

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ 08330
TUESDAY, JANUARY 17, 2012

The regular meeting of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Aline Dix, Amy Gatto and Dr. Harvey Kesselman. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Robert J. Smith, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place on Tuesday, January 17, 2012 at 6:30 PM in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the following matters of Litigation which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:
(1) Rent receivership on Block 994, Lot 4.
(2) Tavistock.

BE IT FURTHER RESOLVED that the governing body shall reconvene in public session and confirm the results of the executive session if there is a majority consensus for action to be taken on the matter tonight.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

The meeting reconvened and was recalled to order in public session at approximately 6:50 PM.

Executive session confirmations:

Ms. Gatto moved, seconded by Mrs. Dix, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor and his firm be and is hereby authorized to file for a Renter Receivership on Block 994 Lot 4.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN ON ROLL CALL VOTE.

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor be and is hereby authorized to work with the Engineer, the Planning Board and/or Zoning Board as required with regard to discussing the Developmental Ordinance.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NAY", NO "ABSTAIN" ON ROLL CALL VOTE.

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Mrs. Dix moved, seconded by Mr. Cain, that the following corrections and additions be made to the agenda of this meeting for consideration and action to be taken thereon tonight:

- 5.B Correct the Block and Lot numbers to read: Block 938 Lot 6.
- 6.G Accept Mizpah Volunteer Fire Company certified list for 2011 LOSAP Credit - 7 members eligible.
8. Add State Contract number: #77560 and cost: \$341,374.95.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY" NO "ABSTAIN".

Early public comment on agenda items not listed for public hearing:

Pat Timmreck asked if the amendments to the Community Based Programs Advisory Board Ordinance would include something resembling a Rec Board again. She said she understood the Advisory Board had to do with fund raising. Mrs. Timmreck said she thinks she only missed two of their meetings all year; it was hard for the Board to get a quorum; nothing got done. Mayor Silva explained he put it on the agenda to have discussion with the Committee and people in the audience who have a concern and get to the bottom of making it a productive Board. He commented on the Board not having many quorums. The Mayor said the Committee needs dialog and if they aren't getting it from the Boards they have to get to the bottom of it. He asked Mrs. Timmreck to hold her comments until the Committee got to the discussion of it. Mrs. Timmreck commented on being on the Rec Board for a very long time and said she has concerns because it basically disappeared and it made her feel very inadequate because she isn't a business person or on Committees or things that make money for the Township. She said she wants to know if the Rec Trust money is still in that account and, if not, where it went. She commented on summer coming and the Cove needing to be open; needing to start hiring and advertising for staff; and to start advertising for the tags.

Mrs. Timmreck asked why Mrs. Dix was forced to resign from the MUA since Township Committee people held both positions in the past. She said Mrs. Dix has been on the MUA a long time; is very familiar with its workings and everything that goes on that Board; she was stunned that Mrs. Dix actually forced to resign; that words were put in Mrs. Dix's mouth that were never said; that she doesn't think Mrs. Dix should be forced to resign; and the resignation should be rejected.

Richard Dixon thanked the on behalf of himself, Jim Childs, the Tavistock Board of Directors and the homeowners Committee for the job they have been doing for them. He said they also wanted to apologize to the Committee because somebody from the news got hold of some of the disgruntled homeowners after the last meeting in December and they lambasted the Committee which was not right and that was never what they were here for. He said if there were any reporters present they would like to talk to them. The Members thanked Mr. Dixon.

Jim Childs asked if they could get an update on the status of Tavistock. Mr. Sandman said the Committee lived up to what it said they would do and he will report on that during his reports tonight.

Harry Rogers commented on the budget presentation some months ago showing \$500,000-\$700,000 in the Road Fund for this year and Item 5.C(3) on tonight's agenda authorizing preparation of a \$2 million Road Improvement Bond Ordinance. Mayor Silva said Mr. Rogers was probably looking at last year's and this year's is probably going to be rolled into it. Mr. Rogers asked if \$2 million was needed on top of that. Mr. Jacobs said the plan being worked on is about \$1 million per year; some design work takes more than a year because it has to go through Pinelands and D.E.P.; a bond has to be in place in order for the engineer to start the design work; there wouldn't be another program in 2013; it will be 2014 before additional money would be

authorized; the money is being authorized a year in advance so the design work for the longer term projects can be started; the township has a little over \$1 million in old money; those projects are in varying phases of the design process; and they hope to actually put about 3/4 of a million dollars worth of paving on the ground this spring and hopefully a second program in late summer. Mr. Rogers asked when interest would start being paid on it. Mr. Jacobs explained it wouldn't be until the money is taken down and not until paving is actually started and bills start being paid. He said small amounts go to engineering Section 20 but not until the money is taken down.

Mr. Rogers said Mrs. Dix stood at the microphone as a citizen and accused the Board of bond malfeasance to the tune of millions of dollars; that a subsequent audit found that to be completely untrue and unfounded; and when presented with that evidence she said she rejected it and was going to continue pursuit of her initial claims. He asked how having a sitting Committee Person who has a major problem with how bonds are being placed in the township affected taking out new bonds. Mayor Silva said he can't speak for Mrs. Dix nor would he criticize her and if she has any comments with regards to those areas that came up before, he thinks she can answer them in her own time and her own will. Mr. Rogers explained he brought it before Committee tonight because he personally placed those questions to Mrs. Dix and didn't get an answer. He suggested it was something the Committee should consider if they are going to have opposition to their plans. Mr. Rogers said a ton of money was spent on that impromptu audit to find there was nothing wrong and asked how much more was going to be wasted if a problem that doesn't exist is going to be pursued. Mayor Silva said the auditors will be here starting next week and will complete their audit over a period of time. He said a state of the township finances report will be coming out in the next 2-3 weeks; that he thinks budget talks will probably start then; and that he thinks some of the questions will be answered and some won't. Mayor Silva said it is entirely up to Committeewoman Dix as to how she is going to handle it; he isn't going to throw her under the bus; he doesn't know what she is thinking at this point; she hasn't been communicative with any of the members regarding it; and it wasn't brought up until Mr. Rogers brought up now.

Fair distribution of school funding:

Mayor Silva explained the presentation he requested at the last meeting on fair school funding was not on the agenda because the Committee adopted a resolution in June of 2011 supporting Fair Distribution of State Aid for Education and it was forwarded to the Governor and appropriate people in the Senate and Assembly.

