(THERE WAS NO EXECUTIVE SESSION)

ON TUESDAY, APRIL 13, 2010, AT 7:30 P.M., THE JACKSON TOWNSHIP COUNCIL HELD ITS MEETING IN THE MUNICIPAL BUILDING

PLEDGE OF ALLEGIANCE

ROLL CALL
COUNCILMAN BRESSI    ATTORNEY GILMORE
COUNCILWOMAN MARTIN   TOWNSHIP CLERK EDEN
COUNCILMAN UPDEGRAVE
COUNCIL VICE PRESIDENT RIVERE
COUNCIL PRESIDENT KAFTON

ALSO IN ATTENDANCE:
ADMINISTRATOR DEL TURCO

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

(a) Sending Special Notice as required by Section 13 of the Open Public Meeting Act to the required newspapers on January 13, 2010.
(b) Posting the advance written notice on the Official Bulletin Board in the Municipal Building.
(c) Filing the advance written notice of the Township Clerk for the purpose of public inspection.

PROCLAMATIONS

NATIONAL VOLUNTEER WEEK proclamation was read by Council President Kafton on behalf of Mayor Reina.

CHILD ABUSE AWARENESS MONTH proclamation was read by Councilman Martin on behalf of Mayor Reina.

NATIONAL LIBRARY WEEK proclamation was read by Murray Blaze (Friends of the Library).

COUNCIL PRESIDENT KAFTON goes on to say what a great job Friends of the Library has done to make our library one of the best in the State.

PRESENTATIONS BY THE TOWNSHIP COUNCIL

JACKSON TOWNSHIP FIRST AID AND QUALITY MEDICAL TRANSPORT (EMS) Council President Kafton speaks of the tremendous job that Jackson First Aid and Quality Medical Transport do and the dramatic improvement in the past two years.

DENNIS LAFER stated that there have been dramatic efforts to improve the response time of first responders. He goes on to say what a great job they have done. Council President Kafton presents a certificate to Captain Al Couceiro of the Jackson First Aid Squad will be registered in the Township’s permanent records from this day forward. Mr. Laffer presents certificates to Kristen Ackerman, Anthony Amato, Debbie Amato, Donald Amato, Robert Biddle, Sharon Brown, Michael Bucci, John Burrows, Rich Busch, Thomas Crennman, Sharon Creter, Rebecca Graziano, Dane Hohnhorst, Eric Homan, Alisha Hruschka, Jennifer Hruschka, Anthony Jacobs, Ed Janocha, Erik Johnsen, Ivan Kavoleff, Lauren Kelly, Mark Koester, Curt Loukides, Christian Macneil, Anthony Marano, Keith Massey Jr., Ashley Mlotkiewicz, Margaret Murphy, Gary Nokes, Joyce Nokes, Shane O’Brien, Stan O’Brien, Shane O’Brien, John Paluchowski, Adam Poppe, Anthony Potochniak, Mary Beth Reed, Brad Reiter, Anthony Riso, Michael Roth, Charles Scarpati, Matthew Scatigna, Mike Schaeffer, Nicole Schastny, Elsynia Seaman,
Ron Seaman, Justin Smith, Diane Stanaway, Ray Tremmer, Deborah Visconi, David Weiskopf, Brian Yockman and Jodi Zimmerman. The following Quality Medical Staff: Sal Murante, Elise Murante, Robert Murante, Kevin Holly, Larry Sears, Sharon Creter, Dan Conti, Brian Gunnigle, C.J. Weinberger, Laura Alicia, Ray Tremer, Marc Castillo, Vera Spoon, Jesse Languth, Brian Schwarze, Tara Mastriano, Ashley Weisbrot, John Filardo, Elmo Kandil and Dan Jensen

(Whereupon there was a two-minute recess taken.)

PRESENTATION – GOING GREEN COMMITTEE

COUNCIL PRESIDENT KAFTON stated that a Going Green Committee was formed some time ago to make people more informed about PPA’s and the advantages of doing a Power Purchase Agreement without costing the taxpayers anything or very little. He goes on to introduce Donald Moore.

DONALD MOORE, RICHARD STOCKTON COLLEGE OF NJ asked the audience how many people read the Jackson Times. He then stated that he was here because he did read the Jackson Times and reads about Jackson Township’s plan to utilize PPA’s. He is a Jackson Township resident and felt from his experience in this field he may be able to be of some assistance to the Township. He goes on to give a presentation regarding how this was done at Stockton College. He explained the costs involved and how the savings is generated; they had about a 40 percent savings. He goes on to explain that the overall percentage of electric that’s supplied they don’t have to buy from the electric utility. One of the most important facets of the PPA is that we don’t own the equipment we only own the ground. This is a long-term agreement with an energy supplier who agreed to supply us for a certain period of time at a certain rate. We didn’t have to come up with any money as an institution to generate a lower electric cost electric bill. He stated now they are within the two percent of the PPA, which is locked in for ten years, and today they can buy electricity for the same rate which shows a very sound investment. He stated they are locked into a 15-year deal with a fixed acceleration rate and at the end of 15-years they have the options to either buy the equipment or they can remove it which will cost them money. He asked Mike Wayka to explain what SRECs are and how they work.

MIKE WAYKA – BOARD OF PUBLIC UTILITIES goes on to discuss the solar market in the US and that New Jersey is the second largest market in the US. He discussed the requirements by the BPU. He discussed SREC and the advantage to doing a PPA for the tax break which is paid for by the Federal Government. He asked if we are getting a grant. Administrator Del Turco responded, yes. Mr. Wayka explained the benefit of entering into a PPA agreement and the guarantee to make money as opposed to entering into an agreement without one. This allows the Township to enter into an energy agreement. We don’t guarantee the SREC but they have an internal rate of return of about 12 percent. He stated that most States will pay up front and we’ve shifted to paying for performance over a ten-year period of time. You could do a bond referendum; however, at the Federal level there’s a tax credit and by leasing the owner could take advantage of that. Municipalities across the State have done it both ways. By lease purchasing the system the owner can take advantage of the 30 percent tax credit. Mr. Moore explained how their contract was extended from 10 to 15 years. Council President Kafton asked what is the life span of the solar panel. Mr. Moore responded 25 to 30 years. He goes on to say that what worked well for them is that the State of New Jersey owns their property, so they had to go to them he goes on to explain that the Township can do the same thing and lease the property to the power supplier to put their equipment at schools, parking lots and there are various locations that can be utilized. The Pine Lands Commission is interested in this but without the destruction of trees to enable this to happen they would use adjacent to the source of generating the energy where it’s needed. He goes on to say that no capital came from Stockton for the solar project, but he believes at the time of their project there were incentives and rebates. Council President Kafton asked what the savings amounted to. Mr. Moore stated about 40 percent and over the next couple of years we expect more savings. The other component is the efficiency of the buildings. Council Vice President Rivere asked if we received any grants that would enable us to do an energy audit. Administrator Del Turco goes on to
explain some of the things they’re working on and that he will be speaking with Mr. Wayka about this. Council President Kafton asked if they could please give us more information on this for individual homeowners and how they can take advantage of any rebates for solar panels.

PEGGI STURMFELS stated that at Liberty High School at 7:30 p.m., on Wednesday the 21st there is a free informational seminar sponsored by the Going Green Committee.

COUNCIL PRESIDENT KAFTON asked Mr. Moore what the percentage of savings is that they’ve seen so far. Mr. Moore replied we have seen a 40 percent savings and no cost to the taxpayers. The other component is the efficiency of the buildings you put it on if you have a demand side management combined with solar, which is what we’re going for, it would be a significant benefit to the taxpayers. The art is in the deal. Council Vice President Rivere asked if we received a grant to do an energy audit. Administrator Del Turco goes on to say that we are the recipients of the stimulus program and we’re also looking into LED street lights and have joined some energy consortions. Council Vice President Rivere stated that she’d like to see the Township undergo an energy audit and see what would be most beneficial to us.

MURRAY BLAZE asked if in a couple of years the solar panels become much more efficient how would we then take advantage of the new technologies. Mr. Moore stated that that’s not part of their deal to replace the equipment with new technology unless they’re not producing the capacity they have an obligation to produce. He goes on to say this wouldn’t cost the Township anything to put this out there and see who responds. No capital came from Stockton for this. We did receive some rebates or incentives initially. Mr. Wayka stated they no longer offer rebates there are other financing incentives now. He stated that that’s their ultimate goal to be able to offer these programs without incentives. You would bid into JCP&L’s solicitation and if you’re a low bidder you’ll get a guarantee.

GARY BLACK stated that there have been a lot of problems with the rebate programs. Mr. Moore stated he has nothing to do with that all he knows is that this saves Stockton money.

BARBARA SPIELMAN asked when this project was done at Stockton and if there is a parking fee imposed by the college. She also asked for an idea what they’ve saved since the inception of this project. Mr. Moore stated there is no parking fee and that they have had a savings of about 40 percent. Ms. Spielman asked if they had to purchase the electricity from New Jersey. Mr. Moore replied that they did not.

MR. FIERO thanked them for presenting this to the Town. He asked if the 40 percent savings is on the whole entire percent of electricity. Mr. Moore replied no it’s not it’s on the 9.2 percent that’s being used as solar.

