

**ON MONDAY, DECEMBER 22, 2003 AT 6:30 P.M., THE JACKSON TOWNSHIP COMMITTEE HELD IT'S MEETING IN THE MUNICIPAL BUILDING**

**ROLL CALL:**

**COMMITTEEMAN BRODERICK  
COMMITTEEMAN GRISANTI  
COMMITTEEMAN REILLY (absent)  
DEPUTY MAYOR GIBLIN  
MAYOR KAFTON**

**ATTORNEY STARKEY  
ADMINISTRATOR KENNEDY  
MONICA PASCARELLA (Interim  
Clerk)**

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**MOTION TO APPROVE MONICA PASCARELLA AS INTERIM CLERK BY:  
KAFTON**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

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**RESOLUTION 558R-03**

**TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE TOWNSHIP COMMITTEE TO ENTER INTO CLOSED DISCUSSIONS CONCERNING MATTERS INVOLVING CONTRACT NEGOTIATIONS, PERSONNEL AND LITIGATION AND POSSIBLE LAND ACQUISITION MATTERS.**

**MOTION TO APPROVE BY: GIBLIN**

**MOTION SECONDED BY: BRODERICK**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**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: 12/22/03**

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

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**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.

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**ON MONDAY, DECEMBER 22, 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**  
**COMMITTEEMAN GRISANTI**  
**COMMITTEEMAN REILLY** (absent)  
**DEPUTY MAYOR GIBLIN**  
**MAYOR KAFTON**

**ATTORNEY STARKEY**  
**ADMINISTRATOR KENNEDY**  
**MONICA PASCARELLA** (Interim  
**(Clerk)**

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.

**PRESENTATIONS**

**AMERICAN PUBLIC WORKS ASSOCIATION AWARD – SERGIO PANUNZIO**

**MAYOR KAFTON:** He explained that he wanted to recognize Sergio Panunzio our Public Works Director for the award that was given to him by the American Public Works Association. He then thanked Mr. Panunzio for everything he does for the Township and stated that this award was well deserved.

**SERGIO PANUNZIO:** He thanked the Committee and his staff for their teamwork because that is what really brings everything together. He then thanked the Committee for the new equipment that his department received this year.

**KOREAN WAR VETERANS – 50<sup>th</sup> ANNIVERSARY:**

**MAYOR KAFTON:** He explained that about a week ago the Township Committee recognized 73 Korean War veterans living in Jackson Township. He spoke about the service and thanked everyone who participated and attended the service. He stated that this is the 50<sup>th</sup> anniversary of the Korean War and the Township Committee wanted to recognize these veterans by presenting them with a plaque on behalf of Jackson Township. There were some residents who couldn't make it that day so they were asked to come to the meeting this evening so they could be recognized.

**CERTIFICATE OF APPRECIATION**

**JACKSON MEMORIAL HIGH SCHOOL CROSS COUNTRY TEAM MEMBER – JENNIFER CLAUSEN:**

**RALPH CARETTA, ATHLETIC DIRECTOR:** He stated that they had a very good Cross Country team this year, but one lady, Jennifer Clausen, really stood out. He then introduced the Cross Country Assistant Coach, Amy O'Donnell who read Ms. Clausen's accomplishments this season. Deputy Mayor Giblin stated that he has read the articles in the paper about Jennifer and explained that the remarkable thing about her is that she is only a sophomore and has two more years ahead of her. Mayor Kafton presented Jennifer Clausen with a Certificate of Appreciation on behalf of Jackson Township.

**JACKSON MEMORIAL HIGH SCHOOL GYMNASTICS TEAM:**

**DEPUTY MAYOR GIBLIN:** He explained that the Jackson High School Gymnastics Team also had a great year. Mayor Kafton presented Denise Cavanaugh, Gymnastics Team Coach, who was named coach of the year by the Ocean County Observer with a Certificate of Appreciation.

**DENISE CAVANAUGH, GYMNASTICS TEAM COACH:** She explained that they had a wonderful team this year, but one individual did stand out, Kaitlyn Kaplan. Coach

Cavanaugh listed her accomplishments this season. She then presented Certificates of Appreciation to all the members of the team.

**TREE LIGHTING/BERGERONE TREE SERVICE**

**MAYOR KAFTON:** This weekend they had a wonderful tree lighting service. John Paul Bergerone and Daniel donated their time to this event. He then thanked Ann Alberta for all her hard work because it was really a beautiful service.

**ANN ALBERTA, DIRECTOR OF RECREATION:** She personally thanked the gentlemen from Bergeron for all their help.

**JACKSON SENIORS WHO CARE**

**MAYOR KAFTON:** He administered the oath of office to the Seniors Who Care officers.

**COMMITTEE COMMENTS**

**COMMITTEEMAN BRODERICK:** He thanked everyone for coming out and wished them a happy and healthy holiday. In closing he told everyone to drive home safely.

**COMMITTEEMAN GRISANTI:** He too wished everyone a happy and healthy holiday and told them to get home safely. He waived any further comments.

**COMMITTEEMAN REILLY: (Absent)**

**DEPUTY MAYOR GIBLIN:** He wished everyone happy holidays and a healthy and safe new year.

**MAYOR KAFTON:** He began by wishing everyone happy holidays. He then reminded everyone that on January 1, 2004 in this room will be the Reorganization meeting and invited everyone to attend. He thanked Ann Alberta on the great job she did with the tree lighting and the Seniors on Toyland. He thanked all the veterans of Jackson Township who came out for the service. He stated that this is the last meeting of the year and thanked everyone who came out to the meetings. He said he really enjoyed being Mayor this year and it is kind of sad to let it go. In closing he again wished everyone a happy and healthy holiday.

**BILLS AND CLAIMS**

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

**MOTION SECONDED BY: GIBLIN**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSTENTIONS: BRODERICK (CME)**

**ABSENT: REILLY**

CHECK#	VENDOR	AMOUNT
064637	JACKSON TOWNSHIP P/R ACCOUNT	504,784.50
064638	JACKSON TOWNSHIP P/R ACCOUNT	33,975.39
064748	JACKSON TOWNSHIP P/R ACCOUNT	269,127.25
064749	JACKSON TOWNSHIP P/R ACCOUNT	51,131.46
064750	A&M TEXACO INCORPORATED	50.00
064751	ACTION OFFICE SUPPLIES INC.	2,549.66
064752	ADAMS, REHMANN, HEGGAN & ASSOC	8,196.20
064753	AIR BRAKE & EQUIPMENT INC.	1,291.74
064754	ANNE ALBERTA	50.99
064755	AMCHAR WHOLESALE INC.	2,293.28
064756	AMERICAN POWER CLEANING CO.	330.00
064757	A.R. COMMUNICATIONS	214.28
064758	ARROW LOCKSMITH & SECURITY INC.	321.82
064759	BINDER MACHINERY COMPANY, INC.	146.40

064760	RICHARD BORYS	99.64
064761	BORGATA CASINO HOTEL	480.00
064762	LAURA BORYS	30.00
064763	BROUWER HANSEN & IZDEBSKI	3,788.00
064764	KENNETH R. BROWN	672.70
064765	CABLEVISION	59.95
064766	CANYON SPRING WATER	VOID .00
064767	CANYON S PRING WATER	656.50
064768	KIMBERLY S. CASTEN	3,333.33
064769	CENTRA STATE MEDICAL CENTER	1,000.00
064770	CHERRY VALLEY TRACTOR SALES	3,523.47
064771	CITY AUTO RADIATOR, INC.	135.00
064772	CLARK, CATON & HINTZ CORP.	48.75
064773	CLAYTON BLOCK CO. INC.	301.81
064774	ROBERT CLARKE	1,249.00
064775	CLAYTON PRESS	126.00
064776	CME ASSOCIATES	13,130.25
064777	CMF, INC.	12,776.78
064778	METROPOLITAN INSURANCE CO.	613.83
064779	COMPLETE SECURITY SYSTEMS INC.	1,702.50
064780	COPY DYNAMICS	3,743.00
064781	COSTCO WHOLESALE 229	124.51
064782	COSMOS RECYCLED AUTO PARTS/	350.00
064783	COUNTY LINE HARDWARE	60.78
064784	COUNTRY CLEAN INC.	107.93
064785	COUNTRYWIDE HOME LOANS	1,710.16
064786	COUNTRY SUDSER CAR WASH	236.00
064787	CPR TECHNOLOGY	409.05
064788	CREATIVE HOBBIES	400.24
064789	CUSTOM PRODUCTS	391.27
064790	DELTA PRODUCTS, INC.	1,079.34
064791	DELL MARKETING L.P.	806.54
064792	DEPTCOR/BUREAU OF	310.50
064793	DIVISION OF STATE POLICE –SBI	490.00
064794	DISTRIBUTION & SUPPORT SERVS.	378.20
064795	EAGLE WOLF TRAINING INC.	63.99
064796	EDWARDS TIRE COMPANY, INC.	474.67
064797	EINHORN CONSTRUCTION	40.00
064798	E.J. SCHUSTERS, INC.	150.20
064799	ELITE HEATING & COOLING, INC.	636.00
064800	ELITE PETROLEUM, INC.	130.64
064801	FELICITY V. EPSTEIN	160.00
064802	EXCAVATING MATERIALS &	963.00
064803	EXECUTIVE BUSINESS PRODUCTS	229.86
064804	FOSTER & COMPANY, INC.	1,180.76
064805	GARDEN STATE HWY PRODUCTS, INC.	662.00
064806	GLORY'S DISCOUNT MARKET, INC.	287.78
064807	GOOD FRIEND ELECTRICAL	1,936.74
064808	GPANJ	45.00
064809	GPU ENERGY	57.87
064810	GRANTURK EQUIPMENT CO., INC.	816.40
064811	GRAINGER-TRENTON	2,263.28
064812	DENISE HAMMERSTONE	111.45
064813	EMILIA M. HARRISON	71.98
064814	MATTHEW J. HEAGEN	157.00
064815	HESS SERVICE STATION	144.40
064816	HEWLETT-PACKARD	4,300.00
064817	EDWARD A. HLAVACH, C.P.A.	2,300.00
064818	HOOVER TRUCK CENTERS, INC.	188.51
064819	THOMAS HRATKO	1,976.95
064820	DANIEL D. HYMAN, JUDGE	22.00

