

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
TUESDAY, JANUARY 18, 2011

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Amy Gatto presiding. Members present were Charles Cain Jr., Dr. Harvey Kesselman, Thomas Palmentieri and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Robert J. Smith III, 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 faxing or e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Tuesday, January 18, 2011 in the municipal building, Mays Landing, NJ.

A moment of silence was observed for private reflection.

Dr. Kesselman moved, seconded by Mr. Palmentieri, 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 which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

1. Personnel
2. Potential litigation: Group Ten Builders (Liberty Oaks project)

BE IT FURTHER RESOLVED that the governing body will 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".

Mayor Gatto recalled the meeting to order in public session.

Mr. Silva moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following changes, additions and/or deletions be and are hereby made to the agenda for consideration and action to be taken thereon tonight:

1. Add Potential Litigation - Group Ten (Homewood Court/Liberty Oaks project) to executive session and delete it from Item #15 on agenda.
- 5.E Budget update
- 9.A Insert names of businesses:
  - (1) China May Garden Inc. - fast food restaurant at Consumer Square
  - (2) Alex Lyon & Son - Equipment Auction at Atlantic City Race Track  
April 31 - May 4, 2011
- 12.B Add approval of December 20, 2010 regular meeting minutes

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

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

Gregory Ciambrone said he would wait until the regular public portion at the end of the meeting to speak.

January 18, 2011

Budget update - moved up from agenda item 5.E:

Mayor Gatto said the Committee was charged with adopting a fair, equitable budget that addresses and plugs a very, very large deficit; that with the 2% CAP the Committee cannot hold anything sacred or seek to protect any single entity other than the residents they were elected to serve; that the Budget Committee dissected every line item and is asking the staff to do so as well; and that the Township Committee is charged to lessen the number with savings wherever prudently possible. The Mayor asked for open-mindedness from the other Township Committee Members and the employees.

Mr. Jacobs explained his slide presentation was intended to provide a look at the projected budget and that it was "projected" because the State hasn't provided the final State Aid numbers or CAP calculations yet. He said a reduction in State Aid could have a tremendous impact to a greater extent than what will be reviewed tonight. A copy of Mr. Jacob's power point presentation will be posted on the Township website and a complete printed copy will be on file in the Township Clerk's Office. Mr. Jacobs explained he took the slide used in last year's budget presentation and basically added 2011 projections to it. He said expenses aren't the biggest problem and are actually projected down; revenue is where the real problem exists. Mr. Jacobs said the challenge was \$2,370,000.00 as of January 1<sup>st</sup>. He explained the surplus was not replenished and said the projected loss is mainly because revenues were budgeted conservatively in prior years and the money that came in above what was budgeted went to surplus but revenues were budgeted at the maximum last year and that creates a hole in this year's budget. Mr. Jacobs explained last year's \$803,000.00 school deferral was a one-time revenue shift that got the Township through but adds to the concern this year. He said miscellaneous local revenues will be down about \$202,000.00; the Garden State Trust will be down about \$43,000.00; grants offsetting revenues will be down \$26,000.00; and the reserve for debt service will be down \$163,000.00. Mr. Jacobs said the hit on the revenue side is about \$2.2 million. He explained the non-police pension went up \$130,000.00; police pension went up \$184,000.00; and the Teamsters collective bargaining agreement will cost approximately \$80,000.00; and all concessions the employees made last year expired at the end of the year so those furloughs and other deferments were added back into the budget January 1<sup>st</sup> and are now being paid. Mr. Jacobs said the Township would have had 365 days of savings if they had acted before the end of last year. He commented on being 18 days into the year without any cuts as far as layoffs or services having been made; \$116,000.00 was added to the deficit in those 18 days; and there are only 347 days left to recoup that money. Mr. Jacobs commented on the growth of the problem in those 18 days being equivalent to 5 additional employees laid off or one tax point. He said the equivalent of 1 point on the tax bill or 2 additional employees being laid off would be saved every week by acting now. Mr. Jacobs explained doing layoffs equivalent to the total amount of money based on the salaries would be 50% in the SOA (Superior Officers bargaining unit) and PBA (Police bargaining unit), 25% in the Teamsters unit and 25% in the non-union employees. He said options that have been or are being discussed are reductions in the work force, employee give-backs, tax increase, and merger with the MUA. Mr. Jacobs explained the savings on an employee making \$50,000.00 plus benefits and would be \$34,563.00 if that employee was laid off by the end of March. He explained the 25% of the salary that would have been paid won't be saved in this year's budget; the employee would have to be paid for any accumulated vacation time earned but not used; and the Township would have to pay their unemployment benefits. Mr. Jacobs explained the effects of \$1 million in downsizing would be layoff of 28 full-time positions and 9 part-time positions, 2 retirements are anticipated, and they propose 2 employee savings through an inter-local agreement with the MUA. He explained the grant the Township accepted in 2009 to preserve 3 police officers jobs requires that layoffs have to be generally across the board and the breakdown of \$1 million was 11 PBA positions, 16 Teamsters positions, 12 non-union positions and that addresses the grant. He said the Township had 177 employees in 2007 and if this plan is implemented it will be down to about 123; close to 30% of the work force in 5 years. Mr. Jacobs said the proposal also included meeting with the unions to discuss employee give-backs to avoid additional reductions in the work force which would break down to \$100,000.00 from the SOA and PBA; \$50,000.00 from the Teamsters and about \$50,000.00 from the non-union. He commented on not knowing what the

January 18, 2011

revenue CAP will be and having to discuss all options. Mr. Jacobs explained one-cent on the tax rate under the new reval is \$239,949.00 so a 2½ cent increase would generate just under \$600,000.00 which would offset the \$1.2 million in lost revenue. He said he believes there are some potential savings and efficiencies from a merger with the MUA and some of the shared services both would enjoy are billing, collection, snow removal and vehicle maintenance; that he believes some things being done by both agencies could be done cheaper and probably more efficiently by doing them together; and that there might be savings in software contracts, office equipment, space, utilities and professionals. Mr. Jacobs cautioned against going after the MUA surplus and said that if a merger takes place that money should be reserved for the purpose for which it was collected and used as to offset one-time expenses, not operating costs; it should be reserved for funding repairs to the system or certain deferred expenses for cash flow reasons. Mr. Jacobs showed a slide of other items that have been discussed: outsourcing vehicle maintenance; user fees for specific services; leasing the athletic fields; review of the take-home vehicle policy; inter-local agreements where it made sense to the Township and maybe a neighbor. He showed a slide summarizing the options and said savings from layoffs and the school deferral should provide a 3-year solution. Mr. Jacobs summarized 2012 projections and said it all depends on State Aid not being cut and the State not mandating any services that the Township isn't aware of today. He explained actions the Committee could consider tonight or in the future were: authorizing him to meet with the Department Heads to review specific reductions in their department because he hasn't gotten down to naming employees yet and the Department Heads are the best persons to help show how to reduce their budget; authorizing him to meet with the Unions to discuss whether they prefer additional layoffs or give-backs. He commented on trying to minimize the impact on layoffs and protect the services provided to the citizens and public safety. Mr. Jacobs said he knew there were discussions about having inter-local agreements with the MUA. He explained a special meeting would have to be held or appropriate notices given as far as any discussion of the layoffs. Mr. Jacobs said downsizing this much can't be done without impacting services the Township provides; complaints and delays in service have to be expected; and it is a significant change. He said the CAPS were created at the State level and the Township has to live within them. Mr. Jacobs said the problem would have been bigger if not for attrition by a number of employees having left and a couple of notices of intent to retire this year.