SHARI WILLIAMS asked if the panels are maintained through the company they were purchased from. Mr. Moore replied yes. Ms. Williams asked if a solar panel fell on her car who’s liable. Mr. Moore stated that he’d turn to the people who supplied them because they installed them. Council Vice President Rivere stated they could sue anyone. Ms. Williams stated she believes that that should be a consideration in contracting.

PAUL MAYEROWITZ asked what the soft costs are for engineering, inside legal, and outside legal for a project like this. Mr. Moore stated that they are a State run facility and their costs are internal to the organization. He stated they have in-house legal counsel so we use them to negotiate the deal and management of the project is done by himself and his staff. Mr. Mayerowitz asked how many man-hours were involved in negotiating the deal. He stated he doesn’t know how many hours, but over a period of six months they negotiated the deal and finalized it. Mr. Mayerowitz asked how much the engineer charged per hour for this and Mr. Moore replied he didn’t know.

KATHY GIANCOLO she asked Council to provide information as they receive it so that she could research this just like they do. She would like to keep up with the information as Council receives it and give her input as well.
SCOTT SARGENT asked Mr. Moore if they had an estimated engineering cost on this. Mr. Moore replied that it depends on how many acres we plan on doing. He stated that the schools present a significant opportunity to generate maximum capacity because there are a lot of buildings and a lot of parking lots which present the opportunity to gain more energy which would be very beneficial.

GARRY LEWIS stated that you mentioned a savings of 40 percent but couldn’t say 40 percent of what. Mr. Moore goes on to say it’s slightly over two million dollars they pay for electricity; however, he doesn’t commit these numbers to memory. He stated 19 percent is solar and of that 19 percent we saved 40 percent of the overall cost of electricity in the first year.

COUNCIL PRESIDENT KAFTON thanked everyone for their presentations and the School Board members for attending.

COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:

COUNCILMAN BRESSI thanked everyone for coming and the Jackson First Aid Squad and Quality Medical for the terrific job they have done over the past two years.

COUNCILMAN MARTIN he also thanked Jackson First Aid Squad and Quality Medical for the fantastic work they do. He also thanked The Going Green Committee for the terrific presentation this evening.

COUNCILWOMAN UPDEGRAVE goes on to thank everyone for their presentations and thanked the Emergency Services personnel for the great work they do. She mentioned EMS had a meeting and the coin toss came up again which the attorney’s office is looking into. She also mentioned that funding is down significantly due to the economy. Secondly, she is glad to see there is a proposal for a Resolution for multi-year contracts which she believes leads to a cost savings overall. She stated that she noticed that there are members from AFSCME here tonight and she thanked them for forwarding their suggestions to save the Township money and hopes a representative will come forward this evening from AFSCME to discuss this. Councilwoman Updegrave also stated that she would volunteer one day a month of her pay toward the Township’s debt.

COUNCIL VICE PRESIDENT RIVERE stated that we’ll be discussing recycling and that she has researched maybe cutting back to two times a month rather then once a week and the savings was about two million dollars. She would like Council to consider taking bids for the contract maybe two ways. She mentioned that she went to a Safe Roads Committee meeting last night and she’s very happy to be part of that committee to make roads safer.

COUNCIL PRESIDENT KAFTON thanked the volunteers that received recognition tonight for making Jackson a better place and he stated that he is very happy to give them recognition tonight.

BILLS AND CLAIMS

MOTION TO APPROVE BILLS AND CLAIMS BY:  RIVERE
MOTION SECONDED BY:  MARTIN
YES:  BRESSI, MARTIN, UPDEGRAVE, RIVERE & KAFTON
ABSTENTIONS: UPDEGRAVE (DASTI, MURPHY & 60 ACRE)
NO:  KAFTON (ATT-09)

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### Jackson Township Council Meeting Minutes April 13, 2010

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**Check Type:** All Checks

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Subtotal: 600.00

Check Register

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Jackson Township Council Meeting Minutes April 13, 2010 Page 10 of 45
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Total of all Projects: 48,158.71
ORDINANCES, SECOND READING:
(NONE AT THIS TIME)

ORDINANCES – FIRST READING

11-10
TITLE: AN 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 DELETE CHAPTER 97, ENTITLED “TAXICABS,” IN ITS ENTIRETY, AND REPLACE IT WITH A NEW CHAPTER 97, ENTITLED “TAXICABS, LIMOUSINES AND JITNEYS”

MOTION TO APPROVE ORDINANCE 11-10 ON FIRST READING, ADVERTISE THE APPROVAL, NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON APRIL 27, 2010 BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: MARTIN, UPDEGRAVE, RIVERE & KAFTON
ABSTENTIONS: BRESSI

ORDINANCE NO. 11-10

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

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to delete Chapter 97, entitled “Taxicabs,” in its entirety, and replace it with a new Chapter 97, entitled “Taxicabs, Limousines and Jitneys,” which shall read as follows:

Chapter 97
TAXICABS, LIMOUSINES AND JITNEYS

ARTICLE I
Taxicabs

§ 97-1. Definitions.

As used in this article, the following terms shall have the meanings indicated in N.J.S.A. 48:16-1, as amended and supplemented: “autocab,” “person” and “street.”

§ 97-2. License required.

No person, firm or corporation shall engage in the taxicab business, nor shall they operate or permit a taxicab owned or controlled by it to be operated as a vehicle for hire upon the streets of this municipality, without first having obtained a taxicab license from the municipality.

§ 97-3. License fee and term.

No license shall be issued or renewed unless the holder thereof has paid an annual license fee of $25 for the right to engage in the taxicab business. Said license shall be for the year ending on the 30th day of June and shall be in...
addition to any other fee or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his or her operation and control.

§ 97-4. Application.

Application for a license shall be filed with the Township Clerk upon forms provided by the municipality, and said application shall be verified under oath and shall furnish the following:

A. Name and address of applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position, whatever be their title.

B. The year, type and model of vehicle for which the license is desired.

C. The number of persons the vehicle is capable of carrying.

D. The operator’s license number.

E. The taxicab license number.

§ 97-5. Investigation of applicant.

Each applicant (or principals thereof) for such license shall present him- or herself at the office of the Police Department and permit his or her fingerprints to be taken by the said Police Department and have said fingerprints, or a copy thereof, submitted to the Township with the application for said license. The Chief of Police or, in his or her absence, the person in charge of said Police Department, is hereby charged with the duty and responsibility of forwarding a copy of the fingerprints of each applicant to the New Jersey State Police or the Federal Bureau of Investigation with the request that the criminal records of the subject be furnished to the local Police Department. After such information is received from either the New Jersey State Police or the Federal Bureau of Investigation, the Chief of Police or, in his or her absence, the person in charge of said Police Department, shall furnish the Township Council, in a timely fashion, with any information obtained from any source concerning said applicant or applicants. No license shall be granted to any applicant until the Township Council is satisfied the applicant (or any principal) does not have any criminal record or reputation which would render the applicant unfit to have such license.

§ 97-6. Insurance.

In order to ensure the safety of the public, it shall be unlawful for the holder to operate or cause or permit a taxicab to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of R.S. 48:16-1 to R.S. 48:16-12, and the acts amendatory thereof or supplemental thereto; provided, however, that an insurance policy of a company duly licensed to transact business under the insurance laws of the state has been filed, conditioned for the payment of a sum of not less than $100,000 to satisfy all claims for damages by reason of bodily injury to, or the death of, any one person, resulting from an accident; and for a sum of not less than $300,000 to satisfy all claims for damages by reason of bodily injuries to, or the death of, all persons, on account of any accident, by reason of the ownership, operation, maintenance or use of such taxicab upon any public street; and for a sum of $5,000 to satisfy any claim for damages to property.

§ 97-7. Issuance of license.
If the Township Council finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this article and the rules promulgated by the Township Council, then the Township Clerk shall issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicles; otherwise, the application shall be denied.

§ 97-8. Assignability.

No taxicab license shall be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financing transaction.

§ 97-9. Regulation of licensed taxicabs.

The following regulations shall hereafter apply to all taxicabs licensed hereafter in this municipality:

A. The owner of each taxicab shall forthwith file with the Township Clerk and the Chief of Police a typewritten or printed, signed schedule showing the dates, hours, locations and telephone numbers in this Township at which the said taxicab will be on a recognized taxicab stand, with qualified operator, ready to serve the public, subject to times when actually on call, i.e., making a service.

B. Hereafter, each time a taxicab license is applied for, the applicant shall file with his or her application, and as part thereof, a new schedule as aforesaid. When a new license is granted or a license is renewed, the licensee shall forthwith furnish the Chief of Police with a copy of the current schedule of said taxicab.

C. Each licensed taxicab shall at all times, as set forth in its schedule, be at its designated stand, with qualified operator, ready to serve the public, subject to times actually in call, i.e., making a service.

D. If during the licensed period any owner of such a licensed taxicab shall find that it is impossible or impractical to comply with the schedule such owner has filed, such owner shall immediately file a written notice with the Township Clerk and the Chief of Police, stating when the taxicab went out of public service and the reason therefor, such as damaged by accident, necessary repairs, inability to get competent driver, illness of driver or whatsoever may be the reason for non-operation of the taxicab. When a taxicab is returned to public service, written notice thereof shall be immediately filed by the owner with said Township Clerk and Chief of Police. The Township Council shall review the number and extent of the periods when each taxicab has been out of public service during previous licensing period, when giving consideration on question or renewal or transfer.

