

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
TUESDAY, FEBRUARY 21, 2012

The regular meeting of the Township Committee of the Township of Hamilton was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Aline Dix, Amy Gatto and Dr. Harvey Kesselman. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, and Robert J. Smith 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 e-mailing a copy of the notice along with the agenda for this meeting to the Atlantic City Press (Press of Atlantic City), Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, March 5, 2012 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Dr. Kesselman read the following Proclamation:

WHEREAS, the citizens of the Township of Hamilton stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Township of Hamilton has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA'S *Read Across America*, A NATIONAL CELEBRATION OF READING, WILL BE CONDUCTED ON March 2, 2012, which would have been the 108<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee calls on the citizens of the Township of Hamilton to assure that every child is in a safe place reading together with a caring adult on March 2, 2012; and

BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S *Read Across America* and *Read Across America-NJ* and recommits our community to engage in programs and activities to make America's children the best readers in the world.

2012 BUDGET SLIDE PRESENTATION:

Mr. Jacobs explained this was not introduction of the budget; it was a slide presentation on the 2012 budget. The presentation was recorded and video taped. Printed copies of the presentation were distributed to the public; a copy is available for public review in the Township Clerk's Office; and it will be posted on the Township Website. Mr. Jacobs said he learned today that State Aid will remain the same as it was last year. He explained the budget decisions are not being made a year at a time; it is part of a three year plan that started last year; a lot of things in this year's budget are to help in next year's budget; and the Township has a legally balanced budget. He explained the Township had a balanced budget every year but the question was whether it was balanced in prior years using one-time revenues to pay for reoccurring expenses. Mr. Jacobs said that isn't the case this year; reoccurring expenses are matched with reoccurring revenues; there are some one-time revenues in this budget that are being used to fund one-time expenses. Mr. Jacobs commented on the tax

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bill including the local purpose tax, regional and local school taxes and the county taxes. Mr. Jacobs explained the presentation included an explanation of how the Township spent the local purpose tax; the Finance Committee recommendations; a budget overview; go through appropriations and revenues by category; best practices which gives the Township points for getting the balance of State Aid; challenges going forward; and the overall tax bill. Slides included a 4-year history and comparison of budgets; a 3-year history and comparison of local tax revenue; a 5-year history and comparison of debt; a 6-year history and comparison of full-time employee counts; how much the 2012 budget will cost the average tax payer; a breakdown of what the local tax dollars are spent on; and a summary of what public safety services, public works services, solid waste and general government services include. Mr. Jacobs explained the proposed budget is less than what it was 4 years ago; that not increasing the tax rate tax reduces the tax revenues and that several tax appeals lowered taxes and there was a net reduction of \$101,000.00 in revenues. He commented on there being a lot of discussion about reducing the Township's debt and explained the 2012 projected debt was \$16,067,000 and it includes bonds already issued and ordinance approvals from the last several years that bonds haven't been sold for yet. He commented on the debt being down significantly and explained he hopes to spend some time on it this year and discuss it with the Finance Committee because the payment continues to go up; there is \$2.8 million for debt payment in the budget this year and there is interest is on top of that. He said fire trucks being one of the most expensive items the township purchases and they only have a 5-year useful life according to the State standard for bonding whereas if the same amount of money was spent on paving a road would have a 10-year useful life so instead of paying one-fifth, the township would pay one-tenth. Mr. Jacobs said he thinks the fire trucks drive the cost; that he doesn't know what if anything can be done about it; and that he has talked to the auditor about it but still thinks it is an issue that should be talked about.

Dr. Kesselman asked if that would also mean that would eliminate the debt quicker and said it was an up-side to it. Mr. Jacobs said it would but a further upside would be is that if the payment was less and new trucks were bought for cash there wouldn't be any interest on it. Dr. Kesselman said the point is that there was a 30% reduction in total debt. Mr. Cain said it is a huge reduction. Mr. Jacobs said he checked with a few other townships and found this is way less than most and it is clearly going in the right direction.

Mr. Jacobs referred to the reduction in the employee count and said a public works employee retired this year and the position was not refilled; one public works employee is working primarily on capital projects to save costs and work around town hall is one of them; the value of two employees was picked up when the vehicle maintenance and janitorial services were outsourced. He explained if the budget is approved as proposed there is no tax increase and it will cost the taxpayer \$1,389.00 per household. Mr. Jacobs explained public safety, public works, solid waste and general government services are the main service categories provided and gave a breakdown of what services there are in each category and the per household cost for each one. Mr. Jacobs explained the cost of solid waste includes recycling, tipping fees and yard waste collection. He said everyone in Old Bridge where he previously worked had to pay for their own trash collection and a friend of his pays \$232.00 per year. Mr. Cain said he pays more than \$130.00 a month for solid waste services for a multi-family unit in Galloway Township. Mr. Jacobs explained what is what is included in general government is state mandated and the township couldn't do away with them even if they wanted to. He said the goals of the Finance Committee were to eliminate the structural deficit, no tax increase, reduce dependence on surplus, reduce dependence on school deferral, continue reducing debt, pay as we go and invest in opportunities that reduce the cost of operations. He said the structural deficit is gone. Mr. Jacobs explained the deficit was \$2.3 million last year and higher than that the year before and that it was offset with some one-time revenues. Mr. Jacobs said this budget doesn't include a structural deficit, it has a structural surplus. He

said there was a three-year plan and this is the middle year. Mr. Jacobs said there will be no tax increase; that taxes are going down as a whole; tax revenues are being reduced because of the appeals. He explained that when the state mandated reval was done everybody's tax rate was lowered and raised their assessments but the economy has driven the value of houses down and state law allows people to appeal their taxes and get the assessment lowered and the township loses revenue. Mr. Jacobs said very close attention has to be paid to that because losing tax revenue wasn't part of the three-year plan and he isn't sure the township can continue to absorb those reductions. Mr. Jacobs explained there are a number of line items in the budget that don't get completely expended; there are a number of line items of revenue that come in higher or lower; it isn't extra money, it is money built into the budget because you know you will need it the next year. He explained there was \$2.8 million left over from 2009 and it was put into the 2010 budget; there was a \$2.4 million in surplus and 100% of it was put into the 2011 budget; there is \$2.6 million in surplus after the deferred payment on the reval is made and only \$2.1 million is being used in the 2012 budget. Mrs. Dix commented on hearing something at a seminar she attended regarding explaining or detailing a one-time revenue that could be in surplus that is being put into the budget and said it might be a new thing and suggested she may have to get together with Mr. Jacobs to clarify it when the budget is introduced if he didn't know what she was referring to. Mr. Jacobs said he didn't know but would be talking about one-time revenues later and they could be identified. He said it was done last year and is being done this year. Mr. Jacobs explained \$803,000.00 school deferral was done in 2010 and he believes that a direct result of the cut in Township's State Aid; in 2011 the same thing had to be done and \$675,00.00 school deferral was used to get through the year; there is no school deferral in this year's budget.

Dr. Kesselman commented on school deferral being basically borrowing money that you have to pay and said if the \$803,000 is added to the \$2.6 million structural deficit, there is a \$3.4 million shift in a few years. Mr. Jacobs said that is probably the lowest of all the options for filling a budget gap.

