

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
April 20, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was held on the above date with Deputy Mayor Silva presiding. Members present were Amy Gatto, Thomas Palmentieri and Charles Pritchard. Mayor Nelson Gaskill was absent. Also present were Rita Martino, Deputy Township Clerk, Randolph Lafferty, Township Solicitor, Daniel DePasquale Township Engineer and Edward M. Sasdelli, Township Administrator.

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by faxing a copy of said notice, along with the agenda of this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30pm on April 20, 2009 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Employee of the Quarter

Committeewoman Gatto presented Kristyna Weller of the Township Clerks Office with the Employee of the Quarter award in recognition of her hard work and dedication to the residents of the Township of Hamilton. Ms. Gatto noted Ms. Weller's excellent computer and technological skills.

Addition/Deletion of Late Agenda Items

On the motion of Miss Gatto, second of Mr. Palmentieri that the following resolution be adopted:

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

- 6A: (1) Posh Beautique-retail store –Main St.
- (2) Van Varick Inc.- contractor working at Target

BE IT FURTHER RESOLVED that the following item is hereby deleted from tonight's agenda:

- 4B. Gale Avenue – postponed until May 4, 2009 meeting

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

Early Public Comment

Mr. Wayne Choyce asked for an explanation of the Pine Barrens Byway Corridor Plan. Mr. Sasdelli explained that the Byway is a car route through the Pinelands, this plan would provide signage and brochures to direct people to Main St.

Atlantic County Freeholder James Schroeder stated that he has raised the situation of swimming at the Lake at two freeholder meetings and requested in writing that the County seek some sort of resolution. Mr. Schroeder stated that the resolution being considered tonight was a step in the right direction and committed to encouraging some sort of resolution that would keep swimming at the Lake. Mr. Schroeder pledged his cooperation and assistance in reaching a successful resolution. In answer to a question from Mr. Pritchard regarding financing, Mr. Schroeder said that he thought money could

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be found in the budget or that other creative ways of funding could be determined. Mr. Schroeder said that no other towns have asked for similar support, but that many inter-local agreements are in place for situations like this. Mr. Schroeder said that he felt we at least had to make a good faith effort to try and do this.

#### Discussions

#### Amendment to Chapter 203, Land Use and Development Ordinance Article III, Section 203-18, definitions and Article XI, Article XII, and Article XXV relating to stormwater management

Mr. Sasdelli explained that this had received the unanimous recommendation from the Planning Board and tightens up our stormwater management ordinance as required by the DEP. Mr. Sasdelli said that this will give more control over developers regarding their drainage basins and brings us into compliance with the DEP stormwater management regulations.

Miss Gatto moved, second of Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the public hearing for Ordinance # 1647-2009 is set for May 4, 2009 and the municipal clerk is authorized to advertise said ordinance in the April 22, 2009 edition of the Atlantic County Record.

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

#### Resolution regarding swimming at Lake Lenape

Miss Gatto made a motion to table this saying that there is a meeting set up with the County to try to come up with a solution through a partnership. Miss Gatto said that she wanted to see a situation where we partner with the County rather than have an adversarial situation. Mr. Pritchard seconded the motion and said that while he does not disagree with the body of the resolution, this process had already been set and he did not want to get into anything that could be perceived as adversarial.

MOTION TO TABLE CARRIED WITH THREE "AYES", ONE "NAY", NO "ABSTAIN", ONE MEMBER ABSENT. MR. PALMENTIERI VOTING NO.

Mr. Silva said that he thought Committeeman Palmentieri's resolution was a gesture in support of the meeting. Miss Gatto stated that she appreciated Mr. Palmentieri's gesture and did not mean any disrespect.

#### Public Hearing/Adoption- Ordinance #1644-2009

The floor was opened for public comment on Ordinance #1644-2009.

Hearing nothing from the public, Mr. Pritchard moved, seconded by Miss Gatto that the public hearing be closed.

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

Miss Gatto moved, second of Mr. Pritchard that the following resolution be adopted:

WHEREAS, Ordinance #1644-2009 was introduced and passed first reading on February 17, 2009 and was duly advertised in the April 8, 2009 issue of the Atlantic

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County Record for a public hearing to be held April 20, 2009 in the municipal building, Mays Landing, NJ and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1644-2009 be and is hereby adopted.

