

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

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

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open 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 in the municipal building, Mays Landing, New Jersey at 6:30 PM on Monday, December 19, 2011.

A moment of silence for private reflection was observed.

Mayor Gatto presented proclamations to Sean Gorbis and Katrina Miller in recognition of their participation in the 22 mile 2011 Philadelphia Marathon on November 20, 2011 in the memory of Katrina's brother and Sean's friend Dan Miller. It was their first ever marathon and they both finished in 5 hours 42 minutes 25 seconds and placed 88th in their age group among over 10,000 participants.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss PBA Collective Bargaining and SOA Collective Bargaining which are 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 matters tonight.

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

The governing body reconvened in public session approximately 6:48 PM.

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

- 8.A Names of Businesses: NONE
- 8.I Accept Joseph R. Arsenault Environmental Consulting proposal to provide protected species survey services for Strand Avenue and for East Walnut Avenue necessary to address the Pinelands Commissions comments for the sum of \$1,750.00
- 8.J Authorize release of Ocean City Home Bank letter of credit #05-2010, performance guarantee for Simcare surgical, Ltd./Simcare Pharmacy (Block 740/Lot 3) as recommended by the Township Engineer 12/16/11.

December 19, 2011

8.K Authorize release of Travelers Insurance Co. maintenance bond Guarantees for non-stormwater components of Baker Residential Victoria Crossing project as recommended by the Township Engineer December 16, 2011:

-#105125413	Cates Road	\$ 8,026.65
-#105125719	Springton Circle	\$36,763.81
-#105125443	Hilltop Circle	\$22,146.82
-#105125726	Glendale Circle	\$22,406.47
-#105126897	Cranberry Dr./Penn Oaks Lane	\$37,083.34
-#105126917	Victoria Crossing Drive	\$53,385.10
-#105126928	Pine Knoll Circle	\$17,770.37
-#105126930	Westover Circle	\$22,598.53
-#105126940	Regents Circle	\$26,116.63
-#105127046	Jamestown Circle	\$20,943.55
-#105127155	Northridge Drive, Phase 5a	\$31,066.19
-#105127168	Northridge Drive, Phase 5b	\$11,807.82
-#105127170	Camelot/Charleston Cir./Countryside Lane	\$38,595.65
-#105126193	Summit Circle/Red Bank Drive	\$29,211.82
-#105126197	Tryens Drive, Phase 8	\$20,668.50
-#105127199	Tryens Drive, Phase 9	\$14,708.91
-#105127204	Victoria Crossing Dr. Recreation area	\$42,591.51

8.L Authorize purchase of software for Housing Inspections from Mitchell Humphries at cost not to exceed \$16,000.00.

9.A Add approval of November 14, 2011 executive session minutes.

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

Executive Session confirmations:

Mr. Jacobs said he thinks there are very few townships that can say all their employees have come together working with the residents and the Committee to resolve the budget struggles this Township has had. He said the PBA and SOA are the last bargaining units that have agreed to no wage increases for several years to help with the budget and he is very proud of the fact everybody went together and worked on it. Mr. Jacobs said the PBA agreement is for 3 year beginning January 1, 2011 and summarized its provisions as follows: it eliminates the step in that brings a grievance to the Township Committee and provides that it goes from the Township Administrator to arbitration; there are zero wage increases in January 2011, January 2012 and January 2013; there is a 2% wage increase March 1, 2013; it nets out to about a 1.75% increase for 3 years and it includes a contribution to health benefits as outlined in state law. Dr. Kesselman said the 1.75% wasn't for 3 years it was for the third year. Mr. Jacobs said the entire cost of the contract is 1.75% and there is a net savings with the contributions to health insurance. He said the agreement increases the steps on the salary scale from 5 to 7; the starting salaries for new hires are \$12,000.-\$13,000.00 lower than they are now and with the extra two steps on the scale there will be some savings in the first 7 years; all 13 officers that were laid off are either employed back with the township or declined and are working somewhere else so the next hiring will be someone new; the agreement allows the Township to place an officer on a little higher step if they have experience as a police officer because the Township believes there are a number already certified officers they could attract and may want to recognize their experience; all the present officers are already at Step 5 which is now Step 7 and will stay there; new hires won't get their first 2% longevity until their 7th year - they currently get it in 5 years; a sick leave sell back provision that was approved in the last memorandum of agreement but never actually put into the contract is incorporated in this contract; the limitation on leave in the current contract has to come to Township Committee and a year or two ago the Committee adopted an ordinance giving that authority to the Administrator and this agreement makes the contract consistent with the ordinance; this agreement requires the continuation of contributions for health benefits under Public Law Chapter 78; it requires the Township to maintain its Section 125 Plan; it creates a re-call process in case are layoffs in the future and they stay on the list for 2 years.

December 19, 2011

Mr. Silva commented on the Committee's commitment to reducing spending and retiring debt and said a lot of praise has to go to all the township employees, not only because the majority of them live in the community but they understand the economic problems the township is facing. Mr. Silva said he thinks agreements like this bode well for everyone to look at the accomplishments and the understanding they have in trying to work with the community. He said he thinks it is a phenomenal agreement and is pleased to see it.

Dr. Kesselman said he echoed Mr. Silva's sentiments and commended the PBA, the Chief, Mr. Jacobs, the Committee and the public. He said it is an extraordinary contract and one that will help the township to get its fiscal house in order over the course of time. Dr. Kesselman said that doesn't happen without negotiations in good faith; that has taken place; and it has been rather long but hasn't been contentious. He commended Mr. Sandman, the others who worked on this and particularly the rank and file. He said they lost a lot of folks through layoffs; they came to the table; they protected the citizenry; they endorsed a contract that has zero percent increase for the better part of three years; it will help balance the budget; and it will help get the township in a position where it can grow again.

Mayor Gatto said she echoed all of the comments and asked the Shop Steward to take their comments back after the vote. The Mayor said the Committee appreciates their cooperation, their willingness to bargain in good faith, to come to the table and that was not just the PBA and SOA but all of the employees coming together to serve the community well. The Mayor said the township has an exemplary staff, a great town hall and the residents are truly lucky to have these employees.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Amendment to the Collective Bargaining Agreement between the Mainland PBA Local #77 (Rank & File) and the Township of Hamilton for the period January 1, 2011 through December 31, 2013 be and is hereby approved and the Mayor and Township Clerk are hereby authorized to execute same on behalf of the Township.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, SILVA AND GATTO VOTING "YES", NO "NO", NO "ABSTAIN", MEMBER PALMENTEIRI ABSENT.

Mr. Jacobs explained the terms of the SOA agreement are a little different because they don't have steps or longevity but the pay increases are identical to what he outlined for the PBA. He thanked the SOA officers for working with the Township.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Amendment to the Collective Bargaining Agreement between the New Jersey State PBA Mainland Local #77 (SOA, Lieutenants) and the Township of Hamilton for the period January 1, 2011 through December 31, 2013 be and is hereby approved and the Mayor and Township Clerk are hereby authorized to execute same on behalf of the Township.

RESOLUTION ADOPTED WITH MEMBERS CAIN, KESSELMAN, SILVA AND GATTO VOTING "YES", NO "NO", NO "ABSTAIN", MEMBER PALMENTEIRI ABSENT.

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

Mr. Sandman explained everyone signed up to speak about Tavistock drainage basins and suggested it would be prudent to hear the report on it before they speak. Mayor Gatto agreed because the solicitor may want to use their speaking as testimony. Those who signed up agreed to do that.

December 19, 2011

Relocation of District 12 Polling Place to Senior Center:

Mr. Jacobs explained PAL will be taking over the Social Services Center January 1st and they will be notified of the 3 election days each year. He said the building will be easier to access now because it will be in use and heated or cooled. Mr. Jacobs said he believed there was a trip and fall injury at the Squad Building. Mayor Gatto said she thought everyone felt it would be good to take some of that traffic away from the ambulance squad building.

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 Atlantic County Board of Elections request to relocate District 12 Voter Polling Place from the Township of Hamilton Rescue Squad Building to the Frank Grieco Senior Center effective January 2012 be and is hereby approved.

RESOLUTION ADOPTED WITH ALL MEMBERS PRESENT VOTING "YES", NO "NO", NO "ABSTAIN" ON ROLL CALL VOTE, MEMBER PALMENTIERI WAS ABSENT.

Tavistock drainage basins:

Mr. Sandman explained this was testimony and swore in Robert J. Smith, III, Township Engineer.

Sandman: You're going to render some opinions and conclusions to the Committee tonight. Do you understand the concept of giving those opinions and conclusions to a reasonable degree of engineering certainty?

Smith: Yes.

Sandman: So we can agree from the beginning so that I don't have to ask you each time that any conclusion or opinion you give will be to that standard.

Gatto: Bob make sure you talk nice and loud so that everybody can get all the information.

Kesselman: Perhaps into the mikes.

Smith: Thanks Mayor. At the last meeting we had had a discussion with regard to Tavistock and what the developer's plans were with remediating the basins, the stormwater basins at the site. As we had discussed at the last meeting there are a total of 11 stormwater basins on the site and 7 of the basins hold water and I think I'd indicated in my report at that time that historically several of the basins, the 7 that don't function have not functioned so what I did was subsequent to the meeting I sent a letter to the developer requesting a status report on what activities he was proposing to conduct to remedy the basins. As of today I had not heard back from the developer ah reached out to him and actually had a conversation with him basically indicated that if Township Committee did not get some type of report from him they had proposed to take action on the performance guarantees so I did receive a letter via e-mail that I forwarded to Committee, Mr. Jacobs, Mr. Sandman, Mrs. Anderson, indicating I guess the status of what they were doing and what they intended to do and what they did was they referenced some work they had been doing at another project they were doing in Deptford. I guess they were sort of using it as kind of a test case to see if the methodology they were using up there was going to be successful and if so then they would employ that methodology down at the Tavistock project. His letter indicated that were meeting with some success however there were some issues as of late with whether or not it was functioning as it was intended. They had proposed a couple different methodologies for dealing with it. One involved some, some wells to assist in the infiltration of the stormwater however some of the ones that were discussed I don't think would be a fit down here with the

Pinelands and their requirements for groundwater quality and separation distance between the bottom level of the basin and where the seasonal high ground water is. So they referred back to some of the work they had done, I guess this came up, must have come up back in 2008 also because he copied me also on the letter that was written to our firm back in 2008 indicating the work that they had done at that point in time. He had discussed doing some scraping of the bottoms of the basins, some churning of the earth, and they said in one basin that they had excavated some clay and replaced it with sand but the basin was not, still was not functioning properly. They had referenced that some of the methodology they used at another site was no longer a viable option because they indicated the DEP would not permit them to install open wells any longer and again I don't think that was going to be a viable option within the Pinelands Management area to begin with. They had thrown out the possibility of converting the stormwater management basins into wet basins like wet ponds with aerators however I don't know if they've gotten any further you know with, with that investigation. I will tell you that the, the last word, the 2 last lines in the letter that they sent me today indicates "I will keep you abreast of my discussions with Deptford and invite you to visit the basin yourself. Should this approach be unsuccessful on the Deptford project, please know remain, we remain committed to finding a viable solution for the basins at Tavistock."

