

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
SEPTEMBER 6, 2011

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of the 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 Tuesday, September 6, 2011 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Hurricane Irene debriefing:

Mayor Gatto said she thinks Hamilton Township was well prepared and well staffed. She thanked the residents, visitors and businesses for being prepared, for their patience, for their flexibility, and for being conscientious. The Mayor expressed hope relief was going to be coming for those affected and said the Township is trying to help them in anyway it can. Mayor Gatto specifically thanked Bob Mattle, the Emergency Management Coordinator, for his work, time and leadership; Mr. Jacobs, the Township Administrator, for leaving his wife in north Jersey to be here when needed; Emergency Management Team Members Jack Percy, Ted Kinsey and Henry Dorsey for their work within the Township and throughout the County; Mr. Blankenship, the Department Heads, the Public Works and the MUA Crews; various township employees for their IT work, website updates, and food delivery; the fire companies, especially Mays Landing and Laureldale for helping pump out some of the flooded areas and trying to save a couple homes; the Rescue Squad and Dive Team for having extra trucks ready and trying to find diverted traffic patterns to be able respond quickly; the Atlantic County Emergency Management officials for being here to make sure the Township was taken care of and specifically named Ed Conover, Vince Jones, and County Executive Dennis Levinson; the Atlantic City Race Track for donating food for the volunteers and helping coordinate animal shelters and electric recovery operations; Atlantic City Electric for sending help the township, Vince Maione, Ken Mosca, Tony Deleveccia and Robert Polk; the local press reporters and radio station WIBG for calling and trying to get word out to the residents; South Jersey Gas for coming to make sure residents in the affected area had a safe environment in turning gas on and off at the right times; all the Township Committee Members for being here and Mr. Silva, as the Safety Liaison, for surveying the damages keeping the Members in touch with one another. The Mayor commended the Police Department, Chief Tappeiner, Captain Petuskey and Mike Brandenberger on a fantastic job keeping the Dispatch Center running and coordinating with County and State agencies on all the safety related matters. She explained the Crews worked hand in hand around the clock and said she thinks the way they handed off at the end of the shifts helped contribute to the township's success. She said Assemblymen John Amedeo and Vince Polistina offered assistance if the Township was opening any shelters.

Mr. Silva thanked the Mayor on behalf of the Township Committee for her tireless efforts. He said he thinks ordinary people were witnessed doing extraordinary things in difficult times.

Robert Mattle, Jr. commented on the Mayor having mentioned all of Emergency Management's partners and he thanked them all. He said the Township has some very great employees; that he has tried to thank them individually; and that he will be sending out some e-mails. Mr. Mattle

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gave a synopsis of what they dealt with from 6 p.m. on Friday until 3 o'clock on Sunday: multiple fire alarms; multiple downed power lines and downed trees; a structure fire; over 13 medical calls; 3 potential Hazmat situations; flooded streets and homes; opening a shelter of last resort; and over 100 calls made to their special needs registry. He said they are still responding to residents and explained a volunteer went out with FEMA for about 5 hours to help qualify the area for public and individual assistance. Mr. Mattle said FEMA assistance the information will be on the website and the newly created Office of Emergency Management Face Book page. He said the County was literally sitting there when the state of emergency was declared and they sent all the information to the media but Face Book seemed to be the end-all to get information out. Mr. Mattle thanked the citizens for their cooperation. He said a lot of streets were closed; businesses were closed and put out for a little while; there were a lot of issues but there was no loss of life; and there was property damage but it could have been worse. Mr. Mattle explained the eye of the storm actually went over the Great Egg Inlet and that at the County Emergency Meeting last Thursday he was told that if it hadn't come in there this area would have been decimated. He explained residents can go to a link at Readyatlantic.org and apply for FEMA assistance. He encouraged anyone who had damage to apply and explained there are low interest federal loans and some will be eligible for grants. Mr. Mattle said he may be putting out requests to Social Services Agencies and the Salvation Army. He said clean up kits and bagsters are available for residents who need them.

Mr. Jacobs explained the bagsters normally sell for \$29.99 but the Township waste hauler, Waste Management, has provided the Township with 150 free ones. He explained are for furniture, etc., that was damaged in the storm that residents need to get rid of and that they aren't for branches or limbs. Mr. Jacobs said the residents can see Lisa in his office to get one free of charge. He explained there is a charge of \$149.00 when they are picked up but the contractor also provided a 15% off coupons. The Mayor said the local hardware store also has them for sale. Mr. Jacobs said he thought they were returning them when the Township got the free ones. Mr. Jacobs said he was very impressed, as a new person, to see how everybody got along, worked together and volunteered. He said much of this is done by volunteers, not just by Township employees. Mr. Jacobs explained the Township response actually started the Tuesday before the storm hit; Township employees made sure the vehicles' fuel tanks were full; chain saws were sharpened; and a lot went into the planning. He said it wasn't like the typical snow storm where 24 hours later things are fairly normal; this went on for about a week. He said the length of the storm added to the complexity of actually responding. Mr. Jacobs said he thinks the citizens were well served by the planning even though there was some damage. Mayor Gatto said there would have been a bigger problem if the lake hadn't been lowered 63 inches.

Mr. Smith gave a synopsis of drainage basins that were problems in the past. Wexford Lane: basin has been functioning very well over the past several storm events; that he met with the developer last week because they want to finish up paving, etc., and get off the performance bond; and one of the things they discussed was that the basin will have to be scraped and cleaned again prior to release of the bond; there was very little water in the basin when he was there yesterday but nothing like last year when Ashland Avenue residents came in; and work the developer did provided very good infiltration. Timber Glen: Although there was some overflow into Hamilton Walk basin the level of the infiltration area in Timber Glen has dropped dramatically; they still have work to do but the area appears to be infiltrating very well. Mr. Smith said he didn't think any of the other basins overflowed; that he tried to look at as many as he could yesterday afternoon before the rain; several seem to be working very well; and a couple of basins at Victoria Point that the Mayor received complaints about were almost completely dry. He said the only basin he saw that had a real issue was the Hamilton Mall basin that was still overflowing slightly into the Route 322 cart-way when he went out there

at about 5:30 on Sunday. Mr. Smith commented on knowing the developer planning to take some remedial actions when they come in to do their upgrade project and some pad-sites. He commented on his brief discussion with Mr. Jacobs about contacting a representative from the Mall to verify that their overflow structure is clean and functioning because he doesn't know if it was clogged or the basin was just overtaxed. Mr. Smith said Hamilton Commons took a proactive approach by pumping down their basin in advance of the event; the level of the basin was down; there was a little water along the intersection at Hamilton Commons Boulevard and 322 but it appeared to be a minimal amount. He said he thinks the Committee's proactive approach to get some of the basins functioning better was very helpful in dealing with this event. Mayor Gatto commended Mr. Silva and Mr. Cain for that because of their efforts and Mr. Sandman for his support in getting the paperwork legally complete to hold those people accountable.

