

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING NJ
MARCH 21, 2011

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Amy Gatto presiding. Members present were Charles Cain Jr., Dr. Harvey Kesselman, Thomas Palmentieri and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor, Robert J. Smith III, Township Engineer, Richard C. Tuthill, CFO, Cynthia Lindsay, Dep. CFO, and Leon Costello, Auditor.

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 on the bulletin board in the municipal building and by e-mailing a copy of said 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 in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, March 21, 2011.

A moment of silence for private reflection was observed.

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

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

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

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

Mayor recalled the meeting to order in public session at approximately 6:55.

2011 Budget Presentation:

Mr. Jacobs explained the slide presentation was an overview of the budget being introduced tonight. The presentation was video taped, a hard copy is available for review in the Township Clerk's office, and it will be posted on the Township website. Mr. Jacobs explained \$10,666,137.00 of the \$17 million budget goes for public safety; \$1.6 million goes for solid waste collection; \$3.2 million goes for public works; and \$2 million goes for other government and administrative services. He explained the cost on the average assessed home is \$1,392.00 per year and it breaks down to \$835.00 or about \$16.00 per week for public safety, \$254.00 or about \$4.88 per week for public works, about \$10.00 per month for solid waste collection and the rest was for all other government services. Mr. Jacobs explained the focus was on the structural deficit and trying to bring expenses down to the revenues. He said this budget gets most of the way there and the hope is that the budget will stay fairly level for 3 years. Mr. Jacobs commented on things that are out of the Township's control that can affect future budgets such as the state aid being cut; this budget includes about \$670,000.00 in unemployment for people that were laid off and if the federal government extends those benefits the Township could get hit with it again next year; and collective bargaining arbitration awards. Mr. Jacobs explained every operating expense line item was cut about 10%; 32 full time and 7 part-time employees were laid off; the nonaligned employees gave up their deferred comp match to avoid some nonunion layoffs - a savings of \$32,000.00; the layoffs reduced the budget by a little over \$1 million; the number of employees has gone down from 177 in 2007 to 122 in 2011. Mr. Jacobs explained approximately 30% of the salaries were paid because the township was partially into the year when the layoffs were done so there will be a bigger savings next year. He explained school deferral was being used to bridge the gap and said it kept the Township from laying off any more employees than they had to and from increasing the taxes any more than they had to. Mr. Jacobs said this budget includes a 2.5 cent tax increase that will generate about \$600,000.00 of

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reoccurring local tax revenue and it was to avoid additional layoffs, more cuts and additional school deferral. He said the overall plan will cost the average taxpayer about \$46.95 a year. Mr. Jacobs explained that under the law, the Township could have increased taxes by 2% of its levy plus increases in things like pension and health insurance or about 3.3 cents but the Budget and the Finance Committee elected to keep it as originally proposed. He said the township has a \$26 million balanced, legal budget using the tax increase, downsizing and deferral. Mr. Jacobs explained the 5-year budget analysis requirement and said this one started 2 years ago, includes 2011 and projects 2 years into the future. He said there is a significant savings in employee costs next year; next year's projected budget is about \$1 million less than this year; no school tax deferral is anticipated in 2012 and 2013; and the tax rate is steady. Mr. Jacobs referred to a resolution on the agenda to introduce the approved budget and said if it passes there will be a public hearing on April 18th and if there are amendments they will be incorporated and, depending on how substantial they are, the Committee will move forward with adoption of the budget.

Dr. Kesselman said the Committee did exactly what they said they would based on actions they took over the past couple of months. He said it was a good job on the part of the Finance Committee.

Mr. Silva commented on the structural deficit projections the Committee faced every year and said it is significant to be able to project the budget in this way.

Mr. Jacobs said he called it a plan because it looks at 3 years that erase the school deferral and the structural deficit.

Mayor Gatto commented on the Budget Committee knowing the sentiment of the Township Committee was tough decisions would be needed regarding staffing and not wanting any tax increase. The Mayor said they are projecting a 2.5 cent increase and explained they opted not to go for the 3.3 cents increase that was allowed because of their commitment to the rest of the Committee and the residents.

Mr. Cain said hopefully the Committee is in a position with this budget that hopefully gets the Township out of the situations they faced over prior years. He said it is time to move on, to get on with governing the town, and the employees should be confident the Committee put forth a budget that will prevent them from having to ask for things next year with the exception of the state coming down on the Township and all indications are that will level off too. Mr. Cain said he is very proud of the budget.

Summary of Township Services:

Mayor Gatto said the Committee felt it important to let the public know what town hall looked like now and with all the changes that were made. She explained the presentation was a summary of services the Township provides and where to get them.

