

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
WEDNESDAY, APRIL 6, 2011

The rescheduled 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 and Robert J. Smith III, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by e-mailing a copy of 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 Wednesday, April 6, 2011.

A moment of silence for private reflection was observed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Item 4.C Conifer Realty LLC request to be heard regarding proposal re: Block 1131/Lot 5.01 be and is hereby deleted from the agenda for this meeting.

BE IT FURTHER RESOLVED that the amount in Item 7.1 be and is hereby changed from \$46,000.00 to \$42,000.00 based on a revised proposal received from Remington Vernick dated April 6, 2011; and

BE IT FURTHER RESOLVED that the following item be added to the consent agenda as Item 7.M: Accept \$10,338.44 Cape Bank certified check to replace Cape Bank letter of credit #2007-06 and be held in escrow as a 2-year maintenance guarantee for Energy Enterprises, Inc. until the punch list issued December 20, 2010 is complete.

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

There were no executive session confirmations to be made.

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

Jennie Ayers said it is important that advertising for lifeguards be done early while they are home on spring break. Mrs. Ayers expressed her opinion one of the problems last year was that there were a lot of part-timers and she thinks if they are full time they will stay longer. She said the sooner the Township gets started, the sooner they can discuss the Mays Landing Merchants' Association and other merchants selling badges so the amount of money raised will exceed last year rather than breaking even. Mr. Jacobs explained there will not be any full-time lifeguards, they are all part-time.

Advertising for lifeguards for the Cove-deferred from 3/21/11 meeting:

Mr. Cain explained this was deferred for Mr. Jacobs to investigate alternative ways to fund it. Mayor Gatto asked Mr. Jacobs to explain anything different in the plan from last year.

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Mr. Jacobs explained the days and hours of operation will be the same as last year; the projected revenue will be about \$24,000.00; 900 out of 1100 daily badges sold last year were for people from out-of-town; and the out-of-town daily rate will have to be changed from \$7.00 to \$10.00 in order to operate without using taxpayer dollars. Mr. Jacobs explained he spoke with the D.C.A. and the Public Works Employees cannot be paid out of the Recreation Trust Fund but if beach badge sales generates enough funds to pay for the lifeguards and there are surplus funds at the end of the program that amount can be cancelled and transferred to the regular budget to cover all or some of the public works and no taxpayer money would be involved.

Mr. Silva commented on there being taxpayer money involved up front. Mr. Jacobs agreed and said the public works overtime will be paid biweekly and there is a risk involved that not enough badges will be sold and there may not be enough money to transfer. He said you can't transfer old money, you can only transfer money generated on a cycle. Mr. Jacobs said if the Township came up short they may change the terms of the program next year to make it less expensive. He said the dilemma seemed to be whether or not taxpayers' money was being used. Mr. Silva asked if money could be transferred if enough was generated from advance sales. Mr. Jacobs said the Committee wouldn't want to transfer it until they knew they had enough to cover the lifeguards. He explained it has to be money left over from the program expense and the Township can't transfer any more than the cost of paying the lifeguards plus whatever excess revenue is made.

Mr. Palmentieri asked if Mr. Jacobs was saying the Committee can't use any money already there. Mr. Jacobs said the lifeguards would be paid out of the trust when they started up but in order to cover the public works overtime, the Committee has to wait until the program is done, see the results of the sales less the cost of the lifeguards and, if there is surplus money it can be to cover Public Works overtime. He said it has to be program based year to year; the Township can't go back and take money from last year to pay public works employees. Mr. Palmentieri said it is a partial solution and better than no solution. Mr. Jacobs explained the budget that was put together would be 100% paid for by the sale of badges. He said there is a risk and some delay because the Township has to front the money for the overtime. Mr. Jacobs commented on not knowing if as many badges will be sold this year and the Committee may have to tweak it more next year by running a shorter program or charging more.

