

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
APRIL 16, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Aline Dix, Amy Gatto and Dr. Harvey Kesselman. 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 the meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda for this meeting to the Press of Atlantic City (Atlantic City Press), Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, April 16, 2012, in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Mayor Silva read a Memorial Day Resolution and Allen Rhodes accepted copies on behalf of the VFW Post 220, the Vietnam Veterans Chapter 825 and Veterans' Advisory Board; John Percy accepted a copy on behalf of American Legion Post #254.

Mayor Silva read a National Public Safety Telecommunications Week Proclamation. Michael Brandenberger accepted on behalf of the Township Communications Officers (Dispatchers).

Mayor Silva announced the executive session would take place at the end of the meeting.

Strategic Planning Smart Growth Subcommittee Presentation:

Wayne Choyce, Chairman of the Subcommittee, explained the goal they are working on is a result of recommendations and some work done by the Smart Growth Subcommittee established by the Strategic Planning initiative. A copy of the slide presentation he made is available for review in the Township Clerk's office. Mr. Choyce explained their goal is to develop and enforce a usable Master Plan. He named Members of his subcommittee and explained he also sits on the Planning Board and Board of Adjustment; Phil Sartorio, the Co-Chair of the subcommittee, is a licensed professional planner and the Director of Community Development; Charles Cain, is a sitting member of the Township Committee Member and the Planning Board; Frank Tomasello, is Chairman of the Zoning Board of Adjustment; Harry Bilicki, is Vice Chair of the Planning Board; and Bob Watkins is a licensed professional planner and resident of the Laureldale section of the Township. Mr. Choyce explained that his subcommittee identified five objectives to help meet their goal: (1) to consolidate plans into a single reference source and inventory the current documents that make up the Master Plan; to scan all the documents to a digital format; and identify how to categorize all of the Master Plan. Mr. Choyce explained they have a quote of less than \$120.00 to scan all of the documents into a digital format. He commented on the original Smart Growth Subcommittee and this subcommittee realizing there are a number of documents and files that make up the Master Plan. Mr. Choyce explained the chart prepared by Mr. Bilicki showing number of documents and time sequence that make up the overall Master Plan. (2) to implement the outstanding Master Plan recommendations and goals: to identify the ones not yet implemented; to prioritize the list of outstanding recommendations and goals; to post digitized copies of the Master Plan on the website; to develop a format for putting all the documents on the website and create links within them; to draft a disclaimer for the website identifying that what the person reading may not be completely up-to-date and it may have to be verified by going to the zoning or planning board to see the actual document. Mr. Choyce explained that a lot of the recommendations have been accomplished but some things that were recommended throughout the years still haven't been completed. He said

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their recommendation would be to work with the departments, and/or boards and committees that would be responsible achieving the goals or completing the recommendations (4) to generate a list of frequently asked questions (FAQ) regarding zoning and planning: to interview the frontline staff in the Planning and Zoning Offices to generate the first draft of questions; to search and edit all the answers and categorize them; and finally to put them on the website. Mr. Choyce said they also discussed adding to the FAQ to include the Construction Office, Fire Prevention Office, and the new Rental Ordinance. Mr. Choyce showed a slide of typical questions that are asked. Mr. Cain said it saves valuable employee time. Ms. Gatto suggested copies of those most frequently asked be printed and posted outside each office (5) to develop a Master Plan for the downtown district: to review the Geraldine R. Dodge Foundation report; to review the Smart Growth Subcommittee recommendations, specifically around the pedestrian path and recommendations for downtown; to determine the area to be considered the downtown district; make recommendations to the Planning Board for a Master Plan.

There were no executive session confirmations.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the amount of bond being released under Agenda Item 6.G be corrected to read \$684,824.00: and

BE IT FURTHER RESOLVED that the following be added to the agenda of this meeting for consideration and action to be taken thereon tonight:

9.A Insert names of businesses:

- (1) King Midas - collectables/jewelry sales & appraisal services at Hamilton Commons.

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

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

John J. Percy III commented on the Master Plan belonging in the Planning Board and questioned why this was before the Township Committee; when the two were going to get into the planning process; and if the Master Plan was going to be revisited very shortly. Mr. Cain explained this was not part of Mr. Choyce's presentation because discussion of it started after going through comments made by Mr. RaVell, Chairman of the Industrial Commission, at the May 19th meeting (sic - it was the March 19<sup>th</sup> meeting) and they thought it was something that would also benefit the Industrial Park. He explained what was presented tonight was recommendations from a subcommittee that, hopefully, the Township Committee will authorize them to present to the Planning Board when they are done and that the Planning Board will have time to review it, tweak it, do what they feel is necessary, and implement the parts they feel are necessary. Mr. Percy commented on there being a deadline for Master Plan review. Mr. Cain explained the Township is in compliance because the date was extended and they are looking at GAL Zone as part of a mini-master plan update. He explained their thought was that if they were able to get this done in a timely manner, they could do it all at the same time and have some cost savings.