064821	IKON OFFICE SOLUTIONS	527.77
064822	INDUSTRIAL WELDING SUPPLY INC.	566.40
064823	ISCPP TRAINING SYMPOSIUM	35.00
064824	JACKSON SR. CITIZENS CLUB, INC.	172.60
064825	JACKSON TOWNSHIP CAPITAL FUND	880.00
064826	JACKSON TOWNSHIP CURRENT FUND	807.78
064827	JACKSON TWP. GENERAL TRUST FUND	90.00
064828	JACKSON TWP. MUN. UTILITIES AUTH	3,588.99
064829	JACKSON TOWNSHIP P/R ACCOUNT	503,312.63
064830	JACKSON AUTO BODY	1,000.00
064831	JACKSON TWP. BOARD OF EDUCATION	5,687.72
064832	JACKSON TOWNSHIP TAX COLLECTOR	365.60
064833	JCA ASSOCIATES, INC.	3,585.35
064834	JERSEY CENTRAL POWER & LIGHT	17,386.90
064835	A-1 JDK SPECIALTIES	300.00
064836	JERSEY SHORE PETERBUILT INC.	296.44
064837	JERSEY BUS SALES INC.	160.46
064838	JOHNNY ON THE SPOT	2,373.63
064839	JOHN LUCAS CHEV OLDS	381.94
064840	J.R. HENDERSON LABS, INC.	525.00
064841	J.J. KELLER & ASSOCIATES, INC.	164.20
064842	KENNEDY CULVERT & SUPPLY	12,394.80
064843	KIMBALL MEDICAL CENTER FOUNDTN	5,000.00
064844	ADI/KING ALARM DIST. INC.	152.40
064845	LAKEWOOD AUTO SUPPLY INC.	461.88
064846	LEE BATTERY SERVICE, INC.	693.83
064847	LERETA CORPORATION	919.32
064848	L.J. MAKRANCY & SONS	13,205.20
064849	SUSAN LOTITO	675.00
064850	MC BRIDE GLASS CO., INC.	268.00
064851	MCCRISTAL REPORTING SERVICE	600.00
064852	MID-STATE ABSTRACT COMPANY	650.00
064853	MONTAGE ENTERPRISES, INC.	403.00
064854	BERNADETTE & ANTHONY MULLAGHY	1,588.42
064855	NATIONAL COMMUNICATIONS	129.95
064856	NJASRO	285.00
064857	NEW JERSEY NATURAL GAS	VOID
064858	NEW JERSEY NATURAL GAS	7,935.88
064859	NEW JERSEY STATE LEAGUE OF	60.00
064860	NOREIKA GAS INC.	15.42
064861	OCEAN COUNTY NEWSPAPERS, INC.	976.83
064862	OCEAN COUNTY CLERK	8.00
064863	OCS PRINTING – OCEAN COUNTY	290.00
064864	OLD DOMINION BRUSH CO. INC.	5,650.00
064865	OLYMPIC GLOVE & SAFETY CO., INC.	51.20
064866	OMNI COMMUNICATIONS CO., INC.	25.00
064867	PARAMOUNT HOMES @ JACKSON	50.00
064868	PARKER, MCCAY & CRISCUOLO, P.C.	219.87
064869	PEDERONI FUEL COMPANY, INC.	10,760.34
064870	PHILADELPHIA MICROGRAPHING INC.	29,369.00
064871	SHARON PINKAVA	93.00
064872	PITNEY BOWES, INC.	257.00
064873	PUNTONIA ASSOC., INC.	1,576.00
064874	QUICKIE PRINT & COPY SHOP	208.30
064875	QUILL CORPORATION	238.83
064876	RAGAN DESIGN GROUP	133.50
064877	RED THE TAILOR, INC.	3,306.75
064878	RELIABLE CORPORATION	467.82
064879	RIGGINS I NC.	15,358.98
064880	RUTGERS, THE STATE UNIVERSITY	388.00
064881	RMV LAND/LIVESTOCK SO INC.	4,775.00
064882	ROBERT RYLEY	99.95

064883	ANDREW J & JOAN G SABINE	1,526.62
064884	SENIORS WHO CARE, INC.	858.69
064885	PATRICK SHEEHAN, ESQ.	2,846.83
064886	SHOPRITE/PERLMART, INC.	190.54
064887	DEBRA A. SMITH	70.07
064888	SNAP ON TOOLS CORPORATION	1,055.87
064889	SPRINT	2,147.29
064890	NJSHBP	192,911.53
064891	STAVOLA CONTRACTING CO., INC.	68.85
064892	STARKEY, KELLY, BLANEY, BAUER, AND	1,600.00
064893	STRAUSS AND ASSOCIATES	3,085.30
064894	TOTAL LUBRICATION SVC & SUPPLY	2,655.86
064895	TRANSAMERICA RE TAX SERVICE	10,061.38
064896	TRENTON BRAKES, INC.	555.22
064897	TRENTON MACK SALES AND	52.00
064898	TEASURER, STATE OF NJ	500.00
064899	TRICO	5,830.00
064900	TROPICANA CASINO & RESORT	1,005.00
064901	TRUMP PLAZA HOTEL AND CASINO	910.00
064902	MICHAEL CEPPALUNI dba/UNITED	180.00
064903	UNITED PARCEL SERVICE	10.58
064904	VAN WICKLE AUTO SUPPLY	336.68
064905	VERIZON WIRELESS	17.29
064906	VERIZON	VOID .00
064907	VERIZON	VOID .00
064908	VERIZON	4,200.81
064909	RICHARD C & DOLORES O WALLER	6,112.53
064910	WASTE MANAGEMENT, INC.	43,650.00
064911	WELLS FARGO HOME MORTGAGE INC.	1,431.37
064912	WEST PUBLISHING CORPORATION	96.50
064913	CHARLES S. WINNER, INC.	20,311.88
064914	WOODHUE LTD	270.00

**ORDINANCES, SECOND READING:**

**39-03**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON AMENDING CHAPTER 109 OF THE ADMINISTRATIVE CODE TO CLARIFY LOT FRONTAGE AND LOT WIDTH REQUIREMENTS IN CERTAIN ZONES**

**ATTORNEY KEVIN STARKEY:** He explained that the Township Planner has recommended that Ordinance 39-03 not be adopted at this time. The Township Planner will give them a report at the meeting next year. Mr. Starkey recommended that they motion to withdraw this ordinance.

**MOTION TO WITHDRAW ORDINANCE 39-03 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**ORDINANCE 39-03**

**WHEREAS,** the Township Planner has recommended revisions to the land use provisions of the township Code in order to clarify lot frontage and lot width requirements for existing lots in the R-20, R-15 and R-9 zoning districts; and

**WHEREAS**, the requirements must be clarified so that the Zoning Officer and land use boards can properly consider permit or variance applications for existing residential dwellings in those zones;

**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:

1. Chapter 109-31.1 C of the Township Code shall be amended to add the following lot requirements:

	R-20	R-15	R-9
Lot area			
Interior lot	20,000 s.f.	15,000 s.f.	9,000 s.f.
Corner lot	22,000 s.f.	18,000 s.f.	10,500 s.f.
Lot width	125 feet	100 feet	75 feet
Lot frontage			
Interior lot	65 feet	50 feet	40 feet
Corner lot (each street)	125 feet	110 feet	110 feet

- II. This ordinance shall be presented to the Planning Board before second reading for its review and recommendation.

**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 November 10, 2003, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24<sup>th</sup> day of November, 2003 at 7:30 PM 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**

**DATED: 12/22/03**

**41-03**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON CREATING CHAPTER 100 OF THE ADMINISTRATIVE CODE ENTITLED “TREE REMOVAL” AND AMENDING CHAPTER 109, SECTION 159 ENTITLED “TREES; PENALTY”**

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

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

**MOTION SECONDED BY: BRODERICK**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**ATTORNEY STARKEY:** He explained that there are two minor amendments to this ordinance since first reading. First, there was a problem with the numbering of the paragraphs when it was e-mailed to the Township. Second, Subsection I, the reference to “municipal” was changed to “public”. This was to give a broader use of the monies in

the tree escrow fund. In his opinion these changes are not material so this ordinance can be voted on for second reading tonight.

**MOTION TO APPROVE ORDINANCE 41-03, AS AMENDED, ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: GIBLIN  
MOTION SECONDED BY: GRISANTI  
YES: BRODERICK,GRISANTI, GIBLIN & KAFTON  
ABSENT: REILLY**

**COMMITTEEMAN BRODERICK:** He thanked Attorney Starkey for putting this ordinance together so quickly.

### **ORDINANCE 41-03**

**WHEREAS**, the Township Committee previously enacted an ordinance on March 12, 2001 that revised the requirements for tree removal on properties located within the Township; and

**WHEREAS**, a court has ruled that portions of the ordinance are invalid; and

**WHEREAS**, the Township Committee desires to continue its efforts to save trees, in accordance with the restrictions set forth in the court's decision; and

**WHEREAS**, the indiscriminate, uncontrolled and excess destruction and removal of trees in the Township has resulted in a deterioration of conditions that affect the health, safety and well-being of the residents of the Township; and

**WHEREAS**, trees are important cultural, ecological, scenic and economic resources of 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:

1. Chapter 109, Section 159, entitled "Trees; Penalty" shall be deleted in its entirety.
2. Chapter 109, Section 159 shall be re-titled as "Tree Removal Requirements" and the following provisions shall be inserted:
3. 109-159. Tree Removal Requirements.

The requirements for tree removal and replacement are set forth in Chapter 100 of this Administrative Code.

4. Chapter 100 of the Township Code shall be created and shall be entitled "Tree Removal," and shall consist of the provisions attached hereto.

### **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 December 8<sup>th</sup>, 2003, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 22<sup>nd</sup> day of December, 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.