Dr. Kesselman asked what the resident cost was. Mr. Jacobs said \$6.00 a day and \$20.00 for the season. Mr. Cain said there will also be an increase for an out-of-town seasonal badge. Mr. Jacobs said it will be increased from \$20.00 to \$24.00 and the Ordinance will have to be amended. He said salary increases were being recommended because of the difficulty in hiring last year. He said he believes the Cove Manager was \$12.75 an hour last year and they are recommending advertising the Cove Manager at \$14.00 an hour; Lifeguards at \$9.25 an hour with no fixed number because 5 people may be needed to cover 3 positions because they can only work certain days of the week; and 2 badge checkers. Mr. Jacobs referred the merchants selling badges and said in his discussions with the Staff having different people selling badges was a challenging part of the process and their preference is for the badge checkers to sell the badges. Dr. Kesselman asked if that would limit when the badges could be sold to the Cove hours of operation and what that would be. Mr. Jacobs said it would be the hours the cove is open and they could be sold at town hall if the Committee wants to sell them in advance. Mr. Jacobs explained there are problems under New Jersey Finance Law with people that aren't bonded handling money and said there were some miss-sales last year where some prices proposed weren't collected. He said he would like an opportunity to talk with the Merchants' Association to find out how important it is and if there is another way to accomplish it.

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Mr. Cain asked if the percentage of sales that came from the Merchants' Association last year was known. Mr. Jacobs said he didn't have that information with him. Mayor Gatto said Mr. Jacobs suggested trying to encourage business at the Merchants' Association Member businesses and the Cove sales by offering a \$1.00 off coupon that would only be available at Mays Landing Merchants' locations. Dr. Kesselman suggested another way would be on line. Mayor Gatto said she didn't know how that would be done since she hasn't seen the on-line tax payments done yet. Mr. Cain asked if there would be less Township manpower if the merchants were selling the badges. Mr. Jacobs said he wouldn't want to do anything that would hurt sale of the badges or stop people from frequenting downtown merchants but he would like time to talk with someone at the Merchants' Association and in Finance.

Mayor Gatto said the Committee would be going through the process without a solution, advertising, have a list of people with the ability to be hired but not hiring them and asked if the Committee should go forward with advertising for lifeguards with all these questions still open. Mr. Palmentieri said it is just advertising. Mr. Jacobs commented on an ordinance being prepared for first reading and said he didn't see any roadblocks to putting together a balanced budget that wouldn't require use of taxpayer dollars. He said the Committee will have to adopt a resolution after the program is over to cancel the money into the General Fund. Mr. Cain referred to the merchants selling badges last year and it giving the merchants 900 opportunities for out-of-towners to visit their businesses.

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 advertising for lifeguards for the Cove be and is hereby authorized as discussed.

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

COMMENTS BY MEMBERS WHEN CASTING THEIR VOTE:

MR. PALMENTIERI said he would vote "yes" because he thinks this way of funding a service is what the Committee has to move most of its services that are geared towards specific users rather than Township wide use to and this kind of user fee is a good model for that.

MR. SILVA said he would vote "yes" with the understanding that, after what the Committee went through the last month or so dealing with the reduction in force and other things, he will be in a positive mode for it as long as it doesn't cost any taxpayers money.

Shared Services Agreements with the MUA:

Mayor Gatto explained she and Mr. Cain having many meetings with the MUA subcommittee which is Mr. Mangels, Mr. Mattle, Nancy and Steve Blankenship. She said she thinks it is a positive start that gets the Township where they want to be with what was originally laid out from a budget standpoint; it memorializes some services that need to be memorialized should the Governor or Legislature tie some funds to shared service agreements; and it gives a starting point for other shared services possibilities. The Mayor said the MUA and Township Committee are all in agreement that operationally is where a lot of the synergy for what can be accomplished is but, unfortunately the devil is in the details and it takes time to go through them. Mayor Gatto said the subcommittee intends to continue the dialog with the MUA if these agreements are put in place tonight and continue to add to it or amend them as they move forward through the year.

Mr. Silva asked who prepared the agreements. Mr. Jacobs said the MUA had their solicitor draft them but they had his input in them. Mr. Silva asked if there was any reason why the Township Solicitor couldn't look through them. Mr. Jacobs said he did.

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Dr. Kesselman asked for highlights of the agreements and a ballpark figure of how much money the Township will be saving and if there is any economic value to it. Mr. Jacobs explained the Township lost one employee that isn't going to be replaced that is in excess of \$100,000.00; the MUA is going to lease space in the basement for records storage and how much they will pay depends on how much space they want; and the Dispatch Services and Construction Services are shared services agreements that memorialize what the Township already does. Mr. Jacobs said the initial savings will be in excess of \$100,000.00 a year including this year. Dr. Kesselman asked if the quarter-million dollar donation would still be given. Mr. Jacobs explained that isn't in the agreements but the MUA already voted to approve the \$250,000.00 and it is included in the Township budget.