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 this meeting be adjourned to an executive session to discuss potential litigation which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law.

BE IT FURTHER RESOLVED that the governing body shall 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 Township Committee reconvened in public session at approximately 7:10 PM.

Mr. Palmentieri 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 items be added to the agenda of this meeting for consideration and action to be taken thereon tonight:

7.A Insert names of businesses:

(1) Rio Nail Spa - nail care & waxing business at Hamilton Commons

7.K Authorize Robert J. Smith III, Township Engineer to file applications for NJDEP Construction Activity Stormwater General Permits for Malaga Road and for the 2010 Road Program.

BE IT FURTHER RESOLVED that approval of the August 15, 2011 executive session minutes be deleted from Item 8.A.

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

Executive Session Confirmation:

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 settlement of the issue discussed in executive session be and is hereby approved.

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

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

NJDOT Highway Occupancy Permit re: Gaskill Park areas 1-3:

Mr. Jacobs explained the Township has to have this permit in order to mow the portion of Gaskill Point owned by the State and that is covered by the agreement the Township has with the County. Mayor Gatto said it is part of the Committee's beautification effort at that location. Mr. Cain said a request is going to be sent for them for hardscaping one section and that he believes it would be prudent to eliminate the need for mowing it for safety reasons.

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

WHEREAS, the Township of Hamilton has entered into an inter-local agreement with the County regarding a triangular area of Route 40 and River Road at Gaskill Park that includes mowing certain areas thereof; and

WHEREAS, a NJDOT Highway Occupancy Permit is required in order for the Township to maintain and mow the small area within the triangle that is owned by the NJDOT,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Administrator is hereby authorized to submit the required NJDOT Highway Occupancy Permit application.

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

FY2012 Municipal Aid application:

Mr. Smith explained the application will be for the next section of the Malaga Road project that was started in FY2011 with Section 1, beginning about one-half mile from the Buena Vista boundary heading towards Route 322. He expressed hope that the Township will continue to get funded to reconstruct the entire roadway with grant funds. Mr. Smith explained the plans and specs have already been submitted to D.O.T. for their permission to advertise. He commented on there being agenda items later on the agenda authorizing the Administrator to sign the Highway Occupancy Permit application to allow use Route 54 as part of detour and to sign Cape Atlantic Soil Conservation applications and the NJDEP Construction Activity Stormwater General Permit for Malaga Road. Mr. Smith explained Malaga Road was selected because of its deteriorated condition; it is a main artery that connects Buena Vista to Hamilton Township from Route 322 to Route 54; it connects two state roadways; and is an excellent candidate for funding. He said it was well funded last year and he anticipates getting funding to continue the project. Mr. Smith explained he doesn't have the electronic grant submission (SAGE) number yet and an amended resolution may be needed at the next meeting to insert that number. (CLERK'S NOTE: The MA-2012 SAGE number was received and inserted in the resolution before minutes were completed thereby negating the need for an amendment).

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

TOWNSHIP OF HAMILTON
RESOLUTION NO. FY2012-1

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE RECONSTRUCTION OF MALAGA ROAD – SECTION 2 PROJECT.

BE IT RESOLVED that the Township Committee of the Township of Hamilton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electric grant application identified as MA-2012-Township of Hamilton-00342 to the New Jersey Department of Transportation on behalf of the Township of Hamilton.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Hamilton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

2011 Best Practices certification:

Mayor Gatto commented on this being the same type questionnaire as the Township had to fill out last year to get its funding. Mr. Jacobs explained the Township scored 96% and that means the Township is compliant with purchasing and that the Finance Department is doing a good job. He explained 5% of the municipal aid can be prorated if this report is not submitted.

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:

- 1) The 2011 Best Practices Report prepared by the Chief Financial Officer is hereby approved; and
- 2) The Chief Financial Officer is hereby authorized to submit the 2011 Best Practices report; and
- 3) The Township Clerk is authorized to file the Best Practices Public Meeting Certification Form with the Division of Local Government Services.

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

Proposed Ordinance for Restraint & Care of Dogs:

Mr. Cain said everyone received a copy of the proposed ordinance and he thanked the Committee for entertaining the ordinance. He said some neighboring communities have adopted something similar. Mr. Cain explained it is specifically for care of animals that are kept outside chained to trees and other structures; the amount of time they are allowed to be chained to a tree; the manner in which they could be chained to a tree; and defines other care taking necessities for having an animal outside. He commented on looking at it from many angles; looking for input from the Township Committee; and looking for consideration of the owner by putting in a time limit that should exceed any time an owner would have to be at work.

Mr. Sandman explained he read the proposed ordinance; that it needs to be corrected and put into final form; that he has to compare the definitions section with the existing Ordinance, Chapter 105; and that he isn't sure what portion of Chapter 105 is being amended. He requested he be given the opportunity to redraft it and suggested the Committee wait until they get it in its final form before introducing it. Mr. Cain said that would give the remaining members of Township Committee an opportunity to read through it and offer any suggestions to Mr. Sandman.

Dr. Kesselman asked if it continued to require individuals to license their dog and what percentage of compliance with that the Township has. Mrs. Anderson explained the Clerk's office sends notices each year to those currently licensed reminding them when they are due again. She explained the requirement for Animal Control Officer (ACO)

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to do a door-to-door survey this year was taken out of the current contract so it wasn't done. Mrs. Anderson said it can be put back in the new contract. She explained the ACO is paid \$3.00 for every license that comes in as a result of his door-to-door survey and that the late pays for it. Mrs. Anderson said she didn't know the license numbers off the top of her head but is sure it isn't any where near having every dog in town licensed. She explained township has a free rabies clinic every year that Rita and Kristie handle where people can get the free rabies shot, get their license, and save many dollars on a Vet bill by paying \$7 or \$10 for the license. Mayor Gatto asked if the Committee Members were in favor of having a revamped ordinance for introduction at the next meeting. The Members were in agreement with it. She asked for a report on dog license numbers at the next meeting. Mr. Cain commented on the MRNA report showing 13 licenses issued during the month of August.

