

ON MONDAY, MAY 12, 2003 AT 6:30 P.M., THE JACKSON TOWNSHIP COMMITTEE HELD IT'S MEETING IN THE MUNICIPAL BUILDING

ROLL CALL:

COMMITTEEMAN BRODERICK (ABSENT) ATTORNEY STARKEY (6:40 pm)
COMMITTEEMAN GRISANTI ADMINISTRATOR KENNEDY
COMMITTEEMAN REILLY TOWNSHIP CLERK EDEN
DEPUTY MAYOR GIBLIN
MAYOR KAFTON

ALSO PRESENT ROBERT RYLEY AND LAURA BORYS

RESOLUTION 208-03

TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COMMITTEE TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS INVOLVING (A) SALARIES AND WAGES AS THEY RELATE TO THE BUDGET (B) PERSONNEL (C) LITIGATION AND (D) POSSIBLE LAND ACQUISITION MATTERS.

MOTION TO APPROVE BY: GIBLIN
MOTION SECONDED BY: GRISANTI
YES: GRISANTI, REILLY, GIBLIN & KAFTON
ABSENT: BRODERICK

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 Mayor and Committee 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
 - b) Litigation
 - c) Potential Land Acquisition
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

DATED: 05/12/03

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

CANDLE LIGHTING: The Mayor lit a candle and read the names of the residents who passed away since the last Township Committee meeting. The Mayor then asked everyone to join him for a moment of silence in memory of those individuals who passed away and their families.

ON MONDAY, MAY 12, 2003, THE JACKSON TOWNSHIP COMMITTEE HELD IT'S MEETING, COMMENCING AT 7:30 P.M. IN THE MAIN MEETING ROOM OF THE MUNICIPAL BUILDING. SAID MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.

ROLL CALL:

COMMITTEEMAN BRODERICK (8:30 pm)
COMMITTEEMAN GRISANTI
COMMITTEEMAN REILLY
DEPUTY MAYOR GIBLIN
MAYOR KAFTON

ATTORNEY STARKEY
ADMINISTRATOR KENNEDY
TOWNSHIP CLERK EDEN

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 Committee has been advertised in the manner prescribed by law. This statement shall be entered into the Minutes of this meeting.

CERTIFICATE OF APPRECIATION
- TEACHER OF THE YEAR

MAYOR KAFTON: He announced that he would be presenting certificates to the Teacher's of the Year. There is one outstanding teacher from each school in town that the Township Committee would like to recognize. He added that all the teachers in town are outstanding and they should all be given a round of applause. He then asked the following teachers to come up for their certificates:

Margaret Kemerle	Crawford/Rodriguez Elementary
Catherine McQuade	Holman Elementary
Kathleen Frasier	Johnson Elementary
Doris Moy	Switlik Elementary
Patricia Dippold	Rosenauer Elementary
Sharon Truhan	Goetz Middle School
Nancy Dell'Osso	McAuliffe Middle School
Mary Fran Chase	Jackson Memorial High School

Mayor Kafton congratulated the teachers on behalf of all the residents in the town and stated that they do a wonderful job. He said as one who is a graduating student along with Deputy Mayor Giblin and Committeeman Reilly, all our teachers are outstanding.

PROCLAMATIONS

- NATIONAL POLICE WEEK

MAYOR KAFTON: He read from a proclamation declaring the week of May 11th through May 17th as National Police Week and May 15th of each year to be Police Memorial Day. Director DePasquale, Captain Newman and Captain Dunton accepted the proclamation on behalf of all the police officers of Jackson Township. Mayor Kafton added that Town Hall will be decorated with blue ribbons honoring our Police Officers and he asked the residents to put blue ribbons on their homes too. The Police Officers will be wearing a black mourning band across their badge for those who have lost their lives on duty.

- VFW – BUDDY POPPY

MAYOR KAFTON: He spoke about the veterans who are out at supermarkets, etc. giving out poppies for a donation. He asked everybody to be generous because these donations go to help the veterans who have served in the wars to protect all of us. He then read from a proclamation designating the days of May 11, 2003 through May 26, 2003 as Buddy Poppy Days in Jackson Township. He later added that the Memorial Day Parade will be May 26th and it will start at Town Hall and go to the Justice Complex where they will hold the Memorial Day Services. He thanked all the Armed Service men and women for all they do for all of us.

REPRESENTATIVE FROM VFW: He began by saying that on May 5th in the Jackson Times there was an article telling about the history of the poppy and it was very interesting. He thanked the Committee for presenting this proclamation for the Veterans of Foreign War – Jackson Post 4703.

COMMITTEE COMMENTS

COMMITTEEMAN BRODERICK: (Absent)

COMMITTEEMAN GRISANTI: He began by saying in his role as MUA liaison he attended a meeting about two weeks ago regarding the Legler improvements. He stated for those who are not aware most of the town who has sewer and water is serviced by the MUA. However, there is a small section (the Legler section) about 240 to 250 homes, which is actually serviced by the township. In the 1970's when they discovered contamination there the township was forced to provide water to the residents. What happened over the years is this system is not very adequate and that is putting it very lightly. This Committee decided because there really is no other alternative that they need to upgrade that system, which costs over a million dollars and will be done in phases. At the meeting they answered questions from the residents who are being affected. What the township is basically doing is getting out of the water business. We have agreed to fund the capital improvement project and the MUA will complete those improvements and take over the water system as it should. Hopefully, in about a year that system will be up and running.

COMMITTEEMAN REILLY: He thanked everyone for coming out. He also thanked the veterans and teachers and asked everyone to be supportive of the work they do for this town. He stated that being they presented a proclamation for National Police Week he wanted to personally recognize and congratulate Detective Ted Kucowski for being chosen Jackson Township's Officer of the year and congratulated the other officers who were nominated. He then congratulated another first responder, Dean Conner, who is Jackson's Fireman of the year and also Mark Barkall. He then thanked the Kiwanis Club for honoring them on June 6th. He went on to speak about farmland preservation. In recent correspondence from the Ocean County Agricultural Development Board they suggested in order to maintain consistency in the farmland comprehensive plan the township should adopt a farmland preservation element as an amendment to the master plan. The letter indicated that the Ocean County Agricultural Agency has considered several farms in Jackson, but due to the possibility of a new amendment at the County level requiring a municipal commitment to agriculture, the County may not take action until the township provides a plan for their support of farmland preservation. He proposed that at the next meeting they take steps to address farmland preservation with the Planner because there is money available and farmlands is an excellent way to preserve open space. This will keep land on our tax rolls and bring commerce to the town and pay for itself. Mayor Kafton stated that this has already been given to the Planner and a plan is underway to come up with a resolution to support this and they are moving forward on recognizing this in the master plan. Committeeman Reilly went on to speak about the resolution he presented to the Committee calling for special summer sessions of the legislature for property tax reform. He stated that he is glad to see it was placed on the agenda tonight. As a follow up to this resolution he recommended as a municipality that they support a recent recommendation from the New Jersey Congress of Mayors for a non-binding referendum be placed on the ballot calling for a constitutional convention for the purpose of addressing property tax reform. This is a move by the New Jersey Congress of Mayor's to get this on the ballot in all municipalities throughout the state as a statewide resolution. The issue of property tax reform is timely and they must address it. The New Jersey Congress of Mayors has an ordinance that in substance he suggests that they support and join them in calling for this needed reform measure. He said by supporting both these initiatives hopefully they will see action at the State level. He explained that he would like to have seen at least \$500,000 passed through to our school board in this year's budget. He told them that he had identified over \$280,000 that could be used to do this. He again urged the Committee to act upon his recommendation and pass at least \$500,000 to our school board and live up to their campaign promises.

DEPUTY MAYOR GIBLIN: He waived his comments so they could move on to the budget presentation. He thanked everyone for coming out.

MAYOR KAFTON: He thanked everyone for coming out. He explained that he would like to add to the discussion agenda Pop Warner's request for lighting. He put the information in everyone's box. He said that he is very excited about the bond ordinances on the agenda that are on for second reading tonight. The first bond ordinance is for open space and recreation and is something that should have been done many years ago and then they wouldn't be playing catch-up today. The other bond ordinance is for the acquisition of property, which deals with the 115 acres stopping 185 new homes. That is about \$30 Million dollars a year it would have cost us as Jackson residents in taxes. He later mentioned that the first Mayor's dance for 6th and 7th graders at the senior center was a great success. He thanked the Recreation Department, Police Department and Public Works for making it a success.

TOWNSHIP CLERK EDEN: She stated for the public's edification, also joining them at the dais is Jackson Township's CFO, Lily Ann Farley, Thomas Fallon, Township Auditor and John Cantalupo our Bond Counsel.

PUBLIC HEARING OPENED, RESOLUTION 212R-03 AND 213R-03 ONLY:

WILLIAM SANTOS, 457 LEMING ROAD: He began by asking them to explain exactly what Resolution 213R-03 does? Thomas Fallon (Auditor) explained that under current State statues if municipalities meet certain qualifications their budget only has to be examined by the State once every three years. The budget and its supporting documentation will still be filed with the State. The State allows them to do this because they have met all the qualifications along with showing financial stability. Mr. Santos then stated that therefore, the State will not be examining the budget it will be done in-house. He explained that he is concerned because last year the Supplemental Debt statement had a \$1 Million dollar error on it. Mr. Fallon explained that the error was corrected by the CFO. Mr. Santos added that he understands that the error was corrected, but it was still made. Lily Ann Farley, CFO, explained that the State approved the budget with the mistake and she was the one who caught the mistake and re-filed it. Mr. Santos said that therefore, she made a mistake and the State made a mistake. He went on to speak about the dedication by rider to the trust fund and the fees associated by tree permits that was recently done and should have been done two years ago. Mayor Kafton explained that this hearing is on these two resolutions only. Mr. Santos said he is not only concerned about that resolution, but he is concerned about the self examination and the State not being part of the process because of mistakes he has found and questions that he has not gotten answers to. Attorney Starkey explained that he didn't want to interrupt Mr. Santos, but in order to keep this meeting moving along, only Resolutions 212R-03 and 213R-03 should be discussed at this time.

**MOTION TO CLOSE PUBLIC HEARING ON RESOLUTION 212R-03 ONLY
BY: GIBLIN**

**MOTION SECONDED BY: GRISANTI
YES: GRISANTI, REILLY, GIBLIN & KAFTON
ABSENT: BRODERICK**

RESOLUTION 212R-03

TITLE: AUTHORIZE THE READING OF THE 2003 ANNUAL MUNICIPAL BUDGET BY TITLE ONLY

**MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: GIBLIN
YES: GRISANTI, REILLY, GIBLIN & KAFTON
ABSENT: BRODERICK**

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget:
 - a. Shall be made available for public inspection in the free County library, (Ocean County Library – Jackson Township Branch) located in the municipality.
 - b. Copies are made available to each person requesting same during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 1(a) and 1(b), have been met and therefore the Budget for 2003 shall be read by title only.

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

DATED: 05/12/03

RESOLUTION 213R-03

TITLE: AUTHORIZE THE SELF-EXAMINATION OF THE 2003 MUNICIPAL BUDGET

MOTION TO APPROVE BY: GIBLIN
MOTION SECONDED BY: GRISANTI
YES: GRISANTI, GIBLIN & KAFTON
NO: REILLY
ABSENT: BRODERICK

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Jackson has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2003 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Jackson that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Reserve for uncollected taxes
 - d. Other reserves and non-disbursement items
 - e. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on

appropriations found a N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.A.C. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of the resolution will be forwarded To the Director of the Division on Local Government Services upon adoption.

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

DATED: 05/12/03

MAYOR KAFTON: He introduced the 2003 budget and stated that Deputy Mayor Giblin will be giving a slide presentation on this.

