

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
JULY 11, 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 Harvey Kesselman, Thomas Palmentieri and Roger Silva. Charles Cain was absent. Also present were Rita Martino, Deputy Township Clerk, Robert Sandman, Township Solicitor, Robert Smith, Township Engineer and Michael Jacobs, Township Administrator.

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of this notice, along with an agenda of this meeting, to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 PM on July 11, 2011 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Mayor's Proclamation honoring Steven Maimon on his retirement

Mayor Gatto honored Mr. Maimone on his 26 year of dedicated service to the Township.

Addition/Deletion of Late Agenda Items

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the following items are hereby added to the agenda for consideration and action to be taken thereon tonight:

5E Stewart Fund Grant Application authorization (Block 742 Lots 2&3)

7A: Insert names of businesses:

- (1) Comcast D/B/A Xfinity Home Security- residential security systems
- (2) The Lucky Ladies LLC- Showroom-rental of casino gaming equipment and Employee training facility- Hamilton Commons
- (3) Payless Shoe Store #5547- Wrangleboro Rd.
- (4) Catherine's #5344- Retail Clothing- Consumer Sq.
- (5) Rapid Cash for Gold- purchase of precious metals – Hamilton Mall

7M Authorize requests for proposals for the expansion of a closed circuit video Surveillance system. This project is a public/private partnership with the Hamilton Mall appropriated through the CARS-E Grant Program.

7N Resolution of no objection TO NJDOT approval and/or issuing permits to The Hamilton Township Soccer Club for a coin drop to be held Saturday, September 10, 2011 at the Wrangleboro Rd. Jughandle; and

12 Add Collective Bargaining as the 2nd topic to be discussed

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hamilton that the following items are hereby changed on tonight's agenda:

9C Change wording to read: Re-designation of Ingrid Perez as Deputy Public Works Director @\$72,712.00 per year plus \$1,500.00 additional compensation for use of Certified Public Manager Certification effective July 31, 2011; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hamilton to delete the following item:

7H Resolution authorizing American Traffic Solutions (ATS) to complete and submit an Application to NJDOT for installation of Traffic control Cameras (resolution is not Necessary per ATS)

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

Early Public Comment

There was no early public comment.

Discussions

Installation of Curfew Signs

Mr. Jacobs explained that the estimated cost for 62 signs would be \$5,500.00. Mayor Gatto asked if this could be cut back to fewer locations. In response the Chief of Police stated that he didn't think this many signs were needed. It was determined that the Safety Sub-Committee would conduct a review of the current curfew ordinance to see if any changes needed to be made as well as review the number and locations of curfew signs needed.

On the motion of Dr. Kesselman, second of Mr. Palmentieri and carried by a unanimous voice vote to table the discussion of curfew signs.

Timber Glen Retention Basin Update

Mr. Smith said that the basin needs to be emptied out again and the banks stabilized before any work can be done. Mr. Silva said that Committee doesn't want to see them dragging their feet on this, stating they are not aggressive about addressing the problem. Mr. Silva asked that Mr. Smith reach out and ask when they are going to de-water.

Mr. Silva stated that Committee had received an email from Russ Bongiovanni concerning the Victoria Point basin. Mr. Smith gave some background on the basin saying that there have been problems in the past. Mr. Smith suggested the developers may be concerned about doing large scale remediation because a good portion of the site is still not stabilized. Mr. Smith indicated that the developers are aware they will have to rectify their basins prior to getting performance guarantees released, stating that he is not concerned about a final solution. Mr. Smith said that the basin is not at the point where the ongoing maintenance Mr. Bongiovanni is speaking about is going to rectify the problem and that more extensive work will need to be done. Mr. Smith said he is discussing with Mr. Sandman when the developers are required to initiate the filing of reports.

Mr. Smith ended by saying he would contact the in house counsel for Timber Glen tomorrow.

Introduction of Ordinance 1692-2011

Mr. Frank Primavera, Fire Sub-Code Official explained that the firefighters had requested this ordinance, stating that it was for their safety.

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 Ordinance 1692-2011 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the July 13, 2011 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on Monday August 1, 2011.

