

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
FEBRUARY 2, 2009

A public budget work session and regular Township Committee meeting of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Nelson Gaskill presiding. Members present were Amy Gatto, Thomas Palmentieri, Charles Pritchard and Roger Silva. Also present were Edward M. Sasdelli, Township Administrator, Randolph Lafferty, Township Solicitor and Daniel DePasquale, Township Engineer. Joan I. Anderson, Township Clerk, arrived shortly after Mr. Sasdelli began his power point presentation.

The meeting work session opened with the flag salute with and the Township Administrator certifying this meeting was held in compliance with the Open Meetings Act and was duly advertised for a budget work session from 6 o'clock to 7 o'clock, a brief intermission and then a regular business meeting at 7 p.m. The work session was video taped and will be aired on Channel 2 and the Township Website as part of the February 2, 2008 meeting.

PUBLIC BUDGET WORK SESSION

Leon Costello, Township Auditor, and Richard Tuthill, Township Chief Financial Officer, were present at the budget work session in addition to the Township Committee, Administrator, Township Clerk, Solicitor and Engineer.

Printed copies of Mr. Sasdelli's power point presentation were distributed to the public who were present. He explained the demand for services in 2009 are the same as 2008 or increasing but the Township revenue has dropped significantly. Mr. Sasdelli explained that of the \$6,000.00 a year taxes on a home assessed at \$150,000.00 the Township only gets 27% or \$1,629.00. Mr. Sasdelli explained the surplus shortfall of \$1.5 million was \$3.3 million was used from surplus in 2008 and only enough revenue was generated to allow \$1.8 million for use in the 2009 budget. He said the total loss of revenue was \$1.9 million including interest on investment revenues down \$300,000.00 and construction revenue down \$100,00.00. Mr. Sasdelli explained the expense increase in the draft budget he prepared was \$890,000.00 and it was prepared with the assumption there would be no new employees, no new programs, nothing was eliminated except gypsy moth spraying. He explained that after adjustments were applied to the starting budget gap of \$2.8 million there was still a shortfall of \$450,000.00. He said he and the CFO went through every budget line item in every department and put almost everything at or below their 2008 levels. Mr. Sasdelli said they cut \$370,000.00 by cutting gypsy moth spraying (\$100,000.00), landfill tipping fees (\$50,000.00), legal fees (\$30,000.00), police operating expenses (\$25,000.00), Industrial Commission operating expenses (\$19,000.00), Planning Board Operating expenses (\$10,000.00) and reducing purchase of new police cars from 8 to 4 (\$136,000.00). Mr. Sasdelli said the only new expenses still in the budget are \$470,000.00 for contractual salary raises and \$50,000.00 for fire apparatus purchases. He explained the governing body's options are (1) find more revenue (2) defer eligible charges (3) go to a referendum to exceed the Tax Levy Cap (4) cut programs, services and/or employees (5) a combination of (1), (2) or (4). Mr. Sasdelli said the MUA is allowed by law to transfer a percentage of its surplus to its appointing authority which is the Township Committee and could be as high as \$250.00. He said it is possible some revenue could be received from the School Boards for Special Resource Officers (SRO) assigned to them. Mr. Sasdelli said neither of those numbers were figured into the \$450,000.00 shortfall. He explained the Township is allowed to defer up to 50% of the school taxes and it does not hurt the schools. Mr. Sasdelli said it can be part of the overall strategy but is "smoke and mirrors" giving the effect of a one-time revenue and it doesn't provide ongoing revenues. He said if it is done, it should be done sparingly, cautiously and with an understanding of its future impact. Mr. Sasdelli explained the governing body could go to a Tax Referendum to exceed the 4% Tax Levy Cap but it requires a 60% super majority approval by the voters. He explained program and service cuts saving options are: (a) lower the Health Insurance Opt-out payments from 50% to 40% (\$30,000.00) and he has already initiated that (b) close the Cove for swimming (\$26,000.00) (c) Hometown Celebration (\$10,000.00) something that was committed to last year (d) holiday decorations/Park lighting (\$8,000.00) (e) recreation fields line striping (\$8,000.00) (f) movies in the Park (\$8,000.00) (g) stop transportation for non-essential appointments (\$10,000.00) (h) employee furlough program (\$90,000.00) (i) reduce some workweeks (\$25,000.00) and

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(j) start laying off employees by seniority (\$ amount to be determined). He said options (a) through (i) totaled \$215,000.00. Mr. Sasdelli recommended a package approach as follows: 1. MUA contribution 2. Schools contribution to SRO funding 3. Employee's furloughs, opt-out reductions and less raises 4. Taxpayers - increase of about \$60.00 per year 5. User Groups - should pay for use of government facilities. Mr. Sasdelli explained the package approach could be a transfer from the MUA of \$125,000.00; budget cuts of \$215,000.00 and \$110,000.00 from deferral of school tax for a total of \$450,000.00. He presented a slide showing the effect of a \$0.0550 rate increase on the average home assessed at \$104,000.00 was an annual increase of \$57.20 or \$14.30 per quarter. Subsequent slides showed the Township will start 2010 with a \$1.7 million shortfall because they will not have the \$1.2 million from dissolution of the Garbage District and there will be \$500,000.00 in contractual raises. He said if government doesn't get smaller by 2010 the expenses in 2010 will be the same as 2009 and the revenue will be less. Another slide showed the salary trends from 2000 to 2008 increased steadily from \$7,089,310. to \$14,470,682.; operating expenses increased from \$2,417,093. to \$4,234,602; debt service increased from \$1,686,810. to \$3,203,241.; and all other appropriations fluctuated with the total being \$1,101,805. in 2000 and \$1,071,433. in 2008. It showed the reserve for uncollected taxes was level.

Leon Costello, Township Auditor, distributed various color coded charts to the officials to follow along with on his a power point presentation. His presentation is included in the video tape of the work session. Mr. Costello commented on knowing in January and February of last year that 2008 was going to be a bad year. He said that starting in 2007 the Township had less of its own money to spend. Mr. Costello explained that in the past the governing body decided how much it wanted to spend, how much money they had for it and made up the difference in the tax rate. He explained the budget can't be done that way now because the new law in 2009 caps the tax levy increase. He said that the municipality not having its own money is an absolute disaster under the new law. He said the Township has lost money in the last 4 years. Mr. Costello commented on how anticipated revenue affects the budget and cited the use of \$600,000.00 anticipated interest on investments in 2008 and only realizing \$300,000.00. He explained that the law only allows you to anticipate the amount actually received. Mr. Costello commented on every municipality having loss of revenue problems because of the economy. He presented a slide showing how revenue went up for 5 years because of the building going on and said it was spent and the revenue isn't there because it is now spiraling downward. Mr. Costello said the Township will apply for the \$200,000.00 waiver (for the revaluation project) but there is no guarantee they will get it because about 10 days ago the Governor announced that he had directed the Local Finance Board not to approve any waivers. He said he didn't think the Finance Board will be that unrealistic but the waiver isn't the permanent answer. He said it doesn't look good for 2010 either and as soon as this budget is adopted, the Committee has to start working on the 2010 budget. Mr. Costello explained the \$1.2 million from the dissolution of the garbage district won't be there so they will be looking at having to cut \$1 million in spending. He explained revenue from land sales can help make it up but that is a one-time fix and commented on the deficits because of the economy. Mr. Costello said school tax deferral is about as unsound a financial principal as you can possibly have and explained the State mandated all municipalities to defer the school taxes and put the money into their fund balances a long time ago. He explained the school budget is July 1 through June 30 but the municipality collects the entire levy in their calendar year. Mr. Costello said the school gets every single penny they are supposed to but the deferred amount goes into the municipal fund balance and they spend it so it is really being spent twice. He said municipal bond ratings are down graded and are prevented from being raised if they defer school taxes. Mr. Costello said that in 1990, 1991, 1992 and 1993 the Governor at that time made the municipalities defer the school taxes in phases - 25%, then 50%, then 75% and finally 100% in an attempt to lower property taxes. He said Hamilton Township was smart enough not to do it since 1993 but some municipalities have continued doing it and depend on it. Mr. Costello commented on the State movement for consolidations and said that if something came down from the state consolidating school districts, the deferral will be on the table and the Township would have to un-defer what was deferred and raise its taxes that year for all of the money that had been deferred. He said it would be a cap exception but the amount the tax payers will have to pay will be huge. Mr. Costello said the total deferred in 1993 was \$7 million.