Mr. Jacobs said the reval done 3 years ago was \$1 million; the Township has been paying \$200,000 a year towards it; this budget includes \$400,000 to pay off the balance. He said it reduces debt and frees up space in next year's budget. Mrs. Dix asked if it was a bond anticipation note. Mr. Jacobs said it wasn't, it is a deferred charge that is paid back over 5 years. He explained it is being paid with a one-time revenue. Mr. Jacobs commented not being able to pay cash for everything and said the Township is working on it to the extent that they can. Mr. Jacobs commented on the township buying fire trucks in the capital budget. He said last year, and he assumes it was done in years before that, each fire company was also given \$20,000.00 for other equipment and that was always a bonded item. He explained that will not be bonded in 2012 because \$100,000 is budget to pay it in cash. Mrs. Dix asked if that was the \$100,000 in the temporary budget amendment. Mr. Jacobs said that amendment was for the fire truck. Mr. Jacobs explained the budget includes \$42,000.00 towards the cost of replacing flooring in town hall and said there is money bonded for it but depending on how quickly it goes capital money may have to be used. Mr. Jacobs explained the township has a contract for its vehicle maintenance that includes about \$2,000.00 a year for a police car that is within its 6-years useful life and when it is past its useful life the township has to pay for anything that breaks on it. He said the township bought quite a few vehicles in 2006 and it is suggested that seven vehicles be purchased, five of them police cars. He said the budget also includes the sale of sixteen vehicles, fourteen from the police who will get five new ones. Mr. Cain asked if the township typically paid for in cash for them in the past. Mr. Jacobs explained you can't borrow for a car, except an SUV, or you could lease-purchase them. Mayor Silva said the township has done lease purchases in the past. Mrs. Dix asked if Mr. Jacobs was talking about leasing vehicles. Mr. Cain said they are cash purchases in this budget. Mrs. Dix suggested more fuel efficient vehicles be looked at for the town hall fleet. Mr. Cain said he thought the best part is the buying of

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vehicles for cash instead of leasing and the continuing reduction of fleet vehicles that would be on the maintenance contract. Mr. Jacobs said the entire fleet was reduced by 17 vehicles last year and it will go down by 9 this year. Mr. Jacobs explained the budget as proposed includes Special Events funding for public works at the Cove, the 911 program, Veterans' Day, Memorial Day, holiday lighting overtime and supplies. He explained if something isn't on the list it isn't funded and there is time if the committee wants to add something. Mr. Jacobs said if someone comes in later in the year and asks if the Township can afford it, the answer will be yes but by using that money there will be less surplus for next year. He said to stick with the three-year plan it would be better to add them now if there is something the township knows they are going to do. Mr. Jacobs said if anyone watching or in the audience has something they want the Township to do, they need to come to the Committee now. Mr. Jacobs explained there are no layoffs or furloughs in the budget; no school deferral; no pay raises except for things that are in contracts for longevity or steps and some new self-funded where someone may get a secondary job or bump in pay; no elimination of services; no additional employees but there may be one more part-timer in Housing Code because he doesn't know what the work load will be there; no additional funding for other public events except those he listed before; and no new programs or services except the Housing and Code Enforcement Program. He commented on it being exciting that the Township will have a pretty active Code Enforcement Program as a result of the housing ordinance. Mr. Jacobs read the list of appropriations by category. He explained as the Township gets grants during the course of the year they are added along with the expense so they are really neutral. Mr. Jacobs said there is one grant that was a three year grant for \$384,000.00 that was used to retain and/or hire additional police officers several years ago; this is the last year of the grant; the current payroll will have to be made next year without that money so that will part of the hole that will have to be filled next year. Dr. Kesselman commented on this being the first time in 20 years that salaries and wages are not the highest item on the budget. Mr. Jacobs explained debt service is up because the 2013 paving was added this year so the work and planning can be started. Dr. Kesselman asked when debt service would drop. Mr. Tuthill said debt service won't drop off until 2014. Mr. Jacob said read the list of revenues. He went over the 5-year budget expenditure analysis that helps the township comply with the state Best Practices. Mr. Cain said the one disturbing item was the increase in general liability insurance. Mrs. Dix said she is very concerned about it and thinks a subcommittee is needed to look at what can be done to avoid accidents, etc. that are causing it to go higher. Mayor Silva asked Mr. Jacobs if the township has an aggressive safety committee in place. Mr. Jacobs said they do have one and that this year's budget is somewhat exaggerated because the township is not one of the best performers in JIF because it gets more in payment from JIF than it pays into JIF and the rates will continue to go up until the township changes that. Mr. Jacobs explained JIF put the township on a Retrospective Rated Program where instead of raising the rates to the full amount they should be, they raise it by about 90% with hopes that the township won't use the other 10% but if it does, the township will have exposure. He said it was about \$50,000 last year and is a little more this year. Mr. Jacobs said this budget funds the \$50,000 from last year and most of this year's potential exposure. He said the township doesn't get the bill until three years later so next year it will get the retrospective cost for 2010. Mr. Jacobs commented on funding it now and said it's a good thing if it doesn't get used; it can go to surplus. Ms. Gatto asked if the President made any mention of extending the TRIPP Grant. Mr. Jacobs commented on the Chief had a memo on it but he doesn't think the Township isn't eligible. Mr. Jacobs said one-half million dollars from a land sale in the Industrial Park is in this surplus. Mr. Cain said that money was used in reducing debt. Mr. Jacobs said the collective bargaining agreement will call for some raises next year. He commented on there being \$1 million in this year's budget that the Township won't have next year and it will be covered by the surplus not used this year. Mr. Jacobs said there will be increases in insurances, pensions etc. that some of the one-time purchases may need to go away for next year. He said that, assuming the Township doesn't lose state aid or some change he

isn't aware of, he is confident that the township should be okay next year without a tax increase. Mr. Jacobs said the township is on target and doing well with the three-year plan. He said the township needs to monitor the tax appeals to determine whether they want to do what he calls the reverse reval because they can't keep eroding the revenue through appeals. Mrs. Dix asked if the appeals the township is losing being settled at the Tax Board or settled in some other way. Mr. Sandman there were 3 days of trials before the County Board in 2011; they all went to trial; the township won almost all of those. He said the bigger commercial properties filed directly in the Tax Court; a large number of them have been settled; a large number have been dismissed and there are pending motions to reopen some of those; there are still a few left and are in various stages of negotiations; and for the most part the township did very, very well. Mr. Jacobs commented on the Assessor bring him a copy of a letter being sent by a firm asking people if they know they are paying more taxes than they should and telling them to respond to the firm. Mr. Sandman explained the revaluation set the value of the property at what was considered to be fair market value in the market place has dropped in the past 18 months so the township is collecting taxes on a value that is higher than what is typically fair market value and in that case the taxpayer has a right to appeal it. Ms. Gatto said people don't realize that assessed value doesn't always match appraised value if they are in the middle of buying or selling a home. Mr. Sandman said the State required the township to do a reval to bring it up and if the values are higher than true value the township is collecting more than it should. He said it is a bigger problem for commercials than residential because there have been very little sales in large commercial real estate so the township is safe using the comparable sales method. Mr. Jacobs said one of the things that came from the Strategic Planning Affordability Subcommittee was the need for people to understand that the township as a whole is a small portion of their tax bill. He said most people think the township has control because they pay their bill here. Mr. Jacobs showed three years comparisons of the Greater Egg Harbor Regional School District and Township School District budgets and enrollments. Mr. Jacobs said the township's budget is down but the people's taxes probably went up and no matter what the township does, it won't change what happens at the two school districts and the county. He said the Township is asking both Boards of Education to join the township in freezing the tax rate and trying to keep the budgets as close to prior years as they can. Mr. Jacobs commented on not being on the Board of Education or an expert in school budgets and said the only way the total tax bill can be affected is if everybody is on the same page. He said he hoped to have a brief discussion at the next meeting and introduce the budget. Mr. Jacob asked that any changes anyone has that they want made be gotten to him between now and then to be considered so they can be incorporated. He said if everything goes well the budget could be published, a public hearing could on be held April 2<sup>nd</sup> and the budget could be adopted with amendments if there are any. Mrs. Dix asked if the one month gap between March 5<sup>th</sup> and April 2<sup>nd</sup> was required. Mr. Tuthill said 28 days is required. Mr. Jacobs said it gives opportunity for input.