Introduction of Ordinance #1711-2012:

Mr. Sandman said he sent an e-mail to the Gas Company's counsel and that produced the revised Ordinance. He explained it is important because the exclusivity is specific to gas only and the consent is for 50 years consistent with Statute. Mr. Sandman said the Committee had the revised Ordinance in front of them tonight.

Dr. Kesselman moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1711-2012 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the January 25, 2012 issue of the Atlantic County Record for a public hearing to be held on Monday, February 6, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1711-2012

AN ORDINANCE GIVING AND GRANTING CONSENT AND PERMISSION TO THE SOUTH JERSEY GAS COMPANY, A CORPORATION OF THE STATE OF NEW JERSEY, TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE TOWNSHIP OF HAMILTON IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY.

The members of the Township Committee of the Township of Hamilton do ordain:

Section 1. That exclusive consent and permission to furnish gas for light, heat and power in the Township of Hamilton, County of Atlantic, State of New Jersey, is hereby given and granted to South Jersey Gas Company, a corporation of the State of New Jersey, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is hereby given to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Township of Hamilton in the manner required by N.J.S.A. 48:9-21, in each case for the purpose of furnishing gas and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 3. The consents granted in Sections 1 and 2 are granted for the entire geographical area of the Township of Hamilton and extend to the boundaries of the Township of Hamilton.

Section 4. Following adoption and final passage of this ordinance, and acceptance thereof by South Jersey Gas Company, the permission and consent granted herein shall continue and be in full force and effect for a period of fifty (50) years from the date of its approval by the New Jersey Board of Public Utilities. South Jersey Gas Company may furnish gas under the terms and conditions hereof at, and after, the expiration of the term of this ordinance while seeking further renewal of Township consent.

Section 5. The said South Jersey Gas Company shall within thirty (30) days after the passage of this ordinance file with the City Clerk a bond in the amount of One Thousand Dollars (\$1,000.00) conditioned upon the restoration of any street or public place which may be opened by it in a manner satisfactory to the Director of the Department of Public Works.

Section 6. This ordinance shall take effect after its final passage and publication according to law.

ROLL CALL: CAIN "YES"
DIX "YES"
GATTO "YES"
KESSELMAN "YES"
SILVA "YES"

ORDINANCE #1711-2012 INTRODUCED AND PASSED FIRST READING JANUARY 17, 2012.

Contiguous Owner Land Sale Ordinance #1712-2012:

Mrs. Dix said the staff suggested a sale price of \$3,300.00 and the reval company assessed it at \$39,300.00. She asked what the assessment will be for 2012 based on that sale price if either of the adjacent owners buys it. Mr. Jacobs explained one of the abutting property owners inquired about purchasing the property; that there are two abutting owners; that it can be put to a sealed bid just to those two owners; and that if one of them purchases it, the lot has to be combined with their existing lot and would probably be revalued. He

said he didn't know what actual assessment would be but it would probably be less than an individual lot. Mr. Jacobs explained the lot is about 3/4 of an acre; the minimum lot size is 1 acre; the Township gets zero taxes on it right now because they own it; and they want to get it back on the tax rolls. Mrs. Dix said the township is paying county and school taxes on it. Mr. Jacobs said it is exempt because the Township owns it. Mrs. Dix said she is comfortable with her thought that taxes not paid on exempt properties increase the taxes on those who do pay. She expressed concern about whether it will go to the sale price for 2012 and if they would file a tax appeal if they buy it in time for filing April 1. She asked if it would be a sealed bid as opposed to an auction. Mrs. Anderson explained that by law it has to be done by sealed bids from the contiguous owners only. Mr. Cain said the Committee can set a minimum bid. Mrs. Anderson said they can and that the recommended bid came from the Assessor's office.

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1712-2012 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the January 25, 2012 issue of the Atlantic County Record for a public hearing to be held on Monday, February 6, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1712-2012

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 938, LOT 6 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and further without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The

balance of the purchase price plus FOUR HUNDRED TWENTY-FIVE (\$425.00) DOLLARS to off set administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after the Township Committee accepting the bid and authorizing the sale to the high bidder.

- (b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.
- (c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:
 - (1) Easement of utility companies and of governmental agencies or bodies.
 - (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
 - (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.
 - (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
 - (5) No representation of any kind is made concerning gas or electric service to the land.
- (d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.
- (e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Lot Size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
938 / 6	0.74 acre	Route 50	RD-1	\$3,300.00

SECTION 6. SPECIAL CONDITIONS: This lot is not buildable and the successful bidder shall be required to consolidate it with their existing lot in Block 938 and make it a part thereof.

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

ROLL CALL: CAIN	"YES"
DIX	"YES"
GATTO	"YES"
KESSELMAN	"YES"
SILVA	"YES"

ORDINANCE #1712-2012 INTRODUCED AND PASSED FIRST READING ON JANUARY 17, 2012.

2010, 2011, 2012 and 2013 Road Improvement Program:

Mayor Silva read the following list of streets for which estimates were prepared:

- Railroad Boulevard from Bishop Felton Blackwell Memorial Softball field to the Township line.
- Strand Avenue from Route 40 to Old Landis Avenue.
- Market Street from West Point Avenue to the north end.
- Palmer Avenue from Rose Boulevard to Reading Avenue.
- Quinn Avenue from Rose Boulevard to Reading Avenue.
- Quinn Avenue from Monmouth Drive to Rose Boulevard.
- Benson Avenue from Essex Avenue to Crocus Avenue.
- Columbia Road from Laurel Street to Holly Street.
- West Jersey Avenue, Reega Avenue and Grand Avenue intersection.
- Oakcrest Drive from Cardiff Court, Cardigan Court and Corwen Court to Denhigh Court.

Mrs. Dix said she thought the Courts were private streets. Mr. Smith explained the paving is on Oakcrest Drive and the Courts are the limits.

Mr. Smith explained his firm prepared a pavement management program in 2003; he and Mr. Blankenship met and reviewed that list; these roadways were selected based on the need for complete reconstruction; and their direction from Mr. Jacobs' direction was to prepare a list of streets that basically added up to a construction cost of \$1 million. Ms. Gatto said the plan is updated every year; the criteria includes number of trips, number of houses and businesses on a road; condition of the road; and the Committee constantly has a list of top roads to consider. Mr. Smith commented on receiving a copy of the letter from the Oakcrest Homeowners' association who are unhappy with the condition of Oakcrest Drive in the section being proposed for reconstruction. He explained the pavement management plan has been looked at in-house by staff to update it and it changes periodically based on the severity of the winters. Mr. Smith said a lot of good feedback come from Public Works employees who ride the roads on a daily basis but these roadways were selected from the pavement management program based on the need for reconstruction.