DEPUTY MAYOR GIBLIN: He began by saying through all the hard work of the staff at Town Hall and the Township Committee he is pleased to announce there will be no increase and the tax rate will remain stable. There is a simple budget philosophy the Township Committee has had over the past few years and that is to propose a fiscally sound budget plan to continue municipal services while properly maintaining and repairing existing facilities. This budget plan is consistent with the Township Committee's philosophy of a planned investment in the infrastructure and equipment. It allocates funds for ongoing maintenance as well as the expansion of services and facilities. He stated that a quick fix band-aid approach isn't a way to run a town. Over the past few years they have planned out everything that they wanted to do in town and came up with a sound investment in the infrastructure. They did hire new personnel and they are consistent with the explosive population growth that is occurring over the past decade. He pointed out that there has been no tax increase over the past four years. Jackson's municipal tax rate is lower now than it was at any point in the 1990s. He then explained a slide outlining the highlights of this budget after three years of consecutive tax cuts. They were able to maintain a stable tax rate and refinance their existing debts at the lowest rates in 75 years. He explained that investments in their facilities are up, they have new fields, a parking lot at the Justice Complex, they are planning on paving some streets, buying some new Public Work's equipment, fixing the recycling yard and the bulky waste station. The results of these investments are improved delivery of services and a stable municipal tax rate. He then gave a break down of where our tax dollars go. The largest portion of the tax dollar is going to Public Safety, who do an excellent job in keeping us safe. They are a large part of what makes Jackson a desirable place to live. The next largest portion is for the Public Works Department, who keep our roads safe and clear. The third highest cost is for health and insurance costs. This cost is constantly rising and the premiums have increased 25% this year. He went on to speak about the sources of revenue to fund this plan mostly coming from property tax and then surplus. They do utilize surplus like every past administration and school board has done. They utilize a percentage of the surplus, but still leave enough to fund any on foreseen occurrence. Their present budget will have about \$2 Million dollars in surplus. Additionally, they have State aid, but unfortunately this has remained almost stable with a small increase of about \$80,000. He then spoke about local revenue and how the

Construction Code department is a self sufficient department that uses fees collected to generate their operating expenses. Mr. Giblin then showed a slide depicting the property tax rate trend. In 1995 the tax rate was .068 and it remained stable up until 1999, in 2000 it went down 5 cents and in 2001 it went down another 5 cents, in 2002 it decreased by 1 cent and in 2003 it remains stable. He explained that the school board takes about 57% of the tax dollar, the County takes about 20%, the Township gets 18.5%, fire gets 3.7% and .5% for open space. Over 75% of the tax dollar goes to the School Board or the County. The 18.5% is the only tax controlled by the Township Committee. He showed a chart of a property tax summary from 1999 to 2003. He explained that it is based on a municipal tax assessment of \$137,626. If you look at the trend it is spiraling downward. In 1999 a home assessed at that would pay \$937.24, in 2000 it was reduced to \$867.04, in 2001-- \$806.49, 2002 -- \$792.73 and in 2003 it remains stable. The net result is approximately \$145.00 a year less taxes then you paid in 1999. He showed a similar chart showing homes assessed from \$100,000 to \$500,000 and the net savings. He went over some of the appropriation highlights. They are presently in negotiation with three union contracts and fully funding wage increase obligations, they are also covering substantial increases in the insurance expenses, four new police officers have been hired for the safety of the residents and for the first time, he believes anywhere in the state, they are appropriating \$250,000 to the Board of Education. They continue to support the maintenance and upgrades of township buildings and equipment and are continuing the expansion of recreational services. He then spoke about a chart that shows the actual debt the township has. The combined Township and School District utilization of debt capacity is \$23 Million dollars. Of that debt \$1 Million is used exclusively for the School Board. They have borrowed some of their debt capacity in order to fund the referendum that past two years ago. The legal borrowing capacity of a town the size of Jackson has in relation to the ratables is \$93,285,565.00. The combined Township and School Board debt is 25% of the allowed debt. They are only utilizing 25% of the debt they are allowed to use. He went over some facts about debt: 1) borrowing lets the township make necessary improvements now at today's costs; 2) interest rates are at the lowest they have been over 50 years; 3) delaying capital improvement and repairs while needed funds are saved comes out to be more expensive especially at these low rates. The price of new construction or equipment escalates 2 to 5% per year depending on the specific item and 4) borrowing it today let's the administration implement a program of planned investment in the townships facilities and infrastructure. He spoke about residents who are demanding the Township Committee to come up with additional opportunities for recreation in terms of fields for their children to play on. The Township Committee is looking at increasing this opportunity. Not borrowing this money now will delay these projects 2 to 4 years in the future. He went on to speak about Common Sense and Sound Management - - The Township Committee met its obligation and commitment to control taxes. He personally thanked everyone for attending. He thanked the Department Heads and professional staff for coming here and participating in the presentation of the 2003 budget. He thanked the Mayor and the rest of the Committee for all the work they did in putting together the budget.

MAYOR KAFTON: He thanked Deputy Mayor Giblin and Committeeman Grisanti for the outstanding job they did working on the budget this year. He reiterated that this is the fourth year in a row there is no tax increase at the municipal level.

PUBLIC HEARING OPENED, RESOLUTION 159R-03 ONLY:

WILLIAM SANTOS, 457 LEMING ROAD: He addressed the Mayor and stated that as he is aware he attended all the budget workshops and asked a number of questions such as what assumptions were used in developing some of those appropriations, etc. Unfortunately, he still hasn't received any answers to these questions. There are over two dozen questions, but he won't burden the public tonight with the questions he had previously asked. He went on to say that he was present when Committeeman Reilly made his suggested cuts (\$280,000), to him as a taxpayer they appear to be reasonable. Unfortunately, those suggestions fell on deaf ears, but he does give Mr. Reilly credit for stepping up to the plate and putting forth those items. He said he knows it is hard to cut appropriations, but he feels they should be able to make those tough decisions for the taxpayers. He read from a statement that was in the Asbury Park Press from Governor McGreevey. This statement was asking local governments to make sacrifices to shield

taxpayers from higher costs. Mr. Santos stated that is what Mr. Reilly was doing, but they chose to ignore his recommendations and not give the Board of Education the additional \$250,000. He went on to ask about the percentage that was used for uncollected taxes and how that was calculated? He then asked what the collection rate is to date, now that we have concluded the second quarter? He explained he is asking this because they made an assumption in this budget and he was wondering if they were on target. Mr. Santos later spoke about long term planning in which Mr. Giblin spoke about in his presentation. He asked Mr. Giblin if they have a plan for road improvements in 2003, 2004, etc. and is there a similar plan for equipment purchases? He addressed Mr. Giblin and stated when he went through the presentation and spoke about revenue coming into the town he had mentioned three or four items, but he didn't hear him say anything about property tax. He asked what is the amount that is raised by property taxes? He stated that they are collecting over \$800,000 more than they did last year in property taxes. He went on to speak about General Government having a \$3 Million dollar appropriation he then asked what constitutes General Government because it seems like a broad category? Mr. Santos stated that since this category includes Township Committee it also includes the printing of brochures at a 400% - 500% increase that he spoke about during the budget workshops. Obviously, that wasn't cut it was left in there. He said for his final question he would like to ask Deputy Mayor Giblin about item three that was listed during his presentation on debt, which said that delaying capital improvements while needed funds are saved are more expensive than borrowing. The price of new construction and equipment escalates 2% to 5% a year depending on the item. He asked how Mr. Giblin had arrived at this assumption and if he could get an example of a 2% item and a 5% item? Mr. Santos stated again Mr. Giblin makes a statement and can't tell him how he arrived at those assumptions. This is just what happened at the budget workshops when asked him what assumptions were used for an appropriation and he couldn't give him an answer. Mr. Santos said he understands prices could potentially go up, but what about the interest costs? Mr. Santos stated he is not against bonding when necessary, but he has a problem with the way they are going about it. He said that Committeeman Reilly with his short tenure of the Committee identified over \$300,000 in cuts, which is only 1% of a \$30 Million dollar budget. He said he was sure if they went back and cut a little bit more and instead of borrowing \$6.5 Million dollars maybe borrow \$6 Million. He stated that he sees that he is not going to get answers tonight like the budget workshops. **(8:30 PM -- COMMITTEEMAN BRODERICK JOINED THE MEETING)** Mayor Kafton stated that Mr. Reilly did make some suggestions along with suggestions from others and cuts were made where they felt they were necessary. Deputy Mayor Giblin replied the tax collection rate is 97.07%. Committeeman Reilly stated that in speaking with Mr. Campbell the rate for the first quarter of 2003 is 97.01%. Deputy Mayor Giblin explained that there is a plan for road improvements and Mr. Santos could get a copy of the minutes that contains that information from the Clerk's office. Deputy Mayor Giblin referred Mr. Santos to Sheet 12 and Sheet 13 of the budget that refers to General Government and he then gave a list of what was included under that category. Mr. Giblin went on to answer Mr. Santos' question regarding debt and how items can escalate 2% to 5% over the years. He asked Mr. Santos how much a gallon of milk cost last year compared to this year? He said that a police car or dump truck goes up every year by 3% to 5%. He later added that the amount of debt has actually decreased over the past five years, our debt is going down compared to what we are bringing in. He gave examples of what other townships debt ratios are; Lakewood Township -- 1.12%, Brick Township -- 1.11% and Jackson Township -- .817%. Mayor Kafton explained that we all know the cost of borrowing money now is cheaper than any time over the past 75 years. It makes sense to borrow now because we know that we have a growing community and have many projects that need to be done. We are borrowing instead of raising taxes. Bonding is perfectly normal to do as Mr. Santos knows because he was the Administrator for 15 years. He then asked Mr. Santos if he was against bonding totally? They can't tell the residents that live on these roads that we can't improve the roads etc. Committeeman Grisanti mentioned that he read a letter that Mr. Santos had put in the paper stating that Jackson Township has a whopping debt of \$23 Million dollars. He told Mr. Santos that when he was the Administrator in 2000 their debt was \$20 Million dollars. He asked when does the debt become whopping between \$20 and \$23 Million? Mayor Kafton asked the CFO, Lily Ann Farley if Mr. Santos did receive answers to his questions? Ms. Farley (inaudible).

VICKI RICKABAUGH, 5 STANLEY PLACE: She began by saying that she has been a Jackson Township taxpayer for over 30 years and is very concerned about this year's budget. This year we will have one of the largest municipal staffs in Jackson's history with an exploding public payroll. There is an increase of salary and wages of \$1.2 Million over last year and that is a 10% increase in one year. She said everyone else is cutting back middle management and we are increasing our payroll. She explained that what is most disconcerting is that we have over \$8 Million Dollars in surplus and Mr. Giblin is going to be spending \$6 Million of the \$8 Million and if they pass that budget tonight they will be borrowing \$13 Million dollars. We have a budget of \$30 Million dollars with almost \$22 Million in debt. If they vote that in tonight you will increase the debt by almost 50%. She read from a quote from a Committeeman who said "Now is a good time to borrow because the interest rates are down and we know how much the taxpayers can afford." How dare they tell her how much she can afford. She spoke about something that was noted in a recent "Reflections of Jackson" stating that Mayor Kafton seems to be following the lead of Governor McGreevey regarding cutting Senior Services. In Jackson seniors are the fastest growing population in our community. Now after raising taxes of our seniors the 2003 Municipal Budget seems to cut senior programs by 12%. Paying more for less seems to be a primary direction of "Kaftonomics". In July residents will see an exorbitant tax increase of hundreds of dollars, which could have been prevented if the money collected in the name of the schools were given back to the Board of Education. The Township Committee must pass through to the schools all the tax dollars collected in its name. That is a meaningful tax relief and our homeowners deserve nothing less. She explained that over the past three years the tax money that was not passed on to the schools totaled \$4.9 Million and that amount would more than cover this year's tax increase for the homeowners. Had they given the schools the money they promised, there would be no need for this unbearable tax increase. They promised \$1.6 Million to the schools and didn't give it and they didn't balance the budget. Borrowing is not balancing the budget no matter how low the rates are. The general scenario is spending is up, debt is up and you are blaming everyone except yourselves. "Kaftonomics" is up and the taxpayers will be paying for their mistakes in years to come. Mrs. Rickabaugh later asked Mr. Giblin how much money was recovered from that dedicated money from the open space referendum and how much has been guaranteed from the State or the County? She added that she is not use to economics like this because she only spends money that she has to spend and not money that there is no guarantee. If Governor McGreevey doesn't give this money to our town, the taxpayers are going to pay. She stated that they attack when they don't have facts and they are hiding something, which she believes there is a lot hidden in this budget. You can't answer Mr. Santos and you can't answer me. Ms. Rickabaugh asked again why the salaries have gone up to 10%. She asked them to identify what exactly the Aide to the Mayor does for \$70,000? There are other positions that she questioned such as Director of Human Services, Assistant Director of Public Works. Deputy Mayor Giblin began by saying that he would like to respond to some of Mrs. Rickabaugh's comments. The \$13 Million dollars is directly related to the bonding so they can stop the building of homes on a piece of land here in Jackson. The \$6.5 Million dollars is dedicated by the referendum that was passed by the voters in 2001. He explained that approximately \$300,000 was collected from the dedicated money, but they have applied for a grant and anticipate seeing some additional funding. Mrs. Rickabaugh is spouting out a \$700.00 tax increase just to get a headline in the newspaper. The 12% cut in senior services is actually an increase in that line, but it is a reduction in the amount our senior center spent last year. They appropriated "x" amount of dollars, but only spent "y". The amount appropriated for seniors actually went up not down. He then spoke about the wage increase due to contractual obligations. Even though the contracts haven't been settled, it is sound fiscal management to include a percentage that you see it increasing to. Mayor Kafton named needed positions that were added for the benefit of the residents. In closing he added that what she is doing is not constructive criticism. She is attacking them because they represent the opposite party.

GARY BLACK, 76 LEWIS LANE: He started by asking about the Self Examination Resolution and if it cost any money for them to go to the State and have them review the budget? If the state is willing to give us a free service, why not take advantage of it. He

spoke about how Committeeman Reilly along with some residents had suggested some budget cuts during the budget workshops, he asked if there were any cuts made from the result of that process? He stated that he agrees with bonding for things we need, but is very cautious about excessive bonding. Interest rates are lower then ever before and money costs less, but money still costs. Mr. Black stated that he is an advocate for preserving land, we are on the same page with that. The \$6.5 Million open space tax brings in about \$370,000 a year, so it will take about 24 years to pay this off. In closing, he thanked them for answering his questions. Mayor Kafton explained that he doesn't think it costs money to send the budget to the State, but he considers it a compliment that the State allows them to do this. He explained that there were ongoing cuts through the budget process. Since the initial budget was introduced with an increase of 10.2 cents it was cut down to no tax increase. They recognized the fact that Governor McGreevey was telling everyone to cut back and also that this is a growing community for our schools. They stabilized the tax rate this year even with a growing community. He added that he doesn't know if any of those cuts were made from the result of the public hearings at the workshop because there were so many changes to the budget. Everything that was suggested was looked at and if it was able to be cut it was. He explained that their bonding is far less then any municipality surrounding them. Out of that \$13 Million dollars in bonding half of that goes toward open space and there is money collected every year for that. That makes up \$6.5 Million dollars and they will also receive money from the State. They bought a piece of property which will stop the building of new homes and will save the taxpayer money. We also have saved the quality of life we would have lost with the amount of cars on the road and the trees being torn down, etc. He is proud of the bonding they are doing regarding that land purchase because it is an incredible win -- win for this town. Committeeman Broderick explained that it won't take that long to pay off the \$6.5 Million with the green acres funding. Administrator Kennedy said that they have received a letter from the State of Environmental Protection regarding their application dated April 30th and they are reviewing our application now. Committeeman Grisanti added that he has spoke to many people since the announcement to acquire this land and Vicky Rickabaugh is the first person who is opposed to this purchase.