Sandman: What's the date of that letter?

Smith: The date of that letter is December 19th. That was e-mailed to me today.

Sandman: Who is the author of that letter?

Smith: The author is Anthony Sciacca. He is the Controller for D'Anastasio Corp. and one of the attachments included with the e-mail was a letter that was also authored by him dated August 15th, 2008 whereby he had discussed some of the other methodology that they were employing to try to get their basins to function. I guess the, one of hearing from the letter and some of the recollections I had was there was a substantial amount of clay in the areas of the basins and the problem is that if you don't completely over-excavate the clay and replace it with, you know, a suitable Pinelands approved sand material the basins are gonna, are gonna continue to hold water. We've seen probably what I would say is the most successful remediation project with regard to basins is what they did at Wal-Mart. Now clearly the Wal-Mart case involved probably much shallower clay layers but they basically over-excavated all the clay material and replaced it with a select fill and I guess everybody who rides by Wal-Mart now sees that that appears to be a success because we no longer have any water standing in that basin.

Silva: Bob does he have an engineer?

Smith: I know he had been working with, with other engineers. Whether or not he's contracted with an engineer right now I cannot tell you.

Silva: One, one of the things I get out of the tone of this e-mail or letter is he's been aware of these drainage problems for years

Cain: The first letter's August 15th, 2008.

Smith: It goes back much further

Silva: and buying time is not an excuse for correcting what he knows doesn't work.

Cain: The simple fact is this letter is nothing but bilge.

Silva: That's what it is.

Cain: That's what it is and you know there's no doubt in my mind that they realize what we sit on here in Atlantic County that in instances right on Black Horse Pike, 100 foot from one another you've got one

December 19, 2011

basin that's failed and that's not perking and they have to bring in a different soil to slow the water perking down across the street in the example of Hamilton Commons and the new Gravelly Run Square. This, Deptford, we're going to test Deptford for a solution at Tavistock in Hamilton Township? It makes absolutely no sense, there's no time table, there's no reasonable explanation of what he is going to accomplish here. It's total, total bilge.

Smith: I think the, possibly the problem is Mr. Cain is that right now there isn't a completely viable solution to deal with the problem.

Silva: There isn't a, a viable solution?

Smith: I know that they

Silva: You mentioned earlier excavating all the clay if that's the substance there down to a point where they could fill it again and do something with it.

Cain: There's a solution to every problem.

Silva: You've been out there. Others of us have been there. It is bilge, nothing but bilge because at this particular point they've made no attempt to do anything, no maintenance on any of the basins, nothing and I'll tell you it further exacerbates the drainage problems that people have in that area and whether he's trying to buy time or not, it's unacceptable at this point.

Sandman: Could you tell us roughly when these basins were built?

Smith: The project was initiated in 2001 and they completed Phases 1 and 2 initially which consisted of Gasko Road, Sorrentino Way, and the Hartman Road which was the, the initial road into the project and the other sections, Phases 3 and 4, was a continuation of Gasko Road, the continuation of Sorrentino Way, Deal Lane, Giordano Mews, which is Phases 3 and 4 and there are problems with basins in both sections of the project. It's not confined to one section.

Sandman: Are these basins all contained in the common areas of the development?

Smith: I believe they are all on common ground but I'm not 100% sure. I believe the common ground consists of 1 or 2 individual large lots.

Sandman: If you know, and I'm not sure you do, with respect to this development was there a restrictive covenants and deeds executed and recorded?

Smith: I would assume that there was, yes. I'm not 100% sure but I would assume that there was.

Sandman: Then back when this was approved in 2001 that instrument did exist and the Planning Board did retain the required didn't they?

Smith: Typically they did so I would assume that it was required in this development also.

Sandman: Now you, have you conducted yourself physical examinations of these basins?

Smith: Yes. I visited the project site before our last meeting which was on December 2nd and I prepared an e-mail report dated December 2nd.

Sandman: When you did that based on your last visit was it your opinion that 7 of the basins were failing or failed?

Smith: Yes 7 of the basins were holding water and as I indicated in my report on the 2nd they historically have not functioned properly.

Sandman: How many times since 2008 do you think that you've investigated and inspected these basins?

Smith: Personally, probably only a couple of times but my firm I'm sure during 2008, 2009 when they went out to do inspections for other site improvements routinely observed the basins.

Sandman: And they make the same observations that you did.?

Smith: I cannot answer that question.

Sandman: In any event, based on your personal observations on the times that you went there the most recent of which was this month

Smith: Yes

Sandman: you saw excessive water in the basins and,

Smith: Correct

Sandman: based upon that I take it that your opinion is that those basins are not functioning

Smith: Correct. That is my opinion.

Sandman: for whatever reason, you know, could be a number of reasons, could it not?

Smith: It absolutely could be but they were observed to be not functioning correctly.

Sandman: Now based on your observations and even before your most recent observations, you sent a letter to the developer's representative.

Smith: Correct.

Sandman: And in that letter did you tell them what the purpose of your inspection was going to be?

Smith: I did not pre-notify them that we were performing an inspection.

Sandman: Can you be more specific as to what your letters contain, what you said in the letter in terms of your direction from the Township Committee?

Smith: We had originally sent, when Committee took their pro-active approach to the drainage basin maintenance back in 2010 we had developed our list of I'll call it the top 10 basins and at that time we sent a letter to all of the developers who were responsible for those basins, indicated that the Committee was taking the approach they wanted to see the drainage basins remedied so they functioned properly and we had asked the developers to basically give us a report indicating what they were doing with the basins, how they were going to remedy the basins so going forward the Township had a time line to know when they were going to be remedied. We did not receive any written response to the letter of May 2010 that was submitted to Tavistock.

Sandman: Tavistock was one of the top 10, it was actually 13 that were identified. They were in fact, right?

Smith: I beg your, Tavistock was one on that list, correct.

Sandman:

So they were notified by your office that you wanted to get something from them to make sure that they were gonna do some maintenance on these basins

Smith: Correct.

December 19, 2011

Sandman: and the only thing you got was this letter of August 15, 2008?

Smith: Well no because that letter predated my letter by 2 years.

Sandman: Okay.

Smith: That was a response to a previous inquiry as to what they were doing with the basins.

Sandman: Was the previous inquiry of the same sort? In other words you're telling them that you wanted some information as to how maintenance was gonna occur.

Smith: Yes but I think it was less formal, it was more a question of our inspector was on the site, observed there was some issues, and requested the developer respond in writing.

Sandman: and since your last request in writing is it your testimony that the response, the only written response you got was today?

Smith: Correct and I, I elicited that response as a result of a phone call.

Sandman: Do you have a copy of that with you?

Gatto: You can have mine.

Sandman: I just want to mark one for identification. Call it A-1.

Gatto: You got it Mike?

Smith: Again Mr. Sandman as I indicated we had submitted the original letter requesting a written report in May of 2010 whereby we received no response to that. I'd a few missed phone message exchanges with the developer but to my recollection I don't think we actually spoke until today. I'd left him a message at the end of last week, I called his developer's representative who I'm familiar with who I deal with on the site and I indicated you better have your rep call me otherwise the Township Committee's gonna take action and this a result, the letter that Mr. Jacobs just gave you is a result of the letter I drafted a week or so ago and then a follow-up discussion I had with him today. I had hoped it was going to be something a little bit more substantial, you know more of a plan,

Sandman: Would you agree with me that it's improper to compare on a broad scale soils in Deptford New Jersey and those in Tavistock?

Smith: Not knowing what the soils are they could have similar problems but, you know the depth of the clay, the thickness, and I guess they were trying to determine that if the solution worked there then they would implement it here but not knowing the soil types they were dealing with here it's hard to make a judgment.

Sandman: So the one solution with respect to open wells, you believe I take it that that would not be permitted here by virtue of Pinelands regulations?

Smith: To be purposely, purposely honest I'm not sure it would be permitted anywhere but I can tell you probably quite certainly in all my conversations, dealings, projects with the Pinelands Commission I don't think there's any way that they would ever accept that alternative to deal with stormwater.

Sandman: Now as the municipal engineer for the Township of Hamilton do you believe that this letter which is dated today which I've marked for identification as A-1 is a satisfactory response as to how to remedy these basins?

Smith: Well to be perfectly honest it's not a response how to remedy the basins at all. It's basically a discussion of some options they were looking to with other developments to see if they were successful that hopefully they could implement here. It, it doesn't specifically discuss the issues here and a solution to those issues.

Sandman: Now are we dealing with a performance bond here or a maintenance bond?

Smith: These are all performance bonds.

Sandman: Do you happen to know what the value of that performance bond is?

Smith: There are, there's phases 1A, 1B, 1C, 2A, 2B, 3 and 4. There is also a bond for the clubhouse, there's a bond for the clubhouse site improvements, so there's a substantial number of bonds that covers the entire development.

Sandman: So it's not just one performance bond that we are dealing with.

Smith: No. There's several. I think Mr. Jacobs has a listing of the bonds by phase and amount.

