

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JUNE 4, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ, 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 for 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, June 4, 2012 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

There was no executive session and no executive session confirmations.

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 Block number in item 9.D be corrected to read Block 1127.

BE IT FURTHER RESOLVED that the following items be deleted from the agenda:

- 5.B Resolution creating the Appeals Board for the 2009 International Property Maintenance Code.
- 9.F Resolutions of support for Liepe applications to Atlantic County Open Space Program.
- 11.E Appoint Christopher Rizzo full-time Police Officer Level V @ \$66,700.00 per year - effective date to be determined.

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

- 5.C Resolution authorizing and approving an Affordable Housing Escrow Agreement.
- 9.A Insert names of businesses:
 - 1. Cheech 2 Go Pizzeria - take out pizzeria on Old Harding Highway.
 - 2. Downlink services LLC - installation/service of commercial audio visual/communications/digital signal equipment business based in Pitman, NJ.
- 9.I Authorize bidding of all projects related to the County Open Space Repurposing Grant.
- 11.D Change employment status of Bonnie Cherry from full-time to temporary part-time Lead TACO effective June 3, 2012 @\$26.11 per hour - end date of service to be determined.

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

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

John Pucci, Sr., asked what authorization the Township Committee has to waive construction permit fees for Cologne Fire Company. Mr. Jacobs explained there is an exemption in the Ordinance that sets construction fees that "all local government owned and operated structures whether federal, state or local shall be exempt from the local permit fees"; that the Township leases those buildings and has an ownership interest in them; and that it really doesn't have to be

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on the agenda but is more of a courtesy so the Committee knows they are being waived. Mr. Pucci said it is his understanding that the Township doesn't own the building and asked if it goes to the entity leasing the building or the owners. Mr. Jacobs explained the Township leases the property and has an ownership interest in it for a period of time instead of permanently and said he thinks the exemption applies. Mrs. Anderson explained something was when Mr. Sasdelli was here that local municipal permit fees for Planning, Zoning, and Construction could be waived for the non-profits. Mr. Sandman explained that Mr. Jacobs was correct that a lease hold interest is a form of ownership; that it is a property right; that although a lease or easement may not be a fee simple interest, it is a property right; the exemption says "operated"; that the volunteer fire company operates at the behest of government on behalf of the people; that it is in the Construction Ordinance, not the Zoning Ordinance, and references State Statute N.J.S.A. 52:27D-126; and that it seemed to him to be mandatory that the fees are to be waived. Mr. Pucci asked if it was for all non-profits in the Township and if it would be the same if a non-profit leased a building in the Industrial Park. Mr. Sandman said Mr. Pucci is confusing government owned and operated with non-profit and that a non-profit doesn't have to be a government entity. Mr. Pucci asked how it differed from fire companies. Ms. Gatto said they operate by Township rules and guidelines as an extension of the government. Mr. Sandman commented on not wanting government to pay for government. Mr. Pucci commented on not wanting anybody to pay extra fees, permits and costs in doing construction and said he agreed with that.

Rodney Guishard said there is a great deal of bicycle traffic on Route 50, both individual and organized. He commented on the recent Ride in Silence commemorating those who died on bikes. Mr. Guishard commented on bicycling being one of the most dangerous forms of transportation in terms of fatalities per mile and suggested bicycles be included in the resolution asking the State to install appropriate signs on Route 50 alerting motorists to the presence of motorcycles and school buses.

Transparency in Government Act Senate Bill S-303:

Mayor Silva reported he received a letter from Senator Pennacchio about waste and fraud in State Government and said he wholeheartedly agreed that the Transparency in Government Act should be passed. The Mayor said the Township has dealt with it for the last 5 years and when many of the Members came onto the Committee they immediately went to the transparency mode and feel they have been following it ever since. He read portions of the resolution that would be adopted. Ms. Gatto said she whole heartedly supported it as one of the three members that ran on the Open and Honest Government Platform. Mr. Cain said that the model that started upon the Mayor's election is now being followed by many other towns and he too supports the resolution.

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

RESOLUTION IN SUPPORT OF S-302 SPONSORED BY SENATOR JOE PENNACCHIO
THE "TRANSPARENCY IN GOVERNMENT ACT" WHICH WOULD CODIFY AND
EXPAND ON THE STATE PUBLIC FINANCE WEBSITE

WHEREAS, the clamor of eliminating waste, fraud and abuse is often stated, but rarely addressed and efforts to do so are nearly impossible; and

WHEREAS, transparency in government is necessary to identify State spending and where State taxpayer dollars are going; and

WHEREAS, the State public finance website which retains and displays data and information on the State's annual revenues, expenditures and total bonded indebtedness is necessary as a user-friendly source of information to track State revenues and expenditures and to gauge its past and present levels of indebtedness; and

