

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ 08330  
MARCH 7, 2011

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public meetings law by posting a notice of this meeting on the bulletin board in the municipal building and by faxing or e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 p.m. on Monday, March 7, 2011 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

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

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

Additions:

--- Immediately following moment of silence:

Presentation to Hamilton Township Rescue Squad Ladies Auxiliary

7.A Insert names of businesses to be approved:

(1) Perfect Dimensions Hair Salon, LLC - hair salon and product sales on Harding Highway

(2) Kicks USA - retail clothing & shoe store in Hamilton Mall

7.J Women's History Month resolution

9.C Authorize advertising for part-time Communications Officers

(Dispatchers) to be used on an as needed basis @ \$15.00 per hour

Changes:

Item 7.G Delete reference to a tax refund and reword to read "**refund prorated share of purchase price in the amount of \$964.14**".

Delete Item 8.A, approval of February 22, 2011 minutes is hereby deleted.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a resolution to adjourn to executive session at the end of this meeting be added to the agenda.

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

Mayor Gatto read a proclamation commending the Hamilton Township Rescue Squad and Ladies Auxiliary for their dedication and service to the community and recognizing in particular Members Stephanie Adair, Tracy Cain and Heather Jones for the clothing drive project held in January that provided gently used clothing to 21 local families and 5 local facilities. Auxiliary Members Tracy Cain and Heather Jones were present to accept framed copies of the proclamation.

There were no executive session confirmations to be made.

March 7, 2011

There were no early public comments on agenda items excluding items listed for public hearing.

FY 2012 Community Development Block Grant (CBDG)

Mr. Jacobs explained the proposal is for the annual allocation of CBDG funds that are administered by Atlantic County on behalf of the Township be used for housing rehabilitation. He said people who qualify as low and moderate income could apply for money to improve code violations and bring their homes up to standard. Mr. Jacobs said it can also help meet the Township's COAH obligations.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that use of the FY2011 Community Development Block Grant allocation (Federal FY 2012) is hereby authorized to be used for Housing Rehabilitation through the Atlantic County Improvement Authority Community Development Program.

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

Public Hearing/Adoption - Ordinance #1687-2011

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

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

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

WHEREAS, Ordinance No. 1687-2011 was introduced and passed first reading on February 22, 2011 and was duly advertised in the February 26, 2011 issue of the Press of Atlantic City for a public hearing to be held on Monday, March 7, 2011 in the municipal building, Mays Landing, NJ; 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 No. 1687-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

ORDINANCE NO. 1687-2011

AN ORDINANCE TO AMEND ORDINANCE #1630-2008 ADOPTED AUGUST 18, 2008 ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF HAMILTON TO REPEAL ORDINANCE NO. 1615-2007 WHICH PROVIDED FOR SALARIES AND COMPENSATION TO BE PAID TO THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HAMILTON AND SUBSTITUTE THEREFORE SALARIES AND COMPENSATION HEREIN FOR THE YEAR 2008 AND BEYOND" TO REPEAL SECTION 8 THEREOF IN ITS ENTIRETY.

WHEREAS, the Township of Hamilton is currently facing a projected deficit in the amount of \$2,370,000.00 for the budget year commencing January 1, 2011; and

WHEREAS, the non-affiliated (non-union) employees were requested to make permanent financial concessions to help alleviate the aforesaid budget deficit; and

March 7, 2011

WHEREAS, aforesaid non-affiliated (non-union) employees have agreed to relinquish the matching deferred compensation contribution made by the Township pursuant to Section 8 of Ordinance #1630-2008 effective January 1, 2011,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

SECTION 1. Ordinance #1630-2008 is hereby amended to delete Section 8 thereof in its entirety.

SECTION 2. All ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed to the extent of its inconsistency.

SECTION 3. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

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

\_\_\_\_\_  
AMY L. GATTO, MAYOR

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

ORDINANCE #1687-2011 INTRODUCED AND PASSED FIRST READING FEBRUARY 22, 2011.  
ORDINANCE #1687-2011 ADOPTED MARCH 7, 2011.

Introduction - Ordinance No. 1688-2011

Mr. Sartorio referred to the presentation made in December by representatives of the Race Track and South Jersey Economic Development District of their grand concept plan for redevelopment of the Race Track property and explained this Ordinance is the amendments and rules needed for that project go forward. He said it addresses uses on the site and zoning standards that will be applicable as the project proceeds. Mr. Silva asked if there were any comments when it went before the Planning Board. Mr. Sartorio said some detailed comments were made but the Board made a finding that it was consistent with zoning and the Master Plan. Mr. Cain said the vote was unanimous. Mr. Palmentieri asked if the traffic concerns he brought up when the presentation was made were addressed at the Planning Board proceedings and/or in the Ordinance being introduced. Mr. Sartorio said a traffic plan is being worked out and it is recognized in the plan that it needs to be addressed. Mr. Palmentieri questioned the height limit. Mr. Sartorio said he believed the height for the hotel is 235' provided it is tied into rehabilitation of the grand stand structure and if it isn't the limit is 120' or 150'. Mr. Palmentieri asked if "if not" meant demolition of the grand stand. Mr. Sartorio said it could mean demolition of the grand stand or it could mean putting the hotel some place else on the property instead of adjacent to the grandstand. In response Mr. Sandman's question, Mr. Sartorio said getting the flag lot under public ownership and control is critical to the Plan and is specifically listed as one of the objectives of the Plan. Mr. Sandman said the County and Township are going to get together when this happens so the flag lot is no longer privately owned but it will have to be brought up to Township standards first. Mr. Palmentieri questioned the housing element portion of the property. Mr. Sartorio said

March 7, 2011

said the section currently zoned for planned village development is contained in the Plan but the Plan specifically says the zoning as currently set remains unchanged.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1688-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the March 9, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, New Jersey at 6:30 p.m. on March 21, 2011.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI AND SILVA VOTING "YES", NO "NO", MAYOR GATTO ABSTAINING DUE TO HER FATHER'S EMPLOYMENT AT THE RACE TRACK ON ROLL CALL VOTE.