Mayor Silva commented on the Committee setting budgets and basins a priority and hearing for years from the audience that the structural deficit was running away with the budget every year. He said the Committee realized they had to stop spending and reduce the debt if they were going to get anywhere with future budgets. The Mayor said when you realize what happened in the past couple of years and see the distance the Committee has come in such a short period of time, it is unheard of today among the municipalities. Mayor Said the Committee dedicated themselves to doing this and commented on people wondering why the township isn't doing more and said you can't do it when you have less. He said looking forward the township still has a long way to go. The Mayor said next year's budget will be interesting to tackle but if Committee stays on the same path they are on now in terms of controlling everything and paying as they go, hopefully next year's budget will be a complement to this year's. Mayor Silva said one of the things that made it a success was that the Committee was non-partisan; everyone put their politics behind them and agreed the will

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of the people was the most important thing. He commented on hearing about the pain people had in trying to keep their homes. Mayor Silva said the County approved their budget today with a small tax increase but the Committee doesn't know what the school districts are going to do. He said the Boards are preparing their budgets now and one of the things the Committee has to look forward to is a way to have the Boards share with the township so the Committee can help them along the same path. The Mayor commented on knowing costs of everything keep going up and said there has to be a way to control expenses. He said he is proud to be part of this Committee and having brought this budget and, with the other committee members being able to do something this positive. He said it is a credit to each of them and the input from the residents. Ms. Gatto commended the Mayor and Deputy Mayor and the rest of the Finance Committee. She said the presentation was fantastic; is easy, simple and clear to understand; they carried the mission forward, and the work the Committee has done the past couple of years, and stayed true to the commitment they made to the residents. Ms. Gatto said she thinks it is a sigh of relief for the Committee, the employees and the residents. Ms. Gatto said she would be happy to go with the Mayor to meet with the schools; she thinks it would be meaningful to make a similar presentation to them to let them know where the Township Committee has been and where they want to go and let them know that the Committee wants to do it together with them. Dr. Kesselman said he echoed Ms. Gatto's comments. He commended the Mayor and Mr. Cain for their work as part of the Finance Committee, the employees and professionals. Dr. Kesselman said the township is extraordinarily represented by its professionals at reasonable costs. He said this is a show of shared sacrifice by the employees and the residents. Dr. Kesselman commented on the residents having less services and their volunteer efforts maintaining many of the township traditions by coming up with different sources of revenue. He commented on the Committee Members resolve to keep their promises, not wavering, blink or roll and trying to do it in a way that was humane and fair. Dr. Kesselman said they reduced the size of government, eliminated the structural deficit, came in with a balanced budget, and got rid of the school deferral. He said it is very, very easy to undo what this Committee has done. Dr. Kesselman said the Committee has to be vigilant because when the going gets good, the township gets a couple more land sales, the debt drops out of sight, and feel really anxious about doing something with it. He said that is when they have to demonstrate discipline and match their resources to their priorities. Dr. Kesselman said if they continue to do that this will be the best township in the county. Mrs. Dix said she was thankful to all four of the other committee members for doing all the hard work before she got on committee. Mr. Cain said it was very important to note that this is a process that started several years ago when Ms. Gatto and Mayor Silva ran for election with Joe Nickels; they made a commitment to reduce township debt; and since that time with the introduction of this budget it has been reduced by \$6,834,704. He commented on reading another township said they were in good shape because they had a lot more they could borrow but that hasn't been the philosophy of township committees that have been sitting here and he is proud to say they have continued that path that started with them years ago. He thanked Dr. Kesselman for mentioning the employees and said he hopes the message is loud and clear that they are safe. Mr. Cain said the Committee appreciates the job they do; that they helped the Committee work through it and there is less staff accomplishing the same amount of work. He said it was important to look at the page that shows how much each individual average taxpayer gets for the \$1,390. and how it is distributed. He said he thinks the township is running efficiently; a budget has been put forth that maintains current employee levels and all the services; and he thinks it is impressive. Mr. Cain commented on sitting in a room when the township was losing about \$7,500. a day and saying they weren't going to kick the can any further and they owed it the themselves as a Township Committee, to the employees and the taxpayers. He said it is a pleasure to be part of the team introducing this budget and he commended each and every one of them.

That concluded the 2012 budget presentation and discussion.

Mayor Silva announced the executive session will be held at the end of the agenda.

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 following addition be made to the agenda of this meeting for consideration and action to be taken thereon tonight:

8.A Insert name of business: The Candy Land (Ricardo White owner) - mobile sales.

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

There were no executive session confirmations to be made.

No one signed up to make early public comment on agenda items not listed for public hearing.

Introduction of Ordinance #1717-2012:

Mr. Jacobs explained there was a list of things that came out of the two meetings that were held with some of the landlords as a result of the new Housing Inspection Ordinance and he believes some of the things learned could be implemented to make it a better Ordinance for the Township and to the extent possible for the Landlords. He explained one of them is to give them a little more time to phase in the cost because the original ordinance required that be done by the end of March and the proposed amendment extends that date to the end of June. Mr. Jacobs said he didn't think it would hurt the Township financially or result in a cash flow issue because the money will still come in this year. He said he recommends the change and there may be another Ordinance at the next meeting or the one after with a list of changes he thinks will be positive. Ms. Gatto commented on the Committee's appreciation for the property managers' participation and feed back that led to a lot of this and that the dialog was positive. Mayor Silva said the Administrator is looking at the other items that came up and it will be brought up when there is a positive resolve on them.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1717-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the February 25, 2012 issue of the Press of Atlantic City for a public hearing to be held in the municipal building Mays Landing, NJ at 6:30 PM on March 5, 2012.

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

Ordinance No 1717 -2012  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

AN ORDINANCE AMENDING CHAPTER 222, ARTICLE 1, OF THE HAMILTON CODE ENTITLED RESIDENTIAL RENTAL UNIT LICENSING REQUIREMENTS

Section 1. Chapter 222; Article1; sub section 6 is hereby amended by deleting the first sentence and replacing it with the following:

**Each residential unit shall be licensed on or before June 30, 2012**

SECTION 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of the Ordinances are hereby repealed to the extent of such inconsistency.

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SECTION 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinances enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST:

TOWNSHIP COMMITTEE OF  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE NO. 1717-2012 INTRODUCED & PASSED FIRST READING FEBRUARY 21, 2012.

