

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MAY 21, 2012

The regular meeting of the Township Committee of the Township of Hamilton 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 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 Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, May 21, 2012, in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Strategic Planning Affordability Subcommittee Presentation:

Mr. Strigh named the members of the subcommittee and the various positions they hold or held: Jennie Ayres, Peg Capone, Vince Corso, Jim Kerrigan, former Mayor Mangels, and liaisons Mayor Silva and Mr. Jacobs. He commented on Jennie Ayres having put together this presentation and most of the other subcommittee presentations. The entire presentation was recorded and video taped and can be viewed on the Township website. He explained when they started the original phase they needed to start somewhere and decided to take a ten year period and find a historical base to move forward into future projections. Mr. Strigh commented on the purpose being to promote fiscal affordability in the Township with long range budgetary planning; defining affordability and transparency. He explained their first goal was to develop multi-year benchmarks by using data from the past 10 years prepare benchmarks to project budget years for 3 years out rather than 1 year in advance; they decided the best way to achieve that was to research, develop and adopt an ordinance that established annual budget standards including historical trends and future projections; they tracked all the data in previous budgets; with the help of the Administrator they researched and prepared a draft ordinance; and what is in it is part of the presentation. Mr. Strigh explained the Committee will be able to recommend long term options for paying off current debt and reducing property taxes through this process. He said the underlying theme of their recommendations is to pay as you go. Mr. Strigh commented on reasons for debt increases being use of non-reoccurring revenue paying for reoccurring expenses and cited grants to hire additional people that may expire in 3 years and then the Township has to pick up the expenses as an example. He commented on studying municipal debt from 2000-2010 and said the average was \$20 million plus and taxpayers paid \$7 million interest and said if a pay-as-you-go philosophy is adopted going forward those dollars could be saved and go into other projects. Mr. Strigh presented a slide showing the number of employees each year from 2000-2011 and said a key recommendation is to adopt current staffing levels as a base for future staffing; it would be part of the ordinance; the current number is 118 and is lean but most of the municipal services are still maintained. He explained the purpose of adopting the current staffing levels is that if any positions added are created based on need, a separate meeting would be required; there would have to be an amendment to that ordinance; there would have to be a justification for the position, the salary involved and how it would affect current budgets going forward. Mr. Strigh commented on creating a new position being a long term position, not a short-term position because in many cases the position will be held forever and without justification or the required funds the Township could be put back into a situation of running into increased taxes and further debt. He said the Committee found it is time that all new employees, including department heads and deputies, hired after adoption of the ordinance be required to work a 40-hour week; it is currently 35

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hours; hopefully it will increase productivity and services to the Township residents. They recommended meeting annually with representation from Atlantic County, Hamilton Township School District and the Greater Egg Harbor School District to proactively discuss common ground and shared services to stabilize overall tax rates. Mr. Strigh commented on not being able to force them to come and said they recommend the Township Committee take a leadership role in proposing shared services with those entities. He explained their second goal - aggressively seeking shared services agreements and presented a slide of services recommended to be included. Mr. Strigh explained the recommendation for establishing a re-evaluation trust fund and suggested there may be other trusts that could be adopted. He commented on there being a funding problem when the municipality has to do a re-evaluation and said that if a trust fund could be created money would be placed in a regular budget line item; the money would be there by the time a re-evaluation is required to do it without borrowing; there may be an option to do it more frequently rather than wait for the state to order the Township to do it; and he thinks that would eliminate a spike in unforeseen expenditures. Dr. Kesselman explained there is also a secondary document that contains action steps, who is responsible, etc., in addition to the handout of the power point presentation. He commented on it being an excellent job and said Jennie Ayers deserves a tremendous amount of credit because she voluntarily was involved in every committee and never missed a Strategic Planning meeting since it began. Dr. Kesselman said he thinks it is critical that all the power point presentations made go up on the website; that it include date it was presented because it is very important to keep a live chronology of what is happening in the process. He commented on having to spend an inordinate amount of time locating the Master Plans on the website and said it is important to have multiple links to them so that how people can get to them is very clear. Dr. Kesselman said he thinks someone looked at the cumulative impact of the reports presented, the action plans and time tables associated with them, the Township Committee has a pretty substantial plan on how to steward its finances, match them to its priorities, and clearly identify what their priorities are. He said he would get all the Chairs and Members of the all the subcommittees together in the very near future to look at how they can roll this out to the community one more time. Dr. Kesselman said he thinks it is important that people know it exists; that any questions they have be answered; and that they get any additional input they think is necessary to finalize it into one final document. He said not many towns have taken something like this on over such an extended period of time; all those involved deserve tremendous kudos; and he is proud to be associated in a very small way. Ms. Gatto commented on it also being important to get the word out about how the citizens can help and be part of implementing what the Committee now wants to implement. Mr. Cain said it was great work. He commented on understanding the dedication it takes to attend the meetings, do the research and put things together. Mr. Cain said they outlined what every small business has to adhere to on a daily basis to be successful and it is refreshing to see that approach taken and moved into municipal government. He said he thought creating a re-evaluation trust fund is a fabulous idea; that researching, developing and adopting an ordinance establishing annual budget standards is a fantastic idea; that quantifying and looking at the same information each year is a great way to figure out where you have been, where you are going and how you're going to get there; that annually collecting, disseminating, analyzing key budget performance indicators and presenting them to Committee is a great way to bring new Committee Members up to speed because every year there are 1 or 2 new members sitting on Township Committee and the budget comes up very quickly; that this and the last couple of Township Committees realized how important it was to keep reducing the debt; and that paying as you go is money well spent. Mr. Cain said these are great observations and ideas and he looks forward to being part of implementing them. He thanked Mr. Strigh and his Committee for all their hard work. Mrs. Dix said that she agreed government has to run like a business; that she agrees with the 40 hour work week, the MUA has been on it for a decade; that the re-evaluation trust is a good idea that she thinks would operate like the snow reserve the Township has; that she thinks

that whether they need to put \$50,000, \$75,000 or \$100,000 a year into it, the Committee has to look at it for the next budget cycle; and that if the Township could move into a position where everything that is capital isn't paid for with Capital Funds which are borrowed money and using surpluses for capital expenses, not recurring expenses, that is more along the lines of what she thinks. Mr. Strigh explained part of the ordinance they are proposing as far as reducing debt would be to adopt a self-imposed a borrowing limit and that number would be up to the Committee; it could be 75% of the amount budgeted towards capital improvements so if they borrow \$3 million and budget \$4 million they would always be paying off debt faster than they accrue it. Mrs. Dix asked if Mr. Strigh was suggesting a 75% loan with a 25% down payment instead to the current regulation of 5% down with 95% borrowed. Mr. Strigh explained he was saying to budget \$4 million if you borrow \$3 million and the extra million would go to bring down debt; if that is done every year it will eventually get down to nothing; and then all that is being done is short term borrowing. Mr. Jacobs explained this year's budget contains \$2.7 million in principal for payments of bonds from prior years and, at 75% of that, the most the Committee could borrow would be about \$2 million. He said the Township has been doing \$1.5 million so 75% might be too high but that would be up to the Committee and the logic is that you would never borrow as much as you are paying off until the debt is gone. Mr. Jacobs explained the way this ordinance is set up there would be a bond ordinance at one meeting and the way this ordinance is set up there would have to be a separate meeting on that so the public would be given 4 meetings worth of information as opposed to 2. Dr. Kesselman commented on colleges and universities having ratios that guide their budgetary practices and asked if there are specific budget performance indicators and ratios that municipal government should abide by. Mr. Jacobs explained the State limits the municipal borrowing maximum. Dr. Kesselman asked what indicators in general existed that would suggest a municipality is financially healthy. Mr. Jacobs said he thinks some of this is new ground for municipalities. He explained that according to the State the Township could borrow \$70 million. Mr. Strigh commented on finding in one of the presentations several years ago that the Township had a net debt of \$22 million and could have borrowed up to \$72 million which he thinks is based on the township ratables. Dr. Kesselman asked if there was an optimal salary to non-salary ratios. Mr. Jacobs explained he compares similar town but you have to be careful in selecting comparisons because some provide trash or water and sewer and some don't. Mayor Silva said the audit will tell you how you are doing financially. He said Dr. Kesselman had to take a lot of credit for the Strategic Planning process, all those who participated in it and felt strongly enough to come out and be heard; that he thought Dr. Kesselman was able to pull everything together to come up with the presentations necessary to arrive at these conclusions. Mayor Silva commented on the Committee learning over the last 2 or 3 years that one-time gimmicks don't work and pay-as-you-go is the way to go. He commented on the Committee trying to resolve the financial issues of the community, still make it livable so people can afford to stay here, and deal with the obligation to provide a certain level of services with minimal staff. The Mayor said he thinks the Committee has a clear set of documents with the Master Plan, community involvement, and the affordability report. He said he knows each of the Committee Members feels very strong about keeping the Township on firm footing. The Mayor thanked every body and said those sitting on Township Committee take their elective responsibilities very seriously and if they didn't the Township wouldn't be in the financial position it is in today. Mayor Silva commented hoping to be in a position to present a state of the Community report in July for half of the year and looking at 2013.

