

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
OCTOBER 18, 2010

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 Jr., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and Edward Walberg, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice of the meeting on the bulletin board in the municipal building and by faxing or e-mailing a copy of said notice to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place in the municipal building, Mays Landing, New Jersey at 6:30 PM on Monday October 18, 2010.

A moment of silence for private reflection was observed.

Strategic Planning Safety Committee presentation

John Sacchinelli and John J. Percy III gave a power point presentation on the progress of the Strategic Planning Safety Committee, its goals and areas of concern. Mr. Sacchinelli explained this presentation focused on the Police Department because they haven't gotten into Fire and Rescue yet. Roberta Boney, a member of that subcommittee, referred to volunteers and commented on people being willing to pay for a service in hard economic times or live without the service. She explained the Sub-committee is looking at a participation and keeping the services without the economic impact as the third alternative. Mayor Silva asked if they were looking at phasing in what was presented in 2-3 years. Mr. Sacchinelli said it may be more. Ms. Gatto commented innuendo and perception regarding public safety and said she thinks this kind of presentation will educate the public as to what their tax dollars buy in terms of public service they get when it comes to public safety. She asked if they had a copy of the fire study because the Township Committee has already started the multi-year plan about responsible purchasing of emergency equipment. Mr. Sacchinelli said they have the 1991, 1998 and the one that was just done. Ms. Gatto suggested the sources of data collected by all sub-committees be identified and how it was validated. Dr. Kesselman explained each sub-committee will come up with 4-5 goals; hopefully they will cross themes and subcommittees; they will develop specific activities and initiatives with time lines and measurable outcomes; report how they are succeeding on their goals; look at what has to be changed to make the goal more cost effective, more efficient and to see if the employees are ready to make those changes; and what the revenue sources for reaching those goals are. Mr. Sacchinelli said they meet either at Main Street Café or Cousin Mario's every Thursday at noon and anyone who is interested or wants to be heard can join them.

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

6.A Insert names of businesses:

- (1) Amid Jeweler LLC d/b/a Gold "n" Diamonds - retail jewelry sales & buying of precious metals at Hamilton Mall (Kiosk 3)
- (2) Vital Jeweler Inc. d/b/a Gold "n" Jewels - retail jewelry sales & Buying of precious metals at Hamilton Mall (Kiosks 5 & 9)
- (3) Jack Lyon equipment auction at Atlantic City Race Track on December 18 and 19, 2010 (transient vendor)

6.H Accept Hamilton Hospitality Inc. notice of their corporate structure change for liquor license #0112-33-011-006 resulting in Andrew Bucceri acquiring in the aggregate 100% of the licensee's stock effective September 30, 2010

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

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There were no executive session confirmations to be made.

Early public comment on agenda items not listed for public hearing

Joseph Corbo explained he was speaking for the Tavistock homeowners Association its Board regarding the basins in Tavistock. He said they were supposed to be dry but haven't been. He commented on wanting to be sure the builder has to put up a bond to maintain the pumps needed to filtrate the basins to keep them in working order and for insect control if for any reason the Township Committee and Engineer along with the Builder ever decide to keep the basins wet; that there is a plan to keep the basins in all communities dry and not overflowing; and that there won't be negotiations with a builder in order for him to get his bond back. Mr. Corbo suggested the amount of the bond be around \$1 million. Mayor Siva said drainage basins are one of the priorities the Township Committee set year and is very adamant about. He commented on the 12 worst basins having been identified and said nothing will occur there until it works properly. Mr. Corbo said theirs isn't one of the worst but they are concerned about the health issue with the mosquitoes. He said 3 of the 7 basins at Tavistock work. Mayor Silva thanked Mr. Corbo for bringing it to the Committee's attention. Mr. Sandman said one of the things the Township Committee did this year is to make sure this doesn't happen again on any new developments. He explained the attorneys for the Planning and the Zoning Boards changed over the years and that each one did the basins, subdivisions and site plans approval resolutions a little differently. Mr. Sandman commented on reviewing each of them and said he tweaked one; made it a prototype; sent it to each Board's solicitor as the Committee authorized him to do; and they are enforcing it now. He said it doesn't help Mr. Corbo's situation but the Township has a set of rules going forward that make maintenance enforceable even after the bonds have expired.