Public Hearing/Adoption - Ordinance #1713-2012:

Mr. Jacobs said the ordinance covers years 2012 and 2013. He said next year's ordinance will be for 2014 and explained it is to keep a year ahead so the work can be done.

There being no questions or comments on the Ordinance, Mr. Cain moved, seconded by Dr. Kesselman, that the public hearing be closed.

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

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

WHEREAS, Ordinance #1713-2012 was introduced and passed first reading on February 6, 2012 and was duly advertised in the February 8, 2012 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ on February 21, 2012; and

WHEREAS, the public hearing has been held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1713-2012 be and is hereby adopted.

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

**ORDINANCE 1713-2012**

**BOND ORDINANCE APPROPRIATING TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) IN BONDS OR NOTES OF THE TOWNSHIP OF HAMILTON FOR VARIOUS ROADWAY IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY**

BE IT ORDAINED BY THE COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of money therein stated as the apportionment made for said improvement or purpose, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to TWO MILLION DOLLARS (\$2,000,000), including the aggregate sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) as the down payment for said improvement or purpose as required pursuant to N.J.S.A. 40A:2-11 and more particularly described in Section 3 and now available by virtue of provision in a previously adopted budget or budgets of the Township for down payment for capital improvement purposes, and including also monies received or expected to be received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said TWO MILLION DOLLARS (\$2,000,000) in appropriations not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of such purpose, and the estimated maximum amount of bonds or notes to be issued for such purpose, are respectively as follows:

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IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
<p>Various Municipal Roadway Improvements, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, striping, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with plans and specifications heretofore or hereafter filed in the office of the Township Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.</p>	<p>\$2,000,000</p>	<p>\$1,900,000</p>
<p>TOTAL</p>	<p><u>\$2,000,000</u></p>	<p><u>\$1,900,000</u></p>

The excess of the appropriation made for the improvement or purpose aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. In anticipation of the issuance of said bonds and to temporarily finance said improvement, negotiable notes of the Township in a principal amount equal to the said principal of bonds not exceeding ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters

connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as he may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Committee of the Township at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **10.00 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000), and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

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(d) Amounts not exceeding FOUR HUNDRED THOUSAND DOLLARS (\$400,000) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Township in connection with the construction or acquisition of the improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 6. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The Township reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "control group" as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication of a summary thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE #1713-2012 INTRODUCED & PASSED FIRST READING FEBRUARY 6, 2012.  
ORDINANCE NO. 1713-2012 ADOPTED FEBRUARY 21, 2012.

Public Hearing/Adoption - Ordinance #1714-2012:

There being no questions or comments on the Ordinance, Ms. Gatto moved, seconded by Dr. Kesselman, that the public hearing be closed.

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

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

WHEREAS, Ordinance #1714-2012 was introduced and passed first reading on February 6, 2012 and was duly advertised in the February 8, 2012 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ on February 21, 2012; and

WHEREAS, the public hearing has been held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1714-2012 be and is hereby adopted.

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

ORDINANCE NO. 1714-2012  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

AN ORDINANCE AMENDING CHAPTER 15 OF THE HAMILTON TOWNSHIP CODE TO  
MODIFY THE COMMUNITY BASED PROGRAMS ADVISORY BOARD

WHEREAS, the Township Committee created the Township of Hamilton Community Based Programs Advisory Board to assist and advise the Township Committee and Township Administrator on maintaining community pride, holding hometown events and celebrations, and enhancing the quality of life in the Township of Hamilton through community and recreational activities;

WHEREAS, the Township Committee desires to amend certain portions of Chapter 15 of the Hamilton Township Code in order to further effectuate the aforementioned goals of the Community Based Programs Advisory Board;

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

1) Chapter 15 of the Township Code is amended to read as follows:

Section 15-1-Purpose  
[NO CHANGE]

Section 15-2-Establishment  
[NO CHANGE]

Section 15-3-Membership and Officers

A. The Community Based Programs Advisory Board shall consist of the following thirteen (13) members:

**Committee By Confirmation:**

- President of the Mays Landing Merchants Association (or designee)
- President of the Rotary Club of Mays Landing (or designee)
- Representative of the Mays Landing Athletic Association
- Representative of the Hamilton Township Police Athletic League

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- Representative of the Hamilton Township Soccer Club
- Representative of the Hamilton Youth Athletic Association
- Representative of the Hamilton Township Public Schools
- Representative of the Greater Egg Harbor Regional High School District
- Representative of the Hamilton Historical Society

**Mayor's Appointments:**

- Hamilton Township Employee
- Three (3) residents not already associated with any of the organizations already included in this list.

- B. The mayoral appointments shall expire December 31 of each year. The terms of all other members shall terminate from time to time as the offices in their representative organizations shall require.
- C. The Community Based Programs Advisory Board shall reorganize at its first meeting of each calendar year. During the reorganization, the members of the Community Based Programs Advisory Board shall choose from among themselves a Chairperson and a Vice-Chairperson. During the annual reorganization, the Community Based Programs Advisory Board shall also establish its meeting dates for the year, which shall be, to the extent necessary, once per month and which may be altered at the discretion of the board.
- D. Notwithstanding any other provision of this Ordinance, any person who is a member of the Community Education/Recreation Advisory Board at the time of its abolition and who is also associated with one of the youth athletic associations set forth in Section 15-3a, but is not designated as that association's representative on the Community Based Programs Advisory Board, shall nevertheless serve as an *ex officio* member of the Community Based Programs Advisory Board until December 31, 2011.

Section 15-4-Powers

[NO CHANGE].

[NEW] Section 15-5-Quorum

Attendance by at least five (5) voting members of the Community Based Programs Advisory Board shall constitute a quorum for its meetings.

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

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

\_\_\_\_\_  
JOAN ANDERSON, R.M.C.  
TOWNSHIP CLERK

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE NO. 1714-2012 INTRODUCED AND PASSED FIRST READING ON FEBRUARY 6, 2012.  
ORDINANCE NO. 1714-2012 ADOPTED ON FEBRUARY 21, 2012.

Introduction of Ordinance #1715-2012:

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 Ordinance No. 1715-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the February 25, 2012 issue of the Press of Atlantic City for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on March 5, 2012.

