

TOWNSHIP OF HAMILTON  
6101 THIRTEENTH STREET  
MAYS LANDING, NJ  
MAY 4, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, NJ was held on the above date with Mayor Nelson Gaskill presiding. Members present were Amy Gatto, Thomas Palmentieri, Charles Pritchard and Roger Silva. Also present were Edward M. Sasdelli, Township Administrator, Joan I. Anderson, Township Clerk, Joseph L. Youngblood Jr., Township Solicitor and Daniel DePasquale, Township Engineer.

The meeting opened with the flag salute followed by the Township Clerk certifying compliance with the New Jersey Open Public Meetings Act by posting a notice on the bulletin board in the municipal building and by faxing or e-mailing 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 this meeting would take place in the municipal building, Mays Landing, NJ at 6:30 PM on Monday, May 4, 2009.

A moment of silence for private reflection was observed.

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

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

7.A Insert names of businesses:

- (1) Atlantic County Healing Arts Institute LLC - massage therapy service & private secondary vocational school for training/certification in massage therapy located 800 Cape May Avenue/Route 50
- (2) Preventive Maintenance Roofing - roofing company based outside of Hamilton Township

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

Confirmation of April 20, 2009 executive session

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

**RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE FROM THE TOWNSHIP OF HAMILTON IN FAVOR OF THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND IN THE AMOUNT OF FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00).**

**WHEREAS**, an action entitled *Pond & Spitz Home at Avalon, LLC vs. Township of Hamilton* has been instituted in the Superior Court of New Jersey - Atlantic County - Law Division under Docket Number ATL-L-004027-08; and

**WHEREAS**, the Municipal Excess Liability Joint Insurance Fund, hereinafter the "MEL", has substantially denied coverage to the Township of Hamilton on the grounds that the relief sought under the Complaint is essentially excluded under the Township's coverage in that the claims arise out of allegations that the Township received profit, advantage or remuneration to which it was not entitled and further seeks to invalidate Ordinance 203-158, *et seq.*, all of which are not covered claims; and

**WHEREAS**, although there is a vague claim for other "damages" that may require the MEL to provide a limited defense, the cost of which would be substantially borne by the Township under the MEL policy; and

**WHEREAS**, the MEL has offered, in lieu of providing a limited and partial defense, to assist the Township in the defense of this action through the contribution and payment of FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00) upon the execution of a Release by the Township of Hamilton in favor of the MEL; and

**WHEREAS**, the Township of Hamilton wishes to accept the FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00) in return for the execution of the Release;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that the Mayor and Township Clerk be and are hereby duly authorized, empowered and directed to execute the Release on behalf of the Township of Hamilton in favor of the MEL in return for a payment in the amount of FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00) as a contribution to assist in the defense of the aforementioned lawsuit.

**RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE" ON ROLL CALL VOTE, NO "NAY", NO "ABSTAIN"**

May 4, 2009

Early public comment on agenda items

Noah Bronkesh said he would reserve his comments until the Gale Avenue discussion came up on the agenda.

Aline Dix asked what the overall length of the term was for the lease with SBA Towers II for Block 667, Lot 15. Mr. Sartorio explained the initial term is 5 years with 4 optional renewals of 5 years each. Ms. Dix asked whose option the renewal was. Mr. Sartorio said it was the company's option unless they want to drop the lease. Ms. Dix asked what the 30% co-locator revenue was based on. Mr. Sartorio explained it is on whatever SBA collects from the co-locators. Ms. Dix asked if that meant SBA would have to release information on who they contract with. Mr. Sartorio said they will.

John J. Percy III commented on the Township Committee renaming the Mizpah Center the Alfred Lundy Center last year. Mr. Percy said the Township undertook renovations to the entire building in 1991 or 1992 that were to be done in phases and some work has been left undone. He said he had several pages of details of what was to be done. Mr. Percy said other Township Committees were responsible for doing the other phases but they chose not to do anything. He said it is the present Township Committee's responsibility to do those other phases even though they probably didn't know about it. He said if the Committee took enough interest in the building to rename it, they should go further and take responsibility for the work that was not done. He said the second phase was to provide office space upstairs. Mr. Percy commented on getting the pages he had from the architect who did the plans and is still in business. He said that he would leave them with the Mr. Sasdelli. Mr. Silva asked if cost projections were done for those phases. Mr. Percy said that to his recollection they were not. He said it doesn't require a lot of money. Mr. Pritchard questioned the possibility of alternate means of funding and suggested it might be something to look at for the next round of CDBG funding. Mr. Sasdelli said he would have to look at the census tract data.

Gale Avenue

Mr. Bronkesh explained he is the attorney for Arawak Paving and Atlantic Blueberry Company both of whom have operations on DaCosta Road. He said the ordinance adopted by the Township Committee in 1991 limited traffic on Gale Avenue to 8 tons which prevents his clients from getting to Route 322. Mr. Bronkesh said that it was contemplated that certain repairs would be accomplished on the Weymouth Furnace Bridge when the ordinance was done but they have not occurred and, in his discussions with County Representatives, those repairs are not likely to occur any time soon. He said the practical effect of the ordinance is that his clients who are taxpayers are made to go a circuitous route if they are traveling in a southerly/southeasterly direction on Route 322. Mr. Bronkesh said that requires a lot more time for their employees on the road; makes it a lot more expensive for their operations; and translates to higher bids for Arawak because of the extra mileage and time it takes for their trucks to go the circuitous route. Mr. Bronkesh proposed the Gale Avenue weight limit be revisited and eliminated because the vehicles that would travel the road would not be tractor trailers. He said that neither company would use or attempt to use that type of vehicles because the road is too winding. Mr. Bronkesh said other vehicles that Atlantic Blueberry and Arawak would normally send in a southeasterly on 322 would like to use Gale Avenue as taxpayers and just as other citizens in the Township do. He said it is economic and they don't believe it creates any safety issues. Mr. Bronkesh said loaded asphalt trucks go between 15 and 20 miles an hour and the trucks from Atlantic Blueberry are transporting their product which is refrigerated and they are very concerned about protecting their blueberries and the drivers are instructed to go slow. He said they feel that given the circumstances some relief should be given to these residents and employers of quite a few Hamilton Township folks in the interest of keep them operating profitable businesses. Mr. Bronkesh said fuel is probably going up again. He said it just makes sense to have some kind of relief.

Mr. Silva asked for an idea of the truck weights. Mr. Pritchard asked for the loaded and unloaded weights. Mr. Bronkesh said loaded asphalt trucks are 40 tons and the blueberry trucks are lighter. Mr. Silva asked what number of vehicles they would have using Gale Avenue if the weight limit was raised. Mr. Bronkesh said all the Atlantic Blueberry trucks going to their farm would use it because they travel in a southerly-easterly direction. He said historically based on past bids approximately one-third (1/3) of Arawak's trucks would use it; another third (1/3) would head in the other direction towards the White Horse Pike and the other historically goes in a northerly direction and would not use Gale Avenue. Mr. Silva asked if Mr. Bronkesh remembered what the Weymouth Road bridge weight limit was before the inspection that lowered it was done. Mr. Bronkesh said it is 3 tons now and from what he is told it is probably going to be lowered. He said there was no weight limit on it originally but the County and State officials came to the conclusion that there should be one. Mr. Silva asked Mr. Bronkesh if he had personally driven Gale Avenue and seen how it winds and goes through a residential neighborhood. Mr. Bronkesh said he has.

May 4, 2009

Mr. Pritchard said he thought that the tragedy in this is that the bridge was never replaced. He said the replacement was on the books and set to go but unfortunately it met up with opposition from some historically minded folks who had a lot of clout with the State so the Township is left with a very dangerous condition. He said the bridge is rapidly deteriorating and something is going to have to be done eventually.

Mr. Silva said the ordinance was passed in December of 2001 and asked why it hasn't come up as an inquiry to the Township Committee until now, 7½ years later when they had gone through times when fuel was three times what it is now. Mr. Sasdelli said it did come up but he put Mr. Bronkesh off.

Mr. Bronkesh agreed with Mr. Silva on the fuel costs being lower now. He said there was very little hope that the bridge would be funded in the foreseeable future and said the willingness of those businesses to absorb the extra cost has worn thinner than it might otherwise have.

Mayor Gaskill said he thought the Committee has to consider the economic impact on the businesses as they try to become a more business friendly township. He said it could have some effect on the Township budget as well because the year before last when the Township had to take the leaves to the Galletta Farm on Weymouth Road instead of Park Road it cost the Township tremendously not only for the fuel but they could only send a three man crew up there twice because they had to go all the way up to 8<sup>th</sup> Street in Folsom and then back around to the farm. He said it could cost the township in the future if they aren't allowed to use the farm on Park Avenue and can only use the one on Weymouth Road. The Mayor said his personal opinion is that the Committee should revisit it if they want to be more business friendly as they have said. He suggested some restrictions might be put on it as to hours of operation and limit it to 9-10 months of the year instead of the wintertime when the asphalt company and blueberry farms aren't operating as much.

Mr. Silva said he understands everything Mr. Bronkesh put forth but he has concern for the neighborhood. He said 25 miles an hour through that neighborhood is slow but the weight of the truck, the grinding and turns will chew up the road and could disrupt the neighborhood. Mr. Silva said he doesn't live there but he is familiar with the roadway and thinks he has to be an advocate for the neighborhood. He expressed concern about the amount of maintenance that might be required. He said that while he understood the economic conversation put forth by the Mayor he feels the Committee should also be listening to the neighborhood in some respects.