#### ORDINANCE NO. 1688 - 2011

#### AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE ATLANTIC CITY RACE COURSE AREA IN NEED OF REHABILITATION BLOCK 1135.01 LOT 10.01 TOWNSHIP of HAMILTON, NJ

WHEREAS, the Mayor and Township Committee of the Township of Hamilton have adopted a resolution designating Block 1135.01 Lot 10.01 (aka the Atlantic City Race Course) as an area in need of rehabilitation; and,

WHEREAS, pursuant to the provisions of NJSA 40A:12A-15, the Township may adopt a redevelopment plan in order to proceed with the development, redevelopment and rehabilitation of this area.

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

A. Amend the Code of the Township of Hamilton to incorporate the following as the Atlantic City Race Course Redevelopment Plan":

#### 1) INTRODUCTION - PURPOSE OF THE REDEVELOPMENT PLAN

- a) On August 17, 2009 Township Committee adopted a resolution designating Block 1135.01 Lot 10.01, commonly known as the Atlantic City Race Course (ACRC) property to be An Area In Need of Rehabilitation as defined in the Local Redevelopment and Housing Law (LRHL) at NJSA 40A:12A-14.
- b) As provided for in the LRHL, this plan has been prepared to effectuate the rehabilitation and redevelopment of ACRC Rehabilitation Area, in a comprehensive, coordinated manner so that the area becomes an asset to the Township.

#### 2) DEFINITIONS

- a) Unless superseded by a definition in the following subsection b), the definitions set forth in §203 - 18 of the Code of the Township of Hamilton (aka the Developmental Ordinance) shall be applicable within the Redevelopment Area.
- b) The following definitions shall apply in the Redevelopment Area:

"Building Height" shall mean the vertical distance measured from the average grade 10 ft. from the building wall to the deck of a flat roof and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Measurement of building height shall not include rooftop appurtenant structures such as elevator penthouses, lighting features and other similar structures to be placed above the roof level and not intended for human occupancy. For hotel uses, rooftop appurtenant structures shall not increase the height by more than 10% beyond that point of the roof at which the building height is measured, and shall not occupy more than 25% of the proposed rooftop area.

"Conference Center Hotel" shall mean a hotel with facilities used for conferences and seminars with dining, recreation, entertainment, resource facilities, meeting rooms, health and fitness center and retail stores and services primarily intended to serve hotel guests and conference attendees."

"Project Area" shall mean the Redevelopment Plan geographic area as generally described herein and the parcels identified pursuant to the Hamilton Township Tax Map incorporated as Exhibit 1.

"Redevelopment Entity" shall mean the governing body of the Township of Hamilton, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1, et seq.

"Redeveloper" shall mean any person, firm, corporation or entity that shall enter into or propose to enter into a contract with the Township of Hamilton, or any successor redevelopment entity, for the redevelopment or rehabilitation of the Project Area .

"Transportation Center" shall mean a building or group of buildings which accommodate transportation activities, both public and private, such as, without limitation, bus, jitney-bus, taxi, limousine and related transportation activities including passenger pick up, drop off and waiting.

### 3) REDEVELOPMENT GOALS

It is the intent of the Atlantic City Race Course Redevelopment Plan (*the Redevelopment Plan*) to promote the advancement of community interests through the expansion and improvement of non-residential, residential and recreational facilities and to promote physical development that will be conducive to the social and economical improvement of the Township of Hamilton.

More specifically, this Redevelopment Plan is intended to:

- a) Improve and abate the present conditions of deterioration in commercial properties, public services and facilities,
- b) Ameliorate and correct decay in a timely and concerted effort of responsible public bodies to promote redevelopment which would not otherwise occur solely by private effort, and
- c) To provide a mechanism for the orderly planning and private development, redevelopment and/or rehabilitation of the project area consistent with certain municipal objectives and public policy goals as stated herein .
- d) To be consistent with the recommendation in the 2006 Master Plan Reexamination Report that development in this area should include mixed uses including the opportunity for a hotel, regional and pedestrian commercial uses and a variety of residential uses.
- e) To insure that residential development in this area provides an appropriate number of dwelling units that are affordable to low and moderate income households pursuant to the State law and the Township's Affordable Housing Compliance Plan.
- f) To facilitate the transfer of the privately owned and maintained section of 'Leipzig Avenue' to public ownership by Atlantic County.

### 4) STRATEGIC PLAN

All redevelopment activities in the designated area shall be carried out in compliance with all applicable federal, state and Township laws and regulations. The redevelopment plan for the Atlantic City Race Course Rehabilitation Area shall include the following:

- a) Planning and Implementation
  - i) Designate the Township Committee as the Redevelopment Agency for the project area.
  - ii) Designate the Planning Board as the Review Agency for all applications relating to this plan.
  - iii) To work cooperative with the landowners in development of a plan that achieves the Redevelopment Goals.
  - iv) To designate Greenwood ACRA, Inc., the property owner, as the redeveloper of the subject parcels
  - v) Enter into agreements with the redeveloper as allowed by law, to effectuate the implementation of this plan.
  - vi) Encourage the Planning Board to conduct expedited reviews of the redevelopment projects the cost of which are to be borne by the redeveloper.

