

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
MAY 3, 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 salute to the flag followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Law by posting a notice on the bulletin board and by faxing a copy of said notice along with the agenda for this meeting to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating this meeting would take place at in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, May 3, 2010.

Firefighter Valor Awards Presentations

Mayor Silva commented on the Valor Awards made by the Atlantic County Firefighters' Association Valor Awards Ceremony at the Tony Canale Center on April 21st and wanting to recognize the recipients at a Committee Meeting so the public could see who they are.

Mayor Silva read the Mayor's Proclamation set forth below and presented individual copies to Capt. Mark Jenigen, Capt. Shawn Slocum, Firefighter David Paloff and Firefighter Richard Arroyo.

Township of Hamilton
ATLANTIC COUNTY, NJ

Mayor's Proclamation

WHEREAS, Captains Mark Jenigen and Mark Slocum, and Firefighters Richard Arroyo, David Paloff, and Mike Perri, are residents of Hamilton Township, and are active members of the Mays Landing Volunteer Fire Department; and

WHEREAS, in the early hours of November 18, 2009, these brave members of the Mays Landing Fire Department responded to a motor vehicle accident in Hamilton Township involving a vehicle on fire with the driver trapped inside. In spite of the hazardous conditions of the rescue, the firefighters worked quickly to safely remove the driver from the burning vehicle; and

WHEREAS, although individuals who selflessly serve others often neither receive nor seek the thanks of the public, these brave gentlemen were honored by the Atlantic County Firefighters Association for Valor on April 21, 2010;

THEREFORE, I, Mayor Roger J. Silva, of the Township of Hamilton, hereby recognize and honor

Captain Mark Jenigen
Captain Shawn Slocum
Firefighter Richard Arroyo
Firefighter David Paloff
Firefighter Mike Perri

in appreciation of their service and dedication to the Mays Landing Volunteer Fire Department and to the entire community. It is our privilege to honor our volunteers, the ordinary people who give of themselves to accomplish extraordinary things.

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50 or more years of Volunteer Firefighter service awards

Mayor Silva commented on Weymouth Volunteer Fire Company Member Dan Lash, Sr., Mays Landing Volunteer Fire Company Member George Spera, and Cologne Volunteer Fire Company Member Bill Will being among 30 volunteer fire fighters from various fire companies being honored by the Atlantic County Firefighters' Association for 50 or more years of service to their respective Fire Companies. He read the proclamation set forth below and presented individual copies and a plaque to each of them. The Mayor asked each one how many years they served. Mr. Lash said 56 years; Mr. Spera said 63 years and Mr. Will said over 50 years. Mayor Silva commented on Mr. Lash having served during the forest fires that began on Palm Sunday, 1963 and burned for three days, destroyed homes, businesses, farm structures and equipment and 18,900 acres of forest. He said the services of all the volunteers are appreciated.

Township of Hamilton
ATLANTIC COUNTY, NJ

Mayor's Proclamation

WHEREAS, Daniel Lash, Sr., George Spera, and Bill Will have been longtime residents of Hamilton Township, and have been active members of Hamilton Township Volunteer Fire Departments for over fifty years each; and

WHEREAS, over his fifty-six years with the Weymouth Fire Department, **Mr. Lash** has served in the positions of Secretary, Lieutenant, Captain, Assistant Chief, and Chief (1962-1968), and continues to serve to this day as a Trustee; and

WHEREAS, during his 63 years with the Mays Landing Fire Department, **Mr. Spera** has served as President, and continues to serve to this day as Assistant Treasurer, as well as Treasurer of the Hamilton Township Firemen's Relief Association; and

WHEREAS, over the course of his fifty-plus years, **Mr. Will** has served the Cologne Fire Department on numerous Boards and Committees as well as President, was involved in the formation of the Cologne Fire Department in its early days, and continues to serve to this day as a Charter Member; and

WHEREAS, Mr. Lash, Mr. Spera, and Mr. Will were honored by the Atlantic County Firefighters Association for over fifty years of service to the Weymouth Fire Department on April 21, 2010;

THEREFORE, I, Mayor Roger J. Silva, of the Township of Hamilton, hereby recognize and honor

Daniel Lash, Sr.
George Spera
Bill Will

in appreciation of their service and dedication to the Fire Departments of Hamilton Township and to the entire community. Volunteers such as these distinguished gentlemen are truly the "footing and foundation" of the Hamilton Township Fire Service.

Each group of recipients received a standing ovation from everyone present.

Committeewoman Gatto said Mrs. Anderson did so much with very little recognition and this proclamation was the least the governing body could do for all Clerk's in the State for their support of the governing bodies and citizens. She then read the following Municipal Clerks' Week Proclamation which was signed by all Members of the Township Committee.

*PROCLAMATION
MUNICIPAL CLERKS' WEEK
MAY 2 THROUGH MAY 8, 2010*

WHEREAS, The Office of the Municipal Clerk is a time honored and vital part of local government that exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and the community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their State, Province, County and International Professional Organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Office of the Municipal Clerk,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Hamilton do hereby recognize the week of May 2 through May 8, 2010, as Municipal Clerks' Week and further extend appreciation to our Municipal Clerk, Joan Anderson, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND THE SEAL OF THE TOWNSHIP THIS THIRD DAY OF MAY, 2010.

MAYOR J. ROGER SILVA

TOWNSHIP COMMITTEE MEMBERS

**CHARLES W. CAIN, JR
DR. HARVEY KESSELMAN**

**AMY L. GATTO
THOMAS PALMENTIERI**

There were no executive session confirmations to be made.

Prior to the start of early public comment on agenda items, Mayor Silva asked Mr. Sasdelli to give a synopsis of what the discussion of the Resolutions for lowering the School Tax Levy were about before early public comment on them was taken. Mr. Sasdelli explained the law requires defeated school budgets come to the governing body; the governing body has to consult with the Board of Education, conduct a municipal review and pass a resolution to certify the levy. He said once that is done and the levy is certified by a resolution it goes back to the School Board and they can accept the Committee's Resolution as is; they can accept the amount the governing body reduced the levy but take it from somewhere else; or they can reject the Resolution and appeal to the Commissioner to have some or all of it reinstated. Mr. Sasdelli explained that on the Regional budget, the Township representatives had to meet with the Regional Board and representatives from three other towns and all four towns had to agree on the levy amount to be certified or it goes to the Commissioner. He said 57% of the voters in Hamilton Township rejected the Regional levy and he conducted the municipal review as he was directed to do by the Township Committee. Mr. Sasdelli said some of the things he discovered were that their total expenses are down about \$500,000.00; they eliminated 43 positions and cut a plethora of programs; they are required to open a new high school (Cedar Creek); their per pupil cost is \$1,477.00 below the State average for other regional high schools; they are below adequacy which the State refers to as the amount of money a thorough and efficient education should take for the core curriculum; and they lost \$7 million in State Aid in two years. Mr. Sasdelli said he and the Finance Committee were sensitive to all of those positive things but