WHEREAS, the State website includes information such as contractual service purchases, salaries and wages, gifts and grants and bonded obligations and must be accessible to the public no later than 45 days following the close of each fiscal year; and

WHEREAS, a bipartisan approach to improving transparency, identifying waste and eliminating abuse at each level of State government and the establishment of the Public Finance Transparency Committee would facilitate the organization, development and maintenance of such websites; and

WHEREAS, Senator Joe Pennacchio has introduced S-302, the "Transparency in government Act", to codify and expand on such aforementioned State public finance website and to establish a Public Transparency Committee,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, in the County of Atlantic, that we voice our support of Senator Pennacchio's bill, S-302, the "Transparency in government Act"; and

BE IT FURTHERE RESOLVED that a certified copy of this resolution shall be sent to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Tom Kean, Jr., and Senator Joe Pennacchio.

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

Affordable housing escrow fund agreement with MUA:

Mr. Jacobs explained Mr. Sandman reviewed it; the MUA attorney reviewed it and they signed off on it; they decided to put it on the agenda because time is of the essence; and it is a simple resolution according to Mr. Eisdorfer. Mr. Sandman explained the Committee has been negotiating it in executive session in the context of a threatened litigation; 5 years ago there was a builders' remedy lawsuit in the Township; the Township collected fees for new developments to help satisfy some of the criteria for low and moderate income housing during a certain period of time; by this agreement the Township wishes to enter into an inter-local agreement with the MUA to transfer those funds into the MUA and the MUA will dedicate the use of those funds to connection fees for new low and moderate income housing. He explained this is a plus for everyone because there is a state recapture on the funds in a certain period of time; that the intention of the Township is to satisfy, to the extent that it can, what were the previous COAH requirements; and that it is not to avoid recapture. Mr. Sandman said COAH no longer exists as it did but the Township obligations to satisfy its low and moderate income housing still exist. He explained he wouldn't go into it in terms of the impact on potential litigation because that wouldn't be appropriate here. Mr. Sandman explained the effect is to transfer the funds in Township's possession to the MUA and preserve them for connection fees so that the State recapture doesn't apply. Mr. Cain asked if that date for recapture was recently extended. Mr. Jacobs said a statute for a 2-year extension is being considered by both houses at the State but it is not yet approved. Mayor Silva said it made sense to protect the money for the use it was intended rather than let the state recapture it, take a large portion as an Administrative fee and then give the Township a small portion back like they have done with energy tax receipts. Mrs. Dix asked what percentage of the fund being given to the MUA. Mr. Jacobs explained it wouldn't be 100% of the money; that everything 4 years and older will be transferred and possibly one year further. Mrs. Dix commented on the Special Master and other expenses

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being paid from that money. Mr. Sandman said the Township is giving 100% of what would be at risk of recapture.

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

**RESOLUTION OF THE TOWNSHIP COMMITTEE
FOR THE TOWNSHIP OF HAMILTON AUTHORIZING
AND APPROVING AN AFFORDABLE HOUSING
ESCROW FUND AGREEMENT**

WHEREAS, the Township of Hamilton (*hereinafter "the Township"*) has collected certain funds to assist the Township to comply with its affordable housing requirements; and

WHEREAS, the Hamilton Township M.U.A. (*hereinafter "the MUA"*) are charged with the responsibility of allowing and/or permitting public water service and sanitary sewer service for newly constructed housing units within the Township; and

WHEREAS, the Township and the MUA are desirous of creating and funding an Affordable Housing Escrow Fund for the mutual beneficiary purposes of implementing the housing element and fair share plan and spending plan adopted by the Township and approved by the Superior Court of New Jersey and of assuring that funds will be made available to the MUA for the connection of newly constructed low and moderate income units in the Township, to pay sanitary sewer systems operated by the MUA in exchange for the mutual promises set forth in a certain Agreement encaptioned, "Affordable Housing Escrow Fund Agreement", the terms and provisions of which are annexed hereto and adopted herein as if set forth at length.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee for the Township of Hamilton, County of Atlantic and State of New Jersey, by and through the Governing Body, that by affirmative vote of a quorum being present, the Township Committee hereby agrees to the terms and provisions of the Affordable Housing Escrow Fund Agreement and authorizes and directs the Mayor and Clerk to execute that Agreement thereby obligating the Township to the terms and provisions of the aforesaid Affordable Housing Escrow Fund Agreement.

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

ATTEST:

TOWNSHIP OF HAMILTON

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

BY _____
ROGER SILVA, MAYOR

RESOLUTION ADOPTED JUNE 4, 2012

Public Hearing/Adoption Ordinance #1720-2012:

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

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

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

WHEREAS, Ordinance #1720-2012 was introduced and passed first reading on May 21, 2012 and was duly advertised in the May 23, 2012 issue of the Atlantic County Record for a public hearing to be held on June 4, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1720-2012 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE # 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.

