

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
APRIL 2, 2007

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Thomas Palmentieri presiding. Members present were William Beyers, Nelson Gaskill, James Link and Charles Pritchard. Also present were Edward Perugini, Township Administrator, Joan I. Anderson, Township Clerk, Jacqueline Hawkins-Stiles, 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 faxing a copy of the notice, along with the agenda of this meeting, to the Atlantic County Record, Atlantic City Press, Record Journal and Current newspapers stating this meeting would take place in the municipal building, Mays Landing, New Jersey at 6:30pm on Monday, April 2, 2007.

A moment of silence for private reflection was observed. Mr. Link asked the public to remember Carl Anderson and his family.

Mr. Pritchard read the letter from Richard Tuthill recommending Cynthia Lindsay be named the Employee of the Quarter. Mayor Palmentieri presented her with a certificate of recognition and a gift certificate to Hamilton Mall.

Mr. Link read the certificate recognizing Glenn Franzoi for more than 13 years of dedicated service to the community. Mr. Franzoi is leaving the employment of the Township effective April 5, 2007. Mr. Franzoi was not present to accept the certificate. Mr. Perugini will get it to him tomorrow.

Mr. Pritchard moved, seconded by Mr. Gaskill, 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 matters of personnel which are exempt from public discussion under the Open Meetings Act. The results of said discussions will be made public as soon as the basis for confidentiality is no longer confidential.

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

The Township Committee reconvened in public session approximately 7pm.

Mr. Pritchard moved, seconded by Mr. Link, that Agenda Item 9.F, Township Committee appointment to fill unexpired term of William Beyers on the Industrial Commission be deleted from the agenda to give members time to talk to possible interested parties.

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

Mr. Link moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following items be and are hereby deleted from the agenda for this meeting:

7.A Introduction of Ordinance #1591-2007 regarding the Reserve Growth District;

BE IT FURTHER RESOLVED that the following items be added to the Agenda for consideration and action to be taken thereon tonight.

8.A Insert business names:

- (1) Lauren's Custard - custard stand at 7691 Black Horse Pike
- (2) MY3G - cellular retail, service & products store in Hamilton Mall
- (3) Nutrition Pros - retail health food/products store in Hamilton Mall
- (4) Main Street Hardware of Mays Landing - hardware store (former N. E. Hand & Sons)

8.O Authorize Mayor to execute Municipal Aerial Mosquito Control agreement with Atlantic County.

8.P Authorize Solicitor to prepare a Contiguous Owner Land Sale Ordinance for Block 460/Lot 2 1.08 acres Cole Avenue Minimum Bid \$ 750.00

8.Q Approve License #04-07 for Make-a-Wish Foundation of NJ on-premises draw raffle to be held May 20, 2007

8.R Accept \$72,956.40 Bond Safeguard Insurance Co. bind #5008745 as performance guarantee for Robert K. Irving & Diane R. Hesley extension of Paddock Street (Block 854/Lot 62)

9. G Authorize advertising for Violations Clerk 1

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

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Executive session confirmations:

Mayor Palmentieri said the personnel matters would be confirmed under the Personnel portion of the agenda.

Early Public Comment

Wayne Choyce questioned the reason for rescinding the resolution authorizing transfer of liquor license #0112-33-007-003 to 4436, Inc. and whether it was associated with a real estate transaction. Mr. Perugini explained correspondence was received from the attorneys saying that they wished to withdraw it. He said the license remains with the Club House at Hamilton.

Aline Dix referred to Page 501 of the Law Book regarding membership on the Industrial Commission and said she "cautioned" the Township Committee that the category of members needs to be taken into account when appointing some to fill the vacancy. Mrs. Stiles said Ms. Dix was correct that there are factors that go into serving on the Industrial Commission.

Sue Sandman said she would wait until Item 9.F (appointment to fill the unexpired term of William Beyers on the Industrial Commission) comes up in the future.

Steven Radcliffe said that since Item 9.F was deleted, he would hold his comments on it.

