salerno further directed her and other department heads not to go over his head or go directly to the governing body on any topic. She further stated she felt to do so would result in subordination. At a public budget meeting the CFO reiterated the basic content of her memorandum regarding Mr. Salerno's knowledge of the financial difficulties. The prior administration delayed the 2006 budget for months, seemly trying to avoid the responsibility for the inevitable tax increase. The delay of the 2006 budget resulted in approximately \$14 million dollars cash flow deficit. The reporting of misuse of public funds and misrepresentation by the proper government officials to Jackson Township taxpayers needs to be addressed and if necessary reprimanded to the fullest extent of the law. We can never understand or support the abuse of public trust by prior officials and cannot express our sorrow enough for their blatant disregard of you and your loved ones. We cannot allow this incredulous tax increase to go unnoticed. We will join forces with the general assembly of New Jersey supporting the 11 point plan called Blueprint for a Corrupt Free New Jersey by adopting a resolution in November 2006 supporting this proposed non patrician ethics reform plan designed to clean up government and stamp out corruption. We ran with the slogan "Taxpayers United for Jackson" and have not forgotten our sworn oath to office. Together we can and will make Jackson's prior government officials accountable to you our residents. "

**BILLS AND CLAIMS**

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

**MOTION SECONDED BY: INTRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

**ABSTAIN: MARTIN (COUNTRYWIDE & R.C. SHEA & ASSOC.)**

CHECK#	VENDOR	AMOUNT
072507	JACKSON TOWNSHIP P/R ACCT	610,228.46
072508	JACKSON TOWNSHIP P/R ACCT	45,325.10
072585	ACTION OFFICE SUPPLIES INC.	872.80
072586	AMERICAN BUS & COACH, LLC	583.88
072587	A.M. / P.M. SERVICES	99.00
072588	ANS CONSULTANTS INC.	464.00
072589	WILLIAM E. ANTONIDES & CO.	3,900.00
072590	ASBURY PARK PRESS, INC.	433.74
072591	BALLY'S PARK PLACE CASINO	312.00
072592	BEYER BROTHERS CORP.	435.44

