

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
JUNE 20, 2011

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Amy Gatto presiding. Members present were Charles Cain Jr., Dr. Harvey Kesselman, Thomas Palmentieri and Roger Silva. Also present were Michael S. Jacobs, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Edward J. Walberg, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of this meeting on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda of this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at 6:30 PM on Monday, June 20, 2011 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

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

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

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

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

The Committee reconvened in public session at approximately 6:47 PM.

Smart Growth Committee presentation:

Mr. Cain said he was excited about having Mr. Strigh and Mr. Choyce do the presentation and thanked Dr. Kesselman for bringing the Strategic Planning initiative to the Township. Mr. Cain commented on the other Committees' presentations being well thought out and coming up with great ideas. He said this presentation is a year's worth of work; the Committee met every Friday morning; and said he takes his hat off to the members for dedicating the time to hopefully make Hamilton Township a better place. Mr. Cain thanked Lisa Hedrick, Mr. Jacobs, Warren DaGrosa, Phil Sartorio, and all of the employees of town hall that helped prepare the presentation.

Bruce Strigh commented getting input from the residents about their concerns at meetings held throughout the Township and explained their committee looked at that information and narrowed it down to essentially four that were most prevalent and had a common thread. Mr. Strigh said Mr. Choyce was the co-chair and did a good job collecting minutes and keeping track of what they did. He commented on the major stakeholders being the residents and taxpayers and said the Committee's focus was on their perspective; how the issues were relevant; and how to proceed to find solutions. Mr. Strigh made a power point presentation with assistance from Wayne Choyce. Hard copies of it were distributed to the public and a copy is available for review in the Township Clerk's Office. Mr. Strigh said it is important to know that Strategic Planning encompasses the whole Township. He showed slides and explained each of the Smart Growth's four goals, recommendations and workable solutions. Review of the Master Plan and recommendations to improve the document: (1) the review revealed it is an unorganized assemblage of boxes and books that couldn't be deciphered by the average resident or taxpayer; the recommendation is to establish a goal making the Master Plan more user friendly; the workable solution would be to combine all documents that make up the Master Plan into a single piece containing all the current standards, have it digitalized and put on the Township website along with previous versions of the Master Plan; (2) no formal process exists to follow up on recommendations from the Master Plan

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after it was reviewed by the Planning Board; the workable solution is to amend the job description of the Community Economic Development Director or its equivalent to include monthly review of progress on goals and objectives of the Master Plan reports to Planning, Zoning and Township Committee. Mr. Choyce said they found several tremendous recommendations and objectives in the Master Plan Review that technically have not been addressed; the Township paid good money to have a thorough report done; and they should follow up on it and try to initiate or implement the recommendations. (3) there is no coordination between the Planning Board, Zoning Board and Township Committee regarding goals and objectives established in the Master Plan; the recommendation is to establish an agenda line item for the Planning Board, Zoning Board and Township Committee to review or discuss the Community Economic Development monthly report. He used the example of the Zoning Board noticing during the past year that Tavistock residents were coming in almost monthly for rear and side yard setbacks and said that concern would need to be transferred to the Planning Board. He said that looking back it may have been something that should have been given serious consideration when the development was approved with the variances that were gathered. Mr. Cain said those issues would be looked at on a monthly or quarterly basis instead of waiting for the (Master Plan) Review to come up in ten years. Mr. Strigh said part of that recommendation was also to bring new items to Planning, Zoning and Township Committee. He explained previous Master Plan Review included subcommittee discussions but lacked formal presentations from them as well as public comment prior to adoption; the recommendation is that the Planning Board advertise and solicit public input during the review process mimicking the SWOT meetings; an agenda line item be established for Planning Board meetings continuing the discussion and input from the public and Board on ideas and changes to the Master Plan process. Mr. Cain commented on there being a lot of shared concerns among the different communities in the township but there are also distinctive concerns to each one and used the example that Laureldale may have a concern that Mizpah or Weymouth doesn't. Code Enforcement: (1) residents and businesses are frustrated and uninformed about the complexity of the inspections process; the recommendations are to create a workable solution to reduce multiple inspection failures, educate the residents and businesses to better prepare for inspections; implement a data tracking system for inspections to track inspector performance and identify repeat offenders such a developer, builder and businesses that continue to raise the same questions and issues that make inspections difficult; establish mutually acceptable inspection scheduling; develop and provide preparation lists that are specific to residents and businesses in advance of inspections. (2) residents are discouraged when known zoning violations receive no corrective action resulting in loss of community pride, beautification and developmental interest in the township; the recommendation is to utilize and deputize building inspectors, law enforcement, public works, MUA, etc. existing personnel to report apparent zoning and safety violations; to review current ordinances and procedures for identifying, tracking and correcting known violations and to establish and enforce penalties to compel compliance. (3) outside agency inspections revealed many unsafe tenant living conditions that yield risk to tenant, landlord and neighborhood safety; the recommendation is to create a Rental Housing Ordinance requiring an annual certificate of inhabitability and a change in occupancy inspection that would be self-funded by inspection fees; review of existing ordinance and modify it to coordinate with the proposed Rental Housing Ordinance. Mr. Strigh said they met with a gentlemen who does housing inspections in the township for HUD and some of the stories he related proves or shows there is a need for something like this. Mr. Cain said it is an opportunity to protect not only tenants but also landlords and neighbors and that he thinks the time has come to explore and move forward with this. Separate Master Plan for downtown Mays Landing Area: (1) review the need for a separate Master Plan for the downtown Mays Landing area. He explained it is a mixed use, limited parking, and small merchant area that includes a designated Village Commercial Zone; the area isn't reaching its full potential because of restrictive zoning that conflicts with historic and pre-existing conditions; the recommendations include inventory and define the total available parking to develop a shared parking ordinance or agreement because there just isn't enough parking if you go by the letter of the Ordinance; a parking plan where shared parking can be distributed is needed.

(2) another recommendation is to explore and develop an overall pedestrian plan including walkways, bike lanes and designated cart ways for low-speed neighborhood electric vehicles to encourage easy access to downtown commercial and residential properties. Mr. Strigh showed and explained an overlay of the routes picked for it. (3) they also recommend exploring grant opportunities for reuse of the Duberson School; exploring the possibility of establishing a PILOT Program for payment in lieu of taxes for the Village Commercial Zone and earmarking the funds for beautification of the downtown area and identification of historical sites; working with the County, Board of Education, local merchants and businesses to develop a shared parking agreement. Mr. Strigh said the County has offered parking behind the court house and to limit employees not to park on Main Street. Mr. Cain said that the agreement that the Township signed several weeks ago is already signed by the County and could be on an agenda in the very near future. Mr. Strigh explained it also called for identification of pathways that would be part of a pedestrian plan, what it included and said the work should be coordinated with the County bike path plan. Achieving the vision & mission statements: (1) establish a focus group via an Ordinance or ad-hoc continuing committee that can be charged with creating a marketing plan promoting the vision of the Township's Strategic Planning Process. Mr. Strigh said one concern of the Smart Growth Committee was that the whole process go forward.

Mayor Gatto thanked Mr. Strigh for the presentation.

Mr. Palmentieri asked if the pedestrian plan shown is part of the one adopted for the entire growth area about 7 years ago. Mr. Strigh said he wasn't sure. Aline Dix said the pedestrian plan was actually a photocopy of a map out of a phone book and that the Committee looked at how to link Gaskill Park to the other parks and how to traverse all of it because of the number of people who walk. She said can't say there is any link between the plan Mr. Palmentieri was talking about and this one. Mr. Cain said it was designed to connect all of downtown Mays Landing's significant assets that sets it apart from neighboring communities and he thinks the plan does a very good job of that. Ms. Dix said it was largely for people to be able to jog, ride bikes or walk. Mayor Gatto commented on the Township being members of the Mayors' Wellness Campaign and suggested there might be funding available through it.

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

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

1. Insert reason for executive session: Collective Bargaining.
- 7.A Insert names of businesses:
  - (1) Champion Communication - cell phone tower (co. based in Westville)
  - (2) Pitts Commercial Cleaning LLC - home office on Darby Lane
- 7.0 Rescind May 16, 2011 resolution as amended June 6, 2011 authorizing person to person transfer of liquor license 0112-33-033-014 from Andrew Reichel to Gary & Lori Carlson
- 9.D Appoint MICHAEL NATALE, JAMES CZERWINSKI & CHRISTOPHER MURPHY part-time dispatchers at an hourly rate not to exceed \$15.00 per hour as recommended by Chief Tappeiner.

BE IT FURTHER RESOLVED that Item 5.B be changed to read "Next steps for Fleet Maintenance Bid".

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

There were no executive session confirmations to be made.