§ 97-10. Permit required.

A. No person shall operate a taxicab for hire upon the streets of the municipality, and no person, firm or corporation who owns or controls a taxicab shall permit it to be driven, and no taxicab licensed by the municipality shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver’s permit under the provisions of this article.

B. Every person applying for a permit to drive a taxicab must furnish satisfactory evidence that he or she holds a current driver’s license under the New Jersey State Motor Vehicle Law, and shall continue to hold same as long as he or she operators said taxicab.
§ 97-11. Regulations for permit.

Each applicant for a permit must conform to the following regulations:

A. Be of the age of 21 years or over.

B. Present the certificate of a reputable physician showing that he or she has been examined within 60 days that he or she is of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him or her unfit for the safe operation of a taxicab.

C. Be able to read, write and understand the English language and be a citizen of the United States.

D. Not have been convicted of a crime involving moral turpitude, sex offenses, violence, force, and/or threat of bodily injury.

E. Not be addicted to the use of narcotics or intoxicating liquors.

F. Not have received a dishonorable discharge from any branch of the armed services of the United States or National Guard and not be a member of a party advocating the overthrow of constitutional government.

G. Be fingerprinted by the Police Department of this Township within 20 days prior to making application for a permit.

H. Have a good reputation for honesty and morality in the community in which he or she resides.


The applicant for said permit shall fill out, upon a form provided by the Township, his or her full name, residence, places of residence for the preceding five years, age, height, color of eyes and hair, place of birth, last previous employment, whether married or single, whether he or she has ever been convicted of a crime (and, if so, nature, date and penalty), which statement shall be signed and filed with the Township Clerk as a permanent record. The applicant shall also furnish four copies of a photograph taken within the preceding 30 days, size two inches by two inches, front view.


Upon satisfactory fulfillment of the requirements hereof, there shall be issued by the Township Clerk, at the direction of the Township Council, to the applicant, a driver’s permit card which shall contain the photograph and permit number of the permittee.


The permit and photograph shall be displayed in plain view in the interior of the taxicab at all times the taxicab is being operated by said permittee.

§ 97-15. Permit fee and term.

Each permit shall expire June 30 next succeeding. A fee shall be paid for each permit, if granted, or for each application and refusal of a permit. The said fees are fixed and imposed for regulations.

§ 97-16. Compliance with provisions by licensee.
All holders of licenses engaged in the taxicab business in the Township of Jackson, operating under the provisions of this article, shall render an overall service to the public desiring to use taxicabs. They shall answer all calls received by them for services inside the corporate limits of the municipality as soon as they can do so, and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the municipality any time when such holder has available cab or cabs, or who shall fail or refuse to give overall service, shall be deemed a violator of this article.

§ 97-17. Drivers to keep records.

Every holder shall require the driver to keep a daily record, identified by the cab number of the cab used that day and the permit number of the driver, of the time and place when and where the passenger was accepted, as well as the time and place of the discharge of the passenger, together with the fare received for the trip, which record the holder shall keep intact for 90 days from the date thereof, and shall be kept open at all times for inspection by a duly authorized representative of the Police Department.


No driver shall solicit passengers for a taxicab except when sitting in the driver’s compartment of such taxicab or while standing immediately adjacent to the curbside thereof.

§ 97-19. Prohibited manner of solicitation.

No driver shall solicit patronage in a loud tone of voice or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

§ 97-20. Receipt and discharge of passengers on sidewalk.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right- or left-hand sidewalk or side of the roadway in the absence of a sidewalk.


No driver shall cruise in search of passengers except in such areas and at such times as may be designated by the Chief of Police. Such areas and times shall only be designated when the Chief of Police finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

§ 97-22. Additional passengers.

A. No driver shall permit any other person to occupy or ride in said taxicab unless the person or persons first employing a taxicab shall consent to the acceptance of an additional passenger or passengers.

B. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger’s destination, and then for only the additional distance so traveled.

§ 97-23. Refusal to carry orderly passengers prohibited.
No driver shall refuse or neglect to carry any person or persons upon their request, unless previously engaged or unable or forbidden by the provisions of this article to do.


It shall be a violation of this article for any driver of a taxicab to solicit business for any hotels, motels, rooming houses, bars, taverns, restaurants, theaters and the like, or to attempt to divert patronage from one such place to another.

§ 97-25. Taxicab stand.

No taxicab, while waiting for employment by passengers, shall stand on any public street or space other than at or upon a taxicab stand designated or established in accordance with this article, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his or her taxicab to and fro in a short space before, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort or other place of gathering.

§ 97-26. Transportation of passengers.

No driver of any taxicab shall induce any prospective passenger to employ him or her, knowingly misinforming or misleading any such passenger either as to time or place of arrival or departure of any train, motor vehicle or airplane, or as to the location of any hotel, public place or private residence, or as to the distance between any two points, nor shall such driver deceive or make false representations to any prospective passenger by conveying such passenger to any other place or over any other route than that to which such passenger may have instructed the driver to go.


Every owner shall be responsible for the operation of the vehicle for which the license has been granted regardless of the legal relationship between such owner and the driver of such vehicle.


The driver, while engaged in the operation of a taxicab, shall conduct him- or herself in a gentlemanly or gentlewomanly manner, and he or she shall not use any indecent, profane or insulting language while engaged in such operation.

§ 97-29. Lost property.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall, as soon as possible, be turned over to the Police Department.

ARTICLE II

Limousines


As used in this article, the following terms shall have the meanings indicated in N.J.S.A. 48:16-13, as amended and supplemented: “autocab,” “limousine service,” “person,” “principal place of business,” and “street.” For purposes of clarification, it is noted that the definition of “limousine service” generally includes the service commonly known as “car service.”

§ 97-31. Compliance and statutes.
The applicable provisions of N.J.S.A. 48:16-14 to 48:16-22.7, inclusive, as amended and supplemented, shall be complied with in the licensing, regulating and operation of limousines in this article.


The owner of any limousine to be licensed under this article shall execute and deliver to the Division of Motor Vehicles, concurrently with the filing of an insurance policy as required under N.J.S.A. 48:16-14, a power of attorney, wherein and whereby the owner shall appoint the Director of the Division of Motor Vehicles his or her true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

§ 97-33. License.

The Clerk, upon the filing of the required insurance policy and payment of an annual license fee of $25 for each limousine service, plus $10 for each limousine which is covered under the required insurance policy, shall issue a license in compliance with N.J.S.A. 48:16-17. Said license shall be paid for the year ending on the 30th day of June. The original license, or a copy thereof, shall be retained within the limousine, along with the insurance information required by N.J.S.A. 48:16-17, and be available for inspection by any law enforcement officer.

ARTICLE III

Jitneys

§ 97-34. Definitions.

As used in this article, the following terms shall have the meanings indicated in N.J.S.A. 48:16-23, as amended and supplemented: “autocab,” “person” and “street.”

§ 97-35. Compliance with statutes.

The applicable provisions of N.J.S.A. 48:16-23 to 48:16-28, inclusive, as amended and supplemented, shall be complied with in the licensing and regulating of autocabs in this article.

§ 97-36. Licenses required.

A. Owners’ licenses. The Township Council is hereby authorized to issue licenses to owners of autocabs who are of good moral character or who otherwise qualify according to the provisions of this article.

B. Operators’ licenses. The Township Council is hereby authorized to issue licenses to operators of autocabs, whether or not they are the owners, who are capable and of good moral character and who otherwise qualify according to the provisions of this article. Such license shall hereinafter be referred to as an “operator’s license.”

§ 97-37. Investigation of applicant; denials; appeals.

A. Neither an owner’s nor an operator’s license shall be granted to any person unless the application for such license has been submitted to the Township Council. An applicant for an owner’s license shall be thoroughly investigated by the Chief of Police and shall be fingerprinted and photographed. An applicant for an operator’s license
shall be investigated for any criminal or motor vehicle violations by the Chief of Police and shall be fingerprinted and photographed. A complete report of said investigation shall be submitted in a timely fashion to the Township Council for its action thereon.

(1) If, as a result of such investigation by the Chief of Police, the applicant’s character or, in the case of an applicant for an operator’s license, the applicant’s driving record is found to be unsatisfactory, the Chief of Police shall endorse on such application his or her disapproval and his or her reasons therefor.

(2) If, as a result of such investigation, the applicant is found to be satisfactory, the Chief of Police shall endorse his or her approval.

B. In the event of denial, the Township Council shall instruct the Township Clerk to notify the applicant, by certified mail, setting forth the reasons for denial. Within five days thereafter, the applicant may file with the Township Council a written request for a hearing on said application, together with written exceptions to the findings of fact upon which the Chief of Police based his or her investigative report. Upon the filing of such a request, the Township Council shall fix the time and place for a hearing and shall notify the applicant thereof, which hearing shall be held within 10 days after the request is filed. Within 10 days after the conclusion of the hearing, the Township Council shall make its final decision whether to issue the license or sustain the denial of said application.