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

Ordinance 1692-2011

AN ORDINANCE REQUIRING THE INSTALLATION OF AN ADVISORY
EMBLEM
ON STRUCTURES WHERE ALTERNATE ENERGY TECHNOLOGY IS
INSTALLED:
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY NJ

WHEREAS, an increasing number of residential and non-residential structures in Hamilton Township are installing and using alternate energy systems as either a primary or backup source of electrical service; and

WHEREAS, alternate energy systems can include, but are not limited to, solar arrays, wind turbines, combustion powered generators and other technologies that provide electricity on site without connection to the power grid; and,

WHEREAS, it is in the best interest of all residents that the Township provide a mechanism that advises first responders of locations where alternate energy systems are in use.

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

- 1) Amend Chapter 170, Fire Prevention, of the Code of the Township of Hamilton to incorporate the following as a new Article V, Alternate Energy Systems:

V. Alternate Energy Systems Emblem

A. Definitions

1. Alternate Energy System: Solar arrays; wind turbines; generators powered by gas, diesel, propane or similar type of combustible fuel; fuel cells and other technologies that produce electrical energy for onsite use. Alternate energy systems shall not include self contained fixtures.
2. Alternate energy system emblem: A placard available to the community that shall be installed on a structure where an alternate energy system is employed.

B. Alternate Energy Systems Emblem required with new installation.

1. Whenever a new alternate energy system is installed on a multi-family residential structure an alternate energy system emblem shall be installed adjacent to the main entrance(s) to the structure.
2. Whenever a new alternate energy system is installed on a non-residential structure an alternate energy system emblem shall be installed adjacent to the main entrance of the structure.

C. Alternate Energy Systems Emblem for existing systems:

1. One and two family residential structures – an Alternate Energy System Emblem shall be installed at the time of any change in ownership or occupancy of a residential structure. The emblem shall be installed adjacent to the electric meter box, if the meter is near the front of the structure, or within four (4) feet of the front corner of the structure closest to the street at height between five (5) to six (6) feet above grade.
2. Multi-family and non-residential structures – an Alternate Energy System Emblem shall be installed at the time of the periodic inspection required pursuant to §170-7.

D. Installation; cost

1. Installation - Unless otherwise directed by the Fire Official, Alternate Energy System emblems shall be installed at the locations specified in sections B and C of this Ordinance.
2. Cost – Alternate Energy System Emblems shall be available for sale to members of the community at an amount of money to be established by the Fire Official, not to exceed \$30 per emblem.

E. Enforcement

The penalty for failure to comply with the provisions of this article shall be as established in §170-9 for non-residential structures and §170-21 for residential structures.

- 2) Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 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.
- 4) This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law.

Release of Sun Bank letter of credit #207063, maintenance guarantee for Brickworks Professional Park Phase I, II and III

Mr. Smith explained that this is a requirement for all projects approved prior to the ordinance adopted in 2006 that dovetails with the Declaration of Covenants and Restrictions for drainage structures which has been a 10 year declaration. Mr. Smith said that he and Mr. Sandman have been talking about what would be an appropriate method to finance the maintenance and inspection program. Mr. Sandman is going to recommend not only an amendment to the ordinance based on the term of the Declaration of Covenants and Restrictions for drainage structure but also having the older projects re-record a new Declaration without a time horizon.

Mr. Sandman suggested that rather than ask the developer to post money or buy a bond which is cost prohibitive they agree to an amendment to the Declaration and Restrictive Covenants changing the ten year period to a permanent time. Mr. Sandman said he was talking about an amended recorded deed that would have the teeth of lien rights upon default. Mr. Sandman said it wouldn't cost the developer anything but would create permanent protection for the Township. Mr. Sandman said that this would apply to those that were approved under the 2006 ordinance, but there are others that were approved before that where the ordinance required only 10 years. Mr. Sandman said the 10 year requirement to maintain it after the release of the maintenance bond was a separate and distinct obligation from that which is contained in the Declaration of Covenants. Mr. Sandman said the issue is the date of the commencement for that 10 year period, which ranges from the release of the performance bond to the issuance of a CO or TCO under the recorded Declaration. Mr. Sandman stated that his position is that the ordinance requires more than that, separate than that for the additional 10 year period. Mr. Sandman said that he would propose to make that offer to each of those two that were approved prior to the 2006 ordinance. Mr. Sandman said he wants 10 years from now in an

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amended deed. Mr. Sandman said he will recommend to Planning Board to take the 10 years out of the Declaration and substitute the word permanent, which will solve the problem going forward. Mr. Sandman said that for anything post the new ordinance it can be done as a matter of law and the only ones that we need to deal with are before that time.