Sub-committee for creating a Master Plan for Industrial Park:

Mr. Cain commented on having discussed this several weeks ago and said he asked Mr. Jacobs to put it on the agenda afterwards. He said that after seeing the great work that came from the subcommittee for a master plan for downtown, he believes that members of the community, the Industrial Commission, the Township Committee, the business

community and Merchants' Association could get together and possibly do the same thing. Mr. Cain said he would like to have this tabled tonight and to be able to attend the next Industrial Commission meeting and have it on their agenda as a discussion item to explain the whole process to them and move forward in that manner. He said regardless of the outcome of that meeting he would like it on the following Township Committee agenda for a resolution. Ms. Gatto asked if Mr. Cain's vision would be to have Planning and Zoning Board Members involved in the discussion like what was done with the Smart Growth Subcommittee. Mr. Cain said the only way it will work is if it is all-inclusive and includes members of the Industrial Commission, Township Committee, Planning and Zoning Boards, Merchants' Association and from the business community that may have a vested interest in how the vision unfolds in the Industrial Park. Mayor Silva, speaking to Mr. RaVell and Industrial Commission Members present, said hopefully several Township Committee Members would be at their next meeting and that they could have a healthy interactive conversation regarding many ways of looking at the Industrial Park. Dr. Kesselman said the Industrial Commission had to be included and explained that every Strategic Planning Subcommittee had the affected areas be a major part of their discussion. He commented on the advantage being consistency in what comes out, what is developed, it is transparent, and the public has an opportunity to provide input into the process. Dr. Kesselman said it doesn't necessarily mean that they get their way but it is critically important to have that kind of input. He said he supports going forward in this direction. Dr. Kesselman said it was worth tabling it tonight and coming back to at the next meeting after consultation with the Industrial Commission. Ms. Gatto commented on a benefit of the Smart Growth Subcommittee process is that it enables a group of people, inside and outsiders, to take a bird's eye view away from the day to day path the Board Members have to do. She said she thinks it would be a nice thing to do for the Industrial Park as well.

Requesting NJDOT to study feasibility of prohibiting trucks going through Sugar Hill/Gaskill Point intersection except local deliveries:

Mayor Silva commented on this being on the table before and understanding that it would be somewhat difficult to prohibit trucks from coming through since they get federal money for paving. He asked Mr. Jacobs if things had changed in his estimation to make this almost feasible. Mr. Jacobs said he didn't go that deep into it and this is just requesting them to study it to see if it makes sense. The Mayor suggested also asking if there are other options. Mr. Cain said he asked for this to be on the agenda and they are essentially looking to ask what other options there are than feeding all the traffic through Sugar Hill Circle. He commented on the length of time it takes to get through the intersection especially at peak times and said it was as part of the Geraldine R. Dodge Foundation Report recommendation years ago to make it more pedestrian friendly. Mr. Cain said they want to see if there is an option to redirect those vehicles from Delaware to Atlantic City without going through there. He commented on talk about the Route 54/Malaga Road corridor and asked if an option would be to direct them to 322 and then across or to send them to the new Expressway interchange (in Laureldale) as opposed to clogging the intersection in the center of town. Ms. Gatto commented on living on Route 50 and what having those trucks barreling down Route 50 sounds and feels like. She questioned how much more it impacts those residents if they are sent to that (Expressway) entrance. Mr. Cain explained they want to start exploring it and it has to be done by resolution. Ms. Gatto commented on the gridlock at that intersection area during hurricane Irene because it was the only way people knew to get around town. She said she sees having those options with signs for people to follow would help in those critical times as a positive outcome. Mrs. Dix asked if any one knew if traffic counts on any of the roads were available at this time. Mayor Silva commented on hearing they are going to reconstruct a bridge on Somers Point Road and it being said that 17,000 cars a day go on that road in the off-season. Mr. Cain said that is equivalent to the White Horse Pike. Mrs. Dix commented on a recent news article about conditions by the Pomona Shopping Center that said there are 17,500 cars a day trying to get in

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and out of there. She commented on hardly being able to make a left out of Thirteenth Street at times now and said she is concerned about the Township re-routing traffic to Route 50. Mrs. Dix said traffic counts on River Road, Main Street and Route 50 are definitely needed. Mr. Cain explained the Township is not re-routing anything. He said and that the hope is that the Committee will pass a resolution asking the State what their option are; to look at the information once it is received to see if any are viable and will work for the community at large; and to discuss implementing them if they are viable. He said if they aren't viable, there was only a waste of energy tonight and creation of a resolution.

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

WHEREAS, the intersection Route 40 (east) and CR 559, commonly known and referred to as the Sugar Hill Circle is highly congested; and

WHEREAS, large trucks must straddle the line between the straight ahead and left turn lanes when maneuvering a left turn at the intersection thus creating a dangerous situation,

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

1. The New Jersey Department of Transportation (NJDOT) is hereby requested to perform a feasibility study on the possibility of prohibiting truck traffic, except for local deliveries, from going through the intersection commonly known as the Sugar Hill Circle.
2. The NJDOT provide other options available if prohibiting truck traffic from going through said intersection except for local deliveries is deemed inappropriate by NJDOT after a complete feasibility study has been done.
3. That a certified copy of this resolution be forwarded to NJDOT, Senator Jim Whelan, Assemblymen John F. Amodeo and Chris A. Brown, the Atlantic County Board of Freeholders, and Atlantic County Executive Dennis Levinson.