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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.
ORDINANCE #1720-2012 ADOPTED ON JUNE 4, 2012.

Public Hearing/Adoption - Ordinance #1721-2012:

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

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

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

WHEREAS, Ordinance #1721-2012 was introduced and passed first reading on May 21, 2012 and was duly advertised in the May 23, 2012 issue of the Atlantic County Record for a public hearing to be held on June 4, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1721-2012 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ

ORDINANCE #1721-2012

AN ORDINANCE AMENDING CHAPTER 301 ARTICLE I, OF THE CODE OF THE TOWNSHIP OF HAMILTON TO CREATE 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,

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

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

ORDINANCE #1721-2012 INTRODUCED & PASSED FIRST READING ON MAY 21, 2012.
ORDINANCE #1721-2012 ADOPTED JUNE 4, 2012.

Postponement of public hearing - Ordinance #1722-2012:

Mrs. Anderson explained the ordinance could not be published on May 23, 2012 because it was 17 pages long and the legal advertisement took over a full page.

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 public hearing on Ordinance #1722-2012 originally authorized to be held on June 4, 2012 be and is hereby postponed until Monday, June 18, 2012, due to advertising constraints.

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.

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

Introduction of Ordinances #1723-2012 & #1724-2012:

Mr. Jacobs explained the Lead TACO has left to work for another town; TACO means Technical Assistant to the Construction Official; it is not a real detailed certification like that of the Clerk or Assessor; the focus is on getting someone that has certain other management experience; they want to eliminate that job title; the ordinance currently has a job title of Administrative Assistant to the Community Activities Coordinator; this Ordinance eliminates the words "to the Community Activities Coordinator"; the salary listed is the current salary for the position and is less than that of the Lead TACO position. Mrs. Dix commented on the job title being for a position not for a department and asked if the position could be moved to the Police Department if there was a need. Mr. Jacobs said it could.

Ms. Gatto 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 #1723-2012 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the June 6, 2012 issue of the Atlantic County Record for a public hearing to be held at 6:30 PM on Monday, June 18, 2012 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1723-2012

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON TO REPEAL
ORDINANCE NO. 1603-2007 WHICH ESTABLISHED THE POSITION
OF ADMINISTRATIVE ASSISTANT TO THE COMMUNITY ACTIVITIES
COORDINATOR AND AMEND THE SALARY AND WAGE ORDINANCE #1630-2008
TO DELETE THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE
COMMUNITY ACTIVITIES COORDINATOR.

WHEREAS, Ordinance No. 1603-2007, adopted on September 4, 2007,
created the non-union position of Administrative Assistant to the
Community Activities Coordinator; and

WHEREAS, the non-union position of Administrative Assistant to
the Community Activities Coordinator as created by Ordinance #1603-
2007 is no longer necessary due to the dissolution of the Community
Activities/Recreation Department,

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

SECTION 1. Ordinance No. 1603-2007 is hereby repealed in its entirety.

SECTION 2. Exhibit A attached to and part of Ordinance #1630-2008 is
hereby amended to delete the position and salary range for the
Administrative Assistant to the Community Activities Coordinator.

SECTION 3. Repealer. All ordinances or parts of Ordinances or any
resolution of the Township of Hamilton inconsistent herewith are
repealed to the extent of the inconsistency.

SECTION 4. Severability. If any part or parts of this Ordinance are
for any reason held to be invalid by a court of competent
jurisdiction, such decision shall not affect the validity of the
remaining portions of this Ordinance.

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

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

ORDINANCE NO. 1723-2012 INTRODUCED AND PASSED FIRST READING JUNE 4, 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 #1724-2012 be and is hereby introduced and
passed on first reading and the Township Clerk is authorized to
advertise same in the June 6, 2012 issue of the Atlantic County Record
for a public hearing to be held at 6:30 PM on Monday, June 18, 2012 in
the municipal building, Mays Landing, NJ.

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

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TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NJ
ORDINANCE NO. 1724-2012

AN ORDINANCE AMENDING EXHIBIT A OF ORDINANCE NO. 1630-2008
TO ADD THE NON-UNION POSITION OF ADMINISTRATIVE ASSISTANT
WITH A SALARY RANGE OF \$30,000 - \$45,000.00.

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

SECTION 1. Exhibit A of Ordinance No. 1630-2008 be and is hereby amended to insert the position of Administrative Assistant under the subheading of Remainder of Non-Union Employees.

SECTION 2. Compensation. The salary range for the position of Administrative Assistant shall be \$30,000 - \$45,000.

SECTION 3. Repealer. All Ordinances or parts of ordinances or any resolution of the Township of Hamilton inconsistent herewith are repealed to the extent of the inconsistency.