Sandman: Alright. So that we're specific are you able to look at this list and tell us where the four are that are performing? In other words if we're going to take action against the bonds I need a directive from the Township Committee on what bonds we're going after. You don't necessarily have to give me that right now but would you be able to identify on a map failed basins and associate them with the specific bond that goes with that phase?

Smith: Absolutely. I can tell you that two of the basins that are functioning of the four that are functioning are in Phase 1. Currently that's the large basin along Gasko Road, the basin in the rear of the project at the curve on Gasko Road, the basin across from the clubhouse on Sorrentino Way, and I believe it's one of the basins when Giordano Mews is actually functioning. But I can, I have a phasing plan that shows all the basins and locations so I can tell you specifically which phase the non-functioning and functioning basins are located.

Sandman: So Committee what we can do is, if based on the testimony you hear tonight you wish to authorize some action, we'll do it in a general sense and then I will identify to you in a subsequent letter which of the specific bonds are implicated. It would belabor the record to do it here.

Smith: The only thing that I want to point out is that even if a particular phase does not include a basin the phases all drain to these basins so technically all phases are implemented by a non-functioning basin cause even if there's not a basin in the phase, the phase may drain to that basin so I'd say by virtue of that essentially all the bonds are technically implicated.

Silva: Bob, of the four you said only two, the four dry ones, two appear to be functioning?

Smith: Well they're

Silva: you really can't tell can you?

Smith: No. Four basins are dry. In order for the basin to be properly functioning they should drain out within 72 hours so if the basins drain out, infiltrate within 72 hours, then the basin functions properly so it's basically three days.

December 19, 2011

Sandman: Now other than basins are there any punch list items or other failures that would be included in the performance bond guarantee?

Smith: The surface course paving has yet to be installed on phase 3 and 4.

Sandman: Have more than 90% of the COs been issued for that?

Smith: I believe that all of the COs have been issued in Phase 3 and I believe that there are ten COs left to be issued in Phase 4.

Sandman: Okay. What we can do to simplify the record tonight is we will do a post-record submission by you as to what other items need to be corrected, if any, and when I formulate my notice to the bonding company I will have your permission to include not just the basins but all items.

Gatto: Unhuh.

Cain: Unhuh.

Smith: I had been given a couple of photographs by a couple of the homeowners whereby there's some sidewalk that's heaved, cracked, settled and presents an immediate hazard. I'm going to contact the developer immediately to try to get some of these remedied but the, prior to installing the surface course paving what our office would do would be to go out and do a punch list inspection of the entire site. At that time we would identify all curbing, sidewalk, handicap ramps, driveway aprons, that should be removed, replaced, ah, prior to the installation of surface course paving because typically you want to get all the concrete work done before they put the surface course paving down. But, however, the, what's before that is you want to get all basin work done because if they have to bring excavation equipment in there to do work in the basins you would want to see that work done prior to installation of the surface course paving to prevent any damage to that pavement.

Gatto: And Mr. Solicitor at our last meeting we did receive also a disc for pictures from the residents as well that we can give you.

Sandman: We're gonna have to formally move those into evidence. I'll mark for identification four photographs which Bob Smith has provided to me as A2, A3, A4 and A5. They will be added with A1 to constitute part of the records of tonight's proceedings. Alright is there anything else from your perspective that you would like to add to the record at this time?

Smith: The only thing that I wanted to give the developer credit for is in the early stages of the development they implemented a few measures, they did do some soils exploration, there was a pretty extensive geo-tech report done, but as of late there's been little movement if any on the part of the developer to, to remedy the stormwater basins.

Silva: Bob, those reports, those reports they still have problems in those areas. I mean water's still ponding between the homes and in the backyards. You made a comment before that you know there's a lot of drainage that could exist but you don't know if it's flowing from the lands into the basins properly and that could impede things moving forward.

Smith: Yeah I've heard from some of the residents whereby the drainage swales between the property tend to hold water, ah, some of the backyards are ponding. A couple of gentlemen gave me some pictures to look at just recently. (unclear) I've met her out at her property a few times. There's, there's definitely some issues with, with stormwater sheet going across the backyards to get to the swales to get to the street to even get to the basins.

Cain: Are those types of things that you would note in your report that you would go out and do for the surface course paving?

Smith: If, if we're not, if drainage problems between the dwellings are not brought to our attention typically they're not part of the inspection however if we're aware of the drainage issues we definitely bring them to the attention of the developer and I've had numerous conversations with the developer regarding the (unclear) problem right next to them I think it's 162 and 164 Sorrentino. I've spoken to a gentleman by the name of Mr. Kern and he has some issues between his home but the problem is, you know, I brought these issues to the developer a dozen times and there's been

Silva: He's unresponsive.

Gatto: Yes.

Smith: well there's, there's been no action to remedy

Silva: If you ask even the Board Members they don't even get a representative of the developer to even give them the courtesy to listen to what they're talking about okay.

Gatto: Mr. Solicitor do we want to, ah, have some resident input on the record formally at this point?

Sandman: I think Mike has questions Bob.

Jacobs: Given we have a drainage problem and that there are still, what 8, 10 vacant lots

Smith: Probably 10

Jacobs: Yeah. If building permits were issued and houses were built on them would that make the problem worse?

Smith: Well any additional runoff that goes to the stormwater basins is going to exacerbate the problem.

Gatto: Right.

Jacobs: We might wanna ask our solicitor's advise whether or not we can withhold in issuing any new building permits until the drainage works.

Sandman: I'm not prepared to answer that (unclear).

Gatto: Okay.

Sandman: Alright Bob is there anything further you want to add to the record?

Smith: The only thing I would like to add is again as I mentioned I'm aware of some of the drainage problems around the residents' homes, ah, it would probably not be a bad idea if the residents that had issues around their homes possibly furnish a list to the Homeowners' President so that we can get listings of the addresses so if we're going to go in there and the Committee proposes to take action on the bond we should be aware of all the issues we have, not just the basins but the upstream conditions of the basins, the swales, the flat areas behind the homes, because then we can look into them at the same time.

Gatto: And we did ask the Homeowners' Representative to do that in order of Phase and I have every confidence that they have that list all compiled but we did ask that when we first met them so I'm sure they have that.

December 19, 2011

Sandman: There's a couple of ways to go here for your consideration preliminarily and I'll explain the procedure with your permission Madame Mayor to the group.

Gatto: Yes please do.

Sandman: The last one of these that we did there was sufficient evidence to take it on as a whole at that time based on the testimony and the evidence. What I'm hearing now is that because the problems may expand and extend from just the basins that you will need an updated punch list but I'll reserve my opinion 'til I hear the rest of the testimony to tell you whether that's necessary before I put them on notice or I can put them on notice and make that a supplement to the record.

Gatto: Okay.

Sandman: Alright and with this, anything further Bob?

Smith: No.

Sandman: It would be appropriate to take testimony from some of the residents at this time.

Gatto: Okay.

Sandman: Now, so that you know, this is although it's seemingly informal procedure we are creating a formal record. What happens here tonight is that the governing body essentially is the jury; Their job is to take the evidence and determine whether or not the evidence supports a finding of fact to allow the Township to take action on a legal instrument, in this case, a performance bond. A performance bond is an instrument that is produced at the requirement of the Planning Board or the Zoning Board and is part of the requirements of development in this township as well as under the Municipal Land Use Law and it is there to protect people like you. However, the Bond Laws require very formal notification, a formal record and they require a complete record. You get one shot at this and it's an expensive ordeal okay and it requires the cooperation of you folks, Mr. Smith's Office, my office, and of course the direction of the governing body. Any of you that wish to testify, I need you to know that you must testify based on your personal observations. If you have photographs or other evidence I would be glad to review them and accept them.

Gatto: Yeah and I think just the other, a couple of other points from coming up to the microphone you want to state your name and address for the record, fact is gonna be certainly the best. I know we might have a lot of impassioned emotions that we want to convey as well but if we can stick to observations and facts that would definitely be helpful and if you are coming up to make the same point that somebody who has previously, it is important to get that reiteration on the record so you can simply state that you would like to reiterate or echo the sentiments of somebody who had spoken before so we have that on the record and we don't necessarily say the whole point again. Any other things anybody else has to (unclear). So with that should we go with the order that was on the early public comment first and then we'll go from there?

Sandman: Your name sir.

Corbo: Joseph Corbo, I live at 40 Gasko Road in Mays Landing, part of Tavistock development.

Sandman: Would you raise your right hand sir: Do you promise to tell the truth, the whole truth and nothing but the truth so help you God.

Corbo: So help me God to my rec, knowledge.

Sandman: You may proceed.

December 19, 2011

Corbo: First of all I gotta say 2010 is not the first time that the basins came up. I stood here four years ago as the President of the organization and brought the things of the basins and the swales that we're gonna talk about tonight right at this. At that time Mr. Silva was the Mayor and he knows me well about it and this is what I want to say, I do have two pictures of my own property. Now wait a minute

Sandman: Joe are you a member of the organization at this time?

Corbo: I am a homeowner and member of the organization at this time. I am speaking as a homeowner at this time, not as a member of the board. I just filled in the things of what was prior so we knew what was going on. Ah, the other thing as far as basins, we don't have to look at Deptford. Why don't we just look half-a-mile down the road at St. Vincent's who has a basin that this past deluge of rain we had is dry.

Sandman: It's miraculous.

Corbo: Yes. If I as a member of that parish could make sure that we have a correct basin, why can't we have it done in what-a-ya-call it in eight years.

Sandman: Mr. Corbo may I say

Corbo: I want to show these pictures.

Gatto: Hold on I think we want to enter them into evidence.

Sandman: May I see them.

Corbo: Okay, just want to show you this one thing but up here you see the water we had ducks in 'em last year.

Gatto: Okay so we're

Corbo: It's 40 Gasko Road.

Gatto: Say that into the record Mr. Corbo, say that location of the pictures.

Corbo: Okay it's the location between 38 and 40 of Gasko Road

Gatto: Okay.

Corbo: and during the big rains and everything else three or four days later we had ducks swimming in there actually. I relinquish my time to our representatives but I wanted you to know that this is not the first time and the big thing that the what-a-you-call it, the developer will tell you well the town says we can put those swales in and we don't have to do anything else and I put it as that because they're the things that I have been getting for years and there's people here who know me from the Council and I do not take garbage, I try to keep myself straight out of what I feel, what I think is just for the organization and for the committee. I thank you very much for your time Mayor and Council.

