

ON TUESDAY, MARCH 28, 2023, AT 7:00 P.M. THE JACKSON TOWNSHIP COUNCIL HELD IT'S (EXECUTIVE SESSION) MEETING IN THE MUNICIPAL BUILDING LOCATED AT 95 W. VETERANS HIGHWAY, JACKSON, NJ, 08527

Present: Martin Flemming, Council President; Stephen Chisholm, Jr., Council Vice President; Nino Borrelli, Councilman; Jennifer L. Kuhn, Councilwoman; and Scott Sargent, Councilman

Others present: The Honorable Mayor Michael Reina; Terence Wall, Business Administrator; Gregory McGuckin; Township Attorney; Brent Pohlman, Attorney (via telephone); Ernie Peters, Township Planner; and Mary Moss, Township Clerk

Certification was read into record:

“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.”

A motion was made by Councilman Borrelli seconded by Councilman Chisholm to go into Executive Session.

RESOLUTION R156-23

- A) Personnel/Professionals:
- B) Litigation/Potential Litigation: Update
- C) Potential Land Sale/Land Acquisition: Update
- D) Contracts/Agreements:
- E) Added Ordinance (s)

A motion was made by Councilman Sargent seconded by Councilman Chisholm to close Executive Session.

Adjournment: 7:28 p.m.

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

The Pledge of Allegiance was recited.

Roll Call:

Present: Martin Flemming, Council President; Stephen Chisholm, Jr., Council Vice President; Nino Borrelli, Councilman; Jennifer L. Kuhn, Councilwoman; and Scott Sargent, Councilman

Others present: The Honorable Mayor Michael Reina; Terence Wall, Business Administrator; Gregory McGuckin; Township Attorney, and Mary Moss, Township Clerk

Certification was read into record:

“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.”

ANNOUNCEMENTS/PROCLAMATION:

1. JACKSON LIBERTY LIONS CHEER SQUAD - CERTIFICATES
2. EDUCATION DAY 2023- PROCLAMATION

OPENING COMMENTS BY THE TOWNSHIP COUNCIL:

COUNCILMAN BORRELLI- Congratulated Liberty Cheer Squad and thanked the coaches for molding them. Reminded residence of 2 upcoming events: Senior Expo and the annual Easter Egg hunt (rain date, is Sunday April 2nd); thanked Administration for the 2023 budget presentation, their due-diligence is most appreciated, there is also a Veteran’s Fair that the local VFW is hosting on April 15th from 10am – 2pm and lunches will be provided. God bless our Veterans and God Bless America and have a good evening.

COUNCILWOMAN KUHN- Thanked everyone for coming out. Wished everyone a Happy Easter and Passover. Congratulated United Skates on their Grand Opening and hopes everyone gets a chance to go out and experience it. Congratulated the Cheerleader and hopes everyone has a great night.

COUNCILMAN SARGENT- Congratulated Liberty Cheer squad what a great performance they had this year. Looking forward to the budget presentation. Thanked everyone and hope everyone drives safely.

COUNCIL VICE PRESIDENT CHISHOLM- Congratulations to the cheerleaders. Thanked Administration and Finance for putting together a sound and fiscal budget. Reminded everyone to pray for those families that were affected by the Nashville tragedy, we need to strengthen our security measures and be more aware of the mental crisis. We need to address the lack of fiscal responsibilities in Trenton, encourages the voters to be mindful during the upcoming elections. Wished all for a blessed Easter and Passover. God Bless and have a good evening.

COUNCIL PRESIDENT FLEMMING- Presented Rabbi Naparstek the proclamation and thanked him for all his endeavors on behalf of Jackson Township.

MAYOR REINA- Congratulated the cheer squad on a phenomenal job and continuing Jackson proud. Thoughts and prayer to Nashville. Wish Happy Easter and Passover. Thanked everyone for coming out. Happy Holiday and get home safe. God Bless America.