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they were sensitive to the fact that almost 60% of the voters turned the budget down so they had to balance doing something with the budget and respecting the will of the voters. He explained that the Finance Committee didn't want to cut any more programs, lay off any more teachers, or do anything to affect the thorough and efficient education so they went to the two areas the Governor and Commissioner of Education are telling governing bodies to, health benefits and salaries for their recommendation. Mr. Sasdelli read the following from the Resolution listed on the agenda: *"Therefore the Township's recommendation to both lower the levy and avoid any adverse impact on a thorough and efficient education is to decrease the Health Insurance line item by \$420,000.00 which represents an amount equal to the employees contributing 1.5% of their salary to their own health insurance coverage; secondly we decrease all salary line items throughout the budget by 2.1% which equates to \$580,000.00 for a total tax levy reduction of \$1,000,000.00"*. Mr. Sasdelli explained the procedure is the same for Hamilton Township School Budget except that no other towns have to agree to it. He said 56% of the voters rejected the Hamilton Township levy. Mr. Sasdelli said they consulted with the Board of Education and found their total expenditures are already down by over \$2,000,000.00; they are eliminating 20 positions; they are reducing the work schedule and benefits for 46 other positions; their per pupil is \$2,004.00 below the State average; and they are \$5,000,000.00 below what the State says is an adequate to provide a thorough and efficient education. He said that is impressive and the Finance Committee was sensitive to all of those things but they are also sensitive to the will of the voters. Mr. Sasdelli said they don't want to cut programs, lay off teachers or affect a thorough and efficient education. He said the Finance Committee recommendation on this budget is to reduce the Health Insurance line item by \$330,000.00 which equates to all the employees paying 1½% of their salary towards their own health insurance. Mr. Sasdelli explained the recommendations cut the Local School Tax Levy increase from 5 cents to 2½ cents and the Regional Tax Levy which has to be apportioned from 7½ cents to 5-cents. Ms. Gatto asked Mr. Sasdelli to explain the ceiling on cuts the law allows the governing body to make. Mr. Sasdelli said there is a minimum levy and a maximum levy and no one is near the maximum. He explained the maximum the governing body could take from the local budget if they chose to is \$374,000.00 and there is a little more room in the Regional.

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

Peggy Capone said she was at the budget meeting last year before it passed when Aline Dix presented a budget on how to operate the Cove without a loss of revenue. She said a year has gone by and nothing has changed; the Cove was not included in the budget; \$160,000.00 in raises were given to the Police Department; there was an 8-cent tax increase; and a service to the community continues to be cut. Mrs. Capone said several people have come in and addressed this with the Committee and nothing has been done. She said she doesn't agree with that; that someone on Committee has to take the lead and meet with Ms. Dix if they need her help; and that she believes Ms. Dix will make it work.

Mrs. Capone said there was no change in the Greater Egg Harbor Regional transportation costs. She said in Laureldale the bus drives down a street approximately 1 mile long and pick up 6 kids. Mrs. Capone said the parents can take them to the end of the road and have them picked up on Route 50. She said she is sure it will save a considerable amount of money but it takes leadership. Mrs. Capone commented on saying this several years ago when money wasn't a problem, nothing was done, now money is a problem and they still aren't listening. She said they will have the same problem next year. Mrs. Capone asked if Mr. Sasdelli said that a 1.5% contribution by teachers for health care will save \$420,000.00 in the regional budget. Mr. Sasdelli said that he didn't single out teachers, he said all employees. Mrs. Capone asked if that was a suggestion or agreement. Mr. Sasdelli said it is one part of the recommendation. Mrs. Capone said the regional school health care costs have increased over \$1 million every year and nothing will change until people start paying for their health care. She said they won't notice 1% and she would rather give them raises and make them pay more for their health care. Mrs. Capone said there are a lot of people angry at teachers but the real issue is that the school keeps paying more especially in transportation which has gone up \$400,000.00 at the regional each year and is never touched. She said health care is an issue that is rarely touched; that she thinks the Township can do better than 1.5% because making a person aware of the cost is part of the solution; and that 1% is not enough to impact a person.

Mrs. Capone said another way the Committee could pay for the Cove is to eliminate the usage of cars the township pays for. She said cars are given to people who don't need them to get back and forth to work. Mrs. Capone said the Township pays for the car, the insurance, the repairs, and their gas. She said eliminating that cost would probably pay for the Cove and return a service to the public. Mrs. Capone said the Committee is growing, not shrinking, government if there is an 8-cent increase.

Mrs. Capone asked how much the regional taxes will go up with the compromises made. Mr. Sasdelli said the regional was 7½ cents and if the resolution is passed it will go down to 5 cents. Mrs. Capone said the Hamilton Township school budget included raises to the Administration. She said the superintendent makes \$130,000.00 including a 5% raise and she should never have gotten it. Mrs. Capone said there is a co-superintendent. She said she believes Sharon Riordan was making \$80,000-\$85,000.00 when she was superintendent and she had no co-superintendent. Mrs. Capone said their website says they have a Co-superintendent/Curriculum. She said they also have a Curriculum Advisor so they are paying 2 Superintendents and a Curriculum Supervisor. Mrs. Capone said it created a top-heavy Administration. She said they have 3 Vice Principals in Davies School, 1 each for the 6th, 7th 8th grades and that they say it is for discipline. Mrs. Capone said Administrators were supposed to be for discipline, overseeing teachers and removing teachers that shouldn't be in the school system. She said there were bad teachers when her daughter, who is a junior in college, was there and they are still there so either the Administrators aren't doing their job or it is just part of the process; you get tenure and nobody fights it. Mrs. Capone said she thinks there could have been better savings with a contribution of all instead of going to the lower individuals. She said they cut benefits to the lowest paid employees and that demonstrates arrogance to the working class. She said their insurance goes up about \$500,000.00 every year. Mrs. Capone said the Township is getting back \$420,000.00 from the regional but the policy is still growing \$1 million every year so it is still in the red with insurance even if the Administration and teachers contribute.

Mayor Silva commented on seeing Mrs. Capone at the Regional Board meeting and asked if she attended the Local Board Meeting. Mrs. Capone said she missed the open session. The Mayor asked her if her comments were received warmly. Mrs. Capone said she didn't know. He said a lot of recommendations come from the people but the Township Committee can't tell the school Administration what to do. Mrs. Capone commented on the Vice Principals being there for discipline and said maybe they need a teacher with a classroom. She said kids are only there 9 months a year. Mayor Silva commented on there being maximum the Committee could cut and said they only had a small window in which they could look at the operation. The Mayor said the Committee basically chose to go for the employees to contribute 1.5% towards their health benefits which was within the \$374,000./\$375,000.00 maximum that they could cut. Mayor Silva said he thinks everybody understands what the voters did and that going forward there will be a general feeling that this could happen again and again until somebody gets it the way they feel it should be. The Mayor said the Committee doesn't want to impact the thorough and efficient education. Mrs. Capone said they cut Aides to part time so they wouldn't get health care and that will impact the classroom. Mayor Silva said he thinks that with all the changes the Committee feels are coming the message is out there and some people get it. He commented on the percentage of budgets defeated statewide and said a lot of districts have no idea of what they are going to do now. Mayor Silva said that the Committee felt that by sitting down with the representatives of the Boards and discussing how the Committee looked at it without taking anything away from the way they run their school systems the Finance Committee made these recommendations and drafted the resolutions. Mrs. Capone asked what the tax increase will be if they accept this settlement. Mr. Sasdelli said it isn't a settlement and explained that the Committee is setting the tax levy where they think it should be and the Boards can appeal it. He said the local school increase will be 2½ cents and the regional increase will be 5 cents if the Boards accept the resolutions.