Update on new automated trash collection system

Ms. Gatto reported that since the new solid waste collection system was implemented in July coupled with the Shared Services Agreement with ACUA, the landfill tipping fees have decreased \$55,000.00 and the switch to automated containers has saved approximately \$15,000.00 for a total of \$70,000.00. She said the original savings projection was \$72,500.00 for the year and it looks like they will reach that amount in 6 months. Ms. Gatto commented on getting great feedback from the residents about the responsiveness of Ingrid Perez, the Township employees, and the vendor. Mr. Cain said Wall Township, Egg Harbor Township and other municipalities have contacted the Township about what was done so they can look at implementing it for their residents. Dr. Kesselman said the kind of initiative Ingrid showed resulted in savings, improved aesthetics, helped fellow workers in times of budget cuts, and is critically important moving forward in tough economic times.

Public hearing/adoption - Ordinance #1678-2010

Mayor Silva read the title of the Ordinance and opened the hearing to the public.

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

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

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

WHEREAS, Ordinance #1678-2010 was introduced and passed first reading on October 4, 2010 and was duly advertised in the October 6, 2010 issue of the Atlantic County Record for a public hearing to be held thereon on October 18, 2010; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1678-2010 be and is hereby adopted.

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

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NJ  
ORDINANCE #1678-2010

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 167, SUBSECTION 167.1.A AND ARTICLE IV OF CHAPTER 167, SUBSECTION 167-10.B OF THE TOWNSHIP OF HAMILTON CODE ESTABLISHING FEES PURSUANT TO N.J.S.A. 47:1a-1 ET SEQ. AS AMENDED

WHEREAS, on September 10, 2010 Governor Chris Christie signed into law Assembly Bill 559 and Senate Bill 1212 amending N.J.S.A. 47:1A-5.b establishing the fee a municipality may charge for duplication of a government recorded embodied in the form of printed matter; and

WHEREAS, Chapter 167-10, Article I Entitled Police Department Fees and Article IV Entitled Tapes, Transcripts and Copies of the Township Code, Subsection B establishing the Fees for photocopies must now be amended to comply with the Legislation enacted by signature of the Governor on September 10, 2010,

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

SECTION 1. Pursuant to N.J.S.A. 47:1A-et seq. (OPRA Law) as amended, Chapter 167 of the Township Code Article I Entitled Police Department Fees Subsection 167-1.A is hereby amended to read as follows:

**167.1 A. Pursuant to N.J.S.A. 47:1A-1 et seq. as amended (OPRA Law) the fee for printed copies of Police Department public records shall be as follows:**

- (1) Five cents (\$0.05) per letter size page or smaller.**
- (2) Seven cents (\$0.07) per legal size page or larger.**
- (3) If the Township can demonstrate the actual cost for duplication exceeds the foregoing rates, the Township shall charge the actual cost of duplicating the record. Actual cost shall be the cost of materials and supplies used to make a copy of the record but shall not include the cost of labor or other overhead expenses associated with making except as provided in subsection c of N.J.S.A. 47:1A.**
- (4) Access to electronic records and non-printed material shall be provided free of any charge except for the actual cost of any needed supplies.**

SECTION 2. Article IV Entitled Tapes, Transcripts and Copies Subsection 167-10.B, is hereby amended to read as follows:

**167.10.B The fee for printed copies of public records shall be as follows:**

- (1) Five cents (\$0.05) per letter size page or smaller.**
- (2) Seven cents (\$0.07) per legal size page or larger.**
- (3) If the Township can demonstrate the actual cost for duplication exceeds the foregoing rates, the Township shall charge the actual cost of duplicating the record. Actual cost shall be the cost of materials and supplies used to make a copy of the record but shall not include the cost of labor or other overhead expenses associated with making except as provided in subsection c of N.J.S.A. 47:1A.**
- (4) The fee for computer disc copies shall be twenty-five cents (\$0.25) each.**
- (5) Access to electronic records and non-printed material shall be provided free of any charge except for the actual cost of any needed supplies.**

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SECTION 3. Repealer. All Ordinances and parts of Ordinances of the Township of Hamilton heretofore adopted that are inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Severability. If any section, paragraph, subsection, clause, phrase, sentence or provision of this Ordinance is declared by a Court of Competent Jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 5. Effective date. This ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:

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

\_\_\_\_\_  
ROGER SILVA, MAYOR

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

ORDINANCE #1678-2010 INTRODUCED AND PASSED FIRST READING.  
ORDINANCE #1678-2010 ADOPTED OCTOBER 18, 2010.