§ 97-38. Contents of license; register.

A. Owners’ and operators’ licenses shall be numbered consecutively in their own respective classifications and shall expire on December 31 of the year of issuance. Licenses not suspended or revoked may be renewed annually, subject to the completion of a renewal application and the payment of the license fee. Every license shall contain the following:

(1) The purpose of the license.

(2) The number of the license.

(3) The name and address of the licensee.

B. Every owner’s license shall also include the character and description of the vehicle.

C. The Township Clerk shall keep a register of all licenses granted, which register shall contain the details required by this section.

§ 97-39. License fees.

License fees, to cover the administrative costs associated with processing the application, in the following amounts shall be paid to the Clerk, who shall deliver the same to the Treasurer:

A. For each autocab: $25.

B. For each operator of a licensed vehicle, whether or not the owner thereof: $10.

§ 97-40. Insurance required.
No license shall be issued by the Township Clerk unless the applicant has filed an insurance policy with the Clerk in accordance with the requirements of N.J.S.A. 48:16-24.

§ 97-41. Power of attorney.

The owner of the autocab shall execute and deliver to the Township Clerk a power of attorney, wherein and whereby the owner shall appoint the Chief Financial Officer of the municipality as his or her true and lawful attorney for the purpose of acknowledging service of any process, out of a court of competent jurisdiction, to be served against the insured by virtue of the indemnity granted under this insurance policy or bond filed pursuant to N.J.S.A. 48:16-24.

§ 97-42. Certificate of compliance.

A. The Township Clerk, upon the filing of the required insurance policy or bond, shall issue a certificate, in duplicate, showing that the owner or the autocab has complied with the terms and provisions of this article.

B. The certificate shall recite the name of the insurance company, the number and date of expiration of the policy or bond, a description of the autocab insured thereunder and the registration number of the same.

C. The duplicate certificate shall be filed with the Department of Motor Vehicles before any such car is licensed as an autocab.

D. The original certificate shall be posted in a conspicuous place within the autocab.

§ 97-43. Display of badge and license.

A. Every operator, whether owner or otherwise, shall be supplied a badge containing the number of the license, which he or she shall wear in a conspicuous place upon his or her person while operating such autocab.

B. Every owner and operator shall display the owner’s license in a conspicuous place in the autocab licensed.

ARTICLE IV
Violations and Penalties

§ 97-44. Suspension or revocation of license or permit.

A. Licenses or permits issued under the provisions of this chapter may be suspended or revoked by the Township Council if the holder has:

(1) Violated any of the provisions of this chapter.

(2) Discontinued operation for more than 30 days.

(3) Violated any ordinances of the Township of Jackson or the laws of the United States or the State of New Jersey, the violation of which reflects unfavorably on the fitness of the holder or permittee to offer public transportation.

B. Prior to suspension or revocation, the holder or permittee shall be given written notice of the proposed action to be taken and the charges against him or her, and thereupon the holder shall be given a hearing.
§ 97-45. Violations and penalties.

Any person, firm or corporation who shall violate a provision of this chapter or fail to comply therewith shall severally, for each and every such violation and noncompliance, forfeit and pay a penalty not to exceed the sum of $500 or be imprisoned for a period of not more than 90 days, or both, in the discretion of the Judge before whom such conviction shall be had. The imposition of a penalty for violation of this chapter shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, and each day that such violation is permitted to exist shall constitute a separate offense.

§ 97-46. Effect of conviction.

The conviction of a licensee or permittee for a violation hereunder shall not prevent the Township from taking action to suspend or revoke the license or permit of the person so convicted, as herein provided.

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 MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on April 13, 2010, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 27th day of April, 2010, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

ANN MARIE EDEN, RMC
Township Clerk, Township of Jackson

ORDINANCES FIRST READING

13-10
TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 6502, LOT 23, IN ACCORDANCE WITH N.J.S.A. 40A:12-1, ET SEQ.

MOTION TO APPROVE ORDINANCE 13-10 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON APRIL 27, 2010 BY: MARTIN
MOTION SECONDED BY: RIVERE
YES: MARTIN, UPDEGRAVE, RIVERE, & KAFTON
NO: BRESSI

ORDINANCE NO. 13-10

WHEREAS, N.J.S.A. 40A:12-1, et seq., authorizes a municipality to acquire real property, or any interest therein; and

WHEREAS, it was necessary for the Township to acquire Block 6502 Lots 22 and 23 for its Solar Avenue Project, which is more fully described in Schedule A attached hereto and made a part hereof; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-5(1), et seq., provides that the Township may, by ordinance, provide for the acquisition of any real property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement.

WHEREAS, the Township previously acquired the land known as Block 6502 Lots 22 and 23 from Julian Peck; and

WHEREAS, the acquisition ordinance and deed itself only conveyed Lot 22, whereas the Township actually acquired Lots 22 and 23 through contract; and

WHEREAS, an ordinance authorizing the acquisition of Lot 23 and a corrective deed are necessary to confirm said acquisition; and

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

SECTION 1. That the Township Council does hereby acknowledge the acquisition, by negotiated purchase or condemnation, Block 6502, Lot 23, for the purpose of its Solar Avenue Project, which is more fully described in Schedule A attached hereto and made a part hereof.

SECTION 2. That the Township Council does hereby authorize the Township Attorney to prepare any documents necessary to acquire said portion of Block 6502, Lot 23.

SECTION 3. That the Mayor and Township Clerk are hereby authorized
to execute any and all documents necessary for the acquisition of a portion of Block 6502, Lot 23, which is the subject matter of this ordinance.

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

SECTION 5. This ordinance shall take effect after second reading and publication as required by law, and the satisfaction of the requirements of N.J.S.A. 40:69A-1, et seq.

SECTION 6. That a certified copy of this ordinance be forwarded to the Township Attorney.

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on April 13, 2010, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 27th day of April, 2010, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

ANN MARIE EDEN, RMC
Township Clerk, Township of Jackson

SCHEDULE A

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Jackson, County of Ocean and State of New Jersey:

Being known and designated as Lots 14 and 15 in Block Y on a map entitled “Arcadia Gardens Section One, Jackson Township, Ocean County, New Jersey” duly filed in the Ocean County Clerk’s Office on December 11, 1926 as Map C-230.

Formerly known as Lots 16 and 23, Block 121.07, now known as Lots 22 and 23, Block 6502 on the Township of Jackson Tax Map.

DATED: 4/13/10

ANN MARIE EDEN, RMC
TOWNSHIP CLERK

PUBLIC HEARING OPENED, RESOLUTIONS ONLY

PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE mentioned 159R-10 and asked why this is only a six-month contract. Attorney Gilmore goes on to explain that they can only award this type of contract for as long as the Mayor’s present term. Also regarding 168R-10 why do we need to buy 16 stalker radar units? Administrator Del Turco responded that their current technology is from 1970 technology and we’re trying to standardize them. He goes on to describe the capabilities of the new radar. Mr. Mayerowitz stated that he did not believe the Citizens Budgetary Advisory Board was in support of this and he also stated that we’re operating under an emergency budget how can we afford this. Administrator Del Turco stated that this is being funded from a
previously financed Bond Ordinance 19-09 and there is also a JAG Grant. Mr. Mayerowitz stated that his comments still stand.

SEAN GIBLIN – 515 SO. COOKSBRIDGE ROAD asked Mr. Del Turco if it would have been easier to just respond that this was already a Bond Ordinance from 2009. He stated that in his leadership he sometimes misleads Council and the Public and believes he should have all the information and not just answer off the cuff. Administrator Del Turco stated that he will have someone here to talk about this at the next meeting. Mr. Giblin asked if these will be in the patrol cars and not in the detective’s cars which they are allowed to take home and use if there’s an emergency. They have no need for the radar. Administrator Del Turco stated that he will ask the Chief to answer that question, so he doesn’t mislead anyone. Mr. Giblin asked Mr. Gilmore about the recycling contract and when you go out to bid are you bound by the bid if, for instance, Council says no I’m not doing it, can they do that? Mr. Gilmore stated it depends on the notice to bidders and that you cannot reject a bid just because someone doesn’t like it. If the bid is within the engineer’s estimate you have to have good cause not to accept the bid unless it exceeds the estimate. Mr. Gilmore stated that you can put that in the notice to bidders. Mr. Giblin asked Administrator Del Turco to ask the Mayor to put some of these suggestions into the bid. He also stated that all the garbage can be commingled now and public works just has to bring it to the County, it is not like it was four years ago. He goes on to say this is a lot on money, let’s do it right. Administrator Del Turco stated that he received a call today that Ocean County is going to single stream and there will be a few things that are beneficial to the Township and there will be revenue sharing as well.

SCOTT SARGENT – VICE PRESIDENT OF THE TWA - 19 KNOLLS DRIVE wanted to remind Council that there are things at Public Works that need to be addressed desperately. There are valve stems that cost $3.00 that we cannot get replaced. We have a loader at the compost site that we have to send someone out every day to fill the tire with air. There are parts that we cannot get for trucks to fix potholes. We have a hot box that sat all winter because we cannot get parts, so we have no hot mix and we are using cold press to fix potholes and that is being shoveled out of a pickup truck. He stated that you’ve asked the TWA how to save money and we made many suggestions as to what we could do at the compost site or the transfer station and two years, and a quarter of a million dollars in payroll later, we still have not adjusted the hours at the compost site and at the transfer station. He believes that it’s a problem when they cannot get a three-dollar part to fix equipment, but we are buying new radar.

PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE asked Attorney Gilmore about Mr. Giblin’s questions regarding acceptance or rejection of a bid. He wants to know if we receive one or two bids can we reject and readvertise? Attorney Gilmore stated the general rule is if a bid comes in under the engineer’s estimate and the Town has the money in its budget you cannot reject it because you only receive one or two bids. Mr. Mayerowitz asked if we have to put a dollar amount in the recycling contract how do we protect ourselves to ensure we get appropriate bids. Attorney Gilmore stated that you can put wording in that the Township has the right to reject any and all bids based upon its analysis of whether it’s economically feasible or have its Public Works Department pick up the recyclables.

GARRY BLACK – LEWIS LANE is hoping that he heard wrong before when Mr. Giblin was speaking about how much money we can get back on tickets with the radar. Attorney Gilmore stated that utilization of the radar does enhance public safety. Council Vice President Rivere stated that she’d like to hear a police explanation of this or at least put it on hold.

JOHN GASKILL – 25 NO. LAKESIDE stated that he believes that the clause Attorney Gilmore just spoke of should be in every bid.

MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY: MARTIN MOTION SECONDED BY: RIVERE
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE, & KAFTON
RESOLUTION NUMBER 178R-10
TITLE: AUTHORIZE PURCHASE OF 16 STALKER RADAR UNITS FROM APPLIED CONCEPTS INC.,

MOTION TO CARRY 178R-10 TO 4/27/10 BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE & KAFTON

TOWNSHIP CLERK EDEN stated that 178R-10 will be removed from the Consent Agenda.

RESOLUTION NUMBER 168R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO JACKSON DEVELOPMENT COMPANY, LLC. OF THE PERFORMANCE BOND ISSUED FOR SOUTH KNOLLS, SEC. 1C, A/K/A BLOCK 111, LOT 21

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

WHEREAS, Jackson Development Company, LLC. has requested a Release of the Performance Guarantee, which consists of $231,078.96 in the form of a Performance Bond #1003135 issued by Lexon Insurance Company and a Cash Bond in the amount of $25,675.44, pertaining to South Knolls, Sec. 1C a/k/a Block 111, Lot 21, Jackson Township; and

WHEREAS, Albert Yodakis of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated April 1, 2010, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee, which consists of Performance Bond #1003135 issued by Lexon Insurance Company in the amount of $231,078.96 and a Cash Bond in the amount of $25,675.44 heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of $107,127.27 subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and

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

3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department, Attn: Dolores and the Department of Public Works, Attn: Connie Sidor.

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

DATED: 4/13/10

ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK
CONSENT AGENDA, ONE VOTE FOR ALL OF THE FOLLOWING RESOLUTIONS:

RESOLUTION NUMBER: 155R-10
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

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

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

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

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

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

2. Copies of this Resolution to the Tax Collector.

DATED: 4/13/10
ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION NUMBER: 156R-10
TITLE: APPROVE ISSUANCE OF BINGO/RAFFLE LICENSES AND AMEND RAFFLE LICENSE APPLICATION #RA-1331 TO JACKSON AMVETS POST #2

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

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

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

1. The following application(s) are hereby approved:
   - #RA-1334 – CHURCH OF SAINT ALOYSIUS
   - #RA-1335 – CHURCH OF SAINT ALOYSIUS
   - #RA-1338 – VFW POST #4703 JACKSON
   - #RA-1339 – K OF C #6201 REV MITCHELL J. CETKOWSKI COUNCIL
   - #RA-1340 – RWJ UNIVERSITY HOSPITAL FOUNDATION
   - #RA-1341 – RWJ UNIVERSITY HOSPITAL FOUNDATION

2. The following amendment is hereby approved:
   - #RA-1331 – JACKSON AMVETS POST #2
3. Copies of the Resolution to interested parties.

Dated: 4/13/10

Ann Marie Eden, R.M.C.
Township Clerk

Resolution Number: 157R-10

Motion to approve by: Rivero
Motion seconded by: Martin
Yes: Bressi, Martin, Updegrave, Rivero, & Kafton

Whereas, official Minutes of Jackson Township Council meetings have been prepared; and

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

Now, therefore, be it resolved by the Mayor and Town Council of the Township of Jackson, County of Ocean, that;

1. The following Minutes are hereby approved by the Jackson Township Council:
   - December 22, 2009
   - January 5, 2010
   - January 21, 2010
   - February 9, 2010

2. Copies of this resolution to any interested parties.

Dated: 4/13/10

Ann Marie Eden, R.M.C.
Township Clerk

Resolution Number: 158R-10
Title: Authorizing the Execution of a Second Amendment to the Lease Agreement with Crown Atlantic Company, LLC, for a portion of Block 40, Lot 36, in the Township of Jackson

Motion to approve by: Rivero
Motion seconded by: Martin
Yes: Bressi, Martin, Updegrave, Rivero, & Kafton

Whereas, on April 14, 1992, the Township of Jackson entered into a Land Lease Agreement with Bell Atlantic Mobile Systems, Inc., for a portion of Block 40, Lot 36, for the installation and maintenance of utility wires, poles, conduits, and pipes; and

Whereas, by the First Amendment to the Land Lease Agreement, dated August 16, 2001, the Township consented to the assignment of the Land Lease to the Crown Atlantic Company, LLC (“Crown”) and a sharing of any subsequent sublease revenues; and

Whereas, the parties have negotiated a Second Amendment to the Land Lease Agreement, which is attached hereto as Schedule A; and
WHEREAS, the Second Amendment includes five (5) five-year renewals, and provides the Township with fifty (50%) percent of the rental revenues received by Crown; and

WHEREAS, the Township Council had previously authorized the execution of a Letter of Intent to enter into the Second Amendment to the Land Lease Agreement; and

WHEREAS, the Township Council now desires to authorize the execution of the attached Second Amendment to the Land Lease Agreement.

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 is hereby authorized to execute the Second Amendment to the Land Lease Agreement, which is attached hereto as Schedule A, and any other documentation necessary to effectuate the Second Amendment to the Land Lease Agreement.

2. That a certified copy of this resolution be provided by the Township Clerk to Crown.

DATED: 4/13/10  ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION NUMBER: 159R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR VARIOUS LEGAL AND PROFESSIONAL SERVICES FOR A SIX-MONTH PERIOD COMMENCING JULY 1, 2010 THROUGH DECEMBER 31, 2010

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

WHEREAS, the Township of Jackson has a need for various Legal and Professional Services for a six month period commencing July 1, 2010 through December 31, 2010 with the exception of the Planning Board Professionals whose appointments would commence July 1, 2010 and end June 30, 2011; and

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

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

1. That the Township Council does hereby authorize the preparation, advertisement and receipt of sealed proposals for Legal and Professional Services commencing July 1, 2010 through December 31, 2010 for the Township of Jackson, the Jackson Township Zoning Board of Adjustment, Rent Leveling Board. The Township Council also authorizes the preparation, advertisement and receipt of sealed proposals for the Jackson Township Planning Board commencing July 1, 2010 through June 30, 2011

2. That after the date and time for the receipt of sealed proposals has been determined; a Notice for the Solicitation of Professional Services shall be advertised as prescribed by law.
RESOLUTION NUMBER: 160R-10
TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT FOR MONTH OF MARCH 2010

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

WHEREAS, the Chief Financial Officer has submitted a monthly report; and
WHEREAS, the Township Clerk has submitted this report to the Township Council for their approval;

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

1. The CHIEF FINANCIAL OFFICER’S Report for the month of MARCH 2010 is hereby approved.
2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

DATED: 4/13/10

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

RESOLUTION NUMBER: 161R-10
TITLE: AUTHORIZE RENEWAL OF KENNEL LICENSE TO MARYANN HOWARTH T/A MELANGE POODLES

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

WHEREAS, the applicant, Maryann Howarth, 180 Jackson Mills Road, Block 4301, Lot 20, Jackson, New Jersey, has submitted an application for renewal of the license to operate a kennel at the premises as set forth below pursuant to Article III of Chapter 51 of the Jackson Township Code; and
WHEREAS, the applications are in proper form, the proper fees have been paid and taxes have been paid up-to-date on the premises in question; and
WHEREAS, all involved municipal agencies and officials have either reviewed the applications or inspected the premises and have no objection to the renewal of the 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. That the Township Clerk is hereby authorized to deliver the applicant, Maryann Howarth, 180 Jackson Mills Road, Jackson, New Jersey, a renewal of the kennel license commencing on February 1, 2010 and terminating January 31, 2011.
2. This license is issued subject to applicant’s continued compliance with conditions and requirements as follows:
A. Payment of all outstanding fees and taxes.
B. The applicant shall conform with all laws and regulations required by Chapter 51-25.
C. The applicant obtaining all other local, County and State permits.

3. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Maryann Howarth t/a Melange Poodles.

RESOLUTION NUMBER: 162R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE AWARD OF A ONE YEAR MAINTENANCE CONTRACT FOR THE CAD SYSTEM TO ENFORSYS NJ, INC.