- vii) To work with the designated redeveloper on applications for grants, low interest loans and other forms of technical, financial or other assistance to implement the redevelopment plan with public, private and non-profit entities as needed.

b) Infrastructure

- i) Coordinate with local service providers to insure that the project area has adequate utility capacity (including, but not limited to, sanitary sewers, potable water, storm sewers, electric, natural gas, telecommunications and cable service) to meet the service needs of the proposed mixed use development.
- ii) Encourage the use of alternate energy technologies in the redevelopment area including, but not limited to, solar, geothermal, etc.
- iii) Coordinate with NJDOT, Atlantic County, regional transportation agencies and the Redeveloper to ensure that the surrounding road network and traffic control measures are adequate to provide safe access/egress to the redevelopment sites.
- iv) The removal and clean up of any hazardous wastes or materials that may be found on site or within the buildings.

5) PROPOSED LAND USES AND BUILDING REQUIREMENTS IN THE REDEVELOPMENT AREA

The Redevelopment Plan will implement existing property zoning as currently set forth in the Township of Hamilton Land Development Ordinances with no changes to the zoning standards for the Planned Village Development Zone. The Redevelopment Plan proposes minor additions to permitted and accessory uses in the Recreational Commercial Zone as well as changes to the area and bulk standards applicable in that district.

a) CURRENT ZONING/ZONING MAP

The project area occupies two zoning districts currently shown on the Zoning Map of Hamilton Township: Recreational Commercial (RC) and Planned Village Development (PVD). The current zoning boundaries and zoning designations are unchanged.

b) PLANNED VILLAGE DEVELOPMENT ZONING DISTRICT

The zoning standards for the Planned Village Development Zone as outlined under Sections 203-242 through 203-260 of the Hamilton Township Land Development Ordinance shall apply to that portion of the project area located within that zoning district without exception.

c) RECREATION COMMERCIAL ZONING DISTRICT

The following zoning standards shall apply to that portion of the project area located in the Recreational Commercial District:

1. Permitted uses:

- a. All uses shown in §203-58.A as permitted in the RC District
- b. Institutional uses, excluding cemeteries, law enforcement facilities and military facilities
- c. Hotels and Conference center hotels
- d. Offices
- e. Transportation Centers

2. Accessory uses:

- a. All accessory uses permitted in the RC zone as shown in §203-58.B
- b. In the project area, accessory renewable energy facilities may be sized to exceed the energy needs of the principal use and may make the excess electric energy generated available to other uses in and adjacent to the rehabilitation area.

3. Area and bulk requirements:

Within the project area the following area and bulk standards shall supersede those applicable to the RC district listed on the Table of Lot Requirements for Commercial Districts:

<b>Requirement</b>	<b>District RC</b>
Maximum height	
Principal structure	
Stories	5
Feet	65
Accessory structure	
Feet	30
Hotels	235 ft. provided that the hotel is linked to the existing grandstand structure, otherwise the height shall not exceed 120 ft.
Lot requirements	
Minimum lot area	5 acres
Minimum width	200
Maximum coverage of lot by impermeable surface (percent)	80%
Minimum yard requirements	
Front yard setback (feet)	50
Side yard setback (feet)	30 each side
Rear yard setback (feet)	35
Marginal access road	Required
Open landscaped area (minimum) (percent)	25%
Building length (maximum) (feet)	---
Maximum impervious coverage of the project area	60%

d) OTHER STANDARDS

Except as amended above, all other standards for site development established in the Land Use and Development Ordinance (§ 203 of the Township Code) shall be applicable to development undertaken pursuant to this Redevelopment Plan except where those standards are superseded by the New Jersey Residential Site Improvement Standards (NJAC 5:21-1 et seq).

e) ADDITIONAL BUILDING CONTROLS

Unless otherwise specified in this Redevelopment Plan, all Land Use, Building Limit and other Controls contained herein are not a substitute for any requirements, controls or regulations established by any applicable State or Federal agency which, by law, supersede or constitute additional controls to those contained herein.

f) UNDERGROUND UTILITY LINES

Utility distribution lines and infrastructure (either existing or, where reasonably feasible, new) for all systems shall be placed underground wherever permissible by governing public utility companies and building codes. Utility easements shall comply with Township requirements and established at the time of Site Plan approval. Relocation and/or replacement of utility lines and expense related thereto shall be addressed by the Redeveloper.

6) CONCEPTUAL REDEVELOPMENT PLAN

Attached to this ordinance is a concept plan depicting how development of the subject parcels may appear upon completion of the redevelopment project. It must be stressed that these plans are conceptual only and not be deemed in any way to be binding on the redeveloper. The completed development may be different based on market demands and/or review comments received from the Planning Board and Pinelands Commission.

7) PROVISIONS FOR RELOCATION OF RESIDENTS AND BUSINESSES IN THE REDEVELOPMENT AREA

This is not applicable. The project area is owned in its entirety by the Greenwood ACRA, Inc. who has requested and subsequently obtained the governing body's designation of the project area as an area in need of rehabilitation. As such, it is not necessary to acquire privately owned property as part of the Redevelopment Plan. The Plan accordingly, does not contemplate use of the power of eminent domain.

There are no privately owned residential properties within the project area; therefore, there are no requirements for the temporary or permanent relocation of residents.

8) IDENTIFICATION OF ANY PROPERTY THAT MAY BE ACQUIRED IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

The project area is owned in its entirety by the Greenwood ACRA, Inc. and acquisition of additional property is not necessary to effectuate this plan.