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

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Fox Chase Bank proposal re: Glen Eyre property

Mr. Sandman explained this is one of the Glen Eyre properties with about 37 lots; some have been built; some improvements have been put in but many public improvements are not; the developer originally filed for Chapter 11 Bankruptcy that was converted to a Chapter 7 which is a liquidation; and nothing has happened there by way of continuing to do all the things they are required to do as a result of the Decision and Resolution of the Planning Board. He explained his understanding is that Fox Chase Bank in Pennsylvania held the mortgage; they foreclosed in Federal Court and got a judgment of foreclosure on the property; they have not obtained a Marshal's Deed as of this date. Mr. Sandman explained that under the Bank proposal the Township Committee will appoint their Counsel as Special Counsel for Hamilton Township to file a lawsuit against the bonding company of the former developer to require them to pay for the top coat of the roadways and all the things required before the Township would ever release the performance bond because the rights and remedies under a performance bond flow only to the governing body of the Township and are not otherwise legally assignable. Mr. Sandman said a legal issue has been raised as to whether or not the Township can do it at this point because there was no time provision in the Decision and Resolution. Mr. Sandman said it would be a good thing if the Committee were agreeable to the proposal because it will get the roadway and improvements built quicker; it would add ratable to the tax base; it would be done by a reputable company who would be bound all the provisions in the Decision and Resolution; and it would be done at no cost and no risk to the Township residents and taxpayers. Mr. Sandman said he has in writing the fact that the bond at issue remains an issue and that the Township isn't in any jeopardy there. He said that as soon as the Committee agrees to allow the bank to file a claim they will issue a letter of credit that would be approved based on the Municipal Land Use Law requirements and they will enter into a fee agreement that says Fox Chase will pay the legal fees and costs and that the bank would indemnify and hold harmless the Township should the original developer and/or bonding company bring any action against the Township or its representatives. He said he would draft the hold-harmless agreement and it would include any costs if there was a suit and the Township wasn't indemnified. Mr. Sandman said he wasn't saying they will be successful because there are equitable defenses here; he is telling the Committee they are protected if they proceed in the manner he laid out. Mr. Sandman said it is a Pennsylvania law firm but whoever they assign has to be licensed in New Jersey; the firm has to be adequately insured; and that every protection he could think of was in the resolution.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal from Fox Chase Bank (The Bank) regarding certain action against the American Southern Insurance Company issued as a performance bond for the Glen Eyre Property be and is hereby accepted.

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

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

BE IT RESOLVED by the Township Committee of the Township that an attorney from the law firm of Specter Gadon & Rosen, P.C. who is licensed to practice law in the State of New Jersey be appointed by the Township Committee as its Special Counsel for the sole and only purpose of pursuing an action against the American Southern Insurance Company with respect to Bond #8822-017688 issued as a performance guarantee for the Enclave at Glen Eyre LLC (formerly Glen Eyre Palette I) and The Township Committee will declare the developer in default of its obligations and authorize and direct Specter Gadon & Rosen, P.C. law firm to file suit on its behalf against American Southern Insurance Company; and

BE IT FURTHER RESOLVED that the foregoing will be conditioned upon the following:

- I. Proof by the Spector Gadon & Rosen, P.C. law firm that the attorney assigned to the matter is licensed in the State of New Jersey and that the firm carries adequate malpractice insurance.
- II. As a condition precedent to the Township filing any action against the bonding company, The Bank shall deliver to the Municipal Clerk and the Solicitor an irrevocable letter of credit in the amount of THREE HUNDRED AND THIRTY THOUSAND NINE HUNDRED TWELVE DOLLARS AND NINETY THREE CENTS (\$330,912.93), the form of which will have to be approved by the Municipal Solicitor and be consistent with the Municipal Land Use Law as well as the Township of Hamilton Development Ordinance.
- III. The Bank will execute a Hold Harmless and Indemnification Agreement in favor of the Township of Hamilton, its Officers, Agents and Employees from any and all claims from American Southern Insurance Company or any of the former developers of the properties.
- IV. The Bank and/or its Developer shall agree that they are bound by all prior Resolutions of the Planning Board and that their Development shall be consistent with all the requirements of the Planning Board, the Municipal Land Use Act and the Township of Hamilton Land Development Ordinance.
- V. The Township shall not be responsible for any cost incurred by The Bank in its pursuit of an action against the bonding company. Any such costs including without limitations, legal fees, will be at the expense of The Bank and not the Township.

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

Fleet Maintenance & Management Services Bid #2011-03:

Mayor Gatto announced the wording on the agenda was changed to read "*Next Steps for Fleet Maintenance Bid*" and asked Mr. Jacobs to summarize where the Township is with the bid and what the Committee has to consider about where they need to go.

Mr. Jacobs explained a process was started several months ago to determine whether it was cheaper to do the Township's vehicle mechanical work in-house or outsourcing it. He said they learned as they got into the process that it is very complex; it is not a simple bid; and that is why the language on the agenda was changed. He explained they are looking to assign this to a Committee for study because there are a lot of nuances that have to be weighed.

Mayor Gatto said she had an issue with the wording on the agenda because she didn't want to accept anything that was over \$1 million without a lot of discussion, especially something that may or may not affect the Township's employees. She commented on this touching Public Works as well as the Finance Committee and depending on those discussions and recommendations the Personnel Committee. The Mayor suggested starting with the Mr. Palmentieri and her as the Public Works Committee.

Mr. Sandman cautioned the Committee that the bid opening was on June 8 and has to be accepted or rejected within 60 days; inactivity is a defacto rejection so it has to be scheduled before August 8<sup>th</sup>.

Mr. Cain moved, seconded by Mr. Palmentieri, that action regarding acceptance of the bid proposal for Fleet Maintenance & Management Services received from All Star Fleet Services on June 8, 2011 be tabled.

MOTION CARRIED WITH ALL MEMBERS VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

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Buffalo Pike Associates Economic Redevelopment & Growth Grant Application:

Mr. Jacobs said he didn't know if the development could move forward without a letter of support. He said the Ordinance would allow Buffalo Pike Associates to apply under the ERG Program to the EDA Grant for "reimbursement to the developer of specified State Taxes generated on site up to a maximum of 20% of the cost of the project excluding publically owned infrastructure". He explained the developer will generate tax revenue when this is built and the State will give them up to 20% of it back for a period of time if the grant is awarded. Mayor Gatto said it is a tool for the developer to potentially use and just needs the buy-in of the municipality via a resolution. Mr. Jacobs said it isn't the Township's tax money; it is an income tax from the State. Mr. Palmentieri questioned whether it was income or sales tax and said he thinks it is sales tax. The Mayor said if the Ordinance is introduced tonight there will be enough time to get answers to questions before the public hearing. Mr. Cain said he thought Buffalo Pike Associates has been very cooperative with the Town; Township received a lot of concessions from them, especially with completion of Volunteer Way which will ease traffic concerns and congestion along that portion of the Pike; and it is an example of what the Township can do to support good developers. Mr. Palmentieri said he agreed with Mr. Cain. He said the Township has been talking with the developer for almost 10 years regarding getting Volunteer Way done and the developer has been very cooperative in getting it done without taxpayer money. Mr. Silva commented on seeing information that said it the is anticipated that project will generate 503 new direct jobs, \$10.2 million into the local economy annually and more than \$2.3 million in local and state taxes.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1695-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the June 22, 2011 issue of the Atlantic County Record for a public hearing to be held July 11, 2011 at 6:30 PM in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE #1695-2011

AN ORDINANCE APPROVING THE APPLICATION FOR A STATE INCENTIVE  
GRANT FOR BUFFLO PIKE ASSOCIATES, SUBJECT TO NJ ECONOMIC  
DEVELOPMENT AUTHORITY APPROVAL:  
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, NJ

WHEREAS, the New Jersey Economic Stimulus Act of 2009, P.L. 2009, c.90, sections 3 through 18 (the Act) created and established the Economic Redevelopment and Growth (ERG) Grant program for the purpose of encouraging development and redevelopment projects through the provision of State incentive grants derived from certain incremental tax revenues realized at the project site to reimburse developers for certain project financing gap costs; and

WHEREAS, the Act further provides that State ERG grants can be provided from certain eligible State tax revenues in qualifying economic redevelopment and growth grant incentive areas that do not qualify as such areas solely by virtue of being a transit village, provided that the State ERG Grant for each project does not exceed 75% of the annual incremental revenues derived from the designated State taxes and the combined amount of reimbursements under ERG grants with the State and municipality does not exceed 20 percent of the total cost of the project, exclusive of publicly owned infrastructure; and

WHEREAS, Buffalo Pike Associates seeks to develop a project, known as Gravelly Run Square, on the parcel identified on the Tax Map of the Township of Hamilton as Block 1132.01 Lots 23.01, 42.04, 42.05, 44, and 46, which is located in a qualifying economic redevelopment and growth grant incentive area as defined in the ACT and which is not a Transit Village; and

WHEREAS, Buffalo Pike Associates has submitted an application to the New Jersey Economic Development Authority (EDA) for a State ERG grant pursuant to the terms of the act; and

WHEREAS, the Township of Hamilton has determined that it is in the best interest of the municipality to approve the State ERG grant and facilitate development of the project; and

WHEREAS, a copy of the application is on file with the Township Clerk,

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that:

SECTION 1.