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

ORDINANCE NO. 1715-2012  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ

AN ORDINANCE AMENDING CHAPTER 258 OF THE HAMILTON TOWNSHIP CODE TO  
MODIFY THE REQUIREMENTS FOR SEPARATION OF LEAVES AND PLACEMENT FOR  
DISPOSAL

WHEREAS, the Township Committee requires that leaves, grass, brush and other vegetative wastes be kept separate from other solid waste and recycled according to the municipality's regulations; and

WHEREAS, the Township Committee desires residents to place these materials curbside for collection in a neat and orderly manner which avoids excessive litter and road hazards;

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

SECTION 1. Chapter 258 of the Township Code is amended to read as follows:

**Article I. Methods of Disposal**

[Adopted 6-16-1958 by Ord. No. 208]

**§ 258-1. Depositing standards and requirement.**

[NO CHANGE]

**Article II. Recycling**

[Adopted 4-3-1989 by Ord. No. 989-89]

**§ 258-2. Short title.**

[NO CHANGE]

**§ 258-3. Definitions.**

[NO CHANGE]

**§ 258-4. Establishment of program.**

[NO CHANGE]

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**§ 258-5. Separation of recyclables and placement for disposal.**

[NO CHANGE]

**§ 258-6. Condominium, apartment and multifamily unit storage and disposal regulations.**

[NO CHANGE]

**§ 258-7. Recycling program for commercial and institutional establishments.**

[NO CHANGE]

**§ 258-8. Separation of leaves and placement for disposal.**

[Amended 6-18-1990 by Ord. No. 1033-90]

- A.** All persons within the municipality shall separate leaves, grass clippings, brush and other vegetative waste from lawns, flower beds, shrubs and trees from other solid waste generated at their premises and, unless such vegetative waste is stored or recycled for composting or mulching on the premises, place the vegetative waste at the curb or other designated area for collection at such times and dates and in the manner established by the municipality's recycling regulations. Vegetative waste must be placed in biodegradable paper bags or a sturdy reusable container that may be readily emptied.
- B.** Residents are prohibited from using plastic bags for leaf and/or other vegetative waste disposal. Residents are also prohibited from raking loose leaves into the street for collection by a private contractor .
- C.** Brush consisting of tree branches and limbs up to eight (8) inches in diameter may be bundled and tied for collection. Brush may not exceed four (4) feet in length and bundles may not exceed fifty (50) pounds in weight.
- D.** All commercial lawn services will dispose of leaves collected within the municipality as specified by guidelines established by the Township Administrator and/or the Environmental Officer.

**§ 258-9. Alternative collection of recyclable materials.**

[NO CHANGE]

**§ 258-10. Collection by unauthorized persons.**

[NO CHANGE]

**§ 258-11. Developmental plans.**

[NO CHANGE]

**§ 258-12. Administration and enforcement.**

[NO CHANGE]

**§ 258-13. Violations and penalties.**

[NO CHANGE]

**§ 258-14. Exemptions.**

[NO CHANGE]

**Article III. Littering; Illegal Dumping**

[Adopted 4-3-1989 by Ord. No. 989-89]

**§ 258-15. Littering prohibited.**

[NO CHANGE]

**§ 258-16. Use of litter receptacles.**

[NO CHANGE]

**§ 258-17. Illegal dumping prohibited.**

[NO CHANGE]

**§ 258-18. Household solid waste.**

[NO CHANGE]

**§ 258-19. Storage of tires.**

[NO CHANGE]

**§ 258-20. Storage of vehicles.**

[NO CHANGE]

**§ 258-21. Loads on vehicles to be secured.**

[NO CHANGE]

**§ 258-22. Construction sites.**

[NO CHANGE]

**§ 258-23. Waste disposal bins.**

[NO CHANGE]

**§ 258-24. Maintenance of sidewalks and curbs.**

[NO CHANGE]

**§ 258-25. Violations and penalties.**

[NO CHANGE]

**§ 258-26. Enforcement.**

[NO CHANGE]

SECTION 2. All Ordinances and parts of Ordinances or any resolutions of the Township of Hamilton inconsistent herewith with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon after final passage and publication as required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, NJ

\_\_\_\_\_  
JOAN I. ANDERSON, R.M.C.

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE NO. 1715-2012 INTRODUCED & PASSED FIRST READING FEBRUARY 21, 2012.

February 21, 2012

Introduction of Ordinance #1716-2012:

Mr. Jacobs explained there were a few changes to be made before the ordinance is introduced. He explained the Ordinance allows the Committee to add or delete streets by resolution. Mayor Silva said McKee Avenue and Black Horse Pike was to be deleted. Mr. Jacobs explained the ordinance limits each organization to six events a year and doesn't preclude how many can happen on one day. He commented on not thinking there would be any scheduling problems and said if the ordinance is adopted it allows him to organize it and if there are any problems, to try to fix them. Mr. Jacobs explained the fire companies will get first choice because that the fire companies are probably the main organization that needs to have them in their district and the others will be first come-first served. He said there were only 12 organizations that ran them last year.

Mrs. Dix asked two three-day weekends counted as six events. Ms. Gatto said each event is a day. Mr. Cain said he believed that change was suggested by the local VFW. Mrs. Dix asked if a request to do a coin drop on Cologne Avenue would be approved by resolution of the Committee because Cologne Avenue even though it isn't listed in the Ordinance. Mr. Jacobs commented on wanting to have a street for Cologne Fire Company in their district and needing to get information on Cologne Avenue from the Chief. He said if it is okay it can be added by resolution. Mrs. Dix asked if the deadlines for applying had been eased. Ms. Gatto said the part of the ordinance Mrs. Dix was talking about wasn't being amended, they have to apply 30 days in advance. Mrs. Dix said state approvals were the issue she has been discussing outside of the meetings. Mr. Cain said Section C states "at least 30 days prior".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1716-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the February 25, 2012 issue of the Press of Atlantic City for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on March 5, 2012.

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

**ORDINANCE NO. 1716 - 2012**

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 137 OF THE TOWNSHIP OF HAMILTON CODE ENTITLED "CHARITABLE ORGANIZATIONS" AND AUTHORIZING CHARITABLE ORGANIZATIONS TO SOLICIT CONTRIBUTIONS ON TOWNSHIP ROADWAYS AND INTERSECTIONS PURSUANT TO N.J.S.A. 39:4-60.**

**WHEREAS**, N.J.S.A. 39:4-60 permits charitable organizations to solicit for contributions on public roadways within the Township of Hamilton in situations where the organization received municipal approval as provided in the aforementioned statute; and

**WHEREAS**, certain charitable organizations are dependent upon charitable donations to support and fund their operations; and

**WHEREAS**, solicitations on public roadways in the form of coin drops play a role in funding solicitations of those charitable organizations; and

**WHEREAS**, the Township desires to implement a process by which charitable organizations can have access to designated roadways and intersections within the Township to engage in solicitation fund raising via the process known as coin drops; and

**WHEREAS**, the Township desires to amend the current provisions of Chapter 137 of the Township of Hamilton Code entitled “Charitable Organizations”, for purposes of implementation of a process for the authorization of coin drops involving roadways and intersections within the Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Committee of the Township of Hamilton (“Committee”) as follows:

SECTION 1. Charitable solicitations on designated roadways and intersections within the Township shall be limited to charitable organizations defined under the provisions of N.J.S.A. 45:17A-20.

SECTION 2 - APPLICATION PROCESS.