Cape Atlantic Soil Conservation District (CASCD) applications:

Mr. Smith explained this is what he referred to this earlier and that it will authorize the Administrator to sign any future Cape Atlantic applications without having to come to the governing body for formal approval every time.

Mayor Gatto questioned why it was for the 2010 program now. Mr. Smith said it is the current road program but has never been re-titled.

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

WHEREAS, certain municipal projects require permits from the Cape Atlantic Soil Conservation District (CASCD),

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Administrator is hereby authorized to sign the Cape Atlantic Soil Conservation District permit application for the 2010 Road Program on behalf of the Township.

BE IT FURTHER RESOLVED that the Township Administrator is hereby authorized to sign future applications for CASCD permits as needed on behalf of the Township.

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

Atlantic County request for Alternate Energy Shared Services:

Mr. Jacobs said the County has expressed interest in doing some alternative energy project with the township and that the township has a proposed project for the old landfill. He suggested trying to bring the County and the Landfill Redeveloper together to see if there is something they can do as far as sharing the project. Mr. Jacobs said the township redevelopment plan is for a solar project.

Mr. Silva said he thinks there would be great concern if there was any discussion of a windmill which the Township isn't in favor of at that location at this point. Mr. Cain said he thinks the Committee is committed to the program it has and developing it as a solar park and that they should continue in that direction. Mr. Cain indicated support of Mr. Silva's comments and said a suggestion might be made to the County that they look at refurbishing the generating plant at Wheaton's Dam if they are looking for an alternative to solar in the Township. He volunteered to sit on a subcommittee to discuss it with them. Dr. Kesselman said he echoed Mr. Cain and Mr. Silva's sentiment that it is fine if they are talking about solar but there may be resistance if they are talking of anything beyond solar. The Mayor asked if any formal action was required. Mr. Jacobs explained the County didn't send anything formal; there was just a phone call from the County Administrator so he can report back to them by telephone.

Public hearing/adoption - Ordinance #1699-2011:

There being no questions or comments on the Ordinance, Mr. Cain moved, seconded by Mr. Silva, that the public hearing be and is hereby closed.

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

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

WHEREAS, Ordinance #1699-2011 was introduced and passed first reading on August 15, 2011 and was duly advertised in the August 17, 2011 issue of the Atlantic County Record for a public hearing to be held on Tuesday, September 6, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1699-2011 be and is hereby adopted.

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

ORDINANCE NO. 1699-2011

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 203, DEVELOPMENTAL ORDINANCE, OF THE CODE OF THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, STATE OF NEW JERSEY, AND AMEND THE TOWNSHIP ZONING MAP

WHEREAS, the Mayor and Township Committee of the Township of Hamilton have determined that it is in the best interests of the residents of the Township to amend and supplement the Hamilton Township Developmental Ordinance in order to advance the recommendations of the 2006 Master Plan Reexamination Report and to encourage development of non-residential projects in the Township; and,

WHEREAS, the Township Committee has entered a shared services agreement with Atlantic County to operate and maintain the existing County owned parking lot located at Second Street and Farragut Avenue; and,

WHEREAS, the Township Administration has developed a suggested that would permit new and/or expanding businesses in the Village Commercial (VC) zoning district to utilize spaces in the afore mentioned Second Street parking lot; and,

WHEREAS, Township Committee has solicited the input of the Planning Board regarding amendments to the non-residential parking provisions of the Village Commercial (VC) Zoning District.

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

1. Amend Chapter 203 of the Code of the Township of Hamilton (aka the Developmental Ordinance), Section 203-74.D. (Village Commercial District – Parking Requirements) by deleting the existing text in subsection (1), Minimum number of spaces, and inserting the following new text:

D. Parking requirements. Parking requirements for the Village Commercial District shall be as follows:

(1) Minimum number of spaces.

(a) Non-residential uses in the VC District shall comply with the parking requirements of § 203-60. The required parking shall be either provided on site, in the Township maintained public parking lot pursuant to §D(1)(b) (below), or through a common or shared parking arrangement pursuant to §D(2)(c).

(b) Use of the public parking lot. If a change of use results in an increased parking requirement, the property owner shall not be required to construct the additional parking on site, or seek a parking variance, provided that they comply with the following:

- i. All existing parking spaces on site, if any, are maintained.
- ii. All areas on site that can reasonably be used for parking, pursuant to the setback requirements of § D.(2), and the stormwater management standards of this ordinance, are developed for parking.
- iii. There is no increase in the area of the building used for non-residential uses.
- iv. The owner shall install signs on site, as directed by the board professional, informing patrons of the availability and location of public parking.
- v. The owner and tenant shall execute an agreement with the Township requiring the owner, tenant and all employees to park in the nearest public parking lot at all times. Violation of this agreement shall be considered a violation pursuant to §203-218 and subject to the penalties set forth in that section.
- vi. The owner/tenant shall pay to the Township an annual fee of \$100/space, to be used towards the upkeep and maintenance of the public parking lot.

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.

ATTEST:

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

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

AMY GATTO, MAYOR

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

ORDINANCE NO. 1699-2011 INTRODUCED AND PASSED FIRST READING ON AUGUST 15, 2011.
ORDINANCE NO. 1699-2011 ADOPTED ON SEPTEMBER 6, 2011.

Public hearing/adoption - Ordinance #1700-2011:

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

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

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

WHEREAS, Ordinance #1700-2011 was introduced and passed first reading on August 15, 2011 and was duly advertised in the August 17, 2011 issue of the Atlantic County Record for a public hearing to be held on Tuesday, September 6, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1700-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY

ORDINANCE #1700-2011

AN ORDINANCE AMENDING CHAPTER 60 OF THE TOWNSHIP CODE AND
CREATING THE POSITION OF TAX ASSESSING APPRAISER.