Public hearing/adoption - Ordinance #1679-2010

Mayor Silva read the title of the Ordinance and opened the hearing to the public. There being no questions or comments on the Ordinance, Mr. Cain moved, seconded by Dr. Kesselman, that the public hearing be and is hereby closed.

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

Mr. Sandman explained he made it clear in the Ordinance that this is just for application fees and that Inspection Escrow Fees are not included.

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

WHEREAS, Ordinance #1679-2010 was introduced and passed first reading on October 4, 2010 and was duly advertised in the October 6, 2010 issue of the Atlantic County Record for a public hearing to be held thereon at 6:30 PM on Monday, October 18, 2010; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, Atlantic County, New Jersey that Ordinance #1679-2010 be and is hereby adopted.

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

ORDINANCE # 1679 -2010

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
ARTICLE II, §167-6A OF THE  
HAMILTON TOWNSHIP CODE  
ENTITLED “DEVELOPMENT FEES”**

WHEREAS, the Township of Hamilton, by and through the Governing Body, requires the posting of administrative fees, as is set forth in Article II, §167-6A of the Code of Hamilton Township; and

WHEREAS, the New Jersey State Legislature have enacted a Statute permitting municipalities from exempting certain individuals and entities from the payment of administrative fees; and

WHEREAS, the Municipal Land Use Act, N.J.S.A. 40:55D-8(c), was amended by State Legislative Act to permit municipalities to adopt an ordinance to exempt charitable, philanthropic, fraternal and religious organizations from paying any fees charged to an applicant for review of an application for development; and

WHEREAS, the Township has duly adopted an Administrative Fee and Escrow Deposit Ordinance under the authority of the Municipal Land Use Act; and

WHEREAS, the development fee and specifically, administrative fees section of the Ordinance (§167-6A) requires the posting of administrative fees with any applications to the Zoning Board of Adjustment, the Planning Board or the Township Committee; and

WHEREAS, the Township Committee deems it in the best interests of its residents to exercise the authority issued in N.J.S.A. 40:55D-8(c) to allow for the aforesaid exemption to charitable, philanthropic, fraternal and religious organizations of the payment of the administrative fee (§167-6A), which is separate and apart from the review escrows (§167-6B).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that Article II, §167-6A shall be amended and supplemented to provide the exemption.

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED that the Township Committee amends the aforesaid Ordinance as set forth herein below.

SECTION 1. All charitable, philanthropic, fraternal and religious non-profit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. §501(c) or (d) from the payment of administrative fees, as is required herein. The exemption, as granted herein, is specific only to Ordinance §167-6A and shall not affect the requirements of the balance of the development fees ordinances including, without limitation, the obligation to post review escrows, as provided in §167-6B.

SECTION 2. Repealer.

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

October 18, 2010

**SECTION 3. Severability.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such judgment shall not effect 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 are hereby declared to be severable.

**SECTION 4. Effective Date.**

This Ordinance shall take effect immediately upon final passage, adoption and publication, as prescribed by Law.

TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF HAMILTON  
COUNTY OF ATLANTIC

\_\_\_\_\_  
ROGER SILVA, MAYOR

ATTEST: \_\_\_\_\_  
JOAN I. ANDERSON, R.M.C.  
TOWNSHIP CLERK

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

ORDINANCE #1679-2010 INTRODUCED AND PASSED FIRST READING OCTOBER 4, 2010  
ORDINANCE #1679-201 ADOPTED OCTOBER 18, 2010.

Mr. Cain requested Agenda Item 6.G be removed from the Consent Agenda for further discussion. Ms. Gatto asked that Agenda Item 6.A(3) be removed from the Consent Agenda and considered separately.