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

Ordinance amending Chap. 167 of the Township Code to delete Article VI \$167-12 through \$167-14, Bid Specification Fees, in its entirety:

Mr. Jacobs explained the fee that used to be charged for Township project bid specifications has to be taken out of the Ordinance because recent changes and interpretations of the Open Public Records Act forbids it. He explained that to be consistent with State law and until it is on the website the Township can only charge 5¢ a page if someone picks up the specs in person.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance No. 1719-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the April 18, 2012 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, May 7, 2012, in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1719-2012

AN ORDINANCE TO AMEND CHAPTER 167 OF THE TOWNSHIP OF HAMILTON  
CODE ENTITLED FEES TO DELETE ARTICLE VI, §167-12 THROUGH §167-14  
ENTITLED BID PACKAGES IN ITS ENTIRETY.

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

SECTION 1. Chapter 167 Article VI of the Township Code Entitled Fees  
is hereby amended to delete in its entirety §167-12 through §167-14  
Entitled Bid Packages the provisions of which were adopted on March  
18, 1996 by Ordinance No. 1236-1996.

SECTION 2. Repealer. All Ordinances or parts of Ordinances or any  
resolutions of the Township of Hamilton inconsistent herewith are  
repealed to the extent of such inconsistency.

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

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

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

ORDINANCE NO. 1719-2012 INTRODUCED AND PASSED FIRST READING ON APRIL 16, 2012

Preservation of Township-owned waterfront property - Block 1120/Lot 1:

Mr. Jacobs explained the Township owns the property between the  
houses and the water in Sunshine Park and can preserve it by doing a  
deed restriction or adding it to the Township ROSI List. He said both  
options would tie the hands of this and future Township Committees to  
keep them from selling it. Ms. Gatto said she thought making sure  
access to it was discussed when the other Township-owned properties  
there were put up for sale. Mr. Cain explained that the general  
consensus is that as long as Mr. Sartorio and others in town hall now  
are still here it is understood that this is what is desired and he  
suggested the Committee should look at it from the standpoint that at  
some point in time they won't be here. He said Atlantic County owning  
and controlling all access to the Great Egg Harbor River and Lake  
Lenape except the Cove or privately owned properties. Mr. Cain  
commented on this being the last piece of waterfront property owned by  
the Township and said he thought the Committee should take the next  
step to make sure access is there for generations to come. He  
commented on he and the Mayor envisioning a fishing pier or something  
that could be used by the public being put there. Mr. Cain suggested  
the Committee might want to look at additional properties out there  
some time in the future as grant monies become available. Ms. Gatto  
asked if one or two lots in the Block 1119 section were preserved at  
the time of the land sales so you could actually get to that frontage.  
Mr. Cain said he thought Mr. Sartorio was researching that. He  
explained the Township was approved for a 100% funding Stewart Estate  
Grant to purchase some properties downtown to preserve them for the  
same reasons but hey couldn't reach a deal with the owners and asked  
Mr. Jacobs if something like that could be pursued if this property is  
restricted. Mayor Silva explained it is 5.4 acres and asked the  
Solicitor if you had to be granted access to your property somewhere.  
Mr. Sandman said he couldn't answer that off the cuff. He asked if the  
recently approved subdivision for the area provided public access to  
the beach and if Penny Lane as shown on the tax map is actually  
passable. Mr. Cain said it didn't require access. Mrs. Dix said that

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Penny Lane is a dirt road. Mr. Cain said that may be it's condition now but it was a main access road into the Sunshine Park area for many years. Ms. Gatto said she knew that the Township kept one plot that would enable access to that frontage when those land sales were done. Ingrid Perez commented including it in the river access plan she did several years ago. Ms. Gatto asked her to get it out again. Mr. Jacobs said there was nothing on the agenda to act on tonight and suggested that, if the consensus of the Committee to preserve it, the time between now and the next meeting could be used get an opinion from Mr. Sandman or to prepare documents to deed restrict it or put it on the Open Space List and to research ownership of all the parcels. Mrs. Dix said she is concerned about what restrictions would put on the Township's ability to charge for public use of the property if Green Acres money is involved; that preserving it in such a way that the Township has to spend money on it with no way to recoup any of it may not be the best way to go; and that staying away from Green Acres may be the best way. Ms. Gatto said it should definitely be preserved and asked if the Committee has to touch base with the Planning Board on it. Mr. Sandman said he didn't think so.

Authorizing purchase of and bidding on Recreational Items & Projects (Open Space Funds Repurposing):

Mr. Jacobs explained \$400,000 was originally granted for building football fields at the Liepe Tract and because that couldn't be done the County approved repurposing the money several months ago. Ms. Gatto explained the recommendations were for outstanding items from the Recreation Study. Mr. Jacobs explained the major items included replacing the tennis courts at Underhill Park with a playground and equipment for people with disabilities; putting a clam shell surface on the parking lot; drainage work, fencing, bleachers and a kick-back wall at the soccer fields; bleachers at the Knight Avenue Park; and additional bleachers at the Liepe Tract. He explained that there is flexibility to add something with County approval if the projects come in under budget. Mr. Jacobs explained some items can just be purchased under State contracts and some will have to be put out to bid. Mr. Cain explained the money would have been lost to other off-shore towns if it hadn't been for Ms. Gatto's efforts when she was Mayor and that the County approved repurposing the \$400,000 at the request of her and the Township Committee. He thanked her and said it will have a major impact on the children of the community. Ms. Gatto said she was glad it could be repurposed for things that have been a long-time coming and that a lot of the small things that came out of the Recreation Study a couple of years ago are now going to be completed. Mayor Silva said he and Mr. Cain would also like to investigate reclaiming the 20 acres at the Liepe tract that was lost to the grasshopper sparrows. He commented on the original master plan for Liepe calling for 9 ball fields, a jogging track, and a driving range and would have alleviated a lot of traffic at Underhill Park. The Mayor commented on needing to discuss what it is going to take to petition the State to reclaim those 20 acres because the Township lost one-third of its recreational abilities when it was taken away. Ms. Gatto commented on a positive effect of the grasshopper sparrows being repurposing of the funds because they prevented use of the funding for its original intent.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that purchase of and/or advertising for bids on Recreational Items and/or Projects to be funded by \$400,000.00 repurposed funding provided under the Open Space Trust Agreement between the Township and the County of Atlantic as amended April 5, 2012 and as set forth in Exhibit A attached thereto.