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

SECTION 1. The non-union position of Tax Assessing Appraiser is hereby created and established.

SECTION 2. Qualifications, Duties and Responsibilities. The qualifications for the position of Tax Assessing Appraiser shall be established by the Township Committee of the Township of Hamilton. The nature and extent of services performed by said Tax Assessing Appraiser shall be defined in a job description approved by the Township Committee and on file with Human Resources and open to public inspection in the Human Resources Office forthwith upon introduction of this Ordinance.

SECTION 3. Compensation.

A. The salary ranges for the position of Tax Assessing Appraiser shall be established by the Township Committee and set forth in the Ordinance #1630-2008 Fixing and Establishing the Salaries and Wages of Municipal Officials of Municipal Officials and Employees of the Township of Hamilton, County of Atlantic, State of New Jersey.

B. The annual Salary of the Tax Assessing Appraiser shall be established and as set forth in Section 2 of the Non-Union Salary Ordinance No. 1630-2008 adopted by the Township Committee of the Township of Hamilton on June 18, 2008.

SECTION 4. Repealer. All Ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed in full.

Section 5. Severability. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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SECTION 6. Effective date. This Ordinance shall take effect immediately after final passage and publication as provided by law.

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

ATTEST:

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

AMY L. GATTO, MAYOR

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

ORDINANCE #1700-2011 INTRODUCED & PASSED FIRST READING ON AUGUST 15, 2011.
ORDINANCE #1700-2011 ADOPTED ON SEPTEMBER 6, 2011.

Public hearing/adoption - Ordinance #1701-2011:

There being no questions or comments on the Ordinance, Mr. Silva moved, seconded by Mr. Cain, that the public hearing be and is hereby closed.

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

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

WHEREAS, Ordinance #1701-2011 was introduced and passed first reading on August 15, 2011 and was duly advertised in the August 17, 2011 issue of the Atlantic County Record for a public hearing to be held on Tuesday, September 6, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1701-2011 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1701-2011

AN ORDINANCE AMENDING ORDINANCE #1630-2008 EXHIBIT A TO ESTABLISH THE SALARY RANGE FOR THE POSITION OF TAX ASSESSING APPRAISER.

WHEREAS Ordinance #1700-2011 created the position of Tax Assessing Appraiser and provides that the salary range for said position shall be established by the Township Committee and set forth in Ordinance #1630-2008; and

WHEREAS the salary ranges were set forth on Exhibit A attached to and made part of Ordinance #1630-2008,

NOW, THEREFORE BE IT ORDAINED that:

SECTION 1. Exhibit A attached to Ordinance #1630-2008 be and is hereby amended to add the following salary range to the **Remainder of Non-Union Employees** list:

	<u>Range</u>
Tax Assessing Appraiser	\$30,000-\$55,000

SECTION 2. Repealer. All Ordinances or parts of ordinances or any resolutions of the Township of Hamilton inconsistent herewith are repealed in full.

SECTION 3. Severability. If any part or parts of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

ATTEST:	TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON COUNTY OF ATLANTIC, NJ.
JOAN I. ANDERSON, R.M.C. TOWNSHIP CLERK	AMY L. GATTO, MAYOR

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

ORDINANCE #1701-2011 INTRODUCED AND PASSED FIRST READING ON AUGUST 15, 2011.
ORDINANCE #1701-2011 ADOPTED ON SEPTEMBER 6, 2011.

Public hearing/adoption - Ordinance #1702-2011:

Mayor Gatto explained this is adopting of a generic system for when and if the Township ever has the potential for red light cameras.

Mr. Sandman explained it is one of the things that helps rank the priority by which these are ruled on by the state. He said it is ultimately a requirement. He explained it isn't a precedent requirement for submitting the application but it is ultimately requirement. Mr. Sandman explained the Township entered into an agreement with ATS to do this at two specific locations. He said it is a step in the process.

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

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

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

WHEREAS, Ordinance #1702-2011 was introduced and passed first reading on August 15, 2011 and was duly advertised in the August 17, 2011 issue of the Atlantic County Record for a public hearing to be held on Tuesday, September 6, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1702-2011 be and is hereby adopted.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, PALMENTIERI AND GATTO VOTING "YES", MEMBER SILVA VOTING "NO", NO "ABSTAIN" ON ROLL CALL VOTE.

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1702-2011

AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

WHEREAS, by P.L. 2007, Chapter 348 [the Act], the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, by THE TOWNSHIP is desirous of installing traffic control signal monitoring systems at the two (2) intersections described in the contract document within the Township of Hamilton; and;

WHEREAS, THE TOWNSHIP has determined that adoption of the Ordinance is in the best interest of the health, safety and welfare of the Township and its residents.

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

Section 1. Installation.

- (a) THE TOWNSHIP hereby determines to install and utilize a traffic control signal monitoring system [System] at the two (2) intersections described in the contract document within THE TOWNSHIP as approved by the Commissioner of Transportation pursuant to the Act.
- (b) The System to be installed shall be approved by the Governing Body by resolution.
- (c) THE TOWNSHIP shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.
- (d) The signs notifying drivers that a System is being utilized shall be approved by the Municipal Engineer, and shall be placed on each street converging into the affected intersection as required by the Act.
- (e) The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. Issuance of the Summons.

The Police Department of THE TOWNSHIP shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons when appropriate in accordance with the rules of the Court.

Section 3. Use of Recorded Images.

- (a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 348.
- (b) Any recorded image or information produced in connection with the System shall not be deemed a public record in N.J.S.A. 47:1A-1 et. seq., or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.
- (c) Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) following the collection of any fine or penalty.
- (d) If a summons is not issued within forty (40) business days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within two (2) business days.
- (e) THE TOWNSHIP shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

Section 4. Owner's Liability.

The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

Section 5. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 6. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Effective Dates.

This Ordinance shall take effect immediately upon passage and publication according to law.

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

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

AMY L. GATTO, MAYOR

ROLL CALL: CAIN "YES"
KESSELMAN "YES"
PALMENTIERI "YES"
SILVA "NO"
GATTO "YES"

ORDINANCE #1702-2011 INTRODUCED & PASSED FIRST READING ON AUGUST 15, 2011.
ORDINANCE #1702-2011 ADOPTED ON SEPTEMBER 6, 2011.