There was no executive session and no executive session confirmations.

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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 following items be added to the agenda for consideration and action to be taken thereon tonight:

6.H Amend May 7, 2012 resolution re: V.F.W. Post 220 coin drop requests to delete the June 2 & 3, 2012 dates and August 11 & 12, 2012 due to unexpected death of the former Commander Allen Rhodes.

7.B Insert bill list total: \$1,637,836.78.

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 questioned the purpose of creating No Parking Zones on Leipzig Avenue. Chief Tappeiner explained there have been significant parking issues there and there is a concern about kids coming out between cars and parking on the grass berm adjacent to the roadway. He explained the Ordinance is to prevent parking from about 720 or 500 feet from Drosera south to about where the little pond is on both sides of the roadway; if the Committee adopts it the Freeholders will adopt a concurrent ordinance; and then the Police Department can enforce it. Mr. Percy questioned why all areas of the municipality weren't being looked at. He suggested Victoria Crossing be looked because with parking on both sides of the street a fire truck couldn't get through there; that an analysis of all other areas be done; and one no parking ordinance for all areas be done at one time. Mrs. Dix said Mr. Percy is referring to Township streets and Leipzig is a County Road. She said she would rather keep County Roads separate from Township Streets because they have to go to the County for their blessing. Mr. Percy said he didn't see the difference and if an analysis of parking problems is going to be done it made more sense to do it all at one time. Chief Tappeiner explained the Victoria Crossing management brought the issue to the Police Department; that the Police Department told them that they had to poll their residents to see what they wanted; that making it one-way or parking on one side and not the other may sound like appear to be a good solution and the police wanted to make sure the community endorsed it before they recommended something that half the residents like and the other half doesn't. The Chief said it is in their hands and he can make some kind of recommendation as soon as the police hear back from them. Mr. Cain said each area comes with its own set of challenges. He explained the Committee is working diligently on a plan for Underhill Park and hopes to present something that is palatable to the public, to the associations and has the best interests in safety of the children at heart. He said he would rather see this one done tonight and move on correcting others as needed. Mr. Cain commented on doing an evaluation taking time so this one wouldn't get done for months; something could happen; the Committee realizes there is a need; and he thinks they should address it and move forward. Mr. Percy asked how long the police have been working on Victoria Crossing. Chief Tappeiner said it was about 2½ months. He explained they go into the community to get feed back and if there is an obvious risk they will deal with it. The Chief said it is still in their hands at this point; the police facilitated discussion; the property managers are meeting with the residents to find out what the best solution is; he thinks that is the best way to handle it; and they can discuss it once a decision is made. Mr. Sandman explained the Planning Board has a traffic engineer who analyzes the width of the lanes and parking; provides a written report to the Planning Board members; it takes into account things like fire truck access and turn-arounds; and all of that is built into the plan when those subdivision applications go before the Planning Board. Ms. Gatto said it all goes back to the appointments to the Planning Board and the Board carrying out the vision of the Township Committee. Mr. Cain said he is sure there were rules when those plans were approved. Mrs. Dix commented on nobody anticipating the post office saying everybody gets a mailbox at the street. She commented on parking being at a premium, especially on Tryens Drive with the tiny,

narrow lots mandated by Pinelands, the streets maybe being 24 or 26 foot wide instead of 28 to 30 feet, driveways and curb cuts. She said she didn't attend the workshop meetings because they were during the day but she is sure this wasn't realized at the time it was approved. Mrs. Dix said it will keep happening as the subdivisions that are on the books but not built come into being. Mayor Silva commented on the turning radius in Victoria Crossing being very short and said he is sure that is the problem they are trying to overcome now but they have no other choice. He said they probably couldn't get a ladder truck in there and would have to park on the street and run the hose all the way up to the structure.

Live Where You Work Program:

Mr. Jacobs explained the Township Committee voted to support the program in June of 2010; there are some obligations and expense involved to make it happen; the estimated expense is \$700.00; the Committee is being asked to authorize the Mayor to sign the agreement to complete what was voted for. He explained the program is for reduced financing and some financial assistance for down payments; reduced interest rates for residents who would like to live and work in Hamilton Township; and is an incentive to reduce congestion on the roads and pollution created by it. Mrs. Dix commented on seeing an item in the document about printing 25,000 brochures and on Ingrid (Perez) having gotten 500 printed for Clean Communities for \$676.00. Mr. Jacobs explained Lisa (Hedrick) spoke to (HMFA) today and they recommend about 5,000 brochures for a town of this size and the estimated cost is \$700.00. Mr. Cain commented on the item saying "up to \$3,000.00". Mr. Jacobs explained that is the commitment that was in their information. Mrs. Dix questioned the source of funds. Mr. Jacobs explained the Committee voted to do this; this is the next step; and there is money in his operating budget. He explained the Township can accept money from people towards the cost of the brochure but cannot put their name or logos on the brochure; a webpage will be created where that information will be put; if someone wants to offer 10% off moving expenses to a citizen coming to town, that can be on the website so people can see it and get the incentive. Mrs. Dix asked if that meant that no commercial enterprises could have their name on the brochures. Mr. Jacobs that was correct. Mr. Cain asked if anyone who wanted to pay would have an opportunity to be on the website. Mr. Jacobs said they can offer an incentive for people to go through the program; they could put that on the website or create a link; and if someone wants to donate, they can. He explained the Township can't promote them on the brochure but can on the website. Mrs. Dix asked if identifying the 10 employers in the Township employing the most people would be done through Mr. Sartorio's office or it be gotten from demographics at the college. Mr. Jacob said he wasn't sure how the Township would get the information but he is sure Lisa (Hedrick) will get it. Ms. Gatto commented on being the one who brought the program to the Township Committee for consideration and said that they had a very productive meeting with gentleman who runs the program when he came to explain it to them and they seem very organized with it. She said she thinks it is something great the Township can offer to its residents, especially with the Industrial Commission, the Committee's efforts to be more business friendly and attract people into town; that it falls within the Quality of Life presentation in terms of affordability; that she fully supports it; that it is shame the Committee didn't take these steps right after they approved it; and that it is time to take the next step and get the brochures out particularly with the Hometown Celebration coming up and the requirement that the Township have a table at a community event. Mr. Jacobs said they will have them there if they are done in time and if not, they will be at the Fall Festival. Ms. Gatto said she thought that with the incentives any of the local businesses can offer, the merchants need to be engaged in the program as well.

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

WHEREAS, On June 7, 2010, the Township Committee voted to participate in the Live Where You Work Program,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor is hereby authorized to sign the Live Where You Work (LWYW) Memorandum of Understanding (Agreement) with the New Jersey Housing and Mortgage Finance Agency.

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

Changing Maintenance Guarantee release procedures:

Mr. Sandman explained that performance bonds don't expire until the Township accepts the work and that it requires an affirmative act of the Township Committee but maintenance bonds are for a fixed term and the stormwater system bonds are for four years. He explained it cuts it close for taking action where the developer isn't reacting the way it is done now. Mr. Sandman commented on having recommended at the last meeting that it be changed from the current 60 days to create a system where the Clerk would have a tickler system; when they are 6 months from expiration a letter would go to the Engineer; the Engineer would promptly conduct an inspection, prepare a punch list or recommend that the bond be allowed to expire; the Engineer would give them 3 months to complete the punch list items; and if it were not done at the end of 3 months he, Township Committee and developer would all be notified at the same time so that he had time to react. He said some of the bonds require the Township actually make a claim that could mean filing a suit or simply putting them on notice and he, or whoever is the Township Solicitor, would need the extra time. Mr. Sandman said it takes a lot off of the Engineer; that he thinks it is a better system; and that it promotes some of the things the Strategic Planning talked about in terms of accountability.

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

RESOLUTION AUTHORIZING THE CHANGE
IN GUARANTEE MAINTENANCE
RELEASE PROCEDURES

WHEREAS, various provisions of the Hamilton Township Land and Development Ordinance require the posting of maintenance bonds; and

WHEREAS, the Planning Board, by and through its Decisions and Resolutions, routinely require the posting of maintenance bonds with respect to subdivisions and site plan applications; and

WHEREAS, it is in the Township's best interest to create a policy and procedure with respect to the process of inspection of lands for purposes of considering the release of maintenance bonds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee for the Township of Hamilton, County of Atlantic and State of New Jersey, by and through the Governing Body, that the Township shall adopt the following administrative procedures as it relates to maintenance bonds:

1. The Municipal Clerk's Office shall create a follow-up system and shall notify the Municipal Engineer six (6) months before the expiration of the maintenance bond of the date of expiration.

2. The Municipal Engineer, after notice by the Clerk's Office, shall promptly conduct an inspection of the property which is subject to the maintenance bond and shall, within five (5) days after the inspection, submit a written report to the Governing Body. The written report of the Municipal Engineer shall either recommend expiration of the maintenance bond or provide a punch list of items to

be conducted on the property by the Owner/Developer. That report shall be submitted to the Municipal Solicitor and the Owner/Developer at the same time it is submitted to the Governing Body.

