

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
SEPTEMBER 19, 2011

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board in the municipal building and by e-mailing a copy of the notice along with the agenda 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 September 19, 2011 in the municipal building, Mays Landing, New Jersey.

A moment of silence for private reflection was observed.

Trevan Houser/Land Resource Solutions Landfill Redevelopment update:

Trevan Houser explained his firm began working with the Township a few years ago and solicited the State for grant funding to investigate the landfill and try to identify what the environmental issues surrounding the landfill are. Mr. Houser said the state originally gave them money to do the soils work. He explained the State deferred the ground water because they had done a couple of rounds of investigating on their own and their conclusions were uncertain meaning there was some contamination elsewhere, specifically Forest Walk, and but they couldn't determine the landfill was or wasn't the source of contamination in the residential area. Mr. Houser explained they completed the soils work and when they went back to the State with it the State the state said they wanted a little more work on the ground water and that he told them if they wanted more investigation they had to come up with more funding. Mr. Houser said that took about a year and a half; the funding was just released; the Township has received it; and that there is no more supplemental funding after this. Mr. Houser explained they are concentrating on writing a work plan and putting together a ground water investigation that, when it is finished, leaves absolutely no question of whether or not the landfill is the source of the contamination. He said they find it extremely difficult to link the landfill to the contamination based on what they have seen so far. Mr. Houser explained they are putting together the history of all the other data that is around and all the wells. He said the plan will probably be submitted to the State within the next three weeks or so. Mr. Houser explained once it is approved, they will be poking holes, sampling wells, and gathering data that will eventually go into a report of their conclusions and will go back to the State. He commented on needing to know if there is or isn't a link between the contamination and the landfill for the landfill and for him as the selected redeveloper that contemplates taking ownership of the property. Mr. Houser explained they know there is contamination in the ground but they believe it's not going anywhere; that it may have gone places in the past but is probably shrinking now; that it is very well managed and containable; and that is what they need to prove.

Mr. Silva asked if the existing monitoring wells in and around the property were checked recently. Mr. Houser said they weren't but they will be as part of this scope of the work. He said they will sample every well they can find anywhere near the landfill that may or may not be impacted by it, get baseline data, and then compare it to what they know is in the landfill.

Mayor Gatto asked what the next steps will be if there is minimal contamination after the study is completed and what the next steps will be if there some significant levels of contamination. Mr. Houser

September 19, 2011

explained the Township has 25 years of data but it isn't quite enough for the D.E.P., so they will gather more, put it on top of what they already have, and develop a conceptual site model based on that. He said there is some contamination in the ground but it probably doesn't go more than a couple hundred feet from the landfill. He explained they are dealing with both the D.E.P. and the Pinelands Commission and they each have standards. Mr. Houser explained they have to say there may be contamination above the Pinelands standards but the typical remedial action or plan for it is that you restrict the property and monitor it. He said landfill contamination will be there as long as the landfill is there and the key is whether it goes anywhere and whether it hurt anybody or anything. He said they don't think it does. Mr. Houser explained they are trying to reduce liability for the Township, potentially for his firm as redevelopers, and to get closure costs down. He said another scenario is that the contamination is significant enough to require some kind of active remediation and the same situation would occur if the contamination at the landfill is linked to what is found in the residential area. Mr. Houser said that would be a broader problem and a little more significant. He said most of the people are on potable water right now so it isn't as much of an issue as far as usage; it would be more from the standpoint that the contamination is more widespread. He said they don't think that is likely and, based on the conceptual model, it's nearly impossible to move a molecule and have it look the way the current data looks. Mr. Houser explained that where a significant investment would be required to remediate either the ground water or a cap on the landfill, they have to go back and ask what that does, and where the funding will come from. He said there are programs they can go after depending on what they are going to do.

Mr. Silva asked if Environmental I and II studies were done on the properties before the Special Services School, the prosecutor's office, the new court house were built and if they could be a source of information to lead Mr. Houser to the conclusion he may want to see if any were available. Mr. Houser said there is quite a bit of data that will be part of their background investigation. He said they know there is a Shulton landfill, upgrading of the landfill, the MUA well, irrigation wells on the Special Services School property, and the Vocational School property. Mr. Houser said any well that previously tested with contamination will be re-sampled. He said D.E.P. wants him to sample everything for everything. Mr. Silva asked how long that will take. Mr. Houser referred to the new Site Remediation Reform Act and said the Township has to hire a Licensed Site Remediation Professional. He said they will be going through that process and explained it's like a land surveyor or professional engineer. Mr. Houser said there will be some kind of hybrid approach on how D.E.P. deals with landfills and they aren't sure how they are going to do it yet. Mr. Houser said he thinks the State is going to turn their work plan around because they already approved it as part of the grant funding and the grant said what they were going to do. He said he thinks that between now and the end of the year the field work will actually be done; that they will be evaluating of the data and the modeling; and will be meeting with the Pinelands, D.E.P. and the Township through the winter months. Mr. Houser said he met with the Special Services School and the Vocational School Superintendents who are in the process of doing an RFP for renewable energy and he didn't know where they stand now because the market for solar energy has taken a dip. He said he will be getting in touch with the County. Mr. Houser said he thinks renewable energy in the Park is a great idea and will be a good fit whether it is solar or another technology that is emerging but not windmills. Mr. Houser said they are vetting a couple of them right now; that they will see how the markets mature as they work through the environmental piece; and that they will be in touch with the Committee when it is time to specifically talk about redevelopment and what will go there.

Mayor Gatto said it is important that the Township preferences on renewable energy are made clear at any meetings Mr. Houser has with the County.

Fiscal Vitality Committee presentation:

Dr. Kesselman explained the Strategic Planning process began more than a year ago and four Township Task Force Committees were ultimately identified: Smart Growth, Quality of Life, Public Safety & Security and Fiscal Vitality. He said the Fiscal Vitality Report was prepared by Bruce Strigh, the Chairperson, Peggy Capone, Don Woolslayer, James Kerrigan and Jennie Ayres. Dr. Kesselman said it took a lot of time to put together and that was understandable. He said they haven't vetted the numbers, but they did a historical analysis of the budgetary situation to come up with their findings and make recommendations for the future. Dr. Kesselman explained the four Task Force Committees will meet following tonight's presentation, prioritize their objectives, and provide a report to the Township Committee of what they would like to do next. He said they aren't far from finalizing the strategic planning process but these four committee reports are critical to the next phase of the process. He said he thinks people will be extremely surprised at how many of their goals and objectives have already been fulfilled when what was previously prioritized is laid out.