9) RELATIONSHIP TO OTHER PLANS

a) State Development & Redevelopment Plan/NJ Pinelands Comprehensive Management Plan (SDRP/CMP)

- i) The New Jersey State Development and Redevelopment Plan acknowledges the special statutory treatment allowed the Pinelands Commission under the Pinelands Protection Act and The State Planning Commission relies on the Pinelands Comprehensive Management Plan in developing the State Plan. Given the fact that the Redevelopment Plan utilizes the existing zoning established by Hamilton Township, a Pinelands certified zoning plan, and involves a property located within a growth zone of the Pinelands District, the proposed Plan is consistent with the Pinelands Comprehensive Management Plan and, as such, consistent with the State Development and Redevelopment Plan.
- ii) The Pinelands Comprehensive Management Plan (CMP) sets forth land use patterns which serve as the template for the zoning plans of all municipalities within the Pinelands area. As stated in the Pinelands CMP:

*"Regional growth areas are those areas designated in response to the mandate in the Pinelands Protection Act to encourage appropriate patterns of compatible residential, commercial, and industrial development, in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the Pinelands environment from the individual and cumulative adverse impacts thereof."*

Being a property located within the Regional Growth Zone of Hamilton Township, the project area is consistent with the Pinelands CMP as an area within a designated growth node. Additionally, plan consistency with existing zoning regulations of Hamilton Township further assures compliance with Pinelands standards given the Pinelands certification process which Hamilton Township underwent prior to adoption of their Master Plan and Land Development Ordinances. This process mandates consistency between local land use plans and the Comprehensive Management Plan.

b) Atlantic County Master Plan

The Redevelopment Plan is consistent with the following Land Use Goals of the Atlantic County Master Plan (October 2000):

- 2. *Promote quality growth and development in areas where capital facilities are available. To discourage growth in areas that would require unplanned extension of capital facilities.*
- 4. *Promote lands for a diversity of economic development opportunities within the communities of Atlantic County.*



c) Master Plans of Surrounding Municipalities

All of the municipalities adjacent to Hamilton are within the Pinelands Protection Area. The subject area is in closest proximity to those portions of Egg Harbor and Galloway Townships designated Regional Growth Areas under the Pinelands Comprehensive Management Plan. The Master Plans and land use ordinances of these municipalities have been certified by the Pinelands Commission as being compliant with the provisions of the CMP. Therefore it can also be inferred that Redevelopment Plan is consistent with the Master Plans of the adjacent municipalities.

10) RELATIONSHIP TO THE TOWNSHIP MASTER PLAN AND DEVELOPMENT ORDINANCE

a) Master Plan

The Redevelopment Plan is consistent with the recommendation of the 2006 Master Plan Reexamination Report for future development/redevelopment of the ACRC property to include *“mixed uses including the opportunity for a hotel, regional and pedestrian commercial uses and a variety of residential uses.”*

b) Development (Zoning) Ordinance

As noted in Section 5, with the exception of providing for additional uses in the Recreational Commercial Zone, this Redevelopment Plan does not include any other proposed changes to the current Planned Village Development and Recreational Commercial zoning standards.

11) POLICIES FOR THE USE OF LONG TERM AND/OR SHORT TERM PROPERTY TAX INCENTIVES AND OTHER INCENTIVES

a) If the low and moderate income units required pursuant to the zoning standards of the Planned Village Development zone are developed as rental units the redeveloper may request a Payment in Lieu of Taxes (PILOT) based upon a percentage of the gross shelter rents should the affordable units be located in one or more rental phases or components and otherwise comply with all regulations promulgated by the New Jersey Housing and Mortgage Finance Agency (NJHMFA) in connection with government subsidized affordable rental projects. The term and duration of the PILOT shall be consistent with the term and duration of the NJHMFA mortgage. This PILOT shall only apply to the affordable rental component of the residential development.

b) Non-residential development in the Recreation Commercial zone may request financial incentives as permitted under existing New Jersey and local law.

12) AUTHORITY AND INTERPRETATION

a) Pursuant to NJSA 40A: 12A-13, the Planning Board shall have the sole authority to determine conformance of the Redeveloper's concept and design with this Redevelopment Plan.

b) Subject to the provisions of this Redevelopment Plan herein, the Planning Board shall have sole authority for the interpretation or clarification of any provision of this Redevelopment Plan.

13) GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS

All provisions of this Redevelopment Plan, including all building controls, regulations and/or restrictions imposed, shall be applicable to all real property and improvements within the Atlantic City Race Course Area in Need of Rehabilitation.

14) DURATION OF PROVISIONS AND EFFECTIVE DATE

a) This Redevelopment Plan, as it may be amended from time to time, shall be in effect until the goals of the redevelopment Plan are satisfied and the Area in Need of Rehabilitation is fully redeveloped to the maximum extent permitted under the Redevelopment Plan.

March 7, 2011

- b) Upon completion of construction and the issuance by the Township of all permanent Certificate(s) of Occupancy for individual portions or all of the Redevelopment Project, and at the request of the Redeveloper, the Township shall issue to the Redeveloper a 'Certificate of Completion and Compliance' for the entire Redevelopment Project or such portions thereof as the Redeveloper shall have completed, certifying that the Redevelopment Project or the specific portions, thereof were completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Redevelopment Agreement, if applicable indicating provisions related to NJSA 40A:12A9. a have been satisfied.

15) AMENDMENT OF THE REDEVELOPMENT PLAN; VARIANCES

- a) This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those Imposed by NJSA 40A: 12A-13, mutual agreement between the Township and the Redeveloper is required where a Redevelopment Agreement is in place and where an amendment would change the controls governing the use of land under such Redevelopment Agreement.
- b) The Planning Board may approve variances from the Area and Bulk Standards of this Redevelopment plan. However, any modification or change of more than 20% of the applicable standard shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.
- c) Modifications or changes in the Permitted uses or Area and Bulk Standards, which are inconsistent with the intent of this Redevelopment Plan, shall not be approved in the absence of a formal amendment to this Redevelopment Plan.