Ms. Gatto said she thought the discussion was to just do the intersections in Harding Lakes. Mr. Jacobs said some patching will be done in the short term and a road or two selected in the longer term. Mr. Smith said the 10-road program included a set aside to do some patching for Rose, Reading and Monmouth; they propose addressing significant utility cuts at the intersections because they are the major roads that get the most traffic; and the roads on the list were selected because they were on the program as in need of reconstruction.

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Mayor Silva asked if all of the roads on the list could be paved this year. Mr. Smith said the ones requiring additional Pinelands approval and full design probably won't be. He likened it to when they demonstrated that the impervious surface of Strand Avenue and Walnut Street area of was actually reduced but Pinelands considered it to be widening by their definition. Mr. Smith said the 2010 Road Program would have already been built if not for that definition and that is why a professional services contract was awarded to Joseph Arsenault Environmental to walk the roadways and evaluate their suitability for threatened and endangered plants habitat. Mr. Smith said the Township has to comply with the Pinelands Commission because they are an authority with jurisdiction over the town. Mr. Cain asked if pavement will be laid if the asphalt plants open in March. Mr. Smith said they would. Mrs. Dix asked when it would go out to bid. Mr. Smith explained they already started working on some of them in anticipation of the Committee approving the list of streets tonight; they will finalize the plans and specs over the next several weeks; authorization to go out to will probably be requested at the first or second meeting in February; they would probably be in position to award the contract and get it in place the latter part of March and begin paving the beginning of April when the plants reopen; and it would be out to bid in February. Mr. Smith said the Committee could authorize him to go out to bid right now. Mr. Jacobs said he hoped that would be part of the approval of the streets list.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following be and hereby approved for the Road Improvement Program:

- Railroad Boulevard from Bishop Felton Blackwell Memorial Softball field to the Township line.
- Strand Avenue from Route 40 to Old Landis Avenue.
- Market Street from West Point Avenue to the north end.
- Palmer Avenue from Rose Boulevard to Reading Avenue.
- Quinn Avenue from Rose Boulevard to Reading Avenue.
- Quinn Avenue from Monmouth Drive to Rose Boulevard.
- Benson Avenue from Essex Avenue to Crocus Avenue.
- Columbia Road from Laurel Street to Holly Street.
- West Jersey Avenue, Reega Avenue and Grand Avenue intersection.
- Oakcrest Drive from Cardiff Court, Cardigan Court and Corwen Court to Denhigh Court; and

BE IT FURTHER RESOLVED that authorization be and is hereby given to go out to bid for the aforesaid approved streets.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NAY", NO "ABSTAIN" ON ROLL CALL VOTE.

Mrs. Dix questioned how many days the bid would be left open after it is advertised. Mr. Smith said they anticipate advertising for more than the minimum 10 business days and that contractors usually wait until the day before the bid is due to prepare their bid.

D.E.P. & CASCD permit applications for the Road Improvement Program:

Mr. Smith explained a Stormwater Activity Construction General Permit is required and requested authorization to file the application and authorization for Mr. Jacobs to sign any and all roadway approval applications. Mrs. Dix asked who the Stormwater Activity Permit application was filed with. Mr. Smith explained it is filed with D.E.P. and the Soil Erosion and Sediment Control Permit application is filed with the Cape Atlantic Soil Conservation District.

Mrs. Dix moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Engineer be and is hereby authorized to file the application for a N.J.D.E.P. Stormwater Activity Construction Permit application for the Road Improvement Program; and

BE IT FURTHER RESOLVED that the Township Engineer be and is hereby authorized to file the application for a Cape Atlantic Soil Conservation District Soil Erosion and Sediment Control permit.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Mr. Cain moved, seconded by Mrs. Dix that the following resolution be adopted.

RESOLUTION ESTABLISHING THE 2012 TEMPORARY CAPITAL BUDGET

WHEREAS, the Township of Hamilton desires to constitute the 2012 Temporary Capital Budget of said municipality by inserting herein:

2012 Road Improvement Program

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, that,

- 1. 2012 Temporary Capital Budget of the Township of Hamilton is hereby constituted by the adoption of a schedule to read as follows.

2012 Road Improvement Program

Estimated Costs	2,000,000.00
Capital Improvement Fund	100,000.00
Debt Authorized	1,900,000.00

- 2. The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services within three days after the adoption of this project for the 2012 Temporary Capital Budget, to be included in the 2012 Permanent Capital Budget as adopted.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Mrs. Dix asked if there is a source of funds for the \$100,000.00 down payment authorized in the Temporary Capital Budget just adopted. Mr. Jacobs said it is in the regular Temporary Budget. Ms. Gatto explained the Temporary Budget always includes \$150,000.00 for Capital down payments. Mrs. Dix asked if any of the capital surplus could be used for it. Mr. Jacobs explained that money was re-appropriated and is already encumbered for the ProPhoenix project that is listed later on the agenda. He explained \$75,000.00 is typically budgeted which allows bonding of \$1.5 million; about \$2.6 million is paid off each year; and the Township has only been borrowing about \$1.5 million so there is a net debt reduction each year. He said that in this case the Committee knew they were going to do part of 2012 and 2013's program so this year's Temporary Budget includes \$100,000.00 for \$2 million in bonding.

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Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Bond Counsel be and is hereby authorized to prepare a \$2 million Bond Ordinance for the Road Improvement Program.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Community Based Programs Advisory Board Ordinance amendments.

Mayor Silva explained he asked for this to be on the agenda because he thinks dialog is needed on it. He said he believed the original intent to have 15 members was good with regard to getting more people in the community involved but the Township Committee won't really know the needs persé and how far they are going with everything if the Board meetings aren't going to come about. He commented on recent actions taken with the MLAA, the Soccer Club and with PAL and said he thinks that has to continue. The Mayor said he heard comments that maybe they should have quarterly meetings if they can't get enough people to monthly meetings and said that isn't up to him, it is for the current membership to have some input. He opened the discussion to Township Committee, Advisory Board Members in the audience and anyone else who had a constructive idea for it.