SECTION 4. Severability. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

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

ORDINANCE NO. 1724-2012 INTRODUCED AND PASSED FIRST READING JUNE 4, 2012.

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 the following Business Registration Licenses are hereby approved:

1. Cheech 2 Go Pizzeria - take out pizzeria on Old Harding Highway.
2. Downlink services LLC - installation/service of commercial audio audio visual/communications/digital signal equipment business based in Pitman, NJ.

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

Amendments to May 7, 2012 regular meeting minutes:

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 the May 7, 2012 minutes be and are hereby amended to add the following duly adopted resolutions which were inadvertently omitted from the original minutes as approved on May 21, 2012.

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 authorization is hereby given for Ingrid Perez to make application for the 2011 Recycling Tonnage Grant.

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

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

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 the May 7, 2012 minutes be and are hereby amended to add the following duly adopted resolutions which were inadvertently omitted from the original minutes as approved on May 21, 2012.

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 the \$24,590.00 Surety Title Agency Company of Atlantic County, LLC, be and is hereby accepted to be held in escrow as the performance guarantee for Restored Israel of Yahweh for site work required for its extension of Smith Avenue (Block 25/Lots 5 & 9).

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

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

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

WHEREAS, the Township of Hamilton desires to purchase a portion of Lots 2 and 3 in Block 1127 as shown on the Township of Hamilton Tax Map from the County of Atlantic for the purpose of future recreation area for the George L. Hess School; and

WHEREAS, the County of Atlantic has prepared an Agreement of Sale for conveyance of title to aforesaid property to the Township of Hamilton for the sum of One Dollar (\$1.00),

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor and Township Clerk are hereby authorized to execute aforesaid Agreement between the Township and the County of Atlantic for purchase of a portion of Lots 2 and 3 in Block 1127 consisting of 29.031 acres and as shown on the Township of Hamilton Tax Map for the sum of One Dollar (\$1.00).

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

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 the Director of Community Development is hereby authorized to submit an application to the New Jersey Pinelands Commission for Public Development Approval to subdivide Block 1127, Lots 2, 23, 10, 22 and 24.

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

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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 release of Travelers Casualty & Surety Company of America bonds #105125434, #105125464, #105125746, #105126914, #105126922, #105126934, #105126942, #105127150, #105127157, #105127174, #105127194, #105127202, the stormwater management system maintenance guarantees for Victoria Crossing Cates Road/West Jersey Avenue, Phases 1A, 1B, 1C, 2, 3, 4,5A, 5B, 6, 7, 8, 9, 10 and 11, Victoria Drive and the Recreation Area (Block 1132.01, Lots 38 and 39) is hereby denied due to uncompleted punch list items as recommended by the Township Engineer.

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

Resolutions supporting Liepe applications to the Atlantic County Open Space Program were deleted from the agenda due to no response to the Township Solicitor's request for information being received from the Liepe's attorney.

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

WHEREAS, Atlantic County was notified by letter dated October 27, 2000 from the United State Department of Housing and Urban Development (hereafter "HUD") announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter the "Urban County Program") for the fiscal year 2001, 2002 and 2003; and

WHEREAS, it is necessary to provide documentation to HUD every three years to re-qualify the Urban County (hereafter "County") to continue to receive a formula allocation for the next three federal fiscal years; and

WHEREAS, it is necessary for the County to submit the qualifying documentation to HUD by June 30, 2012 to re-qualify for Fiscal Years 2013, 2014 and 2015; and

WHEREAS, in order to participate with the County in the Urban County Program for these years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other Local Governments; and

WHEREAS, THE Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program; and

WHEREAS, the Township of Hamilton desires to join with the County in the Urban County Program; and

WHEREAS, the Inter-local Services Act N.J.S.A. 40:8A-1 et seq. authorizes counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds,

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

1. The Mayor and Township Administrator are hereby authorized and directed to execute the attached Cooperation Agreement with the County and other local governments in substantially the following form with such minor changes as may be required by HUD,

2. This Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal fiscal years beginning October 1, 2012, October 1, 2013 and October 1, 2014) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the Township of Hamilton provides written notice that it elects not to participate for a new qualification period.
3. HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
4. All resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
5. The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County Executive.

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

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 the Construction Officials are hereby authorized to waive any municipal permit fees for the Cologne Volunteer Fire Company installation of new fire house entrance doors.

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

Request for signage on Route 50:

Mrs. Dix asked if the intent was to go from the border of Weymouth Township to the border of Galloway Township. Mayor Silva said he thought this was precipitated not just by the accidents but because the Expressway interchange in Laureldale has created somewhat of a speed zone for motorists who are going from two lanes into one being distracted. He said the Chief has statistics on the number of accidents, deaths, and other things that could occur there. The Mayor explained it is to try to get the State to pay attention and be alert to this at least in the area from the Expressway to the Black Horse Pike. Ms. Gatto said the resolution reads "the section of Route 50 in Hamilton Township". The Mayor said it is covered by that wording.

