

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
FEBRUARY 1, 2010

The regular meeting of the Township Committee 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., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, Robert J. Smith, III, Township Engineer, and Chief Financial Officer Richard Tuthill. Mr. Tuthill left at the conclusion of the Preliminary 2010 Budget Projection presentation.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open 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 said notice along with the agenda for this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 P.M. on Monday, February 1, 2010 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed. Mr. Silva said Rich DeFeo is in the hospital following serious heart surgery and asked people to keep him in their thoughts.

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 added to the agenda of this meeting for consideration and action to be taken thereon tonight:

5.A Insert names of Businesses:

- (1) Christmas Tree Shops - retail house wares, home decor, toys, paper goods, seasonal and decorative merchandise sales located in Consumer Square.
- (2) Taco Bell - fast food restaurant at Consumer Square
- (3) Miss America Inc. - beauty supply store at Hamilton Mall (renewal)

10. Executive session re: Proposed Memorandum of Understanding with PBA.

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

There were no executive session confirmations to be made.

2010 PRELIMINARY BUDGET PROJECTION PRESENTATION

Mr. Sasdelli's entire power point presentation is available on the Township website.

Mayor Silva said he would like to see what improvements there were between 2008 and 2009 and what it will be looking at 2010 giving credit to wise decisions made in the past to show which way the township is going. He said it should support the fact the numbers are coming down. Mr. Sasdelli said the Committee has options because of things done in the past. He commented on being worried about the unknowns if the 4% cap is lowered or the state cuts its funding. Mr. Sasdelli said they have been told to use the same numbers as last year but Finance lowered it by 10%. He said the Township Committee has to decide on the amount of surplus to be used and the tax levy.

Dr. Kesselman asked if the decrease in ratables due to tax appeals were from residents or businesses. Mr. Sasdelli explained it was businesses like the Hamilton Mall and Target that felt their property had depreciated in value and went for tax appeal settlements.

The Mayor commented on the \$3.7 million shortfall not including any surplus. He asked if Mr. Sasdelli could have the blanks for surplus, tax levy and contribution filled in at his next presentation. Mr. Sasdelli said he could fill in what he thinks the numbers would be.

Mr. Palmentieri said the budget committee will met with Mr. Tuthill, gather input, and put a proforma budget together with the best estimate of what the line items should be to sustain the goal of the multi-year commitment towards some equilibrium in the structural deficit so they don't spend everything they have in any one year and have the rebound be 3 times higher in any bad year such as this one.

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Mayor Silva said he thought the Committee agreed that the budget drives everything and so much of what will be looked at in the strategic planning is going to be what the Committee decides in terms of the input gathered and presentations made to the Committee in the next three years. Dr. Kesselman said that is exactly what strategic planning does. He said it helps line the budget to the priorities but you have to have the priorities in place. The Mayor said credit should be given to both of the prior Finance Committees that did a lot of ground work over the past couple of years. He said he thought everyone was cautiously optimistic. Mayor Silva said the sooner they look at it the sooner they will be able to make those important decisions.

Dr. Kesselman asked how long the tax appeal process for businesses took from start to finish. Mr. Sandmen explained the appeals are filed in April based on the October valuation. He said the Township's Assessor has done a very good job with in settling appeals. Mr. Sandman said the larger ones like Macys, J C Penny and Sears are in the Tax Court because they exceed \$750,000.00. He said the tax court is seriously bogged down because so many towns have ratios of less than 50%. Mr. Sandman said trial dates are set for May and June on some of them but the court isn't pushing them. He said the revaluation should eliminate future fears of large commercial appeals. Mr. Sandman said the length of time it takes depends on how long it takes the two appraisers to get together.

