

TOWNSHIP OF HAMILTON
6101 THIRTEEN STREET
MAYS LANDING, NJ
APRIL 19, 2010

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey, was held on the above date with Mayor Roger Silva presiding. Members present were Charles Cain Jr., Amy Gatto, Dr. Harvey Kesselman and Thomas Palmentieri. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Robert S. Sandman, Township Solicitor and 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 Public Meetings Law by posting a notice on the bulletin board in the municipal building and by e-mailing or 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 at 6:30 PM on Monday, April 19, 2010 in the municipal building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

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

- 4.B Insert the word "Capital" before the word "Surplus" - the Industrial Commission Trust Fund is currently in the Capital Fund (the Industrial Commission Trust is being dissolved but the money is to be kept in the Capital Fund for infrastructure maintenance in the Industrial Park - roads, sidewalk, curb, inlets, basins, entrance, signage)
- 5.G Insert "subject to qualifying conditions contained in Township Code 137-14 and subject to all provisions of the Special Events Ordinance". (The Historic Society is a qualified non-profit)

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

There were no executive session confirmations to be made,

Early public comment on agenda items excluding items listed for public hearing

Lorraine Granese said she would venture to say that 98% of the people in town don't know what the Industrial Commission is or does. She said she was here to discuss the motive for dissolution of the Commission and not so much the Commission itself. Ms. Granese said private citizens are able to come up, speak to anything, and say anything they want but when you become an elected official you don't have that right. She said she believes the impetus for this goes back to Magic Sports and it appears to be government by revenge and even malice. Ms. Granese said there is no question that 2 of the elected officials had a lot of problems with Magic Sports when they were private citizens because it was in their neighborhood. She said everyone has a right to protect their neighborhood but once they become an elected official they don't have that luxury and can't do things for their own personal protection. Ms. Granese said they have to take the rest of the Township into consideration. She said it doesn't look good and it looks like even though Magic Sports is dead the Industrial Commission and Mr. RaVell are being blamed for bringing it in in the first place. Ms. Granese said she believes the Committee should table the ordinance tonight; let an impartial group of people who have no direct conflict look at it; and if they decide that the Commission should be dissolved they will know it was done correctly. Ms. Granese said she thinks some Committee Members may be close to overstepping the line ethically and perhaps an abuse of power. She said she doesn't want to see anyone get in trouble or their name tarnished. Ms. Granese said she thinks they have to think about what they are doing and the consequences that could result from their actions.

Robert J. Campbell, Sr. said he was one of the Township Committee Members when the Industrial Commission was created and it took them a year or more to piece together all the parcels to make the Park a contiguous area. He said the thinking at the time was that someone was needed to motivate business and commercial development in the Township. He said a lot of studies were done during that year and he couldn't recall all of them but they were extensive. Mr. Campbell said the Township took a long time doing studies and looking all over New Jersey for places with Industrial Commissions and he believes the decision to create the Industrial Commission was unanimous with the Township Committee having the appointment of members power. He commented on seeing the Park grow since 1978 and said it was bringing in a good amount of money for the Township. Mr. Campbell said he thought there was a good amount of growth there; lots of new projects going on; lots of

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people coming in to work in the Park everyday. Mr. Campbell said the government entities there don't bring in a lot of tax money but they bring in people to work. Mr. Campbell said that in his opinion the Industrial, Commercial, and municipal complex that is there now brings in a fairly good amount of money. He said he understands there are some prospective on the books to bring in more large businesses. Mr. Campbell said that under both republican and democrat controlled Township Committees the appointments made were predicated on their abilities, people like Mr. Policarpo and Mr. RaVell and said they did a good job by and large. Mr. Campbell said most of the people on the Commission were very diligent about attending their meetings and their hearts were in the right place when it came to their job on the Commission. He said Mr. RaVell has done a very good job and he thinks everyone in the room should recognize that Mr. RaVell is a dedicated public servant. Mr. Campbell said he and a lot of people in township are very much against abolishing the Commission. He asked the Township Committee to consider letting people like him, Mr. RaVell and people who they pick have a round table discussion and bring in additional facts and viewpoints to see where it is at. He commented on Dr. Kesselman's Strategic Planning Committee and said he was asking for the same kind of thing for the Industrial Commission to let the Township Committee decide after everything was on the table whether on not to abolish the Industrial Commission. Mr. Campbell said he knows some Committee Members already have their minds fixed; they want to do it; and they want to do it as quickly as possible. He said he believes the Strategic Plan has an effect on this matter and asked the Committee to hold off on authorizing the attorney to prepare the ordinance. He asked the Committee allow those who believe the Industrial Commission is a good thing and 5, 6 or maybe 10-15 people that the Committee Members feel would be qualified to sit down and talk about it at length and give other points of view. Mr. Campbell said he hoped that it could be done before the Strategic Planning has to be implemented in the township. He suggested it might possibly be done by the end of May or first week in June and asked for 5-6 weeks to see if they can put additional information together. Mr. Campbell said he would help in any way he could without any mention of politics because the only thing he cares about is putting it together if possible with some different viewpoints. Mayor Silva asked if any of the Township Committee Members were interested Mr. Campbell's suggestion. Mr. Cain said he thought there was no parallel here with the Strategic Planning because that is new and something for the future. He said the Industrial Commission has a history and history speaks for itself. Mr. Cain said the time and opportunity to look at what the Committee is going to do tonight was prior to this meeting. Mr. Cain said it was obvious listening to the public comments that it has to be taken into consideration. Mr. Cain said he believes that once you view and look at the history you can draw a conclusion from it and he thinks that is what should happen tonight. Ms. Gatto asked the Committee to wait on this and finish other comments first. Mayor Silva said it will be discussed more. He thanked Mr. Campbell for his comments and the history. Mr. Campbell said he apologized to Mr. Cain if he was reviewing and studying it because he was not aware of it and he wasn't sure who was aware of it totally. He said if there were discussions going on and he heard about them 2, 3 5 weeks or 5 months ago he would have brought his comments forward then and offered to work with them because he thinks that of all the people on Township Committee he has the most experience in the Industrial Park as one of the founding members of it. He asked Mr. Cain to give it a month or month-and-a-half; let a committee picked by him meet two or three times. He said he would like to see Mr. RaVell on it and he would like to be on it too although they both might be prejudiced because they want the Commission. Mr. Campbell said if someone comes and says these are the reasons for dissolution and the reasons are well founded then the Committee can take their action and do whatever they want. He asked of an opportunity for lay-people who have a substantial interest and substantial knowledge of what the Industrial Commission has done to put their voice into it. Mr. Cain said he knows Mr. Campbell has tremendous knowledge of government but the action being requested tonight is to authorize the Solicitor to prepare an ordinance and the ordinance will have to come back to the Committee to be finalized. He said there will be a perfect opportunity for that to happen but he believes this should be fully vetted tonight because the homework has been done on it and it should be talked about tonight. Mr. Cain said he would be against tabling it tonight because the public will have their opportunity to talk about it further. Mr. Campbell said he thinks it is a waste to spend money to have the attorney prepare the ordinance now if there is any chance of it not happening. He said he isn't sure everyone on Committee considers this is a fait accompli. He said someone might change their mind and say to give him or anyone the Committee picks an opportunity to talk a little. He said if it fails then the Solicitor can go ahead and prepare the ordinance. He asked that public that is totally aware of the importance of the Industrial Commission be given is an opportunity to put their voice in it.

Bruce Strigh it almost seems like there is a public hearing on the dissolution of the Industrial Commission going on now. He said he wholeheartedly agreed with Mr. Campbell and Ms. Granese about getting all of the facts. Mr. Strigh commented on things evolving since the 1970s and it may be time to dissolve the Industrial Commission. He said he is on the side for dissolving the Commission for a lot of reasons. Mr. Strigh commented on Mr. Campbell having historical experience

and said that he has recent experience of going before the Industrial Commission, the Planning Board and Township Committee on Magic Sports. He said if the Township Committee is going to appoint a subcommittee or advisory committee and wants pros and cons, he would like to be on it because he thinks it should be balanced. Mr. Strigh said he knows there are facts that need to be brought out and conclusions drawn. He said he hopes the issue will come before Township Committee with all of the facts. The Mayor thanked Mr. Strigh for his comments.

Rodney Guishard said he knows the Industrial Commission has been in existence for quite a while and that the function they serve is important, particularly in these times when the Township has such budgetary issues. He said that is why he was surprised to see the proposal being made. Mr. Guishard said he has seen too many times when a new administration comes in and the first thing they want to do is change everything. He said they frequently make the changes without realizing the turmoil and disruption it causes. Mr. Guishard said he wouldn't want to see that kind of thing happen here. He said if the Commission isn't doing the job it was intended do, the question is why they aren't doing it; is it a function of how the charter was written; is it a function of how the people are performing; what is the problem and is it something that can be resolved. Mr. Guishard said it seemed to him that defining what the problem is, defining what the deficiencies are, and attempting to resolve it would be a lot less disrupting than terminating it and starting over. He said he didn't understand why it is being proposed or what the problem is but it seemed to him that it would be desirable to discuss the issues and let the public understand why it is being proposed. Mr. Guishard said it was mentioned that an ordinance is being written and asked what is going to be in the ordinance. He said he thinks many people would like to know that and have some input into it. Mr. Guishard suggested the Committee give it more study before terminating the Commission because that is quite a disruptive act. Mayor Silva thanked Mr. Guishard for his comments.

Award of Fireworks contract

Mr. Sasdelli explained the Township Committee agreed last year to enter into a partnership with a private neighborhood group and to sponsor the fireworks the township agreed to as the fireworks contracting agent, write bid specs, open bids, evaluate the bids and recommend the lowest responsible bidder. He said the Township also agreed to provide the insurance for the event and to act as the applicant for all fireworks related permits along with the private neighborhood group. Mr. Sasdelli said that has been done. He explained that in return the private group is going to raise money for the fire works, the police and public works employees that have to work. Mr. Sasdelli said the next step is to award the contract. He explained there was a responsible, qualified bidder and the contract was \$5,000.00. Mr. Sasdelli said the Township has the \$5,000.00 from the neighborhood group in its account so the contract can be awarded tonight by motion or voice vote.