TOWNSHIP OF HAMILTON  
ORDINANCE #1644-2009

ORDINANCE REPEALING CHAPTER 203-6J OF THE GENERAL CODE OF THE TOWNSHIP OF HAMILTON ENTITLED "APPEAL TO THE TOWNSHIP COMMITTEE" AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

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

Public Hearing/Adoption- Ordinance #1646-2009

The floor was opened for public comment on Ordinance #1646-2009.

Hearing nothing from the public, Miss Gatto moved, seconded by Mr. Pritchard that the public hearing be closed.

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

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

WHEREAS, Ordinance #1646-2009 was introduced and passed first reading on April 6, 2009 and was duly advertised in the April 8, 2009 issue of the Atlantic County Record for a public hearing to be held April 20, 2009 in the municipal building, Mays Landing, NJ and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1646-2009 be and is hereby adopted.

TOWNSHIP OF HAMILTON  
ORDINANCE #1646-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 398 LOT 1, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT OF PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

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

Deputy Mayor Silva asked that item D be removed from the consent agenda.

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Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton, County of Atlantic, to approve the following business registrations:

- 1) Posh Beautique – Main St
- 2) Van Varick Inc. – contractor working at Target

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”, ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Pritchard, that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve Raffle License #2-2009 for St. Vincent de Paul H.S.A.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”, ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve Raffle License #3-2009 for St. Vincent de Paul Church.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY” NO “ABSTAIN”, ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Pritchard, that the following resolution be adopted:

#### RESOLUTION

ACCEPTING THE PINE BARRENS BYWAY CORRIDOR MANAGEMENT PLAN  
AND SUPPORTING ITS DESIGNATION AS A NATIONAL SCENIC BYWAY  
Township of Hamilton, Atlantic County NJ

WHEREAS, the Pinelands Rural Economic Development Program included the recommendation for the designation of a New Jersey and national Byway to promote more widespread recognition and appreciation of the natural and cultural assets of the region; and,

WHEREAS, in 2004 the Township of Hamilton supported the creation of a Pinelands Scenic Byway and resolved to participate in developing the byway nomination and administering the byway once it is designated; and,

WHEREAS, in August 2005 the Pine Barrens Byway, formerly known as the Southern Pinelands Natural Heritage Trail, was designated a New Jersey State Scenic Byway; and,

WHEREAS, a substantial portion of the middle section of the Byway runs through Hamilton Township; and,

WHEREAS, Hamilton Township has recognized the potential economic benefit of the Byway and has actively participated in the development of the Scenic Byway Corridor Management Plan.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, in the County of Atlantic, State of New Jersey as follows:

1. The Township Committee accepts the Draft Scenic Byway Corridor Management Plan and directs that a copy of the plan be forwarded to the Planning Board for implementation.
2. Authorizes the Mayor to forward a letter to the New Jersey Department of Transportation in support of the Corridor Management Plan.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”, ONE MEMBER ABSENT

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Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept the highest bids for land sold at 6pm tonight.

- (1) Block 855 Lot 13 (min. bid \$5,300.) sold to Davis & Cynthia Bragg for \$5,300.00
- (2) Block 880 Lot 6 (min. bid \$7,800.) sold to Lori Winterbottom representing Silipena Realty for \$7,800.00

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

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to rescind the April 6, 2009 resolution reducing Boardwalk Bank letter of credit #2007-30 and authorizing the reduction of Woodstown National Bank letter of credit #659675, submitted by Bernard Lelayan/L and M development LLC for Oakcrest Estates Phase 3-A, Wells Court (Block 1028.02) from \$197,874.91 to \$59,362.47 as recommended by Robert Smith, Twp. Engineer for the project

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that the Township has no objection to the State/County granting the Vietnam Veterans of America permission to hold a coin drop on June 13 & 14 and Sept 12 & 13 at the Wrangleboro Rd. jug handle.

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

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

**Resolution in support of the Police Department's Accreditation Process**

WHEREAS, in February 2006 the Township of Hamilton Police Department entered into an agreement with the New Jersey State Association of Chiefs of Police to become an Accredited agency.