Proposed Channel 2 Policy

Mr. Pritchard said that he thought Mrs. Giberson had sent the proposed policy by e-mail or hard copy. Other members indicated that they hadn't. Mr. Pritchard explained the Subcommittee met last week and got everything pretty much together. He said that it is similar to what Egg Harbor Township has. Mr. Pritchard apologized for the confusion and asked that the discussion be deferred until the April 16, 2007 meeting.

Public Hearing/Adoption - Ordinance #1590-2007

Mr. Perugini explained the ordinance changed the title from "off duty" to "extra duty"; enhanced the insurance requirements and the hold harmless language; and increased the hourly rate to be paid by the contracting agency. He said that when our police officers are seen where road work is being done or at special events, the company doing the work has to pay the Township for those services.

Chief McKeen said that this Ordinance makes it clear that the officers are on duty with the same police duties while on that detail.

Aline Dix asked what the rate of \$50.00 per hour for public agencies meant. Mr. Perugini said that the rate was increased from \$45.00 to \$50.00 per hour. Ms. Dix asked if this ordinance amends only certain sections and doesn't repeal anything. Mr. Perugini said it amends only portions of the existing ordinance. Ms. Dix asked if there is a hold harmless document written by a lawyer stating who is responsible for what. She referred to a MUA requirement for a tri-party agreement when employees operated equipment for a private entity and asked if the Township had such a document and if it was reviewed by counsel. Mr. Perugini said yes to both questions. Ms. Dix asked what the contractor paid for use of the Township police cars. Chief McKeen said the vehicle costs were included in the hourly rate. Ms. Dix asked if older cars could be used instead of the newer ones. Mayor Palmentieri said he thought Ms. Dix was asking if the Township is being compensated for the car. Mr. Perugini said they are. He said this was reviewed two years ago to make sure the Township was getting enough for the manpower, vehicles and equipment. Ms. Dix asked if the insurance of the hiring body would pay for damages to the car if there were an accident. Mr. Perugini said their insurance would pay. Mayor Palmentieri asked what they would pay if the car was 5 years old. Mr. Perugini said they would pay the depreciated value and insurance adjusters would look at it. Ms. Dix asked if the Township or the contraction company's workers compensation would pay if the car is damaged and the officer is injured. Mr. Perugini said it would be the Township but they would look for subrogation.

Harry Rogers asked if it was state law or municipal ordinances that required police officers and whether it was possible for the company to provide those services from other sources. Mr. Perugini said that it has to be a police officer if it involves traffic control. Chief McKeen said one of the adjustments to the terms deals with whether or not a police officer is required. He said it would not be required on a side street but it would be on a 2-lane highway. Mr. Rogers asked what a police officer makes per hour when on this type of duty and whether there was a set rate regardless of rank. Chief McKeen said it depends on the step and rank of the officer. Mr. Rogers commented on wear and tear on the cars and said \$50.00 doesn't buy much in the way of repairs and maintenance. He asked if the Township was subsidizing the contractors. Mr. Perugini said the Township cannot make a profit on this but they are covering the costs.

Teresa Thomas asked what the fee for a private Company was. Mr. Perugini said the rate increased from \$55.00 to \$60.00 for that.

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Mr. Gaskill asked if it was reviewed annually or was there an automatic increase clause. Mr. Perugini said the ordinance has to be amended. Mayor Palmentieri asked if the Township has a way to track actual costs by experience. Mr. Perugini said they do.

Roger Silva said that in other municipalities there is usually an officer sitting in the car. He asked if this municipality stipulates that they have to be out of the car. Chief McKeen said the Township requires them to be out of the car.

There being no further questions or comments on the Ordinance, Mr. Gaskill moved, seconded by Mr. Pritchard, that the public hearing be closed.

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

Mr. Link moved, seconded by Mr. Gaskill, that the following resolution be adopted.

WHEREAS Ordinance #1590-2007 was introduced and passed first reading on March 19, 2007 and duly advertised in the March 21, 2007 issue of the Atlantic County Record for a public hearing to be held on April 2, 2007 in the municipal building, Mays Landing, New Jersey; 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 #1590-2007 be and is hereby adopted.