Mr. Bronkesh said Arawak is aware of all those things. He said they try to be a good neighbor and they paved that road twice because they knew their vehicles have that kind of effect on the road. Mr. Bronkesh said that since they are in that business they would be willing to do it. He said he would submit that it is more dangerous to have cars going at higher speeds using that road than professional drivers who are obligated to follow work rules and drive at lower speeds. Mr. Bronkesh said limitations as to times of the year is something they would obviously consider but paving, like farming, is weather related and if there is a warm season in December they will be paving. He referred to hours of operation and said the Committee probably knows the State requires a number of their jobs to be done at night for safety reasons so if 322 or the Expressway were going to be paved they would in all likelihood require the work to be done at night. Mr. Bronkesh said it isn't a 9-5 operation when you bid on those kinds of contracts and they don't want any surprises to anyone, they want to be very open and candid about it.

Mr. Pritchard said there may have to be some compromises if the Committee is going to make it tolerable for the neighbors. He said the thought of having trucks rumble through there at 1 or 2 o'clock in the morning would make it difficult to convince them that it would not be in their good interest. Mr. Pritchard said he thought these kinds of things would be on the table as a means of compromise if the Committee gets to the point of introducing an ordinance.

Ms. Gatto asked the number of vehicles in the fleet and what the one-third would be. Mr. Bronkesh said it depended on the kind of contract and how large the project is. He said they might have one truck make two trips at night or 2-3 trucks during the day but if it was a big enough job there could be 25-30.

Mr. Silva said if the road was opened to them a lot of other trucking firms could consider using it and that could change the entire dynamics of that neighborhood. Mr. Bronkesh said he didn't know how many websites there are for truck traffic on Weymouth-DaCosta Road. He said his clients used that road for many, many years and really need that access for regular on-going operations. He said there is a question as to whether this restriction should be in place at all but if it is open it's open for everybody.

Ms. Gatto asked Mr. DePasquale if he was aware of any engineering concerns beyond an 8-ton limit on that road or if an investigation had to be done. Mr. DePasquale said he didn't know how they came up with the 8-ton limit. He said there might be some type of limitation if it was a dirt road but if it is a road with a 25 mile per hour speed limit there is a DOT requirement on the width, how big a

May 4, 2009

vehicle and speed limit. Mr. Bronkesh said Arawak paved it so it would support those trucks. Ms. Gatto said she is data driven and can't go just on Mr. Bronkesh's word. She said she needs evidence and numbers. Mr. Bronkesh said it is all done by state specifications. Ms. Gatto said she would feel more comfortable making a decision if she had confirmation from the Township Engineer that it was done by state specs. She said she can't go on somebody's word and that she would like to have some statistics and facts in front of her.

Mr. Palmentieri said he knows that when it was originally done it was a safety issue first and secondly a quality of life issue. He said it ultimately comes back to the county road being the necessary primary access to the area and it being closed without any plan to open it. Mr. Palmentieri said he thinks the Committee has to push the County to see where they are and what they are going to do about it other than accept the status-quo that has gone on too long. Mr. Palmentieri suggested the Administrator reach out to them to get some specifics rather than an indefinite closure with no target date for action to be taken. He said he thought that for the Committee to consider revisiting it they need a better plan with limitations, hours of operations, weight limits, some tangible things to review as far as what size trucks at what type of weights to visually get a feel for what is too big for the curves. Mr. Palmentieri said there are a couple of significant curves on the road that he thought were problematic in the past. He said he would be very hesitant to open it up to any size truck and would want to see the size of the trucks those two companies have to get a better feeling as to what is being talked about specifically vehicle-wise rather than make an all or nothing decision on having trucks or not having them.

Mr. Pritchard asked Mr. Youngblood what was the cleanest way to do this. He said he was going to move to introduce an ordinance to repeal Ordinance #1418-2001 but he realizes there are going to be a lot of issues dealing possibly with hours of operation and other issues. Mr. Pritchard asked if there was a better way to do it than just making a motion to repeal the previous ordinance.

Mr. Youngblood said that from what he heard the Committee may want to regulate it somehow so they may want consider an amendment to the previous ordinance as opposed to repealing it. He said they may want to have a committee to look into it, take into consideration input from Township Committee and the public and perhaps come up with a draft amendment that would reflect the best of all worlds for public safety and the business interests. Mr. Pritchard said he was fine with that but not sure of the logistics for going about that. Mr. Youngblood said the Committee could introduce an ordinance now if they want to repeal the existing ordinance and after it is repealed, if they want to introduce another ordinance later to regulate it in some fashion they could. He said an introduction tonight is just that and a public hearing has to be held.

Mr. Silva asked that Mr. Pritchard wait until Ms. Gatto the data she requested and some members would like to look at so there is a better balance in looking at the overall decision. Mr. Pritchard said he had no problem with doing that rather than having a motion, a second and having it be defeated. He said that wouldn't serve anybody's purpose.

Ms. Gatto said she is open to continuing the discussion and asked that it be moved to the next agenda. She said some things she would like to see are: is any engineering ruling as to whether or not it is safe; is there a certain tonnage the Committee has to keep in mind; solid information from the County in terms of their plans on the bridge; a count of the houses and residents on the street; more details from the businesses on the kind of increases in costs; and how many increased miles are they running now than they would if they could use Gale Avenue, concrete facts so she can know if it is significant. Mr. Sasdelli clarified that Ms. Gatto was asking for the extra miles involved. Ms. Gatto said she would also like to know if any Committee Members had a limitation plan in mind in terms of months and hours, what it looks like and how the Township would monitor or enforce it.

Mr. Silva said Mr. Bronkesh brought up a question that it wasn't a safety issue. He suggested keeping in mind that in addition to the traffic that would be going there from the farms and the paving contractor, that is an area that is heavily used as the weather gets nicer because of the Weymouth Furnace. He said there is a lot of traffic for recreational needs in the area to begin with. Mr. Silva asked if there are any safety statistics the Committee should look at.

Mr. Sasdelli said it is easy enough to get an accident history. He said Mr. Palmentieri wanted to know the type of trucks, a picture of them and the tonnage. Mr. Sasdelli said no motion to continue the discussion was necessary because it was not listed for action tonight.

Mr. Bronkesh said the spring and summer season are important to the businesses and they will suffer the longer it takes to consider a change. He said his clients will provide the information requested to Mr. Sasdelli to share with the Committee and Engineer to give the Committee independent advice as to capacity and structure of the roadway itself.

Greater Egg Harbor Regional High School District Defeated Budget

Mr. Sasdelli paraphrased the wording of the resolution as drafted because he said it said it better than he could. He said the Committee is sensitive to the fact it was defeated but 43 votes is a very small margin. Mr. Sasdelli explained he informed the Committee in his memo it takes a lot for him to recommend going against the will of the voters so he went through the budget a long time before he recommended the Committee approve the levy as it is. He explained it is 4-municipality district and 58% of the District approved the budget. He said when you look at the fact the rate is going down 5 cents and the Township rate is going up 4 cents, the Township is still down 1 cent. Mr. Sasdelli said he could not find a specific line item to reduce. Mr. Pritchard asked if he heard whether Mullica and Galloway governing bodies passed on it yet. Mr. Sasdelli said he hadn't but the Galloway voters passed it and he didn't think their governing body had a meeting yet and he doesn't know what Mullica is doing. Mr. Silva said Mr. Sasdelli met with members of the School Board and Superintendent and asked what their mood was when this was laid out to them. Mr. Sasdelli said he met with them several times and the mood was that he went in with what the Committee charged him. He said he went in with a 3-inch binder, asked a lot of hard questions about teacher salaries, health care, administration, and raises. Mr. Silva asked if the impression was that they were totally shocked that it was defeated. Mr. Sasdelli said it was and he thought they took for granted that because it was down 5-cents in Hamilton Township it would pass. Mr. Silva asked if Mr. Sasdelli thought it wasn't publicized enough and that they didn't push the fact that there were a lot of positives. Mr. Sasdelli said he thought they worked a lot harder on the budget than they did on public relations. Mr. Palmentieri asked if there was anybody from the School Board present. Ms. Gatto said they have a School Board Meeting tonight. Mr. Palmentieri said he assumed that if the resolution passed it would be forwarded to the School Board and Administration. He asked if a memo with some of Mr. Sasdelli's questions and recommendations could be included with it so that maybe they could work on some of the items and improved on in coming years. Mr. Sasdelli said it could.

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

**Resolution for  
Greater Egg Harbor  
Regional District Budget**

WHEREAS, the Board of Education of the Greater Egg Harbor Regional High School District (GEHR) submitted to the electorate on April 21, 2009, a proposal to levy \$24,764,841 in taxes to fund the ensuing school year 2009/2010, and

WHEREAS, said tax levy in the amount of \$24,764,841 was narrowly defeated by the electorate in Hamilton Township by 43 votes (452 to 409), we have 16,199 registered voters, and 43 votes represents less than .3 percent of the registered voters, and

WHEREAS, state statute NJSA 18A:7F-5 requires the Governing Body 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

WHEREAS, since the GEHR budget is already below "adequacy," the state statute requires that if a reduction is recommended by the Governing Body, it must "provide a specific written explanation as to why each reduction will 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 following:

- GEHR is already \$4 million below "adequacy"
- The district tax levy was already decreased \$436,000
- The tax rate on Hamilton Township residents was decreased by five cents.
- The district tax rate has only increased by 5 cents in the last 12 years
- Cost per pupil of \$12,295 is already below the state average of \$13,170.
- Out of 47 regional districts in the state, GEHR's cost per pupil is lower than 38 of the 47.
- SAT scores exceed NJ State averages

THEREFORE, BE IT RESOLVED that for the above stated reasons, the Township of Hamilton in the County of Atlantic hereby approves the district levy of \$24,764,841 of which \$8,091,480.54 is allocated to the taxpayers of Hamilton Township.

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

RESOLUTION ADOPTED MAY 4, 2009.