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**ANN MARIE EDEN, TOWNSHIP CLERK**

Chapter 100

TREE REMOVAL

A. Intent and purpose

(1) The indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within the Township has resulted in creating increased soil erosion and dust, has deteriorated property values and further rendered land unfit and unsuitable for its most appropriate use, with the result that there has been deterioration of conditions affecting the health, safety and general well-being of the inhabitants of the Township of Jackson. It is the intent, therefore, of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the Township.

(2) Trees are declared to be important cultural, ecological, scenic and economic resources. Proper management of this resource will ensure its maintenance and result in greater economic returns. A property forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for continuing uses of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring proper management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.

(3) The enforcement of this chapter shall be the duty of the Shade Tree commission of Jackson Township and its appointees for the purpose of the regulation, planting, care and control of shade, ornamental, and evergreen trees and shrubs in the streets, highways, public places of the township, and tree removal on all lands within the Township of Jackson.

B. Applicability. The terms and provisions of this chapter shall apply to real property, as follows:

(1) Unless specifically exempted herein, it shall be unlawful for any person to remove or cause to be removed any tree with a trunk diameter of three (3) inches or more DBH (Diameter Breast Height) without

first having obtained a tree removal permit to do so as provided herein. Tree removal permits shall be issued by the Township Forester or his or her designee.

- (2) Specimen, extraordinary and historic trees. On all real property upon which specimen or historic trees are located, trees having been designated as such under the provisions of this chapter shall be maintained in a living condition, and it shall be unlawful for any person to remove such tree without an approved tree removal permit. Significant trees shall be designated as follows and shall require that their location, DBH, and type be shown on the plan:
  - (a) Living deciduous trees having a trunk of sixteen (16) inches diameter or more at breast height.
  - (b) All living coniferous trees having a trunk of twelve (12) inches diameter or more at breast height.
  - (c) All living flowering dogwood (*Cornus Florida*) or American holly (*Ilex opaca*) trees having a trunk of three (3) inches diameter or greater at breast height.
  - (d) All native laurel (*Kalmia latifolia*) shrubs having a root crown of three (3) inches or greater measured at the soil or surface level.
- (3) Within the Pinelands Area, the standards of N.J.A.C. 7:50-6:41 et seq. shall also apply.

C. Tree Removal Permit Applicability.

- (1) Any person wishing to obtain a permit to remove one (1) or more trees or clear land as required under the provisions of this chapter shall make application to the Township Forester by filing a written application and paying such fee as set forth in § 190-11. Where an application as required by this chapter has been submitted, no permit shall be issued until a tree save plan for the lot or parcel has been reviewed and approved by the Township Forester with recommendation of the Shade Tree Commission, Township Engineer, and Environmental Commission, where appropriate, and until the filing of a written report of an on-site inspection by the Township Forester. For applications within the Pinelands Area, the requirements set forth in § 109-71D must also be met. Where an application is made in connection with the construction of a building or other improvement, no building permit shall be issued until the tree removal permit has been granted.
- (2) Residential Development
  - a. For all existing and new residential development with a proposed lot area no more than 40,000 square feet, up to fifty (50%) percent of the lot area may be cleared of trees without replacement

trees required. For residential development with a proposed lot area of 40,000 square feet or greater, up to 20,000 square feet in area of proposed trees may be removed without replacement trees required. The lot area for which tree replacement shall not be required as set forth herein shall be the "Exempt Area." The Exempt Area shall be calculated as a contiguous, circular area from a fixed point on the lot in question, which shall have an approximate radius of one hundred (100) feet. The fixed point shall be located within the footprint of the existing or proposed primary residential structure on the property.

- b. For residential development where tree removal is to occur within public or private roadways/right-of-ways, drainage facilities, parking areas or proposed open space all trees are subject to replacement in accordance with this chapter of the ordinance. All required escrow and bond fees for said subdivision application, including required tree replacement shall be verified as paid prior to the issuance of the tree removal permit by the Township Forester.

(3) Agricultural Operations

Agricultural operations are exempt from replacement requirements, because such operations are governed by the Right-to-Farm Act, N.J.S.A. 4:1C-1 to -10, which preempts local regulation. Property owners claiming exemption under this subsection must continue to farm the property in question as described on the tree removal permit for a minimum of five (5) consecutive years after the date of clearing or date of the commencement of the prescribed farming activity and said activity is deemed compliant by the Township Forester. An application must be submitted prior to clearing. If the property is not farmed as prescribed on the tree removal permit within three (3) years of the tree removal or is developed for any other use before the five (5) years expires, the reforestation replacement obligation in accordance with § 100(I)(2) will be enforced according to the new use of the property.

(4) Nonresidential Development.

All commercial and industrial developments are required to replace all trees removed in accordance with § 100(I) of this ordinance.

D. Tree Removal Permit Application and Tree Save Plan

- (1) Tree Removal Permit Applications shall be made available at the Township Forester's office and shall be completed in full. All required fees as set forth in § 100(G) shall be required when the application is deemed complete and prior to its review. The application shall be filed in the Township Forester's office.

- (2) Tree Save Plans shall be submitted to the Township Board or Zoning Board approval shall be part of the set of the construction plans for that application. Tree Save Plans shall contain the following information:
  - (a) The name and address of the applicant
  - (b) The name and address of the property owner from which the trees are to be removed.
  - (c) The lot and block of the property
  - (d) The shape and dimensions of the lot or parcel, including the location of all easements. If the tree removal permit is for a single-family residence, the plan shall consist of a tree location sketch containing the minimum amount of pertinent information to enable the determination of compliance with the regulations in this chapter, including the information set forth in (1) and (2) below and, if necessary, in (6) and (8) below. For any other properties subject to the requirements of this chapter the tree location plan shall be indicated on a survey prepared by a Licensed Land Surveyor. The tree location plan shall contain, at a scale of no less than 1"=100', the following information:
    - (1) The limits of all existing and proposed tree line limits.
    - (2) The identification and location of all tree(s) to be removed, specifically by an assigned number, species, and the DBH of each tree. The proposed limit of the clearing and all individual trees to be retained outside the limit of tree clearing shall also be identified by some method, such as painting, flagging, etc., prior to field inspection.
    - (3) The installation and limits of a temporary existing tree protection fence along the limit of proposed tree removal in compliance with § 100(H).
    - (4) Locations of all forest types that are subject to the provisions of this chapter shall be identified by common and botanical names of dominant species. Trees proposed to remain, to be transplanted or to be removed shall be identified.
    - (5) All trees greater than eighteen (18) inches in caliper or any specimen, extraordinary or historic trees to be removed.
    - (6) A proposed tree-replacement plan in accordance with this section. A tree replacement plan shall be considered the proposed landscaping plan required for all subdivision and site plan approvals.

- (7) A North arrow.
  - (8) The location of existing and proposed structures and improvements, if any.
- E. Time of permit. Any and all permits issued by the Township as required by this chapter shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed twelve (12) months. In no case will the permit be valid for more than twelve (12) months. Permits not used within this period will become null and void, and future work will require a new application and is subject to the payment of new fees. For purposes of this subsection, a permit shall no longer be valid when the work authorized by the permit is completed.
- F. Conditions for issuance of permits. Upon receiving the field inspection report and any requested recommendations concerning the application, the Township Forester shall issue a permit after the application is filed for the removal or relocation of trees, or clearing, if one (1) or more of the following criteria is met, and provided that none of the conditions set forth below in subsection F(2) exists:
- (1) Criteria for removal.
    - (a) The tree is located in an area where a structure or improvements will be placed according to an approved plan and the tree cannot be relocated on the site because of age, type or size of the tree.
    - (b) The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
    - (b) The tree is to be removed for harvesting as a useful product or for the purpose of making land available for farming or other useful or productive activity, is to be removed in furtherance of a forest management plan or soil conservation plan or to serve some other useful or beneficial purpose.
  - (2) Professional evaluation required: The Township Forester, with recommendation from the Shade Tree Commission and Township Engineer, may consider any negative impact in the following areas on the natural environment in granting a permit and may deny the permit if the following conditions exist: any negative effect upon ground and surface water quality, specimen trees, soil erosion, dust, reusability of land, and impact on adjacent properties.
  - (3) Basis for denial. The Township Forester, where appropriate, upon a determination that an application is to be denied, shall state the basis for such denial specifically and shall notify the applicant of the criteria upon which said denial is predicated.
- G. Fees.
- (1) Application Fee. The applicant, at the time of filing the application with the Township Forester, shall pay the application fee of ten dollars (\$10) for each new or existing

lot. No application shall be considered without the payment of required fees.

- (2) Tree Removal Fee.
  - (a) Residential Lots. If trees outside of the Exempt Area are to be removed, a fee of twenty-five dollars (\$25) for each residential lot on which trees are to be removed shall be paid by the applicant.
  - (b) Commercial or Industrial Lots. For all non-residential lots, the fee shall be fifteen dollars (\$15) per tree removed, up to a maximum of six hundred dollars (\$600) per acre.
- (3) Tree Replacement Fee. The fee for all lots in which trees are not removed and not replaced, for which tree replacement is required, shall be calculated in accordance with the schedule set forth in Subsection I of this chapter.

#### H. Existing tree protection during construction.

- (1) Before development, land clearing, filling, excavation or any land alteration, a development permit will be required. The developer shall be required to erect suitable tree protective barriers in compliance with § 109-173(A)(5) and this protection, where required shall remain until such time as the protection is authorized to be removed by the Township Forester, or after issuance of a final certificate of occupancy. Also, during construction, no attachments or wires shall be attached any of said trees so protected.
  - (a) A detail of the existing tree protective barrier shall be provided on all major applications. The protective barrier shall be a minimum of four (4) feet high.
  - (b) The protective barrier shall be placed at the drip line of any tree along the limit of clearing and around the entire tree drip line for trees to remain undisturbed within the limit of clearing.
  - (c) It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within the drip line.
- (2) Street right-of-way and utility easements may be ribboned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc, from stake to stake along the outside perimeters of such areas to be cleared.
- (3) Large property areas separate from the construction or land-clearing area into which no equipment will venture may also be ribboned off as set forth above in Subsection F(2)(a) as determined by the Township Forester following a field evaluation.

