

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MARCH 19, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Aline Dix, Amy Gatto and Dr. Harvey Kesselman. Others 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 the meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, March 19, 2012 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed. Ms. Gatto asked that the family of retired Sergeant Puccio who recently passed away be remembered.

COAH Update by Philip Sartorio:

The slide presentation made by Philip Sartorio on the Township's COAH status was videotaped and recorded. He explained the Township Affordable Housing Plan was certified by the Court in October 2007 and the Township was following COAH Round 1 and 2 requirements at that time. Mr. Sartorio showed and explained slides on the status of Township compliance with the rules at the time of the Court approval; on new construction intended to meet the Round 1 and 2 obligations comparing the number of units provided for in the Compliance Plan; and on the status of those units. Mr. Sartorio explained Harding Highway LLC got their general development plan approval as provided for in the Court settlement but the number of affordable units in that project was reduced to 67 under the assumption they would all be rentals. Mr. Sartorio explained the Township negotiated a 3-party agreement approximately 2 years ago with Habitat for Humanity and the Eaglesmere project developer whereby the Township acquired 2 lots that were transferred to Habitat for Humanity for development as owner-occupied housing. He said at this point in time the Township is down roughly 23 units from what the Plan calls for. Mr. Sartorio explained a slide showing locations of sites with Planning Board approvals, the Eaglesmere site; and areas of Zoned Planned Village Development that no formal applications have been submitted for. Mrs. Dix asked for the name of the project next to the college and if it was the proposed 66 houses on Dennis Foreman Drive. Mr. Sartorio said there is no project on the schedule and that said it wasn't the one on Dennis Foreman Drive. Mayor Silva asked if there was a time limit for them to satisfy their obligation on the 234 approved or proposed units. Mr. Sartorio said the only limitation now is that the Court approved judgment of repose gives the Township 5 years from October 2007 to take action to provide for the affordable housing. He explained the Township was relying on private developers and is providing as much incentive as it can through zoning and the Affordable Housing Trust Fund that is available for use in those developments but the Township can't jump-start them. He said he would be meeting with the Land Use Liaisons, Mr. Sandman and Mr. Eisdorffer over the next few months but the Township is going to have to go back to the Courts for an extension of the judgment. Mayor Silva asked if there was any update as to where Harding Highway LLC stands. Mr. Sartorio said there wasn't any since they got their Planning Board approval. Ms. Gatto referred to the number of units required and/or planned shown on slides 2 and 3 and asked if the variance between the two was added to the 268 deficiency. Mr. Sartorio said it wasn't and explained the number of rental credits were included in the 234 and assumed to all be taken. He explained the numbers were calculated on an estimate that everybody would be coming in with rental units and they have the option of coming in with sales units which case more would come out of that

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number. In response to Mrs. Dix's question, Mr. Sartorio explained that if they are sales the obligation is 20% of the units have to be affordable and 15% if they are rentals. He explained there are 123 units in Block 996/37, Block 1131/Lot 5.01, and Block 1135/Lot 10.01; that the initial number calculated the Harding Highway site would have 92 which would be the 25 units the Township is short at this point; that those units are anticipated to be built in the future and the Township has to find a need to make up for the 25. Ms. Gatto commented on there being a disconnect for her with the number of units required on slide 2 is 380; the number in the compliance plan on slide 3 is 380; the number of units credited on slide 2 is 112; and the current number of units approved or proposed is 234. Mr. Sartorio explained 67 units were approved in the Harding Highway LLC project and the 53 rental units credit balance brings it up to 234. Mrs. Dix asked if it was adding the 74 on rental units plus the 67. Mr. Sartorio said it is. Ms. Gatto said she isn't getting the math. Mayor Silva commented on listening to the numbers and asked if the developer has a choice of whether if it is rental or affordable housing units that they can sell individually. Mr. Cain said they have an obligation to meet a certain percentage but they could go all rental if they wanted to. Mr. Sartorio explained the Ordinance is that if they are doing rentals they have to have a minimum of 15% and if they are going to do sales they have to have a minimum of 20%. Mayor Silva asked if Harding Highway LLC has determined what it will be and if they have to come before the Planning Board. Mr. Sartorio explained they haven't made the determination and that they will refine their rental and sales numbers when they come in with their subdivision plan. Mr. Cain commented on the Court approved plan expiring in October 2012 and questioned why the Township would have to extend the approvals of units not built yet if another developer came in and was approved for units prior to that because they would still be in compliance. Mr. Sartorio said he would defer to Mr. Sandman on the legal aspect of that. He explained that if a site plan approval was granted and the Township made no changes the Township may have to respect the Permit Extension Act. Mr. Sartorio said a developer can come in and request an extension of their approval and the Board is under no obligation to grant it. Mr. Sandman explained the (Harding Highway LLC) lawsuit was very complicated and the judgment was a compromise. He explained that in the compromise the Court issued a 5-year statute of repose allowing the Township to do certain things; one of those things was to rezone certain areas to allow for low and moderate housing. Mr. Sandman explained it took away the exclusionary aspect of the case but it didn't take away the Township's obligations under COAH which is a separate obligation that the Court looked at and was the basis of the Builders' Remedy suit. Mr. Sandman commented not being an expert in COAH and said the reason for having Mr. Eisdorfer. He explained the obligations Mr. Sartorio is talking about is probably the second part of the Compromise Court Order. He said if the Township Committee is told by their COAH Counsel that it needs an extension it would be his guess that it would be for that purpose. Mr. Cain said he appreciated the Solicitor's explanation but as a resident, assuming the numbers are correct, the Township is way over the number they have to be at. He commented on knowing the burden it puts on the Township and said it has done its share. Mr. Cain questioned why the Township would have to continue to build them out if their plan and the Court order expires. Mr. Sandman asked what Mr. Cain meant by "their plans expire". Mr. Cain referred to it being said that they had to come into compliance by October 12th (2012) and those two groups didn't do it. Mr. Sandman explained the 5-years statute of repose applied only to actions of the governing body to allow this kind of construction and that the Township had 5 years to accomplish that and something else. He said the Township accomplished that by re-zoning and it is available if economics warrant it. Mr. Sandman said the second part of it was obtaining numbers and if the Township isn't there his guess is that is why Mr. Eisdorfer would suggest extending the statute of repose. Mr. Cain said he thought the remainder of his questions should be discussed in executive session. Mr. Sandman said he thought Mr. Cain's question needs to be answered by someone other than him. Mr. Cain suggested the question could be formulated and presented to Mr. Eisdorfer. Mr. Jacobs said Mr. Eisdorfer is tentatively scheduled to come for an executive session the second meeting in April. Mrs. Dix