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

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

- (1) Amid Jeweler LLC d/b/a Gold "n" Diamonds - retail jewelry sales & buying of precious metals at Hamilton Mall (Kiosk 3)
- (2) Vital Jeweler Inc. d/b/a Gold "n" Jewels - retail jewelry sales & buying of precious metals at Hamilton Mall (Kiosks 5 & 9)

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

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

WHEREAS, the bid of \$6,800.00 for purchase of for Block 663 Lot 5 made by Vanyda Xayaphachan at a public land sale held August 4, 2010 was the only bid offered; and

WHEREAS, Vanyda Xayaphachan signed an Agreement to Purchase said property for \$6,800.00 and to pay the balance of the purchase price on or before September 17, 2010; and

WHEREAS, Vanyda Xayaphachan did not pay the required balance despite several phone calls made to her by the Township Clerk to and written notice sent by both regular mail and by certified mail, return receipt requested, reminding her that failure to pay the balance due would result in rescinding of the sale and forfeiture of the deposit and fees paid,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the formal ratification of sale resolution adopted September 7, 2010 is hereby rescinded and the sale of Block 663, Lot 5 to Vanyda Xayaphachan is hereby declared null and void.

BE IT FURTHER RESOLVED that the non-refundable deposit of \$700.00 and the \$425.00 land sale fee paid by Vanyda Xayaphachan are hereby forfeited to the Township in accordance with the terms and provisions of sale as specifically set forth in all legal advertisements and the agreement of sale signed by her.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that release of the \$28,481.31 First National Bank of Elmer letter of credit #357, the stormwater management system performance guarantee for Guy Tunney/Woods at Makepeace major subdivision, as recommended by Robert J. Smith III, Township Engineer, dated October 7, 2010, due to uncompleted punch list items.

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

Ms. 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 American Southern Insurance Company Bond #B98808-01447M, the \$13,561.38 **non-stormwater management system maintenance guarantee** for Michel Kelly/Quality Modular Homes extension of Maryland Avenue project is hereby authorized to be released effective upon it expiration on November 8, 2010 as recommended by Robert J. Smith III, Township Engineer, dated September 22, 2010.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise and receive sealed bid proposals for Uniforms Rental for various departments at 10:00 A.M. on November 4, 2010 (BID #2010-05).

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise and receive sealed bid proposals for one (1) new ambulance for the Hamilton Township Rescue Squad at 10:30 A.M. on November 4, 2010 (BID #2010-4)

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

October 18, 2010

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given to advertise and receive sealed bid proposals for Repairs to Front Steps & Wall at the Township Municipal building, the date and time for receiving bids to be determined by the Public Works Director, Township Clerk and Township Engineer.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ocean City Home Bank letter of credit #05-2010 in the amount of Fifty-four Thousand Four Hundred Seventy-four (\$54,474.00) Dollars be and is hereby accepted as the performance guarantee for Simcare Surgical LTD. (Simcare Pharmacy) required site work on Block 740, Lot 3.

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

Ms. 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 it does hereby acknowledge receipt of notification of a corporate structure change that occurred on September 30, 2010 in the stockholdings of Hamilton Hospitality, Inc., holder of Plenary Retail Consumption License No. 0112-33-011-006, trading as Hamilton Trails Golf Club, for premises located at 620 Harbor Avenue, Mays Landing, NJ resulting in Andrew J. Bucceri, 46 Briarcliff Drive, Egg Harbor Township, NJ acquiring in the aggregate 100% of the licensee's stock.

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

Transient Vendor Business Registration License for Jack Lyon Inc.

Mr. Cain moved to approve the Transient Vendor License for Jack Lyon, seconded by Dr. Kesselman.

DISCUSSION ON THE MOTION: Mr. Palmentieri commented on this event being on the Race Track Property and the continuing problem with the condition of the road that is partially owned and the responsibility of the Track. He asked the if there was any connection between events that have to be approved by the Township Committee and any leverage the Committee might have. Mr. Sandman explained his answer would be in the nature of a legal opinion that he is willing to provide right now but the Committee would have to waive their right. He said the Committee has to treat each one who comes in for this type of thing equally. Mr. Sandman explained he has to look at the Ordinance to see if there is any basis for denial by virtue of an off-site condition and he isn't in a position to answer that right now. He commented on having told the Committee before that there is no lever and that the owner knows they are exposing themselves to liability. He said in terms of enforceability he knows of no way to do it. Mr. Sandman explained he was trying to avoid giving a legal opinion in public and that with the Committee's permission he would draft a letter to them privately on the issue. Mr. Cain said the Members all understand what is happening there and Mr. Palmentieri's desire to get it corrected but there are multiple ownerships and responsibilities. He said he doesn't think preventing them from doing business is the way to go about it and that the Committee should vote on it and allow them to make the plans they need.