#### I. Tree Replacement

Tree replacement shall be required in accordance with the standards set forth in Section C. Dead and fatally diseased existing trees, as determined by a Certified Tree Expert,

shall not require replacement tree planting. Existing tree replacement shall comply with at least one of the following criteria:

- (1) One-to-One Tree Replacement: For each tree six (6) inches in DBH or greater that is removed, the applicant shall prepare a replanting scheme on other treeless areas of the property to compensate the clearing of the tree area. The replacement plan or landscape plan shall reflect a one-to-one tree replacement for each tree six (6) inches or greater to be removed. All proposed replacement trees shall be in accordance with § 109-173A(2)(b)(3) and submitted for review and approval prior to the issuance of a tree removal permit.
  
- (2) Tree Area Replacement/Reforestation: For each square foot of tree area to be removed, the applicant shall prepare a reforestation scheme on other treeless open space areas of the property to compensate the clearing of the tree area. The reforestation plan shall be based on 20' x 20' grid. Of this number of trees, 10% shall be balled and burlaped 2"-2½" caliper, 20% shall be balled and burlaped 1 ¾"-2" caliper, 30% shall be bare root 1 ¼ "-1 ½" caliper and 40% shall be bare root 6 to 8 foot tall whips. A mixture of trees, indigenous to the area and site shall be utilized. Proposed trees shall be planted in natural groves and may be spaced 5 feet to 20 feet on enter. The ground shall be seeded with a meadow grass mixture approved by the Township Forester.
  
- (3) Tree Cost Replacement: Should the quantity of the trees to be removed be greater than the quantity of actual tree replacement as identified on the tree replacement /landscaping plan due to limited available planting area, then the outstanding balance shall be provided in accordance with the replacement tree value calculations as indicated:

(a) Replacement tree value calculations:

The replacement value of all trees to be removed where replacement trees are required by this ordinance shall be calculated as follows:

<u>(1) Trees to be Removed</u>	<u>Replacement Trees</u>
<u>Size/DBH</u>	<u>\$/Tree</u>
Greater than 6" Up to 12"	\$200.00
Greater than 12" Up to 18"	\$400.00
Greater than 18" Up to 24"	\$600.00
Greater than 24"	\$800.00

In cases where the "tree cost requirement" criteria is combined with

other criteria of this subsection, the value of proposed shade, ornamental, evergreen, and shrub material shall be deducted from the calculated amount for replacement trees. The value of the proposed landscape material shall be calculated based upon average local material costs for planting.

- (2) The applicant will receive a one-for-one replacement tree credit should stands of ten (10) or more trees greater than 3 inches in DBH be preserved within tree removal areas.
- (3) A Tree Escrow Fund shall be established by the Township for the administration and promotion of tree and shrub planting projects on or within public properties or facilities. A separate trust account shall be established for this purpose. Appropriations from the Tree Escrow Fund shall be authorized by the governing body and shall be used for the foregoing public purposes through the recommendation of the Township Forester, Township Engineer or Township Planner.
- (4) All tree replacement requirements and/or fees as set forth in this subsection shall be approved and/or paid prior to the issuance of the tree removal permit by the Township Forester.

J. Emergencies. In case of emergencies, such as hurricane, fire, windstorm, flood, freeze or other disaster, or in the case of dead or diseased trees which are a hazard to persons or property, the requirements of the regulations set forth in this chapter may be waived by the Township Forester upon a finding that such waiver is necessary so that public or private work to restore order or property in the Township will not be impeded.

K. Exemptions.

- (1) The provisions of this chapter shall not apply to the following:
  - (a) Statement of "No Tree Verification" for any required tree removal permit.
  - (b) Any tree of less than three (3) inches DBH.
  - (c) Any tree or trees removed or cut in accordance with a forest management plan developed by the Bureau of Forestry, provided that such plan is filed with the Township Forester, Environmental Commission, and Tax Assessor.
  - (d) Any tree or trees removed or cut in accordance with an approved conservation plan prepared by the District Conservation Officer of the Soil Conservation Service, provided that such plan has been filed with



the Township Forester, Environmental Commission and Tax Assessor.

- (e) Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery or tree farm, including garden centers, Christmas tree plantations or tree orchards.
  - (f) Any tree growing in a public right-of-way or fire trail, subject to the approval of the Jackson Township Shade Tree Commission.
  - (g) Any tree removed by an owner of property for the owner's own consumption as firewood if said owner's residence is located on such property at the discretion of the Township Forester.
  - (h) Any tree cut or removed for the purpose of establishing a survey lien, provided that the width of said line shall not exceed:
    - (1) For a boundary survey, six (6) feet in width.
    - (2) For a topographical survey, eight (8) feet in width.
- L. Stop-work orders; withholding of approvals. The Township Forester is hereby authorized to recommend the issuance of stop-work orders to the Township's Construction Department and the Shade Tree Commission is authorized to recommend the issuance of stop-work orders to the Township Forester in the event that there is a failure to comply with the submitted forest management plan or soil conservation plan, or if there is non-adherence to the approval granted pursuant to this chapter or non-adherence to the standards as established by this chapter. The stop-work order shall remain in effect until the Township Forester has determined that the resumption of work will not violate the conditions of the plan or approval or the terms of this chapter. Failure to comply as aforesaid shall authorize the forfeiture of any permit issued under this chapter. The Township Engineer may withhold the issuance of any required certificate of occupancy and inspections, on any development as required until the provisions of this chapter, including conditions of any permits issued under this chapter, have been fully met.
- M. Applicability to tree-removal and construction companies; permit required. All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or person in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter, unless a valid permit therefore is in effect and is displayed in accordance with the provisions set forth below in Subsection K; such removal or work shall constitute a violation of this section, and shall subject the person or company violating this section to all penalties provided herein.
- N. Display of permit; carrying of plan or authorization; right of entry. The applicant shall prominently display on the site the permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the

permit and for ten (10) days thereafter. In addition, the persons or persons cutting or removing trees, if other than the applicant, shall carry with him authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees.

As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his premises by representatives of the Township and all law enforcement officers to inspect the permit at any time, and such entry shall be lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this section and shall constitute failure to display the permit as required herein. It shall be unlawful and considered a violation of this section for any person to engage in the business of plant cutting, trimming, removal, spraying or otherwise treating trees, shrubs or vines within the Township and without a certification or license for the designated work. All work to be performed shall be by or under the direction of a professional forester or "certified tree expert" and is compliance with New Jersey Board of Tree Experts pruning standards for shade trees and ANSI Section Z133.1 "Safety Standards" unless otherwise directed by or approved by the Township Forester.

- O. Duties of Township Forester. The Township Forester shall be a person with a bachelor's degree in forestry, arboriculture or agriculture from an accredited college or university and has three (3) years of experience in the planting, care and maintenance of trees and shrubbery and shall be appointed by the Township Committee to supervise the conservation of the trees and administer the provisions of the Ordinance. The Township Forester shall perform the duties set forth in this chapter and such additional duties as may be assigned by the governing body and shall be responsible for the enforcement of the provisions of this chapter. In this regard, the Township Forester is authorized and shall perform any necessary inspections and is further authorized and shall issue violation notices and shall sign complaints and provide professional testimony in the Municipal Court for violations of this chapter.
- P. Violations and penalties. Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine no exceeding five hundred dollars (\$500) per violation or to imprisonment for a term not to exceed ninety (90) days, or both, in the discretion of the Judge before whom conviction may be had. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

In addition to other remedies, the Building Inspector, Construction Official, or other proper municipal official may institute any appropriate legal action to prevent a continuing violation of the terms of this Chapter.

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

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**42-03****TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON CREATING CHAPTER 9 OF THE ADMINISTRATIVE CODE ENTITLED "ECONOMIC DEVELOPMENT ADVISORY COMMITTEE"****PUBLIC HEARING OPENED:**

**DENISE GARNER, EVERGREEN COURT:** She stated that Mayor Kafton has spoken in the past about the tax burden in Jackson and how this Economic Development Committee will be looking to alleviate this burden by bringing in ratables. She asked if they will show how these ratables will help the tax burden? Mayor Kafton explained that any positive ratable would help. A ratable that doesn't essentially put children into the schools would be a positive ratable. Ms. Garner went on to say that she is concerned because they seem to keep targeting an area for these ratables that is very sensitive. The river is already severely degraded and they shouldn't continue to impact it with commercial ratables. She stated that there are other ways to lessen the tax burden. (inaudible) Mayor Kafton stated that even though the Committee has and will continue to preserve open space they still need to recognize the need for commercial ratables because that is what offsets the taxes. He understands her concerns because they are the same concerns that this Township Committee has along with the members of the Planning, Zoning Boards and the Environmental Commission. They have concerns about the impact of our environment and the impact of our roads and they want to take all that into consideration. He explained that he and Committeeman Broderick took the time to sit down with the DEP to discuss the C-1 Category. They also have to recognize that this community has had a lot of residential growth and needs to have some commercial. People need to be able to go to restaurants and stores and this won't adversely affect our environment and there will be precautions taken. Ms. Garner stated that they are bringing in a Lowes and they already have one in Howell. They should go to the other towns and try to work out an agreement with them. We house their clean water maybe there is a way that we can get some revenue back from them. Mayor Kafton stated that there is a good chance that the other surrounding municipalities are not going to share their commercial ratables and the taxes they collect for them with Jackson Township. He went on to say that they take the up most precautions with environmental issues like they did with the Hovnanian project being built off of 571. Committeeman Broderick explained that he and Mr. Grisanti walked that entire development and they saw things in nature that they have never seen before and they put a block on that entire development. Mayor Kafton explained that no other administration in Jackson has put more ordinances in affect to protect our environment then this administration, but they do need commercial ratables. They can't keep buying all the vacant land in town, they don't have an endless pit of money. Attorney Starkey stated that this discussion might be more appropriate for the public portion because right now this hearing is dealing with the Economic Development Committee. Ms. Garner then asked if they selected a resident for that Committee yet? They Mayor replied that they haven't.