said it is dollars and cents; it's not just units, where they will be and if there ever going to be any. Mrs. Dix commented on studying all four of the Township's COAH Ordinances, #1523-2005 that the final amendment to it was in 2008. She said the fee for future home owners went from 1% of the housing unit or coverage of the home-owner warranty to 1½ % of the equalized value on the land and improvements. Mrs. Dix referred to being a moderate income person who built a modular house in 1986 and if she was facing the fees residents now have to pay under these Ordinances it would be from \$2,000-\$4,000.00 or higher if it is a bigger house. She commented on having had a terrible battle for 2½ years and said she is getting to put it out on the table tonight. Mrs. Dix commented on Mr. Sandman representing the Township in tax appeals and said he certainly knows about equalized value. She commented on having extensive folders on COAH and said is building a spread sheet on information she got from the Finance Office. Mrs. Dix commented on looking at a block and lot, assessments and some people paying \$2,000.00 and some paying \$4,000.00 for virtually the same house. She said it seems to be a flaw in the calculation of the equalized value number and whether should be divided or multiplied. Mrs. Dix said she didn't expect an answer tonight but the Committee needs to resolve it and if there is a way to remedy it if the Township didn't charge it correctly. Mr. Sandman said the equalized value is nothing more than the assessment set by the Tax Assessor at the time of completion of construction for that particular property. Mrs. Dix said when the 48% is applied it jacks it up to a zillion. Mr. Sandman said it may have that effect. He cautioned Mrs. Dix because it was the subject matter of litigation handled by Colin Bell of his firm. Mr. Sandman said he wasn't in a position to answer Mrs. Dix's question tonight but he would be at the next meeting. Mrs. Dix commented speaking in November to the person handling COAH in Trenton and said that is when she learned the township didn't have a spending plan in place. She said she sat on that until she was sworn in January and then spoke to Mr. Jacobs about it. Mrs. Dix said she didn't understand what the Township was supposed to do with the money they are collecting and that based on documents she has there was \$346,000.00 in the Affordable Housing Trust Fund as of February 6 and nothing is being paid in the way of bricks/mortar or buying a property, rehabbing it, selling it, letting Habitat for Humanity or something to accomplish the goal. She said that is how she knows the Township does not have to charge for one house on one lot; it can charge developers for developments. Mrs. Dix commented not knowing whether or not a review she read of a bill that would limit it to two houses or more was a draft of a bill that is pending in Trenton. She questioned why the Township has to charge (for a single home) and said she doesn't think it does and that she would like to come to a consensus from the rest of the Board. Mrs. Dix said people like her, a single parent building a house to raise their child in should not have to pay. She said whether it is everybody that builds a house and puts it up for sale is a study that needs to be done because she doesn't want to buy any lawsuits. Mayor Silva said it would have been nice if Mrs. Dix shared this with the Committee Members ahead of time. The Mayor asked the solicitor for his advice. Mr. Sandman explained all exempt property is valued at fair market value even though it doesn't pay taxes and that the assessment is done on a property even though it is exempt by virtue of being owned by the municipality or not taxable for some other reason so it shouldn't go from \$2,000.00 to \$40,000.00 just by virtue of change of ownership. He said this Committee was smart enough to hire what he considers to be the #1 COAH attorney in the State of New Jersey; they should take advantage of him; he is the expert who tried the Mt. Laurel case. He said he believes Mrs. Dix's questions should be put to Mr. Eisdorfer and if he can't answer them, no one can. Mrs. Dix said she tried on February 21st but didn't make it. Mr. Jacobs commented on Mr. Eisdorfer asking him that question in this morning in Trenton. He explained that in order to calculate the Township obligation under the current status of the COAH Law, if a single home owner builds a house it creates an obligation and it is entirely up to the Township whether or not hey charge them (the fee). Mr. Jacobs explained the Committee decided they would charge everyone when the Ordinance was done. He said the Township doesn't have to do that; they can amend the Ordinance and say they will no longer charge the individual but it doesn't relieve the

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Township of achieving its obligation and it goes on the rest of the taxpayers. He said Mr. Eisdorfer suggested running it by the Special Master before actually doing it. Mrs. Dix asked if the total number of units the Township has to absorb is the obligation number Mr. Jacobs was referring to. Mr. Jacobs explained after so many market rate units are built another COAH unit has to be built. Mr. Sartorio commented on the 3rd round rules are in litigation for about the fifth time and that he didn't know the percentage but the way they are worded as the number of market units increases, the Township has to provide for more affordable units. He explained that creating units in any form including approval or taking out a building permit on individual lot anywhere in the Township adds to the obligation. Mr. Sartorio said the Township does have an approved (spending) plan that was approved in October 2007 and the Court signed off on it. He explained it basically calls for money collected in the Trust to go for offsetting part of the cost for sewer connection fee for the Planned Developments. Mr. Jacobs commented on asking Mrs. Dix question about being able to give the money back if the Ordinance is changed and said the answer was "absolutely not", money can't be taken out of the Trust to refund it. Mrs. Dix asked if it could be refunded if the calculations were reviewed and an error was found. Mr. Jacobs said he didn't ask that question but thought it could be. Dr. Kesselman asked the number of units required as of this minute and how many have been built towards that number. Mr. Sartorio said the number is 380 and the Township has credit for 74 units built. Dr. Kesselman said that left 306 and asked how many are planned. Mr. Sartorio said 69 are planned. Dr. Kesselman asked if 237 was the remaining number that have to be done. Mr. Sartorio said the Township has credits for about 150 units that come off the 237. Mr. Jacobs said he didn't know if "planned" includes "zoned" for that purpose. He commented on the question with anything you want to do seeming to be whether or not you are not in compliance you should probably be doing something that incentivizes more units and if you are in compliance they may say you don't have to change anymore. Dr. Kesselman asked if Mr. Jacobs was suggesting that all the Township needs to do if they sufficiently zone to handle those 150 units it would be in compliance. He said that is what Mr. Cain has been saying for a year and that Mr. Eisdorfer has to be asked that question. Mr. Jacobs referred to Mrs. Dix saying there was no spending plan and said the Township does have one that was done through a Court settlement ordered by the judge as opposed to the Township taking a plan and sending it to COAH and having them approve it. Mayor Silva said every subdivision will impact the Township. He asked if COAH was folded into DCA and if it would make it more difficult to deal with them. Mr. Sartorio said the Governor disbanded COAH through an executive order and on March 8th the Appellate Division said the Governor didn't have the authority to do it. Mr. Cain said the lawsuit brought the Township into compliance with Round 2 and any additional units will go towards Round 3 calculations if they ever happen. He asked if Mr. Sartorio knew if the numbers were based on projections of homes built or to be built because of the housing boom or on actual numbers. He commented on the requirements of lawsuit being many years back and said right after that building stopped. He commented on the PVD Zone being created because of the lawsuit and suggested that once the questions are answered the Committee may want to go back and look at them again. Mr. Cain said that is the only way the rural character of the Township will be protected. Mayor Silva asked if foreclosures sold below market value would satisfy any requirements and fit within the definition of affordable housing. Mr. Sartorio said that the way it is being handled now the answer is no because deed restrictions are required to be put on affordable units for up to 30 years and future transfers to somebody in the same income category. Mrs. Dix asked if the Housing and Mortgage Finance Agency would be the lender for those transactions. Mr. Sartorio said he presumed. Mrs. Dix questioned if the Township could look into using the Trust Fund money to buy condos that are in foreclosure and deed restricting them. Mr. Sartorio explained it couldn't be done without amending the spending plan but it would be taking the \$340,000.00 that could have been spread out to over several hundred units to reduce the developer's cost and to possibly buy 3 or 4 units. Mrs. Dix commented on being told units in Meadowbrook can be bought for \$42,000.00 and asked if the Township could buy them and use them as rental units because she believed the

Court said the ACIA could be the Township's rental agent or something be rental agents. Mr. Jacobs commented on knowing that had been tried in some other states and can get some documentation on it. He said it is one thing to build a new development and have people who purchase knowing they are next door to an affordable unit rather than take an affordable unit and insert it into something that is already built. He said the perception of that can be a real challenge for a public body. Mr. Sandman explained what condo documents are and that they would also have to be amended and they can only be amended by super majority of the association. Mr. Cain asked Mr. Sartorio how many units could possibly be built in the PVD zones. Mr. Sartorio explained each site was zoned for 5.45 units per acre or about 1,500 units including the Harding Highway site as currently constituted. Mr. Cain said that is the impact on the municipal services. Mr. Sandman said the Committee had no choice but to rezone in the context of the lawsuit. Mr. Cain said he thought that the court order expires October 12th, and the Township has enough units planned and another developer looking at something, Mr. Eisdorfer should be asked, if the Committee should consider the zoning of those properties. Mr. Sandman said he should also be asked if the numbers are calculated based on the number approved or those actually built. Mr. Sandman commented on it being a balancing act because the State is telling all the municipalities they have to provide for low and moderate income housing and they create a funding mechanism where large companies come in, build or sell them, and the Committee is grappling with the consequences. He said 150 units is a new school. Mr. Sandman said the first thing developers ask for is called a PILOT and it is usually jammed down the throat of the town. He explained it is a payment in lieu of taxes; schools get no money out of it; the municipality makes an agreement to take a reduced sum on a per unit basis that is nowhere near the real estate taxes that would be paid on fair market value of the property and the rest of (the taxpayers) make up the difference. Mr. Sandman said the second incentive is they get almost all their funding from the federal government at low or no interest; they have a captivated sale audience and a payment in lieu of taxes. Mayor Silva commented on this Committee talking about paying as they go and said situations like this make it almost impossible to control what they are supposed to in the financial area. Mr. Sandman explained that if the Township doesn't do it the Mt. Laurel decision provides what is called a Builder's Remedy; that is what the Township was sued with; and the settlement was the 5-year repose ordered by Judge Nugent. The Mayor said they dictate zoning too. Mayor Silva thanked Mr. Sartorio for all the work he put into the presentation and commented on it generating a lot of other thought provoking questions especially some things that came up tonight. He asked if a month from now Mr. Sartorio could give an update presentation on Redevelopment.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following changes and/or additions be made to the agenda for consideration and action there on tonight:

5.C Change to read: Create the position of Communications Shared Services Coordinator.

9.A Replace name of appointee with name of **Brandon Settle**

7.A Insert names of businesses:

- (1) Mattress Giant - retail sales at Festival Mall
- (2) Mike Medi Transportation - home office at 14 Rue Chagall, Mays Landing

7.M Authorize release of non-stormwater management system maintenance guarantees for Section II, Phases I & II of Delilah Oaks Construction Company Stone Crest project as recommended by Robert J. Smith III, Township Engineer, March 19, 2012:

- (1) \$34,135.14 Sun National Bank letter of credit #2009062
- (2) \$32,920.60 Sun National Bank letter of credit #2009064

12. Executive Session: Add (2) Litigation Smith v. Hamilton Township

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

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

Rodney Guishard said the cost for review of the fire apparatus seemed a bit excessive since the Township has quite a bit of fire expertise within the Township; the Township has some technical folks on staff; he believes fire trucks aren't custom built; and the specifications were already written. Mr. Jacobs explained the purchase of fire trucks has become one of the hottest litigated items in New Jersey; that when you get a set of specifications, especially from the user, they are typically written around exactly what they want and to a great extent trucks are custom built. He commented on having to go through the specifications to make sure it doesn't exclude anyone. Mr. Jacobs explained the Township pretty much gets specs from the fire companies from a vendor they like and the Township doesn't have anyone qualified to say whether or not a 4.35 transmission is exclusionary or there is only one vendor that makes that transmission while everybody makes the next size up. He explained that if it is sued this review protects the Township somewhat that the Township didn't create them on its own, that they had an expert specifically review the specs to make sure they didn't allow only one bidder to comply. Mr. Jacobs said the Township buys most vehicles off State Contracts where that has already been done. Ms. Gatto said it also helps move the Township towards standardization rather than a customization from a township-wide truck perspective. Mr. Jacobs explained the Township had to move quickly on the one truck because there is a grant for it and it has to be out to bid in less than 30 days. Dr. Kesselman asked how much the typical fire truck cost. Ms. Gatto said one-quarter to one-half million dollars. Mr. Sandman commented on writing portions of the specs for the Mizpah pumper truck when he was Solicitor in the early '90s and said the legal fees for him to review these specs would exceed what is being proffered here. He used as an example that a vendor went to the Wildwood convention, met a (fire) company and that specification matched that company exactly and said that is where litigation comes from.

Industrial Commission request for title to Block 994.01 Lot 6:

Mayor Silva explained Mr. RaVell, Chairman of the Industrial Commission wrote a letter to the Township Committee asking that the property be deeded back to the Commission and said that he made good points in the letter. The Mayor said it is up to the Committee to talk about it and make a decision tonight. Mayor Silva commented on Committees in the past having always felt they didn't want to be in the land business. He commented on the suggestion being made that if the Township put it up for sale it would have to go to the lowest (sic) bidder if they set a price for it. Mayor Silva commented on the other consideration the Chairman made was that land speculation could ensue. He said he didn't know if either side at this point could be done an injustice by leaving it the way it is or letting the Industrial Commission take it. He said a real estate commission would have to be paid if the Industrial Commission sells it and if the Committee set a per acre price and it could sell for three quarters of a million dollars or more, the Committee doesn't have to accept the bid if it is lower than that. In response to the Mayor's question on rejecting the bid, Mr. Sandman said it can be rejected if it comes in less than what the Committee estimated it to be. Dr. Kesselman asked Mr. Jacobs for his opinion on this. Mr. Jacobs asked what would stop the Committee from letting the Commission market the property for them and, if there is a sale, deeding it at that time. Mayor Silva said he thought that was a good point. Mr. RaVell was invited to come to the microphone to join in the conversation and make his remarks for the benefit of the Committee. Mr. Jacobs asked Mr. RaVell if the Township Committee could allow the Commission to represent the property for them just as if they owned it and if they get it marketed to someone then deed it. He explained where he worked before they let their Redevelopment Agency market the property and there would be two settlements, one being from the town to the agency so they could negotiate under their responsibilities. Mr. Jacobs asked if that was a possibility if there is concern about just deeding it back to the Commission. Mr. Ravell commented on a case in Lacey Township or Manahawkin where the Industrial Commission acted on behalf of the

Township Committee; entertained a developer; the process went on a couple of years and through a couple of Administrations; when the developer met all the requirements the Commission went to the Township to have them convey it there had been a change in Township Committee make up and a difference in opinion; the developer sued for lack of performance but the court ruled the developer proceeded at his own risk so he didn't prevail. Mr. RaVell said it is not an attractive arrangement for prospective developers to enter into an agreement that will take the approval of some ensuing governing body. Mr. Cain said it is an attractive piece of property; high ground; a great location; and a substantial parcel. He commented on the administration trying to determine what the Township owns, categorize it, and make a decision on disposing of those properties and get them back on the tax roll. Mr. Cain said he thought Mr. Jacobs suggestion was appropriate until the Committee has a chance to look at everything the Township has to see if the township owns any other property surrounding that one. He said he thinks that is a viable solution and the way to proceed. Mayor Silva said Mr. RaVell commented that he was the one that alerted the Township about Shore Memorial not complying with the agreement. Mr. RaVell said the Township lost track of that land for 20 years. He said the Industrial Commission didn't think gifting it to Shore Memorial Hospital was the appropriate thing to do but the Commission was under pressure to do it so they gave the land to the Township and the Township essentially lost track of the 5-year reversionary clause so it remained in the hands of Shore Memorial Hospital for 20-some years. Mr. RaVell suggested that if the Industrial Commission deeded it to the Township for the purpose they chose it would be reasonable that the land would flow back to the Commission. He said he was concerned about Shore Memorial being unjustly enriched from land it received by way of the Industrial Commission. Mr. RaVell said it is the Township Committee's decision and they need to weigh all of the options but it seemed intuitively that it should return from whence it came. He said it was part of the Industrial Park; it was part of premises for which grants were received and the premise was that it would be marketed that way. Ms. Gatto asked if the assessed value right now was known. Mr. RaVell said it was probably in the area of \$40,000.00. Dr. Kesselman asked if taxes were collected from Shore Memorial all those years. Mr. RaVell said they were and Mrs. Dix said it was about \$18,000.00 a year. Mr. RaVell said he thought all the issues were outlined from the Industrial Commission standpoint and that the Township is certainly under no obligation to deed the land back to them. Mr. RaVell commented on there being interest in the land in 2009 and said that after the Township got the land back he sent letters to the then-Mayor and Manager at the time about auctioning it off. He said the pressure will always be there to market that land as a source of income but that isn't in keeping with what the Industrial Commission was charged to do. Mr. RaVell said disposing of land is something townships do with excess land but don't generally do to market property that has a high and valuable use. Mayor Silva asked Mr. RaVell if it was correct that with land sales of any property in the Industrial Park, the property isn't conveyed until approvals have been secured. Mr. RaVell said that was correct. Mayor Silva asked what would happen if speculation did occur in the Industrial Park. Mr. RaVell said he didn't know if that was a consideration. He commented on the possibility of a developer with extra cash coming in and presenting a reasonable bid that would be accepted, but generally there could be no caveats on how the land could be used. Mr. Cain said it would be the minimum bid the Committee set and they would immediately collect taxes on it. The Mayor said they wouldn't be waiting for approvals. Mr. RaVell said that is a given but the unknown is that the developer who buys the property may choose to sit on it for X-number of years at whatever the low land value is and flip it at the appropriate time. He said that for the most part it would have to be used under the Industrial Park Ordinance but the Industrial Commission prequalifies its purchasers as to the type of development, the number of jobs, the tax ratables and that is a completely different approach the Township might want to take if were just looking to receive cash. Ms. Gatto asked if the land had to be deeded to the Industrial Commission for them to carry out their task of marketing land for the Township. Mr. Sandman commented on representing both the Commission and Committee