072593	BOARD OF FIRE COMMISSIONERS	81,250.00
072594	GARY & DEBRA BORBOTKO	350.00
072595	BRICK STARTER & ALTERNATOR, INC	271.00
072596	CABLEVISION	119.90
072597	THE CAMBRIA COMPANIES	435.00
072598	CHEERLEADER & DANZ TEAM	8,954.50
072599	UNITED STATES POSTAL SERVICE	10,000.00
072600	COUNTRYWIDE – TAX DEPT.	1,848.49
072601	COUNTY OF OCEAN	5,262,742.44
072602	DERA	95.00
072603	DOWNS FORD, INC.	1,342.95
072604	EAGLE MAINTENANCE SUPPLY INC.	48.00
072605	EMERGI-CLEAN INC.	390.25
072606	F & J AUTO	50.00
072607	GARDEN STATE HWY PRODUCTS, INC.	1,732.50
072608	GENERAL CODE PUBLISHERS CORP	10,434.83
072609	GENERAL SALES ADMINISTRATION	456.30
072610	GILMORE & MONAHAN, P.A.	21,400.00
072611	GILLESPIE ENGINEERING INC.	3,950.00
072612	GRAINGER	88.26
072613	HARLEY DAVIDSON OF OCEAN CNTY	74.99
072614	HAYES INSTRUMENT CO.	144.33
072615	HERMANS TRUCKING	585.28
072616	HOLIDAY INN BOARDWALK	303.00
072617	INDUSTRIAL WELDING SUPPLY INC.	42.50
072618	INTERNATIONAL TRUCK OF CENTRAL	1,182.32
072619	JACKSON TWP. BOARD OF ED	5,513,007.00
072620	JACKSON TWP. MUN. UTILITIES AUTH	5,242.07
072621	JACKSON CHAMBER OF COMMERCE	160.00
072622	VOID	-0-
072623	JOURNAL OF EMERGENCY MGMT.	197.20
072624	J.R. HENDERSON LABS, INC.	375.00
072625	LEOPOLD KISSLING	445.00
072626	LAKEWOOD AUTO SUPPLY INC.	72.48
072627	LANGUAGE SERVICES ASSOCIATES	31.50
072628	LEE BATTERY SERVICE, INC.	69.64
072629	L.J. MAKRANCY & SONS	9,391.38
072630	SUSAN LOTITO	1,095.00
072631	LOWE'S COMPANY	264.99
072632	JOSEPH & KATHERINE M MAYERSKI	200.00
072633	MICROMEDIA PUBLICATIONS, INC.	140.00
072634	MONMOUTH TELECOM	1,433.88
072635	MULVANEY, CORONATO AND BRADY	10,000.00
072636	NFPA	135.00
072637	N.J.E.M. ASSOCIATION	540.00
072638	NEW JERSEY NATURAL GAS	4,169.73
072639	NJLM	1,426.00
072640	NORMAN'S GLASS & AUTO SVCS, INC.	291.14
072641	OCEAN COUNTY BD OF HEALTH	4,872.00
072642	OCEAN COUNTY NEWSPAPERS, INC.	798.28
072643	OCEAN COUNTY CLERK	8.00
072644	OMNI TOWER INC.	3,200.00
072645	PENNINGTON SLAES & SERVICE	157.30
072646	PHILADELPHIA TURF CO.	214.57
072647	PITNEY BOWES, INC.	234.00
072648	POSTER COMPLIANCE CENTER	507.00
072649	TOM CLANCY	528.24
072650	RAMPAGE, LLC	1,420.00
072651	MIKE REES	60.00
072652	RIGGINS INC.	11,285.09
072653	RMV LAND/LIVESTOCK CO., INC.	3,048.10
072654	SAFEGUARD BUSINESS SYSTEMS	874.55
072655	SCHOR DEPALMA INC.	375.00

072656	SHERWIN WILLIAMS COMPANY, INC.	132.10
072657	SHOPRITE/PERLMART, INC.	26.52
072658	SIMPLEXGRINNELL LP	188.50
072659	SNAP ON INDUSTRIAL	827.75
072660	T & M ASSOC.	1,317.00
072661	JOSEPH & PATRICIA TORCHIA	1,114.65
072662	TOTAL LUBRICATION SVC & SUPPLY	1,785.00
072663	TOZOUR-TRANE	4,326.24
072664	TRENTON BRAKES, INC.	773.13
072665	TREASURER, STATE OF NJ	1,750.00
072666	TREASURER, STATE OF NJ	25.00
072667	TRICO	1,150.27
072668	MICHAEL CEPPALUNI DBA/UNITED	300.00
072669	UPSTATE COMPUTERS CORP.	578.29
072670	US HOMES	373.19
072671	VAN DERVEER TIRE & SERVICE CTR	549.00
072672	VAN SANT SEWER SERVICE LLC	148.40
072673	VERIZON WIRELESS	18.59
072674	VERIZON	3,636.05
072675	VETERINERY SURG. & DIAG. SPEC	82.50
072676	WALTER R. EARLE CORPORATION	269.60
072677	JAMES & JILL WALL	47.77
072678	W.B. MASON COMPANY	520.42
072679	JERSEY CENTRAL POWER & LIGHT	11,795.43
	<b>TOTAL</b>	<b>11,678,951.04</b>

CHECK#	VENDOR	AMOUNT
000337	DOG	209.40
060594-060603	GENERAL TRUST	10,732.76
061334-061350	PARKS & RIDE	3,764.62
003415-003443	DEVELOPERS	73,583.34

**CAPITAL**

CHECK#	VENDOR	AMOUNT
060517	VERIZON WIRELESS	8,039.76
	<b>TOTAL</b>	<b>8,039.76</b>

**ORDINANCES, SECOND 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**

**PUBLIC HEARING OPENED:**

**GARY BLACK-LEWIS LANE:** He thanked the Council for bringing awareness to the public and adopting this into law. He mentioned something passed in the Senate regarding sex offenders. He explained that kids are never safe and as parents they all need to know who their friends are. Attorney Gilmore suggested he speak further about this matter later in the program.