3. If the Municipal Engineer recommends certain maintenance items to be performed before the expiration of the maintenance bond, they must be completed by the Owner/Developer three (3) months before the expiration date of the maintenance bond.

4. In the event that the Owner/Developer does not timely complete the punch list maintenance items, the Governing Body may recommend that the Municipal Solicitor file a claim against the bond before its expiration.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

ATTEST:

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

ROGER SILVA, MAYOR

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

RESOLUTION ADOPTED MAY 21, 2012.

Amending Chapters 33 & 94 of the Township Code re: ESAB & VAB:

Mr. Jacobs explained the amendment will clearly make the Emergency Services Advisory Board (ESAB) and Veterans' Advisory Board (VAB) exempt from the Open Public Meetings Act. He commented on that having been the intent because they are purely advisory. Mr. Jacobs commented on knowing that the VAB has some other things they may want in an ordinance later. He explained they don't have secretaries now and with the amendment their minutes won't have to be as long but they still have to post their meeting dates. Mrs. Dix asked if they will have to keep attendance records. Mr. Jacobs explained they aren't required to do anything and that under the law, a purely advisory board doesn't have to comply with the Open Public Meetings Act. He said the language about a budget and how they are to act was taken out. Ms. Gatto asked if not keeping attendance records contradicted the other Township Ordinance about volunteers on Boards and Commissions having to meet certain attendance standards. Mr. Jacobs explained there may a difference in what the law requires and what the Committee may want and, if they want attendance records, they can have them but the Boards wouldn't be in violation of the law if somebody couldn't find that record. Mr. Jacobs explained it would be the same with advertising their meetings, they wouldn't be required to do that by law but the Committee may want them to do it. Ms. Gatto asked how the Committee would memorialize it because she thinks the Committee would want to at least keep a record of attendance. Mr. Jacobs explained that isn't in the Ordinance now and the Committee would simply ask for it. He said someone on the board will have to reduce their motions and recommendations to writing and send them to the Committee so they can be put on agenda. Mr. Jacobs explained this is to keep them from getting into trouble by accident. Mrs. Dix said her concern is that the Township can't respond to an OPRA request if there are no records; that this is saying they don't have to comply with the Open Public Meeting Act and therefore don't to keep those kinds of records; and the only record would be if they decided to send a recommendation to town hall.

May 21, 2012

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1720-2012 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise in the Atlantic County Record for a public hearing to be held at 6:30 PM on Monday, June 4, 2012 in the municipal building, Mays Landing, New Jersey.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

ORDINANCE # 1720-2012

AN AMENDING ORDINANCE TO CLARIFY THAT THE EMERGENCY SERVICES BOARD AND THE VETERANS ADVISORY BOARDS ARE BOTH ADVISORY BOARDS AS DEFINED IN THE OPEN PUBLIC MEETINGS ACT

WHEREAS, recently it has been determined that the language creating the Emergency Services Advisory Board and the Veterans Advisory Board need to be amended to clarify their standings as advisory boards as defined in the Open Public Meetings Act; and

WHEREAS, this amendment does not change the scope of issues addressed by these two boards; and

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

SECTION 1. Chapter 23; Emergency Services Advisory Board be amended as follows:

Chapter 23, sub-section 5 DUTIES OF BOARD; be amended by inserting the following sentence at the beginning of the sub-section:

“To advise the Township Committee on the following matters:”

SECTION 2. Chapter 94; Veterans Advisory Board be amended as follows:

Chapter 94, sub-section 3 INTENT; be amended by deleting this sub-section and replacing it with the following new sub-section:

94-3 INTENT

It is the intent of this chapter that the Veterans' Advisory Board shall be solely an advisory board consisting of volunteers appointed by the Township Committee.

Notwithstanding its status as an advisory board which is not subject to the Open Public Meetings Act, the Veterans Advisory Board will provide a schedule of its meetings to the Township Clerk who will advertise the meetings. In addition, any recommendations made by the Board to the Committee shall be reduced to writing, signed by the Chairperson, and sent to the Township Clerk for placement on the next Committee Agenda. The Board shall have no authority to expend any funds, and no funds shall be appropriated in the budget for the Board. Any projects which require Township funding would go through the Township Committee as part of the recommendation to approve the project.

BE IT FURTHER ORDAINED that if any portion of this ordinance is adjudged invalid, such adjudication shall apply only to that portion and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST:

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

JOAN ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

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

ORDINANCE #1720-2012 INTRODUCED AND PASSED FIRST READING ON MAY 21, 2012.

No Parking Ordinance for Leipzig Avenue:

Mrs. Dix commented on having discussed this with Chief Tappeiner and suggesting the zone start 500' south of Drosera instead of 720' because she feels the closer it goes to Drosera the more likely people won't park and walk down the street. Chief said 500' makes sense and that Wade Smith, the in-house traffic expert, said it would be fine. Mrs. Dix commented asking a gentleman on Saturday why he was parked on the grass and he said the Baseball Commissioner told him could park there because of the amount of equipment they have to haul to the ball field. She commented on the Underhill Coaches being asked to park at Third Street and said she didn't know if that means they are to park there and haul everything (to the fields) which is a much greater distance than from the parking lot at Liepe to the softball fields. Mayor Silva said if they used a little discretion they would pull the vehicle in, unload it, and then park where they are supposed to park.

Mr. Cain moved, seconded by Mrs. Dix, that the following resolution be adopted with the distance in Section 1 being changed from 720' to 500' south of Drosera.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1721-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the Atlantic County Record for a public hearing to be held at 6:30 PM on Monday, June 4, 2012 in the municipal building, Mays Landing, New Jersey.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE #1721-2012

AN ORDINANCE AMENDING CHAPTER 301 ARTICLE I, OF THE CODE OF THE TOWNSHIP OF HAMILTON TO CREATING A NO PARKING ZONE ON A PORTION OF LEIPZIG AVENUE (CR 670) IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY IN THE AREA OF THE TOWNSHIP RECREATION FACILITY KNOWN AS THE LIEPE TRACT.

WHEREAS, the Township Committee of the Township of Hamilton deems it to be in the best interest of public safety to establish a NO PARKING ZONE on a portion of Leipzig Avenue (CR 670) in the vicinity of the Hamilton Township Recreation Facility commonly known as the Liepe Tract in order to ensure and improve both pedestrian and motorist safety; and

WHEREAS, the Hamilton Township Police Department Traffic Safety Unit has reviewed the area and made certain recommendations,

May 21, 2012

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the Atlantic County of Atlantic, and State of New Jersey, that the Chapter 301 of the Code of the Township of Hamilton be amended as follows as recommended by the Hamilton Township Police Department:

SECTION 1. The Code of the Township of Hamilton, Chapter 301, Article I, 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 and the Southbound sides of Leipzig Avenue (CR 679) abutting the Northbound and Southbound travel lanes starting at a point 500 feet south of the intersection of Leipzig Avenue with Drosera Avenue and extending a distance 1,750 feet to a point 2,250 feet south of the intersection of Leipzig Avenue with Drosera Avenue.

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

ROGER SILVA, MAYOR

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

ORDINANCE #1721-2012 INTRODUCED & PASSED FIRST READING ON MAY 21, 2012.

Amendments to Developmental Ordinance:

Mr. Sartorio said the Planning Board adopted the Master Plan Reexamination Report last Thursday night dealing with the Forestry, Wetlands and Pinelands Clustered Development Standards and recommended this Ordinance. He explained the major components are changes to forestry as established by Pinelands standards and procedures; clustering of new development in the rural development area substantially consistent with the Pinelands Comprehensive Management Plan going forward for developments not on existing lots of record; that clustering meant that instead of having a 10 acre lot for each home in the FA-10 zone, developers will be compelled to cluster down so that the homes are developed on 1 acre lots with the residual land being used for common purposes or held as one master lot. He said the Planning Board made several modifications from the Pinelands recommendation primarily with the density bonus provisions in the Pinelands model. Mr. Sartorio explained that in this recommendation to Township Committee, the development would not be eligible implementing the bonuses if the land was aggregated prior to April 6, 2009; the bonus density would be calculated on uplands areas within the entire parcel; on individual development lots, at least 50% of the lot has to be buildable with no wetlands or buffer restrictions; and they are deleting the footnote language about a 1-acre minimum lot size for developments in the Pinelands low-growth area not served by the MUA and making it a minimum 1-acre lot anywhere in the low-growth area. He said the last change goes back to the 2006 Master Plan Re-examination Report dealing with Consumer Square. He explained it is currently zoned residential; that it was approved with a use variance and has been that all the time; and that the zoning change is to recognize the existing use. Mrs. Dix asked if the minimum in the low growth area is 1 acre now. Mr. Sartorio explained density is 1 acre; there are several notes on the schedule that say a minimum 1 acre; but one section says "in the Pinelands area it shall be a minimum 1 acre if not served by water and sewer". Mrs. Dix commented on Harding Lakes and Hamilton Woods being zoned growth low; that meant every lot there is undersized; and they are all served by water and sewer. She asked if they would have to come to the Zoning Board for permission to build on any of the vacant lots under this. Mr. Sartorio said this Ordinance creates exceptions for Harding Lakes, Hamilton Woods, Misty Pines and Hamilton Point. Mrs. Dix commented on wanting property owners to be able to build if they chose to without a red-tape hassle. Mr. Cain said this was discussed for months; the Planning Board had Pinelands come to speak to them; that the Planning Board objective was to minimize the impact of something being forced on the Township as a whole; and he thinks they came up with a very viable compromise. Ms. Gatto asked Mr. Sartorio to give the public the layman's term explanation of the 100 acre clustering. Mr. Sartorio explained a 100 acre parcel in the 10-acre minimum Forest Area is allowed to be divided it into ten 10 acre lots; under the clustering requirements you can still have 10 lots; at least 9 lots would be 1 acre; the tenth lot is the common space like the Homeowners' Association has that has to be maintained; it can be part of the mother lot with a house on it or held as common open space. He explained it clusters the length of roads that have to be maintained by the Township and utilities that have to be run out there into a small area. Ms. Gatto commented on it keeping to a 10 acre radius that has to be maintained, paved, snow plowed, to get a fire truck or an ambulance down; it keeps it closer together while preserving the acreage the way the Township wants to do it for the area. Mr. Cain commented on that being one of the benefits of clustering and said the purpose is to have the developer aggregate land and to increase in density and homeownership. He said the Board agrees with the clustering concept and believes developers are getting an inherent value by putting in less miles of road, less road openings and less utilities. Mr. Cain that is what they spent so much time discussing, came up with a real good alternative and made significant changes that they hope will ultimately be adopted. Ms. Gatto said she didn't necessarily agree with what was being pushed on the Township but she thinks it is a good, solid Ordinance given what they have to swallow. Mr. Sandman explained for the record that there are very rigorous requirements whenever the you amend a Land Use Ordinance He