Mr. Silva asked if Mr. Jacobs expected soon from Trenton regarding the workbook or restoration of municipal aid and if he believed more municipal aid might be taken away. Mr. Jacobs said he wouldn't expect them to increase the aid but if that happened, nothing being done now couldn't be undone; people could be brought back. He said the budget introduction date was postponed so he expects delays in all the information and the actions will be more significant if the Committee waits until they get the information.

Mr. Cain said it is sombering to see that all these cuts are necessary even with the tax increase. He said the Committee must act quickly to stop the problem from being exacerbated even further. Mr. Cain said there is a possibility additional ways can be found to cut the tax increase back or lessen the burden as the Committee looks at the situation. He said action needs to be taken right away to lessen the impact and that every day or week the Committee waits will impact the employees more.

Dr. Kesselman thanked the Mayor, Mr. Cain, Mr. Jacobs and the fiscal folks for putting the options together. He said he concurred that the Committee has to act expeditiously because if they wait 2 weeks, that is 2 additional positions. Dr. Kesselman said the Committee needed guidance on the process to effectuate some of the recommendations, particularly the work force reductions.

Mr. Silva said the Committee has very few options and it is a question of which course of action to take. He referred to Mayor Gatto's earlier comment about the Committee representing the residents and hopefully they will make the decisions the residents entrusted in them.

January 18, 2011

Mayor Gatto said every savings the Committee can make will impact the budget gap and any ideas anyone has would be welcome. She asked everyone to keep in mind that whether the Committee does layoffs or cuts services, the impact is going to be to families in the end and she hopes the Committee can keep that compassion in mind as they work through this. Mayor Gatto said Mr. Jacobs laid out possible actions and she thought it would be prudent for the Solicitor to advise the Committee from the legal end as far as reduction in the work force if that is the way the Committee is going to go.

Mr. Sandman said the Committee is looking at what could be described as an emergency situation. He said when the Administrator said it is \$45,000.00 per week that compounds and adds to the number of employees affected, his advice is to act as swiftly as they can. Mr. Sandman said the Committee has a procedural problem because of the emergency they face and probability of layoffs across the board. He explained the Court opinion that if the working conditions, potential terminations, or anything to do with an employee's job is going to be discussed, that person is entitled to a RICE Notice that says the Committee is going to discuss their employment and that they have the right to take it out of executive session and into open session. Mr. Sandman said the Administrator can meet with the Department Heads and identify who is going to be discussed. He said the safest, most prudent thing to do is give a RICE notice to everyone who is not a statutorily protected employee because the Committee doesn't know who the particular individuals are. He said the notice should state that on a certain date their employment terms could be discussed and he would provide the Committee with advice on how to handle it if there are people who want to waive their right. Mr. Sandman said a RICE Notice should be drafted by the Labor Counsel for the two groups he represents the Township in and by himself for the non-union employees. He said the only thing he would need in order to do that is the date of the meeting at which this will be discussed.

Mayor Gatto said it wasn't her or Mr. Cain's intention to wait until March 11<sup>th</sup>; they want to move as quickly as possible to get the budget finalized to the point that they can without having the final numbers from the State. She recommended February 7<sup>th</sup> as the date in the notice because she knows the Committee definitely wants to continue action at the next meeting.

Mr. Cain said the quicker the Committee acts, the numbers could potentially be reduced. Mr. Sandman said when the employees get (the RICE Notice) they should know it is only entitling the Committee to discuss their position; that it is not that the Committee is taking any action; that action, if any, would come later; and that it is not a termination notice.

Mayor Gatto said she and Mr. Cain are eagerly waiting for the consensus of the Committee in terms of all the options but one they want is authorization to sit with the labor bargaining units. She said having conversation with them and working collaboratively with them is very important and also with the Department Heads and Management Staff.

Budget Personnel Recommendation Resolutions:

Dr. Kesselman asked if a motion on the RICE letters was needed. Mr. Sandman said it was. Dr. Kesselman asked if the Mayor was also asking the Committee to charge the Administrator with working with the Department Heads to come up with a force reduction plan. Mayor Gatto said that was correct.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that RICE Notices be issued to all employees except those in statutorily protected positions; and

BE IT FURTHER RESOLVED that the Administrator is hereby charged to meet with the Department Heads to come up with a force reduction plan.

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

Budget MUA Recommendation Resolutions:

Mayor Gatto said some other options discussed were in regard to the MUA. The Mayor said one of the actions taken was authorizing an ordinance for first reading for dissolution of the MUA and that it wasn't an easy recommendation to come up with. She said there were some discussions with Mr. Blankenship and the MUA Chairman and they think there is potential to further that conversation and come up with the inter-local agreement they want to enter into now that will give long-term savings. The Mayor said from a Budget Committee standpoint they want to have those discussions with the MUA, possibly a subcommittee of the MUA, over the next two weeks to put together an inter-local agreement and have it on the table at the next Committee meeting to figure out the status of it and where to go from there.

Mr. Silva asked for clarification that this was a merger, not dissolution of the MUA. Mr. Cain said that was correct and that was the discussion they had with Mr. Blankenship. He asked if a motion was needed to authorize the Administrator to enter into an inter-local agreement and to start those talks. Mr. Sandman said a motion was needed but the agreement had to be drafted first. He said a subcommittee of two could be authorized to meet with the MUA. Mr. Cain said time is of the essence so the talks need to start immediately.

Mr. Cain 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 Township Administrator be and is hereby authorized to draft an inter-local services agreement and allow dates to be set for a subcommittee of the Township Committee and a subcommittee of the MUA to begin negotiations on it.

DISCUSSION ON THE MOTION: Dr. Kesselman commented on what was presented tonight being a whole budget proposal and asked if, as part of the discussions, the Township has a minimum target as to what it has to gain financially. He said the Committee knows the piece associated with work force reduction and there has to be a piece associated with this. Mr. Jacobs said the proposal he presented showed about \$111,000.00 for this year and more for next year. He said he thinks it is most important to come up with a plan that will be reoccurring because it will be a reworking of how both agencies do business. Mr. Jacobs said it will be a true merger where they look at finances, management, and everything. Dr. Kesselman asked if they were talking about an inter-local agreement that includes a merger and that they are not separate. Mr. Jacobs said it is a merger in an inter-local (agreement) where as much as possible will be shared. He said dissolution would be an ordinance. Mr. Jacobs said they are looking for financial gain through efficiencies. Dr. Kesselman asked if the \$250,000.00 contribution the MUA made the past couple of years would also be part of the agreement. Mr. Jacobs said that contribution could continue under the agreement. Mr. Cain said one reason it becomes more attractive at this point is that the Township received a resignation from its Public Works Director; Mr. Blankenship could possibly fill that role if everyone agrees; and that would be a substantial reoccurring savings to the Township. Mr. Jacobs said one person who knows what is going on operating both entities could an advantage to both parties. He said equipment and employees can be shared.