Ms. Gatto said she discussed some of the questions the members might have with regard to the Special Events Ordinance. She said she thought the Committee should commend the group on a job well done in raising the \$5,000.00. Ms. Gatto said she thinks they have still have \$3,000.00 to raise and there is no risk or liability on the Township in awarding the contract. Mayor Silva questioned when the \$5,000.00 had to be paid. Mr. Sasdelli \$2,500.00 has to be paid now and the remaining \$2,500.00 has to be paid 15 days prior to the event.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the contract for fireworks be and is hereby awarded to Bay Fire Corks Company in the amount of Five Thousand (\$5,000.00) Dollars.

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

Cancellation of the Industrial Commission Trust Fund

Ms. Gatto said that based on previous discussions she had no problem with this.

Mayor Silva asked if the money could be utilized this year by moving it to surplus or was it for next year. Mr. Sasdelli explained if it stays there it can be used for capital projects such as drainage, curbing, sidewalks, roads, and landscaping in the Industrial Park but if the Committee wanted to use it for some other purpose some amendment to the budget would have to be made.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Industrial Commission Trust Fund be cancelled and the Seventy-one Thousand Four Hundred Thirty Dollars and ninety-four cents (\$71,430.94) presently in that fund be moved to the Capital Surplus Account.

Authorizing preparation of Ordinance to dissolve the Industrial Commission

Mr. Cain moved, seconded by Dr. Kesselman, that the Solicitor be authorized to prepare an Ordinance to dissolve the Industrial Commission.

Ms. Gatto asked Mr. Cain and Dr. Kesselman to give the background and information for doing this before the members voted on it since they requested it.

Transcript of Mr. Cain's comments

Mr. Cain said Lorraine Granese stood at the microphone several meetings ago and made the comment that the definition of lunacy is doing the same thing over and over again and expecting different results. The Township has been doing the same thing for 39 years and getting the same results. I believe the Industrial Commission had an extremely useful purpose at one time. Since that time 39 years ago the Township has hired a Township Administrator and they all know what his contract is; we hired an Economic Development Director and know what his contract is. The Township has the tools in house to do this in a more efficient manner than the way it was set up to do some 39 years ago. I have listened to the comments where people call this vengeance. I want to make it perfectly clear that this is not vengeance, it is courage. There was a ground swell of individuals that came out and voted in a Primary and General Election over issues with land use. Land Use is my major issue and I will not let them down. I was elected to make change in Hamilton Township. As a Republican I was elected to make government smaller in Hamilton Township and that is exactly why I put this on the agenda this evening. During the budget hearings we listened in great detail about the transformation and Mr. Silva's plan for transformation of government and this is part of that transformation. The time has come to eliminate this Board and move forward. As you know I prepared notes for each Committee Member and there are several things we can all go down. You have all had the time to read them. The Township has an in-house Economic Development Director and doesn't need both. I will read a few of them off for the benefit of the public and individuals like Mr. Campbell so they understand where the real motivation from this comes. Hamilton Township is only one of a handful of New Jersey municipalities that still have and support Industrial Commissions. Those other communities have evolved the same way we need to evolve now. Hamilton Township has an in-house Economic Development Director and we do not need both. The Industrial Commission is an autonomous Board and once appointed Township Committee, us sitting up here elected by the voters, lose control of all decisions of that Board including but not limited to the development, marketing, land sale price, land sale agreements and the performance of such. The Commission is supported by a solicitor, a secretary and a budget that is the third highest behind our Planning Board and Zoning Boards. In addition to this I have asked that we look at possibly reducing the Planning Board to one meeting a month in order to achieve additional savings. In addition he has asked each of his Board Members to look all Boards and Commissions to see if there are additional savings. I believe autonomous boards are a thing of the past; everyone needs accountability. We have accountability to the taxpayers as elected officials therefore the decision on price and development should be in our hands. I watched over the last ten years while we have driven down the price of the land in the Industrial Park. Eliminating the Industrial Commission, and I will present facts on that in a few minutes Mr. RaVell, eliminating the Industrial Commission would in fact make us more business friendly by eliminating one more level of government that prospective developers would not have to answer to or be held up by. With the money we have spent over the years supporting the Industrial Commission we could have built our own recreation fields or done things like keep the Cove open. As elected official we are ultimately responsible for what goes in that Park and how it affects the character of our town and its residents. We avoided a potential disaster because of the efforts of many, 32 pages of minutes when the Ordinance was discussed some year and a half ago. We may not be so lucky next time. Turn the property back over to the taxpayers and allow our Economic Development Director the opportunity to market it and find suitable suitors whom as a governing body we would all approve. It is unfortunate that this did not occur years ago during the greatest real estate boom of my lifetime. Imagine the possibilities that could have been achieved if we would have made this move ten years ago. I would like to go on and break down, prior to this meeting several hours ago Mr. RaVell provided to Township Committee Members a breakdown of accomplishments for the Industrial Park in its 39 year history. I believe that bread down is a little confusing in the fact that it is in an excel format. I believe that break down could have been easily put into the format in which I am putting it in for the Committee Members and the taxpayers. It is a very impressive spread sheet when you look at it. I want to break it down over since its

history. An ordinance was written in 1952. These statistics come since 1970. Since 1970 with about 600 acres in our Industrial Park 110.65 acres have been developed as taxable acreage. I think the key word here too is taxable. 88.784 acres has been developed as non-taxable. That's 33% of the Park has been developed in 39 years. I want to break it down over 10 years because I think that's the period where we should be discussing things. In the last 10 years a review of the Industrial Commission 17.7 acres of a 600 acre Park have been developed, 11.26 acres as taxable, 5.915 acres has been developed as non-taxable. That is 2% of our Industrial Park has been developed in the last 10 years. As I said history can tell us what we can expect in the future. Additional tax revenue generated in the Industrial Park over the last 10 years, 7 parcels developed 5 parcels taxable. approximately \$107,430.00 have been generated in tax dollars in the same period assuming the parcel was developed and taxed in the first year. I did not have privilege to that information. \$107,000.00 in additional taxable revenue came out of our Industrial Park in 10 years. This year we will collect \$22,746.00 in taxable revenue from the efforts of our Industrial Commission over the last 10 years. Land sale revenue in the last 10 year history, 2 non-taxable parcels for \$441,195.00, 5 taxable parcels for \$344,200.00. I want to remind the public last year Hamilton Township, this governing body, sold 2 different parcels of land to residents and developers, \$300,000.00 for 1 parcel \$100,000.00 for another parcel. We sold \$400,000.00 in land last year, the Industrial Commission sold \$344,000.00 in taxable land in 10 years. With that in mind the Industrial Commission's budget varied between 2001 and 2010 from \$63,000.00 to a ground swell of \$95,000.00 and back down because of the efforts of this Committee to \$25,880.00. We spent a total of \$606,880.00 supporting our Industrial Commission for the last 10 years. The total expense again \$606,880.00. We've generated in taxable revenue in the Industrial Park \$107,430.00 to the residents of this town. That is a total deficit of \$499,450.00 or \$49,945.00 a year for the last 10 years. Let's keep in mind the Cove was closed for an arguable deficit of \$41,000.00 which included 2 one-time charges in expenses of \$32,000.00 for the parking lot wall and drainage improvements on Park Road. In addition we spend approximately \$157,078.00 in commissions to sell taxpayer-owned property which we did as a governing body for no commission 10% going to a realtor and 10% to the Industrial Commission. That money could have been well spent throughout this township to fund, save jobs and make government more efficient. So with that I believe again as I stated that History will tell you what can expect in the future. In addition to that I have given information to each one of you to show that we have since entered into 2 separate contracts 1 of which is now defunct, is no longer applicable because the developer could not obtain the financing necessary. I personally believe that the contract that we entered into that development would not have survived the scrutiny of the 5 members, the solicitor and the Economic Development Director in its final form that was signed by the Industrial Commission. In addition to that we have entered into an agreement with Summit for 131 acres of that Park. Summit is now the developer on behalf of the Township. We entered into an agreement which we do not have the revenue from until Summit closes out their development and I must say Summit has brought in incredible development, Harrison Beverage, but I say to all of you that was the job of the Industrial Commission. That's what we paid \$606,880.00 for over the last 10 years. We funded them to bring those developments in there. We've driven down the price from 1989 we were selling at \$39,000.00 an acre. In 2007 before the real estate and the economy hit the skids we entered into a contract with Summit Associates for one of the largest land masses next to the race track in Atlantic County for \$20,000.00 an acre. You heard me stand on the other side of that microphone and protest the amount of money that we entered into a contract with Magic Sports for the second largest land mass next to the race track in Atlantic County. It is difficult in a County and growth community of this size to amass 131 and 111 acres. That drives land sale value up not down. So they are the reasons not vengeance that I support and have asked to have this put on this agenda this evening and discussed and I support authorizing the Solicitor to prepare an ordinance dissolving the Industrial Commission. Thank you for giving this consideration.

Transcript of Dr. Kesselman's Comments

Dr. Kesselman said that as the Liaison to the Planning and Development Office I too support the dissolution of the Industrial Commission because it is an unnecessary expenditure of taxpayer monies and quite frankly the Industrial Commission has not produced the outcomes that we seek in our Township as Charlie just described. My Comments are not focused towards the individuals who have and continue to serve on the Industrial Commission. There are very dedicated residents who want to do what they believe is best for our Township. I respect that and applaud them for their efforts. However for the past couple of years I have had an opportunity to learn first hand how the Industrial Commission operates. During that time I found that the Industrial Commission did not conduct appropriate levels of due diligence when vetting potential developers and projects. I also learned that it was extremely difficult to secure required information from the Industrial Commission. Basically over the course of the last 30 years there has been little or no accountability of the work of the Industrial Commission. Moreover the Commission has not fulfilled its charge to fully market and develop the Business Park and to

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serve as our Township-wide economic development agent as was requested by Mayor Tom Palmentieri at the time in 2007 and our Township, this Township, can no longer afford to operate with a business as usual attitude. My position today is clear it's time for wasteful and duplicative spending to stop. The taxpayers have had enough. If we, as a Township Committee, cannot support consolidating the work of the Industrial Commission under a very capable Township Administrator and Planning and Development Officer and Solicitor then there is no way this Committee will ever demonstrate the courage to reduce the layers of government to help relieve our taxpayers. Both Ed Sasdelli and Phil Sartorio have assured me that they are quite capable of overseeing the development of the Park and they are confident as I am that they will be able to do so in an effective and efficient manner as they have consistently demonstrated in the past and most recently this past year. The Industrial Commission was established long before there was a Township Administrator and Planning and development Officer. It is no accident that we are but one of a few Industrial Commissions remaining. The Time has come to stop wasting taxpayer monies by paying professionals to develop our Township while at the same time appropriating taxpayer dollars to an Industrial Commission that has outlived its usefulness. Similar to the Industrial Commission we need and will look to the other Authorities and Commissions to determine more cost savings and efficiencies. But as a Township Committee we must begin to save taxpayers money now and this is the most costly Commission that can be eliminated without impacting any direct services whatsoever. This one is a no-brainer. These are the reasons why I'm interested in dissolving the Commission.