16) INCONSISTENCY REPEALER

Because this Ordinance provides specialized regulations for housing types, land uses, subdivision improvements, street standards, site planning, and building design within the Redevelopment Area, the standards and requirements of this Ordinance supersede and replace all conflicting provisions In the Hamilton Township Developmental Ordinance. All ordinances of the Township of Hamilton that are inconsistent with the provisions of this ordinance are superseded by the provisions of this Ordinance.

17) SAVINGS PROVISION

If any section, subsection, sentence, clause or phase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

18) EFFECTIVE DATE

This ordinance shall take effect upon final passage, approval, filing with the Atlantic County Planning Board, approval by the Pinelands Commission, and publication as required by law.

TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

ATTEST:

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

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

\_\_\_\_\_  
AMY GATTO, MAYOR

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



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

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

- (1) Perfect Dimensions Hair Salon, LLC - hair salon and product sales on Harding Highway.
- (2) Kicks USA - retail clothing & shoe store in Hamilton Mall.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following list of Laureldale Volunteer Fire Company Members qualified for 2010 LOSAP Credit as certified by its Chief is hereby accepted.

<u>Member</u>	<u>Points</u>	<u>Member</u>	<u>Points</u>
J. Aschenbach	131	J. Maxwell	127
D. Bayconich	139	E. Moran	166
C. Debiase	161	R. Moran	167
F. Gabriel Jr.	189	L. Murray Sr.	159
F. Gabriel Sr.	159	J. Potenski	137
S. Hulse	141	J. Stafford Sr.	175
D. Jarvis Jr.	145	N. Subbotin	119
D. Jarvis III	143	S. Tarbutton	157
E. Kepner	153	C. Tilley	149
J. Lauer	119	N. Tomasello	107
J. Liberty	135	R. Treen	151
C. Maxwell	107		

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

March 7, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #3-2011 for the Cologne Volunteer Fire Company Ladies Auxiliary on-premise 50/50 raffle being held on April 16, 2011 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #4-2011 for the Highland Academy Chinese auction to be held on April 10, 2011 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Bond Safeguard Insurance Company bond #5016195, a maintenance guarantee for Decathlon Construction Company site improvements required for subdivision of Block 790, Lot 2 (File #SD-5-04), be and is hereby denied as recommended by Robert J. Smith III, Township Engineer, dated February 7, 2011, due to uncompleted punch list items.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Bond Safeguard Insurance Company bond #5027227, a maintenance guarantee for the non-stormwater components of Robert K. Irving and Diane R. Hesley extension of Paddock Street, Block 854, Lot 62, be and is hereby denied as recommended by Robert J. Smith III, Township Engineer, dated February 9, 2011, due to uncompleted punch list items.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Hanover Insurance Company maintenance bonds for the stormwater management system components of SJS Holdings/Fairways at Mays Landing project be and are hereby denied as recommended by Robert J. Smith III, Township Engineer, dated February 11, 2011, due to uncompleted punch list items.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objections to NJDOT and/or Atlantic County approving and issuing permits to the Cologne Volunteer Fire Company for coin drops to be held as follows:

- 1) Route 322/Wrangleboro Road jughandle intersection on May 21, 2011.
- 2) Route 322 & McKee Avenue intersection on June 25 & 26, 2011; on August 13 & 14, 2011 and on October 22 & 23, 2011.

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

March 7, 2011

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objections to NJDOT and/or Atlantic County approving and issuing permits to the Mays Landing Fire Department/Reliance Hose Company No. 1 for coin drops to be held at the Route 40/50 and Mill Street intersections on June 17 & 18, 2011 (rain date June 19); on July 15 & 16, 2011 (rain date July 17); and on August 19, 20, 2011 (rain date August 21).

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the corrective deed prepared by the Township Solicitor to delete Lot 25 in Block 353 from the land transfer to Ilamosi Agbugui ratified November 9, 2009; and

BE IT FURTHER RESOLVED that the CFO is hereby authorized to refund the sum of \$964.14 to Ilamosi Agbugui, which represents the adjusted price per acre as recommended by the Tax Assessor under date of February 24, 2011.

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

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 3734

WHEREAS, the Township of Hamilton in the County of Atlantic is a bipartisan municipal governing body; and

WHEREAS, there is currently pending Assembly Bill No. 3734, one of the sponsors of which is Atlantic County Assemblyman John F. Amodeo; and

WHEREAS, the proposed Bill would provide indemnification by the State of New Jersey and a legal defense by the State of New Jersey Attorney General's Office for "any municipal police officers or County law enforcement personnel working in law enforcement activities in conjunction with the County Prosecutor's Office, including but not limited to, a County Prosecutor's Office Task Force" and

WHEREAS, police officers employed by the various municipalities in Atlantic County would receive defense and indemnification from the State of New Jersey regarding potential civil suits brought against them if they are performing law enforcement activities in conjunction with a County Prosecutor's Office including such entities as the Atlantic County Prosecutor's Strike Force; and

WHEREAS, said Bill, if adopted, would relieve the financial burdens from municipalities whose police officers cooperate with the Atlantic County Prosecutor's Office in a joint effort to fight crime,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton as follows:

- The above recitals are hereby incorporated into this section of the Resolution as if fully set forth at length herein.
- The Township Committee of the Township of Hamilton wholeheartedly supports enactment into law of proposed Assembly Bill No. 3734 or any variation thereof that would provide the defense and indemnification as described above.

March 7, 2011

- This Resolution shall be distributed to all appropriate State and Local Officials.

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

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

WHEREAS, Chief Stacey Tappeiner and Ingrid Perez, Alternate Fund Commissioner were appointed additional Contact Persons for the Atlantic County Municipal Joint Insurance Fund Employment Practices Liability Helpline; and

WHEREAS, the Township deems it necessary to change the additional contact persons,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the aforesaid January 18, 2011 resolution be and is hereby amended to change the appointed additional Contact Persons from Chief Stacey Tappeiner and Ingrid Perez, Alternate Fund Commissioner to Mary Kelly, Human Resources Director.