APPROVE EXECUTIVE SESSION MINUTES:

MARCH 14, 2023

A motion was made by Councilman Borrelli, seconded by Councilman Chisholm to approve the minutes of March 14, 2023 upon the following vote:

Roll call vote: Ayes 5- Nays 0- Absent 0- Abstain-0

CONSIDERATION OF ORDINANCE(S): PUBLIC HEARING AND FINAL CONSIDERATION:

THIS IS THE SECOND READING OF ORDINANCE 7-23 AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING ORDINANCE 5-23 AUTHORIZING THE EXCHANGE OF LANDS BETWEEN THE TOWNSHIP OF JACKSON AND BELLEVUE ESTATES, LLC PURSUANT TO N.J.S.A. 40A:12-16

THIS ORDINANCE WAS INTRODUCED ON MARCH 14, 2023.

A motion was made by Councilman Borrelli seconded by Councilman Chisholm, to open the public hearing.

PUBLIC COMMENT:

No one came forward.

A motion was made by Councilman Chisholm seconded by Councilman Borrelli, to close the public hearing.

THIS IS THE THIRD READING OF ORDINANCE 7-23 ENTITLED AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY ESTABLISHING JACKSON TOWNSHIP OPEN SPACE COMMITTEE PLAN

I NEED A MOTION TO ADOPT ON THIRD AND FINAL READING AND ADVERTISE ACCORDING TO LAW

A motion was made by Councilman Chisholm seconded by Councilman Borrelli, upon the following vote:
Roll call vote:

Ayes- 5 Nays 0- Absent -0 Abstain-0

THIS IS THE SECOND READING OF ORDINANCE 8-23 OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR A PORTION OF PROPERTY KNOWN AND DESIGNATED AS BLOCK 7501, LOT 16, A/K/A 60 IROQUOIS PLACE, TOWNSHIP OF JACKSON, NEW JERSEY

THIS ORDINANCE WAS INTRODUCED ON MARCH 14, 2023.

A motion was made by Councilman Borrelli seconded by Councilman Chisholm, to open the public hearing.

PUBLIC COMMENT:

No one came forward.

A motion was made by Councilwoman Kuhn seconded by Councilman Chisholm, to close the public hearing.

THIS IS THE THIRD READING OF ORDINANCE 8-23 OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR A PORTION OF PROPERTY KNOWN AND DESIGNATED AS BLOCK 7501, LOT 16, A/K/A 60 IROQUOIS PLACE, TOWNSHIP OF JACKSON, NEW JERSEY

I NEED A MOTION TO ADOPT ON THIRD AND FINAL READING AND ADVERTISE ACCORDING TO LAW

A motion was made by Councilwoman Kuhn seconded by Councilman Chisholm, upon the following vote:
Roll call vote:
Ayes- 5 Nays 0- Absent -0 Abstain-0

THIS IS THE SECOND READING OF ORDINANCE 9-23 AN ORDINANCE REZONING BLOCK 21401 LOT 6

THIS ORDINANCE WAS INTRODUCED ON MARCH 14, 2023.

A motion was made by Councilman Borrelli seconded by Councilman Sargent, to open the public hearing.

PUBLIC COMMENT:

- 1) Raymond Cattonar 11 Fordham Road-requested clarification on the ordinance regarding the rezoning. Council President Flemming advised that it is part of the litigation settlement.

A motion was made by Councilman Chisholm seconded by Councilman Borrelli, to close the public hearing.

THIS IS THE THIRD READING OF ORDINANCE 9-23 AN ORDINANCE REZONING BLOCK 21401 LOT 6

I NEED A MOTION TO ADOPT ON THIRD AND FINAL READING AND ADVERTISE ACCORDING TO LAW

A motion was made by Councilman Borrelli, seconded by Councilman Chisholm, upon the following vote:
Roll call vote:
Ayes- 5 Nays 0- Absent -0 Abstain-0

THIS IS THE SECOND READING OF ORDINANCE 10-23 AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 244-142 ENTITLED, "LOTS OF RECORD"

THIS ORDINANCE WAS INTRODUCED ON MARCH 14, 2023.

