

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING, NJ
May 18, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey 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 Rita Martino, Deputy Township Clerk, Randolph Lafferty, Township Solicitor, Daniel DePasquale and Edward Walberg Township Engineers and Edward M. Sasdelli, Township Administrator.

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of said notice, along with the agenda of this meeting, to the Atlantic City Press, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30pm on May 18, 2009 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

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

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

7A: Alex Lyons & Sons - Auction

7P: Accept title of 2004 Ford Explorer, vin# 1FMPU16L74LB58281 for insurance purposes only, vehicle purchased by Laureldale Fire Co,

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

Early Public Comment

Ms. Gail Harris said that she hoped the Committee was considering the suggestions of the County for opening the Cove and advocated for the opening of the Cove.

Ms. Aline Dix asked for an explanation of the agenda item referring to the Preserve at Hamilton. Mr. Lafferty gave the background on this item and explained that the letter of credit was being called in as the developer had abandoned the project after substantially disturbing the area.

Discussions

Gale Avenue

Mr. Sasdelli explained that the DOT never certified this ordinance and at present we can not issue tickets on this road. Mr. Sasdelli sad that if we wish to continue having this discussion we will have to have an engineer's certification and send that to the Commissioner for approval. Mr. Sasdelli asked if that was what the Committee wanted. Mr. Silva asked if there was anyone from the neighborhood there. There was no one. Mr. Lafferty gave the background of the ordinance, saying that the ordinance was adopted with the change recommended by the DOT. Mr. Lafferty said that although the Township had completed all requirements, they had never received a response from the DOT. Mr. Lafferty said the Committee had the following options: attempt to enforce the ordinance and litigate it, seek a declaratory judgement that the ordinance is valid because the DOT failed to act, not enforce the ordinance, adopt a new ordinance and seek DOT approval, attempt to receive DOT approval on the current ordinance which would require an engineers report. Miss Gatto said that we should go back to the 2000 process. Mr. Silva said that the paving company had paved Gale Ave. several times in the past and asked the representative of the paving company, Noah Bronkesh, if that same degree of cooperation could be extended forward if it is proven that the heavy traffic causes some breakup of the road. Mr. Bronkesh said

that on behalf of Arawak he was authorized to say that they would continue to do what they did pre-2001. Mr. Bronkesh said they would do the right thing and that they were concerned about the residents in that area and the drivers were instructed to act in accordance with safety and speed rules. Mr. Bronkesh again stated that the maintenance issue was one that they would address as needed, assuming that the usage is permitted. Miss Gatto asked if they would consider running only full trucks on Gale Ave. and run the empty loads on the current route, Mr. Bronkesh said that yes they would be willing to do that. Mr. Pritchard said that due to changes in legislation regarding the DOT this was the better path to take. Mr. Palmentieri asked if it was correct that the DOT had recommended that the ordinance come in at 8 tons and this was a 40-ton truck being considered. Mr. Lafferty said that was under the previous standard and may not be the same today. Mr. Silva stated that the paving company has offered to make repairs on the road if there is any damage to the road. Mr. Sasdelli reminded everyone that the Committee could always introduce another ordinance if this does not work out.

Mr. Palmentieri asked Mr. Walberg if there were any state limits on the size of trucks that are permitted on residential roads. Mr. Walberg said that there are recommended weight limits. Mr. Lafferty said if they wanted to rescind ordinance 1418 a new ordinance would have to be passed.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton, to authorize the solicitor to prepare an ordinance rescinding ordinance 1418-2001 for the next meeting.

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

The Cove

Miss Gatto clarified that the recommendations that were in the paper were things that both the municipality and the county had discussed. Miss Gatto said that the following items had to be kept in mind when discussing the available options: the County's no swimming policy at any County Park, the Township budget crisis, the policy of finding a way to yes. Miss Gatto said the recent discussions had opened up a lot of doors that go beyond the Cove that will help with controlling some future costs.

Miss Gatto made the following recommendation for the Cove:

- 1) Using the federally funded supported work program to provide 6 lifeguards and 3 beach badge taggers. Miss Gatto said that the Township would hire two lifeguard supervisors and one beach badge supervisor, preference being given to the laid off employees, funding to be provided through the beach tag fees.
- 2) Miss Gatto recommended raising the fees, monies to be deposited and expensed through the Recreation Trust as we do with other self sustaining programs. Miss Gatto said that she believed that this was acceptable to our Auditor and CFO as long as expenses and revenue matched. Miss Gatto said that if at any time expenses reached the collected amount of revenues we would have to close.
- 3) Miss Gatto recommended abbreviating the season, opening no later than June 27 and closing at the normal time in August, hours 11AM to 6 PM.
- 4) Miss Gatto recommended the fee schedule to be as follows: seasonal resident \$12, daily resident \$6, seasonal non-resident \$20, daily non-resident \$7, children under 12 free. Miss Gatto said that this increase should cover expenses with some left over for start up money for next year.

