

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
SEPTEMBER 17, 2012

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain, Aline Dix, Amy Gatto and Dr. Harvey Kesselman. Also present were Rita Martino, Deputy Township Clerk, Ray Went, 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 September 17, 2012 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

PRESENTATIONS

Mr. Jacobs provided a special projects update which included an update of the Old Egg Harbor Road Safety Project, the Atlantic County Open Space Grant (Repurposed), Storm Debris Information, Retention Pond Safety Fencing, Hockey Court Resurfacing, Fencing Project and Underhill Park Dugout Improvements, Township Storm Clean-Up and the new Laureldale Fire Truck.

During the update of the Old Egg Harbor Road Safety Project it was explained that traffic calming measures would be installed and that the option of making Old Egg Harbor Road a dead end would not be utilized. Mr. Jacobs explained the traffic calming measures that will be utilized, which include using chain link fencing in place of split rail fencing to encourage crossing only at the crosswalks. Mr. Smith suggested installing safety mesh on the existing split rail fence in lieu of new chain link fencing, citing a significant cost savings and the possibility of doing the work in house. Mr. Jacobs stated that the most important part is to make sure people realize they have just driven into a park. Mr. Cain asked if there was a way to mark each driveway to funnel people to the crosswalks. Mr. Jacobs said the speed needed to be reduced to 35 on the approach. Miss Gatto said a speed study had been done recently and that she remembered it had concluded that the speed was reasonable. Miss Gatto asked that that study be consulted. Mr. Jacobs stated that flashing lights on each end during the use of the fields was an option. Mr. Cain agreed with the idea of the flashing lights to be controlled from the concession stand.

Mayor Silva opened the floor for public comment.

Mr. Vince Corso from Horizon at Woods Landing Home Owners Association suggested having one speed limit for the entire road. Ms. Dix explained that Title 39 regulates permitted speed limits, and that even if Committee would like to do something a certain way it may not be permitted by regulations. Mayor Silva said the goal is to protect the residents in the area as well as our children and have this become a reality over the next month or two. It was explained to a resident of Wood's Landing that the idea of blocking off the road was off the table. Ms. Eileen Cieslak of Ernst Court suggested that a temporary sign showing the car's rate of speed be used to help slow down the traffic. Jim Kerrigan stated that Underhill Park used to be just on one side.

It was the consensus of Committee to move ahead with the plans discussed tonight. Mayor Silva asked that the suggested flashing speed sign be looked into and commented that it was an excellent suggestion.

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Mr. Jacobs gave background information on the repurposed Open Space Grant money stated that approval had been granted for projects in Underhill Park, Hickory Street Soccer Park and Knight Ave. Park with a combined estimated total of \$311,090.42. Mr. Jacobs showed photos of the progress on these projects stating the projected expenses to date have been \$370,000.00 of the total Grant Amount of \$400,000.00 and that the current proposed use of any excess funds would be to create an Accessible Way/Path from the Underhill Parking Lot to the new playground. Mr. Jacobs explained that later on the agenda Committee would be asked to vote on a request for an extension on the grant just to make sure there was enough time to complete the projects. Mr. Jacobs also explained that a Safe Streets to Schools Grant had been applied for to put in a sidewalk to connect the school to the park to the residential area. Mr. Cain suggested asking Meadowbrook to put in a couple of handicapped parking spots on their side. Mr. Jacobs said that he would speak to the manager of Meadowbrook.

Mr. Jacobs stated that the house to house storm debris clean-up has ended; however, if a pile has been missed or a resident has more storm debris the Township will pick it up on a call in basis. Mr. Jacobs noted that the resident would have to call in with the address prior to the close of business on September 28, 2012.

Mr. Jacobs reported that the new Laureldale Fire Truck has been delivered and commended the Fire Department for obtaining a grant for more than half of the cost.