Mr. Jacobs slide presentation was video taped and recorded and can be viewed on the Township website. Each department's services were listed on the slides and Mr. Jacobs explained the changes in hours offices are open to the public. He said there were minor changes in the Police Department and their focus will continue to be public safety. Mr. Jacobs explained there will be an on-line and walk-in reporting system for minor thefts, criminal mischief, and burglary; the police will concentrate on traffic and community patrol. He commented on some detectives being moved and the increased case load for those remaining will increase and said they will continue investigating cases but it may take a little longer to reach their goal. Mr. Jacobs said 911 dispatch services remain the same and they are looking into inter-local agreements with neighboring towns. Mr. Jacobs explained Police response to non-life threatening calls will be reduced or not responded to; credit, fraud and identity thefts will be processed by a third party; and there will no longer be a systematic enforcement of violation of fire alarms. Chief Tappeiner explained that in the past after 4 violations of the fire alarm ordinance a citation was issued and said it was time consuming. He said the police will respond to an alarm and if an officer notices one alarm going off a lot they will enforce it but enforcement will not be a systematic process.

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Mayor Gatto said the Township could save over \$1,000.00 a month if every employee was on direct deposit but the Township can't tell them to do it. She said it has to be voluntary and that she was putting it out to any employee who hadn't yet signed up for direct deposit.

There were no questions or comments on the presentations.

Dr. Kesselman moved, seconded by Mr. Palmentieri, that the following resolution be and is hereby adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a Resolution to defer school taxes for 2011 in the amount of \$675,000.00 be added to Agenda Item 9 as #9.A; and

BE IT FUTHER RESOLVED that lines 2-6 in Agenda Item 10.H "*authorize the Administrator, CFO and Dir. of Emergency Management to sign the sub-grant award documents; request the Div. of Local Govt. Director to approve insertion of an item of revenue in the 2011 Budget with off-setting appropriations \$5,000.00 from FFY11 Homeland and \$5,000.00 matching funds from the Emergency Management budget*" be and are hereby deleted per CFO because the language calls for amendment to 2011 Budget which has not yet been adopted.

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

There were no Executive Session confirmations to be made.

There were no requests to make early public comment.

Mr. Jacobs requested authorization to advertise for lifeguards for the Cove be deferred until the next meeting because he is still waiting for additional information on costs.

Public Hearing/ Adoption - Ordinance #1688-2011

Sal Perillo, attorney for Atlantic City Race Track, explained it is a public-private partnership of the Economic Development District in conjunction with the Federal Aviation Administration, the private sector and the Township for development of a significant part of the community to bring the kind of development to this area that might not otherwise be seen. Mr. Perillo commented this being an extension of the kind of development NAFEC brought to the area. He explained redevelopment allows the Township to exercise more control over the development than they would during the normal zoning process. Mr. Perillo said Gordon Dahl, Executive Director of the Economic Development District, and Tom Sykes, the project architect, were present to answer any questions the governing body or public may have.

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

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

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

WHEREAS Ordinance #1688-2011 was introduced and passed first reading on March 7, 2011 and was duly advertised in the March 11, 2011 issue of the Atlantic City Press for a public hearing to be held on March 21, 2011; 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 #1688-2011 be and is hereby adopted.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI AND SILVA VOTING "YES", NO "NO", MAYOR GATTO "ABSTAINED" DUE TO HER FATHER'S EMPLOYMENT AT THE RACE COURSE 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:

Requirement	District RC
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.
- 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 L. GATTO, MAYOR

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

ORDINANCE #1688-2011 INTRODUCED AND PASSED FIRST READING MARCH 7, 2011.
ORDINANCE #1688-2011 ADOPTED MARCH 21, 2011.



Introduction of Ordinance #1689-2011:

Mr. Jacobs explained the Salary Ordinance adopted several years ago provided for raises up to 3.75% in 2011 for non-union members on the discretion of the Administrator. He said the provision was not implemented this year and is being removed from the Ordinance completely because of proposals to the unions and because no money was budgeted for it.

Dr. Kesselman moved, seconded by Mr. Palmentieri, that the following resolution be and is hereby adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1689-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the March 23, 2011 issue of the Atlantic County Record for a public hearing to be held on Monday, April 4, 2011 in the municipal building, Mays Landing, NJ.

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1689-2011

AN ORDINANCE TO AMEND SECTION 3. Annual Increases. OF 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 DELETE THE SALARY INCREASE FOR THE YEAR 2011.

WHEREAS, SECTION 3. Annual Increases. of Ordinance #1630-2008 authorized the Township Administrator to award annual percentage increases in salary to the non-affiliated (non-union) employees for the years 2009, 2010 and 2011; and

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 Township Committee desires to eliminate the 2011 salary increase provision in aforesaid SECTION 3. of Ordinance #1630-2008,

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

SECTION 1. Ordinance #1630-2008, SECTION 3. Annual Increases. be and is hereby amended to delete the phrase "**Jan 1, 2011 = 3.75%**".