Mr. Palmentieri asked for more definition of the difference between a merger and dissolution and for a definition of the merger in layman's terms. He asked if it was basically a very extensive inter-local agreement versus a dissolution. Mr. Jacobs said it would be a shared service inter-local agreement. Mayor Gatto said dissolution would be when the financial documents were moved into the Township budget page for water and sewer utilities versus it staying where it is under the accounting principals it is right now. She said that would be the dissolution part and that isn't being done yet. Mr. Cain said the purpose of the discussion was to see if the same savings could be achieved. Mr. Palmentieri asked who would adopt the MUA budget and determine the fees and rates under the inter-local agreement. Mr. Jacobs said nothing would change in the MUA financial make-up; they would control the money as they do now; and it would be the same as for shared services with any other town or county. Dr. Kesselman said it included sharing the Director.

January 18, 2011

There being no further discussion on the motion Mayor Gatto asked the Clerk to do a roll call vote.

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

Budget Recommendation on School Deferral:

Mayor Gatto said she and Mr. Cain needed the Committee consensus on the school deferral and asked if the members were comfortable with \$568,000.00 as listed. She said they know the risk is that it carries into next year but they are trying to do the mixed bag approach that they think with their long-term plan would be mitigated in the long run.

Mr. Palmentieri asked if this additional amount would cause any cash flow problems and, if it did, what the cost of short-term financing would be to get the Township through those periods. Mr. Jacobs said keeping the MUA independent could cause a cash flow issue but the budget impact wouldn't be there because by downsizing the hole created by deferral is covered by a savings source next year.

Mr. Silva asked if a decision had to be made on school deferral and tax increase tonight. He said something is missing and the members don't have all the information that would allow them to make a decision. Mr. Cain said Mr. Silva was right and there are other options that will impact those numbers. He said he opposed any tax increase especially when he just saw an 81% increase in property values. Mr. Cain said the options on page 30 had to be looked at to see where that number will be reduced further. He said he thought all members support the Lexington Plan and having police officer's cars in the neighborhoods. He commented on getting a list of the fleet and said he didn't see why the Committee wouldn't ground all non-essential vehicles and suspend all non-essential maintenance on them immediately. He said there may be a savings by doing that that may impact those numbers and the jobs numbers. Mr. Cain said he thinks those are the kind of things the Committee needs the most help with to figure out how to accomplish the other things in order to reduce that impact. Mr. Silva said he thought that could be done administratively.

Mayor Gatto said she was in favor of stopping all take home vehicles with the exception of the Lexington Plan and anyone on an emergency call rotation of sorts. She asked if formal action was needed. Mr. Sandman said sufficient notice was provided if it was listed in the budget document that was distributed and a formal motion should be made.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that effective immediately all non-essential vehicles be grounded and all non-essential maintenance on fleet vehicles be suspended with the specific exclusion of the Lexington Plan vehicles.

DISCUSSION ON THE MOTION: Mr. Palmentieri asked for clarification that it was just for take-home vehicles and not for use during the work day. The Mayor and Mr. Cain said someone taking a vehicle to go for lunch is non-essential. Mr. Palmentieri asked if it is basically for using vehicles for non-work functions that isn't on the clock. The Mayor said that was correct.

There being no further discussion on the motion, Mayor Gatto asked the Clerk to call the vote.

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

Budget recommendation for leasing athletic fields:

Mayor Gatto commented on the Committee having kicked around leasing the fields previously and said she thought it would be prudent to authorize the Administrator to see what going out to an RFP would yield. Mr. Cain asked what they would be looking to accomplish by leasing them. The Mayor said from discussions she had with Mr. Morley, she thinks they would look for one of the established recreation athletic providers to respond to the RFP; the Township would lease them fields for a nominal fee; that would give them the maintenance, all the facilities and they would dictate who uses them and when. Mr. Silva said the terms and conditions would be in the RFP.

Mr. Palmentieri suggested the Administrator be charged with investigating eliminating all feasible, non-statutorily mandated functions. He said he thinks that is where the Committee has to go to cut all expenses and try to maintain the core statutorily mandated functions by eliminating the non-mandated functions or looking at ways to do them at minimal cost. Mr. Silva said that was a good point but this is the beginning of it. Mr. Cain said he appreciated what Mr. Palmentieri said but it painted it with a very large brush and he thinks the members need to come up with those kinds of ideas individually over the next coming weeks. He suggested knocking things off that list one at a time so none of them get lost. Mr. Cain said there are some very well run athletic associations in town and with the talent involved in them it's possible they could do a much better job and garner community support in a better way than the Township Committee has been able to do because of constraints on it as a government entity.

The Solicitor said a roll call vote was not necessary on this.

Mayor 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 Administrator be and is hereby authorized to draft an RFP for leasing of the Township's athletic fields.

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

Budget recommendation for user fees for specified services:

Mayor Gatto said social services was one area they asked to be looked at. She said Ingrid Perez is gathering information and putting together a plan for what taking the Township Social Services to a totally user fee basis will look like. She said if other Committee Members have other areas they feel should be looked into, she and Mr. Cain will be glad to take them back to the Budget Committee. The Mayor said they appreciated the open-mindedness to all the options they are facing.

Confirmation of executive session re: Group 10 Builders (Liberty Oaks):

Mayor 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 after review with the Township Engineer and based on the advice of the Solicitor the Township Committee is upholding the actions and decision of the Township Clerk with respect to Liberty Oaks application for the return of Escrow Fees.

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

A recess taken to allow video camera to be moved to back of the room.

January 18, 2011

Bohler Engineering request re: FHA permit for culvert under Volunteer Way:

Mr. Smith said he reviewed the survey in the application and it appears a Flood Hazard Permit should have been gotten when Volunteer Way was constructed and the culvert was installed but it wasn't. He explained Buffalo Pike Associates is going to get the permit for that culvert after the fact as part of their permit application. Mr. Smith said he thinks it would have been the responsibility of the developer who constructed Volunteer Way, not the Township's. He said he doesn't think it's a dedicated roadway yet because it isn't completed and the bond hasn't been released. Mr. Smith said he didn't know if that affected the Township's ability to sign the application on an undedicated roadway.

Mr. Cain asked Mr. Smith if this adhered to the plans approved by the Planning Board and if it was the Board's wish to have that culvert. Mr. Smith explained that in order to construct Volunteer Way they provided a conduit to allow stormwater to pass under the roadway; he assumes it was constructed in accordance with plans approved by the Board for Volunteer Way; they aren't changing anything as a result of their application; they are just getting a permit for something already constructed and approved by the Planning Board. He said it was approved as part of the construction of Volunteer Way for the Glen Eyre Pallet III project and he has no reason to believe it wasn't constructed in accordance with the plans approved by the Planning Board. Mr. Cain said it concerned him when Mr. Smith said he has "no reason" and he wasn't sure the Committee should take action on something if they aren't sure whether or not it was approved by the Planning Board especially with the amount of attention the Committee has been putting on basins this year.