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Mr. Palmentieri said that is prior to doing anything additional. Mr. Silva questioned balancing the budget with other people's money and said that is what the deferral does. Mayor Gaskill said it is a way to continue services and employment.

Mr. Costello said if the Committee defers the entire \$3 million available it has to be added to the old deferral of \$7 million. He said it is all paper, smoke and mirrors as Mr. Sasdelli said, that moves \$3 million into the Township fund balance. Mr. Sasdelli said it is still under the auspices of the structural deficit because the Township expenses aren't supported by its revenues. He commented on potential funding from the MUA or deferral and said it can be done for a few years but sooner or later, expenses have to be brought down because taxes can't be raised. Mr. Costello said the budget could be funded with another \$1 million deferred school tax. He said it is a paper transaction that is 100% legal that doesn't leave any money in your hands. Mr. Costello said that it is not a financially stable thing to do but if it is done the Committee will have to create another \$10 million in 2010.

Mayor Gaskill said school tax deferral is part of the strategy used by many municipalities whether it is \$3 million or \$10 million. He said that sometimes towns have to do it to get over budget problems. Mr. Costello said there has to be follow up to fix it. Mr. Costello said deferral is something that has to be done this year to get by and there has to be a plan for where the Committee will make up that difference in 2010.

Mr. Sasdelli asked what kinds of things would have to be in the plan for next year if some number of dollars in school deferral is used this year because of the economy and what would have to be done. Mr. Palmentieri said they will have to do things that should be done this year. Mr. Silva said it was obvious that spending will have to be cut and the Committee will have to make tough decisions. He said he has said it before, if the Committee can't bring spending into line with its revenues, none of them deserve to be sitting on Township Committee. Mayor Gaskill said that is Mr. Silva's opinion but he thinks the Committee has to make decisions that will provide services to the people and still take care of the employees who are very loyal to this company. The Mayor said it is a decision the Committee has to make and if school deferral is a way to do it, the Committee may have to do it.

Mr. Costello commented on the Township doing its budget in January and February but the Governor started his budget July 1st and he made certain revenue assumptions not knowing that things would be in the state that they are today. He said State revenue started falling off back in August and he doubts we are seeing the end of the decline in revenue. Mr. Costello said there will probably be some reduction in State aid. Mr. Sasdelli said the numbers he showed didn't include any reduction in State Aid. He said last year there was a \$254,000.00 reduction in State Aid that had to be added to the taxes to make it up. Mr. Costello said the school is a situation that needs work and needs to be addressed. He said the school tax deferral is a bail out if the Township is absolutely stuck but it will affect future years financially.

Mr. Silva commented on the budget work session being listed for 6-7pm and that it is almost that time (7 pm) now and suggested a special meeting just on the budget be scheduled for next Monday at 6 o'clock since there is much discussion that has to be gotten through.

Mr. Sasdelli asked if there were any other changes in the \$450,000.00 shortfall between when he prepared the budget and when Mr. Costello did the annual debt statement. Mr. Costello said the shortfall is \$1,154,000 less the \$200,000 the Township is requesting a waiver for which brings it to \$954,000.00. Mr. Sasdelli explained the \$450,000.00 has become \$954,000.00 because the Township has to reserve the entire \$1 million for the revaluation now even though it is going to be raised by taxes over 5 years. Mr. Costello said that is the law. Mr. Sasdelli commented on the things that can be done in 2009 that were talked about: looking for new revenue, land sales, cutting cost of government, cutting services, cutting people and consolidating entities. He asked Mr. Costello if he was talking about the MUA when he talked about consolidation and if there was any benefit to doing it. Mr. Costello said he was and there is a huge financial benefit to doing it because they have a significant fund balance and debt reserves that the Township would keep because, if it becomes a municipal utility, there is no bond resolution requiring debt service reserves be provided. Mr. Sasdelli said he assumed their surplus is for pump renovations and sewer pipe infrastructure improvements. Mr. Costello said the Township could, in turn,

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borrow to pay it off over years rather than all in one shot. He said a lot could be done with it.

Ms. Gatto commented on there being salaries and benefits. Mr. Costello said there would be less of them. He said everything you read is about consolidation and in the next 3 years there will probably be one third less school districts.

Mr. Sasdelli asked if dissolution of the MUA would have to go to the Local Finance Board for their review and approval. Mr. Costello said it would. Mr. Pritchard questioned when that would have to be done. Mr. Costello said it would have to be in July at the latest. Mr. Sasdelli asked if it would be similar to the process used to dissolve the Garbage District - filing an application, appearing before the Local Finance board in Trenton, and telling how it would benefit the taxpayers and why it was being done. Mr. Costello said it would be a little more involved than the Garbage District dissolution was. Mr. Silva said it would be more challenging because you want to put all of the positives and the negatives on the table. Mr. Costello said there would be less on the Board's agenda because it will be a real hearing. Mr. Tuthill asked what would happen to their buildings. Mr. Costello said they would become the Township's. He said there is a lot of research and "what if's" that have to be looked into. Mr. Sasdelli said they didn't have to get into that now but between now and introduction of the budget the Committee has to get rid of \$954,000.00. He said three of the options they still have are a contribution from the MUA, school tax deferral and cutting the budget.

Mr. Tuthill asked why the Township wouldn't dissolve the MUA. Mr. Costello said it made sense financially to do it. He explained Water & Sewer would be come a Township department and the Director or Executive Director would become the Department Head and the people who do the maintenance and operations would become Township employees. Mr. Costello commented on there being savings by the MUA not having to have their own audit and all their own professionals. He said it could be phased in.

Mr. Sasdelli said that issue could be talked about later because it isn't an option for this budget right now. He said he had recommended \$215,000.00 in cuts but there may have to be more now because the \$450,000.00 shortfall has now become \$954,000. Mr. Costello said the Township could still go to referendum to exceed the cap but there is hardly any chance it will pass because before it only required a vote of 1001 to 1000 to pass but under the new CAP Law it has have a 60%-40% approval vote to pass.

Mayor Gaskill asked if the MUA surplus could be used to pay back the school deferral in a one-shot deal if the MUA is dissolved and the Committee went to the deferral. Mr. Costello said it could but he would do it over several years rather than in one shot. Mr. Sasdelli said if the Township did a \$300,000. or whatever the number was in school deferral and could identify that number of efficiencies by bringing the MUA over it could be done so that the Township wouldn't have to rely on school deferral every year.

Mr. Silva said the Committee has to go back and look at the numbers because they have doubled now. Mr. Sasdelli said Mr. Costello doesn't have to be present for the township Committee to have a meeting to decide how they are going to take \$900,000.00 out of the budget. Mr. Silva said he thought some of the questions could be cleared up through Mr. Sasdelli. Mr. Palmentieri said he thought the purpose of the next meeting will be for the Committee to decide how and where they will come up with double the number Mr. Sasdelli gave. He said he thought that was a discussion the Committee had to have amongst themselves. Mr. Palmentieri said he thought that they had gotten the technical and financial guidance and it basically falls back into the Township Committee's court now to decide how spending will be reduced.

