

**ON TUESDAY, MAY 24, 2011, AT 6:30 P.M., THE JACKSON TOWNSHIP  
COUNCIL HELD ITS MEETING IN THE MUNICIPAL BUILDING**

**ROLL CALL:**

**COUNCILMAN KAFTON (ABSENT)  
COUNCILWOMAN RIVERE  
COUNCILWOMAN UPDEGRAVE  
COUNCIL VICE PRESIDENT BRESSI  
COUNCIL PRESIDENT MARTIN (ABSENT)**

**ATTORNEY CIPRIANI  
TOWNSHIP CLERK EDEN**

**ALSO IN ATTENDANCE:**

**MAYOR MICHAEL REINA (6:45 P.M.)  
ADMINISTRATOR TORRES  
MICHAEL GILMORE, ESQ.**

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

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**RESOLUTION 166R-11**

**TITLE: RESOLUTION FOR EXECUTIVE SESSION TO AUTHORIZE  
TOWNSHIP COUNCIL TO ENTER INTO CLOSED DISCUSSIONS  
CONCERNING MATTERS AS NOTED BELOW**

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

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

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

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

1. The public shall be excluded from discussion concerning the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a) Personnel/Professionals:
  - b) Litigation/Potential Litigation: Update - Leigh Realty vs. Twp. of Jackson. Update – Tax Appeal settlement.
  - c) Potential Land Sale/Land Acquisition: Land acquisition adjacent to Colliers Mills
  - d) Contracts/Agreements:
3. It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition.

**DATED: 5/24/11**

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

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**7:30 PM RECONVENE PUBLIC MEETING****PLEDGE OF ALLEGIANCE***(A moment of silence was observed)***ROLL CALL:****COUNCILMAN KAFTON (ABSENT)****ATTORNEY CIPRIANI****COUNCILWOMAN RIVERE****TOWNSHIP CLERK EDEN****COUNCILWOMAN UPDEGRAVE****COUNCIL VICE PRESIDENT BRESSI****COUNCIL PRESIDENT MARTIN (8:55 P.M.)****ALSO IN ATTENDANCE:****MAYOR MICHAEL REINA****ADMINISTRATOR TORRES****SHARON PINKAVA, CFO**

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

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**COMMENTS BY THE TOWNSHIP COUNCIL MEMBERS:****COUNCILMAN KAFTON (ABSENT)**

**COUNCILWOMAN RIVERE** commented about the upcoming Memorial Day weekend and ceremonies throughout the township. She thanked the PBA for the upcoming parade. She said the usual annual ceremony will be Thursday at the Senior Center at 11:00 which is always moving and exciting, and the ROTC will have their celebration. It is a thought provoking and moving weekend.

**COUNCILWOMAN UPDEGRAVE** echoed Ms. Rivere; this is a significant weekend to honor our veterans. She mentioned the Veterans Memorial Garden is selling memorial pavers for \$135.00; the pavers will become part of the memorial that is being built. She will provide the email address to anyone who wishes it. She said time should be taken to reflect on the recent tornado in Missouri, the deadliest on record. This weekend, we need to reflect not only on our veterans, but on everyone who is hurting badly.

(\*) **MAYOR REINA** gave a heartfelt thank you to all our veterans and asked everyone to reflect on the meaning of the weekend in honor of those who served and gave us our freedom to sit here tonight. Aside from that, he wished everyone a safe, happy weekend and he thanked everyone for coming out.

**COUNCIL VICE PRESIDENT BRESSI** thanked the PBA and working with Mr. Campbell Brown on the Memorial Day Parade. It is truly appreciated. He thanked all the veterans who have served and will serve. Memorial Day is for the veteran who gave all his tomorrows away to give us today. It is a thank you to all the families who have lost loved ones. It is a very solemn day. We complain about prices of things, but look at the price of freedom. Look at the freedoms you have today that are protected by all the armed forces of peacetime and wartime. Let's not lose sight of Memorial Day and the true meaning of it. He asked everyone to take five minutes out on Memorial Day to remember why we have Memorial Day and the cost, and the sacrifice made by families and the individual who gave the supreme sacrifice. Please don't forget the veteran on Memorial Day. God bless all of you and God Bless America.

**COUNCIL PRESIDENT MARTIN (ABSENT)**

**BILLS AND CLAIMS**

**MOTION TO APPROVE BILLS & CLAIMS BY: RIVERE  
MOTION SECONDED BY: UPDEGRAVE**

Councilwoman Rivere questioned page 21. She voted for the softball and does not regret her vote for the bathrooms, but why are we now paying for a port a potty at the same time? Administrator Torres recalled a problem with a sewer line and the port a john was needed in the interim.

**YES: RIVERE, UPDEGRAVE & BRESSI  
ABSTAIN: UPDEGRAVE (DASTI, MURPHY & MCGUCKIN & WINDING  
WAYS)  
ABSENT: KAFTON & MARTIN**

<b>CHECK#</b>	<b>VENDOR</b>	<b>AMOUNT</b>
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05/24/11  
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JACKSON TOWNSHIP  
Check Register By Check Date

Page No: 1

*Diva*

Range of Checking Accts: First to Last Range of Check Dates: 05/24/11 to 05/24/11  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Number

CAPITAL

61283	05/24/11	JAC15	JACKSON TOWNSHIP P/R ACCOUNT	31.59	3889
61284	05/24/11	REH04	REHABCO, INC.	1,458.00	3881

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	2	0	0.00	1,489.59
Direct Deposit:	0	0	0.00	0.00
<b>Total:</b>	<b>2</b>	<b>0</b>	<b>0.00</b>	<b>1,489.59</b>

CURRENT

84645	05/24/11	JAC15	JACKSON TOWNSHIP P/R ACCOUNT	804,793.35	3888
84646	05/24/11	ACT05	ACTION TERMITE & PEST CONTROL	7,700.00	3879
84647	05/24/11	ALSO1	AL'S AUTO REPAIRS INC.	175.00	3879
84648	05/24/11	AME51	AMERICAN ASPHALT COMPANY, INC	3,992.88	3879
84649	05/24/11	AMS02	AMSA/MID-ATLANTIC CORP.	1,131.25	3879
84650	05/24/11	ASB01	ASBURY PARK PRESS, INC.	59.50	3879
84651	05/24/11	BJT01	B.J.TOMING	165.00	3879
84652	05/24/11	BOR16	DEBRA BORBOTKO	9.40	3879
84653	05/24/11	BOY13	BOY SCOUT TROOP # 2	400.00	3879
84654	05/24/11	BOY14	BOY SCOUT TROOP #82	400.00	3879
84655	05/24/11	BOY15	BOY SCOUTS OF AMER. VENTURE	200.00	3879
84656	05/24/11	BRE15	BRICK MAPA, LLC	47.97	3879
84657	05/24/11	BUC07	BUCK SIMPERS ARCHITECT & ASSOC	1,400.00	3879
84658	05/24/11	CAB03	CABLEVISION CORP.	119.90	3879
84659	05/24/11	CAD01	CADLA COMPANY	620.00	3879
84660	05/24/11	CDW01	CDW GOVERNMENT, INC.	480.00	3879
84661	05/24/11	CED01	CEDE & COMPANY	454,758.75	3879
84662	05/24/11	COO15	COOKS BRIDGE AT JACKSON	12,394.20	3879
84663	05/24/11	COR35	CORONATO, BRADY & KUNZ, P.C.	3,333.34	3879
84664	05/24/11	COR38	CORNERSTONE PRESB CHURCH	200.00	3879
84665	05/24/11	CUB02	CUB SCOUT PACK 34	400.00	3879
84666	05/24/11	CUB03	CUB SCOUT PACK 104	400.00	3879
84667	05/24/11	CUB05	CUB SCOUT PK 204	200.00	05/24/11 VOID 3879
84668	05/24/11	CUB06	CUB SCOUT PACK 152	400.00	3879
84669	05/24/11	DIA13	DIAMOND COMMUNICATIONS, LLC	4,084.10	3879
84670	05/24/11	DOW01	DOWNS FORD, INCORPORATED	284.64	3879
84671	05/24/11	DSI01	DSI MEDICAL SERVICES, INC.	315.00	3879
84672	05/24/11	EDW04	EDWARDS TIRE COMPANY, INC.	3,880.00	3879
84673	05/24/11	FAR05	FARRO'S FAR OUT-TEE'S, INC.	313.25	3879
84674	05/24/11	GER12	GERTNER MANDEL & PESLAK	141.63	3879
84675	05/24/11	GIR05	GIRL SCOUT TROOP 146	200.00	3879
84676	05/24/11	GIR06	GIRL SCOUT TROOP #217	200.00	3879
84677	05/24/11	GIR09	GIRL SCOUTS JERSEY SHORE	200.00	3879
84678	05/24/11	GIR10	GIRL SCOUT TROOP 50160	200.00	3879
84679	05/24/11	GIR11	GIRL SCOUT TROOP 525	200.00	3879
84680	05/24/11	GRE16	GREATER MEDIA PUBLICATIONS	240.00	3879
84681	05/24/11	HCJ01	H C JOHNSON SCHOOL	200.00	3879
84682	05/24/11	HES06	HESS CORPORATION	1,267.95	3879

