

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MAY 2, 2011

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ, was held on the above date with Mayor Amy Gatto presiding. Members present were Charles Cain Jr., Dr. Harvey Kesselman, Thomas Palmentieri and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor 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 on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, May 2, 2011, in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed. Mayor Gatto asked that our service men, women and their families and particularly acknowledge the efforts of the Navy SEALs in bringing down one of the America's most wanted (Osama Bin Laden) and offering the families of the 9/11 victims some closure after 10 long years.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss matters of personnel and potential litigation which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law; and

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

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

The meeting reconvened in public session at approximately 6:51 PM.

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 following be added to the agenda of this meeting for consideration and action to be taken thereon tonight:

5.B Defeated School Budgets negotiations meetings.

8.A Insert names of businesses:

(1) Eckinger Construction Co. - general contractor doing work at Mall

(2) Alex Lyon & Son - equipment auction at Race Track June 18 & 19, 2011

8.E Authorize the Mayor to execute a Redevelopment Agreement with Land Resource Solutions, Inc. for the redevelopment of Block 994, Lot 57 (the Landfill Redevelopment Area)

8.F Accept new Bond Safeguard Bonds as performance guarantees for Fernmoor Homes, LLC and authorizing return of Original Bonds:

(1) #5033574 Phase 1 \$388,773.00

(2) #5033575 Phase 2 \$90,519.90

(3) #5033576 Phase 3A \$70,760.33

(4) #5033577 Phase 3B \$180,117.42

(5) #5033578 Phase 4A \$259,343.16

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

There were no Executive Session confirmations to be made.

There were no requests to make early public comment on agenda items not listed for public hearing.

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Reorganizational Plan - Part 2:

Mr. Jacobs explained other employees have left since the time of the original downsizing; an additional union employee was laid off at the last meeting because a program was eliminated; and the work that is left is union work. Mr. Jacobs explained the recommendation is to rehire two of the employees that were laid off which will basically bring the offices back to 3 people each and will allow us to open the offices until 4:30 again to better serve the public. Jacobs said there will be a lot of moving to put people back where their experience was and the Township is still below the budgeted salaries.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that:

- 1) Part 2 of the Reorganizational Plan as outlined in a memorandum from the Administrator dated April 14, 2011 is hereby approved;
- 2) Rehiring of two (2) employees previously laid off is hereby authorized;
- 3) Offices open to the public shall resume closing at 4:30 PM when the Reorganization as authorized is complete.

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

Defeated School Budgets negotiations meetings:

Mr. Jacobs explained both budgets were defeated and the Regional District negotiations meeting is tentatively set up for Wednesday at 7 pm. He reported receiving a letter that said there is nothing the Township can do on the K-8 budget because it is already at minimum. Mr. Sandman said the interim County Business Administrator Mark Ritter also told him that it can't be touched because it is at minimum. Mr. Jacobs explained the Committee can make changes on the Regional budget if they desire to do so; it has to be done in conjunction with the other towns in the Greater Egg Harbor Regional District; and the County Superintendent can overturn it. Dr. Kesselman said that regardless of what the Township Committee does, there has to be agreement between all the sending districts on the amount to be cut. Mayor Gatto explained she asked Mr. Silva, as a former Mayor and former member of the Budget Committee, to take her place at those meetings because she has to abstain from those conversations because of her mother is employed by the High School District. Mr. Palmentieri asked if that was exclusively for the High School Regional budget. The Mayor said it is. Mr. Palmentieri asked if the Committee has an obligation to fulfill the public sentiment on the Local School Budget by crafting a resolution expressing what they think the public opinion is regarding how the existing budgeted money should or shouldn't be spent since it technically has to come through the Committee. Mr. Silva said he didn't know of any law that would prevent Mr. Palmentieri from voting not to certify it. Mr. Jacobs said he didn't know the answer to that legally but the letter (from the County Superintendent) says the Committee does have to adopt a resolution to certify the tax rate. He said if the Committee might be able to put some "whereas" clauses in it to make a statement. Mayor Gatto said that isn't on the agenda for a vote tonight. Mr. Jacobs said it has to be done at the next meeting. Dr. Kesselman said he recognized what Mr. Silva and Mr. Palmentieri were saying but that less than 10% of the registered voters voted for 65% of their property tax bill so he isn't convinced that whatever action the Committee takes represents "the will of the people"; it represents 10% of the people who decided to vote on it; the 60-vote differential may represent a half-percent of the possible voters; and he wanted to make it clear before the Committee did anything that might negatively impact the process that he isn't sure the will of the people occurred when you are talking about 10%. Mr. Palmentieri said that was a good point. The Mayor said this was a discussion item in terms of meetings with regard the school budgets and the certifying statements that have to be voted on will be done at the next meeting. She suggested the Members bring up any "whereas" suggestions they have then.