COUNCILMAN MARTIN thanked Anne Alberta for bringing this matter to their attention and many others from various local sports organizations.

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

**MOTION SECONDED BY: MARTIN**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE, STALLONE**

**MOTION TO APPROVE ORDINANCE 26-06 ON SECOND READING,  
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED  
NEWSPAPER AS REQUIRED BY LAW BY: UPDEGRAVE**

**MOTION SECONDED BY: MARTIN**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

**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 **10<sup>th</sup> 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 **24<sup>th</sup> 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.

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

**DATED: 10/24/06**

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**ORDINANCES, SECOND READING:**

**ORDINANCE 27-06**

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

**PUBLIC HEARING OPENED: NO ONE CAME FORWARD.**

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

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE, STALLONE**

**MOTION TO APPROVE ORDINANCE 27-06 ON SECOND READING,  
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED  
NEWSPAPER AS REQUIRED BY LAW BY: UPDEGRAVE  
MOTION SECONDED BY: MARTIN  
YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

**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.

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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 **10<sup>th</sup> 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 **24<sup>th</sup> 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.

**DATED: 10/24/06**

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

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**ORDINANCE FIRST READING**

**ORDINANCE 28-06 REMOVED**

**DATED: 10/24/06**

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

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

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

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**RESOLUTION 465R-06  
TITLE: REQUEST APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 "N.J. DIVISION OF CRIMINAL JUSTICE, SPECIAL ZYLON BODY ARMOR REPLACEMENT FUND PROGRAM"**

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

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of 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: 4-87 further provides that the Director may approve the insertion of any 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 New Jersey Department of Criminal Justice, Special Zylon Body Armor Replacement Fund Program in the amount of \$21,134.40

**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 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 \$21,134.40 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)

New Jersey Department of Criminal Justice  
Special Zylon Body Armor Replacement Fund Program

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

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

**DATED: 10/24/06**

**RESOLUTION 466R-06**

**TITLE: AUTHORIZE CLOSE-OUT CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN THE TOWNSHIP OF JACKSON AND LUCAS BROTHERS RESULTING IN A NET DECREASE IN THE AMOUNT OF (\$9,91,121.84) TO AN ADJUSTED CONTRACT PRICE OF \$608,093.66 FOR THE PROJECT KNOWN AS CY2006 SPRING PAVING**

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

**WHEREAS**, Jackson Township previously awarded a contract to Lucas Brothers Inc. for a current contract amount of \$699,215.50 for the project entitled “CY2006 Spring Paving Project”; and

**WHEREAS**, Lucas Brothers has submitted Closeout Change Order No. 1 for adjustments in the work performed pursuant to the contract; and

**WHEREAS**, the Closeout Change Order No. 1 reduces the final contract price from \$699,215.50 to an adjusted contract amount of \$608,093.66 (resulting in a net decrease in the amount of \$91,121.24); and

**WHEREAS**, the Township Engineer, Daniel Burke, P.E., has recommended the approval of Closeout Change Order No. 1 dated September 21, 2006 which reflects amendments to the as-built unit quantities; and

**WHEREAS**, it is now the desire of this Governing Body to act upon the Engineer’s recommendation; and

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

1. That the Township Council of Jackson Township hereby formally authorizes and approves Closeout Change Order No. 1 decreasing the contract by \$91,121.84 for a new adjusted contract price of \$608,093.66 for the contract between the Township and Lucas Brothers for the project known as “CY 2006 Spring Paving Project”.
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, Daniel Burke, P.E., Township Purchasing Agent, Lucas Brothers and any other interested parties.
3. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