May 4, 2009

Draft Capital Budget

Mr. Sasdelli explained that the Committee approved a \$1.5 million capital plan when they approved the 2009 municipal budget. He said it was originally \$2.5 million because of trying to get up to speed on some fire apparatus but given the fact there were furloughs, work week reductions and 9 people were laid off, it was cut back to \$1.5 million to keep in line with the established spending plan. Mr. Sasdelli explained the work sheet the Committee had shows the department requests totaling \$3.1 million and his recommendations totaling \$1.5 million. He said the Committee Members could move things around wherever they want as long as the bottom line stays at \$1.5 million. For the benefit of the public Mr. Sasdelli read the recommended amounts for the bigger items as follows: Road Program \$390,000.00; Lake Lenape Dam \$100,000.00; Public Works equipment \$190,000.00; Police equipment \$45,000.00; fire apparatus \$500,000.00; and \$60,000.00 for the first half of an ambulance. He explained the Lake Lenape Dam repair is a shared services project with the County; \$500,000. isn't enough for a ladder truck but it is half-a-million dollars; the police equipment is to continue in-car video system installations, evidence recovery, and mobile data terminals; and the Township tries to buy one ambulance every two years and this \$60,000.00 is the first half of a new one.

Mayor Gaskill referred to item #20, a Ford F350 super van for senior transportation and said the Township did away with a lot of that transportation and a van driver in the budget. He said he didn't think another van was needed if the service isn't being provided. The Mayor said he thought the van they have will last another year or so and he would like to move that money. Mr. Sasdelli explained the township had 2 full time and 1 part-time van driver and the part-time driver was laid off. He said there are still 2 full-time senior transportation vans and one of them has about 180,000 miles on it. Mr. Sasdelli said they can probably get another year out of it but not much longer. He explained that a new van will have to be bought this year or next year if the Township stays in the senior transportation business.

Mr. Silva referred to item #25, \$30,000.00 for a recycled oil heater for the Public Works Garage and said the cost of it would be recouped in 3 years. Mr. Silva asked if there was an energy system there that was sufficient to provide what is needed without replacing it. Mr. Sasdelli said the building is heated with gas now and they would continue with gas heat if that item was deleted. He said this would allow the Township to burn the recycled oil. Mr. Sasdelli said there is a capital out-lay up front but it would be recouped in 3 years and the Township would be in the green after that. Mr. Palmentieri asked if there would any savings from the cost of disposing of the used oil to offset this cost. Mr. Morley explained the Township gets back several hundred dollars a quarter when they sell the used oil and that is very minimal. He said this equipment requested has an estimated 10-year useful life and the cost will be recouped in 2.7 years. Mr. Palmentieri asked if the cost was recouped because the township has oil available and would not be buying gas like they are now. Mr. Morley said that was correct. Mr. Morley said it is environmentally friendly; he had a consultant come look at what they have and there is no adverse effect to the people in the shop or the heat that is generated, and it is very efficient system. Mayor Gaskill explained for the public benefit that it reuses motor vehicle oil that is drained from township vehicles. Mr. Morley said it would also the oil the residents bring to the public works.

Mr. Silva asked if the \$100,000. was sufficient to complete the Lenape Dam repairs with the existing partnership. Mr. Sasdelli said it is enough to get through 2009 but it is not enough to finish the project. He explained the estimated cost for the entire project is \$1 million and the Township is responsible for half of that. Mr. Sasdelli said he thinks there is \$200,000. from a previous capital budget and he put another \$100,000. in there this year. He said the project hasn't started yet and he doesn't think the Township is going to have to pay the whole half-million all at once.

Mr. Silva asked if the amount listed for improvements to town hall is sufficient to do all that is absolutely necessary. Mr. Sasdelli said it won't be enough because the building needs a roof, the sub-flooring needs to be replaced and then carpeted; and they wanted to redo the meeting room. He said people complained about the seats because they are ripped and torn up and they are appropriate complaints. Mr. Sasdelli said \$200,000. isn't enough but it will get it started. He said nothing is fully funded in this budget but the Committee made it very clear to him that the Township was going to do less with less this year and this budget reflects that. He said nobody is getting what they want in this capital budget.

Mr. Silva asked where the 2 Ford Escape hybrids would be assigned. Mr. Sasdelli said the request was for 2 and he cut it down to one. He said it will go to Public Works for Mr. Morley to decide where it will be assigned. Mr. Silva asked if it was the first one the township ever used. Mr. Sasdelli said it was and that they wanted to try one in Public Works or the Construction Office first.

May 4, 2009

Mr. Sasdelli explained that once the Committee decides on the numbers in the budget they will instruct him to have the Bond Counsel prepare the necessary bond ordinance; that ordinance has to be introduced and there has to be a public hearing before it is adopted. He said it will take 4 yes votes to adopt it so it would be nice if at least 4 of the Members agreed to the numbers.

Mr. Silva said there is half-a-million dollars in it for fire apparatus and that Mr. Sasdelli said it isn't sufficient to purchase a ladder truck. Mr. Sasdelli explained the fire study said the Township is due for a ladder truck and a pumper. Mr. Silva asked whether it would be sufficient for a ladder truck if the changes were made to the van and heater items. Mr. Sasdelli said a ladder truck would be \$750,000. to \$850,000. Mr. Palmentieri asked if it was to replace an existing ladder truck. Mr. Sasdelli said it is to replace the Mays Landing Company's 1984 ladder truck that the consultant identified as needing to be replaced. Mr. Silva commented on the current market and asked if getting that number were closer to \$600,000. would make it. Mr. Sasdelli said he and the Chief have looked at demos and used ones. He said if they can't get it this year they will be that much closed for next year. Mr. Sasdelli said they aren't going to the lot and buying the one with the shiniest bells and whistles.

Ms. Gatto said there isn't anything in this budget for the Mizpah Center but she didn't know if this was the year to do anything. She said she didn't want to ignore Mr. Percy's comments. Mr. Sasdelli said that although he has in parenthesis that he earmarked it for town hall, if the Committee approves the \$200,000. for building improvements it could technically be used for any public building the township owns and if they decided they wanted to spend \$50,000.00 on the Mizpah Center or Senior Center 6 months from now, they could do that because it is broadly listed as building improvements.

Mayor Gaskill asked if the Members would consider moving the \$32,000. from the van to the fire department. Mr. Pritchard said he was going to suggest that also. Mr. Palmentieri and Mr. Silva indicated agreement with the suggestion.

Mr. Pritchard said he would like to keep the recycled oil heater in because it made a lot of sense.

Ms. Gatto said another potential for that \$32,000. was it could go to the Road Program because it is significantly diminished from \$1 million last year to \$390,000. this year. Mr. Sasdelli said Ms. Gatto was correct but he, Mr. Morley and Mr. Tuthill have identified about \$100,000. that might be left from the 2007 and 2008 Road Programs when those projects are done so there could be almost another \$100,000. on top of the \$390,000. when the 2009 program goes out. Mr. Palmentieri said \$400,000. to \$500,000. is what was typically budgeted, there is \$75,000. to \$100,000. unspent from previous years and there is \$100,000. to \$200,000. from grants so it gets up to where it ought to be.

Mr. Silva asked if \$15,000. for technology was going to be sufficient to get through this year given the needs of that department and the demands put on it. Mr. Sasdelli commented on having had long conversations with Mr. Ruberti and obviously he would like more but he thinks they can get by with this amount. He said they are trying to do some automation to make up for it. Mr. Sasdelli said Ms. Gatto has been on them about whether the Township could become more efficient with automation. He said one of his recommendations that the Committee acted on was laying off one of the two fire inspectors and Mr. Ruberti is recommending the other fire inspector be given a mobile data terminal like the police have so that when he goes out he will enter the data in the field like the UPA man does instead of making notes, bringing them back and someone here having to enter it into the computer. He said the data goes right into the computer and when he comes back it spits out the reports. Mr. Sasdelli said that makes the Township much more efficient and not that one person can do the job of two people but maybe they can do the work of 1.3 or 1.4 people. He said that kind of efficiency, keeping the servers, wireless, replacing terminals, printers and all the normal stuff that is needed, is what is in there. Mr. Sasdelli said he thinks they can get by with that amount but it isn't as much as Mr. Ruberti would like.

Mr. Palmentieri said whatever is passed in any capital budget the Committee ever passed is always less than what was requested even in good times. He said he remembered a time when the requests were \$6 million and \$3 million was passed and they expected to produce money for about half of it. Mr. Palmentieri said he thought that all in all this is better than in other years. Mr. Sasdelli said he thought the Department Heads are very sensitive to and understand what the Committee is going through and they tried not to ask for things they really didn't need.

Mr. Sasdelli said the Committee didn't really have to take a vote if there was a comfort level with at least 4 members that those are the numbers he will have the Bond Counsel and CFO prepare the Bond Ordinance for introduction. He asked if the Committee was in agreement that the \$32,000. from public works and move it to fire apparatus. The members all indicated agreement with that.