Ms. Gatto asked for the exact figure. Mr. Costello said it is \$954,000.00.

Mr. Sasdelli said the Township is already committed by ordinance to raise the money for the revaluation over the next 5 years and questioned why it has to be reserved now. Mr. Costello explained the theory behind the requirement is that the Township did an ordinance allowing them to spend \$1 million right now and the taxpayers need assurances that it will be raised over the next 5 years and the state requires it. He explained how that reserve goes down each year as the payments are made.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a special meeting be held in the municipal building at 6:00 PM on Monday, February 9, 2009 for the purpose of a public budget work session.

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

Mr. Silva moved, seconded by Mr. Palmentieri, that the public work session be closed and adjourned to the regular business meeting.

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

A 10-MINUTE RECESS WAS TAKEN.

REGULAR BUSINESS MEETING

The meeting reconvened with the Township Clerk certifying compliance with the Open Public Meetings Law by a legal notice published in the January 28, 2009 issues of the Atlantic City Press and Atlantic County Record and by faxing 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, NJ, on Monday, February 2, 2009 with a public budget work session from 6 PM to 7 PM followed by the regular business meeting at 7 PM.

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

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

6.A Insert names of Businesses:

- (1) I Design - clothing store at Hamilton Mall
- (2) Alex Lyons & Sons - transient vendor license for equipment auction at the Atlantic City Race Course
- (3) Hands of the Sultan - home office only on Strand Avenue for massage therapy services provided at client's location
- (4) Fusion Joint Ventures LLC - home office only on Drosera Street for Internet marketing business

6.F Accept proposal and award contract to Land Resource Solutions for services to implement NJDEP Hazardous Discharge Site Remediation Fund Grant - \$344,659.00

7.A Insert names of appointees:

- (1) Susan Marx
- (2) Polly Gongwer

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

There were no executive session confirmations to be made.

Early public on Agenda 4.A, Discussion on reappointment of Robert J. Campbell to the Veterans' Advisory Board (VAB)

Mr. Sasdelli said 7 people had signed up for early public comment on the Reappointment of Robert J. Campbell to the Veterans' Advisory Board.

Allen Rhodes, a current member of the VAB, said he supported Mr. Campbell'S reappointment to the Veterans Advisory Board. He said Mr. Campbell has been the backbone of the Board for many years and was one of the original members.

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Frank Williams, a current member of the VAB, said he recently retired after 28 years in the Air National Guard and that their core values are integrity, service before self and excellence in all you do. He said he saw all of those core values in Mr. Campbell. He said Mr. Campbell rekindled the dying American Legion post and the VAB brought back the 4th of July celebration with fire works. He said they collected over \$17,000.00 in donations. Mr. Williams said he sat on the Zoning Board with Mr. Campbell and saw his professionalism and he was proud to serve with him on that Board. Mr. Williams said he hoped the Committee would consider all of that and keep politics out of it.

Mr. Silva said he assumed all 7 who signed up were here to support Mr. Campbell. He said he would move that the Committee appoint Robert Campbell to the Veterans' Advisory Board. Mr. Silva said Mr. Campbell cares about volunteers, veterans and veterans' families. He said he Mr. Campbell's volunteerism is well known in the community and he recommended the Committee reappoint him at this time. Mr. Palmentieri said he would like to second the motion. He said nobody in Hamilton Township or the County has done more for veterans than Mr. Campbell.

Discussion on the motion.

Mr. Pritchard said this was not a political issue. He said the issue was trying to get more people involved and preferably not having people serve on more than one board. Mr. Pritchard said that was the impetus behind it and the Mayor gave Mr. Campbell the option to remove himself from one of the other Boards in order to stay on the Veterans' Board. He said that, with that being said, he recognized Mr. Campbell's efforts on behalf of the veterans so he will not oppose the appointment.

Ms. Gatto said she thought Mr. Campbell's service was exemplary. She said this was not personal, it was maintaining the Committee's a commitment to the people to diversify their appointments. Ms. Gatto said if it had been any of the other Boards Mr. Campbell is on she would have voted against reappointment the them as well. She said she would vote for Mr. Campbell's reappointment if he was going to say that he will step down from another Board but until then she can't support it.

Mayor Gaskill said everyone who has been to the meetings knows that the purpose of what this Township Committee decided at Reorganization was that they wanted to try to have more people involved in the community. He said they have had many, many individuals who have asked to be on some of the committees and they can't because there are too many people that have too many jobs. The Mayor explained the purpose of him asking Mr. Campbell to step down was so the Committee could get more people involved in the community. He said nobody ever questioned Mr. Campbell's dedication to the veterans and everyone knows he has done a terrific job. Mayor Gaskill said there are a lot of qualified people who wanted to have an opportunity to be on other boards and couldn't because Mr. Campbell was on too many boards. He said Mr. Campbell indicated to him in a telephone conversation that he would not be seeking reappointment to the MUA or the Zoning Board when his term is up and he takes Mr. Campbell at his word.

Mr. Campbell said he asked the Mayor to vote for him on the Veterans' Board when the Mayor called him because the Mayor he had indicated to the him that he thought he was doing a very, very good job on it and every one of the Committee Members has said that. He said he told the Mayor he had one year left on both boards and right now he isn't seeking reappointment to the Zoning Board although it would be up to the next Township Committee to decide what they wanted him on if he was in a position to work for the Township. Mr. Campbell said he never missed a Zoning Board meeting and tried his best to do a good job, non-partisan. He said that his fellow Zoning Board Members just unanimously re-elected him Chairman of the Board and he takes that as a high honor. Mr. Campbell said the Veterans' Board has been a labor of love to him. He said they just got one veteran \$108,000.00 for his heart operation and had buried a poor kid a couple of years ago who was killed coming out of the movies. He said they will continue doing things like that and he appreciated their support for putting him back on the Board. Mr. Campbell said he is not going to seek reappointment to the Zoning Board and as far as the MUA was concerned, from what he heard tonight, they might not have an MUA next year. He promised to support giving the Township as much money as possible to help with the budget this year providing the MUA can legally do it. Mr. Campbell said he would serve his remaining year on the Zoning Board of Adjustment and MUA. He said that at the end of that time the Committee will be in charge and

they can dump him from both boards if they want to next year but he would like to serve the community on the Veterans' Board. Mr. Campbell said those he is working with are the best and are good guys. He said he went to Joe Nickels in 1996 and told him the Township needed a Veterans' Board to represent the veterans. Mr. Campbell said Mr. Nickels not only helped him get the Board started, he also went to the County Executive and said they needed a County Veterans' Board and he (Mr. Campbell) became the chairman of the County Veterans' Board working with Mr. Nickels non-partisan for the veterans. Mr. Campbell said if the Committee puts him back on the Veterans' Advisory Board they will see a lot of good things happening as far as he was concerned. He said "his guys" will do it whether or not he is there. Mr. Campbell said he wished to go back on the board and do good things for the veterans of the community. He thanked the Committee for allowing him to speak.

Mayor Gaskill said nobody ever questioned Mr. Campbell's loyalty or service to the Veterans Board. He said he thought the Committee should immediately start on an ordinance or resolution that says no one individual can be on more than two (2) Boards. The Mayor said that with what Mr. Campbell said he would support Mr. Campbell's reappointment. Mayor Gaskill said he thinks it is good for government to get as many people as they can involved. The Mayor said he saluted and thanked Mr. Campbell for all he has done and that he would support Mr. Silva's motion.