- 1) The Township of Hamilton approves the State ERG grant application that Buffalo Pike Associates has submitted to the EDA, subject to review and approval by the EDA.
- 2) The Mayor is authorized to execute any documents appropriate or necessary to implement the purposes of this ordinance.
- 3) Both Buffalo Pike Associates and the Township shall meet the reporting requirements of NJSA 52:27D-489f.e. and any other reporting requirements that may be required by law or agreement.
- 4) All appropriate officials of the Township are hereby authorized and directed to take all appropriate steps to assist and cooperate with Buffalo Pike Associates application for a State ERG grant as approved by this ordinance.

SECTION 2. Repealer. All Ordinances and parts of Ordinances of the Township of Hamilton 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. Effective Date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ORDINANCE #1695-2011 INTRODUCED & PASSED FIRST READING ON JUNE 20, 2011.

Mr. Cain moved, seconded by Mr. Silva, that authorization is hereby given for issuance of a letter of support for the Buffalo Pike Associates application for an Economic Redevelopment & Growth Program grant for their Gravelly Run Square Development Project.

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

Dispatch Center Shared Services Agreement with Egg Harbor City:

Mayor Gatto commented on her and Mr. Silva working very diligently on this and said Egg Harbor City had approached them with several ideas for shared services. She said this agreement will be mutually beneficial to the Township and the residents of Egg Harbor City and that the Township will potentially be able to put somebody back to work with the agreement money. Mr. Silva said regionalization of dispatch centers makes a lot of sense today. He commented on many larger municipalities taking the step forward and starting to make things happen while the County is wrestling with it. Mr. Silva said he is excited about it and he thinks it is definitely a win-win situation for both communities.

Mr. Jacobs explained Egg Harbor what they are paying the Township is less than what they were paying to the consortium they were previously a part of. He said it will help off-set some of the Township's costs but isn't 100% profit to the Township because later on the agenda a part-timer will be moved to full time; some part-timers will be added; and there will be some additional burden on the Police Department Supervision. Mr. Jacobs said there are no up-front capital costs for the Township and they are protected in case the County Dispatch comes. He commented on there being an item later on the agenda for a piece of equipment the Township will buy and

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said the Township needs it whether or not they do the shared service agreement because its existing system is outdated. Mr. Jacobs commented on this being one of those rare opportunities that equally benefited both communities and said he didn't see any down-side to it. Mayor Gatto commented on the great work done on this by Mike Brandenberger, Chief Tappeiner and members of the Safety Committee. She especially thanked Mr. Brandenberger for the work he did.

Mr. Sandman commented on there being a question about how the two entities could insure and indemnify each other as the agreement was originally drafted. He explained he tries to provide the broadest possible indemnification whenever he drafts an agreement for the Township and said it couldn't be done in this case and be fair to Egg Harbor City because it requires JIF approval and Egg Harbor is in one JIF and the Township is in another. Mr. Sandman explained if both the Township and Egg Harbor are both named in a suit for conduct that occurred by virtue of Township employees, Hamilton indemnified Egg Harbor City and vice-versa; it makes each one add the other as a named insured on their policy then one attorney can handle both claims rather than each town having their own attorney; the indemnification is supported by insurance policies that start at \$300,000.00 and a \$4.7 million umbrella for each party.

Dr. Kesselman asked if there was an "out-clause" in case the County decides to go county-wide. Mr. Jacobs explained it is a 3-year proposal but either party can get out of it with 6-months notice.

Mayor Gatto commented on the central dispatch discussion being long and not very fruitful at various elected officials' association meetings. She said she thinks this is the way to go.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Dispatch Center Shared Services Agreement with Egg Harbor City set forth below be and is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are authorized to execute said agreement on behalf of the Township.

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

**SHARED SERVICES AGREEMENT**  
**(Dispatch Services)**

**THIS SHARED SERVICES AGREEMENT** by and between **THE TOWNSHIP OF HAMILTON**, (hereinafter "Hamilton") a body politic, organized and existing under the laws of the State of New Jersey, with offices at 6101 Thirteenth Street, Mays Landing, NJ 08330; and

**EGG HARBOR CITY**, (here after referred to as "Egg Harbor") a body politic, organized and existing under existing under the laws of the State of New Jersey, with offices at 500 London Avenue, Egg Harbor City, NJ 08215; and

**RECITALS**

**WHEREAS**, the Municipalities of Hamilton and Egg Harbor agree that the residents can be better served with a reduced expenditure of tax dollars, while providing a greater level of government services through a shared services agreement; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (hereinafter "Act"), N.J.S.A. 40A: 65-1 et. seq., permits local units to enter into shared services agreements with the intention of saving costs to the residents through the reduction of local expenses; and

**WHEREAS**, pursuant to the provisions of the Act any local unit has the ability to enter into a shared services agreement with another local unit to provide or receive any service that each local unit provides or receives on its own; and

**WHEREAS**, Hamilton and Egg Harbor as “local units” defined by the Act are empowered to enter into shared services agreements; and

**WHEREAS**, of Hamilton and Egg Harbor hereby desire to enter into this Agreement in order to establish and create a bond by sharing services; and

**WHEREAS**, Egg Harbor wishes to have Hamilton’s Police, Fire and EMS Dispatch Center provide dispatch services for their Police, Fire, and EMS Departments; and

**WHEREAS**, Hamilton wishes to utilize its Police, Fire, and EMS Dispatch Center to provide dispatch services to Egg Harbor; and

**WHEREAS**, the sharing of these services will benefit all both municipalities by increasing efficiency and decreasing the costs of obtaining those services elsewhere; and

**WHEREAS**, both parties have authorized this Agreement with the adoption of the appropriate resolution; and

**WHEREAS**, this Agreement shall take effect on July 1<sup>st</sup>, 2011, following the adoption of said resolutions and the execution of this Agreement by both parties.

**NOW THEREFORE**, the parties agree as follows:

**DISPATCH SERVICES**

**1. Scope of Services**

A. Hamilton shall provide the services of its 24/7 Police, Fire, and EMS Dispatch Center located in the basement at 6101 Thirteenth Street, Mays Landing, NJ 08330, at the same level it provides to itself for Police, Fire, and EMS Dispatch Services to Egg Harbor.

B. The dispatchers and their supervisors will continue to be employees of Hamilton and Hamilton will be solely responsible for the compensation and benefits that will be paid to the dispatchers. Management, work scheduling and the operations of the center will be the responsibility of Hamilton.

C. Hamilton will continue to own and maintain all of its existing equipment and any new equipment it installs to comply the terms and conditions of this Agreement.

D. Hamilton will continue to operate its Dispatch Center in the same manner it is currently operated. Any material changes in the operation this center will be communicated from the Hamilton Chief of Police or his/her designee to the Chief of Police or his/her designee in Egg Harbor.

E. Egg Harbor agrees that it is solely responsible for installing, maintaining and operating the receiving and transmitting equipment, to include the strength of the VHF transmissions, the ability to receive VHF transmissions, and all costs related there to, including the equipment installed in its own vehicles and station houses.

F. Egg Harbor agrees that it is solely responsible for the maintenance cost and the Federal Communication Commission licensing of their VHF receiver sites, base stations, antennas, and towers.

G. Egg Harbor agrees that it is solely responsible for the associated cost of transmitting the data from their VHF receiver sites to the Hamilton radio room.

H. Egg Harbor agrees that it is solely responsible for all cost associated with adding their sites into Hamilton’s radio system.

I. Egg Harbor agrees that it is solely responsible for meeting the January 1, 2013 Federal Communication Commission narrow re-banding mandate for all VHF equipment.

J. Egg Harbor agrees that it is solely responsible for the migration to the Atlantic County future P25 platform.

K. If a direct dial phone (pick-up for police/service) is required Egg Harbor agrees that it is solely responsible for all associated cost of the installation and maintenance of this equipment.

L. Egg Harbor City agrees that it is solely responsible for updating/adding the appropriate group identification numbers (GID numbers) to their mobile and portable radios to communicate with the Hamilton communications Center.

## **2. Term**

A. The term of this Agreement shall commence on July 1, 2011 and continue for a term of three (3) years until June 3, 2014.

B. Notwithstanding the three (3) year term, either entity may terminate this Agreement upon one hundred eighty (180) days' written notice (Resolution from their Governing Body) to the other entity.

## **3. Consideration**

A. To facilitate this shared services agreement for the benefit of the residents of both municipalities, Egg Harbor shall pay to Hamilton the amount of \$176,100 annually.

B. The above annual assessment shall be divided into twelve (12) equal payments and paid to Hamilton on or before the first day of each month starting on August 1st, 2011 for the prior month's service. Payments not received by the first of the month shall be assessed a late fee of 1% per month (prorated to a daily amount) until such payment is received by Hamilton.

C. The parties agree that the annual fee outlined in 3.A will be increased annually in an amount not to exceed the Consumer Price Index for this region.

D. Both parties to this Agreement understand and acknowledge that the above described payments are for services rendered and do not represent any ownership interest in the Center or its equipment.

