ON TUESDAY, APRIL 23, 2013, AT 6:30P.M. THE JACKSON TOWNSHIP COUNCIL HELD ITS (EXECUTIVE SESSION) MEETING IN THE MUNICIPAL BUILDING

ROLL CALL:

COUNCILMAN BRESSI        ATTORNEY CIPRIANI
COUNCILMAN CALOGERO       TOWNSHIP CLERK EDEN
COUNCILMAN NIXON
COUNCIL VICE PRESIDENT MARTIN - Absent
COUNCIL PRESIDENT UPDEGRAVE

ALSO IN ATTENDANCE: ADMINISTRATOR TORRES – 6:35 p.m.

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

RESOLUTION 181R-13
TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS AS NOTED BELOW

MOTION TO APPROVE BY: CALOGERO
MOTION SECONDED BY: NIXON
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a public meeting under certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:
   a) Personnel/Professionals:
   b) Litigation/Potential Litigation: Amendments to Chapter 388 entitled Towers and Wreckers
   c) Potential Land Sale/Land Acquisition: Inquiry – Land Donation; property located along Reed Road and property located along East/ West Veterans Highway
   d) Contracts/Agreements: Purchase Agreement with County of Ocean and State of NJ (open space), Special Needs Veteran’s Housing

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

DATED: 4-23-13

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

7:30 P.M. - RECONVENE PUBLIC MEETING IN THE MAIN MEETING ROOM OF THE MUNICIPAL BUILDING.

PLEDGE OF ALLEGIANCE
COUNCIL PRESIDENT UPDEGRAVE – A moment of silence for all those who suffered from the tragedies in Boston and Texas.

ROLL CALL:

COUNCILMAN BRESSI    ATTORNEY CIPRIANI
COUNCILMAN CALOGERO   TOWNSHIP CLERK EDEN
COUNCILMAN NIXON
COUNCIL VICE PRESIDENT MARTIN - Absent
COUNCIL PRESIDENT UPDEGRAVE

ALSO IN ATTENDANCE: ADMINISTRATOR TORRES

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.

PROCLAMATIONS

Paint the Town Purple – Council President Updegrave announced a proclamation for Relay for Life which brings millions of people together to raise money to help prevent cancer, save lives and diminish suffering from cancer. The Mayor and Township Council hereby acknowledges, supports and proclaims May 3rd and May 4th, 2013 to be “Paint the Town Purple” days in the Township of Jackson and encourage all residents to display the color purple in some fashion representing community support in the Relay for Life and the American Cancer Society.

Paint the Town Pink – Councilman Calogero announced a proclamation for Paint the Town Pink, which provides awareness for annual mammography. Cancer is a diagnosis, which affects us as a society, community and a family; early detention and treatment are reducing cancer rates and increasing likelihood of survival. The Mayor and Township Council hereby proclaims the month of May 2013 as “Paint the Town Pink” month and encourage all women in our community to become aware and to make early detection a part of their lives. We encourage all Jackson businesses to join in the campaign and display pink wherever possible to spread this significant message.

COUNCILMAN BRESSI – Thanked those for bringing these proclamations forward and doing their best to promote the community in early detection and getting them involved. The events in Boston are despicable and what was prevented in Canada shows you how alert we have to be. The best defense is the best offense. We have the best armed forces in the world doing their jobs to prevent these events. Give all the authorities that reacted in Boston the credit for their work to find the people that did this in such a fast fashion. My heart goes out to the victims and all that were injured and I pray that these events don’t keep happening.

COUNCILMAN CALOGERO – I know a few close friends that were affected by the tragedies in Boston. To the people of Boston my deepest sorrows and prayers go out to you and your families. Your bravery, heroism and patriotism of such a horrible attack have once again renewed my faith in the American people. To those who were injured, I wish you and your families a speedy recovery. To the first responders and individual heroes, I thank you and commend you for your bravery. To those who lost their lives, I pray for you in eternal rest. To the remaining suspect in custody, I pray for the day American justice is served. God Bless America and the people of Boston.

Waived all other comments.

COUNCILMAN NIXON – Echoed the previous Councilmen’s comments and let’s not forget the people of Texas who suffered an explosion. The events in Boston show the world is a dangerous place. We’re blessed not only to have law enforcement but all the first responders who ran into the blast zone, they are truly heroes.
COUNCIL VICE PRESIDENT MARTIN – Absent

COUNCIL PRESIDENT UPDEGRAVE – This has been a sad week for all of us but it also reminds us how lucky we are that we live in the United States of America. We are strong resilient people and we come back fighting. We have people who are willing to put their lives at risk to save others. We could never thank our volunteers, Police and emergency services enough as they are the ones that keep us save and alive. God Bless America.

APPROVE EXECUTIVE SESSION MEETING MINUTES: MARCH 26, 2013 AND APRIL 9, 2013

MOTION TO APPROVE BY: BRESSI
SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

ORDINANCES, SECOND READING:

ORDINANCE: 07-13
TITLE: CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO (N.J.S.A. 40A: 4-45.14)

PUBLIC HEARING OPENED:

PETER GRZELAK – 3 ABE’S WAY – Hoped Council President Updegrave and Councilman Bressi would vote no as they did on May 10, 2011. He doesn’t want Council to have the ability to take any more money for their spending and go above the 2% cap. He stated we know this money stays in your banks and then we see a high percent of increases. It was a bad idea 2 years ago and it’s a bad idea today. I guarantee there is no bank, you just keep pulling out of it and spending it back into the residents pockets. We get fewer services, bloated payrolls and contracts and nothing to show for it but a tax bill that goes up every year. Please defeat this.

RAY CATTONAR - 11 FORDHAM ROAD - Agrees how it would raise taxes by $468,000. It’s just another way to circumvent the 2% spending cap, which was put in place to stop the mediocre rise of our property taxes. If we need emergency appropriations, there are plenty of other ways. We have a surplus of $1.9 Million for next year. I appeal to all the Council Members to vote it down. Council President Updegrave stated when I voted against it in 2011; I was misinformed about what the cap bank actually does. After many conversations with the CFO and Auditor, it was explained what the cap bank actually does. She referred it over to CFO Pinkava for an explanation.

SHARON PINKAVA, CFO – The key point is this ordinance does not and cannot increase the levy cap by 2%. There are 2 caps that exist. This ordinance is for the appropriations cap, which has been in existence since 1977 and you cannot go over the 2% cap. This ordinance is only increasing the appropriations to give some flexibility. If you increase your appropriations, you must have revenue to offset it and still stay within the 2% levy cap. Council President Updegrave stated in 2011 it was explained as a way to get around the 2% cap, which at that time was my understanding. CFO Pinkava stated you cannot do that by this means. Councilman Nixon confirmed with CFO Pinkava that it does not increase taxes anymore than what Council proposed. There are stipulations in a cap bank and it’s for health, safety, welfare and emergencies. It’s for when costs get out of hand and we don’t have appropriations in our budget for those things. Council President Updegrave stated since it has now been explained and clarified to me by CFO Pinkava and our Auditor, I am in favor of the cap bank.