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JACKSON TOWNSHIP  
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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
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84684	05/24/11	IK001 IKON OFFICE SOLUTIONS, INC.	3,590.79		3879
84685	05/24/11	JAC100 JACKSON WOMAN OF TODAY	200.00		3879
84686	05/24/11	JAC12 JACKSON TWP. BOARD OF ED.	6,629,153.00		3879
84687	05/24/11	JAC120 JKSN UNITED METHODIST CHURCH	200.00		3879
84688	05/24/11	JAC123 JACKSON LIGHTNING	400.00		3879
84689	05/24/11	JAC124 JACKSON CHAOS SOCCER	200.00		3879
84690	05/24/11	JAC125 JACKSON VICS SOCCER CLUB	200.00		3879
84691	05/24/11	JAC128 JACKSON TWP DEMOCRATIC CLUB	600.00		3879
84692	05/24/11	JAC130 JKSN HELPING HANDS FOUNDATION	200.00		3879
84693	05/24/11	JAC131 JKSN HELPING HANDS FOUNDATION	200.00		3879
84694	05/24/11	JAC22 JACKSON AUTO BODY	65.00		3879
84695	05/24/11	JAC94 JACKSON SOCCER CLUB	200.00		3879
84696	05/24/11	JAC96 JACKSON LIBERTY H.S.BAND	200.00		3879
84697	05/24/11	JCP01 JERSEY CENTRAL POWER & LIGHT	0.00	05/24/11 VOID	0
84698	05/24/11	JCP01 JERSEY CENTRAL POWER & LIGHT	11,190.30		3879
84699	05/24/11	JMH03 JACKSON MEMORIAL	200.00		3879
84700	05/24/11	JMH04 JACKSON MEMORIAL BOYS SOCCOR	200.00		3879
84701	05/24/11	JDH41 GLENN & CONNIE JOHNSON	134.99		3879
84702	05/24/11	JRH01 J. R. HENDERSON LABS, INC.	60.00		3879
84703	05/24/11	KIW01 KIWANIS CLUB OF JKSN	200.00		3879
84704	05/24/11	KNI01 KNIGHTS OF COLUMBUS COUNCIL	400.00		3879
84705	05/24/11	KTS KT'S OFFICE SERVICES,LLC	534.00		3879
84706	05/24/11	LAK08 LAKEWOOD ELECTRIC MOTOR	167.00		3879
84707	05/24/11	LIB05 LIBERTY POWER HOLDINGS,LLC	3,883.93		3879
84708	05/24/11	LIG04 HONORABLE JAMES A LIQUORI	500.00		3879
84709	05/24/11	LIT04 ERIC & ETHELMAE LITTEG	3,829.46		3879
84710	05/24/11	LOG04 LOGOMANIA, INC.	306.60		3879
84711	05/24/11	LOT01 SUSAN LOTITO	825.00		3879
84712	05/24/11	MAZ04 MAZZA RECYCLING,INC.	21,082.51		3879
84713	05/24/11	MIN09 MINISTRIES OF THE DEAF	200.00		3879
84714	05/24/11	MON37 MONMOUTH TELECOM	1,216.80		3879
84715	05/24/11	MOT10 MOTOROLA	6,760.42		3879
84716	05/24/11	NEX01 NEXTEL COMMUNICATIONS	2,280.86		3879
84717	05/24/11	NJ001 N. J. DIV OF FIRE SAFETY	1,295.00		3879
84718	05/24/11	OCE05 OCEAN COUNTY RECYCLING	296.87		3879
84719	05/24/11	POM06 RAYMOND POWELL	35.25		3879
84720	05/24/11	REM01 REMINGTON,VERNICK & VENA ENG.	4,504.43		3879
84721	05/24/11	RUT04 RUTGERS,THE STATE UNIVERSITY	375.00		3879
84722	05/24/11	SHO13 SHOPRITE/PERLMART,INC.	1,023.45		3879
84723	05/24/11	TOR09 JOSE TORRES	41.00		3879
84724	05/24/11	TOM09 TOWNSHIP OF BRICK	578.00		3879
84725	05/24/11	TRID4 TRICO EQUIPMENT SERVICES, LLC	295.78		3879
84726	05/24/11	UPS02 UNITED PARCEL SERVICE	23.88		3879
84727	05/24/11	USA03 USA MOBILITY WIRELESS,INC.	17.92		3879
84728	05/24/11	VAN02 VAN DERVEER TIRE & SERVICE CTR	193.41		3879
84729	05/24/11	VER04 VERIZON	600.93		3879
84730	05/24/11	VER08 VERIZON WIRELESS	1,120.28		3879
84731	05/24/11	VET03 NORTHSTAR VETS	488.08		3879
84732	05/24/11	VIT01 VITAL COMMUNICATIONS, INC.	130.70		3879
84733	05/24/11	WAL02 WALTER R. EARLE CORPORATION	241.20		3879
Checking Account Totals					
		Paid	Void	Amount Void	Amount Paid

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63175	05/24/11	REM01 REMINGTON, VERNICK & VENA ENG.	850.50		3880																																																																								
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JACKSON TOWNSHIP  
Check Register By check Date

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
-----					
Checks:	2	0	0.00	2,224.00	
Direct Deposit:	0	0	0.00	0.00	
Total:	2	0	0.00	2,224.00	
-----					
HANDICAPPED					
2036	05/24/11	JAC12 JACKSON TWP. BOARD OF ED.	755.40		3887
-----					
Checking Account Totals	Paid	Void	Amount Void	Amount Paid	
Checks:	1	0	0.00	755.40	
Direct Deposit:	0	0	0.00	0.00	
Total:	1	0	0.00	755.40	
-----					
OPEN SPACE					
9155	05/24/11	CE001 CEDE & COMPANY	144,423.76		3886
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Checking Account Totals	Paid	Void	Amount Void	Amount Paid	
Checks:	1	0	0.00	144,423.76	
Direct Deposit:	0	0	0.00	0.00	
Total:	1	0	0.00	144,423.76	
-----					
PARKS REC					
63542	05/24/11	JAC15 JACKSON TOWNSHIP P/R ACCOUNT	1,814.56		3890
63543	05/24/11	BLA14 BLACKBEARDS CAVE	300.00		3883
63544	05/24/11	CIP02 KRISTY CIPOLLA	65.00		3883
63545	05/24/11	CLA31 CLASSIC TOURS	805.00		3883
63546	05/24/11	COS01 COSTCO WHOLESALE 229	259.55		3883
63547	05/24/11	GRA41 BB GRAND SLAM	610.00		3883
63548	05/24/11	HOM08 THE HOME DEPOT	297.51		3883
63549	05/24/11	MCP02 HELAINE MCPAUL	65.00		3883
63550	05/24/11	MRB01 MR. BOBS	99.00		3883
63551	05/24/11	ROE03 ALEXIS ROE	120.00		3883
63552	05/24/11	SH013 SHOPRITE/PERLMART, INC.	152.63		3883
63553	05/24/11	SS01 S & S ARTS & CRAFTS	195.92		3883
63554	05/24/11	USS02 U.S.S.S.A. PAYROLL INC.	2,246.40		3883
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Checking Account Totals	Paid	Void	Amount Void	Amount Paid	
Checks:	13	0	0.00	7,030.57	
Direct Deposit:	0	0	0.00	0.00	
Total:	13	0	0.00	7,030.57	
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Report Totals	Paid	Void	Amount Void	Amount Paid	
Checks:	120	4	200.00	8,266,288.23	
Direct Deposit:	0	0	0.00	0.00	
Total:	120	4	200.00	8,266,288.23	
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Fund Description	Fund	Budget Total	Revenue Total
	0-01	15,805.36	0.00
	1-01	7,979,030.43	0.00
	C-04	1,489.59	0.00
	G-02	11,113.16	0.00
	T-12	2,224.00	0.00
	T-13	7,030.57	0.00
	T-14	755.40	0.00
	T-17	3,692.00	0.00
	T-19	144,423.76	0.00
	T-20	2,058.00	0.00
	Year Total:	160,183.73	0.00
Total of All Funds:		8,167,622.27	0.00



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Project Description	Project No.	Project Total
7200063366 FOUR SEASONS	C10309	682.25
7200063546 4 SEASONS/METEDE.	C10490	26.99
7200065079-FOUR SEASONS	C10619	4.67
7200065286 FOUR SEASONS	C10716	42.45
7200065287-FOUR SEASONS	C10717	106.15
7200135547	C10887	5.57
7200064024 FOUR SEASONS	P30741	4,291.43
7200064026 4 SEASONS/METEDE	P30743	2,472.90
7200064162 4 SEASONS METEDEC.	P30928	11,149.91
7200064215 2003 COASTER	P31011	28.00
7200065271	P31128	8,256.43
7200065339 FOUR SEASONS MET	P31150	23,514.80
7200135471 FOUR SEASONS MET	P31178	9,384.56
7760145770 CHURCH OF ST ALS	P31412	732.75
DENTON LANE	P31642	121.50
360 BENNETS HILLS S/P60-2	P31644	81.00
JF KIELY	TWPOE06	1,350.00
BILJIM CONSTR	TWPOE07	1,140.00
KLINE	TWPOE107	1,380.00
SIXFLAGS O/E	TWPOE11	2,070.00
VERIZON-	TWPOE114	1,260.00
WALTER EARLE	TWPOE12	1,200.00
P&A CONSTRUCTION CO.	TWPOE129	990.00
JCP&L PLANNED	TWPOE132	1,020.00
SAWTOOTH GROUP	TWPOE144	480.00
SAMBOL CORP	TWPOE22	21,210.00
NJNG	TWPOE46	240.00

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Project Description	Project No.	Project Total
FIRST EN/JCPL EMERG	TWPOE48	900.00
ATLANTIC INFRARED	TWPOE97	1,860.00
JT SUBDIVISION ACCT	TWPS0001	680.80
WEST PLEASSANT CPGT INC	231362	709.16
gas station/conv store	231505	236.39
V 2795-CONCRETE MFG PLANT	231595	202.50
THEBANK PROJECT	231605	174.25
ZONING ACCT TRNS TO PLANNINGBD	231636	540.00
6 MEADOW RUN CT	231639	121.50
Total of All Projects:		98,665.96

**ORDINANCES, SECOND READING:**

**ORDINANCE 20-11**

**TITLE: AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, SO AS TO AMEND CHAPTER 109, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS,; ARTICLE IX, ENTITLED "NONCONFORMING USES, LOTS, BUILDINGS, AND STRUCTURES," SO AS TO CREATE REVISED SECTION 109-130.1 "LOTS OF RECORD"**

**PUBLIC HEARING OPENED:**

**DENISE GARNER – EVERGREEN COURT** asked why this ordinance was on the books since 1993 and was repealed at the end of 2010. Council Vice President Bressi stated the Master Plan changed R-3 zoning to R-1 zoning and this helps people who built in the R-1 zone originally and wish to add decks and other accessory structures to be grandfathered in, reducing the need for variances. It does not increase the number of homes; it cannot be used with contiguous lots, it protects people's rights in the R-1 zone. Ms. Garner understood, but the area near Bennetts Mills was R-3. Council Vice President Bressi said if there is no sewer and water to those lots, they remain R-3. Ms. Garner thanked him.