A motion was made by Councilwoman Kuhn seconded by Councilman Chisholm, to open the public hearing.

PUBLIC COMMENT:

- 1) Hope Drew- 2 Iowa Court: requested clarification on the ordinance: 'non-conforming' lot, and what the changes was as mentioned on the ordinance.

-Council President Flemming lots within a zoning area that no longer complies with the zoned area.
-Attorney McGuckin confirmed the applicants simply have to make certain to follow the setbacks as outlined on the ordinance and will not require the applicant to get a variance.

A motion was made by Councilman Chisholm seconded by Councilman Borrelli, to close the public hearing.

THIS IS THE THIRD READING OF ORDINANCE 10-23 AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 244-142 ENTITLED, "LOTS OF RECORD"

I NEED A MOTION TO ADOPT ON THIRD AND FINAL READING AND ADVERTISE ACCORDING TO LAW

A motion was made by Councilwoman Kuhn, seconded by Councilman Sargent, upon the following vote:
Roll call vote:
Ayes- 5 Nays 0- Absent -0 Abstain-0

THIS IS THE SECOND READING OF ORDINANCE 11-23 AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM JACKSON TOWNSHIP BOARD OF EDUCATION PURSUANT TO N.J.S.A. 40A:12-5

THIS ORDINANCE WAS INTRODUCED ON MARCH 14, 2023.

A motion was made by Councilman Borrelli seconded by Councilman Chisholm, to open the public hearing.

PUBLIC COMMENT:

No one came forward.

A motion was made by Councilwoman Kuhn seconded by Councilman Chisholm, to close the public hearing.

THIS IS THE THIRD READING OF ORDINANCE 11-23 AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM JACKSON TOWNSHIP BOARD OF EDUCATION PURSUANT TO N.J.S.A. 40A:12-5

I NEED A MOTION TO ADOPT ON THIRD AND FINAL READING AND ADVERTISE ACCORDING TO LAW

A motion was made by Councilman Sargent, seconded by Councilman Borrelli, upon the following vote:
Roll call vote:
Ayes- 5 Nays 0- Absent -0 Abstain-0

ORDINANCES FOR INTRODUCTION – FIRST READING

ORD12-23 ENTITLED CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO (N.J.S.A. 40A: 4-45.14)

A motion to approve Ordinance 12-23 on first reading, advertise the approval and notice of second reading and public hearing to be held on April 13, 2023 by Councilman Borrelli seconded by Councilman Chisholm, upon the following vote:

Roll call vote: Ayes- 5 Nays 0- Absent 0- Abstain 0

ORD13-23 ENTITLED AN ORDINANCE AMENDING CHAPTER 244, LAND USE AND DEVELOPMENT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF JACKSON COUNTY OF OCEAN AND STATE OF NEW JERSEY

A motion to approve Ordinance 13-23 on first reading, advertise the approval and notice of second reading and public hearing to be held on April 13, 2023 by Councilman Borrelli seconded by Councilwoman Kuhn, upon the following vote:

Roll call vote: Ayes- 5 Nays 0- Absent - 0 Abstain- 0

ORD14-23 ENTITLED AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 244-115 ENTITLED "CHURCHES AND PLACES OF WORSHIP OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON

A motion to approve Ordinance 14-23 on first reading, advertise the approval and notice of second reading and public hearing to be held on April 13, 2023 by Councilwoman Kuhn seconded by Councilman Borrelli, upon the following vote:

Roll call vote: Ayes- 5 Nays 0- Absent - 0 Abstain- 0

CY 2023 BUDGET PRESENTATION/OVERVIEW BY MR. TERENCE M. WALL, BUSINESS ADMINISTRATOR

INTRODUCTION OF THE CY 2023 MUNICIPAL OPERATING BUDGET

R157-23 MUNICIPAL BUDGET NOTICE

A motion to approve Resolution R157-23 on first reading, advertise the approval, synopsis and notice of second reading and public hearing to be held on April 25, 2023 by Councilman Borrelli seconded by Councilman Sargent, upon the following vote:

Roll call vote: Ayes-5 Nays 0- Absent-0 Abstain-0

COUNCIL DISCUSSION ON RESOLUTION(S) ONLY:

PUBLIC COMMENT (RESOLUTION(S) ONLY):

No one came forward.