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 #1689-2011 INTRODUCED AND PASSED FIRST READING MARCH 21, 2011.

March 21, 2011

Deferral of School Tax for 2011:

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

TOWNSHIP OF HAMILTON
RESOLUTION 2011
A RESOLUTION TO DEFER SCHOOL TAXES FOR 2011

WHEREAS, New Jersey Law allows school taxes payable to be deferred to a maximum of 50% of the school levy; and

WHEREAS, the township of Hamilton desires to defer \$675,000. of Local School tax as of January 1, 2011,

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

1. That the Township Committee, for the aforementioned reasons, hereby defers \$675,000. of Local School Tax as of January 1, 2011 with the understanding that if any of the amounts deferred is used to support the 2011 Local Municipal Budget, such amounts shall be charged to future operations as funds are available.

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

MEMBERS COMMENTS WHILE CASTING THEIR VOTE: Mr. Palmentieri said he was voting "yes" only as part of the three year plan that was laid out. Mayor Gatto said she was voting "yes" because it is part of the budget plan and because it is pulling the Township down incrementally from school deferral.

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

BE IT RESOLVED by the Township Committee of the Township that the 2011 Budget be and is hereby introduced and the Township Clerk is authorized to advertise same in summary form in the April 6, 2011 issue of the Atlantic County Record for a public hearing to be held on April 18, 2011 in the municipal building, Mays Landing, NJ.

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

RESOLUTION ADOPTED.

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 #5-2011 is hereby approved for the Oakcrest High School Band Parents Association Chinese auction to be held on April 9, 2011.

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

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

RESOLUTION

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,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, that transfers between year 2010 Budget Appropriations be made as follows:

Account No.	Account title		From	To
20-155-2	Legal Services-Miscellaneous	Other Expenses	2,100.00	
31-400-2	Utilities	Other Expenses	9,800.00	
20-165-2	Engineering Services & Costs	Other Expenses		2,100.00
31-435-2	Street Lighting	Other Expenses		9,800.00
Totals			11,900.00	11,900.00

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 the NJ Division of Alcoholic Beverage Control issuing a special social affair permit to the Cologne Volunteer Fire Department for their annual chicken BBQ to be held on June 4, 2011 from 11AM to 10PM, wine and beer to be dispensed.

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 proposal from Ford Scott (Leon Costello) to provide Consulting Services for arbitration hearing for P.B.A. negotiations at a cost not to exceed \$7,500.00 be and is hereby accepted.

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 Robert J. Smith III, Township Engineer, be and is hereby authorized to file an NJDEP Construction Activity Stormwater General Permit application for West Jersey Avenue.

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
6101 THIRTEENTH STREET
MAYS LANDING, NEW JERSEY 08330**

RESOLUTION

A RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AUTHORIZATION FOR THE TOWNSHIP COMMITTEE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2011 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE TOWNSHIP CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS.

WHEREAS, the Township of Hamilton, Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant CFDA #97.042, Award #2011-P130-0112 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing the Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

March 21, 2011

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2011-EP-EO-0047; and

WHEREAS, the Township of Hamilton Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Township of Hamilton Office of Emergency Management adequately satisfies through the 2011 Township of Hamilton approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Township of Hamilton Committee here with accepts the award of the FFY11 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Township of Hamilton Administrator, the Township Chief Fiscal Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management.

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 objection to the NJDOT approving and/or issuing a permit to the Mays Landing Athletic Association Lakers Football Teams for coin drops to be held at the Route 322/Wrangleboro Road jughandle on August 6 and 7, 2011 with rain dates of August 27 and 28, 2011.

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

Red Light Camera contract

Mr. Sandman explained the intersection is at the Wrangleboro Road and the Expressway cross-over towards Hamilton Mall. He explained that if the Committee awards the contract, the contractor makes application to DOT and DOT has to determine whether it is warranted and it is zero cost to the Township. He explained both vendors attached a form of agreement to their RFP; he found things that were different when he compared them to the specifications; he made modifications or changes to it; and ATS agreed to all of them. Mr. Sandman explained the contractor expends all of the engineering costs; takes the application to DOT; they work with the Chief and Rutgers University on statistics; DOT determines if it is appropriate; and if DOT determines it is appropriate, it goes into the next phase which is implementation. Mayor Gatto said the Township isn't on the hook financially for anything by signing the contract; it just keeps the process moving. Mr. Sandman said he will report back to the Committee after he hears from ATS on what they want to do. He commented on the State being backed up with these applications right now and said they anticipate a period of 5 months to get the application submitted. Mr. Palmentieri asked if the status of the State trial period for this was known and if they are actively approving any. Mr. Silva said he reached out to someone he knew at the State but didn't get an answer yet. He said they haven't made any decision at this juncture. Mr. Cain said there is no financial obligation on the Township if