Mr. Silva asked what happens if they don't approve it. Mr. Smith said he didn't see any reason why it wouldn't be approved. He said he assumed they were granted Pinelands and DEP approvals but not a Flood Hazard Permit so this is memorializing something that is already constructed. Mr. Smith said he wasn't actually there when it was constructed but it was inspected while being constructed so his assumption is that it was constructed properly. He explained the developer of a residential subdivision constructed the road and his only question was whether or not the Township had standing to sign the application or if the developer who actually constructed the roadway should sign it. Mr. Sandman said it's part of an approved plan and the roadway hasn't been dedicated as a public right-of-way yet so the Township doesn't have standing. He said the Township could tell the DEP they are in favor of it and would like it approved but that isn't a condition precedent for the D.E.P. to accept the application in his opinion. Mr. Smith explained they are requesting the Township sign the application acknowledging that they are aware Buffalo Pike Associates is filing this application on behalf of the Township. Mr. Sandman said there is nothing wrong with that. Mr. Jacobs commented it having been done in a number of towns in Middlesex County and said D.E.P. required them to sign and acknowledge them even though it wasn't the municipality's responsibility. Mr. Sandman explained the Township has a right to ownership in the future subject to conditions and if they are met and approved, the Township would dedicate it as a public highway.

Mr. Cain asked if basin water was being taken from the Gravelly Run Shopping Center and piped under Volunteer Way into the watershed on the other side. He asked if that was what the Township was being asked to acknowledge and said he doesn't recall that being approved by the Planning Board. Mr. Palmentieri said he thinks it maintains the natural flow of water in that area. Mr. Smith explained his understanding was that the pipe from 322, across the Benderson property to a headwall just before Volunteer Way has to be replaced and he guessed D.E.P. asked about this (culvert) pipe in their discussions of the pre-application. Mr. Cain asked if this is a section of Volunteer Way that isn't completed yet or the section further down by the traffic light where there is an issue with the existing storm drain across the street. Mr. Smith explained it's an existing pipe behind Wawa that basically does nothing but facilitate the stormwater that flowed there before the roadway was constructed and it has nothing to do with additional stormwater flow. Mr. Cain commented on the pipe on the other side being discussed on many occasions and said the Planning Board wants to make sure the water from it doesn't get run under Gravelly Run's new development

and back into the Gravelly Run watershed. Mr. Smith said he thinks this permit application only applies to the replacement of the existing pipe underneath the Benderson project. He said he didn't see the plans and doesn't know if it goes all the way back to 322. Mr. Cain suggested no action be taken until they can clarify it isn't the issue he just raised. Mr. Silva asked if time was of the essence. Mr. Smith said he got the impression from the engineer representing the developer that it is. Mr. Cain said they should have provided the Committee the proper information for making an informed decision then.

Mr. Sandman said D.E.P. may procedurally require it because that is what the cover letter indicates but Buffalo Pike Associates is listed in the application as the applicant and the owner but the signature line the Township is being asked to sign says the Township is the owner. He said he has a problem with that.

Mr. Cain moved, seconded by Dr. Kesselman, the request be tabled until the Committee can get assurances from its professionals that this isn't piping water from 322 through the Benderson property into the Gravelly Run Watershed.

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

Red Light Cameras - Solicitor's report:

Mr. Sandman explained two responses were received to the RFP for installation of a Red Light Camera at an intersection in the Township to improve safety and that he prepared the summary in a letter dated January 10, 2011 to analyze the two responses. He suggested the Committee first vote on whether or not they want to proceed with it and if they do he will comment on the contents of the responses in a little more detail.

Mayor Gatto said it would be hard to vote without knowing the terms being talked about. Mr. Cain said he believed Mr. Sandman's report detailed the terms the Committee is looking at. He said he thought the Committee should vote on whether or not they believe it is an acceptable concept based on Mr. Sandman's report and if they do, then they should move forward on accepting one of the RFPs. Mr. Silva said there was a 3-2 vote to go ahead with it the last time it came up. Mr. Cain said he read every e-mail he received, positive and negative. He said he believes the Committee is in a position to see if it is right for the Township based on that, the volume of data he has been through and the fact it is a limited term contract. He said he believes the Committee should go forward with it.

Mr. Silva said he called the governor's office today to find out if he rendered an opinion yet on whether or not he wanted to allow municipalities to go forward with this. He said he hasn't received an answer yet but his understanding was that it was a trial basis for those communities involved. Mr. Silva said he was against it before; he is still against it; he doesn't believe the Township should raise revenue on the backs of its residents, shoppers, and visitors and he thinks it will have a negative impact on some of the businesses. Mr. Silva said he believed Chief Tappeiner Chief said there was no problem with them when he was asked if there was a problem with the intersections discussed. Mr. Cain said he thought the Chief said they don't do studies there because they don't have the manpower to sit there so he would be unaware if there is a problem at that intersection. Mr. Silva said he is still against it and has stated his reasons.

Mr. Cain said data and research was provided that the intersection being talked about is the highest accident rate intersection in the Township and has the highest injury rate. He said if the Committee is going to see if it is a fit for the Township moving forward, this would be the proper intersection to do it at. Mr. Cain said Mr. Sandman found that the Township is held harmless in this agreement and it is also cost neutral so he sees no down side to it. He said he didn't think the argument that people will flock away from Macys, J C Penny and the big box neighbors to go shop at the Shore Mall holds any merit. Mr. Cain said he believes shoppers expect a level of safety and will appreciate this.

January 18, 2011

Mr. Sandman explained "cost neutral" meant the Township will never pay any money that isn't collected. He said D.O.T. will have to determine that it is a justified site based on a comprehensive report; there is a fairly detailed application process that is done by the vendor the Township chooses; and D.O.T. has to issue a right-of-way permit. Mr. Sandman said somebody has to give it their blessing before installation occurs and that blessing will be based on data from the (Police) Chief's department and crash results from Rutgers University. He said it isn't up to the Committee to determine if it is a suitable site.

Doctor Kesselman said each his reasons for being against it when it was initially discussed has been addressed and he supports it now.

Mr. Cain asked if a vote was needed on the concept because of Mr. Silva's recollection that there was a 3-2 vote to move forward. Mr. Sandman said the Committee can now evaluate two responses and decide which of the two they wish to choose. He commented on not being satisfied with some of the contractual terms in the agreements that were part of the vendors' proposals. Mr. Sandman explained it would be different if it was a construction project and acceptance of something where the bid terms couldn't be altered. He said that if one of the vendors is approved he will use their form of contract as a template and put what he considers to be the requirements of the RFP in it.