Mr. Sandman said he compared the agreements to the Uniformed Shared Services Statute and it complies. He explained if approved tonight it has to be filed with Division of Local Government Services for informational purposes only.

Mr. Cain said he thought it was beneficial to the Township as a whole whenever the strengths of two agencies that are funded by rate payers and taxpayers can be combined to become more efficient. He said he believed this is a great first start and they will continue to find additional ways to increase the savings.

Mr. Sandman recommended the agreements be voted on individually and said a roll call vote on each was not necessary.

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 Township of Hamilton enter into a shared services agreement with the Hamilton Township MUA for Dispatch Services as set forth in a formal agreement which is on file with the Township Clerk, the Division of Local Government Services and incorporated herein by reference as if recited in full.

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

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 Township of Hamilton enter into a shared services agreement with the Hamilton Township MUA for Construction Inspection Coordination Services as set forth in a formal agreement which is on file with the Township Clerk, the Division of Local Government Services and incorporated herein by reference as if recited in full.

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

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 Township of Hamilton enter into a shared services agreement for Storage of MUA Records as set forth in a formal agreement which is on file with the Township Clerk, the Division of Local Government Services and incorporated herein by reference as if recited in full.

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

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MUA Executive Director to serve as Director of Public Works agreement

Mr. Palmentieri said there were discussions on merging the Township Public Works workers with the MUA staff that would be out in the field and asked if there would be a shared services agreement on that. Mayor Gatto said the Township is contracting this service from the MUA via their Executive Director to provide that (Director of Public Works) service to the Township. She said other employee opportunities were discussed and that is one where the devil is in the details. Mayor Gatto said sharing space with office employees in Town Hall was still out there for discussion but it was holding up with moving forward on what was agreed to. The Mayor said there is a lot question of how it works from seniority perspective, labor agreements that are in place, a process flow, money exchanges, and a lot of details that have to be worked out. She said she thinks it was the same with those in the field and it is all in the details. Mayor Gatto said it is part of the continuing discussions. Mr. Palmentieri referred to having a common Director of Township and MUA people in the field and asked if he was limited from using them interchangeably where appropriate until that agreement is finalized. Mr. Jacobs said the separate bargaining agreements would have to be amended which isn't difficult but hasn't been done. Mr. Palmentieri said the MUA Executive Director will be wearing two separate hats until those agreements are finalized. Mr. Jacobs said Ingrid will be there doing the day-to-day

There being no further discussion, questions or comments Mayor Gatto called for a vote on the following motion as made by Mr. Cain prior to the foregoing questions/discussion.

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 Township of Hamilton enter into a shared services agreement for Director of Public Works Services (Executive Director of the HTMUA to serve as Director of Public Works) as set forth in a formal agreement which is on file with the Township Clerk, the Division of Local Government Services and incorporated herein as if recited in full.

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

Postponement of Public Hearing/Adoption of Ordinance #1689-2011:

Mrs. Anderson explained this was scheduled for a public hearing on Monday (April 4th) and there was no way to legally get the required advertising done between Monday and now.

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

WHEREAS Ordinance #1689-2011 was introduced and passed first reading on March 21, 2011 and was duly advertised in the March 23, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ on April 4, 2011; and

WHEREAS the public hearing cannot be held as scheduled because the April 4, 2011 Township Committee meeting was cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the public hearing on Ordinance #1689-2011 be and is hereby postponed until April 18, 2011.

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

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Introduction of Ordinance #1690-2011

Mr. Sandman requested introduction of Ordinance #1690-2011 be postponed until the next meeting because subsequent to preparing a draft of it he received an alternate description of one of the areas from the Police Department. He said he dictated the new one but it hasn't been typed yet.

Mr. Palmentieri moved, seconded by Mr. Silva, that Introduction of Ordinance #1690-2011 be postponed until April 18, 2011.

MOTION CARRIED 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 supports the application of the Mays Landing Main Street Merchant's Association for closure of Main Street in Mays Landing from Main Street/Route 50 to Main Street/Mill Street on June 25, 2011 for its Annual Hometown Celebration.