Ms. Gatto commented on leading the charge on the Community Based Programs Advisory Board and said she still stands behind the direction the Committee took on it. She read the intent of the Community Education and Recreation Advisory Board (the Rec Board) from the existing Ordinance - to *"advise the governing body with respect to issues concerning education and recreation throughout the Township of Hamilton and to assist the governing body in advising with respect to long range planning in the areas of education and recreation"*. Ms. Gatto said that wasn't happening and they weren't accomplishing a quorum when that Board existed so it was decided to take a new approach to get more people on it; to have a dialog; and to represent the place the Township is as a community. She said it is beyond recreation in terms of things that need to be done to serve this community; that it is not just children and recreation which is what the Rec Board got pigeon-holed into being about. Ms. Gatto said Senior Citizens, all different ages, and all different types of activities and recreation have to be considered. She said there are spacing issues with the volunteers such as the Mays Landing Merchants' Association and other organizations stepping forward and taking over more of the recreation, education and community programs and that the infrastructure to help support those organizations and initiatives has to be built. Ms. Gatto said she still stands behind the purpose and intent of the Community Based Programs Advisory Board; that she would advocate quarterly meetings if it would help the membership; and that people have to show up in order to have constructive dialog in order to resolve some of the issues. Ms. Gatto explained fund raising was not the original intent of the Board; it was a piece of it that needed help and solutions but there are a lot of other pieces that the need advisement and that is why the Community Based Program Advisory Board is needed. She explained there is an ordinance on the Recreation Trust Fund and that it is governed by the Township Committee, not the Community Based Program Advisory Board. Ms. Gatto referred to Mrs. Timmreck's question about the status of the Trust account and suggested an update be given at budget time because the Committee was using it as a funneling spot for the Cove work and things like that. She said she thinks dialog is needed; that the membership on the Board is a good and constructive one; and that those members who haven't been showing up need a little more education on why the Township Committee wants and needs their input. She commented on the members having hands in different elements to be able to support each other and said they were put there with the intent of coming together as an entire community. Mrs. Dix said she believes the Rec Trust Fund referred to by Ms. Gatto is the user fee trust and not the developers'

contribution through the Planning Board that a developer has to pay when subdivisions are approved and before they can be recorded. She said she thinks it is \$5,000.00 per lot right now and is to go towards development of recreational locations for people to go to. Mrs. Dix said she thinks the MULU Ordinance says those dollars are effectively a Chapter 159 added to the current year's budget but she has no memory of a Chapter 159 adding recreation dollars to the current year budget. Mrs. Dix said she wanted to get together with Mr. Cain on it as the Smart Growth/Planning Board/Zoning Liaisons because if the Township isn't going to develop any more rec sites, perhaps they need to look at changing the Ordinance and not allow developers the option of making a \$5,000.00 per lot donation and let them put up a swing set or monkey bars on site because kids have to have a place to play. Mayor Silva said he understood what Mrs. Dix was saying but he just wanted to get into the Advisory Board Ordinance. He referred to Mrs. Timmreck's questions and said the Cove will open and they will go out for hiring.

Mrs. Dix asked if all 15 members listed in the Ordinance were voting members. She referred to Section 15.3 of the Ordinance about ex-officio members and said that to her ex-officio members are not voting members. Dr. Kesselman said it can be ex-officio with vote or ex-officio without vote depending on what an ordinance or statute states. Mrs. Dix said if ex-officio members are voting members the quorum would be 8 and according to the chart there were 3 quorums and 4 misses from May to November. Mrs. Dix asked if Liaison to the Board was a voting Member. Ms. Gatto said Liaisons wouldn't vote and that they don't vote on any other Board.

Mayor Silva referred to Ms. Gatto's comment on feeling it is an all inclusive Board and said that looking at the names they do represent a lot of different areas. He said he would like to see if the Committee could split it to make some members auxiliary members so they would have attendance; the dialog could still come forward; and people could still participate in the discussion. Mr. Jacobs said he thought that in Roberts Rules the quorum is the majority if the ordinance is silent but the Ordinance can set the quorum at something lower than a majority. He said he thought it can be set at whatever number it takes to do business. Mr. Sandman said Mr. Jacobs is correct because it is an Advisory Board and the Committee can set the parameters. Mr. Cain said that there were at least 6 members present at all but one meeting and there were 8, 9 & 10 at three meetings. He said he would be in favor of and supported moving forward with the process and lowering the quorum.

Pat Timmreck said she prefers monthly meetings because there is a lot more discussion and the members get back to one another quicker. She said she thinks it would work if the Board could reorganize next month, vote for a Chairman, Co-Chairman, and have a lower quorum of 6 if they are going to go with 15 members. Mr. Sandman said the Liaison is one of the 15 members and asked if they were going to be a voting member. Mrs. Timmreck said the Liaison never voted before. Mrs. Dix said the Liaison wouldn't be one of the six (6) required for a quorum because they aren't a voting member. The Mayor and Ms. Gatto said that was correct.

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor be and is hereby authorized to prepare an Ordinance for introduction at the February 6, 2012 meeting to amend Section 15-3 of Ordinance #1686-2011 to reduce the number required for a quorum to six (6) members and that the Liaison is a non-voting member.

BE IT FURTHER RESOLVED that the Community Based Programs Advisory Board meetings shall continue to be held monthly.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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Following the vote, Mayor Silva suggested that the Board plan on having their February meeting. He said he will try to get a list of everyone that has to be reappointed because their terms expired and that the appointments can be made at the first Township Committee meeting in February. Mrs. Timmreck requested clarification on whether Sue Giberson would be a voting member because she works for the Township. Ms. Gatto expressed her opinion that she should be. She explained the ESAB Board was used a model for this and the Chief who is a Township Employee is a voting member. Mrs. Dix said Sue is the Secretary by Item C on Page 2 of the Ordinance. She suggested it could be deleted and made the Division Chief or something. Mr. Cain asked if that could be amended to be Sue or that position in the event no one else volunteers. Ms. Gatto said she didn't think the Committee should legislate who the secretary is; that they should elect their secretary just like any other board does; and that the Committee should strike that. Dr. Kesselman asked Mrs. Timmreck if she was saying Sue doesn't actually take the minutes and that someone else does. Mrs. Timmreck said Renee DeSalvo was the paid secretary to the former Rec Board and when the new Board was formed she volunteered to be its secretary. Dr. Kesselman said they haven't been in compliance with the ordinance then. Mr. Cain asked if the Board could still operate without a secretary if someone doesn't volunteer and if the Committee should list (Sue) as secretary or someone appointed by the Board or a designee. He said that way the Board wouldn't be held up from meeting if someone doesn't volunteer to take that position. Dr. Kesselman said the broader problem is if the person who volunteered doesn't show up. He said one of the reasons active Boards become inactive is that they aren't clear that what they are doing is having the benefit they would like to see happen. Dr. Kesselman suggested the Township Committee may want to relook at their mission rather than band-aid it; that it's time to see what they want to get out of it; to see if there is a budget associated with it; and those kinds of basics. He said it could have served a great purpose at first which is to be broad like the Strategic Planning Committee was when it started with the whole township but there is a point when you shrink it and focus it. Dr. Kesselman said that is something he would think about.