ORDINANCE NO. 1590-2007

AN ORDINANCE TO AMEND CHAPTER 70 OF THE CODE OF THE TOWNSHIP OF HAMILTON, ARTICLE III THEREOF, ENTITLED "CONTRACT OFF-DUTY EMPLOYMENT"

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

Mr. Pritchard moved, seconded by Mr. Beyers, 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) Lauren's Custard - a custard stand at 7691 Black Horse Pike.
- 2) MY#G - a cellular retail, services & products store in Hamilton Mall.
- 3) Nutrition Pros - a retail health food/products store in Hamilton Mall.
- 4) Main Street Hardware of Mays Landing - a hardware store (formerly N. E. Hand & Sons)

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that April 10, 2007 at 10:30a.m. is hereby confirmed as the date and time for receiving of sealed bids for Third Party Class 1 Electrical Sub-code Official Services.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Construction Official is hereby authorized to waive the municipal fees for Mays Landing Fire Dept. (Reliance Hose No. 1) permit for roof repairs.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Vendor Permit fees for crafters participating in the Township of Hamilton Historical Society Olde Tyme Market Festival on May 5, 2007 and in their Art in the Park on September 15, 2007 are hereby authorized to be waived.

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

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Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Wachovia Bank letter of credit #SM224982W, in the amount of Forty-five Thousand (\$45,000.00) dollars is hereby accepted as a performance guarantee for Dr. Michael Lurakis (Mercy Medical Associates) office expansion project (Block 774/Lot 4).

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the township of Hamilton that purchase of a new 911 station under State Contract #A51010 is hereby authorized with funding to be charged to the 2006 Enhanced Equipment Grant.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that an amendment extending the expiration date of Sun National Bank letter of credit #2006005, a performance guarantee for Mays Landing Brickworks Professional Park, from February 21, 2007 to February 21, 2008 is hereby accepted.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the certified lists of members eligible for 2006 LOSAP credited submitted by the Weymouth Fire Company and from the Cologne Fire Company be and are hereby accepted.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Kelly Dorofee and Kimberly M. Fronley are hereby approved for membership in the Township of Hamilton Rescue Squad as recommended by its Chief.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that a one-quarter page advertisement in the Atlantic County 4-H Yearbook at a cost of \$60.00 is hereby authorized.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

WHEREAS the Township Clerk has received notice from the attorneys for the buyers and sellers of PRC License #0112-33-007-003 that by virtue of settlement agreement the applicant for a transfer of said license from The Club House at Hamilton to 4436, Inc., has withdrawn its application,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton that the February 5, 2007 resolution authorizing transfer of PRC License #01212-33-007-003 from The Club House at Hamilton to 4436, Inc. is hereby rescinded and The Club House at Hamilton shall retain ownership of said license.

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

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Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

WHEREAS all owners of property contiguous to Block 390, Lots 1 and 33 through 44 were notified of their right of prior refusal to purchase under Ordinance #1586-2007; and

WHEREAS no bids were received from said contiguous owners,

NOW, THEREFORE, BE IT RESOLVED that aforesaid Block 390, Lots 1 & 33 through 41 be offered for public sale with the date and time to be determined by the Township Clerk.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN"  
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Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the township of Hamilton that the mayor is hereby authorized to execute a Municipal Aerial Mosquito Control Agreement with the County of Atlantic.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Solicitor is hereby authorized to prepare a Contiguous Owner Land Sale Ordinance for Block 460, Lot 2, 1.08 acres on Cole Avenue, RD-4 Zoning, with a minimum bid of \$750.00.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that License #RL-04-07 is hereby approved for the Make-a-Wish Foundation of NJ on-premises draw raffle to be held May 20, 2007.

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Bond Safeguard Insurance Co. bond #5008745, in the amount of \$72,956.40, is hereby accepted as a performance guarantee for Robert K. Irving and Diane R. Hesley extension of Paddock Street project (Block 854/Lot 62).