PETER GRZELAK – 3 ABE’S WAY – CFO Pinkava stated the same explanation in 2011. Council President Updegrave stated I’m telling you I’m human like everyone else
and I misunderstood it at that time. Mr. Grzelak stated yet the rest of the Council didn’t because they all voted against it. We do not want to give you the right to put more money in the coffers and then you can spend it on other things. He believes it’s a way to give Council the ability to spend more. He asked Council Members to vote no.

RAY CATTONAR - 11 FORDHAM ROAD – He feels increased revenue means increased fees. If you apply this to next year’s budget, you can still go to the 2% cap next year and add this additional $468,000 on. It basically comes out of the resident’s pockets.

HEATHER ZIEGLER – 5 SUSIE LANE – Asked for an explanation of a cap bank. Councilman Calogero explained it allows you to plan for future budgeting. It doesn’t extend the opportunity to tax you more.

PETER GRZELAK – 3 ABE’S WAY – As Mr. Calogero stated, it limits your ability to spend and we don’t want you to spend any more money.

BONNIE BARRINGTON – 930 HYSON ROAD – I’ve been coming to these meetings for 1½ years and I wish I could be more positive. I have not heard one cost saving measure come out of this Township Council. You need to live within your means and you have proven you have not. I am asking you to vote no.

SHARON PINKAVA, CFO – I have been here for 17 years and the past 2 years have been the only years that we never passed this. We have never used or gone over any of this banking. It gives us flexibility because our budgets have been coming in so close that it is necessary. It does not allow you to go over the 2% levy cap; it will not increase taxes. Councilman Calogero asked how is this perceived across the State? CFO Pinkava read an article that stated 99% for last year. She had spoken with the Division and a large portion of municipalities have passed this ordinance. If you do not do this, you have to go up for referendum.

PETER GRZELAK – 3 ABE’S WAY – Read another article that said that 95% of the people were against them. In May of 2011, it was the same excuse and we’re not stupid. It gives you the ability to spend more of our money. We live within our means and we don’t have the luxury of going into your pockets. If given the ability, you will use it. Councilman Calogero stated we’re living within our means and we’re not going above the 2% cap.

RAY CATTONAR -11 FORDHAM ROAD – Would like to have it by referendum and let the people decide. If there is an emergency appropriation, we have a surplus of $1.9 Million proposed. Then we could absolutely use that money if necessary. I implore you to vote no.

MOTION TO CLOSE PUBLIC HEARING ON ORDINANCE 07-13 BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

DISCUSSION: Councilman Bressi doesn’t like the philosophy that it gives you extra money to spend rather than be a little tighter. There are no criteria that define what the health, safety and welfare are. If you need it, go out for referendum to the public and I believe that’s the way it should be handled. As the CFO stated, we lived without it for 2 years and 2 storms and I see no reason for it. I continue to vote no. Councilman Calogero believes it’s a good fiscal planning opportunity and voted yes. Administrator Torres reminded the residents that even if and when those expenditures would be presented, it would have to be brought back to the Governing Body and another vote would have to be placed before expenditures are made.

MOTION TO APPROVE ORDINANCE 07-13 ON SECOND READING,
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: CALOGERO
MOTION SECONDED BY: NIXON
YES: CALOGERO, NIXON, UPDEGRAVE
NO: BRESSI
ABSENT: MARTIN
ORDINANCE NO. 07-13

WHEREAS, the Local Government Cap Law, N.J.S.A 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Jackson in the County of Ocean finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.5% increase in the budget for said year, amounting to $468,968.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Jackson, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Jackson shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.5%, amounting to $468,968.38 and that the CY 2013 municipal budget for the Township of Jackson be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Date: ____________________

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on April 9, 2013 and will be considered for second reading and final passage at a meeting of said Governing Body to be held on the 23rd day of April 2013 at 7:30 P.M. or as soon thereafter as this matter can be
reached, at the meeting room of the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning this Ordinance

ANN MARIE EDEN, R.M.C.
Township Clerk, Township of Jackson

ORDINANCES, FIRST READING:

ORDINANCE: 06-13
TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON SO WE TO AMEND IN ITS ENTIRETY CHAPTER 388 ENTITLED “TOWERS AND WRECKERS”

MOTION TO APPROVE ORDINANCE 06-13 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON MAY 14, 2013 BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

ORDINANCE NO. 06-13

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. Chapter 388 of the Township Code of the Township of Jackson is hereby amended to read in its entirety as follows:

§ 388-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE -- The removal and transportation of a vehicle from a highway, street or other public or private road or a parking area or from a storage facility and any other services normally incident thereto, but does not include recovery service.

CHIEF OF POLICE -- The Chief of Police of the Jackson Township Police Department.

OWNER -- Any person, firm or corporation who owns and/or operates a vehicle on the roads and highways within the Township of Jackson which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

HEAVY DUTY VEHICLE -- any truck, omnibus or other vehicle 26,001 pounds or greater, or any over-height or over-width vehicle.

LIGHT DUTY VEHICLE – any passenger automobile, station wagon, pickup truck or panel truck up to 15,000 pounds, or any motor scooter, motorcycle, or all-terrain vehicle.

MEDIUM DUTY VEHICLE – any truck, omnibus or other vehicle from 15,001 to 26,000 pounds.

NATIONALLY RECOGNIZED TOWING ORGANIZATION – shall include the Towing and Recovery Association of America, WreckMaster, and the Garden State Towmen’s Association.

PERSONAL PROPERTY – any item that is not directly affixed to a vehicle.

POLICE IMPOUND -- Motor vehicles which are towed at the direction of the Police Department because they have been stolen, involved in a criminal or motor vehicle offense requiring investigation, are unregistered, uninsured, operated by
unlicensed drivers, or when required by law, (including driving while intoxicated), or which have been involved in fatal accidents or accidents which, in the judgment of the police, may become fatal, shall be considered police impounds. Such vehicles shall be covered by a tarp or stored indoors when requested by police. Police impounds shall be towed to either the towing operator's storage area or a location designated by the police. Police impounds shall not be released, entered or photographed without prior police approval.

RECOVERY SERVICE - Any operation which requires the recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm by several actions which may include but not be limited to winching and rigging. A recovery shall be when a towing operator applies his/her knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the damaged vehicle to a towable position.

SERVICE CALL - A call to a wrecker operator to perform minor service or repair to a vehicle, including, but not limited to, changing of rims/tires, fuel service, jump starts, etc.

TOWING OPERATOR -- A person, firm or corporation engaged in the business of providing wrecker services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by said person, firm or corporation.

TRANSMISSION SERVICE -- The combined operation of removing and then replacing a transmission locking pin, when such operation is necessary before a vehicle can be moved.

VEHICLE REMOVAL CHARGE -- The charge for a motor vehicle that is not movable and has been towed into the storage facility of the primary owner and must be towed out of the primary tower's storage facility to a public street for towing by the secondary tower.

WAITING TIME -- Any additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services which must be performed and/or police investigations.

WINCHING -- The process of moving a motor vehicle by the use of the cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching shall not include pulling a vehicle onto a tilt bed or carrier nor lifting a motor vehicle with a conventional sling.

WRECKER -- A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles, or parts of vehicles, which are unable to be operated under their own power for which a service charge or fee is exacted.