Synopsis of discussion

Ms. Gatto commented on there being a lot of information to go through and thanked Mr. Cain, Dr. Kesselman and Mr. RaVell for taking the time to go through it. She thanked the other members of the Industrial Commission that she had reached out to. Ms. Gatto said there are a lot of compelling points on both sides of this argument and that she thinks it is a good question to raise about all the Boards and Commissions. She questioned whether as a Township Committee they should be in the land sale business as a policy decision and said that her answer is "no" but she is struggling with how to get there. Ms. Gatto said she didn't know if the Committee should leave it in the hands of the Industrial Commission to handle those land sales which is what they were put in place for; if they dissolve it it would come back to the Committee and they would only have the authority to auction land to the highest bidder.

Mr. Cain said that Ms. Gatto has answered her own question if she is satisfied that 2% or 17 acres, 11.62 acres being untaxable, is a sufficient job during the greatest real estate boom seen in our history. Mr. Cain said if Ms. Gatto feels that is an adequate job and that the Commission has performed in a manner in which they should that number speaks for itself. He said that as to the question of being in the land sale business, he believes that as elected officials they are in a better position to make those decisions. He said "we have been assured by our Economic Development Director that with some changes we would be able to negotiate and not have to send parcels out to bid". Mr. Cain said he understands Ms. Gatto's concern but our Economic Development Director has assured us that declaring it an area in need of redevelopment would authorize this Committee to allow him to negotiate on its behalf. Ms. Gatto said that is a whole other question.

Ms. Gatto said she supports the idea of being transformational but the members want to do their due diligence. Ms. Gatto said she thinks the idea that Ms. Granese and Mr. Campbell put forward of a Committee of sorts to review not only this Board but all of the Boards and Commissions is a good one to do all of the due diligence. She said she was still asking questions yesterday morning and the members were getting information as they came into the meeting tonight. Ms. Gatto said it is hard for her to synthesize that and come to a conclusion just minutes before a meeting. She commented on validating that they are not performing first of all and then get to the root of why or why not. She said some of the other questions that need to be asked of all the Boards is the reason it was created; is it still valid in today's environment; has the Board successfully or unsuccessfully carried out the will of its charter; what processes has the Board impacted or touched; what are the downstream effects and unintended consequences. Ms. Gatto said those are some of things she is nervous about and what it is that she doesn't know because to her there is a missing puzzle piece somewhere; what is the value of dissolving the Commission or keeping it. Ms. Gatto said she thinks some of that information was shown very clearly for (the Industrial Commission). She questioned what the action Plan to dissolve it is; if it is immediate or phased; where the authority, risk and tasks the Board has shift to. She said in this case it would all shift to the Township Committee which she thinks means the contracts that are pending with Summit and Harrison would shift to the Committee. Mr. Cain said the contract with Harrison is between Harrison Beverage and Summit, not with the Township. Ms. Gatto said there is a contract with Summit and the Industrial Commission and she questioned what will happen, what the risks and the benefits associated with that are. Mr. Cain said the Solicitor would answer those questions

upon giving him approval tonight. Ms. Gatto said she didn't know if that went into an ordinance for dissolution but she thinks that is where either more time to vet this out or an independent group to vet out those kinds of questions would be valuable. Ms. Gatto said there was a tremendous amount of information to digest, validate and try to synthesize.

Mr. Palmentieri said he thought Ms. Gatto's points were well taken but the Committee has to remember that this is just a discussion item at this point. He said if there is a majority opinion to move forward it isn't to introduce anything at this point; it is just to continue to do work on it; to have the Solicitor prepare an Ordinance for the members to review for introduction; and to have Mr. Sasdelli and Mr. Sartorio along with the Solicitor answer the questions Ms. Gatto brought up which he thinks need to be answered before an introduction is made. He said it was not only to answer the questions Ms. Gatto brought up but a couple of others that they will probably find obvious as they start discussing it. Mr. Palmentieri said he thinks the Committee isn't at the point where they are making any irreversible decisions. He said they are just determining if there is a consensus to move forward with the concept and to have those questions and others answered so the Committee has a basis to move forward at the next meeting if everybody, or at least a majority, is in agreement with what is presented to them regarding looking into those issues and the Ordinance.

Mr. Cain said he would agree to meet with Mr. RaVell, Mr. Campbell and Mr. Strigh in that time period and discuss it.

Mayor Silva said he thought that if there is any meeting it should be in the public. He said Ms. Gatto brought up a lot of good points. The Mayor said there was a lot of information to digest in a few short days since Thursday, including tonight's information. He said he hasn't had a chance to investigate it all. Mayor Silva said that while others see fit to abolish the Industrial Commission and not even mention the positive contributions of the Commission while criticizing their existence and the efforts of its Chairman, he will go on record that this is the wrong thing to do at the wrong time. The Mayor commented on it hearing it said many times that the Township has its best and brightest on its Boards. He said taking this action at this time this quickly doesn't support that comment and the Committee does their Boards an injustice not to support them whether they appointed them or not. Mayor Silva said he appreciates the Industrial Commission, its members, its years of voluntary service, and the work of its Chairman. Mayor Silva said he was sure it is somewhat discouraging for any Industrial Commission Members in the audience tonight to listen to this and he doesn't think it is proper to go to this level. Mayor Silva said he agrees with Mr. Campbell that before the Committee gets to that stage they ought to do a little more homework with everything that is here. The Mayor said he understands the reasons why Mr. Cain and Dr. Kesselman want to get this accomplished but he doesn't know if he agrees with it completely at this time. He said he does agree with investigating everything, that the devil is in the details and there are some details that he hasn't had answered.

Mr. Cain said he was surprised in listening to the Mayor because the decision to look at Boards and Commissions was brought up many months ago. He said the Mayor's continual comments were that he heard Mr. Cain and understood but to let it go until after the budget was introduced. Mr. Cain said the budget has been introduced, it is after and now the Mayor says he needs more time to make a decision. Mayor Silva said he was surprised Mr. Cain gave the members his information so late. Mr. Cain said the e-mail trail will show that he contacted Mayor Silva on several occasions and asked him to sit down and go over the information so he could be properly prepared for this meeting. He said he believes the time for the Mayor to do his homework was in the past 4 months. Mr. Cain said he agreed with Mr. Palmentieri that the Committee isn't making a decision tonight. He said this process isn't over, it is beginning to see if it is something the Committee wants to move forward with.

Dr. Kesselman said that he wanted to refresh everyone's memory that the members have in their materials a legal opinion dated December 31, 2009 on the process to dissolve the Industrial Commission and that means this had to have been raised before that. He said he didn't think it is a bolt out of the blue and the fact that they have the opinion before January 1st suggests there was pending discussion that this might take place particularly given the Mayor's charge to look at costs associated with the various Boards and Commissions. Mr. Cain said the document was presented to members of this Committee and those on it last year from the solicitor on December 31, 2009.

Ms. Gatto said one question she asked Mr. Cain over the weekend that she thinks deserves to be answered before spending money on a resolution is about the criteria on Page 6 of that opinion that need to be demonstrated prior to going the Local Finance Board for dissolution. She said she would like some kind of high level summary as to whether or not that is needed and if there is a lot involved in getting that information. Ms. Gatto said she thinks that information comes from Mr.

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Sasdelli or Mr. Sartorio, not from Mr. Sandman. She questioned whether or not the Committee was there and how far they have to stretch to get it if they aren't. She said if they are just going to go through all of this rigmarole and be denied by the Finance Board it is all for naught.

Dr. Kesselman said the Local Finance Board is quite open to dissolution of Authorities and Boards right now and he would be stunned if they were not supportive of a recommendation of that magnitude particularly when it would save taxpayer money. He said the Committee should not lose sight of the issue that they are now paying a Township Administrator, Planning Officer, Secretary to the Planning Officer and a Solicitor all of who are quite capable of handling this function. Dr. Kesselman no one likes to be first but if the Committee doesn't look at these kinds of options in a time of fiscal crisis he doesn't know how the Committee will get through the trying processess over the next two or 3 years. He said the Township is broke and the Committee can't lose sight of that.

Ms. Gatto said she differed with Dr. Kesselman on that and she thinks Hamilton Township is a glutton for punishment because they like to be first and get browbeaten on everything. She said that is good. Dr. Kesselman said the Township is not first in this case given the fact that Hamilton Township is 1 of about 4 towns left in the State that has an Industrial Commission. Mayor Silva said he didn't look at the rest of the state but there are 5 just in this area: Millville, Vineland, Lakewood, Egg Harbor City, and Hamilton Township. Dr. Kesselman said there may be 10 in the 606 municipalities.