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

BE IT RESOLVED that the Traffic Control Signal Monitoring System RFP submitted by American Traffic Solutions, Inc. is hereby accepted with the provisions outlined in the Solicitor's report dated January 10, 2011 as deemed appropriate by the Solicitor and the Solicitor is authorized to prepare a contract for same consistent with the RFP and the response.

DISCUSSION ON THE MOTION: Dr. Kesselman said he thought it was important to make it clear that it doesn't cost the Township anything for any of the application or processes associated with it. Mr. Sandman said it costs the Township nothing. He explained the monthly cost for one approach in this proposal is \$4,700.00 the first year and \$4,750.00 a month thereafter and the Township would pay \$19,000.00 a month to the company if 4 approaches are put on but the Township doesn't have to pay it if it doesn't collect that amount for a particular month so it is cost neutral. Mr. Sandman said on a going forward basis if \$19,000.00 wasn't achieved in January but the Township got \$25,000.00 in February, the company would get the back difference. He said the projected numbers are substantial. Mayor Gatto said her previous reservation was the financial liability because the Township isn't in a position to take high risk but that caveat specifically in that vendor's proposal satisfied her only reservation.

There being no further discussion on the motion, Mayor asked for a roll call vote to be taken.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN AND GATTO VOTING "YES", MEMBERS PALMENTIERI AND SILVA VOTING "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

NOTE: Mr. Palmentieri said he was voting "no" because he has a problem with the principal and he doesn't think the public is in favor of it.

C.E.R. Advisory Board:

Mayor Gatto expressed her opinion that the Ordinance establishing the Community Education and Recreation Advisory Board (CER Board) is outdated and that intent isn't relative or effective right now for the climate the Township is in. She commented on being in a new realm that includes maintaining community pride through tough times, executing hometown events and celebrations and maintaining a quality of life that everyone expects but has to be accomplished without use of taxpayer dollars. The Mayor said she thought the Rec Board did a great job last year in trying to initiate that process with shared services. She read and explained her proposed changes. Mayor Gatto said she thought the best thing to do is repeal the Ordinance

establishing the CER Board and implement an Ordinance Establishing a Hamilton Township Community Based Programs Advisory Board and dictating membership similar to that of the Emergency Services Advisory Board. The Mayor read the proposed list of memberships. She said she understood if the Committee didn't want to take action on her plan tonight but she would be interested in their feedback.

Mr. Silva said he thought it was long over due and that the Mayor's proposal was very well laid out. He said he would be in favor of moving ahead with it.

Dr. Kesselman said when potential disbanding of the Industrial Commission was discussed last year and there were dollar figures associated with it that he thought at the time could be a savings to the Township. He asked if there was a budget associated with the CER Board. Mayor Gatto said there is a budget and she believes the biggest portion is the Secretary. She said she didn't know if it had been talked about yet but one of the options from a budget perspective was to flex the time for board secretaries for all entities so they could do the meeting without additional cost. Dr. Kesselman asked the Solicitor if there was a problem establishing a system for accepting and distributing donations for community based programs. Mayor Gatto said she put in "establishing a system" because during the Halloween Parade phenomena a lot of people said they wished there was just one place they could go to give donations and her vision is to establish some kind of mini-grant system, in some kind of protected account, and probably having some kind of treasurer appointed from the Board for oversight of it. Mayor Gatto said the Board would be charged with establishing it. Mr. Sandman said it would all be in the Ordinance. Dr. Kesselman asked how it played into the budget decisions the Committee made earlier with respect to the recreation programs. Mayor Gatto said she thinks it is more important at this time because it keeps the athletic providers engaged in the township just as any other volunteer organization. Mr. Silva said it also opens up opportunity to look at other opportunities around the township for sharing services such as use of other fields, courts, etc. Dr. Kesselman asked if the present CER Members, or most of them, would continue at least to end of their term. The Mayor said they would all continue and that there are currently 2 representatives from the MLAA and 2 from the Soccer Club but going forward theoretically there would only be one from each. She explained her thought was have them finish out the year and next year only have 1.

Mr. Cain asked if they would their recommendations directly to Township Committee. The Mayor said there would be a liaison to the board as is done with any other board. She said their recommendations would come to the Township Committee and that they wouldn't have any formal powers. Mr. Cain commented on the word "commission" scaring him and asked if the Mayor was proposing it as an advisory board. The Mayor said that was correct.

Mr. Silva moved, seconded by Mr. Palmentieri that the Solicitor be and is hereby authorized to draft a new Ordinance and bring it back to Township Committee for consideration.

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

Ordinance prohibiting smoking on Town Hall & Senior Center property:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1684-2011 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the January 26, 2011 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on February 7, 2011 in the municipal building, Mays Landing, NJ.

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

January 18, 2011

**TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ  
ORDINANCE NO. 1684-2011**

AN ORDINANCE AMENDING CHAPTER 225, ARTICLE III, SECTION 30 OF THE HAMILTON TOWNSHIP CODE PROHIBITING SMOKING ON PUBLIC PROPERTY

WHEREAS, municipalities are empowered to establish ordinances that prohibit outdoor smoking on municipal property; and

WHEREAS, the Township of Hamilton adopted such an ordinance on August 18, 2003, designated Ordinance 1475-2003, which is codified in Chapter 225 of the Hamilton Township Code; and

WHEREAS, the Township Committee desires to expand the prohibition on smoking to the lands constituting Township Hall and the adjacent areas ; and

NOW, THEREFORE, BE IT ORDAINED, by the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

1) The following is inserted at the end of Chapter 225, Article III, Subsection 30 of the Township Code:

(7) Township Hall, 6101 Thirteenth Street, Mays Landing, New Jersey and all adjacent parking lots and ancillary facilities located on the northern side of Thirteenth Street.

(8) Frank Grieco Social Services Center, 1309 Route 50, Mays Landing, New Jersey and all adjacent parking lots and ancillary facilities located on the western side of Route 50.

2). This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

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

ORDINANCE NO. 1684-2011 INTRODUCED AND PASSED FIRST READING ON JANUARY 18, 2011.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1683-2011 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the January 26, 2011 issue of the Atlantic County Record for public hearing to be held at 6:30 PM on February 7, 2011 in the municipal building, Mays Landing, NJ.