John Kurtz said he has been a member of Advisory Board from its inception and attended meetings when they had a quorum. He said he believes reducing the quorum requirements is the way to continue it and that it is a good board that can produce some great results. Mr. Kurtz said he thought it was formed a little prematurely because a lot of information they needed to form topics to create an agenda and many of their decisions or things they thought about implementing or putting into conversation would have depended on information coming out of one of the Strategic Planning Committee final reports which were in the process when the Board was formed. He said he thinks the Board can be productive and the members can make it work now because they have the information from those committees to work with.

Steven Blankenship commented on reviewing it and seeing that there was one member who never showed up. He suggested the Committee look at who they are inviting to this; refocus on its mission; and should remove someone who isn't going to come and put somebody else in their place or cut down on the number of people on the Board.

David Elkner suggested that the Committee revisit the total number necessary on the Board if a quorum can't be gotten from fifteen members. Mr. Elkner commented on his belief that fifteen members was excessive and that, while well intended and broad based, it seems hard to get eight people out. He commented on also believing there were duplications because he was on as a representative for Soccer but there was another person from the former recreation board who was carried over until the end of 2011 was supposed to be dropped in 2012. Mr. Elkner said he believes fifteen is too high to adequately accomplish what they are going to be charged with doing. Mayor Silva said the question was whether having a lower quorum in the beginning of the year would have made any difference.

Carol Wright said she agreed with Mr. Blankenship and commented on knowing of one person who never attended a meeting and suggested she might be of help in that department. The Mayor commented on knowing who that was and on Mrs. Wright having attended every meeting. Mrs. Wright asked if it would be designated who could be a voter if the quorum was reduced to six and there were two representatives from the MLAA or the Soccer Club and so on. Ms. Gatto explained the Ordinance says "one representative each designated by the MLAA, PAL, Soccer Club and HYAA" and said only one person from each of those organizations would be allowed to vote. Mrs. Wright asked if someone else representing PAL could vote if she wasn't there. Mayor Silva said once they have their first meeting, review the ordinance and establish some goals for the Board, there will be six active people. He said he thinks the Committee finds a purpose in it because they are always interested in the dialog. The Mayor said he thinks it is a good starting and reference point to begin this with the next meeting. He said he would review the list of expired appointments with Sue Giberson and hopefully make some of those appointments at the next meeting and that the Board can have its first meeting the second week in February.

Mr. Cain said he thinks the decision to lower the quorum was the right decision. He commented on looking at the titles and individuals listed and said they are being penalized right off the bat because the Kiwanis Club no longer exists. He said he thought it was left on in case that Club or one like it started up again in the township. Mayor Silva commented on the third goal of the Strategic Planning Committee being community involvement and said that is what this is all about. Mrs. Dix asked if the amendment would delete the Kiwanis. Ms. Gatto said it wouldn't. Mr. Cain said it would just lower the quorum number. Mayor Silva said he just wants to get through this so they can get up and running.

Mr. Sandman questioned what the Committee wanted to do with regard to the secretary. Ms. Gatto and Mayor Silva said to keep it for now.

Mayor Silva commented on the community involvement in the PAL building on Martin Luther King Day. He commented on the volunteerism being not only from the young people but also from their parents.

Atlantic Electric request for a Utility Easement:

Mr. Jacobs commented on speaking briefly with Mr. Sandman, Mr. Sartorio, and Mrs. Dix about this and said they felt there were a couple of things in it that needed to be modified. He requested authorization to work with the Solicitor to put it in a form to bring before the Committee. Mr. Jacobs commented on giving consideration to whether it is a paved road and whether they even need an easement. Mrs. Dix asked Mr. Jacobs to share her concerns with the Solicitor.

Ms. Gatto moved, seconded by Mrs. Dix, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor be and is hereby authorized to prepare an Ordinance granting a Utility Easement in Vienna Avenue and Spruce Street to Atlantic City Electric Company to provide service to Capital Telecom cell Tower on Block 1098 Lot 2.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the New Jersey Division of Alcoholic Beverage Control issuing a special permit to the Knights of Columbus for a social affair to be held at St. Vincent dePaul School on February 18, 2012 from 4 PM to 11 PM with wine and beer to be dispensed.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the date of the January 2013 Reorganization Meeting as set forth in a resolution establishing the annual meeting dates for the Township Committee adopted January 3, 2012 be and is hereby amended to **Monday, January 7, 2013**.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #1-2012 be and is hereby approved for Oakcrest High School Falcon Crew Booster Club calendar raffle with drawings to be held on March 19, 2012, April 16, 2012 and May 21, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the award of Bid #2011-12 to Action Janitorial Inc. for Janitorial Services be and is hereby extended upon final acceptance of background checks and the monthly payment shall be prorated in accordance to the start date and continue on a monthly basis thereafter until the conclusion of the contract term.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cain moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following certified list of Mizpah Volunteer Fire Department members eligible for LOSAP credit for the year 2011 be and is hereby accepted:

Anthony Cortes	175 points	Anthony Milazzo	129 points
Eric Davenport	155 points	Hector Villarini	114 points
Daniel Wightman	131 points	Kelley Davenport	166 points
Jay Davenport II	160 points		

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

National Wear Red Day for Women Resolution:

Ms. Gatto announced there will be an official lighting of town hall in red in honor of Heart Awareness Month at 6:15 PM on Monday, February 6th and invited everybody to attend.

Ms. Gatto moved, seconded by Mrs. Dix, that the following resolution be adopted.