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

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

RESOLUTION DESIGNATING THE MONTH OF MARCH AS  
"WOMEN'S HISTORY MONTH"

WHEREAS American women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS American women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS American women have played a unique role throughout history by providing the majority of the Nation's volunteer labor force; and

WHEREAS American women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in the Nation; and

WHEREAS American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and others, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has consistently been overlooked and undervalued in the literature, teaching and study of American History,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, that the month of March is hereby designated as "**WOMEN'S HISTORY MONTH**"; and

BE IT FURTHER RESOLVED that all Hamilton Township Residents are urged to observe the month of March as "**WOMEN'S HISTORY MONTH**" with appropriate programs, ceremonies and activities.

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

March 7, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$3,542,620.83 as of march 3, 2011.

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

Mayor Gatto moved Jennie Ayers from Historic Preservation Commission Alternate 1 to fill the unexpired Regular Member term of Linda Benner, said term expiring December 31, 2012.

#### Part-time Dispatchers

Mr. Jacobs explained the Township has a pool of part-time Dispatchers that are used on an as needed basis to fill in and they want to add Nicole Liepe to it. He said they are also asking for authorization to advertise for additional part-timers to add to the pool. Mr. Jacobs said it saves money rather than paying overtime. The Mayor said this was part of the budget plan everyone is aware of.

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 Nicole Liepe be and is hereby appointed a part-time Communications Officer (Dispatcher) effective March 11, 2011 at \$15.00 per hour.

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

Mr. Silva 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 Chief of Police is authorized to advertise for part-time Communications Officers (Dispatchers) at \$15.00 per hour to be used on an as needed basis.

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

#### Reports

##### ADMINISTRATOR:

- Mr. Jacobs reported there was an issue with the dam last week and explained the immediate concerns were put aside and they feel relatively safe at this point recent. He said the State and County met and are requiring the contractor doing work on the dam to do testing to find out if there is any soil erosion near the base of the dam; based on that a list of additional work to be done, if required, will be provided. Mayor Gatto expressed her appreciation for the Public Works personnel, Emergency Management personnel, and members of the Dam Committee who were there. She asked that information on the root cause and corrective action be forwarded to the Township Committee.

- Mr. Jacobs reported the Budget Committee met; a proposed budget was put together based on their direction; meetings were held with the Department Heads to make sure their budget is workable and that they are satisfied; they met with the auditor to go over the budget; the budget committee has another meeting tomorrow and if everything is in order he hopes to have the budget on the next agenda for introduction.

March 7, 2011

SOLICITOR:

- LAKE LENAPE DAM: Mr. Sandman reported the Lake Lenape Dam Committee met on February 24<sup>th</sup>. He explained the dam itself is owned 50/50 by the Township and County with a cooperation agreement with respect for maintenance; the earth embankment is owned by Cotton Mill Associates; and there is an easement granted to the County and the Township for access to the dam. He explained a portion of the agreement the County entered into for repairs of the dam requires the owner of the embankment to take corrective measures with respect to the embankment. He explained they are engineering type of issues that may impact the easement area and said that up to now the owners of the Cotton Mill have been unwilling to do what is required of them. Mr. Sandman said the Dam Safety Commission of DEP directed them (Cotton Mill Associates) to make repairs and it didn't happen. He reported the Lake Lenape Dam Committee met with respect to those issues and some broader ones raised at their last meeting; that his follow-up meeting with Mr. Pagano, the County Counsel, had to be cancelled because Mr. Pagano was called into court and he hopes to reschedule it for next week. He said he should be in a position to report back to the Committee at the next meeting in either in public or executive session. Mr. Sandman said the County requested an extension of the permit until November and the contractor agreed, preliminarily, to maintain the contract on an as-built basis and extended an offer to the Cotton Mill Associates to include them in that portion of the project.

-PARKING REGULATIONS FOR UNDERHILL PARK AREA: Mr. Sandman reported he reviewed the Police Department report and interviewed Officer Wade Smith regarding the parking at Underhill. He said the descriptions from Old Egg Harbor Road inwardly to the old air strip had to be more definitive and that the ordinance should be ready for the next meeting.

-AERIAL/FOOT BRIDGE AT WHEATONS: Mr. Sandman reported both properties were owned by the same owner in 1990 when they went in for preliminary and final approval for the expansion of the steel building on the south side of the street to increase the square footage and elevate it to make offices. He said he reviewed the minutes of those meetings and the approving resolutions and the aerial walkway was to be removed under the approvals that were given. He explained that was in the preliminary approval but on final approval there apparently was some discussion that the applicant agreed to remove it but the Board would allow it to stay there until the building was no longer used co-jointly by the same ownership. Mr. Sandman said that has terminated and as he reads the documents there is an obligation to remove it. He said he would like to go back to County Counsel on it because one of the issues they were going to discuss last week was that the air rights belong to the county, not the township. He said it may become part of a bigger plan based on what he reports back to the Committee later. Mayor Gatto asked whose obligation it was to remove it. Mr. Sandman said it was Lawson/Mardon/Wheaton Inc. He said their hearing was held May 21, 1998; the approving resolution #SP15-01-90 dated June 18, 1998; and the applicant owned both properties at that time; the approvals run with the land and transfers with ownership; and it is the obligation of whoever owns either property or both today. Mr. Sandman said the applicant owned both properties at the time and to his way of thinking it stays with both properties. The Mayor said the properties are owned by 2 different owners now. Mr. Sandman said that doesn't matter; it is whoever acceded to the rights of Lawson/Mardon/Wheaton Inc. The Mayor asked if the Committee wanted Mr. Sandman to find out who acceded to those rights. Mr. Silva said he thought they should if they are going to call for its removal. He commented on there being 2 different owners now and asked if the obligation was jointly or severally. Mr. Sandman said the resolution doesn't address that but he thinks it may be part of a bigger plan that will happen in the future with respect to actions taken by Township Committee. Mr. Cain said the Committee didn't ask for its removal, they asked to identify ownership of it because there are applicants on both sides of the street asking for independent approvals. He said there are plans from both entities looking to do something on both properties. Mr. Sandman asked if they are both pending. Mr. Cain said the new side is currently pending because what Veridian Solar is attempting to do is an approved use and Mr. Sartorio is looking into the Redevelopment Agreement language to determine if any further action in front of one of the Boards will be required. Mr. Palmentieri questioned who has to remove it. Mr. Sandman said that to the extent something is pending before