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

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

RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2009 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Hamilton (Atlantic County) to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Hamilton that Township of Hamilton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Ingrid Perez to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

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

RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2010 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Hamilton (Atlantic County) to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Hamilton that Township of Hamilton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Ingrid Perez to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that reduction of Bond Safeguard Insurance Company bonds, the performance guarantees for Fernmoor Homes at Woods Landing project is hereby authorized as set forth below as recommended by Robert J. Smith III, Township Engineer, dated March 29, 2011 and March 23, 2011:

<u>Bond Number</u>	<u>Phase</u>	<u>From</u>	<u>To</u>
5033564	1	\$396,783.00	\$388,773.00
5033568	4	\$269,924.76	\$259,343.16
5033569	Club House	\$500,000.00	\$357,500.00

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

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

BE IT RESOLVED by the Township committee of the Township of Hamilton that release of Bond Safeguard Insurance Company bond #5027227, the performance guarantee for Robert Irving and Diane Hesley for the **non-stormwater components only** of the Paddock Street extension project (Bl. 854/Lot 62) is hereby authorized as recommended by Robert J. Smith III, Township Engineer, dated March 25, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Fidelity & Deposit Insurance Company of Maryland bond #08502933, performance guarantee for KFC (File #SP7-00 Block 1134/Lot 9.03), is hereby **denied** as recommended by Robert J. Smith III, Township Engineer, dated February 22, 2011 due to uncompleted punch list items.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objections to NJDOT approval and/or issuance of a permit to Oakcrest High School Crew Team & Booster Club for coin drops to be held at the Route 322/Wrangleboro Road interchange on August 20 and August 21, 2011.

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

Mr. Silva 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 sum of \$385.00 is hereby authorized to be paid to Remington Vernick Walberg for professional inspection services rendered during the period February 1, 2011 through February 28, 2011 in Misty Pines Estates Phases 3 & 4; and

BE IT FURTHER RESOLVED that the aforesaid sum of \$385.00 is authorized to be paid from the Special Accounts established pursuant to an Escrow Agreement between Dayco Holding Corp., the Township of Hamilton and Minotola National Bank dated November 23, 2005.

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

Mr. Silva 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 revised proposal of Remington Vernick to provide engineering and inspection services for Reconstruction of Malaga Road Section 1 for a flat fee of \$42,000.00 be and is hereby accepted and the contract for same be awarded to them.

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

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to NJDOT and/or Atlantic County approval and/or issuance of permits to the Weymouth Volunteer Fire Company for coin drops to be held on CR 559 (Weymouth Road) south of its intersection with Route 322 on June 3, 2011 (rain date June 10), July 15, 2011 (rain date July 22), August 19, 2011 (rain date August 26, 2011) and September 2, 2011 (rain date September 9, 2011).

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

April 6, 2011

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

RESOLUTION AWARDING CONTRACT

WHEREAS on March 22, 2011 the Township of Hamilton received sealed bid proposals for Improvements to West Jersey Avenue, Section 1; and

WHEREAS the following bids were received:

<u>Name</u>	<u>Bid Amount</u>
Asphalt Paving System, Hammonton, NJ	\$222,928.00
Arawak Paving Company, Hammonton, NJ	\$213,800.00
Landberg Construction LLC, Mays Landing, NJ	\$234,171.14
A. E. Stone Inc., Egg Harbor Township, NJ	\$224,916.14

and

WHEREAS, the Township Engineer and Qualified Purchasing Agent have reviewed aforesaid bids and determined Arawak Paving Company, is the lowest responsible bidder; and

WHEREAS, Robert J. Smith III, Township Engineer, recommended in writing on March 24, 2011 that the contract for Improvements to West Jersey Avenue, Section 1, be awarded to Arawak Paving Company,

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

- (1) The foregoing facts are hereby ratified and affirmed.
- (2) Funding shall be from 2010 NJDOT Municipal Aid.
- (3) The bid of Arawak Paving Company, 7503 Weymouth Road, Hammonton, NJ, is hereby accepted and the contract for Improvements to West Jersey Avenue, Section 1, is awarded to it in the amount of Two Hundred Thirteen Thousand Eight Hundred (\$213,800.00) Dollars.
- (4) The Mayor and Township Clerk be and are hereby authorized to execute the contract with Arawak Paving Company.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Cape Bank Official Check #080451 in the amount of \$10,338.44 is hereby accepted as a replacement for Cape Bank letter of credit #2007-06, a 2-year maintenance guarantee for site improvements required of Energy Enterprises, Inc. project on Block 671/Lot 2.