May 4, 2009

Land Sale Recommendation -Sunshine Park area

Mr. Sasdelli said this is one of the budget revenue strategies that came out of meetings with the Finance Committee. He said that Committee and the governing body asked him to bring revenue options other than taxes to the table. Mr. Sasdelli said the members had tax maps with the proposed areas highlighted. He said Sunshine Park is in the GAL, 1 acre zone and CAFRA. Mr. Sasdelli said the Township owns a lot of property in there that was foreclosed on. He said the Township doesn't need it for any government purpose so it can be packaged if the Committee wants to sell it. Mr. Sasdelli said he didn't think the individual 25x100 foot lots had any value but if it was sold as a package it could have value to a developer. He said they would have to do a lot of work because roads have to be paved, streets have to be vacated, lots have to be combined but it could have value to somebody. Mayor Gaskill said they are all 25' lots. Mr. Palmentieri questioned the zoning and number of acres. Mr. Sasdelli explained GAL zoning with a 1 acre minimum and CAFRA. He said you might be able to get 20 lots out of there if everything went perfectly. Mr. Silva said it is about 10 acres. Mr. Sasdelli said after Lisa colored the map Mr. Sartorio said Block 1120, the parcel that runs along the river, should not be sold and he agrees with that. Mr. Sasdelli said if the Committee wants to go this route Block 1120 will not be included. Mr. Palmentieri said it is too much waterfront property that might be good for a park but not very productive for housing. Mr. Sasdelli referred to the Hemlock Lane issue and said that the Township wants to control that access to the water if nothing else. Mayor Gaskill said it has been sitting there for years and getting run down. Mr. Sasdelli said he didn't know what the minimum bid would be set at. He said it is hard because who ever buys it has to invest a substantial amount of money to get the lots buildable with streets. Mr. Palmentieri said any builder who is buying unimproved land would have to do the same thing so it is not any less valuable than any other parcel and it is in a decent area. He said he thinks it has to be priced in a way that makes it worthwhile for the Township. Mr. Pritchard said it would set the bar pretty high. Mr. Palmentieri said it could always be lowered if necessary but you can't get it back after the fact. Mr. Sasdelli it would be sold at auction and, much like e-bay, you hope it would sell at market value. He said the competition in the private sector would drive the price up to where it should be. Mr. Palmentieri said the market is non-existent now so you might not get what should be the minimum bid. Mr. Silva said there are always people looking for value.

Land Sale Recommendation - Mizpah Village area

Mayor Gaskill asked if the members had any questions on the Mizpah area. There were none.

Mr. Sasdelli asked if the Committee had any suggested minimum bid or should he come up with it. The members all said for Mr. Sasdelli to come up with it. Mr. Sasdelli explained the Mizpah area is hard because lots are of no value by themselves because the minimum lot size is 1 acre. Mr. Sasdelli said the lots are scattered throughout the Mizpah area and a lot of contiguous land owners. He said the Assessor suggested a minimum bid of \$20,000.

Mayor Gaskill said the Township has been pretty successful selling to contiguous owners there.

There being no further discussion on either recommendation, Mr. Sasdelli said he would do the rest of the work and bring back a formal request.

Introduction of Ordinance #1648-2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1648-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 6, 2009 issue of the Atlantic County Record for a public hearing to be held on May 18, 2009 in the municipal building, Mays Landing, NJ.

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

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1648 -2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 54 LOT 3, AND BLOCK 55 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 TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

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

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

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

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

SECTION 4. The following conditions of sale shall apply:

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

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

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

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

May 4, 2009

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

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

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

<u>Block/Lot(s)</u>	<u>Minimum Bid</u>	<u>Location</u>	<u>Zoning</u>	<u>Area Size</u>
54 / 3	\$1,000.00	Bear Claw Drive	RD-5	.36 acre
55 / 1	\$2,000.00	Red Wing Way	RD-5	.71 acre

SECTION 6. SPECIAL CONDITIONS: NONE

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

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

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

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

ORDINANCE #1648-2009 INTRODUCED AND PASSED FIRST READING ON MAY 4, 2009.

Public hearing/adoption - Ordinance #1647-2009

Mr. Sasdelli explained the Ordinance came as a recommendation from the full Planning Board, brings the Township into compliance with State requirements, and puts the responsibility regarding stormwater basins on the developers in the future.

Robert J. Campbell said he believed the entire Zoning Board of Adjustments thinks it is a good ordinance. He said the Township has had a lot of problems with drainage basins at the Mall and Tavistock. Mr. Campbell said anything the Township Committee can do to make the developers responsible would be greatly appreciated. He said the drainage at some of the basins is really bad and the Board is in favor of the ordinance.

Mr. Silva asked Mr. Sasdelli if relieved the present owners from responsibility. Mr. Sasdelli said it didn't and the Township can hold them to the existing laws.

There being no further questions or comments on the ordinance, Ms. Gatto moved, seconded by Mr. Silva, that the public hearing be closed.

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

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

WHEREAS, Ordinance #1647-2009 was introduced and passed first reading on April 20, 2009 and was duly advertised in the Atlantic County Record on April 22, 2009 for a public hearing to be held on May 4, 2009; 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 #1647-2009 be and is hereby adopted.

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

**TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1647-2009**

AN ORDINANCE AMENDING CHAPTER 203, KNOWN AS THE LAND USE AND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF HAMILTON, BY SPECIFICALLY AMENDING ARTICLE III, SECTION 203-18, DEFINITIONS; ARTICLE XI, PLANNED ADULT COMMUNITIES; ARTICLE XII, SUBDIVISION, SITE PLAN AND CONDITIONAL USE APPROVAL; AND ARTICLE XXV, STORMWATER MANAGEMENT.

SECTION 1. Article III, Definitions and Word Usage, Section 203-18. Definitions, is hereby amended by including the following defined terms:

AMPITHEATER - Any outdoor, freestanding, round or oval structure with a central arena and tiers of concentric seats for spectators.

ANIMAL HOSPITALS OR CLINICS - Medical and health service facilities, including rehabilitation therapy centers and public health facilities that relates to the care of domestic animals.

ARTISTS' STUDIOS - See "studio"

AUTOMOTVE SERVICES - Any building, land area or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

BANK - A business establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans or exchanged. For purposes of this Chapter, this term includes savings and loan institutions and credit unions.

BED AND BREAKFAST ESTABLISHMENT - Overnight accommodations and a morning meal in a dwelling unit (B&B) provided to transients for compensation.

CAFE - An informal restaurant or coffee shop offering a range of hot meals and made-to-order sandwiches.

CATERING FACILITY - A building which operates the preparation, staging and storage of equipment providing food and drink service at a remote site.

COMMUNITY CENTER - A building or group of public buildings for the social, cultural and educational activities of a neighborhood or entire community.

CONSTRUCTION TRAILER - A structure standing on wheels, towed or hauled by another vehicle, and used for the short-term storage of goods or as a temporary office to oversee the construction of a project.

CONVALESCENT FACILITY - A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

DENSITY TRANSFER - The transfer of all or part of the permitted density on a parcel to another. Also known as the transfer of development rights (TDR). Density transfer may be used to preserve farmland, open space, historic areas and critical areas.

DRY CLEANING ESTABLISHMENT - An establishment providing dry-cleaning machines on the premises for dry-cleaning purposes.

DWELLING, ATTACHED - A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without opening. Also known as town house.

DWELLING, DETACHED - A dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, PATIO HOME - A dwelling on a separate lot with open space setbacks on three sides. See "Zero Lot Line Dwelling".

DWELLING, ZERO LOT LINE - A building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line.

FAMILY INDOOR RECREATION FACILITY - An indoor private or public space, including essential buildings and structures, used for play and recreation space for individuals.

FUNERAL HOME/MORTURARY/PARLOR - A business that provides burial and funeral services for the deceased and their families.

May 4, 2009

HEALTH CARE CENTER - A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

HEALTH AND EXERCISE FACILITY - An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers.

INDOOR RECREATION CENTER - A permanent structure containing facilities for recreational activities such as tennis, platform games, swimming, exercise rooms, handball and similar activities. Recreation centers may also include facilities for lectures, arts and crafts and special events.

INN - An establishment which provides eating and drinking, and may or may not have lodging for the public.

MANUFACTURED HOME - A factory-built, single family structure that meets the Federal Manufactured Home Construction and Safety Standards Act, commonly known as the HUD Code.

MEDICAL COMPLEXES - See "Medical Facility".

MEDICAL FACILITY - A building, or series of buildings, that contain establishments dispensing health services. Institutional uses, including such education, clinical, research and convalescent facilities as are integral to the operation of a medical use; medical and health services facilities, including nursing homes, rehabilitation therapy centers and public health facilities.

MUSEUM - An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

OFFICE, BUSINESS (GENERAL) - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

PERSONAL TRAINING CENTER - A facility principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

RACETRACK - A facility for racing of animals, automobiles, motorcycles or athletes. A race track may also feature grandstands or concourses.

RECREATION AREA, PASSIVE - Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games and open space for nature walks and observation.

RESEARCH AND DESIGN LABORATORY - A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.

RETAIL STORES AND SHOPS - The retail sale of goods may include grocery stores; drug stores; furniture and appliance stores, gift shops; dry good stores; meat and poultry stores baked good stores, where no mass commercial production baking is done for wholesale commercial distribution on premises (i.e., national or regional backing companies); flower shops; confectionary stores; household supply stores; stationery supplies, tobacco and periodical stores; haberdashery, dress goods and notions; hardware, plumbing supplies and electrical supplies, provided that all materials are stored within a completely enclosed building and that only trucks incidental to the use located on the premises are permitted, and such trucks shall be parked in the appropriately screened and landscaped areas such that they are not visible from adjacent lots or streets; shops or artisans and craftsmen; and video sales and rental stores.

SALES TRAILER - A structure standing on wheels, towed or hauled by another vehicle and used as a temporary sales office for the sale of property within a development.

SPECIES, ENDANGERED - Wildlife species whose prospects for survival are in immediate danger because of a loss of or change in habitat, overexploitation, predation, competition, disease, disturbance or contamination, and designated as such by a governmental agency.

SPECIES, THREATENED - Wildlife species that may become endangered if conditions surrounding them begin or continue to deteriorate and that are so designated by a governmental agency.

SPORTS COMPLEXES - See "Recreational Areas, Active".

STADIUM - A large open or enclosed place used for games and major events and partly or completely surrounded by tiers of seats for spectators. Stadiums may include restaurants and retail stores as accessory to the principal use.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) - The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district, and the transfer of that right to land in another district where such transfer is permitted.