Miss Gatto also added that there would be a fee to cover the extra costs for groups, but that she hasn't worked out an amount yet. Mrs. Giberson said that groups do not let us know ahead of time.

Committeeman Silva said that the budget discussions centered around addressing the structural deficit of this township and the decision was made to cut 7 things including swimming at the Cove. Mr. Silva said that as a result of this Department Heads cut overtime and items to be purchased that were associated with these cuts. Mr. Silva asked how we could allocate funds that have not been appropriated stating that it is a criminal offense according to the State Statutes. Mr. Silva said that the Committee is going down a path that could cause some issues in the

future. Mr. Silva said that he has a difference of opinion of where swimming should occur at the lake. Mr. Silva asked if we were going to open up all the other items that had been cut for discussion. Mr. Silva asked what this would say to the employees who took furloughs and the employees that we laid off. Mr. Silva said that he felt if we re opened the Cove and hired people we would be doing a disservice to the laid off employees and the Township as a whole. Mr. Silva said that he had talked about the disbursement of money or incurring obligations by public in excess of appropriations and that he didn't think you can cover all that through the Recreation Trust Fund, and that he thinks its another smoke and mirrors type of thing. Mr. Silva said that if an official has the slightest question as to whether a proposed action or course of conduct is somewhat inappropriate we should have advice from the local public entity attorney and maybe even some other offices. Mr. Silva said that the path we are going down now is not the path we should be taking.

The Mayor asked Mr. Lafferty for an opinion on the issue of criminality. Mr. Lafferty said that the statute Mr. Silva is referring to is 2C: 30-4 and said that this was conferenced today with the Auditor. Mr. Costello has never seen a charge under this statute. Mr. Lafferty said that according to Mr. Costello simply receiving fees and expensing them out through the Recreation Trust Fund would not be a violation of any municipal or general accounting principal. Mr. Silva asked for Mr. Lafferty's opinion. Mr. Lafferty said that if you are not expending government monies that you have not appropriated you are not in violation of the statute. Mr. Silva asked about the money that had been cut from the Public Works budget. Miss Gatto said that she had asked that to be taken into account in the figuring and to over estimate expenses and underestimate revenue. Miss Gatto said by her estimates we would take in \$50,000 and spend \$27,000 leaving start up money for next year. Miss Gatto stated that this is a workable solution that takes it out of the budget and makes it cost neutral.

Mr. Pritchard said this is a much more efficient way to run the operation than what was done in the past. Mr. Pritchard said that he thought it was an excellent solution.

Atlantic County Freeholder Frank Giordano was recognized in the audience. Mr. Giordano said that the research Ms. Dix had done was a big help and that the bottom line is that the little kids want to go in the water and cool off. Mr. Giordano said the County is willing to help any way they can and even if there was a shortfall, with some kind of creative thinking they want to help. Mr. Giordano said that the Freeholders want to help the residents to get what they want and they weren't asking for much they just want to cool off.

Mr. Silva stated that the County could have allowed the children to swim in the County Park.

Mr. Palmentieri said that the right place for swimming is the County Park. Mr. Palmentieri said he had made some notes on his own, one the budget committee has not met to evaluate the budgetary and fiscal consequences of reversing the decision to eliminate swimming at the Cove, two, the Committee adopted a budget in good faith that resulted in laying off nine people due to a budget crisis, any proposal to bring in new people and expands the hours of others is unethical and may be a violation of Union agreements, three, the Township obtained \$150,000. in voluntary furloughs based on the budget crises, and relied on the generosity of workers to balance the budget in good faith, any proposal to add expenses after the budget has been adopted for items not in the budget is unethical and puts the entire \$150,000 in jeopardy. Mr. Palmentieri said he believes that any proposal to knowingly incur expenses not in the budget violates NJSA 2C: 30-4. Mr. Palmentieri said that the use of the Recreation Trust Fund is impractical as it requires all costs to be captured and supported by beach tag sales and with the shortened season it is not reasonable to believe that enough money will be raised by tag sales. Mr. Palmentieri said that he believes the use of the Recreation Trust Fund violated the spirit of NJSA 2C:30-4 because it would knowingly circumvent the Statute. Mr. Palmentieri stated that these are the items he thought of without the benefit of being able to see a plan before the meeting.