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

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE & BRESSI**

**ABSENT: KAFTON & MARTIN**

**MOTION TO APPROVE ORDINANCE 20-11 ON SECOND READING, ADVERTISE THE NOTICE OF PASSAGE AND APPROVAL IN AN APPROVED NEWSPAPER AS REQUIRED BY LAW BY: UPDEGRAVE**

**MOTION SECONDED BY: RIVERE**

**YES: RIVERE, UPDEGRAVE & BRESSI**

**ABSENT: KAFTON & MARTIN**

#### **ORDINANCE NO. 20-11**

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

**SECTION 1.** Pursuant to 40:55D-62 and subsequent to the adoption of the Township of Jackson Master Plan in August of 2009, the Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 109, entitled "Land Use and Development Regulations," so as to create a new section 109-130.1 entitled "Lots of Record".

**SECTION 2.** §109-130.1 "Lots of Record" recognizes the existence of numerous single family homes developed on lots that were previously approved by the Planning Board prior to the changes in state and local regulations which would render same lots inconsistent as described in the 2009 Master Plan Land Use Plan element provisions and recommendations, and therefore same lots are to be considered "grandfathered" as follows:

#### **§109-130.1. Lots of record.**

- A. Where a residential nonconforming lot was previously created by a subdivision approved by the Jackson Township Planning Board, and where such lot was located in the R-1 Residential Zone, and where such lot was a conforming lot at the time of such subdivision approval, and where a single family home was developed on such lot, such residence may be expanded and accessory structures may constructed as long as same shall be in conformance with §109-44.1 R-1 Residential Zone District, provided that;

- (1) At the time of and since the adoption of the ordinance making such lot nonconforming, the owner of the lot did not own adjoining property which may be (have been) used to cause such lot to become a conforming lot; and
- (2) the required front yard, side yard and rear yard setbacks are met as required in the R-1 Residential Zone; and
- (3) said lot shall have a minimum area of 43,560 square feet; and
- (4) this section shall apply only to the non-Pinelands area of Jackson Township.

**SECTION 3.** After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Municipal Planning Board for its review and comment. The Township Clerk shall also send copies of this ordinance to all adjoining municipalities pursuant to N.J.S.A. 40:55D-15, and to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16 by certified mail at least ten (10) days prior to the proposed second reading and adoption of this ordinance.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law, filing of the ordinance with the Ocean County Planning Board, approval by the Mayor pursuant to N.J.S.A. 40:69A-41 and the passage of twenty (20) days from adoption by the governing body pursuant to N.J.S.A. 40:69A-18.1.

**SECTION 5.** After adoption of this ordinance on second reading, the Township Clerk shall file a certified copy of this ordinance with the Ocean County Planning Board.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MICHAEL REINA

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on the **10<sup>th</sup> day of May, 2011**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **14<sup>th</sup> day of June, 2011**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which

time all persons interested shall be given an opportunity to be heard concerning this ordinance.

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

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**ORDINANCE, FIRST READING:**

**NONE AT THIS TIME**

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**CLERK EDEN** announced a change to the agenda from the online version, that Resolution 178R-11 authorizing Emergency Temporary Appropriation #4 and there is an additional resolution 180R-11 authorizing advertisement and acceptance of RFPs for bids for the Planning Board professionals.

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**PUBLIC COMMENT, RESOLUTIONS ONLY**

**ERNEST TENZER – JACKSON TOWNSHIP** asked about the preservation of open space and the cost, and the affordable housing agreement with Hovbilt. Mr. Tenzer wanted to know if Hovbilt was Khov. Council Vice President Bressi said Hovbilt is a subsidiary of Hovnianian, but the project it refers to is Jackson Valley, for 965 homes. Purchase of that property will eliminate 373 homes and the Township will receive 40 percent of the land which could be used for recreation. Mr. Tenzer asked if it is costing anything and Council Vice President Bressi said it is coming out of the Open Space Trust Fund. Mr. Tenzer asked how Hovnianian became involved in this and was told that was their project, approved in 2006. We reduced what they were approved for and 40% will remain open space to be used for recreation later on.

**CAMPBELL BROWN – PRESIDENT, P.B.A. 168** asked for an explanation of Resolution 178R-11. Chief Financial Officer Pinkava said before the budget is adopted, every month we have to fund our expenditures. He asked 175R-11, is that money from the Open Space Trust Fund and was told yes.

**MOTION TO CLOSE PUBLIC COMMENT BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE & BRESSI**

**ABSENT: KAFTON & MARTIN**

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**CLERK EDEN** requested that Resolution 178R-11 be postponed this evening because it requires a 2/3 vote and Mr. Martin is coming later. Council agreed.

**RESOLUTION 178R-11**

**(\*) POSTPONED UNTIL ARRIVAL OF COUNCIL PRESIDENT MARTIN –  
ADDRESSED THIS RESOLUTION @ 10:30 P.M.**

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**RESOLUTIONS**

**RESOLUTION 175R-11**

**TITLE: RESOLUTION SUPPORTING PURCHASE LANDS FOR THE PRESERVATION OF OPEN SPACE IN TOWNSHIP OF JACKSON AND AUTHORIZING THE EXECUTION OF AN AMENDED AFFORDABLE HOUSING AGREEMENT WITH HOVBILT, INC.**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE & BRESSI**

**ABSENT: KAFTON & MARTIN**

**WHEREAS**, Hovbilt, Inc. (Hovbilt") is the current owner of 650 acres of proposed residential development property known as "Jackson Valley" and formerly designated as Block 6, Part of Lot 4.04, Block 7, Part of Lot 13, 35, 47, 48, 49 and part of Lot 28.01, currently identified as Block 10401, Lot 5 (portions of former Block 6, Lot 4.04), Block 11201, Lots 8 and 10 (portions of former Block 7, Lot 13) and Block 17802, Lot 57 (portions of former Block 7, Lots 35, 47, 48, 49 and 28.01) on the tax map of the Township of Jackson ("Property")

**WHEREAS**, 293.25 acres of the Property, which is adjacent to the Colliers Mill Park / Wildlife Management Area is available for conservation protection through purchase (the "Acquisition Property"); and

**WHEREAS**, the Acquisition Property could be developed with as many as 373 housing units if developed in accordance with the terms of the development proposal, and is part of an approved project which is part of the Township's Second and Third Round Affordable Housing Plan; and

**WHEREAS**, the Township is party to an Agreement for Purchase with the Trust for Public Land ("TPL"), the New Jersey Department of Environmental Protection ("EPA") and the County of Ocean ("County") to purchase the Acquisition Property from Hovbilt in order to protect and preserve, among other things, the integrity of the headwaters area of the Toms River; and

**WHEREAS**, pursuant to the Agreement for Purchase, the Township will be entitled to a 46% undivided fee interest in the land in the Western Assemblage, and a 47 % fee interest in the land in the Eastern Assemblage; and

**WHEREAS**, the Township and Hovbilt entered into an Affordable Housing Agreement on 13 September 1999 (the "AHA"), which contemplated development of Hovbilt's Property with Hovbilt funded RCA units as part of the Township's Affordable Housing Plan toward the Township's Second Round obligations, based on a total number of RCAs derived by multiplying the total number of units approved in the Project by then percent (10%) at a rate of \$20,000 per RCA, and after the Agreement was executed, COAH increased the RCA contribution amount to \$35,000 per unit; and

**WHEREAS**, due to significant rule changes at the COAH the Township was required to undertake certain actions to ensure the Township received proper credits for affordable housing units generated by Hovbilt's project and to protect the Township from accruing a Third Round Growth Share obligation generated by the non-affordable units created as a result of the construction of this project, the Township and Hovbilt entered into an Amendment to the AHA on 26 June 2007 which provided that Hovbilt would construct the required affordable housing units on the Property, which would provide affordable housing units towards the satisfaction of the Township's affordable housing obligation; and

**WHEREAS**, based on the foregoing Hovbilt proposes a second amendment to the AHA, which will amend the approvals on Hovbilt's remaining Property, after the above mentioned transfer of the Acquisition Property, to include up to 1,100 units.

**WHEREAS**, Hovbilt agrees to increase its affordable housing set-aside to 20% of the total units contemplated on the remaining Property and Hovbilt will apply to the Jackson Township Planning Board to amend its approvals to remove the age-restriction from the Project and converting the set-aside to all age-inclusive housing.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of Township of Jackson as follows:

- (a) The Agreement for Purchase of the Unimproved Real Property with the Trust for Public Lands, the State of New Jersey Department of Environmental Protection (Green Acres) and the County of Ocean to

acquire and preserve the Property, attached hereto as Exhibit "A", is hereby approved as to form and substance by the Council, and the Mayor and Clerk of the Township are hereby authorized to execute and attest to, respectively the Agreement on behalf of the Township;

(b) The second proposed Amendment to the Affordable Housing Agreement between the Township and Hovbilt, Inc. attached hereto as Exhibit "B" is hereby approved as to form and substance by the Council, and the Mayor and Clerk of the Township are hereby authorized to execute and attest to, respectively the Agreement on behalf of the Township

(c) The Township' Attorney and Planning Consultant are hereby authorized and directed to prepare the required documents to be filed with the Superior Court to secure the required approvals from the Superior Court to approve the Amendments to the Agreement.