Gatto: Great.

Sandman: Can you tell me roughly when these photographs were taken?

Gatto: Hold on ma'am, hold on please.

Corbo: I'd have to look at my camera

Sandman: Was it last year?

Corbo: No it was this summer.

Sandman: This Summer?

December 19, 2011

Corbo: This is right by when we had the rains back in August, July, August.

Sandman: Marked for identification A6 and A7.

Corbo: Thank you very much.

Gatto: Thank you sir. Ma'am I'm not ignoring you but everybody that comes up to the mike we have to swear in so you can't just shout it out for the record purposes okay and I want to follow the order of the early public comment first.

Jacobs: I believe it is Jimmy Childs.

Gatto: Okay Jim Childs.

Childs: Hi the first thing I want to do

Gatto: State your name and address for the record.

Childs: 67 Gasko Road, I'm the treasurer of the HOA there and speaking again as a homeowner also.

Kesselman: State your name.

Gatto: Jim state your name too.

Sandman: Mr. Childs do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Childs: I do.

Sandman: You may proceed.

Childs: I'd like to thank the Committee for, ah, taking the time to listen to our problem we have especially Roger Silver who slosed through with Rich and I for about three hours walking Tavistock and I think that was done two days after we had a rainfall.

Gatto: Yeah.

Childs: Thanks. I also what I would like to do if everybody would just raise there hands, everybody here from Tavistock please raise your hands.

Gatto: We should let the record reflect that there are several dozen members of the homeowners here.

Childs: I also got some pictures of the drainage in, mainly in the backyards in different areas which I'll give (unclear)

Gatto: So let's submit those into evidence.

Sandman: Can you tell us roughly when these photographs were taken?

Childs: This the

Sandman: Is that the date?

Childs: Yeah that's the date yeah. This is the back of Gasko and the backyards

Sandman: That's not going to help us for right now.

Childs: Okay

Sandman: The photographs are dated November 23rd 2011 and there are 1, 2, 3, 4, 5, 6, 7, 8, 9, there's 10 photographs. Explain to the Committee where these photographs, areas depicted in the photographs.

Childs: In the back of Gasko all the way down from I want to say 69 to the end of, ah, till it gets, ah, till it gets to Deal I guess. That's Deal Road. All the way down there it's all flooded

Gatto: Okay

Childs: 48 hours after, Another area where which Rich has photographs of also is on Gasko in the beginning where that basin is supposed to be dry, ah, which is dry and the reason it's dry because

Gatto: Nothing's going to it.

Childs: it's sloping' the other way, it's going down to the homes and we seen that. Also in between those homes, they were the homes they were selling', they were using to sell, it, it, water just lays there continuously, nice and green, nicest color of the same grass. The basin in front of Gasko, be on the odd side of Gasko the basin is like this

Gatto: Describe what like this is for the record.

Childs: yeah, and what happens to that in the back where Mr. Corbo lives, in the back there, some of it drains down

Gatto: so it's like slanted

Childs: all the way down to the bottom of the basin it sits there, again, the green, okay. That part never drains on the bottom part of it and I guess I could go on more and more also 711 ponds which the engineer talked about. There's other places through0ut the whole development where we as a, a organization last year and again this year we're spending over \$30,000.00 with a lawn service company to treat our lawns with, uh, weed killer whatever else we do but several but when thy run the weed killer over these ponds or swamps we have in the backyard it doesn't do any good. When the tractors run through and cut the grass, they run through, they leave tire marks all through the backyards okay. Ah, also you can go through, I think Bob I you've seen them, they're only low voltage but all the, all the boxes that feed the sprinkler system in there are continually under water. It's low voltage wiring but what happens to it is it, the wire nuts fall off and the wiring corrodes, erodes and then we have other problems where we gotta pay for somebody to come in to fix the wells which is not, which shouldn't be that way. Also we've found out that some of the wells themselves are under-wired meaning that, and I give you a prime example, if a breaker is 30-amps there's a number 14 wire feeding the breaker.

Gatto: Mr. Childs you want to talk about what your previous profession was so you understand why you can speak so highly about wiring and electrical items, you wanna talk about, what are you

Childs: I got thirty years in the electrical industry

Gatto: Okay I'm just trying to beef up the record for you.

Childs: That's okay I got 30 years in industry. The next step is what I'm asking is where do we go from here? Basically that's what I'm asking.

Gatto: Well, we'll answer that after all the testimony.

Childs: Okay.

Gatto: Alright?

Childs: Alright thank you and again I think Rich is next. I think he's got some stuff to add.

Gatto: Okay thanks Mr. Childs, thank you. Rich is next.

December 19, 2011

Dixon: This'll tell you where all the water is in the basins if you need to look at it. It's a site plan.

Gatto: Okay wait a minute, hold on, is it something else we're submitting into evidence?

Sandman: For the record the last 10 photographs given to Mr. Childs I marked for identification A8 A through J. This would be A9

Gatto: Okay

Smith: Can I take a look at it?

Gatto: Yes please Mr. Engineer. Yes I think you're next up anyway sir.

Dixon: Richard Dixon 68 Gasko Road. What Mr. Smith is opening is a site map of Tavistock.

Gatto: Okay.

Sandman: Mr. Dixon would you raise your right hand and swear to tell the truth the whole truth and nothing but the truth so help you God.

Dixon: So help me God.

Sandman: You may proceed.

Dixon: As I stated this is a site map of Gasko, uh, of Tavistock with all the phases, excuse me

Kesselman: Or speak into it.

Gatto: Speak into it.

Dixon: Thanks. Can you hear me now.

Kesselman: That's better.

Dixon: It's a site map of Tavistock. We've, uh, our wells denoted on there, the ponds, some of the areas that are wet

Sandman: (unclear) blue (unclear) are they areas where the ponds work?

Dixon: That is correct.

Sandman: and you colored this?

Dixon: Yes we did.

Sandman: unclear

Kesselman: Bob, Bob we need to hear you.

Sandman: You colored this in?

Dixon: Yes I did.

Sandman: and the blue on this document A9 is something you colored in to depict standing water?

Dixon: this is correct.

Sandman: and is that based on your personal observations?

Dixon: This is true.

Sandman: and when did you make those observations?

Dixon: October, in October sometime

Gatto: 2011? October 2011?

Dixon: Yes.

Gatto: Okay.

Sandman: and then you have numbers with these round dots on them what do they depict sir?

Dixon: They depict the wells. These are water wells for our sprinkler systems.

Smith: When, when you colored in in blue when was the most recent rain event? I think that's relevant.

Dixon: I believe it was lime two days prior.

Smith: So you observed standing water 48 hours after rain occurred?

Dixon: Yes. Absolutely.

Sandman: Mr. Dixon is there anything else you want to add to the record?

Dixon: Ah, no I don't think so at this time. I do have some pictures that I could give to you.

Sandman: If they're different from what's already been shown I'd be glad to look at them.

Dixon: Okay.

Sandman: Are they?

Dixon: I believe Mayor you have them all on disk.

Gatto: Yes so we'll have to give them to you somehow. I don't have it with me tonight because we got it at the last meeting.

Sandman: I think we're going to have enough evidence.

Gatto: Okay.

Dixon: But I do have some pictures with us tonight.

Gatto: I do want to ask for the record's sake that you do have the list compiled by phase

Dixon: Yes I do

Gatto: by address of various issues

Dixon: Yes I do

Gatto: and you had bucketed your issues I think in four main categories can you just specify those.

Dixon: Three main categories basically.

Gatto: Three? Alright go ahead, can you specify

Dixon: The three were the drainage problem, ah, we had problems with concrete you can see that

Gatto: and insulation right

Dixon: insulation problems and we felt that probably insulation problems might be more of a homeowner problem than

Gatto: Yes. Do you have that list with you? That would be good for the record

Dixon: Yes, yes.

December 19, 2011

Gatto: for evidence. Can you submit it to the Solicitor so he can mark it? Thank you.

Sandman: Members of the Committee received document A9 (unclear) colorations testified to

Gatto: yes (unclear)

Sandman: This will remain Mr. Dixon with us

Dixon: That is actually yours. We got it from your folks. We would like it back.

Gatto: So you're responsible for the thievery in town hall.

Sandman: explain (unclear)

Dixon: What I have here is I've broken down the phases, four phases, and in each phase I've broken down the number of problems that we have in each of those phases

Gatto: Okay

Dixon: as according to what we originally talked about drainage, insulation, and I put pitting which is a problem we're having with concrete

Gatto: Okay

Dixon: it's bad workmanship.

Gatto: Okay.

Sandman: Mr. Dixon was that based on your own personal observation?

Dixon: Yes sir.

Cain: Can we see that Bob?

Gatto: Great. Anything else for the record?

Dixon: No unless you have any other questions.

Gatto: Okay. Anybody else have any other questions of Mr. Dixon. Okay. Oh could you speak for the record your position as a representation, representative

Dixon: A homeowner

Gatto: Okay, got it

Dixon: that was asked to help out and with Jim.

Gatto: Okay, got it. Thank you. Okay.

Sandman: At this point I just would tell you that you, you may consider having enough sufficient credible evidence upon which you could make a decision but there are some other folks that signed up

Cain: Can I ask one question? This, looking at this, what, what you've compiled here is 47 drainage issues, 47 total drainage issues

Dixon: Yes sir

Cain: 17 insulation issues?

Dixon: Yes

Cain: and an additional 45 concrete issues?

Dixon: Correct

Cain: Okay thank you.

Sandman: There are three additional persons who signed up

Cain: Is that all?

Gatto: I, I think we should give the

Silva: It was getting dark, it was getting dark when you started

Gatto: I don't know what the feeling of the Committee is but I think those that signed up we should give them the opportunity

Cain: Yes give them the courtesy

Gatto: and then we'll go from there.

Dixon: I'd like to thank the Committee.

Gatto: Thank you so much. Thank you.

Sandman: Tony Mancini.

Mancini: Yes. No further comments.