§ 388-2. Establishment of list.
The Chief of Police of the Police Department of the Township of Jackson shall establish lists of persons or firms who shall be utilized by the Police Department of the Township of Jackson to provide towing and wrecking services for abandoned or wrecked vehicles. Two lists shall be maintained. One list shall be maintained for light duty vehicles. This list shall be comprised of a maximum of eight towing operators. The second list shall be maintained for medium and heavy duty vehicles. This list shall be comprised of a maximum of three towing operators. In establishing the lists, the Chief of Police shall give first preference to those persons or firms who are presently utilized by the Police Department for this service. All other operators shall be given preference based upon the date of application filed by them which application is more fully described herein. The Chief of Police shall also establish and maintain a waiting list for operators in the event the number of authorized operators exceeds eight and three, respectively. The placement on the
waiting list(s) shall be based on the date of the filing of the application by the person or firm wanting to be utilized by the Police Department for towing and wrecker services. The waiting list shall expire concurrently with the yearly expiration of towing licenses.

§ 388-3. Application for license.

An application for a license as a proprietor of a towing or wrecking business to be placed upon the lists to be utilized by the Police Department shall be made by the person or firm engaged in operating a wrecker or wreckers. Applications shall be made on forms furnished by the Police Department and specifically report the following facts:

A. The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered office and its resident agent. The year, make and type of each wrecker used in said business, its serial number, registration number and registered owner.

C. The address where the wrecker or wreckers shall be regularly garaged, the telephone numbers available on a twenty-four-hour per day basis and the names of all operators, their addresses and their New Jersey drivers license numbers. All newly hired drivers shall have their addresses and license and New Jersey driver’s license numbers reported to the Police Department within 10 days of their hire.

D. All applicants, wrecker operators, and agents of applicants, as well as all officers and directors if a corporation, must submit to a criminal history check. Each applicant, agent, officer or director shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving theft, fraud, embezzlement, receiving or trafficking in stolen property, or any other offense of a similar nature.

E. Insurance required. All towing operators shall maintain and produce proof of the following minimum insurance coverage to the Township Clerk:

(1) Workmen’s compensation insurance for all employees.
(2) Liability insurance for the wrecker in the policy limits of no less than $1,000,000 for garage keeper's liability and $1,000,000 per accident for legal liability.
(3) Theft insurance on stored vehicles.
(4) On hook insurance coverage.
(5) Cargo insurance coverage.
(6) The certificate of insurance shall be issued by a company certified to do business in New Jersey and each policy so required must contain an endorsement providing for thirty-days notice to the Township in the event of any material changes in the policy of cancellation thereof.
(7) In addition thereto, the towing operator shall provide an indemnification and hold harmless agreement in accordance with the Township of Jackson’s terms and conditions.

F. No towing operator shall be directly involved with another applicant. Examples of direct involvement include the sharing of business licenses, tow trucks or equipment, storage or office space, or employees.

G. Applicants currently on the approved towing list on the effective date of this act may continue to operate under any existing agreement for the sharing of storage space, provided that the entity providing storage space under such agreement meets the minimum storage requirements specified in paragraph I. of this section with respect to each towing operator utilizing such space. However, any change in owner, principal, or business location of a towing operator operating with such agreement shall terminate this exception.

H. The office, workshop and storage areas of the applicant must be located in zones where such use is permitted and lie within the boundaries of the Township of Jackson. Sharing of such spaces among towing operators is not permitted except as permitted in §388-3G. Permanent restroom facilities shall be available for the use of patrons at the vendor’s storage location. Restroom, office, and waiting areas shall be maintained in a clean and presentable condition. Towing operators shall comply with all applicable provisions of the Americans with Disabilities Act. Vendors currently on the
I. Each vendor providing light duty towing service must show proof of ownership or a lease agreement for a proper land area to store a minimum of 20 vehicles. Each vendor providing heavy-duty towing service must show proof of ownership or a lease agreement for a proper land area to store a minimum of 20 light duty vehicles plus 4 tractor-trailer vehicle combinations. Each land storage area must be fully enclosed by a stockade or chain link fence in good repair and a minimum of six feet in height. Adequate lighting, shielded from abutting premises, shall be maintained during hours of darkness. Any change to the area or fencing at the land storage area must be submitted and approved by the Chief of Police. Additionally, each towing operator shall have access to a secured indoor storage for storing impounded vehicles when requested by the Police Department.

J. Each wrecker must meet all of the requirements of Title 39 Motor Vehicles Law, including, but not limited to, proper registration and inspection. Dealer registration (D plates) will not be permitted, and each vehicle must have displayed thereon the name and place of the owner in three-inch letters.

K. Each wrecker, when on duty, will be responsible for changing tires on police vehicles at any time when required to do so. Said wrecker is to have in his possession, when on duty, a number of police tires supplied by the township and is required to pick up said tires from the off-going duty wrecker at the time his tour of duty commences.