TOWNSHIP OF HAMILTON
RESOLUTION

WHEREAS, the Atlantic County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Financial Assistance Program to provide Grant funds in connection with municipal acquisition and development of lands for open space, recreation, conservation and historic preservation purposes; and **WHEREAS**, the Governing Body of the Township of Hamilton has previously been awarded County Open Space Trust Funds in the amount of \$400,000.00 for the following project(s):

Underhill Park- Block 809 Lot 32
Hickory St. Soccer Park- Block 948 Lot 8
Knight Ave. Park- Block 693 Lot 1

WHEREAS, the Township of Hamilton has been unable to complete this project within the time frame specified in the grant agreement; and,

WHEREAS, the Township of Hamilton desires to extend the term of the grant agreement for a period of one year, to October 28, 2013

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

1. The Township of Hamilton is authorized to submit a request to extend the term of the Financial Assistance Agreement to October 28, 2013; and
2. The Township of Hamilton is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-County funds as required; and
3. The municipality is willing to use the approved County Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state and local government rules regulations and statutes thereto; and
4. Mayor Roger Silva is hereby authorized to execute an Amended Financial Assistance Agreement with the County of Atlantic to extend the term to October 28, 2013; and
5. This Resolution shall take effect immediately.

Addition/Deletion of Late Agenda Items

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

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

5A: Resolution requesting a one-year grant extension to complete projects covered under Open Space Assistance Funds and authorizing the Mayor to execute an Amended Financial Assistance Agreement with the County of Atlantic to extend the term

7A: Insert names of businesses:

- (1) Visionworks #674

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

Early Public Comment

There was no early public comment.

Introduction of Ordinance 1728-2012

Mrs. Dix stated that she understood that a large portion of this Ordinance was to address the issue of construction projects having to come up with a traffic plan prior to starting a project. Both Mrs. Dix and Mayor Silva commented on traffic problems that have been occurring.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance 1728-2012 is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the September 19, 2012 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 October 1, 2012.

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

TOWNSHIP OF HAMILTON
ORDINANCE NO.1728 - 2012

AN ORDINANCE AMENDING CHAPTER 203, KNOWN AS THE LAND USE AND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HAMILTON TO: INCORPORATE AMENDMENTS TO THE MUNICIPAL LAND USE LAW AND THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN AND TO MAKE OTHER TECHNICAL AMENDMENTS.

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

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

- A. Amend Article I, General Provisions, §203-4.B. Planning Board Membership by amending subsection (1) to read as follows:

- (1) Class I: the Mayor, or the mayor's designee.

B. Amend Article I, §203-6.D, Hearings, by amending subsection (1) to read as follows:

(1) The Planning Board and Zoning Board of Adjustment shall hold a hearing on each application for development or variance approval. The applicant shall obtain, complete and submit the appropriate application forms, § 203-135.B, and the appropriate checklist(s), § 203-135.C, for any development for which the applicant is seeking approval. The Planning Board shall hold a hearing on adoption or revision or amendment to the Master Plan.

C. Amend Article I, §203-8.B, Master Plan components, by deleting existing subsection (13) and inserting the following as subsections (13) thru (16):

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by PL 199, c.152 (C. 13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of section 5 of PL 2004, c.2 (40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of PL 2000, c.72 (C. 18A:7G-4); and

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climactic conditions through site orientation and design.

D. Amend Article I, §203-9, Procedures for development in Pinelands Areas, by inserting the following as new subsection (A)(2) (s):

(s) Agricultural resource extraction provided that:

i. All of the removed soil remains in agricultural or horticultural use within the Pinelands Area;

ii. No more than 2,000 cubic yards of soil per calendar year are removed from any parcel; or

iii. No more than 20,000 cubic yards of soil per calendar year are removed from any parcel and a Farmland Conservation Plan, designed in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, section 4, dated May 2001, incorporated herein by reference, as amended and supplemented, is approved by the Soil

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Conservation District and submitted to the Pinelands Commission by the owner of the parcel, demonstrating that the proposed resource extraction is for one of the following agricultural purposes:

(1) Agricultural irrigation ponds;