SECTION 2. Chapter 203, Article III, Definitions and Word Usage, Section 203-18, is hereby amended by:

Removing the existing defined term "DWELLING" in its entirety and replacing it with the following defined term:

DWELLING - A structure or portion thereof that is used exclusively for human habitation;

Removing the existing defined term "PROFESSIONAL OFFICE" in its entirety and replacing it with the following defined term:

OFFICE, PROFESSIONAL - The office or studio of a physician, dentist, lawyer, architect, accountant, engineer, land surveyor or appraiser who is a member of any professional service licensed by the State of New Jersey;

Removing the existing defined term "RECREATIONAL AREAS, ACTIVE" in its entirety and replacing it with the following defined term:

RECREATIONAL AREAS, ACTIVE - Includes parks and playgrounds and other sporting fields, including but not limited to, golf courses, tennis courts, basketball courts, softball and baseball fields, swimming areas (lakes, rivers and pools), bicycle paths and indoor recreational facilities.

Removing the existing defined term "CLUB, MEMBERSHIP" in its entirety and replacing it with the following defined terms:

CLUB - A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

LODGE - The place where members of a local chapter of an association or a fraternal, cultural or religious organization hold their meetings.

SECTION 3. Article XI, Planned Adult Communities, Section 203-98. C. (1), Parking lots, is hereby amended by adding the following subsections (c) through (f):

(c) The remainder of the landscape islands shall be planted with Native shrubs, planted at a minimum 2 to 2.5 foot size, herbaceous material and groundcover. Mowed turf areas and large areas of mulch in parking islands are discouraged.

(d) Where underlying soils may not be conducive to infiltration, bioretention areas should be incorporated into the parking lot as concaved landscaped areas and situated below the grade of the parking spaces and driving aisles so that stormwater runoff is directed as sheet flow into the bioretention area trapped by such islands. Bioretention areas can be used in concert with pervious paving surfaces to maximize the attenuation of runoff. Spacing and layout of the bioretention area should be designed so runoff is maintained as sheet flow from the driving surfaces into the bioretention area. (See Figure 7, Appendix A.)

(e) Parking lot drainage design, such that all surface runoff (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, or detention basins with bio-filtration prior to allowable discharge downstream. There shall be no direct discharge of storm water runoff from any point or nonpoint source to any wetland or wetlands transition area of surface water body. In addition, stormwater runoff shall not be directed in such a way as to increase the volume or rate of discharge into any surface water body from that which existed prior to development of the parcel.

(f) Parking lots that incorporate bioretention areas into the landscaped portions of the parking lot should use wheel stops or bollards (in or adjacent to pedestrian access ways) where direct overland flow or curb cuts are utilized to drain runoff to a vegetated open channel or bioretention area behind the curb to protect the area from traffic intrusion while also allowing the parking lot runoff to flow by. (See Figure 1, Appendix A.)

May 4, 2009

SECTION 4. Article XI, Planned Adult Communities, Section 203-98. C., is hereby amended by adding the following as subsection (11):

(11) Cul de Sacs. A planted island with a bioretention landscaped area where runoff can be directed shall be required at the discretion of the Township Landscape Architect, in the center of the cul-de-sac to encourage low-impact development. If provided, the planted island shall be forty (40) feet (min.) in diameter. Ownership and maintenance of the planted island shall be designated on the approved final plan of the subdivision or land development.

SECTION 5. Article XII, Subdivision, Site Plan and Conditional Use Approval, Section 203-124. B., Curbs and gutters, is hereby amended by adding the following as subsection (5):

(5) To encourage low-impact development, curbs are discouraged along proposed streets except where required by the Township when deemed necessary for stormwater management, traffic control, pedestrian safety or to provide for roadway stability. Curbs are used only on one side of the road and the road cross slope is away from the curb or cut may be utilized to drain runoff to a vegetated open channel or bioretention area behind the curb. (See Figure 8, Appendix A.)

SECTION 6. Article XII, Subdivision, Site Plan and Conditional Use Approval, Section 203-124. C. Sidewalks, is hereby amended by adding the following as subsection (4):

(4) For sidewalks located in a street right-of-way, a five (5) foot minimum planting strip between the curb and sidewalk is to be used for bioretention swales. (See Figures 2 and 4, Appendix A.)

SECTION 7. Article XXV, Stormwater management, Section 203-264 A (3), is hereby amended to include the following language:

If there is no natural vegetated buffer, if the vegetated buffer strip cannot be retained, or the buffer is damaged or altered during construction activities, the buffer shall be recreated pursuant to the following design standards. Plant materials specified for vegetated buffer strips should reference the use of native shrubs and trees, as required in the Pinelands Comprehensive Management Plan (CMP) at N.J.A.C 7:50-6.24 and with common plant names identified at N.J.A.C 7:50-6.25.

Per every 1,500 square feet of applicable buffer area, the following plant material shall be installed:

- One (1) deciduous canopy tree, 2" - 2 ½" cal.
- Two (2) ornamental trees, 8' - 10'
- Three (3) evergreen trees, 6' - 8'
- Eight (8) shrubs
- Area shall be seeded with native grass seed or meadow mix
- Mulch as needed to stabilize planting and retain soil.

SECTION 8. Article XXV, Stormwater Management, Section 203-264, is hereby amended by adding the following as subsection I:

I. Stormwater management basin landscaping.

- (1) Stormwater management areas. Stormwater management areas include bioretention systems, constructed stormwater wetlands, detention and infiltration basins, drainage ditches and swales and wet ponds. Stormwater management areas shall be designed in accordance with the New Jersey Stormwater Best Management Practices Manual (BMP). Sensitively designed basin and soils can be a visually pleasing benefit to the health, welfare and safety of Hamilton Township residents. The general design concept of these areas should be to de-emphasize their function creating aesthetic landscape features.
- (2) The Township encourages, where possible, that stormwater management basins be designed to imitate naturalistic land forms with irregular perimeters that subtly blend into the surrounding topography. Where enclosures are required, fence alignments shall follow, as closely as possible, the configuration of the basin. Rectilinear fence alignments are to be avoided.
- (3) The area shall be graded creatively to blend into the surrounding landscape and the design of the site, i.e., provide an informal meandering edge with varying slopes and gently berming in locations emulating a natural parkland.
- (4) Location of plantings within stormwater management areas shall be as outlined within the New Jersey Stormwater Best Management Practices Manual, Chapter 7, "Landscaping".

- (5) Stormwater management areas shall be planted pursuant to the quantities and types listed for the landscape concepts as outlined in subsection (8) below. Additional shrub and herbaceous plant material should be planted in accordance with the New Jersey Stormwater Best Management Practices Manual, Chapter 7, "Landscaping". Special preference should be given to those species of trees and plants which have known pollutant-removal abilities.
- (6) A complete planting plan for stormwater management areas shall be submitted for review and approval of the Township Landscape Architect.
- (7) All plant materials shall be species indigenous to the area as per New Jersey Stormwater Best Management Practices Manual, Chapter 7, "Landscaping". Plant materials shall be consistent with N.J.A.C 7:50-6.24 of the Pinelands CMP and Section 203-185A(4) (d) of the Township's Land Use Ordinance.
- (8) One of the following landscaped concepts for stormwater detention areas or an alternative concept complying with the standards set forth herein or as approved by the Township shall be used:
  - (a) Reforestation. This landscape treatment is appropriate for detention basins and drainage areas that are not highly visible or are adjacent to areas of mature woodlands, greenbelts or wetlands. It reverts the disturbed areas to a revegetated, stable, low-maintenance, natural landscape asset over time.
    - (1) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are unacceptable.
    - (2) The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to cover the entire area, based upon a twenty-foot by twenty-foot grid to the high-water line or outflow elevation. Of this number, ten percent shall be two and one half inches to three inches caliper, twenty percent shall be one inch to two inches caliper, and seventy percent shall be whips six feet to eight feet in height.
    - (3) The trees shall be planted in groves and spaced five feet to fifteen feet on center.
    - (4) The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix. The specific blend shall be approved by the Township Landscape Architect and shall comply with Pinelands and BMP requirements.
    - (5) All woody and herbaceous plants shall be species indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.
    - (6) Planting shall not be located within twenty feet of low-flow channels to allow for maintenance.
    - (7) The perimeter area (slopes above the high-water line) shall include shade trees (approximately 80 per 1,000 linear feet), evergreen trees (approximately 40 per 1,000 linear feet), ornamental trees and shrubs screening drainage structures and creating visual interests.
    - (8) Provisions for emergency access as well as general maintenance of the basins shall be reviewed by the Township Engineer. Plantings shall be designed to disguise yet not hinder vehicular access.
  - (b) Recreation/open space feature.
    - (1) This landscape concept is appropriate in situations where a basin is the largest or only portion of open space in an area or is adjacent to existing open space and recreational open space is desired. It is also appropriate for smaller, highly visible basins where a visually pleasing open area is desired.
    - (2) The objective in these situations is to integrate the area into the landscape using topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space.
      - (a) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming.
      - (b) Provide perimeter plantings, including shade trees, formally or informally, evergreen trees to create and screen views and small trees and shrubs to provide a continuous landscape strip screening drainage structures and creating visual interest.
      - (c) Integrate buffer plantings with perimeter plantings where applicable.
      - (d) The following are guidelines for plant quantities:
 

<b>Plant Type</b>	<b>Number of Plants (per 1,000 linear feet)</b>
Shade trees	80
Evergreen trees	40
Ornamental trees	10

(e) To provide recreational open space, concentrate frequently flooded detention in basin area (five- to ten-year storm volume) and provide a gently sloping, less often flooded area (ten- to one-hundred-year storm volume) as a recreational open field space. Provide ball fields and/or open play areas integrated with plantings in a park-like manner.

(c) At detention basins and wet basins and where fences are required, the following standards shall apply:

(1) The perimeter of the basin shall be planted in a naturalistic manner with a combination of evergreen trees, shade trees and shrub massings. The minimum width of the basin perimeter landscaping shall be ten feet. A minimum of 50% of all plantings are to be evergreen.