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

Consent agenda Item 6.F was considered separately at the request of Mrs. Dix. Consent agenda Item 6.H was considered separately at the request of Dr. Kesselman.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Business Registration License for King Midas, King Midas, a collectables/jewelry sales & appraisal services business at Hamilton Commons, is hereby approved.

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

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

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

- 1) #8-2012 for Knights of Columbus #3451 St. Vincent de Paul Council Arm chair race to be held on May 5, 2012.
- 2) #9-2012 for St. Vincent de Paul Parish on-premise 50/50 to be held on July 15, 2012.
- 3) #10-2012 for St. Vincent de Paul Parish off-premise 50/50 to be held on October 20, 2012.
- 4) #11-2012 for St. Vincent de Paul Parish on-premise 50/50 to be held on October 20, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Vendors be added to the list of State Contract Vendors from which purchases are authorized for the year 2012 as recommended by the Finance Office:

NEW CONTRACTS: AGENDA	16-Apr-		
DATE:	12		
CONTINENTAL FIRE & SAFETY	80945	FIRE SAFETY	3/31/2015
	80952	FIRE SAFETY	3/31/2015
	80953	FIRE SAFETY	3/31/2015
	80959	FIRE SAFETY	3/31/2015
	80964	FIRE SAFETY	3/31/2015
	80971	FIRE SAFETY	3/31/2015
	80970	FIRE SAFETY	3/31/2015
	80974	FIRE SAFETY	3/31/2015
MUNICIPAL EMERGENCY SRV.	80945	FIRE SAFETY	3/31/2015
	80948	FIRE SAFETY	3/31/2015
	80952	FIRE SAFETY	3/31/2015
	80955	FIRE SAFETY	3/31/2015
	80961	FIRE SAFETY	3/31/2015
	80974	FIRE SAFETY	3/31/2015
NAT ALEXANDER CO.	80946	FIRE SAFETY	3/31/2015
	80948	FIRE SAFETY	3/31/2015
	80953	FIRE SAFETY	3/31/2015
	80961	FIRE SAFETY	3/31/2015
	80964	FIRE SAFETY	3/31/2015

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WHITMER ASSOC.	80947	FIRE SAFETY	3/31/2015
	80955	FIRE SAFETY	3/31/2015
	80974	FIRE SAFETY	3/31/2015
FIREFIGHTER ONE, LLC.	80946	FIRE SAFETY	3/31/2015
	80953	FIRE SAFETY	3/31/2015
	80955	FIRE SAFETY	3/31/2015
	80959	FIRE SAFETY	3/31/2015
	80964	FIRE SAFETY	3/31/2015
	80965	FIRE SAFETY	3/31/2015
	80696	FIRE SAFETY	3/31/2015

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

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

RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAME 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 Committee of the Township of Hamilton 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 "AYE", NO "NAY", NO "ABSTAIN".

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Remington & Vernick Engineers proposal dated March 30, 2012 to provide inspection and construction administration services for the 2012 Road Program Phase 1 for a fixed fee of Thirty-five Thousand (\$35,000.00) Dollars is hereby accepted and approved and the contract for said services is awarded to them as proposed.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for release of Travelers Casualty & Surety Company of America bond #05461635 TR7864 in the amount of \$684,824.00, said bond being the performance guarantee for Wal-Mart stormwater basin reconstruction, contingent upon Wal-Mart posting a four (4) year maintenance guarantee in the amount of \$104,223.60 as recommended by Township Engineer Robert J. Smith III April 19, 2012.

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

Clean Communities spending plan:

Mrs. Dix said \$56,700.00 for the Clean Communities Program is coming in next month and a resolution will be on the agenda to add it to the budget. She explained the budget is a breakdown of how that money is planned to be spent and that it saves taxpayer dollars.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Clean Communities Spending Plan for 2012 as set forth below is hereby approved as recommended by the Staff:

**Clean Communities Budget - Tentative 2012**

<b>Cleanup Expenses</b>		Description	Units	Cost	Total
	Salaries				
	Contracts				
	Equipment	Beach Machine	1	4000	4000
	Equipment	Sweeper Maintenance	2	4050	8100
	Supplies	Vests	1	3000	3000
		Gloves	1	1000	1000
		Trash Bags	1	500	500
		Trash Grabbers	1	1000	1000
		Signs			
	Mini-Grants	Adopt-A-Road	25	500	12,500
		Clean-As-Needed	5	250	1250
	Other	Vegetative Waste Disposal	1	14000	14000

**Education Expenses**

	Salaries				
	Contracts	School Programs	1	3000	3000
	Promotional Items	T-shirts/Mugs, etc	1	3500	3500
	Publicity	Flyers w/advertising	1	2000	2000
	Other				