VINNEY B., 15 MONTANA DRIVE: He asked what the progress/cost is, if any, with the municipal swimming pool and new recreational facility for this town. Mayor Kafton explained that they are going over the budget now and that question can be asked at the public portion at the end of the meeting.

VICKI RICKABAUGH, 5 STANLEY PLACE: She began by saying that she was not opposed to the purchase of land. She explained that she said earlier that they need to plan, they shouldn't go into debt. When the money runs out they keep borrowing. She has always been for open space. When she was Mayor she preserved 1,200 acres. She asked that everyone act like adults here. She later added that Mr. Kafton owns George Reality and makes his living by selling and investing in property for building. If there is no building he would go broke. Committeeman Grisanti stated they didn't have the opportunity to sit back and wait because they were getting their approval in about a week, if they waited they would have had 185 new homes. Mayor Kafton said that Ms. Rickabaugh referred to the 1,200 acres of land she preserved as Mayor, he explained that land was donated by the developers because they couldn't build on wetlands. Attorney Starkey asked everyone to stick to the topic of the budget for now because the meeting runs a lot more smoothly.

HELENE MEYERS, BUTTERFLY ROAD: She explained that she has three children in the schools. She asked about the money they collect from the new homes (about \$2.8 Million dollars) and asked if a portion of that is collected as school board taxes? She said that she understands that it is commonplace here for the Township to keep that money. Ms. Meyers later congratulated them on all they have done for the schools, but she said looking at the calculations even the money they have given back in excess of the taxes there was still surplus money that they put toward next years budget. The \$250,000 that you gave the school board was actually extra from the last three years anyway. She explained that the State guidelines are not really clear and they can do whatever they

want as a municipality. As a town it is our responsibility as taxpayers to set a precedence by saying the extra money collected last year as surplus how much was the school boards and how can we get that money back to them. She explained to them that until it is election season and push comes to shove or someone screams the wrong information, the public never knows what is going on. Everything always seems underhanded, quiet or decided in the back room. The appearance comes across really bad. Again you shouldn't be doing it for political reasons, but you should stand up before someone attacks you and explain what you are doing. She spoke about how these meetings should be televised because the tri-town news only reports about arguments and that is the only time something gets publicized and half the information is wrong. She then stated that according to the School Board at the last meeting they stated that Jackson Township hasn't given them the land for the new school, is that true? In closing she stated as a Township they shouldn't wait for the State because what happens if they get voted out, who knows what the next Committee will do. They should sit down and make this a rule. Mayor Kafton began by explaining that it isn't just commonplace around here but every municipality in the State does it this way. The school board gets every penny that they ask for from the taxes. The State has set this up this way because they realize that the municipalities have a Tax Collector and Tax Assessor's office which the school board's don't have. The municipality also has the cost incurred with these offices. Last year Jackson collected 98.3% of the taxes, which leaves 2.7% not collected. The school board gets 100% of the money they asked for even if we don't collect that amount. Jackson Township has also offered the School Board two pieces of property totaling \$4 Million dollars. Aside from that they are funding 100% of the Cops in the Schools. They are also turning over \$250,000 dollars earmarked for capital improvements for the schools, which no other municipality does. They have gone far beyond what other municipalities have done. Mayor Kafton stated the best advice he could give her is to write a letter to the State Legislators and tell them to switch the way they do this because they follow the State guidelines. The municipality doesn't submit a bill to the school board for the costs they have incurred on their behalf. What it does is washes it out or it ends up costing the municipality more. Committeeman Grisanti stated over the last couple of years we have decreased our taxes to offset the school board's tax increases and make it a wash for our taxpayers. Maybe from a political point of view they didn't do it the right way. Maybe they should have increased taxes and turned that money over to the school board and made it look like they were passing through the money because it wasn't that obvious to the taxpayers. He explained that he was the main proponent upon passing school money over to the schools. When he was on the school board he was proud that they passed a Resolution, which was adopted by the School Board Association asking for legislation from the State to close this loophole in the law. Mr. Grisanti read from a letter dated March 12, 1998 from the NJ School Board's Association stating that they received the Resolution and asked them to lobby our Senators and Assemblymen in support of this. Unfortunately, District 30 legislators showed no interest in supporting this bill. We would like to turn the money over to the school board, but not for them to do anything they want with it. It should be put into a restricted fund, basically tax relief. Right now we have an expert going over the school board budget and they have identified about \$7 Million dollars that may not be needed. That was in the budget that was just defeated. They have given them land and they are giving them the \$250,000 dollars for capital improvements. Mayor Kafton stated that they have given the school board land already, but there is more land near the Justice Complex that they are waiting for them to submit a plan to build this next school. Deputy Mayor Giblin explained they are waiting for them to come up with a definitive plan before we turn this land over to them. Mayor Kafton explained that all the budget workshops and meetings are publicized and they can't accommodate everyone. Mayor Kafton explained that Committeeman Grisanti pushed forward to get cameras in here so our meetings will be put on TV for the residents that can't make it here. He understands what Ms. Meyers is saying because he picks up the paper sometimes and knows certain things didn't happen because he was at that meeting. Committeeman Reilly added that he has been looking for the Township to pass through this money to the schools, not discounting the land or that it should be done at the State level, but he feels that the Committee should pass the money on. Mr. Grisanti stated that they are probably the only Township in the State that is as proactive as they are.

GARY BLACK, 76 LEWIS LANE: He asked if the \$250,000 that is in the budget now to go to the Board of Education can be directed toward property tax relief. Deputy Mayor Giblin explained that they are trying to direct this to go to capital improvements, which will go towards projects that the School Board is doing opposed to putting it in the general fund. Committeeman Broderick stated for example one of the schools needs a roof the money could be put toward that.

MOTION TO CLOSE PUBLIC HEARING ON RESOLUTION 159R-03 – THE 2003 MUNICIPAL OPERATING BUDGET BY: BRODERICK

MOTION SECONDED BY: GIBLIN

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

RESOLUTION 159R-03

TITLE: APPROVE THE ADOPTION OF THE MUNICIPAL OPERATING BUDGET FOR THE YEAR 2003

MOTION TO APPROVE BY: GIBLIN

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, GIBLIN & KAFTON

NO: REILLY

Municipal Budget of the Township of Jackson, County of Ocean for the Year 2003;

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal budget for the Year 2003;

Be It Further Resolved, that said Budget by published in the The Ocean County Observer in the issue of April 16, 2003

The Governing Body of the Township of Jackson does hereby approve the following as the Budget for the year 2003;

RECORDED VOTE

Abstained:

Absent:

**Ayes: Broderick
Giblin
Grisanti
Kafton**

Nayes: Reilly

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Township of Jackson, County of Ocean, on April 7, 2003.

A Hearing on the Budget and Tax Resolution will be held at The Municipal Building, on May 12, 2003 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2003 may be presented by taxpayers or other interested persons.

DATED: 05/12/03

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

(Budget will be inserted into Minutes)

BILLS AND CLAIMS**MOTION TO APPROVE BILLS AND CLAIMS BY: GIBLIN****MOTION SECONDED BY: BRODERICK****YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON**

CHECK#	VENDOR	AMOUNT
062966	ACCSES NJ-CNA SERVICES	75.15
062967	ACTION OFFICE SUPPLIES INC.	717.28
062968	AIR BRAKE & EQUIPMENT INC.	854.16
062969	ARCH WIRELESS	31.28
062970	ASBURY PARK PRESS, INC.	57.32
062971	BCMCAA	160.00
062972	BOGEN PHOTO CORP.	129.40
062973	C&J DOLLAR DISCOUNT STORE	285.00
062974	CEDE & COMPANY	207,462.50
062975	CLAYTON BLOCK CO. INC.	61.60
062976	CME ASSOCIATES	918.50
062977	METROPOLITAN INSURANCE CO.	592.50
062978	ANGELO & BARBARA M. CORBO	1,737.13
062979	COUNTRY CLEAN, INC.	95.34
062980	DOWNNS FORD, INC.	288.32
062981	DUFF COMPANY	192.38
062982	EAGLE CONSTRUCTION SVC. INC.	14,154.60
062983	EDWARDS TIRE COMPANY, INC.	1,385.27
062984	ELITE HEATING & COOLING, INC.	521.50
062985	EXECUTIVE BUSINESS PRODUCTS	225.00
062986	FARLEY'S ICE CREAM	45.00
062987	FERGUSON ENTERPRISES, INC.	53.51
062988	FIRST WASHINGTON STATE BANK	2,185.79
062989	GALL'S INC.	49.98
062990	GANN LAW BOOKS INC.	108.75
062991	LAW OFFICES OF EDMUND GLASNER	1,250.00
062992	GLOBAL ENGINEERING DOCUMENTS	66.89
062993	GOULD PUBLICATIONS INC.	86.85
062994	GRANTURK EQUIPMENT CO., INC.	348.10
062995	THE GRAND HOTEL	237.00
062996	HOOVER TRUCK CENTERS, INC.	212.04
062997	HPI INTERNATIONAL	429.95
062998	INDUSTRIAL WELDING SUPPLY INC.	200.00
062999	J&M AUTO MACHINE SHOP, INC.	472.39
063000	JACKSON TWP. BOARD OF ED.	3,680,873.00
063001	JACKSON TWP. GENERAL TRUST FUND	280.00
063002	JACKSON TWP MUNICIPAL COURT	150.00
063003	JCA ASSOCIATES, INC.	2,340.99
063004	JERSEY CENTRAL POWER & LIGHT	37,048.37
063005	JOHNNY ON THE SPOT	862.00
063006	JOHN LUCAS CHEV OLDS	686.29
063007	J.R. HENDERSON LABS, INC.	510.00
063008	JOHN KENNEDY -PETTY CASH	134.32
063009	LAKWOOD AUTO SUPPLY INC.	132.22
063010	LANIGAN ASSOCIATES, INC.	560.00
063011	L.J. MAKRANCY & SONS	18,935.23
063012	PAUL G. & EMILY A. MARINO	930.47
063013	JOHN DIBELLO & SANDRA MELENDEZ	1,589.62
063014	METROPOLITAN LIFE INSURANCE CO.	7,591.52
063015	MIDDLESEX COUNTY COLLEGE	166.00
063016	MILLER WHOLESALE ELECTRIC	2,566.15
063017	BRAVEHEART INC. DBA MINUTEMAN	116.00
063018	THE MUNICIPAL COURT MATTERS, IN	99.00
063019	N.J. CONSERVATION FOUNDATION	150.00

063020	N.J. DIV OF FIRE SAFETY	60.00
063021	NEW JERSEY STATE LEAGUE OF	120.00
063022	NOREIKA GAS INC.	170.87
063023	OCEAN COUNTY NEWSPAPERS, INC.	341.28
063024	OCEAN COMPUTER GROUP, INC.	440.00
063025	OCEAN COUNTY CLERK	3.00
063026	OCEAN FIRST BANK	1,936.32
063027	OXYGEN SUPPLY COMPANY, INC.	31.50
063028	PEDRONI FUEL COMPANY, INC.	17,595.44
063029	PMI TECHNOLOGIES	7,660.00
063030	PUTONIA ASSOCIATES	630.00
063031	RAGAN DESIGN GROUP	722.50
063032	RUBBERCYCLE	612.00
063033	RUTGERS YOUTH SPORTS RESEARCH	125.00
063034	SERNERS	35.00
063035	SFD AT HIGHLANDS , LLC	409.30
063036	SHOPRITE/PERLMART, INC.	111.66
063037	LINDA SIWIEC	105.40
063038	SIX FLAGS GREAT ADVENTURE	250.00
063039	STARKEY, KELLY, BLANEY,BAUER, WHI	4,866.43
063040	STATE OF NJ-DEP	300.00
063041	STEWART INDUSTRIES	3,950.00
063042	SUPPLY SAVER	442.40
063043	TOP SECURITY LOCKSMITH, INC.	533.00
063044	TRANSAMERICA RE TAX SERVICE	1,481.97
063045	TREASURE, STATE OF NJ	4.00
063046	TRICO CREDIT CORP	1,477.42
063047	MICHAEL CEPPALUNI DBA/UNITED	560.00
063048	UNITED PARCEL SERVICE	8.16
063049	CHRISTY JO URICKS	51.15
063050	VAN SANT SEWER SERVICE t/a	150.00
063051	VERIZON	527.07
063052	WALTER R. EARLE CORP	1,898.63
063053	WASTE MANAGEMENT, INC.	42,500.00
063054	WEST PUBLISHING CORP.	260.00

ORDINANCES, SECOND READING:

06-03

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON AMENDING CHAPTER 109 OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF JACKSON TO REQUIRE OPEN SPACE AND RECREATIONAL FACILITIES IN MAJOR SUBDIVISIONS

ATTORNEY STARKEY: He explained for the public's edification there were minor changes made to this Ordinance, which in his opinion were not material. He listed the changes.