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

**DATED: 5/2411**

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**RESOLUTION 176R-11**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONSENT ORDER AND STIPULATION OF SETTLEMENT IN THE MATTER OF LEIGH VS. TOWNSHIP OF JACKSON**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE & BRESSI**

**ABSENT: KAFTON & MARTIN**

**WHEREAS**, the Jackson Township and the Jackson Township Planning Board have been engaged in lengthy litigation with Mitch Leigh and Leigh Realty Company with respect to property known as Block 4101, Lots 2 through 16, inclusive of Block 4201, Lots 27-32, inclusive, 52-54 inclusive and 58-60, inclusive comprising of approximately 600 acres located generally to the west of Cedar Swamp Road (County Route 527); and

**WHEREAS**, the property in question was previously identified in a Judgment of Repose entered by the Superior Court of New Jersey and is included within the Township's Affordable Housing Compliance Plan as an inclusionary development site and specifically designated as Affordable Housing Site #2 pursuant to Township Ordinance 109-197; and

**WHEREAS**, said Judgment of Repose was entered by the Court on October 29, 1993 and has been in effect at all times subsequent thereto; and

**WHEREAS**, Leigh has previously pursued certain land development approvals for the subject property, including the most recent plan seeking approval for 2,531 residential units; and

**WHEREAS**, the Planning Board has previously denied that application based upon the fact that the applicant cannot meet the net density requirements of the PMURD Zoning Ordinance; and

**WHEREAS**, that decision by the Planning Board has been the subject of litigation before the Superior Court and, pursuant to the terms of a proposed Stipulation of Settlement and Consent Order, Leigh is proposing to return to the Planning Board to seek approvals which may not exceed 1,541 units on the subject property, which density would be in conformance with the net density provisions by the PMURD Ordinance as previously determined by the Jackson Planning Board; and

**WHEREAS**, entry into the proposed Stipulation of Settlement and Consent Order, which has previously been approved by the Jackson Township Planning Board with certain revisions to be incorporated prior to execution by the Planning Board; and

**WHEREAS**, Jackson Township has carefully considered the terms of the proposed Consent Order and Stipulation of Settlement.

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

1. That the Township of Jackson hereby authorizes its attorney to execute the Consent Order and Stipulation of Settlement in the form approved and executed by the Jackson Township Planning Board.

**DATED: 5/24/11**

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

**(8:55 P.M. – COUNCIL PRESIDENT MARTIN JOINED MEETING)**

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

**RESOLUTION 167R-11**

**TITLE: AUTHORIZE TAX OVERPAYMENT REFUNDS**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**

**ABSENT: KAFTON**

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

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

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

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

**TOWNSHIP OF JACKSON**

**OVERPAYMENT REFUNDS**

**May 24, 2011**

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>NAME</u></b>	<b><u>YEAR-QTR</u></b>	<b><u>AMOUNT</u></b>
4603	2	Littig, Eric F & Ethelmae	2010 – 3 <sup>rd</sup>	\$ 536.99
			2010 – 4 <sup>th</sup>	1,544.35
			2011 – 1 <sup>st</sup>	1,494.25
			2011 – 2 <sup>nd</sup>	253.87
5812	55	Johnson, Glenn & Connie	2011 – 2 <sup>nd</sup>	<u>134.99</u>



**Total: \$3,964.45**

- 2. Copies of this Resolution to the Tax Collector.

**DATED: 5/24/11**

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

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**RESOLUTION 168R-11**

**TITLE: APPROVE BINGO/RAFFLE LICENSE**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**

**ABSENT: KAFTON**

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

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

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

#RA-1413 – JACKSON HELPING HANDS FOUNDATION

#RA-1414 – JACKSON LACROSSE CLUB LLC

#RA-1415 – SUSAN G. KOMEN BREAST CANCER FOUNDATION

#RA-1416 – ROBERT WOOD JOHNSON UNIVERSITY FOUNDATION

- 2. Copies of the Resolution to interested parties.

**DATED: 5/24/11**

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

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**RESOLUTION 169R-11**

**TITLE: APPROVE CHIEF FINANCIAL OFFICERS REPORT FOR MONTH OF APRIL 2011**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**

**ABSENT: KAFTON**

**WHEREAS**, the Chief Financial Officer has submitted a monthly report; and

**WHEREAS**, the Township Clerk has submitted this report to the Township Council for their approval;

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

- 1. The Chief Financial Officer’s monthly report for April 2011 is hereby approved.

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

**DATED: 5/24/11**

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

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**RESOLUTION 170R-11****TITLE: APPROVE JACKSON TOWNSHIP COUNCIL MEETING MINUTES OF NOVEMBER 9, 2010****MOTION TO APPROVE BY: RIVERE****MOTION SECONDED BY: UPDEGRAVE****YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN****ABSENT: KAFTON**

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Township of Jackson, County of Ocean, that;

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

November 9, 2010

2. Copies of this resolution to any interested parties.

**DATED: 5/24/11**

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

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**RESOLUTION 171R-11****TITLE: AUTHORIZE SUBMISSION OF 2012 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT APPLICATION****MOTION TO APPROVE BY: RIVERE****MOTION SECONDED BY: UPDEGRAVE****YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN****ABSENT: KAFTON**

**WHEREAS**, the Township of Jackson desires to apply for and obtain a 2012 grant from the State of New Jersey, Department of Community Affairs to carry out a program to provide recreational and educational opportunities and activities for individuals – adults and children with disabilities in the Township of Jackson; and

**WHEREAS**, the Jackson Township Commission for the Disabled/Handicapped Commission will prepare and submit, on behalf of the Township, the 2012 Recreational Opportunities for Individuals with Disabilities Grant application by June 1, 2011;

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

1. The Mayor and Township Council do hereby authorize the application for an execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Jackson and the New Jersey Department of Community Affairs.

2. Be it further resolved that the persons whose names and titles below are authorized to sign the application, the contract and any other documents necessary in connection therewith:

Michael Reina, Mayor  
Ann Marie Eden, RMC – Township Clerk

3. Copies of this resolution to Municipal Administrator, Chief Financial Officer, Jackson Township Commission for the Disabled/Handicapped and any other interested parties.

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

**DATED: 5/24/11**

**RESOLUTION 172R-11**

**TITLE: AUTHORIZE RENEWAL OF MOBILE HOME PARK LICENSE FOR THE YEAR 2011 TO MGM JACKSON, LLC T/A MAPLE GLEN MOBILE HOME PARK, BLOCK 18602, LOT 1 (BOWMAN & MILLER ROAD)**

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

**WHEREAS**, MGM Jackson, LLC t/a Maple Glen Mobile Home Park has requested a renewal of its Mobile Home Park License for Calendar Year 2011 for property located at Bowman and Miller Road, a/k/a Block 18602, Lot 1, Jackson Township; and

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

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

1. The application of MGM Jackson, LLC t/a Maple Glen Mobile Home Park for renewal of its Mobile Home Park License for the premises known as Bowman & Miller Road Block 18602, Lot 1, Jackson Township, is hereby approved.
2. The Township Clerk is hereby authorized to issue the aforesaid renewal to the applicant.
3. Said license is issued for a period commencing February 1, 2011 and ending January 31, 2012.
4. Said license is issued subject to any and all restrictions imposed by the Jackson Township Zoning Board of Adjustment and the Jackson Township Planning Board.
5. That upon the adoption of this resolution, the Township Clerk is authorized and directed to forward a certified copy of it to the Township Administrator and MGM Jackson, LLC, t/a Maple Glen Mobile Home Park.

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

**DATED: 5/24/11**

**RESOLUTION 173R-11**

**TITLE: AUTHORIZE ISSUANCE OF KENNEL LICENSE TO AUDREY DE GASTER, T/A AIN'T MISBEHAVING'S CANINE SLEEP OVER (BLOCK 2403, LOT 11)**

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

**WHEREAS**, Audrey De Gaster, t/a Ain't Misbehaving's Canine Sleep Over, 156 West Commodore Boulevard, Jackson, New Jersey (Block 2403, Lot 11) has submitted an application for a license to operate a kennel at the premises as set forth below pursuant to Article III of Chapter 51 of the Jackson Township Code; and

**WHEREAS**, the applications are in proper form, the proper fees have been paid and taxes have been paid up-to-date on the premises in question; and

**WHEREAS**, all involved municipal agencies and officials have either reviewed the applications or inspected the premises and have no objection to the renewal of the license.

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

1. That the Township Clerk is hereby authorized to deliver the applicant, Audrey DeGaster, t/a Ain't Misbehaving's Canine Sleep Over, 156 W. Commodore Boulevard, Jackson, New Jersey a kennel license commencing immediately and terminating January 31, 2012.
2. This license is issued subject to applicant's continued compliance with conditions and requirements as follows:
  - A. Payment of all outstanding fees and taxes.
  - B. The applicant shall conform with all laws and regulations required by Chapter 51-25.
  - C. The applicant obtaining all other local, County and State permits.
3. That upon adoption of this resolution, the Clerk is authorized and directed to forward a certified copy of it to Audrey DeGaster, t/a Ain't Misbehaving's Canine Sleep Over.