October 18, 2010

There being no further discussion the Mayor called for a vote on the motion made by Mr. Cain and seconded by Dr. Kesselman, to adopt the following resolution.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Transient Vendor License for Jack Lyon Inc. equipment auction at Atlantic City Race Track on December 18 and 19, 2010 be and is hereby approved.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN AND SILVA VOTING "AYE", NO "NAY", MEMBERS GATTO AND PALMENTIERI "ABSTAIN"

Ms. Gatto explained she had to abstain because of her father's employment at the Atlantic City Race Track.

Mayor Silva commented on the Solicitor asking if the Committee Members would agree to have him direct a letter to them on this. Mr. Cain said he is sure it will come up again in the future and he wants to know the proper way to deal with it. Ms. Gatto asked that it be clear on who can be penalized because she understood it was another company applying for a Vendor License and had nothing to do with the Atlantic City Race Track. Mr. Sandman said it has nothing to do with the people applying for the event. Mayor Silva said he thinks the goal is to have the roadway fixed, made safe and not be a continual public safety issue.

RESOLUTION TO CANCEL VARIOUS BALANCE SHEET ITEMS

Mr. Cain moved, seconded by Ms. Gatto, that resolution total be reduced by \$79,696.00.

DISCUSSION ON THE MOTION: Mr. Palmentieri asked for an explanation of the resolution and how the Committee could remove just a dollar amount. Mr. Sasdelli explained he asked the Auditor and Chief Financial Officer to go through all of the completed projects, the old ordinances and anything they could find that could be cancelled or transferred into surplus so that money available to appropriate in 2011 because the \$400,000.00 revenue from land sales in 2009 was spent in the 2010 budget and the Committee won't have that money to spend again when they do the 2011 budget. He said a total of about \$432,000.00 would be cancelled and lapsed into surplus. Mr. Sasdelli explained one item is \$79,696.00 that is in a Trust Fund that can only be used for a singular purpose but if it is cancelled and put into surplus the Committee could appropriate it for anything they wanted to. Mr. Palmentieri asked if a specific line item had to be eliminated versus a gross dollar amount that is unspecified as to where it comes from. Mr. Sasdelli said it is the Recreation Trust Fund and the person who made the motion doesn't want the it to be part of the transfer. He explained the money would remain in the Recreation Trust Fund and be available to fund recreation fee based programs. Mr. Palmentieri asked if the motion was for the Recreation Trust Fund not to be transferred. Mr. Cain said that was correct. Mayor Silva asked if all the charges against that fund had been entered this is the actual amount left. Mr. Sasdelli said "yes". Mr. Sandman said he agreed with Mr. Palmentieri's wording because it keeps the Recreation Trust Fund intact.

Mr. Cain amended his motion to state that the total cancellations be reduced by \$79,696.00 which represents the Recreation Trust Fund. Dr. Kesselman seconded the amended motion.

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

October 18, 2010

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

**RESOLUTION REQUESTING CANCELLATION OF VARIOUS BALANCE SHEET ITEMS IN THE TOWNSHIP'S FINANCIAL STATEMENTS**

WHEREAS, there exists various balance sheet items in the Township's financial statements;

WHEREAS, the Auditor recommends that these balances be cancelled;

WHEREAS, Mayor and Committee can authorize the Chief Financial Officer to cancel said balances;

NOW THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to cancel the following balance sheet items:

Grant Fund:		
Grants with Revenues and Offsetting Appropriation		\$5,447.11
Capital Fund:		
Various Capital Ordinance Balances totaling:		\$385,515.43
Other Funds:		
Industrial Commission		\$70,430.94