L. Each light duty wrecker operator must have the following equipment:
   (1) Two (2) wreckers, at least one of which must be a flatbed chassis
   (2) For a conventional wrecker, minimum 14,500 pounds GVWR commercially manufactured conventional boom lift wrecker and chassis, with a 3,000 pounds minimum wheel lift capacity, 8,000 pounds winch capacity, and 8,000 pounds hydraulic boom capacity, with 100’ of 3/8” cable, and the following equipment:
      a. One large broom and shovel
      b. Steering wheel lock for towing vehicles from the rear
      c. Tow-sling-type tow bar to prevent any part of crane metal from touching towed vehicle
      d. Emergency warning lights with permit
      e. Portable safety lights to be installed on rear of towed vehicle, if necessary
      f. Safety flares
      g. Minimum of 25 pounds of Speedy Dry or other suitable absorbent for oil and gasoline spills
      h. Fire extinguisher (ABC Type)
      i. Snatch block of a size appropriate to the winch cabling of the wrecker, 4 ton minimum.
      j. Toolbox with assorted hand tools.
      k. D.O.T. approved traffic safety vest.
      l. (2) 3/8” x 10’ minimum grade 8 safety chains
      m. (2) 3/8” x 10’ minimum grade 8 tow chains with “J,” “T,” and grab hooks.
      n. Wheel lift safety straps or equivalent wheel retention device
      o. Trailer ball hitch attachments
      p. Motorcycle towing equipment
      q. Amber emergency lights with permit
      r. Two way radio or cellular telephone
      s. Jumper cables
      t. Gasoline can
      u. Lug wrench
      v. Assortment of wood blocks and boards
   (3) For a flatbed chassis, all of equipment noted above, a minimum 14,500 pounds GVWR commercially manufactured flatbed and chassis with a 17 foot or longer hydraulically operated slide back or tilt bed, minimum
3,000 pounds wheel lift capacity, 8,000 pounds winch capacity, 50’ of 3/8” cable, and the following:
   a. (4) tie down devices; if chains they must be 3/8” x 10’ minimum grade 7 alloy or synthetic web straps of equivalent strength
   b. (1) high test bridle chain with “J,” “T,” and grab hooks.
M. Each heavy duty wrecker operator must have the following equipment:
   (1) Two (2) 33,000 lbs. GVWR minimum commercially manufactured hydraulic wreckers and chassis with under reach capability
   (2) Oshkosh or Sterling type crane may be substituted for 1 hydraulic boom wrecker.
   (3) At least one truck shall have an axle lift with 25,000 lbs. minimum lift capacity and 80,000 lbs. tow capacity
   (4) Each wrecker must have a 50,000 lbs. minimum winch capacity
   (5) Each wrecker must have a 50,000 lbs. minimum boom capacity
   (6) Air brakes
   (7) Air transfer system for controlling brakes of towed vehicle
   (8) 5/8” x 200’ cable or OEM specifications
   (9) (2) Safety chains ½” x 10’ minimum grade 8 alloy
   (10) (2) Tow chains ½” x 10’ minimum grade 8 alloy and (4) chain binders
   (11) (4) Winching chains ½” x 8’ minimum grade 8 alloy
   (12) (4) Tie down chains 5/16” x 10’ and (4) chain binders
   (13) Recovery straps 6” x 20’ or longer
   (14) Axle lift safety straps or equivalent retention device
   (15) (2) Scotch blocks or recovery stiff legs mounted into body of truck
   (16) (2) 12 Ton snatch blocks per winch
   (17) Amber emergency lights with permit
   (18) Two flood or work lights to the rear of the wrecker
   (19) Two way radio or Cellular phone
   (20) Assortment of wood blocks and boards
   (21) Assortment of tools
   (22) Flashlight
   (23) Angle iron
   (24) Tow light bar or magnetic tow lights
   (25) T-Bolts/maxi release pins
   (26) Hydraulic bottle jack
   (27) D.O.T. approved traffic safety vest
   (28) Minimum of 25 pounds of Speedy Dry or other suitable absorbent for oil and gasoline spills
   (29) Fire extinguisher ABC type
   (30) Large broom & shovel
   (31) Safety flares, triangles or road cones
   (32) Additional equipment - either owned or subcontracted
      (a) One (1) Air cushion recovery system including starter cushions, with motor driven air pump, with a lifting capacity of 100,000
      (b) One (1) Semi-tractor with fifth wheel
      (c) One (1) Lowboy or Landall type equipment hauling trailer with minimum hauling capacity of 40,000 lbs.
      (d) (1) Relief trailer or truck capable of transferring loads off damaged truck
N. Notwithstanding the provisions of §388-3B, currently licensed applicants who fail to meet the minimum equipment requirements outlined above may be licensed upon show of proof of a formal agreement with another licensed operator for the provision of shortfall equipment. This exception shall expire June 30, 2014, when all applicants must meet all minimum equipment requirements.
O. The Township Clerk shall refer the application to the Police Department for a check of all equipment, personnel and facilities of the applicant to determine the ability of the applicant to perform the business herein regulated.
P. After the application has been submitted and been reviewed by the Traffic Services unit, it shall be forwarded to the Chief of Police for approval or disapproval by him.
§ 388-4. Maintenance of records.

The Chief of Police shall see that a record is maintained containing the names, addresses and twenty-four-hour telephone numbers of all licensed wreckers and a record of the types of wreckers available to meet the specific need of the emergency. The Chief of Police shall also see that a record is maintained of the regular response of wreckers to police calls and any and all complaints from vehicle owners as to improper service or charges. Any complaints as to the towing and/or storage charges shall be referred to the Traffic Safety Supervisor, who shall attempt to resolve same and shall report same to the Division of Consumer Affairs.

§ 388-5. Maintenance of revolving list.

The Chief of Police shall maintain a weekly revolving list of licensed light duty wreckers, and a weekly revolving list of licensed heavy duty wreckers to provide service where needed and shall instruct all duty and investigating officers to utilize said list. Nothing herein shall be construed to prevent the Police Department from contacting towing operators out of order from the list for safety reasons or the existence of special circumstances, upon approval of a member of the Traffic Unit or a supervisor.

§ 388-6. Towing fees.

Every operator of a towing service shall give the owner a written estimate of costs and a written receipt when paid. A schedule of the towing regulations and fees shall be available during normal business hours for inspection by the public. Towing fees and charges shall be as follows:

A. For towing any disabled passenger automobile, station wagon, pickup truck or panel truck up to 15000 pounds, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, a fee of $125.

B. For towing any disabled passenger automobile, station wagon, pickup truck or panel truck up to 15000 pounds, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township between the hours of 6:00 p.m. and 6:00 a.m., or at any time of the day or night Saturday, Sunday or state holidays, a fee of $150.

C. For towing any disabled truck or any omnibus from 15,001 pounds through 26,000 pounds, or any motor scooter, motorcycle, or all-terrain vehicle, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township, between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, a fee of $150.

D. For towing any disabled motor scooter, motorcycle, or all-terrain vehicle, or any truck or any omnibus from 15,001 pounds through 26,000 pounds, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township, between the hours of 6:00 p.m. and 6:00 a.m., or at any time of the day or night Saturday, Sunday or state holidays, a fee of $175.

E. For towing any truck or any omnibus from 26,001 pounds or greater, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township, between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, a fee of $300 per hour.

F. For towing any truck or any omnibus from 26,001 pounds or greater, from any point within 10 miles of the limits of the Township to any point within 10 miles of the limits of the Township, between the hours of 6:00 p.m. and 6:00 a.m., or at any time of the day or night Saturday, Sunday or state holidays, a fee of $350 per hour.

G. For towing any vehicle from or to a location outside of 10 miles of the limits of the Township, the basic towing fee as delineated above plus $4 per mile (one way).

§ 388-7. Recovery service fees and charges.

Recovery and winch use fees may be charged for recovery/winching of vehicles from beyond the right-of-way or berm or from being impaled beyond the right-of-way or
berm at $60 per half hour for light and medium duty vehicles and $125 per half hour for heavy duty vehicles.

§ 388-8. Other basic fees and charges.
Basic fees and charges shall be as follows:

A. Outside storage rates shall be $35 per day for light and medium duty vehicles, and $45 per day for heavy duty vehicles, rounded to the nearest half day.

B. Inside storage rates, when requested by the Police Department or the owner of the vehicle, shall be $45 per day for light and medium duty vehicles, and $50 per day for heavy duty vehicles, rounded to the nearest half day.

C. Clean-up/absorbent charge, a flat fee of $25 plus $20 per 40 lb. bag of absorbent used.

D. The vehicle removal charge, as defined herein, shall be $50.

E. Waiting time, as defined herein, shall be $48 per hour, to be charged in 15 minute increments, with times less than 15 minutes rounded up to the nearest 15 minute increment.

F. Fee for towing of vehicle without ignition key or for transmission service shall be $25.

G. Fee for removal of vehicle driveshaft when required or when requested by vehicle owner or operator shall be $50.

H. Fee for collision wrap or tarp covering of vehicle when required for protection of the vehicle from the elements or when requested by the Police Department, vehicle owner, or other authorized party, shall be $35.

I. Fees for a service calls, when requested by a motorist, shall be $50 per hour, plus the cost of parts or fuel, between the hours of 8:00 a.m. and 6:00 p.m.on weekdays, and $100 per hour, plus the cost of parts or fuel, at all other times including holidays.