(2) Perimeter basin landscape plantings shall meet the following minimum sizes:

<b>Plant Type</b>	<b>Size</b>
Shade Trees	2 inches caliper
Ornamental trees	8 feet high
Evergreen trees	6 feet high
Evergreen and deciduous shrubs	2.5 to 3 feet high

(3) Plantings shall be arranged to allow for maintenance access to all basin facilities.

(4) All required basin perimeter plantings are to be located outside of the required fence enclosure.

(5) The following are guidelines for plant quantities

<b>Plant Type</b>	<b>Number of Plants (per 1,000 linear feet)</b>
Shade trees	80
Evergreen trees	40
Ornamental trees	10
Shrubs	50

(d) Basins located in front yard areas are subject to all previously stated landscaping standards for stormwater management facilities, with the following additions:

1) Maximum basin depth shall be twenty-four inches

2) Geometrically shaped basins are unacceptable.

3) Minimum width of plant massings shall be ten feet

4) Ornamental trees should be planted along the basin perimeter for visual interest.

5) Landscape plantings are to be encouraged along the slopes and bottom of detention basins and on the side slopes of retention basins above the high-water line. These plantings shall consist of herbaceous plants which are indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.

6) Plantings shall not be located within ten feet of low flow channels and drainage structures to allow for maintenance.

9) Special Landscape provisions

a) Site disturbance shall be minimized and existing vegetation retained whenever possible.

b) Development shall follow the natural contours of the landscape whenever possible to minimize grading.

c) Any contiguous area of disturbance, not associated with the installation of a roadway, shall be limited to 20,000 square feet for residential development and to 100,000 square feet for any other types of development. Contiguous areas of disturbance shall be separated by at least twenty feet of area maintained at natural grade and retaining existing, mature vegetated cover.

d) Lawn or grass covered areas may comprise no more than 25% or ¼ acres, whichever is greater of the total vegetated area.

e) Plants shall be selected based on consideration of site conditions and plant function. Low maintenance design is encouraged. Use of drought tolerant species, where applicable, is encouraged.

SECTION 9. Article XXV, Stormwater Management, Section 203-267, Definitions, is hereby amended by adding the following:

BIOFILTRATION - The use of vegetation (usually grasses or wetland plants) to filter and treat stormwater runoff as it is conveyed through an open channel or swale.

BIORETENTION SYSTEM - A bioretention system consists of a soil bed planted with native vegetation located above an under drained sand layer. It can be configured as either a bioretention basin or a bioretention swale. Stormwater runoff entering the bioretention system is filtered first through the vegetation and then the sand/soil mixture before being conveyed downstream by the under drain system. The bottom of a bioretention system, including any under drain piping or gravel layer, must be a minimum of one foot above the seasonal high groundwater table. The planting soil bed and under drain system shall be designed to fully drain the stormwater quality design storm runoff volume within seventy-two hours. Runoff storage depths above the planting bed surface are typically shallow. The adopted TSS removal rate for bioretention systems is ninety percent. Pursuant to Section 203-265 (4) (b) of the Township's Land Use Ordinance, bioretention systems may be constructed without an under drain system and may discharge directly to underlying soils where such systems are used to address insitu soils with permeability rates in excess of twenty inches/hr. As defined below, Rain Gardens are a type of bioretention system.

BIORETENTION BASIN - The maximum water depth during treatment of the stormwater quality design storm shall be twelve inches in a bioretention basin.

BIORETENTION SWALE - Sometimes called vegetated swales or bio-swales. Open, shallow, vegetated channel that slows runoff, filters it and promotes infiltration into the ground. To function properly, swales must be carefully designed and maintained. The vegetation in swales helps to trap pollutants and reduces the velocity of stormwater runoff, which allows it to percolate into the ground. Vegetated swales can be used along driveways, interior roadways, within parking lots and within street side street tree planting areas. The maximum water depth during treatment of the stormwater quality design storm shall be eighteen inches in a bioretention swale.

BUFFER ZONE - A designated transitional area around a stream, lake or wetland left in a natural, usually vegetated state so as to protect the waterbody from runoff pollution. Development is often restricted or prohibited in a buffer zone.

RAIN GARDEN - A BMP overlain with appropriate mulch and suitable vegetation designed, constructed and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer.

SECTION 10. Article XXV, Stormwater Management, is hereby amended to provide new Section 203-271, Stormwater Landscape Illustrations, Appendix A. and Appendix B. (see attached)

SECTION 11. Repealer. All ordinance and parts of ordinances of the Township of Hamilton heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance, shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of same and, to this end, the provisions of each section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances reenacted together with this Ordinance, are hereby declared to be severable.

SECTION 13. This Ordinance shall take effect upon final passage, adoption and publication in manner prescribed by law and after any required review by the NJ Pinelands Commission and the filing of this Ordinance with the County Planning Board in accordance with NJSA 40:55D-16 .

ATTEST: TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, NJ

Joan I. Anderson, R.M.C.  
TOWNSHIP CLERK

Nelson Gaskill, MAYOR

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

ORDINANCE NO. 1647-2009 INTRODUCED AND PASSED FIRST READING ON April 20, 2009.  
ORDINANCE NO. 1647-2009 ADOPTED ON MAY 4, 2009.

May 4, 2009

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

RESOLUTION RATIFYING PUBLIC LAND SALE

WHEREAS the Township Committee of the Township of Hamilton has determined the following lands are of no use for public purposes and are not needed for public use; and

WHEREAS said lands were advertised for sale at public auction in accordance with statute in such case made and provided (N.J.S.A. 40A:12-13); and

WHEREAS at a public auction held on April 20, 2009 an offer of Five Thousand Three Hundred Dollars (\$5,300.00) was made by David C. Bragg and Cynthia A. Bragg, whose address is 5640 Birch Street, Mays Landing, NJ 08330; and

WHEREAS no higher bid was offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer of Five Thousand Three Hundred Dollars (\$5,300.00) made by David C. Bragg and Cynthia A. Bragg for the following described parcel of land be and is hereby accepted and the sale of same to him is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOT NUMBERS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
855 / 13	4.37 acres	Birch Street

SPECIAL CONDITIONS IMPOSED: PURCHASER SHALL BE REQUIRED TO IMPROVE THE STREET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT PURSUANT TO N.J.S.A. 40:55D-36.

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to David C. Bragg and Cynthia A. Bragg, husband and wife, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the April 8, 2009 and the April 15, 2009 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

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

RESOLUTION RATIFYING PUBLIC LAND SALE

WHEREAS the Township Committee of the Township of Hamilton has determined the following lands are of no use for public purposes and are not needed for public use; and

WHEREAS said lands were advertised for sale at public auction in accordance with statute in such case made and provided (N.J.S.A. 40A:12-13); and

WHEREAS at a public auction held on April 20, 2009 an offer of Seven Thousand Eight Hundred Dollars (\$7,800.00) was made by Silipena Realty LLC whose address is 3113 Route 50, Mays Landing, NJ 08330; and

WHEREAS no higher bid was offered,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, that the offer of Seven Thousand Eight Hundred Dollars (\$7,800.00) made by Silipena Realty LLC for the following described parcel of land be and is hereby accepted and the sale of same to them is hereby ratified subject to all terms and conditions of sale as advertised and as presented at the time of sale:

<u>BLOCK/LOT NUMBERS</u>	<u>LOT SIZE</u>	<u>LOCATION</u>
880 / 6	3.12 acres	Route 50

SPECIAL CONDITIONS IMPOSED: THIS PARCEL SHALL BE PERMANENTLY DEED RESTRICTED TO PROHIBIT ITS DEVELOPMENT AS A RESIDENTIAL PROPERTY.

BE IT FURTHER RESOLVED that the proper officers are hereby authorized to prepare and execute a Deed of Conveyance for aforesaid parcel to Silipena Realty LLC, pursuant to the terms and conditions of sale as set forth in the Notice of Sale published in the April 8, 2009 and the April 15, 2009 issues of the Atlantic County Record copies of which were distributed to the public at the time of sale and all bidders acknowledged in writing that they had read and understood same.

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

May 4, 2009

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

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

- 1) Atlantic County Healing Arts Institute LLC - massage therapy service & private secondary vocational school for training/certification in massage therapy located 800 Cape May Avenue/Route 50 be and is hereby approved.
- 2) Preventive Maintenance Roofing - roofing company based outside of Hamilton Township

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

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

RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENCE  
WITH SPECIAL RULING OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, C. W. News Inc., a corporation of the State of New Jersey, is the holder of Plenary Retail Consumption License #0112-33-014-015, an inactive license for premises located at 6494 Weymouth Road, Mays Landing, NJ and having an address for mailing purposes only of 5045 Black Horse Pike, Mays Landing, NJ, NJ 08330; and

WHEREAS, aforesaid PRC License #0112-33-014-015 has been inactive since July 30, 2000; and

WHEREAS, C. W. News Inc. filed the required application for renewal application and paid the renewal fees for the 2008-2009 license year which application was accepted for filing by the Township Committee of the Township of Hamilton on June 16, 2008 with no action being taken to approve or deny renewal pending receipt of a special ruling pursuant to N.J.S.A. 33:1-12.39 from the Division of Alcoholic Beverage Control; and

WHEREAS, a Special Ruling pursuant to N.J.S.A. 33:1-12.39 was issued by the Division of Alcoholic Beverage Control on April 20, 2009 under Agency Docket No. 04-09-5808 which authorized the Township of Hamilton, at its discretion, to renew said PRC License #0112-33-014-015 for the 2008-2009 license year subject to the terms of said Special Ruling; and

WHEREAS, the aforesaid Special Ruling included authorization for the Township of Hamilton, at its discretion, to renew the license in June 2009 for the 2009-2010 license year subject to the condition that any future requests for relief pursuant to N.J.S.A.33:1-12.39 must be accompanied by substantial justification of inactivity along with a definitive prognosis for activation of this license.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton in the County of Atlantic, that Plenary Retail Consumption License #0112-33-014-015 be and is hereby approved and issued for the 2008-2009 license year to C. W. News Inc., a corporation of the State of New Jersey for premises located at 6494 Weymouth Road, Mays Landing, NJ and having an address for mailing purposes only of 5045 Black Horse Pike, Mays Landing, NJ 08330, pursuant to terms and conditions of the aforementioned Special Ruling of the Division of Alcoholic Beverage Control which is incorporated into and made part of this resolution by reference and as if recited in full.