Mr. Sandman stated that Committee has the authority to allow the solicitor to draft an amended declaration and submit it for their acceptance, if they say no you can compel the positive money. Mayor Gatto asked for something in writing as this is difficult to follow. Mr. Sandman suggested that Committee accept the Township Engineer's recommendation and accept the Solicitor's recommendation that he offer to them an amended Declaration to provide the protections. Mr. Sandman said he would take that authority and make that presentation. Mr. Sandman explained that the consensus is that they (Committee) are interpreting the engineers letter to mean that which the Solicitor is saying.

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 release of Sun Bank letter of credit #207063, storm water maintenance guarantee for Mays Landing Brickworks Professional Park Phase I, II and III (Block 996, Lot 17) is hereby authorized contingent upon the funding or otherwise guaranteeing a maintenance and inspection program for the storm water management system in a fashion acceptable to the Township for a period of not less than 10 years and identifying the entity charged with responsibility for annual inspections and the completion of any necessary maintenance and the method to finance the program as recommended by Robert J. Smith III, Township Engineer, in a letter dated July 7, 2011.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Hamilton that the developer shall execute an amended Declaration of Covenants and Restrictions for drainage structures in a form prepared by the Township Solicitor to ensure a Maintenance and Guarantee Program for a period of not less than ten (10) years.

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

Stewart Trust Fund Grant Application authorization (Block 742 Lots 2&3)

Mr. Jacobs explained that the deadline for this grant is fast approaching and there are two options: 1) submit the application with the new appraised value knowing we won't get approval but maybe getting feedback or 2) spend the money for an appraisal and hope to get everything done in the short timeframe. Mr. Jacobs stated that he hated to spend the money without having a contract for the property. Mr. Jacobs explained that this grant provides funds to purchase land adjacent to the water and is located on Main Street. Mr. Jacobs stated that this would keep the project moving forward and possibly provide feedback that could be used to re-submit the application.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton, to authorize and support the submission of a Stewart Estate Trust Fund Grant application regarding Block 742 Lots 2 & 3 in the Township of Hamilton.

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

Public Hearing/Adoption of Ordinance 1693-2011-Bond Ordinance

The floor was opened for public comment.

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Mr. Jacobs said that Park Rd. may be getting some upgrades to water and sewer and suggested that other roads be paved in its place. Mayor Gatto asked for an update on the road program for the next Quality of Life meeting.

Hearing nothing from the public, Mr. Silva moved, seconded by Mr. Palmentieri, that the public hearing be closed.

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

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

WHEREAS, Ordinance 1693-2011 was introduced and passed first reading on June 20, 2011 and was duly advertised in the June 22, 2011 issue of the Atlantic County Record, for a public hearing to be held on July 11, 2011, and;

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Hamilton that Ordinance 1693-2011 be and is hereby approved.

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

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 THEREFORE 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 COMMITTEE 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

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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 therefore, 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:

Purpose(s):

<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 fire fighting 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>	

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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 therefore, 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 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 monies 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.

RITA MARTINO, R.M.C.
DEPUTY TOWNSHIP CLERK

AMY L. GATTO, MAYOR

July 11, 2011

ROLL CALL: CAIN	ABSENT
KESSELMAN	“YES”
PALMENTIERI	“YES”
SILVA	“YES”
GATTO	“YES”

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

ORDINANCE NO. 1693-2011 ADOPTED JULY 11, 2011.

Public Hearing/Adoption of Ordinance 1694-2011

The floor was opened for public comment.

Hearing nothing from the public, Mr. Silva moved, seconded by Mr. Palmentieri, that the public hearing be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”. ONE MEMBER ABSENT

Mr. Sandman stated that the motion to adopt should have two separate conditions:

1. The time of closing has to exceed 45 days from the publication of the ordinance.
2. The purchase is subject to a Phase 1 Environmental Study.

Committee agreed to add these items to the motion to adopt.

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

WHEREAS, Ordinance 1694-2011 was introduced and passed first reading on June 20, 2011 and was duly advertised in the June 22, 2011 issue of the Atlantic County Record, for a public hearing to be held on July 11, 2011, and;

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Hamilton that Ordinance 1694-2011 be and is hereby approved with the following conditions:

1. The time of closing has to exceed 45 days from the publication of the ordinance
2. The purchase is subject to a Phase 1 Environmental Study

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”. ONE MEMBER ABSENT

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 affect 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 13th 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.