Julio Poventud said that when he saw the cuts in the newspaper he felt they were more to punish the parents and taxpayers and trying to intimidate them into accepting the budget as is or get more cuts. He said he didn't see any hard decisions being made and asked if they looked at the administrative costs from the top down instead of from down up, the people who are actually doing what they are being paid to do. Mr. Sasdelli said the Township Committee didn't cut the positions or take away the benefits Mr. Poventud referred to, the school board did. Mr. Poventud said he understood that. Mayor Silva asked Mr. Poventud if he ever attended any of the Board meetings. Mr. Poventud said "no". The Mayor said he brought it up because a lot of times people only come out when there is a heavy item on the agenda. He suggested more people should attend those meetings so they understand. The Mayor said a lot of times people don't say anything until a budget is defeated, there is a problem, or an issue that affects their particular neighborhood. Mayor Silva said he thought people should always take their concerns to the Boards because they are paying part of the bill as a taxpayer in the community. Mr. Poventud asked if there was a way to send it back to the board flat, keeping the taxes the way they are, to force them to think harder about their budget. Dr. Kesselman explained the Committee can't send a flat tax rate back; they can only work with what was rejected and the maximum cut allowed by the State. He said the recommendation isn't to make the maximum cut. He asked Mr. Sasdelli to explain again what the Hamilton Township budget was last year, how many million were already cut and how much more the Township is cutting. Mr. Sasdelli said the local school budget last year was \$47.1 million; they already cut it by \$2.2 million to \$44.8 million; and the township is recommending another cut of \$330,000. Mr. Sasdelli said \$130,000.00 equals a penny on the tax rate. Dr. Kesselman said

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that was a total of \$2.5 million and technically a 19-cent reduction since last year. He said the cut in State funding added to the problem. Mayor Silva said he heard the cut was between \$2 and \$3 million. Dr. Kesselman said the recommended cut to the local budget is close to the maximum allowed and he heard that the regional is not as close to the maximum. He said that unlike the local budget, 4 different townships have to agree to the number on the regional budget. Mr. Sasdelli said some of the towns wanted more, some wanted less and the \$1 million is a compromise all 4 towns could agree with but no one was entirely happy with it. He explained there would be a failure to certify without the compromise and then it is taken out of local hands and goes to the State. Mr. Proventud said that might be a better option. Mayor Silva said a lot of people feel the voters have spoken and this is where it should be at this time. He said that what is sent on to the State will be reviewed by the Commissioner of Education and a decision will be made there.

Aline Dix questioned the amount of the grant being authorized tonight and if it is the same as the Criminal Justice Grant listed on the Annual Financial Statement filed in February. Chief Tappeiner said the amount is \$55,177. Ms. Dix said the one on the financial statement was \$48,005.00 and asked if this was another one. Chief Tappeiner said he would have to double check.

Ms. Dix commented on someone who swam in the Cove in the 1920's saying she thought it was simple for the township to pay employees to sit at the Cove all day in the rain. Ms. Dix said last year it was about \$500.00 a day. She said she thinks there are enough intelligent people on the payroll and elected to Township Committee to figure out how to run the Cove on at least a break even in 2010. Ms. Dix said she filed an OPRA request on April 21st to look at all of the 2008 Cove sign-up sheets; she spoke with Mr. Sandman about it on April 23rd and agreed to an extension of time so there wouldn't be a violation of the law; and she can patiently wait. Ms. Dix volunteered to sell the beach badges purchased but not used in 2009 at the Olde Time Market in War Memorial Park on May 16th and said she will post a bond of whatever amount the Township wants of her own money so she doesn't steal the money. She said a decision had to be made tonight if it is going to be done so they can get the word out and because the next Township Committee meeting isn't until May 17th.

Wayne Choyce commented on being concerned because he hasn't read or heard anything that shows the Boards of Education and all their employees have taken the same steps as the Township Committee and all of its employees did to try to help balance the budget and spare the taxes from the residents. He said what the Committee and Township employees did set an excellent example and other people should be following it to help everyone in the Township. He suggested the Committee do anything they can to get that message to the School Boards and get them to bring people to the table and be willing to share the pain instead of just eliminating positions and the fat cats keep all of their money and benefits.

Harry Rogers said he appreciated the work Mr. Sasdelli did to bring out the facts mentioned earlier. He commented on articles in the Record Journal or Current about negotiations with the Teachers Unions that said the results would not be made public and said he didn't understand that because you have to know what those end numbers when you look at the budgets. Mr. Rogers asked if it was going to be another situation like the one with Police where they are supposed to be giving back one part but are getting an even larger raise. He asked if the teachers will get X-% raise and give back 1½% for their medical. Mr. Sasdelli explained the Township has no idea what is going on between the School Board and the Teachers' Union; they are not privy to that; it isn't part of the municipal review; and it isn't within the Committee's purview. Mr. Sasdelli said the Committee looked at and know what is in the budget for salaries and health insurance that the people voted on. He said the Township is recommending reductions and how that gets intertwined in the negotiations is between the Board and the unions. Mr. Rogers said the Committee should know it because rumor is that it is a multi-percent raise for multi years at a time when people in the private sector are getting slammed. He said he thinks it is incumbent on the Committee to know what that negotiation is before they propose any budget reduction. Mayor Silva said it is up to the Commissioner of Education to deal with that if the resolutions are passed and it goes to Trenton. He said he thinks Mr. Choyce's comments were in line with what the Committee was thinking when they met with the Board in terms of trying to take the recommendations from the Governor's Office whether or not you agree with him. Mayor Silva commented on individuals that have come to the mike about health insurance increases of 16-18% and said he has heard of people in the private sector paying \$100-\$150 a week for their benefits so 1½% isn't so much. He said the hardest thing in dealing with the regional budget was getting all 4 municipalities to agree on the amount. The Mayor said there was some resistance from some of the communities but the Township felt it should be put on the table and see where it goes. He said that it could end up in Trenton but the Committee feels they are representing the will of the people. Mayor Silva commented on the Committee taking the line that employees would have to give up either a raise or pay a portion of their health benefits when the budget was defeated. He said a lot of people who never got raises