the state doesn't move forward with any other approvals. Mr. Sandman said there will be no financial impact on the Township at all until it is approved and built with the only slight caveat being in terms of manpower in the police department in terms of implementation of the ticket process. Mr. Palmentieri said Wrangleboro is a County Road and asked if they has given their approval for this. Mr. Sandman said that is up to the contractor and it isn't uncommon to have a County and municipal roadway. Mr. Palmentieri said there are no municipal road involved; there is a private road, the SJTA and the County. Mr. Sandman said the application process is specific and regardless of who owns, maintains or controls the roadway, all of the onus is on ATS.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor be and is hereby authorized to execute the Professional Services Agreements (contract) with American Traffic Solutions for Red Light Cameras.

ROLL CALL: CAIN	"YES"
KESSELMAN	"YES"
PALMENTIERI	"NO"
SILVA	"NO"
GATTO	"YES"

RESOLUTION ADOPTED 3 TO 2.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the February 22, 2011 and March 7, 2011 regular meetings and the March 7, 2011 executive session be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$1,435,931.24 as of March 17, 2011.

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

Appointment of Building Sub-code Official:

Mr. Jacobs explained that when the Committee elected not to reappoint the prior Building Sub-code Official about two months ago Mr. Satter was appointed Acting Sub-code Official as allowed by statute. He explained this will make that a permanent 4-year appointment; that Mr. Satter will work the hours in the memo; and it is one employee now doing what 2 used to do.

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 Thomas Satter be and is hereby appointed full-time Building Sub-code Official for a four (4) year term effective March 25, 2011 through March 24, 2015.

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

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Mayor Gatto moved Grant Wilinski from Historic Preservation Commission Alternate II to Alternate I to fill the unexpired term of Jennie Ayres expiring December 31, 2012.

REPORTS:

Administrator: Mr. Jacobs said he wanted to publicly thank Lisa Hedrick and all the department heads for their help on the budget and presentations. He said he makes the presentations but doesn't put them all together and a lot of work and research went into it. Mr. Jacobs reported he has been very busy the first three months he has been here and said the Department Heads have been very helpful and are sacrificing a lot to make this budget work. Mayor Gatto said the Committee echoed Mr. Jacobs's comments for all the employees.

Solicitor: Mr. Sandman reported the Landfill Redevelopment agreement has been prepared; changes were made; he believes it will be in final form within the next 30 days; and the changes now being focused on are not substantial.

Mr. Sandman reported there were 77 properties on the initial In Rem Foreclosure list; when the title report came back over 500 people had to be served by regular mail and by certified mail; there were 9 redemptions and 1 withdrawal because of bankruptcy. Mr. Sandman reported the application for final judgment went in last week and he is waiting for it. He said he always fights to get it done before the end of the year so the Township doesn't have to budget for uncollected taxes but the foreclosure unit was inundated last year because of the vast number of foreclosures. Mr. Sandman explained there was also about a 2-week delay because the Attorney General objected to the form of a deed because there was a Pinelands Redevelopment Deed Restriction on it but that was ultimately worked out. He commented on the process taking longer than it should but it is coming to completion and involves 68 properties at this point in time.

Engineer: Mr. Smith reported bids for West Jersey Avenue will be received tomorrow and a recommendation for award will be prepared for the first meeting in April. He explained New York and West Jersey Avenues will go to construction concurrently so there will be one detour and both roadways will be done at the same time.

Mr. Smith reported the preconstruction meeting for repairs to the front steps was held this morning and the contractor may actually get started this week. He reported the preconstruction meeting for the roof replacement is scheduled for Wednesday and he anticipates the contractor getting started pretty quickly.

Mr. Silva commented on seeing the developer pumping from the Hamilton Commons basin into the State drainage system about a week or week and a-half ago and asked if they have permission to do it or if any notification to the State is required. Mr. Smith said he understood that they got DOT permission. He said he asked their engineer for a status report after the last meeting and the engineer sent the request to the developer. Mr. Smith said the engineer basically reissued the report from last May and he anticipates getting an updated one. He said the engineer has to go up the chain of command to get permission before he can issue a written report.

Mr. Smith reported Timber Glen representatives indicated at a meeting he had with them last week that they wanted to take action relatively quickly but it will hinge on how the Pinelands Commission views the stormwater management system work being done. Mr. Smith said the developer views it as maintenance with regard to the infiltration area behind the tennis courts and Pinelands has scheduled a meeting with representatives from Timber Glen and the Planning Board Engineer to make sure everyone is on the same page. He explained if Pinelands determines it is maintenance activities Timber Glen can proceed immediately to do the work and make the necessary remedial repairs but if Pinelands determines it isn't maintenance, it may require application to the Pinelands Commission and the Planning Board. Mr. Smith explained they provided a schedule of their timetable but it was contingent on them getting Pinelands Commission and Township Committee approvals. Mr. Smith commented on the developer wanting a letter from the Township Solicitor saying the Committee was putting action against the bond on hold. Mr. Sandman said the Committee should have gotten a letter from Mark Mauriello/Edgewood Properties dated March 15th setting forth that information. He said he isn't prepaid to make a recommendation on the request at this time; he thinks it is premature and that things should be kept exactly where they are until the Township sees what happens.