(2) Blueberry/cranberry agriculture site preparation and horticulture of other wetland species, provided the activity is located on wetland soils or soil types that are somewhat poorly drained or moderately well drained with a seasonal high water table within 24 inches of the natural surface of the ground, as defined in the Atlantic County Soil Survey, published by the USDA, Natural Resources Conservation Service, as amended or supplemented; or,

(3) The offsite removal of overlying soils to access underlying sand for cranberry management practices, provided the quantity of overlying soil removed offsite does not exceed the quantity of underlying sand to be used for the management practices listed in NJAC 7:50-6.55(a)4 and the quantity of overlying soil removed offsite does not exceed that reasonably necessary to provide access to underlying sand to be utilized within a three year period.

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

INHERENTLY BENEFICIAL USE – A use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

RESOURCE EXTRACTION, AGRICULTURAL – those resource extraction activities accessory to an existing agricultural or horticultural use which meet the standards contained in NJAC 7:50-6.55 or which do not require an application to the Pinelands Commission pursuant to NJAC 7:50-4.1(a)19.

WIND, SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE – a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, part of the principal use or an accessory use or structure.

- F. Amend Article V, Forest Area Districts, §203-29.A., Area & bulk requirements to insert the following as Note f, applicable to the maximum height for accessory structures:

^f Excluding barns and other related farm buildings which may be as high as 35 ft.

- G. Amend Article VII, Regional Growth Districts, §203-45, Area & bulk requirements, Table 7.1 to insert the following as Note 15:

15. Lot area, lot width, front yard, side yard, rear yard, lot coverage and impermeable coverage requirements set forth on Table 11.1 (Planned Adult Communities) shall apply to the following Planned Unit Residential

Developments that were rendered nonconforming as a result of adoption of Ordinance No. 1417-2001:

The Fairways at Mays Landing
Stone Crest
Victoria Crossing
Victoria Pointe
Hardings Run
Hardings Run II
Timber Glen/Evergreen
Hamilton Green
Oakcrest Estates
Mays Landing Village
Chancellor Place
Tavistock

H. Amend Article VII, Mizpah Village, Sections 203-27, Lot requirements, to read as follows:

B. Lot Requirements:^c

- (1) Minimum total lot area: 1.0 acre
- (2) Minimum lot frontage: 150 feet
- (3) Maximum lot coverage: 4% 10%
- (4) Maximum impermeable surface: 10%

I. Amend Article XII, Subdivision, Site Plan and Conditional Use Approval, §203-103. Filing of applications, by amending subsection B. to read as follows:

B. Applications for site plan review approval, subdivision approval, conditional use approval, planned development approval or any other development within the jurisdiction of the Planning Board shall be submitted for filing with the Planning Board administrative officer at least 21 days prior to a work meeting of the Planning Board. Pursuant to this chapter, the applicant shall obtain, complete and submit the appropriate application forms, § 203-135A.B., and the appropriate checklist(s), § 203-135-B.C., for any development for which the applicant is seeking approval.

J. Amend Article XII, §203-110.A., Development exempted from obtaining site plan review and approval, by inserting the following as new subsection (10):

(10) An application to collocate wireless communication equipment on or within an existing Personal Wireless Telecommunications Facility provided the application meets the following requirements:

(a) The Personal Wireless Telecommunications Facility shall have been previously granted all necessary approvals by the appropriate approving authority;

(b) The proposed collocation shall not increase:

- i. the overall height of the wireless communication support structure or telecommunications tower by more than ten percent of the original approved height;
- ii. the width of the wireless communications support structure or telecommunications tower; or,
- iii. the square footage of the existing equipment compound to an area greater than 2,500 square feet;

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(c) The proposed collocation complies with the final approval of the Personal Wireless Telecommunications Facility and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to this Chapter or any other applicable law, rule or regulation.