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.

ATTEST:

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

RITA MARTINO, RMC
DEPUTY TOWNSHIP CLERK

AMY GATTO, MAYOR

July 11, 2011

ROLL CALL: CAIN	-ABSENT
KESSELMAN	-AYE
PALMENTIERI	-AYE
SILVA	-AYE
GATTO	-AYE

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

ORDINANCE #1694-2011 ADOPTED JULY 11, 2011.

Public Hearing/Adoption of Ordinance 1695-2011

Mr. Jacobs said this is the Township's endorsement of their application for a grant which allows them to recover some taxes paid to the State.

The floor was opened for public comment.

Diane Caucci asked how much money they requested and stated that they were applying for this money because the Township imposed delays on them. Mr. Sartorio, speaking from the audience explained that Ms. Caucci was mistaken and was confusing two different issues. Mr. Sartorio further explained the grant being discussed at present.

Hearing nothing further from the public, Mr. Silva moved, seconded by Mr. Palmentieri that the public hearing be closed.

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

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

WHEREAS, Ordinance 1695-2011 was introduced and passed first reading on June 20, 2011 and was duly advertised in the June 22, 2011 issue of the Atlantic County Record, for a public hearing to be held on July 11, 2011, and;

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Hamilton that Ordinance 1695-2011 be and is hereby approved.

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

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

AN ORDINANCE APPROVING THE APPLICATION FOR A STATE INCENTIVE
GRANT FOR BUFFALO 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

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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.

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

ATTEST:

RITA MARTINO RMC
TOWNSHIP CLERK

AMY L. GATTO, MAYOR

ROLL CALL: CAIN - ABSENT
 KESSELMAN - AYE
 PALMENTIERI -AYE
 SILVA -AYE
 GATTO -AYE

ORDINANCE NO. 1695-2011 INTRODUCED AND PASSED FIRST READING ON JUNE 20, 2011.
ORDINANCE NO. 1695-2011 ADOPTED ON JULY 11, 2011.

Mayor Gatto asked to have item E, Mays Landing Country Club removed from the consent agenda.

Mr. Silva moved, seconded by Mr. Palmentieri that the following Business Registration Licenses are hereby approved:

- (1)Comcast D/B/A Xfinity Home Security- residential security systems
- (2)The Lucky Ladies LLC- Showroom-rental of casino gaming equipment and

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- Employee training facility- Hamilton Commons
- (3) Payless Shoe Store #5547- Wrangleboro Rd.
- (4) Catherine's #5344- Retail Clothing- Consumer Sq.
- (5)Rapid Cash for Gold- purchase of precious metals – Hamilton Mall

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

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

WHEREAS, the application of Andrew Reichel for renewal of inactive Plenary Retail Consumption License #011-33-033-014 for the 2011-2012 License Year was accepted for filing purposes only on June 20, 2011 with no action taken by the governing body to approve or deny the renewal pending receipt of a Tax Clearance Certificate; and

WHEREAS, the required Tax Clearance Certificate for Renewal was issued and received by the Township Clerk on June 28, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that renewal of the following inactive Plenary Retail Consumption License for the period July 1, 2011 through June 30, 2012, both dates inclusive, be and is hereby approved for renewal:

<u>LICENSEE/LICENSE NO.</u>	<u>ADDRESS FOR MAILING PURPOSES ONLY</u>
ANDREW REICHEL 0112-33-033-014	3313 SOUTH PINWOOD DRIVE FOLSOM, NJ 08037

BE IT FURTHER RESOLVED that the license certificate shall be retained in the office of the Township Clerk until said license is activated or transferred and activated at a location approved by the Township Committee.

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

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 to authorize the release of Travelers Casualty & Surety Co. of America bond #105527195, performance guarantee for Capital Telecom, LLC cell tower (Block 786/Lot 1.01) contingent upon the developer posting a 2-year maintenance bond of \$4,602.60 as recommended by Robert J. Smith III, Township Engineer, June 29, 2011.

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

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 to accept \$6,732.00 Fidelity & Deposit Company of Maryland bond # 09024374 as performance guarantee for New Cingular Wireless (d/b/a AT&T Mobility) site work on Block 207/Lot 48

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

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 to approve Payment Certificate # 1 in the amount of \$34,890.94 for Jerry & Sons

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Excavating, Inc., Reconstruction of New York Avenue Phase 3, as recommended by Robert J. Smith III, Township Engineer, July 5, 2011.