Consent Agenda Item 7.D, Coin Drop Permit Application, was discussed and acted on separately at the request of Mr. Silva.

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

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

- (1)Rio Nail Spa - nail care & waxing business at Hamilton Commons

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 cancellation of the Janitorial Services Contract on thirty (30) written notice to the current month-to-month Contractor be and is hereby approved.

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

September 6, 2011

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 Township Administrator is hereby authorized to sign the application for a NJDOT Highway Occupancy Permit for the Malaga Road, Section 1, Route 54 detour.

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO REFUND TAX PAYMENTS

WHEREAS, payments for first half 2011 taxes were received on a property that is tax exempt due to Disabled Veteran status; and

WHEREAS, the payments that were made on this block and lot must be refunded to the Mortgage Company that made the payment, PHH Mortgage, as follows:

<u>Block/Lot/Qual.</u>	<u>Assessed Owner</u>	<u>2011 Tax</u>
840/1	Smith, Gary	\$1,701.60

NOW, THEREFORE, BE IT RESOLVED by the May and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that the payment that appears above be refunded.

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 that advertising for and receiving of bids for the following goods and/or services with the dates and times to be determined by the Finance Department and Township Clerk Department:

- | | |
|-------------------------------------|------------------------|
| (1) Property Maintenance Contractor | (6) Carpenter |
| (2) Mowing | (7) Tree trimming |
| (3) Electrician | (8) Animal Control |
| (4) HVAC Contractor | (9) Painting |
| (5) Plumber | (10) Employee uniforms |

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 solicitation for and receiving of RFPs for 2012 Professional Services is hereby authorized with the dates and times to be determined by the Finance Department and Township Clerk Department.

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

September 6, 2011

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 the Division of A.B.C. approving and/or Issuing a Special Permit to Academy of Culinary Arts, Atlantic Cape Community College, for a social affair to be held at Careme's Restaurant at the Academy of Culinary Arts from 6 PM to 10 PM on

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

Approval of 2010 & 2011 Road Program Scope of Work:

Mr. Cain asked if the meeting with the Engineer last week was on East Walnut Street from Route 50 to easterly dead end, #2 on the Scope of Work. Mr. Jacobs said it was. Mr. Smith said he believes it is going to be included on the Road Program. Mr. Jacobs said he wouldn't pull it if the Township has to do guardrails and if there is going to be a change in the scope of the project he would notify the Committee at the next meeting. Mr. Smith asked if approval includes authorization to advertise for bids if the plan and specs are done prior to the next meeting. Mr. Jacobs said it authorization to go out to bid on that list of roads. He said the Committee already approved the Engineer to do the design work and the Bond Ordinance. He explained this is a small piece of the Bond Ordinance that they want to get done before the end of this year but there are other streets that aren't ready yet. Mayor Gatto asked if the scope could be reduced if needed. Mr. Jacobs said it could and that he wouldn't change it without bringing back for Committee approval.

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 Township Engineer is hereby authorized to advertise for bids for the following as set forth in detail in the Engineer's 2010 Road Program memo dated August 31, 2011:

1. Strand Avenue from West Point Avenue to Brooklyn Avenue - full reconstruction.
2. East Walnut Street From Route 50 to the easterly dead end - full reconstruction.
3. Railroad Boulevard from Jefferson Street to Bishop Felton Blackwell Memorial Softball Field - full reconstruction.
4. Mizpah Road - milling and resurfacing approximately 3,130 square yards of deteriorated asphalt paving.
5. Reading Avenue, Rose Boulevard and Monmouth Drive - milling and resurfacing various deteriorated asphalt paving.

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 Robert J. Smith, III, the Township Engineer, be and is hereby authorized to submit applications for NJDEP Construction Activity Stormwater General Permits for Malaga Road And for the 2010 Road Program on behalf of the Township of Hamilton.

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

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OHS Boys Soccer Booster Club Coin drop permit application:

Mr. Silva said he isn't against fund raisers but is concerned when they want a coin drop at an extremely dangerous section. Mayor Gatto said she thinks the solicitor would prefer it be called a "heavily travelled section". Mr. Silva said he would like to know that it will be safe for the parents; that they not be using any students; and if it is only in the jughandle side. He said he is always concerned about the inattentiveness of drivers. Mr. Cain said Mr. Silva brought up a very valid point. He commented on the Committee wanting to approve them and not wanting to restrict them because there is a lot of volunteerism there and these things work very well. Mr. Cain said he believes the Committee has to limit it to the areas outlined on the request. He commented on it already being identified as one of the worst intersections in the Township and said that is why the Committee is attempting to put safety cameras there. Mr. Cain said he believes the Committee has to ensure that it is limiting individuals to that intersection at that location and not allowing people to be traversing back and forth on the Pike with buckets.

Mayor Gatto read portions of the Booster Club letter stating all volunteers will wear reflective vests and that no one will be under the age of 18. The Mayor said the diagram shows that the coin collectors are specifically located at the light in the jughandle and she assumes they would be held accountable to staying in that spot.

Mr. Palmentieri said listening to Mr. Cain and Mr. Silva makes him wonder if the whole concept is something the Committee should be allowing at that intersection. He said coin drops in that area frequently include the light at the Expressway by Borders, and the Black Horse Pike into the jughandle. He commented on it having been said numerous times that it is a very dangerous area, a high traffic area, and it is one where the Township is putting a red light camera because it has the highest incidence of people running red lights. Mr. Palmentieri said it is a combination of a lot traffic moving in various directions at one time and it seems foolish to put people in the middle of it all. He said he understands the need for coin drops but maybe the Committee should exclude that location from a safety standpoint and limit it to regular 4-way intersections.

Mr. Sandman commented on not being involved in coin drops before and asked if the Township has a coin drop ordinance and if so, does it designate safety criteria. Mr. Palmentieri said the Township does have an ordinance and it does designate some criteria. Chief Tappeiner said that he could deny requests at those intersections. He explained those intersections usually involve State and County roads also and that the State and County are looking for Township approval before they will even consider an application. He said that if the Township denied it at any intersection the State and County would also deny it. Dr. Kesselman asked the Chief if he sent it to the County after the Committee approves it; if he gets a copy back of an approved plan; and how long the process takes. Chief Tappeiner explained that the applicant takes to the County; that he and Mrs. Anderson do not get a copy of a plan but the police do inspections and ask to see it; and the process takes a few weeks because it has to be approved by Township Committee and then the applicant has to take that resolution to the next level. Mr. Palmentieri said he thinks the State just rubber stamps it based on the Committee's approval. The Chief said the County does too. He explained the Committee wouldn't have to approve them if they decided at any point in time that they don't want to approve them at a dangerous intersection.