J. Every operator of a towing service shall give the owner a written estimate of costs and a written receipt when paid. A schedule of the towing regulations and fees shall be posted during normal business hours and shall be available for inspection by the public.

K. Fees for storage of vehicles stored at the Jackson Police Department shall be paid to the Township.

L. A release fee of $35 shall be paid to the Township of Jackson for each police impounded vehicle.

§ 388-9. Cruising; soliciting employment.

The practice of cruising with a wrecker or tow truck is forbidden. The Police Department may impound any wrecker or tow truck engaged in cruising for the purpose of identifying the owner and conducting any safety inspections as may be required. Furthermore, no person shall pay any emolument to any third person not involved in the accident or to any police officer for information as to the location of any accident or soliciting the employment of the licensee's service, nor give any gratuities, fees or other compensation or gifts to any members of the Police Department.

§ 388-10. Wrecker license.

A. The wrecker license issued by the Chief of Police is non-transferable and shall run from July 1 of the calendar year to June 30 of the next calendar year.

B. No person or corporation shall be placed on the authorized lists as set forth in § 388-2 of this chapter, or operate a wrecker within the Township of Jackson pursuant to this chapter, without first obtaining a license from the Chief of Police. The annual fees for such licenses shall be as follows:

Light Duty Wrecker License

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<th>Period</th>
<th>Fee</th>
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<tr>
<td>July 1, 2012 – June 30, 2013</td>
<td>$750</td>
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<tr>
<td>July 1, 2013 – June 30, 2014</td>
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<tr>
<td>July 1, 2014 and thereafter</td>
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Light and Heavy Duty Wrecker License

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<td>$1250</td>
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C. Prior to issuance of a license, each wrecker and storage facility will be inspected by the Police Department to ensure that all equipment and safety standards and all rules and regulations have been complied with. Any licensee not in full compliance at the time of the first inspection will not be permitted to tow until a second or subsequent inspection, as conducted by the Police Department, indicates said licensee is in full compliance with all rules and regulations.

A. The Chief of Police is hereby authorized and empowered to establish reasonable rules and regulations governing the inspection and operation of wreckers.
B. The Chief of Police and the officers of the Traffic Services Unit shall have the power to suspend or revoke a wrecker license for violations of safety standards or rules and regulations of operation. The following shall serve as a guide in imposing penalties for violations of this chapter:
   (1) First offense: suspension of license for one tour of duty (one week).
   (2) Second offense: suspension of license for two tours of duty (two weeks).
   (3) Third offense: revocation of license.
C. The Chief of Police shall maintain proper records of licenses issued and inspections made, and shall also require all licensees to keep proper business records as to date towed, locations towed to and from, person(s) authorizing the tow and the year, make and vehicle identification number of vehicle being towed and to have them available for inspection by the Police Department.

§ 388-12. Responsibilities of licensee.
By making application to be utilized as a tower or wrecker by the Police Department and by accepting such position, the person or firm agrees to:
A. Provide a prompt response to each call (30 minutes of notification).
B. Clean all debris and cargo at the incident site emanating from the incident.
C. Provide the Police Department with a complete, legible and concise abandoned car sheet for every vehicle unclaimed within 15 working days and shall provide a color photograph of the vehicle and a copy of the letter of notification to the last registered owner of that vehicle and a receipt of mailing.
D. Maintain a record, in a bound volume, of all towing and wrecking jobs handled, the name of the owner or operator involved, the charge made for the service, the date and an amount of payment.
E. Vendor or his agent must be available to surrender property or to release towed vehicles between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 12:00 p.m. on Saturday. Under no circumstances will the vendor be unavailable to release vehicles or property due to holidays or for any other reason for more than two consecutive calendar days.
F. The licensee shall be responsible for the release of each vehicle. No vehicle is to be released without police authorization if there is a condition of release noted on the towed vehicle report.
G. The licensee shall accept at least two major credit cards and shall not charge patrons for their use.
H. Effective July 1, 2013, each driver of a light/medium duty wrecker must possess a certification from a nationally recognized towing organization to a level determined by the Traffic Safety Supervisor. Each newly hired driver must obtain such certification within nine months of their date of hire.
I. Effective July 1, 2014, each driver of a heavy duty wrecker must possess a certification from a nationally recognized towing organization to a level determined by the Traffic Safety Supervisor. Each newly hired driver must obtain such certification within nine months of their date of hire.
J. Each wrecker operator shall wear a traffic safety vest when operating at any scene or call for service.
K. The licensee shall answer service calls in addition to calls for towing.
L. Comply with all other terms and conditions of this chapter.

Nothing in this chapter shall be construed so as to prevent any owner or operator of a motor vehicle from calling any tower or wrecker of his own choice. However, if the tower or wrecker designated by the owner or operator of the motor vehicle is not immediately available or cannot respond in a timely manner, the tower or wrecker designated on the revolving list established herein shall be utilized.

§ 388-14. Violations and penalties.
Any person who violates any one or more of the provisions of this chapter shall be subject to a fine of not more than $1000 for each separate offense and/or confinement in the Ocean County Jail for a period of not more than 90 days. In the case of a continuing violation or violations, a fine of not more than $1000 may be assessed for each day that said violation or violations are not corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. This ordinance shall take effect upon final passage and publication according to law.

Date: ____________________  _______________________
M A Y O R  M I C H A E L  R E I N A

NOTICE
NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the 23rd day of April, 2013, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14th day of May, 2013 at 7:30 p.m. or as soon thereafter as this matter can be reached, at the Township Municipal Building, located at 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

ANN MARIE EDEN, RMC
Township Clerk, Township of Jackson

PUBLIC COMMENT OPENED, RESOLUTIONS ONLY
NO ONE CAME FORWARD.

MOTION TO CLOSE PUBLIC COMMENT, RESOLUTIONS ONLY BY: BRESSI
MOTION SECONDED BY: NIXON
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

RESOLUTION 183R-13
TITLE: APPROVE RE-APPOINTMENT OF JANICE KISTY AS DEPUTY CLERK FOR A TWO-YEAR TERM

MOTION TO APPROVE BY: BRESSI
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, a need has arisen in Jackson Township for the re-appointment of a Deputy Municipal Clerk; and

WHEREAS, Janice Kisty currently serves as Deputy Municipal Clerk; and
WHEREAS, the Township Council is desirous of re-appointing Janice Kisty as Deputy Municipal Clerk of the Township of Jackson in accordance with the provisions of the Administrative Code of the Township of Jackson, Chapter 3, Article III, 3-35 (A)

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

1. Janice Kisty hereby re-appointed to the position of Deputy Municipal Clerk for a term of two (2) years, commencing May 9, 2013 and ending May 8, 2015.

2. Copies of this resolution to appointee, Municipal Administrator, Chief Financial Officer, Personnel and any other interested parties.