**Enforcement Expenses**

	Salaries				
	Contracts				
	Other				

**Administrative Expenses**

	Salaries	CC Coord.?	1	2850	2850
	Contracts				
	Supplies/Postage				
	Other				
<b><u>TOTAL</u></b>				<b>56700</b>	

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

ZTA Tribe/Stockton College event at Atlantic City Race Course:

Dr. Kesselman explained ZTA Tribe is an independent organization as are all sororities and fraternities at Stockton College. He explained they have raised anywhere from \$60,000. to 70,000.00 in one day in the past and the fundraiser is usually held on the campus but the College doesn't have space for the event this year because of building projects going on at the college, particularly the new Science Building. He thanked Maureen Budgon from the Atlantic City Race Course for diligently working with the sorority and ZTA Tribe agency. Dr. Kesselman then recused himself. Mayor Silva asked if any of the representatives present wanted to speak. The Director of Student Development at Stockton explained he works with all the organizations and said they are fortunate to have a great Chapter of ZTA that has raised a lot of money for Breast Cancer Awareness. Kathy Yu, Vice President of ZTA, commented on having held successful car shows over the past several years and explained the number of show cars is limited 1000 this year; they have contracted with the Township Police to have 2 police cars and an ambulance on the premises; and they thanked everyone for their support in raising Breast Cancer Research and Awareness. Mayor Silva said the Committee applauded the organization for their efforts and the contributions they made. Ms. Gatto commented on meeting with Maureen Bugdon from the Race Track and Katherine when she first came up with the idea and when they had to change venues. She commended the members of the organization for their work and Maureen Bugdon and Mary Jo Coutts from the Race Track for diligently working to accommodate the event and help in the transition. She wished them a very successful event.

Ms. Gatto explained she had to abstain from voting on the application because of her father's employment at the Race Track. Dr. Kesselman explained he recused himself because he works at Stockton.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Transient Vendor License for the ZTA Tribe/Stockton College Organization fundraising car show affair to be held at the Atlantic City Race Course on April 21, 2012 is hereby approved.

RESOLUTION ADOPTED WITH MEMBERS CAIN, DIX AND SILVA VOTING "AYE", NO "NAY", MS. GATTO AND DR. KESSELMAN RECUSED THEMSELVES DUE TO CONFLICTS OF INTEREST.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the April 2, 2012 regular meeting are here by approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby approved, the bill list total being \$1,618,300.25.

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

Designation of Brett Noll as Township Stormwater Program Coordinator:

Mr. Cain said Mr. Noll is an unsung hero and a real asset to the Township and the community. Mrs. Dix said the report requires a person be designated by the Township Committee to sign it.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Brett Noll be and is hereby designated the Township of Hamilton Stormwater Program Coordinator as required by the NJDEP Annual Report & Certification Tier A Municipal Stormwater General Permit; and

BE IT RESOLVED that there is no compensation for said designation.

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

Reports:

Mr. Jacobs explained the vacant Truck Driver/Laborer position will not be advertised as authorized several meetings ago because there is a rehire list of employees that were laid off and the one that meets the qualifications and seniority will be rehired. He said he met with the Teamsters today and they will move forward with it.

Mr. Jacobs commented on the condition of the 40 open acres at the Liepe Tract and asked if there was any objection to him looking into getting someone to plow and disc it. He explained he wasn't sure what would be involved and possibly having to add top soil or whatever it takes to get grass to grow. Ms. Gatto commented on there being issues when the Township tried to use the area in the past; needing to make it safe; and needing to make sure the Township isn't put at risk. Mr. Jacobs commented on needing to talk to someone to find out if the grass that is there should be killed before it is rolled over. He said it was farmed before the Township bought it and it is just a matter of plowing and disking so it becomes smooth. Mr. Jacobs said the Township has the equipment to roll and shape it before it is seeded and that they might put a crown on it so that a playing field would drain. Mrs. Dix said the bleachers on the south field being covered with bird droppings and that is probably why people don't sit there. She commented on cars being parked on Leipzig Avenue last Friday night along the guard rail, driving in on the grass and parking between the bleachers and the chain link fence behind the bleachers. Mr. Jacobs said he forwarded Mrs. Dix's e-mail about this to Sue Giberson and she asked the Chief to try to keep an eye on the area. He said they are also going to try to keep track of who is using the field to see if they are doing it because there were broken beer bottles there. Mr. Cain said he thought several Committee Members also received e-mails about it over the past week.

Mr. Jacobs reported the Road Paving Program chart is posted at the back of the room. He explained the top section is what has already been awarded and the second section is what is planned to be done in the fall. He explained the bids came in lower than expected so they will be able to add some streets. Mr. Jacobs said they will keep the chart updated and try to get it on the website.

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Mr. Jacobs commented on agreeing to use white lettering when the sign at Gaskill Point presentation was made the Boards; having hoped to get three colors like amber for an amber alert or red for some kind of hazard; and now learning that the only way they can use white lettering is to go to full color so they are going to bid for full color first. He said the bid spec is almost done and ready to go out; that he didn't want any misunderstandings; and that TV pictures will not be put on it. Mr. Jacobs said they will have to go back to the Boards to discuss what they can do other than white if full color is too expensive. Mrs. Dix asked if it could be bid as an alternate. Mr. Jacobs said that would be inconsistent with what they agreed to do and he didn't want the Boards or the State to think they were doing something different than what they had told them. Mr. Cain questioned the time frame for finding that out. Mr. Jacobs said he has finished the draft specs; he met with the gentleman Mr. Cain put him in touch with to help him with the specs; he sent it to Steve (Blankenship) and to purchasing for finishing touches; Chris Carey looked at it and got back to him; and it will be advertised as soon as he gets all of the comments back. He said the Township appeal to DOT was successful and the Township will be getting the permit for the sign any time now.