Mayor Gatto suggested the Committee move forward with approval of this request because they have done a lot of planning and let them go through the process with other levels and not approve any more at intersections like this. The Mayor said the Committee may want to designate or name some 4-corner intersections they feel are the appropriate locations for coin drop consideration. Mr. Sandman suggested it would be easier to list those that are not appropriate. Mr. Palmentieri suggested the Coin Drop Ordinance could be amended to

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exclude the dangerous ones that the Committee has identified. Mr. Sandman explained that so as to not be deemed arbitrary or capricious the Chief should submit a short report to the Committee with a copy to him and he will amend the Ordinance for the Committee. Mayor Gatto the other element she wanted to bring to the forefront is the number of coin drops allowed in town at one time. She commented an experience she had with multiple coin drops on a single weekend. The Chief said there are a lot of coin drops, usually on busy weekends, and they tend to gravitate towards the busiest intersections. Mayor Gatto expressed her opinion that there should only be one at a time in the Township because of the traffic back up it causes. The Chief said he can meet with the Administrator on it.

Mr. Cain agreed the one for the Boys Soccer Booster Club should be approved and commented on assuming someone will check to be sure all the precautions are being taken. The Chief explained the police do that as part of their patrol most of the time and if they aren't too busy.

Mr. Silva agreed with the Mayor and said safety has to be paramount in all of this. He asked what happens after the Committee approves it. Mrs. Anderson explained they get a certified copy of the resolution from her office to attach with the papers they file. She said the County doesn't allow any except for fire, police and rescue on any of their streets and they allow them only one a year. Mr. Sandman commented on never having had a need to look at the Ordinance before and asked if they are required to be insured. Mrs. Anderson said the County requires proof of insurance for \$1 million but the Township Ordinance doesn't require it. Mr. Sandman said it should require indemnification but the Committee can't compel them to provide it if it isn't in the Ordinance. Mr. Palmentieri commented on the jughandle being part of the County Road. Mrs. Anderson explained it isn't because the County doesn't assume any responsibility until you get to the expressway intersection. She explained that over the years the Township has made it so that there can't be any coin drops anywhere from Cologne Avenue to the Township Line on a holiday weekend and from the weekend before Thanksgiving until the weekend after New Years. Mr. Sandman said the Committee should go ahead with this one tonight. He said he will look at it and report back to the Committee.

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the NJDOT approving and/or issuing of a permit to the Oakcrest High School Boys Soccer Booster Club for a coin drop at the Wrangleboro Road/322 jughandle on October 30, 2011.

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 the minutes of the August 15, 2011 regular meeting be and are hereby approved and adopted as published.

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

Mr. Silva moved, seconded by Dr. Kesselman, 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 totaling \$6,729,822.54 as of September 1, 2011.

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

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Appointment of Flood Plain Administrator:

Mr. Jacobs explained State Law requires that someone be appointed. He said the Ordinance reads now it is the Code Enforcement Officer but Township doesn't have one. Mr. Jacobs explained wanting to get Mr. Sartorio's name on record and said the ordinances will probably have to be amended to take Code Enforcement Officer out and put this in. He said Mr. Sartorio will be doing it without additional pay.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Philip Sartorio be and is hereby appointed the Flood Plain Administrator effective immediately and continuing through the December 31, 2011.

BE IT FURTHER RESOLVED that there shall be no additional compensation for the aforesaid appointment.

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

Appointment of JIF Alternate Fund Commissioner:

Mr. Jacobs said he thinks the appointment was missed at Reorganization. He explained the appointment has to be retroactive because Ingrid has been the Alternate and has been doing the work.

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 Ingrid Perez be and is hereby appointed the JIF Alternate Fund Commissioner for the period retroactive to January 1, 2011 through December 31, 2011.

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

Reports:

Mr. Jacobs said he had nothing to add to the written report he had given the Committee. Mayor Gatto said the EASB Board should be notified that the Committee took their suggestion to advertise for a volunteer grant writer for the fire companies and that two people responded. Mr. Jacobs suggested they invited to attend the ESAB Board meeting.

Mr. Sandman reported the title work on the property the Township is buying across from Town Hall was ordered and he should have it this week. Mr. Smith said the survey was completed and submitted to Mr. Jacobs. He said once their environmental people get a copy of the title report they will review it and finalize the Phase I report. Mr. Sandman asked that a copy of the survey for the Phase I be sent to him. He explained there was a 45-day right of appeal after final publication of the ordinance in the sale contract that expires this week. He said the contract then becomes binding and he will move ahead with the closing.

Mr. Sandman commented on being authorized at the August 1st to send a default letter to the bonding company regarding the Foxmoor at Hampton Court drainage basin. He reported that he sent the default letter and that he received a response from Lexon Surety Group, the Surety Company, on August 15th requesting a large number of documents that are all in the possession of their obligee but he asked Nancy Rainbow to put them together for him. He explained their 30-day response period expires tomorrow and that he will have to take it to the next level if they don't. He said he will do it in a way that he hopes doesn't cost the Township any more money. Mr. Sandman said ultimately filing suit can be costly.

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Mr. Smith reported the appropriate signage at the Sugar Hill intersection where Somers Point Road intersects River Drive is a 24x30 inch DO NOT BLOCK SIGN INTERSECTION and he believes that is what is currently in place. Mr. Silva asked if there was a specification that it has to be so many feet back. Mr. Smith said he didn't research that. Mr. Silva said he had hoped a bright green or yellow one could be put there and questioned what would happen if the Township changed it. Mr. Smith explained black and white is standard but he didn't think it would be an issue. He said it is a County road and the Township could request a different sign be put up but it would be up to them. Ingrid Perez said she already did that.

Mr. Smith reported it looked like the State trimmed and shaped the shrubs at the intersection of Old Egg Harbor Road and Route 40 to improve visibility.