RESOLUTIONS ONLY

R158-23 RESOLUTION TO AUTHORIZE 2023 EMERGENCY TEMPORARY APPROPRIATION #2

A motion was made by Councilman Borrelli, seconded by Councilman Chisholm to approve resolution R158-23; was approved upon the following:

Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

R159-23 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

A motion was made by Councilman Borrelli, seconded by Councilman Sarget to approve resolution R159-23; was approved upon the following:

Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

R160-23 RESOLUTION TO APPROVE/CERTIFY THE AMOUNT TO BE RAISED BY TAXATION FOR JACKSON TOWNSHIP FIRE DISTRICT NO. 4 FOR CY 2023 PURSUANT TO N.J.S.A. 40A:14-78.5B AND N.J.S.A. 5:31-2.4(H)

A motion was made by Councilman Borrelli, seconded by Councilwoman Kuhn to approve resolution R160-23; was approved upon the following:
Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

R161-23 RESOLUTION TO AMEND RESOLUTION 344R-20 AUTHORIZING PROFESSIONAL ENGINEERING SERVICES WITH T & M ASSOCIATES FOR BREWERS BRIDGE PHASE III FOR AN INCREASE OF \$5,800.00

A motion was made by Councilman Borrelli, seconded by Councilwoman Kuhn to approve resolution R161-23; was approved upon the following:
Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

R162-23 RESOLUTION OF THE TOWNSHIP OF JACKSON AUTHORIZING CHANGE ORDER NUMBER 1 FOR THE TOWNSHIP'S CONTRACT J. FLETCHER CREAMER & SON INC. FOR THE PROJECT KNOWN AS "EMERGENCY/NON-EMERGENCY ROAD, STORM SEWER & INFRASTRUCTURE WORK"

A motion was made by Councilman Borrelli, seconded by Councilman Sargent to approve resolution R162-23; was approved upon the following:
Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

BILL AND CLAIMS:

Councilman Sargent, seconded by Councilman Borelli, upon the following vote:
Ayes 5- Nays 0- Absent 0-Abstain 2-Chisholm (BRI18, COM44) Borrelli (EYE01, NJM06, NJS04, STA54, TREASURE)

RESOLUTION TO APPROVE CONSENT AGENDA

A motion was made by Councilman Borrelli, seconded by Councilman Sargent to approve the listed resolutions as a consent agenda was approved upon the following:
Roll call vote: Ayes 5- Nays 0- Absent 0-Abstain 0

Resolutions are filed in the Township's Clerk's office and posted on the Township's website.

PUBLIC COMMENT, ANY TOPIC

A motion was made by Councilman Borrelli, seconded by Councilman Chisholm to open the public hearing.

1. Jennifer Cusanelli- 14 Blue Spruce Drive: request details of Ordinance 14-23: Mr. Flemming responded that it is part of legal settlements to allow places of worship if conforming to the standards as out lined under law, Attorney McGuckin confirmed the same. McGuckin confirmed that a house is not a house of worship. The language in the ordinance should be able to answer the additional questions she may have. Ms. Cusanelli would like to preserve the town. There is clearly a conflict of interest with regards to board's members that sit on the board who has an affiliation with publications where information is provided to the public with regards what has and has not been approved.
2. Hope Drew- 2 Iowa Court: requested clarification on the ordinance and the definition of what House of Worship means. This ordinance creates a disturbance and the quality of life, it should not be in a residential area. Mr. McGuckin stated that no one can discriminate between one person, and a group. House of Worship has to follow the terms of the ordinance as outlined.
3. Moshe Heiman- 31 Adelphi Drive- thanked Mayor and Council for introducing Ordinance 14-23. It is much appreciated.
4. Ray Cattonar- 11 Fordham Rd: asked what tax status is, will it be tax free or taxable? Mr. McGuckin stated that the Assessor would make that classification dependent upon the application that he receives and review based on State law. There is no violations to the OPMA act, an ordinance can be introduced at any time from the dais.
5. Joe Krakowski- 43 Mill Pond Road: are all requirements met with regards to the septic and well issues with the Houses of Worship. Mr. McGuckin informed that the applicant would have to meet all the requirements of the County Board of Health along with Construction and Code. Requested clarification regarding Ordinance 13-23. Mr. Flemming advised this is driven by the Pineland Commission.