Mr. Sandman referred to his report at the last meeting on contact with the Travelers Insurance Company representative, the bonding company for Tavistock Phases 1A, 1B, 1C and 2 and said they have now agreed to have their in-house engineer meet with the Township Engineer. He reported receiving a letter today from an attorney representing Westchester Fire Insurance Company, the bonding company for West Bay Partners LLC, the principals in Phases 3 and 4. He said they have agreed to conduct their preliminary investigation and have contacted Mr. Smith on it.

Mr. Sandman reported the Industrial Commission entered into an agreement of sale for a 14 acre parcel in the Business Park for \$40,000.00 an acre. He explained the Mayor's authority to veto the sale under the Statute; that he received a letter from the Mayor stating that he is not exercising that authority; and the purchaser can now proceed to the Planning Board. Mr. Sandman said the purchaser is B & B; it will be a long-term rehabilitation facility; they currently have one in Florida and one in Mercer County, New Jersey; they are represented by Stephen Nehmad; they are anxious to move as quickly as they can to get their approvals; and the facility name is Treatment Solutions. Mayor Silva said it is 14.81 acres and the sale price was \$592,400. He said the Commission did a great job working with the buyer until they brought it to a conclusion. The Mayor said there is a need for what this company does; they have 100 employees; and he believes that if they are successful at the Planning Board it will attract other professionals and be good for the community.

Mr. Smith reported forwarding to the Committee a copy of the response he received regarding the status of work on the Wrangleboro Square and Hamilton Commons drainage basins. He explained they are currently seeking bids for remedial work on the Wrangleboro basins; they are beginning investigative work at Hamilton Commons; and they hope to seek bids for contractors to do the remedial work at Hamilton Commons.

Mr. Smith reported the Township was awarded a \$150,000.00 in Municipal Aid Grant for the Section 2 of Malaga Road.

Mayor Silva questioned the time table for getting the basins at Hamilton Mall to work properly. Mr. Smith said he believes the contractor did 38 test pits in the bottom of the basins; collected soil samples and is evaluating them now to determine how deep the soil removal and replacement will have to be; and that Mr. Filippone said he would report back to the Committee once they have that information. Mayor Silva asked if they will still hold water once they are corrected. Mr. Smith his understanding of the intent is that they are to turn them into infiltration basins that are to remain dry.

Mrs. Dix requested a status report on the Thelma Heights basin and bond. She said the inlets being above the road bed so water can't

water can't get into them. Mr. Smith said he believes there are one or two houses to be completed on Thelma Avenue; that once they are completed the developer is obligated to perform all of the punch list items; that they will have the developer jet clean the stormwater system and then install the surface course paving. He said he doesn't know what their schedule is but, if there are any issues, the Township has a bond that they can call as far as it is in place and finish construction of the street. Mrs. Dix said she doesn't remember the number of houses to be built but the time to pave is when it is 90% built and they have to be at 90% or 89% now. Mr. Smith said they are very close. Mr. Cain commented on being concerned when he hears there are 1 or 2 lots left and listens to the amount of work and costs required to develop them. He suggested making sure the Township and residents are protected and the bond isn't going to expire. Mr. Smith said the bonds are designed so they don't expire. Mr. Dix said they don't expire until they are released and replaced with a maintenance bond. Mr. Smith explained the Nathanson subdivision from 2001 first project was that developed one side of the street; the second side of the street was the Thelma Heights LLC project; and the third component was Danielle Court. He said he believes the developer on the north side of Thelma Avenue is defunct and the property owner who holds the bond is trying to wrap everything up and complete the construction.

Mayor Silva asked when the 2012 Road Program paving would start. Mr. Smith said the contracts were delivered tonight; after the Mayor and Clerk sign them they will be returned to the contractor; the preconstruction meeting was held last Friday; the minutes of the preconstruction meeting were e-mailed to the Township Committee, Mr. Jacobs and all of the attendees; and he anticipates the contractor starting in the next week or two. He said will e-mail it their schedule to the Committee when he gets it and Mr. Jacobs can put it on the website. Mr. Jacobs questioned the status of the fall paving program. Mr. Smith explained they are well into the design for all the roadways and said he has to meet with Mr. Jacobs to discuss West Jersey Avenue intersection tomorrow.

Dr. Kesselman commended Mr. Choyce and his committee for the presentation tonight and said he is looking forward to Mr. Strigh's Committee presentation in the near future.

Ms. Gatto questioned the status of the fire-damaged house next to the gas station in town. She commented on the last report being that it was going to be demolished soon and the gas station owner was looking to buy it. Mr. Jacobs said he thought someone took out an application at the Planning Board and that he will look into it. Mrs. Dix said the gas station owners bought it; they were at the Zoning Board months ago; they are trying to determine whether they can remove the structure but leave the foundation and build on it. She said if the foundation isn't salvageable it will be completely torn down and, in theory, another house built there because it is a residential zone.