Mr. Pritchard asked why roadblocks were being thrown in the way of opening the Cove, when a workable solution had been presented. Mr. Pritchard said tying this into the lay offs was comparing apples and oranges as this proposal was for seasonal workers and is not a slap in the face. Mr. Pritchard also said that if anything put the furloughs in jeopardy it was the lay offs not opening the Cove so residents could enjoy the summer.

Miss Gatto said that the union issue had been looked into and would not be a problem because the lifeguards and badge checkers were not union employees. Miss Gatto stated that it sounded

as if she were being called unethical and was committing a crime for letting kids swim. Miss Gatto said she did not feel this was the case based on discussion with both the Solicitor and the Auditor. She again asked for clarification from the Solicitor and stated that if the proposal were unethical we would have to stop Aqua Aerobics, Karate and all of the other stuff. Mr. Lafferty responded that Recreation Trust Fund monies were not being used to fund this, it was being used as a pass through just like all of the other recreation programs and Miss Gatto was correct we did not budget for Aqua Aerobics or Jazzercise. Mr. Lafferty stated that the proposal as he understood it was not to spend money that was not appropriated and not spending Recreation Trust Fund money but it would be used only as a mechanism by which to receive and expense monies and would be revenue neutral.

Mr. Palmentieri said that even if you assume that it is not circumventing what you started with which was cutting it out of the budget and laying people off and collecting commitments for furloughs from people and reintroducing it for other employees to be paid by whatever means you still need to capture all of the costs. Mr. Palmentieri said that the only thing he heard being discussed was the overtime not the straight time. Mr. Sasdelli said that there was \$17,000 in the budget but that the Committee could allocate that where they want. Mayor Gaskill stated that the workers still clean the beaches five days a week it is just the additional cost on the weekends. Mayor Gaskill said that we have an opportunity to open up something that has been a mainstay of the community forever and to give something to our residents that need it. Mayor Gaskill said that he didn't understand why we wouldn't want to give this to our community.

Freeholder Giordano asked Mr. Palmentieri to take the politics out of it and just think about the kids. Mr. Giordano said he was trying to believe that this wasn't about being negative but asked Committee to take the politics out, get a picture of the kids and be done with it. Mr. Silva asked where does it end and, if you don't change you are going to become extinct.

Miss Gatto referenced the spreadsheet she had been given by Mr. Sasdelli, and said she was told that we were looking at \$27,000 in costs. Miss Gatto said she thinks it is an additional \$4,000 to cover weekend overtime and Mr. Sasdelli said that no that is what the \$10,000 is for. Miss Gatto said that the lifeguards and badge checkers would cost \$12,000 instead of \$43,000 and the other expenses would remain at \$5,000 adding to \$27,000. Mr. Sasdelli clarified that the \$27,000 was the new dollars that he thinks we will have to come up with. Miss Gatto said that according to the other spreadsheet the amount taken in would be \$50,490. and that is underestimating the number of beach tags sold and overestimating the expenses. Mr. Sasdelli said that he did not want to be quoted on the projected amount, they were estimates and he made some assumptions in coming up with the figures. Miss Gatto said that this proposal is just setting the policy for giving our administrator and our directors direction to get the ball rolling and is contingent upon the sales and getting the supported work force needed. Mr. Silva pointed out that we would be hiring workers and we have a hiring freeze. Miss Gatto responded that we have a hiring freeze for new positions and this was not a new position as we have hired more than these every year and we are funding it through the revenues of the beach tags. Mr. Sasdelli explained part of the spreadsheet by saying that he was only trying to cover the new money needed, \$27,000 not the portion of salaries for current employees that work on the cove: himself, public works director, Recreation Dept Staff. Mayor Gaskill asked how this was accounted for with the other programs, was it accounted for under the Rec. Trust Fund and was told no it wasn't. Mayor Gaskill said that it would be the same, just treated as part of the employee's workday. Mr. Palmentieri said he was asking about total costs because incremental costs may be covered by fees but the total costs may not be captured or covered by the fees. Mr. Palmentieri said we do not have it in the budget for these non-incremental costs because the total program was cut out of the budget. Miss Gatto said that this year we have to work with a budget that is already passed so this year it would be blended. Mr. Palmentieri said that this gets back to the point of appropriating money that is not budgeted and violating state statute. Mr. Lafferty said that these employees time is already budgeted for and you are not expending additional money, what you are talking about is an accounting issue. Mr. Palmentieri asked if there were enough workers to get the job done at straight time. Mr. Silva said that there was already pain in the Departments due to lost hours and if it wasn't included in this we are missing something.