Ms. Gatto said last year's Finance Committee made presentations as to what they thought the 2010 budget would look like and they are on the website. She said some numbers in them were left open for this Township Committee to consider. Ms. Gatto said she thinks it is important that the public know that over the past several years the Township Committee has been looking forward and put together plans looking forward 3, 5 and even 10 years ahead. She said she thinks it is important for the public to know that this Committee isn't starting from a blank slate and that things have been being done proactively for a couple of years to make sure they were in well positioned by the time they got to the real 2010 budget time. Ms. Gatto said they have been looking at it since early in the summer of 2009. Mayor Silva asked if Mr. Sasdelli would be in a position to make a presentation with those numbers filled in by the next meeting and said he thinks it will show the hard work that was done. Ms. Gatto commented on a couple of things being done in 2009 to eliminate some of the 2010 expenditures that would go into the employee concessions. She asked if the Teamsters and non-aligned employees concessions were included in the expenditures. Mr. Sasdelli said the concessions from the Teamsters and non-aligned employees are in the number but he doesn't have anything from the Police. He said the salary increase line would not be \$220,000.00 if he didn't have concessions from the Teamsters and non-aligned employees.

Mayor Silva commented on unfunded mandates and read a resolution calling on the governor and legislature to eliminate all unfunded state mandates that he would like listed on the next agenda.

Mr. Cain said it is important to commend the previous Committees for being proactive to get this Committee where they are today. He said he is concerned about the balance between savings and services. Mr. Cain said he thought the Committee needs to be concerned with the fact they reduced the work force by 15 and the number of retirements concern him. He said that after talking with the prosecutor and public defender he is concerned about eliminating the records clerk position because eliminating that position could have far-ranging impacts. Mr. Cain said he would be in favor of allowing Chief Tappeiner look into that position as far as his management plan and quickly try to find someone to fill that role. He said he thinks the Administration and Management Team should try to figure out how the Township is going balance services and savings with the other 3 positions. Mr. Cain said he doesn't think the Township can afford to lose all four of them. Mr. Sasdelli explained one of the positions is the Zoning Board Secretary and the Township does have to have one. He said that the Township is collecting \$50 million in tax revenue with 2 people and help is needed there (the Tax Collection office) and that the police records department is already down a couple of people. Mr. Sasdelli said he is still confident there will be savings because the positions will not have to be replaced with 4 full-time bodies and if they can come up with using some part-time, some full-time or some transfers they can come up with a scheme that saves money. Mr. Cain explained his concern with the records clerk position is that in 2007 there were 6½ clerks and they were 25-35 days behind; in 2008 it went down to 6 clerks and they were backed up 15-35 days; in 2009 it went to 5 clerks and they were 35-103 days behind. Mr. Cain said it is a skilled position and if a person isn't in place when (Lore's) retirement starts it will affect the morale in the police department as well as court revenue with cases being dismissed because discovery isn't being done on time. Mr. Cain said he would like something done about that position quickly. Ms. Gatto said the police records clerk position is not being eliminated, the person in the position is retiring. She said she agreed that Chief Tappeiner had a great management plan and he should be given the time and freedom to start putting it in place. Ms. Gatto said she knows that position was in the Chief's management plan. Mr. Cain said the Tax Collector and a single staff member did a fantastic job and the collection numbers are in

line with last year. He said that is also a skilled position and he believes someone has to be brought up to speed on it in case something happens because the Township can't afford interruption there. Mr. Sasdelli explained they didn't do it with just 2 people because he took employees from the Township Clerk's office, Public Works and other offices to put in there but that isn't a place for musical chairs because they handle so much cash. Mr. Sasdelli said he understood what Mr. Cain is saying and it is a legitimate concern because he doesn't want the quality of services to fall below an acceptable level. He said that he and Chief Tappeiner already talked about the police records clerk position including transfers, part-time and other options. Mr. Sasdelli said he would talk to the Personnel Committee and have recommendations on it.

Mr. Palmentieri said one of the reasons the Committee didn't jump into the next steps is because they have to evaluate staffing numbers and the Committee can't just keep not filling positions. He said there are some conscious efforts where some services might be reduced but there are others that would be counter-productive. Mr. Palmentieri said those two types have to be carefully evaluated, good choices made differentiating them which would have a budgetary impact.

Mr. Cain said he received numbers on the cost to support each board and commission. He said he would rather see services and employees maintained if cuts can be made somewhere else. Mr. Cain said he would like to eliminate some levels of government and make it more efficient. He asked that the numbers be reviewed and included in the budget hearings. Mayor Silva said he agreed. He said Mr. Cain will play a major role in this as part of the Strategic Planning Committee.