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

Mr. Pritchard moved, seconded by Mr. Gaskill, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Young's Skating Center is hereby granted approval of extensions of hours for the following special events:

- 1) April 12, 2007 from 10pm to midnight for Stockton College Campus Activity Fund.
- 2) April 27, 2007 from midnight to 2am for the 2<sup>nd</sup> Cape May Baptist Church.

RESOLUTION ADOPTED WITH MEMBERS BEYERS, GASKILL, PRITCHARD AND PALMENTIERI VOTING "AYE", NO "NAY", MR. LINK ABSTAINED.

Mr. Link moved, seconded by Mr. Pritchard, that the resignation of Christopher DeSantis, Class II Special Officer, effective April 5, 2007 is hereby accepted.

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

Mr. Link moved, seconded by Mr. Gaskill, that the resignation of Glenn Franzoi, Construction Code Official and Fire Official, effective April 5, 2007 is hereby accepted.

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

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Construction Office - Temporary Appointments

Mr. Perugini commented on having talked of lay-offs in the Construction Office recently and advertising for Third Party Electrical Sub-code Official services. He said that resignation of Glenn Franzoi gives the Township Committee an opportunity for some reorganization in that department. Mr. Perugini said that there are people in that office with dual licenses that can be used as additional inspectors. He said the changes he recommended will result in a savings of over \$61,000.00 in salary alone. Mr. Perugini recommended that (1) Warren DaGrosa be appointed Temporary Construction Official at an additional \$10,500.00 in salary (2) Frank Primavera be appointed Temporary Fire Official at an additional \$10,000.00 in salary (3) Thomas Satter be appointed Temporary Building

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Inspector at an additional \$2,000.00, all as discussed in executive session at the start of this meeting and that the appointments be for a period not to exceed 60 days. He said the Township will soon be receiving the proposals for Third Party services.

Mr. Pritchard moved, seconded by Mr. Beyers, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that, pursuant to discussions held in executive session at the start of this meeting, Warren DaGrosa be and is hereby appointed Temporary Construction Official for a period not to exceed sixty (60) days effective April 9, 2007.

BE IT FURTHER RESOLVED that the salary of Warren DaGrosa be increased by the sum of \$10,500.00 for the period of the temporary appointment.

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

Mr. Pritchard moved, seconded by Mr. Beyers, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that, pursuant to discussions held in executive session at the start of this meeting, Frank Primavera be and is hereby appointed Temporary Fire Official for a period not to exceed sixty (60) days effective April 9, 2007.

BE IT FURTHER RESOLVED that the salary of Frank Primavera be increased by the sum of \$10,000.00 for the period of the temporary appointment.

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

Mr. Pritchard moved, seconded by Mr. Beyers, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that, pursuant to discussions held in executive session at the start of this meeting, Thomas Satter be and is hereby appointed Temporary Building Inspector for a period not to exceed sixty (60) days effective April 9, 2007.

BE IT FURTHER RESOLVED that the salary of Thomas Satter be increased by the sum of \$2,000.00 for the period of the temporary appointment.

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

Mr. Pritchard moved, seconded by Mr. Beyers, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby give to advertise for a full-time Construction Official and Fire Official.

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

Mr. Link moved, seconded by Mr. Pritchard, that the following resolution be adopted.

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the minutes of the march 5, 2007 regular meeting and the minutes of the March 21, 2007, March 22, 2007 and March 28, 2007 Budget Work Sessions be and are hereby approved and adopted as published.

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

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Mr. Pritchard moved, seconded by Mr. Gaskill, 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 \$804,570.20 as of March 29, 2007.

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

Acceptance of the Township Clerk's monthly report was tabled until April 16, 2007.