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

WHEREAS, the section of New Jersey State Route 50, commonly known and referred to as Cape May Avenue in the Township of Hamilton, Atlantic County, is heavily traveled; and

WHEREAS, motorists on this busy portion of Route 50 need to be especially aware of the presence of motorcycles, school buses and bicycles in order to avoid a hazardous situation,

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

1. The New Jersey Department of Transportation (NJDOT) is hereby requested to install appropriate signage on Route 50 that will warn motorists to be alert for motorcycles, school buses and bicycles.

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2. That a certified copy of this resolution be forwarded to NJDOT, Senator Jim Whelan, Assemblymen John F. Amodio and Chris A. Brown, the Atlantic County Board of Freeholders, and Atlantic County Executive Dennis Levinson.

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

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 authorization is hereby given for bidding of all projects related to the County Open Space Repurposing Grant.

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

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 the minutes of the May 21, 2012 regular meeting be and are hereby approved and adopted as published.

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

Mr. Cain moved, seconded by 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 bills be paid, the bill list total being \$661,243.17.

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

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 Joseph Nickels III be and is hereby appointed to fill the unexpired term of Allen Rhodes on the Veterans' Advisory Board, said term expiring December 31, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator is hereby authorized to recall Jesus Cardona to fill the vacant Public Works Department Truck Driver/Laborer II position with the effective date to be determined by the Public Works Director and the Township Administrator.

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 Karly LoSasso be and is hereby appointed a lifeguard for the 2012 Cove season at \$9.00 per hour effective June 15, 2012 through September 3, 2012.

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

Change of employment status - Bonnie Cherry:

Ms. Gatto explained this brings Bonnie back in a way to help with the transition of those responsibilities and that Mr. Jacobs would probably want to extend the end date to at least the end of the year so that when and if someone is brought into the new Administrative Assistant position she could also help with that person transition. He explained it will be as needed, not every day, and that Bonnie graciously agreed to help the Township. Mrs. Dix asked how many hours a week and what the cap is. Mr. Jacob said he wasn't proposing one because he didn't think it would be that many hours; that Bonnie was working full time so the money is there; that there would also be benefits if she was full time but that isn't the intent here. Mrs. Dix said she was trying to get a handle on if it would be 2 or 3 hours a night, how many nights a week it would be as opposed to as needed and how long it will go on. Mr. Jacobs said the Committee can put a cap on it if they want to. Mrs. Dix asked if transition meant other people would have to work at night or possibly on Saturday because that is when Bonnie will be here. Mr. Jacobs said it could be both but mostly evenings. Ms. Gatto said some of it could be by telephone. Mayor Silva asked when the Administrator anticipated the Tax Collector will be coming back. Mr. Jacobs said he thought it would be in July.

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 employment status of Bonnie Cherry be and is hereby changed from full-time Lead TACO to temporary part-time Lead TACO at \$26.11 per hour effective June 3, 2012 with the end date of service to be determined by the Administrator.

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

Reports:

Mr. Jacobs said he didn't have anything to add to his written report.

Mr. Sandman reported the In Rem Foreclosure notices have been sent out, posted and published; that there is a 45-day waiting period before he can move for final judgment; and that seven of the approximately 67 were redeemed. He reported there was an inquiry today for a payoff figure which may result in another redemption and said the Attorney General's Office signed off on it on April 27, 2012; he will wait the 45-day required period and then enter the foreclosure judgment. Mrs. Dix asked if the penalties accruing to a taxpayer who asks about redemption and is trying to save their property are frozen until the Township can give the proper response if the collector isn't here to do whatever needs to occur. Mr. Sandman said "probably not" because the effective act of redemption is to tender money which takes away the lien of the tax sale certificate. He explained they don't get the benefit of the days if in fact they inquire today and the Township didn't get to them until Thursday. Mr. Sandman explained that if the Township knew the judgment was going to be entered on Friday and the request was made on Monday that taxpayer is entitled to quick notice and he should be notified immediately if the Township finds itself in that situation because he would give the Committee an opinion to allow

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a post judgment redemption which they have the authority to do. Mrs. Dix commented on the Township paying for people to go to school for certification and said the Township doesn't have a certified Tax Collector on staff right now and that kind of responsibility can't be pushed into low-level positions. Mr. Sandman said it is actually a matter of arithmetic because how penalty and interest is calculated is a formula. Mr. Jacobs stated for the record that the Township does have a certified Tax Collector; she is out on medical leave; she can drive now and is willing to come in any time to help but isn't ready to return full-time yet; she will answer anything on the phone; the Township is in compliance with the law; and that Bonnie Cherry is the Deputy Tax Collector and will come in if the Township needs her. Mr. Sandman said Colin Bell is handling the In Rem Foreclosures and has commented on how responsive the Tax Collector's office is on more than one occasion. He explained these may be tedious things that may require monitoring on a full time basis and a quick response, and said the collection office here has done an excellent job. Mayor Silva said the Administrator stayed on top of it also and made sure all bases were covered.