Bruce Strigh, Chairman of the Committee, made a power point presentation of the report. A copy of it is posted on the Township website and available for review in the Township Clerk's Office. Mr. Strigh said all the Fiscal Vitality Committee members are taxpayers: Peg Capone is a small business woman; Don Woolslayer works as a facilities manager at Stockton; James Kerrigan is retired from Rowan College; and Jennie Ayers has experience in the non-profit sector and is employed at the Atlantic Cape College; and that he has experience in business, non-profit, and had the privilege of serving on Township Committee at one time. He explained their focus was to promote fiscal vitality through long range budgetary planning, defining affordability, accountability and transparency. Mr. Strigh said their mission statement was "to provide essential municipal services in the most effective, efficient and affordable manner". He said they followed that throughout their discussions and research and that they viewed it as taxpayers. Mr. Strigh said their vision statement was "The Township of Hamilton strives to be a safe, affordable, diverse residential and business friendly community". He explained their first goal was to establish the basis for the level of affordability for the township. Mr. Strigh said that is debatable because what may be affordable to one person or committee may not be to another. He commented on observing a comprehensive review of the township budgets, audits, and contracts for the last ten years. Mr. Strigh said that while some of the figures were conflicting, they tried their best to pick what they thought was the most accurate. He said the recommendation is to establish the basis of affordability and budget growth from one year to the next as a correlation between the rate of inflation, taxable revenue growth and population growth. Mr. Strigh showed charts of the assessed tax value of the township and residential growth 2000-2010 and explained the formula they used to determine the growth affordability to be a little over 30%. Dr. Kesselman asked how they came up with that and if it was an average of percentages. Mr. Strigh said it was and that is what they decided would be fair. He said he was sure it could be debated and changed but for the purpose of this discussion that is where they went. Dr. Kesselman said he wasn't arguing their methodology because that is a different discussion for a different time. He said they didn't follow any literature that said this is how you derive that and that they just felt this was a good way of doing it. Mr. Strigh said that was exactly right and they couldn't argue if the number could be determined as something else. He said it was difficult to determine but that is where they are at for a point of reference. Mr. Strigh showed a slide with the 2010 budget amount and population and said if you agree the affordable growth would be 30% there was a 52% cost increase per resident. Mayor Gatto said in other words if the township increased by 1 person the township could spend 30¢ over the period but they spent 52¢. Dr. Kesselman said that looking at the trend chart it started dropping in 2010 and that he doesn't have the 2011 data yet but he would argue that expenditures per resident will drop again.

September 19, 2011

Mr. Jacobs said the 2008 and 2009 budgets were based on one-time revenues with the tax increases to fill the gaps and the budget is now based on reoccurring revenues funding reoccurring expenses. Mr. Strigh said the committee didn't do 2011 but throughout their discussions and research they saw a trend that taxpayers would reason is the right trend. He presented a slide comparing the township population and budget increases over ten years with those in Egg Harbor Township and the County. Mr. Strigh said the committee did no research on Egg Harbor Township or the County as far as their trends and that it was just a point of reference for reference sake. He said the second goal was to collect, assemble and analyze key budget performance indicators. He showed a list of the different township departments and their percentage of growth in dollars over 10 years. Mr. Strigh said the committee put in what they determined was affordability. He said the Planning Board had tremendous growth but one or two employees can greatly skew that. Mr. Strigh said the biggest increase in dollars was in the police and public works at over 100% each. Mr. Strigh said the budget increased 96% over the past 10 years; salary and wages increased 93%; pension costs increased 626%; health insurance costs increased 141%; local purpose tax rose 154%; and cost of absenteeism increased 72%. He explained absenteeism isn't really a cost and that it represents days employees are paid for that they aren't here either for vacation, personal days or sick days. Mr. Strigh said they didn't have figures for that before 2004. Mr. Jacobs said those numbers aren't in the budget persé; it is an audit tool that is required to show what the accumulated liability is if the township should shut down tomorrow and everybody got paid for every accumulated day which they don't get by ordinance because there is a \$15,000 CAP on it. Mr. Strigh showed a graph comparing theoretical budget totals at the 30% affordability rate with the actual budget. Mr. Strigh said the most costly function is roads: paving, patching, sweeping, plowing, mowing, tree trimming, and police patrol. Mayor Gatto said that makes sense for a 116 square mile township. Mr. Strigh said there are 200 miles of roads and it needs to be a priority.

Mr. Silva asked if trash collection which is contractual would be considered a cost. Mr. Strigh said it is something the township privatizes and is all cost. He said it certainly is important but the committee didn't look at trash collection as part of the presentation. Mayor Gatto said that is a good point because the township pays for it but township employees don't provide the service. Mr. Palmentieri said it is an expense.

Mr. Strigh presented and explained slides on responsible budget growth, budget reduction measures, staffing assessments, establishing hiring criteria, hiring or expansion criteria for the growth spurt. He said the police salaries grew almost \$2 million in one year from \$3,599,000. in 2004 to \$5,553,702. in 2005. Mr. Strigh said he didn't have an opportunity to look into the exact reasons for it but it is a significant change in one year. He said under the current PBA contract the current cost per police officer including salary, pension, health insurance, longevity, clothing, etc. is \$150,000.00. Mr. Strigh showed slides on the 10 year personnel growth trend and noted 2000-2003 weren't readily available. He said recent cuts were made but further reductions are required. Mr. Strigh said full-time employees went from 134 in 2001 to 183 in 2007 and is now down to 118. He commented on being sure there is some strain and said that with a high of 183 the obvious questions are obvious. Mr. Strigh said the third goal was to assist in providing guidelines, recommendations and incentives for cost reduction. He said their primary focus was on payroll numbers and their recommendations were that overtime expenses be reduced and that absenteeism should not trigger automatic overtime; seasonal employees be used coupled with workforce reductions; spending and salary CAPS be established. He said they discussed that some jobs reach a point where they don't warrant the high salaries and said they looked at it from a taxpayer's point of view. Mr. Strigh said everything has to be looked at if the Township Committee is serious about getting a grip on spending and budgets. He commented on Members of Township changing all the time and getting a snapshot of budgets in the beginning but not having a historical view of where the township