Mayor Gatto confirmed her appointment of Mr. Silva, Mr. Cain, Mr. Jacobs, Mr. Tuthill and Ms. Lindsay as the Subcommittee for the Regional School District Budget negotiations.

Public Hearing/Adoption - Ordinance #1690-2011:

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

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

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

WHEREAS, Ordinance #1690-2011 was introduced and passed first reading on April 18, 2011 and was duly advertised in the April 20, 2011 issue of the Atlantic County Record for a public hearing to be held on May 2, 2011; and

WHEREAS, the public hearing has been held as advertised and closed,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1690-2011 be and is hereby adopted.

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

**ORDINANCE #1690 - 2011
SUPPLEMENTING ORDINANCE # 310
OF THE CODE OF THE TOWNSHIP OF HAMILTON**

**AN ORDINANCE CREATING A NO PARKING ZONE
ON A PORTION OF OLD EGG HARBOR ROAD AND ON A PORTION
OF A DIRT ACCESS ROAD AT THE NORTHERLY END OF THE
UNDERHILL PARK RECREATION COMPLEX,
IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC
AND STATE OF NEW JERSEY**

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

SECTION 1. The Code of the Township of Hamilton, Section 310, shall be and is hereby amended to include the following. No motor vehicle or other vehicles shall be parked on any of the shoulders, curbs or areas abutting the following streets in the Township of Hamilton, County of Atlantic and State of New Jersey:

- (a) On the Northbound side of Old Egg Harbor Road abutting the Northbound travel lanes (heading away from Route 40) from its intersection of Route 40 to a point 1,850 feet North of Route 40;
- (b) On a portion of Old Egg Harbor Road abutting the Southbound lanes (heading toward Route 40) from 300 feet North of the intersection of Route 40 to a point 1,850 feet North of Route 40; and
- (c) Area as having no parking on the road to access the additional parking area on the South side of the dirt road from the point of the roadway edge of Old Egg Harbor Road along the length of the curb line and extending from the end of the curb line to a point 150 feet East of the gate post and that there be no parking on the access road to access the additional parking area on the North side of the dirt road from a point 56 feet East of the Old Egg Harbor Road roadway edge and extending along the fence line to the gate post.

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SECTION 2. The Township Clerk shall immediately after passage and publication of this Ordinance, make and file in the Office of the County Clerk for the County of Atlantic, a copy of this Ordinance, together with proof of publication hereof, duly certified by her, under the corporate seal of the Township of Hamilton, for record, as required by law.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, erroneous and/or incorrect, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Hamilton, heretofore adopted, which are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

SECTION 5. PENALTIES AND VIOLATIONS.

Any individual, partnership or corporation violating any provision of this Ordinance, upon conviction thereof before the proper officer having jurisdiction, shall be subject to a fine not to exceed fifty (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days, or both, in the discretion of the Court hearing the same.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final passage and publication.

ATTEST:

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

JOAN I. ANDERSON, RM.C.
TOWNSHIP CLERK

AMY L. GATTO, MAYOR

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

ORDINANCE #1690-2011 INTRODUCED AND PASSED FIRST READING APRIL 18, 2011.
ORDINANCE #1690-2011 ADOPTED MAY 2, 2011.

Public Hearing/Adoption - Ordinance#1691-2011:

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

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

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

WHEREAS, Ordinance #1691-2011 was introduced and passed first reading on April 18, 2011 and was duly advertised in the April 20, 2011 issue of the Atlantic County Record for a public hearing to be held on May 2, 2011; and

WHEREAS, the public hearing has been held as advertised and closed,

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1691-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE NO. 1691-2011

AN ORDINANCE AMENDING CHAPTER 225, ARTICLE I, §225-2.A AND §225-2.B OF OF THE TOWNSHIP OF HAMILTON CODE ENTITLED COVE AREA AS PREVIOUSLY AMENDED

BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

SECTION 1. Chapter 225, Article I, §225-2.A Fees. Is hereby amended to read as follows:

A. Fees for seasonal use of the Cove Area shall be \$12 per person for residents of the Township of Hamilton and \$24 per person for nonresidents of the Township of Hamilton with a season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.