**STEVEN BROSKY, 500 CEDAR SWAMP ROAD:** He asked what power a Jackson resident would have on this Economic Development Committee? The Mayor stated it would be the power of input. This will be an Advisory Board and all the members will have input into the direction of the town. They will be taking their collective input and advising Mr. Barry Lefkowitz who will be running it. Mr. Lefkowitz will then be talking with the Planning Board and the members of the Township Committee. Mr. Brosky then stated that Mr. Lefkowitz is making \$35,000 for six months for sitting on this board? The Mayor explained that Mr. Lefkowitz will be doing more then just sitting on this Advisory Board he has already had a meeting with him and he has informed the Township Committee of many possible good commercial ratables that he is working hard to bring into town. This is his job to find good, positive and clean ratables to bring into town.

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

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**MOTION TO APPROVE ORDINANCE 42-03 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  
 ABSENT: REILLY**

**ORDINANCE 42-03**

**WHEREAS**, the Jackson Township Committee recognizes the need to implement a program to encourage sustained and selective economic growth in the Township; and

**WHEREAS**, the Township Committee desires to receive advice on the best way to maximize such growth in order to encourage commercial and industrial development within the Township; and

**WHEREAS**, the Township Committee believes that an advisory committee to explore the possibilities for growth and for appropriate action by the Committee to encourage growth is in the best interests of 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 9 of the Township Code shall be created and shall be entitled "Economic Development Advisory Committee," and shall read as follows:
  - 9-1. Establishment. There is hereby created and established in the Township of Jackson a committee to be known as the "Jackson Township Economic Development Advisory Committee."
  - 9-2. Purpose. The Economic Development Advisory Committee shall assist and advise the Township Committee in implementing a program of economic development that is designed to encourage sustained and selective economic growth for the Township, with particular emphasis upon an enlightened and responsible program to create clean commercial and industrial development in locations within the Township that are consistent with the Master Plan and Land Use Regulations of the Township.
  - 9-3. Appointment of Members. The Economic Development Advisory Committee shall consist of seven members to be appointed by majority vote of the Township Committee. Members shall be chosen with a special view to their qualifications and fitness for service on the committee. The Economic Development Advisory Committee shall include the following members:
    - (a) One member of the Planning Board.
    - (b) One member of the Governing Body.
    - (c) Township Administrator
    - (d) A Commissioner or employee of the Jackson Township Municipal Utilities Authority (MUA).
    - (e) One Township employee, which shall be the Municipal Engineer unless otherwise directed by the Governing Body.
    - (f) The Township's Economic Development Coordinator.

(g) One member of the public, who shall be a resident of Jackson Township.

(h)

- 9-4. Terms of Members. The initial members of the Economic Advisory Committee shall be appointed for the following terms:
1. Three members for a three-year term ending December 31, 2004.
  2. Two members for a three-year term ending December 31, 2005.
  3. Two members for a three-year term ending December 31, 2006.
- Thereafter, at the conclusion of the respective terms of the members thereby appointed, each new member shall be appointed for a term of three years, in order to distribute the terms of membership on the Economic Development Advisory Committee evenly over succeeding years. The governing body may remove any member of the Economic Development Advisory Committee for cause on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. Any vacancies shall be filled by appointment of the governing body to complete the unexpired term.
- 9-5. Appointment of Chairman. The chairman of the Economic Development Advisory Committee shall be chosen by majority vote of the members and shall serve for a term of one year.
- 9-6. Records of Meetings. The Economic Development Advisory Committee is authorized and directed to keep records of its meetings and activities and shall submit to the governing body an annual report of its activities and operations.
- 9-7. Appropriations. The governing body may appropriate funds for the expenses and costs of the Economic Development Advisory Committee, which shall have the authority to employ such staff and expend such sums of money in furtherance of its programs as it shall require and as shall be within the limits of the appropriated funds.

#### **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 December 8<sup>th</sup>, 2003, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 22<sup>nd</sup> day of December, 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.

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**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**43-03**

**TITLE: AN ORDINANCE REPEALING CHAPTER 3-174 AND CHAPTER 17 OF THE JACKSON TOWNSHIP CODE WITH THE PURPOSE OF DISSOLVING THE JACKSON TOWNSHIP INDUSTRIAL COMMISSION.**

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

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

**MOTION SECONDED BY: GIBLIN**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

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**MOTION TO APPROVE ORDINANCE 43-03 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**MAYOR KAFTON:** He expressed the gratitude of all the members of the Township Committee to all the members that have served on the Industrial Commission over the years. He thanked Ted Sonderman who was the Chairman of that board for many years.

#### **ORDINANCE 43-03**

**WHEREAS** the Township Committee recognizes the valuable services that have been provided by the Industrial Commission to the residents of Jackson since the Commission's inception in 1958; and

**WHEREAS** the Township Committee has determined that the Industrial Commission has fulfilled its purpose and that the services provided by the Industrial Commission are no longer necessary; and

**WHEREAS** the Township Committee is presently in the process of creating an Economic Development and Advisory Committee with the purpose of promoting economic development in Jackson Township;

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

1. Chapter 3-174 and Chapter 17, Sections 1 through 9, of the Code of the Township of Jackson are hereby deleted.
2. The Chairman of the Industrial Commission is hereby instructed to execute any documentation deemed necessary by the Township Attorney in order to provide for a proper dissolution of the Commission.

#### **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 December 8, 2003, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 22<sup>nd</sup> day of

December, 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.

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**ANN MARIE EDEN, CLERK**  
**TOWNSHIP CLERK**

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**ORDINANCE FIRST READING: NONE AT THIS TIME**

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**PUBLIC HEARING OPENED, RESOLUTIONS ONLY:**

**ANTHONY DEJA, TOMS RIVER ROAD:** He stated that at the last meeting there was a resolution passed requesting the release of cash bonds for Atlantic Equities. He later asked when that money was going to be released? Attorney Starkey explained that there is litigation pending regarding this issue. He said that there is a potential agreement for the Township Committee's consideration they didn't get to because of the lateness of the Executive Session. That agreement will be presented to them for their consideration, but not tonight. Attorney Starkey then stated that there was a resolution at the last meeting for cash bonds released for individual homes. If that is what Mr. Deja is referring to he will have to check with finance to see when that will be put on Bills and Claims. Deputy Mayor GIBLIN stated that if they approved that at the last meeting it will be released, but it might not have been put on this Bills and Claims list. Mayor KAFTON asked Monica Pascarella (Clerk's Office) to follow up on this tomorrow morning and find out if it has been released. Committeeman Broderick confirmed that it isn't on the current Bills and Claims list, therefore the money will not be released this week. It will have to be put on the Bills and Claims list for the next meeting, which is January 12<sup>th</sup> and then released that Friday. Committeeman Grisanti asked why Mr. Deja is so interested in Atlantic Equities getting their money back? He stated that Atlantic Equities has not been very responsive to the Township over the last couple of years, therefore, he isn't going to bend over backwards to give them their money back. Mr. Deja went on to explain the problems he was having with this house (inaudible).

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

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**RESOLUTION 560R-03**

**TITLE: AUTHORIZE BUDGET TRANSFER RESOLUTION #3 FOR CY 2003**

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

**APPROPRIATION TRANSFERS DURING LAST TWO MONTHS  
OF THE FISCAL YEAR:**

**WHEREAS**, under the provisions of N.J.S.A. 40A:4-58, "Should it become necessary, during the last 2 months of the fiscal year, to expend for any other purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to

be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient; no transfers may be made to appropriations for contingent expenses or deferred charges.”

**WHEREAS**, certain appropriations listed herein have amounts in excess necessary to fulfill its purpose and others have insufficient funding for the calendar year.

**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 annexed transfer schedule (#3) for the 2003 Municipal Operating Budget of the Township of Jackson are hereby made for the above stated reasons:
2. This resolution shall take effect upon two-thirds affirmative vote by the full governing body of the Township of Jackson.
3. Copies of this resolution to the Administrator, Chief Financial Officer and Auditor.

**DATED: 12/22/03**

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

**TOWNSHIP OF JACKSON  
ANNEXED TO AMEND APPROPRIATION TRANSFER RESOLUTION #3  
2003 BUDGET APPROPRIATIONS  
PASSED AT THE MEETING OF DECEMBER 22, 2003**

<b>Dept. Code</b>	<b>Description</b>	<b>Amount</b>	<b>Sub-Totals</b>
<b>TRANSFERS FROM (INSIDE CAPS):</b>			
3-01-25-240-011	Police S&W	\$274,000.00	
<b>TOTAL TRANSFERS FROM (INSIDE CAPS):</b>		<b>\$274,000.00</b>	
<b>TRANSFERS TO (INSIDE CAPS):</b>			
3-01-20-100-011	Administration S&W	\$ 10,000.00	
3-01-20-120-011	Township Clerk S&W	7,000.00	
3-01-20-130-011	Financial Administration S&W	8,000.00	
3-01-20-145-011	Collection of Taxes S&W	5,000.00	
3-01-26-310-011	Buildings & Grounds S&W	20,000.00	
3-01-28-370-011	Recreation S&W	8,000.00	
3-01-30-150-011	Assessment of Taxes S&W	9,000.00	
3-01-20-165-011	Engineering S&W	3,000.00	
3-01-20-183-011	Planning & Zoning S&W	6,000.00	
3-01-22-198-011	Code Enforcement S&W	8,000.00	
3-01-26-305-011	Solid Waste Recycling S&W	5,000.00	
3-01-20-110-011	Mayor and Committee S&W	1,000.00	
3-01-26-290-011	Streets & Roads S&W	60,000.00	
3-01-26-315-011	Vehicle Maintenance S&W	10,000.00	
3-01-26-300-020	Snow Removal	\$ 100,000.00	
3-01-36-472-109	FICA/MEDICARE	14,000.00	
<b>TOTAL TRANSFER TO (INSIDE CAPS):</b>		<b>\$ 274,000.00</b>	

**TRANSFERS FROM (OUTSIDE CAPS):**



**TOTAL TRANSFERS FROM (OUTSIDE CAPS): \$**

**TRANSFERS TO (OUTSIDE CAPS):**

**TOTAL TRANSFERS FROM (OUTSIDE CAPS): \$**

**RESOLUTION 561R-03**

**TITLE: AUTHORIZE CANCELLATION OF STALE DATED CHECKS**

**MOTION TO APPROVE BY: GRISANTI**

**MOTION SECONDED BY: BRODERICK**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, certain checks of the Township of Jackson were issued in the prior calendar year and said checks have not been presented for payment; and

**WHEREAS**, the Township’s Chief Financial Officer recommends the cancellation of these checks:

**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:

The following annexed schedule listing certain checks drawn from various accounts are hereby cancelled.