- (A) In order for a charitable organization, as defined above, to be considered for approval of permission to conduct solicitation activities the organization must first secure the concurrence of the Township. Municipal approval shall be pursuant to authorization by this municipal ordinance enacted pursuant to N.J.S.A. 39:4-60, and it shall be the responsibility of the charitable organization, at least 30 days prior to the scheduled solicitation event, to submit to the Township Clerk a completed signed and dated application form as developed by the Township for the solicitation event.
- (B) The completed signed and dated application form with satisfactory responses to all information and documentation requests shall be accompanied with the following additional documents:
  - (1) A current Certificate of Insurance from a reputable insurance company authorized to transact business in the State of New Jersey naming the Township and the Committee as additional insureds for liability purposes in an amount not less than One Million Dollars \$1,000,000.00;
  - (2) A signed and notarized Indemnification and Hold Harmless Agreement in the form to be developed by the Township, setting forth the organization’s obligation to indemnify, defend and hold harmless the Township and the Committee, and their agents, servants and employees, as referenced in Section 4 below.
- (C) Failure of the organization to timely submit to the Committee at least 30 days prior to the scheduled solicitation event the completed signed and dated application, with satisfactory responses to all information and documentation requests in it, and the Certificate of Insurance and the Indemnification and Hold Harmless Agreement referenced above, shall subject the application to rejection.
- (D) The application may also be rejected if the scheduled event does not meet the safety criteria set forth in Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations promulgated pursuant to the Administrative Procedure Act by the Department of Transportation in consultation with the Division of Highway Traffic Safety.
- (E) Additionally, the Committee may consider the reasons below for not bringing a resolution of approval to action, or for an adverse vote on such a resolution:
  - (1) Where circumstances suggests that traffic would be unreasonably impeded, interrupted or delayed;
  - (2) When the turning movements, traffic densities and/or speeds of the particular highway or intersection do not permit the safe interaction between the solicitor and vehicular traffic;

- (3) Solicitation would interfere with construction activity; or
  - (4) Denial of the solicitation permit is necessary to protect public safety.
- (F) Pursuant to N.J.S.A. 39:4-60, if a charitable organization seeks to solicit contributions, as permitted under this Ordinance, on a County or State roadway, the charitable organization must also obtain approval from the County Board of Chosen Freeholders in the case of a County roadway or the New Jersey Commissioner of Transportation in the case of a State roadway prior to the solicitation.

**SECTION 3.** Each organization which satisfactorily meets the qualifications of Sections 1 and 2 of this ordinance shall be limited to six (6) one-day solicitation events per year in the aggregate and scheduling of solicitations shall be determined at the discretion of the Township Administrator with the purpose of ensuring all qualified applicants have fair and equitable access to solicit as permitted under this Ordinance. Each organization approved by the Committee for a solicitation event shall additionally be required to comply with the following requirements:

- (A) Solicitation activities shall be undertaken by persons age 18 or older;
- (B) Solicitation shall take place only during daylight hours and participants must wear reflective safety vests in accordance with New Jersey Department of Transportation standards;
- (C) Solicitors shall not drink alcoholic beverages, use drugs or be under the influence of drugs or alcohol when engaged in solicitation activities;
- (D) Solicitation shall not stop or impede the flow or traffic. Traffic shall be stopped before solicitation may occur and solicitation shall cease while traffic is moving. Soliciting organizations shall not use a flagman;
- (E) The soliciting organizations shall place two warning signs, the first of which shall indicate "charitable solicitation 500 feet ahead" and a second sign following which shall identify the organization conducting the solicitation. Signage shall comply with all requirements contained in N.J.A.C. 16:40-6.1.
- (F) Violations of any of these requirements and/or the safety requirements of Chapter 43 of the Atlantic County Code, N.J.S.A. 39:4-60 and/or the regulations of the Department of Transportation previously referenced may be grounds for immediate termination of the event by the Township.
- (G) Solicitation within the Township shall only be permitted in the following locations within the Township:

**The intersection at Route 40, Route 50 and Mill Street.**

**The intersection at Route 40 and Route 50 (formerly Cape May Avenue).**

**The intersection at Route 40 and Cantillon Boulevard.**

**The intersection at Weymouth Road and Route 322 (Black Horse Pike).**

**The intersection at Estelle Avenue and Landis Avenue.**

The above list of streets may be amended by the Township Committee by Resolution.

SECTION 4. The Township and the Committee assume no responsibility for the sponsorship, direction or control of any fund-raising event permitted under this ordinance. The charitable organization conducting any event hereunder shall assume full and complete responsibility for the sponsorship and control of all aspects of the fund-raising event, including the safety and welfare of its member participants as well as members of the public. The Township and the Committee shall retain all tort claim immunities pursuant to both the New Jersey Claims Act, N.J.S.A. 59:1-1 et seq., and common law. Any charitable organization, as previously defined, availing itself of the activities afforded under this ordinance agrees to indemnify, defend and hold harmless the Township and the Committee, and their agents, servants, and employees from any claims for death, personal injury, property damage or claims of any type that may arise as a result of activities and events conducted by the organization pursuant to this ordinance.

SECTION 5. Nothing contained herein shall circumscribe the State Department of Transportation’s regulations promulgated pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., to regulate or prohibit solicitation events on any State highway or any intersection encompassing a State highway.

SECTION 6. The Committee may authorize approval for a solicitation event to those organizations that meet the requirements described herein by resolution, subject to the provisions of this ordinance pursuant to N.J.S.A. 39:4-60 and the criteria and safety requirements described herein. The Committee shall not be required to list a resolution of approval for action, nor shall the Committee be precluded from denying approval by way of an adverse vote on such a resolution. In the event of a denial, a denial letter shall issue which sets forth the reasons for the denial. An applicant which has been denied a permit shall, if it desires, submit a written request for reconsideration within 30 days of denial of the permission, and the reconsideration request will be considered and/or acted upon by resolution using the same process and criteria set forth herein. After reconsideration a rejection shall be considered to be final.

SECTION 7. The Township reserves the right to suspend solicitation operations at any time if any condition of the permission is violated or if, in the judgment of the local police or in the judgment of the Atlantic County Director of Pubic Safety, traffic is being impeded or delayed or the public safety is at risk.

SECTION 8. Any provisions of Chapter 137 of the Township Code entitled “Charitable Organizations” which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. Any person engaged in solicitation activities found guilty of violating a provision of this ordinance shall be liable for a fine not to exceed \$100 for each day of such violation. Tickets may be written by local police under N.J.S.A. 39:4-60. Prosecution shall take place in the municipal court of the municipality where the solicitation fund-raising event occurred.

SECTION 10. The Ordinance shall take effect following passage and publication as provided by law.

ATTEST:

TOWNSHIP OF HAMILTON,  
ATLANTIC COUNTY, NJ

\_\_\_\_\_  
JOAN ANDERSON, R.M.C.  
TOWNSHIP CLERK

\_\_\_\_\_  
ROGER SILVA, MAYOR

ROLL CALL: CAIN                   “YES”  
                  DIX                     “YES”  
                  GATTO                   “YES”  
                  KESSELMAN           “YES”  
                  SILVA                    “YES”

ORDINANCE NO.1716-2012 INTRODUCED AND PASSED FIRST READING ON FEBRUARY 21, 2012.

February 21, 2012

Consent Agenda Item G was taken separately at the request of Mr. Cain. Consent Agenda Item H was taken separately at the request of the Mayor.

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 Business Registration License for The Candy Land (Ricardo White owner), a mobile snack sales business, be and is hereby approved.