Mr. Silva reminded the public that the 10th anniversary of September 11 ceremonies will be held in Memorial Park on Sunday at 7 PM and if it rains it will be moved to St. Vincent dePaul Church. The Mayor thanked Mr. Silva for serving on that subcommittee.

Mr. Cain said he thought the Committee was doing the right thing with the proposed Restraint & Care of Dogs ordinance to be sure all their bases are covered.

Mr. Cain said the Committee Members think long and hard when they make decisions and appoint a Chairperson or Mayor every year. He said he thinks Mayor Gatto proved they made the right decision with her leadership during the (storm) event and thanked her for it. Mr. Cain commented on the Committee Members having opportunity to work closely with Mr. Jacobs and said his insight into age-old problems in the township, his professionalism, his ability and the fact that looks at things with a fresh set of eyes is very much appreciated. He thanked Mr. Jacobs for the extra effort he puts forth to make the Committee Members' jobs easier and for his efforts during the storm.

Mr. Cain reported he and Mr. Silva had a meeting regarding the Rental and Code Enforcement issues that were brought up at the last meeting and he hopes they will have something to present at the next meeting. Mr. Jacobs said they would definitely have something in the short-term regarding Code Enforcement issue but he isn't sure an ordinance will be ready for first reading. He suggested the subcommittee should get together on it again before that.

Mr. Cain thanked Mr. Jacobs and the Committee for finally finding a home for the HYAA.

Mr. Cain commented on the amount of work, time and money the Township spent on the Hamilton Walk basin and his appreciation for Timber Glen moving forward on their basins. He said a lot of the communities didn't flood during (hurricane Irene) because of the work of this Township Committee. Mr. Cain said he understood that developers are allowed to have discharge off their property as long as it is no more that what previously there but wants it checked and double checked to be sure it is in the right location; that it is pointing in the right direction; and whether or not there is a funnel into Hamilton Walk. Mr. Smith said Public Works deserves a lot of credit for getting the Hamilton Walk basin to function as well as it has been.

Dr. Kesselman reported the Fiscal Vitality Committee presentation will be made at the next meeting. He said he thinks it will be eye-opening to the general public and that it will help guide the whole Strategic Planning Program when it is regrouped so they can prioritize Smart Growth and Quality of Life. Dr. Kesselman said much of what the Township Committee has done falls under those two but they will prioritize what is left so there is guidance and a fiscal plan to do so.

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Dr. Kesselman commented on the strengths of the township being identified during a relatively difficult period of time. He said Mayor Gatto cancelled a previously scheduled vacation in San Francisco in order to be here during the hurricane and all the Committee Members came back. Dr. Kesselman said it was important to understand that following the significant layoffs early in the year where the staff is technically lowered compared to previous years they not only marshaled the necessary resources in a positive way but volunteers joined. He said he thinks everyone in the Township was involved in some way to make sure minimal damage occurred, particularly with the potential flooding, and it is a testament to the vibrancy of this community. Dr. Kesselman said part of what makes a community a community is that they can bond during difficult times, everything partisan goes away and they work together. He said he was proud to be part of this community because Atlantic County was one of the worst hit in southern New Jersey with the flooding and particularly Hamilton Township. He said it all begins with leadership; that Mr. Jacobs demonstrated that he is a pro and that is why the Committee brought him here; and that Mayor Gatto demonstrated she is a good Mayor who was here and who believes in the town. Dr. Kesselman said that didn't happen throughout the State.

Mr. Palmentieri said he echoed everybody's good words about Emergency Management and that everybody did a great job as usual. He said he thinks it is a real testament to the people in the Township that every time there is a challenge like this whoever is on Committee at the time says the same things and this month was no exception.

Mr. Palmentieri said the Timber Glen basin functioned better than it did previously but he thinks a good portion of it was the fact that it was overflowing into Hamilton Walk. He said both streets on either side of the basin in Hamilton Walk were flooded and closed. He commented on seeing the current from the Timber Glen runoff was flowing into the street and basin and he thinks that is what flooded Hamilton Walk for two days. Mr. Palmentieri commented on the basins at the rear of Timber Glen by the race track flooding a couple of streets and said they aren't functioning well either and the Committee might want to look into that. Mr. Palmentieri commented on the basin at Hamilton Commons being at its brim 2 days before the hurricane and said he asked Mr. Jacobs to call them and ask them to start pumping it out so there would be some capacity to hold the rain. Mr. Smith said they contacted him for Township approval and he told them he couldn't give them approval to pump into the State's stormwater management system but the Township certainly would not object if they are proactive. He said another compounding factor was that the Township had over 1½ inches of rain on Thursday, the 25; the basins were already over taxed, the ground was saturated; there was a one-day respite and then there was 4.4 inches on the 27th and 1.5 inches on the 28th. He said that he thinks the basins handled it relatively well. Mr. Palmentieri said the technical and legal question that has to be answered is whether the Timber Glen basin functioned adequately enough or it still needs work to prevent Hamilton Walk flooding in a similar event. Mr. Smith explained you have to wait to see how the infiltration recedes after the storm event and then look at the condition after the event because there is still work that needs to be done at the infiltration area. He said that area is supposed to maintain a permanent pool but the basin and stormwater management system is in fact designed to overflow to the culvert on Lombard Street under the Expressway. Mr. Smith said the reason Mr. Palmentieri saw the current was because there is a drainage ditch that runs all the way through the woods and discharges into the two inlets on either side of Leah Lane and infiltrates into the Township basin. Mr. Palmentieri said it is question of how much of it is overflow and how much is water caused by a malfunctioning basin. He said he thinks much of the overflow should be maintained and handled by the Timber Glen basin before it needs to overflow and that the overflow is supposed to be the last resort in a 50 or 100 year storm. Mr. Smith said it was designed for the overflow to begin between a 2 and 10 year storm event. Mr. Palmentieri said a 2 year storm means this is going to occur continuously. Mr. Smith said he asked the Planning Board Engineer to research it when the Township first had an issue with it overflowing into Hamilton Walk several years ago and basically somewhere between

the 2 and 10 year storm event there will begin to be outfall from the basin. He said he had discussions with Edgewood Properties and it is a work in progress that needs to be monitored and evaluated to see how it functions to see how well it maintains the permanent pool elevations in the wet ponds. Mr. Cain asked if the drainage ditch was ever authorized to make it go in that direction and to that point. He said he would assume the culvert should handle it and that should be the end of it. Mr. Cain said he appreciates the work that is being done but the Township has to ensure that it is enough and that at the end of the day the developer is going to be containing the amount of water during any event. He said in his and Mr. Palmentieri's opinion that didn't happen. Mr. Cain said he isn't an engineer but he can't imagine the systems would work in a manner to give relief to one development and flood out another; it defies all logic; and one of the main focuses of this Committee is to see it corrected. Mr. Smith said he will continue to monitor it.