PUBLIC HEARING OPENED:

ANDREW ROBINS, GIORDANO, HALLERAN & CIESLA, ESQ

MIDDLETOWN, NJ: He explained that he was there on behalf of the New Jersey Shore Builders Association. The members are concerned with Ordinance 06-03. He would like to enter into discussions regarding this proposed Ordinance like they have done previously concerning other matters. He asked them to consider tabling this Ordinance. Overall the Shore Builders agrees that open space along with active/passive recreation are important to communities. However, the proposed Ordinance mandates the size, type and location of open space and recreational areas. The definition of open space in this Ordinance differs substantially from the definition in the Municipal Land Use Law. Similar Ordinances seeking to change the definition of open space have been

rejected by the courts. Howell Township has also been challenged by the New Jersey Shore Builders Association regarding this. He mentioned that the language in certain sections are vague. He added that the way this Ordinance was written, proposed contributions for recreational uses should already be available to the current population if the proposed minimal standards were applied. Mayor Kafton stated that this Ordinance has been tabled twice while waiting for comments from the Pinelands Commission. He explained that he wished Mr. Robbins would have submitted his recommendations from the Shore Builder’s Association at an earlier date. They feel this Ordinance is vital in getting past so that they can preserve open space in this town. Further down the road if it looks as though it is something they might want to add to this they will do that at a future meeting. He asked him to submit the recommendations to the Administrator and they will have this reviewed by the Township Attorney and Planner. Committeeman Broderick stated that on Tuesday night following the Committee Meeting is a planning board meeting and he invited Mr. Robins to attend. He stated that his views are not the views of the other builders coming into this town and he would like those builders to hear them.

MOTION TO CLOSE PUBLIC HEARING BY: GIBLIN
MOTION SECONDED BY: GRISANTI
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

MOTION TO APPROVE ORDINANCE 06-03 ON SECOND READING,
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
NEWSPAPER AS REQUIRED BY LAW BY: BRODERICK
MOTION SECONDED BY: GIBLIN
YES: BRODERICK,GRISANTI, REILLY, GIBLIN & KAFTON

ORDINANCE 06-03

WHEREAS, the Township seeks to implement standards with regard to open space and recreation requirements for new development; and

WHEREAS, the Township seeks to have a comprehensive Land Use and Development Code that can be applied uniformly throughout the Township;

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

I. Chapter 109 shall be amended as follows:

1. Section 109-178.A , 109-178. A (1) and (4) Open spaces are hereby amended to read as follows:

A. Open space requirements. For the purposes of this section, the term “open space” is defined to mean any area of land (exclusive of lot yard requirements, streets, utility rights-of-way and detention basins) or water which is open to the sky and which is dedicated, designated or set aside for active or passive recreational use. Open space areas within developments in the MF, MHP, PRC, PMURD, PMUD, R-2, R-3, R-5, R-9, R-15, R-20, PV, RG-2, RG-3 and RG-4 zoning districts shall be subject to all provisions of this section and the following specific requirements:

(1) A minimum of 40% in the MF Zone; 30% in the MHP zone, PRC, PMURD and PMUD zones; and 10% in the R-2, R-3, R-5, R-9, R-15, R-20, PV, RG-2, RG-3 and RG-4 zones of the tract of land proposed for development shall not be included in building lots or streets and shall be set aside for open space. In the R-2, R-3, R-5, R-9, R-15, R-20, PV, RG-2, RG-3 and RG-4 zones the requirement applies to subdivisions of ten (10) lots or ten (10) units or more

- (2) Remains as written
- (3) Remains as written
- (4) Within any development, a minimum of 50% of the open space area shall be land which can be developed for recreational use and shall be exclusive of the types of areas cited in subsection A(3) above or required buffer areas. Storm water management facilities shall not be included in the usable open space. If more than 50% of a tract of land is undevelopable wetlands, then the Planning Board may waive the open space requirement. Recreation facilities in accordance with section 109-178.1 may be constructed on the usable open space.

2. Section 109-178.1 Recreation Standards for Residential Developments shall be added as follows:

109-178.1 Recreation Standards for Residential Developments.

- A. All residential developments which will result in five (5) dwelling units or more shall provide recreational facilities in accordance with the requirements of this section. The developed open space shall consist of developable land devoid of buildings and other physical structures except for outdoor recreational facilities.
 - (1) Land provided in accordance with this section shall be provided in a single area or in individual parcels to accommodate the proposed recreation, but in any case not less than one acre in size.
 - (2) For the purposes of this section, a single-family detached house shall be deemed to contain three (3) persons; a townhouse shall be deemed to contain two and one-half (2.5) persons; and a garden apartment shall be deemed to contain two (2) persons.
 - (3) Development of open space area improvements and construction of recreational facilities shall progress at the same rate as development of the dwelling units. An overall phasing plan should be submitted prior to final approval.
- B. The location, form and design of such areas shall be approved by the reviewing board. The area specifically designated for recreational purposes shall be fully usable for that purpose and shall have all improvements as required by this section. Wherever possible, recreation sites should be located next to adjacent school sites. The applicant shall determine, with the Township's approval whether the land to be utilized for recreational purposes shall remain for private recreational uses or be dedicated for public use.
 - (1) Open space areas that will be maintained by a homeowners association or other private entity shall be recorded in the master deed and/or homeowner's documents for each project. This will ensure permanent preservation of the open space. Such documents shall be submitted to the Planning Board prior to final approval of the project.
- C. Exception. In special circumstances where the development will result in at least five (5) but no more than ten (10) dwelling units *or* where due to the size, location and design requirements of the development, it is not feasible in the opinion of the reviewing board to set aside such area or areas for developed open space, the applicant shall make payment in lieu of the provision of such open recreation land to the Township. Such payments shall be placed in a special recreational open space land fund to be utilized solely for the purchase of or improvement of public

recreational open space. Additionally, developers of five (5) or more units in the FA-1, FA-2 and FA-3 zones shall make a payment in lieu of providing facilities, since only low intensity recreation is permitted in these zones (see sections 109-74.A, 109-75.A and 109-76.A)

- (1) The required amount of the contribution in lieu of providing recreation facilities and equipment that would otherwise be required for the proposed development shall be estimated based upon the value of the land and the improvements. This estimated cost shall also account for the value of the additional lots that the developer shall have for sale as a result of not providing recreational space.

D. Improvements. The developer shall install as a minimum the following recreational facilities or their equivalent on the land which has been set aside for recreational purposes.

- (1) The developer's recreation plans shall be submitted to the reviewing boards for review and approval. The Board and its professional planner and engineer shall evaluate the plans in terms of the following considerations:
 - (a) District parks and preservation areas. A minimum standard of ten acres per 1,000 persons is recommended. Large tracts of 50 acres or more are preferable to scattered sites. Lands with mature vegetation, high scenic qualities, historical significance, or other unique characteristics are especially recommended.
 - (b) Neighborhood playgrounds. A minimum standard of two acres per 1,000 persons is recommended. Individual sites should be three to five acres in size and within walking distance of the people served. Separate play areas for age groups one through five, six through ten and eleven through fifteen should be included. Equipment for these areas should be based on the recreation needs for each age group.

Infants through five year olds should have a sand area, small swings, static play animals, a small sliding board, and other similar equipment. A sitting area for parents should be provided in close proximity to the play areas. Tricycle space and pavement should be a part of this area.

Children through ten years old are interested in movement, slides, seesaws, balance beams, rope climbing areas, chin-up bars and other similar equipment.

Children 11 through 15 are interested in two kinds of spaces, a general use field where a Frisbee or a football can be thrown and a space of identity for the age group. Bicycle paths and hills, jumps and other similar features are recommended in this area. Landscaping should provide shade and separation for each area.

- (c) Tennis Courts. A recommended standard is one court per 1,500 persons.
- (d) Baseball Diamonds. A recommended standard is one diamond for every 3,000 persons.
- (e) Softball Diamonds. A recommended standard is one softball diamond for every 2,000 persons.

- (f) Football Fields. A recommended standard is one football field for every 10,000 persons.
 - (g) Soccer Fields. A recommended standard is one field per 3,000 persons.
 - (h) Lacrosse/Field Hockey Fields. A recommended standard is one field per 4,000 persons.
 - (i) Multipurpose/ General Use Fields. A recommended standard is one field per 6,000 persons.
 - (j) Basketball Courts. A recommended standard is one hard surface play area with basketball nets for every 2,000 persons.
 - (k) Picnic Areas. One acre per 1,000 persons is recommended. This use may be part of a district park.
 - (l) Bike Trails. One mile of five-foot wide bituminous trail for each 1,000 persons is recommended. These trails should link homes with local recreation and service opportunities.
 - (m) Jogging and Fitness Trails. One mile per 1,000 persons is recommended. These should be integrated into district parks or create linkages to other recreation areas.
 - (n) Volleyball Courts. A recommended standard is one court per 2,000 persons.
 - (o) Street Hockey. A recommended standard is one street hockey rink per 8,000 persons.
 - (p) Community Pools. A recommended standard is one community pool for every 25,000 persons.
 - (q) Golf Courses. A recommended standard is one golf course per 25,000 residents.
- (2) All improvements, play surfaces and equipment shall be constructed and installed to current industry standards and in compliance with all relevant laws, subject to review and approval by the Township Engineer.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Jackson, in the County of Ocean, State of New Jersey, held on March 24, 2003, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 14th day of April 2003, 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.

Prior to the second reading, a copy of this Ordinance shall be posted on the Bulletin Board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

ANN MARIE EDEN, TOWNSHIP CLERK

(*) Public Hearing tabled to April 28th, 2002
Public Hearing tabled May 12th, 2003

07-03

TITLE: BOND ORDINANCE PROVIDING FOR VARIOUS 2003 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,790,473 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

PUBLIC HEARING OPENED:

GARY BLACK, 76 LEWIS LANE: He asked the Committee to give him a rough overview of what these capital improvements are? Deputy Mayor Giblin explained that there is going to be improvements to Vath, Basso, and Jordan road; improvements to Manhattan Street; acquisition of public works equipment and purchase of a metal structure; purchase of police communication system; purchase of security systems for the municipal building and police department and reconstruction of a portion of Anderson Road. Mr. Black then stated regarding some of the road improvements, the State of New Jersey has a block grant approval where you can put in and have existing paved roads improved. He asked if they could have applied for that grant? Deputy Mayor Giblin explained that they have applied for them and they have received grants from the DOT two consecutive years for Vath and Basso in excess of \$320,000. Mr. Black stated that they are appropriating \$6 Million and change and the issuance of almost \$6 Million in bonds, does this mean they are putting down less than a \$1 Million and financing most of it? He stated that previous Administrations and also the County like to put more money down. He wishes they would think down the road he knows they keep saying "money is cheap now". Deputy Mayor Giblin explained that the down payment is 5%. He told Mr. Black they will take what Mr. Black said under advisement, but is not going to change what they do now.

WILLIAM SANTOS, 457 LEMING ROAD: He began by asking what the average municipal life of these projects in accordance with the State budget are? When we go out for long term bonding he asked if they will have to repay them within a ten year period? Mr. Fallon replied the municipal life is about 9.95 years and would be paid back over a 9 year period. Mr. Santos then asked if they had projected what it would cost on average per year to repay these bonds? He later explained that he did an analysis and over a ten year period at 4% interest it will cost approximately \$704,000 per year. That equals 3 cents on the tax rate and he isn't sure how they will make this up in future years. It also has an interest tag of \$1.3 Million. He is surprised a calculation wasn't done prior to voting on this. In closing he told Mr. Giblin that if he wants to go back to 1998, he had put down a 20% down payment. Deputy Mayor Giblin explained that he doesn't have that exact number off the top of his head what it would cost to pay this back. He then asked Mr. Santos to tell them because he is sure he has the calculations. He then explained that the average life is more than nine years on the roads. The Brookwood Development has the same roads and it was built in the 1960s. He told Mr. Santos that he understands his wisdom, but he is explaining to him reality that a road lasts more than 9 years. He added that this amount is a little bit less than what Mr. Santos bonded in 1998.

DEPUTY MAYOR GIBLIN: He stated for the public's edification the second bond ordinance will be for forty years.

MOTION TO CLOSE PUBLIC HEARING BY: BRODERICK

MOTION SECONDED BY: GRISANTI

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

COMMITTEEMAN GRISANTI: He wanted to point out that they are authorizing the issuance of these bonds, but that doesn't mean we are going to use this authority. The \$4 Million dollar appropriation for the police communication system, which is the largest appropriation in this bonding ordinance, hopefully won't cost that much. This gives us the authority to go up to that amount, but doesn't necessarily mean we will use that amount. He asked Mr. Cantalupo if someone disagrees with one item and you vote no the whole bond ordinance goes down? Mr. Cantalupo explained that there would be a substantial change in the bond by decreasing the amount.

MAYOR KAFTON: For the public's edification, he explained if you vote no you are not only voting against the police communication system, but the work to be done on Manhattan, Basso, Vath, etc.