2012 NATIONAL WEAR RED DAY FOR WOMEN

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the fourth leading cause of death; and

WHEREAS, cardiovascular disease claims the lives of nearly 420,000 American females each year, approximately one death per minute; and

WHEREAS, each year nearly 52% of all deaths due to cardiovascular disease and 60% of stroke deaths occur in females because they are unaware that heart disease is their No. 1 killer; and

WHEREAS, in 2008 the direct and indirect cost of cardiovascular diseases in the United State, including stroke, was nearly \$298 billion; and

WHEREAS, nearly as many women die of heart disease, stroke and all other cardiovascular diseases than the next four leading causes of death combined, including all cancers; and

WHEREAS, only 16% of women surveyed in 2009 identified cardiovascular disease as the greatest health problem facing them; and

WHEREAS, February is designated as AMERICAN HEART MONTH and GO RED FOR WOMEN® is the American Heart Association's national call to increase awareness about heart disease, the leading cause of death for women, and to inspire women to take charge of their heart health and reduce risk; and

WHEREAS, all women should learn their own personal risk for heart disease, by using tools such as the American Heart Association's *My Life Check, Go Red for Women® Heart CheckUp, Go Red BetterU*; by talking to their healthcare provider; by making the right choices relating to proper nutrition, physical activity, and other healthy lifestyle choices are essential to living a heart healthy life; and

WHEREAS, by choosing to *MAKE IT YOUR MISSION* to increase awareness, speak up about heart disease and stroke and empower women to reduce their risk for cardiovascular disease you can save thousands of lives each year,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Friday, February 3, 2012 be and is hereby proclaimed NATIONAL WEAR RED DAY FOR WOMEN in the Township of Hamilton in recognition of the importance of the ongoing fight against heart disease and stroke; and

BE IT FURTHER RESOLVED that all citizens are urged to show their support for women and the fight against heart disease and stroke on Friday, February 3, 2012 by commemorating this day by wearing the color red.

RESOLUTION ADOPTED WITH ALL MAEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

January 17, 2012

Mr. Cain moved, seconded by Ms. Dix, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a Transient Vendor License for Jack Lyon be and is hereby approved for an equipment auction to be held March 28, 2012 through April 1, 2012 at the Atlantic City Race Course.

RESOLUTION ADOPTED WITH MEMBERS CAIN, DIX, KESSELMAN AND SILVA VOTING "AYE" NO "NAY", MS. GATTO ABSTAINED DUE TO HER FATHER'S EMPLOYMENT AT THE RACE COURSE.

ProPhoenix software purchase:

Mrs. Dix asked if the Solicitor and Administrator had reviewed the contract. Mr. Sandman explained his office reviewed it; they required certain changes that dealt mostly with indemnification; the changes were made; and the form that is before the Committee tonight and that the Mayor will sign incorporates the changes. Mr. Jacobs explained the action being taken tonight is for most of the project but the total project is \$400,000.00 and \$290-some thousand dollars were recast from the capital surplus for it.

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the purchase of ProPhoenix Software under State Contract #77560 for the sum of \$341,374.95; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Software Support Agreement and the Software Acquisition and Lease Agreement between Chenosa Systems Corporation d/b/a ProPhoenix therefore on behalf of the Township of Hamilton.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN ON ROLL CALL VOTE.

Dr. Kesselman moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the January 3, 2012 Reorganization and the January 3, 2012 Regular meetings be and are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Ms. Gatto moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list totaling \$1,615,432.23 as of January 12, 2012.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Mark Perna be and is hereby appointed a full-time Law Enforcement Office in the Hamilton Township Police Department effective January 18, 2012 at the Step I salary per the PBA contract.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO" NO "ABSTAIN" ON ROLL CALL VOTE.

Advertising for Class II Special Law Enforcement Officer:

Mrs. Dix asked what the salary is. Chief Tappeiner said it is \$14.10 per hour. Mr. Cain said this will not add to the headcount. Mr. Jacobs commented already being down officers and receiving notice that a couple other officers who will be retiring this year. He said this is in addition to what the Committee already approved and they will generate a certified list of officers if they can.

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising for a Class II Special Law Enforcement Officer be and is hereby authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO, NO "ABSTAIN" ON ROLL CALL VOTE.

Ms. Gatto moved, seconded by Dr. Kesselman, that the resignation of Aline Dix as a regular member of the Hamilton Township Municipal Utilities Authority effective Saturday, February 4, 2012 be and is hereby accepted.

MOTION CARRIED WITH MEMBERS CAIN, GATTO, KESSELMAN AND SILVA VOTING "AYE", NO "NAY", MRS. DIX ABSTAINED.

Dr. Kesselman moved, seconded by Ms. Gatto, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that James Sacchinelli be and is hereby appointed to fill the unexpired term of Aline Dix as a Regular Member of the Hamilton Township Municipal Utilities Authority effective February 5, 2012, said term expiring February 1, 2013.

RESOLUTION ADOPTED WITH MEMBERS CAIN, GATTO, KESSELMAN AND SILVA VOTING "YES", NO "NO", MRS. DIX ABSTAINED ON ROLL CALL VOTE.

Administrator's Reports:

Billboards: Mr. Jacobs reported he had copies of a document for distribution to the Committee tonight showing township owned parcels along the Expressway for possible billboard locations as requested.

Drainage Basins: Mr. Jacobs reported he has a spread sheet report on the status of basins maintenance for distribution to the members tonight as requested. Mr. Cain said Nancy Rainbow is to be commended on the spread sheet report. Mayor Silva said a lot of work went into it and he appreciated her delivering it to the members. Ms. Gatto commented on the spread sheet being pretty close to what the Committee was looking for and suggested it be pared down to an easy reference piece that can be put on the website after the members feel it is complete and thorough. Mr. Smith said letters were sent to 40+ basin owners. Mayor Silva explained the spread sheet is the result of the basin owners' responses on what action they have taken to date and it gives the Committee Members a better capsulation of what is going on and that it is a great report.

Solicitor's Reports:

In Rem Foreclosure: Mr. Sandman reported the In Rem Foreclosure complaint was filed today. He said it took 6 months to get a docket number last year because the Superior Court Foreclosure Unit is so backed up and he doesn't know how long this one will take but the process has begun.