Mr. Smith reported he had nothing to add to his written report. Mrs. Dix asked if paving was going down. Mr. Smith said it is and has been; that Strand Avenue between Route 40 and Old Landis Avenue may already be done; that base paving was going down on Railroad Boulevard today; that excavation is being done on Market Street today or tomorrow; that they will then move to Mizpah Road and finish up in Harding Lakes; and that they could possibly be done by next meeting.

Dr. Kesselman announced the next full Strategic Planning Committee meeting will be held at 6:30 PM on Monday, June 11, 2012; it will include all three sub-committees; an invitation should be out to virtually everyone involved in the process since the beginning; they will have the full document they have narrowed down to the major goals and activities that night to be viewed by the general public; they hope the general public will be part of it; that they will look at where they are in the process and determine if they need additional volunteers and then finalize the next steps. He explained once this part of the process is complete they will have a working document in all three areas with the activities, expected outcomes, time lines and metrics. Dr. Kesselman said he thinks they will be in very good shape and that not many other towns can say they have it this far along. He said one of the performance indicators used for funding received from the State is how well a town is strategically planned.

Ms. Gatto congratulated the up-coming graduates of Oakcrest High School and commented on tonight being their Awards Ceremony. She said she usually attends and awards two scholarships, one of which is the Tony Gatto Dream Big Scholarship given in honor of her late uncle. She congratulated the Cologne Fire Company on their BBQ on Saturday and said an Oakcrest class from the 70's had their reunion there. Ms. Gatto reminded the public that the Weymouth Fire Company beef and beer will be held at the Watering Hole Café on Saturday. Ms. Gatto congratulated the Veterans' Advisory Board and Veterans' Organizations on having a beautiful Memorial Day Ceremony. She said the Mayor's comments were very apropos and beautiful. Ms. Gatto reminded the public the Police Department Awards Ceremony will be held in Town Hall at 4 PM on Wednesday. Ms. Gatto thanked the Police Department, particularly the Detective Bureau, for acting very quickly when her mother's house was being robbed and said they caught them in the act.

Mrs. Dix said she agreed with Ms. Gatto on how well the Memorial Day Service went. She commented on seeing many new faces there; having William French, a 92 year old Marine in World War II and his wife there; and a great lunch at the VFW afterward put on by the Post and the Auxiliary. She said she also agreed with Ms. Gatto about the Cologne Fire Company BBQ.

Mrs. Dix reported she made a complaint on April 12th about five abandoned properties; that someone has started to clean up the one at

6212 Quinn Avenue but they are putting it on the side of the road and it can't be in the street; that she hopes 6211 Quinn will be next; that the windows are open at 6302 Oliver Avenue that is empty and not in foreclosure; and that the two on Quinn and the one on Lance Avenue are in foreclosure. The Mayor commented on there being another one on the corner of Clarktown Road and Route 559.

Mr. Cain thanked Mr. Jacobs and Mr. Sartorio for getting the purple clothing bin removed so quickly and said it would have been better if something could be done about the burned out house next door. He reported seeing stakes for landscaping and signage at Gaskill Point and said he hopes to see movement there soon.

Mr. Cain questioned the status of finding out the ownership and liability for the overhead walkway at Wheaton's. Mr. Sandman said he will report on it at the next meeting. Mr. Cain questioned the status on the Hamilton Commons basins. Mr. Smith explained the last time he talked to them, they were preparing to hire a contractor to do the work on the basins in the area of Chili's; they know what they are proposing to do at BJ's but the weather isn't cooperating; and that they are still doing investigation the basins at Hamilton Commons. Mr. Cain said the pump should have been deployed there after the last rain because it was close to breaching and overflowing onto 322. Mr. Smith said he will get a status report from them.

Mayor Silva commented on the sidewalk between the marina and McDonalds being overgrown and asked Mr. Jacobs to look into it.

Mayor Silva commented on Lou Green coming before the Township Committee at several meetings seeking overall support for his mission. The Mayor read a portion of the hand written letter Mr. Jacobs received from Mr. Green today indicating that he submitted an application May 9, 2012 to the VA Legal Counsel to become a Certified VA Agent for all claims; that he is waiting now for test at VA Regional Office; and that the application and his passing a test for accreditation fulfills the Hamilton Township Veterans' Advisory Board and Township Committee's request. The Mayor commented on the Veterans' Advisory Board having asked why, with changing times over the years, Mr. Green hadn't sought the certification and said he is pleased to see that Mr. Green is moving in the right direction.