WHEREAS, This agreement required the police department to undertake a three-year process of examining internal policies, procedures and internal rules and regulations to meet the rigid standards established by the Accreditation process.

WHEREAS, The police department has successfully negotiated the process and is engaged in the final stages of becoming a State accredited agency via being subjected to department-wide inspections and analysis by a team of assessors.

WHEREAS, The Accreditation process formalizes the process of an ongoing analysis of the best law enforcement practices and the constant refinement of the police internal systems.

RESOLVED, That the Township of Hamilton Committee supports and recognizes the undertaking as a useful tool in achieving the agency's mission of delivering the best services they can to the customers of the police department.

RESOLVED, That the Clerk of the Township of Hamilton is hereby directed to forward copies of this resolution to Chief Jay McKeen and the members of the police department.

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

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Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township of Hamilton to accept Fidelity & Deposit Company of Maryland maintenance bond #08917429 as a maintenance guarantee for Stroehmann Bakeries Distribution Center (Block 994.05/Lot 20) in the amount of \$58,953.15 for non-stormwater management system improvements and reject bond #08917428 in the amount of \$5,680.80 for stormwater management

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

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township of Hamilton Award Preventative Maintenance and Periodic Inspection and Repair Service of Township owned Fire Apparatus Bid #2009-01 to Johnson and Tower, Egg Harbor Twp., for Part A Diesel Truck Repair/Maintenance as per itemized bid/award Part B Fire Pump Repair/Maintenance and Part C Fire Pump Certifications to Fire Apparatus Repair Inc, Trenton, NJ. All to be allocated from the 2009 Operating Budget. The recommendation for award is per the Chairman of the Emergency Services Advisory Board.

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

Miss Gatto moved, second of Mr. Pritchard that the following resolution be adopted:

**TOWNSHIP OF HAMILTON  
RESOLUTION**

WHEREAS, the State of New Jersey Department of Transportation has requested that an Agreement be entered between the Township of Hamilton and the State of New Jersey, which would allocate the Jurisdictional responsibilities for highway maintenance and control between the Township of Hamilton and the State of New Jersey with reference to certain intersections of Route 50 and streets within the Township of Hamilton; and

WHEREAS, maps outlining the jurisdictional limits of each have been reviewed and approved by the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Township of Hamilton that the Mayor, Nelson Gaskill and the Clerk, Joan I. Anderson, are hereby authorized to execute the Agreement between the Township and the State of New Jersey.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", MR. SILVA ABSTAINED, ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve the minutes of April 6, 2009 regular meeting.

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

Miss Gatto moved, seconded by Mr. Pritchard 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 be paid, the bill list total being \$ 1,885,613.71 as of April 16, 2009.

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

## Reports

### Administrator

Mr. Sasdelli reported that under the American Recovery and Reinvestment Act of 2009 there was made available some CDBG funds with certain restrictions. Mr. Sasdelli said that he and Phil Sartorio had applied on the Committee's behalf for \$60,000. for roofing, siding and windows at the Frank Greico Social Services Center.

Mr. Sasdelli explained that there had been a new development at Skip Morgan Drive. Mr. Sasdelli reported that the NJDEP is requiring pressure grouting of the 12' thick stone base of the culvert to eliminate potential seepage under the dam. Mr. Sasdelli said that a change order would need to be approved so that the work could be completed and Mr. Morgan could fill his lake. Mr. Sasdelli said we have an agreement with Mr. Morgan that we would take care of the road and he would take care of the sluice gate and that this puts us in jeopardy of that. Mr. Walberg explained that he had thought what they had done was sufficient and that the DEP was taking a very conservative approach in sticking to the rules. Mr. Walberg explained the process of applying the grout. Mr. Sasdelli said that we do have the money for this as the project came in at less than was expected.