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Committee and explained there could be a tri-party agreement but it is a disincentive to developers to operate with the Township and Commission. Mr. RaVell commented on anyone interested in land in the Industrial Park very often asking to go into executive session for a number of reasons: they don't want to tip off their competitors or concerns about their employees not knowing what the corporate plans are. He said the Commission has the latitude to do that under the statute whereas the Township Committee doesn't. Mr. RaVell commented on everyone understanding the rules under which both bodies operate and said this is a philosophical question that the Committee Members have to answer for themselves. Dr. Kesselman said he thought it was a pragmatic one not a philosophical one of who sells it. Mr. Cain commented on wanting to choose his words carefully because he respects the job Mr. RaVell has done over the years and, as a taxpayer he can appreciate the recent land sale and he knows that he is aggressively pursuing things going forward. He commented on looking back at the Summit deal, reading each extension and mortgage document, and said in his opinion they came in and made a deal with the Industrial Commission saying they had a vision for what the Industrial Park should look like and to him, that is land speculation. He commented on them agreeing to a price and saying they are going to create their vision for the Park and sell the property to suitors which, as everyone knows, is at a much, much higher price. Mr. Cain commented on Summit not paying taxes on the property because the contract went on for quite a few years. He said he thinks this parcel is so valuable that the Committee should consider their options. Mr. RaVell said Mr. Cain's premise is slightly flawed because the Industrial Commission doesn't have a planner or the ability financially to actually master plan the Business Park; they were basically in the business of selling property wherever they could and trying to have them suit the best purpose of the Township. He explained they entertained three developers who had visions of what their development plan would be and said Summit presented the winning case. He explained Summit took down several parcels at their own risk and got approvals to build but didn't. Mr. RaVell explained part of the agreement as the contract purchaser was the Harrison Beverage purchase but, for reasons he can't go into here tonight, they were unable to move forward with it so the Industrial Commission relieved them of those obligations; took the land back; and in the appropriate amount of time so they weren't accused of torturous interference, entered into a deal with Harrison which would have been lost if they hadn't done that. Mr. RaVell commented on there being no question of the Commission's mission, how they got there and the outcome not being what they would have preferred due to the economy and several other things. Mr. Cain asked how much Summit has paid in taxes on the property they took off the market when the agreement was reached with them. Mr. RaVell said they paid only on the acreage they took down. Mr. Cain commented on that basically being the same thing the Committee would be doing if they set a minimum price and sold it to a developer and would start getting taxes immediately upon close of the sale. Mr. RaVell said the difference being that the Industrial Commission doesn't go to closing on any property with anyone until all the approvals have been met and that is completely opposite from what the Township would do. He said Summit took down acreage at their own risk. Mr. Cain said it was without approvals so they own the property at a predetermined price. Mr. RaVell said they do and they got approvals for two buildings that aren't built yet. He explained Summit could have legitimately applied for another extension but the Commission didn't feel comfortable that they were doing due diligence and, to save the Harrison deal, the Commission went back to Summit and entered into an understanding that the Commission would pull back all the additional properties and let them continue to market the Harrison parcel because that process was well under way because Harrison already had their approvals and the Commission didn't want to lose that prospect. Mr. RaVell said they ultimately had to make the decision that that wasn't going to work in favor of the taxpayers so the Commission took it all back and resurrected the Harrison deal. Mr. Cain said he supported that entirely and thought it was the right decision. He asked what the difference was between the contract price with Summit and the actual sale price to Harrison. Mr. Sandman said Harrison paid the Township

Township \$515,000.00 with an obligation for another \$950,000.00 to build the basin, roads and improvements. Mr. Cain said it was a well negotiated deal and he is trying to choose his words carefully because he respects the job they did on that. He said they closed on it and are now paying taxes on it. Mr. Cain said he thinks that is the right way and should be continued in marketing property in the Industrial Park: going after individual suitors; having them close on the property and start paying taxes. He said that is why he would be opposed to doing anything other than that with this property. Ms. Gatto said she thought Mr. Cain had just detailed what the Commission's task is to have the land. She suggested it might have been put on the agenda a little too quickly and said it might behoove the Administration to get the data on what they know about the property; what it is worth; where it has been; what it could be worth; what the Township could get for it; what it can do; what the laws are about who needs to own it; etc. She suggested inviting Mr. RaVell and Mr. Sandman to an information gathering session and then have the subcommittee present pros, cons and things to consider to the Township Committee so they can make an educated decision. Mr. Cain volunteered to be on the subcommittee. He said that as the Committee continues to struggle with budgets they should keep in mind what they have had to do. He commented on an asset sitting there that the Committee could put out for a minimum bid if they decided they needed to plug a hole in the budget. He said he wasn't saying someone would purchase it but the Committee could do it to plug a hole if they needed to. Mr. Cain said that would be the strongest argument for why it should remain as it is; the Commission is a body that can market it knowing the Committee is interested in getting the property on the tax rolls; and if they bring a potential suitor, the Committee can move forward with it. Ms. Gatto said Mr. Sandman said the Commission can't do that work, without it being deeded to them. Mr. Sandman explained that he said they shouldn't, not that they can't. He said the issue is one of control; that the business park was built on a design and philosophy; that it has evolved over the years; and this is a central parcel to that philosophy. Mr. Sandman explained the price in the park doesn't necessarily reflect market price; it reflects development, jobs, infrastructure and things of that sort. He said the only way to control what would be on that site is through the Industrial Commission. Mr. Sandman said an outright sale would achieve exactly what Mr. Cain was saying but the Township Committee would have no control as to what went on the site other than the Zoning Ordinance. He explained the developer comes in and shows the Commission what is going to be built there; tells them how jobs are going to be generated and the Industrial Commission looks at what is going to be built there and basically pre-approves the concept. He said it is more than land sales so looking at it in terms of development of the Park, it is a control issue and what goes on that site can be controlled by the Commission. Mr. Cain commented on looking at recent interior sales in the Park that required putting roads in and said this is an exterior parcel that could bring in \$800,000.00 by the Township Committee putting it out to bid at a minimum of \$40,000.00 an acre. He said the Committee does have some control on what can be built there because they have Zoning; they know what the approved uses are for that particular location; they can't build outside those parameters; they have to build within the Zoning laws; and there are guidelines that have to be followed. Mr. Sandman said that everything Mr. Cain said was correct except that the amount of control under this process is tighter than what exists under the Zoning laws and is more exact. Mr. Cain asked if the Committee could expand their options to additional people if their restrictions are tighter. Mr. Sandman said they couldn't. He said Mr. Cain knows the ability to mold a site plan project in the context of a particular zoned property is pretty vast as to what goes where and what kind of buildings it is. Mr. Sandman explained that the developer shows the Industrial Commission the buildings, the design and how it is going to operate and if the majority of the Commission thinks it is consistent with the theme of the park, the ratables in the park and jobs, they approve it; then the developer goes to the Planning Board. He said what they have to show the Industrial Commission is much more finite so it is basically a pre-approved plan. Mr. Jacobs said his original premise was that he thought it was a distinction without much difference. He asked how it