Mr. Palmentieri said that regarding the work force employees none of them are certified or experienced and it is already the second week of May. Mayor Gaskill said that we have been assured that the employees will be trained. Miss Gatto said that the work force people would be supervised and certified the same as others in the past. Mr. Silva said that they are paid minimum wage.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to recommend staffing the Cove using the supported work program to provide 6 lifeguards and 3 beach badge taggers, hire three temporary, seasonal employees funded through the beach badge fees, 2 to be life guarding supervisors and 1 to be a beach tagging supervisor, abbreviate our season and to use the Recreation Trust Fund as pass through to open the cove for swimming.

RESOLUTION ADOPTED WITH THE FOLLOWING VOTE:

Miss Gatto "AYE"
Mr. Palmentieri "NO"
Mr. Pritchard AYE"
Mr. Silva "NO"
Mr. Gaskill "AYE"

Mr. Palmentieri explained that he voted no because he would like to see a much more detailed plan and financial accounting detail. Mr. Palmentieri said that hopefully this can work out for next year and be fully funded and he would support it at that point, but at this time he had to vote no.

Mr. Silva explained that he voted no because he is concerned about the hours lost that are not covered in any type of budgetary consideration and how we are going to fill that gap and said that while he is not opposed to swimming on the lake he thought it could have been run through the finance committee to look at any structural deficits.

Miss Gatto said that she would like to introduce a new fee ordinance by title only. There was some discussion of adding an administrative fee for groups but it was decided that this would be addressed at a later time.

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1650-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 25, 2009 issue of The Press of Atlantic City for a public hearing to be held June 1, 2009 in the municipal building, Mays Landing, NJ.

RESOLUTION ADOPTED WITH THE FOLLOWING ROLL CALL VOTE:

Miss Gatto "AYE"
Mr. Palmentieri "AYE"
Mr. Pritchard "AYE"
Mr. Silva "NO"
Mayor Gaskill "AYE"

TOWNSHIP OF HAMILTON

ORDINANCE NO.: 1650- 2009

AN ORDINANCE AMENDING ARTICLE I, SECTION 225-2 OF CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, ENTITLED "COVE AREA FEES" AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the Township Committee of the Township of Hamilton deems it appropriate and necessary, after review, to amend Article I, Section 225-2 of Chapter 225 of the Code of the Township of Hamilton;

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

SECTION 1. Establishment of Fees.

Section 225-2 entitled "FEES" shall be and is hereby amended to read as follows:

- (a) Fees for seasonal use of the Cove Area shall be \$12.00 per season for residents of the Township of Hamilton and \$20.00 per person for non-residents of the Township of Hamilton, with a season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.
- (b) Fees for the daily use of the Cove Area shall be \$6.00 per person per day for residents of the Township of Hamilton and \$7.00 per person per day for non-residents of the Township of Hamilton, during the season consisting of the date upon which the Cove Area is officially opened for swimming through the date of its closure that season.
- (c) No fees shall be charged or collected from children under twelve (12) years of age.

SECTION 2. Severability and Effectiveness Clause.

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

This Ordinance shall take effect upon its final passage and publication as provided by law.

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Mr. Sasdelli assured Committee that he will make sure that the lifeguards are certified in three areas and properly trained before the Cove opens as public safety is his prime directive. Mr. Sasdelli said that he would interview and if he wasn't comfortable with the people they wouldn't be there. Miss Gatto said it was made clear that we would be involved in the hiring process. Miss Gatto said that this is all contingent upon sales and the ability to find qualified staff from the supported work program. Mr. Palmentieri asked how much money would have to be collected before we could justify opening the park. Mr. Sasdelli said he would work that out with the Auditor. Mr. Palmentieri said that the dilemma he is trying to resolve is that there is not a lot of advanced ticket sales but there are start up costs that have to be covered. Miss Gatto said that the public needed to come out in order for this to work. Mayor Gaskill charged the Administrator with making this work.

Discuss setting hearing date for the Pucci matter

Mr. Lafferty stated that this matter had been remanded to Committee by Judge Armstrong. Mr. Lafferty stated that at this point the Committee needs to set a date that allows for the proper notification and that Mr. Pucci's attorney had requested July 6, 2009.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the hearing date for the Pucci matter is set for the July 6, 2009 meeting.