**DATED: 12/22/03**

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

**TOWNSHIP OF JACKSON  
CANCELLATION OF STALE DATED CHECKS**

**DECEMBER 22, 2003**

<u>FUND</u>	<u>CHECK NUMBER</u>	<u>DATE</u>	<u>AMOUNT</u>	
<b>CURRENT FUND</b>				
<b>4880000249</b>	15921	1/22/01	1,010.00	FLEET
	17001	6/11/01	25.00	
	17505	8/13/01	210.00	
	18746	2/11/02	80.00	
<b>17006000013</b>	60004	4/22/02	1,860.00	OCEAN
	60220	5/20/02	564.05	FIRST
	60946	8/26/02	1,304.12	
	61421	10/28/02	911.61	
	61540	11/25/02	90.00	
	61796	12/23/02	1,662.49	
			7,717.27	<b>TOTAL</b>
<b>DEV. ESCROW</b>				COMMERCE
	7343	12/28/01	2,500.00	

	7387	1/28/02	702.40	
			3,202.40	<b>TOTAL</b>
<b>PAYROLL</b>				
<b>17006000039</b>	61091	6/6/02	5.10	OCEAN FIRST
	61967	7/5/02	12.91	
			18.01	<b>TOTAL</b>

**RESOLUTION 563R-03 – NOT USED**

**RESOLUTION 572R-03**

**TITLE: APPOINTMENT OF DANIEL BURKE AS COMMUNITY DEVELOPMENT BLOCK GRANT REPRESENTATIVE AND JOHN KENNEDY AS ALTERNATE REPRESENTATIVE FOR CY 2004**

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

**WHEREAS**, Jackson Township previously entered into an agreement with the County of Ocean entitled “Agreement Between the County of Ocean and Certain Municipalities located herein for the establishment of a cooperative means of conducting certain community development activities”; and

**WHEREAS**, the Township Committee as a prerequisite in applying for said Community Development Activities Funding for 2004, must appoint a representative and a alternate to represent the Township;

**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 Daniel burke, Municipal Engineer, is hereby appointed as Jackson Township’s Community Development Block Grant Representative and John J. Kennedy, Municipal Administrator, as Jackson Township’s Alternate to the Ocean County Development Block Grant Program for the calendar year 2004.

2. That the Clerk is authorized and directed to forward a certified copy of it to the Director of the Ocean County Community Development Block Grant Program, appointees and to any other interested parties.

**DATED: 12/22/03**

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

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

**RESOLUTION 550R-03**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING AWARD OF CONTRACT TO JEN ENVIRONMENTAL CONSTRUCTION TECHNOLOGIES FOR THE PROJECT ENTITLED “CLEAN-UP” AND DEMOLITION OF TOWNSHIP OWNED PROPERTIES”**

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

**WHEREAS**, Municipal Engineer, Daniel Burke, has requested authorization to award a contract for the “Clean-up and Demolition of Township Owned Properties” in Jackson Township; and

**WHEREAS**, Jackson Township previously advertised for the receipt of bids on November 20, 2003 at 11:00 a.m. for the clean-up and demolition of Township owned properties; and

**WHEREAS**, the following bids were submitted for the project entitled “Clean-up and Demolition of Township Owned Properties”:

- |  |              |
|--|--------------|
| 1. Jen Environmental Construction Technologies | \$ 99,795.00 |
| 2. Gordon Construction                         | \$134,800.88 |
| 3. Mazzocchi Wrecking                          | \$143,500.00 |
| 4. Bil-Jim Construction Company, Inc.          | \$143,800.00 |
| 5. J. Vinch & Sons                             | \$169,000.00 |
| 6. Central Jersey Wrecking;                    | \$184,000.00 |
- and;

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

**WHEREAS**, Municipal Engineer, Daniel Burke, has determined that Jen Environmental Construction Technologies submitted the lowest bid; and

**WHEREAS**, the Township Attorney has reviewed the bid submitted by Jen Environmental Construction Technologies and has deemed all documentation is acceptable; and

**DATED: 12/22/03**

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

**RESOLUTION 559R-03  
TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

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

**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.

### OVERPAYMENT REFUNDS

DECEMBER 22, 2003

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>YEAR</u>	<u>AMOUNT</u>
66.09	3.377	BERNADETTE & ANTHONY MULLAGHY	2003	\$1588.42
66.26	64	RICHARD C. & DOLORES O. WALLER	2003	6112.53
82.01	36.06	WELLS FARGO HOME MORTGAGE	2003	1431.37
111	87.17	ANDREW J. & JOAN G. SABINE	2003	1526.62
128.01	18.121	KENNETH R. BROWN	2003	672.70
106.01	1.28	LERETA CORP	2003	2.72
126.32	22	LERETA CORP	2003	916.60
5.01	2.32	COUNTRYWIDE TAX SERVICES	2003	1061.34
144.01	14.13	COUNTRYWIDE TAX SERVICES	2003	311.32
135.11	24	COUNTRYWIDE TAX SERVICES	2003	337.50
10	83	TRANSAMERICA R.E. TAX SERVICE	2003	1312.04
45	25.14	TRANSAMERICA R.E. TAX SERVICE	2003	17.69
75.01	47.84	TRANSAMERICA R.E. TAX SERVICE	2003	669.18
75.01	3608.1806	TRANSAMERICA R.E. TAX SERVICE	2003	498.36
75.42	23.03	TRANSAMERICA R.E. TAX SERVICE	2003	1171.94
111	53.01	TRANSAMERICA R.E. TAX SERVICE	2003	1250.63
126.37	15	TRANSAMERICA R.E. TAX SERVICE	2003	1056.60
126.45	13	TRANSAMERICA R.E. TAX SERVICE	2003	1040.75
128.09	9	TRANSAMERICA R.E. TAX SERVICE	2003	1106.79
135.11	27	TRANSAMERICA R.E. TAX SERVICE	2003	660.94
153.10	4.03	TRANSAMERICA R.E. TAX SERVICE	2003	1276.46

**DATED: 12/22/03**

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

**RESOLUTION 562R-03**

**TITLE: APPROVE TOWNSHIP COMMITTEE MEETING MINUTES FROM NOVEMBER 24, 2003**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: GIBLIN & KAFTON**

**ABSTENTIONS: BRODERICK & GRISANTI**

**ABSENT: REILLY**

**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:

**NOVEMBER 24, 2003**

1. Copies of this resolution to any interested parties.

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

**DATED: 12/22/03**

**RESOLUTION 564R-03**

**TITLE: AUTHORIZE RELEASE OF MAINTENANCE GUARANTEE TO ARAMACK EDUCATIONAL RESOURCES FOR CHILDREN’S WORLD LEARNING CENTER A/K/A BLOCK 120.01, LOT 1**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, Aramack Educational Resources has requested a Release of the Maintenance Bond in the amount of \$960.00 pertaining to Children’s World Learning Center a/k/a Block 120.01, Lot 1, Jackson Township; and

**WHEREAS**, Ernest J. Peters, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said maintenance bond in letter report dated December 9, 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 Maintenance Bond in the amount of \$960.00 heretofore posted with the Township may and hereby is released, and 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: 12/22/03**

**RESOLUTION 565R-03**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO FRIARS CHASE, LLC OF THE PERFORMANCE BOND ISSUED FOR SECTIONS I, II & III, LOCATED ON BLOCK 85, LOTS 10.01 & 10.02**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, Friars Chase, LLC has requested a Release of the Performance Guarantees, pertaining to Sections I, II and III located on Block 85, Lots 10.01 & 10.02, Jackson Township as follows;

Clerk Number	Section		
151.2-542	I		
02/20/96		Cash	\$28,200.00
02/20/96		Cash	\$16,970.00
01/26/96		Bond S03347	\$152,730.00
01/26/96		Bond S03348	\$253,800.00
151.2-584	II		
08/07/96		Cash	\$19,960.00
07/18/96		Bond S03564	\$179,640.00
151.2-725	III		
01/27/98		Cash	\$34,841.00
12/12/97		Bond S04299	\$313,569.00

and

**WHEREAS**, Daniel Burke, P.E., Municipal Engineer, has reviewed and approved the release of said performance bond in letter report dated December 17, 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 Performance Bond, as referenced above, heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township, subject to the review and approval of the Township Attorney as follows:

Clerk Number	Section
151.2-543	I

A Bond in the amount of \$67,755.00, which is 15% of the original total performance guaranty or cash in the amount of \$45,170.00, which is 10% of the original total performance guaranty.

151.2-585 II

A Bond in the amount of \$29,940.00, which is 15% of the original total performance guaranty or cash in the amount of \$19,960.00, which is 10% of the original total performance guaranty.

151.2-726 III

A Bond in the amount of \$52,261.50, which is 15% of the original total performance guaranty or cash in the amount of \$34,841.00, which is 10% of the original total performance guaranty.

Said Maintenance Bond shall run for a period of two (2) years; and

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

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

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

DATED: 12/22/03

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

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**RESOLUTION 566R-03**

**TITLE: AUTHORIZE THE TOWNSHIP OF JACKSON TO ENTER INTO A RELOCATION ASSISTANCE AGREEMENT WITH THE OCEAN COUNTY BOARD OF SOCIAL SERVICES**

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

**WHEREAS**, Jackson Township requires the specialized services offered by the Ocean County Board of Social Services in connection with the relocation of individuals in accordance with New Jersey’s Relocation Assistance Laws; and

**WHEREAS**, the Interlocal Services Agreement allows the municipality to enter into a contract with a county agency to provide said services; and

**WHEREAS**, the Local Public Contracts Law permits such an agreement to run for a period of two years; and

**WHEREAS**, it is now the desire of this governing body to enter into an agreement with the Ocean County Board of Social Services for said relocation assistance requirements for the period running from January 1, 2004 through December 31, 2005.