BE IT FURTHER RESOLVED that said check shall be deposited and the funds held in escrow until the punch lists issued by the Township Engineer dated December 20, 2010 and Landscape Inspector dated December 16, 2010 are completed.

BE IT FURTHER RESOLVED that the Township Clerk is authorized to return the original letter of credit to Cape Bank.

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

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

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
SAFE AND SECURE COMMUNITIES PROGRAM
RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Hamilton, County of Atlantic wishes to apply for funding for a project under the Safe and Secure Communities Program, and

WHEREAS, the Township Committee of the Township of Hamilton has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Hamilton, County of Atlantic for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Township of Hamilton Committee that

1. As a matter of public policy Township of Hamilton, County of Atlantic wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the March 21, 2011 regular meeting be and are hereby approved and adopted as published.

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 all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$2,740,611.06 as of March 31, 2011.

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

Appointment of CPPWM & Acting Director of Public Works

Mr. Jacobs asked that the appointment include the position of Acting Director of Public Works.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ingrid Perez be and is hereby appointed the Certified Principal Public Works Manager pursuant to N.J.S.A. 40A9:154.6a et. seq.; and

BE IT FURTHER RESOLVED that Ingrid Perez be and is hereby appointed Acting Director of Public Works.

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

Class II Law Enforcement Officer appointments

Mr. Jacobs explained the Township doesn't have any Class II Officers at this time; the Township is required to have them for court security; they have to have certain certifications; full fledged officers are being paid overtime for it now; and hiring these two will save the budget. Mr. Palmentieri asked if it would be straight time with limited hours. Mr. Jacobs explained it is part-time at an hourly rate with no benefits and as needed when court is open. He explained the previous officers left for other employment or retired.

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 Michael Perna and Robert McRae be and are hereby appointed Class II Law Enforcement Officers for the Township of Hamilton, the effective date of said appointments to be determined by the Chief of Police.

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

Reports

Mr. Jacobs reported on trying to wrap up capital projects internally and asked Committee Members to get any ideas they might have for projects for him to take to the Budget Committee meeting.

Mr. Jacobs reported a personnel meeting will be needed between now and the next meeting to go over personnel reallocations because some action will be needed at the next meeting on personnel matters.

Mr. Sandman reported the Lenape Dam Committee met on March 31st. He said there was some failure with respect to the coffer dam. Mr. Sandman explained the County is the major contracting unit and there are applications pending for payment by the contractor as well as some of the design professionals and the inspection engineering firm. He said the Dam Committee unanimously decided that the County will not entertain the application for payment unless and until they receive an adequate explanation in writing as to whether or not the original dam and coffer dam are currently in a safe state and not subject to potential failure; a written explanation of the cause of the failure of the coffer dam and how it was remedied; and a proposed schedule for completion of the work that may take into account a separate window of opportunity to provide work. He explained there are some restrictions that lessen the time in which the dam can be lowered and they are looking to create a window of opportunity between now and November when it can be lowered again to provide for some additional work to be