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Tavistock: With the Mayor's permission Mr. Sandman explained to the Mr. Dixon and Mr. Childs, the Tavistock representatives in the audience, that as a result of the testimony on December 19th a committee was formed made up of he, Mr. Smith, Mr. Jacobs, Mayor Silva, Nancy Rainbow and Phil Sartorio. He explained the minutes of the December 19th meeting are not finished yet because they are so voluminous because a lot of testimony was taken at that meeting. Mr. Sandman said that the group met; gathered all the information; and discussed what was testified to on the 19th according to their best recollection. He said there are six phases in the development and six bonds; four bonds are issued by Gulf Insurance Company and he couldn't remember the name of the bonding company for the other two. Mr. Sandman explained the bonding company has to be given 30 days notice once there has been a declaration of default; that it gives them time to contact the principal and decide what their response will be; and that he and the engineer are required to identify specifics to each of the phases because each of the phases in the development is covered by a separate bond. He said that because the top coat of the road is for the whole development he prepared the notices and sent them out yesterday and the 30-day clock is ticking. He explained no one in the Association was copied on the notices because he didn't know who their contact person is but he would give Mr. Dixon and Mr. Childs a copy for their association if either one wanted it. Mr. Sandman explained the steps in the process are: the testimony and evidence that happened on December 19th; having the staff group analyze the problem; and the notice. He said that has been complied with and that in his experience no bonding company ever gets back to you in 30 days but they do get back and typically say they "need all of these documents". He said he has all of that and the process is being done as expeditiously as possible. He said the hope and expectation is that they will be cooperative because it is a very long and expensive process if they aren't. Mr. Sandman explained there are some legal issues that he has to deal privately with the Township Committee on. He encouraged the residents to get counsel if they don't already have one so that they can walk through the process with him.

Engineer's reports:

Tavistock: Mr. Smith reported he spoke with Mr. Ciacca on his way to tonight's meeting; they scheduled a meeting for Thursday afternoon to review the individual lot swale issues; he had sent the developer a copy of laminated map the gentlemen from Tavistock provided showing areas of concern where they have drainage issues around dwellings; the developer received it and called him today; and they will take a look at those issues on Thursday afternoon.

Foxmoor: Mr. Smith reported copying an e-mail to the Mayor and Committee last Thursday or Friday when he met with the Foxmoor bonding company contractor. He explained they walked the entire site; discussed all the deficiencies - broken curb, damaged curb, damaged sidewalks, infill sidewalk, topcoat, and drainage; the contractor is basically going to put a scope of work and cost together to give to Mr. Sentman at the bonding company; he understands Mr. Sentman will share that with him once he receives it; he will review and agree to it; and Mr. Sentman and Mr. Sandman may have to put a developer's agreement together as to the different responsibilities of the Township, the bonding company and the contractor. Mr. Smith said once that is approved he anticipates they would get out to the site this spring, start remediating the drainage basin issue, deal with the concrete work and paving and complete all the site improvements associated with the project with the exception of the uncompleted dwellings and the one vacant lot. Ms. Gatto asked how the Township can confirm that. Mr. Smith said he has to wait for the contractor to get back to the bonding company with his scope of work and costs; he believes the bonding company will share it with him once they get it; they will come to an agreement on what they are going to do to complete the improvements; and he anticipates and expects the improvements to get done in the spring. He said the contractor apparently does a significant amount of work for this bonding company;

that he walked the whole site with Mr. Smith; they talked to Mr. Blankenship; and the contractor didn't seem to have any concerns with completing the site improvements with the sum left on the bond. Mrs. Dix asked if meant a contractor for a bonding company is going to step in and side-step D'Anastasio. Mr. Smith explained he was talking about the Foxmoor development not Tavistock. Mrs. Dix commented on her mind being on the meeting about the swales on Thursday and said she must have missed when Mr. Smith shifted to Foxmoor. Mr. Sandman said the answer to her question was "yes". He said he contacted Mr. Galletta and that Mr. Galletta was on site when the walk-through at Foxmoor took place.

Timber Glen: Mr. Smith reported he and Mr. Filippone from the Planning Board met with Timber Glen's engineer last week and said he believed he forwarded the e-mail to the Mayor and Committee as to his plan going forward in the spring to remove all the dead sod and replace it where any bare soil area exists when the weather improves; to remove any silt sediment debris from the bottom of the infiltration area; to stabilize the side slopes with rip-rap below the anticipated water line and basically finish up and stabilize all those areas; to fix the pedestrian path; and to install a water gauge to monitor the water level in the ponds to see where it is in relationship to where the permanent pool should be in that basin. Mr. Smith said he was encouraged by that meeting and anticipates they will be out there doing what they have to do as soon as weather permits.

Hamilton Commons: Mr. Smith referred to Mr. Cain's request at the last meeting for an update on Hamilton Commons and said he believes he forwarded an e-mail he got from DDR. He said he spoke to Paul Danzak who he has been dealing with at DDR this afternoon; that Mr. Danzak's position is that they are committed to doing what has to be done to get those basins to function; that they apparently signed a contract with Langan Engineering and are planning to start the survey work to as-built the basins to make sure they were constructed in accordance with the plan dimension and depth-wise; and they anticipate doing some geo-tech work to get an idea of what kind of soils are under the basins to put together a plan of action for what has to be done to remedy those basins and if some of the soil has to be removed and replaced with K-4 sand to facilitate drainage of the basins. He said he was encouraged by their conversation and that it was some good news on the basins front. Mayor Silva said he agreed, especially on the one with the little bit of bond money left considering the amount of work they have to do. Mr. Smith said bonding is a completely separate issue with regard to Hamilton Commons. He expressed hope that a significant amount of work will be seen being done in all the facilities.

Township Committee Members:

Dr. Kesselman thanked Mrs. Anderson and those in the administration for securing all but two of the required financial disclosures and said it wasn't for lack of effort on their part. He said one of the two that weren't secured yet was an alternate board member which isn't all that terrible and the other was a professional and that none of them were in the room. Dr. Kesselman said there should be none and the Committee should be mindful of folks that don't comply because it is a basic requirement and isn't that difficult. He commented on a major story about how many folks hadn't complied and said he doesn't want this township to be on any kind of list that those they hire in certain areas have not complied, particularly those the Committee hires as professionals. Dr. Kesselman said to make sure that person knows the members of Township Committee are not happy that there wasn't compliance.

Ms. Gatto reported she attended Laureldale Fire Department's dinner and installed their officers and executive board members. She congratulated them.

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Ms. Gatto congratulated Carol Wright and PAL on their day of service yesterday. She commented on a lot of kids, adults and board members being there; people dropping off donations; a lot of Carol's wish list on the web being crossed off; and everybody coming together to give the building new life. Ms. Gatto said there will be some really great programs and things happening there and that Carol deserves a ton of credit for it. She thanked the officers who stopped in or were there most of the day to help.