Dr. Kesselman commented on the budget shortfall the Committee is facing and said it is a difficult time to engage in the Strategic Planning process because they aren't looking to grow. He said the Committee began doing this over the past several years without articulating it. Dr. Kesselman commented on news articles and letters to the editor regarding services and priorities but the bottom line is that the Township needs citizen input on what needs to be done. He said it is important to understand that if you say something is important you have to match it with the budget. Dr. Kesselman said that forces them to justify why the funding is there. He asked why the Committee is funding an entity or department if it can't fit into the priority. Dr. Kesselman said he doesn't want to make unilateral decisions because some people will be for and some will be against every decision the Committee makes. He said there will be intended and unintended consequences to any decision the Committee makes and they have to look at all of them. Dr. Kesselman commented on being 2 to 3 months into formulating a budget for year that has already started and said he hopes that with the Strategic Planning they will be able to say this is where we are and this is where we hope to be at the end of two years but if the ratables drop the Committee has to make up \$500,000 to \$600,000.

Mayor Silva invited anyone in the public who had comments on the budget presentation to feel free to make them during the public comment portion of the meeting.

Early public comment on agenda items excluding those listed for public hearings

Wayne Choyce commented on the Zoning Board concerns about saving several mature trees on the Taco Bell site that would be affected by the construction and said many of them were badly damaged by the contractor. He said he doubts any of them lived and he wants to be sure that the Zoning Board requirements are complied with before any landscaping guarantee money is released. Mr. Sasdelli said he dispatched the landscape engineer there when Mr. Choyce made the same comments before. Mr. Smith explained the Township is still holding 30% of the original performance guarantee amount and that item on tonight's agenda is only a reduction. He said that if those trees didn't survive the developer will be required to replace them with something comparable. Mr. Cain commented on being on the Zoning Board at the time and the Board wanting those trees to be saved. He said he thought that was totally disregarded. Mr. Sasdelli explained there is a spread sheet of all the costs and there is nothing on it that has not been inspected. Mr. Smith explained the amount for work to be completed is way less than the amount of the guarantee the Township is still holding. Mayor Silva asked Mr. Smith to put them on notice that the trees were damaged.

Ms. Gatto moved, seconded by Dr. Kesselman, that Consent Agenda Items A through L be approved.

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

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Subsequent to acceptance of the notices of retirement, Mr. Sasdelli said that in light of a letter received today it would be imprudent to approve Consent Agenda Item J and asked the Solicitor for a legal opinion. Mr. Sandman explained item 5.J should have been deleted based on information he received today. He recommended the resolution to approve the Consent Agenda A through L be rescinded and a new motion be made to approve Items A through I and K through L.

Ms. Gatto moved, seconded by Dr. Kesselman, that the preceding vote to approve Consent Agenda Items A through L be and is hereby rescinded and that approval be given to Consent Agenda Items A through I and K through L only.

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

NOTE: THE FOLLOWING 11 RESOLUTIONS ARE FOR AGENDA ITEMS A-I AND K-L.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Business Registration Licenses are hereby approved:

- (1) Christmas Tree Shops - retail house wares, home decor, toys, paper goods, seasonal and decorative merchandise sales located in Consumer Square.
- (2) Taco Bell - fast food restaurant at Consumer Square
- (3) Miss America Inc. - beauty supply store at Hamilton Mall (renewal)

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

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 Young Skating Center is hereby granted an extension of hours from 11:59 p.m. on July 2, 2010 through 4:00 a.m. on July 3, 2010 for the East Coast All-Stars all-night skate event.

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

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 Philip Sartorio, the Housing Liaison & Affordable Housing Trust Fun Report Preparer, is hereby authorized to execute a certification of completion of the 2009 Affordable Housing Trust Fund Monitoring data in the CTM system.

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

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 TD Bank letter of credit #136192090093, performance guarantee for TACO Bell, is hereby authorized to be reduced from \$138,284.25 to \$68,572.80 as recommended by Robert J. Smith III, Township Engineer, in letter dated January 26, 2010.