Amend Article XII, §203-115, Preliminary and final plat details for major subdivisions, by deleting existing subsection A.(48) and inserting the following:

- (48) If the project is to be phased or a major addition is to be made to an existing development, a traffic control plan will be required and will include:
- (a) A description of each phase will be provided, including traffic flow with ancillary signage for each phase including a description of how site traffic, construction traffic and through traffic will be safely accommodated;
 - (b) Time frames to complete each phase;
 - (c) A traffic control plan that will show safe vehicular and pedestrian circulation for each phase of the new development or to major modifications of existing developments. The traffic control plan will separate construction traffic from regular site traffic as much as possible and will address through traffic, if applicable;
 - (d) Requirement to provide a suitable sub-base capable of supporting emergency fire apparatus to the site prior to beginning construction on any phase;
 - (e) Requirement to keep all roadways necessary for emergency access open at all times. Storage of building materials and construction equipment should be shown on a site plan to assure that the roadways will be kept open;
 - (f) To assure the roadways provided are capable of providing acceptable access for emergency vehicles, a truck turning plan for the largest fire truck in the Township will be provided for each phase showing that the roadways provided will accommodate the emergency vehicles;
 - (g) A requirement to provide adequate and safe parking for each phase;
 - (h) A requirement to provide directional and traffic signing, including speed limit signage for each phase in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD);
 - (i) A requirement to provide adequate and safe vehicular and pedestrian access in accordance with the latest standards in the Americans with Disabilities Act (ADA);
 - (j) Traffic calming measures may be considered by the Board, if necessary;
 - (k) Title 39 Enforcement of the Phasing Plans and the complete development may be requested by the Board.

- K. Amend Article XII, §203-116, Details for preliminary and final site plan, by deleting existing subsection C.(46) and inserting the following:
- (46) If the project is to be phased or a major addition is to be made to an existing development, a traffic control plan will be required and will include:
 - (a) A description of each phase will be provided, including traffic flow with ancillary signage for each phase including a description of how site traffic, construction traffic and through traffic will be safely accommodated;
 - (b) Time frames to complete each phase;
 - (c) A traffic control plan that will show safe vehicular and pedestrian circulation for each phase of the new development or to major modifications of existing developments. The traffic control plan will separate construction traffic from regular site traffic as much as possible and will address through traffic, if applicable;
 - (d) Requirement to provide a suitable sub-base capable of supporting emergency fire apparatus to the site prior to beginning construction on any phase;
 - (e) Requirement to keep all roadways necessary for emergency access open at all times. Storage of building materials and construction equipment should be shown on a site plan to assure that the roadways will be kept open;
 - (f) To assure the roadways provided are capable of providing acceptable access for emergency vehicles, a truck turning plan for the largest fire truck in the Township will be provided for each phase showing that the roadways provided will accommodate the emergency vehicles;
 - (g) A requirement to provide adequate and safe parking for each phase;
 - (h) A requirement to provide directional and traffic signing, including speed limit signage for each phase in accordance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD);
 - (i) A requirement to provide adequate and safe vehicular and pedestrian access in accordance with the latest standards in the Americans with Disabilities Act (ADA);
 - (j) Traffic calming measures may be considered by the Board, if necessary;
 - (k) Title 39 Enforcement of the Phasing Plans and the complete development may be requested by the Board.
- L. Amend Article XII, §203-123.C, General Improvement requirements and specifications, to read as follows:
- C. Installation of improvements. No final plat of a major subdivision or site plan, or phase thereof, shall be approved by the Planning Board until the satisfactory completion of all required improvements, as set forth in the Planning Board's resolution granting preliminary subdivision or site plan approval, shall have been certified to the Planning Board by the Municipal

Engineer, unless the developer shall have filed with the township a performance guaranty sufficient in amount and of a suitable form to cover the cost of all such improvements or the uncompleted portion thereof, as approved by the Township Engineer, and guaranteeing the installation of any such uncompleted improvements on or before a date to be specified by the Planning Board. Such guaranty shall provide that all roadways shall have a base course installed no later than when certificates of occupancy have been issued for 10% of the proposed dwelling units and a final course no later than 90% of the units **in the development phase covered by the guaranty**. No minor subdivision shall be approved by the Planning Board until the developer shall have filed with the township a performance guaranty sufficient in amount to cover the cost of all required on-tract and off-tract improvements and guaranteeing the installation of such uncompleted improvements on or before a date to be specified by the Planning Board.