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

**DATED: 10/24/06**

**RESOLUTION 469R-06 REMOVED**

**RESOLUTION 470R-06**

**TITLE: AUTHORIZE CONTRACT AWARD TO YETKA CORPORATION FOR THE INSTALLATION OF MECHANICAL/ELECTRICAL/PLUMBING FOR THE NEW DPW STORAGE FACILITY”**

**MOTION TO APPROVE BY: UPDEGRAVE**

**MOTION SECONDED BY: MARTIN**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

**Administrator Santos** had a question about the dollar amount of the award which Clerk Eden confirmed.

**WHEREAS**, the Township Engineer, Daniel Burke, P.E., has requested authorization to award a contract for the installation of mechanical, electrical and plumbing for the new DPW Storage Facility; and

**WHEREAS**, Jackson Township previously advertised for the receipt of bids for the installation of mechanical, electrical and plumbing for the DPW Storage Facility on October 5, 2006 at 10:00 a.m. under a fair and open process; and

**WHEREAS**, the following bids were submitted for the installation of mechanical, electrical and plumbing for the new DPW Storage Facility:

	Base Bid	Options	Total Bid
	<u>1-4</u>	<u>5-16</u>	<u>1-16</u>
1. Yetka Corporation	\$179,400.00	\$618,145.00	\$797,545.00
2. Perferred Electric	\$247,000.00	\$608,000.00	\$855,000.00

and;

**WHEREAS**, pursuant to N.J.S.A. 40A:11-6.1, any purchases, contracts or agreements which require public advertisement for bids shall be awarded to the lowest responsible bidder; and

**WHEREAS**, the Township Engineer, Daniel Burke, P.E., has determined that The Yetka Corporation, 465 Shrewsbury Avenue, Shrewsbury, New Jersey 07702 submitted the lowest bid responsible bid; and

WHEREAS, the Township Engineer, Daniel Burke, P.E., has recommended that the contract for the installation of mechanical, electrical and plumbing for the new DPW Storage Facility be awarded to The Yetka Corporation for the following items:

Base Bid : Items 1 through 4	= \$179,400.00
Alternate Bids: Items 5 through 11 and 16	= <u>\$476,445.00</u>
Total Bid Price:	= \$655,845.00

; and

WHEREAS, Daniel Burke, Township Engineer, is also requesting approval to add options 12 through 15 (totaling \$141,700.00) if additional funding is allocated by the Township; and

WHEREAS, the Township Engineer's recommendation is subject to the review of the bid documents by the Township Attorney and acceptance of the insurance certificates and performance guarantees for this project; and

WHEREAS, the Chief Financial Officer will then certify that a maximum of \$655,845.00 is available for this purpose in an appropriation in the Capital Fund Under Ordinance #10-06, Account #X-04-55-810-900; and

WHEREAS, it is now it is the desire of this Township Council to act upon the recommendation of the Township Engineer, Daniel Burke, P.E.

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. Township Engineer, Daniel Burke, P.E., is hereby authorized to award a contract for the installation of mechanical, electrical and plumbing for the new DPW Storage Facility to Yetka Corporation in the amount of \$655,845.00.
2. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution
3. Copies of this Resolution to Administration, Chief Financial Officer, Purchasing Agent, Daniel Burke, P.E., Contractor and any other interested parties.