DATED: 4-23-13

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

RESOLUTION 184R-13
TITLE: AUTHORIZING THE SETTLEMENT OF LITIGATION FILED BY JACKSON TOWNSHIP AGAINST FIRST INDEMNITY OF AMERICA INSURANCE CO., CONCORD ESTATES, SIMCHA SHAIN AND PINCUS RAND

MOTION TO APPROVE BY: BRESSI
MOTION SECONDED BY: NIXON
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, Jackson Township filed a lawsuit in the Superior Court of New Jersey, Ocean County, Docket No. OCN-L-3703-11 against First Indemnity of America Insurance Co., Concord Estates, Simcha Shain and Pincus Rand, in which the Township was seeking completion of certain improvements to the Development pursuant to the Surety Bond filed as a condition of the approval; and

WHEREAS, in exchange for the payment of $150,000.00 to the Township by the Defendants, FIRST INDEMNITY OF AMERICA INSURANCE COMPANY the Township has agreed to provide a full release of all claims and potential claims stemming from the underlying Complaint and therefore settle the matter with FIRST INDEMNITY OF AMERICA INSURANCE COMPANY (the remaining parties having defaulted); and

WHEREAS, the Defendants have agreed to pay $150,000.00 required by this stipulation in return for the Township’s agreement to dismiss all claims against Defendant FIRST INDEMNITY OF AMERICA INSURANCE COMPANY;

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

1. That the Township Council does hereby approve the settlement described herein between Jackson Township and First Indemnity of America Insurance Co., Concord Estates, Simcha Shain and Pincus Rand, Docket No. OCN-L-3703-11
2. That Gilmore & Monahan, PA, is authorized to execute a Settlement Agreement and Stipulation of Dismissal on behalf of the Township of Jackson.
3. That the Mayor and Clerk are hereby authorized to execute and attest to the Release Agreement.

DATED: 4-23-13

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

RESOLUTION 185R-13
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO EINHORN CONSTRUCTION, LLC. OF THE PERFORMANCE BOND ISSUED FOR BEAR TRAIL – COOKS LANDING SUBDIVISION, BLOCK 66.09, LOT 31

 strokes
WHEREAS, Einhorn Construction, LLC., has requested the release of the Performance Guarantee, which consists of Performance Bond #S05507 issued by First Indemnity of America Insurance Company in the amount of $87,021.00 and a Cash Bond in the amount of $9,669.00 pertaining to Bear Trail – Cooks Landing Subdivision, a/k/a Block 66.09, Lot 31, Jackson Township; and

WHEREAS, Al Yodakis of T&M Associates, Township Engineer, has reviewed and approved the release of said performance bond in letter report dated March 22, 2013 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 #S05507 issued by First Indemnity of America Insurance Company in the amount of $87,021.00 and a Cash Bond in the amount of $9,669.00, heretofore posted with the Township may and hereby is released. The Maintenance Bond is waived as the improvements have been completed since 2009 and remain in good condition.

This resolution of release is 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.

Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, 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: 4-23-13 

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

RESOLUTION 192R-13
TITLE: APPOINT MEMBERS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

MOTION TO NOMINATE ANDY WEINSTEIN AND DR. MIRIAM T. FURLONG 
BY: NIXON 
MOTION SECONDED BY: BRESSI 
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE 
ABSENT: MARTIN

WHEREAS, as of this date, there is a need to appointment members to the Economic Development Advisory Committee; and

WHEREAS, the Township Council is authorized to appoint two (2) members to this Committee pursuant to Chapter 3-153 (B) of the Administrative Code of the Township of Jackson; and

WHEREAS, it is now the desire of the Township Council to appoint two (2) members to the economic Development Advisory Committee.
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 pursuant to Chapter 3, Section 152 (B) of the Administrative Code of the Township of Jackson, the Township Council does hereby appointment the following members to the Jackson Township Economic Development Advisory Committee commencing immediately and ending December 31, 2013:

   Andy Weinstein  
   Dr. Miriam T. Furlong

2. Appointees shall serve without compensation.

3. Copies of this resolution to Municipal Administrator, Appointees and any other interested parties.

DATED: 4-23-13

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

RESOLUTION 193R-13  
TITLE: AUTHORIZING PAYMENTS TO NEW TOWERS, LLC, FOR COMMUNICATION TOWER LEASE

MOTION TO APPROVE BY: BRESSI  
MOTION SECONDED BY: CALOGERO  
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE  
ABSENT: MARTIN

WHEREAS, on June 8, 2006, the Township of Jackson entered into an agreement with Omni Tower, Inc., for space within an existing shelter for housing Township radio communication equipment, as well as space on a communications tower for antennas and a microwave dish for the Township’s radio communication system located at 1037 West Commodore Boulevard, also known as Block 2.01, Lot 8, on the Tax Map of the Township of Jackson; and

WHEREAS, said agreement provides that it shall be binding on any and all successors and assignees of Omni Tower, Inc.; and

WHEREAS, said agreement has previously been assigned by Omni Tower, Inc., to Diamond Communication, LLC; and

WHEREAS, Diamond Communication, LLC, has now assigned the agreement to American Tower Investments, LLC ("American Tower") f/k/a Briar Summit Wireless, LLC; and

WHEREAS, American Tower has notified the Township to make all lease payments to New Towers, LLC (see copy of March 13, 2013, notice form American Tower attached hereto as Exhibit A).

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

1. That the Township of Jackson shall forward all lease payments due under the lease agreement dated June 8, 2006, with Omni Tower, Inc., to New Towers, LLC, in accordance with the attached Exhibit A.

2. That this resolution shall become effective immediately.

3. That a copy of the resolution shall be forwarded to the Chief Financial Officer, the Business Administrator, and to American Tower Investments, LLC.

DATED: 4-23-13  

ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK
RESOLUTION 194R-13
TITLE: AUTHORIZE 2013 EMERGENCY TEMPORARY APPROPRIATION #2

MOTION TO APPROVE BY: BRESSI
MOTION SECONDED BY: NIXON
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

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

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

The following annexed 2013 Emergency Temporary Appropriations of $2,065,836.51 in addition to any previously approved emergencies cumulatively totaling $7,194,998.14, is hereby made in compliance with the above referenced statute. Combined 2013 temporary (N.J.S.A. 40A:4-10) and Emergency Temporary (N.J.S.A. 40A:4-20) Appropriations aggregate to $16,072,524.78.

1. This resolution shall take effect upon affirmative Council vote of the Township of Jackson Township.

2. Copies of this resolution to the Administrator, Chief Financial Officer, Auditor and (3) certified to the Director of the Division of Local Government Services.