is and where it is going. Mr. Strigh said he thinks that whether his committee picked the right number for affordability or not the Township Committee has to look at where they are going long-term rather than where they are now and where they are going next year. He presented a slide recommending the Committee aggressively develop shared services agreements with surrounding communities and said he knows they are doing that now. Mr. Strigh commented on seeing more Sheriff Department Officers and State Police on the highways and suggested that may be something the township should encourage. He read a recommendation for outsourcing services and seeking outside assistance through an RFP for evaluating staffing levels and assignments to obtain efficiencies. Mr. Strigh asked how you know if you are efficient if you don't figure out exactly what your costs are. He presented a slide on the average municipal debt over the past 10 years and said \$7.5 million was paid in interest on it. Mr. Strigh commented on there being months on end discussion of \$30,000.00 to keep the COVE open and said that looking at the big picture, he thinks more time should be spent trying to save \$7.5 million. He showed slides from the 2008 public budget presentation on the net debt in 2004, 2005 and 2006 and stating the Township was only at 30% of its borrowing power. Mr. Strigh said his Committee rejected that for the simple fact that much interest was paid. He said the township started out with roughly \$18 million in debt; it is roughly at the same amount now; and the question is does the township want to still be at \$18 million in 2020 and pay another \$7.5 in interest. Mr. Strigh said from a taxpayers' point of view and spending township money wisely he thinks an aggressive program or campaign to reduce the debt and pay as they go is something the Fiscal Vitality Committee recommends. He said they broke the bonds issued for that period of time down into the major categories that were: Public Works projects \$4,926,000; computer equipment \$1,867,000; recreation \$1.7 million; emergency equipment \$4.6 million; and road programs \$4.9 million. Mr. Strigh said their committee questioned the bonding of computer equipment and some of the projects for public works. He commented on having to take a closer look in some cases if you can't pay as you go. Mr. Strigh commented on thinking the amount of money put into the roads is low and that it needs to be addressed in the future. He said that is something his committee recommends. Mr. Strigh said the fourth goal was to assist in providing guidelines and incentives for revenue growth. He said there has been little focus on creating, evaluating or exploring new revenue streams. Mr. Strigh read the recommendations: solar coverage on administrative complexes; taking advantage of energy audits and public utility deregulation; creating a downtown business development plan that will create additional tax revenues; and more responsible use of surplus. He presented a slide on the breakdown and distribution of the tax dollar and said the Township share rose from 21% in 2009 to 31% in 2010. Mr. Strigh said he thinks the township has to focus on getting back to the 21% and that it lends credibility to the affordability. He referred to the slide with a list of excesses and said excessive hiring has limited the Township's ability to fund payroll as seen in the layoffs earlier this year and excessive borrowing for equipment that should be paid as the Township goes has resulted in inability to meet payroll and the needs of the township. Mr. Strigh said if you hire people with money available and then have to borrow money to equip them you are only kidding yourself.

Mayor Gatto said she believes the Township did take advantage of the Local Government Energy Audit when it came out. The Mayor said she thinks the graph on municipal debt showed that the Township Committee has been focused on trying to reduce it pretty aggressively. She said she thought that the Township receiving a higher bond rating and always looking for better interest rates needed to be mentioned. Mr. Strigh said the graph did show the amount of debt has been decreasing since 2004 or 2005 and his committee would like to see that trend continue. The Mayor said she liked the suggestion of having a 10-year data basis available to give to new committee members and to residents.

Mr. Strigh said the Committee needs to dig deep to see what the long term effect is when it decides to hire. He commented on grants for certain classes of employees that don't last forever and said the

September 19, 2011

employees may be hired not because they are needed but because the township got grants to do it. He said you can't tell somebody when you hire them that when the grant is up they are out. Mr. Cain said that growth also shows up in the absenteeism. He thanked Mr. Strigh's entire Committee for the tremendous amount of information they provided and the time each one took to research it. He said it will begin to show future Township Committee Members where the Township has been, where it is trending, and where they have to move towards.

Mr. Silva said playing budget catch-up the past couple of years was tough with the cuts in municipal aid especially since there weren't a lot of other revenue sources other than tax collection. He said he meant no disrespect to anybody who ever sat on Township Committee but if you look at the surplus history it could have helped a lot in paying down the debt if it had been there and the township wouldn't have had to borrow for things like computer equipment. He said to keep in mind that this Township Committee retired \$2.5 or \$2.7 million in debt this year. Mr. Silva thanked Mr. Strigh and his committee and said they provided a lot of valuable information that can be utilized in the budget preparation next year.

Mr. Strigh said a lot of the recommendations the Smart Growth Committee made were already in place by the time they made their presentation and that his committee recognizes that the Township Committee is already putting a lot of their recommendations into place so things are less bleak than what the report shows. He said he actually thinks the Township Committee is doing a good job. Mr. Cain said he thinks that is a testament to the strength of the Strategic Planning Process because each committee opened up dialog and the thought process of seeking out information. Mr. Strigh said perhaps the Township is collecting more tax dollars than they should or need to if all of the possible recommendations are implemented and discussed. He said several things can be done: spending can be reduced, some debt can be paid down, and savings earned through the recommendations can be put towards other things people talked about at the Smart Growth initiatives.

Dr. Kesselman said he thinks the most telling chart was the one showing a 36% drop in the number of employees. He said the positive financial impact of that drop won't be seen until next year because there were residual costs this year associated with the layoffs. Dr. Kesselman said the positive implications of all the initiatives during the past months haven't been seen yet. He thanked Mr. Strigh and his committee for their work and said the work of this kind of committee is always the most difficult when you do strategic planning. Dr. Kesselman said the committee took on a difficult assignment and did it extraordinarily well.

Mayor Gatto said that from a level of confidence in the data, she thought Mr. Strigh should mention some of the people they worked with; the Administrator, the CFO and Deputy CFO. Mr. Strigh said essentially all the data they got came from public records and much of it can be found on line. He said the frustrating thing was that when you look at the audits and budgets it is all written in Greek and that is why they tried to keep the report to the big numbers, things that make a difference, and things that are easy to understand. Mr. Sandman said 2010 was the first time there was a decrease in added assessments in over 20 years. He said there was always a way to factor in an extra \$12 million in new assessments based on construction permits but as he looks at the chart, that has either leveled off or is decreasing. Mr. Sandman suggested this was a tool that makes the governing body say they can't count on a shopping center being built this year. Mr. Silva said if you subtract what was paid in interest from the actual budget it would be down to the affordability range. Mr. Strigh said it is a policy or philosophical thing but he doesn't see why a township like this has to get into debt. He commented on bonding town hall when it was built and said it will last 50 or more years but computer equipment doesn't last. Mr. Strigh said dump trucks were bought every year and two \$100,000 dump trucks were purchased but he didn't know what year and he thinks they sit. Mr. Strigh said there were a lot of things they didn't put in the presentation and that added assessments

was one of them. Mr. Strigh said the problem with added assessments is township gets the money and can use all of it that year but the next year 59% of it goes to the school and 20% goes to the County so if it was spent it for something that is going to be a continuing expense, that money has to come from somewhere else. He recommended added assessments be used to pay down debt or buy something for cash and said if there is no added assessments the next year what was bought was paid for. Mr. Strigh said employees should not be hired with added assessments. He said he thought the assessments actually went down with a reval so the township lost money. Mr. Sandman explained the ratio of true value to 100% assessed value was 49% last year so commercial ratables would appeal just because they could. He said the township is now at 100% so defending a 2011 appeal from Hamilton Mall is a much easier task. Mr. Sandman said the reval was a fortunate thing for residents in terms of commercial ratables. Mr. Sandman explained if you file an appeal in April that is decided in August you have paid three quarters of your taxes that include the County and School and if you win you get back directly from the Township money that was collected for other agencies. Mr. Strigh said he recalled a reval done in the early 90's and hiring a new Assessor and said the discussion was to keep the assessments current but somehow that didn't happen. Mr. Sandman explained part of it was that the value of real estate increased so quickly in 2004, 2005 and 2006 that it couldn't be kept up with.

The Members thanked Mr. Strigh for the presentation.

Adjournment to Executive Session:

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

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

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

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

The governing body reconvened in public session at approximately 7:47 PM.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that 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) Zappa Athletics Center - Gymnastics School on Oakwood Boulevard

7.L Resolution of no objection to the Div. of A.B.C. approving and/or issuing a permit to Atlantic Community College for a social affair to be held from 6 PM to 10 PM on November 18, 2011.