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done in that period of time. He said the Committee will meet again on April 14th to review those documents. Mr. Cain thanked Mr. Sandman and Mr. Silva for their diligence and hard work on this. Mr. Silva assured Committee that they will get whatever happened in writing and said that he thinks they are moving in the right direction. Mr. Palmentieri questioned who is paying for the professionals to determine whether or not the contractors and engineers adequately performed their contracted work. Mr. Sandman said there are the design engineers, an inspection engineering firm and the contractor. He explained the Township and the County own the dam jointly; the County is acting as the lead agency; and the County Engineering Department has been at the site frequently because there are other issues with respect to the embankment that isn't owned by the Township or County. Mr. Sandman said the Dam Committee is relying on the County Engineering Office to provide them with information and the County Engineers are relying on the inspection engineering firm to provide them with information. Mr. Palmentieri asked if the inspecting engineering firm is professionals and not County employees. Mr. Sandman said it is and they are under contract with the County, not the contractor. Mr. Palmentieri asked if the Township was paying half of that fee. Mr. Jacobs said his understanding is that it was a "design-build" contract where the contractor is responsible to actually do the design and do the work. He said if the failure was the result of work or the design, the contractor will be responsible unless it can be attributed to nature in some way. Mr. Jacobs said the inspector is being paid by the County and the Township. Mr. Palmentieri said the added cost of the inspection to determine if and what was done wrong isn't going to be passed back on to the parties that created the problem that required the additional inspection. Mr. Jacobs said that is likely true until what happened is determined but the result may change. Mr. Sandman said he believes the Township is responsible for half of whatever is paid out on the engineering and inspection contracts. Mr. Palmentieri said if any inadequate work was done or fault can be attributed to the design or actual work done, the Township should not pay for it or a portion that is appropriate and should charge back the inspection fees to determine what was inadequate. Mr. Sandman said he can put the County on notice of that at the next Dam Committee meeting. Mr. Cain said it is obvious that no unusual events happened so he would assume a normal weather pattern would be accounted for when building such a thing. He said he can't imagine that the Township should be sharing in any costs incurred to make sure it is safe for the residents.

Mr. Smith reported the front steps/wall repair project is under way. He reported the structural repairs to the basement project will begin tomorrow and is anticipated to be done by the end of next week.

Mr. Smith reported the contract documents for West Jersey Avenue will be delivered to the contractor tomorrow.

Mr. Smith reported survey work for the Malaga Road project will start next week. He said they will get it designed and approved by D.O.T. as quickly as possible

Mr. Silva asked if Mr. Smith had anything with regard to the sidewalk problem on Lenape Avenue. Mr. Smith said he and the contractor met after Mr. Silva reported the problem and the contractor put a coating on it. He said he hasn't had a chance to check it but there is still time on the maintenance bond.

Mayor Gatto asked for an update on Hamilton Commons. Mr. Smith said he forwarded a copy of the report he received from their Engineer to the Committee. He said their intent is to interconnect the basins to function more as a unit and to do some remedial work; they will probably need Pinelands and Planning Board approvals based on the plan they have in place because it is a significant change to the stormwater management system; he isn't sure of the status of their plan and discussions with the Pinelands and Planning Board; and he conveyed Mr. Cain's concern about the overflow to their engineer.

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Mr. Silva asked when Mr. Smith anticipated the roof project to start. Mr. Smith explained the original anticipated start date was the 11th but it was pushed back because they are trying to resolve a difference of opinion with the contractor on the shingle warranty. He said he discussed it with the Solicitor and a letter will be issued to the contractor on the Township's position, probably tomorrow, and he has to wait to see what kind of response they get.

Mr. Cain congratulated John Kurtz on his selection as Business Person of the Year and Reverend John Ash on his selection as Person of the Year by the Mays Landing Rotary Club. Mayor Gatto said will get the information on the dinner honoring them to the other Members and that she planned to do proclamations on behalf of the Township Committee honoring both of them.