DATED: 4-23-13

ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK
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RESOLUTION 195R-13

TITLE: AUTHORIZE EXECUTION OF CONTRACT AWARD TO WASTEQUIP FOR THE SUPPLY AND DELIVERY OF ONE (1) CARDBOARD COMPACTOR FOR RECYCLING PURPOSES IN THE AMOUNT OF $23,551.14 FOR THE DEPARTMENT OF PUBLIC WORKS

MOTION TO APPROVE BY: BRESSI
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, the Director of Public Works, Fred Rasiewicz, and Recycling Coordinator, Patricia Wood, has requested authorization to award a contract for the supply and delivery of one (1) Cardboard Compactor for recycling purposes for the Department of Public Works; and

WHEREAS, Jackson Township previously advertised for the receipt of bids on April 10, 2013 at 10:00 a.m. with a “secondary” bid opening held on April 17, 2013 at 10:00 a.m. due to an error on the part of the Township of Jackson regarding the receipt of Wastequip’s bid; and

WHEREAS, at the time and place for receipt of bids, the following bids were received and opened in public:

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<tr>
<td>BE Equipment, Inc.</td>
<td>$32,775.00</td>
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and;

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

WHEREAS, the Director of Public Works and Recycling Coordinator have reviewed the bids submitted and have determined that Wastequip submitted the lowest responsible bid; and
WHEREAS, the Director of Public Works and Recycling Coordinator is recommending that the bid for the supply and delivery of one (1) Cardboard Compactor for Recycling purposes be awarded to Wastequip in the amount of $23,551.14; and

WHEREAS, the Chief Financial Officer has certified that sufficient funding exists for this purpose in the Recycling Trust; and

WHEREAS, it is now the desire of this Township Council to act upon the recommendation of the Director of Public Works and Recycling Coordinator.

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

1. The Director of Public Works is hereby authorized to award a contract for the supply, and delivery of one (1) Cardboard Compactor for Recycling purposes for the Department of Public Works to Wastequip in the amount of $23,551.14.

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

3. Certified copies of this resolution to Wastequip, 841 Meacham Road, Statesville, NC, BE Equipment, Inc., 1775 Wentz Road, Quakertown, PA 18951, Township Administrator, Chief Financial Officer, Director of Public Works, Recycling Coordinator, Purchasing Department and any other interested parties.

DATED: 4-23-13

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

BILLS AND CLAIMS:

MOTION TO APPROVE BILLS AND CLAIMS BY: CALOGERO
MOTION SECONDED BY: BRESSI
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN
ABSTAIN: NIXON (O.C. BOARD OF HEALTH), UPDEGRAVE (WINDING WAYS)

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**DOG ACCOUNT - NEW**

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**PARKS REC**

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Checking Account Totals

- **Paid**: 8
- **Void**: 0
- **Amount Paid**: $541.73
- **Amount Void**: 0.00

Direct Deposit: 0

**Total**: 8

Report Totals

- **Paid**: 107
- **Void**: 3
- **Amount Paid**: $14,209,303.18
- **Amount Void**: 0.00

Direct Deposit: 0

**Total**: 107
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CONSENT AGENDA, ONE VOTE FOR ALL OF THE FOLLOWING RESOLUTIONS:

RESOLUTION 182R-13
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRENN, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

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 part hereof.

2. Copies of this Resolution to the Tax Collector.

TOWNSHIP OF JACKSON
OVERPAYMENT REFUNDS
Resolution 182R-13

April 23, 2013

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Total: $6,302.19

ANN MARIE EDEN, R.M.C.
DATED: 4-23-13

RESOLUTION 186R-13
TITLE: AUTHORIZE THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR LEGAL AND PROFESSIONAL SERVICES FOR THE PLANNING BOARD FOR A 6-MONTH PERIOD COMMENCING JULY 1, 2013 AND ENDING DECEMBER 31, 2013

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, the Township of Jackson has a need for various Legal and Professional Services for a six month period from July 1, 2013 and ending December 31, 2013; 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 for the Jackson Township Planning Board.

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.

A copy of this resolution shall be forwarded to the Municipal Administrator, Purchasing Department, Planning and Zoning and any other interested parties.

ANN MARIE EDEN, R.M.C.
DATED: 4-23-13
TOWNSHIP CLERK
RESOLUTION 187R-13
TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT FOR MONTH OF MARCH 2013
MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

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 monthly report for March 2013 is hereby approved.

2. Copies of this Resolution to Treasurer, Administrator, Township Attorney, and any other interested parties.

DATED: 4-23-13

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

RESOLUTION 188R-13
TITLE: APPROVE JACKSON TOWNSHIP MUNICIPAL BUDGET WORKSHOP SESSION MEETING MINUTES OF MARCH 27, 2013
MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

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:

MARCH 27, 2013

2. Copies of this resolution to any interested parties.

DATED: 4-23-13

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

RESOLUTION 189R-13
TITLE: AUTHORIZE RENEWAL OF KENNEL LICENSE TO JACQUELYN FLYNN T/A CANINE CAMP PET RESORT, LLC BLOCK 19501, LOT 21 (26 WHITESVILLE ROAD)
MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, the applicant, Jacquelyn Flynn, 26 Whitesville Road, 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 98 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, Jacquelyn Flynn, 26 Whitesville Road, Jackson, New Jersey, a renewal of the kennel license for CY 2013 commencing on February 1, 2013 and terminating January 31, 2014.

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 98-25.
   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 Jacquelyn Flynn t/a Canine Camp Pet Resort, LLC.

DATED: 4-23-13

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

RESOLUTION 190R-13
TITLE: AUTHORIZE ISSUANCE OF A PET SHOP LICENSE TO DERRICK WILLIS, T/A PET HAVEN LLC, LOCATED AT 400 SOUTH NEW PROSPECT ROAD (BLOCK 7306, LOT 3) FOR CY 2013

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, the applicant, Derrick Willis, has submitted an application for a license to operate a Pet Shop, Pet Haven LLC, at the premises located at 400 South New Prospect Road, Jackson, New Jersey pursuant to Chapter 98 of the Jackson Township Code; and

WHEREAS, the application is in proper form and the proper fees have been paid; 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, Derrick Willis, t/a Pet Haven LLC, 400 S. New Prospect Road, Jackson, New Jersey, a Pet Shop license commencing immediately and terminating on January 31, 2014.

2. This license is issued subject to the 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 & regulations required by Chapter 98.
   C. The applicant obtaining all other local, County and State permits.

3. That upon the adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Derrick Willis, Code Enforcement, Animal Control, and any other interested parties.

RESOLUTION 191R-13
TITLE: APPROVE BINGO/RAFFLE LICENSE

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

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

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-1555 – AMVETS POST #2 OF OCEAN COUNTY
   #RA-1556 – BIG BROTHERS/BIG SISTERS OF OCEAN COUNTY INC.

2. Copies of the Resolution to interested parties.

RESOLUTION 196R-13
TITLE: APPOINT ADDITIONAL MEMBER TO THE SAFE ROADS ADVISORY COMMITTEE

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, there is a need to appointment additional members to the Safe Roads Advisory Committee which is a committee that will advise the Township Council on issues relative to safety conditions on Township roadways; and

WHEREAS, it is now the desire of this Township Council to make an additional appointment to this Advisory Committee.

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 following individual is hereby appointed to the Jackson Township Safe Roads Advisory Committee commencing immediately and ending December 31, 2013:

   JoAnn Pinkham

2. Appointee shall serve without compensation.

3. A certified copy of this resolution shall be forwarded to Administration, Appointee, Chief Financial Officer and any other interested parties.

   DATED: 4-23-13

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

RESOLUTION 197R-13
TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2013 TO MGM JACKSON, LLC T/A MAPLE GLEN MOBILE HOME PARK, BLOCK 18602, LOT 1 (BOWMAN & MILLER ROAD)

MOTION TO APPROVE BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

WHEREAS, MGM Jackson, LLC t/a Maple Glen Mobile Home Park has requested a renewal of its Mobile Home Park License for Calendar Year 2013 for property located at Bowman and Miller Road, a/k/a Block 18602, Lot 1, Jackson Township; and

WHEREAS, per Chapter 77 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.