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

DATED: 10/24/06

**RESOLUTION 473R-06**

**TITLE: APPROVE APPOINTMENT OF REHABCO, INC. AS HOUSING REHABILITATION PROGRAM ADMINISTRATOR**

**MOTION TO APPROVE BY: UPDEGRAVE**

**MOTION SECONDED BY: MARTIN**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

WHEREAS, there exists a need for a Housing Rehabilitation Administrator (Coordinator) for the Township of Jackson; and

WHEREAS, the Township issued a solicitation of professional services contracts in accordance with a fair and open process adopted by the Township of Jackson in accordance with Ch. 19, P.L. 2004; and

WHEREAS, said solicitation of professional services contracts satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 *et seq.*; and

WHEREAS, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

WHEREAS, all proposals were to be submitted to the Office of the Purchasing Agent by August 24, 2006; and

WHEREAS, after reviewing the proposals submitted, the Mayor, with the advice and consent of the Township Council, desires to appoint Rehabco, Inc. as Housing Rehabilitation Administrator/Coordinator for the Township of Jackson; and

**WHEREAS**, the maximum amount of the contract to be awarded under this resolution is as set forth in the 2006 municipal budget for housing rehabilitation services; and

**WHEREAS**, Rehabco, Inc. previously held the position of Housing Rehabilitation Administrator and currently has fifteen (15) on-going projects within the Township of Jackson as noted below:

MH-04-01, MH-05-02, MH-05-04, MH-05-06, MH-05-07, J-05-03, J-04-03, J-06-01, J-06-02, J-06-03, J-06-04, MH-05-01, J-04-02, J-05-02 and J-05-05; and

**WHEREAS**, the Township recognizes the need renew this professional service contract and complete the projects (as listed above), however, no new applications will be accepted or approved on behalf of the Township of Jackson; and

**WHEREAS**, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution and contract be made available for public inspection.

**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 Rehabco, Inc. is hereby appointed Township Housing Rehabilitation Administrator/Coordinator.
2. This resolution shall be effective Nunc Pro Tunc to January 1, 2006 and terminate on December 31, 2006.
3. That the Mayor is hereby authorized to execute and the Township Clerk to attest a contract agreement with Rehabco, Inc.
4. Appointee shall be paid on a fee basis in accordance with the attached proposal sheet.
5. That a notice of this action shall be printed once in the official newspaper of the Township of Jackson.
6. That upon the adoption of this Resolution, the Clerk is authorized and directed to forward a certified copy of it to the Administrator, Chief Financial Officer, and said appointee.

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

**DATED: 10/24/06**

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

**RESOLUTION 462R-06**

**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

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

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

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

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown and to the taxpayers, as appears on Schedule "A" which made apart hereof.
2. Copies of this Resolution to the Tax Collector and respective taxpayers, and any other interested parties.

**TOWNSHIP OF JACKSON  
OVERPAYMENT REFUNDS  
October 24, 2006**

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR-QTR</u>	<u>AMOUNT</u>
5.01	4.08	Countrywide Tax Service Corporation	2006 – 3 <sup>rd</sup>	\$1,848.49
40.68	53.06-Qfarm	James & Jill Wall	2006 – 1 <sup>st</sup>	4.44
			2006 – 2 <sup>nd</sup>	4.43
			2006 – 3 <sup>rd</sup>	4.62
			2005 – 3 <sup>rd</sup>	34.28
66.01	7.08	U. S. Home Corporation	2006 – 3 <sup>rd</sup>	373.19
73	15	Gary & Debra Borbotko	2005 – 4 <sup>th</sup>	350.00
85	12.03	Joseph & Katherine M. Mayerski	2005 – 4 <sup>th</sup>	200.00
94.01	30.03	Joseph L.& Patricia M. Torchia	2006 – 1 <sup>st</sup>	1,114.65

*Total Refund: \$3,934.10*

**DATED: 10/24/06**

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

**RESOLUTION 463R-06**

**TITLE: APPROVE TOWNSHIP COUNCIL MEETING MINUTES OF AUGUST 31, 2006 (BUDGET WORKSHOP), SEPTEMBER 12, 2006 AND SEPTEMBER 19, 2006**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

**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 31, 2006 (Budget Workshop), September 12, 2006 and September 19, 2006
2. Copies of this resolution to any interested parties.