#### Reports

Mr. Perugini reported that Mr. Gaskill, Mr. Beyers, Mr. Smith, Ingrid Perez and William Montag inspected the roads for the Capital Budget. He said a report would be prepared for Township Committee review for the next meeting. Mr. Perugini reported the CFO reworked the budget figures and it is now \$19,000.00+ under CAP. He said there is still the issue of police cars to be resolved. Mr. Perugini said that Durango's could be purchased through Capital. He said that the Committee could block them in by the time the Capital Budget is done. Mr. Pritchard asked if a large part of the reworked budget figures were because of the changes in the Construction Office. Mr. Perugini said that was a savings of \$50,000.00 in salary plus benefits. Mr. Pritchard said the Municipal Services Fee came up in the audit report and that he thought that needed to be investigated. Mr. Perugini said there is pending legislation to CAP that fee and he is trying to get information on it. He said it will be looked at. Mr. Perugini said it is revenue. Mr. Pritchard asked if it was something that should be looked at before the budget is passed because it could have a serious effect on the budget. Mr. Perugini said he would have to check with the Finance Officer on that. Mr. Gaskill said that the other issue he was concerned about is the surplus figure and asked Mr. Perugini to see what could be done there.

Mr. Pritchard reported the newly formed Kiawanis Club of Mays Landing will hold an egg hunt for children 8 years old and under at Gaskill Park on Saturday.

Mr. Gaskill said he was glad to see something was done about the storm drain on Tunney Avenue.

Mr. Beyers said he has enjoyed everything so far and looked forward to the adventure.

Mr. Link said he appreciated Ingrid Perez and the Public Works Department having done something about the storm water basin on Tunney Avenue.

Mayor Palmentieri said the Township Committee has had 3 budget hearings and that he felt they were very productive and long. He said the Committee went through more detail than they did last year and maybe more than was needed. The Mayor said one of the things that came out of the meetings was the need for improvement of the Public Works Building and the issue of the cost came up. Mayor Palmentieri asked Mr. Gaskill and Mr. Beyers to look into alternatives to reduce the cost and things that can be done now to improve the conditions there. Mr. Gaskill said that he and Mr. Beyers have already met with Mr. Perugini and Mr. Montag about it. The Mayor asked them to work diligently on it before the budget is finalized. Mayor Palmentieri asked Mr. Beyers and Mr. Link to review with the Chief the salary lines in the Police Budget and to start working with Mr. Perugini on the Police Contracts that will be coming up this year to develop some equity for the officers and the taxpayers.

Mr. Pritchard commented on a business registration being approved for Main Street Hardware that was formerly owned by Mr. Hand. He congratulated Mr. and Mrs. Hand who were in the audience and extended best wishes to them in their retirement.

#### Public Comment

Wayne Choice commented on the appointment to fill the Planning Board Class IV vacancy being deleted from the February 20<sup>th</sup> agenda and asked if that was the same requirements as the Industrial Commission appointment (9.F on tonight's agenda). Mrs. Anderson explained that the Municipal Land Use Law governs membership on the Planning Board and a Class IV Member must be a member of the general public appointed by the Mayor. Mr. Choyce questioned when the vacancy would be filled. Mayor Palmentieri said he didn't have anything scheduled yet but he hoped to have it done in the next month or so. Mr. Choyce asked how many other vacancies there were. The Mayor said he believed that was the only one and asked Mrs. Anderson if there were any others. Mrs. Anderson said that she thought it was the only one but didn't know for sure off the top of her head and didn't want to say something that she may find out tomorrow was wrong.

Mr. Choyce said the traffic signal controls on the east side of Cape May Avenue at Third Street were destroyed by the contractor when the new water line was done. He said it now signals green on that side all of the time and questioned who needed to be notified to get it corrected. Mr. Smith said he would contact the MUA tomorrow.