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

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 Boardwalk Bank letter of credit #2007-30, performance guarantee for CN Construction (formerly the Bernard Laleyan subdivision - Block 1123, Lot 1) is hereby authorized to be reduced from \$167,212.24 to \$50,163.37 as recommended by Robert J. Smith III, Township Engineer, in letter dated January 26, 2010.

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

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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 Raffle License #1-2010 for the Mays Landing Athletic Association calendar raffle with drawings to be held on April 12, 2010, May 3, 2010 and May 24, 2010 at Cousin Mario's Restaurant is hereby approved.

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

AMENDMENT TO JANUARY 4, 2010 RISK MANAGEMENT CONSULTANT APPOINTMENT RESOLUTION

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 January 4, 2010 resolution appointing Nicholas Cashan III the Risk Management Consultant be and is hereby amended to read as follows to include the JIF formal resolution language:

JIF RESOLUTION 1-2010
RISK MANAGEMENT CONSULTANT
ATLANTIC COUNTY MUNIICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Hamilton is a member of the **Atlantic County Municipal Joint Insurance Fund**, a self insurance pooling fund: and

WHEREAS, the Bylaws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered b6 the governing body; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton does hereby appoint Nicholas Cashan III and AJ Gallagher Risk Management Services, Inc. as its Risk Management Consultant for the year 2010 at \$29,500.00 per year or until a successor is appointed in accordance with 40A:11-5; and

BE IT FUTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5(1), (a), (i).

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

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 it has no objections to the Division of Alcoholic Beverage Control approval and/or issuance of a Social Affair Permit for the St. Vincent DePaul Home School Association wine tasting event to be held on February 20, 2010 from 7:00 p.m. to 11:00 p.m. at the St. Vincent DePaul School.

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

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

BE IT RESOLVED by that the Township Committee of the Township of Hamilton has no objections to the New Jersey Department of Transportation and/or the County of Atlantic approving and/or issuing permits to the V.F.W. Post 220, for coin drops to be held at the Wrangleboro Road/Route 322 jug handle and the Borders Book Store corner on June 5 and 6, 2010 and on September 25 and 26, 2010.

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

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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 Construction Official is hereby authorized to waive the permit fees for the Mizpah Fire Company renovations to Mizpah Fire House kitchen, bathroom (sheet rock only) and addition to make a new foyer main entrance.

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

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution establishing 10:00 AM on Thursday, February 18, 2010 as the date and time for public sale of Block 1139, Lot 2 be and is hereby adopted.

RESOLUTION AUTHORIZING PUBLIC LAND SALE

WHEREAS, the Township of Hamilton is the owner of lands hereinafter described; and

WHEREAS, a request has been made for said lands to be offered for public sale; and

WHEREAS, in the judgment of the Township of Hamilton, said lands are of no further use for public purposes, are not needed for public use, and should be disposed of by sale at public auction in accordance with the statute in such case made and provided; and

WHEREAS, all contiguous owners were notified by certified mail, return receipt requested of their right to prior refusal to purchase said lands by a sealed bid process pursuant to Ordinance #1665-2009 and no bids were received,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that all right, title and interest of the Township of Hamilton, Atlantic County, NJ in and to the lands described as follows shall be sold to the highest bidder at a public sale to be held at 10 a.m. on Thursday, February 18, 2010 in the municipal building, 6101 Thirteenth Street, Mays Landing, NJ, subject to the terms and conditions set forth in the Notice of Public Land Sale and such other conditions as may be stated at the time of sale:

<u>Block/Lot(s)</u>	<u>Lot size</u>	<u>Location</u>	<u>Zoning</u>	<u>Minimum Bid</u>
1139 / 2	.86 acre	Holly Street	RD-5	\$500.00

BE IT FURTHER RESOLVED that the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale as published in accordance with law and available in the Township Clerk's Office. Said terms and all conditions shall survive closing and transfer of title.

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

Acceptance of retirement notifications

Ms. Gatto commented on Mrs. deVecchis and Mrs. Stefy being long-time and dedicated employees. She said she hoped they would enjoy their retirements.

Ms. Gatto moved, seconded by Dr. Kesselman, that Jeanne deVecchis' notice of retirement effective April 1, 2010 be and is hereby accepted.