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explained this amendment changes the classifications and boundary of a zoning district which triggers a notice requirement but that notice excludes classifications or boundary changes recommended in a periodic general re-examination of the Master Plan and all of the recommendations came out of the most recently enacted reexamination last week and/or the 2006 Master Plan reexamination so that alleviates the need for the notice.

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 Ordinance #1722-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the Atlantic County Record for a public hearing to be held at 6:30 PM on Monday, June 4, 2012, in the municipal building, Mays Landing, New Jersey.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1722-2012

AN ORDINANCE AMENDING CHAPTER 203, KNOWN AS THE LAND USE AND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HAMILTON TO: ADOPT AMENDED STANDARDS FOR WETLANDS MANAGEMENT AND FORESTRY; NEW STANDARDS FOR RESIDENTIAL CLUSTER DEVELOPMENTS IN THE PINELANDS FOREST AND RURAL DEVELOPMENT AREAS; CLARIFY THE MINIMUM LOT AREA REQUIREMENTS FOR LOTS IN THE GROWTH AREA; AND CHANGE THE ZONING DESIGNATION OF BLOCK 1319 TO DESIGN COMMERCIAL.

WHEREAS, the New Jersey Pinelands Commission has adopted amendments to the Pinelands Comprehensive Management Plan creating or amending standards for cluster development in Forest and Rural Development Areas, wetlands management and forestry; and,

WHEREAS, the Hamilton Township Planning Board has undertaken a reexamination of the Master Plan for the purpose of evaluating the above referenced amendments to the Pinelands CMP; and,

WHEREAS, on May 17, 2012 the Planning Board adopted the Reexamination Report of the Master Plan and also recommended to Township Committee the amendment of the Land Use and Development Ordinance to amend standards for Wetlands Management and Forestry and new standards for residential cluster developments in Forest and Rural Development Areas.

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

SECTION 1. Chapter 203, Land Use and Development, of the Code of the Township of Hamilton is hereby amended as follows:

- A. Amend Article III, Definitions and Word Usage, §203-18, Definitions by adding or amending the following definitions:

ARTIFICIAL REGENERATION - The establishment of tree cover through direct or supplemental seeding or planting.

BEDDING – A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

BROADCAST SCARIFICATION - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

CLEARCUTTING - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clearcutting typically results in the removal of all woody

vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

COPPICING - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

DISKING - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area

DRUM CHOPPING - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

FOREST STAND - A uniform group of trees of similar species, composition, size, age and similar forest structure.

GROUP SELECTION - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

IMPERMEABLE SURFACE — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

IMPERVIOUS SURFACE — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

INDIVIDUAL SELECTION - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

NATURAL REGENERATION - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

PERMEABILITY - The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

PINELANDS NATIVE FOREST TYPE – See N.J.A.C. 7:50-6.43.

RESOURCE MANAGEMENT SYSTEM PLAN- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

ROOT RAKING - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

SEED TREE CUT - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

SHELTERWOOD CUT - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelterwood cut involves the establishment of the new forest stand before the old forest stand is removed.

THINNING - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

WETLANDS MANAGEMENT - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

YIELD PLAN: A plan prepared in accordance with the underlying zoning and subdivision regulations which documents and quantifies the permitted number of units for a given parcel.

- B. Amend the Zoning Map identified in Article II, Districts, §203-12, District boundaries; Zoning Map, sub-section B(1) to change the zoning designation of Block 1319 from GA-I (Growth Area – Intensive) to DC (Design Commercial).
- C. Amend Article V, Forest Area Districts, Sections 203-27, Purpose, to incorporate the following as new Section 203-27.D.:

D. In the FA-10, FA-25 and FA-70 Districts, clustering of single-family detached dwellings in accordance with §203-196.1 shall be required whenever two or more units are proposed as part of a residential development.

- D. Amend Article V, Forest Area Districts, §203-28, Permitted and accessory uses, by revising the title of the section to read “Permitted, accessory and conditional uses”.
- E. Amend Article V, Forest Area Districts, §203-28A, by replacing “Single-family residential (See also Article XVI, §203-202, and Article VI, §203-193) with the following:

		FA-10	FA-25	FA-70	
Clustered residential development §203-196.1)	X		X		X (See
Single-family residential on existing record (See also Article XVI, §203-202, and Article VI, §203-193.)	X		X		X lots of

- F. Amend Article V, Forest Area Districts, §203-28, by incorporating the following as new Section 203-28C:

C. Conditional uses shall be as follows:

Use		Districts			
		FA-10	FA-25	FA-70	
Non-clustered single-family §203-34.1)	X	X		X	residential (See

- G. Amend Article V, Forest Area Districts, by inserting the following as new Section §203-34.1:

§203-34.1 Non-Clustered Single-Family Residential Development

- A. Single-family detached dwellings which are not clustered in accordance with the standards of §203-196.1 may be permitted as a conditional use in the FA-10, FA-25 and FA-70 Districts, provided that:

- (1) The Planning Board finds that:
 - (a) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
 - (b) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
- (2) Minimum lot area and bulk requirements shall be consistent with those set forth in §203-29 .

H. Amend Article VI, Rural Development Districts, Sections 203-35 to incorporate the following as new Section 203-35.D. :

D. In the RD-2.5, RD-4, RD-5 and RD-20 Districts, clustering of single-family detached dwellings in accordance with §203-196.1 shall be required whenever two or more units are proposed as part of a residential development .

I. Amend Article VI, Rural Development Districts, Section 203-36, Permitted and accessory uses, by revising the title of the section to read, "Permitted, accessory and conditional uses.

J. Amend Article VI, Rural Development Districts, §203-36A, by replacing "Single-family residential (See also Article XV, Article VI, §203-193)" with the following:

	RD-1	RD-2.5	RD-4	RD-5	RD-20
Clustered residential development (See §203-196.1)		X	X	X	X
Single-family residential on existing lots of record (See also Article XVI, §203-202, and Article VI, §203-193.)	X	X	X	X	X

K. Amend Article VI, Rural Development Districts, §203-36, by adding the following as Section 203-36C:

C. Conditional uses shall be as follows:

Use	Districts				
	RD-1	RD-2.5	RD-4	RD-5	RD-20
Non-clustered single-family residential (See §203-34.1)	X	X	X	X	

L. Amend Article VI, Rural Development Districts, is hereby amended by adding the following as Section 203-42.1:

§203-42.1 Non-Clustered Single-Family Residential Development

A. Single-family detached dwellings which are not clustered in accordance with the standards of §203-196.1 may be permitted as a conditional use in the RD-2.5, RD-4, RD-5 and RD-20 Districts, provided that:

- (1) The Planning Board finds that:
 - (a) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
 - (b) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
- (2) Minimum lot area and bulk requirements shall be consistent with those set forth in §203-3

M. Amend Article VII, Regional Growth Districts, §203-45, Area and bulk requirements, Table 7.1 Note 7. to delete the words "In the Pinelands Area" from the beginning of the second sentence.

N. Amend Article XV, Special Regulations, §203-171, Development credit criteria, by replacing Section 203-171F(2) with the following:

(2) Such deed restriction shall specify the number of Pinelands development credits sold and that the property may only be used in perpetuity for the following uses in the Agricultural District: agriculture; forestry; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no

more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces; fish and wildlife management; wetlands management; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; airports and heliports accessory to agricultural uses and which are used exclusively for the storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; and agricultural products processing facilities.