because they don't have jobs and from that position, he Mr. Palmentieri, Mr. Sasdelli, the CFO and Deputy CFO felt this is the better way to go at this time. Mr. Rogers said he didn't disagree with anything the Mayor said but he didn't think it addressed the point he brought up. He said there are contract negotiations that the people have to pay for that are being kept from the public and it was in the paper that it was settled but wasn't going to be published. Ms. Gatto said the Committee can't talk about the school's negotiations and there is no settlement to her knowledge. Mayor Silva asked Mr. Rogers what he thought he would do the next time he went into the voting booth if the Board approved all of that; would he remember it and would he think no one heard a word the public said. The Mayor said he understands there is a budget problem of crises proportion but there are some things the Township Committee doesn't control. He said the Township Committee didn't make its decision on rumor. Mr. Sasdelli said he didn't know if the rumors are true or not but it is true that there is no ratified union agreement and the Board has not ratified a contract. He said that whatever is being discussed, if the resolutions are passed tonight, they won't have that money because the Township won't collect it. Mr. Sandman said the Township Committee isn't a party to the contract Mr. Rogers is talking about. He explained the Committee negotiated and came up with a resolution that will reduce the levy by all but \$40,000.00 of the maximum reduction allowed. Mr. Sandman said he sensed the outrage of Mr. Rogers and most of the people who live in the Township and suggested it belongs in front of the School Board because that is who they have to let know that whatever raises they are talking about are unacceptable. He said the Township Committee has a very finite job that is circumscribed by Statute and he is sure the Committee would like to know what future school budgets are going to be but that isn't something the law gives them the ability to deal with. Mr. Rogers said that was a point well taken.

There being no further early public comments or questions on agenda items excluding those listed for public hearing, the governing body moved forward with the agenda.

Resolution to lower Greater Egg Harbor Regional School District Tax Levy

Ms. Gatto recused herself from conversation on the resolution because of her mother's employment in the Greater Egg Harbor Regional School District and left the dais.

Mr. Sasdelli explained all that was needed was a motion, a second and 3 out of 4 favorable votes because the Committee Members had copies of the resolution since Thursday.

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

**Resolution to Decrease Tax Levy
For 2010/2011
Greater Egg Harbor Regional
School District Budget**

WHEREAS, the Board of Education of the Greater Egg Harbor Regional School District (GEHR) submitted to the electorate on April 20, 2010, a proposal to levy \$27,744,585 in taxes to fund the ensuing school year 2010/2011, and

WHEREAS, said tax levy in the amount of \$27,744,585 was defeated by the electorate by 326 votes (1,374 to 1,048), and

WHEREAS, State statute NJSA 18A:22-37 requires the Governing Body, after consultation with the GEHR BOE, to conduct a "municipal review" of the defeated budget to determine whether they wish to approve the existing tax levy or reduce said levy, and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, we have consulted with the GEHR BOE, and we recognize the GEHR BOE budget is already below the state average in per pupil costs and below "adequacy" and we recognize their commitment to fiscal responsibility. However, we also recognize in a representative democracy we have a duty to represent the will of the voters expressed in the recent school election; and,

WHEREAS, the state statute requires that a tax levy reduction must "*not adversely affect the district's ability to provide a thorough and efficient education*" and,

WHEREAS, the Township conducted the required "municipal review" and found the GEHR BOE is \$3,801,943 above the required state minimum school tax levy. The Township also concluded it does not wish to recommend any program or position cuts which could adversely affect a "thorough and efficient" education, and

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THEREFORE, the Township's recommendation to both lower the levy and avoid any adverse impact on a "thorough and efficient education" is to:

- decrease the health insurance line item by \$420,000 which represents an amount equal to the employees contributing 1.5 percent of their salary to their own health insurance coverage.
- Decrease all salary line items throughout the budget by 2.1% which equates to \$580,000
- For a total tax levy reduction of \$1,000,000.

THEREFORE, BE IT RESOLVED that for the above stated reasons, the Township of Hamilton in the County of Atlantic hereby decreases the Greater Egg Harbor Regional School District tax levy from \$27,744,585 to \$26,744,585 thereby reducing the tax burden on our residents from 7.5 cents to 5 cents without negatively affecting the number of district employees or the number of programs in an already fiscally sound school district; and

BE IT FURTHER RESOLVED that the Township Committee hereby certifies to the Atlantic County Board of Taxation the amounts necessary to be raised by taxation for school purposes with the Township of Hamilton:

Total Amount of Tax Levy for School Purposes	\$26,744,585
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BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to: Atlantic County Board of Taxation, Greater Egg Harbor Regional Board of Education, and the Superintendent of Schools for the County of Atlantic.

ROLL CALL: CAIN	"YES"
KESSELMAN	"YES"
PALMENTIERI	"YES"
SILVA	"YES"

MS. GATTO HAD RECUSED HERSELF DUE TO HER MOTHER'S EMPLOYMENT.

RESOLUTION ADOPTED MAY 3, 2010.

Ms. Gatto returned to the dais.

Resolution to lower Hamilton Township School District Tax Levy

Ms. Gatto said she thought the bottom line and the hard line the subcommittee took was commendable. She said she thought didn't think the Township Committee could ask for anything less than what they asked of from its own employees. Ms. Gatto said Township employees were asked for furlough days, to contribute 1½% towards their health benefits, and other concessions that resulted in a 4% reduction in what went home in their pocket. She said to ask for anything less than that would be unfair to the taxpayers and the Township's employees.

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

**Resolution to Decrease Tax Levy
For 2010/2011
Hamilton Township
School District Budget**

WHEREAS, the Board of Education of the Hamilton Township School District (HTSD) submitted to the electorate on April 20, 2010, a proposal to levy \$16,565,299 in taxes to fund the ensuing school year 2010/2011, and

WHEREAS, said tax levy in the amount of \$16,565,299 was defeated by the electorate in Hamilton Township by 274 votes (1,389 to 1,115), and

WHEREAS, State statute NJSA 18A:22-37 requires the Governing Body, after consultation with the HTBOE, to conduct a "municipal review" of the defeated budget to determine whether they wish to approve the existing tax levy or reduce said levy, and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, we have consulted with the HTBOE, and we recognize the HTSD budget is already below the state average in per pupil costs and below "adequacy" and we recognize their commitment to fiscal responsibility. However, we also recognize in a representative democracy we have a duty to represent the will of the voters expressed in the recent school election; and,

WHEREAS, the state statute requires that a tax levy reduction must "*not adversely affect the district's ability to provide a thorough and efficient education*" and,

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Ms. Gatto said that as the second Recreation Liaison she would serve on the Subcommittee. She commented on a news article about Hammonton opening their lake and said she reached out to one of their Council members to see if there are any best practices that would help.

Mayor Silva confirmed the Subcommittee will be comprised of Mr. Cain, Ms. Gatto, Mr. Morley, Mrs. Giberson, Aline Dix and Jennie Ayers.