- M. Amend Article XII, §203-134., Performance and maintenance guaranties, by amending subsections A.(1) &(2) and inserting new subsection A.(3) as follows:

203-134. Performance and maintenance guaranties.

A. Posting; cost.

(1) Performance guaranties shall be required to be posted prior to the granting of final development approval, and maintenance guaranties shall be required to be posted prior to release of performance guaranties in connection with on-tract improvements as specified in this chapter. **In the event that the subject development is sold or otherwise conveyed by the developer or a developer other than the developer who posted the original performance guarantee acquires the project, the new developer shall replace the original performance guarantee with a performance guarantee for the value of the improvements not yet completed and provide replacement inspection fees as required by §203-133.C. Upon acceptance of the replacement performance guarantee and inspection fees, the Township shall release the original developer's performance guarantee and all related inspection fees on deposit with the Township and said original developer shall have no further responsibility to the Township.**

(2) The cost of the installation of improvements for the purposes of this section shall be estimated by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. The developer may appeal the Township Engineer's estimate to the **county construction board of appeals established pursuant to NJSA 52:27D-127.**

B. Performance guaranties shall be in favor of Hamilton Township in an amount not to exceed 120 percent of the cost of installation of the improvements. Ten percent (10%) of the total guarantee shall be in cash deposited with the Township Clerk and the remaining 110 percent shall be an acceptable form provided for in Section B (below).

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

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

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

ATTEST:

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

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

ROGER SILVA , MAYOR

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

ORDINANCE NO. 1728-2012 INTRODUCED AND PASSED FIRST READING ON SEPTEMBER 17, 2012.

Consent Agenda

Mayor Silva pulled I and Mr. Cain pulled C from the consent agenda.

Miss Gatto moved, seconded by Dr. Kesselman that the following Business Registration Licenses are hereby approved:

- (1)Visionworks #674

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

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

Township of Hamilton
Resolution No. MA-2013

Resolution: 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 3 project.

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

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Township of Hamilton-00180 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”.

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF
PLENARY RETAIL DISTRIBUTION LICENSE #0112-44-038-005

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License Number 0112-44-038-005, heretofore issued to Mays Landing Wine, Liquor and Deli, LLC, a limited liability corporation of the State of New Jersey trading as Mays Landing Wine, Liquor & Deli, with an address of 30 Mill Street, Mays Landing, NJ, to Rayt Mangal Singh, an individual, with an address for mailing purposes only of 130 Spruce Trail, Woolwich, NJ 08085; 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

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 Distribution License Number 0112-44-038-005 to Rayt Mangal Singh, effective September 18, 2012 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 Rayt Mangal Singh, and individual, with an address for mailing purposes only of 130 Spruce Trail, Woolwich, NJ 08085 effective September 18, 2012.”

BE IT FURTHER RESOLVED that the license certificate shall be retained in the Township Clerk’s Office until the license is cited and reactivated at a location approved by the Township Committee.

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

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

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RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY,
TO CANCEL 2012 TAXES**

WHEREAS, Block 1132.07 Lot 1 was purchased by a homeowner that was granted a total exempt veteran status; and,

WHEREAS, fourth quarter 2012 taxes on this Block and Lot must be cancelled due to this exempt status, and;

WHEREAS, the amount that must be cancelled is \$1,302.58 which represents the fourth quarter of 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the fourth quarter 2012 taxes on Block 1132.07 Lot 1 be cancelled in the amount of \$1,302.58.