7.M Resolution of support for the Mays Landing Merchants' Association Waterfront Wine & Food Festival at Lake Lenape Park on Oct. 22 & 23, 2011.

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

September 19, 2011

Executive Session Confirmation:

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

BE IT RESOLVED by the Township Committee that pursuant to discussion held in executive session, the firm of Hill Wallack, specifically Stephen M. Eisdorfer, be and is hereby hired as Special Counsel to look at the Township COAH requirements.

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

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

Bill Rafferty was asked to wait until public comment at the end of the meeting because his request was not for anything on the agenda.

Harry Rogers commented on the Proposed Rental Property Inspection Ordinance being talked about for years and said this Committee seemed to have the will to move forward with it. He said the Ordinance will produce revenue. Mr. Rogers suggested that when the ordinance is drafted it leave an opportunity to hire a part time person and maybe a full time person eventually but at the same time to use Volunteer Fire Department expertise and availability to get them some training so they can be the Code Enforcement Officers. He said they could pick up LOSAP credits, do it at a reasonable hourly rate, get training in safety functions, put money in their pockets and it doesn't commit the Township to a salary and benefits when they don't know what the income stream from it will be. Mr. Rogers asked that the solicitor be directed to include those types of options if they decide to move forward with the ordinance. He congratulated the Fiscal Vitality Committee on their work and said it pointed out that the Township spent like crazy for almost 10 years. Mr. Rogers said it will take a long time to repair the damage and he applauded this Board for taking some very significant steps in moving in the right direction.

Part-time Code Enforcement Officer and Enforcement Officers for Proposed Rental Inspection Ordinance:

Mr. Jacobs said there is some breakage and the Committee expressed an interest in bringing on a Code Enforcement Officer to enforce general codes. He explained the Township is working on an ordinance that, if approved, will require rental unit inspections and to do that they will need employees. Mr. Jacobs said the longest lead item will be hiring. He explained the Committee voting isn't voting on hiring anybody tonight, they are only voting to authorize advertising. Mr. Jacobs commented on the person having to have certain certifications and said that he will advertise once for certified people but won't know if they will get anyone until then. He suggested he be allowed to start the advertising process if the Committee wants to have the ordinance up and running by January. He said he won't bring back a name to hire until they have the ordinance.

Mayor Gatto said the Rental Housing Ordinance was suggested by the Smart Growth Subcommittee and that Mr. Silva and Mr. Cain formed a subcommittee to get the Ordinance to a first reading standpoint. Mr. Cain said they met with Mr. Jacobs, Mr. Sartorio, Mr. Primavera, Mr. DaGrosa and others several times to start crafting an ordinance and looking at the areas that may be different in this Township than they are in surrounding communities that have already adopted something like this. He said they believe they are at a point where with one more meeting they will have something to present to each Township Committee Member and Mr. Sandman. Mr. Cain asked if Mr. Jacobs they could have some kind of draft to introduce at the next meeting. Mr. Sandman said he hasn't seen it.

Mr. Silva explained it have residential rental license requirements, tenant occupancy permit requirements, inspection requirements and owner occupied requirements. He commented on the Committee wanting public input when it is presented said a lot this came about like it did with the structural deficit Mr. Rogers talked about for years and the message finally got through. He said the ordinance will be all-encompassing and that he thinks the input from the public will be significant and very important.

Mayor Gatto commented on talking to both Mr. Silva and Mr. Cain as they were having their subcommittee meetings and said they were talking about some short-term and some long-term goals. She explained that from the short-term perspective they wanted to fill the Code Enforcement Officer Position and that is when they came up with being able to afford to hire the part-time Enforcement Officer to handle the complaint-driven items that are coming in at this point and do code enforcement at some level. The Mayor said she thought Mr. Roger's suggestion was good and suggested Mr. Silva could take to the ESAB Board and discuss it with the Fire Chiefs.

Mr. Silva said he thinks one of Mr. DaGrosa and Mr. Primavera's biggest concerns is that there is a lot involved in doing these inspections. He said certification is key because of potential challenges that could occur at any time and for any reason. Mr. Silva said Mr. Roger's point was well taken and he believes the goal of the Committee is to work with this and do whatever they can for the people who live, work and volunteer in the community to help the Committee move forward in the way they want to see this happen.

Mayor Gatto said the long-term goal of sustainability is being built into the ordinance. She commented on the Committee knowing they can afford part-time now and that they need more than that to handle current needs and the needs that may be brought on by the Ordinance that they are looking to introduce. Mr. Jacobs explained the breakage is only to get to the end of this year and the intent of the Ordinance is that the revenue will support all the positions being used to enforce it. He said if the ordinance fails the part-time enforcement officer will probably have to go. Mr. Cain said shared services ideas have been discussed and there may be an opportunity for shared services with another community. Mr. Silva said he is looking forward to it being on the agenda so the Committee can get moving on it. Dr. Kesselman commented on all of the members being for this, He said the sooner they can get it done the better it will be and that it will be done in as cost effective a way as possible. Mr. Palmentieri said he agreed.

Mr. Silva moved, seconded by Mr. Cain, that advertising for a part-time Code Enforcement Officer be and is hereby authorized.

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

Wheaton Pedestrian Bridge:

Mr. Sandman said this matter was put on hold because the Township was focusing on demolition of the property after the fire and that a large portion of the building has been demolished through the Committee's efforts. He explained the owner got some variance relief when they made application to the Planning Board for the steel building across the street and one of the conditions in the 1998 approval resolution was to remove the aerial walkway but no action has been taken since then with respect to that. He said had a memorandum prepared on the Committee's rights and what needs to be done if they choose to exercise those rights. Mr. Sandman said he thinks the memorandum was pretty straight forward and that it would require action by the Zoning Officer. Mr. Cain asked if it could be forwarded to the Zoning Officer to bring the condition to his attention so he could write a citation. Mr. Sandman explained it was provided under the cloak of Attorney Client Privilege if sharing it with the appropriate individual gives them a comfort level and

September 19, 2011

direction on doing what they do it is fine as long as they understand it is still Attorney Client Privilege.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that they would like the Zoning Officer to enforce the 1998 variance condition of the Planning Board Resolution that states "the pedestrian bridge connecting to the other side of Old Harding Highway will be removed".

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

Introduction of Ordinance #1703-2011:

Mr. Sandman explained he added as part of the penalty a requirement of the Court that the offender has to pay restitution of expenses related to the investigation and prosecution of any offender, the costs for food, drink, shelter or veterinary care or treatment or other costs incurred by any agency, entity or organization, and may direct the term of community service be served by providing assistance to the SPCA.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1703-2011 be and is hereby introduced and the Township Clerk is authorized to advertise same for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on October 3, 2011.