Mr. Sandman said he wasn't sure what the Committee motion and second directing him to do is the procedure to be followed. He said he received the agenda about the middle of last week and there was only a week between this meeting and the last one. Mr. Sandman said he was given a copy of his predecessor Randy Lafferty's opinion letter. He said it is a well thought-out and complete document but it is not complete in procedures. He explained he felt the need to discuss this with the Committee now because they are authorizing him to draft an ordinance and he isn't sure that is the procedure. Mr. Sandman said Mr. Lafferty quoted N.J.S.A. 40A:5A-20 on page 4 and on the second page "the authority proposing to take the assumption by Resolution of the governing body must set forth facts constituting the basis of that determination". He said in this case that would be the Township Committee. Mr. Sandman said the Statute uses the term "Resolution" and his predecessor talked about an Ordinance in the concluding remarks of that opinion. He said it ultimately has to be an Ordinance. He said there is a footnote that in preparing the opinion Mr. Lafferty contacted the Township Bond Counsel McManiman and Scotland. He said he is very aware of them; they are very well qualified; and they know of no other situation where the issue was brought to the Local Finance Board (LFB). He said he would like authority to contact the LFB before doing anything to see what their procedure is because the way he reads the Statute the governing body starts out with a Resolution and in order to come to the Resolve in the Resolution they have to make determinations which are finding of facts based on evidence. Mr. Sandman said some of that evidence was heard tonight but he isn't so sure the Committee can sit here tonight and say that evidence has demonstrated all of those qualities. He said he has only been dealing with this for about a day and a half but to his way of thinking he would conduct this as a fact finding thing and come to some conclusions of law that mirror the language of the Statute. Mr. Sandman explained the Committee has to demonstrate that dissolution would promote the general public health, safety and welfare; that there are adequate provisions for payment of all creditors and obligees; and they have to determine all of those things as a matter of fact that do not necessarily depend on the performance of the Commission but that depend on things like the Township's ability to immediately jump into their shoes. He explained that by law he has to represent the Industrial Commission and the Township Committee. Mr. Sandman said he divorces himself of the issue and asks what is the right way to go if the procedure is voted on and how does it hold weight so that after a public hearing the LFB will give the ordinance its blessing. He said he thinks the motion on the floor is technically incorrect for the reasons he just stated. Mr. Sasdelli said everything Mr. Sandman said is correct for an Authority but one of the questions on page 4 was whether the Industrial Commission is an Authority within the definition of the Act. He said he would want Mr. Sandman to look at that before trying to meet all those bars that may not have to be met because he doesn't want to jump to the conclusion that they are an Authority. Mr. Sandman said the opinion is founded upon the Local Authorities Fiscal Control Law, not upon Statutes that create Industrial Commissions. He said another criteria is that to be an authority they have to have bonding power which the Industrial Commission doesn't have. Mr. Sandman said he could make a conclusion of law and thinks it would be consistent with Mr. Lafferty's opinion but he hasn't done that yet so he is saying the Committee should authorize him to proceed with whatever the procedure is in Statute and in Regulations. He said if that opinion is accurate, and he thinks it is, he believes the Committee has to come to a resolve in the form of a resolution based upon the presentation of evidence, not just on the performance of the Industrial Commission. Mr. Sandman said that is not a big deal or a lot of testimony and evidence.

Dr. Kesselman asked if the ultimate decision as to whether or not it is an Authority would determine the process; if that has to be step 1; and how long it would take. Mr. Sandman said he was prepared to discuss it now. Mayor Silva asked if Mr. Cain and Dr. Kesselman wanted to withdraw their motion until they heard Mr. Sandman. Mr. Cain said he would like to hear Mr. Sandman's comments.

Ms. Gatto said it wasn't voted on and if the Committee doesn't vote on it, it is dead. She asked if the work Mr. Sandman would do in terms of doing fact finding for dissolution of a Commission would have to apply only to the Industrial Commission or if the Committee could apply it as a process as they looked at all Boards and Commissions. Mr. Sandman said he would act as Township Solicitor, provide his legal advice to the Committee, and if they accept it they will apply the facts to that law and come to a conclusion. He said the Committee is the Judge and Jury but before they can apply the evidence, the Judge has to tell them what the law is and that is his role Mr. Sandman said he is here as the Township Committee Solicitor, not as the Industrial Commission Solicitor.

Dr. Kesselman asked Mr. Sandman what his thoughts were on the Authority. Mr. Sandman said the Local Authority Fiscal Control Law provides the mechanism to dissolve a Local Authority. He said there is no mechanism in the enabling Statute for the Industrial Commission to dissolve the Industrial Commission and there is no mention of it in the Township Ordinance so how it is done is the function of trying to apply other law that applies to other independent agencies. He said that is what was done in Mr. Lafferty's opinion letter. Mr. Sandman said he agrees the Industrial Commission satisfies #1 which is to adopt and use a corporate seal which is in the Ordinance and Statute; #2 which is to sue and be sued which is in the Ordinance and Statute; and #3 which is to acquire and hold real or personal property for its purposes which is obviously a fact. Mr. Sandman said the questionable one is to provide for and secure payment of its bonds and to assess tax on real property within its district which they cannot do. He said that according to Mr. Lafferty's opinion they must meet all of those criteria because each one ends with the word "and" which is very significant distinction in the law. Mr. Sandman said an MUA is an Authority that can impose taxes but there aren't too many of them out there. Mr. Sasdelli said the Township dissolved one, the Garbage District, last year. Mr. Sandman said that is the function of governing bodies, County Freeholder Boards and people that are elected by and large. He the \$72,000.00 the Committee voted on earlier this evening was Township money anyway and the Township would always back the Industrial Commission debt as it did in the past when there were bond issues to construct the roads and things like that. Mr. Sandman said he believes the Township Committee is interconnected with the Industrial Commission in a way that would this to a point so, in his opinion the Industrial Commission is an Authority under the Statute. Ms. Gatto said that was also Mr. Lafferty's opinion. Mr. Sandman said that is his legal opinion and the Committee can accept or reject it. He said the Committee would reject it if they are of a mind to say the 4th criteria is the most important. Mr. Sandman said he is Solicitor for the Cape May County Bridge Commission Authority who bond their capital construction and bridge repairs through Cape May County and he would have no question of saying that is an Authority because the County is the ultimate indemnitor on the bonds. Mr. Sandman said the same analogy applies here to a lesser degree so he thinks a court reviewing it would say it's not there but it's close enough and since there is a void in the Statute creating Industrial Commissions this is the proper procedure to follow. Mayor Silva said he was satisfied with that.

Mr. Sasdelli commented on going before the Local Finance Board last year with the Chief Financial Officer, McManiman & Scotland, and said the bar will be wherever he says it is. Mr. Sasdelli said the governing body can do it if they want to and the Local Finance Board will allow it. He said if the governing body doesn't want to do it the books will be closed on it and they move on to another project.

Dr. Kesselman asked if Mr. Sandman was suggesting he and Mr. Cain reframe what the Committee is charging him to do. Mr. Sandman yes. He said after he speaks to the Local Finance Board and does a little more legal research on his own with respect to Mr. Lafferty's opinion, he thinks the Committee will have to create a factual basis for a Resolution. Mr. Sandman said he thinks that is the safest and most professional way and it gives the Committee the basis for handing the Local Finance Board a Resolution, have them look at it and say to go ahead with the Ordinance. Mr. Sandman explained the Committee would then introduce an ordinance, hold a public hearing and decide. He said he thought the Ordinance would take two meetings. Mr. Sandman said that how the Committee obtains evidence is completely up to them but there should be a statement of factual findings by the Township Committee on the record. Dr. Kesselman asked Mr. Sandman to describe what performance really means because the Ordinance calls for the Industrial Commission to file an annual report with the Township. He said he has looked fore those reports and never seen one. Mr. Sandman said that isn't what he was referring to. Dr. Kesselman asked if anyone had ever seen one or if Mr. Sasdelli every received one. Mr. Sasdelli said he hasn't seen one but the doesn't mean Nancy Rainbow

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doesn't have any and he will have to check with her. Dr. Kesselman said he is unclear as to the marketing and public relations efforts of the Commission and asked if there is a marketing plan, a public relations effort and a website. He said they are talking about whether or not they are in compliance with the Township Ordinance. Mr. Sandman said they are factors for the governing body to consider but they are not factors the Local Finance Board is going to consider. Dr. Kesselman asked what they are going to consider. Mr. Sandman said that according to the December 31, 2009 opinion letter they want a minimum demonstration that the dissolution would promote the general public health, safety and welfare and that there is adequate provision or payment of all creditors and obligees. He said the Committee knows there is a contract with Summit and that there are obligations. Mr. Sandman said if this goes through there has to be deeds from the Industrial Commission to the Township and, in order to have the Commission execute a deed, they have to be in existence. He said he doesn't know the procedure yet. Mr. Sandman said other requirements are adequate provision for assumption of outstanding obligations and said there are some landscaping and other contracts. Dr. Kesselman said Mr. Sandman had said the Township is already paying for that. Mr. Sandman said the Committee needs to have a contract, know how much it is and that they are going to continue paying it. Dr. Kesselman said the Committee is obligated for all those things because it is their property. Mr. Sandman said the next criteria is pending or complete transfer of property owned by the Commission to the Township and pending or completed assignments of executory real estate contracts from the Commission to the Township which he said is addressed in the opinion. Mr. Sandman said there is no prohibition of assignment of those contracts as to the seller but there is with respect to the buyer. He said the Township Committee has to make a finding of fact that they are able to do what they are obligated to do under the Summit contract and to do that they have to know what is in that contract. He said Phase 1 is complete; they are going to closing on Phase 2 on September 4; Phase 3 and 4 are replete with executory obligations on both parties. Mr. Sandman said they are the criteria listed in that opinion. Dr. Kesselman said Mr. Sandman handles the legal work for both entities. Mr. Sandman said that in this respect his obligation is to the Township Committee and when he sits as Solicitor to the Industrial Commission his obligation is to them. Dr. Kesselman said his point was that Mr. Sandman is familiar with all of the contracts he is talking about and that simplifies the process. Mr. Sandman suggested someone from the Commission give a summary of the obligations. He said there are 7 amendments to the Summit contracts and there are reserve lands in Phase 4 that have potential environmental problems and the Township Committee has to know that. Mr. Sandman said he is not an environmental lawyer and can't tell the Committee if there is any liability to them or the Industrial Commission as the prior owners of contaminated land but he can tell the Committee what there is for private citizens and private corporations. Dr. Kesselman asked if the Committee would assume the liability in either case. Mr. Sandman said he was not qualified to give him that opinion. He said the Committee would assume all the liabilities of the contract documents. Mr. Sandman said what he is telling the Committee could be done in one session provided they directed the people to get them the information they need and if he is right in reading the Statute the Committee creates a Resolution first. He said he will call the Local Finance Board and Mr. McManiman tomorrow and he may end up calling each Committee member individually and tell them there may be an easier way, He said the way he reads Mr. Lafferty's letter, and he assumes it is correct, that is the way the process goes.

Mr. Cain asked Mr. Sandman to phrase what the Committee needs to authorize him to do so that they can make a decision on whether or not they to do that at this moment. Mr. Sandman said it isn't just what he would be authorized to do, he thinks they have to authorize the governing body, in conjunction with the Administrator and Solicitor to take what steps as are necessary so they would be in a position at some future date to pass a Resolution to go the Local Finance Board. Ms. Gatto asked if it would be specifically for the Industrial Commission or for any Commission. Mr. Sandman said this is specific to the Industrial Commission.