Mr. Silva said he hopes there will be information at the next meeting to update everybody on the Lake Lenape Dam. He reported receiving many inquiries from concerned people concerned regarding the Dam; their dissatisfaction with what they have seen in the work with the coffer dam; how it could impede the flow and view of

water coming over the top of the dam; how safe the dam is; and what work still has to be done with regard to putting it back to the way it was before the event several weeks ago. Mr. Silva said a lot of questions have to be answered and when the Committee has more definitive answers they can give it to the public.

Mr. Silva commented on the Committee saying this was the time and the Committee to attack the structural deficit and said what was shown on the slides is happening. He referred to being able to project a 5-year period and said they couldn't do in the past because there were so many things going on. He said it took a real strong move for the Committee to put the budget on the table that they did tonight. Mr. Silva said it is a compliment to everyone who had anything to do with it and that he is pleased to see what the Committee is looking at going forward.

Dr. Kesselman reported he met with the MUA auditor, Township Auditor, Steve Blankenship and Mr. Jacobs last week to discuss the two reports the Committee received towards the end of last year regarding the fiscal condition of the MUA. He said that after listening to the presentations by both parties at that meeting he is convinced there are opportunities for substantial salary and operational savings through either a consolidation of services or some other form of local agreement between the Township and MUA. Dr. Kesselman said he thinks it needs to be vigorously pursued over the next few months to ensure the workforce in the Township is maximized notwithstanding they may report to different boards. Dr. Kesselman said it would be foolhardy not to do that and, given the current fiscal conditions, he thinks it will help the Committee get where they need to be a lot quicker.

Dr. Kesselman asked Philip Sartorio to comment on the NJDEP meeting regarding their proposed 2010 Waste Water Management Plan for Atlantic County. Mr. Sartorio explained DEP is having a public information session on it on Wednesday from 4-8 o'clock at the Canale Center on their plan that sets the framework of areas where developments using sanitary, central sewer is allowed by right or where you have to apply to DEP for an exception. He said the Township's regional growth area is locked in for the most part as part of DEP's sewer service area but the small area that was amended in the 2007 where the Township had to make zoning changes to the Reserve Growth District isn't included in the proposed plan and he will be making an argument for that and a few other small areas. Mr. Sartorio said those points were made known to the MUA and County at a meeting 2 years ago and they forwarded that information to DEP but DEP is obviously doing it their own way.

Mr. Cain reported being approached by an employee who asked if the Township can advertise on the overhead bridge at Wheaton's to generate revenue for the Township since no one claims ownership of it.

Mayor Gatto said the Budget Committee picked up where Mr. Silva and Mr. Palmentieri left off last year. She said it was a team by the entire Committee and she commended everybody for all the work that had to be done over the past couple of months because it wasn't easy.

Mayor Gatto asked Mr. Jacobs if he had any information on the Lake Lenape Dam. Mr. Jacobs explained Dam Safeguard, the State regulatory agency, made them do echo soundings to see if any damage was done around the coffer dam. He said it will take another week or week and a-half to get the results and when they do they will have a Lake Lenape Dam Committee meeting. Mr. Cain said the level of the lake has to be protected during the summer season and he hopes no more work will be commencing until the summer season is over.

Mayor Gatto reported receiving something from someone from one of the recreation organizations about an advertising idea different than anything at the field now or anywhere in the Township and said it is being pursued.

The Mayor reported receiving information on a program in another town regarding the Red Light Cameras that hold off for a couple of seconds when a car is going through when the light is changing from yellow to red. She said she will give it to Mr. Jacobs for him and the Chief to look at and decide if it is worth pursuing from the safety perspective.

Mayor Gatto reported she and Mr. Cain have been working diligently with the MUA subcommittee. She said she intends to have something for the Committee to vote on at the next meeting and they will be provided with what the agreement looks like in advance for their consideration. Mayor Gatto said the MUA will be meeting in the next couple of weeks and hopefully vote on something.

Mayor Gatto reported she requested a follow-up meeting on shared dispatch services to the one they had with Egg Harbor City.

Mayor Gatto reported attending the Rescue Squad Employee Appreciation Dinner and said the Township appreciates all the hard work they do and all their efforts.