SECTION 2. Chapter 225, Article I, §225-2.B Fees. is hereby amended to read as follows:

B. Fees for daily use of the Cove Area shall be \$6 per person per day for residents of the Township of Hamilton and \$9 per person per day for nonresidents of the Township of Hamilton, during the season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.

SECTION 3. All Ordinances or parts of Ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed to the extent of its inconsistency.

SECTION 4. 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 5. This Ordinance shall take effect immediately after final passage and publication as provided by law.

ATTEST:

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

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

AMY L. GATTO, MAYOR

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

ORDINANCE NO. 1691-2011 INTRODUCED AND PASSED FIRST READING APRIL 18, 2011.
ORDINANCE NO. 1691-2011 ADOPTED MAY 2, 2011.

Introduction of Ordinance #1692-2011 was tabled until the next meeting at the request of Township Administrator Mr. Jacobs because there may be a conflict in the language in the ordinance and the Building Code.

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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 Change Order #1 for the Municipal Building Basement Structural Repairs Contract is hereby approved as recommended by the Township Engineer, said Change Order resulting in a net increase of \$597.00.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Payment Certificate #1 for the Municipal Building Basement Structural Repairs Contract in the amount of \$11,652.30 is hereby approved as recommended by the Township Engineer.

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 Payment Certificate #1 for the Municipal Building Front Steps and Wall Repairs Contract in the amount of \$28,766.70 is hereby approved as recommended by the Township Engineer.

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 advertising for and receiving of bids for Janitorial Services is hereby authorized, date and time to be determined.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor is hereby authorized to execute a Redevelopment Agreement with Land Resource Solutions, Inc. for the redevelopment of Block 994, Lot 57, the Landfill Redevelopment Area.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Bond Safeguard Insurance Company bonds be and are hereby accepted as new performance guarantees for Fernmoor Homes, LLC reflecting previously approved reductions of bonds for Phases 1, 3B and 4A and replacement of original bonds for Phases 2 and 3A for which no reduction have yet been authorized:

- (1) #5033574 Phase 1 \$388,773.00
- (2) #5033575 Phase 2 \$90,519.90
- (3) #5033576 Phase 3A \$70,760.33
- (4) #5033577 Phase 3B \$180,117.42
- (5) #5033578 Phase 4A \$259,343.16

BE IT FURTHER RESOLVED that original Bond Safeguard Insurance Company bonds #5033564, #5033565, #5033566, #5033567 and #5033568 are hereby authorized to be returned.

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

May 2, 2011

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

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

- (1) Eckinger Construction Co. - general contractor doing work at Hamilton Mall

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Business Registration License for Alex Lyon & Son equipment auction at Race Track June 18 & 19, 2011 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the April 18, 2011 regular meeting be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$6,064,405.75 as of April 28, 2011.

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

Mayor Gatto appointed Rebecca Lafferty a Citizen Member to the Community Based Programs Advisory Board for the remainder of the year 2011.

Reports:

Mr. Jacobs reported the curfew Ordinance was researched as requested at the last meeting; it has been in place for quite some time; it is a very useful tool for the Police Department; a number of the residential developments request that the Police enforce it; a notice has been posted on television Channel 2 with a link to the full ordinance; it was posted on the website; the Chief is working with Ingrid Perez on signs that will be being posted in different locations around town; the Chief will identify the areas; and Ingrid will put them up.

Mr. Jacobs reported there is a seminar in Trenton from 9-5 on May 25th on using tax abatements for Redevelopment. He commented on being told that over the years the Committee hasn't been in favor of using that tool and said that maybe if a Committee Member attended they might find it has value. Mr. Silva asked Mr. Jacobs to forward the information to the Industrial Commission Chairman. Mr. Jacobs said he would go and bring the information back if no one else wants to go. Mayor Gatto said Mr. Jacobs should go if he thinks it will be beneficial. Mr. Jacobs asked that any Member wanting to go let him know so he can sign them up. Mr. Cain said he may be able to attend for part of the day.