## **4. Additional Terms**

A. All "Taxpayer" requests, requirements, and complaints shall be handled through Egg Harbor. If necessary, the Chief of Police of Egg Harbor, or his/her designee, shall contact the Chief of Police of Hamilton, or his designee to communicate and resolve the matter.

B. The Chief of Police of Egg Harbor shall be designated to coordinate, implement, monitor, and communicate issues that arise out of the terms of this Agreement. All complaints and concerns from "Elected Officials", and/or "staff", in reference to the conduct of this Agreement shall be forwarded to the Chief of Police of Egg Harbor, and that Chief of Police or his/her designee shall contact the Hamilton Chief of Police, or his/her designee "as appropriate" for resolution and/or action.

## **5. Insurance**

Egg Harbor and Hamilton shall each maintain and keep in force and effect throughout the duration of this Agreement adequate insurance coverage for their respective needs covering the acts and/or omissions of their respective agents or employees with respect to their participation in the Shared Services Agreement, with a minimum overall liability limit of FIVE MILLION DOLLARS (\$5,000,000.00) per occurrence as a combination of primary and excess liability policies. Egg Harbor shall name Hamilton as a named additional insured on its policy and Hamilton shall name Egg Harbor as a named additional insured on its policy, with respect to all activities that each undertakes directly related to the responsibilities of each under the terms of this Shared Services Agreement. The policies obtained and issued to Egg Harbor and Hamilton in accordance with this term of the Agreement shall, among other things, fulfill the obligations of each respective party as is set forth in clause 6, Indemnification, set forth herein below.

**6. Indemnification**

Hamilton shall indemnify Egg Harbor for any claims made against Egg Harbor for acts or omissions related to the actions undertaken by Hamilton pursuant to this Share Services Agreement. Egg Harbor shall indemnify Hamilton for any acts or omission related to its officials, agents or employees pursuant to its performance of acts under this Agreement. By way of example, certainly not an exclusive example, if an allegation was made against agents or employees of Hamilton that it did not timely transmit a dispatch to Egg Harbor, in that case, the alleged act or omission would be one of Hamilton's agent or employee and therefore Hamilton would indemnify Egg Harbor if they were named in a suit with respect to that conduct. By way of example, certainly not exclusive example, if a claim was made against Hamilton that agents or employees of Egg Harbor did not take appropriate action once it received the dispatch, then and in that event Egg Harbor would indemnify Hamilton. The mutual indemnification obligation, as set forth herein, are to provide a defense and indemnity against any and all claims demands, suits or losses, including the costs connected therewith and for any damages which may be asserted, claimed or recovered against either Hamilton or Egg Harbor, as the case may be. This would include, but is not limited to, claims of bodily injury, death, property damage, loss of use of property or any claim for compensatory damages which, in any way, arise out of or are connected or associated with the conduct of the respective parties under this Agreement. The indemnification shall include the payment of reasonable attorney fees, defense costs and expert fees.

**7. Dispute Resolution**

In the event a dispute arises concerning the terms and conditions of this Agreement, the parties shall attempt to mutually agree upon a third party to arbitrate any such dispute which arises under this Agreement. Any decision by the arbitrator shall be binding on the parties. In the event the parties are unable to mutually agree on the selection of a single arbitrator, each party shall appoint an attorney licensed to practice in the State of New Jersey to serve as arbitrators. Such appointment shall be made within fifteen (15) days after written notice by either party of the election to proceed with arbitration by a panel of arbitrators. The two attorneys appointed by the parties (one by each party) shall appoint a third attorney, and the three attorneys shall constitute the entire panel of arbitrators. Any decision by a majority vote of the three attorneys shall be binding on the parties. The costs and expenses of the arbitrator(s) and fees charged by such arbitrator(s) shall be shared equally by the parties; however, each party shall be solely responsible for their own attorney fees and expenses related to retention of their own experts and witnesses.

**8. Choice of Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

**9. Entire Agreement**

This Agreement sets forth the entire understanding of the parties hereto with respect to the services contemplated herein. No change or modification of this Agreement shall be valid unless the same shall be in writing and signed by all parties hereto.

**10. Severability**

If any part of this Agreement shall be held to be unenforceable, the remainder of this Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement.

Timber Glen Retention Basin update:

Mr. Sandman reported Mr. Smith made an inspection the latter part of last week and things appeared to be unchanged. He said he was prepared to discuss the Township's rights and remedies tonight but that may not be necessary because he received a telephone call about 4 o'clock today from the developer's in-house counsel advising him the dewatering of one basin has begun; it is supposed to be complete tonight; and they are having a construction meeting with their in-house folks tonight. Mr. Sandman said he expressed to the Counsel how seriously the Township takes this; that the

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Township hasn't withdrawn its notification to their bonding company; and that more likely than not he might be directed tonight to take it to the next step. He said their Counsel assured him that won't be necessary; that their plan is to start removing some of the material as soon as 10 days from now and bring more coarse sand on site to replace it; to scarify the basin where they can; and that he will provide regular updates to Mr. Jacobs weekly, every other week, every 10 days, whatever the Committee would like. Mr. Sandman said the gentleman sounded sincere and said he told him he would report this to the Committee tonight. He said that in his opinion the Committee shouldn't go to the expense of the next level in terms of the bonding company. He said it cost upwards of \$25,000.-\$30,000.00 when other counsel was hired to do something like that in the past. Mr. Cain said it is necessary if the Township doesn't finally get compliance. Mr. Sandman said he is willing to do it but he would rather not have to. He explained that typically when a developer buys a bond the bonding companies always require an indemnitory on them and it is usually the people who own the corporation so that they have somewhere to go to get their money back if action needs to be taken against the bonding company. He said that is unlike the Glen Eyre situation because of the bankruptcy of that developer. He recommended the Committee take a breath on this because there are a couple of months of dry season coming up and said he will be glad to do what has to be done under the law if it doesn't work. Mayor Gatto asked if there was any indication as to why they waited until the 11<sup>th</sup> hour. Mr. Sandman said there wasn't but his impression is that the developer has a number of properties and there are competing interests in terms of the resources they have to maintain them. He said this might not have come to fruition if the bonding company hadn't been tweaking them and Mr. Smith wasn't doing his job. Mr. Sandman said he thinks it is a sincere effort and he wants to give the gentleman the benefit of the doubt. He said it will not prejudice the Township's rights between now and July 11<sup>th</sup>. Dr. Kesselman questioned how long Mr. Sandman thought the Committee should wait to see action. Mr. Sandman suggested giving the man the benefit of the next two or three weeks to see if what he said he was going to do within the 10-day period comes through and, if it does, Mr. Smith will inspect it and give the Committee a report. He said he didn't mind reporting on it at every meeting but there is absolutely no prejudice whatsoever to the Township.

Mayor Gatto said there are three weeks before the next meeting because of the holiday and that in her opinion the Committee should want weekly updates. Mr. Silva asked if they have to wait for approvals on the progress of their work. Mr. Walberg said they don't; they can just go ahead doing maintenance. He said he agreed there should be weekly updates. Mr. Palmentieri agreed the Committee needs weekly updates because of moving into the dry season when they need to get it done and that they have to continually push them to do the work. He said he would hate to lose another summer dry season and then get into the fall rainy season, winter freeze and spring rainy season if they don't get it done in the next three months. Mr. Silva said he agreed with Mr. Palmentieri. He commented on the progress accomplished through the efforts of many to put a lot of developers on notice that the Committee won't tolerate the horrendous conditions they witnessed in their basins over time. He said they have taken it for granted; many thumbed their noses at the Committee; and they haven't come up with the reports they were supposed to provide at least annually. He said he thinks the Committee has their attention now and is seeing some of the results.

Mr. Sandman reminded the Committee that notices he gave were for Phases 3 and 4; they were for two separate bonding companies; they are both performance bonds; and the Township hasn't even gotten to the point of talking about maintenance bonds. He said the residents will have some recourse based on what the Planning Board did but that costs money.