Mayor Silva showed a framed flag and certificate of authenticity that was presented by Major Battschinger and said he had the honor of accepting them on behalf of the Committee and the residents of the Township on Memorial Day. The Mayor read the certificate and said he believes a place will be found in the rotunda to display them for the public to see. Mayor Silva said that the efforts, sacrifices and commitments being made the men and women in the military have contributed to our freedom are without parallel.

Public Comment:

John Pucci referred to the comments he made earlier about waiving the permit fees for Cologne Fire Company and said he supports all the fire companies 100%. He suggested something could be put the Construction Code stating that fire companies are exempt so they wouldn't have to submit a letter and be on the agenda. Ms. Gatto said she thought what Mr. Jacobs read was from the Code. Mr. Jacobs explained it was; that it is on the agenda more as a courtesy so the Committee knows what is going on; and that the Ordinance and Statute say they shall be exempt. Mr. Pucci asked if it is in the code that fire companies are exempt. Mr. Jacobs explained it doesn't say fire companies but they fit the definition. Mr. Pucci said he was really here to talk about performance bonds, their cost, what they are for and the need for them. He said he has been before the Township Committee twice talking about the need for or not needing performance bonds when a Township resident comes before the Planning or Zoning Board for an application. Mr. Pucci said he wasn't here for hardship or for favors that he doesn't have to pay something. He said he was here to enlighten that a situation in the Township Land Use is a cost to residents when they come before the Planning Board and specifically

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the Zoning Board for a development; that (performance bonding) is needed for other entities and larger outfits; and that there are cases where performance bonds or guarantees are not needed. Mr. Pucci said he went through the Zoning Board of Adjustment for a Use Variance; that he is in the process of doing his minor developments for the site plan approval; that if he doesn't do those developments he will lose his use variance; and that he has two years to do those improvements. He said that because of the way the Land Use Ordinance currently reads he is required to post a performance bond or cash estimated by the Township Engineer so that if he doesn't do what he is supposed to do and complete the improvements, the Township will have enough money or a bond to do them so he can keep his use variance. Mr. Pucci said he agrees performance bonds are needed for malls and developments where there are a lot of homes, property owners, streets, curbs, and landscaping so that the Township has enough money to go out to bid to do those improvements so the other property owners are made whole. He said that when you have a use variance for one privately owned property it doesn't involve the public or any other adjacent property owners; That if he or the applicant doesn't do the improvements in 2 years, they lose the variance and wouldn't be able to operate; that the requirement for a performance bonds is an extra unnecessary cost because, there is no way the Township will use it to do the minor improvements so the applicant can continue their use variance. Ms. Gatto explained the bond is to maintain the integrity of the site plan; to make sure it fits with the Master Plan; and that it has nothing to do with keeping the property owner whole. Mr. Pucci disagreed with Ms. Gatto and said the performance guarantee is returned after the improvements are made; they are to guarantee the improvements approved and agreed upon by the Planning or Zoning Board are done. Ms. Gatto said they are approved in accordance with what the Master Plan expects for the Zone and the property that is being considered. Mr. Pucci said if they aren't done the approval is erased so there is no need to comply with the Master Plan and he questioned what protection the Township needed in specific circumstances under an application where there no other property owners are involved. Mr. Pucci commented on there being the Trocki requests to lower or stop (release) their performance bonds; that said Mr. Cain asked what benefit there was for the Township to do it; and that there was none so it was denied. Mr. Pucci explained he was saying that there is no need for a performance bond to be posted under a use variance or maybe other approvals that is just one property owner. He said estimates are at prevailing wage rates; that they are the highest rates there are; that the Township will never take those monies and do the improvements on the property; and that they will let the approvals lapse. Mr. Pucci said he put in a request for his performance bonds to be waived and that the Township Committee got a letter saying they can't be waived because the Ordinance says "shall". Mr. Pucci commented suggesting this be looked at when the Committee was discussing performance bonds for basins on 322 and saying that it would be looked at and maybe reinforced; that he hasn't heard anything since then; and that he doesn't know what the consensus of the Committee is on the two suggestions he made before. Mr. Pucci said his 2 years is coming up and he wants to get the improvements completed. Mayor Silva commented on Mr. Pucci knowing performance bonds on basins has been a very large concern of this Township Committee and that repair of some of them could run into the high six or seven figures depending on the number of basins one has. He said the performance guarantees on some of the places have been reduced, maybe by some of this Committee's predecessors, and the Township probably couldn't afford to fix them if it has to take them over. He explained that to him the word "perform" means "you have to perform in order to.." so he sees no reason why the requirement would be waived whether it is large or small because it holds people to something that they applied for and it is another step in the process that has to be accomplished. Mr. Pucci commented on the basin on 322 being major because it involves a State highway and other property owners. He commented on hearing complaints from public officials for 20 years about State mandate/State pay; questions of why the Township is being made to do something; and extra charges. Mr. Pucci said he is not talking just for himself but for future applicants where a performance guarantee isn't needed in specific circumstances because it is never going to be used; it is never going