Mr. Cain asked when the Committee will know if Hamilton Commons needs Pinelands approval, how long the pump will be sitting on the site, and if there is anything the Township can do to compel them to lower the level in the one basin to avoid seeing the pump sitting there. Mr. Smith said he thought they pumped the level of the basin down prior to the most recent storm and, unfortunately, that will be their "MO" until they implement more formal measures. Mr. Cain asked the Solicitor if there was anything the Committee could do to compel them move quicker and find out if it requires Pinelands approval. Mr. Sandman explained the Township has all the remedies available that under the restrictive deed and covenant and asked if there were any bonds still in place. Mr. Smith explained this is the one that has the \$216,000.00 restoration bond. Mr. Sandman said the Township can begin the process as they did and are on hold with on Timber Glen. He said he would like to Committee's permission to get familiar with background on the D.O.T. pipe and that he would start with the Planning Board Engineer. Mr. Cain said he is well versed on it. Mr. Palmentieri said he is concerned about the approval of that development in the sense that the restoration bond was the only protection the Township had and the Committee is now finding, he believes, it to be inadequate. He said he believes restoration bonds have their place but he doesn't think they should replace performance bonds, maintenance bonds or anything more traditional. Mr. Palmentieri said he thinks a combination would be the Township's best protection and that having just a restoration bond to be the extent of protection is problematic. He asked the Solicitor is there is anything the Committee can do to prevent only restoration bonds being the extent of an approval given at either Board (Planning or Zoning). Mr. Sandman explained anytime there is a change from the normal procedure laid out in the Municipal Land Use Act and the Township Ordinance, it must come before Township Committee. He said the sitting Committee at that time would have to evaluate the issue to say yes or no to that request. Mr. Sandman said he wasn't familiar with the background of this project. He said he agreed with Mr. Palmentieri that a restoration bond probably provides no guarantee with respect to a surface or stormwater issue. Mr. Sandman said it would depend on a case by case basis as they came before the Township Committee. He said there are other remedies still available but taking action against that bond certainly isn't one of them. He referred to the direction given by the Committee to the Planning and Zoning Boards, through him, creating a situation where that will never happen in residential subdivision again because each one will follow the Homewood Court deed; there will be Associations and responsibility that live beyond a maintenance bond and beyond the 10 year period set forth in the Ordinance. Mr. Sandman said there are still developments that were approved before this where that is not the case. He explained in the context of commercial development, it would have to come to the Township Committee or its successors for approval and said the Committee could create a policy decision and direct the Planning Board and Zoning Board with respect to it. Mr. Palmentieri agreed there are times when restoration bonds are appropriate but he doesn't think they should be the only bond. Mayor Gatto asked the Solicitor to look into a policy.

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Mayor Gatto said she believes the Rotary Dinner is April 29th. She announced the Alumni Band Concert honoring David Tobias for 50 years in Music Education is on April 9th and the Oakcrest Founders' Day Dinner to celebrate 50 years of academic excellence is April 14th at Mays Landing County Club. The Mayor reported she spoke at the National Honor Society induction ceremonies last week.

Mayor Gatto reported she and Mr. Silva are working with neighboring towns on a dispatch shared services agreement. She commented on the potential for Egg Harbor City Estell Manor and Weymouth to be looking for services if MidAtlantic dissolves. The Mayor said they are looking at the numbers and she thinks they have come up with a plan that will be mutually beneficial to the neighbor towns and the Township.

The Mayor reported the Legislative Redistricting has been completed and Hamilton Township remained pretty much unchanged and none of its Legislators will be changing. She commented on Galloway Township being moved into an entirely different District.

Mayor Gatto read a letter she received from a local realtor commending the Tax Assessor's Office for their demeanor when he came in for assistance with a tax appeal in February. She commented on what was happening at that time and thanked all of the employees for not letting it affect the way they responded to the public.

Public Comment

John Pucci referred to authorizations tonight for filing grant applications and thanked the employees who wrote them.

Mr. Pucci said the pump and 6" hose is still sitting on the sidewalk at Hamilton Commons and interfering with the pedestrian walkway, and asked that they be moved when it isn't being used if possible. Mr. Smith said he would call them. Mr. Pucci said the developer knows they have to go to Pinelands and the Planning Board and there are no applications that he knows of. Mr. Smith explained schedule for when they anticipate applying was included in the written report. Mr. Cain said the Committee Members received advance copies of the report and asked for an update tonight. He said this is also discussed off the dais and if the Committee isn't happy with what they see between now and the next meeting they will authorize the Solicitor to move forward and authorize him, at a minimum, to ensure they maintain the schedule. He said the Committee's goal was to get a schedule so they knew what their time frame was. Mayor Gatto clarified that the Members discuss it off the dais two at a time.

Mr. Pucci said he is working an issue that may involve a change in policy and procedures as far as performance guarantees and possible changes that should maybe take place for the "little guy". He said he has followed the chain of command and met with the Administrator yesterday. He said he believes in the transparency of the Administration, specifically the new Administrator.

Debbie Kalei Kaenzig commented on going to the Tax Office and the (County Board of Taxation) office to get appeal letters for neighbors and being told at both places she could only have one. She asked if the Township will send them to the old people if they call and asked why she can't get them for them. Mr. Sandman asked if Mrs. Kaenzig was talking about the tax appeal application and said he thinks it is on line through the County Tax Board and it can be printed out. Mrs. Kaenzig said the people she is talking about don't have computers. The Mayor asked Mr. Jacobs to look into it and asked Mrs. Kaenzig to give him her phone number. Mrs. Kaenzig said he didn't need to call her, she just wants to be able to pick up 5 or 10 of them for her neighbors. She said they should be able to get them and that when they put in OPRA requests they should be able to get whatever they want. Mrs. Kaenzig said people shouldn't feel they can't ask questions.