Mr. Cain said he agreed with Mr. Palmentieri about getting weekly reports. He asked if anyone knew where they are dewatering the basin to. Mayor Gatto said she asked and got confirmation from a Hamilton Walk resident that there is no water there.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1693-2011 be and is hereby introduced and passed on first reading and that the Township Clerk is authorized to advertise same in the June 22, 2011 issue of the Atlantic County Record for a public hearing to be on July 11, 2011 at 6:30 PM in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE NO. 1693-2011

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,428,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Hamilton, in the County of Atlantic, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,500,000, including the aggregate sum of \$72,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,428,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) 2011 Road Improvement Program including drainage, curbs and sidewalks, all as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans are hereby approved	\$910,000	\$866,500	15 years
b) Purchase of public safety equipment and communication equipment	\$220,000	\$209,500	5 years
c) Acquisition of emergency equipment, including firefighting equipment, fire protection equipment and rescue equipment	<u>\$370,000</u>	<u>\$352,000</u>	5 years
TOTALS	<u>\$1,500,000</u>	<u>\$1,428,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the

governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.06 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,428,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on

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the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 1693-2011 INTRODUCED AND PASSED FIRST READING JUNE 20, 2011.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1694-2011 be and is hereby introduced and passed first reading and that the Township Clerk is authorized to advertise same in the June 22, 2011 issue of the Atlantic County Record for a public hearing to be held July 1, 2011 at 6:30 PM in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON  
ORDINANCE # 1694 - 2011

**AN ORDINANCE APPROPRIATING \$5,000.00 FOR THE  
ACQUISITION OF LAND BY THE TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY, FROM  
PAUL Di MODICA, LEGAL GUARDIAN FOR JOSEPH Di MODICA**

**WHEREAS**, the Mayor and Township Committee of the Township of Hamilton, pursuant to N.J.S.A. 40A:12-5, have determined to purchase certain real estate for public purposes in the Township of Hamilton; and

**WHEREAS**, the Township of Hamilton has negotiated with the owner of the property which is identified as Lot 3 in Block 785 of the Township of Hamilton; and

**WHEREAS**, the Township of Hamilton and Paul Di Modica, Legal Guardian for Joseph Di Modica, the owner of the property, have negotiated the terms of the sale and have agreed to the conditions of said sale; and

**WHEREAS**, the Township of Hamilton has agreed to purchase the above described property for FIVE THOUSAND DOLLARS (\$5,000.00) AND NO CENTS; and

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

**SECTION 1.**

The Township of Hamilton is hereby authorized to acquire the property described herein according to the terms of the Contract for Sale to be entered into between the Seller, Paul Di Modica, Legal Guardian for Joseph Di Modica, and the Buyer, Township of Hamilton, pursuant to the draft Contract of Sale attached hereto and made a part hereof.

**SECTION 2.**

The Mayor and Township Clerk shall be and are hereby authorized, directed and empowered to execute the Contract for Sale and all other necessary and required documents in order to effect this purchase.

**SECTION 3.**

The Township Committee hereby appropriates \$5,000.00 from its 2011 Current Fund Operating Budget for the acquisition of undeveloped land located on 13<sup>th</sup> Street, and more particularly described as Block 785, Lot 3 on the tax map of the Township of Hamilton. The land is being acquired in accordance with the *Local Lands and Buildings Law*, N.J.S.A. 40A:12-1 et seq. The appropriation includes all costs related to the acquisition of the land.

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**SECTION 4. Severability and Effectiveness Clause.**

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 5. Effective Date.**

This Ordinance shall take effect upon its final passage and publication as provided by law.

ORDINANCE #1694-2011 INTRODUCED AND PASSED FIRST READING JUNE 20, 2011.

Consent Agenda Item 7.E re: State Contract Vendors list was taken separately at the request Mayor Gatto and Item 7.M re: Authorization for execution of contract for purchase of Block 785 Lot 3 was take separately at the Mr. Sandman.

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

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

- 1) Champion Communication - cell phone tower (co. based in Westville)
- 2) Pitts Commercial Cleaning LLC - home office on Darby Lane

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

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

**RESOLUTION FOR FAIR DISTRIBUTION OF STATE AID FOR EDUCATION**

WHEREAS, the Township of Hamilton, Atlantic County, believes that every child should have equal resources of state aid distributed by the Legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current state aid for education to schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey Constitution states, ***"The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others except as expressly provided in this Constitution"***; and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, ***"the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years"***; and

WHEREAS, Article VIII, Section IV, Paragraph 2 of the New Jersey State Constitution states, ***"the fund for the support of free public schools...shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State"***: and

WHEREAS, Article VIII, Section 1, Paragraph 7.a of the New Jersey State Constitution states the income tax is to be ***"annually appropriated...exclusively for the purpose of reducing or offsetting property taxes"***; and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students who reside within this jurisdiction,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hamilton, Atlantic County, does hereby call upon the Legislature of the State of New Jersey to fulfill its constitutional duty to distribute the state aid for education to the school districts in this state in a fair and equitable manner that if of equal benefit to all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court of other venue.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Senator James Whelan, Assembly Speaker Sheila Oliver, Assembly Minority Leader Alex DeCroce, Assemblyman John F. Amodeo and Assemblyman Vincent J. Polistina.

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

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

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

WHEREAS, Hamilton Township has applied for and been awarded additional grant funds, not to exceed \$426,003.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection (DEP) and the New Jersey Economic Development Authority for Remedial Investigation along with report preparation of the Hamilton Township Sanitary Landfill, a/k/a the Landfill Redevelopment Area: and

WHEREAS, the grant funds awarded are based on a supplemental scope of services, prepared by Land Resource Solutions, LLC and approved by DEP,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, NJ that the above referenced grant is hereby accepted and the Mayor is authorized to execute the grant documents and implementing contracts.

BE IT FURTHER RESOLVED that certified copies of this Resolution are to be forwarded to the New Jersey Economic Development Authority as Schedule D of the Public Grant Agreement closing documents.

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

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

**SECTION 125 PLAN RESOLUTION  
A RESOLUTION TO AUTHORIZE A CHANGE IN THE  
PLAN YEAR FOR THE SECTION 125 PLAN ADMINISTERED  
BY BOWMAN & COMPANY, LLP**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, THAT:

1. The Township of Hamilton in the County of Atlantic, participating in a Section 125 Plan administered by Bowman & Company, LLP, hereby designates an abbreviated and/or partial plan year to commence on August 1, 2011 through December 31, 2011; and

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2. Designates subsequent plan years to commence on January 1 through December 31 beginning January 1, 2012.
3. This resolution shall take effect immediately.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that RLI Insurance Company bond #RSB4136528 in the amount of the \$6,386.52, the stormwater management system maintenance guarantee for Michael P. Kelly/Quality Modular Homes (Block 792 Lot 3) is hereby authorized to be released contingent upon Michael P. Kelly/Quality Modular Homes providing an adequate means of **permanent financing** of inspection, maintenance and repair plan for the system, as recommended by Robert J. Smith III, the Township Engineer dated June 7, 2011 (Twp. file #33-07; Engineer's file #0112-1-042).

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

Mr. Silva moved, seconded by Dr. Kesselman, that Arch Insurance Co. bond #SU110017M, in the amount of \$40,000.00, the maintenance guarantee for Shore Building Contractor for the Reconfiguration of the Municipal Building Basement Entrance project, is hereby authorized to be released as recommended by Robert J. Smith III, Township Engineer, dated May 2, 2011.

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

Mr. Silva moved, seconded by Dr. Kesselman, that release of Traveler's Casualty & Surety Company of America bond #105527195, a \$30,684.00 performance guarantee for Capital Telecommunications cell tower at Town Hall (Block 786 Lot 1.01) be denied due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, dated May 11, 2011.

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

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

BE IT RESOLVED by the Township Committee of Hamilton that Change Order #1 (final) for the Municipal Building Front Steps & Wall Repair project be and is hereby approved, said Change Order resulting in a net reduction of \$1,075.00 as recommended by Robert J. Smith III, Township Engineer; and

BE IT FURTHER RESOLVED that Payment Certificate #3 (final) in the amount of \$11,983.30 be and is hereby approved for payment as recommended by Robert J. Smith III, Township Engineer.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Pennsylvania National Mutual Casualty Insurance Company bond #SB0604583 in the amount of \$51,838.00 be and is hereby accepted as a 2-year maintenance guarantee for RDA Construction Company for the Repairs to Front Steps and Wall-Municipal Building project.

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

Mr. Silva moved, seconded by Dr. Kesselman, that release of Sun National Bank letter of credit #2007063 in the amount of \$16,649.55, a stormwater management system maintenance guarantee for Mays Landing Brickworks Professional Park Phases I, II, III (Block 996 Lot 17) is hereby **denied** due to uncompleted punch list items as recommended by Robert J. Smith III, Township Engineer, dated May 10, 2011 (Engineer's file #0112-1-099).