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

**DATED: 5/24/11**

**RESOLUTION 174R-11**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY DENYING THE RELEASE TO HOPE CATHEDRAL, OF THE PERFORMANCE BOND ISSUED FOR JACKSON BLOCK 45, LOT 23.01**

**MOTION TO APPROVE BY: RIVERE**

**MOTION SECONDED BY: UPDEGRAVE**

**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**

**ABSENT: KAFTON**

**WHEREAS**, Hope Cathedral has requested a Release of the Performance Guarantee, which consists of \$150,579.00 in the form of a Performance Bond and a Cash Bond in the amount of \$16,731.00, pertaining to Jackson Hope Cathedral, a/k/a Block 45, Lot 23.01, Jackson Township; and

**WHEREAS**, Al Yodakis, of T&M Associates, Township Engineer, has reviewed and denied the release of said performance bond in letter report dated May 9, 2011, which letter report is made a part hereof; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Performance Guarantee in the amount of \$150,579.00 and the Cash Bond in the amount of \$16,731.00, heretofore posted with the Township may not be released and hereby is retained by the Township. The applicant does not wish to move forward with the project, therefore the following conditions must be met prior to release:

1. The area must be stabilized, reforested and the excavated basin addressed;
2. The Ocean County Soil Conservation District will also need to sign off on the condition of the property prior to release;
3. The drainage structures, trailer and construction fence must be removed from the site.
4. Copies of this resolution to Administration, Finance, Applicant/Developer, Township Engineer. The Mayor and Township Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

**DATED: 5/24/11**

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

**RESOLUTION 179R-11**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING RELEASE TO COUNTY LINE CONSTRUCTION OF THE CASH BOND ISSUED FOR 422 BUTTERFLY ROAD, A/K/A BLOCK 15401 LOT 33**

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

**WHEREAS**, County Line Construction has requested the release of a Cash Bond for winter conditions in the amount of \$500 pertaining to 422 Butterfly Road, a/k/a Block 15401 Lot 33, Jackson Township; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that the Cash Bond for winter conditions in the amount of \$500 heretofore posted with the Township may and hereby is released to County Line Construction.

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

**DATED: 5/24/11**

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

**RESOLUTION 180R-11**

**TITLE: RESOLUTION OF THE TOWNSHIP OF JACKSON, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE PREPARATION, ADVERTISEMENT AND RECEIPT OF PROPOSALS FOR 2011/2012 LEGAL AND PROFESSIONAL SERVICES FOR THE PLANNING BOARD**

**MOTION TO APPROVE BY: RIVERE**  
**MOTION SECONDED BY: UPDEGRAVE**  
**YES: RIVERE, UPDEGRAVE & MARTIN**  
**NO: BRESSI**  
**ABSENT: KAFTON**

**WHEREAS**, the Township of Jackson has a need for various Legal and Professional Services for a twelve month period from July 1, 2011 to June 30, 2012; and

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

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

1. That the Township Council does hereby authorize the preparation, advertisement and receipt of sealed proposals for 2011/2012 Legal and Professional Services for the Jackson Township Planning Board.
2. That after the date and time for the receipt of sealed proposals has been determined, a Notice for the Solicitation of Professional Services shall be advertised as prescribed by law.

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

**DATED: 5/24/11**

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

**RESOLUTION 177R-11**

**TITLE: AUTHORIZE THE READING OF THE 2011 MUNICIPAL BUDGET BY TITLE ONLY**

**MOTION TO APPROVE BY: UPDEGRAVE**

**MOTION SECONDED BY: RIVERE**

**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**

**ABSENT: KAFTON**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey, that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 1(a) and 1(b), have been met and therefore the Budget for 2011 shall be read by title only.

**DATED: 5/24/11**

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

**PUBLIC HEARING OPENED – RESOLUTION NO. 131R-11 – CY 2011 MUNICIPAL OPERATING BUDGET**

**CLERK EDEN** explained this evening's public hearing is required under the law; Council introduced and approved the budget on April 5, and the public hearing was scheduled for this evening. The budget wasn't defeated; the levy cap was defeated. There are other areas that could certainly be questioned by the public during the normal proceedings of a public hearing. Once the hearing is closed this evening, the Council will decide when they will have a special meeting to introduce and approve the amendments to this budget. Once that is done, the public will be afforded an opportunity at that

meeting to ask questions regarding the amendments. Once the amendments are approved, Council will adopt the budget. So, tonight is, under the law, the public hearing on the budget itself that went out on April 5.

**COUNCIL PRESIDENT MARTIN** stated they are here to answer any questions on the budget, other than furloughs and layoffs, or continuing negotiations.

**CAMPBELL BROWN – PRESIDENT, P.B.A. 168** asked CFO Pinkava how much it is going to cost the town to lay off the 23 police officers. Ms. Pinkava stated \$650,000. On the introduced budget, it was \$632,000 and there were anniversary increases that were omitted, which brought the total to \$650,000. Mr. Brown asked if that includes salary. Ms. Pinkava said that includes salary, FICA and med, and adjustments for unemployment, comp and vacation. That is the net effect for 23 officers, \$650,000. Mr. Brown asked how much would be saved by laying off the police officers and was told \$632,000. Council President Martin said IF that is what is done. That is not what we are discussing tonight.

**PAUL MAYEROWITZ – 91 CYPRESS POINT LANE** asked what cost savings were identified in executive session. Council President Martin said they are still working with the unions. Mr. Mayerowitz thought what Mr. Brown was asking is what is it going to cost us to save the salary and social security. Ms. Pinkava gave a breakdown and said six months of salary is \$1,023,289. Five month benefit is \$172,975. Six month social security is \$66,514. Six month Medicare is \$14,838. Six month unemployment is \$358,800. Vacation payout is \$127,293. Comp payout is \$159,198. Some numbers are positive and some are negatives; the net savings is \$632,000. Some anniversary increases weren't in there and that increases the number to \$650,000.

**RAY CATTONAR – 11 FORDHAM ROAD** asked how the cuts were derived from the school budget. Council President Martin met with Councilwoman Rivere and the school board and the net result was no increase to the taxpayer. Mr. Cattonar asked if they all got pay raises. Council President Martin said there was no increase to the taxpayer. Mr. Cattonar asked about the increase in 2010. Council President Martin said the township's pervue when a budget fails is to review the budget and make cuts where they can be made without jeopardizing the education of the children. Mr. Cattonar was asking about last year's school budget that jumped \$5 million. Both Council President Martin and Councilwoman Rivere stated the township is on a calendar year budget and the school is on a fiscal year budget. The tax bill is not reflected the same way. For the budget going forward, there is zero tax increase.

**JEREMY FELDER – SAGE COURT** said the unions took money last year and didn't need it. He asked if they expected to get any cooperation this year after what happened last year. There is zero credibility. He felt the Mayor went back on his word. Mayor Reina responded, saying he did what he is supposed to do; he made a mistake. Regardless, he showed where the money was not coming from; he showed where the money is taken away from this Township. He understands what he is saying. Everyone is welcome to look at the budget documents. He can only work with the dollars afforded to us. He has asked for help. We are trying to work within our means. There are shortages within the entire township. He said he owned up to his mistake. There isn't much he could do with the money coming into the Township. Councilwoman Rivere said if they could find \$650,000 from the Police Department, they would save the 23 police officers. Mr. Felder said she isn't giving anything. He asked Ms. Pinkava what the surplus was last year, was the township in the red? Ms. Pinkava stated \$190,000. Mr. Felder said the PBA made concessions of \$137,000. So we could say that the money they paid was carried as a surplus for the town, right?

**ALICIA HRUSCHKA – 895 HURLEY ROAD** said the police are working short staffed already, when you lay off these 23, which one [of Council], when someone dies or is hurt, will knock on a family member's door because of the shortage of police on the job. She was asked for a vote last year and she asked what are they going to do for her this year? Council President Martin said they are working to find the dollars in the budget to minimize layoffs.

**ALLEN STERN – 3 ARIZONA AVENUE** asked when they would be able to see a budget. Council President Martin said the introduced budget is online and anyone can view it. It is also in the library. If anyone has any suggestions, Council is willing to listen to it. Mr. Stern said not everyone is computer literate and there have been numerous meetings. He asked for a better way to look at the line items and he asked for it to be made easy for people to understand what is needed so they could make suggestions. Councilwoman Updegrave said there are a number of copies that are made available for the public. Council President Martin said there are a lot more eyes than Council looking at the budget, including the Citizens Budget Advisory Committee.

**MICHELLE LASKO – 668 W. COMMODORE BLVD.** asked why so much of the budget goes to the school. Council President Martin said the Township collects the money for the school tax through the tax bill, but the money is given right back to them. We don't set that amount. Council President Martin said we also collect County and Fire District taxes in the same way. She asked why the teachers can't pay into their health benefits to reduce the amount of school taxes and was told that the Township doesn't determine that. It isn't the same pot.

**PETER GREZLAK – 3 ABES WAY** noted this is a rough job to do. Citizens don't want to be combative; they just want to be sure the right decisions are made. The 'no' vote on the levy cap is not against the police officers. He hopes the money is found to keep them. He hopes some type of agreement can be made; taxes have skyrocketed. Please look at the budget and see where we can come to some understanding.

**MR. BAIRD – FORMER JACKSON POLICE SARGENT AND PBA PRESIDENT** said there was a buyout in 1989 that put stress on the budget. At the time, money was put away to pay for the benefits. This is an emergency. He asked where that money went. If it exists, it will more than save these jobs. Ms. Pinkava said every year, money is set aside to a trust fund for retirements. And there might have been \$300,000, but it was used up, but every year more is set aside. Mr. Baird said he was told it is still there. Ms. Pinkava said no. Council President Martin said since 2006, this Council has held the line on spending and expenses are down.