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

WHEREAS, the Department of Public Safety has requested approval for the award of a One Year Maintenance contract for the Police Department’s CAD System; and

WHEREAS, Enforsys NJ, Inc., the vendor awarded the CAD System project, has provided a proposal for the Police System Software Application Maintenance Contract; and

WHEREAS, the Mayor and Chief of Police have considered the need for an annual maintenance contract for the CAD System; and

WHEREAS, the Mayor is requesting authorization to award this contract pursuant to N.J.S.A. 40A:11-5 (dd) (i.e. “Exceptions”); and

WHEREAS, the Chief Financial Officer has certified that $35,120.00 is available in the CY 2010 Temporary Operating Budget for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the award of an annual maintenance contract for the Police Department’s CAD System to Enforsys NJ, Inc. with a properly executed purchase order.

A copy of this resolution shall be forwarded to the Township Administrator, Chief Financial Officer, Chief of Police, Purchasing Agent and any other interested parties.

DATED: 4/13/10

ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK
RESOLUTION NUMBER: 163R-10
TITLE: AUTHORIZE THE PREPARATION, ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR A SERVICE MAINTENANCE CONTRACT FOR THE COLLECTION OF CURBSIDE RECYCLING MATERIAL FOR ONE (1) THREE-YEAR PERIOD WITH THE OPTION TO RENEW FOR TWO (2) ONE YEAR PERIODS

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

WHEREAS, the Director of Public Works has requested authorization to prepare specifications, advertise and accept bids for a service maintenance contract for the collection of curbside recycling material for one (1) three year period with the option to renew for two (2) one year periods; and

WHEREAS, the Township Council has approved the preparation of the bid specifications for and has determined that it will advertise for sealed bids for the Collection of Curbside Recycling Material for a Three-Year Period commencing September 1, 2010 through August 31, 2013 with an option to review for two (2) one year periods; 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. The preparation of bid specifications, including drawings, plans, forms, etc. is hereby approved.

2. That after the date and time for the receipt of bids has been determined; the Township Clerk is hereby authorized to advertise for sealed bids for:

   “COLLECTION OF CURBSIDE RECYCLING MATERIAL FOR A THREE YEAR PERIOD COMMENCING SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2013 WITH THE OPTION TO RENEW FOR TWO (2) ONE YEAR PERIODS”

DATED: 4/13/10

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

RESOLUTION NUMBER: 164R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY TO TRICO EQUIPMENT COMPANY AUTHORIZING THE REPAIR OF A KOMATSU GRADER

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

WHEREAS, extensive repairs are needed to the Komatsu Grader owned by the Township of Jackson; and

WHEREAS, the Mayor and Director of Public Works request the Township Council approve a contract pursuant to N.J.S.A.40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b) for the said repairs; and

WHEREAS, the Chief Financial Officer has certified that sufficient funding exists for this purpose in the Capital Fund under Ordinance No. 29-08.

NOW, THEREFORE, BE IT RESOLVED, that Township Council of the Township of Jackson, County of Ocean, State of New Jersey does hereby authorize the execution and issuance of a contract to Trico Equipment Company for the repairs to the
Komatsu Grader with a properly executed purchase order and in compliance with all Local Public Contracts Laws.

A copy of this resolution shall be forwarded to the Municipal Administrator, Chief Financial Officer, Director of Public Works, Purchasing Department and any other interested parties.

RESOLUTION NUMBER: 165R-10
TITLE: AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO NJ TRANSIT FOR THE ACQUISITION OF ONE (1) 18 PASSENGER ADA MINIBUS

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

WHEREAS, the Department of Recreation and Senior Services desires to apply for and obtain a grant entitled “2010 United We Ride” from NJ Transit for the acquisition of one (1) 18 passenger ADA minibus; and

WHEREAS, the Township of Jackson is desirous in obtaining this minibus as it will benefit many residents within the Township of Jackson.

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

1. The Township of Jackson does hereby authorize the submission of a grant application to NJ Transit for the “2010 United We Ride” grant and upon receipt of the grant agreement, does further authorize the execution of the agreement.

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 the Township Administrator, Chief Financial Officer, Director of Recreation and Senior Services, NJ Transit and any other interested parties.

RESOLUTION NUMBER: 166R-10
TITLE: AUTHORIZE MUNICIPAL ENGINEER TO PREPARE BID SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF SEALED BIDS FOR PROJECT KNOWN AS “CLARIDGE DRIVE OUTFALL REPAIRS”

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

WHEREAS, Daniel Burke, P.E., Municipal Engineer, has requested approval to prepare bid specifications and advertise for receipt of bids for the project known as “Claridge Drive Outfall Repairs”.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that:
1. Daniel Burke, P.E., Municipal Engineer, is hereby authorized to prepare bid specifications and advertise for receipts of bids (date undetermined) for the project known as “Claridge Drive outfall Repairs”.

2. The Township Clerk shall advertise the Notice to Bidders for the purpose of the receipt of sealed bids for the above-named purpose or project.

3. Each bid shall be submitted as a written proposal in the manner designated in the specifications and shall be signed by bidder. The bid shall be enclosed in a sealed envelope bearing the name and the address of the bidder on the outside and addressed to Township Clerk, Township of Jackson, 95 West Veterans Highway, Jackson, New Jersey 08527. Said envelope shall be clearly labeled that it contains a bid for the purpose of “Claridge Drive Outfall Repairs”.

4. Plans, specifications, proposal sheets and form of bids may be inspected or obtained during normal business hours at the Office of the Municipal Clerk, Ann Marie Eden, 95 West Veterans Highway, Jackson, New Jersey 08527 until 48 hours prior to the time set for the opening of bids.

5. It is the sole responsibility of each bidder to see that bids are submitted in date and time specified, and IN NO EVENT SHALL ANY BID BE CONSIDERED OR ACCEPTED AFTER THE DATE AND TIME SPECIFIED FOR THE RECEIPT OF BIDS. In the event that a bidder does not personally deliver the sealed bid on the date and time specified for receipt of bids, such bidder shall assume all risks of loss or misplacement of the sealed bid by the Municipal Officers or any other risk relative to the failure of the bidder to personally deliver the bid.

6. The bid quote shall be net to the Township of Jackson and shall be exclusive of State or Federal taxes. Each and every deviation from the specifications shall be clearly listed by the bidder. Failure to comply with this requirement shall be grounds for rejection of the bid.

7. Each bid must be accompanied by a bid bond, certified check or cashier's check payable to the Township of Jackson for not less than ten percent (10%) of the amount of the bid, but not in excess of $20,000.00 and shall be delivered at the place and time specified above. This requirement will not be waived.

8. A contract will be awarded to the lowest qualified responsible bidder. The Township Committee reserves the right to reject any and all bids. The Township Committee reserves the right to waive insubstantial irregularities in any bid.

9. A Non-Collusion Affidavit in the usual form will be supplied with the specifications and shall be executed by the person or corporate office submitting the bid. Said Affidavit must be properly notarized. A Non-Collusive Affidavit must accompany each bid. These requirements will not be waived.

10. Bidders are required to comply with the requirements of P.L. 1975, Chapter 127 (N.J.S.A. 10:5-31 et seq.) and N.J.A.C.17:27. Successful bidders shall execute a contract containing Affirmative Action Requirements established by regulations pursuant to P.L. 1975, Chapter 127.

11. Corporate and partnership bidders shall comply with P.L. 1977, Chapter 33, by submitting a list of the names and addresses of all stockholders or owners holding ten percent (10%) or more of the stock or owning a ten percent (10%) or greater interest therein. Failure to submit such a list either prior to the time for the receipt of the bids or with the sealed bid will be grounds for the rejection of the bid.

12. Performance date shall commence as stipulated in agreement or as stated in specifications.

13. The second lowest bid shall be retained for a period of thirty (30) days after the award of bid.
14. Bidders are required to comply with P.L. 2004, Chapter 57 effective September 1, 2004 “New Jersey Business Registration Requirements”.

15. 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, Chief Financial Officer, Director of Public Works, Municipal Engineer, Purchasing Department and any other interested parties.

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ANN MARIE EDEN, R.M.C.
DATED: 4/13/10 TOWNSHIP CLERK

RESOLUTION NUMBER: 167R-10
TITLE: APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY (GRANT #P-4866)

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

WHEREAS, the Jackson Township Police Department wishes to apply for funding a project under the Safe and Secure Communities Program FY 2010-2011 (Grant #P-4866) in the amount of $28,805.00; and

WHEREAS, the Jackson Township Council has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Jackson Township Police Department for the purpose described in the application;

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

1. As a matter of public policy Jackson Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.
5. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
6. Copies of this resolution to State of New Jersey Department of Law & Public Safety/Div. of Criminal Justice, Administration, Chief Financial Officer, Captain R. Ferrarelli, and any other interested parties.

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ANN MARIE EDEN, R.M.C.
DATED: 4/13/10 TOWNSHIP CLERK

RESOLUTION NUMBER 169R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO EDYTA KLEIN OF THE CASH BOND ISSUED FOR 680 DORATHY’S LANE, A/K/A BLOCK 19001, LOT 9
MOTION TO APPROVE BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, Edyta Klein has requested the release of a Cash Bond for winter conditions in the amount of $1,000.00 pertaining to 680 Dorothy’s Lane, a/k/a Block 19001 Lot 9, Jackson Township; and

WHEREAS, the Township Council of the Township of Jackson has considered the application;

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 Edyta Klein.