**MOTION TO APPROVE ORDINANCE 07-03 ON SECOND READING,
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
NEWSPAPER AS REQUIRED BY LAW BY: BRODERICK
MOTION SECONDED BY: GIBLIN
YES: BRODERICK,GRISANTI, GIBLIN & KAFTON
NO: REILLY**

COMMITTEEMAN REILLY: He made a recommendation to amend the Bond Ordinance as it relates to the police communication system. Attorney Starkey explained that on second reading that wouldn't be possible. You would have to start over.

MAYOR KAFTON: He stated that they have all ready been through first reading on this four weeks ago. Mr. Reilly's recommendation should have been made prior to first reading. They don't want to delay this anymore. Administrator Kennedy added that if they delay this, they could be jeopardizing the grant money that was received from the DOT.

COMMITTEEMAN BRODERICK: He asked Mr. Reilly if he spoke to Director DePasquale regarding the police communication system? The questions he has are the same that he brought up a month and a half ago at the budget workshops. Mr. Reilly responded by saying that Mr. Depasquale had given him some information on this. Mayor Kafton asked Director Depasquale if since the last Township Committee meeting had Mr. Reilly sat down with him in reference to this?

DIRECTOR DEPASQUALE: He replied no that he hasn't sat down with Mr. Reilly. He stated that they discussed this in the backroom and Mr. Reilly asked him for additional information. Mr. Depasquale stated that this is a State Contract and not up to him to get the information. Committeeman Reilly told Mr. DePasquale that he is the one asking them to appropriate \$4 Million dollars, how is it not up to him? Director DePasquale explained that they rent from Motorola because they were able to attach the equipment they needed. They are also under State contract and then they gave us a figure on what this program would cost us. They couldn't give us an exact figure without a commitment. So all we could do was put a ballpark figure together and that is what we did. That is why it was mentioned here that it might cost less.

COMMITTEEMAN GRISANTI: He explained as Deputy Liaison to Public Safety he has spoken to Captain Dunton many times and they are not locked into any agreement at this point. It is better to have the money and not need it, then to need it and not have it. They have radios that officers cannot communicate with dispatch or with each other.

MAYOR KAFTON: He addressed Mr. Reilly and asked him if he recognized that they do need a new communication system for the police department. Mr. Reilly replied yes. Mayor Kafton went on to say that what this bond is going to do is say that we can spend upwards of this amount. If you think we can get something cheaper then you have every right to look into this. Just saying no to this bond ordinance means that you don't want to buy anything.

DIRECTOR DEPASQUALE: He stated he is not saying that he has never spoken to Mr. Reilly, but they haven't spoken in any length about this. He added that in addition to the radio system they also need a CAD system. Their radio system will also have to be compatible with the CAD system. Again they have some prices from different companies, but they are not locking themselves into any company at this time. They just want the money there to supply them with a much needed communication system. What they have is an antiquated system and at this point a safety issue for his men. Somebody is going to get hurt, if they don't get this thing straightened out.

ADMINISTRATOR KENNEDY: He explained that there is no line item to have preliminary work done, unless this Ordinance is done. Mayor Kafton explained that if this Ordinance is voted down, then they have no where to go for this communication system.

MAYOR KAFTON: Before the vote he suggested that everyone supports this. If you don't think this is the appropriate price for it you have more than ample time before the purchase is done to go out and find a system that will work for the police department that will be cheaper. Voting this down does not help this municipality.

COMMITTEEMAN BRODERICK: He stated that he holds the minutes from May, where Committeeman Reilly asked the same questions over and over again. It was recommended to him then to contact the Director or contact Administration. Committeeman Broderick explained that he and Mr. Grisanti had gone out to other departments to look at their systems. If Mr. Reilly was so concerned about the safety and well being of our police and our citizens he would have done something. Once again Committeeman Reilly has failed the public. Committeeman Grisanti told Mr. Reilly since he is the Public Safety Liaison he should have spent more time on this. He should be bringing this information to us. They already took a vote of "No Confidence" and that vote stands on his liaison position to Public Safety. He asked him to consider doing the right thing. He also offered to be the primary liaison if that is what it takes.

ORDINANCE 07-03

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$6,210,000, said sum being inclusive of a \$130,000 grant received from the New Jersey Department of Transportation (the "Grant Received") and \$289,527 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$6,210,000 appropriation not provided for by application hereunder of said Grant Received and aggregate down payments, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$5,790,473 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$5,790,473 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) improvements to Manhattan Street, including, but not limited to, as applicable, excavation, milling, reconstruction, repairing and resurfacing of such roadway using Class B pavement (as defined by the Local Bond Law) from Bennetts Mills Road to South Cooks Bridge Road, roadway painting, drainage improvements to such roadway and the restoration/construction of curbs, sidewalks and driveway aprons along such roadway; and	\$500,000	\$476,190	\$23,810	10 years
(ii) improvements to Basso Street, Vath Street and Jordan Street; including, but not limited to, as applicable, excavation, milling, reconstruction, repairing and resurfacing of roadways using Class B pavement (as defined by the Local Bond Law), roadway painting, drainage improvements to said roadways and the restoration/construction of curbs, sidewalks and driveway aprons along such roadways, and the acquisition and installation of signage; and	\$1,080,000 (including a \$130,000 Grant from the NJDOT)	\$904,761	\$45,239	10 years
(iii) acquisition and installation of a public safety communication system for the Township's Police Department, and the Township's Emergency Management Department and also for rescue squads pursuant to N.J.S.A. 40:5-1 et seq., including, but not limited to, the acquisition, installation and construction, as applicable, of	\$4,000,000	\$3,809,523	\$190,477	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
interior infrastructure including, but not limited to, three (3) transmission sites and three (3) receiving sites, and external infrastructure, including, but not limited to, buildings, environmental controls and fire suppression materials, the acquisition and installation of equipment and furniture to create six (6) dispatching stations, and the acquisition of mobile radios and pagers for the above mentioned public safety services; and				
(iv) acquisition, assembling and construction, as applicable, of a metal building to maintain and store equipment for the Public Works Department, and the acquisition of various materials, equipment and non-passenger vehicles for the Public Works Department, including, but not limited to, slurry seal and overlay materials, one (1) 721 Case Loader, one (1) 8 yard Dump Truck, one (1) 33 Yard Compactor, one (1) 40 Yard Container, one (1) 30 Yard Open Container, one (1) 40 Yard Push Out Box, one (1) 4 x 4 Pick Up Truck, replacement of a dump body, one (1) Cylinder Dump TYK, one (1) Sandblast & Paint Truck, Bodies Truck 431/433 and one (1) Animal Control Truck; and	\$500,000	\$476,190	\$23,810	9.89 years
(v) acquisition and installation of a security system for the Township's Municipal Building; and	\$50,000	\$47,619	\$2,381	5 years
(vi) contribution to the County of Ocean for the Township's share of the cost of the joint municipal/county project involving the reconstruction of Route 571 at Anderson and Patterson Roads, including, but not limited to, as applicable, excavation, milling, reconstruction, repairing and resurfacing of such roadway using Class B pavement (as defined by the Local Bond Law), roadway painting, drainage improvements to such roadway and the restoration/ construction of curbs, sidewalks and driveway aprons along such roadway and the construction and installation of a traffic signal.	\$80,000	\$76,190	\$3,810	10 years
TOTALS	\$6,210,000	\$5,790,473	\$289,527	

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid

documents, construction inspection and contract administration and also all work, materials, equipment, labor and appurtenances as necessary therefore or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$5,790,473.

(d) The aggregate estimated cost of said purposes is \$6,210,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the aggregate amount of \$419,527, is the Grant Received and aggregate down payments for said improvements or purposes.

SECTION 4. Except for the Grant Received, in the event the United States of America, the State of New Jersey and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 4 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Ocean. Except for the Grant Received, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 4 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with

the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.95 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community

Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$5,790,473 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,242,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under

section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$5,790,473. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

**ANN MARIE EDEN, RMC
TOWNSHIP CLERK**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Jackson, in the County of Ocean, State of New Jersey on April 7, 2003. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Building, Jackson, in said County on April 28th, 2003 at 7:30 p.m.. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

- Title:** **BOND ORDINANCE PROVIDING FOR VARIOUS 2003 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,790,473 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

- Purpose(s):** Various Capital Improvements within the Township, including, among other things, improvements to various roads, the acquisition and construction of a equipment and storage and maintenance facility for the Public Works Department, the acquisition of equipment and vehicles for the Public Works Department, the acquisition and installation of a communications system for the Township's Police Department, Emergency Management Department and rescue squads, and the acquisition and installation of a security system for the Township's Municipal Building.

- Appropriation:** \$6,210,000

- Bonds/Notes Authorized:** \$5,790,473

- Grant Appropriated:** \$130,000 Grant Received by the New Jersey Department of Transportation.

- Section 20 Costs:** \$1,242,000

- Useful Life:** 9.95 years

11-03

TITLE: A BOND ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY PROVIDING FOR THE ACQUISITION OF PROPERTY KNOWN AS BLOCK 147.02, LOT 2, AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, A LAWFUL PUBLIC PURPOSE; APPROPRIATING \$6,550,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$6,238,000 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

PUBLIC HEARING OPENED:

WILLIAM ALLMANN, 624 HYSON ROAD: He asked how long they have been working on this acquisition? He wanted to confirm that two appraisals were done on this property. He asked what the property was assessed at in 2003? He later stated that he understood that they said the building site was for 185 homes, so he is glad that they purchased the property. He explained that he didn't think there were approvals for the 185 new homes from the Planning Board. He then asked if anyone on the Committee has ever worked with either appraiser in a personal or professional manner? In closing he asked about the property that the School Board is purchasing off of Hope Chapel Road and how many acres they will be purchasing and the cost? He explained that he asked

that question because he is just comparing how much the school board is paying for their property to what the Township is paying. He then stated that the assessed value of the land that the Township is purchasing according to the tax assessors' office is approximately \$739,000. Therefore, we are paying eight times the assessed value. Mayor Kafton stated that since the referendum was approved in 2001 the Township Committee formed a subcommittee to review the land in town. The subcommittee includes himself, Deputy Mayor Giblin, Andrew Strauss and our Planner. They looked at many parcels of land including this one. He then explained two appraisals were done one was for \$8.1 Million and the other \$8.3 Million. The assessment of the land is probably in the appraisal folder, but he couldn't recall the amount. He added that the assessed value won't even come close to the \$6.5 Million. He told Mr. Allmann that there has been approvals for the past 12 years to build on that property and originally it was approved for over 200 homes. The developer came before our Planning Board recently to firm up everything. Attorney Starkey explained that his firm also works for Brick Township where Mr. Mancini has done a number of appraisals for open space there. They have been well received not only by the Township, but by the State. Mayor Kafton explained that he has done many appraisals in many towns in the area. He said that the school board is purchasing about 153 acres, but asked what that has to do with this ordinance?

GARY BLACK, 76 LEWIS LANE: He is asked on this bonding if they are going for a fixed rate or a flex rate? Mr. Cantalupo explained that for each year you will have different interest rates because this gets the town a lower interest rate. Mr. Black asked if the prime rate goes up can the effect higher interest rates for the bond? Mr. Cantalupo explained that they will at a point lock in at a certain rate. Mr. Black then asked him to clarify this because he just stated that a fixed rate brings a higher interest rate? Mr. Cantalupo then stated that now he understands what he is saying, it is a fixed rate when the bonds are sold, but the interest rate changes from year to year. There is no risk involved because the rates are fixed at the time of sale.

MOTION TO CLOSE PUBLIC HEARING BY: BRODERICK
MOTION SECONDED BY: GIBLIN
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

MOTION TO APPROVE ORDINANCE 11-03 ON SECOND READING,
ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED
NEWSPAPER AS REQUIRED BY LAW BY: GIBLIN
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

ORDINANCE 11-03

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF
NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Jackson, in the County of Ocean, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3,

there is hereby appropriated the sum of \$6,550,000, which sum includes \$312,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefore by virtue of the Township's Open Space Trust Fund created pursuant to N.J.S.A. 40:12-15.1 et seq.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$6,550,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$6,238,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$6,238,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and the payment of the purchase price of real property for open space preservation purposes, a lawful public purpose, such real property being approximately 115 acres and being designated as Block 147.02, New Lot 2 on the Official Tax Map of the Township and being commonly known as the Vista Property (the "Vista Property") and also including, all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$6,238,000.

(c) The estimated cost of said improvement or purpose is \$6,550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, being the amount of \$312,000, which is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall

be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Ocean. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$6,238,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law. To the extent that debt service on the bonds or the notes authorized herein will be paid from the Township's Open Space Trust Fund created pursuant to N.J.S.A. 40:12-15.1 et seq., the bonds or notes issued or authorized but not issued will be a deduction from gross debt pursuant to the provisions of N.J.S.A. 40A:2-44(h).

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township is hereby authorized to acquire the Vista Property for open space preservation purposes, a lawful public purpose, and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and the Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Vista Property.