Mayor Silva asked if Mr. Sandman was basically saying he would be authorized to do the investigative work and render an opinion on it. Mr. Sandman said that isn't all. He explained he was saying each one of the Committee Members are the finders of fact and they should direct somebody in this building or outside of the building to get them the facts they think are important to fulfill the criteria he read to them. Mr. Sandman said each Member has separate questions in their mind, some relate to performance in the past, some relate to existing contracts, some relate to how the Commission may do things differently than the Committee can, and that is the information he suspects they need.

Ms. Gatto asked if the Committee can authorize a Citizens' Advisory Committee to do that fact finding. Mr. Cain said he didn't think it should be handled that way.

Mr. Sasdelli said it struck him off that in order to contemplate dissolving a Commission to make government smaller another Committee would be appointed to talk about that committee. He said he understands the Lawyer has to give the Committee all of the legal ramifications but a simple phone call by the Solicitor to the Local Finance Board asking what action steps are necessary from the Local Finance Board if the Township Committee desires to do this. He said Mr. Sandman can certainly get that answer. Mr. Sasdelli said his experience has been that they will not list you on an agenda unless you have introduced an ordinance. He said they couldn't get on their agenda for dissolving the Garbage District until the ordinance was introduced because they wanted to be sure there were at least 3 votes for introduction. Mr. Sasdelli said he thinks Mr. Sandman can call McManiman & Scotland and then have a mini action plan of exactly what the Township Committee needs to do and bring it back at the next meeting. He said there is certainly no lack of facts, the Committee just heard them for 30-40 minutes.

Mayor Silva said the devil is in the details and to investigate the details is not something you can arbitrarily make a decision on right here and now based on the fact you are trying to digest some of this stuff and weigh it through. The Mayor said it may very well be that this could be accomplished but not right now or this fast with these details.

Dr. Kesselman said he thinks people are very open to this discussion and making the accommodations recommended by the Solicitor and Township Administrator.

Mr. Sandman said he doesn't know that the Local Finance Board will take his call and that there is a person there that is willing to give him an answer. He said assuming Mr. Sasdelli's comments were accurate with respect to having an ordinance in place to get there, the Committee still has to come to a factual finding because he has to represent them whether it is a Resolution or Ordinance.

Mr. Sasdelli clarified that everybody was okay with him and the Solicitor putting together a action plan of exactly what steps have to take place. Dr. Kesselman said he thinks that is a good approach. Mayor Silva said it is just to understand what steps have to take place if it is going to happen. Ms. Gatto asked if formal action was needed. Mr. Sandman said he would like a resolution.

Mr. Cain and Dr. Kesselman withdrew their original motion.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township Administrator and Township Solicitor are authorized to put together an action Plan of exactly what has to take place for the dissolution of the Industrial Commission and bring it back to the governing body at the next meeting on May 5, 2010.

RESOLUTION ADOPTED WITH MEMBERS CAIN, GATTO, KESSELMAN, PALMENTIERI "YES", MAYOR SILVA VOTING "YES" WITH THE UNDERSTANDING THIS IS STRICTLY INFORMATIONAL AND THAT HE IS NOT VOTING ON DISSOLUTION OF THE COMMISSION. THERE WERE NO "NO" AND NO "ABSTAIN" VOTES.

Ms. Gatto said she thinks this will be a good process to establish in reviewing all Boards and Commissions this year which was on the Committee's list to do. Mr. Cain said he asked for that and was asked to wait until after the budget was adopted. He said in hindsight it should have been done prior to that.

Proposed Ordinance to amend Chapter 203 of the Township Land Use Code

Mr. Cain explained the main changes were that the recreation/entertainment complexes in the Industrial Park have been removed entirely and he believed there were 28 additional uses would also be removed with that. He said that for more opportunities to sell in the Industrial Park it included hotel and conference center subject to the following conditions: minimum parcel size - 15 acres; the building height - reduced from 90 feet to 60 feet which will keep most of the structures within the tree line; an additional 5 foot parapet height in addition to the 60 feet will be allowed; impervious coverage - 55%; the berm and enhanced buffer system will be required in any area where it abuts or adjoins residential property and it may not be necessary in the middle of the Industrial Park. Mr. Cain said he thinks it is a great compromise to what was in the previous ordinance and what is being removed.

Mr. Palmentieri said he didn't have any material issue with the amendments or changes. He suggested that instead of a conditional use on hotel and conference centers that Township wants to attract, it be called "permitted with the bulk requirement listed below". Mr. Palmentieri said he thought the change to 15 acres,

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the 60 foot height which he thinks is adequate for a 4 or 5 story building to get good utility at a reasonable cost and the rest of the issues are good. Mr. Cain said he would be amenable to that.

Dr. Kesselman said he agreed with the suggestions and what was prepared by Mr. Sartorio.

Mayor Silva commented on Mr. Cain and Mr. Kesselman sitting on the Planning Board and asked if this was discussed with the Planning Board. Mr. Cain said it hasn't. The Mayor asked if it would be appropriate to get an opinion from the Board before the Township Committee considers it. Mr. Sandman said that is necessary. Mr. Cain said he understood that was what was going to happen. Ms. Gatto said the agenda read "to discuss" so she assumes the formal action would be to ask the Planning Board for their consideration of the proposed ordinance.

Mr. Sandman explained that under 40:55-D-62 amendments to the Zoning Ordinance go to the Planning Board first to make sure that they comply with the Land Use Element and all elements of the Master Plan. He said if the Board agrees that it does, it comes back to the governing body for a vote with a super majority needed.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Land Use Committee's proposed amendments to Chapter 203 of the Township Land Use Code be forwarded to the Planning Board for their consideration and recommendation subject to changing the term "conditional use" in 3.B to "permitted use subject to the Bulk Requirement listed below".

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

There were no Business Registration Licenses to be approved.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the governing body supports the closure of Main Street (CR 559) from 9:00 AM to 5:00 PM on Saturday June 26, 2010 as requested by the Mays Landing Merchants' Association for its Tri-centennial Hometown Celebration.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that it has no objection to Toys R Us allowing the Oakcrest Lacrosse Booster Club to hold a coin drop on the Toys R Us access road from US Route 322 (Black Horse Pike) on Saturday, May 1 and Sunday, May 2, 2010 from 9 AM to 4 PM subject to the condition that the organization shall comply with the safety recommendations and diagram prepared by H.T.P.D. Officer Smith.

BE IT FURTHER RESOLVED that the Township Committee hereby confirms notification from the Hamilton Mall General Manager, Bill Schu, that Kravco Simon will not permit a coin drop on their access road on the Hamilton Town Mass side of US Route 322 (Black Horse Pike).

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that it has no objection to N.J.D.O.T. and Atlantic County approving and issuing permits to Reliance Hose Company #1 (Mays Landing Volunteer Fire Department) for coin drops to be held at the intersection of US Route 40 & Mill Street on June 18 and 19, 2010, July 16 and 17, 2010 and August 27 and 28, 2010 subject to the condition that they comply with the safety recommendations and diagram prepared by H.T.P.D. Officer Smith.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Deutsch Bank letters of credit are hereby accepted to replace the JP Morgan Chase Bank letters of credit specified as stormwater management system maintenance guarantees for US Home Corp./Lennar's Chancellor Place project for the balance of the original four (4) year term:

<u>JP MORGAN CHASE BANK LOC NO./PHASE</u>	<u>AMOUNT</u>	<u>DEUTSCH BANK REPLACEMENT LOC NO.</u>
#721129 Phase I	\$13,273.60	#S-18678
#721134 Phase II	\$9,410.18	#S-18679
#721154 Phase III	\$12,550.53	#S-18680
#715478 Phase IV	\$10,824.79	#S-18681

BE IT FURTHER RESOLVED that the Township Clerk is authorized to return the original JP Morgan Chase Bank letters of credit upon receipt of the original Deutsch Bank letters of credit.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that it has no objection to N.J.D.O.T. and Atlantic County approving and issuing permits to Reliance Hose Company #1 (Mays Landing Volunteer Fire Department) for coin drops to be held at the intersection of US Route 40 & Mill Street on June 18 and 19, 2010, July 16 and 17, 2010 and August 27 and 28, 2010 subject to the condition that they comply with the safety recommendations and diagram prepared by H.T.P.D. Officer Smith.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the following Raffle Licenses are hereby approved for the Oakcrest High School Falcon Crew Booster Club:

- 1) #2-2010 Chinese Auction to be held May 7, 2010.
- 2) #3-2010 on-premises 50/50 to be held on May 7, 2010.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Vendor License Fees are hereby waived for participants in the Hamilton township Historic Society Olde time Market being held in Memorial Park on May 16, 2010 subject to the qualifying conditions contained in Township Code Chapter 137-14 and subject to all provisions of the Special Events Ordinance.

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

There were no Personnel matters.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills are hereby ordered paid, the bill list total being \$2,084,752.55 as of April 15, 2010.

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

Reports

Mr. Sasdelli reported the Finance Committee held its first meeting to talk about transformation of government and things that have to be done for 2011. He explained they focused on programs and that because the Township has a line item budget, not a program budget, so it will take an effort to put costs to programs.

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Mr. Sasdelli said they have to put costs to leaf collection, trash pick up, and each program each and bring that back to the governing body so they can discuss which programs if any should be eliminated, privatized, or kept unchanged. Ms. Gatto said the finance committee discussed leaf collection and trash pick up last year and asked Mr. Sasdelli if he had those figures. Mr. Sasdelli said he did and he wants to update them because some things have changed.

Mr. Sasdelli commented being directed by the governing body priorities at the last meeting to make drainage a priority. He reported he had a conference call with the Solicitor, Mr. Morley and the Engineer had a conference call with the engineer and they identified the top 12 drainage problems. Mr. Sasdelli reported they are working on an action plan for the governing body. He said the Solicitor is doing work on the legal end, Mr. Smith is doing work on the engineering end and Mr. Morley is working on operational stuff.

Mr. Sasdelli reported this is Administrative Professional Week and said the Administrative Professionals in town hall are the folks who do the majority of the work and get the least amount of credit. He expressed appreciation on behalf of the governing body and himself for all that the Administrative Professionals do.

Mr. Sandman reported he submitted a new, revised Firearm Discharge Ordinance to the governing body for consideration and is waiting for comments from the Township Committee Members so it can be finalized at their convenience. Mr. Sandman reported it was made as consistent as possible with the State Gaming Laws but it is still a "discharge ordinance" and not a "hunting ordinance".