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Mayor Gatto announced Oakcrest High School is holding a dinner on April 14th at Mays Landing County Club to celebrate their 50 years of academic excellence and the Marching Ambassador Alumni is holding a concert on April 9th at the school. She said she has information on both events and it is available on line.

Public Comment

Rodney Guishard said there was a cost associated with installation and operation of the Red Light Cameras when it was first introduced and some discussion about whether or not the Township would come out ahead. He said tonight is sounded like there is no cost at all at any point in the process. Mr. Sandman explained it is a completely cost neutral contract where the contractor takes on the risk of making the application, retains his own engineer to do so at his cost, and if it is approved they move on to implementation. He explained the first time the Township pays money is when it collects money on fines and fees generated by the camera. Mr. Sandman explained the contract is for four cameras at one intersection with four approaches and carries an estimated value. He said if that value isn't reached, the Township isn't liable for the difference; there is no cost to the township except for personnel and implementation costs for computers things like that; and ATS provides the expert witness testimony necessary for enforcement. Mr. Sandman said it is as cost neutral as any contract he has seen in his 30 years as an attorney. Mr. Guishard asked if the Township will make revenue on it. Mr. Sandman said it is anticipated the Township will make revenue or the contractor would not be undertaking this contract and others throughout the state. He said they apparently did their studies and decided it is a revenue generator for them and as a consequence will generate revenue for the Township. Mr. Sandman said the intended purpose is public safety and the revenue generated is extra.

Mr. Guishard said the impact of the budget reductions may be small but there is an impact and asked if the township is going to collect data on what the impact is for how much longer it will take the police to respond. Mr. Jacobs explained he said it may take longer for them to reach a conclusion in their case and that he didn't say it will take the longer to respond. Mr. Guishard asked if data is going to be collected so that at some point in time it can be looked at and the impact rectified. Mayor Gatto said there is nobody left to collect data. She said the Township has people to do core services and that is what they will be doing. Mr. Jacobs said the residents will feel the impact and he expects to hear at the microphone that things aren't being done soon enough or that the Township isn't meeting their expectations. He said the Committee knows they are doing less with less because the State adopted legislation that makes them do it. Mr. Guishard said there must be some data collected. Mr. Jacobs said any data being collected will continue to be collected and that he would be glad to talk with Mr. Guishard about ideas. Mr. Guisahrd said the Committee will have to make a decision at some point in time to look at the possibility of hiring people to collect the data. Dr. Kesselman said it will be based on how much money the Township has. He said the Committee has acknowledged clearly and unequivocally that it will do less with less and they understand the impact of their actions when you go from 177 employees in 2007 down to 122. Dr. Kesselman said if there wasn't an impact Mr. Guishard would have made the argument that 50 people were totally unnecessary. He said there is an impact and a cost associated with it and Mr. Guishard can't have it both ways. Dr. Kesselman said the Committee made a decision based on fiscal reality and will be evaluating it over the next 6 months by what they hear, what they see and the Township has excellent employees who will let them know when they are in fact overwhelmed. Mr. Guishard said cost is always a factor and even if the Township could pay it they wouldn't make a move without having an objective reason for making it based on data and his question is what kind of data that will be.

Mr. Guishard asked if there was an answer to questions raised by Aline Dix at the last meeting about capital expenditures. Mr. Jacobs said one of the projects she brought up was a sidewalk bond and explained there was an Ordinance adopted for \$140,000.00 that was cancelled. He explained \$100,000.00 of it was a grant and the Township financed \$40,000.00; \$24,000.00 of it was spent doing diligence, engineering and design only to learn that the Pinelands wanted a stormwater system installed that would have driven the cost of the project out of sight so it was abandoned. Mr. Jacobs said the other one was for purchase of property for the Liepe tract; the Committee approved a bond ordinance that was included in a bond financing; and \$166,921.00 was spent trying to acquire the property. Mr. Jacobs explained it had to be financed because the Township doesn't have the kind of cash flow to allow it to be taken out of its savings. He explained the importance of timing with financing bonds to get the best rate; that when to do it is a judgment call; and that is the reason they were included. Mr. Jacobs explained you try to keep your debt service level when scheduling the payments. He said there was nothing illegal or inappropriate done; a judgment call was made; and full financing wasn't done on all of it but money was spent. Mr. Jacobs said he failed mention during his reports that when those bonds were cancelled the money did not go into and

and was not spent in the operating budget; it is in a capital fund balance in the capital reserve account; the money is there; and it is going to be reallocated to avoid future debt service. Mr. Jacobs said that was probably Ms. Dix most important concern because she showed him a memo with that recommendation in it but that was not done.