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

Ms. Gatto moved, seconded by Dr. Kesselman, that Lore Stefy's notice of retirement effective March 31, 2010 be and is hereby accepted.

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

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 the minutes of the January 4, 2010 Reorganization Meeting, the January 4, 2010 Regular Meeting and the January 19, 2010 Regular Meeting be and are hereby approved and adopted as published.

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

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Ms. 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 all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$3,108,699.79 of January 28, 2010.

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

Reports:

Administrator: none

Solicitor: none

Engineer: Mr. Smith reported the Timber Glen developer has started to get the lakes drained to be able to do the remedial work.

Ms. Gatto reported she will be meeting with Mr. Morley, Sue Giberson and Frank Blee to discuss ways to enhance social services on Wednesday.

Ms. Gatto reported receiving a memo from the Recreation Board recommending the expenditure of up to \$5,000.00 from the Recreation Trust Fund for conduit wiring and lift rental for completion of the soccer field lighting. She said that is in line with the Recreation study and asked that authorization for the expenditure be on the next agenda.

Ms. Gatto said she wants to hold action on the Recreation Board recommendation to spend \$25,000.00 from the Recreation Trust Fund to refurbish two tennis courts at Underhill Park until the Public Works and Recreation Board meet because that is not in line with the Recreation Study recommendations from 2009. Mayor Silva asked Ms. Gatto to be sure all the new members of the Recreation Board have a copy of that study.

Ms. Gatto reported Assemblymen Amadeo and Polistina are sponsoring a collection of relief items for Haiti and said there will be a container in town hall for donations. She said there will be a press release on it and suggested collecting through February and then delivering what is collected to the Assemblymen's offices.

Mr. Cain said he echoed the comments about keeping Rich DeFeo in prayer.

Mr. Cain reported the taping of the Zoning and Planning Board meetings was brought up at the Zoning Board meeting last Monday. Ms. Gatto said she is reaching out to the high school for help. Mr. Cain expressed hope Ms. Gatto can find a student willing to do it because what those Boards do shapes the future of the township.

Dr. Kesselman reported meeting with Mr. Cain, Mr. Sasdelli and Lisa Hedrick last Friday to review the process and steps associated with the Strategic Planning Committee. He reported a steering committee will be established to review the Mission Statement and articulate the Vision Statement. Dr. Kesselman said there will be opportunity for public input and it will probably be in the town meeting forum in the next couple of weeks.

Dr. Kesselman said certain quotes in an article in the Atlantic County Record and the Record Journal concerning the Industrial Commission didn't accurately reflect his comments and it is being addressed. He clarified that he never said Industrial Commission Members are paid. Dr. Kesselman said that in his judgment the \$30,000.00 budgeted annually for the Commission would be better spent to reduce the deficit. He suggested an Economic Development Council, which would be advisory and is common in most townships today, would be much better, less expensive and have citizen input into the recruitment and expansion of businesses, industries and tourism in the township.

Dr. Kesselman commented on there being a lot of discussion recently about health care benefits for elected and appointed officials such as the Township Committee and MUA Members. He said he doesn't personally believe that elected and appointed officials should have those benefits unless they are full time which means 8 hours a day, 5 days a week. Dr. Kesselman said he also believes there are individuals in elected or appointed positions who currently have those benefits and they shouldn't be withdrawn. He explained some towns like Hamilton Township are part of the State Health Benefits system and Statute determines who is or isn't eligible. Dr. Kesselman said that, if it is determined after a legal analysis that the Township can legally eliminate the benefits for both the Township Committee and the MUA, those individuals that have them should allowed until the end of this year to purchase their own benefits. He said he thinks it should be openly discussed.

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Mr. Cain said that the Strategic Planning Committee it is being extremely well received by the local business owners. He said he would like the budget committee look at the \$30,000.00 line item budgeted for the Industrial Commission and the \$71,400.00 that is sitting in the bank from previous land sales. Mr. Cain suggested the budget line item might be eliminated and some of the land sale money used to give the Township Committee a little more breathing room in the budget.

Mr. Palmentieri asked Mr. Sasdelli to schedule a budget committee meeting this week.

Mayor Silva said he thought Dr. Kesselman's town meeting was a great idea and that they will get a lot of public input and an idea of the areas to focus on.