Ms. Gatto reported she attended the ESAB Board's first meeting of the year; that that they reorganized; and that the Emergency Management Coordinator Bob Mattle gave a great debriefing on Hurricane Irene. She said he had a meeting prior to that with the Emergency Management Team to talk about lessons learned, opportunities for improvement; and things that went well. Ms. Gatto said there was some good dialog at the ESAB with regard to it.

Ms. Gatto reported receiving a letter she from a constituent that expressed their appreciation for improvements will be made to the Gaskill Park point area in the near future; for Deputy Mayor Cain leading the charge on it; for the recent use of the lake and facilities at Lenape Park to offer sailing opportunities and great learning opportunities. She said they stated it has been many years since the lake and park had been utilized for recreational boating, especially sailing and canoeing and that it is good to hear these new things are happening and that the County uses its parks and facilities to make them available to everyone. Ms. Gatto said the Township Committee is also glad to see Lenape Park get that kind of use.

Ms. Gatto reported another resident's request that everyone make sure they speak into the mikes because it is hard for them to hear when they watch the meetings at home.

Ms. Gatto reported she is now officially a member of the clergy, has become ordained, and is waiting for her paperwork to come in so she can continue to perform marriage services to the Township residents and members of the military.

Ms. Gatto referred to approving Mizpah's LOSAP list tonight and asked what the deadline is for all fire departments to submit their lists. Mrs. Anderson said Mizpah was the first to turn their list in; that a reminder was sent to the other four fire departments that list has to be signed by the Chief and turned in by March 15th. Mrs. Dix asked which budget funds it. Mayor Silva said it is the year in which it is presented. Ms. Gatto asked Mr. Jacobs to clarify that.

Mrs. Dix commented on asking that the members get a budget report with their bill list and said she was looking for a copy of the temporary budget and didn't find one. Mr. Jacobs explained the items on the bill list stating with the number 11 are from the 2011 budget and those starting with 12 are from the 2012 budget.

Mrs. Dix commented on being assigned the to the Community Based Activities Board, the Environmental Commission, the MUA, the Veterans' Board, the Industrial Commission, Planning and Zoning plus Township Committee and said she doesn't see how she could possibly make all of those meetings. Mayor Silva said she should keep in mind that he is her Deputy and to communicate to him if she can't make one.

Mr. Cain reported he and the Mayor attended the Planning Board reorganization. He welcomed back members and professionals that were reappointed and said he can't speak highly enough about the quality of members and volunteers on those boards and the great work coming out of them.

Mayor Silva reported he swore in the officers of the Cologne Fire Department and congratulated them. He commented on their new electronic sign and information that will be on it. He said it is in a very nice location and he thinks everyone driving down Cologne Avenue will see it.

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Mayor Silva referred to Mr. Cain's comments regarding the Planning Board and said he agreed with them.

The Mayor reported he attended the Historical Preservation Commission reorganization meeting and commented on Cheryl Fetty asking who does enforcement for the Historical Commission. He said Code Enforcement does it and more will happen as it comes together. Mayor Silva said he thinks communication is the key to everything the Committee does and they have to be informed whether by it being brought up at meetings, by a phone call or an e-mail. He referred to the comment in the new book on the Apple Corporation that "the key to your success is the strategic planning program" and said he thinks the Committee learned that through Dr. Kesselman.

Mayor Silva reported he and Mr. Cain will meet with the Administrator and Finance people in the next week for their first meeting about the budget and said a lot of it will fall into the Strategic Planning goals. He said the nice thing about the Strategic Planning was that there was a lot of good community involvement; it brought a lot forward; and it is the kind of dialog he likes to hear. The Mayor said Committee Members sometimes do all the talking when they attend meetings and it is nice when they attend meetings where someone else does the talking because they then become good listeners. He said some residents are starting to understand that and aren't afraid to pick up the phone and have dialog with the Committee Members. The Mayor thanked all those in attendance as well as residents who don't come to meetings and asked them to keep the Committee informed.

Public Comment:

Katherine Goldenberg, Property Manager at Hamilton Green, apologized for never attending a meeting before the Rental Unit License Ordinance adopted last month hit her desk asking for \$104,000.00 in a short amount of time. She commented on calling Frank Primavera's office and reaching out to other Property Managers and said issues and questions for clarification come up every day. She questioned how to get a meeting with officials to get answers. Mayor Silva suggested getting the other property managers together and having a meeting to start addressing some of their concerns and questions. Ms. Goldenberg said she is meeting with a pretty large group of them tomorrow and wanted to be able to bring it to them if the Committee preferred a joint meeting. The Mayor said the Committee always prefers to face people who have questions and suggested Ms. Goldenberg contact Mr. Jacobs to set something up. He asked how many Ms. Goldenberg thought would attend - she said about 10. Mrs. Dix asked if Ms. Goldenberg had said \$104,000.00 and how many units they have. Ms. Goldenberg said it was \$104,000.00 by March 31st and that there are 416 units. Ms. Gatto asked Chief Tappeiner if he had regular Property Managers meetings; how many attend; and if a regular time is set for it. The Chief explained they have meetings at 10 a.m. on the third Wednesday and that about 10 attend. Ms. Goldenberg said tomorrow's meeting is at the Woodlands. Mayor Silva suggested combining their February meeting and holding it in town hall.

Carol Wright recognized the following individuals and groups for helping PAL on Martin Luther King Day of Service: Cub Scout Pack 254 for donations, help sweeping up the storage area, and doing other odds and ends; Members from the Victoria Crossing area who painted the large rooms; Ms. Gatto and Mrs. Kesselman for donations, help with cleaning and doing whatever had to be done; Jason Saxton for getting all of the dance costumes transported; PAL members who were there; Poppy's Bagels for delivering bagels so they were able to feed everybody helping; RJ and Joel for what they are doing to get the word out; and Lisa Marcolongo for coordinating Public Works to repair holes in the building. She said she is getting phone calls and e-mails from people wanting to donate items for the building and to become volunteers. She thanked the Committee for the opportunities to give back to the community and said it gives them a full sense of community

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and they look forward to operating more efficiently and giving more to the community. The Mayor and Committee Members thanked Mrs. Wright for what she does. Mrs. Wright said what she can do is because of those that surround her and first and foremost, her family.

There being no further questions or comments from the public, Mr. Cain moved, seconded by Ms. Gatto, that the public comment portion be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cain moved, seconded by Ms. Gatto, that this meeting be and is hereby adjourned.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

ATTEST:

JOAN I. ANDERSON, R.M.C., TOWNSHIP CLERK