Mr. Sandman reported he submitted a proposed resolution with respect to creating a new Plenary Retail Distribution liquor license. He urged the Committee Members to prioritize it because if the money can be brought in this year it is unanticipated revenue but it is something that can be dealt with next year.

Mr. Sandman reported the Senate and Assembly approved the Amendment to the Permit Extension Act that changes the Time of Decision Law. He explained that generally if the Zoning Law changed while you were in the process of approvals, you would be subject to those changes. Mr. Sandman explained the amendment says that the Zoning Laws that are in effect when the application is made are the laws by which that development will be bound. He said it is a significant change and that he was told the amendment is on the governor's desk but isn't signed yet. Dr. Kesselman asked if the governor was expected to sign it. Mr. Sandman said he thought so in these economic times.

Mr. Smith reported he is monitoring the problem drainage basins and that he went to the Wexford Lane basin this morning. He said there was a very slight drop in the level of the Wexford Lane basin but he thought the infiltration along with the rain didn't let it move too much. He said it is about 10½ inches below the grade elevation. Mr. Smith said he is checking on it whenever there is a rain event and will notify the developer to take appropriate action if necessary. Mayor Silva said he and Mr. Sasdelli noticed a significant change at Timber Glen. He asked Mr. Smith if, from his information, there was any work planned to be done there. Mr. Smith said he forwarded an e-mail he received from the developer to Mr. Smith said the level of the infiltration area behind the tennis courts was dropping and they will get in there and start instituting some remedial work to get it to infiltrate when it drops a little more. Mr. Smith said that will be the first step in remediating the site stormwater management system.

Dr. Kesselman reported all the data gathered at the first 3 Strategic Planning Committee meetings has been accumulated and classified into sub-groups. He said they want to have another town hall meeting to prioritize those results and then the actual Steering Committee will be launched to help the Committee formulate the strategic priorities and vision statement. He said a lot of very good information was accumulated and they need the public to get another look at it and help frame what the top 5 or 6 top strengths, weaknesses and challenges are. He thanked everyone for their input over the past couple of months. Ms. Gatto asked if the Township Committee members will get any of that information. Dr. Kesselman said they will.

Mr. Palmentieri reported the Finance Committee has started working on two versions of government for the ballot question that has to be done by August for the public to choose in November. He that because of the way municipal budgeting is constructed they are having a difficult task in trying to cost out individual programs, not only to do the accounting of what the Township can afford and what would be optional at a higher price, but also to make sure that the Township properly staffs administratively what is up for public choice and what remains behind with the idea that whatever remains behind as core functions have to function well after any changes are made. He said the Committee has to make sure that whole departments function with the staff that remain and people that remain in certain places. Mr. Palmentieri said it is much more of a challenge rather than doing it from a casual "eliminate 10%" kind of approach. He said he thinks it will

take about 3 months to complete properly and have legitimate choices that will be able to stand up to the administrative test as well as the financial test. Dr. Kesselman asked if that would lead into what will go on the ballot in November. Mr. Palmentieri said it would. Mayor Silva said part of the overall work is looking at the structural deficit that will occur next year now and not waiting until the end of this year. Mr. Palmentieri said it also had to be along with the more restrictive CAP without exceptions. Ms. Gatto asked if it would include the Strategic Planning Committee priorities. Dr. Kesselman questioned what will happen if in fact the Committee is going to put on it on the ballot and it is voted down and the things that are voted down that require a process and if they have to have all that in order before the ballot. He said it can get very complex. Mayor Silva questioned what will happen if the 2.5% CAP doesn't allow the municipality to go to referendum. He said he thinks a lot is coming in a very short period of time and the Township has to find out where money is not coming from so appropriate decisions or presentations can be made so the public knows what is involved.

Ms. Gatto reminded everyone to vote in the School Board Election tomorrow on the school budgets. She said they are the biggest part of the tax dollars.

Mr. Cain reported a gentleman drove out of his way to meet with him to express the professionalism and manner in which he was handled by Debra Ohnemuller, the Tax Assessment Clerk, during the assessment process. He said he hopes the Township Committee will do everything it can to find new efficiencies, shrink the size of government, so that the level of service can be maintained with the employee base they have now. Mr. Cain said he wants to stop looking at the employees because they have given enough. He said new ways to generate savings have to be looked at and he believes that he recommended some this evening. Mr. Cain commended Debra for the way she handles herself in representing the Township. Mr. Sasdelli said he would make sure she is properly recognized.

Mayor Silva said he received a call from a resident saying they were very pleased with the people going around to do the reval. He asked Mr. Sasdelli to have an overview of where the Township is with the reval, what to expect in the next few months and the completion date.

Ms. Gatto reported the discussion she requested at the last meeting for salary ordinance changes regarding elected officials was not intentionally left off the agenda. She said Mr. Sasdelli and Mr. Sandman are still working on the details for the Committee's discussion. Ms. Gatto asked that it be on the next agenda if the information is ready.

Public Comment

Dave Connelly, Chief of the Mays Landing Fire Company,

Ms. Gatto said the Chief brought up good points about the Fire Study as far as what has been completed and what is in progress. She said she the E.S.A.B. Board had taken up a lot of the recommended practices as far as buying collectively. Ms. Gatto said she thought a status report on the study would benefit the public. Mayor Silva said it can be put on the website also. Mr. Sasdelli explained the Township Committee had a Fire Study done by a professional with a master's degree from Emitsburg National Academy, who doesn't live around here and doesn't work around here because they were accused of buying trucks for their favorite fire company, which they don't have. He explained the man told the Township that based on call volume and service there are two departments that run more calls than anybody else and their trucks are going to get more use even though they may not be as old. He said the Township is following that report.

Ms. Dix said she had a list of questions. She asked if anyone knew the amount of principal due on bonded indebtedness for recreation fields. Dr. Kesselman said he didn't know and Mr. Palmentieri said Mr. Tuthill knows. Mr. Sasdelli reminded the Committee that this is the public comment portion not public question and answer. Ms. Dix said there is a 1993 a Green acres loan on the 2008 Audit for \$338,494.00; there is payment of \$19,927.90 in this year's budget on it; there is also a 2003 half million dollar Green Acres loan that has a principal payment of \$24,124.00; and rounded off they total \$44,000.00. She said she didn't know the interest on it because it wasn't listed. Ms. Dix asked if there would be a triathlon in 2010 and if any revenue was anticipated from it. Mayor Silva said those were questions for the Rec Board. Ms. Dix said that in 2008 the money that came in from the Triathlon was incorrectly identified and not credited to the Cove revenue. She said it should have been credited to the Cove because it was at the Cove. Ms. Dix questioned the number of the Lacrosse sign ups. Ms. Gatto said there were 40 sign ups for Lacrosse and the soccer sign ups were down so the net effect as far as the number of persons using the fields was negative. Ms. Dix referred to

Ms. Gatto saying that the Township doesn't track residency of those using township facilities and asked why they don't. Ms. Gatto said that is important and she has asked the same question. Ms. Dix referred to Mr. Palmentieri's remark about identify program costs and asked if anyone knew the breakdown in the budget for recreation expenses, debt service, salaries, benefits, electric, maintenance, fertilizer. She said the tennis courts were built in 1979 or 1980 and dedicated in memory of a World War II hero named Dave Cope. Ms. Dix said she believes the cost was \$40,000 and thinks maintenance was done once in 30 years. Ms. Dix said she understands there was talk about making a handicapped playground there and the Committee should abolish that thought. She said that in 2008 the long and short term committee for Lenape Park discussed a handicap playground at Lenape Park but plans for it are on hold until they solve the vandalism problems there. Ms. Dix said that if they can't keep property with a chain link fence secure from vandals, putting the playground at Underhill which isn't chain linked in was asking for trouble. Ms. Gatto said there is a chain link fence around the tennis courts. Ms. Dix questioned why the Township has to put one in if the County is about to put one in a mile and a half away. Ms. Gatto explained the Township had a professional inventory the recreational facilities and make recommendations to prioritize and best use its money. She said they recommended a handicap playground at Underhill for those children who are not participating while their brothers and sisters are playing ball. She said the Study said that the best use of funds for the most users would be a handicapped playground in that space. Ms. Dix commented on the Township seeing the need for two tennis courts in 1980 with a population of 9,000 and questioned not needing them with a population increase to 27,000 especially now that the foot bridge is there. She commented on kids needing to be on Route 40 or 322 to go to Oakcrest or the College because they are the only other tennis courts around. Ms. Gatto said adults play too; nobody is banging down the doors for tennis courts; and there has been a tremendous growth of communities that have recreation including tennis courts built within them. She said she believes 20 were identified and an inventory of what those subdivisions have is being collected to find out exactly how many tennis courts there are around the township. Ms. Gatto said they think people are using tennis courts and recreation within their own communities and don't need the courts at Underhill. Ms. Dix said that surprised her because the developer contributions were in lieu of having to put recreation facilities in their subdivisions and Chancellor Place has nothing for the children except a tiny tot lot at the back of Mays Landing Village. Ms. Dix questioned where the facilities Ms. Gatto referred to are. Mayor Silva suggested Ms. Dix take a ride and see what Victoria Pointe and Mays Landing Village have. He said she would see people playing tennis at Mays Landing Village. The Mayor said the Township provided tennis lessons at Underhill at one a time. He said he understood what Ms. Dix was saying but many of the subdivisions have tennis courts in them. Ms. Gatto said they aren't counting it out yet but they are collecting information on where they are in private developments; the use of them in those privately owned subdivisions; whether someone living in Chancellor Place that wants to play tennis and the nearest one is at Mays Landing Village, can they use them, if there is a fee, or is it only for homeowners. She said the Township wants to be sure they aren't spending \$25,000.00 for tennis courts that are not being used when they are trying not to lay off employees. Ms. Dix said a playground or tennis court has nothing to do with employees because they would be from Capital money in the Rec Trust Fund. Ms. Gatto said she understands they are separate but , that isn't general knowledge from the public perspective. She said they will come in and ask why the Township is spending \$25,000.00 on tennis courts when they are giving up furlough days or clothing allowance and the Committee will have to explain it all. Ms. Dix said that is why questions are asked and people will get answers off Channel 2. Ms. Dix commented on having filed an OPRA request today for a schedule for all fields and said she doesn't want a page calendar with every day checked off saying the field is in use; she is looking for the names and dates of who was approved to use a field. Ms. Dix said she filed a second OPRA to view the hard copy of all the insurances for the entities now using township facilities because of things said at the February 16th meeting. She commented on seeing a map at the County Clerk's Office called Filed Map #1048, filed in 1952 by Lake Lenape Land Company and reading the deed for the Cove. She said the township got the Cove for \$1; there was no Green Acres money; there is no debt on it; it has the least maintenance of any recreation site in the Township; and putting port-a-potties there is a violation of the deed restriction. She asked that the Cove and bathrooms be opened.