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

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE #1703-2011

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 OF THE CODE OF THE TOWNSHIP OF HAMILTON, DOGS, TO ADD A NEW SECTION, 105-5.1 RESTRAINT AND CARE OF DOGS

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

SECTION 1. Chapter 105 of the Code of the Township of Hamilton, Dogs is hereby amended to add a new section, 105-5.1, entitled "Restraint and Care of Animals" to read as follows:

RESTRAINT AND CARE OF ANIMALS

A. **Definitions.** As used in this article, the following terms shall have the meanings indicated:

BEDDING- Material to provide a bed for a dog.

CARETAKER- Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.

DOGHOUSE- A covered and protected domicile for a dog.

ENCLOSURE- Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment.

HANDLER- Any person in immediate physical charge of a dog.

KENNEL- Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER- When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who has such dog in his keeping.

PEN- An enclosure for a dog.

PET SHOP- Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

POUND- An establishment for the confinement of dogs seized under the provisions of this chapter or otherwise.

SHELTER- Any establishment where dogs are received, housed and distributed without charge.

B. Restraint of Dogs

1. Owners, caretakers or handlers of dogs will exercise diligence and reasonable care to prevent said dogs from leaving their premises whether their premises are owned, leased or rented. Restraint exists when a dog is:

(a) Enclosed and properly provided for pursuant to NJSA 4:22-17 within a house, building, properly maintained fence, pen or other enclosure.

(b) Outdoor pens or other enclosures for each dog must be four feet in height and square footage as follows:

Number of Dogs	Square Footage
1	64
2	96
3	144
4	196
Over 4	An additional 24 square feet for each additional dog

(c) The pens or other enclosures shall include a soundly constructed, safely positioned and properly maintained doghouse.

(d) Doghouses shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the house. Bedding shall be maintained in a dry condition and renewed or changed as necessary.

2. Owners, caretakers or handlers of dogs will exercise diligence and reasonable care to keep dogs under restraint. In circumstances in which the dogs are not located on premises owned, leased or rented by the caretakers or handlers, dogs must be handled in a humane manner pursuant to NJSA 4:22-17.

3. Owners, caretakers or handlers of dogs may attempt to prevent said dogs from leaving the premises by installing an invisible fence. Owners, caretakers or handlers of dogs are responsible for the maintenance of the invisible fences and shall exercise diligence to keep the fence in proper working order.

4. Kennels, pet shops, shelters and pounds shall comply with the provisions of applicable state statutes and administrative regulations.

C. Chaining or tethering of dogs.

Dogs must be able to move freely when chained or tethered and should be confined for a period no greater than nine hours within a twenty-four-hour period. The size of the tether or chain must be a minimum of 15 linear feet, constructed of lightweight cable and shall remain tangle free. Dogs must be equipped with a properly fitted harness or buckle-type collar. A doghouse shall be accessible to dogs that are chained or tethered.

D. Prohibited activities and treatment.

1. No owner, caretaker or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and water must be in an animal-food-consumption type container, feeder or waterer.

2. No animal shall be subject to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with human and other animals shall not be unreasonably withheld.

E. Duties of citizens.

1. Any operator of a motor vehicle, who accidentally strikes a dog or cat shall stop and render such assistance to the dog or cat as may be possible, provided it can be accomplished safely and without danger to the motorist, pedestrians or other motorists.

2. The operator of a motor vehicle involved in such an accident shall promptly report such injury or death to the appropriate law enforcement agency.

F. Enforcement, violations and penalties.

1. Enforcement of section 105-5.1 shall be commenced by the filing of a complaint with the Municipal Court of the Township of Hamilton. In addition to other methods of enforcement provided by law, any violations of this article may be enforced by the issuance of a notice of violation by members of the Hamilton Township Police Department, The Hamilton Township Animal Control Officer and/or dog canvasser(s).

2. Violation of any provision of section 105-5.1, shall upon conviction thereof, be punished by a minimum fine of \$200 or a maximum of \$1,000 or by imprisonment for a term not exceeding 30 days or by a period of community service not exceeding 30 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this article. The court shall order restitution be paid to any agency that incurs expenses related to the investigation and prosecution of any offender of this article. The court shall also require the offender to pay restitution for any costs for food, drink, shelter or veterinary care or treatment or other costs incurred by any agency, entity or organization. The Court may direct the term of community service to be served by providing assistance to the N.J. Society for the Prevention of Cruelty to Animals.

SECTION 2. REPEALER

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are to the extent of such inconsistency hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

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

ATTEST

JOAN I. ANDERSON, RMC
TOWNSHIP CLERK

AMY L. GATTO, MAYOR

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

ORDINANCE #1703-2011 INTRODUCED & PASSED FIRST READING SEPTEMBER 19, 2011.

Agenda Items authorizing institution of In Rem Foreclosure proceedings and sale of a 2006 Ford Crown Victoria to the Board of Education were taken separately at the request of Mr. Silva.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Business Registration License for Zappa Athletics Center, a Gymnastics School on Oakwood Boulevard, be and is hereby approved.

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

September 19, 2011

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

WHEREAS, application for renewal of the following Inactive Plenary Retail Consumption License was accepted by the Township Committee of the Township of Hamilton for filing on June 20, 2011 with no action to approve or deny the renewal of said licenses pending receipt the required Tax Clearance Certificate; and

WHEREAS, the required Tax Clearance Certificate issued September 6, 2011 has been received,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Inactive Alcoholic Beverage License is hereby approved and issued for the period July 1, 2011 through June 30, 2012; and

BE IT FURTHER RESOLVED that the license certificate shall be retained in the Township Clerk's Office until said license is reactivated at its present location or another site approved by the Township of Hamilton:

PLENARY RETAIL CONSUMPTION LICENSE

MARTY'S GIRLS, INC. GREAT AMERICAN PUB 4450 BLACK HORSE PIKE, #3944
0112-33-040-008 & GRILLE MAYS LANDING, NJ 08330

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following reductions of Bond Safeguard Insurance Company performance guarantee bonds for Fernmoor Homes at Woods Landing (Township file #SP-07-02/Engineer's file #0112-1-058) as recommended by Robert J. Smith, III, Township Engineer, dated September 12, 2011:

<u>Phase</u>	<u>Bond Number</u>	<u>From</u>	<u>To</u>
1	5033574	\$388,773.00	\$287,224.98
4	5033578	\$259,343.16	\$249,179.64

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following item of revenue with offsetting appropriation be and is hereby inserted in the 2011 Municipal Budget:

Revenue Title: NJ Dept. of Transportation Highway Safety	
Fund Grant program	\$42,997.21
Appropriation Title: NJ Dept. of Transportation Highway Safety	
Fund Grant program	\$42,997.21

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that all bids received on September 7, 2011 for Snow Plowing & Deicing Services (Bid #2011-05) be and are hereby rejected.

September19, 2011

BE IT FURTHER RESOLVED that re-advertising for Snow Plowing & Deicing Services is hereby authorized with the date and time to be determined by the Finance Office and Township Clerk.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that advertising and receiving of RFP/RFQs for Providing Occupational Health Services for the 2012 budget year be and is hereby authorized with the date and time to be determined by the Finance Office and Township Clerk.

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

Dr. Kesselman moved, seconded by Mr. Palmentieri, that Raffle License #RA-16-2011 be and is hereby approved for the Atlantic County Special Services School District Education Foundation, Inc., 50/50 to be held on October 23, 2011.