There being no further discussion, Mayor Gaskill called for a roll call vote on the following motion as made by Mr. Silva and seconded by Mr. Palmentieri:

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Robert J. Campbell, Sr., be and is hereby reappointed to the Veterans' Advisory Board for a three (3) year term on term to expire December 31, 2011.

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

Note: Prior to casting her vote, Ms. Gatto said that she would vote yes because it is on the record that Mr. Campbell will not seek reappointment to the Zoning Board next year. After casting his vote, Mr. Silva thanked Mr. Campbell for his services.

Lou Green, a current member of the Veterans' Advisor Board asked to speak even though the matter was just resolved. Mr. Sasdelli said Mr. Green had signed up for early public comment on 4.A and apologized for assuming that the Committee was done with it. Mr. Green said that it was his perception after his last appearance before the Committee that there was more to it. He asked if what a majority of the Township Committee stated that no resident can serve on 2 or 3 Boards was a new policy the Committee was going to institute or an ordinance. Mayor Gaskill said it is a suggestion he was going to make but it is not in place yet. Mr. Green said he thought there was an underlying factor in it. Mr. Green said he thinks it is important to utilize qualified individuals who are willing to devote their energy and expertise for the benefit of the community and that restrictions should not be imposed. He said he felt the Committee wants to rotate people which meant the Committee Members are elected by the people but they want to rotate people to give everybody a chance. Mr. Green said appointments should be made on qualifications, what they contribute to that committee and the community as a whole, not on how many boards they are on. He said his point was for the Committee to rotate people on the basis of quality, expertise and what they have contributed rather than to impose a restriction on people that want to offer their time and expertise if they are qualified to do so. He said that before the Committee passes an ordinance about limiting it to 2 or 3 boards, they should consider why they would restrict a person if they have the qualifications and expertise and is productive to the boards, the Township and its citizens if they are fortunate enough to be on 1, 2, 3 or whatever number of Boards. Mayor Gaskill said there has to be a public hearing on it before that happens. Mr. Green asked the Committee not to impose the restriction until it comes to the surface that they want people who are qualified and have the expertise involved.

Ms. Gatto said she agreed with Mr. Green 100% and that is why she asked for letters of interest with their qualifications, resumes, and anything the person had to show the board they were interested in and why, and to show what they can bring to the table. She said that is exactly what she has asked for the last 2 years. She said some people don't agree with that.

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Mr. Sasdelli said 3 other people had signed up for Item 4.A and asked the Mayor how he wanted to handle it. The Mayor asked if everyone was satisfied.

Jim Link said that as a former Township Committee Member and a Planning Board Member he had the opportunity to deal with Mr. Campbell in Municipal Land Use; as a business person in the Township; and as a fellow rink operator because Mr. Campbell used to own and operate skating rinks. He thanked the Committee for their vote of confidence for Mr. Campbell.

Early public comment on Item 6.C

John J. Percy III asked what the Affordable Housing Project and Trust Fund was. Mr. Sasdelli explained Mr. Sartorio was and had to be appointed the Affordable Housing Liaison Officer in order for him to put that data into the COAH System. He explained that, as the Housing Liaison, Mr. Sartorio can apply for money to pay for the special counsel to work with COAH and to work on the COAH numbers. Mr. Percy asked if there was any definitive project at this time. Mr. Sasdelli said there was the Harding Highway LLC. Mr. Percy said that litigation was concluded. He asked if it was because there are funds in the Trust Fund and they have to be certified to the state. Mr. Sasdelli said it was. Mr. Pritchard explained it is a COAH requirement. Mr. Palmentieri said it authorized Mr. Sartorio to exercise whatever authority he has rather than an action on any particular project. Mr. Sasdelli said it is administrative.

There were no other requests to make early public comment on agenda items excluding those listed for public hearings.

Introduction of Ordinance #1643-2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1643-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the February 4, 2009 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ on Tuesday, February 17, 2009 at 6:30 or as soon thereafter as the agenda will allow.

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

TOWNSHIP OF HAMILTON
ORDINANCE #1643-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 880 LOT 6, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

SECTION 1. The following described lot and block number on the Hamilton Township Tax Map is hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and further without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

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SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lot, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

(a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. Persons bidding on behalf of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to cover advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after the Township Committee accepting the bid and authorizing the sale to the high bidder.

(b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.

(c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

- (1) Easement of utility companies and of governmental agencies or bodies.
- (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
- (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by way of description and not by limitation, existing zoning, health and planning board rules and regulations.
- (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
- (5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.

(e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Minimum Bid</u>	<u>Location</u>	<u>Zoning</u>	<u>Area Size</u>
880 / 6	\$7,800.00	Route 50	RD-5	3.12 acres

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SECTION 6. SPECIAL CONDITIONS. This parcel shall be permanently deed restricted to prohibit its development as a residential property.

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

ROLL CALL: GATTO	"AYE"
PALMENTIERI	"AYE"
PRITCHARD	"AYE"
SILVA	"AYE"
GASKILL	"AYE"

ORDINANCE #1643-2009 INTRODUCED AND PASSED FIRST READING ON FEBRUARY 2, 2009.

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

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

- 1) I Design - clothing store at Hamilton Mall
- 2) Alex Lyons & Sons - transient vendor license for equipment auction at the Atlantic City Race Course
- 3) Hands of the Sultan - home office only on Strand Avenue for massage therapy services provided at client's location
- 4) Fusion Joint Ventures LLC - home office only on Drosera Street for Internet marketing business

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Clerk is hereby authorized to release the \$7,900.00 Penn National Mutual Casualty Insurance Company bond #SB314485, a performance guarantee for James Mullen extension of Oak Street in front of 5478 Oak Street (Block 854/Lot 28) project upon the developer posting a 2-year maintenance guarantee in the amount of \$1,185.00, as recommended by Daniel DePasquale, Township Engineer.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Clerk is hereby authorized to release the \$12,210.14 Boardwalk Bank letter of credit #2006-14, a 2-year maintenance guarantee for Gramma's Oak'N More Holdings, LLC site improvements on Block 994, Lot 45 as recommended by Robert J. Smith III and Daniel DePasquale, Township Engineer and Landscape Inspector respectively, for the project.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Philip Sartorio is hereby authorized to execute certifications verifying the entry of Affordable Housing Project and Trust Fund Data for 2008 on the COAH CTM System.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal from Professional Property Appraisers Inc. to perform Residential Inspection and Measurement Services for 2009 added assessments be and is hereby accepted:

- For all new residential construction: \$25.00 per parcel
- For commercial new construction: \$75.00 per parcel
- For Condominiums: \$15.00 per parcel
- For new construction to existing parcels: \$12 per parcel (includes verification of accuracy of information on existing record)

and

BE IT FURTHER RESOLVED that the Mayor, Township Clerk and Tax Assessor are hereby authorized to execute the agreement for said services on behalf of the Township of Hamilton.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the proposal from Land Resource Solutions to perform services to implement the NJDEP Hazardous Discharge Site Remediation Fund Grant be accepted and the contract for said services be awarded to them in the amount of \$344,659.00.

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

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

RESOLUTION AUTHORIZING A PERSON TO PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE #0112-33-006-009

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 0112-33-006-009, heretofore issued to Carino's Italian Kitchen, a corporation of the State of New Jersey to Red Robin International, a corporation of the State of Delaware trading as Red Robin America's Gourmet Burgers and Spirits, for premises located at 4259 Black Horse Pike, Mays Landing, New Jersey; 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 0112-33-006-009 to Red Robin International, Inc., effective February 16, 2009, 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 Red Robin International, Inc. for premises located at 4259 Black Horse Pike, Mays Landing, NJ effective February 16, 2009."