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Mr. Sandman reported the State Bureau of Dam Safety and Flood Control renewed the permit for the second of 3 extensions to take into account that work on the Dam probably won't start up again until November. He said the Lenape Dam Committee is meeting on Thursday and he should have more to report at the next Township meeting.

Mr. Sandman reported new procedures set by the New Jersey Supreme Court will allow the municipality to retain an outside service to collect delinquent fines and to pay the service a commission fee up to 22% of the amounts collected. Mayor Gatto said Mr. Bell mentioned in his e-mail that it is more efficient and possibly more profitable than anything the Township looked at previously. Mr. Sandman explained the Administrative Office of the Courts (AOC) was very strict about what the Township could or couldn't do before this. He commented on the Township having a big number of them and said putting it in the hands of an agency that does that is probably a no-risk venture to the Township. Mr. Silva asked if the Township still had to give money to the State and County after deducting the 22% from what was collected. Mr. Sandman read the following from the law: "*The Law permits the governing body of the municipality or county to authorize the assessment of a fee by a private collection agency or firm not to exceed 22% of the amount collected*". He said it comes after the township exhausts all of its judicial remedies. Mr. Palmentieri asked how it differed from when the Township used a collection agency on a trial basis in the past and the agency said it wasn't worth it to them because it was uncollectible which was the same as the in-house opinion and is the reason why it wasn't collected. Mr. Sandman said they couldn't be as aggressive as a private collection company could because of the AOC restrictions. Mr. Palmentieri said he thought it was a private collection company. Mr. Sandman said he thinks that analysis was based on the structure heretofore and it might be what prompted the Supreme Court to do this. Mr. Sandman explained this adds enforcement by a private agency that doesn't exist now and is getting private entities involved that would have a higher success rate than the court personnel with the confines of the AOC regulations. Mr. Cain commented on the amount being about \$2 million and asked what harm there would be in pursuing it. Mr. Sandman said he will study the regulations and report back at the next meeting. Mr. Palmentieri said to especially look at prerequisite requirements; what documentation is required; and if it would take a lot of time to get the documentation or redo the efforts. Dr. Kesselman said he thought Chief Tappeiner provided a pretty comprehensive report on this about a year ago. The Chief explained a report was done but this wasn't an option then. He said the data has to be made current and it will involve staff time but they can look at it to see how it fits with this new law. Mr. Silva asked if there was a way to find out what companies would be interested in it. Mr. Jacobs commented on dealing with collection agencies for utility bills throughout the years. He said they are very aggressive and very successful but he doesn't think this will be quite as successful as it was with utility bills because he thinks the Court basically tied one of their arms behind their back. He said he needs to talk with Mrs. Fieni about what work would be involved but he doesn't see any reason not to try it. Mr. Cain said many of them aren't from the area but these agencies may have a further reach than the Township does. The Mayor said it sounded like something for the Smart Team look into.

Mr. Smith reported the basement repairs are essentially complete; they received a certificate of approval from the Construction Office; and they are doing the final close out documents on the project. He reported the front steps are essentially complete; re-pointing work is being done now; some brick pavers still have to be reset; and they anticipate being completed in the next week or so. Mr. Smith reported he thought a resolution has been reached on the roof warranty issue and hopefully the contractor will mobilize and get started on it within the next couple of weeks.

Mr. Smith reported the advance notice signs for the West Jersey Avenue/New York Avenue detour are up indicating the roads will be closed on or about May 16th; the transportation coordinators for the schools were notified; he hopes to post it on the Channel 2; and it will be the same detour as was used for both of the other New York Avenue projects.

Mr. Smith reported following up with Mr. Sandman about putting Hamilton Commons' developer on notice of the Committee's intent with regard