- O. Amend Article XV, Special Regulations, §203-174, Forestry operations, is hereby amended by replacing Sections 203-174C and D, in their entirety, with the following:

C. Forestry application requirements. The information in C(1) or C(2) below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit:

(1) For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Pinelands Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.

(2) For all other forestry applications:

- (a) The applicant's name and address and his interest in the subject parcel;
- (b) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
- (c) The description, including block and lot designation and street address, if any, of the subject parcel;
- (d) A description of all existing uses of the subject parcel;
- (e) A brief written statement generally describing the proposed forestry operation;
- (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
- (g) A forestry management plan that includes, as appropriate:
 - [1] A cover page for the plan containing:
 - [a] The name, mailing address and telephone number of the owner of the subject parcel;
 - [b] The municipality and county in which the subject parcel is located;
 - [c] The block and lot designation and street address, if any, of the subject parcel;
 - [d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [e] The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
 - [2] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;
 - [3] A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:
 - [a] The number of acres;
 - [b] The general condition and quality of each stand;
 - [c] The overall site quality, relative to the management goals and objectives
 - [d] An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;

- [e] The age of representative trees;
- [f] The species composition, including overstory, understory, ground layer structure and composition;
- [g] The stand cohort composition;
- [h] The percent cover;
- [i] The basal area;
- [j] The structure, including age classes, diameter breast height (DBH) classes and crown classes;
- [k] The condition and species composition of advanced regeneration when applicable;
- [l] A stocking table showing the stocking levels, growth rates and volume;
- [m] Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;
 - [n] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:
 - [i] Stand improvement practices;
 - [ii] Site preparation practices;
 - [iii] Harvesting practices;
 - [iv] Regeneration and reforestation practices;
 - [v] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
 - [vi] Herbicide treatments;
 - [vii] Silvicultural treatment alternatives;
 - [viii] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
 - [ix] Implementation instructions; and
 - [x] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
 - [o] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and
- [4] A map of the entire parcel which includes the following:
 - [a] The owner's name, address and the date the map was prepared;
 - [b] An arrow designating the north direction;
 - [c] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
 - [d] The location of all property lines;
 - [e] A delineation of the physical features such as roads,
 - [f] The identification of soil types (a separate map may be used for this purpose);
 - [g] A map inset showing the location of the parcel in relation to the local area;
 - [h] Clear location of the area and acreage in which each smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
 - [i] A legend defining the symbols appearing on the

- (h) A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in §§203-198R and T;
- (i) A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with §203-209B;
- (j) A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Subsection D(9)(b) below;
- (k) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;
- (l) Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in Subsection D. below; and
- (m) A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and
- (n) When prior approval for the forestry activities has been granted by the Zoning Officer or other city approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to §203-9E of Article I.

D. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:

- (1) All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;
- (2) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;
- (3) The following actions shall be required to encourage the establishment, restoration or regeneration of Gloucester White Cedar in cedar and hardwood swamps:
 - (a) Clearcutting cedar and managing slash;
 - (b) Controlling competition by other plant species;
 - (c) Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
 - (d) Utilizing existing streams as cutting boundaries, where practical;
 - (e) Harvesting during dry periods or when the ground is frozen; and
 - (f) Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.
- (4) All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in §§203-198R and T. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands, may be utilized as a guide for meeting these standards;
- (5) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50 6.79, except as expressly authorized in this section;
- (6) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in §203-209B;

(7) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Gloucester White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;

(8) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:

- (a) Minimize changes to surface and ground water hydrology;
- (b) Minimize changes to temperature and other existing surface water quality and conditions;
- (c) Prevent unnecessary soil erosion, siltation and sedimentation; and
- (d) Minimize unnecessary disturbances to aquatic and forest habitats.

(9) The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:

(a) In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;

(b) Herbicide treatments shall be permitted, provided that:

[1] The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to Subsection C(2)(j) above;

[2] Control of competitive plant species is clearly necessary;

[3] Control of competitive plant species by other, non-chemical means is not practical;

[4] All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and

[5] In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;

(c) Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;

(d) Disking shall be permitted, provided that:

[1] It shall not be permitted in Pine Plains Native Forest Types;

[2] Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration, and shall be limited as follows:

[a] Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and

[b] Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.

[3] It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Gloucester White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

[4] It shall follow land contours when slopes are discernible;

(e) Root raking shall be permitted, provided that:

[1] It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;

[2] When used to establish, restore or regenerate Gloucester White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

[3] Root raking debris shall not be piled in wetlands;

(f) Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and

(g) Drum chopping shall be permitted, provided that:

[1] It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuelbreaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;

[2] It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Gloucester White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and

[3] It shall adhere to the following procedures:

[a] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;

[b] Drums shall remain unfilled when used during the dormant season;

[c] Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;

d] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and

[e] Avoid short-radius, 180-degree turns at the end of each straight pass.

(10) The following standards shall apply to silvicultural practices for harvesting:

(a) Clearcutting shall be permitted, provided that:

[1] It shall not be permitted in Pine Plains Native Forest Types;

[2] It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;

[3] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clear-cut and the parcel boundaries;

[4] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clear-cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

[5] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and

[6] The area of the parcel subject to the clear-cut shall have contoured edges unless the boundary of the clear-cut serves as a firebreak in which case straight edges may be used;

(b) Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:

[1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;

[2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;

[3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in

width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

[4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and

[5] The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;

(c) Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:

[1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;

[2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;

[3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

[4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;

[5] The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;

[6] Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and

[7] Residual seed trees shall be distributed evenly throughout the parcel; and

(d) Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.

(11) The following standards shall apply to silvicultural practices for forest regeneration:

(a) Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in Subsection (11)(b) below; and

(b) Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:

[1] The use of non-native cuttings, seedlings or seeds shall not be permitted;

[2] The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;

[3] Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and

[4] When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.

(12) Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.

(13) Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.

(14) A copy of the forestry permit issued by the Township Zoning Officer shall be conspicuously posted on the parcel which is the site of the forestry activity.

- K. Amend Article XV, Special Regulations, §203-181, Setback standards for Pinelands-designated scenic corridors, through the addition of the following as Subsection 203-181C(3):

- (3) The requirements of Subsection B above shall not apply to residential cluster developments which comply with the standards of §203-196.1.

- L. Amend Article XV, Special Regulations, §203-181, Setback standards for Pinelands-designated scenic corridors, is hereby amended through the addition of the following as Subsection 203-181C(3):

- (3) The requirements of Subsection B above shall not apply to residential cluster developments which comply with the standards of §203-196.1.

- M. Amend Article XV, Special Regulations, §203-193, Density Transfer Program, is hereby amended by replacing Section 203-193A(3) with the following:

- (3) All noncontiguous lands acquired pursuant to Subsection A(1) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

- (a) The deed of restriction shall permit the parcel to be managed for:

- [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter;

- [2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:

- [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

- [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

- [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection [2][b] above, the deed of restriction shall permit the land to be managed only in accordance with subsection a. above and shall not provide for continuation of any agricultural use on the parcel; and

- [d] The deed of restriction to be recorded pursuant to Subsection [2][a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

- (b) The deed of restriction shall be in favor of the parcel to be developed and the Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.

- N. Amend Article XV, Special Regulations, by adding the following as Section 203-196.1:

- 203-196.1 Residential Cluster Development in the Forest Area and Rural Development Districts

- A. In the FA-10, FA-25, FA-70, RD-2.5, RD-4, RD-5 and RD-20 Districts, clustering of single-family detached dwellings shall be permitted whenever two or more units are proposed as part of a residential development, except in cases where such development:

1. Conflicts with the provisions of a development transfer program established pursuant to N.J.A.C. 7:50-5.30;
 2. Is inconsistent with the standards of Subchapter 6 of the Pinelands Comprehensive Management Plan; or
 3. Disrupts the contiguity of the forest ecosystem to a greater degree than non-clustered development.
- B. The following standards shall apply to the clustering of residential development within the Forest Areas and Rural Development Areas:
- (1) Maximum density:
 - (a) In the FA-10 District: one unit per 10 acres.
 - (b) In the FA-25 District: one unit per 25 acres.
 - (c) In the FA-70 District: one unit per 70 acres.
 - (d) In the RD-2.5 District: one unit per 2.5 acres.
 - (e) In the RD-4 District: one unit per 4 acres.
 - (f) In the RD-5 District: one unit per 5 acres.
 - (g) In the RD-20 District: one unit per 20 acres.

(2) The number of base residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection B (1) above.

(3) Bonus Density:

(a) A density bonus may be applied to the cluster development and shall be calculated on the basis of the area of uplands on the parcel, exclusive of wetlands. All area must be contiguous and no outparcels shall be permitted. The density bonus shall be applied in accordance with the following table.

Upland Area Size	RD-2.5 District	RD-4 District	RD-5 District	FA-10 and RD-20 Districts	FA-25 and FA-70 Districts
< 50 acres	0	0	0	0	0
50 – 99.99 acres	0	10%	15%	20%	25%
100 – 149.99 acres	0	15%	20%	25%	30%
≥ 150 acres	0	20%	25%	30%	40%

(b) The bonus density in (a) above shall not apply to parcels in common ownership as of April 6, 2009. In order to be eligible for the Bonus Density provided in (a) above, an applicant must document the acquisition of additional vacant, contiguous land on or after April 6, 2009. Such land must be included in the application for cluster development and result in the preservation of a larger area of open space. Upon the acquisition of such lands, the bonus density set forth in (a) above shall apply to the entire contiguous parcel which is the subject of the cluster development application.