Award of Cell Tower Lease - Block 677/Lot 15

Mr. Sasdelli said it is behind Balic Winery. He commented on the governing body tasking Mr. Sartorio to aggressively target these kinds of projects and said this is the third one being approved. Mr. Sasdelli said each one brings in about \$20,000-\$25,000. a year once they are fully developed. He said it is under alternative sources of revenue the Township is trying to bring in but the tower has to be constructed before the Township starts getting revenue. The Mayor Silva asked if there was a time frame for construction. Mr. Sasdelli said they have to get a lot of approvals before they can start. Mr. Sasdelli said it was one of the parcels parcel put aside for potential cell tower sites about 5 years ago.

Ms. Gatto moved, seconded by Dr. Kesselman, that the following resolution be adopted.

WHEREAS the following proposals to Hamilton Township RFP FOR LEASING OF PROPERTY IDENTIFIED AS BLOCK 667, LOT 15 FOR THE SOLE PURPOSE OF CONSTRUCTING A PERSONAL WIRELESS TELECOMMUNICATIONS TOWER WITH ASSOCIATED EQUIPMENT were opened on April 7, 2010:

Gaelic Communications, LLC
65 Mechanic Street, Suite 201
Red Bank, NJ

BASE BID: \$24,537.00 per year

SBA Towers II, LLC
5900 Broken Sound Parkway, NW
Boca Raton, FL

BASE BID: \$24,000.00 per year

Tower Economics Co., Inc.

BASE BID: \$14,712.00 per year

WHEREAS the Director of Community Development has reviewed the aforesaid bids and recommended in writing that the lease to develop a personal wireless telecommunications facility (aka Cell Tower) on Block 667, Lot 15, be to Gaelic Communications, LLC, said Gaelic Communications, LLC, having been the high bid and meeting the other RFP specifications.

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

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 Business Registration Licenses are hereby approved:

- 1) T-Mobile - wireless communication/equipment sales in Hamilton Mall.
- 2) Jack Lyon - used equipment auction at Atlantic City Race Track on June 18-20, 2010.

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

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 it has no objection to NJDOT approval and issuance of permits to the Cologne Volunteer Fire Company for coin drops to be held at the intersection of US Route 322 (Black Horse Pike) and McKee Avenue on Mays 21, 22 & 23, 2010, June 25, 26 & 27, 2010, August 13, 14 & 15, 2010, September 24, 2010 and October 22, 23 & 24, 2010.

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

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 Raffle Licenses are hereby approved for St. Vincent DePaul Church:

- 1) #RA-4-2010 for an on premises draw 50/50 on July 18, 2010.
- 2) #RA-5-2010 for an on premises draw 50/50 on October 23, 2010.
- 3) #RA-6-2010 for an off premises draw 50/50 on October 23, 2010.

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

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 Raffle Licenses are hereby approved for the Oakcrest High School Band Parents Association:

- 1) #RA-7-2010 for an on premises draw raffle on August 7, 2010.
- 2) #RA-8-2010 for a Chinese Auction to be held on August 7, 2010.

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

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 it has no objection to the NJ Division of Alcoholic Beverage Control approval and issuance of a special permit to the Cologne Volunteer Fire Company for their 50th Anniversary Celebration on September 25 2010 from 10AM to 10PM, beer only to be dispensed.

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

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

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY**

**AUTHORIZING THE TOWNSHIPS PARTICIPATION IN CAPE MAY COUNTY COOPERATIVE
PRICING PROGRAM FOR THE AWARD OF COUNTY COMPETITIVE CONTRACT NO. 85,
PROVISION OF PROCUREMENT CARD SERVICES FOR THE COUNTY OF CAPE MAY AND
COOPERATIVE MEMBERS**

WHEREAS, the Township is a participating agency under the Cape May County Cooperative Pricing Program known as No. 25 CMACP; and

WHEREAS, the County of Cape May has acted on behalf of the Township of Hamilton as a lead agency for Cape May County Cooperative Competitive Contract No. 85, Provision of Procurement Card Services for the County of Cape May and Cooperative Members; and

WHEREAS, the needs of the Township of Hamilton were bid by the County and received on September 12, 2007 and a contract award recommendation by the lead agency for Cape May County Cooperative Contract No. 85; Provision of Procurement Card Services to **Bank of America N.A., 401 N Tryson Street, Charlotte, NC** for a period of thirty-six (36) months/three (3) years beginning January 1, 2008 and continuing until December 31, 2010; and

WHEREAS, it is recommended that the City Council of the Township of Hamilton, New Jersey approve the provision of Procurement Card Services from the Cape May County Cooperative Pricing Program Competitive Contract No. 85 vendor Bank of America N.A. for use in conjunction with the Township of Hamilton's Procurement Card Program; and

May 3, 2010

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton Atlantic County, New Jersey, that the City's Procurement Card Services for use by citywide personnel under the direction of both the Chief Finance Officer, the Deputy Chief Finance Officer and the Township Administrator shall be obtained from the Cape May County Cooperative Pricing Program vendor as follows:

**Bank of America N. A.
401 N. Tryon Street
Charlotte, NC**

1. Procurement Card Service for a thirty-six (36)/three (3) year term at no annual fee

BE IT FURTHER RESOLVED that Bank of America N.A. will provide the procurement card services as stated in the Cape May County Competitive Contract No. 85 and as determined by the Township of Hamilton for use by the Townships Department of Finance. The Township Committee are hereby authorized to enter into a formal contract with Bank of America N.A. beginning on January 1, 2008 and continuing until December 31, 2010 per the Cape May County Cooperative Competitive Contract No.85, Provision of Procurement Card Services in accordance with the Cape May County cooperative competitive contract, this resolution and bid proposal form.

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

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

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG) ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Township of Hamilton wishes to apply for funding for a project under the Edward Byrne Memorial Justice Assistance Grant Program, and

WHEREAS, the Governing Body of the Township of Hamilton has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Hamilton for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Township Committee that

- 1) As a matter of public policy Township of Hamilton wishes to participate to the fullest extent possible with the department of Law and Public Safety.
- 2) The Attorney General will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
- 5) The following are the applicants Authorized signatories for the grant agreement documents, detailed cost statements, State payment vouchers and programmatic progress reports:

Richard C. Tuthill, CFO
Cynthia Lindsay, Deputy CFO
Stacy Tappeiner, Chief of Police.

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

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

RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY
ON CIVIL RIGHTS**

WHEREAS, it is the policy of the Township of Hamilton to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Township of Hamilton has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Township of Hamilton Committee that:

Section 1: No official, employee, appointee or volunteer of the Township of Hamilton by whatever title known, or any entity that is in any way a part of the Township of Hamilton shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Hamilton's business or using the facilities or property of the Township of Hamilton.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a government entity or a private entity, that receives authorization or support in any way from the Township of Hamilton to provide services that otherwise could be performed by the Township of Hamilton.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township has established written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. These procedures include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event that alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Township has established written procedures that require all officials, employees, appointees and volunteers of the Township of Hamilton as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Township has established a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Township Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Hamilton. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Hamilton's website.

Section 9: This resolution shall take effect immediately.