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, MGM Jackson, LLC, t/a Maple Glen Mobile Home Park and the Rent Leveling Board.

   DATED: 4-23-13

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

DISCUSSION AGENDA:

1. COUNCIL PRESIDENT UPEGRAVE –

   a. Board of Fire Commissioners (Fire District #3) annual compensation – Council received correspondence and a prepared resolution from the Board of Fire Commissioners for compensation. She asked Legal Counsel since they have their own budget and raise their own taxes, why do we have to do this? Attorney Cipriani stated there is a State statute and this has to be approved by the municipality. The reasoning is their previous salaries were lower than other Jackson Township Fire Districts and neighboring municipalities. We can ask
them for those numbers prior to the next meeting. Councilman Bressi would like
the Fire District to place this request on a referendum for the next upcoming
Fire District election. Council President Updegrave wants to obtain those
numbers first and Township Clerk Eden will reach out asking them for the
numbers mentioned in that resolution. Township Clerk Eden confirmed with
Legal Counsel a resolution is not required just a motion as they are the same just
in a different form. It will be placed on the discussion agenda for the May 14th
meeting.

2. TOWNSHIP CLERK EDEN -
   a. Request to amend Chapter 3, Section 35 (C) 1 to include a $2.00 fee for
      “Request for Legal Name Change” – Clerk Eden stated she provided Council
      with a section of our Administrative Code outlining the fees the Township
      charges for Registrar services. We recently had a request for legal name
      change, which requires a fee of $2.00 and we do not have that particular fee
      covered in our ordinance. I am requesting an amendment to the ordinance to
      include the fee of $2.00, which goes solely to the Township. Council President
      Updegrave agreed and the ordinance will be prepared for the May 14th meeting.

3. ADMINISTRATOR TORRES -
   a. Request to purchase two F250 4x4 pick-up trucks with plows for DPW – In the
      2012 capital plan, there was a request to purchase two F250 4x4 pick-up trucks
      with plows for DPW and I am now making that request. Council agreed and
      requested a resolution will be prepared for the May 14th meeting.
   b. Request to amend Chapter 244-56 NC – Neighborhood Commercial Zone – It
      appears we need clarification and I would like to remand this back to Planning
      Board for clarification on the frontage requirement regarding that chapter.
      Council agreed and instructed Mr. Torres to remand back to the Planning Board
      for review and recommendation before any changes were made.

PUBLIC COMMENT, ANY TOPIC

JOHN SIEDLER – Disturbed about the Fire Commissioners wanting to increase their
compensation by 400-500% per Commissioner. After serving in that fire district for 3 years
and serving as a Captain in the Fire Department, it’s disturbing to me that they’re spending
that level of money on themselves given that some training and broken tools on fire trucks
have been denied due to budgetary concerns. The compensation they’re seeking is
excessive.

RAY CATTONAR – 11 FORDHAM ROAD – Asked for an update on Resolution 406R-
12 for special appropriations for Super Storm Sandy for $1.9 Million. If we didn’t know the
clean up costs, why did we borrow those funds? Administrator Torres stated we were forced
to come up with a budget forecast that reflected the Township’s obligation for the clean up.
FEMA has not reimbursed us and we haven’t expended all of those dollars. One of the
benefits of entering into the shared services agreement with Ocean County was the fact that
we didn’t have to lay out any capital because the Board of Chosen Freeholders was going to
put out the capital. They would then bill us for the applicable 25% of what was the
distribution. As of yet, we have not received a bill. We entered into an emergency contract
agreement to clean up our storm water system and our catch basins. We would submit the
bills and they would delay our payment until we received our reimbursement. Mr. Cattonar
asked if the money was borrowed and Administrator Torres stated no. Mr. Cattonar feels the
figures are way off. Administrator Torres feels he is wrong as the final bill hasn’t been
received. Council President Updegrave stated none of the Townships are aware of their
refund amounts.

RAY SCHLEKSER – 35 BOXWOOD DRIVE – Thanked Councilmen Martin and Nixon
for their help in getting his mobile home park cleaned up.

STEPHANIE BROWN – 310 SO. NEW PROSPECT ROAD – Referring back to the
proclamation for Cancer, she shared the passing of her friend and writing partner, Karen
Reilly, who wrote 3 books on Pinelands.
RYAN ARCHER – 486 FRANK APPLEGATE ROAD – Asked for an update on the defibrillators. Administrator Torres stated it was researched and it’s not statutory. The Mayor agrees having defibrillators in some public buildings for emergencies and I sent out a letter to the permitted organizations that have authorization to use our fields.

Mr. Archer’s other issue was the Frank Applegate illegal landfill. The Township agreed with the Defense Attorney at the last Municipal Court hearing that the site has been completely remediated. He sent an email asking who made that determination and did not receive a response. Administrator Torres stated the bags were waiting for transportation. Attorney Cipriani stated she would check with Mr. Kelly about the concerns of contamination. They are waiting on those results and there is no final determination from the DEP. Mr. Archer wanted more clarification of the removal of the debris and Attorney Cipriani answered to her knowledge the DEP had been testing and she will try to get that answer from Mr. Kelly. Mr. Archer asked what is the Township’s stance on accepting this particular lot for open space? Councilman Bressi stated Council couldn’t speak on a live application and Mr. Archer would need to address that question to the Zoning Board. Attorney Cipriani stated Council is not in a position to get involved with the Zoning Board or the DEP. If a decision needs to be made about Township property by the Governing Body, it will be made after the Zoning Board’s determination.

JOANN PINKHAM – 1 CHRIS ANN COURT – She feels she and Mr. Archer should be copied on all emails from Mr. Farrell and asked Administrator Torres to forward 2 other emails they did not receive. Her concern was Mr. O’Brien was labeled as the liaison between all involved parties. The Township Attorney agreed with the Defense Attorney that all solid waste materials had been removed. You stated the DEP is the governing body and has all the decisions. Attorney Cipriani stated no; my statement regarding the issue of contamination and the condition of the site was that the DEP has jurisdiction. We await the DEP’s determination of the soil samples. As far as the removal of the hard materials from the ground, I will contact Mr. Kelly. Ms. Pinkham stated the DEP no longer, as of May 7, 2012, has the authority to issue approval if the site remediation is complete and is now determined by a licensed site remediation professional. Ms. Pinkham asked who would be that professional? Attorney Cipriani stated I do know the DEP took the samples and they are making determinations. If what you’re saying were correct, I would imagine it is the site owner’s responsibility to obtain a professional. I have already emailed Mr. Kelly for that information.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: CALOGERO
MOTION SECONDED BY: NIXON
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

MOTION TO ADJOURN BY: NIXON
MOTION SECONDED BY: CALOGERO
YES: BRESSI, CALOGERO, NIXON, UPDEGRAVE
ABSENT: MARTIN

8:40 P.M.

RESPECTFULLY SUBMITTED,

COUNCIL PRESIDENT UPDEGRAVE

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

AME/df