Mr. Cain reported he, Mr. Silva, Mr. Sartorio and Mr. Jacobs met regarding the sidewalk on 322 from Wawa to the jughandle and putting in the proper curb cuts at the Wrangleboro intersection and that they found that Gravelly Run Shopping Center will be putting in the majority of it. He said they hope it will free up some funds and Mr. Silva requested they be used elsewhere along that corridor to improve safety.

Mayor Gatto congratulated and wished all the children a happy back to school. She said the Committee proclaimed today Christian Clopp Day and dedicated the first day of school to him because he wasn't able to be there. She said she would let the other members know when she will be delivering the proclamation that was signed by all the Committee Members to him so they can go with her if they want to.

Public Comment:

Cheryl Fetty asked if the Historic Commission was going to be able to have the Tree Lighting Ceremony this year and if the Township was going to decorate the park. Mr. Jacobs said the staff discussed it briefly and he needs to get the costs.

Mrs. Fetty said the Historic Society has to put up \$500.00 when it holds the Art in the Park in September and has to take the trash away. She said the trash cans in the park were already half full when they had their last event there. Mrs. Fetty asked that the Township make sure the cans are empty before their event starts. Mayor Gatto said Public Works will make sure that happens. She said she thought there was discussion on letting organizations be able to use a certain dumpster. Mrs. Fetty said the affair is in two weeks.

Mrs. Fetty asked who would enforce the proposed ordinance on dogs tied to trees. Mr. Jacobs said the Animal Control Officer will.

Rodney Guishard thanked the Committee for their work on the storm.

Mr. Guishard asked if the grant writer was just for the fire trucks. Mayor Gatto explained the fire companies and other emergency services try to pursue grants for necessary things like trucks, vehicles, etc., before it goes into the Capital Budget and that someone in the organization usually does it. She said occasionally they pay someone to do it and they asked if there was a pool of residents in the Township who would be interested in helping with grant writing. The Mayor explained a request was put out, without specifying what kind of grants, for anyone with experience who was interested and two people responded. Mr. Guishard said there are many kinds of grants including transportation grants and asked if that person or the Township had any way of looking at transportation grants. Mayor Gatto said the Township pursues hundreds of grants every year. She explained the Committee was looking for volunteers with the expertise to help the emergency response organizations with whatever they asked for help with. Mr. Smith explained the Township applied for but didn't get TIGER grant funding last year for the full length of Malaga Road and a couple of

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roads selected for the Road Program. He said they felt Malaga Road was an excellent candidate for funding because of the condition, the length, and the fact it was a well travelled route between two State highways. Mr. Smith said the successful (applications) were for much larger scale, high profile projects. Mr. Jacobs said he thinks the minimum grant is \$20 million and anything the Township did would be an exception to their standards. He said he looked at it when some folks from Mizpah brought that possibility to his attention but he hasn't gotten very far with it. Mr. Guishard asked the Township was aware of any grants for public transportation. Mr. Jacobs explained TIGER grants is one of them; it is a carry over from the stimulus money that has been refunded a couple of times; they do grant exceptions but the scope would be much smaller than what they anticipate. Mr. Guishard asked if it could be done in conjunction with the County. Mr. Jacobs said there might be a better opportunity if it was some type of regional thing.

Debbie Kalai-Kinzle said in Laureldale where the Expressway is when coming from Egg Harbor City is dangerous and asked if the Township could get something changed.

Mrs. Kinzle commented on people on Laurel Street and Columbia Road getting a lot of water in their basement and said she didn't know if the new homes put there had anything to do with it. She asked if someone could check it out. Mayor Gatto asked Mrs. Kinzle to tell them they should visit the Readyatlantic.org website and report the damage because it will prompt FEMA damage assessment. Mrs. Kinzle said they did get FEMA money last year but it is getting worse. Mr. Cain asked if there was a basin nearby. Mr. Smith explained most of the basins are in the back between Cypress and Columbia. He said one is on the far cul-de-sac roadway and swales run along the edge facing White Hawk Way. He said they may still be under the performance or maintenance bond.

Mrs. Kinzle asked how long the Committee thought the Expressway issue would take. Mayor Gatto said it is very confusing coming from both directions and asked if the police had any idea of the timeline on the construction being done there. Mike Brandenberger said he would call D.O.T. tomorrow.

Eileen Heuttel thanked Mr. Cain and the Committee for what they are trying to pass (Restraint & Care of Dogs ordinance) but she is concerned because winter is coming. Mrs. Heuttel said townships all around the area have an ordinance not to have an animal chained to a tree for more than 9 hours. She said when she rescued a dog in Laureldale and went to the SPCA they told her this is the only Township around that allows it. She said that is unacceptable and she doesn't want to see it go on until winter. Mrs. Heuttel said it has been a law in Galloway and Egg Harbor Townships for over 10 years. Mayor Gatto explained the procedure for passing the ordinance. She said it should be ready for introduction at the next meeting. Mr. Jacobs said Mrs. Heuttel should not hesitate to call the Township's Animal Control if she sees anything in the interim. Mrs. Heuttel said the SPCA can't do anything because there is no law. Mr. Jacobs explained he said the Township Animal Control Officer not the SPCA.

James Kerrigan said Channel 2 keeps malfunctioning and asked if Mr. Ruberti was working on it. Mayor Gatto said the Township was aware of it and that they were experiencing issues during the storm. She explained Mr. Ruberti only has the ability to get content over to Channel 2 and that he doesn't have any control over Channel 2 and that he doesn't maintain it. The Administrator will reach out to those who do. Dr. Kesselman said FIOS doesn't carry Channel 2.

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

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

September 6, 2011

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

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

ATTEST:

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