Lorraine Granese asked if there was any movement on collecting the court money. Mr. Sasdelli said he didn't have time to follow up on it because there were only 5 business days since the last meeting. Ms. Granese asked if the Township kept copies of the meeting video tapes; if they are subject to OPRA; and if she could watch them. Mr. Cain said they are on line. Mr. Sasdelli said he thinks the Township could burn a CD of them.

Ms. Granese said she has a lot of concerns about the Industrial Commission discussion and changing the Developmental Ordinance. She said everything Dr. Kesselman and Mr. Cain want to change benefits them personally and she has a problem with that. Ms. Granese said she didn't think the Committee would be having this discussion tonight if the Industrial Park was in Cologne, Mizpah, Weymouth or Laureldale. She said she thinks their primary purpose when they started as private citizens was to maintain the integrity of their neighborhood and their property

values. Ms. Granese said that is fine but they can't rewrite the Developmental Ordinance restricting entertainment, all the things that Magic Sports was. She said they are going to take all those things out so that the only thing that can go into the Park is what they want and what will maintain the integrity of their particular neighborhood. Ms. Granese said she thinks that is wrong and she is going to do her own OPRA investigation. She said she believes there is an ethics violation, abuse of power and that they have crossed the line. Ms. Granese said they started with the Industrial Commission because Mr. RaVell wasn't nice to them, he wanted Magic Sports, and he was the one who sold the property to Magic Sports. She they went after the Industrial Commission first to knock them out then they started changing the Developmental Ordinance. She questioned the benefit and said it benefited Mr. Cain and Dr. Kesselman and it may even benefit the Mayor except that he has never said a word one way or the other. She commented on defending Mr. Cain and Dr. Kesselman when people called them one-issue candidates but she can't defend them anymore. Ms. Granese said this is all about retribution for Magic Sports and we can't have that. She asked what will happen when someone else disagrees with them, will they be gone. Ms. Granese said Mr. Sasdelli's job may be on the line if he says something they don't agree with. She said they can't treat people on perceived slight or perceived insult and that isn't the way government officials do business.

Ms. Granese commented on the Police Department taking their share of hits over the past 3 months and said several officers asked her why she didn't say anything in their defense. She said she knows people believe police officers make far too much money but she wanted everyone to think about the life span of a police officer. She said Mr. Sasdelli could probably continue as an Administrator and Mr. Sandman in his profession until they are 80. She said that a teacher starting out at 22 can teach until she is 62 or 72 and have a full and rewarding career but you will never see a 65 year old police officer because once he reaches a certain age his career is over and his earning capacity as a police officer span is almost half of what an average person can earn in a lifetime. Ms. Granese said he has to depend on a pension or another career. Ms. Granese said unless you are the Chief, a Captain, or maybe a detective your days on the street as an officer are numbered. She suggested the Committee keep that in mind when thinking about police salaries. Mr. Cain said he ran on a platform of preserving the neighborhood integrity and that is his #1 priority sitting on this Board (Township Committee), on the Zoning Board and on the Planning Board. He said he was sorry if that offended Ms. Granese but individuals voted him into office to make sure that he does one thing for them. He said that is to make sure he gives them a town they still want to live in in 10 years and he is going to sit up here (on Committee) and fulfill that. Mr. Cain said he took great offense to Ms. Granese's comments. He said Ms. Granese had the audacity to say she can't understand why they attacked this ordinance and the Ordinance only affects his neighborhood. He questioned where Ms. Granese was on May 5, 2008 and February 5, 2007 when an egregious act took place and Ordinance #1584-2007 was put through. Mr. Cain said Ms. Granese isn't saying anything about the additional uses put in the Park unbeknownst to neighbors and Township residents. He said this covers it. He said that he went through and made a list of every individual that commented on February 5th and 32 pages of minutes on May 8 and Ms. Granese is not in there. He said it amazed him that Ms. Granese found time to come here tonight and say that he is doing something to fulfill his own personal agenda. He said he takes great offense to it and thinks he has proven that is not the case. Dr. Kesselman said that in addition to what Mr. Cain said he wanted to state for the record that he is actually grateful that project occurred because he was able to get involved in understanding how policies are made in this Township, how ordinances are changed, how projects were developed, and he got interested in it as a result. He said part of what he was interested in doing and will continue to do as long as he is on Committee is assure that kind of development the Township is able to attract, whatever that may be doesn't cost the taxpayers money, doesn't increase infrastructure charges, it doesn't increase the drainage and retention problems, and the traffic problems. Dr. Kesselman commented on the traffic on Somers Point Road tonight and said it took him 25 minutes to get to town hall and it isn't even summer yet. He said it was those kinds of issues that he was able to see. Dr. Kesselman said that is the issue that got him interested in the process and as a result of getting interested in the process he thought there were a not of other things that they could do such as strategic planning. He said it was clear to him that the Township was just going after developments because of the need to secure additional revenues and he said that is a legitimate need but they forgot to look at how much it was going to cost. He said that with respect to the final project that was approved, he had no problem with it. Mayor Silva said he and Ms. Gatto sat on Committee the year so many people filled the audience and tried to get that ordinance repealed. He said he believed his comment at the time was that that Committee may not have appointed that everybody to the Board that created that Ordinance that was passed by the Township Committee but they should support those people who sit on the Boards. The Mayor said he believed he said at the time that he was not in favor of repealing the Ordinance because he wanted the process to unfold because as it unfolds you learn a lot about what it is. He said a Committee Member who is not here now said that very few projects come out the way they went in. Mayor Silva said he was glad to hear Dr. Kesselman say that because it was an educating process and he felt very good throughout the time about the information that started to surface. He said that is why he never made a commitment or said anything about that particular project in the neighborhood he lived in because he

knew the information would surface in a way that would bring forth the issues that should or should not be addressed. He said that has achieved what they wanted to happen, gathering all the information and he has said he likes to come into every meeting prepared to vote but sometimes isn't because of not getting all the information and you have to ask all the questions.

Peg Capone said that about 8 years ago she asked Mr. Pritchard why tennis courts couldn't be put on Hickory Street and he said it was a soccer town and they liked to promote soccer because it was cheaper. Mrs. Capone said every time her daughters went to Underhill to play tennis the courts were being used and they ended up using tennis courts in Absecon. She said you can't use the courts in developments because they are private for the homeowners. Mrs. Capone referred to the \$25,000.00 and said she thinks there is more usage at the Cove for the residents for the summer. She said suggested it be use to open the Cove and said the Township might even make some money. Mrs. Capone said she believes it would be in the Committee's interest to do it because a lot of people are angry about it. She said she hears this as she goes around to the voters and it is an issue. Mrs. Capone said she hopes the Committee is brave enough to take the step and believe they will make money on the Cove. Ms. Gatto explained the Committee can't just use the money in that fund any way they want to. She explained the \$25,000.00 is in a Capital Fund and can't be used to operate the Cove because money that goes out for such a use has to come back in. Mrs. Capone asked if the Cove was part of recreation. She said it was still maintained last year even though it was closed. Mr. Sasdelli explained it is not closed, it is open as a park but you aren't allowed to swim. He explained that the \$25,000.00 isn't tax money, it is money developers contributed.

Mrs. Capone asked if the Township still pays money to employees who do not receive insurance. Mr. Sasdelli said the township has an opt-out policy. Mrs. Capone said she thinks that should be gotten rid of and she doesn't think anybody should be paid money because they don't need the insurance. She said she hoped the Township employees would be gracious enough to give that money back. Mrs. Capone said she thinks it is a bad practice and she doesn't believe it happens in the private sector any more. Mrs. Capone said she thinks that is a way to reduce waste. She asked if the Township Committee appointed the MUA members; if they are the only board other than the Township Committee that is paid and receive insurance; how many are on it; and how much they are paid; and how many times they meet. Mayor Silva said there are 5 Board Members; they are paid \$2,500.00 a year; and they meet whatever the agenda or schedule is. Mrs. Capone asked if they received full benefits. Mayor Silva said the benefits are there if they choose to accept them. Mrs. Capone said the Township has multiple volunteer boards that aren't paid and asked if the Committee thought that would be a way to bring money back to the taxpayers. She said the Committee gave the taxpayers an 8 cent increase and she wants to see what they are going full-time benefits. Mr. Palmentieri explained the Township can't decide the terms of the State Health Benefits Plan, the State decides that. Mrs. Capone asked if the Township could have an ordinance to eliminate benefits to appointments to the MUA. Mr. Sasdelli explained they can't do it because the MUA is a separate authority. He said the MUA is giving the Township money. Mayor Silva explained their principal source of income is connection fees and what the rate payers pay. He said they don't have any grants and are pretty self-sufficient. Mrs. Capone said she thinks the voters should have the right to say yes to the Township budget and asked why it isn't on the ballot in November. She the Committee Members wield a lot of power and they passed a budget that she is pretty sure the majority of the taxpayers don't agree with. Dr. Kesselman said that is what the Committee is trying to do for next November. Mr. Sasdelli said he understood what Mrs. Capone is saying but it isn't in the Township Committee's purview because the Budget Law sets the introduction and the adoption dates and that would have to be changed by the State Legislature. He explained the statutory date for introduction is February 10 and adoption date is March 10 because the township is a calendar year town and what it has to comply with. Ms. Gatto said the Committee has been very proactive and adamant for the past couple of years about getting the budget out, voted on and adopted as early as possible because they agree that they shouldn't be spending money until it is all vetted out. She said if the 27,000 residents are unhappy with the budget, there was a public hearing on it. Mrs. Capone said there was one hearing and three people got up. Dr. Kesselman said Mrs. Capone just validated the Committee's point. Mrs. Capone said that she thinks if it was a public vote, they would say "no". Mrs. Capone said she read in the newspaper that the Committee went back to the employees and received an additional \$200,000.00 or \$300,000.00 in concessions after the State informed them of the cuts in State Aid. Mr. Sasdelli explained it was \$200,000.00 in concessions and \$100,000.00 from police cars. Mrs. Capone asked if anyone on the Township Committee now was on when the last PBA contract was negotiated. Mr. Palmentieri said he was but he was not the liaison and didn't meet with the PBA. Mr. Sasdelli said the Labor Counsel and Administrator negotiated based on the financial constraints given to them by the Township Committee. He said that in executive session the Committee gives them the dollar or boundaries to work with given the legal constraints. Mr. Sasdelli explained the Township is heavily regulated by the Public Employees Regulations Commission and Mrs. Capone can go on line to see their settlements. He said he wasn't here at that time but he is sure the PERC settlements were all about 4% and a high paid PBA negotiator would come in