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



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WATERING HOLE CAFÉ LLC 0112-33-014-016	WATERING HOLE CAFÉ	6494 WEYMOUTH ROAD MAYS LANDING, NJ 08330
TARANDIEHL ENTERPRISES 0112-33-016-004	THE HOTT SPOT	6032 BLACK HORSE PIKE MAYS LANDING, NJ 08330
GMRI 0112-33-017-011	THE OLIVE GARDEN ITALIAN RESTAURANT	4403 BLACK HORSE PIKE MAYS LANDING, NJ 08330
GMRI INC. 0112-33-018-008	RED LOBSTER	4411 BLACK HORSE PIKE MAYS LANDING, NJ 08330
STONEHENGE INC. 0112-33-019-007	THE GOOD GUYS PUB	5698 MAYS LANDING - SOMERS POINT ROAD MAYS LANDING, NJ 08330
PJ's PUB & GRILLE LLC 0112-33-020-004	PJ's PUB & GRILLE	2301 ROUTE 50 MAYS LANDING, NJ 08330
MEL-TOM INC. 0112-33-022-003	JONESEY'S BAR	6928 ROUTE 40 (HARDING HIGHWAY) P.O. BOX 445 MIZPAH, NJ 08342
GMRI INC. 0112-33-023-008		DARDAN P. O. BOX 695016 ORLANDO, FL 32869-5016 (for mailing purposes only)
COUSIN MARIO SONS LLC 0112-33-024-014	COUSIN MARIO'S	5401 HARDING HIGHWAY MAYS LANDING, NJ 08330
PALACE RESTAURANT & OUTFITTERS LLC 0112-33-025-007	PALACE RESTAURANT & OUTFITTERS	6924 BLACK HORSE PIKE MAYS LANDING, NJ 08330
KOI FISH CAFÉ LLC 0112-33-026-006		C/O THOMAS LOCAVARRA 1704 WEST AVENUE LINWOOD, NJ 08221 (for mailing purposes only)
GRAYLING CORP. 0112-33-027-006	CHILI'S GRILL & BAR	4305 BLACK HORSE PIKE MAYS LANDING, NJ 08330
MAYS LANDING SAKURA LLC 0112-33-028-010	SAKURA JAPANESE STEAK, SEAFOOD & SUSHI BAR	4215 BLACK HORSE PIKE MAYS LANDING, NJ 08330
MAGLIO SPIRITS INC. 0112-32-029-015	CANAL'S DISCOUNT LIQUOR MART	4212 BLACK HORSE PIKE MAYS LANDING, NJ 08330
RUBY TUESDAY INC. 0112-33-031-005	RUBY TUESDAY	4403 BLACK HORSE PIKE MAYS LANDING, NJ 08330
HOWARD ROBINSON 0112-33-032-007	ROBINSON'S RIVERSIDE INN	5397 SOMERS POINT ROAD MAYS LANDING, NJ 08330
GREENWOOD ACRA INC. 0112-33-034-006	ATLANTIC CITY RACE COURSE	4501 BLACK HORSE PIKE MAYS LANDING, NJ 08330
FAMOUS DAVE'S INC. 0112-33-035-009	FAMOUS DAVE'S BBQ	360 HAMILTON COMMONS 4315 BLACK HORSE PIKE MAYS LANDING, NJ 08330
PLATINUM SHOWCASE LLC 0112-33-036-008	PLATINUM PLAYGROUND	7685 BLACK HORSE PIKE HAMMONTON, NJ 08037
APPLE NEW JERSEY LLC 0112-33-039-010	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	700 CONSUMER SQUARE WRANGLEBORO ROAD MAYS LANDING, NJ 08330

BE IT FURTHER RESOLVED that the license certificates for Plenary Retail Consumption License #0112-33-013-002, #0112-33-023-007, #0112-33-026-006 and for Plenary Retail Distribution #0112-044-046-001 shall be retained in the office of the Township Clerk until said license is reactivated at its present location or transferred to and activated at a location approved by the Township Committee.

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

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

RESOLUTION ACCEPTING PLENARY RETAIL CONSUMPTION LICENSE RENEWAL APPLICATIONS WITH NO ACTION FOR APPROVAL OR DENIAL PENDING RECEIPT OF 12.39 SPECIAL RULINGS

WHEREAS, the following individuals and/or corporations hold inactive liquor license that requires a Special Ruling of the Division of Alcoholic Beverage Control before they can be renewed for the License Year July 1, 2011 through June 30, 2012; and

WHEREAS, the said individuals and/or corporations have filed the required applications and fees for renewal of their respective Plenary Retail Consumption Licenses for the year July 1, 2011 to June 30, 2012, both dates inclusive, as prescribed by law,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the renewal application and fees paid be and are hereby accepted and ordered filed with the Division of Alcoholic Beverage Control:

<u>LICENSEE/LICENSE NO.</u>	<u>TRADE NAME</u>	<u>ADDRESS FOR MAILING PURPOSES ONLY</u>
THE CLUB HOUSE AT HAMILTON, LLC 0112-33-007-003	THE CLUB HOUSE	c/o Sarah C. Bready P. O. Box 419 Ocean City, NJ 08226
Tom & Deb Inc. 0112-33-021-006	5341 Mays Landing-Somers Point Road	c/o Thomas Lacovara Lacovara Associates 1704 West Avenue Linwood, NJ 08221

BE IT FURTHER RESOLVED that no approval or denial determination of said application for renewal of said licenses shall be made until a Special Ruling from the Division of Alcoholic Beverage Control is received by the Township Clerk.

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

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

RESOLUTION ACCEPTING LIQUOR LICENSE APPLICATIONS FOR RENEWAL FOR THE 2011-2012 LICENSE YEAR WITH NO ACTION FOR APPROVAL OR DENIAL PENDING RECEIPT OF TAX CLEARANCE CERTIFICATES

WHEREAS, the following individuals, partners and/or corporations have filed the required applications and fees for renewal of their respective Plenary Retail Consumption or Plenary Retail Distribution Licenses for the 2011-2012 License Year, all in accordance with the provisions of the new Jersey Alcoholic Beverage Control Laws:

PLENARY RETAIL DISTRIBUTION LICENSE:

MAYS LANDING WINE, LIQUOR & DELI, LLC 0112-44-038-004	MAYS LANDING WINE, LIQUOR & DELI	30 MILL STREET MAYS LANDING, NJ 08330
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PLENARY RETAIL CONSUMPTION LICENSES:

M. L. JOEY, CORP. 0112-33-005-004	MAPLEWOOD II	6126 BLACK HORSE PIKE MAYS LANDING, NJ 08330
ANDREW REICHEL 0112-33-033-014		3313 SO. PINWOOD DR. FOLSOM, NJ 08037 (FOR MAILING PURPOSES ONLY)
MARTY'S GIRLS INC. 0112-33-040-008	GREAT AMERICAN PUB & GRILLE	4450 BLACK HORSE PIKE #3944 MAYS LANDING, NJ 08330

and

WHEREAS, the required Tax Clearance Certificates for the aforesaid Licensees were not received by the Township Clerk as of Monday, June 20, 2011; and

WHEREAS, the Division of Taxation only posts lists of Clearance Certificates issued on their website on Wednesday and only mails them on Friday of each week,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, that the renewal applications and renewal fees for the aforesaid licenses be and are hereby accepted and ordered filed with the Division of Alcoholic Beverage Control with no action to approve or denial renewal being made pending receipt of the required Tax Clearance Certificate.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of Hanover Insurance Company bonds #1722769, #1880765, #1822871, #1880766, #1880772, #1880767, #1822872, #1880768, #1822874, #1880769, #1822875, #1822870, #1822876 and #1880771, stormwater management system maintenance guarantees for Cates Road, Phases 1A, 1B, 2, 3, 4, 5, 6 and 7 in Mays Landing Development LLC Fairways at Mays Landing project (Block 1132.01 various lots & block 1316 Lot 2) is hereby authorized contingent upon Mays Landing Development LLC funding or otherwise guaranteeing a maintenance and inspection program for the systems in a fashion acceptable to the Township for a period of not less than 10 years and identifying the entity responsible for annual inspections and completion of any necessary maintenance and the method to finance the program as recommended by Robert J. Smith III, Township Engineer, dated June 7, 2011 .

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the May 16, 2011 resolution, as amended June 6, 2011, authorizing transfer of liquor license #0112-33-033-014 from Andrew Reichel to Gary Carlson and Lori Carlson be and is hereby rescinded due to the settlement having been postponed.

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

State Vendor List approval:

Mr. Jacobs explained it is a list of State Vendors the Township uses each year with the addition of the technology equipment the Township needs to buy for the Dispatch Center. He commented on knowing some e-mails went out while he was away that confused the issue a little bit and explained

the E-ticket item in his Capital Budget presentation was being postponed; new bond money will be used for that; and old bond money will be used to buy the equipment for the Dispatch Center. He said the cost is \$99,000.00 and this action is authorization to buy it. Mayor Gatto said the prioritization is because of the immediate need for updating of the equipment. Mr. Jacobs explained the Township is at risk if it (the current equipment) breaks; it is part of the Inter-local Agreement process with Egg Harbor; and it would still have to be bought even if the Township doesn't do the Agreement. He said the E-ticket will be done as soon as the new bond is done.

Mrs. Anderson asked for clarification that this resolution basically approved the list of Vendors the Township will buy from and that no separate resolution was needed to authorize the purchase of the dispatch equipment. Mr. Jacobs said he spoke with Cindy (Lindsay) today and as long as the Vendor is on this list they have the authority to go ahead and purchase the equipment. He explained he originally had it on the agenda as a separate line item but because of some confusion while he was away it was taken off and said he wanted to be sure there were no mistakes when spending \$100,000.00. He said the amount in the Capital Budget was \$100,000.00 but the actual price is \$99,000.00. Mr. Palmentieri asked if the amount needed any separate action. Mr. Jacobs said Cindy told him it didn't if the Vendor list is approved. Mayor Gatto said it can be put on the July 11 agenda if Mr. Jacobs finds a separate resolution is needed. Mr. Jacobs said he understood it is being ordered tomorrow or the next day if the list is approved tonight.