**DATED: 10/24/06**

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

**RESOLUTION 464R-06**

**TITLE: APPROVE RAFFLE/BINGO LICENSE TO: JACKSON ICE HOCKEY CLUB (#RA-1130) AND OPTIMIST CLUB OF JACKSON (#RA-1131)**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

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 Ice Hockey Club (#RA-1130) and Optimist Club Of Jackson (#RA-1131)

2. Copies of the Resolution to interested parties.

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

DATED: 10/24/06

**RESOLUTION 467R-06**

**TITLE: AUTHORIZE RELEASE OF PERFORMANCE GUARANTEES TO VILLA LINA, INC. UPON THE POSTING OF THE REQUIRED MAINTENANCE GUARANTEES (BLOCK 51.09, LOT 20 (29 JEFFERSON COURT))**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

WHEREAS, Ryan Homes has requested the Release of a Cash Bond for winter conditions in the amount of \$1,500.00 pertaining to 29 Jefferson Court, a/k/a Block 51.49 Lot 20, Jackson Township; and

WHEREAS, Wayne R. McVicar, Remington, Vernick & Vena, has reviewed and approved the release of said cash bond in a letter report dated October 11, 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 \$1,500.00 heretofore posted with the Township may and hereby is released to Ryan Homes.

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

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

DATED: 10/24/06

**RESOLUTION 468R-06**

**TITLE: AUTHORIZE C.O. CASH BOND RELEASE TO RYAN HOMES FOR BLOCK 51.49, LOT 20 (29 JEFFERSON COURT)**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

WHEREAS, Ryan Homes has requested the Release of a Cash Bond for winter conditions in the amount of \$1,500.00 pertaining to 29 Jefferson Court, a/k/a Block 51.49 Lot 20, Jackson Township; and

WHEREAS, Wayne R. McVicar, Remington, Vernick & Vena, has reviewed and approved the release of said cash bond in a letter report dated October 11, 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 \$1,500.00 heretofore posted with the Township may and hereby is released to Ryan Homes.

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

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

DATED: 10/24/06

**RESOLUTION 471R-06**

**TITLE: APPOINT AGENT RESPONSIBLE FOR ISSUING APPROVAL FOR THE USE OF A TEMPORARY TRAILER UNDER CERTAIN CIRCUMSTANCES**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

WHEREAS, Article 78 of the Township Code authorizes the Township Council to approve the placement of a mobile home or trailer on private property for a period not to exceed six (6) months in a "hardship situation" as defined therein; and

WHEREAS, the Township Council desires to designate Mayor Mark A. Seda or William A. Santos, Municipal Administrator, as its agent in reviewing such requests, and when appropriate, approving such requests subject to the restrictions of Article 78;

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 Council of the Township of Jackson hereby authorize the Mayor, Mark A. Seda, or Municipal Administrator, William A. Santos, to serve as its agent and authorize either the Mayor or Municipal Administrator to review applications for the use of a temporary mobile home or trailer, and when appropriate, to issue approval for such mobile homes and trailers in "hardship situations" as defined in Article 78 of the Township Code.
2. Such review and approvals shall be subject to the restrictions set forth in Article 78, including that the approval shall be for a period not to exceed six months.
3. Certified copies of this resolution to the Municipal Administrator, Planning Board, Zoning Officer, appointees and any other interested parties.

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

DATED: 10/24/06

**RESOLUTION 472R-06**

**TITLE: AUTHORIZE RENEWAL OF CAMPGROUND LICENSE TO MAPLE LAKE CAMPGROUND LOCATED AT 980 E. VETERANS HIGHWAY (BLOCK 59.01, LOTS 14 & 45)**

**MOTION TO APPROVE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN, UPDEGRAVE & STALLONE**

WHEREAS, Maple Lake Campground has applied for renewal of Campground License for 980 E. Veterans Highway, a/k/a Block 59.01, Lots 14 & 45, Jackson Township;

WHEREAS, Maple Lake Campground has submitted an application in proper form and has paid the required fees; and

WHEREAS, taxes are paid on the premises in question and the appropriate municipal agencies or officers have inspected the premises and have no objection to the renewal of this license.