March 7, 2011

Planning or Zoning and the extent that the Planning or Zoning Solicitor undertakes the time to do it the taxpayer doesn't pay that. Mayor Gatto said Mr. Sartorio is working with the applicant on one side to get them through what the Committee believes is an approved use that wouldn't require any other approvals and it would potentially be part of his review. Mr. Sandman suggested he be allowed to look at it and report back at the next meeting because it could save the Committee time and money. There were no objections. Mayor Gatto and Mr. Cain suggested it would help Mr. Sandman to discuss it with Mr. Sartorio.

ENGINEER:

-TIMBER GLEN DRAINAGE BASINS: Mr. Smith reported he is meeting with the principal of Edgewood Properties tomorrow to discuss their plans going forward and addressing the basin issues. He said he will go out before the meeting and look at the basins and will be in a position to report on the status at the next meeting.

-ROOF REPLACEMENT: Mr. Smith reported he expects a preconstruction meeting on the roof replacement in the next two weeks; the weather trend is more conducive for replacement of the roof; and it should get going pretty soon.

-BASEMENT STRUCTURAL REPAIRS: Mr. Smith reported a preconstruction meeting for the basement structural repairs was held; they are getting some issues with it addressed; and it will probably start in the next week or so.

-WEST JERSEY AVENUE SECTION I: Mr. Smith reported bids for West Jersey Avenue Section I will be received March 22<sup>nd</sup> and he hopes to be in a position to have an award of contract recommendation to the Committee for the first meeting in April. Mr. Smith explained it will go concurrently with the New York Avenue Project so the road will only have to be closed and traffic detoured once by doing both projects at once.

Mayor Gatto asked what the process was for monitoring the thirteen critical basins. Mr. Smith explained that as a result of the Homewood Court Project on Somers Point Road, Mrs. Anderson put together a list of all the bonds that are in place; he is starting to calendar the expiration dates of maintenance bonds; and after rain events he tries to go out to see how they are performing before they are in a position to make a recommendation for release. Mr. Smith explained he goes out to the Wexford Lane basin periodically after rain events; it was bone dry after the recent weekend rain events; and he believes the corrective action taken by that developer is satisfactory. He commented on being more concerned about that one because a performance guarantee request is more imminent and, assuming maintenance is done he doesn't think it will be an issue. Mr. Smith said there is still work to be done on the majority of the basins but he is monitoring the status of all basins because it gives a better handle on where they will be when the request for release of the bond comes in. Mr. Silva asked all of the developers had submitted reports on what their plan for maintenance and upkeep will be. Mr. Smith said he believed he got written responses from the majority of those he sent letters to. He explained the maintenance they are supposed to perform is outlined in their Declarations and Covenants and they are supposed to submit an inspection report to the municipality yearly indicating what they found and what maintenance will be undertaken. Mr. Smith said he didn't receive any inspection reports but believes they got something from every developer as to what their plan is going forward.

Mr. Silva thanked Mr. Smith for getting on the sidewalk issue on Lenape Avenue. Mr. Smith said he is meeting with the contractor on Wednesday. Mr. Silva asked if there was still money in the bond. Mr. Smith said it is a maintenance bond.

Mr. Cain asked about Hamilton Commons basin. Mr. Smith explained that when he asked for a status report their engineer said everything has to go through the developer and that he forwarded Mr. Smith's letter to them. He said he hasn't heard from them. Mr. Smith commented on the developer having larger scale plans of what they wanted to do for Wrangleboro Road (Consumer Square). He said they have to go back to DEP, Pinelands and the Planning Board if they make major changes to it. Mr. Cain commented on the developer of Hamilton Commons using the pump in the past and the possibility of a dangerous situation with the rainy season coming. He said he thinks the Committee needs to take action to make them correct it. Mr. Sandman said he

March 7, 2011

and Mr. Smith went through the documents on each developer and put them on notice as to what their obligations are. Mr. Cain commented on the one at Hamilton Commons being at the top now and said it will overflow with any rainfall. He said some kind of corrective action has to be taken. Mr. Smith said he would contact their engineer tomorrow. He said the majority of the ones with problems are still under performance or maintenance bonds and he thinks the Township is in a good position because all of the developers are substantial residential/commercial developments. Mr. Sandman said he was asked to attend the meeting with Timber Glen but didn't go because he doesn't do anything unless authorized to and because he has technically taken action against their bond. He said the Committee hasn't said to pull it back or move forward with it. Mr. Smith said he would report at the next meeting and the Committee can make a decision then. Mr. Cain asked Mr. Smith if he could get his report to the Committee before the next meeting so they have time to review it. Mr. Smith said he would e-mail it.

Dr. Kesselman said it is important to start thinking about the Cove assuming it was going to be open and he has every reason to believe it will be. He commented on the need to advertise for lifeguards early because they are not easy to find.