May 3, 2010

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Hamilton in order for the public to be made aware of this policy and the Township of Hamilton's commitment to the implementation and enforcement of this policy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the aforementioned guidelines be adopted.

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

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

HORIZONS AT WOODS LANDING
RESOLUTION #1 OF 2010

RESOLUTION AUTHORIZING DISCHARGE OF PERFORMANCE BONDS
AND ACCEPTANCE OF REPLACEMENT BONDS FOR THE HORIZON AT
WOODS LANDING SUBDIVISION

WHEREAS, Horizon at Woods Landing, LLC has previously posted with Hamilton Township various performance bonds, as listed in Exhibit A, as surety and performance guarantees for the proper and timely installation completion of site improvements; and

WHEREAS, consistent with the Developers Agreement executed in August 2009, the successor developer, Fernmoor Homes at Woods Landing, LLC., has posted replacement performance bonds to cover the improvements and in the amounts set forth in the Engineers cost estimate dated August 2009, as listed in Exhibit B; and

WHEREAS, consistent with the Developers Agreement, Fernmoor Homes at Woods Landing, LLC., has also posted a performance bond in the amount of One Million (\$1,000,000.00) Dollars to construct the community clubhouse; and

WHEREAS, the Developers Agreement obligates the Township to dismiss the pending lawsuit captioned, Township of Hamilton and Hamilton Township Municipal Utilities Authority v. Bond Safeguard Insurance Company and Travelers Indemnity Company, Docket No.: ATL-L002558-08 upon compliance with its terms; and

WHEREAS, Fernmoor Homes has requested the Township accept the replacement performance bonds to cover the improvements and discharge the Horizon at Woods Landing, LLC performance bonds; and

WHEREAS, the performance bonds posted by Horizon at Woods Landing, LLC are eligible to be discharged and released; and

WHEREAS, the Township Solicitor has determined that all of the posted performance bonds are legally sufficient in form and content in compliance with the Developers Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Hamilton, County of Atlantic, that:

1. All of the aforementioned performance bonds issued to the Township of Hamilton on behalf of Fernmoor Homes at Woods Landing, LLC., as listed in Exhibit B, are hereby accepted.
2. The aforementioned performance bonds previously posted on behalf of Horizon at Woods Landing, LLC, as listed in Exhibit A, are hereby discharged and released.
3. The Township Solicitor is hereby authorized to dismiss the pending lawsuit captioned, Township of Hamilton and Hamilton Township Municipal Utilities Authority v. Bond Safeguard Insurance Company and Travelers Indemnity Company, Docket No.: ATL-L-002558-08 upon adoption of this Resolution.

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

Exhibit A

PHASE	BOND COMPANY	BOND #	AMOUNT*
I	Bond Safeguard	5010917	\$ 779,292.98
II	Gulf	B21881502	\$ 789,500.58
IIIA	Bond Safeguard	5015056	\$ 273,032.66
IIIB	Bond Safeguard	5015783	\$ 160,600.85
IV	Bond Safeguard	5017197	\$ 248,086.92
V	Bond Safeguard	5017198	\$ 422,313.90

*/Reflects current bond amounts after reductions granted.

Exhibit B

<u>PHASE</u>	<u>BOND COMPANY</u>	<u>BOND #</u>	<u>AMOUNT</u>
I	Bond Safeguard	5033564	\$479,721.78
II	Bond Safeguard	5033565	\$ 90,519.90
IIIA	Bond Safeguard	5033566	\$ 70,760.33
IIIB	Bond Safeguard	5033567	\$183,416.52
IV	Bond Safeguard	5033568	\$305,552.16
V *			
Clubhouse	Bond Safeguard	5033569	\$1,000,000.00

* Phase V not posted as per Developers Agreement and Planning Board Approvals, as amended.

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 a one (1) year extension of the contract with Fire Apparatus Repair, Inc., for Preventative Maintenance and Periodic Inspection and Repair Service or Township-owned fire apparatus, Part B Fire Pump Repair & Maintenance and Part C Fire Pump Certifications, per the itemized bid/award of Bid #2009-01 be and is hereby authorized, said extension to be effective May 1, 2010 through April 30, 2011.

BE IT FURTHER RESOLVED that all funds for the extended contract shall be allocated from the 2010 Operating Budget as recommended by the Chairman of the Emergency Services Advisory Board.

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

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 preparation of a Contiguous Owner Land Sale Ordinance is hereby authorized for Block 663, Lot 5, 6.80 acres on Scranton Avenue, FA10 zoning with a minimum bid of \$6,800.00.

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

Appointment of part-time Fire Prevention Inspector

Mr. Sasdelli explained this was a full-time position with benefits and when that person resigned it was converted to a part-time position at \$18.00 per hour and no benefits. He said the Committee wanted to find a township resident and, if possible a volunteer fireman. Mr. Sasdelli said Mr. Wellington is full-time, career fireman in Pleasantville, a resident and volunteer fireman in the Township, has all of the required certifications, and does fire inspections in Pleasantville.

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 Eugene Wellington be and is hereby appointed a part-time Fire Prevention Inspector at \$18.00 per hour with his start date to be determined by the Fire Prevention Official.

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

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 bills are hereby ordered paid, the bill list total being \$5,567,194.23 as of April 29, 2010.

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

Reports

Mr. Sasdelli referred to the Committee approving coin drops on multiple dates at 322 & McKee Avenue tonight and other organizations have some of the same dates at 322 & Wrangleboro jughandle. He said these are approved singularly and he thinks it has to be looked at because it could be a problem with coin drops at every intersection all the time. Mrs. Anderson explained she only listed one of the three dates requested in September because the other two had already been approved for the other organization. Mayor Silva asked Mr. Sasdelli to get input from Chief Tappeiner regarding traffic issues and report back. Mr. Sasdelli said he also wants to look at the County because they amended theirs and made it more restrictive. Mr. Palmentieri asked if they were making a point of eliminating the use of cones in the middle of the lane because a lot of drivers think it means the lane is closed and traffic backs up all the way through the jughandle.

Solicitor's salary/benefit status report

Mr. Sandman said Ms. Gatto had asked if the governing body members, as elected officials, could opt to take either their salaries or their health benefits and the answer is "no". He explained the State Health Benefits Statute says it is improper to provide compensation of any sort in an effort to give up or get health benefits unless there is an ordinance or a certified plan that allows all employees to opt out. Mr. Sandman said there is mechanism in the Statute to say a member can make their choice to take the benefits or take their salary. He said another question was whether the governing body could discontinue health benefits for the elected members of Township Committee and the answer is "no". He explained that when the township opts to participate in the State Health Benefits Plan, the States provides a form of resolution and once the township passes it anyone who is eligible remains eligible. Mr. Sandman said that means the Township Committee cannot vote to eliminate health benefits for a Township Committee Member but it does not take away the availability of a Township Committee person individually waiving the benefits. He said on March 22, 2010 the opt-out provision payment was reduced from 50% to 25% with a maximum of \$5,000.00.