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

Public Hearing/Adoption- Ordinance #1648-2009

The floor was opened for public comment on Ordinance #1648-2009.

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

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

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

WHEREAS, Ordinance #1648-2009 was introduced and passed first reading on May 4, 2009 and was duly advertised in the May 6, 2009 issue of the Atlantic County Record for a public hearing to be held May 18, 2009 in the municipal building, Mays Landing, NJ and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1648-2009 be and is hereby adopted.

TOWNSHIP OF HAMILTON
ORDINANCE #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.

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

Mr. Silva asked that the \$30,000 from the public works garage recycled oil heater be moved to the Fire Apparatus bringing that total to \$562,000. Mr. Sasdelli said they are trying to buy a demo or used truck.

On the motion of Mr. Silva second of Miss Gatto \$30,000 was moved from public works equipment to fire apparatus/emergency equipment.

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

Introduction of Ordinance #1649-2009

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

BE IT RESOLVED by the Township Committee of the Township of Hamilton that Ordinance #1649-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the May 20, 2009 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on June 1, 2009.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,428,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Hamilton, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,500,000, including the aggregate sum of \$72,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

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Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,428,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purposes</u>	<u>Appropriation and Estimated Cost</u>	<u>Down Payment</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) "2009 Road Improvement Program," and improvements to Lake Lenape Dam, all as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans are hereby approved.	\$490,000	\$23,500	\$466,500	15 years
b) Improvements to Municipal Complex all as shown on and in accordance with the plans and specifications on file in the office of the Clerk, which plans are hereby approved.	\$200,000	\$9,600	\$190,400	20 years
c) Purchase of equipment for the Public Works Department, including two new dump trucks and two hybrid SUVs	\$128,000	\$6,100	\$121,900	5 years
d) Purchase of public safety equipment and communication equipment	\$45,000	\$2,300	\$42,700	5 years
e) Acquisition of emergency equipment, including fire fighting equipment, fire protection equipment and rescue equipment	\$622,000	\$29,700	\$592,300	5 years
f) Purchase of computer upgrades for the Municipal Building	\$15,000	\$800	\$14,200	7 years
TOTALS	<u>\$1,500,000</u>	<u>\$72,000</u>	<u>\$1,428,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

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(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.28 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,428,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL VOTE:
Miss Gatto "AYE"
Mr. Palmentieri "AYE"
Mr. Pritchard "AYE"
Mr. Silva "AYE"
Mayor Gaskill "AYE"

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Miss Gatto asked that item 7A be removed from the consent agenda.

Mr. Silva stated that the permit to solicit says she will be soliciting indefinitely, Mr. Silva wanted it to be clear that this is a 90 day maximum permit and then the applicant needs to re-apply. Mr. Silva asked if a “no solicitation” sign has to be respected. Mr. Lafferty said that he would look into it for next meeting. Mayor Gaskill asked if there had been any problems with this group. Chief McKeen said that he wasn’t aware of any.

Mr. Palmentieri asked what was going to be done with the bond we were calling in. Mr. Sasdelli said it would at least be restored. Mr. DePasquale said the Township could actually finish the project. Mr. Sasdelli said a decision would be made on this after we get the money back. Mr. Palmentieri said that his main concern would be with controlling run off and the effect on groundwater.

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to insert the following Chapter 159 for grants received:

- (1) NJ Department of Transportation Aid Program NY Ave., Revenue & Appropriations \$150,000.00
- (2) 2009 Clean Communities Grant, Revenue and Appropriations \$50,033.11
- (3) Neighborhood Crime Prevention & Intervention Program, Revenue and Appropriations \$55,177.00

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

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

RESOLUTION AUTHORIZING PUBLIC LAND SALE

WHEREAS, the Township of Hamilton is the owner of lands hereinafter described; and

WHEREAS, a request has been made for the Township of Hamilton to offer said lands for public sale; and

WHEREAS, in the judgment of the Township of Hamilton, said lands are of no further use for public purposes, are not needed for public use, and should be disposed of by sale at public auction in accordance with the statute in such case made and provided; and

WHEREAS, all contiguous owners were notified by certified mail, return receipt requested of their right to prior refusal to purchase said lands by a sealed bid process pursuant to Ordinance #1646-2009 and no bids were received,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hamilton, that the Township of Hamilton, County of Atlantic, State of New Jersey shall sell to the highest bidder, at a public sale to be held on June 15, 2009 at 6PM, in the municipal building, 6101 Thirteenth Street, Mays Landing, NJ, all right title and interest of the Township of Hamilton in and to the lands described as follows subject to the terms and conditions set forth in the Notice of Public Land Sale as published in accordance with law and such other conditions as may be stated at the time of sale.