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 the following certified list of Cologne Volunteer Fire Department Members eligible for LOSAP credit for the year 2011 be and is hereby accepted:

Ryan Alexander	111 points	Omar Merced	126 points
Michael Aspinwall	135 points	Anthony Paone III	134 points
Bryan Beals	116 points	Anthony Paone Jr.	112 points
David Blair	132 points	Zachery Pew	192 points
David Elkner	183 points	Mark Sciore	160 points
Paul Gramm	191 points	Sam Squires	125 points
Anthony Hare	133 points	Christopher Taylor	135 points
Austin Hare	103 points	Collin Tillet	143 points
Ryan Kohl	166 points	Sean Valiuri	201 points
Sean Leary	105 points	Ashley Weber	141 points
Sean Mabbit	108 points	William Will	125 points
James Menz	102 points		

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 the following certified list of Weymouth Volunteer Fire Department Members eligible for LOSAP credit for the year 2011 be and is hereby accepted:

John Carrigan	215 points	Daniel Lash Sr.	106 points
Gary Carlson	163 points	David Lash	115 points
Jerome Calderwood	127 points	Chelsey Litzie	119 points
Steven Czajkowski	131 points	Samuel Litzie II	152 points
Charles Eby	142 points	James Rider	145 points
Scott Erlich	120 points	Ryan Raurk	162 points
Joseph Grasso	106 points	Joseph Tortello Jr.	104 points
Kos Hossian	114 points	Josh Sharpe	112 points
James Kinsey	109 points	William Wilkinson Sr.	175 points

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 Exhibits A1 through A10 submitted on December 19, 2011 during testimony taken with regard to the West Bay Partners and/or William Bowman Associates, Inc. development known as Tavistock be and are hereby accepted as evidence; and

BE IT FURTHER RESOLVED that based on the testimony and evidence presented on December 19, 2011, the Township Committee of the Township of Hamilton hereby declares West Bay Partners and William Bowman Associates Inc. in default of the performance bond obligations for their Tavistock project.

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 that the Township Committee of the Township of Hamilton has no objections to the New Jersey Division of Alcoholic Beverage Control issuing a special permit to St. Vincent dePaul School Home School Association for a social affair to be held on March 17, 2012 from 7 PM to midnight.

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 the following Towing Contractors are hereby approved for the Township of Hamilton Towing Rotation List for the year 2012 as recommended by the Police Chief:

- 1) American Auto Salvaging & Recycling.
- 2) E & T Auto.
- 3) Ed's Auto.
- 4) Dirkes Auto.

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 Raffle License #2-2012 be and is hereby approved for the Mays Landing Athletic Association (MLAA) calendar raffle with drawings to be held on April 24, 2012 and on May 22, 2012.

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

Consent Agenda Items G & H:

Mr. Jacobs explained Laureldale Fire Company received a grant of \$179,500 to buy a new tender truck; the cost is about \$300,000.00; Laureldale was on the schedule for replacement of this vehicle a year or so from now; and the main purpose for the Temporary Budget Amendment is to put money in the operating budget to allow the Township to write a letter to FEMA to provide a \$121,000.00 match to their \$179,000.00 grant for a total of \$300,000.00. He said he didn't want to miss the opportunity to let the public know the fine work the fire company did. He explained Item H, authorization to go out to bid for the vehicle, is also a part of it. Ms. Gatto said the ESAB Board voted in support of making the change to appropriations and writing the letter to FEMA with the understanding it could shift some things in terms of the replacement schedule. She said they wanted to reward a fellow company for the work they did to get that grant money. Mrs. Dix asked if her understanding was correct that the \$20,000. Capital Improvement Fund and \$100,000.00 for Fire Equipment was the \$120,000.00 needed for FEMA to go with the \$179,000.00. Mr. Jacobs said it wasn't exactly that way; the \$100,000.00 is being added to the

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temporary budget; the \$100,000.00 was already in the permanent budget but it was for purchase of equipment; and the \$121,000 is in the capital budget to be bonded but in order to write the letter to FEMA now the temporary budget has to be amended. Mrs. Dix asked if the money for Housing Code Enforcement is the start-up money needed to start the rental registration. Mr. Jacobs said it was.

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

**RESOLUTION AMENDING THE TEMPORARY BUDGET FOR THE YEAR 2012**

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body may, and if any contracts, commitments or payments are to be made before the adoption of the budget, shall by resolution adopted prior to January 31, of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget, and

WHEREAS, after January 31 any appropriation which becomes necessary before the adoption of the budget, and which has not been included in the Temporary Budget, must be made by adoption of a resolution amending the temporary budget provided for in N.J.S.A. 40A:4-20

NOW THEREFORE, BE IT RESOLVED that the following appropriations shall constitute an amendment to the Temporary Budget of the Township of Hamilton, County of Atlantic.

	Other Expenses
Housing Code Enforcement	15,000.00
Capital Improvement Fund	20,000.00
Fire Equipment	100,000.00
<b>Total Current Fund</b>	<b>135,000.00</b>

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE, NO "NO", 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 authorization is hereby given to advertise for and receive sealed bids for the following vehicles, bid dates and times to be determined by the Finance and Township Clerks offices:

- 1) Pumper truck for Cologne Volunteer Fire Company.
- 2) Tender Truck for Laureldale Volunteer Fire Company.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the December 19, 2011 regular meeting be and are hereby approved and adopted as published.

RESOLUTION ADOPTED WITH MEMBERS CAIN, GATTO, KESSELMAN AND SILVA VOTING "AYE", NO "NAY", MEMBER DIX ABSTAINED DUE TO NOT BEING A MEMBER OF COMMITTEE ON THAT DATE.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the January 17, 2012 executive session be and are hereby approved and adopted.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be and are hereby ordered paid, the bill list total being \$1,370,385.56 as of February 21, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise for Cove Staff for the 2012 Season.

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

Reports:

Mr. Jacobs said it was a real pleasure putting the budget together. He said a lot of strategy went into it but it was good news opposed to prior years. He commented on many townships avoiding what this Committee did over the last several years and said the residents accepted what was done and participated in it and the employees came to the table and contributed to the whole process and have picked up the pieces so we are getting the most services we can. Mr. Jacobs said he appreciated the Committee acknowledging everybody.

Mr. Jacobs commented on needing a minor amendment to the list of streets the Engineer was authorized to look at and requested the Engineer be authorized to do a scoping project on what kind of safety improvements can be made to Old Egg Harbor Road along Underhill Park almost to the bridge to help the organizations that are there that have children going back and forth across the road. He said it would be to give the Committee an idea of what improvements could be made and it would not be to design it. Mr. Jacobs said it would be in lieu of cul-de-sacing. He commented the cul-de-sac proposal getting discussion started and on a lot of good information come out of it. Ms. Gatto commented on Mr. Jacobs having done an extensive amount of design work and Mr. Jacobs said there would be very little the Engineer to do. Mr. Cain commented on the Committee knowing it is an area of great concern and looking at the scope of what Mr. Jacobs has done and it being miniscule but it could make a major difference for the safety of the children and residents there. Mr. Jacobs suggested the Committee might need to vote on that amendment.

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 Engineer be and is hereby authorized to prepare a scoping project according to the Township Administrator's direction on Old Egg Harbor with a not to exceed an amount at the discretion of the Administrator.

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

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Mr. Jacobs reported the County Freeholders approved the reallocation of the CBGDG funds originally for the football fields that now can't be built and explained there will be about \$400,000.00 in improvements to the Township's parks to improve parking at Underhill, new playground facilities at Underhill Park for youth with disabilities, parking and other improvements at Hickory Street Park. Mr. Cain said he appreciated former Mayor Gatto having initiated this because that money would have been lost without repurposing it. Ms. Gatto commented on it being part of the recommendations from the Recreation Study that they are still carrying out.