Gatto: No further comments from Tony Mancini okay.

Sandman: Diane Mancini.

Mancini: speaker was at back of the room and I couldn't hear her

Gatto: Diane Mancini echoes her husband okay

Sandman: Sheldon Cohen. Would you like to comment sir?

Cohen: Yes (unclear - he was talking from back of the room)

Kesselman: This is separate?

Gatto: But it has to do with the Tavistock issue that we're taking testimony on

Cohen: It has to do with Tavistock.

Gatto: Just make sure you state your name and address please for the record sir.

Cohen: I live at 139 Guinta Walk in Tavistock. My name is Sheldon C. Cohen.

Sandman: Would you raise your right hand Mr. Cohen?

Cohen: Yes

Sandman: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Cohen: I do.

Sandman: You may proceed.

Cohen: I've been there for 5½ years and, and none of our walk, none of our street has been put in and our street has been complete and we've been suffering from the fact that, that the only thing we have is the base we don't have the blacktop so as a result of this the base, there's an edge here that's about that high

Gatto: about an inch thick

December 19, 2011

Cohen: and an inch thick

Gatto: Okay

Cohen: and it, and it's there and we had I know on our street alone I know I have the woman, Nancy would you stand up please, she had an injury and she was in the hosp, was taken to the hospital and, and it cost her several weeks of recuperation and everything.

Gatto: Okay

Cohen: I myself was walking out this week and I put something out in the dark and that edge and I was going like this, backwards, and that edge caught me and I, and I, and I ah almost fell but I caught myself. I happened to wrench myself too so it's a very dangerous thing and we've been waiting for 5½ years for that to be done. That street should be finished. My brother is a builder and he says there's no reason if you're complete street is finished you should be able to get it within 5½ years. He says it shouldn't take that long to put the street in to finish the street. Now it's not only our street but the whole community a lot of the streets have not been put in

Gatto: Right. Okay.

Cohen: and it doesn't make sense to me that we have to be, ah, jeopardized by this fact that it, ah, I can understand it one year, two years, but 5½ years to wait for a street to come in or we've been living there and paying taxes etcetera for 5½ years without any movement on that so that's my complaint.

Gatto: Thank you. We're not happy with it either that's why we're here tonight.

Cohen: Okay. Thank you very much.

Gatto: Thank you very much sir for your comments.

Cohen: Right. Is there anybody else signed up?

Sandman: No

Gatto: Okay I'm gonna go to the lady who's been itching to step up to the mike. Come on up and just state your name and address for the record please.

Delello: I'm Beverly Delello and I live at 164 Giordano Mews.

Gatto: Okay and Bob do you need to swear her in

Sandman: Hold on a second. Would you spell your last name.

Delello: Delello.

Sandman: Would you raise your right hand please? Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Delello: I do.

Sandman: You may proceed.

Delello: We've lived at Tavistock for maybe 4½, 5 years now. I have a swamp in the backyard. They call it, I don't know how to pronounce it, but it's called a swell, ah, there's actually a stream, I call it the movie The River Runs Through It, cause there's a flood that runs right out to the sidewalk between the houses and the sidewalks, ah, the water drains down into the sidewalk. I went over to walk out this past winter, I couldn't get out of bed for two weeks, I was gonna go the hospital. It turns to be all ice and then water and then ice and then water. In the summer it's nothing but water and I am sick of living in these conditions. I don't think it's fair we bought our home under good faith and I, I, we don't get our sprinkler working in the summer

either but that's a different story. They don't put it on because we have flooding so that's how they solved the problem there but Mr. Smith has been kind enough when I've been in distress over this problem and he's come out and taken a look at it and, you know, he sees that there's a problem and when I took a fall this past winter it was, it was terrible. I was in bed for a week. The ice on the, it turns ice right on the lawn and to the sidewalk it's about two inches thick and that's what I have to say and I don't think anybody should have to live under conditions of what we're living in and there has to be mildew underneath the houses of something because water just lays there

Gatto: Right

Delello: and there's also a mosquito problem and a bug problem because It's nothing but moisture the whole way around.

Gatto: Sitting around yeah. Okay. Thank you so much for your comments.

Delello: Thank you.

Sandman: Madam Mayor at this point in time I would suggest that you close the proofs

Gatto: Okay

Sandman: and, ah, we engage in some discussions

Gatto: What's the feeling of the Committee

Kesselman: Yeah I agree

Gatto: there's still several residents

Sandman: unless any of you feel the need to hear additional testimony.

Kesselman: if it's the same issue

Gatto: Yeah. Does anybody else have any new

Kesselman: something we haven't heard

Gatto: something we haven't heard. Okay go ahead. Sorry one second, the gentleman in the back is coming up first. Just a reminder to state your name and address for the record please.

Blood: My name is David Blood. I live at 154 Marucci Place in Tavistock. Ah, you ask about, I'm going to speak about the same thing in a sense yes and in a sense no.

Sandman: Would you raise your right hand please?

Blood: Oh, I'm sorry.

Sandman: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Blood: I do. I'm going to speak about two issues which I believe are separate and distinct. Number 1 the detention basins. Obviously according to plan they do not function however aesthetically I like them as do many of our neighbors. I look at it this way, one of the things we first noticed coming into Tavistock looking the property over 5 years ago were the ponds, the ducks swimming in them, the rather bucolic look this is the country, this is the Pinelands, so it was a point in favor for Tavistock. We live across the street from the detention basin between Gasko and Marucci Place. Now I much prefer watching the ducks raise their young, I much prefer having the bullfrogs grabbing the insects along with the other creatures that have come in this small ecology than a reincarnation of the Gobi Desert. Quite frankly that's the way I look at it so my opinion is if I felt that those ponds could be made to drain, I'd stand here and say

December 19, 2011

a hundred years later the Titanic won't sink. I think we may be up in a situation here we have to readdress how are we going to deal with these problems. My feeling is I like the ponds wet, I think they add the ambiance of the neighborhood and I think you'll find there are neighbors here who agree with me. That's one issue.

Gatto: Okay

Blood: Now the second issue is the swales. That's totally different. Like everybody else, behind my property it's a swamp. The swales obviously are not flowing as designed and this is a health issue, it's an aesthetic issue as previously stated about the mowers, and this is something I think really needs to be looked at. If I were to rank things of importance, fixing the swales would be number one priority. We have between our house and our neighbors, Obviously it does not work right. It drowns the bushes we try to put in and therefore that's my issue. Driveways, everything else, sidewalks I'm not gonna even touch. But those two things as far as the detention basins that are not functioning we haven't had any flooding in the community because detention basins flowing into the streets and if you watch in any given rainstorm the way it's designed for the most part with the exception of the swales and the 72-hour rule for detention basins the water flows the way it should. Unfortunately the swales are not flowing the way they should.

Gatto: Okay. Thank you so much. Okay, anybody else with something new? Let me take the gentleman in the front and we don't want to get into debating whether we like or don't like sitting water.

Decicco: This has nothing to do that. Lou Decicco, 110 Gasko.

Sandman: Raise your right hand sir. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Decicco: Yes I do. I just want to add something to what Mr. Silva said and first of all thank the Committee for listening to us tonight. To show you the lack of interest of the builder, they hold, I'm President of the Board, lack of interest of the builder I can not remember the last time the builder representative has been at one of our HOA meetings. It's gotta be close to a year now, there's other Board Members here, he don't want to hear us.

Gatto: And he hasn't contacted you directly or the Board Members.

Decicco: I sent him e-mails, they go unnoticed.

Gatto: Okay

Decicco: We send him e-mails reminding him about when we have meetings, ask him to please come, I don't even get responses back.

Gatto: Okay

Decicco: So that just shows a lack of interest of the Board and that is all I wanted to get this Committee.

Gatto: Thank you so much.

Decicco: Thank you.

Gatto: Thank you. Okay final calls for anything new. Gentleman in the green. Oh I'm sorry.

Corbo: It's Joe Corbo again at 40 Gasko Road. Yes I've been sworn in earlier and I do accept that (unclear). Some of the reasons for, I'm not debating, but some of the reasons for coming to Tavistock was not to have water around. I originally grew up and was in, was in the watershed property up in northern Jersey so I know what water is and if it's a standstill, right, we will have Nile virus and everything else here with the insects which'll only cost the town more to go and

spray these ponds and get rid of this but as I'm just saying that's one of the main reasons.

Gatto: Thank you.

Corbo: Thank you very much.

Gatto: Okay. I just remind you to stick to observations and facts and state your name and address for the record please.

Cook: My name is Bruce Cook 79 Gasko Road.

Gatto: Thank you and just wait to be sworn in please.

Sandman: Raise your right hand please. Do you swear to tell the truth?

Cook: I do. Well, one of the gentlemen just discussed was the grating the grate sits about an inch and a half so that issue's been addressed. I'd just like to say that they're putting a new, ah, semi-detached building next door to 79 Gasko and apparent, apparently the builder's cognizant of the problem we have back there because this new building they put, it's been elevated, they dumped a lot of dirt in there to elevate the property so it could be a coincidence or maybe he wants to alleviate the problem back there.

Gatto: Okay

Cook: And lastly I do have water in the backyard there, ah, when I moved in there 2 years ago there was like a little berm with some bushes back there. The bushes have since passed away. In October I dug a hole back there and put some shrubbery back in there and after I dug the hole it rained and the hole filled up and the hole was there, it was full of water for like five days.

Gatto: Okay

Cook: Thank you.

Gatto: Thank you so much for that. Yes ma'am. Please remember to state your name and address for the record.

Catalang: Victoria Catalang 162 Sorrentino Way

Sandman: Say it again

Catalang: Victoria Catalang 162 Sorrentino Way

Sandman: Do you swear to tell the truth?

Catalang: Yes. I just want to add that my house, some of them have the drainage problems on the back, my house has it from one side and the other side. I'm like an island there. I mean in order to walk to the house next door I have to go around, you know, the sidewalk. I can not step on that because it's up to my knee and I'm going to my neighbor's it's on the other side too and what happens when you want to sell the property? You can not sell the property with that kind of landscaping and water just stays there and the sidewalk is discolored. I mean they have to put like a pipe going into the drain. There's nothing. It just sits there and it stinks, it really stinks in the summertime. It's awful. I mean it's so unhealthy especially with older people there with their different kind of, you know, health issues. It is, it's, ah, you can not even just enjoy your property

Gatto: Yes, it's not what you signed up for.