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

1. The application of Maple Lake Campground for a renewal of a Campground License for the premises known as 980 E. Veterans Highway, a/k/a Block 59.01, Lots 14 & 45, Jackson Township, is hereby approved.
2. The Township Clerk is hereby authorized to issue the aforesaid license to the applicant.
3. Said license is issued pursuant to Chapter 73 of the Code of the Township of Jackson for a period commencing July 1, 2006 and ending June 30, 2007.
4. Said license is issued subject to any and all restrictions imposed by the Jackson Township Zoning Board of Adjustment and the Jackson Township Planning Board.
5. That upon the adoption of this resolution, the Township Clerk is authorized and directed to forward a certified copy of it to the Township Administrator and Maple Lake Campground.

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

**DATED: 10/24/06**

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**DISCUSSION AGENDA:**

**CLERK EDEN** stated the next Township Council meeting will be held on Monday, November 13, 2006 (in lieu of 11/14/06).

**ADMINISTRATOR SANTOS-** He confirmed with Council President that he received a letter from Earl Asphalt Company regarding their ongoing project on Rt. 571. In order to facilitate the project Earl Asphalt requested the road be closed for a 24 hour period for five days to maximize the asphalt sealing of both lanes of traffic.

**MIKE EARLE** explained what they would be doing and confirmed the days the road would be closed.

**MOTION TO APPROVE EARL ASPHALT’S REQUEST ROAD CLOSURE BY: GUDAITIS**

**MOTION SECONDED BY: INGRAM**

**YES: GUDAITIS, INGRAM, MARTIN UPDEGRAVE & STALLONE**

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**PUBLIC HEARING, ANY TOPIC**

**MURRAY FIRESTONE-1 HAZELTINE LANE:** He discussed the press release and what a good idea it was because Mr. Salerno did a bad thing. He suggested Mayor Seda roll back the taxes and Mayor Seda said he would if he could. Mr. Firestone asked about the progress of his previous request to which Mayor Seda read from a memo back in 2003 by Robert Ryley suggesting the Committee should not allow any meeting with Mr. Firestone unless he disclosed the identity of all principals and investors involved in his companies. Without disclosing that information the governing body would have no way of knowing if there was any conflict. Mayor Seda then read a letter from Kevin Starkey to Mr. Firestone’s attorney stating he was looking for a proposal for the Township. At the September 12<sup>th</sup> Council meeting Mr. Firestone commended Council and the Mayor for all their hard work and said the Mayor and Council should make “x” amount of dollars. At the August 26<sup>th</sup> workshop he blamed everything on the previous Committee. Mr. Firestone threatened them with a recall in May. Council President Stallone ended the conversation.

**MICHAEL KAFTON-67 NORTH LAKESIDE DRIVE:** He questioned Councilwoman Ingram about the seminar advertised in the paper regarding helping seniors who were

eligible for a tax break and felt it was unethical for her as a CPA running a business in town to be involved. She explained the tax relief program and the deadline being extended to October 31<sup>st</sup> and felt it was a good idea that all Council members were involved helping to see if any resident in Jackson's community of seniors qualified. She added she used her experience in training other Council members how to help seniors fill out the forms but in no way did she advertise her business. Attorney Gilmore stated anyone volunteering their time regardless of their professional background should be commended and stated there was nothing unethical about it. Mr. Kafton discussed the \$14 million and suggested regardless of the budget being passed previous to the change of government the taxpayers would have had to pay it regardless. Council President Stallone explained if the budget passed earlier the tax bills would have gone out on time. Mr. Kafton questioned Councilwoman Ingram about her review of the budget and how much the fuel costs were. She checked and stated it was \$400K under Administrator Salerno's budget and \$540K under Administrator Santos. Mayor Seda explained the gas pumps were not registering the fuel cards because it hadn't worked in two years and as a result department and agencies were not billed properly.