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

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

**DETAILS TO CANCEL RESOLUTION**

	Debit	Credit
<b>Grant Fund: \$5,447.11</b>		
Paris Grant Reserve	1,378.00	
Paris Grant Receivable		1,378.00
To cancel the balance of this reimbursable grant		
Municipal Alliance Grant Reserve	4069.11	
Municipal Alliance Grant Receivable		4069.11
To cancel and move this annual grant balance into the subsequent year (Appropriated in 2010 Budget)		
<b>Capital Fund: \$385,515.43***</b>		
<b>Ordinance #</b>		
1463-03 - Recreation Reappropriation		5478.48
1501-04 - Vehicle Purchase		636.35
1536-05 - Emergency Equipment		747.00
1565-06 - Recreation		2126.64
- Emergency Equipment		505.76
1553-06 - Acquisition of Liepe Land		193078
1607-07 - Recreation		30,000.00
- Emergency Equip.(Weymouth Apparatus)		27,310.30
1601-07 - Sidewalk Improvements		115152.50*
1525-08 - Emergency Equipment		7633.46
1634-08 - Acquisition of BL 785 L.2&4		2,846.91
		270362.9

Improvement Authorizations Funded	385,515.43	
Capital Improvement Fund		2,846.91
*DOT Rec'v Safe Streets to School		100,000.00
<b>Capital Fund Balance</b>		<b>282,668.52</b>

<b>Cancel Industrial Comm. Fund Balance to Current Fund Balance</b>		
Cancel General Capital Grant Receivable Balance with the Ind. Commission		
04 Due To/From Ind. Comm.	1,293.01	
04 Ind. Comm Grant Receivable		1,293.01
23 Fund Balance	1,293.01	
23 Due/ to From Capital		1,293.01
Cancel Inc. Commission Fund Balance to Current and to cancel the interfund with Ind Comm.		
Transfer 65,4639.49 Cash to Current Fund from General Capital Fund		
04 General Capital Cash		65,463.49
04 Due To/From Ind. Comm	65,463.49	
23 Due to/From Capital		65,463.49
23 Fund Balance	70,137.93	
23 Due To/From Current		4,674.44
Cash Receipts Batch to Receipt in MRNA Revenue from the Cancel Resolution		
01 Cash	65,463.49	
01 MRNA		65,463.49
G/L entry batch post this entry to cancel the interfund with Ind. Comm		
01 Due To/From Ind. Comm.	4,674.44	
01 Fund Balance		4,674.44

Non-reappointment of Building Sub-code Official

Ms. 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 Ken Phillips shall not be reappointed to a second four (4) year term as the Building Sub-code Official for the Township of Hamilton effective November 27, 2010 which would give him tenure pursuant to N.J.A.C. 5:23-4.

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

Appointment of Acting Building Sub-code Official

Ms. Gatto made a motion to appoint Ken Phillips the Acting Building Sub-code Official for a 60 day period effective November 27, 2010 to January 25, 2011. Mr. Cain seconded the motion. (no action was taken on this motion based on the discussion)

DISCUSSION ON THE MOTION: Dr. Kesselman asked exactly when tenure would kick in and what will happen on January 26th. Mr. Sasdelli explained the Township is allowed to appoint him in an acting capacity for up to 60 days; if he stays beyond the 60 days he gets tenure; and the Committee will have to make

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a final decision somewhere between November 27<sup>th</sup> and January 25<sup>th</sup>. Dr. Kesselman asked if there has to be a break in service on January 26 if the Committee is satisfied with the person but isn't inclined to tenure anyone in the position and to ensure tenure doesn't automatically accrue to the employee. Mr. Sasdelli said he has to check but he thinks it would have to be at least 6 months or a year. Mr. Sasdelli said he wanted to make it perfectly clear this is strictly because of the State tenure rules, not performance and that Mr. Phillips wasn't being singled out, he just happened to be the first one to come up. Mr. Sasdelli said he told the Committee before that he isn't recommending any government official receive tenure until they know what they are doing in 2011; will they look to go with another municipality, at privatization or at part-time. Mr. Sasdelli suggested the Committee needs to give themselves more time to figure that out before giving tenure to public officials. Mr. Sandman recommended the appointment be for 59 days, one day short of January 25th to be sure.