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

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Release of performance guarantee escrow - Michael P. Kelly

Mr. Silva commented on the recommendation to release the guarantee with a condition that \$85.50 be kept for 2 years. He questioned keeping so small an amount for two years. Mr. Sasdelli said it is a private individual who put a driveway in and that he had no problem with waiving it.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Chief Financial Officer is hereby authorized to release the full sum of \$570.00 held in escrow as a performance guarantee for Michael P. Kelly construction of a driveway apron on Block 535, Lot 2.07 as recommended by Daniel DePasquale, Township Engineer; and

BE IT FURTHER RESOLVED that the posting of a 2-year maintenance guarantee in the amount of \$85.50 for said project recommended by Daniel DePasquale, Township Engineer be and is hereby waived.

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

Environmental Commission Appointments

Mayor Gaskill appointed Susan Marx the Environmental Commission Alternate I for a 2-year term, January 1, 2009 through December 31, 2010.

Mayor Gaskill appointed Polly Gongwer to fill the unexpired Environmental Commission Alternate II term of Mark Martin, said term expiring December 31, 2009.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the January 20, 2009 meeting be and are hereby approved and adopted as published.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$3,176,668.19 as of January 29, 2009.

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

Reports

Administrator: None
Solicitor: None
Engineer: None

Mr. Pritchard reported the effect of the Pinelands re-examination of the zoning maps was a topic of discussion at the Pinelands Mayor's Municipal Council meeting last week. He said a major concern is how it will impact the Township's revaluation project which could be serious. Mr. Pritchard said he spoke to Mr. Stokes and Mr. Stokes said he would try to work closely with the Township. Mr. Sasdelli asked if it would increase or decrease property values. Mr. Pritchard said it would do both because a property could go from Rural Development zoning where you could have 4 homes to Forest zoning where you could only have 1.

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Ms. Gatto thanked the 95 employees who volunteered for unpaid furlough. She said she thought it was tremendous and hoped it continues. Ms. Gatto said that Mr. Sasdelli said in his e-mail that it saved 4 jobs. She said there was a memo from the Judge saying he will give up some hours of pay, the Prosecutor is giving up a certain amount of sessions and the Solicitor is giving up charges for 1 meeting per month.

Mr. Silva said he is still on the drainage basin situation. He said he isn't sure what the Township will get with rain or snow tomorrow. Mr. Silva said the Township is keeping an eye on it at Hamilton Walk and Timber Glen and he hoped the temporary correction will hold the problems from the past to a minimum. Mr. DePasquale said a meeting is scheduled on Thursday with Consumer Square representatives, their engineer and Mr. Morley about their drainage basins.

Mr. Silva reported the culvert repair work on Skip Morgan Drive looked like it was progressing nicely. He asked what was going to be done with the wooden sluice that is there. Mr. DePasquale said he understood that according to a court case the Township only owns the road and culvert. Mr. DePasquale said the owner has to get a structural engineer to do a report on it and can't fill the lake until that report is filed with and approved by the D.E.P. He said the owner will have to make any recommended repairs before he can fill the lake. Mr. Silva said there was concern about the owner filling it up for this coming season and, although he isn't an engineer, it didn't look too structurally sound to him.

Mayor Gaskill asked the Committee if a recycling can could be put in the foyer whenever there is a meeting and said that if everyone who came to the meeting brought a can or two of food it could go into restocking the Township's food bank which is being used quite frequently now. There were no objections to his request.

Public Comment

Aline Dix said she doesn't like it when the Township Committee doesn't discuss what they are going to apply for before they send someone to the Community Development Block Grant (CDBG) meeting. She said she will be attending the CDBG meeting tomorrow at 10 AM in the County Library. She said she rode her bike around town inspecting curbs and sidewalks. Ms. Dix said ADA curb cuts is one of the approved items for funding regardless of income. Ms. Dix said those curb cuts are needed on Farragut Avenue at the Second Street intersection, in the Shaner School area and from 9th Street to the bakery. She said the money can be used to pave roads and for benefit of low and moderate income citizens. Ms. Dix said the streets in Harding Lakes are deplorable and disgraceful and suggested the Township find out if the streets in Harding Lakes can be paved with that money. She said that if they can, that should be the #1 priority on the Township's application this year and then the ADA curb cuts. Mr. Sasdelli explained Mr. Sartorio manages the Township CDBG applications and he already has one. He said it has to be for the benefit of low and moderate income citizens. Ms. Dix suggested a door to door survey be done in Harding Lakes if there is a street there that needs to be paved and Mr. Sartorio doesn't think requirement applies. Ms. Gatto thanked Ms. Dix for bringing this to the Committee's attention and said no one would like to see the streets in Harding Lakes paved more than she would. She commented on having prioritized the streets to be done last year and said whatever is next on that list might fall into that category.

Ms. Dix said she just got her new Notary seal at Staples for \$15.00 and the Township just paid \$34.00 for one.

Rich DeFeo said the Mayor called him after he spoke at the last meeting about the governing body giving back their stipends and saying that he had done that. He said others may have done it too but he only knew about the Mayor and he thanked him for doing it. Mr. DeFeo. He thanked Mr. Sasdelli for the extra time he puts in and said he didn't think anyone knows how much Mr. Sasdelli does. He said the Township is lucky to have someone like him.

Mr. DeFeo said he understood Mr. Campbell is trying to raise money for a military statue and he thought that was a great thing to do with so many veterans in the Township.

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Mr. DeFeo said the Township wouldn't have the problems it is having with money if NASCAR had passed. He said the water park and Wal-Mart are things that would help. Mr. DeFeo said Ocean City Bank had a heck of a time coming into the Township because they got the runaround. Mr. Pritchard said the Mayor made a good suggestion at the Planning Board to cut down on the number of professionals.

Russell Bongiovanni, Sr., asked if the budget meeting next Monday would be open to the public for comment at any point. Mr. Sasdelli said it is open to the public but Mr. Bongiovanni was asking if he could talk. Mr. Laffery said there should be a public comment portion.

Mr. Bongiovanni said that an article in the paper in November or December that said there were over 770 families below poverty level living in the Township and they moved here because of the low rents. Mr. Bongiovanni said that equates to 2000 or 3000 people. He there was an 11% increase in the Hamilton Township over a couple of years when other towns didn't have an increase and asked what was going to be done about it. He said one Township that didn't have an increase has rental property inspections. Mr. Bongiovanni said they use the same services, schools, etc., but the units they live in pay the least taxes so the burden is on the rest of the taxpayers. He suggested the Committee look into a solution that would be fair to them and the taxpayers because the number is going to increase because of the economics. Mr. Silva asked Mr. Bongiovanni if he could identify where the article was and the source of their information. Mr. Bongiovanni said he would get a copy to Mr. Sasdelli tomorrow. Mayor Gaskill said the Township has to be very careful where they go with that. He said he didn't want to be the one to put any body on the street. The Mayor said people are moving in with their parents and friends just to survive. Mayor Gaskill said it is a very bad time for everyone. Mr. Bongiovanni said there would be two people going on the street, the homeowner/taxpayer who goes into foreclosure or those people (renters). He said the people renting are probably living in unkempt, over-occupied units that are probably filthy and in need of maintenance. Mayor Gaskill said he wouldn't guess at that. Mr. Bongiovanni said he would because of his 5 years experience in property management. He said the smaller the unit the more people are in it because of economics. Mr. Bongiovanni said the Township could have an inspection process and give the people a year's notice or to the end of their existing lease. He said he understood the Mayor's sensitivity but it is also wrong to ignore the taxpayers. Mr. Bongiovanni said he wasn't here to support people on welfare and he thinks it is deplorable to have that many people below poverty level.