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

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, to approve Payment Certificate # 1 in the amount of \$204,330.00 for G & M Eastern Contracting Inc., Municipal Building Roof Replacement, as recommended by Robert J. Smith III, Township Engineer, July 5, 2011

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

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 to accept the proposal of Craig Testing Laboratories, Inc. for Asphalt Core Testing for New York Avenue Phase 3 and for West Jersey Avenue Section 1 @ \$950.00 each as recommended by Robert J. Smith, III, Township Engineer, June 30, 2011.

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

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 to accept Remington Vernick proposal and authorize a professional services contract for Phase 1 Environmental Assessment & an Outbound Survey of Block 785 Lot 3, in the amount of \$ 5,000.00 (\$2,500.00 each)

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

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 to approve Raffle License #13-2011 for the Rotary Club of Mays Landing non-draw games at the 4-H Fair on August 11, 12 & 13, 2011

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

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE #0112-33-033-014

WHEREAS, an application has been filed for a Person-to-Person transfer of inactive Plenary Retail Consumption License #0112-33-33-014, heretofore issued to Andrew Reichel, an individual, to Harry Carlson and Lori Carlson, with an address for mailing purposes only of 104 Jacksonville Court, Egg Harbor Township, NJ; and

WHEREAS, the application form submitted is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

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WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the authorized municipal authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hamilton, County of Atlantic, does hereby approve the person to person transfer of aforesaid Plenary Retail Consumption License #0112-33-033-014 to Harry Carlson and Lori Carlson, and the Township Clerk is hereby directed to endorse the license certificate to the new ownership as follows: ***“This license, subject to all of its terms and conditions, is hereby transferred to Harry Carlson and Lori Carlson, with an address for mailing purposes only of 104 Jacksonville Court, Egg Harbor, Township, NJ 08234 effective July 12, 2011.”***

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN” ONE MEMBER ABSENT

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, to authorize requests for proposals for the expansion of a closed circuit video surveillance system. This project is a public/private partnership with the Hamilton Mall, appropriated through the CARS-E Grant Program

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN” ONE MEMBER ABSENT

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

BE IT RESOLVED, that the Township Committee of the Township of Hamilton has no objection TO NJDOT approving and/or issuing permits to The Hamilton Township Soccer Club for a coin drop to be held Saturday, September 10, 2011 at the Wrangleboro Rd. jughandle.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN” ONE MEMBER ABSENT.

Jim Frasier of the Mays Landing Country Club explained that the fireworks are being held in honor of the MLCC’s 50th anniversary and would be open to the public on July 29, 2011, starting at 6:00.

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 to approve Pyrotecnico Industries Inc. request for permission to hold a fireworks display at Mays Landing Golf & Country Club on July 29, 2011.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN” ONE MEMBER ABSENT

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the regular and executive minutes of June 20, 2011 be and are hereby approved.

July 11, 2011

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the regular and executive minutes of February 7, 2011 be and are hereby approved.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the executive session minutes of March 21, 2011 be and are hereby approved.

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

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 all properly executed and approved payrolls and bills be paid, the bill list total being \$ 2,023,887.75 as of July 7, 2011

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

Mr. Jacobs explained that this would keep staffing levels the same and was done to replace 2 officers that have retired. Mayor Gatto stated that this was recommended by the Safety Committee and the Personnel Committee and that the positions were offered based on seniority.

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 Greg Van Gilder and James Jacobi be rehired as full time Law Enforcement Officers @ 80,051.00 each per year, effective date to be determined.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Philip Sartorio the Zoning Officer effective July 1, 2011 to fill the vacancy created by the retirement of Steven Maimon.

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

Mr. Jacobs stated that our ordinance and State Law requires this position to be filled and that there will be no additional salary for Mr. Sartorio.

Mr. Jacobs explained this is the same salary that Bill Montag was earning.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to re-designate Ingrid Perez as Deputy Public Works Director/Public Works Director

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@\$72,712.00 per year plus \$1,500.00 additional compensation for use of Certified Public Works Manager Certification effective July 31, 2011.

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

Reports

Administrator

Mr. Jacobs announced that the Quality of Life Committee is meeting again this week on the Fleet Maintenance Bid.