**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 the Township Committee of Jackson Township hereby formally authorizes the Mayor and Clerk to execute the attached Intergovernmental Agreement entitled "Intergovernmental Agreement, Ocean County Relocation Assistance Program" running for a period of two years and terminating on December 31, 2005.

2. That upon the adopting of the within resolution and the execution of said Relocation Agreement, the Clerk is authorized to forward copies of same to the Ocean County Board of Social Services for their execution and return of a fully executed agreement to Jackson Township.

**DATED: 12/22/03**

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

**RESOLUTION 567R-03**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PARAMOUNT HOMES AT JACKSON OF THE PERFORMANCE BOND ISSUED FOR THE PREMIER AT BURKE HOLLOW - SECTION 11 LOCATED ON BLOCK 96.01, LOTS 61-64**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, Paramount Homes at Jackson has requested a Release of the Performance Guarantees, which consists of \$110,500.00 in the form of Performance Bond #S05050 issued by First Indemnity of America Insurance Company and \$11,000.00 in the form of a cash guarantee pertaining to the Premier at Burke Hollow - Section 11 located on Block 96.01, Lots 61-64, Jackson Township; and

**WHEREAS**, Ernest J. Peters, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said performance bond in letter report dated December 2, 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 Performance Bond, consisting of \$110,500.00 in the form of Performance Bond #S05050 issued by First Indemnity of America Insurance Company and \$11,000.00 in the form of a cash guarantee heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$55,245.00 or post a cash guarantee in the amount of \$36,830.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. That this resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department and the Department of Public Works.



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

**DATED: 12/22/03**

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

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**RESOLUTION 568R-03**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO PARAMOUNT HOMES AT JACKSON OF THE PERFORMANCE BOND ISSUED FOR THE PREMIER AT BURKE HOLLOW - SECTION 12 LOCATED ON BLOCK 96.01, LOTS 61-64**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, Paramount Homes at Jackson has requested a Release of the Performance Guarantees, which consists of \$84,200.00 in the form of Performance Bond #S05141 issued by First Indemnity of America Insurance Company and \$9,400.00 in the form of a cash guarantee pertaining to the Premier at Burke Hollow - Section 12 located on Block 96.01, Lots 61-64, Jackson Township; and

**WHEREAS**, Ernest J. Peters, P.E., Township Engineer, CME Associates, has reviewed and approved the release of said performance bond in letter report dated December 2, 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 Performance Bond, consisting of \$84,200.00 in the form of Performance Bond #S05141 issued by First Indemnity of America Insurance Company and \$9,400.00 in the form of a cash guarantee heretofore posted with the Township may and hereby is released on the condition that the applicant:

1. Post a Maintenance Bond with the Township in the amount of \$37,827.00 or post a cash guarantee in the amount of \$25,218.00, subject to the review and approval of the Township Attorney. Said Maintenance Bond shall run for a period of two (2) years; and
2. That this resolution of release is further contingent upon the applicant/developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all other charges as per Township ordinance for the release of said performance guarantees.
3. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer, Jackson Board of Education Transportation Department and the Department of Public Works.

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

**DATED: 12/22/03**

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

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**RESOLUTION 569R-03****TITLE: AUTHORIZE (5) YEAR EXTENSION OF LAND LEASE R/C RACING ASSOCIATION FOR THE PROPERTY KNOWN AS BLOCK 121.04, LOT 13****MOTION TO APPROVE BY: BRODERICK****MOTION SECONDED BY: GRISANTI****YES: BRODERICK, GRISANTI, GIBLIN & KAFTON****ABSENT: REILLY**

**WHEREAS**, the Township previously authorized, by Ordinance 39-98, a lease between the Township and Jackson R/C Racing Association, a non-profit association; and

**WHEREAS**, the lease authorized the use by Jackson R/C Racing Association of Township owned land at the corner of Marshall Avenue and Sloan Street, also known as Lot 13, Block 121.04, consisting of approximately .87 acres, for a miniature car racing club; and

**WHEREAS**, the term of the lease, which commenced on January 1, 1999, was five years, which term is scheduled to expire on December 31, 2003; and of the lease for an additional five (5) years, to December 31, 2008, which is expressly permitted under the terms of the original lease;

**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 Lease between the Township and Jackson R/C Racing Association for property known as Lot 13, Block 121.04, comprising approximately .87 acres scheduled to expire on December 1, 2003, is hereby renewed for an additional five (5) year term, until December 31, 2008.
2. The rights and obligations of the parties under the Lease shall continue to be the same as those set forth in the original Lease.
3. The Mayor and Township Clerk are hereby authorized to execute the necessary documentation to properly effectuate the renewal of the Lease.
4. That upon the adoption of this Resolution, the Clerk is authorized and directed to forward a certified copy of it to Jackson R/C Racing Association.

**DATED: 12/22/03**

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

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**RESOLUTION 570R-03****TITLE: APPROVE THE APPOINTMENT OF PART-TIME BUILDING INSPECTOR****MOTION TO APPROVE BY: BRODERICK****MOTION SECONDED BY: GRISANTI****YES: BRODERICK, GRISANTI, GIBLIN & KAFTON****ABSENT: REILLY**

**WHEREAS**, a need exists for the appointment of a Housing Inspector in the Inspections 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. David Van Arsdale is hereby appointed to the position of Housing Inspector at a salary of \$15.38 per hour.
2. Said appointment is effective December 29, 2003 and is on a part time basis pending Department of Personnel approval.
3. Copies of this resolution to appointee, Construction Code Official, Chief Financial Officer, Municipal Administrator, Personnel Manager and any other interested parties.

**DATED: 12/22/03**

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

**RESOLUTION 571R-03**

**TITLE: APPROVE THE APPOINTMENT OF WINTER BASKETBALL JR. REFEREE**

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

**WHEREAS**, a need exists in the Recreation Department for the appointment of personnel to the Winter Basketball Program; and

**WHEREAS**, the Municipal Administrator has made a recommendation 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 Junior Referee at a salary of \$5.25 per hour:

Nicholas Heltzel

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

**DATED: 12/22/03**

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

**RESOLUTION 573R-03**

**TITLE: RESOLUTION APPROVING A DISABLED VETERAN EXEMPTION ON BLOCK 75.40 LOT 55**

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

**WHEREAS**, The Department of Veteran Affairs determined that Cosmo Caputo at 15 Abbot Court, Block 75.40 Lot 55 to have a service connected disability that is totally disabling as of August 1, 2002 and has owned his current residence as of October 31st, 1995 and;

**WHEREAS**, Mr. Caputo has made application to the Township as a totally disabled veteran, which has been approved by the Tax Assessor as of 12/9/03, 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 - \$ 3,919.39

2002 - \$ 1,650.93

2. The Tax Collector is directed to process a refund for any cancelled taxes paid for the taxes affected.
3. The parcel is to be exempted on the 2004 tax list.

Copy to: Tax Collector  
Finance  
Tax Assessor

**DATED: 12/22/03**

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

**RESOLUTION 574R-03**

**TITLE: Resolution Authorizing the Reimbursement for Liens Erroneously Sold and for the Cancellation of Same Liens.**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, The Tax Sale was held on 9/30/03 and included 5 parcels submitted by the MUA on which there was a Bankruptcy filed, and;

**WHEREAS**, These Liens must now be reversed and the Lienholders reimbursed and the Liens cancelled of record, and;

**WHEREAS**, the MUA has returned the proceeds from the Sale and the Collector has submitted a voucher to Finance for the amount of legal interest, cost of sale, and any recording fees to complete the reimbursement and the cancellations.

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

1. The Tax Collector is directed to reimburse the appropriate Lienholders for the liens and amounts listed below, return the original amounts from the MUA, and cancel the Liens of record in the Collector's office and where appropriate, the County Clerk's office.

Block/Lot	Cert#	Reimburse Cost of Sale	Legal Interest	Recording Fee	Total
75.05/16	030042	\$16.25	\$ 6.22	\$60.00	\$ 82.47
75.17/33	030044	\$64.15	\$25.54	\$60.00	\$148.69
125.03/23	030062	\$15.39	\$ 5.89	\$60.00	\$ 81.28
75.01/47.115	030026	\$15.00	\$ 1.63	N/C	\$ 16.63
125.20/30	030067	\$26.42	\$10.11	N/C	<u>\$ 36.53</u>
Total Due to Trust Account from Twp.					\$ 365.60

**DATED: 12/22/03**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

**RESOLUTION 575R-03**

**TITLE: A RESOLUTION OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF OCEAN PURSUANT TO N.J.S.A. 40:8A-1 ET. SEQ. FOR 911 EMERGENCY TELECOMMUNICATIONS SERVICES**

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

**WHEREAS**, pursuant of N.J.A.C. 17:24-6.1 of these rules, the County is required to coordinate the implementation and operation of 911 activities within the County in accordance with the Emergency Telecommunications Services Act (hereinafter “Act”), N.J.S.A. 52:17C-1 et seq., and the rules promulgated pursuant thereto; and

**WHEREAS**, pursuant to N.J.A.C. 17:24-6.2, the Office of Emergency Telecommunications Services in the Department of Law and Public Safety, has previously approved the County’s 911 Emergency Telecommunications Plan; and

**WHEREAS**, the County has offered to all municipalities an opportunity to participate in the County’s enhanced 9-1-1 Emergency Telecommunications Program; and

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1 et. Seq. authorizes local units, as defined in said Act, to enter into joint agreements for the provision of governmental services; and

**WHEREAS**, the Township of Jackson in the County of Ocean, State of New Jersey, wishes to enter into an agreement with the County of Ocean for the provision of 911 Emergency Telecommunications Services.

**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 Mayor and Clerk of the Township of Jackson are hereby authorized and directed to enter into and execute an Interlocal Services Agreement with the County of Ocean for the provision of 911 Emergency Telecommunications Services as more specifically set forth therein.
2. A copy of that agreement is on file and available for public inspection at the Township Clerk’s Office.
3. This resolution shall take effect immediately upon passage.

4. Copies of this resolution to Administrator, Chief Financial Officer, John S. Sahradnik, County of Ocean, and any other interested parties.