(4) The residential cluster shall be located on the parcel such that the development area:

- (a) Is located proximate to existing roads;
- (b) Is located proximate to existing developed sites on adjacent or nearby parcels;
- (c) Is or will be appropriately buffered from adjoining or nearby non-residential land uses;
- (d) Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.

(5) Development within the residential cluster shall be designed as follows:

- (a) Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
- (b) Each lot within the residential cluster must contain a minimum of 50% of upland, developable area exclusive of all wetlands and wetland buffers;
- (c) The minimum bulk requirements specified in §203-37A for residential development in the RD-1 District shall apply;

- (d) Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §203-186B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with Subsection (5)(b)[2] below, individual on-site septic waste water treatment systems shall comply with the standards of §§203-186B(5) and (10). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§203-186B(5) and (10) shall also be permitted;
 - (e) The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 - (f) Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- (6) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Township of Hamilton or incorporated as part of one of the lots within the cluster development area.
- (a) All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - (b) The deed of restriction shall permit the parcel to be managed for:
 - [1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 203;
 - [2] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:
 - [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
 - [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;
 - [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsections (2)[a] or [b] above, the deed of restriction shall permit the land to be managed only in accordance with b(1) above and shall not provide for continuation of any agricultural use on the parcel;
 - [d] The deed of restriction to be recorded pursuant to Subsections (2)[a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and
 - [e] For parcels which meet the standards of Subsections (2)[a] or [b] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

SECTION 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

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

JOAN ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

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

ORDINANCE #1720-2012 INTRODUCED AND PASSED FIRST READING ON MAY 21, 2012.

Eligibility for LOSAP Distribution:

Mr. Jacobs explained LOSAP is the Length of Service Program where the Township puts money into an account for volunteers who provide a certain level of service by gaining points through participation. He explained that currently a volunteer must separate from volunteer service to take the money out and said they may not be the person who goes in the house to fight the fire because they are a little older or may have a situation with health but they can drive the truck or do other services. Mr. Jacobs explained this changes the requirement for separation from service to be that if they have reached the age of 55 they can continue to volunteer and start taking their contributions out. He explained there is an IRS requirement that Township can't continue to contribute to their LOSAP account if the volunteer elects to take their accumulated contributions; they can continue to volunteer but they won't get additional LOSAP contributions. Mr. Jacobs said this was reviewed and recommended for approval by the Emergency Services Advisory Board. Ms. Gatto said it was discussed at their last meeting and everybody was in agreement with it. She commented on there being some members their 80's who haven't been able to start collecting because of the rule and now they will be able to start getting the benefits of the contribution.

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 eligibility requirements for participants in the Township of Hamilton Length of Service Program (LOSAP) to receive their Vested Accumulated Deferrals be and are hereby changed to read as follows:

"Eligibility for distributions to participant. LOSAP Participants will be eligible to receive their Vested Accumulated Deferrals in one or more installments once they have provided written notice to the Township requesting their membership in the LOSAP be terminated (no future contributions shall be made by the Township on their behalf) and they meet one or more of the . Separation from volunteer service.

May 21, 2012

. Reached the age of 55 (while still serving or not serving as a volunteer).

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

Charitable clothing bins:

Mr. Jacobs explained a number of inquiries were received about the bins bright colors, conflicts with the Historic District, and placing them anywhere without a permit because they block the line of sight or they create or generate litter. He explained he was asked to look into what the Township could do and that it seems 99% of it can be done without a Township Ordinance. Mr. Jacobs explained the State passed a law several years ago with very strict guidelines for what they have to do; that the only thing the Township can't do without an ordinance is charge a permit fee for a clothing bin and assess a fine; it can charge \$25.00 which is the same as the price of a zoning permit; and there is probably a fine for violation of the Zoning Ordinance. He said he didn't think the Township Committee needs to do an ordinance at this time. Mr. Jacobs said the Township can remove the bins if they don't comply and that he believes the Township can start enforcement now. He commented on it being good to have it on the agenda for discussion because there are going to be complaints if and when the Township starts enforcing the law that is already on the books. He said they are on those properties because somebody wanted to put them there and somebody said "yes"; now the Township is going to tell them they have to get a Zoning Permit; that they have to make sure it is a clear sight; and they have to make sure the right data is on the box so the Township knows who to call if there is litter. Ms. Gatto commented on the Linwood ordinance limiting the number of permits allowed for all clothing bins in the town to five and said she didn't see limiting the number of permits you can issue in the State Law. Mr. Jacobs said he would be concerned about trying to do that. Ms. Gatto commented on the local ordinances Mr. Jacobs provided limiting where bins could be placed within certain yardages of schools and public buildings. She said she thinks the Committee needs to discuss whether or not they want to legislate whether or not they are allowed in the Historic District. She commented on the distance between certain types of properties being 200 yards or 250 yards in the Buena ordinance and 100 yards in the Linwood ordinance. Mr. Jacobs commented on his understanding that they would be treated as an accessory structure so there would be set backs and suggested the Committee could be provided with a list of what the setbacks would be in particular zones. He said if the Committee wanted to be stricter they would need to do a separate ordinance. Mrs. Dix said the Buena Vista ordinance talked about placement within 200 yards of a school, public building or place which stores large amounts of or sells fuel or other flammable liquids or gases. She asked if the Township had a way of regulating that there isn't that kind of hazard where they want to put a bin. Ms. Gatto said that is what she talked about the Committee considering because Buena has 200 yards, Linwood has 100 yards and pretty much defines the same types of properties. She said the Committee has to decide whether they want a local ordinance that addresses these types of things if the zoning rules and State Law don't address it. Mr. Jacobs explained the first page of the Statute says they can't be within 100 yards of such hazards and the Committee could make it stricter if they wanted to. He explained he doesn't like to copy a Statute into an ordinance because if it gets amended the ordinance is inconsistent. Mrs. Dix said thinks it is redundant and she doesn't want any more ordinances than the Township has to have. Ms. Gatto said the Statute only has "the storage of or sale of fuel or other flammable liquids" whereas Buena includes certain yards away from schools, public buildings. Mr. Jacobs said he wouldn't restate the ones in the Statute. Mr. Cain said he would be very angry to see one pop up on Main Street or in the Historic District. Ms. Gatto said there is one at the gas station right in town; there is one on 322 at the motel; and the VFW has the dumpster type, not the purple box. Mayor Silva said there is one by Dunkin Donuts at Festival Mall. He said one of the problems is that it becomes a collection area for dumping stuff people want to get rid of. Mayor Silva asked Mr. Jacobs

if the Township can do any enforcement based on the State regulations and what his recommendation would be without another ordinance. Mr. Jacobs said the Township can do enforcement of what is in the State Law; that the Committee needs to understand there will be complaints once they start enforcing it; and in order to do some of the other things talked about the Committee has to start an ordinance. He suggested the Members give him a list of all the areas where they would not like to see them. Mrs. Dix explained the bins at the VFW are a revenue stream and there are credits that somehow help with their finances. She commented on them being there a long time and said she wasn't suggesting they shouldn't pay a \$25 fee if it comes down to that. Mrs. Dix said she doesn't know where else there are bins except the one at Third Street that is the major issue and the ones that have been in the shopping center. Ms. Gatto referred to the Buena ordinance requiring that the entity allowed to have a bin has to be identified as a 501C charitable organization and said she didn't see that in the Statute. Mr. Jacobs said the Committee needs an opinion from the Solicitor on that. Mrs. Dix said she thought it was supposed to be labeled as to whom the recipient of the donation is and that the ones at the VFW are. Mr. Jacobs said he thought the information is intended to make sure the property owner knows the Township will come after them as well as the person who owns the bin if they don't clean it up. He explained that under the Statute the Township can take the bin and, if they do, they know who to notify because it wasn't in compliance. Ms. Gatto said she doesn't think the Committee wants to take away any revenue from an organization that needs it, particularly a charitable one, but they want to ensure the bins are going to be in a safe accessible place and in compliance with the standards of the location it is in; if it is in the Historic District and the Committee is okay with that, it should comply with Historic District Standards; and that she doesn't think a bright purple box complies with the Historic Standards. She said it is on a front yard and it isn't stable. She said she thinks the point of having it so many yards away from a public building or school is that they don't know who is dropping stuff off and asked what kind of clientele the Committee wants to be near those buildings. Ms. Gatto said she thinks the Committee wants to enable charitable giving but in a safe and meaningful way; that she doesn't know what is the best way to do it; and that Mr. Jacobs is suggesting doing it through the zoning process. Mr. Jacobs said that if the Committee is happy with the limitations in the Statute he doesn't think they should do an ordinance just to restate but if there are things they want to do on top of that he has to know if they want a subcommittee for it; if they want to e-mail him what items they want to put in; and if they want to ask for the Planning Board to look at it. He said he didn't want to sound like he didn't want the Committee to do an ordinance but he wouldn't restate the Statute in an ordinance. Mr. Sandman said he thought the Committee should do an ordinance because the fine goes to the State if someone is charged with violation of the Statute. He explained that Section 2.6.2, is the penalty section; it doesn't provide for a fine; it provides for a written warning; a hearing; and if they don't respond to the warning the Township takes their property and auctions it off; and that isn't a great remedy in his opinion. Mr. Sandman said he didn't see that it is limited to a 501C organization in the Statute. He said the other thing is location; that there has to be some mechanism to it; and that he could see some advertising potential on them. Ms. Gatto said that is happening in other municipalities. Mr. Sandman said it would cost next to nothing if the Committee mirrored Buena Vista's ordinance with minor changes; it would provide for a fine; the money would come to the town; and it would give the Committee something to work off of. Mr. Sandman said the township could issue a violation of State Statute but it is always better off with an ordinance in terms of collecting fees. Mr. Cain commented on always being cautious of writing or creating more ordinances and said he would like to see the zoning aspect taken care of. He commented on being embarrassed for not having noticed the one because he only sees the burnt out house every time he goes by there. Mr. Cain commented on the unique character of the Historic District and said there is no place for them there. Ms. Gatto suggested the following considerations if the Committee is going forward with drafting an Ordinance: (1) a permit fee and how much if the township is going to assess it (2) restricting who can have it and