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

WHEREAS the total amount for purchases from certain State Contract Vendors may or may not exceed the bid threshold during the year 2011,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that purchases are hereby authorized for the year 2011 from the following State Contract Vendors which may or may not exceed the bid threshold:

VENDOR NAME	STATE CONTRACT NUMBER	COMMODITY	EXPIRES
A.E. STONE	76595	ROAD MATERIAL	4/30/2012
ARAWAK PAVING	76546	ROAD MATERIAL	8/31/2011
BIRCH'S COMMUNICATION	53764	PUBLIC SAFETY	6/28/2013
CAM CO.	76909	PUBLIC WORKS SUPPLIES	6/30/2011
CAM CO.	69710	PUBLIC WORKS SUPPLIES	8/31/2014
CDW GOVT.	70263	TECHNOLOGY	8/31/2014
CDW GOVT.	74849	TECHNOLOGY	8/31/2014
CDW GOVT.	74851	TECHNOLOGY	8/31/2014
CDW GOVT.	74922	TECHNOLOGY	8/31/2014
CDW GOVT.	75579	TECHNOLOGY	8/31/2014
CDW GOVT.	75580	TECHNOLOGY	8/31/2014
CDW GOVT.	75583	TECHNOLOGY	8/31/2014
CDW GOVT.	75585	TECHNOLOGY	10/31/2011
CONTINENTAL FIRE & SAFETY	74003	FIRE SAFETY	3/31/2012
CONTINENTAL FIRE & SAFETY	76369	FIRE SAFETY	8/30/2011
CRAFT OIL CO.	70844	AUTO PARTS & SUPPLIES	8/31/2014
DELL	70256	TECHNOLOGY	3/31/2012
DREAGER SAFETY	76371	FIRE SAFETY	10/31/2011
ESI EQUIPMENT	74098	FIRE SAFETY	3/17/2012
GALLO GMC TRUCK	73698	AUTO PARTS & SUPPLIES	10/31/2011
GENERAL SALES ADMIN.	74011	AUTO PARTS & SUPPLIES	8/31/2014

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GOV CONNECT	70263	TECHNOLOGY	1/19/2012
H.A. DEHART & SON	75721	AUTO PARTS & SUPPLIES	3/17/2012
H.A. DEHART & SON	73771	AUTO PARTS & SUPPLIES	6/30/2011
H.A. DEHART & SON	69721	AUTO PARTS & SUPPLIES	7/31/2011
JAN COMMUNICATIONS	61404/53803	COMMUNICATIONS	3/17/2012
JC MILLER DBA NAPA	73739	AUTO PARTS & SUPPLIES	10/31/2011
LAWMEN SUPPLY	73992	PUBLIC SAFETY	7/31/2011
MARTURANO RECREATION	59052	RECREATION	3/31/2012
NAT. ALEXANDER	76357	FIRE SAFETY	10/31/2011
NEXTEL	64429	COMMUNICATIONS	6/28/2013
PEACH COUNTRY FORD TRAC.	76911	AUTO PARTS & SUPPLIES	4/8/2012
REGIONAL TIRE SERVICES	71687	AUTO PARTS & SUPPLIES	3/17/2012
SJ AUTO SUPPLY	73718	AUTO PARTS & SUPPLIES	7/31/2014
STAPLES	77249	OFFICE SUPPLIES	7/31/2011
TACTICAL PUBLIC SAFETY	53824	COMMUNICATIONS	7/31/2011
TEKTRON	53752/53824	COMMUNICATIONS	6/28/2013
TRICO EQUIPMENT	76917	AUTO PARTS & SUPPLIES	6/28/2013
TURF EQUIPMENT & SUPPLY	76923	AUTO PARTS & SUPPLIES	3/17/2012
VINELAND AUTO ELEC	73720	AUTO PARTS & SUPPLIES	3/31/2012
WITMER ASSOC.	76358	FIRE SAFETY	7/31/2011

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

Purchase of Block 785:

Mr. Sandman asked that "*contingent upon a non-appealable Ordinance approval*" be added to the resolution and said that he is putting that into the contract.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Mayor be and is hereby authorized to sign the Contract for purchase of Block 785 Lot 3 for the sum of \$5,000.00 contingent upon a non-appealable Ordinance approval.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the June 6, 2011 regular meeting be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$3,145,785.14 as of June 16, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Nicole Liepe be and is hereby hired as a full-time Dispatcher at \$38,522.00 per year; and

BE IT FURTHER RESOLVED that the effective date of the appointment shall be determined by the Chief of Police and that this full-time appointment is contingent upon the execution of a Dispatch Services Shared Services Agreement with Egg Harbor City and shall at all times remain subject to aforesaid Shared Services Agreement with Egg Harbor City.

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

Dr. Kesselman moved, seconded by Mr. Palmentieri, that the resignation of Jillian Lewis as a Beach Badge Checker for the 2011 Cove Season effective June 14, 2011 be and is hereby accepted.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Alexander Hand be and is hereby appointed a Beach Badge Checker at \$7.25 per hour effective June 24, 2011 to fill the vacancy created by the resignation of Jillian Lewis, pending all the required checks.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Michael Natale, James Czerwinski and Christopher Murphy be and are hereby appointed part-time Dispatchers at an hourly rate not to exceed \$15.00 per hour as recommended by Chief Tappeiner.

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

Solicitor's Reports:

Mr. Sandman reported the Lenape Dam Committee met again last week. He reported they were supposed to receive calculations on Friday to determine the scour issue and why the sheet piles on the northwest corner failed. Mr. Sandman said he didn't know if the County got them but the Dam Committee didn't get them. Mr. Sandman said the Dam Committee resolved to get an independent expert to review the design so they can make a decision based on an independent review when Agate ultimately gets the Dam Committee what they need. He said he will continue to report on it from time to time. Mr. Sandman said he didn't know if it could be seen from the land-side but he and Carl Pitale looked at it from the Lake side on Sunday and it looks bad. He said the water between the coffer dam and the dam itself is what it holding it together. Mr. Sandman said the County has been an excellent partner in handling this issue.

Engineer's Reports:

Mr. Walberg reported the glue-down portion of the roof project is complete; just the shingles and flashing has to be finished; and the contractor assured them that they should be done by the end of the week weather permitting.

Mr. Walberg reported both State Aid roads are complete with the exception of some punch list items. They are open and striped.

Township Committee Member reports:

Mr. Silva read a letter from the Cologne Fire Company thanking the Township Committee for the plaque it presented to them last year commemorating their 50<sup>th</sup> Anniversary Celebration and saying the plaque was recently mounted on the front of their building. The letter also thanked the Committee for its support.

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Mr. Silva referred to the agreement approved with Fox Chase Bank regarding Glen Eyre subdivision and the Solicitor's comments about the cost if the Township has to call the bond and that it would be a long, drawn-out affair. He said he and the Mayor attended the ribbon cutting at the clubhouse at Horizons Woods Landing on Sunday where the same original developer (of Glen Eyre) went bankrupt and the Township called the bond. Mr. Silva commented on not getting to enjoy the fruits of decisions you make very often and said he had never seen so many smiling faces as he did at that gathering. He said 143 homeowners bought into a life-style that might not have been realized if not for actions taken by the Township Committee. He commented on seeing more positive things happen when positive actions are taken to make sure what was agreed upon gets built.

Mr. Cain named the members of his Smart Growth Committee: Maureen Bugdon, Wayne Choice the Deputy Chair, Aline Dix, Bill Mangels, John Pucci, Bruce Strigh and Bob Watkins. He said they spent a lot of time on this and that he appreciated their efforts. Mr. Cain said that he looks forward to seeing their ideas moved into the Committee Stage to bring the positive changes to the Township; moving the best of all the Strategic Planning Committees forward; and taking that information to market Hamilton Township showing why you should want to relocate here, why you should want to open a business here and why you should want to visit here.

Mr. Cain said the broken curb at Sugar Hill is still in the roadway and asked that someone be contacted to move it before it causes an accident. Mr. Jacobs said it was reported to the County.

Mr. Cain reported receiving notice that the Babcock Road intersection work will be starting soon and said it will be a little inconvenient at first but should make a huge difference there.

Mr. Cain said he was happy to see the movement on Timber Glen. He commented on the Committee talking about the drainage basin at Hamilton Commons until they are blue in the face and said it affects the residents, the pedestrians and traffic on the Black Horse Pike. Mr. Cain commented on numerous e-mails all the members received from the Caucci family regarding it and said he was disturbed with the e-mail he received this evening, which was correspondence between Hamilton Commons/DDR and the Caucci family that said Jim Gratzmeyer was unaware of the situation that exists at Hamilton Commons. Mr. Cain asked the Solicitor how the Township Committee could put them on notice that seeing that corrected is of high importance and see that the right person is spoken to make sure the property in the Township is getting their attention as opposed to other developments. Mr. Sandman explained it is an unusual situation by nature of the bond in place there. He proposed that he and Mr. Smith get together; he will re-review the D & R from the Planning Board; he will review site preservation bond; and that he and Mr. Smith report back to the Committee on July 11<sup>th</sup>. He explained the last he heard they were piping it from one basin to other and that would be okay as long as it wasn't going out the D.O.T. fall line. Mr. Sandman said he was told some work was done but he didn't know what. He said he would be able to give Mr. Cain the answer to his question on July 11<sup>th</sup>. Mr. Cain said the Committee has to know what its options are. He said the ultimate goal is to have it corrected and the Committee has to compel them to see that it happens. Mr. Sandman said the public doesn't realize there were 14 other such basins that are no longer a problem and that it wasn't easy to do. He said the (Hamilton Commons) one is unique by virtue of the type of bond. Mr. Sandman said that by and large, the (developers) that were contacted have fixed the problem and started their reporting. He said he and Mr. Smith have to begin to create a process, a check list, so someone in town hall knows if they gave a report. Mr. Sandman said he knows of no other properties, other than these two that haven't complied. Mr. Walberg said Mr. Smith has had a regular string of correspondence with their engineer trying to get the issue resolved but there has been no definitive answer.