BE IT FURTHER RESOLVED that the license certificate shall be retained in the office of the Township Clerk until said license is reactivated at a location approved by the Township of Hamilton.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Raffle License #4-2009 be and is hereby approved for an on-premise draw 50/50 raffle by St. Vincent DePaul Church on July 19, 2009 at the Parish Center.

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

May 4, 2009

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

BE IT RESOLVED that the Township Committee of the Township of Hamilton has no objection to the County of Atlantic approving and/or issuing permits to the Weymouth Volunteer fire Company for coin drops to be held on CR 559 (Weymouth Road) south of the 322 intersection on July 17, 2009 and on August 21, 2009 with rain dates of July 31, 2009 and September 4, 2009 respectively if applicable.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for release of Select Bank letter of credit #1500001423, the performance guarantee for Michael P. Kelly/Quality Modular Homes site work and landscaping on Block 792/Lot 3 subject to his posting a 2-year maintenance guarantee in the amount of \$6,285.41 per recommendation of Daniel DePasquale, Township Engineer, dated April 14, 2009.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that SBA Towers II, LLC of Boca Raton, Florida be and is hereby awarded the contract to lease township-owned property identified as Block 667, Lot 15 for 5 years for the sole purpose of constructing a personal wireless telecommunications tower with associated equipment with a base lease amount of \$2,000.00 per month with a collocator revenue of 30% and escalator of 15% in accordance with RFP received March 31, 2009 and as recommended by Philip Sartorio, Community Development Director.

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

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

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Township of Hamilton has authorized the sale of surplus property through GovDeals.com pursuant to State Contract 1-70967/T2581; and

WHEREAS, the Township Committee of the Township of Hamilton is desirous of selling said surplus property belonging to it which is no longer needed for public use and on behalf of the volunteer fire companies and rescue squad of the Township of Hamilton to offer for sale surplus property belonging to them but no longer needed in an "as is" condition without express or implied warranties,

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

(1) The surplus property list submitted by the Director of Public Works is hereby approved for sale through GovDeals pursuant to State Contract A-70967/T2581 in accordance with terms and conditions of the State Contract. A list of the surplus property to be sold is included herein and made part hereof by reference and as if recited in full. Copies of the approved list are available in the Township Clerk's Office to members of the public requesting same. The Terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Township Committee of the Township of Hamilton.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(5) The Township Committee of the Township of Hamilton reserves the right to accept or reject any bid submitted.

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

May 4, 2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that authorization is hereby given for submission of an application for Transportation Enhancement Program funds for improvements in the vicinity of the recently completed Third Street pedestrian bridge, including paving a bike/pedestrian path and associated lighting linking the bridge to Old Egg harbor Road and Third Street, additional sidewalk along Third Street to Linwood Avenue, pedestrian crossing improvements on Old Egg harbor Road at Underhill Park as recommended in the July 24, 2008 Traffic Calming Study.

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

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that George Weston Bakery check #0001411287, in the amount of \$5,680.80, be and is hereby accepted for deposit and retained in an escrow account for four (4) years as the required maintenance guarantee for the Stormwater Management System at the Stroehmann Bakery Distribution Center in Hamilton Township Business/Industrial Park (Block 994.05/Lot 20).

BE IT FURTHER RESOLVED that Township Clerk is authorized to return the two (2) year Fidelity & Deposit Company of Maryland maintenance bond that was rejected for non-compliance on April 20, 2009 and the original Fidelity & Deposit Company of Maryland performance bond #6315834 accepted May 19, 2003 all maintenance guarantee requirements having been met.

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

Olaf Drozdov request for release of Minotola Bank letter of credit #1053

Mr. Silva said the site is near him and he looked at it the other day. Mr. Silva said the structure on it has been there for 3 or 4 years. He said he didn't know why the Township had to keep it going on and on and doing inspections on it. Mr. Silva said he thought it was an unnecessary hardship on the owner and the Committee should just consider releasing it.

Mayor Gaskill said he agreed with Mr. Silva. He said he went there and looked at himself and didn't really see what Mr. Smith alluded to. The Mayor said it was actually done in 2003 and done for 6 years now.

Mr. Sasdelli said that unbeknownst to him Mr. Silva or the Mayor went there and he went there with Mr. Morley because it troubled him when he saw it. He said it was completed in 2003, the Township is holding a \$3,000.00 maintenance guarantee, Churchill did the inspection, denied it for 3 things: there are roots pushing up the driveway (Mr. Sasdelli said it was very minor); the edge of the driveway looks like it is breaking off (Mr. Sasdelli said he didn't see that) and there is a pine tree that he thinks should be trimmed but it is on the neighbor's property. Mr. Sasdelli said it has been done since 2003, looks excellent and he doesn't think any of those things warranted the Township holding Mr. Drozdov's \$3,000.00 or to have Churchill keep billing escrow and going out there more and more inspections. He recommended the Committee not deny the request for release of the maintenance guarantee and that Mr. Drozdov be given back his money.

Mr. Gaskill said it is a private road.

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

WHEREAS in letter dated March 13, 2009 Robert J. Smith, Township Engineer for the Olaf Drozdov subdivision project stated the following items must be addressed prior to release of the maintenance guarantee being held thereon by the Township:

1. The asphalt pavement appears to be pushed up by roots at the midpoint of the driveway. This should be reviewed.
2. The edge of the asphalt is breaking off at the end of the driveway on the north side. This should be reviewed.
3. The pine tree on the south side of the driveway along Clarkstown Road should be trimmed to improve visibility. However it is on the neighbor's property.

and;

May 4, 2009

WHEREAS two members of the Township Committee, the Township Administrator and the Director of Public Works individually and without consultation with the other personally visited the site and do not deem the Engineer's recommendations to be justified,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton Minotola Bank (now known as Susquehanna Bank) letter of credit #1053, a maintenance guarantee for Olaf Drosdov subdivision of Block 982, Lots 1.01 and 34.01 be and is hereby authorized to be released.

BE IT FURTHER RESOLVED that all escrow money due Olav Drosdov are hereby authorized to be returned to him.

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

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

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

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

Mr. Silva 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 bills are hereby ordered paid, the bill list total being \$7,139,441.21 as of April 30, 2009.

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

#### Reports

Administrator: None

Solicitor: None

Engineer: Mr. DePasquale reported receiving an e-mail regarding problems with basins at Victoria Crossing. He said he wrote a letter to them about it during the winter and they said they would take care of it when the weather broke. Mr. DePasquale said he called them today and they said it was scheduled for this week. He said they are supposed to work on the back basin that goes up against the Fairways this week but it probably won't be until next week when the weather breaks. Mr. DePasquale said they are keeping on top of it includes taking care of the silting up on the bottom, filing in the erosion caused by construction activities, trash removal and hydro seeding. Mr. Silva asked if they still have bonds on it. Mr. DePasquale said they do and that they are no where near finished but they still have to keep the place cleaned up.

Mr. Silva asked how the grouting at Skip Morgan Drive that Committee voted on at its last meeting was coming along. Mr. DePasquale said was completed; he has been in contact with D.E.P Dam Safety and they are allowing Mr. Morgan to fill his lake; he checks every day on his way to work to make sure there is no seepage; and the lake has about 3 or 4 more feet before it is filled up. Mr. DePasquale said they are still working to get compliance with Dam Safety because they are looking at it but they don't want to keep him out of business another year either. He said they have been very helpful even though they keep telling Mr. Morgan other things he has to do. Mr. DePasquale said they said they generally don't give the kind of leeway they have given to Mr. Morgan but it will affect his business if he doesn't get the lake filled up this year.

Ms. Gatto commented on the excellent job done by the Merchants' Association at their breakfast. She also wished all mothers a Happy Mothers' Day.

Mr. Pritchard congratulated the Merchants' Association on their very successful breakfast. He said this is the kind of things that have to be done in order to maintain the traditional activities that have been held in the Township. He thanked Cousin Mario's for hosting it and providing a lot of the supplies.

Mayor Gaskill invited everyone to attend the dedication of the Third Street Bridge on Saturday May 16 at 11a.m. He said it will be dedicated to Carl Anderson, a longtime educator and youth advocate. He said the bridge is very nice and the Committee Members have gotten a lot of good comments on it especially on the safety aspect of people getting across there and not having to walk on Route 40. He said it would be very nice if those who had Mr. Anderson as a teacher or interacted with him could attend.

Public Comment

Aline Dix she examined tonight's bill list and it appeared the overtime being paid was mostly for the court. Ms. Dix asked if there was any answer to the questions she asked on April 20<sup>th</sup> about overtime at the Cove. Mr. Sasdelli said there wasn't.

Ms. Dix said two years ago she pointed out Mays Landing Fire Company needs a place for a building to park a fire truck on the east side of town because of traffic problems. She said one of the things she looked at was the land along Somers Point Road which is CAFRA so it won't have to deal with Pinelands and go through what Bargaintown Fire Company is going through. Ms. Dix asked if the Committee would consider if Mays Landing could possibly get a 100'x100' place to put up a pole barn to park a fire truck in before they make a decision to sell that land so that the 7 firemen she understands are in that area could get to it more quickly than getting through traffic to Reliance Avenue. Mr. Silva said Ms. Dix point was well taken but there are other parcels being looked at that are closer to the area that may less intrusive in terms of further down Somers Point Road but more intact with the bulk of the population in the Victoria Crossing area. Ms. Dix expressed her opinion the firemen are in the Somers Point/Ocean Heights Avenue area and this will move the firehouse further away from them. She said issue of getting it out of the Pinelands and into CAFRA was her key point two years ago. Ms. Dix said Harbor Avenue is a very narrow street with a lot of shrubbery that makes it difficult to see if anybody is trying to get out of their driveway.