May 21, 2012

where they can put it; types of properties and yardage away from them (3) the fine. Mayor Silva said that until the new clothing bin appeared on Main Street the other bins have been there for years; they have been relatively clean; they were emptied in a timely manner; the one at the VFW was a cooperative agreement between PAL and the VFW and that he thought not denying anyone any ancillary revenue they would get from them was a good thing. He asked if anyone saw a proliferation of the new type of structure coming into the township as a result of what they saw on Main Street and said the Committee was kidding itself otherwise by coming up with an ordinance for it now rather than just enforcement and communicating with these people that it is not only in an unsafe location but there are other issues. The Mayor said the Committee probably wouldn't have done anything if it didn't appear and it has been there for 5 or 6 weeks. Ms. Gatto said it has been there for months and had to have been there before January because it was brought up at the last Mayors' Association meeting that she attended because the purple bins are coming up everywhere. She said she sees them daily while driving from Hammonton to Hamilton. Mrs. Dix commented on that property having a site plan through the Planning Board or Zoning Board after the fire and that structure is not part of the site plan. She asked if that was a basis to tell them it has to go. Mr. Sandman said the Statute specifically says it can't be within 100 yards of a gas station so they could be cited right now but the question is what teeth the Township has and the steps the Township has to take. Mr. Cain referred to the Mayor asking if the Committee saw this as a proliferation of them popping up and said Ms. Gatto just testified that it is. He suggested the Solicitor look at something. Ms. Gatto said she agreed with the Mayor about not creating another ordinance if they don't need it. Dr. Kesselman asked if a limit could be put on the number in town if an ordinance is done. Mr. Sandman explained you have to have fact finding, a basis and some evidence, to make it sustainable and not arbitrary and capricious. Dr. Kesselman asked why purple is an issue and what fact finding there was that the Township doesn't like purple. Mr. Sandman said he didn't know that it was found that they don't like purple. Ms. Gatto said there are color standards in the Historic District. Mrs. Dix said she thinks the issue is covered because it isn't supposed to be at a gas station and that is enough to make it go. Mr. Cain referred to the issue of whether they were going to become billboards being raised and said it has to be addressed to prevent it from happening. Dr. Kesselman suggested the Members provide Mr. Jacobs with suggestions on what they think is important to go into an ordinance and that he report what he has collected to the Committee. Ms. Gatto referred to Mr. Sandman saying the benefit of an ordinance is that it gives the Township more teeth in enforcement and the ability to collect fees and fines. Mr. Sandman commented on his understanding of what is being said being that there exists a violation of State Statute in town right now and explained that under the Statute the Township can issue a warning and have a hearing within 45 days. Mr. Sandman said the Committee could have an ordinance almost as quick that would provide how much of a fee they want to charge; who is eligible; if it just charitable organizations; where they should generally go; what the fine would be; and if commercial advertising on it can be prohibited. Mr. Jacobs commented on not knowing where to start with all the things the Committee wants to limit and suggested the Members tell him where the bins are that they don't like; he could send Code Enforcement out; and if the Township doesn't have the teeth to get them out, they could do an ordinance to make sure they get them out of there. He said Mr. Sartorio told him the Township can already charge the \$25.00 ordinance. He explained that this first started because of the zoning ordinance; that he thinks an ancillary structure is pretty strict to begin with; and they can be fined if they violate zoning. Mr. Jacobs said he likes to take the simple approach; if there is a problem that can be remedied through a tool the Township has, do it; and if it can't be achieved with the State Statute then an ordinance is needed. Ms. Gatto said she was fine with that approach but she would like to see step by step what she would have to do if she wanted to have a clothing bin in town. Mr. Jacobs commented on thinking the Township could get strict enough to require a site plan to put in a clothing bin. Ms. Gatto commented on not wanting to be too unfriendly to somebody who is trying to do good. Mr. Jacobs suggested finding the

problem clothing bin and get it out of there. Ms. Gatto questioned how to prevent more problem clothing bins from happening. Dr. Kesselman said the easiest way is to identify them now; get a remedy, either a fine or get them out; and it becomes a message that the Township doesn't tolerate them popping up anywhere. Mr. Jacobs said they will put it there and the Township will get the complaint and have to go out there. The Mayor said the members have a lot of comments that can be sent to Mr. Jacobs or Mr. Sandman. He asked if they were considering limiting it to 501C non-profits and said the whole theory behind the clothing bins is to make sure the distribution of clothing goes to those in need or those who can pay a minimum amount for it. Mr. Jacobs said he thought it says right on the bins that it is a for-profit business and the people who own it are there for a profit. Ms. Gatto said her preference is to have a Township Ordinance but, if it is the will of the Committee to see what enforceability the Township has with what is on the books today and what obstacles, if any, they come across in the process, she is willing to let that unfold for a couple of months and then possible re-address it. Mr. Jacobs suggested that the Committee can do an ordinance if one is found that is unacceptable and the Township can't do anything about it. Mr. Cain said he would like an ordinance but will let it unfold.

Consent Agenda Item 6.F was acted on separately at the request of the Mayor. Consent Agenda Item 6.G was acted on separately at the request of Ms. Gatto.

Mrs. Dix referred to Consent Agenda Item 6.D and questioned when Laureldale has to deposit to the Township escrow to fund their part of the cost of the truck. Mr. Jacobs explained the Township has a commitment in writing from then that they will put up the money.

There were no Business Registrations Licenses to be approved.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with off-setting appropriation be inserted in the 2012 Municipal Budget:

Revenue Title: Clean Communities	\$56,552.02
Appropriation Title: Clean Communities	\$56,552.02

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Deutsch Bank Irrevocable Letters of Credit #S-18678, #S-18679, #S-18680, and #S-18681, the stormwater management system maintenance guarantees for U.S. Homes Chancellor Place Phases I, II, III, and IV, is hereby denied due to uncompleted punch list items as recommended by the Township Engineer April 5, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Change Order #1 for U.S. Tanker Fire Apparatus contract for purchase of Tender Apparatus for the Laureldale Volunteer Fire Department be and is hereby approved as follows:

Original Contract Price:	\$291,875.00
Net Increase (Change Order #1):	\$ 11,416.00
Contract Price with all change orders:	\$303,291.00

BE IT FURTHER RESOLVED that the Township of Hamilton share of this change order shall be \$7,765.00 and the required Laureldale Volunteer Fire Department share of this change order shall be \$3,741.00.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to solicit and receive bids for 6' high fencing for the retention basin at the Liepe Tract recreation facility.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the May 7, 2012 resolution of no objection to NJDOT and Atlantic County approval and issuance of coin drop permits to Guinta-Marucci VFW Post 220 is hereby amended to delete the June 2 & 3, 2012 dates and add August 11 & 12, 2012.

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

Change Order #1 - Final for West Jersey Avenue Section 1:

Mr. Smith explained it was a typographical error in wording; the reduction was only a portion of the change order; there were extra items; some supplemental work; and the actual amount of the change order was an increase of \$18,017.22.

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 Change Order #1-Final for the FY2010 NJDOT Municipal Aid Project - Improvements to West Jersey Avenue Section 1 be and is hereby approved:

Original Contract Amount:	\$213,800.00
Net Increase:	\$ 18,017.22
% of change:	8.43%+
Adjusted Contract Amount:	\$231,817.22

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Transient Vendor License for Jack Lyon & Son equipment auction to be held at Atlantic City Race Course on June 23 and June 24, 2012 is hereby approved.

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

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 May 7, 2012 meeting are hereby 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 ordered paid, the bill list total being \$1,637,836.78.