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Harry Rogers referred to Mr. Perugini's statement that the changes in the construction Office would save about \$61,000.00 and said he assumed that would be on an annual basis. He said that he was surprised that there were the time limits set on the temporary appointments made tonight. Mr. Rogers said there would not be that much in savings if the Township is going out to advertise to fill the position. He asked if the Mr. Perugini was actually proposing a reduction in the eventual permanent manning of the office or was it a 2-month assignment and whether the salary increases could be taken away from the gentlemen whose salaries were raised if they do not get the permanent position. Mr. Perugini explained it is a reduction in force. He said the reason for the 60-day appointments was because he wants to advertise to see what it would cost to have someone walk through the door and do the job to be sure that the savings he projected are valid. Mr. Perugini said those gentlemen would be invited to apply and they could be appointed permanently after the 60 days is up. He said he would hard pressed to think that someone walking in at the full Construction Official salary would be a savings over what could be done with the staff already there. Mr. Perugini said he thought that before the 60 days is up, he would go ahead with the reorganization and the two gentlemen would become permanent. He explained it will not be for the whole year but will start next week when Mr. Franzoi leaves. Mr. Perugini said the savings would be from that point on. He said that he intends to reorganize the department and reduce the staff by 1 person, that being the present Construction Official, and then do the jobs with existing staff at a much lower cost. Mrs. Anderson said she believed that under the UCC there is a limit on how long you can appoint a temporary person. Mr. Rogers questioned why positions were being advertised when Mr. Perugini didn't anticipate filling them. Mr. Perugini said the Township has a policy to advertise all positions and if people in-house have all of the credentials, they could also apply.

Sue Sandman asked Mr. Pritchard if the audit report that he was referring to regarding the Municipal Services Fee was from last year. Mayor Palmentieri said it was the audit of last year that was just done and presented in the past couple of weeks. Mr. Perugini said it was the exit interview for the audit just done. Mrs. Sandman asked if the Committee was pretty sure they were going to recommend the Municipal Services Fee be reviewed and whether or not the Committee was going to review it. Mayor Palmentieri said he thought the Municipal Services Ordinance went back to 1998. He said that the way he looks at it and the way Mr. Tuthill projects the numbers based on how the Ordinance is written, there seems to be a flaw with the mechanics of it which dramatically overstates the problem with the ordinance by determining the amount to be raised is based upon a yearly increase in the cost, namely the budget, but a stagnant number based upon the population that it is spread over 7 years. The Mayor said that every year the Township has more people, things cost more and the budget goes up but that number is divided by a stagnant number until the next census is done. He said that the number is artificially high because it doesn't take into consideration the increases in population every year. Mayor Palmentieri said he thought the ordinance was constructed a little faulty and that the Committee has to revisit it and make a better ordinance to stop the overstatement of the increase that it calls for. Mrs. Sandman said that if \$26.00 a month was set in 1998 as the fee for people to pay for police, fire, operation of town hall and everything except schools and it hasn't been touched for ten years, wouldn't the Committee Members say that they should do something about it. Mayor Palmentieri said they have to change the Ordinance. Mrs. Sandman asked what the amount should be under the formula in the existing ordinance. She said someone surely had looked at in 10 years. Mayor Palmentieri said he didn't know what the number is but you can't rely on it because it assumes this year's budget but the population from 7 years ago. Mrs. Sandman commented on Assemblyman VanDrew is trying to pass legislation to limit the amount that those fees can be raised and asked if the Committee didn't feel it was incumbent upon them to deal with it now so that the rest of the taxpayers in the Township aren't footing the bill for it. Mayor Palmentieri said that Mr. Perugini is looking into it.

Mrs. Sandman said the traffic on 13<sup>th</sup> Street and Park Road was atrocious on Saturday because of a regatta that was being held. She said the parking is out of control and the regattas are going to be run through the end of May. Mrs. Sandman said it is a problem and she fears someone will get hit. She asked if something could be done about people parking within 25 feet of the corner. Mr. Smith said he thought that there are signs there prohibiting it. Mrs. Sandman said no one pays any attention to the signs. Mr. Link said Mr. Boylan owns the park where people are coming to see the regatta and that Mr. Boylan hires people to direct people in and onto his property. Mr. Link said that he thought there were similar situations when major events were held there in the past. Mr. Link said he didn't know if Mr. Boylan is aware of the problem. He asked if there was a State Law on it. Chief McKeen said he had talked with the organizers of the event.