SECTION 10. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive

arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$6,238,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: April 28, 2003**

**ANN MARIE EDEN,
Clerk of the Township of Jackson**

**ADOPTED ON SECOND READING
DATED: _____, 2003**

**ANN MARIE EDEN,
Clerk of the Township of Jackson**

**TOWNSHIP OF JACKSON
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Jackson, in the County of Ocean, State of New Jersey on April 28, 2003. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Building, Jackson, in said County on May 12th, 2003 at 7:30 p.m.. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

- Title:** BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, A LAWFUL PUBLIC PURPOSE, BY AND IN THE TOWNSHIP OF JACKSON, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$6,550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,238,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF
- Purpose(s):** The acquisition and the payment of the purchase price of real property for open space preservation purposes, a lawful public purpose, such real property being approximately 115 acres and being designated as Block 147.02, New Lot 2 on the Official Tax Map of the Township and being commonly known as the Vista Property
- Appropriation:** \$6,550,000
- Bonds/Notes Authorized:** \$6,238,000
- Grant Appropriated:** None
- Section 20 Costs:** \$50,000
- Useful Life:** 40 years

ORDINANCE FIRST READING

12-03

TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON AMENDING CHAPTER 109 OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF JACKSON AND ADOPTING AMENDMENTS TO THE ZONING MAP OF THE TOWNSHIP

MOTION TO APPROVE ORDINANCE 12 -03 ON FIRST READING, ADVERTISE THE APPROVAL AND NOTICE OF SECOND READING AND PUBLIC HEARING TO BE HELD ON, MAY 27, 2003 BY: GIBLIN MOTION SECONDED BY: GRISANTI

YES: BRODERICK, GRISANTI, GIBLIN & KAFTON

ABSTENTIONS: REILLY

COMMITTEEMAN REILLY: He asked for clarification of the change from open space and recreation to the R-3 zone. He then asked what the zoning would be where they are putting the new school? He later stated that industrial/commercial zoning would be right next to the school. Attorney Starkey explained that the Planner recommended that zoning change because when the map was originally done there were a couple of homes with people living there and they were inadvertently declared recreation and open space. He explained that the remaining portion that the school board is not going to be using is going to be zoned industrial/commercial rather than residential. There will be a substantial buffer between where the school is going to be placed and where the commercial/industrial is.

ORDINANCE 12-03

WHEREAS, the Township Committee desires to enact ordinance provisions that will make the zoning requirements in the Township consistent with the Master Plan; and

WHEREAS some inconsistencies were inadvertently perpetuated with the most recent revisions to Chapter 109 and the zoning map; and

WHEREAS the Township seeks to have a comprehensive Land Use and Development Code that can be applied uniformly throughout the Township;

WHEREAS, the Township Committee and the Board of Education wish to make adequate provisions for community educational facilities as well as provide opportunities for well planned growth in appropriate areas with consideration for a healthy economy; and

WHEREAS the Township seeks to implement zoning designations and regulations to further these goals; and

WHEREAS the Jackson Township Board of Education or the current property owner will submit a subdivision application to the Planning Board to effectuate the proposed subdivision and alterations to property lines on block 63 lots 16, 17.01, 17.02, 18.03, 18.01, 18.02, 19, 20.02, 20.19, 20.20 and 20.21 prior to any further development of the properties.

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

I. Chapter 109 shall be amended as follows:

- 1. **Section 109-130.1.C Lots of Record** shall be revised to include the following:

Requirements	R-20 Zone	R-15 zone	R-9 zone
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Principal building requirements:

Front yard setback (feet)			
Interior lot	40	35	30
Minor or major collector and arterial streets	60	50	50
Corner lot, each street (feet)	40	35	35
Minor or major collector and arterial streets	60	50	50
Rear yard setback (feet)			
Interior and corner lot (feet)	30	30	25
Side yard setback, each side (feet)			
Minimum (feet)	15	15	10
Total (feet)	35	30	20
Maximum building height (feet)	35	35	35
Maximum building coverage (percent)	30%	30%	30%

2. **Section 109-51; NC Neighborhood Commercial Zone** shall be revised to include the following:

Section 109-51.A Permitted principal uses of buildings and structures are as follows: (add)

- (38) Art Gallery
- (39) Library
- (40) Museum

3. **Section 109-52 HC Highway Commercial Zone** shall be revised to include the following:

Section 109-52.A Permitted principal uses of Buildings and structures are as follows: (add)

- (34) Bank and financial institution

Section 109-52.B Permitted accessory uses of buildings and structures are as follows: (add)

- (8) Hospitals and philanthropic eleemosynary uses (109-114)

4. **Section 109-53; RC Recreational Commercial Zone** shall be revised to include the following:

Section 109-53.A, Permitted principal uses of buildings and structures are as follows: (add)

- (22) Art gallery
- (23) Convention or conference center
- (24) Exhibition hall
- (25) Music conservatory

5. **Section 109-55; LM Commercial Office/ Light Industrial Zone** shall be revised to include the following:

Section 109-55.A, Permitted principal uses of buildings and structures are as follows: (add)

- (25) Mailing, reproduction, commercial art and photography and stenographic services.
- (26) Medical or dental clinic or laboratory
- (27) Offices for members of a recognized profession, as defined in 109-6.
- (28) Office/research park, provided that same is located on a tract of land a minimum of twenty (20) acres in area and is composed of uses and buildings permitted in this section. An area of less than twenty (20) acres may be added to an office/ research park, provided that said area is contiguous thereto and is in compliance with the provisions of this chapter.

6. Section 109-56; Industrial Zone shall be revised to include the following:

Section 109-56.A, Permitted principal uses of buildings and structures are as follows: (add)

- (19) Offices of an industrial, medical or scientific research laboratory, provided that there are no inherent hazards associated with such research uses, and further provided that no nuisance may occur from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise vibrations, glare, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling located in the same or any other zoning district. The likelihood of groundwater pollution and the problem of waste disposal shall be considered.

7. Section 109-51; NC Neighborhood Commercial Zone shall be revised to include the following:

Section 109-51.D Area, yard and building requirements for the NC zoning district are as follows:
(add)

Requirements	Type of Lot	
	Interior	Corner
Parking Area Setbacks		
Setback from R-O-W (feet)	20	20
Setback from side property line (feet)		
Residential use	20	20
Non-residential use	10	10

8. Section 109-52; HC Highway Commercial Zone shall be revised to include the following:

Section 109-52.D Area, yard and building requirements for the HC zoning District are follows:
(add)

Requirements	Type of Lot	
	Interior	Corner
Parking Area Setbacks		
Setback from R-O-W (feet)	20	20
Setback from property line (feet)		
Residential use	20	20
Non-residential use	10	10

9. **Section 109-53; Recreational Commercial Zone** shall be revised to include the following:

Section 109-53.D Area, yard and building requirements for the RC Recreational Commercial Zone are as follows:
(add)

Requirements	Type of Lot	
	Interior	Corner
Parking Area Setbacks		
Setback from R-O-W (feet)	20	20
Setback from property line (feet)		
Residential use	20	20
Non-residential use	10	10

10. **Section 109-55; LM Commercial Office/ Light Industrial Zone** shall be revised to include the following:

Section 109-55D Area, yard and building requirements for the LM Zone are as follows:
(add)

Requirements	Type of Lot	
	Interior	Corner
Parking Area Setbacks		
Setback from R-O-W (feet)	20	20
Setback from property line (feet)		
Residential use	20	20
Non-residential use	10	10

11. **Section 109-50.1; PMUD Planned Mixed Use Development Zone Requirements** shall be revised to include the following:

Section 109-50.1.I(5)(a) Nonresidential uses (add)

Parking Area Requirements	Interior Lot	Corner Lot
Parking Area Setbacks		
Setback from R-O-W (feet)	20	20
Setback from property line (feet)		
Residential use	20	20
Non-residential use	10	10

12. **Section 109-84; PVC-1 Pinelands Village Commercial Zone** shall be revised to add the following:

Section 109-84.C Area, yard and building requirements shall be as follows:
(add)

- (7) Parking area setback from R-O-W: 20 feet
- Parking area setback from property line: 20 feet to adjacent residential
10 feet to adj. nonresidential

13. **Section 109-85; PVC-2 Pinelands Village Commercial Zone** shall be revised to add the following:

Section 109-85.C Area, yard and building requirements shall be as follows:
(add)

- (7) Parking area setback from R-O-W: 20 feet

Parking area setback from property line: 20 feet to adjacent residential
10 feet to adj. nonresidential

14. Section 109-88; PM-1 Pinelands Manufacturing Zone shall be revised to add the following:

Section 109-88.C Area, yard and building requirements shall be as follows:
(add)

- (8) Parking area setback from R-O-W: 20 feet
- Parking area setback from property line: 20 feet to adjacent residential
10 feet to adj. nonresidential

II. The Zoning Map of Jackson Township, incorporated into Chapter 109 of the Codified Ordinances of the Township of Jackson in section 109-42 and 109-43 and referred to throughout the Chapter, is hereby amended as follows:

- A. The zoning of block 1, lots 79.04, 79.03, 79.02, 79.01, 78, 77, 76, 75, 74.01, 74.02 and lot 7, block 3 shall be changed from the Recreation and Open Space (ROS) zoning designation to the R3, single-family residential zone.
- B. The zoning of proposed block 63, lot 18.04 as shown on the subdivision plan prepared by John S. Wallace, P.L.S at Bay Pointe Engineering, dated November 25, 2002, consisting of 24.96 acres on East Veteran’s Highway, portions of which are currently zoned R-3 residential will be designated Industrial (I) on the zoning map of Jackson Township. This proposed lot currently consists of portions of block 63, lots 17.01, 17.02, 18.01 and 18.03.
- C. The zoning map of Jackson Township prepared by JCA Associates, Inc. dated July 2002 with revisions dated September 23, 2002 shall be updated to reflect the foregoing changes. All other provisions of Section 109-42 and 109-43 and the zoning map it refers to shall remain in full force and effect, except to the extent modified herein.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Jackson, in the County of Ocean, State of New Jersey, held on May 12, 2003 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 May, 2003, 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.

Prior to the second reading, a copy of this Ordinance shall be posted on the Bulletin Board in the Municipal Building and copies shall be made available at the Township Clerk’s Office in said Municipal Building to members of the general public who shall request such copies.

ANN MARIE EDEN, TOWNSHIP CLERK

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

**MOTION TO CLOSE PUBLIC HEARING, RESOLUTIONS ONLY BY:
BRODERICK**

MOTION SECONDED BY: GIBLIN

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

RESOLUTION 219R-03

**TITLE: SUPPORT SPECIAL SUMMER SESSIONS OF THE LEGISLATIVE TO
ADDRESS PROPERTY TAX REFORM**

COMMITTEEMAN GRISANTI: He addressed Mr. Reilly and stated that he doesn't recognize the Senate Bills 89 and 16. He does not know what those bills propose. There is a bill being proposed right now by two Senators being voted on for a special convention on property tax reform and is not being sponsored by Senator Singer, so that is why he is confused. He explained that he believes that Senator Singer, in this resolution, is asking to discuss property tax reform during a special summer session. He believes that the other resolution wants to hold the convention right now because waiting until the summer may be too late. Committeeman Reilly (inaudible). Attorney Starkey asked if they want this carried to the next meeting. Committeeman Broderick stated he wants this carried until they know what is going on with these bills.

MOTION TO TABLE RESOLUTION 219-03: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, GIBLIN & KAFTON

NO: REILLY

COMMITTEEMAN GRISANTI: He wanted to make it clear that he fully supports the bills that are pending right now. They are calling for a referendum to be placed on the November ballot asking voters to approve a special convention to address property tax relief. Committeeman Reilly (inaudible). Deputy Mayor Giblin stated for the public's edification, this entire Township Committee fully supports alternative funding for property tax as a way to fund the school board. They are tabling this tonight because they don't have the required information and there seems to be some discussion.

WHEREAS, New Jersey's property taxes, which support county and municipal governments and public schools are among the highest in the nation; and

WHEREAS, the current system of property taxation has placed an enormous burden on the residents of the State of New Jersey, and;

WHEREAS, there is a dire need to reform property taxes; taxes which are stifling the State's economy, making home ownership impossible for many and disproportionately burdening our senior citizens, the young and low to moderate income families; and;

WHEREAS, Senator Robert W. Singer and Assemblymen Joseph R. Malone and Ronald S. Dancer are co-sponsors of SCR-89/ACR-161; and

WHEREAS SCR-89/ACR-161 calls for the presiding officer of each House of the Legislature to convene a special summer session of that house which shall be devoted solely to the consideration of the issue of property tax reform in the State of New Jersey, and;

WHEREAS, The New Jersey School Boards Association in a press release dated April 24, 2003 stated "high property taxes impede the ability of many school districts to provide a quality education; they stifle the state's economy, making home ownership difficult for many; and they disproportionately burden the elderly, the young and low income families; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey the following:

1. The Jackson Township Committee hereby expresses its full support for Senator Robert W. Singer, Assemblymen Joseph R. Malone and Ronald S. Dancer in their efforts to convene a special session of the legislature devoted solely to the issue of property tax reform.

- 2. The Jackson Township Committee wholeheartedly supports SCR-89/ACR-161 and encourages Governor James E. McGreevey and all Legislators to support the enactment of this resolution
- 3. The Township Clerk is hereby authorized and directed to forward certified copies of this resolution to Governor James E. McGreevey, Senator Robert W. Singer, Assemblymen Joseph R. Malone and Ronald S. Dancer and any other interested parties.

DATED: 05/12/03

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

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

RESOLUTION 191R-03

TITLE: APPROVE BUDGET WORKSHOP SESSIONS OF MARCH 29 2003 & MARCH 31, 2003 AND APPROVE SPECIAL TOWNSHIP COMMITTEE MEETING FOR BUDGET INTRODUCTION OF APRIL 7, 2003

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

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

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

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

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

MARCH 29, 2003, MARCH 31 2003 AND APRIL 7, 2003

- 2. Copies of this resolution to any interested parties.