Minimum				
Block/Lot(s)	Lot size	Location	Zoning	Bid
398 / 1	.86 acre	West Jersey/Melvin Newton & Denver Ave.	MV	\$1,200.00

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SPECIAL CONDITION: NONE

BE IT FURTHER RESOLVED that printed copies of the full terms and conditions shall be included in the legal advertisement of Notice of Public Sale and stated at the time of sale. Said terms and conditions are also available in the Township Clerk's Office. Said terms and all conditions shall survive closing and transfer of title.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise said Public sale of lands in the June 3, 2009 and June 10, 2009 issues of the Atlantic County Record.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize release of Meredith Construction (Cedar St. Bk 845, Lot 6) maintenance guarantee in the amount of \$3,097.35 and release of performance guarantee in the amount of \$500. for soil stabilization, no maintenance guarantee required, as recommended by Robert Smith, engineer for the project.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to renew the Charitable Organization Door-To-Door Solicitation Permit for Lana Samuels of People in Crises (5/19/09-8/19/09)

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept JP Morgan Chase Bank, letters of credit as stormwater management system guarantees for the balance of the original 4-year term required for U.S. Home Corp./Lennar, Chancellor Place project and replacing Sun Trust Bank letters of credit as set forth below:

<u>JPMorgan LOC #</u>	<u>Amount</u>	<u>Phase</u>	<u>Sun Trust Bank LOC #</u>
CPCS-721129	\$13,273.60	I	F852292
CPCS-721134	\$ 9,410.18	II	F852289
CPCS-721154	\$12,550.53	III	F852291
CPCS-715478	\$10,824.79	IV	F852290

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

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

RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, DECLARING THE PRESERVE AT HAMILTON IN DEFAULT OF THEIR OBLIGATIONS TO THE TOWNSHIP OF HAMILTON REGARDING THE PROJECT KNOWN AS "THE PRESERVE AT HAMILTON"

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WHEREAS, the Township of Hamilton has been advised by the Township Engineer that The Preserve at Hamilton has not fully performed all of its obligations, imposed by Ordinance, Resolution and approvals granted by the Township of Hamilton, regarding the project known as The Preserve at Hamilton;

WHEREAS, adequate and fair notice has been given to The Preserve at Hamilton of these deficiencies by way of correspondence dated April 06, 2009 and no assurances have been given by The Preserve at Hamilton of their ability to perform their obligations as aforesaid; and

WHEREAS, the Township of Hamilton finds it necessary and appropriate to declare The Preserve at Hamilton in default regarding their various obligations as aforesaid related to the development known as “The Preserve at Hamilton”; and

WHEREAS, the Mayor and Township Committee of Hamilton Township desires to hereby endorse the findings of the Township Engineer, as set forth within their correspondence of April 6, 2009, to the Preserve at Hamilton and as subsequently set forth within the Certification executed by Daniel J. DePasquale, and further desires to confirm that the improvements at issue herein have not been approved nor accepted by the Township of Hamilton;

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 entity The Preserve at Hamilton, shall be and is hereby declared in default of its obligations regarding improvements at the development known as “The Preserve at Hamilton”; and

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BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that the surety regarding said development, Republic First Bank, be called upon to perform their obligations as provided in the Irrevocable Standby Letter of Credit No. 309502 issued April 04, 2006 which they have posted on behalf of their defaulting Principal.

ROLL CALL: **Gatto “AYE”**
 Palmentieri “AYE”
 Pritchard “AYE”
 Silva “AYE”
 Gaskill “AYE”

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to Authorize purchase of 4 Crown Victoria Police Cars from Winter Ford Fleet Sales of Cherry Hill under state contract #A45069 for \$90,492.00 and light bar packages for the vehicles from General Sales Administration t/a Major Police Supply, Kenvil, NJ under state contract #A67886 for \$17,813.04 and installation of light bar packages from Birch's Communications, Mays Landing, NJ under state contract #A53764 for \$3,423.96 all to be funded by the 2009 operating budget.

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

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

BE IT RESOLVED, by the Township of Hamilton to approve change order no. 1 for reconstruction of New York Ave. in the amount of \$25,378.15, payable to Shoreline Grading Inc.