to connecting into the pipe on 322. He said their engineer responded that they would like to make a presentation explaining what they intend to do at the next Committee meeting. Mr. Sandman said he thinks it would behoove the Township to allow it. Mr. Cain commented on visiting the site on Saturday and asked Mr. Smith if he was aware that some surveying was done there. Mr. Smith said he wasn't. Mr. Cain said there is a dry river bed within 40'-50' of the back doors of the homes in Glen Eyre and in some cases there are wetlands delineation markers that come as close as 30'. Mr. Silva said he and the Administrator went through all the basins behind both Wrangleboro (Square) and Hamilton Commons last week and tracked it to Eaglesmere. Mr. Cain said it is a bad idea to even entertain this but he is willing to listen to anyone. He said nothing good can come of dumping that water into that area so close to those homes. Mr. Sandman explained he suggested doing it because he and Mr. Smith were directed to notify any agency they have to apply to for approvals for what they are trying to do. He said Mr. Smith's letter was the first to go out; he was going to follow that up and notify each of the agencies by letter of the Township Committees opinion. Mr. Sandman said it's always best to make a decision on facts; he thinks it would be prudent for the Committee to do this; and it would make what he has to do a lot easier. Mr. Smith will let them know the Committee is willing to entertain their request at next meeting.

Mr. Palmentieri asked if Mr. Smith got an answer from Hamilton Commons on whether their plan was a permanent fix or merely to dewater and remediate the problems in both the Hamilton Commons and the Consumer Square basins. Mr. Smith said his understanding is that it is to be a permanent connection to facilitate the dewatering and also act as an emergency overflow to prevent flooding of 322. Mr. Palmentieri said that was what he was afraid of; they are relying too heavily on it being the prevention rather than having the basins function 99% of the time as the prevention of the flooding. Mr. Smith said they are indicating the interconnection and tie-in is the emergency fix and they still intend to fully remediate the basin. He said that is why it's better for them to come in and layout exactly what they intend to do so the Committee can make an informed decision and get answers to their questions. He said he thought the engineer did some analysis and has documentation to justify his proposal. Mr. Smith explained they need to get D.O.T. approval; then it would go to the Zoning or Planning Board and the Pinelands Commission. He said he doesn't think they will move forward with any of the other applications if they don't get past the D.O.T. hurdle. Mr. Silva asked if representatives from Eaglesmere could be asked to be in the audience because it is going to impact them. Mr. Smith said he thinks the Eaglesmere Board is still controlled by the developer because of the number of houses that are built there. Mr. Palmentieri asked if there was any issue with reaching out to the association. Mr. Sandman said he takes the Committee's word that allowing the D.O.T. pipe to be used is going to create a bigger problem; he doesn't know it to be true but accepts it. He explained a 200' notice isn't required like it would be for a zoning application but he would do his best to let them know those folks are going to be here because they need to hear it and they are the ones the Committee may want to hear from.

Mr. Palmentieri commented on seeing work done at the Timber Glen basin and said it is still full from the last rain. He asked if Mr. Smith knew what was happening and why it looked like they were finishing up. Mr. Smith explained they are trying to stabilize the side slopes so they can maintain the infiltration area. He said they didn't notify him that they were out there. Mr. Palmentieri commented on not wanting to let them off the hook because it isn't functioning at all. Mr. Smith said the area by the tennis courts is supposed to act as the overflow infiltration area.

Mr. Palmentieri asked if anyone knew where the State budget is with regard to the Abbott District issue. Mr. Jacobs said he didn't hear anything. Mr. Palmentieri said he listened to the budget hearing today and in addition to that unresolved question there is another half-billion dollars in it that require federal waivers they currently don't have. He said there is a lot that is unsettled in the proposed budget that still may fall in different directions.

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Mr. Silva asked Mr. Blankenship to explain what will occur at the new pump station at the old Scoop's Place. Mr. Blankenship explained what you see is basically what it is going to be; the perimeter of the building will be surrounded by black ornamental fence; most of the area within the fence will be paved; there will be some landscaping near the intersection where the light is and a sign. He said he needed direction regarding the Township talks with the County so they know where to put the gateway sign.

Mr. Silva asked if any progress was being made on the issue of lawn signs and signs nailed to telephone poles that was brought up at the last meeting. Mr. Jacobs said an e-mail was sent to the Township staff and MUA to remove them if they are on township right-of-ways; they will be held for 30 days and if someone wants them, they can pick them up. He said it is a zoning issue if they are not in the township right-of-way or on township property. Mr. Cain said Galloway Township has a very strict ordinance on that. He said it was discussed in detail at the Smart Growth Committee when they talked about certain types of code enforcement and he believes some of it will be seen in their presentation.