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

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

**RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY
OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE
INSTITUTION OF AN IN REM TAX FORECLOSURE**

WHEREAS, the Tax Collector of the Township of Hamilton has prepared an In Rem tax foreclosure list and has certified the same to the governing body; and

WHEREAS, it is the desire of the Mayor and Township Committee of the Township of Hamilton to institute In Rem tax foreclosure proceedings against the properties which were set forth in the list attached hereto; and

WHEREAS, it is not only in the best interest of the Township to institute said proceedings, but also is a duty of the governing body; and

WHEREAS, the institution of said In Rem proceeding will result in revenue to the Township of Hamilton either by a redemption of the subject properties or their foreclosure and resale by the Township of Hamilton.

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

September 17, 2012

1. That the Mayor and Township Committee of the Township of Hamilton do hereby authorize the institution of In Rem tax foreclosure proceedings in regard to the properties set forth in the list attached hereto.
2. That a certified copy of this resolution be forwarded to the Tax Collector of the Township of Hamilton and the attorney for the Township of Hamilton.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the following raffle licenses are approved:

- 1) #18-2012- St. Vincent de Paul Parish- off premise raffle- Dec. 9, 2012
- 2) #19-2012- Atlantic County SPCA- off premise raffle- Dec. 1, 2012

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

Miss Gatto, seconded by Dr. Kesselman that the following proclamation be adopted:

WHEREAS, Gregory J. Battschinger is a resident of Mays Landing and has been an active member of the Boys Scouts of America for nine years; and

WHEREAS, after hundreds of hours of work, Mr. Battschinger successfully completed his Eagle Scout Project that included improvements to 550 fire hydrants in Egg Harbor Township; and

WHEREAS, Gregory Battschinger has passed his Eagle Scout Board of Review and his Eagle Scout Court of Honor will be held on September 30th in Mays Landing, New Jersey;

THEREFORE, WE, the Township Committee of the Township of Hamilton, hereby recognize

GREGORY J. BATTSCHINGER

in honor of his remarkable accomplishment. Mr. Battschinger has demonstrated that individuals who pursue their goals with devotion and diligence can achieve extraordinary things. He has set a sterling example for young people of our community as well as for all residents of the Township of Hamilton, and we extend OUR best wishes to him in all future endeavors.

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

Mr. Cain asked the Engineer for a more detailed explanation of the following item. Mr. Smith responded that this developer came in several years ago and asked for release of the performance guarantee but never made a formal request for reduction, so the performance guarantee was never reduced. Mr. Smith further stated that the majority of the project is complete and he had no objection to the performance guarantee being reduced to 30% of the original performance guarantee in accordance with the Municipal Land Use Law. Mr. Smith said that he believed Mr. Sandman had made a claim against

the letter of credit to protect the Township's interest because there was an issue as to whether or not it was going to be renewed and it has an expiration date of October 12. Mr. Smith said his understanding was that Mr. Sandman also has an agreement with the applicant to post a substitute letter of credit in the amount of \$90,652.07. Mr. Cain asked for details about the modifications. Mr. Smith explained that the eco castings were not installed and they need to put silt traps in the inlets. Mr. Smith said they held all four inlets in the performance guarantee until such time as they are retrofitted in accordance with the plan requirements. Mr. Smith said the \$90,652.07 far exceeds the value left the improvements left to be completed, but was based on the 30% of the original bond.

Mrs. Dix asked for clarification of the area covered, stating that she could not find a lot 4.15. Renee DeSalvo, responded from the audience that the lot had been consolidated. Mr. Smith explained how he calculates the maintenance bond stating that it is calculated on the original performance guarantee.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the reduction of Cape Bank Letter of Credit #1061, the Performance Guarantee for Donald Targan/ Pine Creek major subdivision From \$302,173.56 to \$90,652.07 as recommended by Robert J. Smith III, Township Engineer, September 5, 2012 (Bl. 1101 Lots 2.02 & 4.15- PB File #SD01-04/Engineer's file #0112-1-067)

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

Mr. Jacobs explained that the issues had been resolved on the following project, stating that the understanding is now that instead of the \$12,500.00 we would approve \$4,500.00 and in addition to the 2012 Road Program Phase II, Remington and Vernick will also do the design and inspection for the Old Egg Harbor Road Project, excluding any electrical designs, which would be extra. Mr. Jacobs stated that this is more in line with the understanding we had originally and he was happy to report that we had an agreement.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve the Remington Vernick proposal for Inspection and Contract Administration Services for 2012 Road Program Phase II in the amount of \$4,500.00, which will also include design and inspection for the Old Egg Harbor Road Project, excluding any electrical designs.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the regular meeting minutes of February 6, 2012 and September 4, 2012 be and are hereby approved.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being \$ 1,744,164.79.