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

DATED: 4/13/10

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

RESOLUTION NUMBER: 170R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO FRIENDSHIP, INC. OF THE CASH BOND ISSUED FOR 1 MALIBU COURT, A/K/A BLOCK 145.02, LOT 24

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

WHEREAS, Friendship Inc. has requested the release of a Cash Bond for winter conditions in the amount of $1,000.00 pertaining to 1 Malibu Court, a/k/a Block 145.02 Lot 24, Jackson Township; and

WHEREAS, the Township Council of the Township of Jackson has considered the application;

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 Friendship Inc.

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

DATED: 4/13/10

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

RESOLUTION NUMBER: 171R-10
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2010 TO FOUNTAINHEAD PROPERTIES, INC. T/A FOUNTAINHEAD MOBILE HOME PARK, BLOCK 9001, LOT 20

MOTION TO APPROVE BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE, & KAFTON
WHEREAS, Fountainhead Properties, Inc. t/a Fountainhead Mobile Home Park has requested a renewal of its Mobile Home Park License for Calendar Year 2010 for property located at One Rose Drive, a/k/a Block 9001, Lot 20, Jackson Township; and

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.

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 Fountainhead Properties, Inc. t/a Fountainhead Mobile Home Park for renewal of its Mobile Home Park License for the premises located at One Rose Drive, a/k/a Block 9001, Lot 20, Jackson Township, is hereby approved.

2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.

3. Said license is issued for a period commencing February 1, 2010 and ending January 31, 2011.

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 Fountainhead Properties, Inc. t/a Fountainhead Mobile Home Park.

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ANN MARIE EDEN, R.M.C.
DATED: 4/13/10     TOWNSHIP CLERK
RESOLUTION NUMBER: 172R-10
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2010 TO MGM JACKSON, LLC T/A MAPLE GLEN MOBILE HOME PARK, BLOCK 18602, LOT 1 (BOWMAN & MILLER ROAD)
MOTION TO APPROVE BY: RIVERE
MOTION SECONDED BY: MARTIN
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE, & KAFTON

WHEREAS, MGM Jackson, LLC t/a Maple Glen Mobile Home Park has requested a renewal of its Mobile Home Park License for Calendar Year 2010 for property located at Bowman and Miller Road, a/k/a Block 18602, Lot 1, Jackson Township; and

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.

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 MGM Jackson, LLC t/a Maple Glen Mobile Home Park for renewal of its Mobile Home Park License for the premises known as Bowman & Miller Road Block 18602, Lot 1, Jackson Township, is hereby approved.

2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.

3. Said license is issued for a period commencing February 1, 2010 and ending January 31, 2011. 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.

4. 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 MGM Jackson, LLC, t/a Maple Glen Mobile Home Park.

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ANN MARIE EDEN, R.M.C.
DATED: 4/13/10     TOWNSHIP CLERK
RESOLUTION NUMBER: 173R-10  
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2010 TO PSL, LLC T/A LUXURY MOBILE HOME PARK, BLOCK 23303, LOT 15 & 16  

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

WHEREAS, PSL, LLC, t/a Luxury Community has requested a renewal of its Mobile Home Park License for Calendar Year 2010 for property located at 46 Luxury Circle, a/k/a Block 23303, Lots 15 & 16, Jackson Township; and  

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.  

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 Luxury, LLC t/a Luxury Community Mobile Home Park for renewal of its Mobile Home Park License for the premises located at 46 Luxury Circle, a/k/a Block 23303, Lots 15 & 16, Jackson Township, is hereby approved.  
2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.  
3. Said license is issued for a period commencing February 1, 2010 and ending January 31, 2011.  
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 PSL, LLC t/a Luxury Community Mobile Home Park.  

DATED: 4/13/10  
ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK  

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RESOLUTION NUMBER: 174R-10  
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2010 TO JACKSON ACRES, LLC T/A JACKSON ACRES BLOCK 18603, LOT 17  

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

WHEREAS, Jackson Acres, LLC t/a Jackson Acres has requested a renewal of its Mobile Home Park License for Calendar Year 2010 for property located at 2 Lisa Lane South, a/k/a Block 18603, Lot 17, Jackson Township; and  

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.  

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 Jackson Acres, LLC t/a Jackson Acres Mobile Home Park for renewal of its Mobile Home Park License for the premises known as 2 Lisa Lane South, a/k/a Block 18603, Lot 17, Jackson Township, is hereby approved.  
2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.  
3. Said license is issued for a period commencing February 1, 2010 and ending January 31, 2011.
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 Jackson Acres, LLC, t/a Jackson Acres Mobile Home Park.

DATED: 4/13/10

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

RESOLUTION NUMBER: 175R-10
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2010 TO LAND O PINES MHP, INC., T/A LAND O PINES A/K/A BLOCK 4201, LOT 51 (135 W. COMMODORE BLVD.)

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

WHEREAS, Land O Pines MHP, Inc. t/a Land O Pines has requested a renewal of its Mobile Home Park License for Calendar Year 2010 for property located at 135 W. Commodore Boulevard, a/k/a Block 4201, Lot 51, Jackson Township; and

WHEREAS, per Chapter 99 of the Jackson Code, said applicant has submitted an application in proper form, paid the required fees and has received approval from various municipal departments and agencies.

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 Land O Pines MHP, Inc. t/a Land O Pines for renewal of its Mobile Home Park License for the premises located at 135 W. Commodore Boulevard, a/k/a Block 4201, Lot 51, Jackson Township, is hereby approved.

2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.

3. Said license is issued for a period commencing February 1, 2010 and ending January 31, 2011.

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. 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 Land O Pines MHP, Inc. t/a Land O Pines.

DATED: 4/13/10

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

RESOLUTION NUMBER 176R-10
TITLE: RESOLUTION AUTHORIZING THE ASSIGNMENT OF TAX SALE CERTIFICATE # 09-00169 AND #09-00170 ON BLOCK 13401 LOTS 4.02 & 4.03 RESPECTIVELY PURSUANT TO 54:5-112 ET SEQ.

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

WHEREAS, the Township Council has been requested to assign tax sale certificates #09-00169 on Block 13401 Lot 4.02, 420 Glenn Road, and #09-00170 on Block 13401 Lot 4.03, 410 Glenn Road, to a third party, and;

WHEREAS, the Township Council has deemed it to be in the best interest of the Township to authorize the requested assignment, and it has been recommended by the
Tax Collector to use N.J.S.A. 54:5-112 et seq, which provides for the assignment to a third party for an amount required for redemption including subsequent municipal liens along with interest and costs, less the actual redemption penalty, subject to confirmation of the governing body and;

WHEREAS, pursuant to N.J.S.A. 54:5-112 et seq. after said sale has been approved and the purchase price paid, the purchaser shall receive a properly executed written assignment of the tax sale certificate, executed by the Mayor and attested by the Municipal Clerk, and

WHEREAS, if the purchaser shall have acquired legal title to the property affected by said tax sale certificate by means other than foreclosure, in no case shall the municipality refund any of the monies paid to it for such tax sale certificate.

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

1. A properly executed written assignment of the tax sale certificates, executed by the Mayor and attested by the Municipal Clerk, shall be provided to the Tax Collector for proper record keeping and delivery to the assignment purchaser.
2. The Collector is authorized to remit the purchase monies to the current account from the Collectors Trust account and update the records of the Tax Office to reflect the assignment.

DATED: 4/13/10

ANN MARIE EDEN, RMC
MUNICIPAL CLERK

RESOLUTION NUMBER 177R-10
TITLE: RESOLUTION APPROVING A DISABLED VETERAN EXEMPTION ON BLOCK 14606 LOT 4

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

WHEREAS, The Department of Veteran Affairs determined that James Esposito at 65 S. Baker Drive, Block 14606 Lot 4 has a service connected disability that is totally disabling effective 12/24/97, and Mr. Esposito has owned the above listed parcel since 11/13/09, and;

WHEREAS, Mr. Esposito has made application to the Township as a totally disabled veteran, which has been approved by the Tax Assessor as of 4/9/10, and;

WHEREAS, it is Township policy to grant the exemption for the current year, and up to two preceding years.

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

1. The Tax Collector is directed to cancel taxes as follows:
   2009 - $ 667.95
   2010 - $2,362.75 – 1st half 2010 taxes (until parcel is formally exempt)
2. The Tax Collector is directed to process a refund for any overpayment due to the cancellation of taxes.
3. The parcel is to be exempted on the 2011 tax list.

Copy to: Collector, Assessor, Finance
RESOLUTION NUMBER: 178R-10
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PURCHASE OF (16) STALKER RADAR UNITS FROM APPLIED CONCEPTS, INC.