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

**TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ  
ORDINANCE #1683-2011**

**AN ORDINANCE AUTHORIZING THE GRANT OF A NON-EXCLUSIVE EASEMENT TO VERIZON COMMUNICATION FOR BLOCK 786 LOT 1.01 AS SHOWN ON THE TAX MAP FOR THE TOWNSHIP OF HAMILTON**

WHEREAS, Verizon Communications has entered into an agreement to provide certain telecommunications services with facilities located on property located on the municipal complex owned by the Township of Hamilton, specifically Block 786 Lot 1.01; and

WHEREAS, Verizon Communications requires an easement to enter onto and maintain equipment on the aforementioned lands owned by the Township of Hamilton; and

WHEREAS, the public interest will be served by the granting of the aforesaid easement, which will result in expanded services and revenue to the Township of Hamilton;

NOW, THEREFORE, BE IT ORDAINED by the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

1. A non-exclusive easement shall be and hereby is granted in favor of Verizon Communications on Block 798, Lot 1.01 as shown on the Tax Map of the Township of Hamilton in order to place, relocate, repair, maintain, replace and remove wires, cables, poles and other equipment to provide telecommunications services depicted in a certain drawing designated Z-1 prepared by Advantage Engineers annexed hereto as Exhibit A and incorporated herein.
2. The aforesaid easement shall automatically extinguish, without further action of the Township of Hamilton, if Verizon Communications shall cease to provide the telecommunications services utilizing the equipment placed pursuant to this ordinance.
3. That by taking any action to place, relocate, repair, maintain, replace and remove wires, cables, poles and other equipment to provide telecommunications services on Block 786, Lot 1.01, Verizon Communications agrees to release and hold harmless the Township of Hamilton from any claims or losses associated with its use of the easement and to fully indemnify and defend the Township of Hamilton from any third party claims related to Verizon Communication's use of the easement.
4. The Mayor and Township Clerk shall be and hereby are authorized to execute any documents, including, but not limited to, a Deed of Easement, which shall become necessary to record or formalize the grant of the within easement.
5. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

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

ORDINANCE #1683-2011 INTRODUCED AND PASSED FIRST READING JANUARY 18, 2011.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the bid of Two Thousand Seven Hundred Seventy-seven Thousand (\$2,777.00) submitted by George Phy and Michelle Morris-Phy for purchase of Block 1110, Lots 52 through 58 inclusive pursuant to terms and conditions of Ordinance #1681-2010 be and is hereby accepted.

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

Award of contract for front steps & wall repairs:

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

RESOLUTION AWARDING CONTRACT

WHEREAS on January 5, 2011 the Township of Hamilton received sealed bid proposals for Repairs to Front Steps & Wall at the Township of Hamilton Municipal Building; and

January 18, 2011

WHEREAS the following bids were received:

<u>Name</u>	<u>Bid Amount</u>
RDA Construction Co. 202 Brandywine Court, Medford, NJ 08055	\$ 52,163.00
MJJ Construction, LLC 471 White Horse Pike, Atco, NJ 08004	\$ 67,977.00
Diamond Construction 35 Beaverson Blvd., Brick, NJ 08723	\$ 78,100.00
Statewide Fire Restoration, Inc. 2151 Brookfield Street, Vineland, NJ 08361	\$ 98,370.00
Gen II Contracting Co., Inc. 395A Millstone Road, Clarksburg, NJ 08510	\$111,315.00

WHEREAS, the Township Engineer and Solicitor have reviewed aforesaid bids and determined that RDA Construction Company, is the lowest responsible bidder; and

WHEREAS, Robert J. Smith III, Township Engineer recommended in writing on January 11, 2011 that the contract for Repairs to Front Steps & Wall at the Township of Hamilton Municipal Building, Mays Landing, NJ,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, that:

- (1) The foregoing facts are hereby ratified and affirmed.
- (2) Funding shall be from Ordinances #1462-03 and #1649-09.
- (3) The bid of RDA Construction Co., is hereby accepted and the Contract for Repairs to Front Steps & Wall at the Township of Hamilton Municipal Building is awarded to it in the amount of Fifty-two Thousand One Hundred Sixty-three (\$52,163.00) Dollars.
- (4) The Mayor and Township Clerk be and are hereby authorized to execute the contract with RDA Construction Co.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,  
TO REFUND 2010 TAX PAYMENTS**

WHEREAS, there appears that payments were received on three properties that are part of our In-Rem foreclosure, and;

WHEREAS, payments can not be accepted on any property that has a municipal lien unless the payment is payment in full and therefore, the payments must be refunded as follows:.

<b>Block/Lot</b>	<b>Assessed Owner</b>	<b>Amount</b>
167/5	Jacobs, Pauline	\$ 12.12
351/9	Clemons, Milzie	4.04
588/85	Hermann, Jamie	1,288.99

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the payments that appear above be refunded.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

**“RESOLUTION”**  
**APPOINTING CONTACT PERSON FOR**  
**THE EMPLOYMENT PRACTICES LIABILITY HELPLINE**  
**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Governing Body of The Township of Hamilton, hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has purchased Employment Practices Liability coverage from XL Insurance Company; and

WHEREAS, XL Insurance has arranged for the Fund members to have access to an EPL HELPLINE service and;

WHEREAS, the HELPLINE will provide the following services;

- Attorneys will answer *specific* HR and Employment Law questions
  - Confidential and timely responses
  - Attorney client privilege
  - Via Website/E-mail
  - By Telephone with written follow up response
- On Line Training
  - Managers/Supervisors
  - Slides, Audio, File Downloads
  - Small Chapters
  - Certificates of Completion
- Additional On Line Resources
  - Question of The Month
  - Case of The Month
  - HR Alerts via e-mail and posted on website
  - Federal/State News Updates
  - HR Posters
  - Model Policies/Handbook

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have access to the HELPLINE;

NOW THEREFORE, be it resolved that the governing body of The Township of Hamilton does hereby appoint Mr. Michael Jacobs, Township Administrator as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Chief Stacey Tappeiner & Ingrid Perez, Alternate Fund Commissioner as their additional Contact Persons.

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

ATTEST: \_\_\_\_\_ MUNICIPALITY: TOWNSHIP OF HAMILTON

By: Joan I. Anderson, R.M.C. TITLE: TOWNSHIP CLERK

AYES 5 NAYS: 0 ABSTAIN: 0

DATE: January 18, 2011.

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

WHEREAS the Township has received reimbursement from FEMA for expenses incurred by the Township and emergency service agencies as the result of the February 5, 2010 snow storm and March 13, 2010 Nor'easter,

January 18, 2011

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the sum of Eleven Thousand Five Hundred Twenty-nine Dollars and ninety-four cents (\$11,529.94) is hereby authorized to be disbursed from aforesaid FEMA Funds as follows:

Township of Hamilton Dive Team:	\$ 178.50
Township of Hamilton Rescue Squad:	1,274.72
Mays Landing Volunteer Fire Company:	2,686.71
Mizpah Volunteer Fire Company:	690.15
Laureldale Volunteer Fire Company:	3,449.00
Weymouth Volunteer Fire Company:	2,467.57
Cologne Volunteer Fire Company:	<u>783.29</u>
	\$11,529.94

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator and Mayor be and are hereby authorized to sign the application for West Jersey Avenue Section 1 Soil Erosion and Sediment Control Plan Certification.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Philip Sartorio be and is hereby authorized to execute Completion of 2010 Affordable Housing Trust Fund Monitoring date in the CTM System.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the request of Energy Enterprise Inc. for release of Cape Bank letter of credit #2007-06, in the amount of \$10,338.44, the maintenance guarantee for improvements required on Block 671, Lot 2, be and is hereby denied as recommended by Robert J. Smith III, Township Engineer, dated December 20, 2010 and F. Robert Perry, Landscape Inspector, dated December 16, 2011 due to uncompleted punch list items.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #1-2011 be and is hereby approved for the Oakcrest High School Falcon Crew Booster Club off-premise raffle with drawing to be held March 30, 2011.