**CAMPBELL BROWN – PRESIDENT, P.B.A.** thought there was up to 50% of the school tax that could be deferred. Ms. Pinkava said in order to set that up, you would have to collect an additional six months of taxes and that would be held over for help with the municipal budget. Ms. Cipriani worked with other municipalities where that is done and once it is done, it is done on a regular basis, and you are committed to it. Ms. Pinkava said you would have to collect 18 months of school taxes in one year to implement it and that money would come from the taxpayers. Mr. Brown said another option is to defer a portion of pension and benefits.

**JEREMY FELDER – SAGE COURT** asked how much was budgeted for legal fees this year versus last year and was told this year is 20% less. Mr. Felder said there was an increase to a line item last week for \$80,000 and asked how much is allocated for legal fees for 2011 and was told \$380,000. He asked what was allocated for 2010 for legal fees and was told \$420,000. He questioned the \$80,000 increase contemplated for this year.

**RICHARD ZAUNER – 109 NO. COUNTY LINE ROAD** came up with a savings of \$4 million with a 'no cost for materials' idea. This is a difficult job. Not only are people losing their jobs, he is losing his house. Taxes went up due to revaluation and he asked where all the money has gone.

**RAY CATTONAR – 11 FORDHAM ROAD** asked about the salary for the Superintendent of Schools. When told this isn't the forum for that kind of question, Mr. Cattonar said the budget was voted down and he asked why more cuts couldn't be made. Council President Martin said that cuts were made for a zero tax increase. Mr. Cattonar asked why you couldn't have a freeze on salaries. Council President Martin said [Council] doesn't have the power to do that, and explained the steps Council could take if the school budget is defeated. Mr. Cattonar cited a \$5 million increase that was passed on to the taxpayers.



**PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE** asked Council to take a close look at cuts in utilities and fuel and petroleum products. He thought any cuts might create a problem at the end of the year.

**FRANK CIPULLY – 14 BRITTNEY LANE** said Superintendent Gialanella willingly gave up his sick time and was granted a raise by the Board of Education that will enhance his retirement pay for the rest of his life, at the expense of the taxpayers. This is an abuse of the system. People should be going after the Board of Education.

**ERNEST TENZER – PEMBROKE DRIVE** concurred with Mr. Cipully. He said Council seems like their hands are tied with the Board of Education. Council President Martin stated there is nothing Council can control on the Board of Education's budget. Mr. Tenzer said the school budget is out of control and asked why we don't have more control over it. Ms. Cipriani explained that it is the law and the way it is structured. The only thing the municipality can do is reduce it down a number and make suggestions of where cuts are made, but it is not mandatory. And the school can appeal. The reduction can be only a number, not on a specific line item. Mr. Tenzer said something needs to be done about that. Council Vice President Bressi said the school board is a separate entity. He suggested Mr. Tenzer attend the school board meetings. Mr. Tenzer understood, saying there is a problem and it will keep snowballing.

**SCOTT SARGENT – KNOLLS DRIVE** said there is a school board meeting tomorrow night at 7:30 and they will try to answer any questions anyone might have. He asked if Council received sick and vacation time and was told no. He asked if a Councilperson misses a meeting, would they take a dock in pay if they don't show up. Council President Martin said they don't have sick, comp, or vacation time and he took a 20% cut in pay the past two years. Mr. Sargent asked how much the Transfer Station is costing and asked how much longer before they close it? Council President Martin thought that was an Administrative question. Mayor Reina said a lot of administrative offices have changed recently. He is in discussion with DPW about cost savings and revenue enhancers, and this will be disclosed. Council Vice President Bressi addressed Mr. Sargent's earlier comment about missing a meeting and being docked in pay, stating that there are at least 100 meetings per year that he attends, and sometimes by taking time from his regular job, and he accepted that responsibility willingly.

**BOB NIXON – 15 JEFFERSON COURT** said the Council's primary responsibility is public safety and the last thing they want to see is layoffs. A number of recommendations was given by the Citizens Budget Advisory Committee. The only way to get ahead is with economic development. He felt billboards would bring in revenue without an impact to the community, as well as moving the May elections to November. Council Vice President Bressi responded that the billboard ordinance is being reviewed and the new Master Plan has the ordinances to go along with it, bringing a 69% increase in available commercial zoning. Council President Martin said there is commercial development that has been approved, but the economy is stopping the building from going forward.

**DONNA CORMAN – JACKSON PINES ROAD** supports the Police department. She understands the dollar issues, but if the crime problem continues to grow, then lawsuits will follow and no savings will be realized. The police couldn't do their job with 23 less police officers.

**RAY POWELL – 315 CHERRY STREET** started out in Housing and Building Inspections and is currently doing Housing inspections and Code Enforcement. He heard one police officer say they weren't going to negotiate. He hasn't gotten a raise in 4 years. He thinks everyone has to negotiate.

**MICHAEL KELLY – 391 MEADOWOOD ROAD** understands contracts and has family members in police and fire departments all his life. He asked the Mayor if he intends to honor their contract. Council President Martin said yes. Mr. Kelly said if anything changes, would he please tell the unions right away and Council President Martin said yes.

**CATHY GIANCOLA – 573 HENRY STREET** said there are people without contracts and are unrepresented in this town. She is trusting that Council will remember those folks. Don't go for who screams the loudest here.

**PATTI PENNINGTON – 3 LONDON DRIVE** asked for clarification of the legal fees. Ms. Pinkava said the billed amount for legal fees was appropriated at \$405,000 in 2010 and the billed amount was not available. \$380,000 is introduced for this year with a recommendation to increase by \$80,000 to \$460,000 for specific reasons that are ongoing. Ms. Pennington asked that the leaf pickup schedule be looked at and if they are looking at doing away with bulky pick up. Also some communities did a blanket appeal for taxes two years ago. Council President Martin said that had to do with the tax revaluation. Ms. Pennington asked if everyone had to appeal individually or if they received a reduction as a group and was told the appeals were done both ways. Ms. Pennington noted that is where some of the shortfall is.

**PETER GRZELAK – 3 ABE'S WAY** asked for clarification on attorney's fees. Ms. Pinkava said \$332,000 was spent as of 12/31/10 but she didn't have the final amount. Mr. Grzelak asked if they would stay under the \$405,000 and was told yes. The amount for 2011 was then clarified.

**SCOTT CONOVER – 751 LAKEHURST AVENUE** asked if the Council has gone through the budget line by line and Council President Martin said Council has had the budget for almost 2 months. Council Vice President Bressi said he created public budget workshops in 1992. It was not possible to have the type of workshop he would like to see due to time constraints. Mr. Conover asked if there is other qualified legal counsel that could represent the township. Council President Martin said every year, professional services go out to bid including legal. Mr. Conover said in these times, we are increasing the amount by \$80,000. Council President Martin said in 2010, all professional service fees went down about 20%. Mr. Conover felt the budget amendments would have been available by now. Council Vice President Bressi said the extension is actually a good tool for everyone.

**JEREMY FELDER – SAGE COURT** asked Mr. Torres what he has done since last week to reduce the budget. Administrator Torres said he continues to look at each line item and entertain dialogue with department heads. They are looking at everything to come up with the dollars to save jobs and have no layoffs. Mr. Felder said he found a bunch of money the last few times he came up here and asked them to do the same.

**PAUL MAYEROWITZ – 91 CYPRESS POINTE LANE** asked if there would be more open public budget meetings and Council Vice President Bressi said there isn't time for this year, but in future years, that is his hope. Mr. Mayerowitz thought last week's executive session was for matters not allowed. Council President Martin disagreed, stating last week's executive session was indirectly related to personnel. Council Vice President Bressi said the matters that were discussed cannot be discussed out here as of yet. Council President Martin said the amendments will be introduced on June 2. Mr. Mayerowitz asked when the minutes will be available for the executive session and was told they have to be approved by Council. Mr. Mayerowitz asked if they would be approved before the budget is adopted. Council President Martin said they are trying to save jobs. Mr. Mayerowitz was aware of that but wanted to make sure the process is an open process. He asked how they expect to consolidate those ideas. Council President Martin said the ideas would be discussed individually between him and Council and also the Mayor, without violating the Sunshine Law.

**CHARLIE BAKER – HURLEY ROAD** asked if an analysis was done on how many ambulance calls are made and how many police respond first to those calls, and how taking away the 23 officers will affect the response time by the emergency services. Council President Martin said there was no analysis. Mr. Baker said if they are the first responders, how can you decide to lay them off without knowing their value? Council President Martin said they know the value of the police officers. Mr. Baker felt they were missing an important point.

**MICHAEL KELLY – 391 MEADOWOOD ROAD** asked why they couldn't get together as a group. Council President Martin said law and Council Vice President Bressi said public notice. Mr. Kelly felt they could work in small groups. He understood the rules but the sunshine law allows small groups. It seems as if they are working individually and Council President Martin they are not. Conversations and emails are being done regularly.

**CHIEF KUNZ – P.D.** asked if the 10% cuts were made by each department and was told yes. He cited how he made cuts to his budget until he made the 10%; he only controls the operating expense budget, not salaries and wage. He was confident that 1.5% could be found in the entire budget, and jobs could be saved and keep services intact.

**ALICIA HRUSCHKA – 895 HURLEY ROAD** asked the cost to lay off the officers, in comp and vacation time. Ms. Pinkava said \$270,000, but Ms. Hruschka is not understanding the net effect, which Ms. Pinkava explained. Ms. Hruschka asked if they considered the overtime it would cost to make up for the shortage of police and was told yes. Ms. Hruschka asked how they would pay overtime to the men who are left. Mr. Torres said there is a budget appropriation for that line item.

**JEREMY FELDER – SAGE COURT** asked how much it costs to lay off 23 police officers. Not the net effect. Ms. Pinkava stated what she said earlier; six months of salary is \$1,023,289. Five month benefit is \$172,975. Six month social security is \$66,514. Six month Medicare is \$14,838. Six month unemployment is \$358,800. Mr. Felder stated they are spending \$1.5 million to save \$600,000.