DATED: 05/12/03

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

RESOLUTION 209R-03

TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & 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 Committee to have these overpayments returned to the respective taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee 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 is made apart hereof.
2. Copies of this Resolution to the Tax Collector and respective taxpayers, and any other interested parties.

DATED: 05/12/03

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

**TOWNSHIP OF JACKSON
OVERPAYMENT REFUNDS
MAY 12, 2003**

BLOCK	LOT	NAME	YEAR	AMOUNT
3.03	7	Transamerica R.E. Tax Service	2002	\$1481.97
5.05	1	Angelo & Barbara M. Corbo	2003	1737.13
94.01	21.06	Ocean First Bank	2003	1936.32
127.01	10	SFD At Highlands, LLC	2002	409.30
128.01	36	Paul G. & Emily A. Marino	2003	930.47
135.22	15.13	John Dibello & Sandra Melendez	2003	1589.62

DATED: 05/12/03

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

RESOLUTION 210R-03

TITLE: REQUEST APPROVAL FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A 40A:4-87 FOR THE DIVISION OF HIGHWAY TRAFFIC SAFETY GRANT, DEPARTMENT OF LAW AND PUBLIC SAFETY OCCUPANT

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

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

WHEREAS, N.J.S.A. 40A: 4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the Township of Jackson has been provided additional funds from the State of New Jersey Division of Highway Safety Grant, Law & Public Safety Occupant Protection Project/Click It or Ticket 2003 in the amount of \$3600.00.

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

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

1. That the Mayor and Township Committee do hereby request an amendment to the 2003 Budget to provide the insertion of a special item of revenue in the amount of \$3600.00 by the Director of the Division of Local Government Services, which is now available as a revenue form:

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

State of New Jersey Division of Highway Traffic Safety Grant
Department of Law and Public Safety
Occupant Protection Project/Click It or Ticket 2003

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

General Appropriations: (operations excluded from CAP)
State of NJ/L & PS Grant – Division Hwy Traffic Safety
Occupant Protection Project/Click It or Ticket 2003

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

DATED: 05/12/03

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

RESOLUTION 211R-03

TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO THOMPSON GROVE ASSOCIATES, INC. OF THE CASH BOND ISSUED FOR BLOCK 20, LOT 25.02

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, Thompson Grove Associates, Inc. has requested the Release of a Cash Bond for seeding, grading and driveway in the amount of \$1,500.00 pertaining to Block 20, Lot 25.02, Jackson Township; and

WHEREAS, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter report dated April 29, 2003, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for seeding, grading and driveway in the amount of \$1,500.00 heretofore posted with the Township may and hereby is released to Thompson Grove Associates, Inc. The Mayor

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

DATED: 05/12/03 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION 215R-03 – NOT USED

RESOLUTION 215R-03
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO EUGENE ENTERPRISES/UNITED HOMES THE DEVELOPER OF PINEVIEW ESTATES OF THE CASH BOND ISSUED FOR BLOCK 38, Lot 19.04

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, Eugene Enterprises/United Homes, the developer of Pineview Estates has requested the Release of a Cash Bond for seed and grade in the amount of \$1,000.00, a/k/a Block 38, Lot 19.04, Jackson Township; and

WHEREAS, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter report dated April 25, 2003, which letter report is made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for seed and grade in the amount of \$1,000.00 heretofore posted with the Township may and hereby is released to Eugene Enterprises/United Homes. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

DATED: 05/12/03 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION 216R-03
TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO US HOME CORP. OF THE CASH BONDS ISSUED FOR VARIOUS BLOCK AND LOTS

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, US Home Corp. has requested the Release of a Cash Bonds pertaining to various Block and Lots in Jackson Township as follows; and

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
66.09	3.226	28 Shadow Creek Court	\$1,500.00
66.09	3.194	58 Cypress Pointe Lane	\$1,000.00
66.09	3.198	50 Cypress Pointe Lane	\$1,000.00
66.09	3.156	55 Pebble Beach Blvd.	\$1,000.00
66.09	3.161	45 Pebble Beach Blvd.	\$1,000.00
66.24	8	15 St. Andrews Blvd.	\$1,000.00
66.09	3.157	53 Pebble Beach Blvd.	\$1,000.00
66.24	2	1 St. Andrews Blvd.	\$1,000.00
66.24	5	7 St. Andrews Blvd.	\$1,000.00
66.24	3	3 St. Andrews Blvd.	\$1,000.00
66.24	4	5 St. Andrews Blvd.	\$1,000.00

WHEREAS, Richard A. Nusser, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said cash bond in a letter reports dated April 30, 2003, May 1, 2003 and May 2, 2003, which letter reports are made a part hereof; and

WHEREAS, the Township Committee of the Township of Jackson has considered the applications and the reports of the Engineer;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bonds listed above, heretofore posted with the Township may and hereby are released to US Home Corp. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

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

DATED: 05/12/03

RESOLUTION 217R-03

TITLE: AUTHORIZING AWARD OF BID TO DOCTOR IRA PORT AND DOCTOR ALAN R. COHN FOR ONE (1) PLENARY RETAIL CONSUMPTION LIQUOR LICENSE

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, Jackson Township previously advertised for the receipt of bids on December 10, 2002 at 11:00 a.m. for the award of a new Plenary Retail Consumption Liquor License; and

WHEREAS, Doctor Ira Port and Doctor Alan R. Cohn submitted a bid in the amount of \$261,500.00 for one (1) Plenary Retail Consumption Liquor License to be used at a location yet to be determined (in anticipation of a future restaurant); and

WHEREAS, the Department of Public Safety has recommended that the bid for a new Plenary Retail Consumption Liquor License be awarded to Doctor Ira Port and Doctor Alan R. Cohn; and

WHEREAS, Doctor Ira Port and Doctor Alan R. Cohn have submitted an application in proper form and has paid the required fees; and

WHEREAS, the Jackson Township Police Department has reviewed said application and has no objection to the granting of a Liquor License.

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

1. The bid for one (1) plenary retail consumption liquor license is hereby approved and awarded to Doctor Ira Port and Doctor Alan R. Cohn.
2. Upon receipt of the balance due (i.e.: \$209,200.00) the Township Clerk is hereby authorized to process the application to the State for review and approval. Upon the State's approval, the Township Clerk is authorized to issue and prepare any necessary documentation pertaining to the issuance of said liquor license
3. 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, the Chief Financial Officer and Doctor Ira Port and Doctor Alan R. Cohn..

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

DATED: 05/12/03

RESOLUTION 218R-03

TITLE: AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR PAVING IMPROVEMENTS TO MANHATTAN STREET

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, the Business Administrator has reviewed and the Township Committee has approved specifications for and has determined that it will advertise for sealed bids for the paving improvements to Manhattan Street; and

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

1. The Township Engineer is hereby authorized to advertise for sealed bids for:
PAVING IMPROVEMENTS TO MANHATTAN STREET
2. The Township Engineer shall advertise the attached 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 "road Improvements to Manhattan Street".
4. Specifications and form of bids may be inspected or obtained upon proper notice by prospective bidders during business hours from the office of The Township Engineer, CME Associates, 1460 Route 9, Howell, New Jersey 07731, (732) 462-7400
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 cashiers 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.). 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.

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

DATED: 05/12/03

RESOLUTION 220R-03
TITLE: RESOLUTION GRANTING VETERANS DEDUCTIONS FOR CY 2002

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, Three residents were approved for a \$200.00 Veterans deduction on each of their properties for the year 2002, and;

WHEREAS, they were entered in the MODIV system for the year 2002 and the granting erroneously did not reflect on the 2002 tax list, and;

WHEREAS, the Veterans did qualify in all respects, but did not receive the benefits of the deduction against their 2002 taxes.

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

1. The Tax Collector is directed to reinstate the 2002 veterans tax deduction in the amount of \$200.00 on each of the following properties:

Block 66.14 Lot 6
Block 66.29 Lot 55
Block 126.36 Lot 18

Copy to: Tax Collector
Finance

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

DATED: 05/12/03

RESOLUTION 221R-03

TITLE: AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR ROAD IMPROVEMENTS TO BASSO STREET, VATH STREET AND JORDAN AVENUE

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, the Business Administrator has reviewed and the Township Committee has approved specifications for and has determined that it will advertise for sealed bids for the road improvements to Basso Street, Vath Street and Jordan Avenue; and

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

1. The Township Engineer is hereby authorized to advertise for sealed bids for: ROAD IMPROVEMENTS TO BASSO STREET, VATH STREET AND JORDAN AVENUE
2. The Township Engineer shall advertise the attached 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 "road Improvements to Manhattan Street".
4. Specifications and form of bids may be inspected or obtained upon proper notice by prospective bidders during business hours from the office of The Township Engineer, CME Associates, 1460 Route 9, Howell, New Jersey 07731, (732) 462-7400
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 cashiers 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.). 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.

**GENERAL BIDDING REQUIREMENTS FOR THE PROJECT ENTITLED
ROAD IMPROVEMENTS TO BASSO STREET, VATH STREET
AND JORDAN AVENUE**

- A. Each bid shall be submitted in writing, addressed to the Township Clerk, Jackson Township Municipal Building, 95 West Veterans Highway, Jackson, New Jersey 08527 and shall be in the hands of said Clerk at or before the time set forth in the Notice to Bidders for the receipt of bids. No responsibility shall be assumed by the Township for any bid mailed to the Clerk, which is not received by him before the time stated above for the receipt of bids. No bids will be received after the first bid is opened at said time and place.
- B. Each bid shall be signed by the bidder and contained in a sealed envelope WHICH SHALL BE ADDRESSED TO THE SAID CLERK AND SHALL CONTAIN ON ITS FACE A STATEMENT THAT IT IS A BID ON SAID ITEM in order the said bid may not be inadvertently opened prematurely.
- C. Each bid shall state that it is made in accordance with this advertisement.
- D. The Township reserves the right to accept or reject any and all bids.
- E. Each bid shall be accompanied by certified check, cashier's check, bank money order or bid bond in the amount of ten percent (10%) of the bid price and each bid shall also be accompanied by a consent of surety. The successful bidder is required to post a performance bond.

F. In the even Bidder is a corporation or partnership, it shall submit to the governing body, prior to the time of the receipt of the bids or accompanying the bid, a statement setting for the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock or an interest equivalent for the same in accordance with P.L. 1977, c.33.

G. Bidders are required to comply with the requirements of P.L. 1975, c.127.

H. Bidders on this work will be required to comply with the Copeland Anti-Kickback Act (18 H.S.C. 874) as supplemented in Department of Labor Regulations (29 C.F.R. Part 3).

I. Contact Ann Marie Eden, Township Clerk, (732) 928-1200 or the Township Engineer, CME Associates, (732) 462-7400 for any additional information

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

DATED: 05/12/03

RESOLUTION 222R-03

TITLE: APPROVE TOWNSHIP COMMITTEE MEETING MINUTES OF APRIL 14, 2003 AND SPECIAL TOWNSHIP COMMITTEE MEETING MINUTES OF APRIL 21, 2003

**MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON**

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

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

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

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

APRIL 14, 2003 AND APRIL 21, 2003

2. Copies of this resolution to any interested parties.

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

DATED: 05/12/03

RESOLUTION 223R-03

TITLE: APPROVE THE APPOINTMENT OF DEBRA VISCONI AS PART-TIME TELECOMMUNICATOR

**MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON**

WHEREAS, a need exists for the appointment of a part time Public Safety Telecommunicator Trainee in the Police Department; and

WHEREAS, the Municipal Administrator has made recommendations for the appointment of an individual to fill said position;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY that:

1. The following is hereby appointed to the position of part time Public Safety Telecommunicator Trainee at a salary of \$13.16 per hour:

Marie Visconi

2. Said appointment is effective immediately and is on a temporary part time basis pending background compliance and approval by the N.J. Department of Personnel.
3. Copies of this resolution to appointee, Police Department, Chief Financial Officer, Municipal Administrator, Personnel Manager and any other interested parties.

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

DATED: 05/12/03

RESOLUTION 224R-03

TITLE: AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH J.C.A. ASSOCIATES FOR MONTHLY LANDFILL GAS TESTING AND QUARTERLY INSPECTION AT THE LEGLER LANDFILL FACILITY

MOTION TO APPROVE BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, the position of Special Projects Engineer is to be appointed by the Township Committee; and

WHEREAS, the Township is in need of a Special Projects Engineer to perform monthly landfill gas testing and quarterly inspection of the Legler Landfill Facility; and

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

WHEREAS, the Chief Financial Officer has certified that a maximum of \$37,672.00 is available in the 2003 Municipal Operating Budget for this purpose.

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

1. That JCA Associates, Inc. is hereby appointed to the position of Special Projects Engineer for the monthly gas testing and quarterly inspections of the Legler Landfill Facility
2. This appointment is made without competitive bidding for "Professional Services" to be performed by a person authorized by law to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver the contract attached hereto to said appointee.
4. A Notice of this appointment shall be advertised as required by law.

5. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Administrator, Chief Financial Officer and JCA Associates, Inc.