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

Dr. Kesselman moved, seconded by Mr. Palmentieri, that the following Licenses for St. Vincent dePaul Home School Association raffles to be held on October 23, 2011 be and are hereby approved:

<u>License No.</u>	<u>Type of License</u>
#RA17-2011	Penny Auction
#RA18-2011	Off-premises draw raffle for a kayak
#RA19-2011	Off-premises draw raffle for an X-Box 360

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

Dr. Kesselman 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 Div. of A.B.C. approving and/or issuing a permit to Atlantic Community College for a social affair to be held from 6 PM to 10 PM on November 18, 2011.

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

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

BE IT RESOLVED by that the Township Committee of the Township of Hamilton supports the Mays Landing Merchants' Association application to the County of Atlantic for their Waterfront Wine and Food Festival to be held at Lake Lenape Park on October 22 and 23, 2011.

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

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

WHEREAS Wilmington Trust Bank (WTB) letters of credit were accepted as performance guarantees for Conson LLC/Eaglesmere project; and

WHEREAS notification has been received that Wilmington Trust Bank has merged with M&T Bank and that M&T Bank has amended the aforesaid letter of credit numbers,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following M&T Bank amendments to letters of credit for Conson LLC/Eaglesmere project be and are hereby accepted:

<u>WTB LOC</u>	<u>M&T Bank LOC</u>	<u>Amount</u>	<u>Guarantee for</u>
#8-0146	#SB9501840001	\$52,206.82	Volunteer Way behind Wawa
#8-0132	#SB9501880001	\$237,506.94	Volunteer Way 18+65 to end of Cul-de-sac
#8-0133	#SB9501830001	\$701,857.14	Site Improvements

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

In Rem Foreclosure authorization:

Mr. Silva asked how many properties there are and if, in the Solicitor's experience, there is any attempt at settlement. Mr. Sandman said there are about 70 properties. He explained the Tax Sale Certificate sale process that if the Certificate isn't sold the Township races to foreclosure and get a judgment by the end of the year to get a non-performing property off the tax rolls or it will increase the reserve required for uncollected taxes in subsequent years. He said it was impossible to get a docket number last year because there were so many foreclosures and he didn't get the judgment until June of this year. Mr. Sandman explained the Statute allows redemption and he estimated 20% were redeemed last year. Mr. Sandman said the title report cost and payment for his work is recouped in the redemption process. Mr. Silva expressed concern about getting property through the In Rem that has extensive damage to it. Mr. Jacobs said there are 8 properties with structures on them that range from one that is habitable to one that the roof has caved in on. He expressed hope some of them would be redeemed before the Township took ownership because he didn't think the Township wants to own them as they are. Mr. Jacobs said if the Committee is going to foreclose and take ownership and therefore liability for them they need to make a plan to determine whether some are going to be boarded up or demolished. He said he would probably be coming back for authority to get some prices or spend some money in case they are foreclosed on. He said the issue becomes moot if they are redeemed. Mayor Gatto asked if the Committee could prioritize the foreclosure list and put those with structures at a lower point on the list. Mr. Sandman explained they can't because it is all one complaint and one schedule. He said the mortgagee will take the certificate if there is a mortgage on it. Mr. Sandman commented on being very careful to look at them from an environmental standpoint in the 90s and said it wasn't easy to do because there were 200-300 properties on the list. He said this authorizes him to take list the Tax Collector prepared, to buy title searches, and to notify each person or entity with an interest in the property by certified mail, return receipt requested. Mr. Sandman explained the actual complaint comes after that. Mayor Gatto asked Mr. Jacobs if he was comfortable moving forward with it. Mr. Jacobs said he was and that he assumed it wouldn't get too far along in two weeks if the Committee wanted to extract any from the list. He commented on one being \$37.80 and said he would hate to foreclose on it and spend \$10,000.00 demolishing it. He commented on an experience he had in another municipality and said he is very sensitive to the foreclosure process.

Mr. Silva moved, seconded by Mr. Cain, that the following resolution be and is hereby 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

September 19, 2011

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:

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"

Sale of 2006 Ford Crown Victoria to Hamilton Township Board of Ed.

Mr. Silva said the synopsis of the request in the agenda packet said if approved the resolution would approve sale of the vehicle to the Board of Education for \$2,000; that the Board approved \$3,500 for the project and believe they need the balance to paint and repair the car; and that the Township staff estimates the value of the car at \$5,000. He questioned why the Township would sell it for \$2,000 even if it needs repair when the value is \$5,000. Mayor Gatto said it was probably from a shared service perspective with another taxing entity. Mr. Silva commented on seeing where they want to use the car and asked if they don't have pool cars that individual could use.

Mr. Jacobs explained when he finally got the written document their offer is \$2,250.00 but it came in after the agenda was done. He said Mr. Martins told him they approved \$3,500 for the vehicle and there were some mechanical things that needed repair and painting. Mr. Jacobs commented on not knowing the sense of the Committee when he met with Mr. Martins but they all work for the same group of people and he didn't know if that played into it. He explained the \$5,000 came from the Township employee who does its sales and probably does know the fair value. Mr. Jacobs said he can tell the Board it is more if the Committee wants him to. He explained it was taken off the GovDeals list because the Board expressed interest in it and it would have been added back if they changed their mind.

Mr. Cain said he thinks they should express interest at current market value. He said the Committee Members job is to get the best deal they can for the taxpayers that paid for it. Mr. Cain said the employee should know the value because they have done a great job on GovDeals.

Mr. Jacobs explained he is bringing the request to the Committee and said it is up to them. Mayor Gatto asked if the Board could bid on it if it is on GovDeals. Mr. Jacobs explained they could but the township won't get all of the \$5,000. because they pay a commission to GovDeals. Mayor Gatto said she looked at it as a shared service because it is two tax collecting entities and it was already bought with taxpayer money and will be bought again with taxpayer money.

Mr. Silva commented on the Township Committee looking at things in a tough way, trying to reduce expenses and to level the playing field. He again asked if the school has pool cars. Mayor Gatto said she wasn't debating whether or not they needed it because that is what that Board is for.

Dr. Kesselman asked if the Committee would be voting to sell the vehicle for \$2,000. The Mayor said the motion would be to authorize the sale of a 2006 Ford Crown Victoria to the Hamilton Township Board of Education for \$2,250.00 as set forth in their letter. She asked if the members wanted to table it. Mr. Silva said he would recommend putting it on GovDeals to see what the market would give for it. Dr. Kesselman asked if anyone knew how many miles the vehicle had on it. Chief Tappeiner didn't have that information with him.

There being no motion made, no action was taken on the request.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the August 15, 2011 executive session; the September 6, 2011 regular meeting and the September 6, 2011 executive session be and are hereby approved and adopted as published.

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

Mr. Cain moved, seconded by 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 total being \$2,740,902.70 as of September 15, 2011.

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

Reports:

Mr. Jacobs reported total receipts from the last GovDeals sale was about \$70,000.00 and some of the cars have already been picked up.