There being no further discussion the matter, Dr. Kesselman moved, seconded by Mr. Cain, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ken Phillips be and is hereby appointed Acting Building Sub-code Official for the Township of Hamilton for a fifty-nine (59) day period effective November 27, 2010 to January 24, 2011 pursuant to N.J.A.C. 5:23-4(g)9.ii.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the September 7, 2010 executive session and the minutes of the October 4, 2010 regular meeting 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 Ms. 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 are hereby ordered paid, the bill list total as of October 14, 2010 being \$1,489,453.78.

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

### Reports

Mr. Sasdelli reported 15 of the 35 responses JPS received in the Administrator Search Process were selected by the Township Committee to advance to the questionnaire phase; the questionnaires were sent; they had to be returned or postmarked by today; 10 have been received and there may be more. He explained that after the Committee reviews the questionnaire responses they have to decide on who they want to interview. Mayor Silva questioned the chances of this being finalized by the end of this month so the person has some time to spend with Mr. Sasdelli. Mr. Sasdelli said there was very low probability for the end of this month but he thinks somebody can be identified by the end of November. Ms. Gatto asked what could be done to move it along. Mr. Sasdelli explained the Committee will have all of the questionnaires in a couple of days and the interviews can be scheduled if the Committee Members can narrow it down to 5 or 7 as soon as they come in. He explained he said "identified" because he doesn't know how much notice the person has to give if they are employed but he thinks it is an advantage because they may be able to take a day or two off come here.

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Mr. Sasdelli reported receiving an \$89,000.00 check from FEMA for reimbursement of expenses it incurred during the snow storm. He commented on the amount of information that had to be submitted to get the this money and credited Emergency Management Director Bob Mattle, Deputy EMD Mike Petuskey, Mike Brandenberger, the Fire Chiefs and Public Works Department for putting it all together.

Mr. Sasdelli reported Trevon Hauser, the Landfill Redeveloper, got the Township a \$426,000.00 grant from the DEP Hazardous Site Remediation Fund for the second phase of the landfill closure. He explained that is in addition to the previous \$379,000.00 grant Mr. Hauser got and that his fees come out of the grant, there is no line item that in the budget.

Mr. Sandman reported he filed the application in the case Merrill vs. Verno as authorized at the last executive session but the motion hasn't been heard because (Merrill) filed an appeal of (Judge Armstrong's) decision. He explained the Township's success at the trial level will now be in the hands of three Appellate Judges and based on his experience it will take 6-8 months to get to court. Mr. Sandman explained there is an automatic right of appeal to the Appellate Division and if Judge Armstrong's Opinion is approve by 2 or 3 of the Appellate Judges, there is no automatic right of appeal to the Supreme Court; you have to apply for certification (ask the Supreme Court to please hear it) and it is up to them whether or not they will hear it. Mr. Sandman said this is costing the Township money but at the end of the day it will be added to the motion he was authorized to file.

Mr. Walberg reported all the developers with the bad basins have been contacted as well as those with existing bonds and explained they are being asked for remediation plans or plans for maintenance. Mr. Walberg explained the engineers monitor all the basins when there is measureable rainfall; they correlate the rainfall data to see if what the developer is doing or has done is actually working; and will continue doing that to make sure the basins perform as they were designed to. The Mayor asked if the developers are obligated file annual maintenance reports. Mr. Sandman said some are and some aren't. Mr. Walberg explained that is over and above what he just talked about. He explained they have a computer data base on all the basins and all the information is logged into it so they have some record on which to judge them. Mr. Cain said in the future all developers will be required to file those reports. Mr. Sandman said the top 13 were prioritized and explained he and Mr. Smith are trying to get the developer's cooperation to go in, remedy the problem and to tell the Township how they are going to do it. He said they had very good cooperation with 1 or 2 minor exceptions. Mr. Sandman explained the second part of their plan is to invoke a process to have the developers file annual maintenance reports once the problem on those that aren't performing was under control. Mayor Silva asked if the Engineer had any response from Timber Glen's engineer. Mr. Walberg said they hadn't as of last Tuesday. The Mayor asked Mr. Walberg to get the Committee an update on whatever is going on so they can take some other action if necessary.