DATED: 05/12/03 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION 225R-03
TITLE: AMEND RESOLUTION 020R-03 TO INCLUDE THE APPOINTMENT OF HENRY MANCINI AS TOWNSHIP APPRASIER FOR CY 2003

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, on January 1, 2003, via Resolution 020R-03, the Township Committee appointed John Coan and Peter Maher to the position of Township Appraiser for CY 2003; and

WHEREAS, the Township Committee desires to amend resolution #020R-03 to include the appointment of Mr. Henry J. Mancini as Township Appraiser for CY 2003; and

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

WHEREAS, the maximum amount of this contract is undetermined and the Chief Financial Officer has certified that a maximum amount of \$5,000.00 is available for this purpose in an appropriation in the 2003 Temporary Budget entitled: Township Appraisers/Other Expenses

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

1. That Henry J. Mancini, MAI of Henry J. Mancini & Associates, Inc. 13515 Long Beach Boulevard, Suite 3, Beach Haven, New Jersey 08008 is hereby appointed to the position of Township Appraiser for a one (1) year period commencing January 1, 2003 and terminating December 31, 2003.
2. This appointment is made without competitive bidding for "Professional Services" to be performed by a person authorized by law to practice a recognized profession.
3. The Mayor and Township Clerk are hereby authorized to execute and deliver a contract to said appointee.
4. A Notice of this appointment shall be advertised as required by law.
5. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to the Administrator, Chief Financial Officer and Henry J. Mancini

DATED: 05/12/03 ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RESOLUTION 226R-03
TITLE: APPROVE BINGO/RAFFLE LICENSE TO: CHURCH OF SAINT ALOYSIUS

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

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

NOW THEREFORE, BE I RESOLVED by the Mayor and the Township Committee of the Township of Jackson, County of Ocean, State of New Jersey, that:

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

#RA – 997 – Church of St. Aloysius
2. Copies of the Resolution to interested parties.

DATED: 05/12/03

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

RESOLUTION 227R-03

TITLE: APPROVE A DISABLED VETERAN EXEMPTION ON BLOCK 59.01, LOT 6.01

MOTION TO APPROVE BY: GRISANTI
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

WHEREAS, The Department of Veteran Affairs determined that Stephen Veve at 900 E. Veterans Hwy, Block 59.01 Lot 6.01 to have a service connected disability that is totally disabling as of December 31st, 2002 and;

WHEREAS, Mr. Veve has made application to the Township as a totally disabled veteran, which has been approved by the Tax Assessor, 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 Mayor and Township Committee of the Township of Jackson, County of Ocean, State of New Jersey as follows:

1. The Tax Collector is directed to cancel taxes as follows:

2003 - \$1,463.69 (1st half taxes)
2. The Tax Collector is directed to process a refund for any cancelled taxes paid for 2003.
3. The Collector is directed to cancel the second half of 2003 when the amount is determined.
4. The parcel is to be exempted on the 2004 tax list.

Copy to: Tax Collector
Finance
Tax Assessor

DATED: 05/12/03

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

PUBLIC HEARING, ANY TOPIC:

MRS. SEDANO, 12 AGOSTINA DRIVE: She stated that she was at the last meeting because her street still hasn't been paved. She thanked them for coming out and looking

at the street. She also stated that Dan Burke, Municipal Engineer, has been very helpful and they do appreciate it. She went on to explain that the bonding company isn't doing very well so another company is now in charge. She spoke to a representative from that company and they are being put on the weekly agenda. They will be sending out a consultant to look at the work that needs to be done. She went on to say that she spoke to Mr. Burke today and there is suppose to be \$9,962.28 in a cash guarantee and it is missing. Nobody knows where it is and it has been on the books since 1996. The finance department has no record of it and it's a shame because interest could have been collected on that over the years. Now the bond is in jeopardy because the bonding company is going out of business, our builder is bankrupt and the cash guarantee is missing. Dan Burke the Municipal Engineer explained that since the last meeting he has looked into this matter. The original record shows a surety bond and a 10% cash bond. It is questionable whether or not the cash portion was ever collected. He has been working with the finance office to try and make that determination. The bond amount was reduced to \$89,000 in 1997 and the engineers estimate was for about \$83,000. The amount of money the Township holds as security is a sufficient amount to do the work. Regarding the bonding company they have to follow the guidelines under the State of New York Insurance Department and they have assured me that they will pay the claim. He stated that the "squeaky wheel gets the oil" and he intends to be the squeaky wheel along with members of Mrs. Sedano's community. Deputy Mayor Giblin asked if the insurance company issues us a check for \$83,000? Also, at what point can the township go in there and do it themselves? Is there any way that the township can start this process in lieu of waiting for them. He later asked if there is a way to change the way the bonds are released to ensure these projects are completed? This seems to be a problem everywhere. Mr. Burke explained that the bonding company will either try and get in touch with the bonded party or they will hire an outside construction company. He explained that he talked to them about declaring this a public health issue so it has been brought to their attention. Attorney Starkey recommended if they are sending a consultant to come out and look at it, at that time they can address with them the safety and health hazards that are there. If they agree with us then we can go forward. If the township moves forward without authorization or consent from the bonding company, they risk not getting any money. In closing, Attorney Starkey stated he will look into the bonding process along with CME.

ALLEN COTTRELL, 125 SUSAN DRIVE: He spoke about how Leslie Savage and the Cash organization hasn't been around for about seven or eight weeks now. He stated that he believes this group never existed, but he can just ask Committeeman Reilly because they endorsed him last November. He stated that he brings this up because in the Jackson Times there was a piece titled "Reflections on Jackson" by Bob Slattery. He stated that Mr. Slattery doesn't step foot in this building only to run errands for Bill Santos. Deputy Mayor Giblin told Mr. Cottrell that Mr. Slattery was here this evening. Mr. Cottrell addressed Committeeman Reilly and said if there was a resolution tonight stating that it was dark out the vote would go 4 to 1 with him as the "No" vote. He told him that he has been an obstructionist thus a vote of no confidence in his position of liaison to Public Safety. It wore thin a long time ago and he better get hip to that. He spoke about the election in November where Bill Allmann and Mel Schubert are running. He stated that Mr. Allmann has one of the most despicable low brow tenures as a Committeeman next to Vicky Rickabaugh and Bob Slattery that perhaps this town has ever seen. Mel Schubert did not come across very well at the debate last year. He stated that he knows he is not the only one who is sick of being lied to by these fictitious groups like CASH and Reflections on Jackson. He asked them to straighten up and fly right.

GARY BLACK, 76 LEWIS LANE: He said that it is quite funny that Mr. Cottrell talks about straightening up and flying right when the majority of the people that came up here tonight to ask questions of the Committee were attacked. He explained that if they get backed into a corner and can't answer a question they attack the person asking the question. He said that he missed the meeting where they gave Mr. Reilly a "no confidence" vote. He stated that "no confidence" is usually done with a Prime Minister or something like that, he asked them if they realize they are just Township Committeemen? He asked if they thought they were building confidence this year when

they decided to ban horse farms? He later asked the Mayor if he knows everything about every ordinance and everything that is going on that they don't have to rely on professionals at all. In closing, he stated that he can't wait for those cameras to go on and then people can see what they have voted for. Mayor Kafton replied that he doesn't know every thing and does rely on professionals. As far as Mr. Reilly's vote of "no confidence" this was because he was appointed as liaison to the Police Department and had only met once at the time with the Director. He had questions and didn't meet with the Police Department or the Director and that is why the vote of "no confidence" was done. The Committeemen that have been appointed liaisons of different groups, speak with professionals and department heads to get answers to questions. Committeeman Reilly is an elected official in this town and a vote of "no confidence" is given to someone who isn't doing what they were elected to do. It is not just reserved for a Prime Minister. He went on to explain that they didn't try and ban horse farms. When that came up they admitted it was an oversight and nobody was harmed and he thanked anyone from the public who brought that up.

MARYANN VINCEGUERRA, MONMOUTH ROAD: She stated that the Park and Rides are nearly filled and heard that they are planning on purchasing property for a permanent site. She later asked Mr. Giblin what the timeframe is for the installation of the light on 571and Anderson Road? She then stated that she understands there is a new Planner since January, are any plans that haven't been completed going to be turned over from JCA to the Ragan Design Group? In closing, she introduced a graduate of Jackson High School, Peter Brown, who is a Legislative Aide to Senator Andrew Ciesla. Mayor Kafton thanked Ms. Vinceguerra for her part in helping them bring the bus companies into Jackson for the Park and Ride and added that she sits on the Central Jersey Transportation Committee. Mr. Giblin explained that with the approval tonight of the bond ordinance, we have 20 days to send a resolution to the County agreeing to it. It should be up before school starts. Mr. Burke stated that bids for that project that is sponsored by the County are to be received on May 13th. The County has assured them the project will be substantially completed before the beginning of school. He told Ms. Vinceguerra that he has plans in his office that he can share with her at her convenience. Mayor Kafton explained that their new Planner is Rick Ragan of The Ragan Design Group. The plans have all been turned over to the Ragan design group. It was a smooth transition.

GARY McCLELLAM, AGOSTINO DRIVE: He thanked Mayor Kafton and the Committee for the help in spearheading this effort. He then thanked Mr. Burke for opening up the dialogue.

DOMINICK GIUNTA, AGOSTINA DRIVE: He explained that he was here about a year ago regarding the potholes. At that point someone declared them a public safety issue and then they were fixed. There are more potholes now that are a safety issue. Committeeman Broderick stated that he believes that last year there were also cracked sewer plates involved. Mayor Kafton explained that they can only address an issue if there is a safety hazard involved. Daniel Burke explained that if the detention basin heads are cracked, public works has them in stock and will fix them and then bill that charge against the bonding company. Mr. Panunzio, Public Works Director stated that he will go out there tomorrow.

DANA SCOTTO, 470 BASSO STREET: She thanked Dan Burke for his involvement. She is happy to see that the Ordinance was passed with only one "no" vote. Deputy Mayor Giblin stated there is also an authorization to go out to bid, so they are moving forward.

ALLEN COTTRELL, 125 SUSAN DRIVE: He stated that he was slightly remiss the last time he spoke. It has been four years now, 1 year of CASH and 4 years of this

Reflections piece and it comes down to who do you trust. He said he knows that Bob Slattery can't write the English language and every word written has come from Bill Santos. He then asked Committeeman Reilly if he believed that the group CASH ever existed or exists now? He then asked Mr. Reilly if he believes that his Godfather, Bob Slattery, has ever written one single Reflections piece? Mr. Reilly stated he wouldn't dignify the questions with an answer.

GARY BLACK, 76 LEWIS LANE: He began by saying he wanted to continue where he left off. He stated that he noticed that all the questions to the Committee from Mr. Santos, former Administrator, could not be answered. Deputy Mayor Giblin couldn't answer the questions and had to refer them to the professionals. Deputy Mayor Giblin stated that he didn't refer them he answered the questions. Mr. Black explained that this constant politic attacks they have been doing will destroy them. They should be quiet right now because they are doing more campaigning for the Republicans right now then they are. He then spoke about a Township employee referring to Bob Slattery as "Baghdad Bob", he took that as pathetic. Mrs. Savage has been attacked and has been called a liar, cheat and thief by one of their supporters. When any former elected officials come up and ask anything it is answered by attacks. Government by intimidation, by threat, or by terrorism will not survive.

DORA KARKER, JACKSON ESTATES: She explained that she is so tired of listening to all this nonsense. She comes to every meeting and she enjoys them. She enjoys what people say, she may get a little perturbed at times, but people have the right to say what they want. She doesn't think that anyone should get up here and knock any particular person. Names shouldn't be mentioned and it is uncalled for.

MOTION TO CLOSE PUBLIC HEARING ON ANY TOPIC BY: GIBLIN
MOTION SECONDED BY: BRODERICK
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

DISCUSSION AGENDA:

RE: POP WARNER – LIGHTING

MAYOR KAFTON: He explained that the entire Committee has received a copy of the request from Pop Warner. They are asking the Township to pick up the cost of the lights at \$67,000. They asked for \$10,000 up front and then the rest over a 5 year period. He stated that the Township has helped Pop Warner over at the Holman field, they give them land and help them clear it. They are in the process of trying to develop fields. He stated he knows that they have a very tight budget this year, but probably coming this next budget season he and Deputy Mayor Giblin had discussed increasing allocations possibly to Pop Warner, Little League and Soccer. Maybe, in this next coming year they can increase allocations to address this lighting issue. Committeeman Grisanti stated that they need to send letters to the sports organizations and tell them they can't send piece meal. These requests need to be made during our budget workshops. Maybe they can submit a wish list and a 5 year plan of what there needs and wants are.

RE: JACKSON LIONS CLUB – REQUEST FOR DONATION

ADMINISTRATOR KENNEDY: He stated that the Committee received a letter from the Jackson's Lions Club asking for a donation. His recommendation is to donate some proceeds to them from the Mayor's Golf Tournament like they have done in previous years. Mayor Kafton agreed that a donation will be made to them from the proceeds of the Mayor's Golf Tournament.

RE: PERFORMANCE BOND RELEASE TO:

- **SHOWCASE HOMES – PRESERVE AT JACKSON – BLOCK 154.01, LOT 2**
- **VINEYARDS RESIDENTIAL GROUP – VINEYARDS AT ANDERSON RUN**

TOWNSHIP CLERK EDEN: She stated that they should be in receipt of correspondence from CME regarding Showcase Homes, Preserve at Jackson and the Vineyards at Anderson Run. They are authorizing the release of the performance bonds for those projects. The Committee was in agreement, a resolution will be prepared for the May 27th meeting releasing their performance bonds and placing them on maintenance bonds.

MOTION TO ADJOURN BY: GRISANTI

MOTION SECONDED BY: BRODERICK

YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON

11:00 PM

RESPECTFULLY SUBMITTED,

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

AME/tvc