MOTION TO CARRY BY TO 4/27/10: RIVERE
MOTION SECONDED BY: MARTIN
YES: BRESSI, MARTIN, UPDEGRAVE, RIVERE, & KAFTON

DISCUSSION AGENDA

TOWNSHIP CLERK EDEN stated that there is a School Board Election on 4/20/10 and the polls will be open from 11:00 am to 9:00 pm. The Rabies Clinic will be this Saturday at DPW from 11:00 am to 1:00 pm. Clerk Eden stated that there is a Vacancy Decontrol Special Forum on 4/17/10 and asked if the five-minute rule could be implemented for that. Council Vice President Rivere replied, yes.

ADMINISTRATOR DEL TURCO stated that the Jackson Jungle is now open and they will be making additional improvements in that area. He stated that they are working on the Skate Park and there will soon be a nice area for the kids to play in. He also stated that they’ll be moving Recreation to the trailer outside of the Municipal Building.

COUNCIL PRESIDENT KAFTON goes on to say that he has requested a number of times the financial information regarding the January and February snow storms and has received no response at all and it is now April. Administrator Del Turco stated that he has made every effort to comply with the numerous requests and that he can provide the data; however, he does not have a breakdown of each individual storm. Council President Kafton asked Attorney Gilmore if a resident put in an OPRA request how long the Township would have to respond. Attorney Gilmore replied that if it’s not a readily available report you’re not required to provide it they are entitled to ready available information. There is no requirement to provide information that is not readily available. Administrator Del Turco stated that they have been working on putting together all of the information and that it is a very time consuming job; however, he stated that Council President Kafton is more than welcome to review any of the information they have. He stated that he wants a breakdown just like it has been done in the past and he believes that for some reason the Mayor’s Office is holding off on providing all the information he requested. Administrator Del Turco stated that he could provide the overall cost of each storm which is very time consuming. He also stated that Council President Kafton may look at the records at any time he wishes the doors are always open. Attorney Gilmore stated that if there is going to be a FEMA reimbursement then it’s more prudent to put the time in to the breakdown of each storm. He stated that putting in 100 hours to generate the information for FEMA will pay for itself. He stated the cost is what it is. Council President Kafton stated this is a process that happens every year. It has been broken down every year and the taxpayers have a right to this information and he’d like to know what it costs per mile to remove the snow. Administrator Del Turco stated it’s a tremendous undertaking to prepare a breakdown of all the information requested and it’s a collaboration between Public Works and Finance and Administrator Del Turco stated that he will have the staff discontinue its normal functions to prepare this information if that’s what you want. Attorney Gilmore stated that Administrator Del Turco cannot order that, only the Mayor can. Councilman Martin asked if we can get the gas and salt usage. Administrator Del Turco stated that we use a FEMA schedule for vehicle usage. Council Vice President Rivere asked what we can get. Attorney Gilmore stated that Council is making a request and he stated they have an affirmative action requirement to provide it. Administrator Del Turco stated that he will give him that data, all the information is available and he’ll ask. Councilman Martin and Council Vice President Rivere stated that they’d be happy with an overall cost.
PUBLIC HEARING, ANY TOPIC

KATHY JANACOLA she stated she is an independent not running for office. She believes that this is grandstanding and this is all about politics. She doesn’t want to hear all of this. She believes that some people only come here during an election.

PAT WOOD – PRESIDENT AFSCME LOCAL 3304-C appeared on behalf of the Clerical Workers’ Union and goes on to state that she was there this evening to make sure that Council and the Mayor received our suggestions. She goes on to say that 80 percent of the employees live, work, and shop here, and care what we do here. She stated that we do our best for the taxpayers and are proud of what we do. Our Union is willing to work with you to find solutions and that’s why we’ve sent suggestions that may save up to a quarter of a million dollars. She stated that they’d like to offer their help; thus, they’ve provided many suggestions based on their many years of experience. She also stated that they do not receive health benefits upon retirement. Council Vice President Rivere, Councilwoman Updegrave, and Council President Kafton thanked all the members of AFSCME that put together this information for the Township.

PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE Resolution 168R-10 the release of the performance guarantees for Four Seasons at South Knolls he believes this does the residents a disservice. Township Clerk Eden stated that T & M does inform all homeowners and if there were any problems the homeowners would be advised. He believes that it would be better to inform the residents upon making these decisions because sometimes there are differing opinions. Regarding the snow removal he goes on to say that a lot of that information has been provided which would enable a rough estimate very easily. Council President Kafton stated that he wants to know down to the penny.

JOHN GASKILL – 25 NORTH LAKESIDE DRIVE asked how come the snow removal costs are not incorporated in to our payroll process. Administrator Del Turco stated we have to follow State mandate on this. He goes on to explain why we maintain separate time and truck data. The consumption of salt and contractor cost is much more easily obtained. Normally, the Town aggregates the cost for the entire season maybe we can get a better cost accounting technique involved. Mr. Gaskill goes on to read a letter from the Mayor regarding COAH and would like to know if Council sees any problem with it. Council President Kafton asked if there are COAH meetings every month. Attorney Gilmore stated that he’d like to see the letter and he will not render a decision regarding the letter, however, he stated that the date on the letter is important. He stated that the attorneys could get together to try to reach a settlement. He goes on to say that there is no date or reference to any specific matter. Councilman Bressi stated that it was given to him by the Mayor during a court ordered mediation and he was not pleased with it, he told him he was not pleased with it and he then asked Mr. McGuckin whether this was legal document he goes on to explain what he felt the meaning of the letter was. Attorney Gilmore stated that this is common practice during mediation. Council President Kafton goes on to say he believes this is unethical. Attorney Gilmore stated that he doesn’t believe so. Council President Kafton asked why he, the Mayor, would be asking for confidential meetings and believes it’s inappropriate to hold a private meeting that no one knows about to make an agreement prior to a regular meeting and he believes this is unethical. Attorney Gilmore stated that he doesn’t even know if this meeting took place. Council President Kafton stated that Mr. Bressi got this letter and confirmed this is a real letter and is clearly unethical. Councilman Martin asked if Council President Kafton has ever had a Township meeting in his real estate office and perhaps they should present a list of those meetings to the Ethics Board. Council President Kafton asked if Attorney Gilmore has any information. Attorney Gilmore stated that Mr. McGuckin didn’t answer his phone. He goes on to say that anyone at any time can present a complaint to the Ethics Board; however that doesn’t mean it will go anywhere.

JOHN SUTTLES – 402 MEADOWOOD DRIVE wanted to know if 178R-10 is an emergency Resolution. He stated that he downloaded the Agenda to his computer three hours ago and it was not on the agenda then and he has noticed that this has happened six
or seven times in the past year and if there is something that concerns him how is he supposed to address it if he doesn’t know it. Township Clerk Eden replied the cutoff is noon Thursday; however, it is not always adhered to and the Council President may authorize any addition at any time. She goes on to say they are not required to post any Resolutions on the bulletin board. The agenda on the website says “tentative” you’d have to come to the meeting to find out if anything additional is scheduled. Council President Kafton believes this can lead to problems. Councilman Bressi stated that he feels it should only be added if it’s an emergency.

MARTY SPIELMAN – 37 SHOAL ROAD discussed a meeting with Marvin Krakower that was held in private regarding solar panels and he believes this is the same thing they are doing now. He agrees with Attorney Gilmore. Council President Kafton stated that he can sit down with members of any board and discuss solar panels at any time that is not illegal.

PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE stated that he is wondering how two to three weeks before an election this letter surfaces. He wonders why if this was thought to be unethical that Councilman Bressi or Mr. McGuckin did not report it and raises a question as to what their thinking was at that time. Council President Kafton believes this letter is unethical. Mr. Mayerowitz asked Council President Kafton if he’s ever had any private meetings. Council President Kafton replied that they do not have private meetings. Mr. Bressi replied that this letter was not provided to the Court master. Attorney Gilmore stated that he advises people to try and work things out amongst themselves and there is often meetings without the mediator being present.

JOHN GASKILL – 25 NORTH LAKESIDE DRIVE (inaudible).

GARRY LEWIS – 76 LEWIS LANE stated that nothing happened at this meeting and the meeting never happened. Attorney Gilmore stated that there is no reason for personal attacks.

TODD PORTER – EAST VETERANS HWY asked Mr. Bressi if the Mayor ever asked him to push through anything on the Leigh litigation. Councilman Bressi replied at the Planning Board meetings no; however, he was upset that I would not support the six thousand homes. Mr. Porter stated that the integrity of the Board is intact and they’d never accept otherwise.

KIMBERLY LUM – 8 MONROE COURT asked why we were not eligible for any tax extensions due to the storms. Administrator Del Turco stated that they were not eligible for any FEMA reimbursements. Ms. Lum would like this to be looked into. She stated she believes that everyone should make an effort to speak nicely to one another. She asked how the financial information for the storms is done. Administrator Del Turco stated much of it is done manually and the administrative accounting system we have is Edmunds.

MARIA CHARMA - 12 HARVEST COURT stated that she has a four-pound dog that she brings to her kid’s soccer games and she got an e-mail stating that she cannot bring her dog to the park. She asked if she is allowed to bring her dog to the park and if we can get a ticket for that. Administrator Del Turco stated that there is a dog park at Johnson Park and that is where dogs are allowed.

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

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

11:10 PM

RESPECTFULLY SUBMITTED,

________________________________________
COUNCIL PRESIDENT KAFTON

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

AME/dmk