**RICHARD ZAUNER – 109 NO. COUNTY LINE ROAD** said Councilwoman Updegrave has been on Council the longest. He said maybe this form of government isn't working. It costs more than the old style of government. Council President Martin said they are considering moving the elections to save money. Mr. Zauner said he suggested changes to bulky waste and perhaps incurring a cost. Also, have the people take their recycling to the County to save money.

**CAMPBELL BROWN – PRESIDENT, P.B.A.** Said it will cost \$1.5 million to lay off the officers. Ms. Pinkava recapped again, said the cost involved is \$645,000.

**RICH FERRARRELI – 414 COBAIN ROAD** said the police department has grown to be respected and highly trained. Laying off that number of officers will hurt the department severely. Traffic safety has been taken apart due to budget cuts. He is upset to see this happen. Think about some other areas that could be cut.

**CATHY GIANCOLA – 573 HENRY STREET** said the issue is not the salaries; it is the pensions and health insurance. That is what is losing the police officers. She wants to keep the police officers. She had sick and vacation days, too. She doesn't get it as a citizen; that is the big chunk. She had no problem paying for the police to stay here.

**FRANK CIPULLY – BRITTANY LANE** said Ms. Giancola doesn't know the facts. They pay 8.5% of their salary into the pension and self sustain their pension. People have to know the facts. They pay the highest pension rate of any union in the country. The State balances the budget on [the police officer's] backs. The Governor said he was going to pay the money back to their pension; he didn't. With the Supreme Court decision today, the extra money they found is going back to the Board of Education and not back into their pension system. The pension system that [police] support, is what he signed on for, to work 25 years for.

**JEREMY FELDER – SAGE COURT** asked how much per day is paid for a vacation day for a police officer. He then answered by saying it's not worth anything, because you don't pay unless it causes overtime. He said this might be a concession item and asked how much the town would pay for each vacation day. He asked Mayor Reina when he could expect an answer to that question. Mayor Reina will continue to meet with the Police unions and said that has not been discussed, nor is he at liberty to discuss it now. Mr. Felder did not believe a dollar amount would ever be put on that, and if they would,

people wouldn't be so upset with outrageous days off. Mayor Reina said he would take the time to meet with anyone who wishes to meet with him, even if it is a Saturday and anybody who wants to go over the budget, he said to call him and he would speak with them.

**DANIEL BURKE, P.E. – MUNICIPAL ENGINEER** said he made a bunch of statements and wanted to clear the air. He did a significant amount of analysis of police benefits as part of a contract he had to review for a contractor who did work for the township. They get vacation, sick, personal time and RTO. When the analysis was complete, the number that was given to him for 2009 by Personnel was 60.4 paid days off. It might differ from year to year, and that is the number; it is significant. That is 23% of the working year. He has worked with unions since 1984 and has never worked with a union that has gotten benefits like some of the unions here. What he said was the biggest portion of our budget is employee compensation: salaries, wages and benefits. It is 65-70% of the entire budget. If you are going to find savings, you are probably going to find it there. And if you get those savings, you will probably get it from negotiating with the unions. His employees haven't received wage increases in four years and on top of that, they got a 20% wage cut. That is a fact. He understands the concept of being a first responder. What is going on here, however, is not fair. There needs to be some equity across the board.

**JOSEPH CANDIDO – LEANNE DRIVE** asked Ms. Pinkava how much Mr. Burke makes and was told \$106,000. Mr. Candido said he makes \$105,000, but he has to work holidays, not be with his family, and wear a gun and wonder if he will be shot at when he enters a house. He also has to tell family members that one of their family is dead. He asked Mr. Burke if he has to do that. And as far as that 60-day package, he is sure that included long term injury, where people are getting banged up and have broken bones, and that adds to the time. And as Mr. Felder pointed out, that only costs you if it creates overtime. Overtime expense has been controlled like crazy. They have been giving their time not charging the town to do the right thing by the town and the people they serve.

**RAY POWELL – CHERRY STREET** asked the starting salary of a police officer and was told \$44,000 by Campbell Brown. Attorney Cipriani asked that people not shout out and direct their comments through the chair. Council President Martin understood everyone's frustration, as does the Mayor. They are doing everything they can to save everyone's jobs. He asked that people not shout out. Nobody is happy about this situation. The referendum went down, and we can all work together or not. He is looking line by line to find savings. Mr. Powell said he would trade salaries with the police any day of the week.

**BOB BENDER – 28 LEONE BOULEVARD** was a police officer in Hudson County for 25 years and never broke \$100,000. He lives on a low pension and works two jobs. Today was the Law Enforcement Service Day in Ocean County and that is the reason they get a pension and retirement benefits. In three years since he is retired, he has had surgery, all from his job in rolling around with the bad guys. That is why the people of Jackson sleep at night, because the police are out there protecting them.

**MICHAEL KELLY – 391 MEADOWOOD ROAD** asked what the Township did to get the budget passed. Council President Martin said there were flyers, mail, and public outreach. Mr. Kelly said there were 14 notices from the school board. There were notices from the police department and unions, he saw nothing, maybe one notice from the town. He did not see anybody in the last 4 weeks standing outside food stores to tell people they need to vote and pass that. Attorney Cipriani said the elected officials only act on the dais, there is a lot of what is permitted and what is not permitted. They couldn't use township resources for this. Mr. Kelly said the town did nothing.

**CHARLES BAKER – HURLEY ROAD** said this is a difficult decision, but if there is no in depth report of how valuable the police officer is, how do you decide whose salary to cut or who to cut from the police department. The report would show if they are actually doing their job. They would have to know what determines life and death, and unfortunately, the Council has that decision to make.

**MOTION TO CLOSE PUBLIC HEARING ON RESOLUTION NO. 131R-11 – CY 2011 MUNICIPAL OPERATING BUDGET BY: RIVERE**  
**MOTION SECONDED BY: UPDEGRAVE**  
**YES: RIVERE, UPDEGRAVE, BRESSI & MARTIN**  
**ABSENT: KAFTON**

**RESOLUTION 178R-11**  
**TITLE: AUTHORIZE 2011 EMERGENCY TEMPORARY APPROPRIATIONS #4**

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

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

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

The following annexed 2011 Emergency Temporary Appropriations of \$2,169,015.00 in addition to any previously approved emergencies cumulatively totaling \$10,006,185.66, is hereby made in compliance with the above referenced statute. Combined 2011 temporary (N.J.S.A. 40A:4-10) and Emergency Temporary (N.J.S.A. 40A:4-20) Appropriations aggregate to \$18,578,574.33.

1. This resolution shall take effect upon affirmative Council vote of the Township of Jackson Township.
2. Copies of this resolution to the Administrator, Chief Financial Officer, Auditor and (3) certified to the Director of the Division of Local Government Services.

BUDGET BY SOURCE																					
Account #	Account Name	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	FY TOTAL	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	FY TOTAL
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BUDGET BY SOURCE																					
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ANN MARIE EDEN, R.M.C.  
TOWNSHIP CLERK

DATED: 5/24/11

**DISCUSSION:**

**1. TOWNSHIP CLERK EDEN** - Special meeting for approved amendments. Council decided the special meeting would be held June 2, 2011 at 7:00 p.m. Township Clerk Eden said the purpose of that meeting would be to introduce and approve the amendments to the budget that was introduced on April 5. The public hearing on those amendments will be June 14, 2011. There will be a public portion on any topic on June 2 as well. Clerk Eden said if anyone from the public speaks on June 2, those comments will not be included in the public hearing comments on the amendments on June 14. She wanted that to be clear because many times she is asked for the public comments on a budget hearing, and those that spoke in the meeting before, their comments are not considered part of the public hearing [for a budget or any amendment].

**2. COUNCILWOMAN UPDEGRAVE** spoke of savings that could be realized by moving elections to November and eliminating the May elections. Clerk Eden stated that having the ordinance in effect would allow her to reduce her budget line item for elections for the 2012 budget when she works on it this November. Council Vice President Bressi said a lot of changes they are looking at might not affect this year's budget but would impact next year's budget.

**MOTION TO DIRECT THE ATTORNEY TO PREPARE AN ORDINANCE TO MOVE THE MAY ELECTION FROM MAY 2012 TO NOVEMBER 2012****MOTION BY: UPDEGRAVE****SECONDED BY: BRESSI****YES: UPDEGRAVE, BRESSI, MARTIN****ABSTAIN: RIVERE**

**COUNCILWOMAN RIVERE** stated she was of the understanding they were going to put this question on the November ballot. **Clerk Eden** stated that Council also has the authority to take action. **Council President Martin** said they are getting an ordinance prepared for the June 14 meeting which will also have a public hearing on June 28. No action is being taken to change the date; all that is being done is to have the ordinance drafted for the June 14 meeting.

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**PUBLIC COMMENT – ANY TOPIC**

**GENE DAVIS – 6 LLEWELYN COURT** said this weekend is Memorial Day. He quoted Mary Halliston, who wrote “Our Flag”, and he recited it. Kelly Strong wrote “Freedom Isn't Free” and he recited that. He said to thank a veteran if you see one. He provided flags for all who wanted one.