Mr. Bongiovanni asked if a person who opts out of the insurance could refuse the money. Mr. Sasdelli said they can turn it down. Mr. Bongiovanni asked if a person opted out of the insurance had to pay taxes on the money. Mr. Tuthill said they don't. Mr. Bongiovanni said that other than Mr. Silva all of the other Members are gainfully employed and he thought they should turn down the opt-out money. Mayor Gaskill said he has to pay \$3,000.00 a year for his health insurance under his plan and that he told Mr. Tuthill he wanted it to be a wash. Mr. Bongiovanni asked what it would equate to if every employee didn't take their 4% raise this year. Mr. Sasdelli said it would be \$470,000.00. Mr. Bongiovanni suggested Mr. Sasdelli sit down with the unions and ask them to turn down their 4% increases instead of having to lay people off or put them on furlough. He said that would solve the problem instead of people being sacrificial lambs. Mr. Sasdelli said it is much more complicated than that. He said he had that discussion with them and they know what the seniority list is. Mr. Sasdelli said that both union and non-union personnel are volunteering so far. He said they are also paying 1% of their salary for health insurance. Mr. Sasdelli said there is nothing the Township can do if they don't want to give it up. Mr. Bongiovanni said he understands about loyalty but the Township's real customers are the taxpayers. He said the Township has wonderful employees and he has never had a problem with them but if the Township has to play hard ball they will have to do it because business is business

Mr. DeFeo asked if it would be a tax deduction if the Mayor gave back the \$3,000.00. Ms. Gatto said she asked all of those questions when she gave back her opt-out money last year and it isn't a tax deduction because they never really saw it. She asked the Solicitor and Administrator to look into some kind of account so that if people gave to special things like was done with the senior center, it will not be taxed. Mayor Gaskill said it is going back into the general fund right now. Mr. Lafferty said he didn't think the Township could do what Ms. Gatto suggested.

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Deborah Kraus said she had register in Hammonton and pay \$45.00 every time there was a change of tenant in the condo she owned. She said it is the landlord's responsibility to pay it. Mrs. Krause said it is a safety issue because smoke detectors and water are tested to make sure everything is good. She said they made her replace a bathroom fan that didn't work well. Mrs. Kraus said it would be more money for construction. Mr. Sasdelli said she is talking about is a TCO. Ms. Gatto said she would give Mr. Sasdelli a copy of the information Mrs. Kraus had given her. Mrs. Krause said they make a quick inspection and even look for things like a doorbell that doesn't work.

Mrs. Kraus asked if the Township was going to open up the land sale books again and let people come in and apply for Township-owned land. Mr. Silva said he thought that in prior years the Township generated \$200,000.-\$300,000.00 a year from land sales and that the land that was set aside needs to be looked at by the whole Committee. Mr. Sasdelli said that is one of things the Committee has to look at and to do. He said if the township doesn't need it they should sell it to the highest bidder. Mrs. Kraus said the Township was holding on to it for different things and times are bad now.

Mrs. Kraus asked if there was a map of the Pinelands rezoning that Mr. Pritchard mentioned and if it was for the whole Township. Mr. Pritchard said it is scattered throughout the Township and people can go see the maps in the Pinelands office in New Lisbon. Mrs. Kraus asked if it was being changed to make it less or more and if they were cutting the FA-70 down. Mr. Pritchard said it was both and depends on where the boundaries are. He said they are trying to make it so zoning is more compatible to adjacent property. He said Mr. Sartorio has been working with Pinelands and they have been receptive but people still have to be on their toes. Ms. Gatto asked if Mr. Ruberti could put something on the website about it.

Mrs. Kraus said she agreed that Mr. Campbell has done a lot for the Veterans' Advisory Board but she also agrees that with more than 25,000 people in the Township there should be more different people on the Boards. She said she thought being on 3 Boards is a little much and she agrees being on 2 Boards is more than enough.

Lorraine Granese commented on having raved and ranted at the Reorganization meeting when she accused the Township Committee of being unethical and possibly not acting in the best interest of the Township and accused outside forces of trying to take control of the Township. She said that as she started putting things together her information got more voluminous and she couldn't use a power point presentation so she decided to do it gradually over a few meetings. Ms. Granese said she is waiting for information on something to come out that may change what she does or doesn't say. She said she wanted to make it clear that she isn't accusing anyone of any wrong-doing, or of being unethical or that what she is going to say it is even a case of a conflict of interest. She said she is accusing the Committee of not using the best judgment in the world. Ms. Granese said she doesn't like people telling her what to do, she likes to make her own decisions and if she was representing a group of people she thinks that she owes it to them to make her own decisions. She said she wanted to start with the Atlantic County Republican Organization. Ms. Granese said that it came to her attention when she went over her e-mail and found one she sent to a member of the Township Republican Organization November 17, 2007 where she said that as she looked at the campaign from the summer to after the election she could see more and more the intrusion of the County into Hamilton Township and she wasn't very pleased with it. She said that once she wrote that e-mail no one has responded to her to this day. Ms. Granese said it isn't against the law to ask anyone what you should do about some things but when it starts to look like you didn't make the best decision you need to step back and look at what you have done. She said that after she spoke at that meeting (Reorganization) someone went out and said she accused the Committee of being corrupt and she didn't do that. Ms. Grandees said she knows the Atlantic County Republican Organization was very generous to the campaign of the three Republican candidates in 2007. She said that most of her information came from members of the Township Committee and she assumes it is true. Ms. Granese said she also knows that the County gave them (the Candidates) money and in-kind support or by getting people to work for them and asked if they would mind if they had a little input into the appointments. She said that isn't against the law but then it came to the RFQ's and someone on Township Committee left a her voice mail message that basically said the County was rallying around the solicitor the Committee is going to appoint. She said the Atlantic County Republican Chairman is the attorney that represents 90% of the people who

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apply for development in this Township and there is nothing illegal with that. Ms. Granese said she is talking about the appearance of impropriety. She used as an example the Chairman representing Wal-Mart and when they get their tax bill they go to their attorney to file a tax appeal, the Committee's Solicitor has to defend the Township against the appeal and the Township loses a lot of money and someone says that the Solicitor and the Wal-Mart attorneys are buddies. She said it doesn't look good and that someone could say something isn't right here. Ms. Granese said she wasn't making accusations, it is the perception. She said that at the last Planning Board meeting they hired one of the County's Assemblymen as their planner so now you have the Atlantic County Republican Chairman coming in and the man he helped elect is the Planner. Ms. Granese said if she opposed Magic Sports she would think there might be a perception of impropriety. She said he was also appointed by the Zoning Board. Ms. Granese said the Township shouldn't be hiring elected officials and the Township Committee can fix it. Ms. Granese said every time the County Chairman comes to the Township to represent a client everyone who had anything to do with him should recuse themselves and bring someone else in to handle it. She said she wasn't implying they are not a good firm but it looks bad. Ms. Granese said the Township should hire people that nobody knows and conduct its business accordingly. She said she hopes to be back in 2 weeks to continue but is waiting for something and won't be back until she has it.

Elmer Ripley said he knows the Township tried to slow the speed on Old Egg Harbor Road. He said that he constantly complains about it but nothing is ever done. He said there was talk about putting in humps (speed bumps). Mr. Sasdelli said it was not accurate to say nothing has been done. He said the Township spent \$7,500.00 for a study and implemented the recommendations made in it. Mayor Gaskill said he believes speed bumps are illegal. Mr. Ripley said there has to be something that can be done. He said there have been 16 accidents in 15 years there and one car hit his home. Mr. Ripley said there are children constantly walking on that road to access the bridge.