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

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

Comments made prior to the vote:

Mr. Jacobs stated that he had incorporated all of the comments received into the document. Mr. Jacobs stated that a lot of work went into this document which will keep our insurance deductible at \$10,000.00 instead of \$50,000.00.

Mrs. Dix stated that there has been an extensive review including hours in this building going page by page with the comments and with that I will vote yes.

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to adopt the 2012 Township of Hamilton Policy and Procedures Handbook as recommended by Labor Counsel.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to appoint Benjamin Garfinkel as a Maintenance/Electrician at an annual salary of \$39,754.64.

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

Solicitor-

Mr. Went spoke regarding Pine Creek stating that the drawing certificate to obtain the funds from the bank was submitted on September 12 and the response should be back within 7 days which would be Wednesday.

Miss Gatto asked if Mr. Sandman was clear that if there was no response back from the bank by Wednesday that Committee would want to know their litigation options by the next meeting. Mr. Went replied that the research has been done and they would be prepared to tell Committee what they need to do.

Mrs. Dix asked if the receipt of a new letter of credit for \$90,000.00 would end the potential litigation. Mr. Went responded that it would make sense at that point that we would withdraw the demand and avoid litigation. It was emphasized that the Clerk's Office would inform the Solicitor immediately upon receipt of a new bond.

Engineer-

Mr. Smith reported on a meeting with the Pinelands Commission which he attended with Mike Jacobs and Phil Sartorio to discuss the proposed parking lot on the other side of 13th Street. Mr. Smith stated that the purpose of the meeting was to find out the requirements to construct the parking lot so the Committee would have an idea of the costs of any environmental studies. Mr. Smith said the Pinelands indicated that the only thing needed to be dealt with were drainage issues, so test pits would be scheduled to see what type of soils are there, to get a better idea of where to site the stormwater management facility and if Committee decides to proceed they will do the survey for the topographical conditions, do a design and submit it to the Pinelands Commission for approval.

Mr. Smith reported that the contractor for Malaga Rd. anticipates beginning Wednesday of this week or Monday of next week. Mr. Smith explained the detour that will be set up.

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Mr. Smith said he submitted a copy of the detour plan for posting on the website and that there was an advance warning sign put out by the contractor to inform residents of the closure. Mr. Smith commented on coordination efforts with Buena Vista Township who also has received funding for Malaga Rd., stating that information has been communicated to Buena Vista, the Transportation Coordinator for Hamilton Township Schools and the public.

Mayor Silva asked for an update on the 2012 Road Program asking if the entire program would be completed this year. Mr. Smith said he didn't see any reason why it wouldn't be completed this year. Mr. Jacobs stated that he would be getting the list of streets for 2013 because we still have about 1.5 million dollars. Mayor Silva asked that the Public Works Liaisons be included in going over the 2013 list. Mr. Smith stated that after consulting with Mr. Blankenship he would be submitting a list of candidate streets for Committee's review. Mr. Smith explained the process used to create the candidate list. In response to a question from Miss Gatto, Mr. Jacobs said the Master Pavement Management Plan is not as complete as it once was and was used as a basis, but the plan needs to be redone. Miss Gatto asked that the Public Works Liaisons look into this, stating it was a good thing to keep active.