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

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

BE IT RESOLVED, by the Township of Hamilton Authorize release of \$2,051.94 American Southern Insurance Company maintenance bond #B98809015944M, the maintenance for Bernard Laleyan d/b/a J&B Modular Homes, sidewalk project on Thelma Ave. (Bl 1123 L 1) as recommended by Robert Smith, Engineer for the project in letter dated May 11, 2009.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that there is no objection to the NJ Div. of ABC approval and issuance of a special permit for St. Vincent dePaul School Alumni Reunion social event on August 8, 2009 from 5PM to 10 PM- beer and wine to be dispensed.

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

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

RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO A SETTLEMENT REGARDING THE MATTER OF PAFF VS. HAMILTON TOWNSHIP, ET ALS. FOR THE SUM OF FIFTY NINE DOLLARS AND SEVENTY EIGHT CENTS (\$59.78) AND TO EXECUTE THE CONSENT JUDGMENT MEMORIALIZING THIS SETTLEMENT.

WHEREAS, an action entitled Paff vs. Hamilton Township Custodian; Hamilton Township Committee, et als. has been instituted in the Superior Court of New Jersey - Atlantic County - Law Division under Docket No. ATL-L-003392-08; and

WHEREAS, a settlement has been proposed by Plaintiff to resolve this litigation for sum of FIFTY NINE DOLLARS AND SEVENTY EIGHT CENTS (\$59.78) together with assurances that the Township of Hamilton will continue, as it has in the past, abide by the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.*; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has agreed to provide the Township of Hamilton the funds necessary so as to implement this settlement; and

WHEREAS, the Township Committee for the Township of Hamilton has concluded that it is in the best interests of the Township of Hamilton to enter into this Consent Judgment thereby concluding this litigation and terminating further litigation expenses which would be incurred by the Township of Hamilton;

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 Township Attorney shall be and is hereby duly authorized, empowered and

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directed to enter into the proposed Consent Judgment on behalf of the Township of Hamilton with the Plaintiff in the above captioned litigation and that the sum of FIFTY NINE DOLLARS AND SEVENTY EIGHT CENTS (\$59.78) is hereby authorized to be paid to the Plaintiff, John Paff, in accordance with the Consent Judgment in order to fully and finally settle all claims in the above captioned litigation as against the Township of Hamilton and its agents, servants and/or employees.

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

Miss Gatto moved, second of Mr. Pritchard 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 TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00).

WHEREAS, an action entitled *Paff vs. Hamilton Township Custodian; Hamilton Township Committee, et als.* has been instituted in the Superior Court of New Jersey - Atlantic County - Law Division under Docket No. ATL-L-003392-08; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund, hereinafter the "MEL", has denied coverage to the Township of Hamilton on the grounds that the relief sought under the Complaint is non-monetary and therefore excluded under the Township's coverage; and

WHEREAS, the MEL has offered to assist the Township in the defense of this action through the contribution and payment of TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00) 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 TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00) in return for the execution of the Release; and

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

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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 TWO THOUSAND FIVE DOLLARS AND NO CENTS (\$2,500.00) as a contribution to assist in the defense of the aforementioned lawsuit.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the reduction of US Home Corp performance bond # 08821767 for Cedar Point, Phase 3 (Adams Branch) from \$478,020.18 to \$284,103.18 as recommended by Daniel DePasquale, Township Engineer in a letter dated 5/11/09

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize the reduction of US Home Corp performance bond #08821768 for Cedar Point, Phase 4 (Adams Branch) from \$623,598.18 to \$291,105.18 as recommended by Daniel DePasquale, Township Engineer in a letter dated 5/11/09

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to accept title of a 2004 Ford Explorer, vin. # 1FMPU16L74LB58281 for insurance purposes only, vehicle was purchased by Laureldale Fire Co.

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

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

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

- 1) Alex Lyons & Sons- Auction

RESOLUTION ADOPTED WITH FOUR MEMBERS VOTING "AYE", NO "NAY", MISS GATTO VOTING "ABSTAIN"

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to approve the minutes of May 4, 2009 regular meeting.

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

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

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being \$1,862,680.10 as of May 14, 2009.

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

Reports

Administrator

Mr. Sasdelli said he had looked into refinancing existing debt and plans to bring forth a 7.5 million bond and hopefully lock in a high 3% interest rate on a long-term bond.

Engineer

Mr. DePasquale said that Oakcrest Drive has been paved and the contractor is starting on Drosera. Mr. Silva asked that someone go out to Oakcrest and look at all the mud that was tracked in and ask that he clean it up. Mr. DePasquale said that was part of their job and he would see it was done.