Ms. Gatto reported receiving the following contributions for the Halloween Parade: Atlantic City Electric, \$3,400.00; Mr. Walberg's firm, \$1,000.00; Mr. Sandman, \$500.00; the Merchants' Association, \$500; smaller contributions from the Lafferty family, the Building Trades, Century 21 Glen Cove-Morris, and the Rocap family; St. Vincent dePaul School offered their school free of charge for the end of the parade activities; Jennie Ayers has someone to donate all of the plaques and trophies; Oakcrest Band is performing without receiving their annual donation from the rotary; a Girl Scout Troop has volunteered to carry the sponsor signs in the Parade; the Boy Scouts have been contacted to see if they are going to do their can drive again; and the radio station that emceed the parade last year has been contacted. She thanked Chief Tappeiner and his staff for cutting their costs by \$1,000.00, and Emergency Management Coordinator Bob Mattle and the Sheriff's Department for working together to bring that cost down. Ms. Gatto the parade will be on Saturday, October 30<sup>th</sup> and roads will be closing at promptly at 5:30.

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Ms. 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 Halloween Parade is hereby authorized to be held; that the Mayor and Clerk are authorized to execute the Indemnification/Hold Harmless Agreement with the County of Atlantic for the closing of Mill Street for said Parade on behalf of the Township.

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

Mr. Cain reported being contacted by several residents about the speed on Route 40 by the bulkhead and their concern about being able to cross safely. He asked Chief Tappeiner to look into it particularly early in the morning when people walk their dogs in the area.

Mr. Cain asked that there be an item on the next agenda for action to be taken against Timber Glen if no correspondence that is agreeable to the Township Committee is received from them prior to the meeting.

Mayor Silva commented on the amount of work done on the basin at Hamilton Walk and said it should be hydro-seeded by the end of the week or by next Monday at the latest depending on the rain.

Mayor Silva said he agreed with Mr. Cain regarding Timber Glen.

#### Public Comment

In response to a question by James Kerrigan about Leipzig Avenue between the Black Horse Pike and the mall, Mr. Sandman explained it is a "flag pole lot" that the doesn't own; the Township Committee asked him to do an opinion letter on how the Township Committee can force the owner to fix that road; and there is no enforcement tool available to the Township right now.

Elmer Ripley said he had an issue with traffic entering Old Egg Harbor Road from Route 40 not slowing down and speeding until they reach the recreation field. He asked for something to be done to slow the traffic down between the recreation field and Route 40. Mayor Silva asked Chief Tappeiner if the Police hadn't had a speed monitoring device there. Chief Tappeiner said he would get the speed data. Ms Gatto suggested looking at some of the calming measures the Township took at the corner of Route 50 and Hickory Street and making sure the speed signs are in neon yellow and up.

Mr. Ripley said he had an issue about the weeds growing in the sidewalk between the bridge and the Sugar Hill crossing. Mayor Silva said commented on Mr. Cain working on agreement with the County and with some consideration from the State so that area can be taken care of. Mr. Cain explained once the inter-local agreements are signed and returned the township may be able to start the maintenance aspect of it over the winter. He said he didn't see the Township doing anything else until spring because they need time to develop a plan.

Mr. Ripley asked why sidewalk was put along Route 40 between Cologne Avenue and the back of the Davies School. Mr. Sasdelli explained that sidewalk was authorized by the State Department of Transportation, not the Township. Mr. Palmentieri and Ms. Gatto commented on the Township not being notified that the State was going to do it. Mr. Sasdelli said the Township requested sidewalk along 322 between the Woodlands and Hamilton Greene.

Mr. Corbo referred to comments made earlier about liable and non-liable developers and asked that a list of them be made up and sent to each of the developments so the residents know what they can do on the basins. Mr. Sandman explained the developers are required to file a Restrictive Covenant Deed that lays out the responsibility of the developer to build the basin to specification and to maintain it.; it is on file with the County Clerk and available to everybody; and he suggested Mr. Corbo contact Nancy Rainbow tomorrow about it.

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Harry Rogers commented on making remarks at the last meeting about the cost of police for public events and said he was encouraged to see the effort of the Police to work with the board in regard to the parade.

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

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

There being no further business to be considered for action tonight, Dr. Kesselman moved, seconded by Mr. Cain, that this meeting be and is hereby adjourned.

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

ATTEST:

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