Catalang: I'm sorry

Gatto: It's not what you signed up for

Catalang: No, unh unh. What, I didn't pay so much money for that.

December 19, 2011

Gatto: Right. Thank you so much for your comments.

Catalang: Thank you so much.

Gatto: Alright I think at this time

Smith: Miss Catalang's problem I'm very familiar with. I get calls from her neighbor who is actually the owner. You live next to the rental property, correct? You live next to the property that's rented. It's owned by Mr. Kearn, John Kearn, the one next to you.

Unidentified: Yes

Smith: There, the way the drainage system is designed in some of these areas it's designed to drain around the houses and then between the houses out to the street. That's how the water gets to the inlets to the basins so what happens is if the swale between the houses is improperly pitched water will drain too slow and it will get saturated. There's also some areas where the, the swale is pitched properly but for some reason it still

Gatto: not complying

Smith: sucks up and holds water and it stays swampy for several days and what some of the residents were referring to with the sidewalks, when the water drains across the sidewalk because it takes so long for the swales to drain out the sidewalks get stained, ah, you'll get some mildew on them and obviously in the wintertime if it stands too long it may, you know, may tend to freeze

Gatto: Okay

Smith: but that, that's a situation throughout the development and you can go down the streets and you can go between the houses and just every so far you'll see the stain in the sidewalk where the water drains from behind the houses and across the sidewalk.

Gatto: Okay. Thank you for that. I think at this time we're going to go ahead and close out the testimony portion, ah

Sandman: I would ask you to accept in evidence A1 through A10.

Gatto: Okay. Do we have a motion to accept?

Silva: So moved

Kesselman: Second

Gatto: We have a motion and second. All those in favor

All Members say "Aye"

Gatto: any opposed, abstentions?

There were none.

Gatto: Okay

Sandman: Would you mind if I stood there and spoke because I think it's important for them to hear what I'm gonna say.

Gatto: You can stand wherever you want to stand Mr. Solicitor. Take the stage.

Sandman: Can everybody hear me?

Anderson: Oh, wait a minute, before you do that do you want them to take a vote on

Sandman: Not yet. Accepting in evidence

Gatto: You're going to give us our options, right?

Sandman: Okay. The record is closed. You've heard the testimony of an expert, you've heard the testimony of, of seven lay-witnesses, and you now have, ah, A1 through 10 in evidence, ah, as support for the position that these folks bring forward. There is an issue here I'm not 100% clear on that could be very significant to them. The issue of the swales, I'm not as familiar with this property as I need to be at because bonded items sometimes may not be those which appear on private, individual lots. It's not the same as forcing a developer to finish a road, it's not the same as enforcing or forcing the developer to repair the drainage basins all of which are clearly, clearly, clearly, common element items for which the developer had an obligation. I can't sit here tonight and tell you for sure that the bond's gonna cover, ah, individual lot improvements so I, I need to research that. I also need, I think you need a completed punch list item from your engineer because if you're gonna do it you're gonna do it for every defect not just the drainage

Gatto: Right

Sandman: so you need a legal opinion from me as to whether or not we can deal with the swales on private property and you need a completed punch list item from Mr. Smith so that we know exactly what we're dealing with. Now, having said that, you could take a vote tonight that you're satisfied that a default has occurred but you're not gonna to direct me provide the written notice yet and that would be my advise to you

Gatto: Okay

Sandman: because the notice has to be complete and although the record is fairly complete it's not from Mr. Smith's point of view or mine.

Gatto: So you need the two pending items

Sandman: Well I think what you can do is you can decide as a matter of fact, remember you're dealing with the facts

Gatto: Right

Sandman: that you believe that the evidence has been presented sufficient enough for you to declare the developer in default and I'd encourage you to do that.

Gatto: Let me just stop you there

Sandman: Okay

Gatto: With that, do we have a motion to accept that

Cain: So moved

Kesselman: Second

Gatto: Any further discussion or questions?

Kesselman: None

Gatto: Okay. Roll call vote on that Mr. Solicitor?

Sandman: No, you don't need to do that, you just, you're good.

Gatto: Okay, so wait (unclear) finish the vote?

Sandman: You may finish the vote, yes.

Gatto: Okay, so all in favor

All members say "aye"

December 19, 2011

Gatto: Any opposed? Abstention? Okay.

Sandman: Now you're good

Gatto: Now we're declared in default

Sandman: If I may address the public

Gatto: Sure

Sandman: Ladies and Gentlemen what you have to understand this process to be is a couple of things, ah, first of all if the governing body authorizes me to take action against the bond you need to understand that they do that at the expense of the public. I'm paid out of the public funds to take action on behalf of you as citizens so that's something that the Township Committee has to do in order to authorize me to do that and they do it at the expense of the taxpayer. The bonds that were in place were there for your protection and they will protect you but I want you all to go into the process knowing that it's not an overnight process. Um, another situation like this occurred in another development in Hamilton Township and I think it took about a year

Gatto: Yeah

Sandman: and it cost about \$25,000.00 in fees. It also depends on how cooperative the bonding company wants to be. We have another situation on the agenda after this tonight for another development for which we had a similar hearing. That bonding company we'll learn is being cooperative and if your bonding company is then they will come in and they have two choices they can either agree that their developer is in default or they can disagree and we'll fight that. At the end of the day based on what I've heard you will be successful at some level. I can't promise you the level here right now, uh, but then the ball goes into the court of the bonding company to say "we choose to go out and hire our own companies to complete the work" or "we don't want anything to do with it, we're gonna pay the face value of the bond into Hamilton Township" in which case Hamilton Township would then undertake to finish the improvements. If that happens Hamilton Township is a governing entity that is subject to the Local Public Contracts Law. We have to do specifications and that would be paid for out of the bond money and then it would be put out to the public domain to bid that job for its completion. Maybe there's enough money there, maybe there's not. It seems to me there's a lot of bond money here and Bob I can't put you on the spot but wasn't that based on the initial improvements minus some periodic deductions?

Smith: Yes

Sandman: Alright so I, it, it would appear that there's a lot of money available. What I want you to go away tonight knowing is that this process takes time and it's expensive and it will, the outcome on, of it will depend on a couple of things. One it will depend on whether or not the swales which I hear to be a huge problem, the ponding in your yards, whether that's even something that's included in the bond or not is a legal issue okay and then the second part will depend on the cooperation of the bonding company. That's all I have.

Gatto: Thank you for giving the information to the residents on our behalf for that. So with that we have declared the property to, the development to be in default, we are pending two items, one is a legal opinion on the swales and individual properties being covered by the bonds and two is a punch list from the engineer. So we will look forward to that in 2012. Yes?

Smith and Sandman: Yes.

Gatto: Anything else, any comments or discussions on the Tavistock development and what we've done tonight?

Silva: No other than the fact that I think it's obvious that a large problem does exist, it's existed for a great number of years and there's been a great indifference from the developer or any of his representatives to even come by. The only time he was ever there was when they had the ribbon cutting of your community building and he did not interact. I noticed that he did not interact with any of the residents and that to me tells me something about this particular individual and his company. So I think it's obvious what, what we have and I agree with the solicitor, it's gonna take a little bit of time but I think Committee has been

Gatto: very committee

Silva: steadfast in trying to resolve a lot of these issues throughout the Township. If we don't now they'll overwhelm us and I, I think you have our best attention.

Gatto: Okay so with that we're, gotta keep the meeting

Unclear comment from the floor

Gatto: I gotta ask you to save it for public comment at this point because

Unidentified comments unclear from the floor

Gatto: No it's, I'm being given a high sign that it's a legal issue that he's gonna have to research I think from a matter of technicality so, but if we do, we'll call you.

Unclear comments from unidentified person speaking from the floor

Gatto: Okay, yeah, yes, thanks. Okay, with that, before we move on to the next is everybody in favor of like a two minute break to let the room clear out?

Everyone said yeah or sure.

Gatto: So we'll take a two minute break and then go on to the next topic. Thank you.

A recess was declared at 8:11:56 PM on recorder following the close of the testimony on the Tavistock drainage basins while the audience left. Meeting recalled to order at 8:17:46 PM on recorder

Foxmoor drainage basins:

Mayor Gatto explained Foxmoor was another development where the Committee is working on the drainage basin issue and that the Engineer was going to give an update.

Mr. Smith said he met out on the site last Thursday with Jeremy Sentman, the representative from Lexion, the bonding company. He explained they walked the entire site; Mr. Blankenship came out; they looked at the drains and the cul-de-sac; they looked at the basin; they looked at some of the settled pavement; and they looked at some of the curb, sidewalk. He said Mr. Sentman basically asked what the Township wanted to accomplish and that he told him that he was directed by the Township Committee to finish the project: drainage basins, sidewalks, curb, surface course paving. Mr. Smith said Mr. Sentman understood that. He said they looked at the basin and that the resident immediately adjacent to the basin will periodically, if there's a rain event coming, pre-pump the basin to make room in the event of a storm. Mr. Smith said they also talked to a woman at the very point of the cul-de-sac at the end and she indicated that they have to employ a pump in the inlet to pump the cul-de-sac down in order to do simple things like get to their mailbox, their cars, and what-have-you. He said the problem may not be a quick easy fix; the bonding company's engineer has to look at some of the as-builts, how the drainage system was built, and what was actually designed. Mr.