Ms. Gatto questioned the Lenape Dam status. Mayor Silva explained that Duffield Associates Engineer was given 2 weeks at the last Dam Committee meeting to send the County Engineer a letter outlining the list of remedies to the problem. He said he believes the problem is the water escaping underneath the sheet piling and they are talking about the correction needed to finalize it. Mayor Silva said the two weeks is up this week and there should be answer by the next meeting.

Ms. Gatto thanked Mr. Jacobs and Mr. Sartorio for taking care of the resident problem she forwarded to them. She asked if they figured out why the resident got the wrong citation. Mr. Jacobs said he assumes the wrong Code was put in. Ms. Gatto said she wanted to make sure they are trying not to do it again.

Ms. Gatto reported live racing returns to the Atlantic City Race Track April 27<sup>th</sup> to 29<sup>th</sup> and May 1<sup>st</sup> to May 3<sup>rd</sup>; that is their 67<sup>th</sup> year; and the last race on the last day is the Tony Gatto Dream Big Stakes that is in honor of her uncle who was plant superintendent for over 30 years.

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Mrs. Dix reported she attended the Mays Landing Little Major and Minor Leagues opening ceremonies at Underhill Park on Saturday and commented on the skills they demonstrated.

Mrs. Dix reported the Adopt-A-Road cleanups are underway and more people are being solicited to come with their group to get into the clean ups, turn in their records and get a stipend. She commented on not being able to count the number of bags of trash on Old Egg Harbor Road from the Adopt-A-Road Program on Saturday. She said she participated in the cleanup in Laureldale on Monday. Mrs. Dix asked Ingrid Perez to comment on the April 21<sup>st</sup> cleanup and shredding events. Mrs. Perez said there are brochures in the back of the room. She explained the shredding event for residents will be held in the parking lot behind town hall beginning at 9 AM and proof of residency will have to be shown; recycling for electronic items will be done at the same time and location; Greenway Computers in Somers Point will do a demonstration of destruction of hard drives using HIPA certified equipment; and community cleanups will also be going on that morning with registration in the front of town hall. Mrs. Dix asked if 9<sup>th</sup> and Farragut and township-owned property in the alley behind Victor's Liquors would be included. Mrs. Perez said they could be and she is still open to ideas. She said there is no charge for anything, it is all free. Mrs. Dix said it is through the Clean Communities Program.

Mr. Cain questioned how long the Township had to allow something like the burned out house Ms. Gatto talked about to sit. He said it could be a safety hazard, a potential health hazard, and is not aesthetically what the Township wants to present to the residents downtown. Mr. Jacobs said a lot depends on the level of the hazard and the Township didn't have enforcement people until now. He commented on there being so many right now, they are trying to work into them. Mr. Jacobs commented on knowing that one has been an issue and said it is being focused on. Mrs. Dix said the insurance claim was paid to the estate and the property was flipped for \$23,000.00. Mr. Sandman said he would get Mr. Jacobs a copy of the memorandum his Associate Colin Bell did a few years ago on the statutes on how the County and the Township have to do certain things and the time provisions on what the Township has to do and how long the property owner has to react.

Mayor Silva reminded everyone the New Jersey Fire Service has issued a fire danger alert due to the dry and windy conditions.

Mayor Silva reported he recently heard about Mellie Timmreck, an 18 year old Township resident who recently came in 4<sup>th</sup> in the world when she competed in the World Step Dancing competition in Düsseldorf, Germany. He said he would like the Committee to have her come in and be recognized for her accomplishment.

Mayor Silva announced the ceremonies promoting Chris Robell to Sergeant and Tim Alcott to Lieutenant will be held at 4:30 on Friday.

Public Comment:

John Kurtz explained the Historic Commission approved the complete building plan presented by the owners of the house next to the gas station. He said he believes it was to get the demolition; that he thinks the demolition might be done and building a house will not happen; and that they will try to put another use on the property like extended parking for their garage. Mrs. Dix said it was made perfectly clear to them at the Zoning Board Meeting that it would require a use variance if they tore the house down and tried to use it for parking. Mr. Choyce said one of the Board's concerns was that the building would be torn down; the lot would sit vacant and become an over-flow lot for the gas station; and the board stressed to the potential owner to tear it down and not to use it for anything other than to build a house.

Jim Kerrigan asked if the waterfront property discussed earlier was in the Historic District and how the Township would accomplish preserving it. Mayor Silva said it wasn't in the District and explained the Solicitor is going to report on the preservation at the next meeting. Mrs. Dix explained she thinks it is vacant ground and a restriction can be put in a deed that it has to remain in public ownership and can't be sold to a private buyer to build a house or multiple houses on it.

Russell Bongiovanni Sr. said he thought the master plan for downtown can and should be the envy of the State of New Jersey. He commented on having an extensive background in residential and commercial real estate; having recently lived in the historic town of New Bern, North Carolina; that they have a street about 1 mile long that has a mixed commercial on the first floor and apartments on second and third floors; and he suggested the Township look into that. Mr. Bongiovanni suggested a feasibility study be done to find out what the market needs. He said he thinks the Township should develop a property maintenance code before getting into that. Ms. Gatto said the Township adopted the International Maintenance Code right before adopting the Residential Rental Housing Ordinance. Mr. Bongiovanni asked if it is being enforced. Ms. Gatto said it is now that the Township has a Code Enforcement Officer.