Mr. Ripley said the flags/name markers at Memorial Park are pulled up and thrown on the ground while the grass is cut and then shoved back when it is done. He suggested a piece of copper pipe be made into a tube and put into the ground with the top level with the ground; that the flags and markers be put inside the tube and taken out when the grass is being cut and put back so they are in the exact same position they were before being pulled out.

Mr. Ripley said he is concerned about the conversion of older homes into duplexes or apartments. He said he thinks it is being done to the one next to Select Bank and it should be checked out.

Robert J. Campbell said he is Chairman of the Zoning Board and had come across some documents and received a number of phone calls from Zoning Officials in other communities. He said that Mr. Pritchard made a good point tonight about Pinelands. He said they sometimes act like environmental terrorists. Mr. Campbell said they come in and do whatever they want and hardly anybody knows about it. Mr. Campbell said he understood that when the Atlantic County Freeholders' Chairman asked Pinelands to send a delegation to meet with a Committee they set up to discuss the boundary areas he was told to come up there and they would talk to them. Mr. Campbell said he has seen (the maps) but you can't get any definitive information from the Pinelands. He said that in his opinion it is a disaster for Hamilton Township. Mr. Campbell he understands they are talking about Phase 5 of Horizons at Woods Landing, the development he lives in, and possibly restricting it from continuing and taking other actions against it; talking about Mizpah Village; and talking about changing Harding Highway growth area zones from 5 acre to 70 acre parcels. He commented on Mr. Pritchard having been on the Commission in the past and knowing how they work. Mr. Campbell said he thought the Township Committee should tell them not to dare come into the Township and tell them what to do until there is a complete public hearing and everyone knows what they are doing. He said there will be a drastic reduction in land values. Mr. Campbell said he thought the Committee should send letters to all the people in the Reega, West Jersey Avenue, Route 40, Babcock Road, Horizons, and Weymouth areas and tell them what is proposed for their area.

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Mr. Palmentieri said there are a number of parcels that are proposed to be changed and restricted more than they are now. He said he had a couple of questions that might be important as a way to get the Pinelands Commission to listen to some of the proposed changes that Mr. Sartorio has already talked to them about and pretty much been ignored. Mr. Palmentieri asked Mr. Lafferty if it is legal for Pinelands to change the zoning on something that has already been approved. He said he didn't believe it was but it might be helpful for the Township to have some legal verbiage in its next communication with Pinelands to get them to look at it a little closer. Mr. Palmentieri asked if interfering with the Township approved COAH Plan is legal because changes to some of the parcels may interfere with the Township's first and second round COAH Plans that the Court already approved. Mr. Lafferty said the Pinelands Extension Act also has to be dealt with. Mr. Pritchard explained it will not be changed if it is already approved but the new rules take effect if it is something pending. He said COAH has been negotiating with Pinelands for months to try to come up with a Memorandum of Agreement but they don't agree. He said there was a meeting here in December and the two agencies are basically in direct conflict. Mr. Pritchard said it is two State government agencies banging heads together and the municipalities are caught in the middle. He said towns were under the gun to get their COAH Plans done by December 31st was when the municipalities asked how they could meet that deadline the COAH representatives said to just do it and when the two agencies come to an agreement the municipality can go back and redo the whole thing. Mr. Pritchard said that gives you an idea of what the municipality is up against. Mr. Campbell said he thought Senator Whelan is opposed to this and that Mr. Polistina is looking into it very carefully to fight for Hamilton, Galloway and Egg Harbor Townships. He said he didn't think it will affect Egg Harbor Township as much as it will Hamilton and he thinks Hamilton Township's growth zone is the target. Mr. Campbell said Mr. Sartorio wrote a wonderful synopsis of the whole scenario. He said he believed Galloway took a stand last week to vigorously oppose it. Mr. Campbell said it is the Township Committee's battle now but he is sure that the Zoning Board will do anything it can to help. He said he thinks the proposed changes have something to do with the Pinelands' failed PDC sales program. Mr. Palmentieri said 4 years ago Harding Highway LLC sued the Pinelands as well as the Township and Pinelands didn't want to get into a court battle with COAH on it at that time. He said he believes that they still don't and it might be wise for the Township to prepare some kind of legal defense of its current zoning where COAH properties are actually or potentially concerned and maybe Pinelands won't want to get into a court battle with COAH just as they didn't want to do 4 years ago.

Mr. Campbell said the Zoning Board did hire some new professionals this year. He said he appointed a 3-member Committee last year to review all of the professionals to see if the Board could combine some of them and what the Board wanted to do. Mr. Campbell said they did a great job and he went along with the recommended changes because he felt it may be time for the Board to do things a little differently because he was concerned about the fees some of the professionals were charging the people of the Township. Mr. Campbell said that was the reason for the changes made and that there was nothing political.

Theresa Thomas asked what was happening with the lake level since raising and lowering it is a little off schedule. Mayor Gaskill said he understood the State was going to extend the time that it could be lowered. Mr. Morley said it has to be raised by the middle of March and letters were sent to the affected residents. Ms. Thomas said it was supposed to go back up February 1st. The Mayor said all the rain was an issue. Ms. Thomas said the website was never changed and no one was notified.

Ms. Thomas said the Committee Members salary and payment in lieu of benefits was brought up at the last meeting and again tonight. She suggested the Committee pick one and either get their salary or benefits.

Ms. Thomas asked if the reval people are legally allowed to come on the property, take measurements and look in the windows if you aren't home. Ms. Gatto said she thought the company would address that through the Community Education process when they are ready to start. She said that and an outreach program were part of the RFQ to make sure the residents know exactly what they can do and what is expected. Mr. Sasdelli said there is a frequently asked questions section on the website that answers some of Ms. Thomas' questions.

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Ms. Thomas said she found it odd that last year Main Street was finished with beautiful sidewalks and someone just chopped down two big trees there. She. Ms. Thomas said she didn't know who did it but assumed it was the homeowner and asked if (the stumps) were going to stay that way or be ground up. Mr. Sasdelli said the Township had no jurisdiction because it is a County Road and a County Road Crew probably cut them down. Ms. Gatto said she thought the bigger question was what is going to be done with the stumps and if they are going to fix the sidewalks. The Mayor said it would probably be expensive to get rid of the stumps because they probably go under the roadway and maybe even the foundation of some of the homes. Ms. Thomas said it all goes back to the designer who didn't look at any of that.

Ms. Thomas said that in Millville you have to get a permit for rental properties and have it inspected every year. She said they just raised the fee to \$75.00. She said it is revenue but expenses are also connected with collecting the money and because they inspect every year and may have to back a second time.

Ms. Thomas said that at the last meeting Sue Sandman alluded to Mr. Pritchard having conflict of interest in voting for Mr. Lafferty and Ms. Gatto in voting for AtlantiCare. She said she didn't have any concern or belief that there is a conflict of interest in either instance. Ms. Thomas she believed in their integrity and honor and that they did due diligence before voting. She said she didn't feel anything was needed on to be on file in the office or on display for anyone to see. Ms. Thomas said it was interesting that Ms. Granese brought up the appointment of the solicitor in 2007. She said that is what all of this goes back to because Mrs. Sandman is still mad that Mr. Sandman didn't get the job. She said she will be back to comment on Ms. Granese's supposed "connect the dots".