6. Uriel Davoudi- 16 Cedar Knoll Rd.: thanked Mayor and Council for passing Ordinance 14-23 upon 1st reading. It's nice to see everyone working together. This is a smart, safe and legal way of defining houses of worship.
7. Yehuda Tomor- 9 Harvest Court: Thanked Council President and Mayor and Councilmembers with regards to Ordinance 14-23, this is a great way of showing everyone is working together and us moving forward
8. Name (inaudible) - thanked Mayor and Council with regards to Ordinance 14-23, it is very much appreciated.
9. Jennifer Cusanelli- 14 Blue Spruce Drive: made a comment with regards how evident that there are a lot of people that were aware of this ordinance, there's been a lot of leaks within this town. House of Worship puts a burden on specific neighborhoods, Council is giving away their own town. This should not cater to specific people, Council should have fought for diversity for everyone and protect their interest. Are these house of worship up to fire code? Mr. Flemming has done what they can do and follow the rules or they will be fined. Why was an ordinance created to stop rentals from having parties in their homes but Council is moving forward with House of Worship, where there could be 50-60 people congregating in one home. Mr. Flemming stated that the ordinance was created for short term rentals only. Mr. McGuckin confirmed the same.
10. Yisroel Freedman- 226 New Central Avenue: he has his son with him this evening and he is glad that they are here in Jackson and thanked Mayor and Council with regards to the introduction of ordinance 14-23. He suggested that there should be time limits, for example, speaking once and having a time limit.
11. Moshe Mermelstein- 2 Florida Place: praised Council, Mayor, and Attorney and all the elected officials with regards to their devotion for the people of this town. Thanked everyone.
12. Yaakov Slomovits- 2 Yale Court: what a wonderful moment tonight, this is a tremendous step for the community in moving Jackson forward. Thank you all and have a good night.
13. Avi Shmel – Meadow Lane, Lakewood: he will not make assumptions on something he has not seen. This ordinance allows accommodations for houses of worship, this is a movement forward where change needs to happen and is happening. Councilmembers were accused without factual knowledge and their mannerism is commendable and everyone in Jackson should be proud. We should all be able to communicate in a respectful manner. Tremendous thank you to Mr. McGuckin, Mayor Reina, and all the members of Council. God Bless everyone.
14. Hope Drew- 2 Iowa Court- thanked Mr. Shmel for his comments, all we ask is for compromise. She feels she is defending the whole town.
15. Pinchas Rudnicki- 4 Iris Drive: wanted to thank everyone that worked on this ordinance. This makes Jackson of all season. He is proud of the Township.
16. Hirsh- 26 Whitesville Road: wanted to recognize the achievements of Mayor and Council. Thanked them for introducing ordinance 14-23, acknowledges Mr. McGuckin and Township Planner for their hard work. This moves Jackson's forward, this makes Jackson a place for all season. Thank you.

A motion was made by Councilwoman Kuhn, seconded by Councilman Chisholm to close the public hearing.

ADJOURNMENT:

A motion was made by Councilman Chisholm, seconded by Councilman Sargent to adjourn this meeting was upon the following vote at 9:17 p.m.

~~Respectfully Submitted,~~


Council President Fleming


Mary Moss, RMC
Municipal Clerk