**VICKI RICKABAUGH-5 STANLEY PLACE:** She stated she lived in Jackson for 33 years, served as Mayor and was a Republican and the one important factor in coming to the meetings is that they are all taxpayers. She thanked Mayor Seda for his service as Committee member and for exposing the fact Jackson was going to see a substantial tax increase. She stated that the CFO of the former administration blew the whistle stating she went to the administrator and was told not to discuss the financial difficulties to anyone but him and then speculated there may be more employees who were told the same. Mr. Santos stated a contract had expired but the prior administration continued to pay over \$3,000.00 per month and that came to an end when Mayor Seda took office. She suggested people stop pointing the finger and put politics aside.

**GARY BLACK-76 LEWIS LANE:** He stated gas took a big jump and it seemed reasonable that they budgeted gas much higher than the previous year. He was tired of the blame game and suggested the prior administration stop and asked everyone to keep in mind it was the previous Administration's tax increase and stated you can't appropriate money when it was already spent and added this administration made every attempt to cut the budget.

**MURRAY FIRESTONE-1 HAZELTINE LANE:** He spoke to Mayor Seda about an article that appeared in the paper and he suggested rolling back the taxes.

**PAUL MAYEROWITZ-91 CYPRESS POINT LANE:** He discussed the gas pump stating even though it wasn't working properly it was still used for legitimate purposes and hoped there was no misuse. He asked about seeing a financial report and wondered when it would be made available. Administrator Santos explained he would discuss it with the CFO now that she had returned from vacation and would get the report together. He thanked Councilman Martin and Councilwoman Ingram for keeping their word in meeting with the Board of Education but was disappointed they didn't reach any agreement or ways to save money. Councilwoman Ingram explained it was their first meeting and they were just getting to know everyone but they did discuss purchasing and some other shared services. She also stated there was a letter in with the tax bills analyzing long and short term debt, (short term notes coming up in December and looking into refinancing), many items will be addressed in the Administrative Code which will be ready in a few weeks. Mayor Seda explained they haven't completed their study on combining the four fire districts and Administrator Santos is reviewing proposal.

**DANIEL GROSS-18 POINT CIRCLE:** He asked Council about the gas card not swiping and he asked if there was a manual record process which Mayor Seda stated there wasn't one in place and explained they billed each agency based on previous usage. The machine has been repaired and they will begin training on it shortly. Mr. Gross asked why the storage building was costing over \$600K and what was involved. Mayor Seda explained it was for lighting, electrical hook up for the diesel trucks, heated floors, etc. Administrator Santos offered to get a copy for him but reminded Mr. Gross the building was 100'x 300' and planning began a couple years ago when the Committee went out and bought the building and then realized they needed a concrete floor and it ended up costing more money than expected. Mr. Gross then asked about the language of Resolution 471R-

06 authorizing the use of a trailer during emergency. He then asked about the background checks that Councilman Martin explained it is for criminal and sex offender history check only occurring in the last 10 years. If someone was disqualified they could appeal it and go before the review committee with an explanation.

**KEN SEDA-17 JACKSON MILLS ROAD:** He suggested limiting speakers to 5 minutes to ask their questions and sit down and allow the Council to respond. He then remarked on the debt when they took office and the current debt and how it was irresponsible to give 2 pennies and borrow 10 million dollars.

**MURRAY FIRESTONE-1 HAZELTINE LANE:** He stated Mayor Seda was the first elected Mayor and would be the first Mayor to be recalled.

**RICHARD ZAUNER-109 NORTH COUNTY LINE ROAD:** He asked the Mayor and Council if they had time to consider his lottery proposal that he presented at a previous meeting? Attorney Gilmore stated he gave the matter to an associate to look into and would have an answer by the next meeting. Mr. Zauner then stated Jackson has turned into a community where neighbors turn on neighbors for their own personal gain and felt it was a shame.

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

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

**9:40 PM**

**RESPECTFULLY SUBMITTED,**

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

**AME/klj**