and say they know they will get 4% if they go to PERC. He explained it is binding arbitration and said the Township Committee settled for 3.75%, trying to get the best deal they could, rather than turn over control to a bureaucrat in Trenton. Mr. Sasdelli said the Township needs more unilateral authority to say it is broke; there is no money; their increase is zero; and when they go to arbitration, the Township needs an arbitrator that will uphold it and not give them 3.5%. He said the governor's tool kit needs to include some changes to the PERC arbitration process. Mr. Sasdelli explained Township Committee appointed Gruccio & Pepper as Labor Counsel and they will have some closed sessions where the Committee will give them guidelines as to what they are looking for. He said it isn't made public because nobody has a better grapevine than the police department. Mr. Sasdelli said the Committee will tell him in private what they would like to get; then he and the Labor Counsel meet with the PBA and try to negotiate a deal as close as possible to what the Committee wants. He explained they are required by law to have 3 meetings and negotiate in good faith; after the three meetings the PBA can file for arbitration and an arbitrator comes down. Mrs. Capone questioned when the next negotiations begin. Mr. Sasdelli explained it would be early September because the current contract expires December 31st of this year and the law says they are supposed to start 120 days prior to that.

Patricia Timmreck asked the Committee to reconsider about the tennis courts. She said when things are broken in her home, they fix them. Mrs. Timmreck said it is true that there are many tennis courts in the Township but she can't play on the ones in developments. She said it is great if the County is going to build a handicap park at Lenape Park but the Township doesn't need two. Mrs. Timmreck said she doesn't think it is a good idea to put one at Underhill. She said she thinks the tennis courts should be fixed and it won't cost the taxpayers any money. Mrs. Timmreck said the Cove should be opened. She said she thinks it could be done; she thinks the lifeguards could be gotten back; she knows a few who have certifications; beach badge sellers aren't needed, the lifeguards could do that; kids, older people and she enjoy the Cove. She said so what if it loses a few dollars. Mrs. Timmreck said most of the Rec Board Programs pay for each other and it comes out even.

Dr. Kesselman asked Ms. Gatto if the study that recommended where funds should be put took into account the new County plan. Ms. Gatto said it didn't and that she hadn't heard about until tonight. She said she thinks the intent of the recommendation of the Rec Study still stands, that a playground would be a benefit to the siblings of those playing there. Dr. Kesselman said he understands that argument. Mr. Sasdelli said the professionals interviewed all the user groups and, compiled usage data; the taxpayers in mass would get much more use; there are a bunch of siblings at those parks that have nothing to do; and it wasn't just a handicapped park, it was a playground for children that would include handicap accessibility. Ms. Gatto said she will check on the County Park. Mr. Sasdelli said he didn't know anything about it either. He commented on a newspaper article about everyone wanting their taxes lower but they don't want to give up any services. He said the Township currently spends \$1 for every 90 cents they bring in. Mr. Sasdelli said he would like to bring in \$1 for every \$1 they spend and that is his challenge.

Gordon Craig introduced himself as one of the bumbling idiots on the Industrial Commission. He said you can make numbers say a lot of different things and Mr. Cain's numbers are not the real numbers. He said he hoped the other Board (Township Committee) members would do some homework on their own. Mr. Craig said the Industrial Commission generated \$125,000.00 over the last year-and-a half or two years from Magic Sports that they didn't get back because the Commission had the foresight to put into the contract that they had to give the Township \$25,000.00 for every three months they wanted an extension. He referred to what Mr. Cain said the Commission cost the Township and said 90% of their budget was for Solicitor's fees to put together sales agreements. Mr. Craig said that even if the Commission isn't there that will still be spent. He said this is beyond him and he doesn't know why he was fighting to keep a volunteer job. Mr. Craig said he hopes the other Committee Members will spend the time to look at the numbers to see what they say and mean. He said during that great economic real estate boom nobody knocked on the door. Mr. Craig said they had to go out and beat the bushes and attend economic councils to try to get people to come to the Park. He said that if the Commission was selling it so cheap they should have had people been 10 deep trying to buy it. Mr. Craig said they went to Summit because they had a great vision, the money and ability to put together a whole process to develop the Park which the Commission didn't have the funds for. He said he will put together more numbers for the next meeting. Mr. Cain said that neither he nor any other member of the Board (Township Committee) called anybody on the Industrial Commission a bumbling idiot. He said he thought that what has been said over and over again is that they respect the time volunteers and appointees put forth on the Boards and Commissions. Mr. Cain said that if he took Mr. Craig's numbers, 90% of the budget spent for solicitor fees to generate contracts, 9 contracts in 10 years, it equates to \$540,000.00 to write 9 contracts. Mr. Craig said he doesn't think Mr. Cain's budget numbers are correct. Mr. Cain said they came from the CFO. Mr. Craig said the Township Committee gets the last chance to veto any contract the Commission enters into. Mr. Cain said he believes the sitting Mayor at the time has the veto

power not the Township Committee. Mr. Craig asked if Mr. Cain was telling him the Township Committee doesn't get the chance to look at the contracts. Mr. Cain said he was. Mr. Palmentieri said it is like the Governor with the Pinelands Commission and several other Boards. Mr. Cain commented on knowing Mr. Craig, Mr. Policarpo, Mr. Fitchetola and everyone is trying to make this personal and it isn't. He said he appreciates Mr. Craig's public service but it comes down to the raw numbers and whether or not the Township should cut government and whether or not they should look at another way to pursue things. Mr. Cain said it is transition as Mr. Silva has touted since the beginning of the year. Mr. Craig said he is all for that but he doesn't believe the numbers Mr. Cain quoted are accurate. He said he will be glad to give Mr. Cain and anybody else interested what the Commission budget was and what it was actually spent for and he doesn't think they will match Mr. Cain's numbers. Mr. Cain said the numbers came from the CFO and the numbers on revenue and land sales came to the Township Committee today from Mr. RaVell. He said he was privileged to the numbers because they were not given to the Township Committee until they walked in this evening. Mr. Craig asked if he could get a copy of the numbers Mr. Cain gave tonight and if an OPRA request was required. Mr. Cain said he could and that it a matter of public record. Dr. Kesselman said unfortunately when dealing with the Industrial Commission he and Mr. Cain had to file an OPRA request. Mr. Sasdelli said as a private citizen Mr. Craig would have to file an OPRA request but in his capacity as a member of the Industrial Commission Nancy Rainbow can provide him those numbers without having to file an OPRA request.

Jim Link said the County has two tennis courts that they got when they bought Lenape Park and suggested the Township Committee go to the County Executive about the deplorable and horrendous condition of they are in.

Mr. Link said he had to agree with Mr. Craig. He said statistics are numbers and it is how you wrap them. Mr. Link said numbers can be the same but mean different things to different people and suggested the way Mr. Cain wrapped them was rather insensitive at best. He said everyone know what side of the aisle he stood on but he found himself agreeing with Lorraine Granese tonight. He said he would have more comments as the Industrial Commission saga unfolds.

Robert J. Campbell said the Committee directed the Solicitor and Administrator to revise and review the facts and present them back to them. He said he was very interested in Mr. Craig's statements and asked if there was any possibility of the public getting both sides of this story. Mr. Campbell said he respects Mr. Sasdelli but disagrees that another committee is ridiculous. He commented on something this important that there is a split on the Township Committee about, to get all the documents from the Industrial Commission, compare them with what Mr. Cain put together and see if they are correct as well as to get the comments from other people in the municipality that might be interested in it and suggested an appointed committee or direction from the Committee to the Industrial Commission to come forth with the documents. He said he didn't know if Mr. RaVell had done that but the public didn't know about them. Mayor Silva said Mr. Craig had some insight as to what direction he was going to go to gather numbers and he is free to get them. The Mayor said he is sure Mr. Craig would share them with Mr. Campbell and that Mr. Campbell can certainly look at Mr. Cain's numbers, compare them and come to his own conclusion. He said they may or may not bear out what Committeeman Cain said. Mayor Silva said he didn't think another Committee should be appointed at this juncture. The Mayor said the Committee has given direction to the Solicitor and he thinks the members have given ample comments as to where they stand. Mr. Campbell said he didn't see any harm and suggested letting a lay committee look at it or at least ask the Industrial Commission to come up with the facts and figures and make sure they are presented in public. The Mayor said he wouldn't direct the Commission to do that but he thinks Mr. Craig will move in the right way and with other members of the Commission they will respond. Mr. Campbell said if he or any one from the public wanted those records they would have to OPRA them and a lot of people don't want to take the time and effort to do that. He said that since this matter is important it should be before the people of the Community to judge whether the Committee's decision is good, whether it has merit. Dr. Kesselman said he can assure Mr. Campbell that the Committee Members are listening because of the recommendations they openly accepted and if he looks at the website he will see this Township Committee has been more of a proponent of accountability and transparency than any Committee ever, including the ones Mr. Campbell sat on. Mr. Campbell said he disagreed with that. Dr. Kesselman said they intend to disclose to the public all the information gathered before the decision is made. Dr. Kesselman said that today was the first discussion they had and as someone that knows about statistics, he knows how you can spin data. He said the Committee is ultimately going to get the real numbers and they will make an informed decision. Dr. Kesselman said any time a Committee like this attempts to make a decision to consolidate, dissolve, transform something to Advisory, everyone with a vested interest will be heard. He said they were elected by the people to represent the interest of the people. Dr. Kesselman said there will be an open, honest discussion of the issue. He said he already explained his position and anyone can assert any innuendo they want but the bottom line is that the issue will be discussed fully to the satisfaction of the public. Mr. Campbell said Dr. Kesselman initiated some thing very good that has never been done before, he invited the public to come discuss the future strategic planning of

the community. He said he supports that 100% and he doesn't see any difference in his asking for the same type of committee to help with the decision.

Mr. Campbell said he totally supports the tennis courts