Dr. Kesselman commended the other four Committee Members for working consistently along with Mr. Smith, Mr. Jacobs and Mr. Sandman on behalf of the Township. He said they put in a tremendous amount of work; they work hard together as a team and that is unusual; and the way they get along was important to get the things they had to do this year as well as things they want to do the rest of this year. Dr. Kesselman said. He said those vying to be up here (on the Committee) should be mindful of that.

Mayor Gatto commented on the opening of the Woods Landing clubhouse. She said it is amazing and urged everyone go look at.

Mayor Gatto congratulated the Pre-K, Eighth Grade and High School Classes of 2011. She reported she attended Oakcrest Graduation and commented on the ceremony including a 50<sup>th</sup> anniversary celebration of the original Class of 1961 and of the school. The Mayor said they plan on celebrating the 50<sup>th</sup> year class every year from now on and they are looking for things to put in the new time capsule that will be opened 50 years from now.

Mayor Gatto reminded the public that the Home Town Celebration will be this Saturday, June 25th from 10 to 4.

Mayor Gatto reported meeting with a group of film professionals who have a script and trying to film a movie in Mays Landing. She said they will be meeting with Mr. Sartorio and Chief Tappeiner regarding any permits and things they will need; they will be filming a snippet in August that they will use to raise money for the film; and the whole movie will be filmed next summer and put on the film festival circuit. The Mayor said they were all brought together by Face Book and that is how they got to her.

Mayor Gatto reported receiving letters from the Youth in Government Students. She commented on one student about how dominant she felt so as she sat in the Mayor's chair and how very inspired she was about perhaps making a difference in the Township just like this Township Committee does.

Public Comment:

John Kurtz thanked the Mayor for mentioning the Home Town Celebration. He reported that thanks to the corporate and business sponsorships the Merchants' Association has been able to produce the entire event once again at absolutely no cost to the Township or the residents. Mr. Kurtz said it starts on Friday evening with a concert in the gazebo in (Gaskill) park by a 30-piece youth band led by Fred Rushmore. He gave an overview of events to occur on Saturday. Mayor Gatto thanked Mr. Kurtz and the Merchants' Association for all of their hard work.

Rodney Guishard commended Mr. Cain and the Smart Growth Committee for their report. He said there is a great deal of commonality between some things they brought up and things the Quality of Life Committee brought up. Mr. Guishard said he looks forward to the Fiscal Vitality report and then getting together and moving on from there.

Bruce Strigh referred to the discussions regarding Lake Lenape Dam and said the window of opportunity for the contractor to fix the dam was when the lake was lowered in November and that the D.E.P. permit runs out in March. He said the contractor started the project at least a month after they were permitted and were granted an extension from March 1<sup>st</sup> to March 15<sup>th</sup>. Mr. Strigh said there is a provision in the contract that there will be a \$1,000.00 a day penalty if they didn't complete the project; they haven't completed it; there has been a loss of use of the Lake; and the penalty should be explored. He questioned the sense of the coffer dam being built because it blocks water from flowing freely over the dam. Mr. Strigh said he thinks there was a design problem for water going under the coffer dam and that someone should look at the design. He commented on the dam having worked fine since the 1800s and said that he thinks it is an equipment problem; that the gates just need to be fixed because they worked for a long time before this; and that he doesn't know how they came up with the idea of putting a dam in front of the dam. The Mayor asked Mr. Sandman and Mr. Silva to take some of that feedback to the Dam Committee. Mr. Sandman commented on his neighbors and others present being on the Lake Lenape Dam Committee and said it has been more proactive in the last four months than it has ever been dating back to when it was established in 1991. Mr. Sandman said there may or may not be a liquidated damages clause; that it may or may not be exercised depending on other issues; that he believes there will be litigation one way or another; and that the bottom-line and focus right now is to get the product they are paying for. He explained it is a design-build contract because you don't really know what the problem is until you get in there and do it; the contractor created the design and the fix; and it is strictly a performance contract. He explained that if it is a design failure where either the sheet piles weren't driven deep enough; if they weren't

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thick enough; or they didn't anticipate what is called scour on the lake side as a result of a new structure being put in it, they are all their issues. He said he has been working very closely with the County Counsel in conjunction with the Dam Committee that usually has four or five representatives from the Township present, some who are on the Committee, some who are acting in an advisory capacity, and always with the County Representatives because the County Engineer has the final say. Mr. Sandman referred to having reported earlier on hiring a third neutral person to look at it because they first and foremost want to get the calculations upon which the design was built and secondly to have someone that isn't involved look at it and say it will work if they do this. He explained that once they have that and work resumes in November all the other pieces will fall where they fall because they are only talking about money then. Mr. Sandman said the contractor has assured them that there are no safety issues right now and there is no concern about the failure of the dam itself. He said that is the agenda being taken to the table; the County and Township have been extraordinarily aggressive in their demands on the designer as well as the contractor and that is as specific as he can get. Mr. Strigh expressed his opinion that the coffer dam detracts from the aesthetics of the dam.

Arlene Blosch said that on behalf of the residents of Woods Landing she wanted to thank those on Township Committee who got them to the point of their clubhouse ribbon cutting and said they really appreciate it.

Diane Caucci explained she owns the wooded acreage next to Hamilton Commons Hamilton Commons dumps the excess water on. She said she is the family spokesperson and their ultimate goal is to sell the property. Mrs. Caucci commented on sending Mr. Gratzmeyer an e-mail today because he felt she may have misstated him. She commented on him not being able to remember the names of the roads 322 or Wrangleboro Road and said they were little clues that he isn't intimately involved. Mrs. Caucci said Bob Smith was intimately involved in it with Frank Pandulla who used to be the project leader and who is now in Florida. She said DDR hired a new engineer and expressed concern that on July 11<sup>th</sup> she will hear that they need time to get up to speed and that their new engineer will bring additional delays to the table. She said she appreciated the Committee's tolerance of her e-mails and said she isn't looking for them to take sides, she just wants them to exercise the authority their in laying down the law. Mrs. Caucci commented on the number of calls she gets because cars are backed up when it floods because her phone number is on the FOR SALE sign or when people see (DDR) throwing the water onto her property. She said her brother and attorney physically stopped Mr. Pandulla last year when she got a call and that she thinks the new people are reverting to that now that Frank is gone. Mrs. Caucci commented on having put an offer on the table that she thinks embodies a solution to their (DDR) problem and the community's problem. She said Cracker Barrel would love to buy her property although the building envelope is a little small; she thinks that if DDR bought it they could configure it in a way to fit them; and that she told DDR they would give them the lead. She acknowledged they can sell the property individually and said they have a bank and a burger place interested in it but she thinks that would mean a lot of red tape for a separate access to the property where it is already congested and it doesn't provide a solution for DDR if they sell it to somebody else. She explained they wanted the Committee to know an offer has been put on the table that they think is a win-win solution for the Township, DDR and them. Mrs. Caucci explained she is one of six family members and gets a lot of flack when they see this continue to happen; that some of them want to file under a Spill and Contamination Act; and that the rest say to work it out and not get into legal stuff. Mrs. Caucci said she wanted it on the record that the family's tolerance of (DDR) excuses is running very, very thin and she hopes there will be an answer on July 11<sup>th</sup> or it may be out of her hands. Mayor Gatto said it is probably as thin as the Township's and that she hoped Mrs. Caucci heard it said tonight that the Committee's primary concerns are public safety, keeping water off of 322 and holding all basin owners accountable. She said that aside from the budget, basins have been one of the Committee's biggest initiatives. The Mayor commented on the developer having three weeks to do what they said and if they don't, the Committee will know what its options are on July 11<sup>th</sup>. Mr. Sandman said that as an adjoining owner they have rights the Township doesn't have and suggested Mrs. Caucci have their counsel call him.

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Mrs. Caucci questioned the purpose of the letter authorized for Buffalo Pike Associates and the Mayor explained it was a boiler-plate type letter they needed for the Grant that supports the resolution from the town.

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

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

Mr. Siva moved, seconded by Mr. Cain, that this meeting be and is hereby adjourned.

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

ATTEST:

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