Mr. Silva congratulated the Mizpah Volunteer Fire Department on receiving \$51,013.00 from the Assistance to Firefighters' Grant Program. He explained the Grant Program awards grants directly to fire departments and emergency services to support their efforts to protect the communities they serve. He said it is Mizpah's first award and is well deserved.

Mr. Silva from reported the Township earned a \$2,600.00 for outstanding performance in the 2010 JIF Safety Incentive Program. He said the Committee appreciated Mr. Jacobs, Lisa Hedrick, Mary Kelly and Ingrid Perez efforts and congratulated them for the award.

Mr. Silva thanked Mr. Kurtz and the Mays Landing Merchants' Association for the map and directory they did. He said it was outstanding, professionally done and informative.

Mayor Gatto reported the Township is in constant, continual discussions with the MUA regarding a shared services agreement and she hopes to have something to report on it in the near future.

Mayor Gatto reported there will be a meeting with Egg Harbor City and other members of their Dispatch arrangement on Thursday to look at the possibility of shared services.

#### Public Comment

James Kerrigan said the road into the Mall has to be paved. Mayor Gatto explained it a privately owned road and the Township Committee has done whatever possible by communication and pressure on the owner to get them to pave it. Mr. Sandman said it will be part of the Race Track Redevelopment; it is called a flagpole lot; he has put the owners on notice that the Township Committee considers it a dangerous condition; and his only it is something the Planning Board has to take into consideration during the course of the Race Track's redevelopment plan. Mayor Gatto asked Mr. Sandman to reach out to the owner to see if they have any update. Mr. Smith explained it will be part of discussions with the developer and will not be done with taxpayer dollars because the Township doesn't own it.

Aline Dix explained her point when she brought up sidewalks at the last meeting was that the Township enforces the ordinance for sidewalks on developers and other entities and they should enforce it on themselves.

Ms. Dix commented on the Recreation Trust being user fee money and on public objections to the Township cancelling it last October and putting it into the taxpayers' budget. Ms. Dix referred to cancellation of bond ordinances that she said represent borrowed money with principal and interest due. She commented on liquidation of various bonds; money being borrowed but not spent; principal and interest being due on them; and the

March 7, 2011

Township putting those bonds into permanent debt. She said that when capital ordinances come up in the future she will read every word in it at introduction and will come forward if she has to tell the Committee what she thinks is wrong. Ms. Dix commented on the Committee giving the Administration the power to draw down the money, etc., when they adopted the ordinances and said she doesn't want any more borrowing until the Township Committee authorizes it. She said the Committee can't trust its professionals carte blanche. Ms. Dix commented on filing 2 OPRA requests today and said she wants to see what reports are being filed with the Committee to justify their votes. She said it was no reflection on Mr. Jacobs because he wasn't here until January 1<sup>st</sup> and everything she is talking about has to do with 2006-2009. Ms. Dix said the Committee has to be more cognizant of what is being put on the taxpayers; that she is very unhappy about the bonded indebtedness; she will be looking for arbitrage records and any reports that had to be filed with the IRS. Mr. Jacobs asked if she is suggesting there were bond ordinances where the purchase didn't go through but the Township borrowed the money and it is sitting an account for capital reserve. Ms. Dix said that was correct. Mr. Jacobs asked if she was saying it was spent for something else and that would be illegal. Ms. Dix said she would show him the OPRA's she made. Mr. Jacobs asked if Ms. Dix was talking about short term bonds or that it went under permanent financing when she said it was funded. She said the Ordinances were #1553, #1565 and #1601. Mr. Jacobs asked if Ms. Dix was certain that although those bonds were cancelled the Committee didn't approve bonds later on to use the funds. Ms. Dix said the only one reclassified was done in 2010 to change recreation money to fix the roof money. Mr. Jacobs said he would talk to Mr. Tuthill about it.

Ms. Dix referred to what was on the radio this morning and said she finds it vile and outrageous that anonymous cowards can mail filthy, probably criminal charges, into this taxpayer owned building. She said there is a lot of people's business that is being delayed and sidetracked because of it.

Harry Rogers said he had hoped to hear in the Committee and professional reports that there had been some progress in negotiations with the PBA whereby some of those jobs could be recovered. Mayor Gatto said she sent Mr. Jacobs an e-mail immediately after the last meeting asking him to relay to the local shop stewards and PBA negotiators that the Township's doors and hers are open and that is ready to speak whenever they are. She said she doesn't believe they received any response from the PBA to date. She said the Teamsters have been in on a regular basis and there are very collaborative discussions with them. Mr. Jacobs said a meeting has been scheduled for collective bargaining because their (the PBA) contract expired but what is going on in those meetings can't be reported publically because it is protected under confidentially. Mr. Rogers said he was disappointed not to hear some of those jobs were recovered through meaningful negotiations. Mr. Jacobs said that is a separate discussion and nothing has been scheduled for that.

Mr. Rogers said 2 days after making his remarks at the last meeting he was shadowed on 322 for 2-3 miles by a black and white; they flipped their lights on; he pulled over and it zoomed by, turned off the pike and disappeared. He said it could be coincidence but in light of rumors about threats against the Board (Township Committee) and their relatives, it is horrible if this is happening because people can't negotiate in good faith. Mr. Rogers said he hoped other people would come forward with their incidents if they occur so they can be dealt with according to the law. Mr. Rogers said retaliation against the Committee Members and members of the public should not be tolerated either. He said he applauded and appreciated the Committee Members efforts.

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

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

March 7, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss updates on negotiations which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law.

BE IT FURTHER RESOLVED that the governing body will not reconvene in public session because no action is expected to result from the discussions at this time.

BE IT FURTHER RESOLVED that the results of said executive session shall be made known as soon as the basis for confidentiality is no longer confidential.

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

ATTEST:

---

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