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is different from the Lacey Township case that was referred to because the Mayor has the right to veto everything the Commission did. Mr. RaVell suggested Mr. Jacobs may not fully understand that the Commission owns all the land and under Title 40 the Commission can sue and be sued, enter into contracts, negotiate contracts, and do everything except pledge the credit of the Township. He explained that as a result of activities of another Industrial Commission another control was added to the process so that the Mayor has a 10-day veto period to over-rule Industrial Commission sales. Mr. RaVell said other than that the Commission is a semi-autonomous body and they do everything exactly as was outlined as opposed to governing bodies that, except for transferring land to other governmental entities, can only (sell) it by open bid. He said open bidding is not economic development, it would be disposal of excess land and that is the question the Township Committee has to answer for itself. Mr. Jacobs asked if the Mayor has the authority to say the deal is off after the Commission goes through all of the negotiations and comes to an agreement. Mr. RaVell said he does for reason. Dr. Kesselman asked what that means. Mr. Sandman said it can't be arbitrary. Mr. Jacobs asked if the Township Committee could do everything the Industrial Commission can do by declaring it an area in need of redevelopment and designating itself as the redeveloper. Mr. Cain said Galloway Township just declared several blocks at the entranceway to the Township that are fully occupied an area in need of redevelopment. Mr. RaVell commented on the Township Planner being asked to put together a proposal to declare the Business Park an area in need of redevelopment in an effort to level the playing field and said the Commission felt it was appropriate because they are competing with Industrial Parks all around them that are in UEZ Zones. He said they met all the requirements but the Township Committee chose not to move forward with it. Mr. RaVell said the laws are clear on how government agencies such as the Committee dispose of excess land and the laws are quite clear under which the Industrial Commission operates. He suggested the value of the land or other things the Committee is interested in discussing may be over-thinking the process. Mr. RaVell said it is a perfectly legitimate decision for the Township Committee to make if the premise is that they would like to hold the land in case they needed an emergency infusion of cash but it is anathema to economic development. He commented being present to shed light on how the process works on and not to debate the issue. Ms. Gatto said she thinks it is premature and that the Committee needs more data. She said she doesn't even have a map of where it is. Ms. Gatto said the Committee got the letter on the 14th and she thinks they need a little information to make an educated decision.

Mayor Silva asked if everyone could agree to gather the information and have a two-member subcommittee. The Mayor said Dr. Kesselman and Mr. Cain will be the subcommittee.

Mrs. Dix explained where the property is located.

Approval of Bond Replacement Agreement for Enclave at Glen Eyre:

Mr. Sandman explained the Committee previously agreed to allow a separate law firm to represent the Township with respect to taking action against the Enclave at Glen Eyre performance bonds; that it wasn't costing the Township anything; and everything is being done by the bank. He explained whether or not they are successful means nothing to the Township because if the Committee ratifies the agreement tonight they are allowing replacement of the existing performance bond with an equal amount of a letter of credit issued by Fox Chase Bank; the Township protection remains the same; the bank takes the legal action, incurs the cost and risk and hopefully will get the project done. He said it is an irrevocable letter of credit and that Fox Chase is the issuer.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Bond Replacement Agreement between Fox Chase Bank and the Township of Hamilton with respect to the Enclave at Glen Eyre, LLC, be and is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute same on behalf of the Township.

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

Introduction of Ordinance #1718-2012:

Dr. Kesselman asked if it would be a part-time or full-time position or an add on. Mr. Jacobs explained it is part-time added on to an existing employee and a separate position is being created so that if the shared service goes away so does the position, it is not part of the base pay. Mr. Jacobs said it is being paid for somebody else, not the Township.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1718-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the March 21, 2012 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on April 2, 2012 in the municipal building, Mays Landing, New Jersey.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1718-2012

AN ORDINANCE AMENDING CHAPTER 60 OF THE TOWNSHIP CODE AND
CREATING THE POSITION OF COMMUNICATIONS SHARED SERVICES
COORDINATOR.

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

SECTION 1. The non-union position of Communications Shared Services Coordinator is hereby created and established.

SECTION 2. Qualifications, Duties and Responsibilities. The qualifications for the position of Communications Shared Services Coordinator shall be established by the Township Committee of the Township of Hamilton. The nature and extent of services performed by said Communications Shared Services Coordinator shall be defined in a job description approved by the Township Committee and on file with Human Resources and open to public inspection in the Human Resources Office forthwith upon introduction of this Ordinance.

SECTION 3. Compensation.

- A. The salary range for the position of Communications Shared Services Coordinator shall be established by the Township Committee at \$5,000 - \$6,000 and set forth in Ordinance #1630-2008 Fixing and Establishing the Salaries and Wages of Municipal Officials and Employees of the Township of Hamilton, County of Atlantic, State of New Jersey.

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- B. The position of Communications Shared Services Coordinator is a Part-time/Hourly position and as such, the wages shall be established and set forth in Section 5 of the Non-Union Salary Ordinance #1630-2008 adopted by the Township Committee of the Township of Hamilton on June 18, 2008.
- C. Should a shared services agreement between the Township of Hamilton and another local government entity cease, so shall compensation awarded for services rendered by the position of Communications Shared Services Coordinator for that entity.

SECTION 4. Repealer. All Ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed in full.

SECTION 5. Severability. 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 6. Effective date. The Ordinance shall take effect immediately after final passage and publication as provided by law.

ATTEST:

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

Joan I. Anderson, R.M.C.
Township Clerk

Roger Silva, Mayor

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

ORDINANCE #1718-2012 INTRODUCED & PASSED FIRST READING MARCH 19, 2012.
ORDINANCE #1718-2012 ADOPTED

Dr. Kesselman moved, seconded by Mrs. Dix, that the following resolution be adopted.

RESOLUTION RATIFYING SALE OF LAND TO CONTIGUOUS OWNER
PURSUANT TO ORDINANCE #1712-2012

WHEREAS Ordinance #1712-2012, authorized the right of prior refusal to purchase Lot 6 in Block 938 to owner or owners of the land contiguous thereto; and

WHEREAS Ordinance #1612-2012 was finally adopted on February 6, 2012 and all contiguous owners affected thereby were notified by certified mail return receipt requested of their right to submit a sealed bid for the purchase of Lot 6 in Block 938; and

WHEREAS, the bid of Scott Doucett, whose address is 5923 Peach Street, Mays Landing, NJ 08330, was the only bid received and was accepted by the Township Committee on March 5, 2012; and

WHEREAS, Scott Doucett bid the sum of \$3,400.00 (\$3,400.00) Dollars which was equal to or exceeded the minimum bid set by Ordinance #1712-2011 and included a certified check in the amount of Six Hundred Eighty Dollars (\$680.00) which equals or exceeds the minimum twenty (20%) percent deposit required by ordinance,

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

- 1) Acceptance of the bid of Scott Doucett, is hereby confirmed and the sale Lot 6 in Block 938, to him is hereby ratified.
- 2) The Solicitor is hereby authorized to prepare a quit claim deed conveying the Township's right, title and interest in Lot 6 in Block 938 to him.
- 3) Upon payment of the balance due on the accepted bid plus Four Hundred Twenty-five (\$425.00) Dollars to off-set the cost of advertising, legal, and recording fees the Mayor and Township Clerk are authorized to execute the Deed of Conveyance to Scott Doucett pursuant to the terms and conditions set forth in Ordinance #1712-2012.