Mr. Cain reported the Smart Growth Committee is creating their presentation now. He explained their goal was to make it at the first meeting in June but it will probably be put off until the second meeting because he has an engagement that day. He commented on meeting with Mr. Jacobs on things that have come up during the creation of the presentation and said some of those things may already have come before Township Committee for action before the presentation is made.

Mr. Cain reported the County is forwarding a copy of the agreement regarding the point by Gaskill Park. He said Mr. Kurtz has been very instrumental in communicating the needs and wants of the merchants downtown.

Mayor Gatto reported the "Bring Your Child to Work Day" was very successful and thanked the staff and all those who participated.

The Mayor congratulated the Atlantic City Race Course on breaking a 15-year attendance record yesterday at just under 10,000 visitors. She congratulated the Veterans' Advisory Board on the Veterans' Expo at the ACIT on Saturday and said they are probably one of the best in New Jersey.

Public Comment:

John Pucci said the Township has an Ordinance on the signs and there is a condition in the Ordinance that fines can be issued. He commented on the VAB Information Expo and how well received it was. Mayor Gatto said it was the first one where students from ACIT were involved. Mr. Pucci referred the rehiring of employees under the restructuring and said he didn't believe the tide would change so early. Mayor Gatto said the tide didn't change; how the Township is using different monies has changed. Mr. Jacobs explained more vacancies occurred since the layoffs and staff is being brought back to fill them. Mr. Pucci commented on performance guarantees required when someone goes through the Zoning Board for a variance that are normally smaller applications and the costs to the applicant and said the Township will never call in those performance bonds because if the developments aren't put in within 2-years you automatically lose your variance. He asked that the issue be looked into and if the Township doesn't need that protection, it be adjusted Township residents don't have to go through the added expense. Mr. Pucci asked if anything was done about the salt pile in the Hamilton Commons parking lot. Mr. Jacobs said it's still there and he thought contact had been made with them. Mr. Pucci asked that the 50' light posts with fixtures attached stored behind the Sports Authority store between the stormwater basins and the woods be looked into. The Mayor asked the Engineer to look into it. Mr. Pucci said he heard DDR is a subsidiary of Benderson. Mr. Cain said he understood they are competing entities and the testimony at the Planning Board was that DDR purchased Benderson's properties. Mr. Pucci said a subsidiary could do that. Mayor Gatto suggested Mr. Pucci ask that question when the developer makes their presentation. Mr. Pucci said he understood that under the Township Land Use Ordinance, if the Township decides the flooding is a safety hazard or nuisance they can declare that; then the Township Engineer will be involved in developing the plan to fix it; the Township would have total control of the repair; they

wouldn't have to wait and go through any Zoning or Planning Board process; and it may expedite getting the basins fixed. Mr. Cain said this is the first he heard of that. Mr. Sandman said he can't comment on what the Land Use Ordinance may or may not say but there are other general ordinances that say the Township has certain rights when something poses and is declared a danger and the person doesn't take care of it. Mr. Sandman said the enforceability of the drainage basis generally lies in the approvals and restrictive covenants that were filed. Mayor Gatto said it is something to think about but the other side of it is time, resources, money and risk all on the taxpayer. She said she thinks that is why the Township is cautious and why there are so many steps involved. Mr. Pucci said he thought it was a tool the Township could use at their discretion. Mr. Sandman said it isn't nearly the tool the restrictive covenant is; the covenant tells them they have to maintain what they have and it has to function. He said in the past two years this Township Committee has activated the Township Engineer and Solicitor to get the process where it should be. Mr. Pucci questioned the policy or procedure for a resident that comes to the microphone on a particular item to know if it was resolved or what the result was. Mayor Gatto explained they try to follow up with a report at the next meeting; there are occasions where the Administrator follows up one-on-one with the person; and it could be with a phone call or an e-mail. Dr. Kesselman explained that if it required Township Committee action, it would be taken such as when Mr. Pucci brought smoking out front to the Committee's attention; action was taken and now there is no smoking there; things are posted on the website; and in the case of the woman who brought attention to a problem with her road and it was the only meeting she came to, the Township responded directly to her. Dr. Kesselman commented on there being a small group of people who tend to come to every meeting asking a number of questions who will be at the next meetings asking a series of questions and said is likely they will see the answer to their questions. Mayor Gatto said a woman brought the curfew issue up at the last meeting; it was looked into; and Mr. Jacobs reported on it tonight. Mr. Pucci asked if the amount the Township would be considering with the regional school budget was known. Mr. Silva said they will discuss it when they meet with them and Mr. Pucci will hear it when the result comes back. He said all four municipalities in the district have agree on the amount before the resolution can voted on. Mr. Pucci asked if the Committee was going to meet on the Township School Budget defeat. Mayor Gatto said that as was explained earlier, it is at the minimum tax levy so the Committee has no opportunity to cut it by State Law and they will not meet on it. Mr. Silva said the Committee will discuss it because they have to certify it. Mr. Pucci asked if it would be a public hearing. The Mayor asked Mr. Jacobs to explain the process again. Mr. Jacobs explained the Committee has to adopt a resolution certifying the levy; it could be a consent item or a discussion item; they can't cut the budget because it is at minimum; it will be at a public meeting; the Committee doesn't have to hold a public hearing on adoption of a resolution; it will be an agenda item and Mr. Pucci can sign up for early public comment on it. Mr. Pucci suggested the voters may not have known about the school election because the date was changed due to a religious holiday. He commented on 27 votes allowing Dr. Kesselman to be on Township Committee and said it is the majority that counts. Dr. Kesselman said his point was that it is disquieting that only 10% of eligible voters voted.