Mr. Blankenship suggested that the stormwater improvements be done before paving. Mr. Blankenship said it wasn't just a paving program anymore; they are trying to address stormwater and traffic issues as well. Regarding Park Rd., Mr. Blankenship reported that we are applying for NJ Environmental Trust Funding on the MUA which includes redoing water mains and Park Road. Mr. Blankenship further reported that a fix for the stormwater issue at Tunney and Park has been OK'd by the Pinelands.

Township Committee-

Miss Dix reported that she attended the Jersey Shore Credit Union ribbon cutting and the ribbon cutting for the hockey courts.

Miss Gatto apologized for missing the ribbon cutting ceremony and the 911 ceremony stating that she understood the service was beautiful. Miss Gatto congratulated the Mattle's on their wedding and congratulated our fire company for a great showing in Wildwood.

Mr. Cain stated that there has been some movement regarding the demolition of the 3rd Street fire damaged house. Mr. Cain stated that the approval date is about to expire soon so they will have to tear it down or go back before the Zoning Board.

Public Comment

Mr. Al DeSimone, a resident and former Council Member of Galloway Township asked that Committee support his efforts to have a study done to examine withdrawing from the Greater Egg Harbor Regional School District. Mr. DeSimone stated that he had already approached the Galloway Council Members and asked that Galloway and the Township of Hamilton jointly fund a study to examine the cost savings. Mr. DeSimone commended Committee on their professionalism and asked that when Galloway approached Committee regarding this issue that they consider jointly funding this issue. Mr. DeSimone referred to a previous study done 13 years ago; stating it showed there would be significant savings to both Galloway and Hamilton Townships. Mr. DeSimone said he would suggest that both Hamilton and Galloway would withdraw from the district and each become K-12 districts, Oakcrest would become Hamilton High and Absegami would become Galloway High. Miss Gatto and Mrs. Dix objected to the name of the High School being changed. Miss Gatto said she wasn't opposed to the study but she would want more data regarding the number of students attending Cedar Creek and the actual cost savings. Mrs. Dix stated that the demographics have radically changed since that last study and said that the State had objected to breaking up the district due to the demographics. Mrs. Dix said that the economics of the ratable base of each community

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will be a big factor. Mr. DeSimone withdrew his suggestion for changing the name of Oakcrest. Dr. Kesselman said that consolidation is what is being suggested by the Governor and this is actually the opposite, stating that breaking up each district would actually cost more money. Dr. Kesselman said that there have been many changes in the last 14 years and more positions would have to be added. Dr. Kesselman said that he would be interested in the study but didn't think there would be cost savings. Mayor Silva said there are some advantages to having 3 schools. Dr. Kesselman suggested we compare Egg Harbor Township expenses to get an idea of costs. Dr. Kesselman said he thought Hamilton would still have to be responsible for the debt of Cedar Creek because we all voted to incur that debt when it was one district.

Mr. Bruce Strigh suggested that Committee pass a resolution encouraging the Atlantic County Board of Freeholders move their meetings permanently to Mays Landing. Mr. Strigh said this would be a step in the revitalization of Mays Landing. Mayor Silva said he had offered them our meeting room. Miss Gatto agreed with this resolution. Mr. Strigh said this would be a good time because they are looking to spend money on the existing meeting room in Northfield.

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

**TOWNSHIP OF HAMILTON
RESOLUTION**

WHEREAS, the Township of Hamilton is the Atlantic County Seat; and
WHEREAS, the Atlantic County Board of Chosen Freeholders is currently confronted with expenses to improve its current meeting space; and
WHEREAS, the Township of Hamilton has an excellent meeting space at Town Hall and is hereby offering the use of its Public Meeting Room for Atlantic County Freeholder meetings;
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton, to request that the Atlantic County Board of Chosen Freeholders conduct it's meetings at Town Hall in the Township of Hamilton, the County Seat.

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

Hearing nothing further from the public, Mr. Cain moved, seconded by Miss Gatto to close the public portion.

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

On the motion of Mr. Cain, seconded by Miss Gatto and carried the meeting was adjourned at 8:40PM.

Respectfully submitted,

Rita Martino, RMC
Deputy Township Clerk