Enclave at Glen Eyre: Mr. Sandman reported the Bank that the Township entered into an agreement with regarding The Enclave at Glen Eyre and their counsel that the Township retained at no cost to the Taxpayer requested a meeting with the Township Engineer and Staff to address the issues so those properties can be built to the point where they can finish the improvements. He said the meeting will occur within the next couple of weeks. Mr. Sandman commented on it being encouraging that they have actually reported some sales.

Tavistock: Mr. Sandman commented on reporting at the last meeting that Gulf Industries, now Travelers Insurance, were going to meet with the Township Engineer to come up with a plan to go forward. He said one of the issues was to permit the Homeowners' Association to be involved in the negotiations. Mr. Sandman reported receiving a letter today that their position is that the Homeowners' don't have standing under the bonds and they don't want their representatives present at the meetings. He said the company is correct that the HOA doesn't have standing under the bonds. Mr. Sandman commented on the dialog continuing and explained that because the underlying obligor on the bonds has gone belly-up the Township has been asked to supply them with the information they need. He reported he asked Mary (Lisitski) and Nancy (Rainbow) to put together as much as they can as fast as they can. Mr. Sandman said the Township now has the attention one bonding company on Phases 1A, 1B and 2. He said he reported on Phases 3 and 4 at the last meeting. Mr. Sandman said what he has been directed to do is going as fast as it can.

Committee Member's reports:

Ms. Gatto commented on raising questions at the last meeting about the reverse 911 system and asked Chief Tappeiner to report on it. Chief Tappeiner explained they followed up on it and put the link to the registration form on the Police Website and said that if you click on it it takes you to the County website. He said he has spoken with Ed Conover since then of the County OEM (Office of Emergency Management); they are working on upgrading their system; they understand the problem and are working to correct it. Ms. Gatto said anyone that doesn't have a computer can submit it by hard copy. Mrs. Dix asked if the Chief had the forms here. The Chief said he doesn't but can print them out from the computer. Mrs. Dix commented on trying to put in a senior who doesn't have a computer but the system won't take it without an e-mail address and she doesn't know that she wants to put in her e-mail address for every senior she tries to help. Chief Tappeiner said he would have to print the forms out and they would fill them out in pen. Mrs. Anderson asked the Chief if he would print some out and put them in her office.

Ms. Gatto reported the Police Department now has an active Facebook page; they are working with another company to do automatic updates and notifications via that and the website. She commented on seeing the need to get information out to the residents as soon as possible during Hurricane Irene and this something good that came from that. She commented on Bob Mattle, the Township OEM director starting a Facebook page during the Hurricane that was very helpful. Chief Tappeiner explained they are using Nexel software and if you enter your cell phone number on the website you will get text message alerts within 15 seconds of when they are entered. He explained that when something is going on the Department has staff so that when it gets entered it goes out right away.

Ms. Gatto announced the Mays Landing Fire Department is holding a blood drive on March 13<sup>th</sup> and is now taking appointments from anyone wanting to give blood.

Ms. Gatto commented on the death of Christian Clopp and extended her regards and sympathy to the Clopp family, friends, members of the Police Department, and Township staff that were there. She said the honor the Township Police showed by coming and being a brotherhood to the family was remarkable.

Public Comment:

James Kerrigan commented on there not being anything in the budget for Hometown Celebration. Jacobs said the Township doesn't fund that. Mrs. Dix and Ms. Gatto said it is funded by the Mays Landing Merchant's. Mayor Silva explained Mr. Kerrigan will have the opportunity to make any other comments on when the budget comes up for public hearing.

Maureen Cavileer, a resident of Brandywood townhouses, said she knows the Committee is working on the rental units but the quality of life and safety of the whole complex is a major problem; lighting, fencing falling down, buildings being boarded up and broken into. Mrs. Cavileer said she didn't know if there was anything being done with it. Mrs. Dix said it is Code Enforcement. Mayor Silva asked what the attitude of the property manager was. Mrs. Cavileer said you call and it is brushed over and it is getting progressively worse. She said units were broken into and gas dryers stolen on Martin Luther King Day and gas leaks started. Mr. Jacobs suggested she either call him or send him an e-mail with the details and he will give it to the Code Enforcement Department. Mr. Cain said if she gets the information to Mr. Jacobs he is sure it will be acted on as quickly as possible. Mrs. Cavileer commented on calling the police and said she didn't they could see the people running with the lights being out. The mayor asked Mr. Jacobs to ride out there tomorrow.

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

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

Adjournment to executive session:

When Mrs. Anderson began to read the resolution for adjournment to executive session Mrs. Dix asked if something has to be specifically listed on the agenda or potential litigation covered any litigation the Committee might discuss. Mrs. Anderson explained the resolution she will read will state exactly what the Committee is going to talk about. Mrs. Dix asked if she could have something added if it is not listed. Mr. Sandman explained you can't just say litigation or personnel; you have to identify if you know it is an individual or know it is a particular entity as the Committee has tonight. He said the public has a right to know why you are going into executive session and whether or not they have a right to get those minutes is another story. He asked Mrs. Dix what her question was beyond that. Mrs. Dix commented on the agenda listing potential litigation and said she didn't know how many different topics that included. She suggested for a recess and then coming back to do it. Mr. Sandman explained it is placed on the agenda to allow their going into an executive session for listed items; the items are announced by the Clerk at a public meeting; and there are two tonight. Mrs. Dix said she would hear the resolution and if she still has an issue she will raise it again.

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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 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) Litigation: Conifer.
- 2) Litigation/Attorney Client Privilege

Mrs. Anderson explained the Committee has to decide before voting, so the public knows, if they will reconvene to act on the Conifer litigation. Mr. Sandman asked if Mrs. Anderson named the individual on the second item. Mrs. Anderson said she didn't because Mr. Sandman told her not to. Mr. Sandman said he wanted her to name them. Mrs. Anderson read the revised Item 2 to read "Litigation - Officer Dare - Attorney/Client Privilege but no action will be taken".

Mrs. Dix asked for a second to speak to the Solicitor in private. Mr. Sandman said she is a new member and that he would oblige her. Dr. Kesselman said this should have been done ahead of time. Mrs. Dix and Mr. Sandman exited the room at 8:08 on the recorder.

Mrs. Anderson asked if the Committee anticipated taking action on the Conifer Matter. Ms. Gatto suggested the resolution say action may be taken and if the public is interested they could stay.

Mrs. Dix and Mr. Sandman returned to the room at 8:09 on the recorder and Mr. Sandman said he thought the matter was clarified. Mrs. Dix said she has been doing the Open Public Meetings Act since 1976 but this is a wrinkle and she thought what she wanted to talk about could be talked about and she will find out soon enough.

Mrs. Anderson continued reading the resolution for adjournment as follows: BE IT FURTHER RESOLVED the governing body may reconvene on Subject #1 if there is majority consensus for action to be taken on the matter tonight and no action will be taken on Subject #2.

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

Mrs. Dix said this is not expected to be a short session. The Committee exited the room at approximately 8:10 on the recorder. At approximately 9:34 on the recorder (9:37 on the wall clock). Mr. Sandman and Mrs. Anderson returned to the meeting room and Mr. Sandman announced he was in public session and that "there will be no action taken with respect to the matters that were discussed in executive session and so that the record is clear there is no member of the public present".

ATTEST:

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