December 19, 2011

Smith said what they observed was the pipe that comes from the cul-de-sac to the basin runs to a manhole, then makes a bend and ties into one of the inlet and then goes into the basin. He explained that the problem is that it is extremely flat so when the basin starts to fill with water it starts to back up into the pipe and there isn't sufficient head on the inlet and the cul-de-sac to force the stormwater into the basins. Mr. Smith said that is something Mr. Sentman is going to have to look at. He said he got the hint same from the bonding company engineer that Mr. Sandman got; that he gave him an assured feeling that they were going to step in; that he was going to get some estimates from contractors he would need. Mr. Smith said the impression he got was that they fully intended to do the work that needed to be done to get the stormwater system to function and basically complete the project, up to the amount of the remaining bond money. Mayor Gatto asked if he gave Mr. Smith any time lines, estimates, when they will be meeting again. Mr. Smith said he asked him to try to get him at least a little written report by this evening as to what he was proposing to do; that he didn't get it and that he reached out to him today. He said Mr. Sentman apparently is flying around the country 4 days a week for the bonding company doing the very same thing he was doing here. Mayor Gatto said he has plenty of time on the plane to write the report. Mr. Smith said he probably does. He said he expected the report today and that he trusts he will get it. Mr. Smith said he left Mr. Sentman a voice-mail; he called him from his truck before he came to the meeting; and he feels very certain he will get something. He said if he doesn't get a response or something in writing before the next meeting the Committee can turn Mr. Sandman loose to take the next step that has to be taken but he believes he will get something from him that addresses their conversation and his plan going forward before the next meeting. Mr. Silva asked if it would include a time frame and if Mr. Sentman understood the severity of the problem. Mayor Gatto said the time frame is key. Mr. Smith said Mr. Sentman understands the severity of the problem because they had a very long conversation with the Mrs. Galetta, the woman at the cul-de-sac. He said she showed them pictures from her cell phone and explained it goes over the curb, floods the sidewalk, and partially floods their driveway and that she has had issues getting to the vehicles. Mr. Smith said it is indicative of not having sufficient head to force the water through the pipe. He said he and Mr. Blankenship had a long conversation with the bonding company engineer about it so he knows what the Township Committee's direction is. Mr. Smith said he feels comfortable that he is going to head in that direction and is going to give him a plan and schedule.

Mr. Sandman said the good news is that Mr. Sentman is not disputing default and that he is the one they send in to look at the problem, hire the contractors and get it done. He explained Mr. Sentman can't do that until he gets his people with technical skills into the field and until he has the as-builts and approved plans. He commented sensing that he is the busiest guy he knows because of the economy. Mayor Gatto asked if the Township could help in terms of forwarding as-builts and anything the Township has. Mr. Sandman said he already introduced him to Nancy Rainbow and her staff. He suggested Mr. Smith set up a joint conference with himself, Mr. Smith and Mr. Sentman before the next meeting to ask him for his time line and tell him if it is alright. Mayor Gatto asked if it would be acceptable to have a member of the Homeowners' Association in that type of meeting. Mr. Sandman said he couldn't see a down side to it. William Galetta volunteered to attend.

Mayor Gatto asked if there were anymore questions from Committee on Foxmoor and if they were comfortable with this approach. Mr. Silva said as long as they know the conversation they are having doesn't prolong it any longer than a certain period of time. He said hopefully they will get some answers within the first couple of months of the new year. Mr. Smith said they can monitor it two weeks at a time and deal with it at that time if they don't get sufficient response meeting by meeting. He said he is quite certain he will get something that will put the Committee's mind at ease by the next meeting.

Public hearing/adoption - Ordinance #1710-11:

Mayor Gatto explained it for purchase of software for housing everything from e-ticket to all kinds of tracking mechanism.

Mr. Jacobs explained it is repurposing money that is already borrowed and approval of the purchase will be requested next year.

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

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

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

WHEREAS, Ordinance #1710-2011 was introduced and passed first reading on December 5, 2011 and was duly advertised in the December 7, 2011 issue of the Atlantic County Record for a public hearing to be held on December 19, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1710-2011 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON
ORDINANCE NO. 1710-2011**

**CAPITAL ORDINANCE APPROPRIATING \$297,000 FOR
ACQUISITION OF COMPUTER HARDWARE AND
SOFTWARE FOR THE PUBLIC SAFETY DEPARTMENT
BY THE TOWNSHIP OF HAMILTON, IN THE COUNTY
OF ATLANTIC, NEW JERSEY**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY AS FOLLOWS:

Section 1. The Township Committee hereby appropriates \$297,000 from its Capital Improvement Fund and Capital Surplus Fund for the acquisition of hardware and software for the Public Safety Department.

Section. 2. The capital budget of the Township of Hamilton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

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

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

AMY L. GATTO, MAYOR

December 19, 2011

ROLL CALL: CAIN "YES"
KESSELMAN "YES"
PALMENTIERI - EXCUSED ABSENCE
SILVA "YES"
GATTO "YES"

ORDINANCE 1710-2011 INTRODUCED AND PASSED FIRST READING ON DECEMBER 5, 2011.
ORDINANCE 1710-2011 WAS ADOPTED ON DECEMBER 19, 2011.

Rejection of bids received December 2, 2011 for carpet tiles:

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all bids received on December 7, 2011 for Purchase of Carpet Tiles and Required Installation Materials (Bid #2011-15) be and are hereby rejected for reasons according to 40A:11-13.2(f) to purchase under State Contract as recommended by the Township's QPA.

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

Mayor Gatto asked what the next step is. Mr. Jacobs explained the Committee authorized him about a month ago to purchase carpet under State Contract; then he had some help from a resident to try to buy something that may have been a little bit better; and when it went out to bid it was unresponsive so he is going back to the prior approval and buy it under the State Contract. He said he is afraid with the delays somebody else is going to get hurt.

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE #0112-33-040-008

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 0112-33-040-008, heretofore issued to Marty's Girls, Inc., a corporation of the State of New Jersey, to Brick House Pub and Grille, LLC, a limited liability corporation of the State of New Jersey trading as Brick House Pub and Grille, for premises located at 4450 Black Horse Pike #3944-3946, Mays Landing, NJ; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hamilton, County of Atlantic, does hereby approve the transfer of aforesaid Plenary Retail Consumption License Number 0112-33-040-008 to Brick House Pub and Grille, LLC, effective December 20, 2011 and the Township Clerk is hereby directed to endorse the license certificate to the new ownership as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Brick House Pub and Grille, LLC, for premises located at 4450 Black Horse Pike #3944-3946, Mays Landing, NJ effective December 20, 2011."

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

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

RESOLUTION

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year

BE IT RESOLVED by the Township Committee of the Township of Hamilton, that transfers between year 2011 Budget Appropriations be made as follows:

Account No.	Account Title		From	To
23-225	Unemployment Compensation Insurance	Other Expenses	56,300.00	
20-100-1	Township Administrator	Salaries & Wages		4,600.00
20-120-1	Municipal Clerk	Salaries & Wages		1,700.00
23-210-2	General Liability Insurance	Other Expenses		50,000.00
		Totals	56,300.00	56,300.00

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

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

RESOLUTION

FOR ADOPTING CHANGES TO AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE FINAL INTERNAL REVENUE CODE SECTION 415 REGULATIONS, PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND THE WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008

WHEREAS, the Township of Hamilton (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective May 17, 1996, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code ("Code") Section 415 regulations, Pension Protection Act of 2006 ("PPA"), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the "HEART Act") and the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year; and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan,

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the Amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALC-103111 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

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

December 19, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Young Skating Center request for an extension of hours for their annual All Night Skating Party from 8 P.M. on December 31, 2011 to 7 A.M. on January 1, 2012 is hereby approved.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that that the Township of 2012 Reorganization Meeting and first regular meeting of 2012 shall be held in the municipal building, Mays Landing, New Jersey at 6:00 P.M. on Tuesday, January 3, 2012.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the 2012 Atlantic County JIF Retrospective Program Contract be and is hereby accepted and that the Mayor and Township Clerk are hereby authorized to sign it on behalf of the Township.

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

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

RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE WITH
SPECIAL RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, Tom & Deb, Inc. a corporation of the State of New Jersey with an address for mailing purposes only of c/o Thomas W. Lacovara, P. O. Box 485, Linwood, NJ 08221 is the owner of Plenary Retail Consumption License #0112-33-021-007; and

WHEREAS, aforesaid PRC License #0112-33-021-007 has been inactive since January 6, 2004; and

WHEREAS, The Tom & Deb, Inc. filed the required application for renewal on May 17, 2011 and paid the renewal fees for the 2011-2012 license year which was accepted by the Township Committee of the Township of Hamilton on June 20, 2011 for filing only and with no action taken to approve or deny its renewal pending receipt of the required Alcoholic Beverage Control Special Ruling for renewal; and

WHEREAS, the Division of Alcoholic Beverage Control issued a Special Ruling pursuant to N.J.S.A. 33:1-12.39 on December 13, 2011 under Agency Docket No. 12-11-7367 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-021-007 for the 2011-2012 and 2012-2013 license years; and

WHEREAS, the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal purposes was issued May 6, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic that, pursuant to the terms and provisions of the aforesaid Division of Alcoholic Beverage Control Special Ruling Plenary Retail Consumption License #0112-33-021-007 is hereby approved and issued for the 2011-2012 license year to Tom & Deb, Inc., with an address for mailing purposes only of c/o Thomas W. Lacovara, P. O. Box 485, Linwood, NJ 08221; and

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

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal from Joseph R. Arsenault Environmental Consulting to provide protected species survey services for Strand Avenue and for E. Walnut Street necessary to address The Pinelands Commission's comments for the sum of \$1,750.00 be and is hereby accepted and execution of the agreement for same is hereby authorized.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ocean City Home Bank letter of credit #05-2010, the performance guarantee for Simcare Surgical, Ltd./Simcare Pharmacy (Bl. 740/Lot 3) be and is authorized to be released contingent upon Simcare Surgical, Ltd. posting a two (2) year maintenance guarantee in the amount of \$8,171.10 as recommended by Robert J. Smith III, Township Engineer, dated December 16, 2011.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Travelers Insurance Co. maintenance bonds, guarantees for non-stormwater components of Baker Residential Victoria Crossing project be and are hereby released as recommended by the Township Engineer 12/16/11:

-#105125413	Cates Road	\$ 8,026.65
-#105125719	Springton Circle	\$36,763.81
-#105125443	Hilltop Circle	\$22,146.82
-#105125726	Glendale Circle	\$22,406.47
-#105126897	Cranberry Dr./Penn Oaks Lane	\$37,083.34
-#105126917	Victoria Crossing Drive	\$53,385.10
-#105126928	Pine Knoll Circle	\$17,770.37
-#105126930	Westover Circle	\$22,598.53
-#105126940	Regents Circle	\$26,116.63
-#105127046	Jamestown Circle	\$20,943.55
-#105127155	Northridge Drive, Phase 5a	\$31,066.19
-#105127168	Northridge Drive, Phase 5b	\$11,807.82
-#105127170	Camelot/Charleston Cir./Countryside Lane	\$38,595.65
-#105126193	Summit Circle/Red Bank Drive	\$29,211.82
-#105126197	Tryens Drive, Phase 8	\$20,668.50
-#105127199	Tryens Drive, Phase 9	\$14,708.91
-#105127204	Victoria Crossing Dr. Recreation area	\$42,591.51

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

December 31, 2011

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the purchase of software for the Housing Inspections from Mitchell Humphries at a cost not to exceed \$16,0000.00 be and is hereby authorized.