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

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of \$6,578.93 being held in escrow as the performance guarantee for Paul and Joan Macrie LLC storage building addition project (Block 67, Lots 2 and 4 is hereby **denied** as recommended by Robert J. Smith III, Township Engineer in letter dated December 8, 2010 due to uncompleted punch list items.

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

January 18, 2011

Mayor Gatto moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Travelers Casualty and Surety Company of America bond #105527195, in the amount of Thirty Thousand Six Hundred Eighty-four Dollars (\$30,684.00) be and is hereby accepted as a performance guarantee for Capital Telecom Acquisition LLC for improvements required for their wireless tower project on Block 786, Lot 1.01 (Town Hall site).

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

Mr. Silva 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 Business Registration License for China May Garden, Inc., a fast food restaurant at Consumer Square, is hereby approved.

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

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

BE IT RESOLVED that the Transient Vendor License for Alex Lyon & Son equipment auction to be held at the Atlantic City Race Track April 31, 2011 Through May 4, 2011, is hereby approved.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI AND SILVA VOTING "AYE", NO "NAY", MAYOR GATTO ABSTAINED DUE HER FATHER BEING AN EMPLOYEE OF ATLANTIC CITY RACE TRACK.

Authorization to institute Receivership Proceedings against 5218 Atlantic Avenue Associates LLC for tax delinquency on Block 994/Lot 4

Mr. Silva explained he requested this be removed from the Consent Agenda because the Company asked for a 2 week delay because when the State when the State went into the building to outfit it for their needs, they withheld their rent and that left the company short. He said the Company has made other arrangements while waiting for Trenton to release their money they have asked for a two week delay; they will pay the \$190,301.08 plus all penalties involved. Mr. Silva said he told them it wasn't a decision he could make by himself, it should come before Township Committee.

Mr. Talvacchia, attorney for 5218 Atlantic Avenue Associates LLC, explained the building is in the Industrial Park and the IRS is currently tenant in about 20,000 square feet. He explained they have signed a new lease with the State for 45,000 square feet and under the terms of the lease the Company was obligated to advance the funds to fit up the building for their offices. Mr. Talvacchia said the State is more than 90 days delinquent in paying their rent and the result is that they had to fund that money. He said they are now making arrangements to raise almost \$250,000.00 they are owed as of January 31<sup>st</sup>. He explained that if the Committee takes this action tonight it would technically put them in default with their mortgage lender and both tenants and would have a negative impact. He said the owner went out, secured the lease, and used its own money to get the tenant in there. Mr. Talvacchia said it is a cash flow issue and they fully intend to pay the municipality. He asked the Committee to give them two weeks and said if they don't pay by February 7<sup>th</sup> the Committee can do what it has to do. Mr. Silva asked if the payment would be in by February 1. Mr. Talvacchia said it would be in by January 31.

Mr. Cain asked Mr. Sandman if he saw Any harm in the governing body doing this. Mr. Sandman said he didn't know because he didn't know if it was anticipated revenue or unanticipated revenue that could be used in this year's budget. He said there are time provisions in which money collected slightly after January 1<sup>st</sup> can be considered anticipated revenue. Mr. Sandman said he didn't know it was being pulled and didn't have time to talk to the Collector. He said his concern is that he wants to use the money this year.

January 18, 2011

Mr. Cain said Township doesn't have that money right now and they have an opportunity to work with a business in the Industrial that is pursuing bringing other entities and employees into the Park.

Mr. Silva moved, seconded by Dr. Kesselman that the request of 5218 Atlantic Avenue Associates LLC for a two week extension of time for payment of their tax delinquency and all penalties until January 31st.

DISCUSSION: Mr. Sandman asked the Committee not to do that. He said the item has to be tabled.

Mr. Silva withdrew his motion and Dr. Kesselman withdrew his second.

Mr. Silva moved, seconded by Mr. Palmentieri, that the authorization for the Collector to institute action in superior Court to be appointed Receiver with respect to 5218 Atlantic Avenue Associates LLL tax delinquency be and is hereby tabled.

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

Temporary appointment of Acting Building Sub-code Official

Mr. Jacobs explained the other temporary appointment is going to expire and the Township needs a Sub-code Official. Mayor Gatto said it gives the Committee time to decide on a permanent appointment.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Thomas Satter be and is hereby appointed Acting Building Sub-code Official for a fifty-nine (59) day term effective January 25, 2011 through March 24, 2011 at \$33.61 per hour and that he be returned to a 5-day week work schedule for the effective term.

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

Mr. Silva moved, seconded by Mr. Palmentieri, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the minutes of the December 20, 2011 regular meeting and the January 3, 2011 Reorganization and regular meeting be and are hereby approved and adopted as published.

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

Mr. Palmentieri 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 total being \$1,704,388.77 as of January 13, 2011.

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

Reports

Mr. Jacobs reported he e-mailed copies of reports from all Departments to the governing body and said for them to call him if they had any questions.

Mr. Jacobs reported there was a quote from him in the newspaper regarding pension deferral that was misunderstood and there will be a correction in tomorrow's paper.

Mr. Sandman reported receiving a response from Timber Glen's engineer through the Township's engineer and representations were made directly to him by Mark Mariello regarding their continuing maintenance activities to bring the basin up performing. He said he will send the governing body a copy of the letter sent to Mr. Smith indicating they have designed and implemented a stormwater management system maintenance plan to restore the function as originally approved. He said it included a plot plan of what work was done what their intentions are. Mr. Sandman it sounded like they are doing what they are supposed to do and the developer asked him to recommend to the Township Committee holding off on the issues on the bond. Mr. Cain asked if it included a time line. Mr. Smith said it didn't. He explained it is difficult to put a time line on it because it may require review by the Pinelands Commission and, at a minimum, administrative review by the Planning Board Mr. Silva commented on being able to see where they have staked out the area. Mr. Smith said they have implemented a portion of it. Mr. Palmentieri asked if what the original plan wasn't malfunctioning to begin with and if they weren't supposed to come up with a remediation plan and then maintain the fixed condition. Mr. Smith said they are modifying the area behind the tennis courts enlarging it and changing the grade. He explained they term it a maintenance plan because they are trying to maintain the original intent and aren't redesigning system. Mr. Palmentieri said it is progress but it is 9 months too late and he thinks the Committee would be foolish not to put a drop-dead date on it. Mr. Smith said he thinks it should be measured by whether they are making progress and being proactive. He said their activities can be monitored through the Planning Board. Mr. Smith said it can be monitored through the Planning Board Engineer and that he will call Pinelands tomorrow to see if it has to be re-reviewed by them. Mr. Cain asked if the process would have to start all over again if the Committee agreed to the developer's request and they didn't comply. Mr. Sandman explained he has only researched the bond and placed them on notice so far and the expense has not reached a point where it is significant but the next step would be. He explained that would be drafting a pleading and filing a complaint. Mr. Sandman said they are doing what the Township has the right to compel the bonding company to do and in doing that they have the obstacles of planning, zoning and Pinelands review. He said there is nothing more he can compel them to do as long as they are doing it in the guidelines of that time frame. Mr. Palmentieri suggested sending a letter telling them that the Township will exercise all of its options unless they diligently pursue doing the options they laid out. Mr. Sandman said he can do that and ask for a time line. He said the uncompleted punch list items can be done under the bonds when they are ultimately looked at and there is a claim by Hamilton Township for the cost of remediating the basin at Hamilton Walk. He suggested the letter Mr. Palmentieri suggested be sent do nothing now. Mr. Cain said the only reason there should be no action on that property would be that they are waiting for Pinelands approval. He commented on his concerns being similar to Mr. Palmentieri's and said he wants to offer some relief because they are showing a little good faith but he doesn't want to lose the ground already started.