John Pucci referred to Mr. Cain's request at the end of last meeting for information on the Hamilton Commons storm drains to be brought back to this meeting and said it gave the impression the Township was concerned to a point where a decision would be made. He compared it to the basins at Timber Glen being talked about for several years and no action was taken by the developer until action was taken about calling the bonds. Mr. Pucci referred the comment that a plan to remediate the basins at Hamilton Commons was out since last May and said he would expect some kind of resolution and continuing of fixing the basins. He asked if there are still performance guarantees or if they are working on maintenance guarantees. Mr. Smith explained a restoration guarantee of about \$217,000.00 was posted and said it wasn't a performance guarantee for the full value of the site improvements. He said it was the amount of money it would take to restore the site to its preconstruction condition if they started construction and didn't proceed. Mr. Pucci questioned whether there is enough guarantee to do what has to be done and suggested legal action be taken as was done with Timber Glen. Mayor Gatto said she thinks this Committee made the basins a priority right beneath the budget. She explained they have taken stock and an inventory of all basins within or without Township ownership; those that have bonds pending or expired; looked at what they were required to do in the past, whether they are doing it, compelling them to do it if they aren't; and the Committee will take legal action if they aren't going to do it. The Mayor said she thinks the Committee has gone from a reactive to a proactive approach on basins and that it wasn't just Timber Glen. She said their first focus was on the worst 13 and as they are brought under control the Township will focus on the next batch. Mayor Gatto said the Committee knows it was an issue in the past and that's why this Committee, led by Mr. Silva, took the issue head on and decided to put some processes in place that were previously lacking. Mr. Sandman explained the 13 most critical ones were identified; the owners of all but one or two have responded very positively; the Committee is waiting for schedules in some instances; the problem was identified and taken on; and there has been significant cooperation by almost all of them. He commented on Timber Glen being one that didn't cooperate and said legal action was taken with respect to that. Mr. Sandman said the Committee authorized him to send a letter to the Planning Board and Zoning Board Solicitors telling them how these are going to be handled in the future. He commented looking at documents from both boards and said the Homewood Estates/Homewood Court document was the best and he used it as the template on a going forward basis so this problem and the potential of the Township ever owning the basins will not happen again. Mr. Sandman explained the requirement for maintenance with respect to basins situated on separate lots would remain the obligation of those who bought lots in the development and if they didn't maintain them there would be the potential to lien each of the individual lots. He said he views what has happened in the 15 months he has been here as a very significant step in the right direction. Mr. Smith explained he called the Hamilton Commons developer's engineer immediately after the last meeting and asked for a written report that he could e-mail to Township Committee for their review prior to this meeting but he hasn't gotten it yet. He said the engineer forwarded what was his work plan from last May but he has to get authorization from his client before he can prepare a report and issue it to Township Committee. Mr. Pucci said they were pumping from Wrangleboro Square to Hamilton Commons before the basins at Hamilton Commons were fixed and it seems like things aren't being done according to the approved plans. Mr. Pucci expressed his opinion that this is the most important storm drain because it is flooding 322. Mayor Gatto said their engineer sent what he was authorized to send and that doesn't mean work was or wasn't done against it; he just wasn't authorized to provide that kind of information at this point. Mr. Smith said the engineer indicated they were going to interconnect basins and relocate the overflow to where they are pumping now. He said he conveyed Mr. Cain's concerns about what the impact would be. Mr. Smith explained additional approvals will be required if they proceed with the plan they talked about or a modified version of it and said he doesn't know if they are trying to coordinate those with Pinelands to get them on board before coming back for local approvals. He explained Benderson Development originally constructed Consumer Square and Hamilton Commons and is the bond holder but they sold the project to Diversified Development. Mr. Smith said the current developer seems conscientious and willing to make the improvements but the problem is the bond is held by a different developer. He said he met with the developer's representatives at Wrangleboro Square a couple of months ago about the punch list items and the basin there. He said some test pits were done last summer when the basin was dry and they will empty the basin and do the remedial work in it when the dry season comes this summer. He said they have a plan of attack including paving and concrete repairs so they can get it all done at the same time so that their maintenance guarantee can be released. Mr. Smith explained no recommendation for release will be made unless all the punch list