**CAMPBELL BROWN – PRESIDENT, P.B.A. 168** hoped everyone would know that Memorial Day is being celebrated Monday. The parade will start 10 a.m. from the High School and end at the Police Department right in front of the Veterans Memorial. He encouraged the public to spend the day and remember who gave the ultimate sacrifice and why we are really here. There are bombs dropping across the oceans and tsunamis in Japan, and here we are speaking of our small problems [in comparison]. We have to put it all aside and realize what is really important. If he walks out of here July 1, it is ok because he is still here. As far as a referendum is concerned, the unions got together and supported it. It didn't affect the vote at all, in fact less voted. It is easy to blame the Senior communities. He pays school taxes and doesn't have children, he doesn't use municipal services. People have to look at their own finances and decide what is important. On May 5 he received a letter to lay him off from his police position on June 30, 2011. 22 of his brothers and sisters received that same letter. No one will ever forget that for reasons of economy and efficiency, their services are no longer required. Other co-workers of Jackson Township received that same letter, too. He said with 23 less police officers, this town will no longer be economical or efficient. He read from the agreement made on August 25, 2010, which the unions upheld but the Township did not. The agreement eliminated the clothing allowance and overtime eliminated in exchange for comp time. Vacancies were supposed to be filled within 60 days. Now they are

being threatened with layoffs again. They are being told that 2012 looks grim as well. Most of the contracts are 4 years. The agreement made August 25, 2010 was an amendment to the contract from 2007. In 2007 the economy was already turning for the worse. That is when provisions should have been made to spend less and save more. Everyone is waiting for the economy to turn around. This is the new normal. Police have given many suggestions for raising additional funds. You need to hold the professionals' feet to the fire as well. Now you are asking for a bailout with no guarantees. They discussed and voted, and will continue to negotiate. The members of the PBA will be making no concessions. He finds it incomprehensible that there are non-contractual and salary line increases in this budget. As it stands now, eight superior officers will be demoted and 23 officers, including himself, will be laid off at the close of business June 30, 2011.

**JODY BENECKE – 31 CLOVER HILL, also PBA member** wished to comment on salaries and benefits. Nationwide, Police officers are more apt to be killed in rural than urban areas. The average life expectancy of a police officer is 53-57 years vs. 73 years for a male, non-police officer. Post retirement life expectancy for a police officer is 3 years. They take into account stress, shift rotations and other criteria. They are not the only personnel subject to these issues. In 2009 there were 2588 assaults on police officers in New Jersey. She challenges anyone to find a job in the private sector that compares with those statistics. People want to know that a police officer will show up and deal with their particular issues. They are dedicated to the community they serve. There are inherent dangers to their job. Salaries begin in the mid-\$40,000 range, not \$100,000 out of the police academy. They are expected to treat everyone the same regardless of how they are treated. They are on duty 24/7. They work through holidays, weekends, hurricanes and snowstorms. They are not looking for recognition. They chose this profession.

**ELEANOR HANNUM – 7 EVERGREEN COURT** stated the police were very supportive with the situation on Evergreen Court and JR Landscaping; she asked for the status of the investigation. Attorney Cipriani sent the information to the prosecutor's office and DCA. She has not heard from the DCA but did hear from the prosecutor's office. The information was received, some further information was requested. She will follow up with the DCA. Ms. Hannum said the Ocean County Prosecutor's office had no idea what she was talking about when she spoke with them today. Attorney Cipriani said to speak with Assistant Prosecutor Ron Deligny. Ms. Hannum said JR Landscaping brought in another tub grinder in today after he was told to cease and desist his operations. She had pictures. More debris was brought in. She spoke with Mr. Grillo today, and he said he had no authority to do so. Ms. Hannum asked who has the authority. Attorney Cipriani said the only enforceable stop order would be from Superior Court. She intends to file an order to show cause this week, which means any impact statements she receives after tomorrow will not be included in that order to show cause. There might be subsequent filings. Ms. Hannum said at this point, she asked if another violation could be issued and was told no. Council Vice President Bressi said manufacturing is not permitted on the premises. He is violating his approvals and the code. He asked why the code enforcer couldn't write another violation. Ms. Hannum said the Mayor does have the authority to enforce the code, as well as the Director of Community Affairs, per Chapter 3. Attorney Cipriani said the difficulty is getting the action to stop. A superior court order could be enforced by the police in getting the action to stop. His actions are unacceptable. The DEP will fine extremely heavily, they don't physically stop the action. Ms. Hannum concluded no one is able to enforce the code. Attorney Cipriani said that is why the Township authorized the legal action, but it doesn't give the immediate response they are looking for. Ms. Hannum said then there is no authority to stop the activity.

**DAN BURKE, P.E. – TOWNSHIP ENGINEER** said there has been enforcement action and he thought eight summonses were issued. That is the extent, other than maintaining records toward court action. He understands they will be coming before the Zoning Board in the near future. We can't take the keys and stop them.

**JOHN GRILLO – CODE ENFORCEMENT** visited the site today and asked JR if he is operating a tub grinder and was told yes, a small one. Ms. Hannum interjected it was



an 860 hp mulch grinder. Mr. Grillo was advised he was only grinding his own materials. Mr. Grillo sent Mr. Powell out there to do a noise reading. If the noise level was over 75 db, they would have shut him down, and if JR refused, they would have issued a summons. It was measured at 54 db and you are allowed 75 db. Council Vice President Bressi asked if he was manufacturing and Mr. Grillo said that is not what he determines. Attorney Cipriani would review further why issuing a violation is the only action taken when there is a case pending. Council Vice President Bressi felt another violation or warning would only add to the case and not hurt it. Mr. Grillo said it will take months to solve this. Ms. Hannum said for the record, he moved produce to the Bennetts Mills site; the DEP told him to remove the debris from the Bennetts Mills site and instead of doing that, he brought in another tub grinder and he was processing it. Council Vice President Bressi said the process is not going to be fast. Ms. Hannum said they had pizza delivered and the delivery person asked what is that smell? She said, 'You live in it.' She continued that she has lived there 21 years and she lives behind a construction site. Attorney Cipriani said they are trying to get the order to show cause in so that it is not like this all summer long. She is filing the order to show cause by the end of this week. This tells the Court this is an emergent situation. It will, however, be up to the court when it is heard, but it is heard sooner than normally. Ms. Hannum asked what if it is denied and Attorney Cipriani said if it is denied, you are no worse off than now. You would be better off because there would be documentation in place. This is an action the town is taking on her behalf, and she is free to take up action on her own. Ms. Hannum said they can't even have their windows open at this time.

**RICHARD OSOWSKI – 5 RHODE ISLAND DRIVE** spoke to the Mayor in October about his concerns, which must be put on the back burner until the budget woes are settled. His problem takes manpower and money. He is a retired Jackson Township Police Officer. As far as he knows, retirees of the Police department don't receive medical benefits. His costs go up every year. The average life expectancy of a white male retired police officer is 59.5 years. In 1979, he stood in front of the Township Committee when layoffs were pending, and he was scheduled to be laid off but was saved at the last minute. History is repeating itself here. They didn't hire for many years even when Great Adventure was built. It took 20 years to get their new building. In 1986, police made another sacrifice. They took comp time instead of overtime. All was fine until you wanted to take the comp time and they had to hire someone to take over your shift. He was grateful that Lakewood and Howell police backed him up from the 1970s to the 1990s. He asked Council to find the money in the budget for the police officers. There has to be some way to save money.

**RICK FERRARELLI – COBAIN ROAD** thanked the Council for trying to bring the election back to November. He asked if anyone considered going back to the old Committee form of government. Council Vice President Bressi does not like this form of government, but it is the people in it that makes it work. He does prefer Committee form of government. But it is the people in it, not the form. Council President Martin agreed. They walked into a mess, but it is the people that make it work. Mr. Ferrarelli said it appears to be turning into a negotiation with the police and asked if the Mayor has the qualifications to negotiate. Mayor Reina said he is not a negotiator, he can only put forth the information given to him on any issue. If anyone wants to talk to him, he has an open door, and he has done so, based on the information given to him. Mr. Ferrarelli said in years past, they had an administrator who was qualified to make negotiation decisions. He has been out of the loop. There is a lot of I didn't know going around. It seems in the other form of government, the information was available. The township voted to change the government, and the majority of people put in place didn't support the change of government anyway. People didn't make an educated decision on this change because they didn't have the right information. The whole process is tainted. The clerical staff is reduced by more than half. The work can't be done.

**JUDY SHERRY – MARYBETH LANE** doesn't like all the aspects of the government and does like voting for her mayor. We voted for all of you; we need you now to help us. They did all they could to pass the referendum but it was voted down. Services have to be cut, not jobs. We have leaf pickup and brush pickup. Eliminate it. Charge for field use. We have to work with the Mayor. We have to find ways that don't bankrupt loyal

employees. People will have to pay for things. She loves what she does and loves serving the public. She asked that they do what is right for the employees.

**RAE ANN WALKER, EVERGREEN COURT** asked for clarification if the JR situation gets voted down, do they then have to hire their own attorney. Attorney Cipriani clarified if it is turned down by Superior Court, depending on the reasons, the processes that are in place will be in place, such as the DEP and local code enforcement office. They wouldn't have to hire their own attorney and bring their own case. None of these things bring immediate relief. The order to show cause is the quickest way to get something done, but not the only avenue that could be taken. Ms. Walker said the tub grinder was facing the back of the woods and the ax malfunctioned and broke a neighbor's window. The current tub grinder is 50 feet from a property line with a clear shot to the people and if the ax head grinder breaks again, serious damage could be had. Council Vice President Bressi asked if OSHA could be brought in. Attorney Cipriani said they could; and would call to have them come in.

**SARGENT TOM HRUSCHKA, JTPD** asked if the town is paying for the JR issue and if the town is trying to get the money back for that expense and was told yes. He then said he went on a call where the residents are afraid to let their kids out of the house due to the gang and drug problems. Laying off the cops brings a long road ahead. The town is changing and he hopes they see it.

**JUDY SHERRY** said they are emotionally broken at this point. They can't stand any more of this emotional stress. Please keep that in your decisions.

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

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

**11:25 P.M.**

**RESPECTFULLY SUBMITTED,**

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**COUNCIL PRESIDENT MARTIN**

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

**AME/jk**