Mr. Sandman reported dismissal motions were granted for 2010 Tax Court appeals with respect to Acme, Chili's, Consumer Square, Borders, Regal Theaters, and Hamilton Commons and that there is one remaining 2010 pending appeal for Target. He said the Hamilton Mall 2010 appeal was settled some time ago without getting into a stipulation but they have a 2011 appeal pending. Dr. Kesselman asked how often they can appeal. Mr. Sandman said they can go back every year but the Township has an MAI report in all of the ones where there were challenges.

Mr. Sandman reported he has been working with the Police Chief and his staff on an issue with respect to the Towing Ordinance. He explained an action brought against the Township heightened awareness to there being 7 different towing laws some of which allow seizure and sale and some that don't. Mr. Sandman said he solicited Assemblyman Amedeo and the Assemblyman has drafted a bill that will combine and take into account all the problems. He said he is working with the Police Department to see if it fits what they need. Mr. Sandman said it is an example of soliciting your elected officials to help you where you can't fix seven conflicting statutes. He said there will be an eighth Statute that does away with the other seven.

September 19, 2011

Mr. Sandman said that on October 3rd he will be arguing in Appellate Division the case in which the constitutionality of the appointment of the courts is being challenged, particularly the Township's court. He explained he was successful in defeating it on a motion for summary judgment at the trial level and that the appeal is a three judge panel. Mr. Sandman said he will report back on it at the next meeting. Mr. Silva asked if it is the one brought by the Township's prior Prosecutor. Mr. Sandman said it is.

Mr. Sandman reported he provided the bonding company for Foxmoor at Hampton Court the information they requested August 15th. He said the bonding company's obligee should have had the information but he provided it to them so as to not delay the clock. Mr. Sandman said their time will be up by the next meeting and then the Committee will have to give him direction on what they want him to do. He said he is going at it pretty aggressively. The Mayor said she thinks that is the direction the Committee would want him to keep going.

Mr. Sandman reported Officer Wade Smith brought to his attention by through the Clerk that the Chapter number captioned in the Ordinance creating a NO PARKING zone in the vicinity of the ball fields at Underhill Park isn't right. He explained he drafted a pro-forma change of title revisions that have to go in for codification reasons and said he would give it to Mrs. Anderson for the next agenda. Mayor Gatto asked Chief Tappeiner if he looked at it because of residents concerns about where the line was drawn. The Chief said they did and the residents didn't agree with the Police Department position but it appears to be the best.

Mr. Jacobs reported an \$8,000. building permit was issued for the Wal-Mart expansion last week.

Mr. Smith reported receiving a report this afternoon from the engineer for the owner of Wrangleboro Consumer Square and Hamilton Commons indicating some steps they are going to take to implement remedial measures at the stormwater basins and it included an aerial photo delineating by basin some of the work they are going to do. Mr. Smith said he will leave the aerial with Mr. Jacobs for anyone who wants to look at it. He explained they are building on work done by the previous engineer, doing additional investigations and test pits and hopefully will get the basins to function as designed. Mr. Cain asked if there were any changes to dumping into the pipe under Route 322. Mr. Smith explained he brought up the Committee's concern about using an overflow into the state system and subsequently into Gravelly Run at their meeting several weeks ago and let them know the Township Committee is vehemently opposed to that course of action. He explained the report only talked about the soils remediation and there was no discussion of the additional overflow into the State system. Mr. Smith said as they go through the process any material changes to the stormwater management system have to be approved at a minimum administratively by the Planning Board Engineer and possibly applications to both the Pinelands Commission and the Planning Board.

Mr. Smith reported receiving permission from D.O.T. to go to bid for the first section of Malaga Road and that he is waiting for a highway occupancy permit to use Route 54 as part of the detour. He requested Committee authorization to advertise for bids presuming a positive determination of the highway occupancy permit and a stormwater construction activity discharge permit from D.E.P.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Engineer be and is hereby authorized to advertise for bids for the Malaga Road Section I project.

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

September 19, 2011

Mayor Gatto asked if Mr. Smith had any indication of when the bridge on Weymouth Road would be done and the road fully open again. Mr. Smith said he didn't but will call the County tomorrow.

Dr. Kesselman commented on the Township having until December 31 to utilize up to \$2,000.00 from JIF for purchase of safety related items and the EPL Training budget. Ingrid Perez said a portion of the funds was already spent and the Township usually waits to allocate it for budget reasons and JIF reimburses them at the end of the year.

Mr. Silva reported on the 9/11 Program. He said several hundred people attended and that Claire Lowe covered it very well in the Current. Mr. Silva said Reverend Ash deserves a lot of credit for organizing everything and making sure the finest detail is carried out. Mayor Gatto mentioned the names of some of the 9/11 Planning Committee: Mr. Silva, Reverend Ash, John Kurtz, Captain Petuskey and former Mayor Pritchard. Mr. Silva commented on the event involving a host of people and he thanked them all.

Mr. Cain commented on questioning the location and out put at Timber Glen; whether Mr. Smith or Mr. Sartorio should be looking at it to make sure it is discharging in the right location and it isn't exceeding the output; who put the drainage ditch there and if it was authorized so that it would overflow into the Hamilton Walk basin. Mr. Cain said he would appreciate those things being checked.

Mr. Cain commented on it being brought up by the Chairman and members of the Planning Board and the Zoning Board about having Mr. Sartorio attend their meetings so they can get immediate response when he is called upon. He asked if Mr. Sartorio's schedule could be adjusted so the could attend those meetings.

Mr. Cain expressed pleasure in learning the Egg Harbor Township is moving to the same automated trash collection program as this Township has.

Mr. Cain expressed appreciation for Mr. Silva reaching out to the School Board and offering them an alternative to their inability to tape their meetings. He said he thinks the consensus of Township Committee is that they will be happy to provide them with a venue and equipment the Township already spent money on to allow them to broadcast their meetings so the public can see what is going on and how their tax dollars are being spent. The Mayor said she saw e-mails between Mr. Silva and the School Board President and that she appreciated it. She said she hopes they would take the offer. Mr. Cain said he is confident they will because there is a benefit to the entire taxpaying public. Dr. Kesselman said all the members support it fully. Mr. Silva said it was nice to have the rest of the members' support.

Mayor Gatto reported she and Mr. Silva attended the retirement ceremony of Lt. Paul LaRoche from the U. S. Coast Guard who is a Township resident that serves on some of the Township's Boards and a major community activist in Victoria Pointe and Victoria Crossing. She congratulated him and suggested the Committee present him with a Proclamation. Mr. Silva said he served 22 years in the military, 12 in the Army and the last 10 years in the Coast Guard, and that he was responsible for saving 28 lives. Mr. Silva said there is no commendation that can be given to repay someone like that for the effort they expended.

Mayor Gatto congratulated the Historic Society on their successful Art-in-the-Park event on Sunday and said she is looking forward to the Merchants' Association Fall Festival in the Park on September 24th.

The Mayor reported receiving an e-mail that the Rotary is on track with the Halloween Parade but is still seeking donations. She explained anyone desiring to donate can send it to the Rotary Club.