### Resolution authorizing payment of Change Order No. 2 for Skip Morgan Drive Culvert Replacement

On the motion of Mr. Pritchard, second of Miss Gatto the following resolution was adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve change order no. 2 for the Skip Morgan Drive culvert replacement project, payable to Mount Construction Co., Inc. in the amount of \$17,717.00

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

### Township Committee

Miss Gatto announced that this week was Volunteer Week and recognized all community volunteers. Miss Gatto also thanked all the Administrative Professionals during their week. Miss Gatto announced Arbor Day is this week, and that it is Turn Off the TV Week. Miss Gatto announced the breakfast to benefit the Hometown Celebration was this Saturday at Cousin Mario's.

Mr. Pritchard announced that the Hotcakes Run was this Saturday at the Atlantic County Institute of Technology.

### Public Comment

Ms. Aline Dix asked for an explanation of the overtime charges on tonight's bill list in light of the hiring freeze. Mr. Sasdelli said that there would always be unavoidable incidents that require overtime but that all was being done to make it as few as possible. Mr. Sasdelli also said he would get back to Ms. Dix about the specific charges on the bill list. Ms. Dix suggested that all Committee Members be given a budget statement after the bills are entered in the computer, since this budget is so dire. Ms. Dix asked if there was a plan in place for the best use of the \$130,000. in Clean Communities Funds. Mr. Morley explained the plan in place. Ms. Dix stated that we have to think out of the box and not do the same thing over and over. Mr. Silva said that Ms. Dix comments were well taken. Ms. Dix suggested that there would be cost savings if the Township started paying bills once a month. Ms. Dix also stated that this could possibly allow us to avoid tax anticipation notes. Miss Gatto said this was a great suggestion and asked the Administrator to consult with the CFO on this.

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Ms. Gail Harris stated that she has been an employee at the Cove for 26 summers and was very disappointed that it would be closed this year. Ms. Harris asked what was in mind to take care of the beach, even if swimming was not allowed. Mr. Silva explained that in the meeting with the County later this week solutions might be worked out. Miss Gatto clarified that the Cove is open with the exception of swimming and that the beach and water will be kept clean. Miss Gatto said that we would do whatever we can to optimize the use of either one of the facilities to benefit all the taxpayers.

Mr. Jim Link said that he thought the motion to table Mr. Palmentieri's resolution was premature, as the public does not know anything about the resolution. Mr. Link thought the resolution should have been read and the motion to table should have included a date in which the motion would be brought back to the table. Mr. Lafferty said it was actually a motion to postpone indefinitely.

Mr. Carl Vitalli stated that work on Lenape Ave. was left a mess over the weekend. Mr. Sasdelli said that the nature of the work is messy and that he had received other complaints and had already spoken to the engineers. Mr. Walberg said he would look into this.

Ms. Judy Link asked to have Mr. Palmentieri's resolution read. After Mr. Palmentieri read the resolution, Ms. Link asked if the County would be responsible for hiring the lifeguards and was told that there were no details yet. Mr. Palmentieri said that the resolution was to indicate that the governing body was in agreement to enter into discussions favoring an agreement that would facilitate swimming at that facility. Ms. Link asked if private enterprises had been looked into and Mr. Sasdelli said that he had given one vendor information but hadn't heard back. Miss Gatto said that the reason she made the motion to table the resolution was because she wanted to partner with the County rather than be adversarial. Ms. Link said that Freeholder Schroeder as well as others present supported this resolution.

Ms. Dix asked what kind of insurance coverage we were looking for. Mr. Sasdelli said that our Risk Management Consultant had recommended 10 million dollars. Regarding boating at the cove, Ms. Dix said that there was no boating allowed at the Cove and asked how the Township planned on keeping kayaks off the beach.

Hearing nothing further from the public, Miss Gatto moved, seconded by Mr. Pritchard to close the public portion.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting adjourn to an executive session to discuss proposed MEL/JIF settlement regarding the Pond & Spitz litigation and also to discuss the status of Pucci v. Township of Hamilton litigation and that the governing body will not be reconvening in public because no action is expected to result from the discussions at this time.

BE IT FURTHER RESOLVED that the results of said executive session discussion shall be made known as soon as the proposal is no longer confidential

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



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On the motion of Miss Gatto seconded by Mr. Pritchard, and carried the meeting was adjourned at 7:55PM.

Respectfully submitted,

Rita Martino, RMC  
Deputy Township Clerk