Mayor Silva asked if a member could voluntarily give up remuneration in terms of just accepting health benefits on an individual basis. Mr. Sandman said "yes". Mayor Silva said he stands by his comments made on the record at a prior meeting still stands. Mr. Sandman said that was a personal decision of the Mayor and he will have to direct something to the Administrator. (NOTE: The Mayor had stated at a public meeting that he would waive his salary and accept just health benefits).

Ms. Gatto questioned the renewal date of the State Health Benefits Contract. Mr. Sasdelli said he it is usually July 1. Ms. Gatto said the Committee could theoretically be looking at Plan changes about now then and asked if the Committee wanted to go to an RFP for benefits to see if there would be any savings and to have some flexibility to legislate its own compensation. Mr. Palmentieri said he and Mr. Sasdelli have talked about and looked at that several times over the past few years. Mr. Sasdelli said Ms. Ayers, Mr. Rogers and Mr. Palmentieri brought the issue up to him several times. He said that while he hasn't done the RFP yet he did a survey through the Managers' bulletin board. He said he found that the GEHR District is going from private insurance into the State Health Benefits to save over \$1 million; the local school district already went back into the State and saved over \$1 million; Mt. Olive just came back into State Health Benefits and saved \$million. Mr. Sasdelli commented on Ms. Gatto working in the private Health industry and knowing more about it than he does and said the Township only has a group of 160 employees he doesn't know if it will be enough bargaining power if they go out for an RFP that it has in the State Health Benefits. Ms. Gatto said they might with a Third Party Administrator. She said the K-8 school district was in and out of the State Benefits a couple of times just for the savings for that year. Ms. Gatto said she thinks it is worth looking into if it has been a while since the Township did the RFP process.

Mr. Palmentieri said the State may be saving the Township \$1 million already and the reason the Township is already in it is because it was getting killed with the private market. He said that is why all the other places Mr. Sasdelli mentioned and others are finding out the bargaining power of half-million people is going to beat anybody's deal for 150 not to mention the terms of the networks, co-pays, coverage and everything else.

Mr. Cain asked what was involved. Mr. Sasdelli said it is a lot of work. Mayor Silva asked Mr. Sasdelli to talk to his fellow professionals at their next Administrators' Meeting to see what the general climate is and what their experience has been opting in and out and report back to the Committee. He said that from everything he has read he agrees with Mr. Palmentieri. The Mayor said he thinks everything deserves to be looked at.

Ms. Gatto said with the State you have full coverage but with a Third Party Administrator you have a self-insured plan. She said a lot of small businesses do that and she happens to work for one.

Mr. Palmentieri said that was what killed the Township before and is why they are in the State Benefits now. Ms. Gatto asked what the worst case scenario would be and suggested that if after the RFPs come back it isn't worth the Township can stay where they are.

Dr. Kesselman said he thinks the date is September or October. Mr. Palmentieri said he thought sign-up might be October. Mr. Sasdelli said the Township may have shifted from July to January 1. Ms. Gatto said that would be open enrollment and the time before the renewal period.

Mrs. Anderson said the Township doesn't renew the insurance with the State annually. She explained the Township passed a resolution to participate in the State Program; then they had 3 months to get everybody enrolled; and each year there is an open enrollment period when employees can change choices but that isn't the Township renewing with the State. Mrs. Anderson explained that if the Township wants to get out of the State Program they will have to pass another resolution withdrawing; get set up and have a time frame (for the change); and when the Committee finds out they are spending more money than they thought they were and losing money, it will be 2 years before they can apply to go back into the State Plan if they will even take the Township back. Mr. Palmentieri said that is another concern.

Ms. Gatto said every year the Plan renews and there is a stipulation of how many years a contract is and it is usually annually so there is a renewal date, expiration date and open enrollment date. She said she doesn't know what the right decision is but it's worth exploring.

Solicitor's report on member's participation in Industrial Commission discussions

Mr. Sandman said he was asked, in light of comments made at the last meeting, whether or not it was appropriate for Mr. Cain and Dr. Kesselman to engage in dialog and ultimately vote with respect to possibly dissolving the Industrial Commission. He reported he spoke to both of them separately in private and researched the issue and there is no case law that will say yes or no. He explained Statute requires there be some pecuniary gain or some other type of gain to them or their immediate family members and it is his opinion that living the distance from where they live to the actual Park they do not gain any pecuniary or other beneficial gain by engaging in discussions or ultimately voting upon it. He said there is no place to go for guidance on it; those decisions are usually made by the Local Finance Board; and there are none that fit the bill here. Mr. Sandman referred to people saying they made statements in their campaign and said there is the First Amendment and a political system. He used the analogy if they ran for the US Senate and said the Obama Health Bill is the worst in America, there is nothing to preclude them from voting against it if they were elected. Mr. Sandman said it is his considered opinion there is nothing that would prohibit either one from voting if that should come to an ordinance. Dr. Kesselman asked Mr. Sandman to confirm on the record that he and Mr. Cain both independently asked Mr. Sandman to research it. Mr. Sandman said he did confirm that.

Mr. Smith reported he has put together a list of the amounts of the performance or maintenance guarantee outstanding on the top 12 stormwater basins as requested and given copies to the Township Committee Members, Mr. Sandman and Mr. Sasdelli. Mayor Silva said he was quite impressed with the amounts of money left on some of them when he looked at the list. The Mayor said he thinks the Committee can make some positive decisions with the information. Mr. Smith said the majority of the work is done in Phase I of the Cedar Point (Adams Branch) project and they requested release of their performance bond. He said the outstanding balance on Phase 1 is just over \$434,000.00 and their only stormwater management system is in Phase 1 so the Township has a very substantial amount of funds to draw on if the developer doesn't voluntarily comply. Mr. Smith explained there are several projects that the Township will still be holding 30% of the original bond amount when they request their performance bond release which is typically more than sufficient to deal with any punch list items before the performance bond is released. Mayor Silva commented on them draining the basin off into wetlands and asked if there was any way to stop them from doing that so the Township can know if the basin is functioning adequately or at all. Mr. Smith said that was one of the items on the punch list he prepared for them.

Mr. Smith commented on the reval inspection of his house in Hamilton Pointe about 2 weeks ago. He said his wife thinks they did a pretty thorough job; they went inside; looked in all the rooms; went into the basement; and asked a lot of questions.

May 3, 2010

Dr. Kesselman announced the fourth meeting of the Strategic Planning Committee is being held tomorrow at 6:30 PM in the Laureldale Volunteer Fire Company. He urged anyone who never attended a previous one as well as those who had to attend this one. Dr. Kesselman said this is a critical meeting because all the information they have will be categorized and the priorities of the Township will come from that.

Mr. Palmentieri asked what the plan for tackling the basin at Hamilton Walk now that it hadn't rained for more than a day. Mr. Sasdelli said it was third on the list; the Township worked on the one out back of town hall; they are doing two inlets on Ashland Avenue next. He explained that basin is below the wick and they have to get the rest of the water out of it and that will be an issue. He said he would get Mr. Palmentieri a specific date and that it will be a process similar to what was done behind town hall.