Rodney Guishard said he was happy to hear the Veterans' event was successful. He said was surprised at how many veterans there are in the County and the VAB goes above and beyond. Mr. Guishard commented on there not being any antennae on the cell tower behind town hall. Mr. Jacobs said they are paying the Township and he thought the first 30 days was to let the concrete base settle but he doesn't know what the hold up is now. Mr. Guishard said the Quality of Life Committee is still waiting for feedback and some direction on where they go from here. Dr. Kesselman explained once all the subcommittees have made their presentations he will bring the whole Strategic Planning Committee together and go into the more specific objectives. He said he thinks Mr. Guishard's and Mr. Cain's Committees are very different from the others in that much of what they recommend can actually be implemented.

Jim Kerrigan referred to Mr. Silva's comment on there being 4 municipalities in the Regional District and said Washington Township, Burlington County, is also one. Mr. Silva and the Mayor said they aren't in the district. Mr. Kerrigan said he would like to see school elections held

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on the same day as the General Elections in November. Mr. Silva said it would save a lot of money. Mayor Gatto said all the Members agree and support that and explained it has to be done by the Legislature. She said Mr. Kerrigan should write his State representatives.

Harry Rogers said he was disappointed that the Committee isn't going to meet on the K-8 budget. He said last year's lay off of assistants and putting the money into raises for full time teachers was overturned by a court order. He commented on being afraid that, if the Committee doesn't deal with it, there could be \$100,000.-\$300,000.00 put back into the budget on the back end that shouldn't be over and above what was already budgeted. Mr. Rogers said the people have spoken; they rejected the budget; and he thinks the Committee has a responsibility to revisit it and make sure that money doesn't get added on top.

John J. Percy commented on the Benderson development approved on the north side (of the pike) and said another Benderson development was approved on the south side not too long ago. He said that if a quantity of water is going across the highway in some way, the Committee shouldn't forget that Benderson is also going to be generating another quantity of water on the south side. Mr. Cain said there were questions about why the basins at the new development on the south side would operate correctly when they weren't operating correctly on the north side and the testimony given by a Benderson representative was that they operated fine when they owned the property and the problem started when they sold it and the new owner stopped maintaining it. Mr. Palmentieri said the big basin at Consumer Square by BJ's never worked properly from day one. Mr. Cain said he isn't accepting it as truth but it is the testimony that was given to the Planning Board and their professionals relied on it to approve project on the south side. He said there was no discharge from the south side across Volunteer Way. Mr. Cain said one of the original concerns was that water from DDR basin was going to be dumped into Benderson's basin and they were told that wasn't going to be the case. He said that although there is a discharge outlet in case of overflow needs, the design is such that they are replacing soil to get it to perk slower because it would perk much too fast with the soil that was there. He said it was compelling testimony and he doesn't believe their intent is to discharge in that same location. Mr. Silva said the owner of the property by Chucky Cheese believes they are dumping it on their property.

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

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

Dr. Kesselman moved, seconded by Mr. Palmentieri, that this meeting be adjourned.

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

ATTEST:

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