September 19, 2011

Mayor Gatto reported she attended the Firemen's Convention in Wildwood and saw all the Township apparatus that was in the parade. She reported the second place award in the mini pumper division went to the Weymouth Volunteer Fire Department.

Public Comment:

Bill Rafferty, a resident of Lenape Avenue, presented a map of the Lenape Avenue/Main Street area with 5 traffic lights marked on it. He referred to the blue line on the map as a beltway people use to avoid all the lights and said he thinks an unbelievable, horrible traffic accident-prone area has unwillingly been created there. Mr. Rafferty commented people trying to make Main Street a viable industry and said it never will be with cars going 40-50 miles an hour down Main Street. Mr. Rafferty said it isn't a police problem because there is no way to put enough police there. He commented on people walking on Main Street, children walking to school bus stops on Main Street, and on traffic incidents that occurred on Main Street within the past 3 months. Mr. Rafferty said people looking for shortcuts cut off Route 50 at the Wawa or the street before it and speed down Lenape Avenue. He said he is sure there were excellent reasons for putting the traffic lights in at the time but he feels the Committee has to do something to dissuade people from using Lenape Avenue and Main Street as a beltway. Mr. Rafferty thanked the Committee for listening to him and said he hopes they will have something to correct the problem. Mayor Gatto suggested taking the map, getting accident information from the police and marrying it with the Smart Growth plan for that area. Mr. Sandman commented on living in the area and said he thinks creating a NO LEFT TURN at the antique store helped because people from Vineland going to work in Atlantic City were shooting down Lenape Avenue. Mr. Rafferty said still do and he thinks it is because the sign is on the left side of the road and should be on the antique shop side. The Mayor said it will be looked at. Mr. Cain said the Smart Growth Committee is still working on utilizing traffic calming devices in certain areas to slow traffic down and said he knows Lenape Avenue was on it. He expressed hope that some reasonable type of measure could be come up with in a short period of time. Mayor Gatto asked Mr. Jacobs if he expected a report at the next meeting with regard to some of the suggestions for traffic calming on Old Egg Harbor Road. Mr. Cain said he would like to see the Committee move forward with it; present some of the ideas they may have; allow input from the public; and have open discussion on their thoughts and ideas. Mayor Gatto said it will be on the next agenda as a discussion item.

Elmer Ripley said Sugar Hill Crossing should also be addressed. He said when he leaves his residence on Old Egg Harbor Road he must come uptown, go around the block and come back down to get on Somers Point Road because he can't make a left turn there. He said it should have been addressed years ago. Mr. Ripley questioned why the word "additional" was on the parking sign at the ball field on Old Egg Harbor Road because there is a no parking zone there. He said he saw cars parked where it says no parking a number of times in the past two weeks.

Mr. Ripley commented on calling the police three times this past Friday night about noise from Testa's Bar and said the second time he called the dispatcher said the police car rode by and the front door was closed. He said there is a side door on Old River Road that they leave open and at least 15-20 people were standing by it. Mr. Ripley said he would like to see an Ordinance for 2 o'clock closing on all liquor establishments in the Township but doubted it would happen because of the number of licenses at the Mall. Mr. Ripley said he believes the noise ordinance is for 11 o'clock at night. He said the issue is that they are ignoring the police officers when they go by and making them look like fools. Mr. Ripley said when the Historic Commission approved demolition of the last house standing there Mr. Testa stated he wanted to keep people out of it for safety reasons and might do landscaping. He said Mr. Kurtz explained to Mr. Testa that the lot isn't zoned for a parking lot. Mr. Ripley commented on it being completely filled at 2:30 in the morning and said it couldn't be attributed to Sugar Hill in because they aren't open then.

September 19, 2011

Harry Rogers referred to the Mayor's report that the Rotary seeking donations for the Halloween Parade and said the bulk of the donations typically collected go to pay the police. He said the 9/11 presentation was a spectacular gathering of volunteers and that he would be interested to know what it cost for police protection for the event and who paid for it. Mr. Rogers commented on having suggested before that that particular service could be provided at a much reduced rate with instituting an auxiliary police force. He said the Township pays a lot of money for people to sit in police cars at construction sites. Mayor Gatto said the Township doesn't pay for that. Mr. Rogers said they do because it is a public project and the cost gets passed through. He said he thinks the Township could look for significant cost cutting and benefit to both the Police Department and the Township by instituting an auxiliary police function to augment some traffic control tasks. Mr. Rogers said he thinks this is another opportunity to realize just how much the Township pays for community events when everybody else is volunteering their time, efforts, money and resources. Chief Tappeiner explained with the Township absorbs the cost for any event of short duration and their presence is part of their job. He explained there has to be an outside presence charge when they have to take resources and dedicate them to anything for an extended time. Mayor Gatto said the 9/11 ceremony was a Township sanctioned event. She said the police can't donate their vocation because of the Garcia Law. Dr. Kesselman said the Chief said there was no additional cost other than the normal pay for people get for working their appropriate shift and there no overtime cost. He said the fact Mr. Rogers suggestion about an auxiliary security force wasn't implemented doesn't mean the Committee hasn't heard it. Mr. Rogers thanked and applauded the police if they volunteered their time.

Mayor Gatto asked the Chief to follow up on the Traffic Control Officer position that was talked about when the Halloween Parade issue came up last year. She explained it was a new position created by the State and the idea was to leverage it as a lesser cost item for the traffic control component rather than have a fully paid police officer for these types of event. The Mayor asked if an officer who is a resident could donate his time as a volunteer to empty trash or something a public works person would normally be paid to do and vice-versa. Mr. Jacobs said the Fair Labor Standards Act requires the overtime payment and if it was easy enough to let people volunteer, employers would use it to coerce employees into doing it for free. He said even if they agreed to do it voluntarily they would have three years to go back and claim that money and the Township would have to pay them. He said you have to be careful about volunteering other vocations when you have collective bargaining agreements because certain work belongs to certain bargaining units and chances are you would end up in arbitration and lose if you volunteer or have someone else do it.

Mayor Gatto asked Mr. Jacobs for follow-up on the Holiday Lighting. Mr. Jacobs said he thinks there was a subcommittee to work on the Ordinance for all those functions and that money was actually taken out of the 2009 budget. Mayor Gatto asked if it was for the lights or the replacement lights. Mr. Jacobs explained the money was taken out of the budget and there is no money budgeted for it. The Mayor said time is another issue with the layoffs. Mr. Jacobs said there was about \$10,000.00 to fund time, equipment, lights, etc., in the past but that isn't in the budget now. Mayor Gatto said electrical contractors did volunteer their time to put up lights using their own bucket trucks and asked if there was an issue with that. Mr. Jacobs said he could touch base with the JIF but he didn't know why it would be a problem if they are licensed electricians that have insurance and want to volunteer their time. He said it could be put on the website but he needs Committee direction on how they want him to proceed with it. The Mayor asked that it be listed as a discussion item at the next meeting.

September 19, 2011

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

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

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

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

ATTEST:

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