Russell Bongiovanni said he had the article he spoke about with him and read a portion of it regarding percentages of increase in Galloway and Hamilton Townships and a comment made by some to an unidentified Township Officials that attributed the poverty rate to low income families being attracted hundreds of aging and low cost apartments and condominiums. He said 15 of 23 municipalities in Atlantic County charge fees to inspect apartments and that he will fax the information to Mr. Sasdelli tomorrow. Mr. Bongiovanni said two outside data sources indicate the Township has 5000-8000 rental units and the Township can't dispute it because they don't know how many they have. Mr. Palmentieri said the Township can dispute it because the housing stock is in the Master Plan. He said he would get Mr. Bongiovanni the number of rental units in the Master Plan and it is not 8000. Mr. Bongiovanni said you can't tell how many rental units you have from a Master Plan. He said he wanted to know how many rental units there are in the Township and that he thinks the Township should know how many there are.

John J. Percy III said he thought dissolution of the MUA had merits. He said the Township would get assets, vehicles, experienced personnel, and \$6 million in surplus. He said they would also get pipes and possibly have trouble with them. Mr. Percy commented on the possibility that all of the personnel may not be needed because the Township has in-house people who can do the work. Mr. Silva said some of the surplus may already be allocated for necessary work not done yet. Mr. Percy said he knows that. He said he objected to dissolution of the Garbage District but knew what the Committee was doing and said that was a one-time fix. He said the Garbage District was created for a specific reason just as the MUA was and those reasons don't exist anymore. He said the MUA is a revenue generator not just an expense and if there is a surplus it means the revenue was higher than the expense and if the Township maintains that they will continue to have the revenue. Mr. Percy said it has positives and the Committee should give it serious thought.

Aline Dix said that she knows from conversation she had with the owner where the trees were taken down that he talked to the Town when the sidewalks were being done about an easement around the trees so people didn't have to trespass on his property or walk in the street and he was ignored. She said she didn't know who cut them down but they were apparently a hazard. Ms. Dix said she stopped at the former McGonigal home on Lenape Avenue today to inspect a huge tree at the back corner of the house that fell a couple of weeks ago in a storm and came down across the driveway just missing the house next door. She said when she asked the man who lived next door who was cleaning it up he said people were just coming with chain saws, cutting it up and taking it with them. Ms. Dix said that because of an error made last year and someone was sent to cut down a dead tree in the McGonigal front yard and it now has yellow caution tape around it. She urged the Committee to order

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the current owner, Mr. Musumeci from Brigantine, to clean up the hazardous mess in that front yard and remove it in 30 days or the Township will do it and put a lien on his property for the \$900.00 from last year and the clean up costs from this year. Ms. Dix said if there is a fire on Lenape Avenue no fire truck will be able to go down that driveway. Mayor Gaskill said he knows there was a citation or some correspondence with the owner. Mr. Morley said the house was in limbo for some time but there is correspondence with the current owner. Ms. Dix said she knows there is a mortgage on it so there is a mortgage company the Township can go after if necessary.

Robert RaVell, Chairman of the Industrial Commission, explained he and the Vice Chairman, Rocco Policarpo, were present to set the record straight regarding statements made by Bruce Strigh at the last meeting. He said if e if they were left unchallenged they call into question the integrity of certain members of the Industrial Commission, the integrity of the Township Committee that appointed the Commission, and anyone who really serves government. He said he didn't want to make this about Mr. Strigh because he has known him for many years and holds him in high regard but, as the Commission Chairman, it would be unconscionable for him to let allegations of very serious violations of the Open Public Meetings Act made by Mr. Strigh go unchallenged. Mr. RaVell said, if proven, those allegations carry fines of up to \$500.00 and are handled either through the Prosecutor's Office or the Attorney General's Office. He said each of the Committee Members were provided a copy of the minutes from the Industrial Commission meeting that Mr. Strigh spoke of. Mr. RaVell said Mr. Strigh was concerned that prior to the December 3rd meeting there was nothing on the agenda relative to Magic Sports or Mr. Nehmad's appearance. He said Mr. Strigh read parts of the Open Meetings Act to the Township Committee and said it is interesting when people do selective reading because if he read a litter further it talks about failure to meet the 48 hour rule and says that the agenda should be published to the extent known. Mr. RaVell said the agenda was published to the extent known and immediately modified when the (Magic Sports) request came in. Mr. RaVell said the Act also provides for when not acting would be detrimental to the public interest. He said he thought it would have been detrimental to the public interest for the Commission not to act because there was a \$2 million dollar contract that was due to expire before the Commission's next regular meeting. Mr. RaVell said that Mr. Strigh singled out Mr. Policarpo and used the term "an effort to skirt the law" twice but said that it probably wasn't his fault because he probably got bad legal advice. Mr. RaVell said Mr. Policarpo didn't need any legal advice to be at that meeting. He asked Mr. Policarpo to explain how he happened to be at the meeting Mr. Strigh referred to and who was there. Mr. Policarpo said that he, Mr. RaVell, the applicant, his attorney, and Nancy Rainbow were at the meeting. Mr. RaVell said that in the minutes of the December 3rd meeting it states that later on Mr. Lafferty said Mr. Nehmad wanted to meet with the negotiations subcommittee of the Industrial Commission. He explained the Chairman and Vice Chairman of the Commission are the negotiations subcommittee and that is how the meeting came about. Mr. RaVell said it was not a secret or nefarious meeting and to assume that they colluded with a client because a member of the public was not there to judge what took place and then to say, willy-nilly, at a regularly constituted meeting that there was some meeting of the minds to grant an extension pursuant to his contract and that it happened not on the merits of the client having done due diligence but as a result of a private meeting. Mr. RaVell said that couldn't be further from the truth. He said Mr. Strigh also forgot to mention that in the interest of fair play and although the subcommittee meeting would clearly have qualified for an executive session, the Chairman asked Mr. Nehmad to make his presentation in public so that Mr. Strigh and the public heard what the subcommittee heard at the same time and asked the members to deliberate in public. Mr. RaVell said Mr. Strigh was not happy with the results and when asked after the meeting what he would liked to have seen, Mr. Strigh said he didn't think the applicant had done due diligence. Mr. RaVell said the minutes show that his instructions to the Commission Members was that the only thing they were to consider was the terms of the contract and that the applicant had done due diligence. He said he thought the Industrial Commission satisfied itself that they had after having spent hundreds of thousands of dollars in design fees, meeting in good faith with Township officials, having fallen on a bit of hard times with a cash flow problem and bringing the escrow account that had fallen a couple of months in arrears current. Mr. RaVell said the applicant was asked to do 5 things and he did them all. He said the applicant couldn't provide an estimate of how long the Planning Board approval process would take. Mr. RaVell said they were asked if they had the where-with-all to go ahead with the Planning Process with the current capital and their answer was "yes". He said they were also asked if he had the funds to go to construction in this

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but no one knows that. Mr. RaVell said he thought Mr. Nehmad did what he had to do to protect his client and the Industrial Commission did exactly what they had to do to protect the public interest.

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

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

Motion to adjourn to executive session

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an Executive Session to discuss the potential resolution of the Paff v. Township of Hamilton, et als, litigation which discussion is exempt from public discussion under the Open Public Meetings Act. The results of said discussions will be made public upon the conclusion of that litigation.

Discussion on the motion: Mr. Silva asked what the harm to the public good there would be in the matter was discussed in public. He said 17 towns are included in this lawsuit. Mr. Lafferty said the executive session involves litigation strategy. Ms. Gatto said discussing it in public would show the Township's hand. Mayor Gaskill said that with litigation he thought the Township didn't want the opposing team to know what that is. Mr. Lafferty said the Committee may decide not to take any action but it does involve litigation strategy.

There being no further discussion, Mayor Gaskill called for the vote on the motion.

RESOLUTION ADOPTED WITH MEMBERS GATTO, PALMENTIERI, PRITCHARD AND GASKILL VOTING "AYE", MR. SILVA VOTING "NAY", NO "ABSTAIN"

ATTEST:

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