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

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

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

- (1) Mattress Giant - retail sales at Festival Mall.
- (2) Mike Medi Transportation - home office at 14 Rue Chagall, Mays Landing.

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

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

WHEREAS, transfers are permitted between budget appropriations during the first three months of the year for unexpended balances of the preceding year to meet bills incurred during the preceding year,

BE IT RESOLVED by the Township Committee of the Township of Hamilton that transfers between year 2011 Budget Appropriations be made as follows:

Account No.	Account Title		From	To
35-470	Contingent	Other Expenses	6,800.00	
20-155-2	Legal Services-Miscellaneous	Other Expenses		5,900.00
20-155-2	Legal Services-Special Counsel	Other Expenses		900.00
		TOTALS	6,800.00	6,800.00

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

Ms. Gatto moved, seconded by Mr. Cain, 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

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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.

Housing Code Enforcement-S&W	7,100.00
PERS	314,705.64
PFRS	876,411.81
Total Current Fund	1,198,217.45

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 following Change Order #1 for additional consulting services to be provided by R. Grossman & Associates, Inc., regarding the Hamilton Mall CCTV Expansion is hereby approved in an amount not to exceed \$4,800.00 and to be charged to the E-CARS Grant:

Original Contract Amount:	\$32,825.00
Net increase of this change order:	4,800.00
% of change:	14.62%
Contract price with all approved change orders:	\$37,625.00

Description of Change:

- .Development of a bill of materials for head end equipment and software required to monitor cameras in the Detective Bureau, Office of Emergency Management and multiple stations in the Dispatch Center.
- .Assistance with sourcing equipment defined on the bill of materials to ensure technical compliance with system requirements.
- .Technical Support for the installation and configuration of this equipment.
- .Training on the use, maintenance, and diagnostics of this equipment and associated software.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Raffle Licenses be and are hereby approved:

- 1) #3-2012 for South Jersey Cancer Fund armchair races to be held on April 28, 2012 at 191 Keller Way.
- 2) #4-2012 for Special Olympics New Jersey, Inc. on-premises draw raffle to be held on April 22, 2012 at Mays Landing Country Club.
- 3) #5-2012 for Special Olympics New Jersey, Inc. on-premise 50/50 raffle to be held on April 22, 2012 at Mays Landing Country Club.
- 4) #6-2012 for Mays Landing Rotary Club off-premise draw raffle to be held on June 26, 2012 at Sugar Hill Inn.
- 5) #7-2012 for St. Vincent dePaul Regional School HAS on-premise raffle to held at their school on April 30, 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 the "not to exceed" limit on the contract with Hill-Wallack, LLP, for special counsel services with respect to the Conifer litigation be and is hereby increased by \$15,000.00.

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 Hamilton Township Police Department is hereby authorized to auction the following unclaimed/abandoned vehicles on March 29, 2012 at 10 AM:

Lot 1 of 1: Minimum Bid: \$36,000.00

American Auto 3113 Rt 50 Mays Landing NJ 08330 (609) 965-2900

1997	Dodge	Caravan	Gray	1B4GP54L3VB253558	Auction
1990	Ford	Mustang	Black	1FACP41E4LF194808	Auction
1995	Buick	Regal	White	2G4WF52L7S1442130	Auction
1995	Ford	Mustang	Silver	1FALP42TXSF215947	Auction

Dirkes Auto, LLC 6935 Black Horse Pike Mays Landing NJ 08330 (609) 625-1718

1999	Nissan	Maxima	Black	JN1CA21D5XM400181	Auction
1999	Audi	A4	Blue	WAUED28D8XA212563	Auction
1979	Oldsmobile	Delta 88	Beige	3N69R9M268148	Auction
1992	VW	Jetta	Silver	3VWRA21GNM056441	Auction
2003	Chevrolet	Silverado	White	1GCEK14V33Z255978	Auction

E&T Auto Body 6553 Harding Highway Mays Landing NJ 08330 (609) 625-0568

2004	Yamaha	Bruin	Blue	5Y4AH10Y64A2884	Auction
1996	Chevrolet	Blazer	Green	1GNDDT13W4T2238609	Auction

EDS Auto 965 Route 50 Mays Landing NJ 08330 (609) 625-1332

1998	Ford	Contour	Silver	1FAFP6532WK181990	Auction
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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 proposal dated December 19, 2011 from Remington & Vernick Engineers for Engineering Services for the 2012 Road Program be and is hereby accepted; and

BE IT FURTHER RESOLVED that the contract for Engineering Services only for the 2012 Road Program be and is hereby awarded to Remington & Vernick Engineers in the amount of Sixty-one Thousand Eight Hundred Fifty Dollars (\$61,850.00).

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 Mercury Associates, Inc., a Specification Writing Company, be and is hereby authorized to review the Bid Specifications for two (2) Fire Apparatus at a cost not to exceed \$4,800.00; and

BE IT FURTHER RESOLVED that the cost for said review shall be charged to the Capital Bond Ordinance.

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

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

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT FOR ELECTRIC GENERATION SUPPLY SERVICES (BID A-47), FOR THE SOUTH JERSEY POWER COOPERATIVE

WHEREAS, the Township of Hamilton is a participating member of the South Jersey Power Cooperative ("SJPC") and that the County of Camden on behalf of the SJPC publicly advertised bids for the purpose of procuring electric energy services (Bid A-47); and

WHEREAS, the County received and opened publicly advertised bids on October 28, 2011 at 11:00 a.m., Prevailing Time, for Electric Generation Supply Service for the South Jersey Power Cooperative; and

WHEREAS, bids were received from five vendors; and

WHEREAS, bids received from three of the vendors were pre-qualified for the purpose of procuring electric energy pricing through the non-traditional use of the Internet via an on-line auction under the terms and conditions of The Act; and

WHEREAS, on October 20, 2011 beginning at 11:00am Prevailing Time, an on-line action was conducted with the two of the three pre-qualified vendor consistent with the requirements of The Act; and

WHEREAS, Hess Corporation is the lowest responsible bidder for electric Generation service for the PSE&G accounts as follows:

Option 3 which is the 18 month option for all "FP" accounts in the Atlantic City Electric territory at a rate of \$0.08695 per kWh.

Option 9 which is the 18 month option for smaller "FP" accounts in the PSE&G territory at a rate of \$0.061950 kWh. per hour.

Option 10 which the 12 month option for the "CIEP" accounts in the PSE&G territory at a rate of \$0.08195; and

WHEREAS, South Jersey Energy is the lowest responsible bidder for electric generation service for the Atlantic City Electric accounts as follows:

Option 4 which is the 18 month option for the smaller class of "FP" accounts in the Atlantic City territory at a rate of \$0.0600 per kWh.

Option 5 which is the 12 month option for all "CIEP" accounts in the Atlantic City Electric territory at a rate of \$0.08075 per kWh.; and

WHEREAS, there is a need to award a contract to Hess Corporation for the needs of the County of Camden and participating members of the SJPC as described above commencing on the above-specified dates; and

WHEREAS, funding for the respective contracts shall be encumbered at the rate of the above-stated per kilowatt-hour amounts to the limit of the budget appropriation for this purpose in accordance with N.J.A.C. 5:30- 5.5(b){2} and shall further be contingent upon the availability and appropriation of sufficient funds for this purpose in the Township of Hamilton's 2011Permanent budget and the temporary *and/or* permanent 2012 budgets.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Camden that, contingent upon the funding as described herein, the proper County officials be and are hereby authorized to execute all documents Necessary to effect the agreement described herein with Hess Corporation, One Hess Plaza, Woodbridge, New Jersey 07092, for Bid A-47, and with South Jersey Energy, 1 South Jersey Plaza Route 54 Folsom, New Jersey 08037; and

BE IT FURTHER RESOLVED that Hamilton Township a participant in the South Jersey Power Cooperative shall encumber funds in accordance with law and shall award a similar contract for its needs to the appropriate electric energy generation service supplier as described herein, in accordance with the terms and conditions of the aforementioned bid.