Mrs. Sandman commented on an appointment to the Industrial Commission to be made in the next couple of weeks and said that the Statute is very specific about the kinds of people to be on the Commission. She said there is to be a representative local industry, of a bank, of labor, of the Chamber of Commerce, of service clubs, of the legal profession and a recognized real estate dealer or association. Mrs. Sandman said that it is subject to local conditions and she is sure that in very small towns that have no service clubs or lawyers they can make adjustments to that (requirements). She said that in a town the size of ours, she thinks it is time to come into compliance with what the law says. Mrs. Sandman said that she wasn't blaming any particular party, but the Commission has been out of whack for a long time and, as the town has grown, the Committee has a great opportunity to get it back in line. She said that with the reported



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major sale in the Industrial Park she thinks it is incumbent on the Committee to legally constitute the Commission and not jeopardize the project. Mrs. Sandman said that she doesn't think the Committee will have any trouble finding people for the categories. Mrs. Sandman said there is no attorney, realtor or labor union representation on it. She said she didn't think the Committee would have any trouble finding someone from either one of those categories. Mrs. Sandman hoped the appointment won't fall short of the law.

Steve Radcliffe said that he is a member of the Industrial Commission and that it is a diverse group of individuals. He said they have done a great job to help the Township and had some sales that were quite large. Mr. Radcliffe said the Chairman, Mr. RaVell does a great job. He said that Mr. Policarpo represents finance; Mr. Silva represents the MUA, and there are business representation including himself. Mrs. Stiles said she hasn't researched the Statute recently but the categories mentioned are recommendations and it doesn't mean that you have to have those categories. She said it is to have a diverse group of business related people and give examples of what it could mean. Mrs. Sandman said she appreciated what Mrs. Stiles said but the language is mandatory subject to local conditions. She said that there is case law on it and she can get into that at the appropriate time. Mrs. Sandman said she didn't mean to denigrate in any way the Industrial Commission or people on it. She said the law says there can be no more than 4 members of any political party on it and that is mandatory. Mrs. Sandman said that the Township has been out of compliance with that and it is time to put it back. Mr. Radcliffe said that changed when Mr. Silva changed his party affiliation. He said there is a realtor on the Commission.

Mr. Radcliffe said he wanted to remind the Committee that the municipal services fee falls mainly on the residents of the Fairways who are elderly citizens on fixed incomes. He said he heard people calling for you to review and raise those fees. He said he is sure that may or may not have to happen but the Committee needs to look carefully at the people affected and has to be very careful in handling that particular population.

Aline Dix referred to Mrs. Sandman's comments on the parking and traffic problems on Park Road and said she asked the County to have a sheriff's car patrol both sides of the lake because of the regatta. She expressed her appreciation for the a school bus and jitney going 25 miles an hour and slowing down traffic. Ms. Dix said that a lot of tickets could be given on Saturdays by the Cove. She said she didn't know that Mr. Boylan is hiring anyone and that the people collecting the \$5.00 was with the rowing group. Ms. Dix said they have to understand that they can't charge people who are going to the skating rink \$5.00 because of the easement. She said people are parking on the sidewalk on Tanglewood to avoid paying the \$5.00 fee and it is creating a hazard. Mr. Pritchard suggested investigating the possibility putting speed bumps on Park Road near the Cove. Ms. Dix said there is one by Allen Birch.

Ms. Dix referred to comments about the Fairways and said she didn't understand Mr. Perugini's comment about speaking to someone. She said that if the Township is being written up in the audit for not doing it for 10 years, they will have to address it. Mr. Perugini said that if you had a revenue source in 2006, you cannot anticipate in 2007 more than what you received in 2006. He said he didn't know that the Township would be allowed to anticipate more because they changed the ordinance. Ms. Dix said that even if it wasn't allowed as revenue this year, it could be collected and put into surplus for next year. Mr. Perugini said that Mr. Pritchard asked if it would help with budget this year and he said he didn't know about using it as a revenue source this year.

Ms. Dix referred to Mr. Gaskill's comment that he had concerns about the amount of surplus that the Committee wants use this year. She said \$3,745,000.00 is almost 30-cents on the tax rate and if the Committee takes that out of surplus in 2007 and doesn't regenerate that same amount in 2007, they will be looking at a 30-cent increase next year. Ms. Dix said it was incumbent on the Committee to find a way to reduce the amount of surplus being used this year.