Mr. Bongiovanni commented on route residents of Victoria Crossing have to take for access the County Bike Path and said he asked the County and Township several years ago to put an entrance to the bike path across from Victoria Crossing entrance. He commented on the County approving it and the Recreation Committee saying "no". He said he has copies of the original documents from the County approving it and asked the Committee to do something about it. Mrs. Dix said she agreed with him.

Mr. Bongiovanni said he wished the Members could stay forever because they are doing a great job.

Robert RaVell said the Industrial Commission welcomed the opportunity to work with the Township Committee regarding the Industrial Park. He referred to the recent sale of land in the Park and explained two presentations made to the Commission; the first one was by Mr. Nehmad's partner; the Commission Members asked a lot of questions and got a lot of background information; they were invited to various websites and he charged each Commission Member to do their own research to be prepared for their next meeting; they met in executive session and felt it would be an appropriate venue for the business park; the original offer was \$30,000.00 an acre and, looking out for the taxpayers' best interest the Commission made a counter offer of \$40,000.00 which was accepted. Mr. RaVell explained it is a self-contained campus type facility; all patients are there voluntarily and are under full supervision; they will be given proper transportation to wherever they need to go if they choose to leave; and it will be a wonderful asset to the community if they do a job anywhere close to what they do at the facilities they are already running; and it is the kind of project that everyone should welcome. He commented on benefits from the infusion of cash from the purchase price; the taxes that will accrue from the construction; the economic benefit from the people employed and the vendors. Mr. RaVell said it is a win-win situation.

Louis Green commended Mr. Bongiovanni for what he did in getting 70 veterans to protest the situation at The Gates in Somers Point and said it shows you can help veterans without being a Service Officer.

Synopsis of statements by Louis Green:

Mr. Green said he was submitting copies of 19 e-mails and 2 envelopes mailed to his home; that some e-mails were from Mr. Bongiovanni, a VAB Member; some were from Allen Rhodes, the VAB Chairman; and it included 3 from the VAB Liaison Aline Dix who may have some animosity against him about an issue that happened between them several years ago. Mr. Green read a list of laws he alleges the

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e-mails violated and said there appears to be a collusion of ethics by VAB Members to undermine his presence at Hamilton Mall and the Township's authorization. He commented on having stated at VAB meetings that he didn't want any mail or phone calls from any member of the VAB unless it was an emergency meeting or emergency phone vote. Mr. Green said he still gets mail in violation of the Open Public Meetings Act, the VAB Ordinance and the Ethics Law Act #1. He asked the Township Committee to enforce the VAB Ordinance and to request a meeting of all VAB Members and Mrs. Dix to evaluate the violations he was submitting. Mr. Green suggested an impartial officer from the State of New Jersey Ethics Committee be present and make a valid decision on the merits of his claims. He said he expects a written decision in a reasonable time frame be given to each VAB Member and Mrs. Dix. Mr. Green said the citizens of the Township deserve the integrity and utmost clarity of decisions made by Township Committee Members including any Boards they have established and its members. He commented on receiving a letter from Allen Rhodes dated April 12<sup>th</sup> on April 14<sup>th</sup> stating Members would not be requested to reimburse the HTVAB and said it was in regard to a previous letter requesting him to reimburse the VAB \$35.00 for a shirt and hat. Mr. Green said he considers the e-mails and letters to his home an invasion of his privacy and they are very disturbing to him. He commented on having stated at previous VAB meetings to notify him only if the issue or issues are of an emergency issue to be resolved. Mr. Green said issues of any nature must be suggested for discussion at the official meeting and every Board Member deserves the opportunity to discuss, suggest and be approved by a majority vote and every citizen deserve to hear, see and participate in the public comments part of every agenda. He said this is a continuous invasion of his privacy; they are using e-mails which are a violation of the Open Meetings Act; and he is bringing it to the Township Committee first because he feels their authority should intervene in what he is calling violations. Mr. Green said he would appreciate getting an answer to it in a reasonable time. He distributed copies of the paper he read from to the Township Committee Members and Administrator. Mr. Cain said he took particular offense to the comments Mr. Green regarding Mrs. Dix based on a feeling he may have. Mr. Green said it wasn't a feeling, it was facts. Mr. Cain said Mr. Green should have outlined the facts before making comments about Mrs. Dix or any other member of the Township Committee. He said Mr. Green could simply take a certification class to put the issue to bed. Mr. Green said he didn't want to take a certification class. Mr. Cain said Mr. Green shouldn't create a conspiracy against the entire Veterans' Advisory Board then. Mrs. Dix said she wouldn't dignify the remarks.

Mrs. Dix said she has been concerned for several months as to what Township Boards are governed by the Open Public Meetings Act and who is required to raise a quorum to discuss Township business. She said the Committee needs an opinion from the Solicitor to make it official what records have to be kept so they are available to OPRA; what Boards have to raise a quorum in order to discuss Township business; and if they can discuss business if they do not raise a quorum. She said she is concerned about things like the Environmental Commission that doesn't have enough members to raise a quorum. Mrs. Dix said she doesn't know where their records are if she made an OPRA request for minutes of their 1912 meeting. She commented on needing to know what the Township Committee must do to insulate the residents and taxpayers from potential fines if they can't answer what needs to be answered.

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

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

Adjournment to Executive Session:

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

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

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

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

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

ATTEST:

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