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

March 19, 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 the sum of \$70.00 is hereby authorized to be paid to Remington, Vernick & Walberg Engineers, Inc. for professional inspection services rendered during October, 2011 and December, 2011, in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$70.00 is authorized to be paid from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Susquehanna Bank (formerly Minotola Bank) dated November 23, 2005.

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 sum of \$168.00 is hereby authorized to be paid to Zlotnick & Feinberg, PA for professional legal services rendered during February, 2012 in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$168.00 is authorized to be paid from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Susquehanna Bank (formerly Minotola Bank) dated November 23, 2005.

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

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

WHEREAS, by letter dated January 18, 2012 from Robert J. Smith III, Township Engineer recommended release of the stormwater management system maintenance guarantee posted by Lawrence Stone for the Stone Walk project subject to the condition that the 10-year maintenance of the drainage structures (swales) has been addressed to the satisfaction of the Township Solicitor; and

WHEREAS, the drainage structures are on individual lots and are the responsibility of the property owner and language satisfactory to the Solicitor has been placed in the recorded deeds,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Evergreen National Indemnity Company bond #124500, the stormwater management system maintenance guarantee posted by the Lawrence Stone for the Stone Walk project be and is hereby authorized.

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 release of Sun National Bank letters of credit #2009062 (\$34,135.14) and #2009064 (\$32,920.60), maintenance guarantees for non-stormwater management system components of Phases I and II of Delilah Oaks Construction Stone Crest project be and is hereby authorized as recommended by Robert J. Smith III, Township Engineer dated March 19, 2012.

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

March 19, 2012

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the March 5, 2012 regular meeting be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills totaling \$1,625,388.95 are hereby ordered paid.

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

Personnel:

Mr. Jacobs explained Anthony James Abbatemarco had declined the appointment and asked that the Committee authorize the Chief of Police to hire Brandon Settle subject to all appropriate background checks being successful.

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 Chief of Police is hereby authorized to hire aforesaid Brandon Settle as a part-time Class II Special Law Enforcement Officer subsequent to all of the appropriate background checks, at the hourly rate set by Ordinance.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Communication Supervisor job description of Michael Brandenberger be and is hereby amended to include Management of Records Division with an accompanying compensation of \$5,000.00 retroactive to January 1, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Fire Official job description of Frank Primavera be and is hereby amended to include Management of Housing Inspection Program with an accompanying compensation of \$5,000.00 retroactive to January 1, 2012.

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

Reports:

Mr. Jacobs reported the State Historic Commission approved the township application for a permit for the electronic sign at Gaskill Point but the D.O.T. denied it based on it being residentially zoned. He reported he appealed the decision because research shows that the parcel sign is on is partially in the Village Commercial District and partially in a Residential District and the way the Township zoning ordinance defines that, it is all in the least restrictive area. Mr. Jacobs reported that was the only reason they turned it down and said he believes it does meet all the D.O.T. requirements and that the appeal should be successful. Mrs. Dix commented on the area being a park when she was 5 years old.

Mr. Sandman reported the Township was on the receiving end of a lawsuit and maybe two with respect to the Landlord Registration Ordinance. He said a meeting is scheduled for Monday, March 26th and they are attempting to come to a compromise.

Mr. Sandman announced the Township won its case in the Supreme Court; its Courts are constitutional; its Prosecutor is legal; the plaintiff's petition for certification was denied; it replaces the Appellate Division Order which sustained the trial level decision; and for all the reasons stated in Judge Armstrong's 28-page opinion you can get a fair day in court in Hamilton Township. Ms. Gatto asked if the Township recouped any money from the Plaintiff. Mr. Sandman said that was denied.

Mr. Sandman reported receiving a request for documentation regarding Tavistock and explained they would normally be told to go to their obligee who has them but through a bankruptcy or other means they weren't able to get it. He said through the efforts of Mary Lisitski and Nancy Rainbow all of the documents were reproduced and gotten to the bonding companies. Mr. Sandman said that started their 30-day clock and it will end before the next meeting. He reported receiving a letter from one of the former principal, Mr. D'Anastasio that he has been in contact with the bonding company. Mr. Sandman said he hopes to have more to report on this at the next meeting.

Mrs. Dix commented on the Gas Company replacing the gas main the length of Monmouth Avenue and going into some of the side streets in Harding Lakes and asked how the Township is coordinating it with the paving program. Mr. Smith said their permit application only showed main replacement along Monmouth Drive along the shoulder. Ms. Gatto asked if Mr. Smith met with them before they did something like that. Mr. Smith explained they don't have a separate preconstruction meeting and that he reviews the permit and establishes inspection fees. He said all utility companies are notified of the road projects as far in advance as possible. Mayor Silva asked how long they have to wait after paving is done before they can rip it up except for emergencies. Mr. Smith said it is 3 years. Mr. Jacobs said hopefully they are getting in ahead of the Township because of the notice and asked if Mr. Smith inspects the patching. Mr. Smith said for smaller openings there is usually a smaller inspection fee but they established a slightly larger fee for this one. Mrs. Dix said to replace the main doesn't mean they are going down the streets. She said if there is a pattern of gas leaks, that is when they replace it and asked Mr. Smith if he had seen a pattern of leaks. Mr. Smith said there was a pattern of leaks on Monmouth Drive but not the side streets. Ms. Gatto suggested contacting Deb Spinella, the government relations person, to keep the Company in the loop and asking them to do the same. Mr. Smith said they should be well out of the way before the next Township road program starts. Mrs. Dix suggested it would be better and save the Township money if they coordinated with the Gas Company so they paid partly for the paving they have to do. Mr. Smith commented on the Gas Company is putting their new mains in the shoulder to avoid having to tear up the paving if there is a leak.

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Ms. Dix reported on an Earth Day event being held on April 21st through Ingrid Perez and the Clean Communities where people will be able bring some personal papers to be shredded. She showed a banker's box and said that is the limit on what any one person can bring. Mrs. Dix said she believed there would also be an electronics drop off. She reported she is working on identifying areas that need volunteers to pick up litter. Mrs. Dix said they are pushing the Adopt-a-Road program and getting more groups involved. She said there is a single page application and if it is approved then they can do the rest of the paperwork. Ingrid said the shredder will be behind town hall and she will check on the limit of what a person can bring. Dr. Kesselman commented on seeing one at Shore Mall and that it is a nice service but it isn't free. Mr. Jacobs commented on trying to get some of the Township's shredding done while it is here. He commented on doing it in Old Bridge and said there were unhappy people who were still in line because when it came quitting time, they stopped.

Dr. Kesselman reported the Master Plan group hopes to have a Master Plan presentation at the April 16th meeting.

Ms. Gatto said she knows Mrs. Dix is still getting her footing. She referred to earlier comments by Mrs. Dix about COAH about wanting to build a consensus on some of her issues and said it is pretty hard to build a consensus when her team members aren't informed. Ms. Gatto commented on Mrs. Dix saying things like "I've been at my computer", "I've been looking at my finance documents" and said if she has questions or clarifications she should give it to the staff, get factual info and bring it to the table where all the members have it in front of them so they can follow and understand it from a lay-person's perspective. Ms. Gatto said she couldn't follow Mrs. Dix and didn't have anything to follow her with. She said she wants to help Mrs. Dix build a consensus with whatever she wants to do but it is hard to do if the members don't have the information in front of them. Ms. Gatto asked Mrs. Dix to please remember there are 5 (members) up here, not 1.