Ms. Gatto commented on seeing fallen trees on Route 50 and in Mizpah as a result of all the water laying on the ground and asked if resource information could be put on the website about tree removal or what the public should do if tree falls on their property. She said she was talking more about the ones falling on power lines and becoming a safety issue. Mr. Sasdelli said there is a procedure for that.

Ms. Gatto reported trash will be discussed at the next meeting.

Mr. Cain said he thinks Mr. Smith is doing a great job of keeping the Committee informed between meetings about basins. He said he was happy to see that Ashland Avenue was being taken care of and he thinks the Township is moving forward in the right direction.

Mayor Silva announced there will be a Finance Committee meeting on Thursday in preparation for the transition that has been talked about several meetings ago.

Mayor Silva commented on people feeling uncomfortable coming to the front and making recommendations for cuts but he believes the format is for them to bring their message forward at public meetings. He encouraged people to attend meetings and said he doesn't speak for the school board but he believes they will listen. Mayor Silva suggested they may get an explanation that will help them understand things a lot better. The Mayor commented on issues the Committee deals with addressing budgets and it taking time to feel comfortable with them. He said a lot of times the decisions made don't sit well with the public because some are positive and sometimes they are viewed as negative. Mayor Silva said that with the defeated school budget, he was not overwhelmed with emails but he did get some that had good points. He said he also got phone calls. The Mayor said he always tries to return the calls and address the e-mails. He said he thinks people will read more and more in the newspapers as more communities start to address these issues. Mayor Silva said he thinks the Township Committee never had to face the issues they are facing now and the only way to deal with them is to be transparent.

Public Comment

Joseph Freedman, 2010 Forsythia Court, said he was asked to come tonight about the condition of the private portion of Leipzig Avenue owned by Greenway Racing and controlled by Hamilton Mall that no one except him is aware of. He commented on speaking to them and said he believes if there are code officials that deal with vehicular traffic safety, this is the time to do it. Mr. Freedman said he has pictures available. He said the crown of the road no longer exists on both sides and the drainage is more of a ponding area. Mr. Freedman said the drainage system under the road has probably been compromised. He said some potholes are patched periodically and the one that concerns him most is second one after you come in from the Pike where the frame of the storm drain was broken. He said the Mall somehow quietly removed the frame and it has been very tightly patched with asphalt even though the frame is no longer structurally secure. Mr. Freedman said because of the gray area with the road being owned by Greenway Racing and the Mall signed an obligation to maintain the roadway so Greenway has to trust the Mall to do the maintenance on it. He asked the Township Committee to contact NJDOT and request a weight limit of no more than 5 tons and reduce the speed limit on the stretch of road from the Black Horse Pike at least to the Mall property line until the roadway can be reconstructed from the base up. Mayor Silva said the potholes are now craters and what scares him most when he comes through there is that they throw the traffic over into the other lane and a lot of residents walk in the street. The Mayor asked if the Township had any teeth in being able to get them to repair the potholes and look at the drainage. He asked if there was any way to limit the weight of vehicles using the road. Mr. Sasdelli said he wasn't sure the Township wanted to the latter (weight limit) right now. He said everyone's goal is that the road should be up to standard and that part of it is a County Road. Mr. Sasdelli said he, the Engineer and Mr. Morley had a conversation about it last week. He said he sent a letter to Greenway about it because they own it. Mr. Sasdelli said he didn't want to talk about the Township taking ownership of it now.

He said it is a public safety issue and the Township thinks it should be a public roadway but it has to be brought up to DOT standards.

Mr. Freedman commented on contacting Planning and Zoning about the lights at Festival Mall and they are now on. He said he called the phone listed for the Township number for the Traffic Officer on several occasions but got no answer.

Susan Elkins commented on sandbagging next to their property at Lenape and Park Road. She said top soil was dumped on top of it yesterday and they heard a berm is going to be put there. Mrs. Elkins their concern is that there is no sidewalk between Park Road and Calhoun Avenue so people will jump onto their lawn. She said school kids, people with baby carriages, and grown ups walk there and kids catch school buses at the bridge. She said a berm would block the only path they have. Mr. Sasdelli explained it was sandbagged because every time there was 6-9 inches of rain the high water spilled over into the road and top soil was put there because the idea was to put a decorative berm there with plants, etc. to hold the water back. Mrs. Elkins asked if the berm would be an eyesore. She said it was hard for people to walk there because the grass and weeds were only mowed a couple of times during the summer, there is no cross walk and people don't stop even though it is a 5-way stop. Mr. Sasdelli asked if Mrs. Elkins wanted it weeded and taken care of or didn't want it at all. Ms. Gatto asked if sidewalks could be eligible for CDBG funding because kids are walking to school and a high volume foot traffic area. Mr. Sasdelli said the Township cancelled the Safe Routes to School Grant because they would have had to tear up people's property. The Mayor asked Mr. Sasdelli to look at it tomorrow. Aline Dix said the bridge is under County control and they come with a weed whacker every so often. She asked if it could be moved to the inside of the fence so people could get through. Mr. Sasdelli asked Mrs. Elkins to give him a contact number so they could continue this conversation.

Richard DeFeo commented on 80 paraprofessionals being cut and explained a paraprofessional at the school has to be certified; takes care of handicapped children that have to be in certain classes and help children that can't go to the bathroom by themselves; and they help the teacher. Mr. DeFeo said he knows one that was punched in the face breaking up a fight and now has ringing in her ear and another one that was tripped by a handicapped child. He said a lot of them started at \$6,000.-\$7,000. for 35 hours and figured they weren't making much but they were single parents and got benefits. Mr. DeFeo said they were cut to 29½ hours and that he thinks it is the union that is being hard-nosed, not the teachers. Mr. DeFeo said one person who could retire would save 6 jobs but you can't make anyone retire. He thanked the Committee for what they did with the School Board to try to help the community. Mayor Silva commented on Mr. DeFeo's wife being named Paraprofessional of the Year. Mr. DeFeo said the teachers vote for that award and that his wife loves what she is doing. Mr. Sandman said he understood Mr. DeFeo's point but he had to tell him the same thing he told Mr. Rogers, it belongs at the School Board. Mr. DeFeo said Mr. Sandman was right and everyone comes here and complains but no one goes to the School Board. He said it might make a difference if more people went there. He said people complain about who is on Township Committee and taxes but they don't vote.

There being no further comments from the public, Dr. Kesselman moved, seconded by Mr. Palmentieri, that the public comment portion be closed.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss the following matter which is exempt from public discussion pursuant to the New Jersey Open Public Meetings Law:

1. Legal opinion with respect to owners' obligations to maintain drainage basins.

BE IT FURTHER RESOLVED that the governing body will not reconvene in public session because no action is expected to result from the discussions at this time.

BE IT FURTHER RESOLVED that the results of said executive session shall be made known as soon as the basis for confidentiality is no longer confidential.

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

ATTEST:

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