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

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 November 14, 2011 regular meeting minutes, the November 14, 2011 executive session minutes, the December 5, 2011 regular meeting minutes and the December 5, 2011 executive session minutes be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$2,190,668.52 as of December 15, 2011.

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

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 the hourly compensation rate of John Garton be and is hereby increased **from** \$21.73 **to** \$23.73 per hour effective January 1, 2012 due to assignment of additional duties.

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

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 the hourly compensation rate of Eugene Wellington be and is hereby increased **from** \$18.00 **to** \$20.00 per hour effective January 1, 2012 due to assignment of additional duties.

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

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 Richard Johnson be and is hereby appointed Part-time Housing Inspector at \$20.00 per hour effective January 3, 2012 (up to 24 hours per week).

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

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 Rita Martino, Registrar of Vital Statistics, is hereby authorized to appoint Renee DeSalvo an Alternate Deputy Registrar at no additional salary.

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

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 resignation of Suzanne Marx as a Regular Member of the Township's Environmental Commission effective December 2, 2011 be and is hereby accepted with regrets.

BE IT FURTHER RESOLVED that Ms. Marx be sent a letter of appreciation for her dedication and service to the Commission and the Community.

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

Reports:

Mr. Jacobs reported having a meeting earlier in the week on the road program and said they found that they need more time for planning for some of the paving. Mr. Jacobs said some require Pinelands approval so they put together a project of about \$3 million and the Township already has about \$1.3 million. He proposed the first reading of a \$2 million Ordinance that will cover two more years at the next meeting. Mr. Jacobs explained it is still only \$1 million a year but it will allow the start of spending money doing design work on the roads so they can be submitted so they can be paved in 2013. He said they will have a full plan ready to look at but didn't have time to copy it to everybody. He explained the Committee will only be approving the Ordinance, not the roads. Mr. Jacobs commented on wanting to be able to pave every year and said in order to do that you sometimes have to start the planning process two years in advance. He said they may be ready for the Committee to vote on selecting the roads at the next meeting but he wants to get them to the Members ahead of time. Mayor Gatto said she thinks they need more information on the whole process idea but she thinks in general it is a smart, prudent way to go.

Mr. Smith commented on anticipating going out to construction on the 2010 program in September but Pinelands requested additional analysis for threatened and endangered plant species on two of the roads. He said one of the things approved tonight was for Joe Arsenault, an Ecological Consultant that is highly respected, to look at those roads and see if there's suitable habitat for them. Mr. Smith explained as they go through the process they are identifying roadways where they won't do anything except reconstruction in kind and require no approvals; other roadways that require some surveys and design but don't require formal Pinelands Commission approval because they are not being widened; the third roadways require Pinelands approval. He said their is to each have a listing of roadways that are being reconstructed the same width and length; some roadways that require design and surveys but no permitting; and adding roads from the previous year that require surveys, design and permitting. He said as the long term capital program is established each year as a roadway is approved it gets into the mix. Mr. Smith said they intend to have a rolling capital program for roadways going forward so that each year they can provide as much as Committee is willing to spend in capital funds for reconstruction of roadways.

December 19, 2011

Mr. Jacobs asked if Mr. Smith was willing to commit tonight that Remington Vernick will go out to bid in January or February and hot mix will be going down in early spring. Mr. Smith said they will have a project in the hopper, bid, awarded and ready to go to construction when the asphalt plants open in the spring. He said they are purposely selecting the roadways so that they will be able to do that.

Mr. Smith wished everyone Merry Christmas, Happy New Year and that they enjoy their holidays.

Dr. Kesselman wished everyone happy holidays. He commended the PBA, Mr. Jacobs and the others for their work on the contract. He said it's going to be a huge plus for the next many years. He thanked Chief Tappeiner for his leadership.

Mr. Silva thanked Mayor Gatto for her courage, leadership, ability to keep the Committee together working through these tough times, being able to handle a lot of non-partisanship so they could get the work of the people done. He said that included the rest of the Committee their ability to stay ahead of a lot of the issues. Mr. Silva said it paid dividends in terms of being able to accomplish things. He commented on there being a lot of discussion sometimes and things not occurring as quickly as they want and said in the end they do happen. Mr. Silva thanked Mayor Gatto for a real positive year of leadership. Mayor Gatto thanked him and said she appreciated it.

Mr. Cain commented on having enjoyed the time he spent on the dais with Mayor Gatto and the great things the Committee has done as a group. He said it started out very adverse and there were some great accomplishments with the help of Mr. Jacobs, the employees, the sitting Township Committee and Mayor Gatto's leadership especially through trying times. Mr. Cain said he thinks the Township is faring a lot better than surrounding townships from a budgetary standpoint and building standpoint. He reported on Gravelly Run Square being approved and the great job the Board did in getting the maximum they could for the Township's residents as well as getting the approvals needed for that builder so he could get finished; that Hamilton Mall is before them now with an incredible plan; that St. Vincent's just had their dedication and is a magnificent facility; and Wal-Mart pulled their permit. Mr. Cain said there is going to be more building going on; hopefully, it is a sign of things to come; and the right development in the right area.

Mr. Cain reported there was discussion about sidewalk on 322 from the jughandle to the end of Hamilton Mall's property at the Planning Board meeting the other night and that it was agreed that if the Committee could convince the State to put the sidewalk from that property to Wrangleboro Road where they just finished sidewalk at the request of Mr. Silva Hamilton Mall would then link it to the Mall Complex itself. He asked that, at the same time, the Committee request the State to tie in the sidewalk they just put to the Mays Landing Marina over the over-pass at Route 50 and down to the center of Mays Landing. Mayor Gatto said if the Committee agreed with that and the Administrator drafted the letter she would sign it. Mr. Cain said he was happy to see the correspondence Mr. Jacobs got from the State regarding the timing of the lights; they are listening; and hopefully will undertake a study to see if traffic flow out there can be improved.

Mayor Gatto said it has been a pleasure and true honor to serve with the other members including Tom Palmentieri who is with them in spirit; it has been something special this year; thanked the members for their support and the teamwork they had. The Mayor said she thinks it is something they need to continue; that they have seen they can accomplish great things together; and she looks forward to that next year. Mayor Gatto congratulated Mr. Jacobs on completing his first year and said she thinks he has been a phenomenal addition; that he has made his way in very easily; that the Committee is very excited to have him; that he has added a tremendous amount of value; that the Committee is glad they got him before any other town did; that he has

done a great job and served the Township well. The Mayor thanked the volunteers, Board and Commission Members; said they have been great community partners in a time when the Township had to endure many changes in services and elimination in some cases; that it included the Mays Landing Merchants' Association, Rotary Club, Atlantic City Race Course, and Atlantic City Electric. Mayor Gatto said the Township has overcome a major structural deficit in the budget the past couple of years but mainly this year. The Mayor commented on part of that being the Township settlement of three bargaining unit negotiations and getting non-affiliated employees to agree in the majority of the three bargaining units to zero increases for three years. Mayor Gatto explained it includes 2011 and said it means the Township isn't going backward or doing anything retroactive. Mayor Gatto commented on Mr. Silva spearheading the work done on the basins being tremendous and being able to see how many residents are being helped. She commented on that being one of the reasons the Committee Members sit is to help individual homeowners and preserve the integrity of neighborhoods. The Mayor said the Committee is going to the next step on that with the Rental Housing Ordinance and getting ready to implement it. Mayor Gatto commented on standing on the dam during hurricane Irene wondering what they were going to do and thanked the emergency responders and Emergency Management Team for doing a great job they did with it. She said tomorrow the Township goes to settlement with Harrison and that it was great work on the part of the Industrial Commission. She commented on the Solicitor and Committee being steadfast in what they wanted to do in that area. Mayor Gatto said commented on there being so much the Committee should be proud of and that they couldn't have done it without individually, it was a team effort. The Mayor thanked all of the employees and Department Heads who endure all of the Committee's phone calls on a daily basis. She wished everybody a happy holiday and prosperous new year.

Public Comment:

Jim Kerrigan wished everyone merry Christmas and happy new year. He asked about the status of timing of lights on 322. Mr. Cain said that according the Department of Transportation letter they are undertaking a study of that entire area to check timing on all the lights to make traffic flow better.

Debra Kalai-Kinzle thanked the Committee for all they do. She commented on the condition of Alleghany Road and suggested it be looked at and possibly black topped. Mrs. Kinzle commented on the condition of Old Egg Harbor Road and said it is so bad you can't even do 25 mph. She asked that it be looked at. Mayor Gatto explained the Township has a pavement management plan and how each road on it is ranked and prioritized. Mrs. Kinzle said it was perfect until the new development went in. Mr. Smith explained that as part of their approval the developer is going to overlay a significant section of Old Egg Harbor Road basically along the frontage of their project. The Mayor asked if there was a time line. Mr. Smith said there wasn't and that he guessed it will be dependent on sales.

Joseph Nickels extended his absolute gratitude and congratulations to the Township Committee for what he saw when he attended meetings or watched them on TV. He said he is amazed that the Committee has not only been able to function at under tremendous duress but excelled. He commented on Mayor Gatto starting 15 years ago on Youth in Government Day and seeing how she has matured into an outstanding civic leader. Mr. Nickels commended all of the Committee for doing a fine job

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

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

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

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

ATTEST:

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