Ms. Dix said there was a battle several years ago when the Committee couldn't find money in their budget for a senior van and they got \$14,000. through the CDBG grant to buy one through a state contract. She asked if the Committee consider amending their current CDGB grant because she was sure they could find \$15,000. for a Dodge Caravan in there. Mr. Silva said he would if it was actually demonstrated that it was needed. Mayor Gaskill said the Township doesn't need one right now. Ms. Dix said there is 108,000 miles on the one they have now and it may be time for it to be retired.

Ms. Dix commented on the drainage work done by the Duberson house and asked why the sidewalk wasn't extended from there and around the curve to Park Road. Mr. DePasquale said the Township doesn't own that property. Mr. DePasquale said they didn't want people walking there because they are coming right off the wooden planks. Ms. Dix said that is where the people walk. She said the Township still has \$24-\$25,000. in 2004 CDBG money and suggested the Committee use that handicapped curb cut money to put it in and it won't cost the taxpayers anything. Ms. Gatto said someone from the County will have to look at it. Mr. DePasquale said he would look at it with Mr. Morley. Ms. Dix said it is County property. Ms. Gatto said the County should be asked to finish it then.

Wayne Choyce asked if there was any information the Committee could share with the public regarding the meeting with the County about the use of Lake Lenape this summer. Ms. Gatto said there were 2 meetings and there are a lot of good ideas on the table. She said the question is which ones are feasible, attainable, doable and the most value to all the taxpayers. Ms. Gatto said they are still in discussion with the County and she thinks they will try to have another meeting this week or early next to try to come to a conclusion. Mr. Choyce asked if there was hope that in one more meeting a decision could be made. Ms. Gatto said she didn't know but hoped so.

Charles Cain referred to the Ordinance adopted tonight and said Mr. Silva has been promoting it for quite some time. He said everyone knows there is a serious problem with drainage basins in the Hamilton Township. He directed his comment to the Township Committee Members who are on the Planning Board and said on Thursday the Township will be entertaining an application for what has been promoted as the largest development on the east coast since Disneyworld and said that developer is asking for a waiver of the design of the drainage basin. Mr. Cain said the developer doesn't want to meet the Township requirements. He said he thinks there should be no reason for granting such a waiver for an operation of this magnitude. Mr. Cain referred to Ms. Dix comments on the fire substation and said the fire chief stated in the paper a year ago that it is getting more difficult and with the onset of this development coming in it will be almost impossible to service that section of town. He said the location Ms. Dix was talking about is township-owned property and would be a great idea to help them make sure his neighborhood is taken care of. Mr. Cain said that according to a traffic study just done by those intersections are already operating at an F rating which is the worst the County can give an intersection. He said if the development coming before the Planning Board on Thursday is approved it will add 800,000 visitors a year and something needs to be done to make sure the fire company can do its job. Mr. Cain said he thinks the Committee should reconsider it because it would make sense to put it to good use for the residents in that area since it is already a Township asset.

May 4, 2009

Peggy Capone thanked the Members who attended the Merchant's Association's fundraising breakfast and said to those who didn't, the Association is still accepting donations. Mrs. Capone said they are having a wine festival at the Abbott House on June 13 from 12 to 5. She said 3 of the local wineries will be attending and the profits will be donated to the food bank. She said tickets will be \$10 if purchased in advance and \$15.00 at the door. Mrs. Capone said the price includes 10 samples of wine and they will also have food there. Mayor Gaskill said it would be very helpful if she or Mr. Kurtz got the information to Mr. Ruberti to put on the Township website.

Mrs. Capone asked if all the Committee Members are part of the negotiations with the County regarding the Cove. Ms. Gatto said that would violate the law. She explained that the representatives at the meetings are she, Mr. Silva, Mr. Morley, and Mrs. Giberson for the Township and Freeholder Curcio, County Administrator DelRosso and a few people from their Public Works Department for the County. She said Freeholder Giordano was also at their last meeting. Mrs. Capone asked if there was a block, an agreement, or anticipation of the Cove opening. She said she was very impressed with the information Ms. Dix presented at the April 6 meeting. Ms. Gatto said that information was brought to the table and is still in consideration but there are a lot of other things behind that information to be considered. She said there are other ideas also. Mrs. Capone asked if Ms. Gatto could give her any of those ideas. Ms. Gatto said she couldn't right now. Mr. Silva said it is safe to say they didn't close the Cove. He said it was a budgetary consideration of the Township Committee and there is no money in the budget for swimming. Mr. Silva said when they met with the County, their decision was a policy decision not to have swimming at Lenape Park. He said there was a meeting of the minds trying to come to some resolution on how to achieve swimming at that lake but they haven't come to that yet. Mr. Silva said a lot of issues have been put on the table and a lot of information has been shared. He said he thinks that while it is in the discussion stage there is a possibility but he can't say it will happen one way or the other until they meet for the final time. Mrs. Capone asked if the public had to reach the other parties to have some kind of influence towards finding some kind of resolution. Ms. Gatto said all the parties at the table are open and amenable to having swimming on the lake but the questions are how; how much; what the parameters will be; the funding sources and there are a lot of loose ends to be figured out. Mrs. Capone asked who is liable if someone is on the playground now. Mr. Sasdelli said the Township is and they have insurance for that. Mrs. Capone asked how the Township can close the Cove and expect the County to reopen if it is the Township's property. Mr. Silva said they didn't ask the County to open the Cove. Mrs. Capone asked what they are meeting for. Ms. Gatto said they are trying to fine the resources. Mrs. Capone asked if they are trying to get County resources to pay for lifeguards. Ms. Gatto said they don't know what it will look like and that is why they had an initial meeting. She said there were a lot of ideas; fact finding was done on both sides; they came back and talked about that; a couple of other things came out of that meeting that needed to be followed up. Ms. Gatto said Mr. Sasdelli followed up on one of them this week. She said that will drive a lot of the decisions and that is why they need another meeting. Mrs. Capone said she has an 8<sup>th</sup> grader and they usually went to Lenape Park but are going outside this year.

Maureen Maxwell said that she worked at the Cove and 3 of her children have been lifeguards at the Cove there for 4 or 5 years. She recommended the Committee get some of the lifeguards who worked last year involved in the decision making. Mrs. Maxwell said a lot of lifeguards were hired last year and they weren't all needed. She said it might help if the number of lifeguards was cut down and a set hourly schedule done. Mrs. Maxwell suggested the Committee talk to 10 and 11 year olds. She said she asked 20 of them how many could tread water for five minutes and swim a mile and every one raised their hand. Mrs. Maxwell said they don't understand their swimming has a capability and she thinks the Township is asking for trouble if they don't allow swimming. She said she knows children will be swimming and questioned what the police are going to do if a child jumps into the water, Ms. Dix calls them; what they are going to do to get the child out of the water; and how long it will take them to get there. Mr. Silva said that could happen early in the morning before the Cove opens and after it closed. He said regulations have changed. He read a new one for this year, the New Jersey Youth Camp Safety Standard for day camps that requires 1 additional lifeguard and 1 additional supervisor over 18 for each 20 swimmers and said if one or more day camps come to the Cove the Township will need more lifeguards just for them. Mr. Silva said that didn't come to the Committee when they made the budgetary decision not to fund the Cove. He said there are always invited and uninvited guests when it comes to private or public property where someone can get hurt. Mr. Silva said he heard the comment made that the Township doesn't want swimming because it is a liability and his comment to that is that government is a liability, public works is a liability, the police department is a liability and everything done is a liability. He said he has it on his property and Mrs. Maxwell has it on hers. Mr. Silva said there is no way to relieve yourself of it and as far as having someone there all the time, you can't have someone there all the time. Mrs. Maxwell said she understood that. She commented on seeing who was there early, who left when it closed and who didn't. Mrs. Maxwell said there were times when they had to call the police. She said that if the Committee decides close the Cove and not have swimming

May 4, 2009

notice should be sent to the school so the message can be sent to the children that there will be consequences if they do swim. She said as of right now they think it is a free-for-all, there are no lifeguards or police and they are just going to jump in. Mr. Silva said they do it at Gravelly Run and people have drowned there. He said that it has already been advertised that the Cove is being closed to swimming. Mr. Silva said that decision was not an administrative decision, it was a budgetary one. He said he and Ms. Gatto are meeting with the County to see if there is anything that can be done. Mr. Silva questioned how the County will keep people out of the water at Lenape Park. Mayor Gaskill said if the Cove ends up being closed something can be sent to the school for them to send home with the children so the parents know.

Fail Harris said she is a long-time employee of the Cove and saw people come from everywhere imaginable to swim there including people from New York who don't speak a lot of English. She said she hopes the Township puts up signs in enough languages so that people know it is dangerous to their health and safety and they may be arrested if they swim. Mrs. Harris said children will go right into the water and see how far they can go when they don't see the beach lady sitting there. She said she hopes the police will be available because she heard that people were there when the weather was nice and that public works was there cleaning it today. Mrs. Harris said she worried children will swim anyway and hopes no one gets hurt. She said there were accidents there before when it wasn't open yet and she hopes nothing serious happens there. She said she will stay home and enjoy her summer.

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

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

There being no further business to come before the Township Committee for consideration or action tonight, Mr. Pritchard moved, seconded by Ms. Gatto, that this meeting be and is hereby adjourned.

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

There was no executive session.

ATTEST:

---

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