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items are completed and he hopes they will do Hamilton Commons at the same time which is mostly drainage related and some minor site improvements. Mayor Gatto said the Committee shared Mr. Pucci's frustration and concern but it was a much larger and longer process than anticipated. She said they don't have the information Mr. Pucci is looking for this evening but Mr. Smith will keep the Committee up to date on it. Mr. Smith said Wexford Lane was the biggest basin problem when this process was started. He said he checks it after each rain event and from all indications it has been completely remediated. He commented on remedial work done at Hamilton Walk, at Victoria Point, at Adams Branch and receiving work plans from other basin owners on what they plan to do. Mr. Smith said the Hamilton Commons hasn't fixed the problem but is addressing the symptoms to prevent 322 from flooding in the event of significant rain. Mr. Cain asked Mr. Pucci if he was saying water from Wrangleboro Square is being pumped into Hamilton Commons. Mr. Pucci said they pumped water from basin #6 through culverts under the Atlantic City Expressway and into Hamilton Commons basins last summer until they started flooding and they had to stop. Mr. Smith said he thought they wanted to identify what the problems were at Wrangleboro and they have to empty that basin in order to rectify the problem. He commented on the Expressway Authority issuing complaints several years ago when the basin continually overflowed onto the Expressway and said the only place to dispose of the water so they can do the work at Wrangleboro is the Hamilton Commons basin. Mr. Palmentieri said that is the big basin in the rear, not the one on the Black Horse Pike. Mr. Smith explained he believes the function of that basin will significantly improve once the layer of silt and sediment debris is removed. Mr. Silva said questions came up about the one at Hamilton Mall. Mr. Smith said he thinks they plan to develop some pad sites in front of the mall and they will be obligated to remediate those basins as part of their development approvals. He said he thinks they are working with the Pinelands Commission but there are significant disagreements as to where seasonal high water is in the basin area. Mr. Pucci asked if there was enough guarantee to fix everything (at Hamilton Commons). Mr. Smith said he didn't know if they put a cost estimates together and it could exceed the money available but that doesn't obviate their responsibility. He said he thinks they will a good corporate citizen and will remediate the problem regardless of whether or not there is significant bond money available.

Mr. Pucci asked if somebody was going to be hired to take care of enforcement and complaints after the Zoning Officer retires in June or if it will be transferred to some other office. Mr. Jacobs said the Township isn't planning to hire anyone at this time and explained the things the County can handle will be forwarded to them and if you have a problem with a neighbor or about a property you will come in and file a complaint with the police department. Mr. Pucci asked if zoning enforcement was being transferred to the police department. Mayor Gatto said it isn't. Mr. Jacobs said if someone has a complaint regarding potential zoning violations they would go to Mr. Sartorio.

Mr. Pucci commented on part of reason for the Strategic Planning Committee was to develop priorities on where money would be placed and asked how that work was used in this year's budget process or if it will be utilized more next year. Mayor Gatto said the teams are still developing their priorities, goals and measurable objectives. She said input on things that could be taken into account now was taken from Fiscal Vitality, Smart Growth, and Safety. The Mayor said the point was to develop priorities to align the budget and that is where the Committee wants to get to. She said the process is still unfolding; all of the committees are very active; and they are doing a lot of good work. Dr. Kesselman said Smart Growth will be the next presentation. Mr. Pucci asked if it could be said that this budget was developed by public input that was taken over the past year. The Mayor said it absolutely could.

Richard DeFeo referred to Mr. Cain's pledge to straighten out the water problem when he was elected and said that Mr. Cain worked diligently on a couple that were really bad and got them done. He said they were Timber Glen and Hamilton Walk. Mr. DeFeo said there is one developer that isn't listening to anything and he suggested Mr. Cain be put on him. Mr. DeFeo commented on condition of the road at the Mall that goes to the track and said the holes are caused by the water from the basin at the Mall going under the road.

Nelson Gaskill referred to the Solicitor mentioning a figure of around \$13,000.00 that the Company says they have to make before the Red Light cameras cost anything. Mr. Sandman explained the Township doesn't have to pay the contractor anything until after they are approved, installed, become operational and warrants or tickets are issued. He explained the figure was estimated on a flat fee basis of about that figure. Mr. Sandman said ATS wouldn't do it if they didn't feel comfortable that is at least the floor of what will be collected. He explained the Township doesn't have to pay the difference in any month that amount isn't achieved in terms of fines and penalties unless and until it is achieved in subsequent months. Mr. Gaskill asked if the \$13,000.00 is what the Township receives in their share of the ticket. Mr. Sandman said it isn't, it is an estimated flat fee of what the Township will pay a month. Mr. Gaskill explained his

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concern was the possible cost and asked if enough revenue will be generated through the Township share of the ticket. Mr. Sandman said that the Township isn't exposed because it is cost neutral. Mr. Gaskill said a patrolman will be taken off the street to view the videos. Chief Tappeiner explained it will take 25-30 hours a week to review the videos; it will take staff to review them; it can be done by supervisory staff in the building or multiple supervisors over a period of time or one person can be dedicated to it; and they have to discuss how that will be done. Mayor Gatto said that will be determined should they get to that point. Mr. Gaskill said it will cost the Township more to have a supervisor do it than a patrolman and there will be court personnel costs. He explained his concerns were if the Township starts spending more than it needs to; taking a patrolman off the street or a supervisor for 25-30 hours a week; and maybe not generating anything. Mr. Sandman said DOT may not approve it. Mr. Gaskill said that is what he is hoping.

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

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

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

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

ATTEST:

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