Mr. Sandman reported he received the Docket number for the In Rem Foreclosure action and explained it was impossible to get it by the end of December (2010) because of the number of foreclosures filed. He said the notices will probably go out by Friday.

Dr. Kesselman explained the Quality of Life report was postponed because of the budget discussion but it will be made at the next meeting.

Mr. Palmentieri asked if the 4-way Stop Ordinance for Old Landis and Estelle Avenues was ready. Mr. Smith said he reviewed the police report and concurred with it; the next step is to have the Ordinance prepared and introduced. Mrs. Anderson explained the Ordinance was already authorized and the Solicitor just needed that information.

#### Public Comment

Kenneth Messina said his taxes go up every year and are up to \$14,000.00 now. He said he isn't accustomed to paying more and getting less. Mr. Messina commented on hearing about the Police and Teamsters over and over and said they are the only ones taking cuts. He said what the governing

January 18, 2011

body is only talking about 30% of his taxes and asked if the schools and county were going to go through the paid the Township Committee is when it comes to their budgets. Mr. Messina commented on living in the Weymouth area; on getting good police response when he calls; not wanting to pay \$14,000.00 and get less; seeing teachers get 3½% raises and the Township wants to cut municipal employees who make minimum money to start with; and said he is not for laying off police officers laid off. Mr. Silva suggested Mr. Messina tell his friends to go out and vote. Mr. Messina asked how the township can continue to add housing units and reduce the police force. Mayor Gatto said the Committee Members share Mr. Messina's frustration. Mr. Cain said that is why he is opposed to any tax increase. He said the Township is doing a great job with the 30% that they collect with 22 categories of service.

Harry Rogers commented on the last defeated school budgets coming to the township committee and said there were some cuts. Mr. Silva explained the governing body cut \$1 million from the Greater Egg Harbor Regional budget and \$330,000.00 from the local school budget but they cannot tell the Boards how to do it. Mr. Silva commented on not knowing what the school boards and county will do even if the Township doesn't raise their taxes. He said people have to go to those meetings and voice their opinions or get out and vote in every election. Mr. Silva said it is the public's right and duty to vote. Mayor Gatto said the governing body was adamant on cutting the maximum they could on both school budgets. Mr. Rogers said the Township Committee has made significant efforts on reeling in spending the past few years and commented on the Committee looking at significant cuts going forward. He said it seemed every savings they made were offset by an unanticipated headwind and now they are looking at a state of emergency. He said the largest recipient of township funds has been the Police Department and the Committee is looking at cutting 1/6 of the Department and he asked if they had been given the option of taking an 18% cut and decide amongst themselves how the cuts will be prorated. Mr. Rogers police layoffs in Camden and said Hamilton Township faces a similar problem on a smaller scale. He asked if the Police were given the opportunity to manage with an 18% lower budget and maintain a larger number of people on the job. He commented on his company losing 18 employees last year and the rest taking a 15-20% pay cut. Mayor Gatto said the Committee has worked very hard over the past several years to establish a non-combative relationship with the unions. She said what was authorized tonight was for the Administrator and Committee to go to them and tell them "this is your share" and ask how they want to do it. Mr. Jacobs said the Township has the ability to raise \$600,000.00 in taxes and they have a \$2 million hole. He said even if the Committee wanted to raise taxes they don't have the legal authority to do it; State mandates are requiring downsizing. Mr. Rogers urged the governing body to give the union the opportunity to manage with smaller budgets. He said there is a possibility of keeping 4 officers on the streets and in the cars if they are willing to work with the governing body. Mr. Rogers referred to the Red Light Camera award and said he understands the public safety concern Mr. Cain put forward but it is truly a big government, nanny-state solution and there is no way future Committee members will resist the temptation to use it as a revenue raising tool if it proves successful on the revenue side.

Mr. Cain commented on spending countless hours and multiple meetings since reorganization because they realize the dire situation the Township is in. He said they tried to get across to the public what inaction will cost; that is why they are trying to move forward; and they had to put numbers to the dollar amounts to show the gravity of the situation. Mr. Cain said the Committee authorized entering into negotiations and talks with the Department Heads including the Chief to see if there is another way to accomplish the savings. Mr. Cain said no one on Committee wants to see a police officer off the street but they can't raise taxes and are limited in what it can do; that is why they took the action they did tonight; and now they can go back and discuss if and how there is another way to do it and save bodies.

Mayor Gatto said the challenge is to get permanent concessions as opposed to one-time temporary fixes that puts the township back in the same place year after year.

Greg Ciambrone asked if the benefits of merging versus dissolving the MUA were compared and if there will be a true cost savings by just merging. Mayor Gatto said the Committee combed through both auditor's reports, brought the auditor back in to go through in extreme detail on what is the right way to go and they think they can accomplish the amount of reoccurring and permanent savings they need to see through a merger/inter-local arrangement without shifting the budget page that the budgets are calculated on and the principals are applied to. She said there is a lot of work that goes into that kind of change. Mr. Ciambrone asked if there was a proposed number for savings by just doing the merger. Mayor Gatto said they have some ideas but she doesn't want to put it out numbers because they have to put their heads together with the MUA more collaboratively to see all of the opportunity. Mayor Gatto said the Committee has ideas of where the opportunity is on it side but they won't know what ideas the MUA has without round table discussions with them. Mr. Ciambrone said he understood what Mr. Sandman said about the Notices being a chance to talk to figure out if there is a chance to figure it out together but the problem is the officers think they are being laid off. Mr. Ciambrone said that is sad because they do an outstanding job and the township has one of the most proactive, professional Police Departments in the State. He said it will have a negative effect. Mayor Gatto said the same can be said for the Teamsters and non-union employees. She said she thinks the Township has some of the best people in the State in this Town Hall. She that is why they wanted to paint the picture and let everybody know what the situation is and now enter into conversation very, very quickly. The Mayor said it will be abrupt; fast; and the same thing applies to the MUA. Mayor Gatto said the Committee wants an update at the next meeting and they will decide where they are going to go from there.

There being no further comments from the public, Mr. Silva moved, seconded by Dr. Kesselman, that the public comment portion be closed.

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

Mr. Silva moved, seconded by Dr. Kesselman, that this meeting be and is hereby adjourned.

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

ATTEST:

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