Public Comment:

Betty Seamans read a prepared statement about her research on Affordable Housing fees for over two years and said it always seemed unfair to her that a COAH fee when a citizen is building a private, non-development family home on one lot. She said she could understand charging builders of developments who can opt to pay it in lieu of building one affordable home for every five homes they build and recoup the fee in their sale price. It was videotaped and recorded in full and a copy is available for public review in the Township Clerk's Office. Mrs. Seamans explained her concern was the Governor's proposal to change the definition of a developer as one who builds two or more homes. She said that would mean someone building their own home on one private lot would not be considered a developer and would not be required to pay a COAH fee. Mrs. Seamans commented on Sean Thompson, Director of the NJ Council on Affordable Housing advising her today that the Governor's proposal to redefine "developer" was not acted on since he abolished COAH and that it is not mandatory that the Township pass a COAH Ordinance but, if they do, they can exempt specific types of developments such as one family homes on one lot that are not built for resale. She requested, on behalf of the Township residents who built a not-for-profit, family home on one lot, that the Township Committee consider making an exemption in its COAH Ordinance and, if they do, that they return the COAH fees being held in escrow at the present time. Mrs. Seamans presented all Committee Members, the Administrator, the Solicitor and Township Clerk a copy of her statement with a copy of N.J.A.C. 5:97-8.3(e) regarding the exemptions she mentioned attached. Mayor Silva referred to comments made earlier in the meeting about a lot of questions being raised COAH and its impact on the Township and said they will be asked of the Attorney they hired and hopefully there will be some resolve to it. Mayor Silva thanked Mrs. Seamans for bringing it to the Committee's attention and said they will look into it.

Joseph Nickels said the County Planning Board looked at COAH and they discussed several of the things that were discussed here tonight. He commented there being significant ramifications within the Township and the schools and said that it was correct that putting up 150 homes meant a new school. He commented on problems getting a mortgage because the additional costs have to be tacked on to all those homes that are not a COAH home and said you could end up needing 120% of the value of the home and the mortgage company may say it isn't worth it and deny the mortgage. He said there are significant issues involved in COAH that he believes the bureaucracy in Trenton do not bother to understand. Mr. Nickels said the marketplace reality is that no company will overvalue a mortgage just for the sake of a COAH regulation. Mayor Silva said some municipalities are already built out and a tremendous burden was put on Galloway, Egg Harbor Township and Hamilton Township by being designated the Growth Area. Mr. Nickels said the Township was targeted years ago. Mayor Silva said Mr. Nickels is right. The Mayor said some of the builders who go for Builders' Remedy only do it to make money so they can sell it out after they get all their approvals and it is a big business today.

Mr. Nickels referred to the discussion on the Industrial Commission request for return of the title to Block 994.01 Lot 6 tonight and said there are two different philosophies, the value of land versus the value of land plus improvements. He said he thought taking the purchase of that land to the Township level limits that opportunity because the Industrial Commission has shown over the years the ability to get a better value. Mr. Nickels said it might not be the value of the land itself but in the overall finished product in terms of creating a higher tax ratable that might not have been achieved if it was sold just as the ground. He commented on asking questions when that parcel came to the County Planning Board and Shore Memorial was going to sell it to the school and walk away with the money. Mr. Nickels commented on Mr. RaVell and others doing their due diligence and finding that there were a lot of other things involved. He said he thought having that buffer is something that should be considered by whoever the subcommittee is. Mr. Nickels commented on the Township having Liaisons and said he doesn't think adopting a second subcommittee is proper when there is already Liaisons to the Industrial Commission that are tasked to do exactly what a new subcommittee would do. He said he believes it is the responsibility of the Liaisons. Dr. Kesselman and Mayor Silva said that was a good point.

Bruce Strigh referred to the discussion on the Industrial Park property and said he understood the land is a valuable asset to the Township and that he guessed the issue is who has control. He said he is still a little snake-bit from a previous property sale in the Industrial Park. Mr. Strigh said that as he sees it, the Industrial Commission likes the authority to sell it but don't want to take the responsibility of what goes there. He commented on most all of the Industrial Commission meetings being held in executive session and said that is legitimate because it is negotiations. Mr. Strigh said the problem when dealing with municipal property that the Industrial Commission is essentially negotiating with the prospective buyer, they are not elected officials and don't really answer to anybody. He commented on it falling back on Township Committee and the Planning Board getting involved. Mr. Strigh said the Industrial Park is in the middle of a residential area so what is built there directly affects residents. He said he thought the Committee has to look very carefully at what the permitted uses are. Mr. Strigh commented on there being a long issue with regard a previous incident where the Industrial Commission was speaking with the developer the permitted uses that the prospective buyer were not included in permitted uses in the Park and said that literally overnight over the Christmas holidays several years ago the permitted uses were changed. He said he hoped the Committee would make sure that someone who is not accountable or has responsibility knows what can go there when the property is sold when they consider who has the authority and responsibility because it is in a residential area.

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John Kurtz said the Merchants' Association is fully funded for the Hometown Celebration and Fall Festival. He said they met with the Freeholders regarding their Wine Festival and it looks like some things that were not approved last year might be approved this year.

Mr. Kurtz thanked the Committee and staff for making the Housing Code Enforcement happen.

Mr. Kurtz explained he was speaking on behalf of Betty Grieco who has a water problem on her property and that she contacted the Township Engineer on his advice. He said he wanted to make the Committee aware there is an issue of water collecting around the VFW property and where Mrs. Grieco is. Mr. Kurtz commented on not being positive but it is his observation that the problem seems to have started when the doctor's office expanded and the retention basin went in. He said if the pumps shut off the basement literally fills with water; it happened recently; it may affect other properties around the area; and he thinks it should be addressed. Mayor Silva asked Mr. Smith if there was any way to verify the basin is causing the problem. Mr. Smith explained he has been working with the contractor that built the basin to be sure it was done according to the plans and that he has a copy of the as-built survey. He commented on speaking to Mrs. Grieco today and that she said they spent \$17,000.00 on problems in the basement; they have multiple pumps running; and there is water standing in the rear around the house. Mr. Smith said he sent an e-mail to Mr. Blankenship who asked Mr. Noll to look at it before they ask him to look at it. He said it doesn't appear that it is a result of the basin. Mr. Smith said it discharges towards the VFW. He commented on there being some issues 1½ year or so ago but they reconstructed the berms and it appears to be draining. Mrs. Dix commented on seeing a large dump truck dumping top soil in there on December 17th. Mr. Smith said he they were building the berms and might have been building a seed bed for the bottom. Mr. Cain asked that the Committee be given an update after Mr. Noll looks at it.

Ms. Gatto said she forgot to report the Emergency Management Coordinator form for the Reverse 911 system is available in the Township Clerk's Office; any resident can come in and fill it in by hand; and the Emergency Management Volunteer Staff will enter it into the system.

In response to Mrs. Dix's question, Mr. Kurtz said Hometown Celebration is June 30th and the Wine Festival is October 20th and 21st.

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

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

Adjournment to executive session:

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 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) Job status of Richard Hartmann.
- 2) Litigation: Smith v. Hamilton Township.

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

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

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Mrs. Dix's asked how long the session was expected to last. Mr. Sandman said it would be about a half an hour.

The Committee left the meeting room at 8:38:25 on the recorder.

Public session reconvened for Executive Session confirmations:

Mayor Silva recalled the meeting to order at 9:19:27 on the recorder. Mr. Sandman stated for the record that the Committee reconvened in public session at 9:21 (on the wall clock); that only the two matters announced were discussed in executive session; and that the minutes will be available at such time as the confidential nature of the subject matter is no longer confidential.

Amy Gatto moved, seconded by Dr. Kesselman, that the motion articulated in the executive session with regard to Richard Hartmann be and is hereby approved.

MOTION CARRIED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

Mr. Cain moved, seconded by Mrs. Dix, that the resolution verbalized in executive session in the case of Smith versus Hamilton Township be and is hereby approved.

MOTION CARRIED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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

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

ATTEST:

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