Mayor Silva requested a resolution urging the elimination of state imposed unfunded mandates be on the next agenda.

Public Comment

Mr. Choyce asked for information on the deleted agenda Item J. Mr. Sandman explained it related to a pending lawsuit for which alternate counsel was hired because the regular solicitor lived in the development. He explained the suit was to take action against bonds with respect to failing drainage swails and there is a developer's agreement that is also part of the litigation. Mr. Sandman explained there was some initial resolve to permit an extension of that agreement but he was advised today that the timing for that was not appropriate and that it should come up in a future meeting. Mr. Sandman explained the litigation had to do with presenting bonding for construction of the club house (at Horizons at Woods Landing) but there has been redesigning of the swimming pool area and they need an extension of time on the developer's agreement and on providing the bonding.

Bruce Strigh distributed printed copies of a request he made to the County Board of Freeholders last week to change the current rule regulating times of usage on the surface of the waters of Lake Lenape. He said he referred the matter to the Township Committee through Dr. Kesselman asking for their support. Mayor Silva questioned how the Township Committee can support it when the County controls the lake. Mr. Strigh explained it would be a resolution supporting a change in the rule regulating the times for usage of the surface waters. He said he is requesting power boats be allowed from 7:30 am to one-half hour after sunset and non-power boats be allowed from 1/2 hour prior to sunup to 1/2 hour after sunset. Mr. Strigh said it will provide time when there is no conflict between powered and non-powered boats and access to residents and taxpayers at the most desirable time of day. He said he believes it will have minimal impact on property owners because of the minimum wake (by non-powered boats). Mr. Strigh said the Freeholders referred his request to their Recreation Subcommittee. Ms. Gatto said the Freeholders are looking for Township Committee input. Mr. Palmentieri asked if Mr. Strigh was trying to get time when non-powered boats would be out without wakes from the power boats. Mr. Strigh said it was that and for an 2½ additional hours of daylight when people would have access to the lake. He said most waterways are usually open to everyone 24 hours a day but he is just asking for additional time in the morning. Mr. Palmentieri asked if there has ever been an issue with power boats especially on weekends. Mr. Strigh said there were a few times. Mayor Silva asked if Mr. Strigh wanted the boat size limited. Mr. Strigh said the length of the boat is almost irrelevant to the interacting between types of boats. He said the issue is the horsepower and there is no horsepower limit now. Mr. Strigh said he believed the limit was 9.9 horsepower when the County bought the lake. He said the horsepower is what causes the wake. Mr. Palmentieri asked if the growth in horsepower made it logical to have them out at 7:30 am or should the Committee move it back a bit. Mr. Strigh said he thinks that what he asked for is enough at this time. Dr. Kesselman asked if Mr. Strigh's intent was so that they don't have to compete with power boats. Mr. Strigh said it was also for access to the water at sun-up. Mr. Sandman asked how long the current rule had been in effect. Mr. Strigh said he didn't know. Mr. Sandman said there are a lot of fishermen out there in small boats at daybreak. Mr. Strigh said they aren't launching at the county boat house. He said he is usually there on Saturday and Sunday and everyone is waiting until 7:30 to put in. Mr. Sandman said anything over 9.9 horsepower requires a license from the county and insurance naming the county as additional insured and anything under 9.9 doesn't require it. Mayor Silva asked if the County limited the number of boats on the lake. Mr. Sandman said they limit it to 6 but residents on the lake are permitted. He said he was pleased that the Committee was waiting until the next meeting to act on the request because there are a lot of fishermen in town who might be offended by this. Mr. Sandman said he has lived on the lake for 25 years and the powered boat people are the same every year. He said they police themselves pretty well and if they see something happening that interferes with a kayak or smaller boat they approach them and let them know that they are doing something wrong. Mr. Sandman said that he doesn't know of many instances of conflict. Dr. Kesselman asked if the posted time was not being monitored. Mr. Sandman said it wasn't. Ms. Gatto suggested it be discussed by the Public Works/Recreation Committee.

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Mr. Sandman said he didn't find the request offensive as a lake property owner but he did find the innuendo offensive.