to be called in; and only one property owner is affected. Mr. Pucci questioned why the applicant has to have an expense of up to a couple thousand dollars if the protection for the Township isn't needed. Mayor Silva asked Mr. Sandman if he ever saw or knew of a case where a performance bond wasn't required in any kind of approval. Mr. Sandman said he couldn't recall one off the top of his head but what Mr. Pucci is suggesting would require discretion and would probably rise to the level of an equal protection argument as to what criteria was used and under what circumstances it would be used. He explained the Township Ordinance is modeled after the Municipal Land Use Act and makes it mandatory; that it says "shall". Mr. Sandman suggested imagining living next to the applicant; that you attended sessions where the applicant made his presentation and brought in his experts; that you had a concern that the Planning Board looked at and said it was legitimate so they will require (the applicant) to do "X" to allay that fear; that the applicant gets his variance; and that the neighbor's grievance is properly addressed by the Planning or Zoning Board. He explained requiring a performance bond isn't just for protection of the public, it is usually for the protection of adjoining property owners or purchasers of lots; that for the system to work for people who went to the Planning or Zoning Board to hear the application and feel they were vindicated by certain criteria and conditions put on the development, they have a right to make sure it gets done. Mr. Sandman said those people may not come to the Township Committee meeting because they may not know the person who got the approval is now asking to have waivers and that the protection built into the Township ordinance and the Decision & Resolution of the Planning or Zoning Board wouldn't be fulfilled. Mr. Sandman said that is two of the most glaring reasons that come to his mind. He said it is no small issue when you talk about constitutional right of equal protection. Mr. Pucci said the protection no longer exists at the end of two years if the improvements aren't done because the variance dies so there is no need for a neighbor to be protected; and that the protection of the neighbors no longer exists once the 2 years is up and the development isn't done because the approvals go away. Mr. Sandman said Mr. Pucci would have the right at that time to petition the governing body for release of the performance bond. Mr. Pucci said the cost (of a performance guarantee) is an unneeded expense to the applicant where no other adjacent property owner is affected and it will never be used by the Township. Mr. Sandman explained that wasn't necessarily true. He said Mr. Pucci went to the Zoning Board for relief from terms and provisions of the law and in return for that he agreed to accept all of the criteria in the Decision and Resolution including the requirement to post a bond and that would apply to anyone. Mr. Sandman said to suppose Mr. Pucci got approval to do "X" with 5 things required and did 3 out of the 5 and then decided to let the use variance lapse. He explained any one of the three things performed may affect surface water runoff or something for which the neighbor showed up at the meetings, grieved and felt vindicated that now isn't vindicated because Mr. Pucci graded an area and then said he isn't going to do it anymore the economy is bad but in performing the grading, he may have created a problem for the neighbor who exercised his rights before the Planning or Zoning Board. Mr. Pucci repeated his comments on it being an added expense that isn't necessary; that the performance bond estimates being at the highest level; and that it is the maximum cost. He questioned why it can't be waived so that instead of paying money to an insurance company the Township has a way for an applicant to save a few dollars. Dr. Kesselman asked how much a \$4,690.00 bond would cost and what would happen to it if they didn't complete the project. Mr. Jacobs said he thought what Mr. Sandman brought up was important: that depending on what was done, the Township may or may not have to do something; and they would have to money to do so and not have to use taxpayer dollars. Dr. Kesselman asked Mr. Pucci if he was aware that there would be a performance bond when went to the Zoning Board. Mr. Pucci said "absolutely" and that the cost is about \$400.00. Mayor Silva said Mr. Pucci's points were well taken but he does not see the requirement for performance bonds for situations like Mr. Pucci's changing at this time.

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Joseph Nickels III thanked the Committee for his appointment to the VAB. He said he thought the Memorial Day Service was dignified, poignant, purposeful and concise.

There being no further questions or comments, 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".

Mrs. Dix asked how many tax appeals there are on June 12th. Mr. Sandman said there is one; that it is a special day; that it is a very large property and that there has been a request to continue it into July. Mr. Sandman commented on there being an appeal on Friday; that the County Board was surprised when he showed up and explained that he was a litigant because someone appealed the assessment on his property.

There being no further business to be considered tonight, Ms. Gatto 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