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Ricky Haywood said he lives in Little Egg Harbor and is currently unemployed. He said he received formation from the Police Department that the Committee was going to approve the sale and/or request for titles for a block of vehicles from American Salvage and Recycling tonight. Mr. Haywood said he was here to oppose it and question the process by which your property can be taken from you without being informed that your property was taken. He said his car was placed in storage and after a number of days he received correspondence from the Police Department saying he should contact American Auto Salvage; he contacted the officer and American Auto; he conveyed his personal financial situation to them; he continued dialog up to this morning; no one said his car was going to be or has been auctioned off or that it has been sold; and he didn't receive any notice that his property was going to be sold. Mr. Haywood said he went to American Auto Salvage and Recycling on April 1st and was told his car was sold and to go to the Township. He said he contacted the officer and was told there was a meeting tonight regarding the sale and/or title request for his car. Mr. Cain asked the time frame from when the vehicle was impounded. Mr. Haywood said from 90 to 120 days and that he communicated that he was waiting for his tax refund but it didn't come through because he is being audited. He said there was no indication in any of the dialogs that his car was going to be sold or he would have appealed to family and friends. Mr. Jacobs said he could talk with the Chief or Captain but he thinks the process is set up by Statute. He said Mr. Haywood was holding what appeared to be a certified letter and asked if it was informing him. Mr. Haywood said he received it on January 20th and the officer told him to contact American Auto. He said he developed a dialog with all parties involved expressing his desire to keep his property and no ticket for abandonment was given to him. Captain Petuskey explained the process is governed by Ordinance and said Officer Smith did all the paperwork necessary; spoke to Mr. Haywood; contacted American to try to intercede on Mr. Haywood's behalf; the Police Department went the extra step to try to help Mr. Haywood keep his car; and that some of what Mr. Haywood said was accurate and some of it was not. Mr. Cain asked if Mr. Haywood actually received notice from the Township that said after a certain period of time the vehicle will be auctioned off. Captain Petuskey explained it is a standard letter that says he would be charged with an abandoned vehicle unless he made the necessary arrangements and after Mr. Haywood found out it was going to be auctioned off he contacted Officer Smith who called American Auto to try to intercede and hold off on it. Mayor Gatto asked what the issue was on holding off the auction. The Captain said he didn't know because that was between Mr. Haywood and American Auto and has nothing to do with the Township or the Police Department. Mr. Haywood said the areas where the Captain said he isn't accurate are vital because at no point did anyone say the car is going to be sold. The Mayor asked if it was in the abandonment ordinance. Mr. Sandman said that while the letter to Mr. Haywood didn't say his vehicle would be auctioned it references the Ordinance and the Ordinance does say the vehicles shall be subject to public auction according to law and Ordinance by Hamilton Township. He said he would need to see the State Statute because he didn't see a time provision in the Ordinance. Mr. Sandman said the law presumes everyone is aware of the law and although Mr. Haywood indicated he wasn't told the vehicle was going to be sold - Mr. Haywood interrupted the Solicitor at that point and said constitutionally the basic requirement before any property (is taken) is notice. Mr. Sandman said that is what the letter was. Mr. Haywood said it doesn't say it was going to be sold and he wasn't ever cited for abandoning the vehicle because everybody knew he wanted it but he was unemployed. Mayor Gatto said he received the letter; the letter references the Ordinance; the Ordinance is where it says your vehicle could potentially be auctioned off; the Ordinance isn't provided with the letter, it is just referenced. Mr. Sandman indicated the Mayor was correct based on his 3-minute review of the Ordinance. Mr. Haywood asked how that comes into play since he was never cited. The Mayor asked Mr. Jacobs to look into it, call Mr. Haywood and report back in public because he probably isn't the only person facing this scenario.

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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. Palmentieri moved, seconded by Dr. Kesselman, that the following resolution be and is hereby 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) Potential Litigation: Glen Eyre.
- 2) Contract negotiations: Buffalo Pike Associates/Gravelly Run Square.

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

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

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

ATTEST:

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