Township Committee

Mr. Palmentieri said that the problem at Oakcrest shouldn't have been a surprise since the forecast called for several days of rain. Mr. Palmentieri said we should have a mechanism in place so that no roads are open when a lot of rain is forecast. Mr. Sasdelli said we should review the weather before giving the notice to proceed. Mr. Walberg suggested we schedule projects for less rainy times of year. Mr. Silva suggested this be discussed during the pre-construction meetings.

Mr. Pritchard commented that the 3rd Street Bridge had its grand opening, and that we had the 20th Annual Youth in Government Day and the students did a great job.

Miss Gatto said that Youth in Government Day was great and thanked Sue and Jessica for a great job on that and the bridge opening.

Mayor Gaskill said the 3rd Street Bridge opening was great and he is very happy for the safety of the residents that no longer have to walk in the street.

Public Comment

Ms. Aline Dix said that with the fee increases at the Cove we should realize \$68,000 with the same amount of tags sold. Ms. Dix asked Mr. Palmentieri why the Cove had to support public works when no other recreational facility does. Ms. Dix asked how much the Chief already has in service calls and said she is keeping track of every Police car she sees at the Cove. Ms. Dix suggested tags be sold at City Hall now at a reduced rate. Ms. Dix suggested a column be added to track which county people are from. Ms. Dix says the over payment of overtime for Public Works is part of the problem, but that she has confidence that Mr. Morley will take care of this problem.

Mr. Richard DeFeo said that he wanted to alert the Committee to a coming problem regarding the horse farm that is going to become a no kill animal shelter. Mr. DeFeo said it is going to be a problem because they are talking about bringing buses of children in daily. Mayor Gaskill said it is at the Zoning Board now. Mr. DeFeo said he is concerned about the community and the taxes if it is a non-profit.

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Mr. Kesselman asked for an explanation for the change order on New York Ave. Mr. Sasdelli said that when they opened the road they found railroad ties and could not pave over it. Mr. Sasdelli said that we had the additional money in the Road Program as part of the DOT Trust Fund.

Ms. Peg Capone congratulated Amy and Roger for finding a resolution for the Cove and suggested that if Ms. Dix had attended the meetings she could have possibly convinced the County to fund it. Ms. Capone also thanked Judy Link.

Ms. Capone asked if it was accurate that the Police Department is not allowed to volunteer. Mr. Sasdelli said that if they are wearing our uniform and gun acting as a Police Officer we have to pay them. Ms. Capone doesn't understand because when they are driving home they are still in their uniform. Ms. Capone asked if they are driving home in our police car are they still a Police Officer. Mr. Sasdelli said he didn't know that way but if they are in uniform standing in the street directing traffic we have to pay them. Ms. Capone asked for the definition of when they are not a Police Officer. Mr. Lafferty said they are always Police Officers but the question is what function are they performing. Mr. Lafferty said even though they are authorized 24/7 the difference is the function they are performing. Mr. Kesselman asked if they can act in a security function not in uniform. Mr. Sasdelli said he would look into this further. Mayor Gaskill said that the Sheriffs Officers that are working will be paid by the Sheriffs Dept and the Merchants Association is doing a great job with the Home Town Celebration. Ms. Capone said they are having a wine festival June 13th.

Ms. Judy Link asked Committee to not allow the County off the hook as next year we are facing a 3 million deficit and this might be an issue again. Ms. Link said that the residents of Atlantic County paid 3.8 million dollars for that park and it is ridiculous that they won't allow swimming. Ms. Link said the County has the best area for swimming and their other parks couldn't have swimming.

Mr. Palmentieri asked if we were seeking permission from the County to have swimming at the Cove. Mr. Lafferty said there is an ordinance that says we have to have special permission. Mr. Lafferty said they would be hard pressed to say permission wasn't given considering the 60 or so years of the practice. Mr. Palmentieri said legally we should have permission. Mr. Lafferty said he would look into this.

Mr. Kesselman said speaking of the lifeguards you are pressed for time. Miss Gatto asked if everyone was OK with having the Administrator ask for permission for swimming from the Freeholder Board. It was determined that the Administrator would do so.

Mr. Pucci asked if money would be refunded for season passes if the Cove has to close early. Mr. Pucci said this should be thought about before the passes were sold. Miss Gatto said that is an issue to be resolved. Mr. Sasdelli said the Freeholders said they would close any shortfall we had.

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

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

On the motion of Mr. Silva second of Miss Gatto, and carried the meeting was adjourned at 9:07 PM.

Respectfully submitted,

Rita Martino, RMC
Deputy Township Clerk