Mr. Jacobs stated that there is an old grant received to develop Liepe Field bathrooms that can't be used for that and asked if Committee would like to re-purpose that. Mr. Jacobs said there is a deadline at the end of this month to apply for the 2011 Grant which is for acquisition only. Mayor Gatto suggested this come before Quality of Life Committee and asked Phil Sartorio to bring suggestions.

Mr. Jacobs announced that the Wheaton property demolition of the fire damaged section has started.

Solicitor

Mr. Sandman announced that the 2nd day of hearings for Residential Tax Appeals will be this coming Thursday and there will be a third day in August for mostly commercial appeals.

On the aerial walkway, Mr. Sandman confirmed the County issued nothing and stated that he is waiting to see what happens with the demolition and will report back.

Regarding the Dam Committee, Mr. Sandman stated that the developer is standing by the design. Mr. Sandman stated that the County and Township has agreed to do our own soil borings, with the County taking the onus to do that, with the Township paying for half of it. Mr. Sandman further reported that the project is on hold until November but the Lenape Dam Committee is pushing the developer to come up with a remediation plan as well as an explanation of why there was a failure.

Mayor Gatto asked that the Mays Landing Fire Department be notified when ever something is being done over there. Mr. Silva stated that at the last ESAB meeting it was suggested to have a table top exercise utilizing the Dam. Mr. Blankenship suggested the Emergency Management Co-coordinator be notified.

Engineer

Mr. Smith reported that the roof was essentially done and the cleaning, sealing and repainting the cupola structure will probably be authorized under the allowance. Mr. Smith predicted the project would still come in under the contract amount, and said that there will be an inspection of the rubber roof.

Mr. Smith reported that New York Ave and West Jersey Ave are both reopened.

Mr. Smith explained that the Brewster Drive Development is now owned by Foxmoor Homes, but he has been unable to determine if they are in default or if the bank owns it. Mr. Smith said that he had met with the developer several months ago as he was doing the West Jersey Ave. project and the developer had obligations to do some work on West Jersey Ave. Mr. Smith said that he had a gentleman's agreement that in lieu of them coming in and doing work on West Jersey Ave. that our project would proceed and they

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would make a fair share contribution to defer our costs. Mr. Smith said he will still pursue this agreement but is not sure if it will come to fruition if the bank now owns the property.

Mr. Smith said that the basin at the development has not functioned well in a while and has been holding water and that the developer was going to do whatever was necessary to remediate the basin. Mr. Smith again stated that he is not sure if the developer still owns the property but he will reach out again and try to get a response. Mr. Smith said the fortunate point is that we still have a bond. Mr. Sandman said that there is negative escrow on this, but the performance bond is there for this purpose. Mr. Sandman went over the procedure for placing the bonding company on notice. It was decided that Mr. Smith would do an inspection and provide testimony at the next meeting. Mr. Sartorio was requested to obtain the ownership information.

Township Committee

Dr. Kesselman commended the Fire Departments and Police Department for its rapid response to the fire on Clarkstown Rd. and commended Claire Lowe of the Current for the article she published on the Strategic Planning process. Dr. Kesselman stated that he reached out to the Fiscal Vitality Committee so they can complete their report. Mayor Gatto stated that she is helping them to obtain the needed data.

Mr. Palmentieri asked if we had received official information from the State on health contributions and pension changes. Mr. Jacobs gave a brief description of the changes but stated that he expects there to be updates with specific information. Dr. Kesselman added that any new employee will pay the year 4 rates in the first year. Mr. Palmentieri said that he wanted to make sure we keep up with implementation. Mayor Gatto said that its time for a mid year budget update including a look ahead and how this would impact us.

Mayor Gatto complemented the Weymouth Fire Co. on their beef and beer, and congratulated everyone involved with the Hometown Celebration. Mayor Gatto asked everyone to support the upcoming events. Mayor Gatto reported that the ESAB Board meeting is tomorrow night and the budget will be discussed.

Dr. Kesselman asked how the Cove was going. Mr. Jacobs said it is well behind last year, but he is not sure how it stands after the holiday weekend.

Public Comment

Aline Dix stated that when she found out about the Triathlon on the web site and knew the affected residents had not been notified she had the obligation to sound the alarm regarding the shutting of the road. Ms. Dix stated that appropriate notice should have been given and that she expects it will be given next year. Ms. Dix stated that if there was going to be a drill at the Dam there needed to be extensive notification so as not to cause a panic. Mayor Gatto explained that a tabletop drill was what had been intended. Mayor Gatto went on to explain that a tabletop drill only included discussion and role play.