**DATED: 12/22/03**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**RESOLUTION 576R-03**

**TITLE: AUTHORIZE SUBMISSION OF GRANT APPLICATION TO STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY FOR FY 2003 DRUNK DRIVING ENFORCEMENT FUND GRANT**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, the Township of Jackson wishes to submit a grant application to the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for state Fiscal Year 2003 Drunk Driving Enforcement Fund Grant pursuant of N.J.S.A. 39:4-50.8/N.J.A.C. 13:86; and

**WHEREAS**, the amount of said funding is \$7,808.48, which is a result of the previous year enforcement and upon receipt of said grant funding, the Township of Jackson will apply for a 2003 Budget Amendment to the Division of Local Government Services in accordance with N.J.S.A. 40:A:4-87.

**WHEREAS**, it is necessary for the Mayor and Township Committee to adopt a resolution authorizing the submission of this grant application.

**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 the submission of the above reference grant application is hereby authorized.

Certified copies of this resolution to be filled with the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety, Municipal Administrator, Chief Financial Officer, Director of Public Safety and any other interested parties.

**DATED: 12/22/03**

**ANN MARIE EDEN, RMC  
TOWNSHIP CLERK**

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**RESOLUTION 577R-03- NOT USED**

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**RESOLUTION 578-03**

**TITLE: AUTHORIZE BID AWARD FOR SUPPLEMENTAL SNOW REMOVAL TO VARIOUS VENDORS FOR THE PERIOD COMMENCING JANUARY 1, 2004 THROUGH DECEMBER 31, 2004**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, Jackson Township previously advertised and received bids on December 17, 2003 at 11:00 a.m. for Supplementary Snowplowing in accordance with the Township’s bid specifications; and

**WHEREAS**, at the time and place for the receipt of bids, six (6) bids were received from the following bidders setting forth the various process based on the size of the equipment as set forth on the attached schedule A; and

1. J.R. Custom Landscaping, Inc.
2. B & R Land Improvements, LLC
3. Bil-Jim Construction Co., Inc.
4. Simply Styling t/a Galloway Enterprises
5. Earth Concepts
6. Cavanaugh & Sons

**WHEREAS**, said bids have been reviewed by the Director of Public Works, Sergio Panunzio. The Director is now recommending for the award of this contract for Supplementary Snow Plowing Services commencing January 1, 2004 through December 31, 2004 be awarded to J. R. Custom Landscaping, Inc., B & R Land Improvements, LLC, Bil-Jim Construction Co., Inc., Simply Styling t/a Galloway Enterprises and Cavanaugh & Sons as all bid documents are in proper form and order.

**WHEREAS**, certification of funds by the Chief Financial Officer will be authorized after the adoption of the temporary Operating Budget for CY 2004.

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

1. That the Township Committee of Jackson Township hereby awards a contract to J. R. Custom Landscaping, Inc., B & R Land Improvements, LLC, Bil-Jim Construction Co., Inc., Simply Styling t/a Galloway Enterprises and Cavanaugh & Sons for Supplementary Snowplowing Services for CY 2004 in accordance with the Township’s bid specifications;
2. That upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy to Administration, Chief Financial Officer, Director of Public Works, each bidder and any other interested parties.

**DATED: 12/22/03**

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

**RESOLUTION 579R-03**

**TITLE: TO CANCEL CURRENT APPROPRIATION BALANCE IN THE CONSTRUCTION CODE DEPARTMENT TO SURPLUS**

**MOTION TO APPROVE BY: BRODERICK**

**MOTION SECONDED BY: GRISANTI**

**YES: BRODERICK, GRISANTI, GIBLIN & KAFTON**

**ABSENT: REILLY**

**WHEREAS**, the following Current Fund budget appropriation balance remains unexpended:

Construction Code Department	\$100,000.00
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**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus:

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Jackson, County of Ocean, State of New Jersey, that the above listed unexpended balance of the Current Fund be canceled.

1. That two certified copies of the resolution shall be forwarded to Barry Olejarz, Construction Official/Fire Official, the Business Administrator, the Township Auditor, the Chief Financial Officer.

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

**DATED: 12/22/03**

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**PUBLIC HEARING, ANY TOPIC**

**GEORGE MORGENSTERN, 765 ANDERSON ROAD:** He stated that he was suppose to bring some company with him tonight to bolster his case, these people knew what the situation was or were affected by it. He stated that faith intervened and they were unable to come for various reasons. He explained that he is here again tonight regarding the CME situation and because he feels that they will probably get reappointed for 2004. He told the Township Committee that they are going to be the ones that are going to have to take the heat for CME. He feels that they are very incompetent and they should be thanked for their contributions and not reappointed. In closing, he asked the Committee not to reappoint CME.

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**STEVEN BROSKY, 520 CEDAR SWAMP ROAD:** He began by saying that last September the Township passed an Ordinance protecting our waterways, etc. Every time someone goes to build we realize that we are losing more streams, etc. He asked if they knew the percentage of wetlands that would be lost if they build on that piece property they are looking to build on? He then went on to speak about an article in the paper where the Mayor spoke about the C-1 Category. He later stated that they need to be concerned with storm water run off because many people in that area have well water. In closing he asked if he would have the opportunity again to come up here and speak about properties they are developing. Mayor Kafton stated that there is a buffer around all wetlands so he doesn't think that anything would be lost. He explained that the C-1 category right now without it being passed there is still a required buffer around wetlands. The C-1 category would create a 300 foot buffer. The Township has asked the State for some leniency regarding their commercial aspect because Jackson Township has the possibility of bringing in a lot of commercial ratables. He stated that if right now someone in commercial wanted to build in Jackson Township they would follow what the current State requirement is for wetlands, which he believes is 50 feet. If you go from 50 feet to 150 feet or 300 feet it is still three times what we have now. He explained that commercial entities are even more stringent then residential when it comes to storm water run off. He went on to say that during their administration there has been many ordinances passed to improve the quality of life and protect our environment. There is probably nobody better then this Committee to bring this town forward in the commercial aspect because they have a proven record to protect the environment. The Mayor told Mr. Brosky that he would always have the opportunity to speak before our Planning & Zoning Boards about any property including residential when their application is submitted. He stated that if they don't start bringing in commercial ratables the taxes will continue to increase. As a Township Committee they have preserved more land then anybody, but they don't have an endless pit of money. They will bring in the commercial ratables in a way that will protect our environment. They have very qualified members on the Planning Board & Zoning Board. These are very educated people who review everything and sometimes even walk some of the properties. There are also professionals who sit on those boards who also will review it.

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**DENISE GARNER, 14 EVERGREEN COURT:** She began by saying that the C-1 was created to protect our waterways and it should be applied to both residential and commercial. The reason why they came out with this is because they knew there were problems. She told them they will cause a problem for the people down stream.



She agreed that the Planning Board has evolved from pro-development to a community oriented and a concerned board, but there are still many things that need to happen. They can't just look at Jackson. There has to be a handshake with these communities and it can work.. She stated that instead of building a Lowes in an area where there are problems they could build a small restaurant. In closing, she thanked the Ocean County Freeholders for preserving 380 acres. Committeeman Broderick explained that the C-1 Category hasn't even been adopted yet and there are still possibilities of change before then. Mayor Kafton said that they do not support a 300 foot buffer in their commercial zone because it will drastically and adversely affect their commercial ratables. He told her to talk to any taxpayer in this town and their taxes are high, therefore they need to bring them down and bring in commercial ratables. They will protect our environment as they have done in the past. He asked Ms. Garner not to make it look like we are not doing things in the best interest of Jackson Township and the environment. This Township Committee has had the best track record of protecting our environment then any other administration. There is nobody else that will protect the environment more then this administration and the people we put on the Planning Boards and Zoning Boards. He stated that they do work with the other communities and our residents do go to other towns for restaurants or shopping, but our residents would like to stay in our town. They can build a restaurant and still protect the environment. He added that she is calling what is going there a Lowes and he is not even sure of that, but whatever it is their water run off system will be the most highly advanced one and you could probably drink the water once it is all done. Committeeman Broderick explained that this township committee put together a cooperative effort with the Ocean County Land Development Team through the Pinelands Commission to protect the Toms River waterway, and put a 150 foot buffer on each side of the Toms River and she seems happy with that. He doesn't understand why she is asking for a 300 foot buffer on each side of the Metedeconk. He asked her how many Brick Township Planning & Zoning Board meetings she attended? He asked Ms. Garner if she ever told them how to save land and not build out on to the waterfront? Ms. Garner stated that she hasn't attended any meetings, but has spoken to people from there. She said in January she will be over there and she is sure that they will come over here to talk to this Township Committee.

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**ALAN COTTRELL, 125 SUSAN DRIVE:** He began by saying that he supports 300 feet on each side of the Metedeconk because he grew up on Lake Enno. He told them to think of this town as a body and the Metedeconk as a major artery. In 1966 to this very day he has seen encroachment, etc. The Federal, State, County and Local Government, including them, along with the Environmental Commission and the Planning and Zoning Boards has done an inadequate job in protecting these waterways. He told them to get in a canoe and go in Lake Enno or Jackson Mills Lake and tell him they are healthy waterways. It is time to take a real leadership role because these waterways are in trouble. He said it is absurd to suggest that they can't have adequate commercial development unless we compromise the Metedeconk River. He is not selfish, but he is not going to say that his number one concern is the drinking water in Brick Township. He explained that there is money available from the State and Federal Government if they want to get together and figure out how to save the waterways. In closing he stated that they can have a clean river running through this town and still have clean commercial development.

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

**MAYOR KAFTON:** He explained that this Township Committee has moved forth to protect the environment and there is a proven record. The Township Committee has already said to the DEP we would recognize going larger then 50 feet for the buffer. We are making the effort to protect our waterways.

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**DISCUSSION AGENDA: None at this time.**

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**MOTION TO ADJOURN BY: BRODERICK  
MOTION SECONDED BY: GRISANTI  
YES: BRODERICK, GRISANTI, REILLY, GIBLIN & KAFTON  
9:02 PM**

**RESPECTFULLY SUBMITTED,**

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**MONICA PASCARELLA  
INTERIM CLERK**

**MLP/tvc**