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

Reports:

Mr. Jacobs reported receiving a resignation today from Bonnie Cherry, Lead TACO in the Construction Office. He commented on it being a surprise and said she is taking employment somewhere else. Mr. Jacobs said she will be missed because she is a very good employee. He said she is also the Deputy Tax Collector. Mayor Silva commented on her having worked in an environment where she furthered herself as a professional that gives her an advantage in this day and age and should be congratulated. He said she is a good employee and that it is the Township's loss and their gain. Mrs. Dix asked if Mr. Tuthill will be supervising in the Collector's Office during the medical leave. Mayor Silva said he and Mr. Jacobs talked about that today Mr. Jacobs is going to work on it.

Mr. Sandman reported tomorrow is the second day of County Board of Taxation tax appeals and there are about 47 on the list. He reported on June 12th will conclude the appeals with the exception of the Race Track which will be a separate day Sometime in June or July.
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Mrs. Dix asked if the 47 were all residential. Mr. Sandman said they are. Mr. Jacobs reported the Township's Tax Assessor has been asked to serve as a conflict Tax Assessor and may be representing another town for a hearing. He explained if an elected official, attorney or administrator had a problem their assessment in that town, the Assessor would do it and said the Township is on that side of an issue. Mr. Sandman explained someone appealed the taxes on his home.

Mr. Smith said he had nothing to add to his written report.

Mrs. Dix asked about Lenape Dam. Mayor Silva said the Township hasn't heard anything yet. Mrs. Dix said she got a face book request for information. Mr. Jacobs said it was attached to another e-mail and the County today and there has to be a meeting of the Lenape Dam Committee because no progress is being made. Mrs. Dix said the concern was how there would be water in the lake for the summer with the leak and no rain to fill the lake back up.

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Dr. Kesselman thanked all the Strategic Planning Subcommittees for their reports. He said all the subcommittees will be brought together and have a town hall meeting or two like they had when they began the process to review what they have done and solicit input and volunteers for the next wave of the process which will solidify where they are.

Ms. Gatto complimented the Mayor, Mrs. Dix and the employees who participated in Youth In Government Day. She explained what Youth in Government Day is and commented on the heated discussion the students had on Clean Communities. Ms. Gatto said it was quite an education for the students in the different facets of government.

Mrs. Dix reported receiving correspondence for a taxpayer on Park Road who is upset about Park Road being a bypass to Route 50; horn blowing at pedestrians and joggers by people in a hurry; she has spoken to Mr. Jacobs about the letter. Mrs. Dix said the second issue is traffic cutting through Lenape Avenue at high speed going out to Route 40. She commented on a white police unmarked interceptor vehicle, not the Township's, being behind her on Route 50 and ahead of her when she went down Third Street to the yield sign because she thinks he had cut through Lenape Avenue and said she followed him to Route 40. Mrs. Dix said the third thing is that twice in four days she had seen people coming through Sugar Hill Circle onto Main Street, going into Birch's Communications, making a U-turn and pulling up to the traffic light because they are trying to go down Somers Point Road. She said that is another reason strengthening why the Township thinks something has to be done at the Sugar Hill intersection. Mayor Silva said he already reached out and told the County Executive he has been getting repeated calls about the traffic back up just as the other Committee people have, sometimes backed up to River Road and North Street. He said the County Executive send a letter saying he would get back to him letting the Township know any anticipated plans they have, if it is in the queue, and what time frame they have. The Mayor said he also asked the County Executive if they could look at the timing of the light. He commented on River Road also being a bypass by people taking it to Clarktown to try to get through if traffic is backed up. Mayor Silva commented on it being an issue when you don't have a lot of roadway and said a lot of people are concerned about it.

Mrs. Dix reported the County is having a public hearing at the library on Tuesday, July 3rd from 6-8 PM on borrowing \$3½ million dollars to make improvements at Lenape Park for ADA purposes, buildings and pavilions.

Mrs. Dix commented on the Olde Time Market and helping clean up afterward. She said it was all cleaned up and she hoped their escrow could be released at the next meeting.

Mr. Cain said he was happy to see that the County Executive supported the Township request to look at the traffic at the Sugar Hill intersection and that someone from the State let him know they will look at it in the earliest time frame possible.

Mr. Cain reported the Strategic Planning Committee has completed digitalizing the Master Plan and having it live on the website. He reported they met with Mr. Ruberti last Friday and came up with a way to get it up and easy to find that Mr. Ruberti implemented them while they were going through them.

Mr. Cain suggested Comcast be asked to post a schedule on Channel 2 of when Township Committee meetings are going to show; maybe a scroll on the bottom. Mr. Jacobs said it can be viewed on the website. Mr. Cain commented on people not having a computer. He asked it be forwarded to Mr. Ruberti to be put on the website so people would know when the meeting was going to air.

Mr. Cain reported he hoped to announce some dates to start the process with the Industrial Commission at the next meeting. He said they reached out to the Strategic Planning Committee, the Merchants' Association, some local realtors and the business community to come in and help with the addition of it to the Master Plan.

Ms. Gatto reported she, Chief Tappeiner and Mr. Jacobs held police interviews last week and they now have an established list of candidates should the Township be in a position to hire officers to backfill positions of anyone who leaves. Ms. Gatto said there will probably be recommendations from the Personnel Committee regarding retirements and backfilling those positions. She commented on the candidates enthusiasm and said most of them put themselves through the police academy. Mr. Cain asked if any Township residents applied. Ms. Gatto explained the Township asked for certified officers meaning some level of experience in another town or through the academy; no Township residents applied; every candidate was asked if they intended to relocate to the Township if selected; they all said yes; she thinks those who ranked at top would be a huge asset to the Township; and there may even be some recommendations on the next agenda.

Mayor Silva reported he and Mr. Jacobs met with the Great Egg Harbor Regional School District Superintendant and business Administrator. He referred to the Affordability slide about meeting with the school districts and promoting shared services with them. The Mayor said the dialog has begun and hopefully, at the next meeting in a week or two some of the things put on the table, may make sense. Mayor Silva commented on hoping to meet with the local school officials to see if they can get somewhere with them.

Public Comment:

David Wigglesworth (Chairman of the Planning Board) referred to Agenda Item 5.E and commented on the amount of time the Planning Board spent crafting and fine tuning it to suit the community. He commented on it making it to the agenda in one business day and said he never fails to be impressed with the quality of the Hamilton Township staff. Mr. Wigglesworth thanked the Committee for giving the ordinance the consideration that they did. Mr. Cain thanked Mr. Wigglesworth for his work, leadership and guiding the Planning Board through it. Mayor Silva commented on the Youth in Government Day students sitting in on the agenda prep meeting and having the opportunity to see all the items going on tonight's agenda; to see how everyone interacts; to learn how and why items get put on the agenda; and the discussion of getting them there. The Mayor said it is a learning process just as Mr. Wigglesworth was educating the Committee on how fast the ordinance came to the Committee.

Rodney Guishard commented on many people who have Verizon not being able to get Channel 2 and suggested the Committee talk to them. Mr. Jacobs explained he had to call the BPU on them; they are working on it; and he thinks they made contact with the Board of Education which is who they have to get to to connect. He explained that, if you have a computer, you can get Channel 2 on the Township website.

Mr. Guishard comment on the ESAB and VAB boards being publicly sanctioned and questioned to what extent the ordinance amendment changed that. Mr. Jacobs explained a purely advisory board doesn't have to follow the requirements of the Open Public Meetings Act; they are clearly advisory boards; the ordinance clarifies that they are exempt under the State law; the ordinance creating the Boards says they still have to advertise their meetings so their meeting schedule will be advertised and posted; the ordinance avoids technical problems with not having detailed minutes or discussions among members. He said. Ms. Gatto explained the Township no longer pays for secretaries to advisory boards; if no one there takes minutes of their meeting and there is an OPRA request for them, they would not have them and would be in violation of the Act; and if amendments go through it will take away the obligation to keep detailed minutes. Mr. Guishard asked if there were any other advisory boards. Mr. Jacobs explained

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there are three and there was nothing to clear up in the other ordinance. Ms. Gatto said the Community Based Programs Advisory Board Ordinance addressed the issue when it was created. Mr. Guishard commented on the Community Based Programs Board having a problem getting a quorum. Mayor Silva said the quorum requirement was lowered to 5 several meetings ago so that shouldn't be a problem. Mr. Guishard commented on an issue on one of the Advisory Boards being brought to the Township Committee and asked if the amendment relieved the Committee from having to resolve it. Mayor Silva explained they should report to the Committee periodically and issues do come to the Committee as Mr. Guishard has seen with one member coming before the Committee meeting after meeting. Ms. Gatto said that is why the Committee has Liaisons to the different Boards. Mayor Silva said he and Mrs. Dix would be at their meeting tomorrow night to listen to any comments their Members may have and hopefully address them in a manner they can understand.

Wayne Choyce requested that someone look into the sight triangle at the Grand Avenue/West Jersey Avenue intersection because it is badly overgrown and it is very difficult to see the traffic on West Jersey Avenue, especially travelling east to west. Mr. Cain thanked Mr. Choyce for all of his hard work on the Strategic Planning Committee and the Planning Board.

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

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

There being no further business to come before the governing body, Dr. Kesselman moved, seconded by Mr. Cain, 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