Bill Cade of the Fairways stated that the residents were concerned about the traffic conditions after the new Gravelly Run shopping center is built. Mr. Sandman explained that the plan allows for an alternate road for residents of the Fairways. Mr. Sandman also explained the plans for access to the shopping center. Mr. Sartorio asked Mr. Cade to come to the Planning Office to review the plans. Mayor Gatto stated that they will be discussing this at Planning Board meetings in the future, and encourage Mr. Cade to attend.

Harry Rogers asked Mr. Sandman to clarify amending the deeds so that the basin can not be split off. Mr. Rogers said an unintended consequence could be that the developer then adds the provision that the Homeowners Association accepts the property in which case the Township would have to lien the Homeowners Association and the homeowners

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themselves. Mr. Rogers stated that future Committees may be reluctant to do this. Mayor Gatto stated that there are cases where Homeowners Associations already have liens in place. Mr. Rogers stated that the proposal lets the developer off the hook on the front end and could have unintended consequences. Mr. Sandman responded that it is not difficult to take action against a Homeowners Association and it has been done. Mr. Sandman said that when the deed is recorded they run with the land and anyone who buys is aware of it and also that the purpose of Homeowners Associations is to make the owners responsible for the common lands. Mr. Sandman said it is their obligation to be responsible for the drainage basins and the taxpayers shouldn't have to be responsible for it. Mr. Sandman stated that what he is proposing is a mechanism to require the property owner to be responsible for the obligations of maintaining the basin. Mr. Sandman said that what he is proposing was over and above the performance bond, 4 year maintenance bond and 10 year obligation not in lieu of.

Jeff Armbruster of Hickory Street questioned the price of a 30 yard roll off, why are utility polls being disposed of in the pit and is it a safety issue to have a dumpster at the bottom of the pit. Mr. Jacobs will contact Mr. Armbruster with the answers to his questions.

Jack Percy of Laureldale asked if something could be done about the fire damaged house on Route 50. Mr. Silva explained that there is another issue on Knights Bridge Way. Mr. Jacobs stated that he is already looking into it.

Diane Caucci of Highland Dr. commented on the new mall stating that they can't promise it will close at 10:00pm if they don't yet know who the tenants will be. Ms. Caucci also questioned how residents will get across the Pike. Ms. Caucci was advised to go to the Planning Office to review the plans.

Ms. Caucci said she asked at last month's meeting she had been told to expect a report at this meeting. Mr. Smith said he will have to follow up with the owner's rep tomorrow and get a more definitive status report for the next meeting. Mayor Gatto said that she thought that at the last meeting it had been decided if they hadn't seen or heard anything by this meeting some action would be taken. Mayor Gatto asked the solicitor for the options. Mr. Sandman said we should allow Mr. Smith to try to arrange contact. Mr. Smith said there is a restoration bond, but he will report back at the next meeting. Mayor Gatto stated that the consensus of Committee is to be aggressive with this. Mr. Smith said they did some minor cleanup. Ms. Caucci asked Committee to not allow any stall tactics. Ms. Caucci told Committee that they have the power to do something and that she thought they would have an answer tonight. Ms. Caucci said she is hearing that there will be a plan in place or fines started next month. Mr. Sandman explained that this will require some looking into but he will be in a position to explain the options next month. Mr. Sandman said she should not report to her siblings that Sandman is going to take care of it and reminded Ms. Caucci that there are personal remedies available to her. Ms. Caucci asked if there had been contact with their counsel, Mr. Sandman said there is a private cause of action. Ms. Caucci said she will plead and beg for one more month. Mayor Gatto said at last month meeting it was discussed that her attorney call our attorney.

Hearing nothing further from the public, Dr. Kesselman moved, seconded by Mr. Palmentieri to close the public portion.

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

Resolution to enter into Executive Session

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

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

1. Discussion of personnel matters
2. Collective Bargaining

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

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

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

At 9:40 PM Committee reconvened and Mr. Sandman stated that only the two items on the agenda were discussed in executive session, the minutes will be available as soon as the basis for confidentiality is no longer confidential. Mr. Sandman also stated that before we went into executive session the audience was informed that they would not be taking any action and upon arrival back in the room there was no public present.

On the motion of Dr. Kesselman, seconded by Mr. Silva and carried the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Rita Martino, RMC
Deputy Township Clerk