Ms. Dix commented on the anticipated purchase of the beach-cleaning machine. She said she talked with Mr. Gaskill, Mr. Montag and the County Health Department about dragging baseball equipment across the beach creates a cloud of dust that the public and township employees breath and if parasites, etc., from the geese or anything else, become airborne, the employees and public are inhaling it. Ms. Dix said that if the plan is to purchase that equipment the Committee has to do it soon to have it by June 1<sup>st</sup>. Mr. Gaskill said Mr. Montag did look into it.

Ms. Dix said the words in the law regarding the Industrial Commission are "shall". She said two meetings were cancelled last year because of a lack of a quorum so it is important to get the appointment resolved. Ms. Dix referred to comment about possible sale of Industrial Park land and said it isn't a sale until the a deed is signed and money changes hands. She said that if there is a sale she didn't want to see a tobacco settlement money action like the State did and issuing a bond and using it for next year's electric bill. Ms. Dix said she would rather see a pledge by the Committee that the lump sums of cash received from any sale in the Industrial Park will be used for long term capital improvements whether it is the public works building, new bathrooms at the Cove, or fixing the cracks in this building and not plugged into next years budget for next years electric bills and police cars.

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Joe Nickels said the regatta was big. He said Joe Haines is the head of the Atlantic County Rowing Association is the contact person and the Township has to let them know that there is a parking problem. Mr. Nickels said there are two regattas left and the next ones are April 7<sup>th</sup> and one in May. He said there was a meeting last week of the residents along the lake, people involved in the rowing and the County to address issues that were concern to all. Mr. Nickels said they seemed to come to an agreement and understanding to respect each others' rights. Chief McKeen said he would contact Mr. Haines.

Chris Hughes said he lives on Route 50 where it splits. He said that he understood there have been multiple accidents there and asked if the Township Committee was going to be involved in the planning of the Expressway interchange. Mr. Hughes said there a lot of children there and people use his yard as a U-turn. Mayor Palmentieri asked Chief McKeen if there was any data on speed, accidents, etc., at that area. The Chief said he as asked for information on construction plans for the intersection but didn't get it yet. The Mayor asked that Mr. Perugini, Mr. Litwornia, Mr. Smith and Chief Mckeen evaluate the SJTA plan and safety concerns from Route 50/Black Horse Pike intersection to the Galloway Township line.

Roger Silva asked if anything has been done about the eyesore at the corner of 3<sup>rd</sup> Street & Route 50. He said it is also a potential safety hazard. Mr. Perugini said he will check on it but the last he heard the owner was going to the Zoning Board. Mayor Palmentieri asked if they cited. Mr. Perugini said that it was boarded up but the fencing is down again. He said the owner has been very cooperative.

Teresa Thomas said she understood Mr. Radcliffe's concerns about senior citizens in the Fairways. She said that there are seniors living throughout the community that that burden falls on and that are concerned about a reval and losing their homes that they raised their children in. Mr. Radcliffe said his comment was to make sure that the fee was looked at very carefully before it is raised and if raising it can be justified, sure. Mrs. Sandman said that politics should not be a factor that is considered in that decision. She said a political decision should not be a reason for not reviewing that ordinance. Mr. Radcliffe said he agreed the ordinance should be looked at and he didn't think politics entered into it. Mrs. Sandman said that when it wasn't done for 7 years politics could be involved.

Brian Furgione asked how one goes about closing a road for special events. He commented on the vehicles blowing their horns, etc., when Memorial Day and Veterans' Day services are held in the Park and suggested closing the road be looked into. Mayor Palmentieri said he also thought about that. He asked Mr. Perugini and Chief McKeen to look into the process and report back at the next meeting.

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

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

There being no further business to come before the Township Committee, Mr. Pritchard moved, seconded by Mr. Link, that this meeting be adjourned.

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

ATTEST:

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