Dean Rocap said he is a lake-front owner and that he is offended by Mr. Strigh's request. He questioned how the Committee could discriminate about who can and can't go on the lake at a certain time. Mr. Rocap said that horsepower doesn't make the wake, the design of the boat does. He said his speed boat is 350 horsepower and is designed not to make much wake. Mr. Rocap asked what gives Mr. Strigh the right to go out at daybreak but not him. He said he is a competitive slalom water skier and would love to use the lake at daybreak to ski. Mr. Rocap said it is a County issue and has nothing to do with Township Committee. He said the Committee has enough to worry about without getting into this. He said he has lived on the lake for 15 years and has documentation that Mr. Strigh went after him, his job and his family because he doesn't like boats on the lake. He said they never had a problem until Mr. Strigh arrived. Dr. Kesselman said the Township is involved because Freeholder Chairman Curcio asked them to be.

Teresa Thomas said she lives on the Lake and her experience with the scullers is that the motor boat accompanying them is usually for the coaches. She said that and they use a loud speaker a lot of times so there is noise and she has a problem with them coming on the lake any earlier. She suggested the Committee ask the Lake Lenape Home Owners Association what they think about Mr. Strigh's request. She said Mr. Rocap is the Chairman of the Association.

Ms. Thomas asked for verification that this Township Committee is going to honor the resolution adopted last fall to partner with her and Jaime contract with the fireworks vendor, provide insurance and some staff to do the County application and execute the contract. Mr. Cain said he didn't believe any of the Committee Members has a problem complying with that resolution. Ms. Thomas said that they scaled down their budget and she has contacted the Sheriff about doing traffic control at no cost. She said they have raised a little over \$5,000.00 for fireworks and hope to get up to \$7,500.00 for the fireworks display. Mr. Sasdelli explained the Township agreed to act as the contracting agent and sponsoring applicant for the permits, secure all necessary insurance certificates, contract administration, do the RFP, open the bids and do the contract. He said Mr. Morley and the Divisions Chief will administer it. Mr. Cain asked Mr. Sasdelli to provide a copy of the resolution to each Committee Member so they know what they are helping Ms. Thomas with. Ms. Thomas commented on meeting with Mark Cohen and said they now have the ability to accept donations on line.

John Pucci thanked Mr. Sasdelli for putting the additional information (contracts and bill lists) on the website. He asked if the budget presentation could be put on the website. Mr. Sasdelli said the budget presentations are always on the website. Mr. Pucci asked if the public can contact the Committee Members through e-mail. Ms. Gatto said their e-mails are all on the website.

Mr. Pucci asked if action would be taken after the executive session tonight. Mr. Cain said he hoped so.

Mr. Pucci commented on being involved with the Zoning Board for many years and said Jeanne deVecchis has always been courteous and helpful. He said that in his opinion she has been an excellent employee.

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

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

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 this meeting be adjourned to an executive session to discuss the following personnel matter which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

1. Proposed memorandum of agreement with the P.B.A.

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"

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RECONVENED MEETING FOR EXECUTIVE SESSION CONFIRMATION

Mayor Silva recalled the meeting to order immediately following close of the executive session.

Ms. Gatto moved, seconded by Mr. Cain, that the meeting be reconvened in public to for confirmation of the executive session.

MOTION CARRIED 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 the Memorandum of Agreement with the P.B.A. be and is hereby accepted as presented with the following minor changes:

1. The following language is hereby stricken from the second sentence of the preamble: **beginning with "the terms of this Agreement have been approved" and ending with "during 2010"**.
2. Language shall be inserted in Item #7 beginning at the word Agreement in the second line to reflect that the four (4) officers **shall be reinstated upon signing of the Agreement and delivery of the voluntary furloughs in the amount designated in #3**.
3. The typing error in line 4 of #9 shall be corrected to read **"sick"** leave days.

BE IT FURTHER RESOLVED that the Mayor, Administrator and Township Clerk are authorized to sign the Memorandum of Agreement on behalf of the Township.

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

Mr. Sandman said the minutes of the executive session will be available when the basis for it is no longer confidential.

There being no further business to come before the Township Committee for consideration or action tonight, Dr. Kesselman moved, seconded by Mr. Palmentieri, 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